



## Office of Children and Family Services

**ANDREW M. CUOMO**  
Governor

**SHEILA J. POOLE**  
Commissioner

July 6, 2021

Children's Bureau  
Administration on Children, Youth and Families  
Administration for Children's Services (ACF)  
U.S. Department of Health and Human Services (HHS)  
Submitted via e-mail: [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov)

Re: 86 FR 24627  
Proposed Information Collection Activity; Child and Family Services Reviews

To Whom it May Concern:

The New York State Office of Children and Family Services (OCFS) is pleased to submit the following comments in response to the above-referenced proposed information collection activity that was published in the Federal Register, 86 FR 24627, on May 7, 2021.

This proposed information collection activity is regarding proposed revisions to the Child and Family Services Review (CFSR) forms, which were proposed to provide clarity in instructions and incorporate new guidance. NYS OCFS appreciates the further clarity that has been provided in the instructions portion of the CFSR forms.

NYS OCFS wishes to point out an area of concern regarding the elimination of two questions in the 'Onsite Review Instrument and Instructions' Form, Item 9: Preserving Connections (Page 49). The proposed revisions to the 'Onsite Review Instrument and Instructions' Form eliminates the following questions: (1) Was sufficient inquiry conducted with the parent, child, custodian, or other interested party to determine whether the child may be a member of, or eligible for membership in, a federally recognized Indian Tribe? and (2) If the child may be a member of, or eligible for membership in a federally recognized Tribe, during the period under review, was the Tribe provided timely notification of its right to intervene in any state court proceedings seeking an involuntary foster care placement or termination of parental rights? NYS OCFS strongly believes that these two questions are important and that the inquiry into these areas needs to continue to ensure compliance with the Indian Child Welfare Act sections 25 CFR §§ 23.107 and 23.111 respectively. Inquiry into whether any participant in the proceedings knows or has reason to know that the child is affiliated with a Tribal community is required for compliance with 25 CFR § 23.107 and notice regarding the Tribe's right to intervene in any state court proceedings seeking an involuntary foster-care-placement or termination-of-parental-rights is required for compliance with 25 CFR § 23.111. In addition, it is also important that notifications are continuing to be made in support of Tribal family connections. Therefore, NYS OCFS

respectfully requests that these two questions be added back into the proposed forms to continue making sure this valuable information is collected.

In closing, thank you for the opportunity to provide these comments. We hope our comments will be thoughtfully considered and used to support the revisions to the CFSR forms. Should you have any questions or need further clarification, we would be pleased to provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Ogundimu', with a horizontal line extending from the end of the signature.

Lisa Gharthey Ogundimu  
Deputy Commissioner  
Division of Child Welfare and Community Services  
New York State Office of Children and Family Services