



Office of Children and Family Services

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Informational Letter

Transmittal:	22-OCFS-INF-03
To:	Commissioners of Local Departments of Social Services
Issuing Division/Office:	Division of Child Welfare and Community Services
Date:	April 7, 2022
Subject:	Change in the New York Statewide Central Register’s Intake Procedures Related to Adult-Use Cannabis
Suggested Distribution:	Directors of Social Services Child Protective Services Supervisors Mandated Reporters
Contact Person(s):	Kristin Gleeson, Director of the New York Statewide Central Register Kristin.Gleeson@ocfs.ny.gov , 518-474-1567
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			Chapter 92 of the Laws of 2021, Family Court Act 1012, Social Services Law 422(6)	<i>Child Protective Services Manual</i>	

I. Purpose

The purpose of this Informational Letter (INF) is to notify local departments of social services (LDSSs) about recent updates to the intake procedures used by the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) regarding the use of cannabis, including calls regarding a birthing parent and/or an infant testing positive for the presence of cannabis.

II. Background

On March 31, 2021, the Marihuana Regulation and Taxation Act (MRTA) was signed into law legalizing adult-use cannabis (commonly referred to as recreational marihuana) in New York State. Previous marihuana laws were found to be ineffective in reducing and curbing marihuana use, contributed to mass incarceration, impacted access to housing, employment opportunities and other vital services, and disproportionately impacted African American and Latinx communities.¹

¹ <https://legislation.nysenate.gov/pdf/bills/2021/s854a>.

The New York State Office of Children and Family Services (OCFS) has an ongoing commitment to reducing racial disparity and building a more equitable child welfare system by identifying and reforming policies and practices that contribute to inequities in our child welfare system. The enactment of the MRTA and its amendments to various sections of the New York State Social Services Law (SSL)² provided an opportunity for OCFS to review the child protective services system standards and actions taken with families where a parent and/or person legally responsible (PLR) are using cannabis products.

III. Program Implications

The SCR will not register a report of suspected child abuse or maltreatment when the only reported concern is that a birthing parent and/or an infant tested positive for the presence of cannabis. Additionally, the SCR continues to not register a report when the only reportable concern is that a parent uses cannabis products.

It is important to note, however, that if the caller provides a reasonable cause to suspect that a child's physical, mental, or emotional condition has been harmed or is at risk of being harmed by a parent and/or PLR, the SCR will register a suspected child maltreatment report.

IV. Contacts

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Issued by:

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² SSL 422(6)(b) was amended to reflect that any child protective services (CPS) report indicated for child maltreatment based solely on the purchase, possession, or consumption of cannabis, without a fair preponderance of evidence showing that the child's physical, mental or emotional condition was impaired or was in imminent danger of becoming impaired, shall immediately be sealed upon a request pursuant to SSL 422 (8) or SSL 424-a.