AMENDMENT TO
INTERDEPARTMENTAL COOPERATIVE AGREEMENT
AND MEMORANDUM OF UNDERSTANDING
COUNTY OF SCHUYLER, STATE OF NEW YORK
BETWEEN
DEPARTMENT OF SOCIAL SERVICES
and
DISTRICT ATTORNEY

THIS AGREEMENT, made on the 11th day of September 2017, by and between the following agencies of the County of Schuyler, State of New York:

Schuyler Department of Social Services, hereinafter referred to as Department
and
Schuyler County District Attorney, hereinafter referred to as District Attorney

(hereinafter collectively, “the parties”);

1. CONTRACT TO BE AMENDED. This agreement amends an existing Agreement between the parties, described as follows: Intermunicipal Cooperative Agreement and Memorandum of Understanding, dated January 1, 2017 for the term of January 1, 2017 through December 31, 2017. A true and complete copy of the existing contract is annexed hereto and made a part hereof.

2. DESCRIPTION OF AMENDMENTS. The existing Agreement between the above parties is hereby amended as follows: Original term of agreement from January 1, 2017 through December 31, 2020. This document corrects the original written agreement to conform to the Legislative approvals.

3. NO OTHER CHANGES. All other terms of and conditions of the said existing Agreement remain in full force and effect as if set forth herein. No other amendments have been agreed to or executed by any representative of either party.

4. SIGNATORIES. By their signatures below, each signatory certifies and affirms that he or she has read the entire agreement (including all appendices and attachments hereto) and has the authority to bind their respective party to all terms and conditions (and all appendices and attachments) of the foregoing amended agreement.
IN WITNESS WHEREOF, the parties, intending to be legally bound, have hereunto executed this agreement the day and year first written above.

Schuyler County Department of Social Services

By
JOANN FRATARCANGELO, Commissioner

Schuyler County District Attorney’s Office

By
JOSEPH FAZZARY, County Attorney

County of Schuyler

By
DENNIS A. FAGAN, Chair
Schuyler County Legislature

APPROVED AS TO FORM

Dated: 12/13/13

STEVEN J GETMAN
COUNTY ATTORNEY
INTERDEPARTMENTAL COOPERATIVE AGREEMENT
AND MEMORANDUM OF UNDERSTANDING
COUNTY OF SCHUYLER, STATE OF NEW YORK
BETWEEN
SCHUYLER COUNTY DEPARTMENT OF SOCIAL SERVICES
and
SCHUYLER COUNTY DISTRICT ATTORNEY

THIS COOPERATIVE AGREEMENT AND MEMORANDUM OF UNDERSTANDING (AGREEMENT), made on the 1st day of January, 2017, by and between the following agencies of the County of Schuyler, State of New York:

SCHUYLER COUNTY DEPARTMENT OF SOCIAL SERVICES, hereinafter referred to as DSS
and
SCHUYLER COUNTY DISTRICT ATTORNEY, hereinafter referred to as DA

(hereinafter collectively, “the parties”);

WHEREAS, it is appropriate that the parties hereto enter into a written agreement to aid in the effective coordination of efforts between these entities and to clearly define the roles and responsibilities of the agencies and programs participating in the following project or program: investigation procedures of alleged child abuse/maltreatment in Child Protective Services.

WHEREAS, this memorandum of understanding has been approved by the heads of the respective departments/agencies whose signatures appear below, and approved by the County Legislature of the County of Schuyler.

NOW, THEREFORE, it is agreed as follows:

1. RESPONSIBILITY OF DSS:
   Exhibit 1- Role and Responsibility of Child Protective Services (CPS)

2. RESPONSIBILITY OF DA:
   Exhibit 2- Role and Responsibility of District Attorney (DA)
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.

DEPARTMENT OF SOCIAL SERVICES

BY: JoAnn S. Fratarcangelo
Commissioner

DISTRICT ATTORNEY

BY: Joseph Fazzary
District Attorney

FOR THE COUNTY OF SCHUYLER

Dennis A. Fagan
Chair of the Legislature

APPROVED AS TO FORM

Dated: 12/23/11

STEVEN J GETMAN
COUNTY ATTORNEY
CPS shall continue to contact designated law enforcement agencies directly in order to conduct investigations of child abuse and maltreatment.

Procedures for Communication during Investigations of Child Abuse

CPS and the designated police agencies shall determine standardized procedures for coordinating investigations of child abuse/maltreatment including: interviewing the child, perpetrator, other family members, witnesses and others; evidence gathering, and taking the child for a medical exam, as appropriate.

Pursuant to Section 422.4 of the Social Services Law, Child Protective Services will share additional CPS information with the DA, Assistant DA, Investigator(s) employed in the DA's office or police officials who have been designated by the DA to conduct an investigation of child abuse/maltreatment when such officials certify in writing that they are participating in an investigation of the subject of a report and such investigation or prosecution is reasonably related to the allegations contained in the report.

CPS shall provide the DA with on-going information during the course of the criminal investigation or prosecution concerning the treatment plans for the child/family if the DA has provided the necessary written certification.
Procedures for Communication during Investigations of Child Abuse
The DA authorizes CPS and the designated police agencies (listed above) to develop procedures for coordinating investigations of child abuse/maltreatment including: interviewing the child perpetrator, other family members, witnesses and others; evidence gathering; and taking the child for a medical exam.

The DA, Assistant DA(s) and Investigator(s) employed in the DA’s Office shall receive additional written CPS information (other than the DSS-2221, 2221-A, 2222 and 2223) when the DA certifies in writing that the records, reports and other information are necessary to conduct a criminal investigation of the subject of the report or to prosecute the subject of the report and that such investigation or prosecution is reasonably related to the allegations contained in the report.

At any time during the course of an investigation, either CPS or the DA may request a case conference to discuss the on-going investigation.

In any case where the DA’s designees have been involved in the investigation, CPS will notify the DA of subsequent Family Court actions.

The DA will present CPS with the necessary written certification in order to receive on-going information during the course of the criminal investigation or prosecution concerning the treatment plans for the child/family.

The DA will notify CPS of any investigatory or court action taken on the case under investigation or which has been indicated.
Abandoned Infant Protection Act

In accordance with Chapter 156 of the Laws of 2000, the DA has identified the following "suitable locations" where an infant may be left with a responsible staff member:

Schuyler County Hospital
220 Steuben Street
Montour Falls, NY 14865
607-535-7121

Schuyler County Sheriff’s Department
106 10th Street
Watkins Glen, NY 14891
604-535-8222

This Act does not eliminate the responsibility of mandated reporters to report abandonment to the State Central Registry. Reports will continue to be made as required by NYS regulations and the CPS will conduct investigations as outlined in this agreement.