

NEW YORK STATE  
 DEPARTMENT OF SOCIAL SERVICES  
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



BARBARA B. BLUM  
 Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

**ADMINISTRATIVE DIRECTIVE**

TRANSMITTAL NO.: 81 ADM-18  
 [Services]

TO: Commissioners of Social Service  
 Directors of Authorized Agencies

SUBJECT: Access to Information Contained in the  
 New York State Child Abuse and Maltreatment  
 Register

SUGGESTED DISTRIBUTION: Authorized Agency Personnel Office Staff  
 Foster Parent Recruitment Staff  
 Adoptive Parent Recruitment Staff

DATE: April 22, 1981

CONTACT PERSON: Any question concerning this release should be directed to  
 Mr. Bernard Bernstein, Division of Services, Office of State  
 Operations, by calling 1-800-342-3715, extension 4-4670.

I. PURPOSE

The purpose of this directive is to advise authorized agencies, which includes local social service districts, of the provisions of section 424-a of the social services law as enacted in Chapter 480 of the Laws of 1980.

II. BACKGROUND:

This legislation is intended to provide an additional mechanism for authorized agencies, including local social service districts, to utilize in their efforts to recruit the best qualified foster parents, adoptive parents, and child care workers. Prior to the enactment of this law, the use of the New York State Child Abuse and Maltreatment Register for inquiring about prospective foster parents, adoptive parents or child care workers was not permitted. Section 424-a requires effective October 1, 1980, that such an inquiry be made.

III. PROGRAM IMPLICATIONS

The legislation requires that an inquiry be made of this Department to

**FILING REFERENCES**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
			SSL 22 SSL 376 SSL 377 SSL 422 SSL 424-a		

learn if persons applying to an authorized agency for a certificate or license to receive, board, or keep any child, persons actively being considered for employment with child caring responsibilities, and persons applying to adopt a child, have been or are currently the subject of an indicated child abuse or maltreatment report. This Department will be providing affirmative responses only for those persons who were indicated to be perpetrators of child abuse or maltreatment (i.e. - not all the people who are named in the report.)

If an authorized agency, upon receiving an affirmative notification concerning an applicant, as described in section G of the Required Action portion of this administrative directive, wishes to learn more about the circumstances of the indicated report as contained in the New York State Child Abuse and Maltreatment Register, it can receive such information only from the applicant, who is entitled to receive information from the Register under the provisions of section 422.4(d) of the social service law, if the applicant agrees to furnish such information to the agency.

This new procedure is not intended to replace any good practice procedures which are currently in place for the purpose of recruiting the best qualified personnel and screening out applicants who are unqualified to care for or adopt children. Generally, only very deficient parenting behaviors are indicated for abuse or neglect, as those terms are defined in the Family Court Act. The procedure should not, therefore, be seen as the principal mechanism for determining the adequacy and competence of prospective foster parents, adoptive parents and child care employees.

Prospective foster parent inquiries under the procedure outlined below will obviate the need for authorized agencies to telephone CCRS for a clearance of the foster family file. The results of both clearances will be provided to the authorized agencies in a single envelope which you will receive from this Department.

Finally, the Department will inform the authorized agency that the person is the subject of an indicated child abuse and maltreatment report only if: (i) the time for the subject of the report to request a fair hearing pursuant to section 422.8 of the social services law has expired without any such request having been made; or (ii) such request was made within such time and the fair hearing has been finally determined by the commissioner and the record of the report has not been amended, sealed or expunged.

#### IV. REQUIRED ACTION

A. Every authorized agency shall prominently display, where employee notices are generally posted, a notification of the contents of paragraphs (b), (d), (e) of subdivision 1 of section 424-a of the social services law, containing the statement set forth in Attachment E.

B. An authorized agency which has received an application for a certificate or license to receive, board or keep any child pursuant to the provisions of section 376 or 377 of the social services law;

received an application from any person to adopt a child; or is actively considering employing a person who will have child care responsibilities must inquire of the Department whether such person has been or is currently the subject of an indicated child abuse or maltreatment report contained within the New York State Child Abuse and Maltreatment Register.

C. All inquiries shall be made on an individual basis. The applicant shall be requested to complete Attachment A entitled, "State Central Register Clearance Form". The authorized agency shall complete the portion of the form beneath the dotted line designated, "For Official Use Only".

D. All applicants to receive, board or keep a child or applicants to adopt a child, or persons being considered for child care employment, shall be provided with Attachment B entitled, "Notification of Section 424-a Procedures". This form shall be provided to applicants at the same time they are requested to complete the "State Central Register Clearance Form".

E. Upon the authorized agency's completion of its portion of the "State Central Register Clearance Form" it shall send the form to this Department. Completed forms for persons applying to adopt a child and persons being considered for employment with child caring responsibilities should be sent to:

Mr. Bernard Bernstein, Asst. Director/Operations  
New York State Child Abuse and Maltreatment Register  
9th Floor  
40 North Pearl Street  
Albany, New York 12243

Forms completed for persons applying to receive, board or keep a child should be sent to:

Mr. Charles Kelley, Coordinator  
Child Care Review Services  
Mezzanine Level  
40 North Pearl Street  
Albany, New York 12243

F. The agency will receive the results of the clearance on Attachment C, a letter from the Director, State Operations, Division of Services. The authorized agency shall then notify the applicant of the results of the State Central Register Clearance.

G. Upon being notified that a person who has applied to receive, board or keep a child or to accept a child for adoptive placement or to be employed with child caring responsibilities is the subject of an indicated child abuse or maltreatment report, an authorized agency shall determine on the basis of information it has available whether to approve such application. However, if such application is approved, the authorized agency shall maintain a written record, as part of the application file,

of the specific reasons why such person was determined to be appropriate to receive a foster care or adoptive placement, or to work as an employee with child caring responsibilities.

H. Upon an authorized agency's denial of an application to receive, board or keep children or an application to adopt a child, or an application for employment with child caring responsibilities, it shall furnish the applicant with a written statement setting forth its reasons. If the reasons for such denial include the fact that the person is the subject of an indicated child abuse or maltreatment report, such person shall be given a copy of Attachment D, advising him of his right to a hearing in accordance with the procedures set forth in section 22 of the social services law. Such a hearing will be concerned with the evidence of the act(s) of child abuse or maltreatment and the person's rehabilitation and will, therefore, not actively involve the authorized agency participation (except local district child protective services).

V. EFFECTIVE DATE

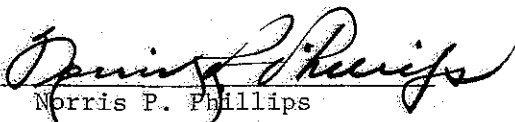
Section 424-a of the social services law became effective October 1, 1980. The procedures and the forms required by this directive should be adhered to for all applicants to receive board or keep a child, adopt a child, or for child care employment who apply after May 1, 1981. For those persons who applied for the aforementioned areas between October 1, 1980 and May 1, 1981, and who are still being considered for positions, the agency should adhere to the requirements of the directive if they have not previously inquired of the Department concerning the applicant or if they inquired of the Department and still had not received a reply by May 1, 1981. Section 424-a of the social services law and the requirements set forth in this directive expire on March 31, 1983.

VI. ADDITIONAL INFORMATION

Copies of Attachments A, B and D, The "State Central Register Clearance Form" (DSS 3370), the "Notification of Section 424-a Procedures" (DSS 3371) and the "Notification of Right to Fair Hearing" (DSS 3374) may be ordered by sending a "Request for Forms in Stock" (DSS 876) to:

New York State Dept. of Social Services  
Forms and Publications Section  
40 North Pearl Street  
Albany, New York 12243

If you need copies of DSS 876 you may write to the above address requesting a supply. In the interim, until you receive a supply, photocopies of Attachments A, B and D may be utilized.

  
Norris P. Phillips  
Deputy Commissioner  
Division of Services

STATE CENTRAL REGISTER

CLEARANCE FORM

Section 424a of the Social Services Law requires that persons applying for employment with child caring responsibilities, applicants to adopt a child or applicants to be foster care parents be cleared with the State Central Registry to determine if they are the subject of an indicated child abuse or maltreatment report.

Check One  I am applying for employment with child caring responsibilities.

I am applying to adopt a child.

I am applying to be a foster parent. (Foster mother's name and date of birth must be entered on line 1; foster father's name and date of birth must be entered on line 2.)

Please complete the following for yourself, your spouse, your children, and any other persons residing in your home.

Last Name	First Name	Alias or Other Name (i.e. Maiden Name)	Date of Birth
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Please provide your current address and any other addresses at which you have resided in the past ten years.

Current: \_\_\_\_\_ Dates: \_\_\_\_\_

Previous: \_\_\_\_\_ Dates: \_\_\_\_\_

\_\_\_\_\_ Dates: \_\_\_\_\_

\_\_\_\_\_ Dates: \_\_\_\_\_

This form is not an application for employment. The content of this form shall not be used by the authorized agency in the determination of an application for employment. It is to be utilized for identification purposes only pursuant to Section 424-a of the Social Services Law. The utilization of this information in a discriminatory manner is contrary to the Human Rights Law.

I understand that the information I have provided will be used to inquire of the New York State Department of Social Services to determine if I (or the co-applicant) has been or is the subject of an indicated child abuse and maltreatment report.

\_\_\_\_\_  
Applicant's Signature

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For Official Use Only  
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Agency/Branch  
Code: \_\_\_\_\_

Person to whom reply should  
be addressed: \_\_\_\_\_

Date: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Agency Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTIFICATION OF SECTION 424-a PROCEDURES

Section 424-a of the Social Service Law requires authorized agencies to inquire of the New York State Department of Social Services to determine whether any of the following persons have been or are the subject of an indicated child abuse and maltreatment report: persons applying for a certificate or license to receive, board, or keep a child; persons applying to adopt a child; and persons actively being considered for employment with child caring responsibilities.

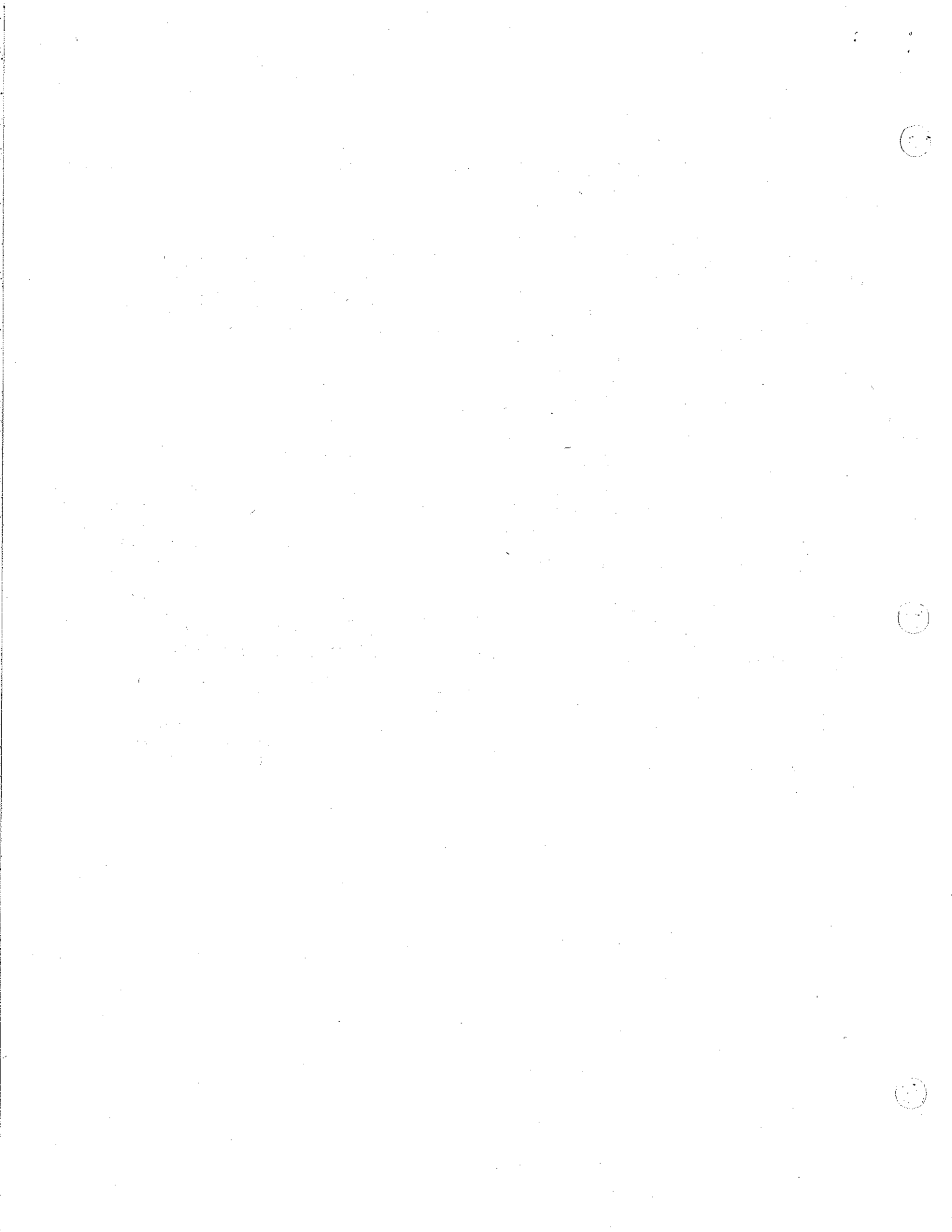
The authorized agency shall notify the applicant of the New York State Department of Social Services response.

If the application is denied, the authorized agency shall furnish the applicant with a written statement setting forth its reasons for denial.

If the reasons for such denial include the fact that the applicant is the subject of an indicated child abuse or maltreatment report, such person may request from the New York State Department of Social Services and shall be granted a fair hearing in accordance with the procedures set forth in section twenty-two of the Social Services Law.

Such hearing must be requested within 60 days from the date of denial. The request must be made by writing: Mr. Albert Pozzi, Special Hearings Unit, Bureau of Administrative Procedures, New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243, (518) 473-4986.

At such hearing the applicant will have the right to be represented by counsel or other representative, to produce witnesses and other evidence on the applicant's behalf, to request the issuance of subpoenas, to cross-examine witnesses testifying against the applicant. All witnesses will be sworn and a verbatim record of the hearing will be made.





NEW YORK STATE  
DEPARTMENT OF SOCIAL SERVICES  
40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



BARBARA B. BLUM  
*Commissioner*

Re:

Dear

Pursuant to Section 424a of the Social Services Law which provides access to the New York State Central Register of Child Abuse and Maltreatment by authorized agencies, your letter of inquiry has been received.

On screening the Register's records we

DO

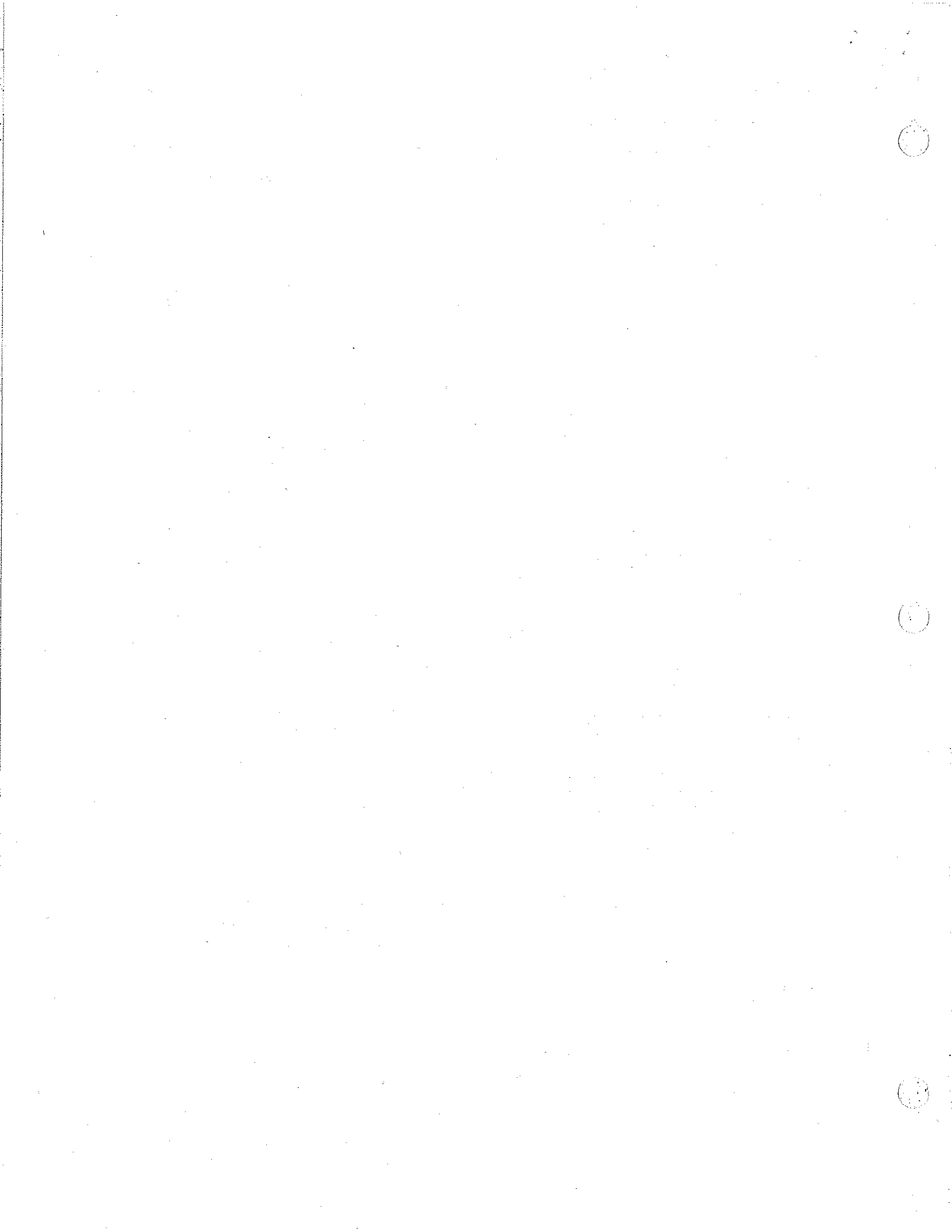
DO NOT

find the above mentioned individual to be the subject of an indicated case of child abuse and maltreatment as defined under the limitations of Section 424a.

If you have any questions in connection with this notification, please contact the New York State Child Abuse and Maltreatment Register, 40 North Pearl Street, Albany, New York 12243 or Mr. Bernard S. Bernstein (1-800-342-3715, ext. 4-4670).

Sincerely,

Diana R. Malkonian, Director  
State Operations  
Division of Services



## ATTACHMENT D

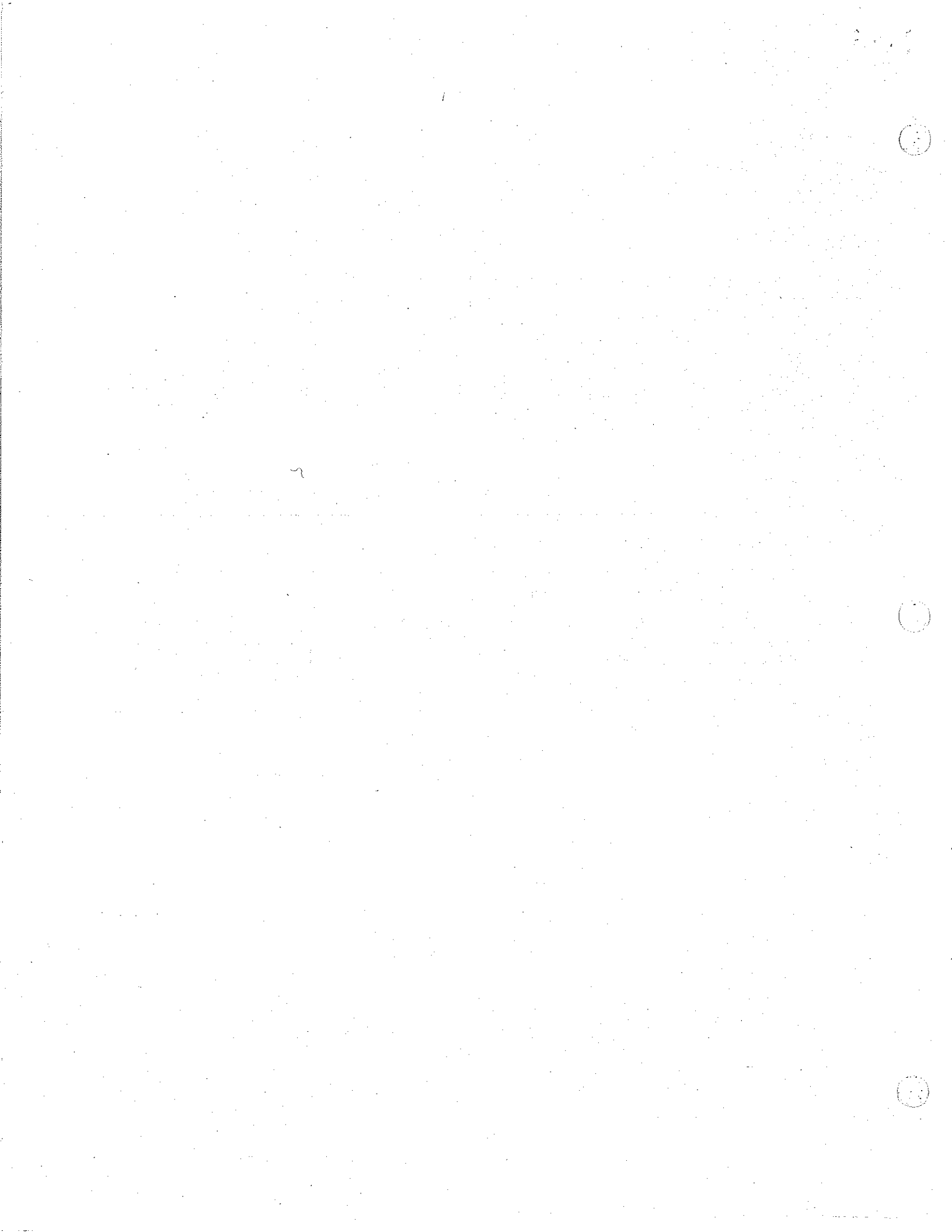
## Notification of Right to Fair Hearing

Because the reasons for denial of your application for a license or certificate to board a child, to adopt or for employment in a child caring capacity include the fact that you are listed as the subject of an indicated child abuse or maltreatment report, you are entitled to a hearing in accordance with section 22 of the Social Services Law. If you wish to have such a hearing you must make a request in writing within 60 days to Mr. Albert Pozzi, Special Hearings Unit, Bureau of Administrative Procedures, New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243.

The only questions which may be raised at such a hearing are (1) whether it has been shown by a fair preponderance of the evidence that you committed the act or acts of child abuse or maltreatment on which the report is based or (2) if you have been rehabilitated to the extent that the health, safety and welfare of children will not be endangered by granting your application. In the hearing, the Department of Social Services will have the burden of proving the act of abuse or maltreatment, and you will have the burden of proving that you have been rehabilitated.

At such a hearing you will have the right to be represented by counsel or other representative, to produce witnesses or other evidence on your behalf, to request the issuance of subpoenas, and to cross-examine witnesses testifying against you. All witnesses will be sworn and a verbatim record of the hearing will be made.

Date \_\_\_\_\_



## NOTICE

If any person applies to this agency to become a foster parent, adoptive parent or employee with child caring responsibilities, this agency will inquire whether that person has been the subject of an indicated child abuse report on file with the statewide central register of child abuse and maltreatment. Such inquiry is required by section 424-a (subd. 1, pars [b], [d] and [e]) of the Social Services Law, which provides as follows:

"(b) An authorized agency shall inquire of the department and the department shall inform such agency, whether any person who is actively being considered for employment with child caring responsibilities has been or is currently the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment.

\* \* \*

"(d) Any person who has applied for a certificate or license to receive, board or keep a child, or who has applied to an authorized agency to be an employee with child caring responsibilities, or who has applied to an authorized agency to adopt a child, shall be notified by such agency at the time of application that the agency will inquire of the department whether such person has been or is the subject of an indicated child abuse and maltreatment report. The agency shall notify the applicant of the department's response.

"(e) The department shall inform the authorized agency that the person has been or currently is the subject of an indicated child abuse and maltreatment report only if: (i) the time for the subject of the report to request a fair hearing pursuant to subdivision eight of section four hundred twenty-two has expired without any such request having been made; or (ii) such request was made within such time and the fair hearing has been finally determined by the commissioner and the record of the report has not been amended, sealed or expunged."

