

NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
40 NORTH PEARL STREET, ALBANY, NEW YORK 12213



BARBARA B. BLUM
Commissioner

[An Informational letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest]

INFORMATIONAL LETTER

TRANSMITTAL NO.: 31 INF-23
[Services]

TO: Commissioners of Social Service

SUBJECT: Access to Confidential
Reports by Family Court

DATE: October 15, 1981

SUGGESTED
DISTRIBUTION: Commissioners
Directors of Social Services
All Child Welfare Staff
Social Services Attorneys
Authorized Agencies

CONTACT PERSON: Any questions concerning this release should be directed to
H. A. Harkess, Division of Social Services, by calling
1-800-342-3715, Extension 4-9574.

I. PURPOSE

The purpose of this letter is to inform local districts of a 1981 amendment to Social Services Law 372 relating to access to confidential records by the Family Court.

II. BACKGROUND

Chapter 363 of the Laws of 1981 amends subdivision 4 of Section 372 of the Social Services Law to bestow the Family Court with jurisdiction to consider, after notice and a hearing, whether access to records collected pursuant to §372 of the Social Services Law may be granted. The Supreme Court already possesses the authority to make such a determination. The records in question are foster care records of abandoned, delinquent, destitute, neglected or dependent children in the care of an institution or an agency.

FILING REFERENCES

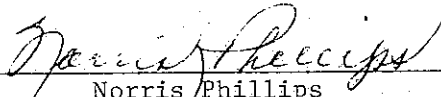
| Previous INFs/ADMs | Dept. Regs. | Social Services Law and Other Legal References | Bulletin/Chapter Reference | Miscellaneous References |
|--------------------|-------------|--|----------------------------|--------------------------|
| | | SSL 372 | | |

III. PROGRAM IMPLICATIONS

Often the Family Court will be considering issues which directly relate to children in foster care (i.e., Section 392 of the Social Services Law). In the course of the Family Court proceedings, questions may arise which could be resolved by gaining access to foster care records which fall under Section 372 of the Social Services Law. Presently, the party or parties seeking access must go outside of the existing Family Court proceeding and seek relief in the Supreme Court. This amendment removes the need for such a duplication of effort.

IV. RECOMMENDATIONS

It is recommended that the information here be distributed among Child Welfare staff and authorized agencies.



Norris Phillips
Deputy Commissioner
Division of Services