



Office of Children and Family Services

Andrew M. Cuomo
Governor

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Sheila J. Poole
Acting Commissioner

Administrative Directive

Transmittal:	16-OCFS-ADM-11
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies Executive Directors of Youth Detention Programs Executive Directors of Run Away and Homeless Youth Programs
Issuing Division/Office:	OCFS Office of the Commissioner
Date:	June 1, 2016
Subject:	Amended Code of Conduct for Use by Facility and Provider Agencies Under the Jurisdiction of the Justice Center for the Protection of People With Special Needs
Suggested Distribution:	Supervisors of Adult Protective Services All custodial staff of provider agencies
Contact Person(s):	Questions concerning this release should be directed to: Buffalo Regional Office – Tina Cook (716) 847-3145 Tina.Cook@ocfs.ny.gov Rochester Regional Office – Karen Buck (585) 238-8201 Karen.Buck@ocfs.ny.gov Syracuse Regional Office – Sara Simon (315) 423-1200 Sara.Simon@ocfs.ny.gov Albany Regional Office – Colleen Fisher (518) 486-7078 Colleen.Fisher@ocfs.ny.gov Spring Valley Regional Office – Yolanda Désarmé (845) 708-2499 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office – Ronni Fuchs (212) 383-1676 Ronni.Fuchs@ocfs.ny.us Native American Services – Heather LaForme (716) 847-3123 Heather.Laforme@ocfs.ny.gov Close to Home Oversight – Jewel Brown-Gregory (212) 383-1828 Jewel.Brown-Gregory@ocfs.ny.gov Bureau of Detention Services – Dan Maxwell (518) 486-4018 Dan.Maxwell@ocfs.ny.gov
Attachments:	Amended Code of Conduct

Filing references:

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
N/A	N/A	18 NYCRR 433.4; 9 NYCRR 180; 9 NYCRR 182-1; 9 NYCRR 182-2; 18 NYCRR 441; 18 NYCRR 450; 18 NYCRR 489.	Executive Law §554	N/A	N/A

I. Purpose

The purpose of this Administrative Directive (ADM) is to inform affected programs and facilities of changes to the Code of Conduct for custodians issued by the Justice Center for the Protection of People with Special Needs (Justice Center).

As of January 21, 2016, the Code of Conduct required by Executive Law §554 has been revised as part of the settlement of an improper practices (IP) charge brought by the Public Employees Federation (PEF), a public employee union.

II. Background

The *Protection of People with Special Needs Act* (Act) established the Justice Center and requires that a Code of Conduct be read and signed by any “custodian” who will have regular and substantial contact with people with special needs covered by the Act.

The Act requires the Code of Conduct to be read and signed at hire, and at least annually thereafter. The Act requires that the signed Code of Conduct be maintained in a place where it is accessible to investigators and licensors.

The Code of Conduct was originally released and distributed by the Justice Center in June 2013. This ADM is notice of an amendment to the Code of Conduct required to be used from this point forward.

“Custodian” means a director, operator, employee or volunteer of a facility or provider agency; or a consultant or an employee or volunteer of a corporation, partnership, organization or governmental entity which provides goods or services to a facility or provider agency pursuant to contract or other arrangement that permits such person to have regular and substantial contact with individuals who are cared for by the facility or provider agency.

“Facility” or “provider agency” as it relates to New York State Office of Children and Family Services (OCFS) oversight means any program or facility that is operated by the OCFS for juvenile delinquents or juvenile offenders placed in the custody of the commissioner of such office, and any residential programs or facilities licensed or certified by the OCFS, excluding foster family homes and residential programs for victims of domestic violence.

III. Program Implications

As of January 21, 2016, the Code of Conduct required by Executive Law §554 has been revised as part of the settlement of an improper practices (IP) charge brought by the PEF. Even though the IP involved only PEF employees, in order to maintain consistency, the Justice Center has decided to issue a revised Code of Conduct for all persons who are required to sign the Code of Conduct.

Under Executive Law §554, the Code of Conduct applies to all “custodians” as defined above, who will have regular and direct contact with service recipients who reside in facilities or provider agencies under the Justice Center’s jurisdiction. Such custodians must be provided with a copy of the Code of Conduct at the time of their initial employment, and at least annually thereafter, and are required to acknowledge that they have read and understand the Code of Conduct.

Attached is a copy of the final Code of Conduct for use. Revisions to the Code of Conduct were made throughout the document. If you wish to see how the document has been amended, please use the following link to access the Justice Center’s website: www.justicecenter.ny.gov. Under the “Resources” tab, look for the “Guidance Document” titled “Comparison of Old and New Code of Conduct”. This is a red-lined version of the document so that the amendments to the Code of Conduct are clear.

IV. Required Action

The attached Code of Conduct must be read and signed by all custodians by June 30, 2016, and annually thereafter. Existing staff of all facilities and provider agencies, as defined above, and all other custodians must read and sign this Code of Conduct by June 30, 2016. Any other custodians entering service with your organization after June 30, 2016, must also read and sign the Code of Conduct at the time of entry, and every June thereafter.

V. Effective Date

Immediately

/s/ Sheila Poole

Issued By:
Sheila Poole
Acting Commissioner

CODE OF CONDUCT FOR CUSTODIANS OF PEOPLE WITH SPECIAL NEEDS

Revised January 21, 2016

Introduction

The Code of Conduct, as set forth in the Code of Conduct itself, sets forth a framework intended to assist impacted employees to help people with special needs "live self-directed, meaningful lives in their communities, free from abuse and neglect, and protected from harm," in addition to the specific guidance provided by the agency's policies and training.

Similarly, the Notice to Mandated Reporters contains guidance designed to assist mandated reporters, and is intended to provide a summary of reporting obligations for mandated reporters. It is not intended to supplement or in any way add to the reporting obligations provided by law, rule, or regulation.

As provided by law, rule, or regulation, only custodians who have or will have regular and direct contact with vulnerable persons receiving services or support from facilities or providers covered by the *Justice Center Act* must sign that they have read and understand the Code of Conduct.

The framework provides:

1. Person-Centered Approach

My primary duty is to the people who receive supports and services from this organization. I acknowledge that each person of suitable age must have the opportunity to direct his or her own life, honoring, where consistent with agency policy, their right to assume risk in a safe manner, and recognizing each person's potential for lifelong learning and growth. I understand that my job will require flexibility, creativity and commitment. Whenever consistent with agency policy, I will work to support the individual's preferences and interests.

2. Physical, Emotional and Personal Well-being

I will promote the physical, emotional and personal well-being of any person who receives services and supports from this organization, including their protection from abuse and neglect and reducing their risk of harm to others and themselves.

3. Respect, Dignity and Choice

I will respect the dignity and individuality of any person who receives services and supports from this organization and honor their choices and preferences whenever possible and consistent with agency policy. I will help people receiving supports and services use the opportunities and resources available to all in the community, whenever possible and consistent with agency policy.

4. Self-Determination

I will help people receiving supports and services realize their rights and responsibilities, and, as consistent with agency policy, make informed decisions and understand their options related to their physical health and emotional well-being.

5. Relationships

I will help people who receive services and supports from this organization maintain or develop healthy relationships with family and friends. I will support them in making informed choices about safely expressing their sexuality and other preferences, whenever possible and consistent with agency policy.

6. Advocacy

I will advocate for justice, inclusion and community participation with, or on behalf of, any person who receives services and supports from this organization, as consistent with agency policy. I will promote justice, fairness and equality, and respect their human, civil and legal rights.

7. Personal Health Information and Confidentiality

I understand that persons served by my organization have the right to privacy and confidentiality with respect to their personal health information and I will protect this information from unauthorized use or disclosure, except as required or permitted by law, rule, or regulation.

8. Non-Discrimination

I will not discriminate against people receiving services and supports or colleagues based on race, religion, national origin, sex, age, sexual orientation, economic condition or disability.

9. Integrity, Responsibility and Professional Competency

I will reinforce the values of this organization when it does not compromise the well-being of any person who receives services and supports. I will maintain my skills and competency through continued learning, including all training provided by this organization. I will actively seek advice and guidance of others whenever I am uncertain about an appropriate course of action. I will not misrepresent my professional qualifications or affiliations. I will demonstrate model behavior to all, including persons receiving services and supports.

10. Reporting Requirement

As a mandated reporter, I acknowledge my legal obligation under *Social Services Law* § 491, as may be amended from time to time or superseded, to report all allegations of reportable incidents immediately upon discovery to the Justice Center's Vulnerable Persons' Central Register by calling 1-855-373-2122.

CODE OF CONDUCT¹ ACKNOWLEDGMENT FOR CUSTODIANS OF PEOPLE WITH SPECIAL NEEDS

I pledge to prevent abuse, neglect, or harm toward any person with special needs, consistent with agency policy. In addition, to the extent I am required to report abuse, neglect, or harm of any person with special needs by law, rule, or regulation, I agree to abide by the law, rule, or regulation. If I learn of, or witness, any incident of abuse, neglect or harm toward any person with special needs, I will offer immediate assistance, notify emergency personnel, including 9-1-1, and inform the management of this organization, consistent with agency policy.

I acknowledge that I have read and that I understand the Code of Conduct.

Signature

Print Name

Date

Program:

Department:

Facility/Provider Organization:

¹ No aspect of this Code of Conduct is in any way intended to interfere, abridge, or infringe upon the rights provided by the *Taylor Law*.