

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
**APPLICATION FOR ACCESS TO NEW YORK STATE CRIMINAL HISTORY RECORDS
PER THE SAFE MENTORING ACT**
(Social Services Law 390-e et seq)

1. This application is made by:

Name of Mentoring Program:

Full Legal Name of Applicant Organization:

Contact Person's Name:

Title:

Address:

Phone:

Fax:

Email:

2. The applicant mentoring program is, or is operated by:

A corporation organized under Not-for-Profit Corporation Law § 102(a)(5) (*attach a copy of the Certificate of Incorporation and any Certificates of Amendment showing a change of name*)

A corporation organized under Business Corporation Law § 102(a)(4); (*attach a copy of the Certificate of Incorporation and any Certificates of Amendment showing a change of name and any assumed name certificate*)

an educational organization, Name:
(*attach a copy of the current charter from the Board of Regents*)

a school district, Name:
(*attach a letter or memorandum on the letterhead of the school district from an authorized district officer certifying that the program is operated by the school district.*)

Note: If the mentoring program is operated by an organization that does not fall into one of the above categories, the program may not become an authorized mentoring program and may not conduct criminal history record checks through the Office of Children and Family Services.

3. The undersigned, duly authorized by the applicant, attests to the Office of Children and Family Services and the State Division of Criminal Justice Services that:

a. I am the _____ of _____, the applicant for criminal history background check services through the State of New York, and I understand the Office of Children and Family Services and the State Division of Criminal Justice Services intends to rely on this attestation.

b. The applicant organization shall comply with the provisions of Social Services Law § 390-e, including but not limited to the following:

c. The applicant has a formalized program that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development. This program has written policies setting forth standards for the recruitment and selection of mentors, the duties and functions of mentors in the program, how the mentors are matched with mentees, and standards for supervision of mentors.

i. The applicant has a written policy covering the completion and application of a criminal history background check to: (*check what applies*)

prospective employees,

prospective mentors

This written policy includes the criteria that will be used to determine whether a person with a criminal history may be an employee or mentor consistent with the requirements of Article 23-A of the Corrections Law.

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| <p><i>ii.</i> The applicant understands that:</p> <ol style="list-style-type: none"> 1. A decision to offer or decline an opportunity for employment or mentoring must be made according to Corrections Law § 752. 2. If it declines to offer employment to a person convicted of one or more criminal offenses, it must give that person notice of his or her rights and a reason for the decision, per Social Services Law (SSL) § 390-e(7), and of his or her remedies under Corrections Law § 755. |
| <p><i>iii.</i> The applicant understands that, with the consent of the prospective mentor and subject to the law, a parent or legal guardian may authorize the mentoring program to allow a person convicted of one or more criminal offenses, other than sex offenses or crimes against children, to mentor his or her child within the mentoring program.</p> |
| <p><i>iv.</i> The applicant has a process in place to notify parents and legal guardians about their waiver rights under SSL §390-e(8).</p> |
| <p><i>v.</i> The applicant:</p> <ol style="list-style-type: none"> 1. Understands that the criminal history records of prospective employees and mentors are confidential per applicable state and federal law, and 2. Will keep such criminal history records in its possession confidential in accordance with SSL § 390-e(9). |
| <p><i>vi.</i> The applicant has a written notice for custodial parents and guardians regarding its criminal background check process, per SSL § 390-e(10).</p> <p><i>vii.</i> The applicant agrees to notify the Office, on forms the Office will provide, when an employee or mentor fingerprinted per the Safe Mentoring Act is no longer employed by it or is no longer a mentor with the applicant's mentoring program.</p> |

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| Signature: | Date: |
| Name: | Title: |

Return the signed application and materials to:

**Attn: Gregory Owens, Director of Special Projects
 Division of Strategic Planning and Policy Development
 NYS Office of Children and Family Services
 52 Washington Street, Room 313 South
 Rensselaer, NY 12144**

Please Note:

1. **The Office of Children and Family Services does not offer legal or technical advice on the reading and rating of the criminal records.**
2. **If you have questions on reading rap sheets, contact the State Division of Criminal Justice Services (518-485-7675)**
3. **For questions on particular crimes, contact your attorney, your local District Attorney or the Division.**
4. **The authority hereunder to obtain criminal history background checks applies only to those who seek employment or service as a mentor with the applicant on or after April 1, 2007**