

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



~~SECRET~~ ~~CONFIDENTIAL~~ Arthur Y. Webb  
 Acting 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.: 82 ADM-64  
 [Services]

TO: Commissioners of Social Services

SUBJECT: Access to Child Abuse and Maltreatment Reports and Records by the Commission on Quality of Care for the Mentally Disabled

DATE: September 29, 1982

SUGGESTED DISTRIBUTION: Commissioner  
 Directors of Services  
 Child Protective Services Supervisors  
 Social Services Attorneys

CONTACT PERSON: Questions regarding this release should be directed to Mr. Gerald Magnes, Office of Policy Planning, Division of Services, by calling toll free 1-800-342-3715, Extension 131-5011.

I. PURPOSE

The purpose of this release is to advise local districts of Chapter 316, Laws of 1981, amendment to subdivision 4 of Section 422 of the Social Services Law which grants the Commission on Quality of Care for the Mentally Disabled access to records and reports of child abuse or maltreatment and to direct districts regarding the handling of requests for reports made by the Commission.

II. BACKGROUND

Article 45, Section 45.07 of the Mental Hygiene Law authorizes the Commission on Quality of Care for the Mentally Disabled to conduct investigations into the safety, security and quality of care provided to patients and residents in facilities operated by the Department of Mental Hygiene. One aspect of these investigations would include reports of abuse or maltreatment towards patients or residents, including children. In the course of such investigations, the Commission may require access to reports of child abuse or maltreatment which may be held in the State Central Register for Child Abuse and Maltreatment and/or the records of child protective services units of local districts.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		432.7	SSL 422.4	Bulletin 192	

Because the Commission was not included in the class of organizations and individuals granted access, pursuant to Section 422.4 of the Social Services Law, to child protective reports held in the State Central Register or by local districts, any such reports could not be made available to the Commission, except upon the obtaining of a court order or authorization from the subject of the report. The Legislature has, in the provisions of Chapter 316, Laws of 1981, amended Section 422.4 of the Social Services Law to provide the Commission access to child abuse and maltreatment records necessary to its investigations.

III. PROGRAM IMPLICATIONS

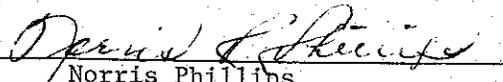
The Commission on Quality Care for the Mentally Disabled is added to the class of organizations and individuals authorized in SSL 422.4 to obtain access to records and reports of the State Central Register for Child Abuse and Maltreatment and records and reports of the local child protective services unit of the local district. The Commission's authority to have access to these reports is conditional upon the fact that these child protective services records and reports must be connected with an investigation being conducted by the Commission pursuant to its authority given in Article 45 of the Mental Hygiene Law.

IV. REQUIRED ACTION

Where access is sought for records and reports in the possession of the local department, the Commission shall provide the local department with a written request for access or, in the alternative, a receipt for records and reports received subsequent to the presentation of appropriate identification. Concomitantly, the Commission shall notify the State Central Register for Child Abuse and Maltreatment in writing of the request of the local department. The Commission shall be entitled to access to and/or copies of reports made pursuant to Title 6 of Article 6 of the Social Services Law as well as any other information obtained, reports written or photographs taken concerning such reports held by the State Central Register for Child Abuse and Maltreatment or by the local department.

V. EFFECTIVE DATE

The procedures described in Section IV above take effect as of October 1, 1982.

  
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Norris Phillips  
Deputy Commissioner  
Division of Services