

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



CESAR A. PERALES
 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

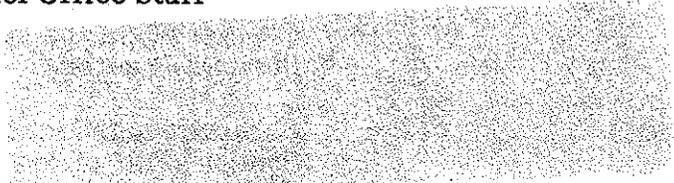
TRANSMITTAL NO.: 84 ADM-36
 [Family & Children Services]

TO: Commissioners of Social Services
 Directors of Authorized Agencies
 Licensed Day Care Centers

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

DATE: October 3, 1984

SUGGESTED DISTRIBUTION: Authorized Agency Personnel Office Staff
 Licensed Day Care Centers



CONTACT PERSON: Any question concerning this release should be directed to Mr. John Sulzman, New York State Child Abuse and Maltreatment Register, by calling 1-800-342-3715, extension 4-4670.

I. PURPOSE

The purpose of this directive is to advise social services districts, authorized agencies and licensed day care centers of the provisions of Chapter 65j of the Laws of 1984. This Chapter will enhance the ability of the State to protect children who are receiving care in a residential setting or in a licensed day care center from child abuse and maltreatment. This directive updates the provisions of 81 ADM-18.

By a separate document, this Department will contact the Division for Youth covering the applicability of this Chapter to that State agency.

II. BACKGROUND

Chapter 480 of the Laws of 1980 added Section 424-a to the Social Services Law. This Section provides in part that authorized agencies are required to inquire of the Department whether any person who is actively being considered for employment with child caring responsibilities has been or is currently the subject of an indicated

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
81 ADM-18			SSL 22 SSL 424-a		Chapter 307 of the Laws of 1983 Chapter 65l of the Laws of 1984

DSS-296 (RE 1-82)

child abuse and maltreatment report on file with the Statewide Central Register of Child Abuse and Maltreatment. Chapter 307 of the Laws of 1983 amended Section 424-a of the Social Services Law to require the Division for Youth to inquire of the Department 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.

81 ADM-18 informed social services districts and authorized agencies of the provisions of Chapter 480 of the Laws of 1980 and the procedures to be used for making the required inquiry of the Department.

III. PROGRAM IMPLICATIONS

Chapter 651 of the Laws of 1984 amended Section 424-a of the Social Services Law to:

1. require authorized agencies (an authorized agency is defined in Section 371.10 of the Social Services Law to include local social services districts and voluntary child care agencies) and the Division for Youth to make inquiries to the Department concerning all persons who are actually being considered for employment for the purpose of determining whether such prospective employees have been or are subjects of indicated child abuse and maltreatment reports;
2. require licensed day care centers to inquire of the Department whether all persons who are actually being considered for employment have been or are subjects of indicated child abuse and maltreatment reports;
3. permit authorized agencies, the Division for Youth and licensed day care centers to inquire of the Department whether any person who is currently employed by such agency, Division or center has been or is the subject of an indicated child abuse and maltreatment report.

Prior to the enactment of Chapter 651, Section 424-a of the Social Services Law only required authorized agencies and the Division for Youth to screen prospective employees who will have child caring responsibilities with the Department. This Section did not permit the screening of current employees.

IV. REQUIRED ACTION

Chapter 651 of the Laws of 1984 requires authorized agencies, licensed day care centers and the Division for Youth to inquire of the Department whether all persons who are being actively considered for employment have been or are currently the subjects of indicated child abuse and maltreatment reports.

The applicant shall be required as a condition of employment to complete Attachment A (Form DSS 3370) entitled, "State Central

Register Clearance Form". The authorized agency, the Division for Youth and licensed day care centers shall complete the portion of the form designated, "For Agency Use Only".

If an authorized agency, the Division for Youth or licensed day care center, upon receiving an affirmative notification concerning an applicant for employment, wishes to learn more about the circumstances of the indicated report as contained in the New York State Child Abuse and Maltreatment Register, it shall receive such information 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 and who may disclose such data.

All persons being considered for employment shall be provided with Attachment B (Form DSS 3371) entitled, "Notification of Section 424-a Procedures". This form shall be provided to applicants at the time of application. This notification is a revised version of the Attachment B which was appended to 81 ADM-18.

Upon completion of the "State Central Register Clearance Form" by an authorized agency, the Division for Youth or licensed day care center they shall send the form to this Department. Completed forms for persons being considered for employment should be sent to:

Mr. John Sulzman
New York State Child Abuse and Maltreatment Register
9th Floor
40 North Pearl Street
Albany, NY 12243

Those inquiring agencies or centers that have the capability may submit a computer tape as an alternative to individual DSS-3370 forms to drive the clearance process. Such a tape must include the same data as on the DSS-3370 forms and be compiled according to specifications set forth by the Department. Requests for tape specifications should be addressed to:

New York State Department of Social Services
Charles Root, Director
Services Information Systems
40 North Pearl Street
11th Floor
Albany, New York 12243

The agency, Division, or day care center will receive the results of the clearance in a manner prescribed by the Department, from the Director, State Operations, Division of Family and Children Services. Upon receipt of the results, the authorized agency, Division or center shall notify the applicant of the results of the State Central Register Clearance. In addition to this notification, the Department will separately notify the applicant in such instances when there is a record

of such applicant found in the State Central Register data base. This notification will be mailed to the applicant in care of the agency, division or center which requested the clearance.

Upon being notified that a person who has applied to become employed is the subject of an indicated child abuse or maltreatment report, an authorized agency, the Division or center shall determine on the basis of information it has available whether to approve such application. However, if such application is approved, the authorized agency, Division or center shall maintain a written record, as part of the application file, of the specific reasons why such person was determined to be appropriate to become an employee.

It must be clarified that the significance of this Department's notification of the inquiring agency or center that the applicant is the subject of an indicated report is not that the person had been convicted of a crime. The State Central Register does not contain criminal records. The consequence is that there is some credible evidence that the applicant abused or maltreated his/her child or children sometime since the State Central Register commenced operations in 1973.

Chapter 651 of the Laws of 1984 also permits authorized agencies, the Division for Youth and licensed day care centers to screen current employees with the Department. Whenever such screening occurs, the employee may complete Attachment A. In the alternative, where capable, an inquiring agency or center may submit a computer tape to the Department. As is required on page 3, such a tape must include the same data as on DSS 3370 forms and be compiled according to the Department's specifications.

Chapter 651 of the Laws of 1984 requires that all employees shall be notified by their employers that an inquiry with the State Central Register may be made and no inquiry shall be made until such notice is given. Therefore, before any inquiry on an employee can be made to this Department, the authorized agency, Division for Youth or the licensed day care center must have given the employee a copy of Attachment B. Results of this clearance will be forwarded by the Department to authorized agencies, the Division for Youth and licensed day care centers. Upon receipt of the results, the agency, Division or center shall notify the employee of the results.

NOTE: Chapter 651 of the Laws of 1984 does not require authorized agencies, the Division for Youth or licensed day care centers to screen current employees with this Department. However, this Department believes that authorized agencies, the Division for Youth and licensed day care centers should take advantage of the opportunity to determine whether their employees have been or are currently the subjects of indicated child abuse and maltreatment reports.

Upon being notified that an employee is the subject of an indicated child abuse or maltreatment report, the authorized agency, Division for Youth or licensed day care center shall determine on the basis of the information which they have available whether to maintain or discharge the employee taking into account the terms of any employment contract. If an employee is maintained, notwithstanding that the employee is the subject of an indicated child abuse and maltreatment report, the agency, Division or center shall record the reasons why the employee was retained in the employee's personnel file.

V. EFFECTIVE DATE

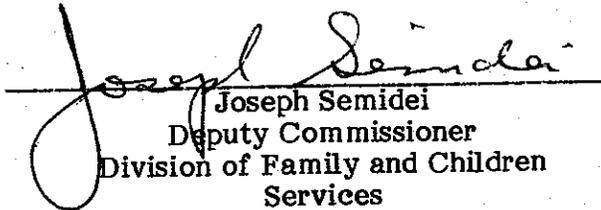
This directive will be effective on October 1, 1984, the same date that Chapter 651 of the Laws of 1984 takes effect. On October 1, 1984, the Department will begin to screen applicants with the State Central Register of Child Abuse and Maltreatment.

VI. ADDITIONAL INFORMATION

Copies of the forms referred to in this directive can be obtained by sending a "Request for Forms in Stock (DSS 876) to:

New York State Department of Social Services
Forms and Publication Section
40 North Pearl Street
Albany, New York 12243

The provisions of 81 ADM-18 which concern the screening of persons who apply to become foster parents or adoptive parents with the Register are not affected by the provisions of Chapter 651 of the Laws of 1984 or this directive.


Joseph Semidei
Deputy Commissioner
Division of Family and Children
Services



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AGENCY USE ONLY - PLEASE COMPLETE		SCR USE ONLY
AGENCY CODE:	CLEARANCE LIAISON:	TELEPHONE #
DAY CARE CENTER #	AGENCY/DAY CARE CENTER:	
DATE	AGENCY/DAY CARE CENTER ADDRESS:	

STATE CENTRAL REGISTER CLEARANCE FORM

Section 424-a of the Social Services Law requires that persons applying for employment, applicants to adopt a child or applicants to be foster parents be cleared with the State Central Registry to determine if they are the subject of an indicated child abuse or maltreatment report. Section 424-a also permits current employees of authorized agencies, the Division for Youth and licensed day care centers to be screened with the State Central Register.

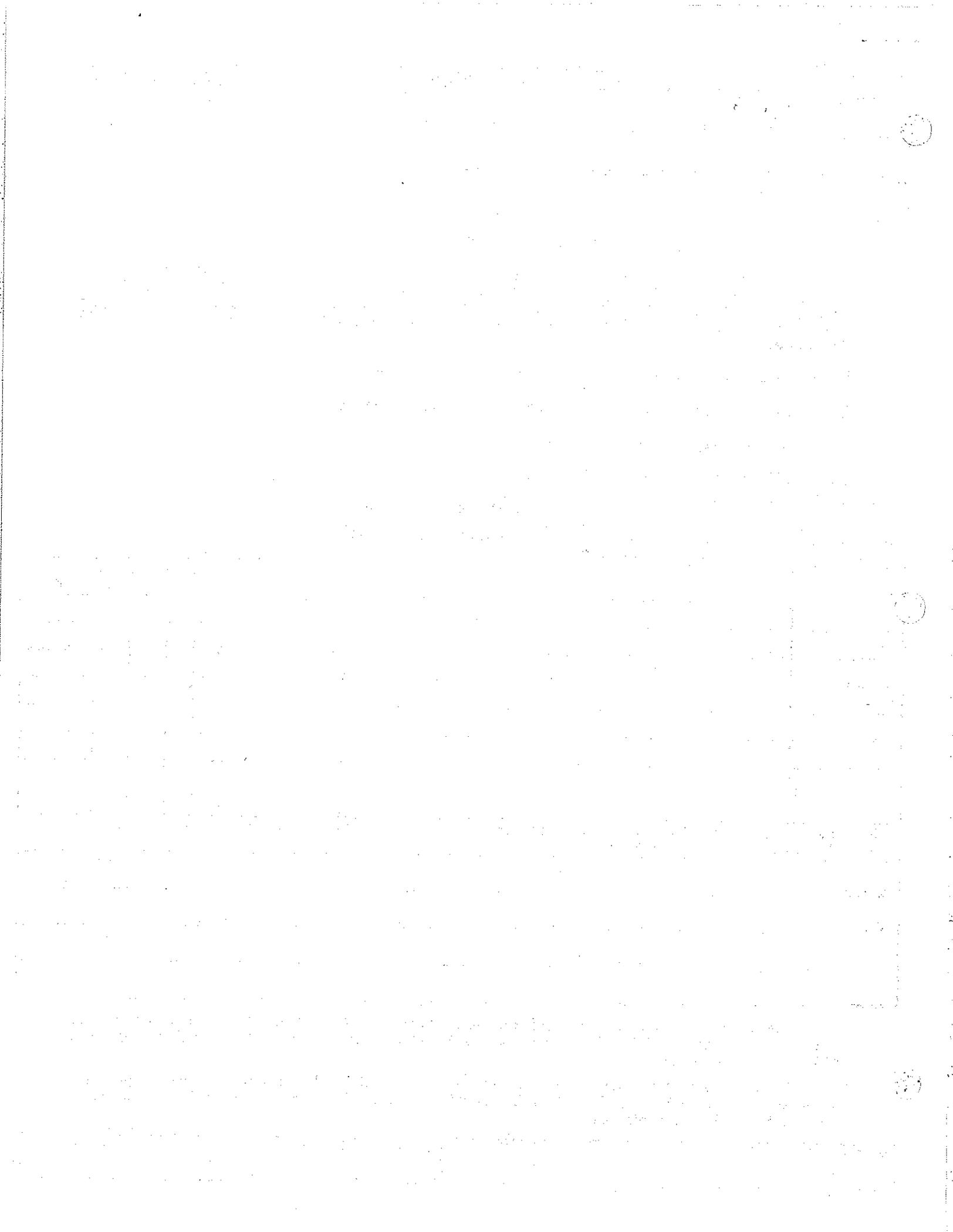
- Z I am a current/prospective employee of a Day Care Center.
- Y I am applying for employment with child caring responsibilities.
- X I/We are applying to adopt a child.
- W I/We are applying to be foster parents.

PLEASE TYPE OR PRINT CLEARLY									
Please complete the following for yourself, your spouse, your children, and any other persons residing in your home. List on a separate line all alias' or maiden names.									
AGENCY USE	LAST	NAME FIRST	M.I.	SEX		DATE OF BIRTH			
				M	F	MM	DD	YY	
Please provide your current address and any other addresses at which you have resided in the past ten years including city and state - for each applicant. Use reverse if necessary.									
Current: _____						FROM	DATE	TO	
Previous: _____									

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.

This form is not 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.

APPLICANT'S SIGNATURE	DATE	APPLICANT'S SIGNATURE.	DATE
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INSTRUCTIONS

Please check that each form is completed in its entirety. Incomplete clearance requests will be returned. Note that when the request is processed for prospective adoptive parents or foster parents and there are two parents in the household, both are to be listed and are to sign as applicants.

AGENCY CODE

Record your 3 digit agency code.

DAY CARE CENTER

Record your state license number.

CLEARANCE LIAISON

Record the liaison's name. Note: One liaison is to be designated per agency/center.

CLEARANCE NAMES

Agency Use:

Code each individual name listed on the form as:

- A = APPLICANT(s)
- M = MAIDEN NAME/ALIAS
- F = FAMILY MEMBER
- O = OTHER HOUSEHOLD MEMBER (e.g. boarder)

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1. The first part of the report deals with the general situation in the country. It is noted that the economy is still in a state of depression and that the government is facing a serious financial crisis. The report also mentions that the population is suffering from widespread poverty and unemployment.

2. The second part of the report discusses the political situation. It is noted that the government is still in a state of instability and that there is a lack of confidence in the leadership. The report also mentions that there are rumors of a possible change of government.

3. The third part of the report deals with the social situation. It is noted that there is a high level of illiteracy and that the health care system is in a state of collapse. The report also mentions that there is a widespread feeling of hopelessness and despair among the population.

4. The fourth part of the report discusses the international situation. It is noted that the country is still isolated and that there is a lack of international support. The report also mentions that there are rumors of a possible intervention by foreign powers.

5. The fifth part of the report deals with the military situation. It is noted that the army is still in a state of disarray and that there is a lack of discipline. The report also mentions that there are rumors of a possible coup d'état.

6. The sixth part of the report discusses the future prospects. It is noted that the situation is very bleak and that there is a need for urgent action. The report also mentions that there are some hopes for a better future, but only if the government takes decisive steps to reform the country.



NOTIFICATION OF SECTION 424-a PROCEDURES

(Please read carefully as this may impact upon
your employment)

Section 424-a of the Social Services Law requires authorized agencies, the Division for Youth and licensed day care centers to determine whether a person actively being considered for employment by such agencies is the subject of an indicated child abuse or maltreatment report. This Section also permits authorized agencies, the Division for Youth and licensed day care centers to screen current employees with the Department. Those parties shall make the inquiry with the State Central Register of the New York State Department of Social Services.

The authorized agency, the Division for Youth or center shall notify the applicant of the response of the New York State Department of Social Services.

If the application is denied, the authorized agency, the Division for Youth or other center, shall furnish the applicant with a written statement setting forth the reasons for denial.

NOTE: Section 422.8 of the Social Services Law provides that a subject of an indicated report of child abuse or maltreatment may request that his/her record be amended or expunged. Such a request must, pursuant to this statute, be made to the New York State Department of Social Services no longer than ninety days after notification that he/she is a subject of an indicated report.

Section 422.6 of the Social Services Law provides that the Commissioner of the New York State Department of Social Services may amend or expunge any record in any case at any time, for good cause.

If you are denied employment or are dismissed from your current employment because you have been screened against the State Central Register and you are the subject of an indicated report of child abuse or maltreatment, you may request that your record be amended or expunged. All such requests are to be made to:

New York State Child Abuse
and Maltreatment Register
40 North Pearl Street
Albany, New York 12243

Please note that the sole question to be determined as a result of such a request is whether there is good cause to amend or expunge the child abuse registry record, and not whether the employment action taken by the authorized agency, the Division for Youth or day care center was appropriate.

If you choose to seek amendment or expungement, please state in your request that this relates to prospective or current employment. Also, please designate whether you are seeking amendment or expungement. Finally, you are invited to add why your request to amend or expunge should be granted.

In a case where a request is made, the New York State Department of Social Services will conduct an administrative review of the records of the case to determine whether or not the request should be granted. After that review is conducted, that Department will inform you of its findings. If your request is denied, the Department will inform you of whatever additional remedy you may possess regarding the report.



Dear Mr. [Name],

I have your letter of [Date] regarding [Subject].

[Detailed body text, mostly illegible]

I am sorry that I cannot give you a more definite answer at this time.

[Detailed body text, mostly illegible]



I will be glad to discuss this matter further if you wish.

[Detailed body text, mostly illegible]

I am sure you will understand my position.

[Detailed body text, mostly illegible]

Sincerely,
[Signature]

