Revised attachments

NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
'0 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.]

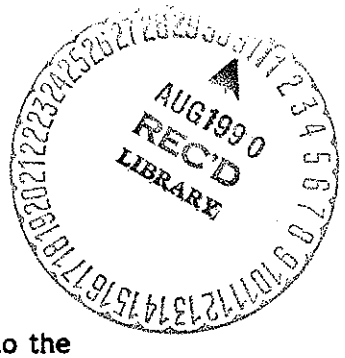
ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 86 ADM-43
(Family and Children's Services)

TO: Commissioners
Directors of Authorized Agencies, Authorized Child-Caring Agencies, and Licensed Day Care Centers

SUBJECT: Reviews and Evaluations Pursuant to the Child Abuse Prevention Act of 1985.

DATE: November 20, 1986



SUGGESTED DISTRIBUTION:
All Child Welfare Services Staff
Administrative Staff
Attorneys and/or Legal Staff
Staff with licensing, certifying or approving duties

CONTACT PERSON:
Questions regarding this release should be addressed to the appropriate Regional Office of the Division of Family and Children's Services, as identified in Attachment A accompanying this release.

I. PURPOSE

The purpose of this release is to advise and direct local social services districts, licensed day care centers, authorized agencies providing foster care and adoption services and authorized child caring agencies certifying family day care homes regarding requirements and other provisions for reviews and evaluations to be made pursuant to the Child Abuse Prevention Act of 1985 and specifically Chapter 677 of the Laws of 1985. This release addresses additions and changes made by the Act and Chapter 677 to Sections 376, 377, 390-b, 424-a, 425 and 462 of the Social Services Law and related additions and changes to Department Regulations in 18NYCRR.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
81 ADM-18 84 ADM-36	81 ADM-18 84 ADM-36	18NYCRR Parts 402,417 418,421,432, 443,444,447 448,477	SSL 22 SSL 34(3)(f) SSL 376 SSL 377 SSL 390-b SSL 412(4) SSL 424-a SSL 425 SSL 462		Chapter 677 of the Laws of 1985

This release describes which reviews and evaluations are required and which reviews and evaluations are merely permitted but not required. The release also describes procedures for local districts, authorized agencies, and day care centers for collecting, reviewing and evaluating background data and information and provisions for inquiring of the State Central Register of Child Abuse and Maltreatment whether certain persons are the subjects of indicated reports of child abuse or maltreatment. References to guidelines, forms and notices developed by the Department to assist districts, agencies and centers in complying with applicable statutory and regulatory requirements are also included in this release.

II. BACKGROUND

The Child Protective Services Act of 1973 (Chapter 1039 of the Laws of 1973; Title 6 of Article 6 of the Social Services Law) created a comprehensive program of child protective services in New York State. This Act included as its chief components criteria for the reporting and investigation of allegations of child abuse and maltreatment, the development of a child protective service within each local social services district and the establishment of the State Central Register of Child Abuse and Maltreatment. A key purpose of the State Central Register is to maintain a central statewide record of those reports of child abuse and maltreatment that are determined to be "indicated", i.e., there was some credible evidence that an incident of abuse or maltreatment occurred and that a particular individual or individuals named as subject(s) of the report pursuant to Section 412(4) of the Social Services Law, committed the act or acts alleged.

In 1980, Chapter 480 of the Laws of 1980 added Section 424-a to Title 6 of Article 6 of the Social Services Law and to the provisions of the Child Protective Services Act. The purpose of Chapter 480 was to improve the ability to prevent child abuse and maltreatment by requiring that authorized agencies, including local social services districts, inquire whether applicants to be foster parents and/or adoptive parents and persons actively being considered for employment in child-caring positions were subjects of indicated reports of child abuse or maltreatment on file with the State Central Register. In 1983, Chapter 307 of the Laws of 1983 amended Section 424-a to require the Division for Youth to inquire of the State Central Register whether applicants to the Division to become foster parents and persons actively being considered for employment in child-caring positions were subjects of indicated reports of child abuse or maltreatment.

In 1984, Chapter 651 of the Laws of 1984 made several additional amendments to Section 424-a concerning the screening of persons by inquiries to the State Central Register. Licensed day care centers were now required to screen prospective employees with the Register. At the same time, the qualifying condition regarding employees to be screened, that they be persons with child-caring responsibilities, was deleted. Chapter 651 added permissive language that allowed, although it did not require, authorized agencies, the Division for Youth and licensed day care centers to screen current employees in the same manner as

prospective employees. Chapter 651 also added a provision that an employee must be notified that an inquiry will be made prior to inquiring of the State Central Register regarding that person.

It is against this background that the Child Abuse Prevention Act of 1985 was enacted. The Act, was enacted in two parts, Chapters 676 and 677 of the Laws of 1985, and makes several additions to the State's program for the prevention of child abuse and maltreatment. In general, the Act may be described as having four main purposes:

(1) improving the reporting and investigation of incidents of child abuse and maltreatment in child care institutions, facilities and programs, including the development of programs for the specific protection of children who are the victims of such abuse or maltreatment;

(2) improving access to reports and investigations made by local child protective services by persons or agencies requiring such access in the furtherance of their official duties in relation to the prevention or treatment of child abuse or maltreatment, including district attorneys and other law enforcement personnel when relevant to criminal investigations or prosecution;

(3) improving training for persons working with children, investigating reports of child abuse or maltreatment, or providing related services; and

(4) improving the assessment and evaluation of persons who will have the potential for regular and substantial contact with children being cared for by child-caring agencies, programs or facilities, through increased access to screening persons with the State Central Register of Child Abuse and Maltreatment and the use of background reviews and evaluations, including the obtaining of sworn statements whether persons have been convicted of a crime in New York State or any other jurisdiction.

Of these four main purposes of the Act, only the fourth, which deals with the improved assessment and evaluation of persons in child-caring agencies, programs and facilities or who have applied for licensure, certification or approval to undertake child-caring responsibilities, is the subject of this release. The implementations of the other three purposes are the subjects of other efforts and will be covered in other official releases.

Those persons covered by the State Central Register screening provisions of the Act as they relate to licensed day care centers, authorized agencies and local social services districts are identified in Section III of this release. The Act has retained all of those persons for whom authority for screening has been previously authorized, but adds that screening with the Register for employees, volunteers, consultants and providers of goods and services is conditional on those persons having the potential for regular and substantial contact with children being cared for by the agency which is authorized to do the screening. In addition to those persons identified in Section III, the Act adds the following persons who are subject to the provisions regarding screening with the State Central Register pursuant to Section 424-a of the Social Services Law, subject to the condition that they have the potential for regular and substantial contact with children being cared for by the agency which is authorized to do the screening:

(1) to those who must be screened with the Register:

- applicants to be employees of juvenile detention facilities and residential care facilities operated by or certified by the Division for Youth;

- persons employed by an individual, corporation, partnership or association who/which provides goods or services to the Division for Youth; and

(2) to those who may be screened with the Register:

- current employees of juvenile detention facilites and residential care facilities operated by or certified by the Division for Youth; and

- persons who are being considered for positions as consultants or volunteers in residential care facilities of the Division for Youth, including juvenile detention facilities certified by the Division.

The program implications and implementation requirements of these provisions as they apply to these other agencies and/or categories of persons are outside the scope of this release and will not be discussed here. The remainder of this release is devoted to the program implications and required actions arising from Chapter 677 regarding the review and evaluation requirements, including screening of persons with the State Central Register, as these apply to local social services districts, authorized agencies, and licensed day care centers.

III. PROGRAM IMPLICATIONS

The Child Abuse Prevention Act of 1985 in Chapter 677 of the Laws of 1985 amends several sections of the Social Services Law to require the collection of and the review and evaluation of background information relating to persons applying to be employees or volunteers in licensed day care centers [Social Services Law 390-b (2)(a)], residential foster care facilities [Social Services Law 462(1)(b)(i)] or to be employees of the local child protective service of a local social services district [Social Services Law 423(1)(c)]. Other provisions of the Act amend the Social Services Law to require the same collection of information and its review and evaluation for persons who apply to become family day care or group family day care providers [Social Services Law 390-b(2)(a)], day care center operators [Social Services Law 390-b(2)(a)] or foster parents [Social Services Law 376 and 377]. In the exercise of its authority under Sections 20(3)(e) and 34(3)(f) of the Social Services Law to establish regulations and policies for the provision and administration of public assistance and care and for the supervision of social services and in order to provide for consistency and equitable application in its regulations, the Department has extended the background review and evaluation requirements to include all employees (professional and paraprofessional) and volunteers of local districts and authorized agencies who have or will have regular and substantial contact with children being cared for by the district. Acting on this same authority and on its authority under Section 372-e(2) of the Social Services Law to establish regulations setting forth standards and procedures for evaluating persons who apply to become adoptive parents, the Department has also extended the background information and review and evaluation provisions to include applicants to be adoptive parents.

In other provisions, the Child Abuse Prevention Act of 1985 amends Section 424-a of the Social Services Law which authorizes access to the State Central Register of Child Abuse and Maltreatment (State Central Register) to ascertain if certain persons are the subjects of indicated reports of child abuse or maltreatment on file with the State Central Register. As amended by the Act, the current provisions of Section 424-a require that an authorized agency, including a local social services district, or a licensed day care center must inquire of the State Central Register whether an applicant to be an employee who will have the potential for regular and substantial contact with children being cared for by the district, agency or center is the subject of an indicated report of child abuse or maltreatment on file with the Register. The district, agency or center shall also inquire whether any person who is employed by an individual, corporation, partnership or association which provides goods or services to the district, agency or center and who has the potential for regular and substantial contact with children who are cared for by the district, agency or center is the subject of an indicated report of child abuse or maltreatment on file with the State Central Register. As individual sole proprietors are self-employed and this will be considered in terms of the statute as employed by an individual, the implementing regulations in 18NYCRR include such individual providers of goods and services among those who must be screened with the State

Central Register.

Section 424-a also requires local social services districts to inquire of the State Central Register whether an applicant to be a family day care provider and any person 18 years of age or older who resides in the home of such an applicant is the subject of an indicated report of child abuse or maltreatment on file with the Register. Authorized agencies which certify family day care homes for children in their care must also make these same inquiries. Local districts and other authorized agencies must inquire of the Register whether an applicant to become a foster parent, including relative foster parents, an applicant to become an adoptive parent and any person 18 years of age or older who resides in the home of an applicant to be a foster parent is the subject of an indicated report of child abuse or maltreatment on file with the Register.

In addition to the categories of persons about whom a local district, other authorized agency or licensed day care center must inquire of the State Central Register, there are three additional categories of persons about whom a district, agency or center may inquire, but for whom an inquiry is not mandated. A district, agency or center may inquire of the State Central Register to determine whether current employees, applicants to be volunteers or persons being considered for hiring as consultants and who have or will have the potential for regular and substantial contact with children being cared for by the district, agency or center are the subjects of indicated child abuse or maltreatment reports on file with the Register. Inquiries regarding current employees are limited to one such inquiry in any six-month period.

The provisions relating to persons whom authorized agencies, including local social services districts, must or may screen through the State Central Register also apply to the programs and facilities operated by these agencies. These will include, but are not limited to, agency-operated boarding homes, group homes, group residences and institutions.

Before going on to the required action that arises from these programmatic provisions, an important concept that is embodied in the amendments made by the Act needs to be defined and developed. This is the concept of "regular and substantial contact with children being cared for by the agency". While the final determination of what may constitute "regular and substantial contact with children" will ultimately lie with each local district, agency or center as it applies this concept to its own operations, personnel policies and procedures, there are some general considerations that would apply in all cases.

The use of the terminology, "the potential for regular and substantial contact with children who are cared for by the agency", as applied in the Act to employees, volunteers, consultants and providers of goods and services, is clearly intended to make the provisions for screening such persons through the State Central Register applicable to more than just persons who have direct child-caring responsibility. Certainly such persons are included in the concept, but "regular and substantial contact" infers a degree of contact that is less

than direct child-care but more than casual or occasional. On the other hand, it is not intended to require screening of everyone in a district, agency or center just because they might have contact with children.

In determining whom to include within the definition, "regular and substantial contact", it is necessary to give consideration to what may constitute "regular" contact with children and to what may constitute "substantial" contact. "Regular" contact would be more than a one-time contact. It would also be something other than a random set of contacts, even though the contacts occurred more than once with the same child or children. "Regular" also implies that there is some recurring basis to the contact, that is, it occurs once a day, once a week, once a month, twice a day, twice a week, twice a month, etc. Thus, someone who has contact with a child or children being cared for by a district, agency or center which is more than one-time or random and on a recurring basis may be considered to have "regular" contact with such children.

"Substantial" contact may be defined in a similar fashion. A brief contact of only a few moments duration, or even a series of such brief contacts would not constitute "substantial" contact. To be "substantial", the contact must last for some extended period of time, although no absolute time limit may be established for all cases. Furthermore, the person in contact with the child should have an established role that involves some relationship to or responsibility for the care, safety or development of a child in order for that person to be considered having the potential for substantial contact. This would exclude contacts that are basically superficial in nature.

Another factor in determining substantial contact is the potential period of time a person is or may be alone or essentially alone with a child. For example, fifteen minutes in which a person would be alone with a child could generally be given greater weight in making a "substantial contact" determination than would the situation of a person in contact with a child for a longer period of time in which other caretaking personnel, adults or parents are present.

To meet the criteria of the Act and of Social Services Law 424-a for screening persons with the State Central Register, such persons must have the potential for both regular and substantial contact with children being cared for by a local social services district, other authorized agency or a licensed day care center. A person who has regular contact with children, even once a day every day, but whose contact could not be construed to be "substantial", would not be a person about whom an inquiry to the State Central Register would be made. Likewise, a person who may have "substantial" contact with a child, in that a person may be alone with a child or children for a substantial block of time, but whose contact is in no way "regular", that is, it happens only once or very infrequently without any recurring basis, would also not be a person about whom inquiry to the State Central Register would be made. Given these considerations, each local district, authorized agency and center will determine which persons will be screened with the State Central Register based on the provisions regarding the "potential for regular and substantial contact with children".

It may also be helpful to give some clarification as to who are "children being cared for by the agency". The term, "agency", refers to "provider agency", which is defined in Section 424-a as encompassing authorized agencies, including local social services districts, and licensed day care centers. Therefore, "children being cared for by the agency" certainly includes children in custodial care such as foster care or who have been in foster care and placed out for adoption pending finalization. It would also include children who attend day care centers, including Head Start day care centers.

For children in foster care or day care, their status as children who are not being or cannot be protected by their parents or guardians requires the most rigorous level of screening. For those children, persons in the following day care center positions must be screened: directors, teachers, teacher aides, group heads and like staff. Likewise, child care workers, residence heads, cottage parents, group home parents, and similar staff in foster care facilities and programs are ones who must be screened. Persons who are providers of goods and services who have similar responsibilities, except for the fact that their services are purchased rather than being provided as employees, volunteers or consultants of the district, agency or center, must also be screened. Local social services district staff involved in the direct provision of foster care and adoption services as well as district protective and preventive services workers are also persons to whom the requirements of Section 424-a and screening with the State Central Register must be applied. The latter two groups are included because of the potential for them to take protective custody of a child or because they may provide these services to foster children. Other personnel in contact with children in foster care or day care, as long as they meet the test of "regular and substantial contact" also must be screened. These may include counselors, psychologists and similar personnel.

On the other hand, a janitor, food service or similar kind of worker who, in the discharge of his/her duties, may be seen as having only minimal or no responsibility for the children in the care of the district, agency or center would not on the basis of that role alone be deemed a person who must be screened under the provisions of Section 424-a unless they met the other tests for "regular and substantial contact".

It is also clear that the Act intends Section 424-a to cover services to children and families beyond those provided in the formalized foster care and day care settings. However, in the case of these services other than foster care or day care, a somewhat different definition of the degree of "care" being provided to the child is necessary. This is because for children being provided preventive services or other services which are provided to children and families together the parent or guardian retains a role that facilitates the parent's or guardian's protection of the child.

For example, a child who is taken to a preventive services agency by his or her parent(s) is considered to be in the care of the parent(s) and therefore it would not be necessary to have the child's counselor screened. On the other hand, a bus driver or other transportation worker

working for or providing these services to an agency and who has a child or children alone in the vehicle or only in the company of other children and who does so on a regular basis would be an example of a person who must be screened pursuant to Section 424-a.

For other persons, specific circumstances may affect whether the person needs to be screened. For example, homemakers or parent aides who are regularly in the home to provide care to children would generally be persons subject to screening pursuant to Section 424-a because of their role and relationship to being responsible for the care of the children. An exception might be made, however, where there was an explicit and enforced policy that such persons could never be left to attend children without the parent(s) or guardian(s) being present.

Obviously, it is not possible to detail every situation or example regarding the screening of persons on the basis of their potential for regular and substantial contact with children being cared for by a district, agency or center. Each district, agency or center must establish its own specific policy, in accordance with these examples, the guidelines and the regulations. These examples and guidelines describe situations in which persons would not have to be screened with the State Central Register. In no case, however, is this intended to preclude screening with the Register if the local district, authorized agency or day care center concludes that such a person or position has or will have the potential for regular and substantial contact with children being cared for by the district, agency or center.

IV. REQUIRED ACTION

Background Review and Evaluation

Local social services districts must establish procedures to collect and to review and evaluate relevant background information from applicants for employment in the local child protective service, from all other applicants for employment or to be volunteers who will have the potential for regular and substantial contact with children being cared for by the district, from applicants to be family day care providers and from persons applying to become foster or adoptive parents. Authorized agencies providing foster care and/or adoption services must establish such a procedure to collect and to review and evaluate relevant background information from applicants to be employees or volunteers and from persons applying to become foster or adoptive parents. Licensed day care centers must establish this same procedure for all applicants to be employees or volunteers.

The background information to be collected from these applicants is essentially the same, with certain exceptions relating to personal references which are noted below. The means of collecting this information may be at the discretion of the local district, agency or day care center, except for applications to be family day care providers. These applications must use the required Department form, unless a

local equivalent form has been approved which collects the required information.

Each applicant shall be required to provide a statement or summary of the applicant's employment history, including but not limited to any relevant child-caring experience. This may be accomplished by the submission of a resume, an application form for employment or an application form for day care provider, foster parent or adoptive parent which collects the required information.

All applicants shall be required to provide names, addresses, and, where available, telephone numbers of references who can verify the applicant's employment history, work record and qualifications. Districts, agencies and day care centers must document in the application record what steps were taken to verify an applicant's employment history and work record.

Applicants are also required to provide names, addresses and telephone numbers of personal references other than relatives who can attest to the applicant's character, habits, reputation and personal qualifications and, where applicable, to the applicant's interest in and ability to care for children. In the majority of these situations, Department regulations in 18 NYCRR require at least three such personal references. There are three exceptions.

In the case of applications to become adoptive parents, the regulations require the submission of at least three personal references, but one such reference may be from a person related to the applicant. For applicants for licensure or certification as foster parents, other than an approved relative foster home, the requirement is for at least four personal references other than relatives, while applicants who are relatives of the foster child and who apply for approval as foster parents shall only be required to submit two personal references, both of which must be other than relatives of the applicant(s). While neither the statute nor the regulations specify who such personal references should be, the regulations do require that they be persons who can attest to the applicant's character, habits, reputation and personal qualifications. Local districts, agencies and centers reviewing personal references will need to ensure that the quality of the information which they obtain from the applicant's references is sufficient to meet these requirements. Where the references are not sufficient, it may be necessary for the district, agency or center making the evaluation to discuss this situation with the applicant and/or to request additional references which will meet the identified criteria.

In addition to this information about work history, experience and employment and personal references, each applicant subject to this background review and evaluation requirement shall be required to submit a sworn statement indicating whether, to the best of his/her knowledge, he/she has ever been convicted of a crime in New York or any other jurisdiction. This statement may be incorporated into any relevant application form(s) or may be completed as a separate statement.

If an applicant discloses in the sworn statement that he or she has been convicted of a crime, the local social services district, other authorized agency or day care center completing the review and evaluation of the applicant shall determine, in accordance with guidelines developed by the Department, whether to approve such applicant. These guidelines were sent to all local districts, authorized agencies and day care centers licensed by the Department in individual letters dated January 22, 1986. (Note: agencies, districts or centers which had such guidelines for review of persons with conviction records in place prior to January 1, 1986 may continue to use those guidelines in completing the required evaluation.) Any district, agency or center which has not received these guidelines should contact the appropriate regional office.

Authorized agencies (which include local social services districts, foster care and adoption agencies) have additional authority under Section 378-a of the Social Services Law to obtain access to criminal conviction records maintained by the Division of Criminal Justice Services (DCJS) pertaining to persons who have applied for and are under consideration for employment in positions where such persons will be engaged directly in the care and supervision of children. (Day care centers are not included in this authorizing legislation.) Authorized agencies are not required to obtain these records to be in compliance with the conviction record review guidelines, although they may do so if they wish to. Access to the DCJS records requires the taking of fingerprints from the person whose record is sought and the payment of a processing fee to DCJS for each individual record search requested.

If, after reviewing the applicant in accordance with the guidelines, it is determined that the applicant will be approved, the district, agency or center must document in the written record why the district, agency or center has determined that it is appropriate and acceptable to approve the application. The documentation shall be made in the application file, employment or personnel record or, in the case of foster or adoptive parent applicants, in the home study record.

As districts, agencies and day care centers review these requirements for background reviews and evaluations, they should ascertain whether or not this information is being collected in the procedures they now have in place. Where the required information is not being collected, procedures and, where necessary, forms will have to be amended or modified to accommodate these new requirements.

State Central Register Screening

Another key part of the Child Abuse Prevention Act of 1985 and Chapter 677 of the Laws of 1985 was the redefinition of and the addition to those categories of persons about whom a local social services district, other authorized agency or licensed day care center must or may inquire of the State Central Register pursuant to Section 424-a of the Social Services Law whether such persons are the subjects of

indicated reports of child abuse or maltreatment. A district, agency or center, as appropriate to its operations and functions, must make such an inquiry to the State Central Register regarding the following persons:

- o any person actively being considered for employment who will have the potential for regular and substantial contact with children being cared for by the district, agency or center;

- o an individual or any employee of an individual, corporation, partnership or association which provides goods or services to the district, agency or center who will have the potential for regular and substantial contact with children being cared for by the district, agency or center;

- o an applicant to be a family day care provider;

- o an applicant to be a foster parent, including applicants to be approved (relative) foster parents;

- o any person 18 years of age or older who resides in the home of an applicant to be a family day care provider or to be a foster parent;

- o an applicant to be an adoptive parent.

In addition, Section 424-a now provides that districts, agencies and centers may inquire of the State Central Register regarding the following persons although they are not required to do so: any current employee, any applicant to be a volunteer, or any person who is being considered for hiring as a consultant, provided that any such person must have the potential for regular and substantial contact with children being cared for by the district, agency or center. Current employees may be screened only once in any six-month period.

Prior to making any inquiry to the State Central Register, the local social services district, other authorized agency or licensed day care center must inform the person about whom the inquiry is to be made that such an inquiry will be made and the basis for making it. To assist districts, agencies and centers in making the proper notification, the Department has developed two notification forms, each entitled, "Notification of Social Services Law 424-a Procedure". DSS 3371A is to be given to applicants actively being considered for employment, individuals who are themselves or who are employees of providers of goods or services, current employees, applicants to be volunteers or persons being considered for hiring as consultants. DSS 3371B is to be given to applicants to be foster parents, applicants to be family day care providers, persons 18 years of age or older who reside in the home of an applicant to be a foster parent or family day care provider, and applicants to be adoptive parents. Copies of these forms are attached to

this release as Attachments B and C. These forms, DSS 3371A and 3371B, contain places to validate to whom the notification was given, by whom and on what date. A copy of the validated form must be filed in the application file, employment, personnel or other record on the person about whom the inquiry to the State Central Register is being made.

Once the required notification is made, the district, agency or center may then begin the actual process of making the inquiry to the State Central Register. All inquiries must be made using DSS 3370, State Central Register Clearance Form. A copy of this form is attached to this release as Attachment D.

The first step in completing this form is to have the person(s) about whom the inquiry is to be made complete and sign the designated sections of the form. The district, agency or center will then complete the agency section of the form. A complete set of Operating Instructions for completing the Clearance Form is attached to this release as Attachment E.

All Clearance Forms, except for those relating to applications to become foster parents, are to be mailed to:

New York State Central Register
of Child Abuse and Maltreatment
40 North Pearl Street
Albany, New York 12243
Attention: CCU.

Clearance Forms relating to foster parent applicants are to be mailed to:

Services Information Systems
New York State Department
of Social Services
40 North Pearl Street, Mezzanine
Albany, New York 12243.

Districts, agencies or centers that have computer capability may submit a computer tape as an alternative to individual DSS 3370 forms. Such a tape must include the same data as on the DSS 3370 forms and be compiled in accordance with specifications set forth by the Department. Tape driven clearance is generally feasible only for large districts or agencies for large numbers of inquiries. Requests for tape specifications should be addressed to:

Mr. Charles Root, Director
Services Information Systems
New York State Department
of Social Services
40 North Pearl Street, 11-B
Albany, New York 12243.

Upon receiving the Clearance Form request, the State Central Register will search its files to determine whether the person inquired about is one whom the Register may identify as being the subject of an indicated report of child abuse or maltreatment on file with the Register. The Register will then reply to the district, agency or center indicating that such person is or is not being identified as the subject of an indicated report of child abuse or maltreatment. A specimen copy of the letter which will be sent to the district, agency or center is attached to this release as Attachment F. If a person is identified to a district, agency or center as the subject of an indicated report, that person will also be notified that, in response to an inquiry, the district, agency or center has been notified that he/she is the subject of an indicated report of child abuse or maltreatment on file with the State Central Register. A specimen copy of such a letter is attached to this release as Attachment G.

If the response from the State Central Register to the district, agency or center is that the person cannot be identified from the Register as the subject of an indicated report of child abuse or maltreatment, no further action related to this screening process is required from the district, agency or center. The district, agency or center will complete its normal procedures for processing the application or for completing its decision whether to hire an applicant for employment, use a volunteer, hire a consultant, approve the application for license, permit, certificate or approval or to grant a provider of goods or services access to and contact with children being cared for by the district, agency or center.

If, however, the response from the State Central Register is that the person inquired about is the subject of an indicated report of child abuse or maltreatment on file with the Register, the district, agency or center must take into account this indicated report in making its determination whether to hire an applicant for employment, retain a current employee, use a volunteer, hire a consultant, approve a person to be a family day care provicer, foster parent or adoptive parent or to grant a provider of goods or services access to and contact with children being cared for by the district, agency or center.

To assist districts, agencies, and centers in this review, the Department has developed a set of guidelines for evaluating persons who are subjects of indicated reports of child abuse and maltreatment. These guidelines were disseminated to all local districts, authorized agencies and day care centers licensed by the Department in individual letters dated January 22, 1986. (Note: any district, agency or center which has had guidelines for review of persons who are subjects of indicated reports of child abuse or maltreatment operationally in use prior to January 1, 1986 may continue to use such guidelines for these reviews.) Any district, agency or center which has not received these guidelines should contact the appropriate regional office.

The guidelines developed by the Department are self-contained and self explanatory and will not be elaborated on here. A brief discussion is appropriate, however, regarding the recommendation in those guidelines that the local district, agency or center conducting the evaluation of a person who is the subject of an indicated report obtain a copy of the full report from the State Central Register. Copies of reports in the State Central Register may only be released to the subject of the report or to someone whom the person who is the subject of the report has authorized to receive a copy of the report. If a local district, agency or center wishes to obtain a copy of the report on file with the State Central Register, it is imperative that the authorization to release the report be in writing. The State Central Register cannot accept telephone calls or other inquiries which claim to have the subject's permission to receive the report or to have the subject's signature on file. The Register must have a release signed by the person who is the subject of the report. The existence of the SCR report may be the basis for a denial; a failure to obtain release of a report may not.

It is important to note that the subject of a report is not to be coerced into signing a release authorizing a local district, agency or center to obtain a report. However, the lack of information created by not having the full report may be a factor in the decision of the district, agency or center regarding its approval of an applicant for employment, its action on an application for a license, permit, certificate or other approval, or its granting of a provider of goods or services access to and contact with children being cared for by the district, agency or center.

In making its evaluation of a person who is the subject of an indicated report of child abuse or maltreatment, a district, agency or center will, based on the information it has available and in accordance with its own pre-existing guidelines and/or the guidelines developed and disseminated by the Department, either approve or disapprove the application for employment or for a license, permit, certificate or approval, decide to retain or not retain a current employee, to use or not to use a volunteer, to hire or not hire a consultant, or to grant or not grant access for a provider of goods or services to have contact with children being cared for by the district, agency or center. If the person is approved, used, hired or otherwise granted access to children being cared for by the district, agency or center, the district, agency or center must document in writing why such person has been determined to be appropriate and acceptable as an employee, volunteer, consultant, family day care provider, foster parent or adoptive parent, or one who has access to children being cared for by the district, agency or center. Documentation shall be made in the application file, employment, personnel or other record or, in the case of applicants to be foster or adoptive parents, in the application and home study record.

The district, agency or center may decide to deny an application for employment, not to retain a current employee, not to use a volunteer, not to hire a consultant, to deny an application to be a family

day care provider, foster parent or adoptive parent or to deny access to a provider of goods and services to have contact with children being cared for by the district, agency or center. If the denial or other negative decision is based, in whole or in part, on the indicated report of child abuse or maltreatment, the district, agency or center which makes such a denial or decision must notify, in writing, the person to whom the denial or decision applies, indicating that it was based, in whole or in part, on the existence of the indicated report. The district, agency or center must also, and in writing, notify the person of his right to a fair hearing pursuant to Section 424-a regarding the indicated report on file with the State Central Register. This notification must include the form, DSS 3374, "Notification of Right to Fair Hearing Under Section 424-a of the Social Services Law". A copy of this form is attached to this release as Attachment H. This form includes all the information required to constitute proper notice to the subject of a report who has been denied employment or a position as a volunteer or consultant, or who has been denied a license, certificate, permit or approval or who as a provider of goods or services has been denied access to children being cared for by the district, agency or center because he is the subject of an indicated report of child abuse or maltreatment. The form provides space for the district, agency or center to validate to whom the notice was given, by whom and on what date. A copy of this notice with the validation of its delivery must be kept with the application, employment, personnel, home study or other record pertaining to the applicant, employee or other person about whom the inquiry to the State Central Register was made.

Upon being notified that the denial or other negative decision was based in whole or in part on the indicated report of child abuse or maltreatment on file with the State Central Register, the person who is the subject of the report and who was also the subject of the denial or negative decision may, within 90 days of his/her receipt of that notice, request a fair hearing pursuant to Section 424-a. At such a hearing, the sole question that will be considered is whether it may be shown by a fair preponderance of the evidence that the person who is the subject of the report committed the act or acts of child abuse or maltreatment which gave rise to the indicating of the report.

If the result of such a hearing is that the person who is the subject of the report is shown by a fair preponderance of the evidence to have committed the act or acts which are the basis of the indicated report, no further notice will be sent to the district, agency or center. No further action by the district, agency or center relating to the review and evaluation pursuant to Section 424-a will be required. The subject of the report will receive a notice of the fair hearing decision.

The fair hearing may result, however, in a finding that the Department has not shown by a fair preponderance of the evidence that the person committed the act or acts which gave rise to the indicated report. In such a case, the Department will be instructed, as part of the fair hearing decision, to inform the district, agency or center which made the inquiry and which made the denial or other negative decision on which the person who is the subject of the report based his/her

request for the fair hearing that, as a result of such hearing, the district, agency or center must reconsider its denial or decision. This means that an application for employment that has been denied must be reviewed. An application to be a family day provider, foster parent or adoptive parent must be actively reopened and reconsidered. A decision to terminate or discharge an employee must be reconsidered as must a decision not to use a volunteer or not to hire the person as a consultant. A decision not to grant access for a provider of goods or services must be reviewed.

The reopening of an application or other reconsideration of the denial or other negative decision does not mean that the denial or negative decision must now be overturned or reversed. It simply means that the indicated report of child abuse or maltreatment may no longer be a factor in such a denial or decision. There may continue to be other factors that will result in the same decision to deny or to disapprove or to otherwise decide negatively concerning the person under consideration. Also, depending on collective bargaining provisions and/or the Civil Service Law, it may be necessary to rehire or reinstate an employee who was released, suspended or discharged on the basis of the indicated report.

These procedures for review and evaluation of background information and for screening of persons with the State Central Register to determine whether they are the subjects of indicated reports of child abuse or maltreatment have been designed to improve the protection of children who must be cared for in public or voluntary child-caring agencies or programs or who are being placed for adoption after a period in care as a public charge. Adherence to these requirements will also serve to assure local social services districts, authorized agencies and licensed day care centers that they are obtaining the best possible persons as employees, volunteers, consultants, family day care providers, foster parents or adoptive parents. The required clearance of providers of goods or services will protect children from persons with child abuse or maltreatment backgrounds. Local districts, authorized agencies and day care centers must act immediately to ensure that their procedures for these reviews and for screening of persons with the State Central Register are in agreement with the procedures outlined in this release and the attachments hereto.

V. EFFECTIVE DATE

The effective date of the applicable provisions of the Child Abuse Prevention Act contained in Chapter 677 of the Laws of 1985 is January 1, 1986. The requirements of this release became effective on the same date. The regulations implementing the provisions of Chapter 677 discussed in this release will be forthcoming.

Joseph Semidei
Deputy Commissioner
Family and Children Services

(REV. 7/90) **ATTACHMENT A**

NYSDSS - REGIONAL OFFICES
OF THE DIVISION OF FAMILY AND CHILDREN'S SERVICES

BUFFALO REGION

Buffalo Regional Office (BRO) (91)
NYS-DSS
838 Ellicott Square Building
Buffalo, NY 14203
Contact: Linda Brown, Director
Telephone 716-847-3145
Include the following counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee Niagara, Orleans, Wyoming

ALBANY REGION

Albany Regional Office (ARO) (94)
NYS-DSS
330 Broadway, lst Floor
Albany, NY 12243
Contact: John O'Connor, Director
Telephone: 518-432-2751
Includes the following counties: Albany, Clinton, Columbia, Delaware, Essex, Franklin Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren Washington

METROPOLITAN REGION

Metropolitan Regional Office (MRO)(95)
NYSDSS
80 Maiden Lane, 5th Floor
NY, NY 10038
Contact: Fred Cantlo, Director
Telephone: 212-804-1202
Includes the following counties: Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk Sullivan, Ulster, Westchester, New York City

SYRACUSE REGION

Syracuse Regional Office (SRO) (93)
NYS-DSS
351 South Warren Street, Rm. 204
Syracuse, NY 13202
Contact: Jack Klump, Director
Telephone: 315-428-3230
Includes the following counties: Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego St. Lawrence, Tioga, Tompkins

ROCHESTER REGION

Rochester Regional Office(RRO) (92)
NYS-DSS
259 Monroe Avenue, Monroe Square
3rd Floor
Rochester, NY 14607
Contact: Linda Kurtz, Director
Telephone: 716-238-8201
Includes the following Counties: Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Yates

DSS 3371A (Rev. 10/87)

ATTACHMENT B

NOTIFICATION OF SOCIAL SERVICES LAW 424-a PROCEDURES

(Please read both sides carefully. It may impact upon your employment or service to this agency.)

Section 424-a of the Social Services Law requires authorized agencies, including local social services districts, the Division for Youth, special act school districts, residential schools which are operated, supervised or approved by the education department and licensed day care centers to inquire whether a person actively being considered for employment who will have the potential for regular and substantial contact with children being cared for by the agency is the subject of an indicated report of child abuse or maltreatment on file with the State Central Register of Child Abuse and Maltreatment. This section also requires these same agencies to make such an inquiry regarding an individual or an employee of an individual, corporation, partnership or association which provides goods or services to the agency and who has or will have the potential for regular and substantial contact with children being cared for by the agency. In addition to these required steps, Section 424-a permits authorized agencies, including local social services districts, the Division for Youth, special act school districts, residential schools which are operated, supervised or approved by the education department and licensed day care centers to make inquiries to the State Central Register regarding any current employee, any person who has volunteered his or her services to the agency or any person to be hired as a consultant who has or will have the potential for regular and substantial contact with the children being cared for by the agency.

This agency will make such an inquiry to the State Central Register regarding you based on the position for which you have applied, are being considered or which you currently occupy. You will be notified by the New York State Department of Social Services if the result of this inquiry shows that you are the subject of an indicated report of child abuse or maltreatment.

If the State Central Register replies to our inquiry that you are the subject of an indicated report of child abuse or maltreatment, this agency must consider that factor, along with other background information, in determining whether to employ you, retain you as an employee, use you as a volunteer, hire you as a consultant, or allow you access to provide goods or services to this agency. You may be asked to provide details of the situation(s) or incident(s) that gave rise to the indicated report. You may also be asked to sign a release allowing this agency to receive a copy of the indicated report on file with the State Central Register.

If you are denied employment, terminated as an employee or volunteer, not accepted as a volunteer, not hired as a consultant or denied access to the agency to provide goods or services, you will be provided with a written statement from this agency which sets forth the reason(s) for the denial. If the denial is based, in whole or in part, on the existence of an indicated report of child abuse or maltreatment, the statement will include that basis in the explanation of the denial.

(continued on back)

DSS 3371A (Rev. 10/87) Reverse

If you are notified that you have been denied or dismissed from employment, have not been hired as a consultant, have been dismissed or not accepted as a volunteer, or denied access to the agency to provide goods or services because you are the subject of an indicated report of child abuse or maltreatment, you will be informed at that time of your right, pursuant to Sections 22 and 424-a of the Social Services Law, to request a hearing before the New York State Department of Social Services on the indicated report on file with the State Central Register.

Given to: _____ By: _____
Name

List Name(s) _____ for _____
Agency

_____

_____ Date: _____

ATTACHMENT C

NOTIFICATION OF SOCIAL SERVICES LAW 424-a PROCEDURES

(Please read both sides carefully. It may impact upon your application to be a foster parent, adoptive parent, family day care provider, group family day care provider, assistant to group family day care provider, summer camp director, or operator of a licensed day care center.)

Section 424-a of the Social Services Law requires authorized agencies, including local social services districts, to inquire whether any person who applies to become an adoptive parent, a foster parent, family day care provider and any person 18 years of age or older who resides in the home of an applicant to be a foster parent or family day care provider is the subject of an indicated report of child abuse or maltreatment on file with the State Central Register of Child Abuse and Maltreatment. The Division for Youth is required to make such an inquiry regarding each person who applies to be a foster parent and any person 18 years of age or older who resides in the home of an applicant to be a foster parent. The New York City Health Department is required to make an inquiry regarding an applicant to become a family day care provider and any person 18 years of age or older who resides in the home of an applicant to be a family day care provider. Governmental agencies which issue permits for summer camps are required to make inquiries regarding directors of such camps. In addition, Regional Offices of the Department of Social Services will make such inquiries regarding individuals in sole proprietorships and partnerships that have applied to become operators of licensed day care centers, applicants to be group family day care providers or to be assistants to group family day care providers.

Because you have applied to be a foster parent, adoptive parent, family day care provider, group family day care provider, an assistant to a group family day care provider or an operator of a licensed day care center or are a person 18 years of age or older living in the home of an applicant to be a foster parent or family day care provider or are the director or proposed director of a summer camp, this agency will make an inquiry to the State Central Register. You will be notified by the New York State Department of Social Services if the result of this inquiry shows that you are the subject of an indicated report of child abuse or maltreatment.

If the State Central Register replies to our inquiry that you or a person 18 years of age or older living in your home are the subject of an indicated report of child abuse or maltreatment, this agency must consider that factor, along with other background information and references you have supplied or which have been learned as the result of a home study, in determining whether to approve you as a foster parent, adoptive parent, family day care provider, group family day care provider, an assistant to a group family day care provider, operator of a day care center or to be the director of a summer camp. You may be asked to provide details of the situation(s) or incident(s) that gave rise to the indicated report. You may also be asked to sign a release allowing this agency to receive a copy of the indicated report on file with the State Central Register.

(Continued on Back)

If your application to be a foster parent, adoptive parent, family day care provider, group family day care provider, an assistant to a group family day care provider, operator of a day care center or to be the director of a summer camp is denied, you will be provided with a written statement by this agency which sets forth the reason(s) for the denial. If that denial is based, in whole or in part, on the existence of an indicated report of child abuse or maltreatment, that statement will include that basis in the explanation of the denial.

If you are notified that your application to be an adoptive or foster parent, a family day care provider, group family day care provider, an assistant to a group family day care provider, operator of a day care center or to be a director of a summer camp has been denied, in whole or in part, because you are the subject of an indicated report of child abuse or maltreatment, you will be informed at that time of your right, pursuant to Sections 22 and 424-a of the Social Services Law, to request a hearing before the New York State Department of Social Services on the indicated report on file with the State Central Register.

Given to: _____ By: _____
Name

List
Name(s) _____ for _____
Agency

_____

_____ Date: _____

DSS-3373 (Rev. 3/88)

STATE CENTRAL REGISTER CLEARANCE FORM

ATTACHMENT D

Clearing Agency Use Only

ALL INFORMATION MUST BE COMPLETE. PLEASE Print, Type, or use a Label			SCR USE ONLY
AGENCY CODE:	IDENTIFICATION #	CLEARANCE CATEGORY	Batch #
CLEARANCE LIAISON		AREA CODE/PHONE #	Override
AGENCY NAME:			
AGENCY ADDRESS			PLEASE CHECK HERE IF APPLICANT IS KNOWN BY NO OTHER NAME: ☐
CITY	STATE	ZIP CODE	

Section 424-a of the Social Services Law requires that certain persons must be cleared with the State Central Register to determine if they are the subject of an indicated child abuse or maltreatment report. Section 424-a also permits certain other persons to be screened with the State Central Register. The particular classifications of persons who must or may be screened are set forth on the reverse side of this document. Please enter above the appropriate code from the reverse side of this form which describes the category in which you fall.

PLEASE TYPE OR PRINT CLEARLY

Please complete the following for yourself, your spouse, your children and any other person(s) in your home. Make sure you complete all Maiden Name/Alias sections that apply.

INDIVIDUAL IDENTIFIER	LAST NAME	FIRST NAME	RELATIONSHIP TO APPLICANT	SEX M	SEX F	DATE OF BIRTH		
A								
M								

NOTE: this Form is 8½ x 14in. actual size

only submit full size sion

Please provide your current address and any other addresses at which you have resided since 1973 including city and state for each applicant. If more space is necessary, use the reverse side of the form.

CURRENT STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO

See reverse for additional space

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 am the subject of an indicated child abuse or maltreatment report.

I further understand that where I am applying to be a foster parent or family day care home provider the information I have provided will also be used to determine whether any person eighteen years of age or over who resides in my home is the subject of an indicated report.

I affirm that all information provided on this form is true. I understand that if I knowingly give false statements such action could be grounds for denial or dismissal from employment or denial or revocation of a license, certificate, permit or approval.

This form is not an application for employment. It is to be used solely for the purposes described in Section 424-a of the Social Services Law. The purpose of collecting the demographic data on other persons in your household who are not screened pursuant to Section 424-a of the Social services Law is to enable the New York State Department of Social Services to identify with the greatest degree of certainty whether or not the person(s) being cleared is the subject of an indicated child abuse or maltreatment report. The utilization of this information in a discriminatory manner is contrary to the Human Rights Law.

I understand that I will receive a notice of my rights under Section 424-a of the Social Services Law.

APPLICANT'S SIGNATURE	DATE	APPLICANT'S SIGNATURE	DATE

EIGHTEEN YEARS OLD OR OVER:

I understand that as a person eighteen years of age or over in a home of an applicant to become a Foster parent or a Family day care provider the information I have provided will be used to inquire of the State Central Register to determine if I am the subject of an indicated report of child abuse or maltreatment.

SIGNATURE	DATE	SIGNATURE	DATE

AGENCY INSTRUCTIONS

Please check that each form is completed in its entirety. Incomplete clearance requests will be returned. When the request is processed for prospective adoptive parents or foster parents and two parents are in the household, both are to sign as applicants. If both spouses are co-applicants for family day care, both individuals are to sign as applicants. Eighteen year olds and over residing in the home of applicants for foster care or family day care must also sign and be cleared.

AGENCY CODE

Record your 3 digit agency code. NOTE: Day Care, Family Day Care and Camps must provide the agency code of the agency or office which issues your license or certificate.

IDENTIFICATION NUMBER

Record your INDIVIDUAL LICENSE NUMBER (located on permit to operate). This applies only to Day Care Centers, Family Day Care, Camps, and affected residential schools.

CLEARANCE CATEGORIES

Record the appropriate clearance category.

Y - A prospective employee/provider of goods and services.

Z - A prospective volunteer/consultant.

X - Applying to be adoptive parents.

W - Applying to be foster parents.

R - Applying to be relative foster parents.

P - I/We are applying to be family day care providers or are persons eighteen years old or over in the home of such applicants.

Q - I/We are applying to be group family day care providers or assistants to such providers.

N - An applicant for a license to operate a day care center. (To be submitted by authorized licensing agency only.)

M - A Director of a summer camp; overnight camp, day camp or traveling day camp.

E - A current employee.

CLEARANCE LIAISON

Record the name to whom the response should be sent (cannot be the same as applicant).

INDIVIDUAL IDENTIFIER

Code each individual name listed on the form as:

A = APPLICANT(s) (at least one person must be so designated)

M = MAIDEN NAME/ALIAS must be completed for every applicant ("A"). Record ALL previous names used. If none exist, please check the appropriate box on the front of the form.

E = EIGHTEEN YEARS OLD AND OVER members of household (NOTE: only when the clearance categories are prospective foster parents/relative foster parents or prospective provider of family day care.)

F = FAMILY MEMBER

O = OTHER HOUSEHOLD MEMBER (e.g. boarder)

Relationship to Applicant-please indicate individuals relationship to the applicant (e.g. child, spouse, family member, or other).

For other than Foster Care, clearances are to be sent to:

The New York State Central Register
of Child Abuse and Maltreatment
40 North Pearl Street
Albany, New York 12243
Attention: CCU

All Foster Care/Approved Relative clearances are to be sent to:

New York State Department of Social Services
Services Information Systems
40 North Pearl Street
Arcade Building
Albany, New York 12243

Continued from front page. Section for addresses previous to the past ten years.

PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO
PREVIOUS STREET ADDRESS	CITY	STATE	ZIP	FROM	TO

ATTACHMENT E

OPERATING INSTRUCTIONS FOR
STATE CENTRAL REGISTER CLEARANCE FORMS

REVISED JULY 1990

INTRODUCTION

Section 424-a of the Social Services Law requires that certain persons must be cleared with the State Central Register to determine if they are the subject of an indicated Child Abuse or Maltreatment report. Section 424-a also permits certain other persons to be screened with the State Central Register.

OPERATING INSTRUCTIONS FOR STATE CENTRAL REGISTER CLEARANCE FORM

(DSS-3370)

This form IS NOT an application for employment. It is to be used solely for the purposes described in Section 424-a of the Social Services Law. The purpose of collecting the demographic data on other persons in your household who are not screened pursuant to Section 424-a of the Social Services Law is to enable the New York State Department of Social Services to identify with the greatest degree of certainty whether or not the person(s) being cleared is the subject of an indicated child abuse or maltreatment report. The utilization of this information in a discriminatory manner is contrary to the Human Rights Law.

GENERAL INSTRUCTIONS

Enclosed is the State Central Register Clearance Form DSS-3370 (rev. 3/88) which will be used for screening purposes. Since match determinations are based on a cumulative demographic comparison to information on the SCR database, the presence of the following is critical for a thorough search:

- applicants name (including alias/maiden)
- sex
- date of birth
- current and previous address(es)
- household members

In the absence of "exact" matches on name, date of birth and address, the household composition (with their specific demographic details) becomes a key factor in search determinations and where applicable is to be included on the clearance. Note that the SCR will be sending response letters addressing the status of the applicant, and not his family, except when the applicant is applying to be a foster parent, family day care provider or a family care home provider. In these instances, the SCR will be addressing the status of the applicant and also of those persons in the household who are eighteen and over.

N.B. It is necessary that the agency explain to all applicants completing the DSS-3370, the intent and purpose of the application, as well as to explain and clarify the applicants rights under Section 424a of the Social Services Law. Give applicants notification of rights. (See attachment H)

COMPLETING THE 3370 FORM

The following instructions are to be followed by the clearing agency when completing the form (DSS-3370).

AGENCY CODE AND IDENTIFICATION NUMBER

-Record your three (3) digit and/or alpha agency code. This must appear on all DSS-3370 clearance forms.

-Record the Facility I.D. number or individual license number (located on your permit to operate).

-If the agency code's identification number is not recorded, the form will not be accepted and will be returned to the clearing agency.

CLEARANCE CATEGORY:

Explanation is found on the reverse side of the DSS-3370 form under the heading, Clearance Categories. This area must be completed.

Record the appropriate clearance category in the designated area utilizing the following codes below:

Y - A prospective employee/provider of goods and services
Z - A prospective volunteer/consultant
X - Applying to be adoptive parents
W - Applying to be foster parents or family care home providers
R - Applying to be relative foster parents
P - I/we are applying to be family day care providers or are persons eighteen years old or older in the home of such applicants
Q - I/we are applying to be group family day care providers or assistants to such providers
N - An applicant for a license to operate a day care center (to be submitted by authorized licensing agency only).
M - A Director of a summer camp, overnight camp, day camp or traveling day camp
E - A current employee

CLEARANCE LIAISON

-Record the name of the person who will be the contact person at the agency/center/facility for the SCR, This person should be prepared to answer questions regarding submitted clearances.

-Please Note: A clearance liaison cannot receive his/her own or any other family members clearance response back. In those instances, another liaison must be designated to receive his/her response. (i.e. sponsoring board etc.)

-Record your liaison's area code/phone number

-Record your liaison's agency name, address, city, state and zip code

The clearance liaison is expected to review the DSS-3370 form for completeness, accuracy and legibility. Illegible or deficient forms will be returned.

MAIDEN NAME/ALIAS CLARIFICATION

If the applicant HAS NEVER been known by any other name put an (X) in the appropriate box. If the applicant HAS EVER been known by any other name, nickname, alias, maiden or previous married names, then leave the box blank.

APPLICANTS DEMOGRAPHIC INFORMATION AREA

INDIVIDUAL IDENTIFIER

Code each individual name listed on the form as follows:

A= Applicant(s) (at least one person must be so designated as an applicant).
NOTE:
When a clearance form is processed for prospective adoptive parents or foster parents and two parents are in the household, both are to be listed and are to sign as applicant. If both spouses are co-applicants for family day care, both individuals are designated as applicants and both must sign the form.

M= Maiden name/and alias name. This must be completed for every applicant (A). Record all previous (married) names used. If none exist leave area blank and record (X) in designated area.

E= Eighteen years old and over members of household. (NOTE: only when the clearance categories are prospective foster parents/relative foster parents, prospective provider of family day care or family care homes.

F= Family member

O= Other household member (e.g. roommate, boarder).

NAMES, RELATIONSHIP, SEX DATE OF BIRTH

Complete section accordingly. Make sure first names, last names, and maiden/alias names are recorded for all members of the household.

-Record the sex of household members by putting an "X" under male/female.

-Record date of birth for all members of household.

-Record relationship to applicant for all members of household. e.g. self, husband, son, daughter, granddaughter, etc.

N.B. Make sure there are DOB's for everyone listed. Ages alone are not acceptable. Every field or area must be completed where appropriate or the form will be returned.

ADDRESS/ADDRESSES:

Must include current address and any other addresses at which applicant(s) has resided since 1973. Please include street, city, state (also zip code) for each address. Additional spaces are on the reverse of form.

-Incomplete addresses are not acceptable

-Unspecified dates of addresses are not acceptable.

Example: (Acceptable standard) Current Address: 40 N. Pearl St. Albany, NY 12243 from 1984-present.
Previous address: 90 S. Pearl St. Albany, NY from 1978-1984.

-Deficiencies in the address section will result in forms being returned.

SIGNATURES:

The liaison is expected to ensure that all appropriate applicants and persons 18 years old and over in the home of applicants for foster care, family day care and family care homes sign and date the clearance form.

If there is only one applicant - only one signature is needed.

Sign in the area designated, Applicants Signature.

If there are two applicants, each should sign in the designated area.

If an applicant is unable to sign, due to any handicapping condition, then have them sign to the best of their ability or an (X) will do. In those instances, this must be witnessed by agency personnel. Witness must sign to verify this.

Applicant's legal name (located in the demographic area) must match applicant's legal signature (located in signature area). This is to insure that the computer generated letter will be correct.

For foster parent applications (W) + (R) and family day care applications (P), those persons eighteen years old or over must sign in the designated area(s) (eighteen years old or over).

If more spaces are needed for signatures sign on the bottom of the form or the back of the form.

CLEARANCE RESPONSES

The State Central Register will respond to the clearance request by notifying the inquiring agency that the Register does/does not find the person(s) screened to be the subject of an indicated report of child abuse/maltreatment as defined under the limitations of Section 424-a. (See attachment - DO/DO NOT).

Furthermore, if the person(s) screened is found to be the subject of an indicated report, the SCR will forward notice of this finding to the subject at his/her home address. (See attachment/Letter to Subject).

QUESTIONS

All questions regarding the completion of the clearance forms should be directed to Kim Bowler, NYS Child Abuse/Maltreatment Register at 1-800-342-3715 ext. 3-8960.

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

CESAR A. PERALES
COMMISSIONER

ATTACHMENT F (1)

JULY 24, 1990

RE: XXXXXXX XXXXXXXX (A)

TRAINING EXAMPLE

DEAR
XXXXX

PURSUANT TO SECTION 424-A OF THE SOCIAL SERVICES LAW WHICH PROVIDES ACCESS TO THE NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT BY LICENSING OF PROVIDER AGENCIES, YOUR LETTER OF INQUIRY HAS BEEN RECEIVED.

ON SCREENING THE REGISTER'S RECORDS WE DO NOT FIND THE ABOVE MENTIONED INDIVIDUAL TO BE THE SUBJECT OF AN INDICATED CASE OF CHILD ABUSE AND MALTREATMENT AS DEFINED UNDER THE LIMITATIONS OF SECTION 424-A.

TRAINING EXAMPLE

IF YOU HAVE ANY QUESTIONS IN CONNECTION WITH THIS INFORMATION, PLEASE CONTACT MYSELF OR THE CLEARANCE SUPERVISOR AT THIS ADDRESS OR BY TELEPHONE (1-800-342-3715, EXT. 6-5131).

SINCERELY,

JOHN H. [illegible]
ASSISTANT DIRECTOR
DISPOSITIONS
STATE CENTRAL REGISTER

TRAINING EXAMPLE

424DNL/PRD

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

CESAR A. PERALES
COMMISSIONER

ATTACHMENT F (2)

JULY 24, 1990

TRAINING EXAMPLE

RE: XXXXX XXXXXXX (E)
(FILE RE: XXXXX XXXXXXX (A))

DEAR :
XXXX

PURSUANT TO SECTION 424-A OF THE SOCIAL SERVICES LAW WHICH PROVIDES ACCESS TO THE NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT BY LICENSING OR PROVIDER AGENCIES, YOUR LETTER OF INQUIRY HAS BEEN RECEIVED.

TRAINING EXAMPLE

ON SCREENING THE REGISTER'S RECORDS WE DO NOT FIND THE ABOVE MENTIONED INDIVIDUAL TO BE THE SUBJECT OF AN INDICATED CASE OF CHILD ABUSE AND MALTREATMENT AS DEFINED UNDER THE LIMITATIONS OF SECTION 424-a. THE NAME THAT APPEARS IN THE "FILE RE:" SECTION ABOVE IS FOR REFERENCE PURPOSES ONLY.

IF YOU HAVE ANY QUESTIONS IN CONNECTION WITH THIS INFORMATION, PLEASE CONTACT MYSELF OR THE CLEARANCE SUPERVISOR AT THIS ADDRESS OR BY TELEPHONE (1-800-342-3715, EXT. 6-5131).

SINCERELY,

TRAINING EXAMPLE

JOHN M. SULZMAN
ASSISTANT DIRECTOR
PROPOSITIONS
STATE CENTRAL REGISTER

424DNL/PRD

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

CESAR A. PERALES
COMMISSIONER

ATTACHMENT G (1)

JULY 24, 1990

TRAINING EXAMPLE

RE: XXXXXX XXXXXXX (A)

DEAR
XXXX

AN INQUIRY HAS BEEN MADE TO DETERMINE WHETHER THE ABOVE NAMED INDIVIDUAL IS THE SUBJECT OF AN INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT ON FILE WITH THE NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT.

TRAINING EXAMPLE

ON SCREENING THE REGISTER'S RECORDS, WE DO FIND HIM/HER TO BE THE SUBJECT OF AN INDICATED REPORT OF CHILD ABUSE AND/OR MALTREATMENT, AND HAVE SO INFORMED THE INDIVIDUAL.

IF YOU HAVE ANY QUESTIONS IN CONNECTION WITH THIS INFORMATION, PLEASE CONTACT MYSELF OR THE CLEARANCE SUPERVISOR AT THIS ADDRESS OR BY TELEPHONE (1-800-342-3715, EXT. 6-5131).

SINCERELY,

TRAINING EXAMPLE

JOHN J. SULLIVAN
ASSISTANT DIRECTOR
DISPOSITIONS
STATE CENTRAL REGISTER

434ADL/PRD

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

CESAR A. PERALES
COMMISSIONER

ATTACHMENT G (2)

JULY 24, 1990

XXXXXX XXXXXXX
XXXXXXXX XXXX
XXXXXX , XX 11111

TRAINING EXAMPLE

FAC: XXXX

AT THE REQUEST OF THE ABOVE NAMED AGENCY, AN INQUIRY HAS BEEN MADE TO DETERMINE WHETHER YOU ARE THE SUBJECT OF AN INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT ON FILE WITH THE NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT.

TRAINING EXAMPLE

ON SCREENING THE REGISTER'S RECORDS, WE FIND YOU TO BE THE SUBJECT OF AN INDICATED CASE OF CHILD ABUSE AND/OR MALTREATMENT, AND HAVE BEEN INFORMED THE AGENCY.

IT IS SUGGESTED THAT YOU REVIEW FORM DSS-3371, "NOTIFICATION OF SECTION 424-A PROCEDURES", WHICH WAS PROVIDED TO YOU BY THE AGENCY WHICH MADE THE INQUIRY.

SINCERELY,

TRAINING EXAMPLE

SANFORD R. BERMAN
DIRECTOR
STATE OPERATIONS
STATE CENTRAL REGISTER

424IDL/FRD

Evaluating Applicants/Employees who are the Subject of Indicated Report(s) of Child Abuse and Maltreatment

The purpose of these guidelines is to provide guidance to provider and licensing agencies which have the responsibility for the care and protection of children, in evaluating persons who are the subject of an indicated child abuse and maltreatment report on file with the State Central Register of Child Abuse and Maltreatment (SCR). Appendix III contains the definition of provider agency and licensing agency.

These guidelines were developed as a result of the addition of Section 424-a(5) to the Social Services Law by Chapter 677 of the Laws of 1985, which along with Chapter 676 has been titled the Child Abuse Prevention Act of 1985.

In 1980, the Legislature first recognized that additional safeguards were necessary to protect children residing in out of home settings by enacting Section 424-a of the Social Services Law. This Section requires the screening of foster care, adoption, and residential child care worker applicants with the SCR. Subsequent amendments to Section 424-a of the Social Services Law have broadened the scope of who must and who may be screened with the SCR.

Since the enactment of Section 424-a of the Social Services Law questions have been raised by screening agencies pertaining to the following:

- what is contained in a record of child abuse and maltreatment?;
- what is the impact on a person who has a record of child abuse and maltreatment?; and
- how do agencies proceed in evaluating an applicant or employee who is the subject of an indicated report(s) of child abuse and maltreatment?

These guidelines are intended to assist agencies in the evaluation of applicants or employees by addressing the above questions and by covering the following topics:

(A) programs and persons covered by these guidelines
(B) steps in the clearance process
(C) initial evaluation of applicant or employee
(D) access to child abuse and maltreatment report(s)
(E) factors to consider in assessing an applicant's or employee's risk to children
(F) application or employment decision

(A) Programs and Persons Covered by these Guidelines

These guidelines are to provide guidance to licensing agencies in their evaluation of persons who are the subjects

of indicated child abuse and maltreatment reports and who apply to such agencies for a license, certificate, permit, or approval to be:

- adoptive parent(s);
- foster parent(s) subject to jurisdiction of the Division for Youth or the regulations of the Department of Social Services;
- a provider of day care services in a day care center, family day care home or group family day care home;
- a director of an overnight camp for children, a summer day camp for children, or a traveling summer day camp for children.

The guidelines must also be used by provider agencies to evaluate the following persons who will or have the potential for regular and substantial contact with children who are cared for by provider agencies:

- applicants for employment; and
- persons employed by an individual, corporation, partnership, or association which provides goods or services to such agency.

Additionally, these guidelines are intended to provide guidance to provider agencies in their evaluation of persons who are the subjects of indicated child abuse and

maltreatment reports, when such agencies have chosen to screen the following persons who have the potential for regular and substantial contact with children who are cared for by the provider agency:

- current employees;
- prospective volunteers; and
- prospective consultants.

Appendix 1 provides a complete list of the types of agencies and categories of positions to which these guidelines apply.

(B) Steps in the Clearance Process

The clearance process itself follows these prescribed steps:

1) Clearance form completion

a) The applicant/employee completes the designated sections of the DSS-3370 State Central Register Clearance Form.

b) The agency representative completes the designated sections of the DSS-3370 and checks the entire form for completeness.

Further instructions for form completion are provided in "Operating Instructions for State Central Register Clearance Form" which accompanies these guidelines.

The applicable notification (DSS 3371A or DSS 3371B Notification of Social Services Law 424-a Procedures) must be provided to those persons who will be screened with the SCR.

2) Completed clearance forms

Agency submits completed clearance forms as follows:

a) All clearance forms except those of foster care applicants are submitted directly to the SCR;

b) Clearance forms for foster care/approved relative foster care are submitted to Services Information Systems for processing and then forwarded by Services Information Systems to the SCR.

3) SCR data base check and record review

a) The information provided on the clearance forms is screened against the SCR database. A computer generated listing of possible matches is produced and analyzed by child protective specialists in order to determine whether the applicant(s), employee or those persons eighteen years of age or over in the household of a person who applies to

be a foster parent or provide family day care services, is the subject of an indicated report of child abuse or maltreatment.

b) In those cases in which such a determination is made, further review of records, including local district records, is conducted in order for the SCR to make the following determinations:

- whether there is some credible evidence to find that the subject committed the act or acts of child abuse or maltreatment giving rise to the indicated report; and
- whether such act or acts could be relevant and reasonably related to employment of the subject of the report by a provider agency or relevant and reasonably related to the approval or disapproval of an application submitted by the subject of the report to a licensing agencies.

4) <u>SCR Notifications</u>

The SCR responds to clearance inquiries by notifying inquiring agencies either:

(a) the person(s) about whom the clearance inquiry is made is not the subject of an indicated report (pursuant to SSL 424-a) whenever:

- no matches are found OR
- where there is a match but the SCR review determines no credible evidence exists OR
- where the SCR determines there is some credible evidence, and further review determines that the act(s) committed by the subject of the report are not relevant and reasonably related to employment by provider agencies or approval or disapproval of applications by licensing agencies.

(b) the person(s) about whom the clearance inquiry is made is the subject of an indicated report (pursuant to SSL 424-a) whenever:

- there is a match AND
- SCR review determines some credible evidence AND
- SCR review determines that the act(s) are relevant and reasonably related to employment by provider agencies or approval or disapproval of applications by licensing agencies.

Where all of the criteria in (b) above are met the SCR also notifies the subject of the report that such identification has been made and that the inquiring agency has been so notified. [Agency and subject notification letters accompany these guidelines.]

(C) Initial Evaluation of Applicant or Employee

Upon receiving notice from the State Central Register that an applicant or employee for whom a clearance was conducted is the subject of an indicated report, the following process should be completed.

(1) Designate an individual to discuss with the person:

(a) the nature of the incident(s) which resulted in the indicated report(s) (i.e., seriousness of abuse and/or maltreatment committed and the circumstances surrounding the incident(s);

(b) the length of time which has elapsed since the incident occurred.

The designated person must compile a written statement concerning the applicant's or employee's responses to such questions.

(2) Based upon what is learned from the applicant or employee in (1) the agency is to make one of two decisions:

(a) Deny the application or discharge the employee and furnish the applicant or employee a written statement setting forth whether the denial was based in whole or in part, on such indicated report(s), and if so, the reasons for denial. The person must be informed by the agency that he or she has a right to request a fair hearing before the New York State Department of Social Services regarding the record maintained by the State Central Register. (DSS 3374 Notification of Right to Fair Hearing Under Section 424-a of the Social Services Law must be provided to such persons.)

(b) Continue to consider the person by reviewing and evaluating the contents of the indicated child abuse and maltreatment report(s) contained within the SCR pertaining to the applicant or employee.

(D) <u>Access to SCR Child Abuse and Maltreatment Reports</u>

A person should not have his application approved nor should a person be retained as an employee when the granting of access to children cared for by the agency

would involve an unreasonable risk to the safety or welfare of children under his/her care. An indicated finding of child abuse or maltreatment may have a direct bearing on a person's fitness to perform the necessary duties and responsibilities of the child care related position. Therefore, the agency should obtain and review copies of such report(s) if it is considering hiring a person or approving an application of a person who is the subject of a child abuse or maltreatment report. Likewise, provider agencies should obtain copies of the reports and review the report(s) when deciding whether to retain an employee.

For an agency to receive the report(s) directly from the SCR it is necessary to obtain from the subject of a report a signed authorization for release of information (see Appendix II). This Appendix contains model language and format for this request. A signed authorization for release of information should be submitted to:

New York State Department of Social Services
40 North Pearl Street
Albany, New York 12243
Attn: State Central Register

The applicant's or employee's failure to authorize the release of information may be sufficient reason for the denial of the application and may be grounds for the termination of employment of a current employee. An employee's refusal to authorize the release of information

should be handled in a manner consistent with appropriate collective bargaining agreements and applicable provisions of the Civil Service Law.

Upon receipt of a signed authorization for release of information, the SCR will respond directly to the agency's request for information by forwarding copies of reports, pertaining to the applicant or employee, on file with the SCR. The reports will contain the category of abuse or maltreatment that was alleged to have occurred, a narrative summary of investigative findings, and any continuing service update reports on file.

(E) Factors to Consider in Assessing an Applicant's or Employee's Risk to Children

The agency must determine, on the basis of the available information, whether to approve an application of a person or retain a person who is the subject of an indicated report. In making such a determination, the following factors should be considered, although not all factors will be relevant to each particular case:

(1) the seriousness of the incident(s) cited in the indicated report(s);

(2) the seriousness and extent of any injury sustained by the child(ren) named in the indicated report(s);

(3) any detrimental or harmful effect on the child as a result of the applicant's or employee's actions or inactions and relevant events and circumstances surrounding these actions and inactions as these relate to the indicated report(s);

(4) the age of the subject and child at the time of the incident(s) of child abuse and maltreatment;

(5) the time which has elapsed since the most recent incident of child abuse and maltreatment;

(6) the number of indicated incidents of abuse and maltreatment; (Where there is more than one substantiated incident, you should evaluate each incident separately. You should also evaluate the total effect of all the indicated incidents when assessing the risk the person might pose to the safety and well-being of the children.)

(7) the degree to which the position entails supervision of, interaction with, and/or opportunity to be with a child or children on a regular and substantial basis and whether the position may involve being alone with a child or children or in the presence of other adults;

(8) any information produced by the applicant or employee or produced on his behalf in regard to his rehabilitation. Rehabilitation is a showing by the applicant or employee of positive and successful efforts to rectify a problem which resulted in child abuse or maltreatment so that children under his or her care will not be in danger. In finding rehabilitation it should be shown:

(a) that acts of child abuse and maltreatment apparently have not been repeated;

(b) that evidence exists of actions taken by the person which show that he or she is now able to deal positively with a situation or problem that gave rise to the previous incident(s) of child abuse and maltreatment; and

(c) when relevant, that professional treatment e.g. counselling or self-help groups) has been successful.

(9) that employment or practice in child care field has been successful.

10) although, as earlier stated, each report must be carefully reviewed <u>extra</u> weight and scrutiny must be given to a report(s) where the abuse or maltreatment resulted in a fatality, sexual

abuse, subdural hematoma, internal injuries, extensive lacerations, bruises, welts, burns, scalding, malnutrition or failure to thrive.

(F) **Application or Employment Decision**

The decision of whether to approve an application of a person or retain a person who is the subject of an indicated SCR report(s) should be made on a case by case basis utilizing the above guidelines. Before approving an application of a person or retaining a person who is the subject of an indicated SCR report(s), the agency should carefully analyze whether the relevant facts demonstrably justify approving the application of a person or retaining an employee.

When an agency's decision is to approve an application or retain an employee the agency is to prepare a written analysis which becomes part of the agency personnel or applicant file. The analysis must include:

(1) relevant information as to each of the guideline factors contained in this document; and

(2) an explanation of why such person was determined to be appropriate and acceptable to have regular and substantial contact with children being cared for by the agency or determined appropriate and acceptable to be licensed by the agency.

If the decision after the agency review is not to approve an application of a person or retain an employee then the process set forth in Section C(2)(a) of these guidelines is to be followed.

It must be recognized that the Child Abuse and Maltreatment Register screening process is just one component of the inquiry and evaluation which must occur during the application process. The clearance procedures should therefore be viewed as an aid in making the best possible decision regarding an application or employee and not as the solution in preventing the abuse or maltreatment of children in your care. Just as the Child Abuse Prevention Act of 1985 requires these guidelines to be implemented to assist licensing and provider agencies in evaluating applicants with indicated reports of child abuse and maltreatment, these agencies must also review and evaluate an applicant's background and information supplied by the applicant. The agency must review the applicant's employment history, personal and employment references, and must obtain a signed sworn statement indicating whether to the best of the applicant's knowledge, the applicant has ever been convicted of a crime in this state or any other jurisdiction.

All information regarding an individual's indicated report of child abuse and maltreatment is confidential and must be maintained in a secure manner. Such information is only to be shared with the individual(s) it relates to, and those persons involved in the employment or licensing decision-making process. According to Section 422.4 of the Social Services Law "... A person given access to the names or other information identifying the subjects of the report or other persons named in the report, except the subject of the report or other persons named in the report shall not divulge or make public such identifying information...".

Decisions concerning the approval of applicants and the retention of employees rest with you, and knowledge that an applicant or employee is the subject of an indicated child abuse or maltreatment report(s) needs to be carefully weighed in making such decisions. The safety and well-being of the children should be the primary concern in the decision making process but the rights of applicants and employees to fair decisions should also receive consideration.

This guideline is effective January 1, 1986. Additionally, as provided in Section 424-a(5)(b) of the Social Services Law, this guideline shall not supersede similar guidelines developed by local governmental agencies prior to January 1, 1986.

Appendix I - **Application of SSL 424-a-Screening Guidelines**

Local District

° persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency: *

- applicants for employment (required screening)
- current employees (permissive screening)
- prospective volunteers/prospective consultants (permissive screening)
- employees of providers of goods and services (required screening)

Foster Care

° applicants to be foster parent(s) (required screening)
° applicants to be approved (relative) foster parents (required screening)
° persons age 18 and over in the home of applicants to be foster parents or approved (relative) foster parents (required screening)

Adoption

° applicants to be adoptive parents (required screening)

Day Care (Family)

° applicants to be family day care providers (required screening)
° persons age 18 and over in the home of family day care providers (required screening)

Voluntary Child Caring Agencies

Foster Care Agency

° persons in the following positions who have or will have the potential for regular and substantial contact with children who are cared for by the agency: *

- applicants for employment (required screening)
- current employees (permissive screening)
- employees of providers of goods and services (required screening)
- prospective volunteers/prospective consultants (permissive screening)

- applicants to be foster parents (required screening)
- applicants to be approved (relative) foster parents (required screening)
- persons age 18 and over in the home of applicants to be foster parents or approved (relative) foster parents (required screening)

Adoption Agency

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency: *
  - applicants for employment (required screening)
  - current employees (permissive screening)
  - prospective volunteers/prospective consultants (permissive screening)
  - employees of providers of goods and services (required screening)
- applicants to be adoptive parents (required screening)

Day Care (Family)

- applicants to be family day care providers (required screening)
- persons age 18 and over in the home of family day care providers (required screening)

Day Care (Center)
(including Head Start)

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency: *
  - applicants for employment (required screening)
  - current employees (permissive screening)
  - employees of providers of goods and services (required screening)
  - prospective volunteers/prospective consultants (permissive screening)

NYSDSS (Regional Office)

- applicants for license to operate a day care center (required screening)

- applicants to be family day care or group family day care providers (required screening)
- persons age 18 and over in the home of family day care providers (required screening)
- applicants to be assistants to group family day care providers (required screening)

Division For Youth

Division staff and programs

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency: *
  - applicants for employment (required screening)
  - current employees (permissive screening)
  - employees of providers of goods and services (required screening)
  - prospective volunteers/prospective consultants (permissive screening)
- applicants to be foster parents (required screening)
- persons age 18 and over in the home of applicants to be foster parents (required screening)

Juvenile Detention Facilities

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency: *
  - applicants for employment (required screening)
  - current employees (permissive screening)
  - employees of providers of goods and services (required screening)
  - prospective volunteers/prospective consultants (permissive screening)

Runaway/Homeless Youth Facilities

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency: *
  - applicants for employment (required screening)
  - current employees (permissive screening)
  - employees of providers of goods and services (required screening)
  - prospective volunteers/prospective consultants (permissive screening)

Health Department or County/Local Public Health

- Director, Overnight Summer Camp (required screening)
- Director, Summer Day Camp (required screening)
- Director, Traveling Summer Day Camp (required screening)

The State Education Department

New York State School for the Blind or New York State School for the Deaf (State Operated Schools)

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency:*

  - applicants for employment (required screening)
  - current employees (permissive screening)
  - prospective volunteers/prospective consultants (permissive screening)
  - employees of providers of goods and services (required screening)

Instruction for the Deaf and the Blind (State Supported Schools)

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency:*

  - applicants for employment (required screening)
  - current employees (permissive screening)
  - prospective volunteers/prospective consultants (permissive screening)
  - employees of providers of goods and services (required screening)

Approved Private Residential School for Special Education Service

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency:*

  - applicants for employment (required screening)
  - current employees (permissive screening)
  - prospective volunteers/prospective consultants (permissive screening)
  - employees of providers of goods and services (required screening)

Special Act Schools

- persons in the following positions who have or will have the potential for regular and substantial contact with children cared for by the agency:*
  - applicants for employment (required screening)
  - current employees (permissive screening)
  - prospective volunteers/prospective consultants (permissive screening)
  - employees of providers of goods and services (required screening)

Department of Health (NYC)

- applicants for license to operate a day care center (required screening)
- applicants to be family day care providers (required screening)

* **Note:**

For purposes of Section 424-a of the Social Services Law, the term "children who are cared for by the agency" means children who receive services from provider agencies. Such services could include but are not limited to custodial services such as foster care, day care, adoption services plus any other services provided by a provider agency. The other services could include but are not limited to protective services, educational, transportation, and health services.

Appendix II

MODEL
Authorization For Release of Information

Agency Letterhead

I, hereby request and authorize the New York State Child Abuse and Maltreatment Register to furnish (name of agency) with all reports contained within the New York State Child Abuse and Maltreatment Register in which I was named as the subject of a report.

I was recently identified as a subject of an indicated report of child abuse/maltreatment in accordance with the screening provisions of Section 424-a of the Social Services Law.

Please send all information to
at the above address at your earliest convenience.

Appendix III **Definitions**

Provider agency:

Section 424-a(3) of the Social Services defines a "provider agency" as an authorized agency, the division for youth, juvenile detention facilities subject to the certification of such division, programs established pursuant to article 19-H of the executive law, and licensed day care centers, including head start programs which are funded pursuant to title V of the federal economic opportunity act of nineteen hundred sixty-four, as amended, special act school districts as enumerated in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended, and residential schools which are operated, supervised or approved by the education department.

Licensing agency:

Section 424-a(4) of the Social Services Law, defines a "licensing agency" as an authorized agency which has received an application to become an adoptive parent or an authorized agency which has received an application for a certificate or license to receive, board or keep any child pursuant to the provisions of section three hundred seventy-six or three hundred seventy-seven of this article or an authorized agency which has received an application from a relative within the second degree or third degree of the parent of a child or a relative within the second degree or third degree of the step-parent of a child or children, or the child's legal guardian for approval to

receive, board, or keep such child or an authorized agency or state or local governmental agency which receives an application to provide day care services in a day care center, family day care home or group family day care home pursuant to the provisions of section three hundred ninety of this article, or the department of health of the city of New York, when such department receives an application for a certificate of approval to provide family day care pursuant to the provisions of the health code of the city of New York, or a state or local governmental official who receives an application for a permit to operate a camp which is subject to the provisions of article thirteen-A, thirteen-B or thirteen-C of the public health law or the division for youth which has received an application for a certificate to receive, board or keep any child at a foster family home pursuant to the provisions of subdivision seven of section five hundred one, section five hundred two or subdivision three of section five hundred thirty-two-a of the executive law.

Subject of the report:

Section 412.4 of the Social Services Law, defines "subject of the report as "... any parent of, guardian of, custodian of or other person eighteen years of age or older legally responsible for, as defined in subdivision (g) of section one thousand twelve of the family court act, a child reported to the central register of child abuse and maltreatment who is allegedly responsible for

causing injury, abuse or maltreatment to such child or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child, or an operator of or employee or volunteer in a home operated or supervised by an authorized agency, the division for youth, or an office of the department of mental hygiene or in a family day-care home, a day-care center, a group family day care home or a day-services program who is allegedly responsible for causing injury, abuse or maltreatment to a child who is reported to the central register of child abuse or maltreatment or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child;"