I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform local departments of social services (LDSSs) of the procedures for conducting first-level database checks or clearances under section 424-a of the Social Services Law (SSL) through the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). The SCR is the only entity authorized to process first-level clearances.
II. Background

In 96-LCM-29, the New York State Office of Children and Family Services (OCFS) informed LDSSs that they could choose to assume responsibility of screening prospective foster parents, adoptive parents, or child care employees via a first-level clearance to determine whether they were subjects of an indicated report of child abuse or neglect.

In 2010, OCFS began a phased implementation of the Online Clearance System (OCS) and subsequently advised LDSSs that all required database checks conducted pursuant to section 424-a of the SSL were to be processed through that system going forward. The OCS is a web-based application that supports the mandate under section 424-a of the SSL to ask the SCR about the existence of any reports of child abuse/maltreatment indicated against an applicant prior to employment, or approval as foster/adoptive parents for licensure. The OCS process also provides for the proper initiation of all required due process rights for persons subject to such database checks. All notifications or response letters to the LDSS from the SCR regarding the requested clearance are transmitted through the OCS as well.

OCFS has become aware that some LDSSs have continued to process first-level SCR clearances without using the OCS. This LCM is to remind LDSSs that this is not an allowed practice. This LCM cancels 96-LCM-29 and any associated memoranda of understanding giving LDSSs authority to conduct such clearances, including but not limited to conducting a person search through CONNECTIONS.

This LCM removes the authority for the LDSSs to process first-level SCR clearances without using the OCS.

III. Program Implications

LDSSs must submit all SCR clearances to the SCR utilizing the OCS. Use of the OCS does not substitute for any other required tracking or documenting of database check submissions and the SCR response letters under statutory or regulatory standards for employment, approval, certification, or licensing. LDSSs continue to be required to retain copies of response letters in personnel files and foster/adoptive parent files.

To obtain additional information about the OCS, LDSS staff can send an email to the user assistance mailbox at: ocfs.sm.ocs.user.assistance@ocfs.ny.gov.

IV. Contacts

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/s/ Lisa Gharney Ogundimu

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