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Administrative Directive

Transmittal:	09-OCFS-ADM-18
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies Adoption Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	October 8, 2009
Subject:	Live Scan Technology for Fingerprinting Foster and Adoptive Applicants
Suggested Distribution:	Directors of Services Child Protective Services Supervisors Foster Care Supervisors Adoption Supervisors Homefinding Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators
Contact Person(s):	Any questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services: Buffalo Regional Office – Mary Miller (716) 847-3145 Mary.Miller@ocfs.state.ny.us Rochester Regional Office – Linda Kurtz (585) 238-8201 Linda.Kurtz@ocfs.state.ny.us Syracuse Regional Office – Jack Klump (315) 423-1200 Jack.Klump@ocfs.state.ny.us Albany Regional Office – Kerri Barber (518) 486-7078 Kerri.Barber@ocfs.state.ny.us Spring Valley Regional Office – Pat Sheehy (845) 708-2498 Patricia.Sheehy@ocfs.state.ny.us NYC Regional Office – Patricia Beresford (212) 383-4873 Patricia.Beresford@ocfs.state.ny.us Native American Services – Kim Thomas (716) 847-3123 Kim.Thomas@ocfs.state.ny.us Out-of-State – Michelle Rafael (518) 474-4352 Michelle.Rafael@ocfs.state.ny.us

Attachments:	Attachment 1: Notice Regarding Fingerprinting Requirements (revised 10/2009) - English Attachment 1a: Notice Regarding Fingerprinting Requirements (revised 10/2009) - Spanish Attachment 2: Request for NYS Fingerprinting Services - <i>Information Form</i> [OCFS-4930ASFA (8/2009)] – English Attachment 2a: Request for NYS Fingerprinting Services - <i>Information Form</i> [OCFS-4930ASFA-S (8/2009)] – Spanish
Attachment Available Online:	Request for NYS Fingerprinting Services - <i>Information Form</i> (Eng. & Sp.) http://www.ocfs.state.ny.us/main/forms http://ocfs.state.nyenet/admin/Forms Click “Adoption” or “Foster Care”

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
08 OCFS ADM-06 07 OCFS ADM-01		18 NYCRR Parts 421 and 443	SSL 378-a (2)		

I. Purpose

The purpose of this Administrative Directive (ADM) is to announce the policy modification and changes in procedures concerning the method by which fingerprints will be taken and submitted by social services districts (districts) and voluntary authorized agencies, including in-state and out-of-state adoption agencies. Effective October 9, 2009, all foster and adoptive parent applicants and all other household members over the age of 18 will be directed to a contractor site for the purpose of taking fingerprints using a digitized method called Live Scan. This will replace the traditional ink-and-roll process formerly used.

II. Background

The New York State Division of Criminal Justice Services (DCJS) has entered into a contractual agreement with L-1 Identity Solutions (hereinafter known as L-1) to provide electronic fingerprinting processing services on a statewide basis for all individuals requiring a criminal background check. The Office of Children and Family Services (OCFS) is one of the largest contributors of civil processing of fingerprints to DCJS. Together with the New York State Department of Health, Department of Motor Vehicles and Department of State, OCFS has agreed to be among the first agencies to participate in this endeavor. Effective in 2011, DCJS and the Federal Bureau of Investigation (FBI) will no longer accept paper processing of fingerprints.

III. Program Implications

This fingerprint solution will enable districts and voluntary authorized agencies some workload relief for those staff members currently devoted to taking prints via the more traditional ink-and-roll process. Additionally, it will provide faster results decreasing the time it takes for mailing the prints and manually processing the demographic data from several weeks down to days. Automated electronic processing greatly reduces the rejection rate of fingerprints and the need to recall applicants to retake fingerprints. The technology is designed to immediately detect problem prints so that fingerprints can be redone while the applicant is present at the initial appointment. This process will help districts claim federal funds for eligible foster homes in a more timely manner. Districts and voluntary authorized agencies are reminded that federal Title IV-E funding is not available for an otherwise Title IV-E eligible foster child unless and until the foster home is fully certified or approved, and a foster home cannot be fully certified or approved until the criminal history record check has been completed.

Out-of-state authorized adoption agencies must use the procedure set forth in this directive for persons residing in New York State.

IV. Required Action

The following reflects the procedure that must be followed on or after October 9, 2009, for fingerprinting any applicant for certification or approval as a foster or adoptive parent and all other persons over the age of 18 who reside in the home of the applicant.

Except as expressly stated in this release, the policies and standards set forth in OCFS directive 08-OCFS ADM-06 Criminal History Record Checks and Mandatory Disqualifying Crimes (Foster and Adoptive Parents) remain in effect. Attachment 1 contains the Notice Regarding Fingerprinting Requirements (Revised 10/2009) in English and Spanish and Attachment 2 is the new Request for NYS Fingerprinting Services – Information Form (OCFS-4930 (8/2009), both of which must be provided to the person applying to be certified or approved as a foster or adoptive parent. It is recommended that copies of these forms be given to applicants at the time the foster care or adoptive parent application is provided. The district or voluntary authorized agency must provide each person to be fingerprinted with instructions on how to complete the Request for NYS Fingerprinting Services – Information Form. This form is pre-filled with the OCFS originating agency code used by DCJS and the FBI. You will need to provide certain information to the applicants to further complete the form such as your Agency ID number, Additional Agency ID information used, Agency Name and Address, and the CONNECTIONS Home Resource ID # and Person ID #, if applying for foster care. You may wish to pre-fill your agency ID number and name and address. Additional copies are available on the OCFS website at www.ocfs.state.ny.us/main/forms.

Districts and voluntary authorized agencies must provide the following additional instructions to all foster and adoptive parent applicants and household members over the age of 18. They must be instructed to schedule an appointment with L-1 either by using its website www.L1enrollment.com or by calling 1-877-472-6915. Applicants will be able to select a location closest to their home or place of employment. L-1 offers extended daily hours and weekend services at most locations throughout the state.

Each person to be fingerprinted must bring to the scheduled appointment the Request for NYS Fingerprinting Services – Information Form as well as two (2) forms of ID, at least one of which must have a photo, (see page 2 of the form for acceptable forms of ID) in order to have his/her fingerprints taken at no cost to such person. The vendor will charge a fee of \$11.50 (initially, subject to small semiannual changes based on volume) for the fingerprinting service, the DCJS fee of \$75 and the FBI fee of \$19.25. All of these fees will be billed to OCFS on a monthly basis. Failure to provide the Information Form may result in a charge of these fees to the person to be fingerprinted, or denial to take prints at the scheduled appointment time. Each person appearing without the form and acceptable IDs will be directed back to the district or voluntary authorized agency for further instructions.

This change in processing does not require any individual previously cleared to have his/her prints redone. Fingerprints already in process on the effective date should be submitted to OCFS using the pre-paid mailing envelopes. It is not necessary to direct individuals who were recently fingerprinted by districts, voluntary authorized agencies, or police precincts to have their prints redone via Live Scan. OCFS will continue to process cards received in-house until the current backlog of incoming cards is completed or until December 31, 2009.

It is recommended however, that any individual who has not been cleared because his/her fingerprints were rejected either by OCFS, DCJS or the FBI under the pre-Live Scan process should be directed to the contractor for resubmission. This will allow the resubmitted prints to be processed in the shortest time possible and avoid possible further rejection.

For hard-to-print applicants and household members over the age of 18 who suffer disabling conditions that prevent them from leaving the home, may need to be printed in the traditional format of ink-and-rolled prints. Those fingerprints should be forwarded to L-1 at the following address:

**L-1 Identity Solutions, Inc
1650 Wabash Avenue, Suite D
Springfield, IL 62704**

As a reminder, the “Acknowledgement and Consent Form for Fingerprinting and Disclosure of Criminal History Record Information” applicable only to applications for certification or approval submitted to a voluntary authorized agency continues to be in effect as directed in 08-OCFS ADM-06. This form must be completed and signed by each applicant and household member over the age of 18, and sent directly to OCFS by the voluntary authorized agency. OCFS cannot release the results of the criminal history as reported by the FBI to a non-public agency unless and until a signed consent form is on file with OCFS. L-1 does not accept consent forms.

V. Systems Implications

Until further notice, districts and voluntary authorized agencies are instructed to discontinue the use of the Notice of Fingerprinting Requirements (English/Spanish) generated by CONNECTIONS (FAD Module). At a later time, the form currently available on the CONNECTIONS system will be disabled and the newly revised form attached to this directive will again become available for system generation. Until such time as that can be accomplished, the attached form should be used in hard-copy format. The consent form for use by voluntary authorized agencies remains unchanged and continues to be available on CONNECTIONS.

VI. Effective Date

This ADM is effective on October 9, 2009.

/s/ Nancy W. Martinez

Issued By:

Name: Nancy W. Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development