



# Office of Children and Family Services

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## Administrative Directive

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| <b>Transmittal:</b>             | 18-OCFS-ADM-08  |
| <b>To:</b>                      | Commissioners of Social Services<br>Executive Directors of Voluntary Authorized Agencies  |
| <b>Issuing Division/Office:</b> | Child Welfare and Community Services  |
| <b>Date:</b>                    | April 20, 2018  |
| <b>Subject:</b>                 | <b>Requesting Records from the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) for the Certification or Approval of Foster Boarding Homes</b> |
| <b>Suggested Distribution:</b>  | Directors of Social Services<br>Child Welfare Supervisors<br>Foster Care Supervisors<br>Foster Care Home Finders<br>Staff Development Coordinators                      |
| <b>Contact Person(s):</b>       | See section VI  |
| <b>Attachments:</b>             | OCFS-5023, <i>Authorization for Release of Information</i> (For Foster Boarding Home Certification or Approval Only) Form   |

### Filing References

| Previous ADMs/INFs          | Releases Cancelled | NYS Regs.                                 | Soc. Serv. Law & Other Legal Ref. | Manual Ref.  | Misc. Ref. |
|-----------------------------|--------------------|---|-----------------------------------|--|------------|
| 17-OCFS-ADM-05<br>86 ADM-43 |                    | 18 NYCRR 443.2; 443.3; 443.10; and 443.12 | SSL § §424-a                      | Step-by-Step Guide: Training for FAD Caseworkers CONNECTIONS |            |

### I. Purpose

The purpose of this Administrative Directive (ADM) is to provide direction to authorized agencies (i.e., local departments of social services (LDSSs) and voluntary authorized agencies (VAs)) regarding New York Statewide Central Register of Child Abuse and Maltreatment (SCR) checks<sup>1</sup> during the initial application for certification or approval, and

<sup>1</sup> SCR check includes NYS SCR check and out of state SCR checks of persons who resided in another state within 5 years of the initial application or application for reopening.

re-openings, of foster boarding homes. When the authorized agency is notified by the SCR in response to a required database check that the applicant(s), or any person 18 years of age or older residing in the applicant(s)' home, is a confirmed subject in an indicated report of child abuse or maltreatment, the authorized agency must obtain a signed *Authorization for Release of Information* (OCFS-5023) form from that person. The authorized agency will utilize the completed form to obtain the relevant records from the SCR.

## II. Background

During the initial certification or approval of foster boarding homes, and the reopening of certified or approved foster boarding homes, the authorized agency is required to collect detailed information about the applicant(s) and the members of the applicant's household, and determine if physical plant, health, and safety requirements are met.<sup>2</sup>

The completion of a statutorily required SCR database check and interpretation of the results are an essential piece of information gathered during this process.<sup>3</sup> The SCR database check process includes

- the applicant(s) completing the required forms for the authorized agency to inquire of the SCR whether the applicant(s) and any person 18 years of age or older residing<sup>4</sup> in the applicant's home is a confirmed subject in an indicated report of child abuse or maltreatment on file with the SCR;<sup>5</sup>

and

- the SCR providing the results of the database check to the inquiring authorized agency.

If the SCR database check does not reveal either the applicant or an applicable household member as a confirmed subject of an indicated report, the processes described in this directive do not apply.

If the SCR database check results do reveal that an applicant or a household member 18 years of age or older is a confirmed subject of an indicated report maintained by the SCR, the authorized agency that submitted the request has an obligation to take additional steps to properly evaluate the home prior to making a decision to certify or approve the home.

## III. Program Implications

When determining whether to certify or approve a foster boarding home, it is vital that the authorized agency has complete and accurate information about the applicant(s) and other members of the applicant's household. When the applicant(s) or any person 18 years of age or older residing in the applicant's home has been confirmed by the SCR as a subject in an indicated report of child abuse or maltreatment, the authorized agency must have

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<sup>2</sup> 18 NYCRR 443.2 (c).

<sup>3</sup> SSL § 424-a.

<sup>4</sup> This would include any child in foster care who is 18 years of age or older residing in the home.

<sup>5</sup> 18 NYCRR 443.2 (b)(6).

information as to the nature of the indicated report in order to make an informed decision regarding the certification or approval of the home. Obtaining relevant records from the SCR allows the authorized agency to

- 1) review records of the actual report that resulted in the SCR's response to the database check rather than relying on an individual's recollection of such report, and
- 2) expedite an informed decision as to certification or approval of a prospective foster boarding home based on the SCR database check results.

#### IV. Required Action

In cases when the applicant(s), or any person 18 years of age or older residing in the applicant(s)' home, is determined by the SCR to be a confirmed subject in an indicated report of child abuse or maltreatment, OCFS regulations require the authorized agency to determine, based on the information it has available, whether to approve or certify the applicant. The SCR's confirmation that an applicant or person 18 years of age or older residing in the home is a confirmed subject in an indicated report of child abuse or maltreatment does not automatically exclude the individual from being a foster parent or residing in a certified or approved foster boarding home. However, if the applicant(s), or any person 18 years of age or older residing in the applicant's home, has been identified by the SCR as a confirmed subject in an indicated report of child abuse or maltreatment, the authorized agency **must** have the individual request the relevant records from the SCR and review such records to make an informed decision whether to certify or approve a foster boarding home.

In order for the authorized agency to get a full understanding of the abuse or maltreatment found in the indicated report, the authorized agency must have the individual request the records relevant to the SCR database check results using the *Authorization for Release of Information* form attached to this policy.<sup>6</sup> Reviewing such records will allow the authorized agency to make an informed decision regarding certification or approval of the prospective foster boarding home. This informed decision promotes the health, safety, and stability of children in foster care.

The authorized agency responsible for certifying or approving a foster boarding home **must** take the following steps when they are notified by the SCR that the applicant(s), or any person 18 years of age or older residing in the applicant's home, is a confirmed subject of an indicated child abuse or maltreatment report:

##### Step 1

- Applicant or household member is asked to sign an authorization form.
  - Obtain a signed and notarized *Authorization for Release of Information* form (OCFS-5023) from the person who has been determined by the SCR to be a confirmed subject. That completed form authorizes the release of information for the SCR report(s) that resulted in the SCR's determination that the individual is a confirmed subject of an SCR report; **and**

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<sup>6</sup> 18 NYCRR 443.2 (b)(6).

- Mail the signed and notarized Authorization for Release of Information form to the SCR at: New York State Statewide Central Register of Child Abuse and Maltreatment, P.O. Box 4480, Albany, New York 12204.

### Step 2

- Review the records received from the SCR.
  - Review the records to determine if the information provided is relevant and reasonably related to the certification or approval of the foster boarding home.
  - If so, the authorized agency must then determine if the home application should be denied based on such information.
  - If the application is not denied, then an evaluation of all the information provided during the application process must be conducted and a decision made whether to certify or approve the foster boarding home; **and**

### Step 3

- Document the decision
  - If the determination is made to certify or approve the home despite the existence of a confirmed subject as the applicant or other household member 18 years of age or older, the authorized agency must maintain a written record as part of the application file, stating why the applicant is determined to be appropriate and acceptable to be certified or approved as a foster boarding home;<sup>7</sup>
  - In cases when the application is denied, the authorized agency must furnish the applicant with a written statement setting forth its reason(s) for the denial, including a statement indicating whether the denial is based in whole or in part on the existence of an indicated SCR report.<sup>8</sup>

### **OCFS Guidelines for Reviewing Indicated Reports Associated with SCR Database Checks**

The authorized agency must review the records provided by the SCR that relate to the SCR's determination that the individual is a confirmed subject of an indicated report and any supporting information provided by the applicant and/or household member as part of the determination to certify or approve a foster boarding home. The following factors should be considered by the authorized agency when determining if the person who is a confirmed subject in an indicated child abuse or maltreatment report is suitable to be a certified or approved foster parent(s) or other person residing in such home. Not every factor will be relevant to every case. The assessment should focus on the factors that apply to the facts of the case you are considering.

- The seriousness of the incident(s) involved in the indicated report
- The seriousness and extent of any injury sustained by the child(ren) named in the indicated report

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<sup>7</sup> 18 NYCRR 443.2 (9).

<sup>8</sup> 18 NYCRR 443.2 (9).

- Any detrimental or harmful effect on the child(ren) as a result of the subject's actions or inactions, and the relevant events and circumstances surrounding the actions and inactions as these relate to the indicated report(s)
- The age of the subject and the child(ren) at the time of the incident(s) of child abuse or maltreatment
- The time elapsed since the most recent incident of child abuse or maltreatment
- The number and/or frequency of indicated incident(s) of abuse or maltreatment
- Any information produced by the applicant, or produced on his/her behalf, regarding his/her rehabilitation. (Rehabilitation is defined as a demonstration by the subject of positive and successful efforts to rectify a problem that resulted in child abuse or maltreatment so that youth under his/her care will not be in danger.) The following may be examples of evidence of rehabilitation:
  - The acts of child abuse and maltreatment apparently have not been repeated.
  - Evidence of actions taken by the person, which show that he/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
  - Professional treatment (e.g., counseling or self-help groups) has been successful.
  - The subject has been successfully employed in the child care field.
- That employment or practice in child care field has been successful

Each report must be carefully reviewed. Extra weight and scrutiny must be given to 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.

## V. Systems Implications

Information gathered throughout the entire home study process must be documented in the Foster and Adoptive Home Development (FAD) stage in CONNECTIONS (CONNX).<sup>9</sup> FAD assists in the certification and approval process by maintaining a database of all prospective foster parents. The FAD stage in CONNX requires LDSSs and VAs to document specific information related to the SCR database checks.

### FAD SCR Database Check Section:

Workers are required to record the dates and results of the SCR database check. They must record dates that the requests were sent to and received from the SCR, as well as whether a record was found or not found as a result of the database check. This must be done for the applicant(s), as well as all those individuals 18 years of age and older residing in the household at the time of initial certification or approval or reopening of the foster boarding home.

The [CONNECTIONS Step-by-Step Guide: Training for FAD Caseworkers](#) is available as a reference. This guide, subtitled *The Complete Guide to Support Foster and Adoptive Home Development*, provides various techniques to assist LDSS and VA workers in using CONNECTIONS and FAD effectively and efficiently.

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<sup>9</sup> 17-OCFS-ADM-05.

**VI. Contacts**

Questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

Buffalo Regional Office-Amanda Darling (716) 847-3145

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**VII. Effective Date**

The requirements in this ADM are effective immediately.

*/S/ Laura M. Velez*

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**Issued by:**

Name: Laura M. Velez

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services