

## Attachment 1

### NOTICE REGARDING FINGERPRINTING REQUIREMENTS

This notice is to advise you that Section 378-a of the Social Services Law has been amended effective February 11, 1999, and requires you and those currently residing in your household over 18 years of age to be fingerprinted, if you are applying to be or are already a certified or approved foster parent (including a relative foster parent) or are applying to be an adoptive parent. You and any person over 18 years of age residing in your home will also be required to be fingerprinted if you are already an approved adoptive parent but the adoption is not yet finalized.

You will be asked by the local social services district or voluntary authorized agency with which you are seeking certification, approval, recertification or reapproval to have fingerprints taken on all of the above noted household members. You will be given a listing of one or more places where you and these household members may go to have the fingerprints taken. You will be provided a blank fingerprint card and mailer for each person who must be fingerprinted. There may be a fee for the actual taking of the fingerprints.

After they are taken, the fingerprints will be sent to the Division of Criminal Justice Services (DCJS) and be used to search their agency files for any criminal record of charges or convictions in New York State. There is no fee to you for the searches performed by DCJS. If any such record is found:

- o the local social services district or voluntary agency will receive summary information about the charges or convictions;
- o depending upon the types of crimes listed in the criminal history, the following actions could result: denial of your application; decertification of your foster home; revocation of your approval (relative foster parents). If children are already placed in your home, depending on the nature of the crime, they could be removed. You will be provided notice and reasons for such actions, if they are taken;
- o you will also be given a notice which provides a description of the process DCJS has for a person to review his or her criminal history record and any rights you may have to challenge the action taken.

If you are an approved or certified foster parent or an approved adoptive parent with foster children in your home and you have been convicted of a mandatory disqualifying crime, you may not continue to serve as a foster parent or pre-adoptive parent. Your home will be decertified or your approval revoked. A mandatory disqualifying conviction includes a felony conviction involving one of the following categories; child abuse or neglect, spousal abuse; a crime against a child, including child pornography; or a crime involving violence, including rape, sexual assault,

or homicide; or a conviction within the previous five years for physical assault, battery or a drug related offense. You may consult with private legal counsel to discuss potential options to continue to function as the caretaker of the children. Such options may include:

- assumption of legal custody pursuant to Article 6 of the Family Court Act;
- assumption of legal guardianship pursuant to Article 6 of the Family Court Act or Article 17 of the Surrogate's Court procedure Act; or
- assumption of legal custody pursuant to section 353.3(1), 756(a) or 1055(a) of the Family Court Act.

The fingerprints will be retained by DCJS until such time as your home is closed or an adoption is finalized. If anyone fingerprinted under this law is charged with a fingerprintable offense during that time, the local social services district or voluntary agency will be notified. All criminal history record information is confidential. It may not be made available for public inspection. However, it may be disclosed for judicial or administrative proceedings relating to the finalization of an adoption and to denials of applications or removal of foster children.

We have a mutual interest in protecting the safety of foster children. These requirements are important in meeting that goal.