



Office of Children and Family Services

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Acting Commissioner

Administrative Directive

Transmittal:	18-OCFS-ADM-05
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Child Welfare and Community Services
Date:	March 29, 2018
Subject:	Criminal History Record Checks of Persons 18 Years of Age or Older Residing in Foster Boarding Homes
Suggested Distribution:	Directors of Social Services Child Welfare Supervisors Foster Care Supervisors Foster Care Home Finders CONNECTIONS Implementation Coordinators
Contact Person(s):	Section VI
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law and Other Legal Ref.	Manual Ref.	Misc. Ref.
16-OCFS-ADM-20 17-OCFS-ADM-05		18 NYCRR 443.3(b), 443.10 (a) (5)	Section 378-a of the SSL	CONNECTIONS Step-by-Step Guide: Training for FAD Caseworkers The Modernization of the CONNECTIONS Foster and Adoptive Home Development (FAD) Stage Job Aid	

I. Purpose

The purpose of this Administrative Directive (ADM) is to remind local departments of social services (LDSSs) and voluntary authorized agencies (VAs)¹ that at the time certified or approved foster parent(s) apply to renew their certification or approval, state and national criminal history record checks must be completed through the New York State Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI) on all persons 18 years of age or older residing in the home, if no such criminal history record check was previously completed. This includes any person already residing in the foster home who has turned 18 (including foster children) and any person 18 years of age or older who moved into the home since the initial or subsequent certification or approval.

The LDSS and VA must add these individuals to the Foster and Adoptive Home Development (FAD) stage of CONNECTIONS and are **strongly encouraged** to complete the criminal history record checks on all persons 18 years of age or older at the time they are notified that the new person is residing in the foster home.

II. Background

Social Service Law (SSL)² requires that any person applying to be a certified or approved foster parent or an adoptive parent, and any person 18 years of age or older who resides in the home of the applicant be fingerprinted. The fingerprints are then used to conduct New York State criminal history record checks through DCJS and national criminal history record checks through the FBI.

In addition, OCFS regulation³ requires that at the time foster parent(s) apply for renewal of their approval or certification, the LDSS or VA perform such criminal history record checks for each person 18 years of age or older who is currently residing in the home of such foster parent and who has not previously had such criminal history record checks completed.

Please see 16-OCFS-ADM-20, *Fingerprinting and Criminal History Record Checks for Foster and Adoptive Parents*, for specific information on the fingerprinting process and completing criminal history record checks.

III. Program Implications

To protect the health and safety of children in foster care, it is vital to have complete and accurate information regarding the foster home setting, which includes knowledge of each person residing in the home and his or her impact on the stability of the foster home.

At the time of initial certification or approval, OCFS regulation⁴ requires foster parent(s) to execute an agreement with the LDSS or VA that outlines specific responsibilities of the

¹ Note: Throughout this ADM, the terms LDSS and/or VA refer to the agency that is certifying or approving the foster home.

² Section 378-a of the SSL.

³ 18 NYCRR 443.10 (a) (5).

⁴ 18 NYCRR 443.3(b).

foster parent(s). One of these responsibilities is that the foster parent(s) inform the LDSS or VA of any changes in marital status, family composition, or number of persons residing in the home, and any changes in the physical facilities comprising the foster home. Generally, a person is “residing in the home” if they are a frequent visitor and routinely spend the night.

LDSS and VA staff should maintain open and regular communication with foster parent(s). Providing support, information, and encouragement to foster parent(s) not only aides in the retention of foster homes but will also provide foster parent(s) with an opportunity to inform the LDSS or VA of any changes in their household.

If it is determined that a new person 18 years of age or older is residing in the home prior to the foster parent(s)' annual recertification or re-approval, LDSS and VAs must add the new person to the FAD stage of CONNECTIONS. The timely completion of criminal background checks on adults residing in foster homes provide LDSSs and VAs with information that can potentially impact the safety and well-being of children in foster care. Therefore, LDSSs and VAs are strongly encouraged to complete the criminal history record check of the new household member at the time they are added to the household composition.

IV. Required Action

1. At the time of initial application for certification or approval and reopening of certified or approved foster homes, the LDSS or VA is required to complete a criminal history record check on all prospective foster parents and all persons 18 years of age or older (including foster children) who reside in the home of the applicants.
2. At the time an LDSS or VA is notified that a new person 18 years of age or older is residing in a certified or approved foster home, the LDSS or VA must add that person to the FAD stage of CONNECTIONS.
3. In order to protect the safety and well-being of the children placed in the home OCFS **strongly encourages** the LDSS or VA to complete the criminal history record check at the time a new person 18 years of age or older is added to the FAD stage.
4. At the time of recertification or re-approval, if a person 18 years of age or older is residing in the certified or approved foster home and hasn't had a criminal history record check completed, the LDSS or VA **must** complete the criminal record check before the home can be reauthorized in CONNECTIONS.

V. Systems Implications

Any time an individual 18 years of age or older moves into a certified or approved foster home, they must be added to the foster home household composition in the Foster and Adoptive Home Development (FAD) stage of CONNECTIONS. This will trigger the required

checks needed for this person at the time of reauthorization.⁵ Please see the policy, 17-OCFS-ADM-05, *Use of the Foster and Adoptive Home Development (FAD) Stage in CONNECTIONS*, for more information on the mandate to record vital information about a foster or adoptive home in FAD.

VI. Contacts

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

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VII. Effective Date

This policy directive is effective immediately.

/S/ Laura M. Velez

Issued By:

Name: Laura M. Velez

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services

⁵ In CONNECTIONS, “reauthorization” refers to the process in which annual recertification or reapproval takes place.