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ADMINISTRATION FOR CHILDREN'S SERVICES WELCOMES NEW CHILD WELFARE REFORMS IN NEW YORK STATE THAT HELP PROTECT CHILDREN & ENSURE ECONOMIC OPPORTUNITIES FOR LOW-INCOME FAMILIES

Just-Signed into Law 'SCR Reform Bill' Brings More Fairness & Equity to the Child Welfare System While Maintaining Child Safety

NEW YORK, NY – The New York City Administration for Children's Services Commissioner David A. Hansell today welcomed new child welfare reforms in New York State, just signed into law as part of the state budget, that help protect children while minimizing undue hardships for low-income families. The changes were championed by NYS Senator Velmanette Montgomery and NYS Assemblywoman Ellen Jaffee. Overall, the reforms will bring more fairness and equity to the child welfare system, by reforming the standards and procedures utilized when cases are reported to the Statewide Central Register (SCR) for possible child abuse or neglect.

The new law will raise the standard of evidence needed to indicate a report of child abuse or neglect from "some credible evidence" to a "fair preponderance of the evidence," which is more consistent with other jurisdictions around the country. The new law will also seal 'indicated' records of *neglect* after 8 years, so that employers conducting background checks would not have access to child welfare neglect history about a person that was older than 8 years. The law does not change current background check standards for prior 'indicated' history of child *abuse*, nor does it impact ACS' access to child welfare history when investigating new reports of possible abuse or neglect. The new law balances child safety—while bringing more fairness and equity to the child welfare system and addressing the collateral consequences of having an 'indicated' child neglect case.

"At ACS, our top priority is the safety and well-being of New York City's children and that's why I welcome these reforms. This progressive reform strikes the right balance between protecting children and helping to expand economic opportunities for low-income families," **said ACS Commissioner David A. Hansell**. "I applaud Governor Cuomo and the New York State Legislature for bringing more fairness and equity to the child welfare system by promoting both the safety of our children and the economic well-being of their families."

ACS is required by New York State law to respond to all reports of suspected child abuse and neglect assigned by the "SCR," which is the Statewide Central Register, the child abuse and neglect hotline run by the State Office of Children and Family Services. Once the SCR assigns a case to ACS to investigate, a Child Protective Specialist (CPS) contacts the reported child's family, and reviews the family's history with ACS, interviews the alleged victim, parents/caretaker, and other household members, and reaches out to other contacts (school staff, health care providers and/or neighbors). The CPS also contacts the person who reported the case for additional information.

Following the investigation, the law requires ACS to make a determination to either “unfound” a case, or “indicate” the case, which would result in the information staying on a person’s record for ten years after the youngest child named in the report turns 18—regardless of the severity of the incident. This could result in the person being denied employment for entry-level positions like home health aide or child care for up to 28 years, which can also have a destabilizing effect on families long after any child safety risk has been addressed.

The new SCR reform law makes two key changes:

- **Under the new law, beginning with investigations starting January 2022, New York State will raise the standard of indication from *some credible evidence* to a *fair preponderance of evidence***, which is more consistent with the standards for indication used throughout the country. The higher standard is fairer and will help address some of the implicit biases seen in the child welfare system.
- **The new law reduces the length of time an ‘indicated’ case for maltreatment would be accessible to potential employers.** Under pre-existing law, an ‘indicated’ case for abuse or maltreatment remains on a person’s record for ten years after their youngest child turns 18, regardless of the severity of the incident. Under the new law, neglect records (not abuse) will be sealed from employers if the record is 8 years or older.

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