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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 91 LCM-81

Date: May 6, 1991

Division: Family and Children
Services

TO: Local District Commissioners

SUBJECT: Probation Service Access to Child Protective
Service Information

ATTACHMENTS: Attachment A: Chapter 22, not available on-line

This is to bring to your attention Chapter 22 of the Laws of 1991. This statute, which amends Section 422.4(A)(k) of the Social Services Law, allows a probation service access to child protective service records and reports possessed by a local department of social services or this Department under prescribed circumstances.

When a probation service is conducting a court-ordered investigation pursuant to Article 3 of the Family Court Act(FCA) [juvenile delinquency]; Article 7 of the FCA [persons in need of supervision]; or Section 653 of the FCA [habeas corpus or custody], it may access such child protective service records. The probation service must have reason to suspect that the child or the child's siblings may have been abused or maltreated; that such child or sibling, parent, or guardian or other person legally responsible for the child is named in an indicated report; and that such information is necessary for the making of a determination or recommendation to the court.

The amendment which added reference to Article 3 and 7 proceedings is intended to assist the probation service in making recommendations to be considered by the Court when issuing its dispositional order.

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A copy of Chapter 22 is attached. Chapter 22 becomes effective on June 20, 1991.

Should you have questions regarding this matter, please contact your Family and Children Service Regional Office Representative for further information.

Joseph Semidei
Deputy Commissioner
Division of Family
and Children Services