

Attachment 5

DENIAL / REVOCATION LETTER / NOTICE OF RESULTS OF
FINGERPRINTING / CRIMINAL RECORD FOUND

Date:

Re:

Name:

DOB:

Agency ID:

NYSID No.:

Dear Sir/ Madam:

Pursuant to Section 378-a of the Social Services Law, the Division of Criminal Justice Services (DCJS) has advised us that the above named person was charged or convicted as indicated below. After review of this information the following decision has been made:

- () Your request to be certified or recertified as a foster parent, approved or reapproved as a relative foster parent or approved as an adoptive parent has been denied.
- () Your certification or approval as a foster parent or approval as an adoptive parent has been revoked.

This denial or revocation is because:

MANDATED DENIAL or REVOCATION AND FOSTER CHILD(REN) NOT IN HOME

- () You or your spouse has a felony conviction at any time involving:
 - () 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, other than a crime involving physical assault or battery.
- () You or your spouse has a felony conviction within the past five years for physical assault, battery, or a drug-related offense.

PERMISSIVE DENIAL or REVOCATION REGARDLESS OF WHETHER FOSTER CHILD(REN)
IN HOME

- () You or your spouse has a felony and/or misdemeanor conviction for any other crime which creates a safety concern with regard to boarding or placing children in your home for the purposes of foster care or adoption.

- () Someone else over the age of 18 who resides in your household has a felony and/or misdemeanor conviction for any crime which creates a safety concern with regard to boarding or placing children in your home for the purposes of foster care or adoption.

- () You, your spouse, or someone else over the age of 18 who resides in your household has been charged with a crime which creates a safety concern with regard to boarding or placing children in your home for the purposes of foster care or adoption.

ADMINISTRATIVE REMEDIES

A. Revocation/Denial

If your denial or revocation is based upon spousal abuse, and you believe that such offense was not spousal abuse because the fact that you were abused was a factor in causing you to commit the crime, you may request an administrative hearing from the Office of Children and Family Services by contacting in writing:

Bureau of Special Hearings
NYS Office of Children and Family Services
PO Box 1930
Albany, New York 12201

Such request must be made within 60 days of the receipt of this notice.

If you are a prospective adoptive parent or an approved adoptive parent and your application has been denied or your approval revoked by an authorized agency because of a criminal history referenced in this letter (and any additional reasons for denial or revocation), you have a right to notice of the reason(s) for denial or revocation. In addition, you have the right to request an administrative hearing before the Office, pursuant to section 372-e of the Social Services Law. Such request must be made within 60 days of the receipt of this notice.

B. Accuracy of Criminal History Data

If a foster child is to be removed or is removed from your home because of a criminal history (and any additional reasons), you have a right to a conference with the authorized agency responsible for such removal in accordance with the provisions of 18 NYCRR 443.5. If you are not successful at the conference, you may request an administrative hearing before the Office in accordance with Section 400 of the Social Services Law. As applicable, additional information concerning the reasons for the agency action and your rights is attached to this letter.

If you want to conduct a DCJS Record Review, you should call the Record Review Unit or write to the address listed below to request the necessary forms. All record reviews are conducted via mail.

NYS Division of Criminal Justice Services
Criminal History Bureau
Record Review Unit - 5th Floor
4 Tower Place
Albany, New York 12203
Phone: (518) 485 - 7675

If you conduct a Record Review through DCJS and you believe that there are errors on your criminal history record which you seek to challenge, you must provide DCJS with the following documentation:

Arrest Data

To modify arrest data (i.e. arrest charges, date of arrest, date of crime) on your Criminal History Record, YOU must contact the arresting agency. DCJS REQUIRES WRITTEN notification from the ARRESTING AGENCY to correct this information.

Disposition Data

To correct disposition data or to update missing disposition data, YOU must contact the court of adjudication and request a CERTIFIED copy of the disposition. Once you have obtained the certified court document, you must forward it to the DCJS Record Review Unit which will review it and update your Criminal History Record. Be advised photostatic copies are NOT acceptable unless they contain an embossed (raised design) seal from the issuing court.