



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

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**Reissued November 2002**  
**Early Intervention Program Memorandum 2001-1**

**TO:** Early Intervention Officials  
Providers of Early Intervention Services  
Other Interested Parties

**FROM:** Barbara McTague.  
Acting Director  
Early Intervention Program

**SUBJECT:** Guidelines on Database Check for Providers of Early Intervention Services through the State Central Register of Child Abuse and Maltreatment

The purpose of this memorandum is to provide guidance on Early Intervention Officials' and provider agencies' duties under Section 424-a of New York State Social Service Law, as amended by Chapter 578 of the Laws of 1997, to obtain a database check from the State Central Register of Child Abuse and Maltreatment for early intervention evaluators, service coordinators, and service providers who will have regular and substantial contact with children receiving early intervention services, who are being considered for employment or contracts, and who are currently employed or have contracts with municipalities or provider agencies.

## **I. Background**

The New York State Child Protective Services Act of 1973<sup>1</sup> created a comprehensive program of child protective services, including the establishment of criteria for reporting and investigation of allegations of child abuse and maltreatment and a State Central Register of Child Abuse and Maltreatment ("SCR").<sup>2</sup> A key purpose of the SCR is to maintain a central record of reports of child abuse and maltreatment that are determined following investigation to be "indicated." An "indicated" report is a report for which there is determined to be some credible evidence child abuse or maltreatment occurred and was committed by an individual or individuals named as subject(s) of the report.

Chapter 480 of the Laws of 1980 amended the Child Protective Services Act to add Section 424-a of the Social Services law. The purpose of this provision was to improve the prevention of child abuse and maltreatment by requiring authorized agencies to inquire whether foster care or adoptive parents applicants and persons actively considered for employment in child-caring positions were subjects of an indicated report of child abuse or maltreatment. Section 424-a of the Social Services Law was subsequently amended in 1983, 1984, and 1985<sup>3</sup> to improve "the assessment and evaluation of persons who will have the potential for regular and substantial contact

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<sup>1</sup> Chapter 1039 of the Laws of 1973; Title 6 of Article 6 of the Social Services Law

<sup>2</sup> See also, 18 NYCRR Part 432 (Child Abuse and Maltreatment).

<sup>3</sup> Child Abuse Prevention Act of 1985 (Chapters 676 and 677 of the Laws of 1985)

with children being cared for by child-caring agencies, programs, or facilities, through increased access to screening persons with the State Central Register of Child Abuse and Maltreatment."

## **II. Implementation Responsibility and Who Should be Checked through the SCR**

In 1997, Section 424-a of the Social Services Law was amended to include early intervention services established under Section 2540 of the Public Health Law and requires or allows providers of early intervention services to access information contained in the statewide central register of child abuse and maltreatment as follows.<sup>4</sup>

- A. Under Social Services Law Section 424-a it is the responsibility of municipal Early Intervention Officials to implement procedures to ensure that Form LDSS-3370 (State Central Register Database Check Form) is completed and submitted to the SCR for:
- (1) Any person who is being actively considered for employment and who will have the potential for regular and substantial contact with children who receive early intervention services.
  - (2) Any prospective individual contractors providing goods or services who will have the potential for regular and substantial contact with children who receive early intervention services.
- B. An Early Intervention Official *may request* that form DSS-L3370 be completed and submitted by:
- (1) Current employees who have the potential for regular and substantial contact with children who receive early intervention services.
  - (2) Current *or* prospective consultants and volunteers who have the potential for regular and substantial contact with children who receive early intervention services.
  - (3) Current individual contractors providing goods and services who will have the potential for regular and substantial contact with children who receive early intervention services.
- C. Under Social Services Law Section 424-a it is the responsibility of early intervention provider agencies<sup>5</sup> to implement procedures to ensure that Form LDSS-3370 is completed and submitted to the SCR for:
- (1) Any person who is being actively considered for employment, and who will have the potential for regular and substantial contact with children who receive early intervention services.
  - (2) Any prospective individual contractors providing goods and services who will have the potential for regular and substantial contact with children who receive early intervention services.
- D. An early intervention provider agency *may request* that form LDSS-3370 be completed and submitted to the SCR for:
- (1) Current employees who have the potential for regular and substantial contact with children who receive early intervention services.
  - (2) Current *or* prospective consultants and volunteers who have the potential for regular and substantial contact with children who receive early intervention services.
  - (3) Current individual contractors providing goods and services who will have the potential for regular and substantial contact with children who receive early intervention services.

For all mandated clearances, the database check must be completed and an acceptable response received from the SCR prior to *any unsupervised contact* between a child receiving early intervention services and the individual service provider.

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<sup>4</sup> Chapter 578 of the Laws of 1997. See Appendix A.

<sup>5</sup> Incorporated entities, partnerships, sole proprietorships, municipalities, and state operated facilities operating under the approval of a state early intervention service agency as a provider of early intervention services.

The remainder of this memorandum uses a question and answer format to provide further guidance, including:

- Who should be checked through the SCR.
- Determining potential for "regular and substantial contact."
- How to complete a database check through the SCR.
- What happens and what to do when an individual checked through the SCR is the subject of an indicated report.

In addition, the Department of Health has collaborated with the Office of Children and Family Services (OCFS), the state agency responsible for maintaining the SCR, to make training available to municipal staff and early intervention provider agencies on the operational procedures to be used in performing database checks.

### **III. Questions and Answers About SCR Database Check Procedures**

#### **1. Who are providers of early intervention services?**

There are two types of providers under the Early Intervention Program. *Individual providers* are those individual practitioners approved by the Department of Health to deliver service coordination, evaluations, or early intervention services. To be approved as individual providers of early intervention services, practitioners must have appropriate licensure, certification, or registration in one of the professions defined in program regulations as "qualified personnel"<sup>6</sup> and meet the provider approval requirements established in program regulations.<sup>7</sup>

Early intervention provider agencies are those corporations, partnerships, sole proprietorships, state-operated facilities operating under the approval of any State Early Intervention Service Agency<sup>8</sup>, and municipalities approved by the Department of Health or other State Early Intervention Service Agency to deliver early intervention services to eligible children according to the requirements established in program regulations.<sup>9</sup>

Both types of providers under the Early Intervention Program are subject to the requirements under §424-a of Social Services Law. To be considered a provider of early intervention services for the purposes of the SCR database check, individuals and provider agencies must also have a contract with one or more municipalities.<sup>10</sup>

#### **2. Who should be checked and who is responsible for completing a database check with the SCR?**

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<sup>6</sup> Qualified personnel are defined at 10 NYCRR 69-4.1(jj) and include the following professionals: audiologists; certified occupational therapy assistants; licensed practical nurses, registered nurses and nurse practitioners; certified low vision specialists; occupational therapists; orientation and mobility specialists; physical therapists; physical therapy assistants; pediatricians and other physicians; physician assistants; psychologists; registered dietitians; school psychologists; social workers; special education teachers; speech and language pathologists and audiologists; teachers of the blind and partially sighted; teachers of the deaf and hearing handicapped; teachers of the speech and hearing handicapped; and, other categories of personnel as designated by the Commissioner.

<sup>7</sup> See 10 NYCRR 69-4.5.

<sup>8</sup> PHL Section 2541 defines State Early Intervention Service Agency to include the Department Of Health, State Education Department, Office of Mental Retardation and Developmental Disabilities, Office of Mental Health, Department of Social Services, and Office of Alcohol and Substance Abuse Services. Currently, only the Department of Health, State Education Department, and Office of Mental Health approve providers for the purposes of delivering early intervention services.

<sup>9</sup> See 10 NYCRR 69-4.5.

<sup>10</sup> The chief elected official of each municipality is responsible for the designation of an early intervention official to administer the Early Intervention Program and ensure the provision of early intervention services to eligible children residing within the municipality.

Individuals who are being considered for employment or a contract by an Early Intervention Official or provider agency and who will have regular and substantial contact with children receiving early intervention services *must* be checked through the SCR. Individuals who are currently employed by or under contract with an Early Intervention Official or provider agency, current or prospective consultants, and current or prospective volunteers *may* be checked through the SCR.

Early Intervention Officials or their designees are responsible for checking through the SCR *any person who is actively being considered for employment and who will have the potential for regular and substantial contact with children who receive early intervention services*. Early Intervention Officials or their designees are also responsible for *checking any prospective contractors* who will be individual providers of early intervention services and who will have the potential for regular and substantial contact with children receiving early intervention services through the SCR.

Early intervention provider agencies<sup>11</sup> are responsible for checking any person who is actively being considered for employment or for a contract to deliver early intervention services, and who will have the potential for regular and substantial contact with children, through the SCR.

For the purposes of enacting this statute, Early Intervention Officials or their designees and early intervention provider agencies may check current employees, contractors, consultants, and volunteers through the SCR who already have or have the potential for regular and substantial contact with children receiving early intervention services. This may include current employees who, because of a transfer or reassignment, have the potential for regular and substantial contact with children.

A database check must be completed for *prospective employees and individual providers being considered for a contract prior to such individuals having any unsupervised contact* with a child receiving early intervention services.

It is important to note that *only employees* may be checked through the SCR on a repeated basis, and employees can be checked through the SCR *no more frequently than every six months*. The LDSS-3370 form can only be submitted and checks received *on a one-time basis for all others* (individual contractors, consultants, and volunteers) who have or have the potential for regular and substantial contact with children receiving early intervention services.

All persons who have applied for employment, or a contract, or who are seeking to consult or volunteer must be notified that the municipality or provider agency will or may inquire into whether such person is the subject of an indicated child abuse and maltreatment report. All current employees, contractors, consultants, and volunteers must be notified prior to inquiries to the SCR regarding such persons by the completion and submission of form LDSS-3370.

**3. If an early intervention provider agency is also a licensed child care provider, and the provider agency has been routinely obtaining database checks through the SCR for employees and contractors, is it necessary to obtain another database check for such persons to implement the law in regard to early intervention services?**

No. If a licensed child care provider has received database checks through the SCR for its employees and contractors, it is not necessary to obtain an additional database check from the SCR for these employees and contractors. Under such circumstances, the employee or contractor would no longer be considered a prospective

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<sup>11</sup> Incorporated entities, partnerships, sole proprietorships, municipalities, and state operated facilities operating under the approval of a state early intervention service agency and approved as a provider of early intervention services.

employee or prospective contractor. It would be permissible for the agency provider to obtain an additional database check for its employees (employees may not be checked any more frequently than every six months).

**4. If an individual is a prospective employee or prospective contractor for either a provider agency or municipality, and has the potential for regular and substantial contact with children receiving early intervention services and for children receiving preschool special education services, must the individual receive a database check through the SCR for both purposes?**

No. The provider agency and/or municipality need not check the same applicant twice in both capacities.

**5. If a provider agency has been purchased by another corporation or entity, or has amended its certificate of incorporation, must the employees and contractors be checked through the SCR by the new entity?**

No. If there is a change of ownership or an amended certificate of incorporation, a new database check is not necessary for current employees and contractors who have previously been checked through the SCR. The provider agency *may* seek a new database check for retained employees.

Any new applicants for employment or prospective contractors with the potential for regular and substantial contact with children receiving early intervention services would have to be checked through the SCR.

**6. What constitutes “unsupervised contact”?**

To determine what type of contacts are considered *unsupervised contacts* between children and an individual who is providing early intervention services, it is important to consider the context in which a service is being delivered. The following could be considered examples of unsupervised contact:

- Contact between children and the service provider at the service provider’s office, site of employment, a site operated by another provider agency, or other community setting (e.g., a day care center, nursery school, or family day care home) when the parent or person in parental relation<sup>12</sup> is not present and in the same physical location as the child (e.g., within visual contact of the child) *and* no other personnel are present and in the same physical location as the child.
- An encounter between children and a service provider in a therapy room when neither the parent nor person in parental relation, nor another employee of the agency is present.

**7. How should a determination be made about whether an individual will have or have the potential for “regular and substantial contact” with children receiving early intervention services?**

While the final determination of what may constitute “regular and substantial contact” with children receiving early intervention services will ultimately be with Early Intervention Officials or their designees and early intervention provider agencies, there are some general considerations that would apply in all cases.

The use of the terminology, “the potential for regular and substantial contact with children who are cared for by the agency,” as applied under SSL 424-a to employees, volunteers, consultants, and providers of goods and services, is clearly intended to make the provisions for screening such persons through the SCR applicable to more

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<sup>12</sup> 10 NYCRR 69-4.1(h) defines person in parental relation as: (1) the child's legal guardian; (2) the child's standby guardian after their authority becomes effective pursuant to Section 1726 of the Surrogate's Court Procedure Act; (3) the child's custodian; a person shall be regarded as the custodian of a child if he or she has assumed the charge and care of the child because the parents, or legally appointed guardian of the minor have died, are imprisoned, are mentally ill, or have been committed to an institution, or because they have abandoned or deserted such child, or are living outside the state or their whereabouts are unknown; or (4) persons acting in the place of a parent, such as a grandparent or stepparent with whom the child lives, as well as persons who are legally responsible for the child's welfare; (5) except, this term does not apply to a child who is a ward of the state, and does not include a foster parent.

than just persons who have direct child-caring responsibility. Certainly such persons are included in the concept, but “regular and substantial contact” infers a degree of contact that is less direct child-care but more than casual or occasional. On the other hand, *it is not intended to require screening of everyone who may have occasional contact with children*. In addition, individuals who will only or primarily have contact with adults (e.g., parents or other caregivers), such as service coordinators, are not intended to be checked through the SCR.

In determining whom to include within the definition of “regular and substantial contact” it is necessary to give consideration to what may constitute “regular” contact and to what may constitute “substantial” contact. *Regular contact* would be more than a one-time contact. It would also be something other than a random set of contacts (e.g., contacts that occur over a period of time that are by chance or unplanned) even though the contacts occurred more than once with the same child. Regular also implies that there is some recurring basis to the contact, that is, it occurs once a day, once a week, twice a day, twice a week, twice a month, etc. An individual provider or employee who has contact with children receiving early intervention services on a recurring basis may be considered to have “regular” contact with children. This includes contact that occurs in any type of early intervention service delivery setting, including a provider site, community site<sup>13</sup>, or in children’s homes.

*Substantial contact* means contact that must last for some extended period of time, although no absolute time limit may be established for all circumstances. A brief contact of only a few moments in duration, or even a series of such contacts, would not be considered substantial contact. In addition, the person in contact with children should have an established role that involves some relationship to, or responsibility for the care and safety of the child in order for the person to be considered as having substantial contact with the child. For example, a service provider who may be alone for 15 minutes with children (regardless of the site where a service is being delivered) could generally be given greater weight in making a “substantial contact” determination than a person in contact with children for a longer period of time in which parents or other personnel are present.

To meet the criteria of Social Services Law 424-a for completing a database check for persons with the SCR, such persons *must have the potential for both regular and substantial contact with children receiving early intervention services*. A person who has regular contact with children, even once every day, but whose contact could not be construed to be substantial, would not be a person about whom an inquiry to the SCR would be made. Similarly, a person who may have substantial contact with a child, in that a person may be alone with children for a substantial block of time, but whose contact is in no way regular (i.e., it happens only once or very infrequently without any recurring basis) would also not be a person whom inquiry to the SCR would be made.

Given these considerations, each early intervention official and provider agency must determine which persons being considered for employment or a contract must be checked with the SCR based on the provisions regarding “the potential for regular and substantial contact with children.” It is likely that the following persons being actively considered for employment or as a prospective contractor (or employees of such contractor) to provide the following early intervention services will have the potential for regular and substantial contact with children:

- Persons who will provide direct early intervention services to eligible children and their families and for whom the IFSP could include regular and substantial contact with a child receiving early intervention services (e.g., at least once or more a month for the duration of a six-month IFSP).
- Persons who serve as one-to-one aides for children receiving early intervention services.
- Persons who will provide transportation services to eligible children and for whom the IFSP could include regular and substantial contact with a child receiving early intervention services (e.g., at least once a month for

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<sup>13</sup> Community sites include the full range of community settings, including a child care center or family day care home, a relative’s home, a recreational center, library, etc.

the duration of a six-month IFSP).

- Persons who will provide respite services through employment or under contract with an Early Intervention Official or provider agency. It is important to note that when a family arranges for their own respite services (e.g., through family reimbursement mechanisms) Early Intervention Officials and providers *may not clear the respite provider through the SCR, if the respite provider is neither an employee nor contractor of an Early Intervention Official or provider agency.*

Transportation and respite contractors, as with provider agencies approved by the Department of Health or other state early intervention service agency, must check their own prospective employees and contractors who will have the potential for regular and substantial contact with children receiving early intervention services. Early Intervention Officials must notify the Department of Health of their transportation and respite contractors to arrange access to the SCR to these contractors through the Office of Children and Family Services.

It does not appear that persons being actively considered for employment or prospective contract to provide *only* service coordination services or evaluation services will have the potential for regular and substantial contact with children. *Service coordinators* primarily provide service coordination services through contact with parents or persons in parental relations of children receiving early intervention services. Under most circumstances, *evaluators* will not have regular contact with children receiving early intervention services. Although there may be substantial contact with children, it is unlikely that such contact will occur more than once or may occur infrequently (e.g., once every six months or once a year).

The final decision, however, as to whether a person must be checked with the SCR must be made by the Early Intervention Official (or designee) or the provider agency, based on their best judgment about the person's potential to have regular and substantial contact with a child or children receiving early intervention services.

**8. If an individual provider is under contract with more than one municipality, or is an employee of a provider agency and is seeking a contract with another municipality and/or provider agency to deliver early intervention services, who is responsible for checking the individual provider through the SCR?**

Each municipality and early intervention agency provider is responsible for checking the individual through the SCR *regardless of whether the individual has been previously checked through the SCR for employment by or contractual services with another municipality or provider agency.*

**9. Why is it necessary to check an individual provider who is currently under contract with another municipality or provider agency (or is currently employed by a provider agency) when that individual is being considered for a contract to deliver early intervention services?**

The SCR clearance is a “point in time” check to determine whether an individual has been the subject of an indicated report of child abuse or maltreatment. A database check is required at each time an individual is being considered as a prospective employee or contractor to determine that the individual has not been found to be the subject of a new indicated report of child abuse or maltreatment since previously checked by another employer or purchaser of early intervention services.

**10. Can an Early Intervention Official or provider agency seek more than one database check for an employee or contractor who has the potential for regular and substantial contact with children receiving early intervention services?**

Early Intervention Officials and provider agencies may conduct periodic database checks *only* for *employees* who have the potential for direct and substantial contact with children receiving early intervention

services. Such database checks can be conducted no more than once every six months after the required notice has been given to the employee.

Contractors, consultants, and volunteers may be checked only once through the SCR by a particular Early Intervention Official or provider agency. There are no provisions or requirements to complete a database check more than once for individuals with this status.

**11. Should current employees, consultants, and volunteers who have the potential for regular and substantial contact with children receiving early intervention services be checked with the SCR?**

It is advisable that database checks be completed for employees, consultants, and volunteers who have been hired, under contract, or volunteering since the effective date of Chapter 578 (September 17, 1997) and who have regular and substantial contact with children receiving early intervention services.

**12. Should current contractors who have the potential for regular and substantial contact with children receiving early intervention services be checked through the SCR?**

It is advisable that individual contractors from whom services have been purchased since the effective date of Chapter 578 (September 17, 1997) and who have the potential for regular and substantial contact with children receiving early intervention services be checked with the SCR. It should be noted that contractors may only be checked one time by the Early Intervention Official or provider agency through the SCR and database checks may not be obtained each time a contract is renewed.

**13. How are database checks conducted?**

The following steps are necessary to check persons with the SCR:

- Early Intervention Officials and provider agencies will be assigned an Agency Code and Resource Identification Number by the OCFS that allows them to inquire of the OCFS as to whether a person has been the subject of an indicated report of child abuse and neglect. The Department of Health is responsible for notifying the OCFS of current Early Intervention Officials and all provider agencies approved to deliver early intervention services and under contract with a municipality. Once OFSC has assigned the identification number, the Department of Health is also responsible for notifying Early Intervention Officials and provider agencies of their identification number.
- When an offer of employment or a commitment to engage an individual contractor or consultant is made, the applicant or prospective contractor should be informed that an inquiry will be made to the SCR and that the basis for making the inquiry is a statutory requirement. Form LDSS-3370 should only be given to those who have the potential for regular and substantial contact with children.
- Form LDSS-3370 must be completed in its entirety for each person for whom a database check is being sought and **must be complete and legible**.
  - It is recommended that the first section on the form be completed by the personnel office (or other designated administrative office) as appropriate. Supplies of database check forms can be obtained by writing to: New York State Family Assistance, Bureau of Forms and Print Management, P.O. Box 1990, Albany, NY 12201. Form LDSS-3370 can be downloaded at <http://www.ocfs.state.ny.us/main/forms/cps/> .
  - It is recommended that the applicant complete the balance of the form and that the personnel office (or other designated administrative office), as appropriate, ensure that it has been filled out completely and legibly, and assist the applicant as necessary to encourage accuracy.
- The Early Intervention Official or provider agency may designate one or more persons to be responsible for

ensuring completion of the LDSS-3370 form and for receiving and processing responses from the SCR.

- A \$5.00 fee must be submitted with the LDSS-3370 form for *new employees only*. This fee may be charged to the prospective employee. ***There is no fee for database checks for current employees, contractors, consultants, or volunteers.***
- The completed Form LDSS-3370 must be *mailed* (do not submit the form electronically, by fax, or deliver it by hand) to:

State Central Register  
P.O. Box 4480  
Albany, NY 12204-0480

- SCR staff checks the information on the database check form against the SCR database. A computer generated listing of possible matches is produced and analyzed by child protective specialists in order to determine whether the person is the subject of an indicated report of child abuse or maltreatment. When a match is found, further review of records, including local social service district records, is conducted for the SCR to determine whether there is a preponderance of evidence to prove that the subject committed an act or acts of child abuse or maltreatment that resulted in an indicated report *and* that such act or acts are relevant and reasonably related to issues concerning his/her employment or regular and substantial contact with children. The SCR also contacts the person who was checked to address whether such person wants an administrative hearing to challenge the determination.
- Upon examination of the information submitted, the SCR will notify the Early Intervention Official or provider agency whether or not the applicant is the subject of an indicated child abuse or maltreatment report.

**14. How and when will an Early Intervention Official or provider agency receive a database check response from the SCR after submission of the LDSS-3370 form?**

The SCR will notify the inquiring Early Intervention Official or provider agency in writing that the person being checked either *has or has not been* found to be the subject of an indicated report of child abuse or maltreatment as defined under Section 424-a of Social Services Law.

The SCR written notification will be returned to the inquiring Early Intervention Official or provider agency (or other designated database check liaison) in an Office of Children and Family Services envelope marked confidential. Early Intervention Officials and provider agencies should establish procedures to ensure that the confidentiality of the SCR response and the person being cleared with the register is maintained.

If a person who is checked is not found to be the subject of an indicated report of child abuse or maltreatment, the Early Intervention Official or provider agency can expect that a response will be posted by the SCR within approximately ten days of the receipt of the clearance form, **provided that the LDSS-3370 form was completed in a legible and accurate manner.**

If the SCR finds that the person is the subject of an indicated report, before advising the Early Intervention Official or early intervention provider agency, the person is afforded the right to an administrative hearing to challenge the indication. Only after this process is completed will the SCR advise the Early Intervention Official or early intervention provider agency that the person is the subject of an indicated report.

The results received from the SCR are confidential pursuant to section 422(4)(A) of the Social Services Law and unauthorized disclosure by an individual may subject such individual to civil or criminal penalties.

At least 30 working days should be allowed for the SCR to respond to a database check request. If no response has been received after that amount of time, it is recommended that a call be made to the SCR to follow

up on the status of the clearance request. Calls should be placed to (518) 474-4670. When contacting the SCR, you should have the following information readily available:

- The name of the person for whom a database check request was submitted.
- A copy of the database check form submitted for the person.
- The date the database check form was sent to the register.
- The database category (e.g., employee, contractor, etc.).

The SCR staff may ask you to resubmit your database check request with a cover letter indicating to whom you have spoken and the date the original database check request was submitted. A contact name and phone number should be included in the letter so that the SCR can call back if there is a problem or more information is needed.

**15. What are the responsibilities of the EIO or provider agency if an individual is the subject of an indicated report?**

If notice is received from the SCR that a person is the subject of an indicated report of child abuse or maltreatment, it is advisable that the Early Intervention Official or provider agency seek appropriate counsel in making a determination whether to hire an applicant for employment, retain a current employee, enter or continue a contract, use a volunteer or hire a consultant who will have the potential for regular and substantial contact with children receiving early intervention services. Guidelines for evaluating persons who are the subjects of indicated reports of child abuse and maltreatment have been developed for use in this process by the former Department of Social Services and are available from the Office of Children and Family Services.

**16. Who is responsible for monitoring provider agencies and municipalities to ensure that the requirements for obtaining database checks for individuals with the potential for regular and substantial contact with children receiving early intervention services are being met?**

The New York State Department of Health is responsible for monitoring both provider agencies and municipalities to ensure that all federal and state law and regulations pertaining to the Early Intervention Program are met, including the requirement that database checks are obtained for individuals with the potential for regular and substantial contract with children receiving early intervention services.

Provider agencies may also be monitored by municipalities with which they have entered into a contract to deliver early intervention services in accordance with state law and regulations pertaining to the Early Intervention Program and/or terms of the municipal contract.<sup>14</sup>

**IV. For More Information**

Questions about the procedures, guidelines for evaluation persons who are the subject of indicated reports of child abuse and maltreatment, and responsibilities for obtaining a database check for persons as required or permitted under New York State Social Services Law Section 424-a should be directed to:

New York State Office of Children and Family Services – SCR  
P.O. Box 4480  
Albany, NY 12204-0480  
(518) 474-5297

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<sup>14</sup> 10 NYCRR§69-4.12(2)

Questions about the Early Intervention Program or information about who should be checked through the SCR should be directed to:

New York State Department of Health  
Bureau of Early Intervention  
Corning Tower, Room 287  
Empire State Plaza  
Albany, NY 12237-0660  
(518) 473-7016

[bei@health.state.ny.us](mailto:bei@health.state.ny.us)