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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 94 LCM-88

Date: July 22, 1994

Division: Services and
Community
Development

TO: Local District Commissioners

SUBJECT: Foster Care Records Retention

ATTACHMENTS: A: Questionnaire (available on-line)

The Department is currently preparing regulations for public comment regarding access to foster care records by adult former foster children who were not adopted and certain other individuals. Briefly, the proposed amendments provide specific procedures for granting access to records of former foster children by social services districts and voluntary child caring agencies. Currently, no such procedures exist, thereby requiring requests to be submitted to this Department, where they have for the most part been denied in the absence of regulatory standards. You will of course have the usual opportunity to comment on these proposed amendments.

Prior to our proceeding with publication we wish to obtain your input on a very specific matter. In part, these proposed regulations contain amendments regarding the length of time which foster care records must be retained. They would make 18 NYCRR 441.7 concerning the records of authorized child caring agencies and 18 NYCRR 428.15 concerning retention of Uniform Case Records consistent with archival requirements of New York State Archives and Records Administration (SARA) Records Retention and Disposition Schedule CO-2. Adoption records including the foster care records of children who are adopted would be retained permanently and all other foster care records would be retained at least until the youngest child in the case attains age 28.

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With the promulgation of these regulations, we will for the first time have standards and procedures to guide you in the release of foster care records to former foster children and certain others. At the same time we recognize that the required retention period for most foster care records is not very long. Perhaps we are opening one door but have we already closed another?

Although we have in the past, and will continue to urge you to permanently retain all foster care records whenever possible, as SARA recommends, we do not want to make this a requirement without hearing your opinions and needs on this matter. We have concerns about the availability of older foster care records and wish to balance our decisions in this regard with any issues you may have about practical considerations and burdens of records retention such as storage (space and location), microfilming, associated labor and other costs.

Please take a few minutes to answer some questions on the attached pages to inform us of both your current policies and future needs, especially in light of a possible increased demand for foster care records after access procedures are established in regulation.

Thank you for your cooperation.

Frank Puig
Deputy Commissioner
Division of Services and
Community Development

Date: / /

District or Agency Name: _____

Person Completing This Questionnaire and Phone Number:

I. Current Policy:

Describe your current policy with regard to retention of foster care records. Include the following: how long you retain them, including special provisions for adoption records; where you keep them; whether you microfilm them; and whether you retain certain components of the records and not others.

II. Problems and Concerns:

Describe any current problems and concerns you have with regard to your current policy on records retention.

III. Costs:

Describe any special costs you incur for records retention.

IV. Proposed Policy Change:

If permanent retention is not required, how long should foster care records be retained by the district or agency?

If the requirement was to change to permanent retention of all foster care records, this district or agency would

Be in favor of such a change.

Be opposed to such a change.

V. Recommendations and/or Comments:

Provide any additional recommendations and/or comments you have on the issue of foster care records retention.

VI. Requests for Records:

To the best of your knowledge, how many requests for foster care records do you receive in a one year period?

Please submit this questionnaire by August 9, 1994 to:

New York State Department of Social Services
Division of Services and Community Development
40 North Pearl Street
Albany New York, 12243
attention: Michelle Rafael

Please call Ms. Rafael at 1-800-343-8859, extension 3-6238 if you have any questions about this survey questionnaire or would prefer to provide your answers over the telephone.

