

LEGAL FACT SHEET

WHAT IS A STATE CENTRAL REGISTRY (SCR) REPORT, AND HOW CAN I GET IT EXPUNGED?*

What Is an SCR Report?

Every state, including New York, has an SCR (State Central Registry). The SCR is designed to document and report the initial claim of child abuse or neglect. Also referred to as the "hotline," SCR is required to have a phone contact made available twenty-four hours a day; seven days a week. When a report of abuse or neglect is filed with the SCR, the case information is forwarded to CPS (Child Protective Services) for investigation. See Social Services Law (SSL) §§413-415.

Anyone is permitted to file a report of child abuse or neglect with SCR if they believe the circumstances warrant an investigation by Child Protective Services. Concerned neighbors or family members are among those permitted. Additionally, certain persons or agencies are considered mandated reporters and are required by law to report evidence of child abuse or neglect. Such a report can affect your ability to obtain employment by a child care agency; it can affect your ability to adopt; and can also affect your ability to become a foster care provider.

An SCR report is a confidential document and can only be accessed by individuals named in the report or agencies permitted under Social Service Law section 422. If you are named in the report and would like your attorney to have access to the report, you are required to give permission to your attorney. However, the Commissioner is allowed to deny the release of the report if he feels it will reveal the identity of the person who made the report and the release of such information would "be detrimental to the safety or interests of such person."

Unfounded or Indicated: SSL§ 424-d(1), SSL§ 422(5)

An investigation by CPS will yield one of two results. If the investigation finds there is no showing of "some credible evidence that a child has been abused or neglected," it will be recorded as "Unfounded." In this scenario, the report is "Sealed," not automatically "Expunged," and can be unsealed and accessed if later events warrant it. "Expungement" removes the allegations from record. "Sealing" only limits access to the record. Additionally, an unfounded report will be expunged ten years after the youngest child named in the report turns eighteen.

If the investigation meets the "some credible evidence" standard, the report will be labeled "Indicated." In this scenario, CPS has discretion with the handling of the case. CPS may decide rehabilitation is the most appropriate measure. Provided the subject of the report cooperates with CPS, no legal proceedings pursuant to Family Court Article 10 are necessary. However, if the subject does not cooperate, they may find themselves in the middle of a Child Protective Proceeding or even the subject of a criminal complaint made to the District Attorney.

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How to Challenge the Finding and get it Expunged

SSL§ 422(8), 18 NYCRR Part 434, Child Protective Services, Administrative Hearing Procedure A CPS investigation may show a finding of "Indicated" but recommend no further intervention is needed. In this scenario, the subject may feel the standard of "some credible evidence" was not met and can request administrative review. The request would be to amend the record of the report, resulting in affectively expunging the report or at the very least sealing it. The subject has 90 days after being notified of the report to request administrative review.

Need for Legal Assistance

As previously stated, an SCR is a very confidential document, and few have access to the report. If you have been named in the report and would like your attorney to have access to the report, you must give your attorney the power to do so. If you are seeking to expunge your SCR report, your attorney should be knowledgeable with 18 NYCRR Part 434; Social Service Law; the Family Court Act, Article 10; and Penal Law.

The standard of proof has been changed with regard to the expungement hearing from "some credible evidence" to a "fair preponderance of the evidence" and therefore, it is questionable as to whether "some credible evidence" is still the appropriate standard in this regard.

The above information is not legal advice. It is not a substitute for consulting an attorney. Up-to-date legal advice and legal information can only be obtained by consulting with an attorney. Any opinions, legal opinions, findings, conclusions or recommendations expressed in this publication or on the NYS Kinship Navigator website or by any person or entity to whom you may be referred are those of the Kinship Navigator, Catholic Family Center and/or the person or entity you are referred to and do not necessarily represent the official views, opinions, legal opinions or policy of the State of New York and/or the New York State Office of Children and Family Services (OCFS). NYS Kinship Navigator is a Catholic Family Center program, funded by the New York State Office of Children and Family Services. Catholic Family Center is the only agency authorized by New York State to provide a statewide information and referral service to kinship caregivers. The information herein is published by the NYS Kinship Navigator.

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