

City of New York  
Administration for Children's Services

**Subject: Reporting of Criminal History to Outside Agencies**

**APPROVED BY:** Gilbert Taylor, Esq.  
Executive Deputy Commissioner, Division of  
Child Protection; Alan Sputz, Deputy  
Commissioner, Division of Family Court  
Legal Services; Susan Morley, Senior Advisor  
for Investigations

**PAGE:** 1 of 3

**IMPLEMENTATION RESPONSIBILITY:**  
Division of Child Protection, Division of Family  
Court Legal Services, Investigation Consultation  
Program

**DATE:** March 12th, 2013

### **BACKGROUND**

When conducting child protective investigations or during family interactions, DCP staff may become aware of criminal or illegal activity by a parent, person legally responsible (PLR), caretaker or subject child that places a child at risk of harm. In such circumstances, ACS staff are required to notify law enforcement of such illegal or criminal activity as outlined below.

### **PURPOSE:**

This policy is intended to provide guidance to DCP, FCLS and Investigative Consultant staff as to when they must notify the appropriate law enforcement agency of any alleged illegal or criminal activity regarding a parent, PLR, caretaker or subject child.

### **SCOPE**

The policy applies to ACS staff who have direct contact with children and families or who have access to information regarding a parent's, PLR's, caretaker's or a child's alleged illegal or criminal activity.

### **POLICY**

DCP staff should notify the Investigative Consultants when they become aware that a parent, PLR, caretaker or child on a case:

- Is the subject of any active arrest warrant issued by any court in New York City (NYC), New York State (NYS), or in any other state.
- Is the subject of an active warrant issued by any Family Court in NYC, NYS, or in any other state.
- Has violated any of the following court orders issued in NYC, NYS, or in any other state:
  - Orders of Parole
  - Orders of Probation
  - Orders of Protection
    - However, in domestic violence cases, CPS should immediately assess the risk and safety of the survivor and children and offer assistance with safety planning. CPS should immediately alert the CPSSII and Domestic Violence Consultant on site for further decision making and service planning. The Borough office

should also alert the FCLS attorney to discuss whether to file a petition and/or amend the neglect or abuse petition.<sup>1</sup>

- Sex Offender registration requirements
- Is an individual who is suspected of engaging in illegal activity and who is currently in the United States illegally. As per Mayoral Executive Order 41, mere status as an undocumented alien may not be disclosed.

Upon receipt of this information, the Investigative Consultant is required to notify the appropriate law enforcement agency.

### **Notification by Division of Child Protection (DCP) /Investigative Consultants to Law Enforcement**

A Child Protective Specialist (CPS) should consult with the onsite Investigative Consultant whenever he/she becomes aware of any alleged illegal or criminal activity as outlined in the above paragraph with regards to any parent/PLR/caretaker/child on their case. If the CPS is aware of the location of the individual, the CPS should inform the Investigative Consultant who will then notify the appropriate law enforcement agency.

### **Arrests in the Borough Office**

Borough Office meetings, including Family Meetings, Child Safety Conferences, and any necessary interviews, should not be used as an opportunity to execute an outstanding arrest warrant with respect to a parent, PLR, caretaker, or child unless the CPS team assesses that the subject child or youth is at serious risk of harm while in care of the parent/caretaker/PLR. However, there are occasionally circumstances when a parent/caretaker/PLR/child is present at an ACS Facility and law enforcement indicates that they will be responding to the ACS facility to arrest the individual. In these circumstances, the onsite Investigative Consultant should alert the Child Protective Manager (CPM) or Deputy Director to the possible arrest. The CPM/Deputy Director and the on-site Investigative Consultant staff should consult with each other to discuss the response. The Investigative Consultant will coordinate the necessary response with the relevant law enforcement agency. Unless there are exigent circumstances, all efforts should be made to have the arrest take place off site.

### **Notification to Family Court Legal Services (FCLS)**

- If there is an open case with the NYC Family Court and the CPS becomes aware that there is an outstanding warrant or current or outstanding violation of a Court order from any Court regarding a parent/caretaker/PLR/child involved in their case, they should promptly report that information to FCLS. The CPS should also inform FCLS of the whereabouts of the person named in the warrant or order, if known.
- If a warrant in a child protective or voluntary placement case is issued by Family Court in NYC, NYS, or in any other state, the CPS or case planner should proceed in accordance with existing Children's Services policy guidance on warrants.<sup>2</sup>

### **Notification by FCLS to the Family Court**

---

<sup>1</sup> Please see *Child Safety Alert #12 dated June 12<sup>th</sup>, 2006: Working with Parents Experiencing Domestic Violence: Child Safety Depends on Careful Assessment and Intervention.*

<sup>2</sup> For the complete policy/procedure to follow when a child is missing from care, refer to Procedure 2007/02, Children Missing From Foster Care Placement. This document is available via ACS DocuShare via the following link: [Policies and Procedures](#) » [PPM Child Welfare Policies & Procedures](#) » [Protective](#) » [Procedures](#).

FCLS should promptly inform the Court upon learning that there is an outstanding warrant or current or outstanding violation of a court order (please note the guidance above for handling violations of Orders of Protection in domestic violence cases) from any Court in NYC, NYS, or any other state, regarding a parent/PLR/ caretaker/child involved in their case. FCLS will inform the Court of the location and whereabouts of any person named in a warrant if known.

**Effective Date:** This policy is effective immediately.