



MEMORANDUM OF SUPPORT S.5526 (Montgomery)

May 28, 2019

The Children's Defense Fund (CDF) is a national, non-profit child advocacy organization that has worked relentlessly for 40 years to ensure a level playing field for all children. In New York, CDF-NY's unique approach to improving conditions for children combines research, public education, policy development, community organizing, and advocacy, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood, child welfare and juvenile justice.

We support the State Central Register (SCR) reform bill (S.5526). We believe the current law is in urgent need of amendment to better balance child safety with the needs and rights of parents.

All states maintain records of child abuse and neglect, often in statewide databases that are known as central registries. Unlike many states, in New York, a parent can be excluded from certain categories of employment for decades based on allegations of abuse or neglect that may never make it to court or be substantiated by a judge. Parents who have faced these allegations are listed on the SCR for up to ten years after their youngest child turns 18 – which could be as many as 28 years. The process for getting off the SCR is very difficult, and few parents even pursue it.

Nearly 27,000 reports are added each year, which result in thousands of parents becoming ineligible for employment opportunities that require SCR clearance, such as child care, positions within hospitals and schools, and home health aide jobs. The collateral consequences of being listed on the SCR directly impact families, diminishing employment opportunities and resources for children in their homes. This is especially counterproductive as most cases (over 70%) stem from poverty and involve allegations of neglect – not child abuse.

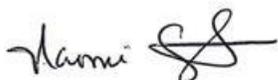
This is not solely an economic issue; it is also a racial justice concern. African American and Latinx families are disproportionately affected by this law, which serves as a barrier for low-income people of color and immigrants. African American parents are 2.6 times more likely than white parents to have an allegation "indicated" and be added to the SCR.

S.5526 would address these problems without sacrificing child safety. Specifically, it would:

- Remove unnecessary and unfair employment barriers for parents by automatically sealing indicated reports of neglect after 5 years to shield them from employers, while ensuring that all reports continue to be available to child welfare and foster care agencies who must ensure child safety. Reports of abuse would continue to be accessible to these agencies for up to 28 years.

- Make the process for parents to challenge their inclusion in the SCR more fair and efficient by improving court procedures and allowing them to present evidence of rehabilitation, where applicable. By eliminating duplicative proceedings and permitting parents to show how they have addressed matters contributing to their being placed in the SCR, parents have a better opportunity to have their records sealed, and to avoid the collateral consequences that create barriers to obtaining and keeping their jobs.

We respectfully urge the Legislature to pass and the Governor to sign S.5526 this year, to help thousands of families and move New York into line with other states that better balance child safety with the collateral consequences for parents.

A handwritten signature in black ink, appearing to read "Naomi" followed by a stylized monogram or flourish.

Naomi Post,
Executive Director
Children's Defense Fund-New York