

Brenda K Mori
Deputy Clerk
County Office Building
3 East Pulteney Square
Bath NY 14810-1510

RE: County of Steuben, Local Law 2, 3, 4 & 5, 2010, filed on July 6, 2010

Dear Sir/Madam:

italics or underlining to indicate new matter.

- County
- City of STEUBEN
- Town
- Village

Local Law No. TWO of the year 20 10

A local law providing for criminal history record information investigations for Day Care Providers
(Insert Title)
pursuant to engagement by the Department of Social Services relative to children in
need of services.

Be it enacted by the LEGISLATURE of the
(Name of Legislative Body)

- County
- City of STEUBEN as follows:
- Town
- Village

SECTION 1: All prospective (legally exempt) Day Care Providers pursuant to engagement by the Department of Social Services relative to Children in need of services, after the effective date of this Local Law, by virtue of such engagement, shall be subject to a criminal history record information ("CHRI") investigation to determine the suitability of such applicant for such engagement.

SECTION 2: Upon receipt of an application for any such engagement, the County Commissioner of Social Services shall, subject to the rules and regulations of the Division of Criminal Justice Services and of a written Use and Dissemination Agreement between the Division of Criminal Justice Services and the Commissioner of Social Services, initiate a criminal history records check of the person making application. The Commissioner shall furnish the applicant with the form described in Section 5 of this Local Law and shall obtain the applicant's consent to the criminal history records check. The Division of Criminal Justice Services shall forward such criminal history record to the Commissioner in a timely manner.

SECTION 3. All such CHRI processed and sent pursuant to this subdivision shall be confidential pursuant to the applicable federal and state laws, rules and regulations and shall not be published or in any way disclosed to persons other than the Commissioner or her designee, the Deputy Commissioner of Services, the Steuben County Attorney, the Deputy County Attorney/DSS Family Court, and any contractor engaged by the Commissioner to review and process Day Care Provider applications, unless otherwise authorized by Law. No cause of action against the County or the Division of Criminal Justice Services for damages related to the dissemination of CHRI pursuant to this subdivision shall exist when the County or Division of Criminal Justice Services has reasonably and in good faith relied upon the accuracy and completeness of CHRI furnished to it by qualified agencies. The provision of such CHRI by the Division of Criminal Justice Services shall be subject to the provisions of subdivision sixteen of Section two hundred ninety-six of the Executive Law. The Commissioner shall consider such criminal history record pursuant to Article twenty-three-A of the Correction Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 4. The Steuben County Commissioner of Social Services, in consultation with the Division of Criminal Justice Services and in accordance with all applicable provisions of law, shall promulgate rules and regulations for the use of information derived from a search of the records of the Division of Criminal Justice Services. The Commissioner shall also develop a form for submission by the County that contains a specific service provider title sought and any other information that may be relevant to consideration of the applicant.

SECTION 5. The Steuben County Commissioner of Social Services, in consultation with the Division of Criminal Justice Services, shall:

A. Promulgate a form to be provided to all such prospective Day Care Providers pursuant to engagement by the Department of Social Services relative to Children in need of services that shall:

(i) inform the prospective provider that the Commissioner is required to request his or her CHRI from the Division of Criminal Justice Services and review such information pursuant to this section, and provide a description of the manner in which his or her fingerprint cards will be used upon submission to the Division of Criminal Justice Services;

(ii) inform the prospective provider that he or she has the right to obtain, review and seek correction of his or her CHRI pursuant to regulations and procedures established by the Division of Criminal Justice Services;

(iii) inform the prospective provider that his or her failure to consent to such a CHRI investigation shall be deemed a disqualification for engagement for which the person has applied.

B. The Steuben County Commissioner of Social Services shall obtain the signed informed consent of the prospective provider on such form which indicates that such person has:

(i) been informed of the right and procedures necessary to obtain, review and seek correction of his or her CHRI;

(ii) been informed of the reason for the request for his or her CHRI;

(iii) consented to such request for a report;

(iv) supplied on the form a current mailing or home address for the prospective provider;

(v) been informed that he or she may withdraw his or her application for engagement pursuant to this section, without prejudice, at any time before engagement is offered or declined, regardless of whether the prospective employee or the County has reviewed such prospective provider's CHRI; and

(vi) been informed that pursuant to Correction Law §§701 – 703-b and §§751 – 753, his or her application for employment shall be denied by reason of the applicant's having been previously convicted of one or more misdemeanors or felonies or by reason of a lack of "good moral character" when there is a direct relationship between one or more of the previous criminal convictions and the specific engagement sought or the granting of such engagement would involve an unreasonable risk to the safety or welfare of children in need of services, specific individuals or the general public.

(vii) been informed that in making a determination under paragraph (vi) the Steuben County Commissioner of Social Services shall consider the various factors set forth herein and in Correction Law §§701 – 703-b and §§751 – 753.

(viii) been informed that the Commissioner shall have given due consideration to a certificate of relief from disabilities or a certificate of good conduct previously issued to the applicant pursuant to Correction Law §§751 – 753 which sets forth the policy of the State of New York to encourage the engagement of persons previously convicted of one or more criminal offenses and factors that should be considered in making engagement determinations.

(ix) been informed that in the event his or her engagement is terminated, the Steuben County Commissioner of Social Services shall notify the Division of Criminal Justice Services of such termination, and the Division of Criminal Justice Services shall destroy the fingerprints records of such person which had been received through the process set forth herein.

SECTION 6: When the Steuben County Commissioner of Social Services determines that engagement applied for should be denied by reason of information obtained from the applicant's CHRI, the applicant shall be afforded written notice thereof, within 30 days of the request, and the right to be heard and offer proof in opposition to such determination.

SECTION 7: If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Legislature of the County of Steuben hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION 8: All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 9: This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Two of 20 10 of the (County)(City)(Town)(Village) of Steuben was duly passed by the Legislature on June 28 20 10, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

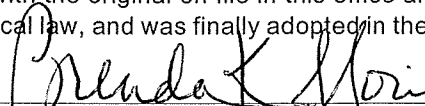
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the ~~qualified electors of the towns of said county considered as a unit voting at said general election,~~ became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

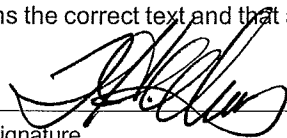
Date: 6/28/10

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
COUNTY ATTORNEY

Title

County _____
~~City~~ of STEUBEN
~~Town~~
~~Village~~

Date: June 28, 2010