



New York University
A private university in the public service

**FAMILY DEFENSE CLINIC
WASHINGTON SQUARE LEGAL SERVICES, INC.**

245 Sullivan Street, 5th Floor
New York, NY 10012-1301
(212) 998-6430
Fax: (212) 995-4031

CHRISTINE GOTTLIEB
MARTIN GUGGENHEIM
Supervising Attorneys

Memo in Support of A8060 and S6427

The NYU Family Defense Clinic strongly supports **A8060** and **S6427**, which would eliminate the harsh and disproportionate consequences of having an indicated case on New York's Statewide Central Register of Child Abuse and Maltreatment (SCR). These bills will help to ensure fairness and due process for people facing barriers to employment for up to 28 years as a result of their name being on the SCR.

The NYU Family Defense Clinic is a teaching clinic at NYU School of Law, which teaches law students and masters degree social work students to protect the civil rights of parents and ensure they receive the services to which they are entitled in order to keep their families safely together. Our clinic regularly represents parents in challenges to indicated cases in the SCR.

Under current law, New York's standard for placing parents on the SCR is far lower than that of most other jurisdictions and New York shares SCR records with more employers in ways that impede access to job opportunities. These include many of the best jobs that would otherwise be available to impacted parents, including in the healthcare and education fields. Most of these records are based on allegations of poverty-related neglect, which have never been reviewed by a judge. Troublingly, New York's SCR law currently treats allegations of poverty-related neglect the same way it treats child abuse that has been proven in court. As a result, thousands of parents are routinely denied employment when there is no child safety concern that justifies this constraint on their ability to support their families. Moreover, because allegations are disproportionately made against Black and Latinx parents, current SCR practices deepen inequality in our society. This an issue of racial and economic justice that we believe urgently needs to be addressed.

A8060/S6427 would:

- 1) Remove unnecessary and unfair employment barriers for parents by automatically sealing indicated reports of neglect to most employers after 8 years and all employers after 12 years, so long as the person did not get a subsequent indicated report.

- 2) Ensure that SCR reports are automatically amended and sealed when a Family Court Judge dismisses the underlying case.
- 3) Allow Fair Hearing judges to consider evidence of a parent's rehabilitation whenever considering whether to seal an indicated report.
- 4) Help prevent unfair and unnecessary harm to families by requiring a preponderance of evidence of abuse or maltreatment before parents are given records that will severely limit their employment prospects. This would replace the low standard of evidence currently used with a requirement that the evidence be fairly assessed.

We believe A8060/S6427 would make SCR procedures fairer while maintaining the necessary safeguards to ensure that child welfare agencies and employers have continued access to records of abuse and neglect when appropriate.

We respectfully urge you to do everything in your power to pass this legislation this session in order to eliminate unnecessary impediments to parents' efforts to support their families.