

New York Public Welfare Association

Local District Background Checks

Criminal Records and Vulnerable Persons' Central Register

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Review of Pertinent Statutes and Regulations

- A criminal record check is required for job applicants, volunteers, and for any operators with an ownership interest, in **residential programs** that are operated, or certified, or licensed by OCFS as per [SSL 378-a\(1\)](#). The statute also authorizes, but does **not** mandate, that criminal records be checked for applicants with the potential for regular or substantial unsupervised, unrestricted physical contact such as authorized agency staff in adoption or foster boarding home programs.
- A criminal record check is **not** mandated for CPS, but the law does require that applicants sign a sworn statement about the existence of any criminal conviction. See [SSL 423-d](#) and [18 NYCRR 432.2\(e\)\(6\)\(i\)\(d\)](#)
- All LDSS professional and para-professional job applicants and volunteers who have substantial contact with children need to be checked against the Vulnerable Persons' Central Register (VPCR). The NYS Justice Center is responsible for maintaining a statewide register known as the Staff Exclusion List (SEL) which contains the names of individuals found responsible for serious or repeated acts of abuse and neglect. See [SSL 424-a](#) and [18 NYCRR 402.2\(e\)\(3\) and \(4\)](#). These same persons also need to complete a sworn criminal conviction statement under [18 NYCRR 402.2\(e\)\(1\)\(iv\)](#).

Important Considerations

While it's not mandated by NYS, counties may still choose to conduct criminal record checks and may require a copy of an applicant's criminal record, consistent with any local laws and collective bargaining agreements.