



**Justice Center for the  
Protection of People  
with Special Needs**

Andrew M. Cuomo, Governor

**Memorandum**

**To:** SOA Commissioners and Counsel  
**From:** Robin A. Forshaw, General Counsel  
**Date:** February 11, 2016  
**Subject:** Revised Code of Conduct

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As of January 21, 2016, the Code of Conduct required by Executive Law § 554 has been revised as part of the settlement of an improper practices (IP) charge brought by PEF. A copy of the revised Code of Conduct is attached to the Memorandum. Even though the IP involved only PEF employees, in order to maintain consistency, the Justice Center has decided to issue a revised Code of Conduct for all persons who are required to sign the Code of Conduct.

Under section 554, the Code of Conduct applies to all “custodians,” as defined by Social Services Law § 488(2), who have or will have regular and direct contact with service recipients who reside in facilities and provider agencies under the Justice Center’s jurisdiction. Such custodians must be provided with a copy of the Code of Conduct at the time of their initial employment, and at least annually thereafter, and are required to acknowledge that they have read and understand the Code of Conduct.

The revisions to the Code of Conduct are generally non-substantive, but help to clarify custodians’ obligations under the Code of Conduct. (See attached document comparing provisions of old and revised Code of Conduct.) Therefore, the Justice Center has decided to let each SOA determine how to implement the revised Code of Conduct. There are two methods to do so, and each SOA should select the procedure that will work best for custodians in its own programs and in programs licensed and/or certified by the SOA:

1. An SOA may require each custodian who is required to sign the Code of Conduct to execute the revised Code of Conduct by a date certain; or
2. An SOA may allow custodians to execute the revised Code of Conduct on the next occasion when the custodian must sign and acknowledge his or her understanding of the Code of Conduct.

As with the original Code of Conduct, the newly-executed Code of Conduct should be maintained in a place where it is accessible to investigators and/or SOA auditors.