



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

September 13, 2019

Dear Provider:

As you are aware, with the passage of the New York State (NYS) budget on April 1, 2019, legislation was enacted that grants the Office of Children and Family Services (OCFS) the authority to implement comprehensive background clearance requirements as federally mandated in the Child Care Development Block Grant Act of 2014 (CCDBG). This letter contains important information that affects your child care program and serves to clarify changes in procedures and practice regarding the background clearance process.

PLEASE READ CAREFULLY

NEW/PROSPECTIVE INDIVIDUALS:

In the letter dated August 2019, we indicated that implementation of the comprehensive background clearance requirements for new/prospective employees would begin on September 16, 2019. **Please be advised that the implementation date for new/prospective employees has been changed to September 25, 2019.**

This will require that any prospective operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, and any person age 18 or older living in such home, complete the following background clearances:

- A NYS criminal history record check with the Division of Criminal Justice Services
- A national criminal record check with the Federal Bureau of Investigation (FBI)
- A search of the NYS Sex Offender Registry
- A database check of the NYS Statewide Central Register of Child Abuse and Maltreatment (SCR) in accordance with section 424-a of the Social Services Law
- A search of the national sex offender registry using the National Crime and Information Center (**This check will not be conducted upon initial implementation and will be required to be completed at a later time.**)

Effective 9/25/19, all new applicants are required to successfully complete the comprehensive background check clearance requirements prior to beginning at the child care program. Once this process is complete, written notice will be provided to the program by OCFS reflecting an individual's eligibility or approval to work at a program. This notice must be maintained on site at the program.

In addition, the following background clearance checks will be required to be conducted where an individual, listed above, resides or resided outside of New York State in the five years preceding working or living in a child care program in NYS:

- A search of the criminal history repository in each state where the individual resides or resided outside of New York
- A search of any state sex offender registry or repository in each state where the individual resides or resided outside of New York
- A search of state-based child abuse or neglect repository in each state where the individual resides or resided outside of New York

Any new/prospective operator, director, employee or volunteer who is subject to out of state clearance requirements, *may* be granted conditional approval by OCFS to begin working while their out of state clearances are in process. Before OCFS will grant a conditional approval, the individual must successfully complete all other comprehensive background clearance requirements. This individual cannot not be left alone, unsupervised with children until OCFS notifies the program, in writing, that all comprehensive background clearance requirements have been successfully completed and the individual is eligible to work in child care.

EXISTING/CURRENT INDIVIDUALS:

CCDBG requires all existing and currently cleared operators, directors, employees, volunteers, and household members living in a family or group family day care home age 18 years and older to complete the comprehensive background clearance requirements listed above **in accordance with a schedule set forth by OCFS.** The schedule for existing staff, volunteers, and household members is as follows: **each existing child care operator, director, employee, volunteer and household member age 18 years and older, will schedule their fingerprint imaging appointment within seven days (before or after) their birthday.** For example, if your birthday is on May 15th, your fingerprint imaging appointment must occur between May 8, 2020 and May 22, 2020. It is imperative that this schedule be followed so that the system can support the fingerprint process being completed as required. Not following the schedule may result in an individual not being screened as required.

Implementation of the comprehensive background clearance requirements for individuals currently working at an existing child care program will begin on October 1, 2019 in accordance with the schedule above.

OCFS-4930-1, *Guidelines for Fingerprinting for Child Care Programs* can be found on our website at: <https://ocfs.ny.gov/main/documents/docsChildCare.asp>. Staff can call 1-877-472-6915 or go to <https://uenroll.identoqo.com/workflows/15441V> to schedule a fingerprint imaging appointment.

Given the number of individuals subject to the clearance requirements, please plan ahead and schedule your appointment within the designated timeframe.

Please note: The Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI) require individuals who have had a social security number issued to enter their social security number into a key pad when they are fingerprinted. If the number is entered incorrectly, the individual will need to be re-fingerprinted, which results in a delay in completing the background clearances. If a social security number has been issued to the individual, please be sure you have that information with you when you go to be fingerprinted.

We want to reinforce that all the clearance requirements listed in this letter for current/existing employees must be submitted in accordance with the schedule set forth by OCFS and outlined in this letter. In addition to scheduling an appointment for fingerprint imaging for all current/existing employees, programs must also submit the entire, completed, 6000-series clearance packet within seven days (before or after) of the individual's birthday.

FINGERPRINT WAIVER PROCESS:

Upon implementation, fingerprint imaging results will no longer be able to be "waived" to a new program until the individual completes the comprehensive background clearance requirement process. (A new SCR and SEL must also be completed.) Once an existing individual has successfully completed the comprehensive background clearance requirements, fingerprint imaging results will be able to be associated with another program unless the person ceases to work in any child care program for 180 consecutive days. Anyone who is expunged for a period greater than 180 days must complete the comprehensive background clearance requirements again, prior to beginning work in a child care program.

HOW DO I COMPLETE THE COMPREHENSIVE BACKGROUND CLEARANCE REQUIREMENTS?

OCFS has revised the clearance packet (6000-series) to support this clearance process. This packet contains:

- OCFS-6000, Required Forms and Clearance List
- OCFS-6001, Child Care Provider, Staff, and Volunteer Information
- OCFS-6002, Qualifications
- OCFS-6003, References
- OCFS-6004, Medical
- OCFS-6005, Criminal Conviction Statement
- OCFS-6022, Staff Exclusion List
- OCFS-4930, Request for Fingerprinting
- LDSS-3370, Statewide Central Register Database Check Request

Each individual (current or prospective) must complete the entire clearance packet. Instructions on where forms are to be mailed are included on OCFS 6000. For a copy of these forms, please reach out to your licensor or registrar, or download and print from the OCFS website at:

<https://ocfs.ny.gov/main/documents/docsChildCare.asp>.

STATE CENTRAL REGISTER (SCR) via ONLINE CLEARANCE SYSTEM (OCS)

As reflected in the letter sent in August 2019, day care center and school age child care programs who utilize the Online Clearance System (OCS) to submit LDSS 3370 Statewide Central Register (SCR) Database Check requests were notified of a change in process taking place on September 1, 2019. Entry is still made into the OCS at the child care program; however, the request is then submitted to the respective OCFS licensing/registration office for review and submission to the SCR. The results of the SCR check will be returned to the licensing/registration office via the OCS, and will contribute to the overall comprehensive background clearance review.

It is important, when submitting database check requests, to be sure you are assigning the correct clearance category. Requests for new/prospective individuals, a fee-paying category, requires \$25.00 to accompany the request. **OCS allows programs to pay this fee using a credit card when the request is being made and OCFS strongly encourages this practice as it will help expedite processing.**

If the program is paying by a certified check, postal or bank money order, teller's check, cashier's check or agency check, it should be made payable to "New York State Office of Children and Family Services" in the amount of \$25.00. The check must also include the applicant's name and the program's facility ID number. This payment should then be mailed to the appropriate licensing/registration office upon submission of the request in the OCS. The database check will not be processed until the \$25.00 fee is received by the OCFS licensing/registration office; untimely submission will result in a delay of processing. Again, OCFS strongly encourages the use of credit card payment.

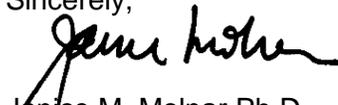
STAFF EXCLUSION LIST (SEL)

Upon implementation of the comprehensive background check clearance requirements, Staff Exclusion List (SEL) clearances for employees in day care center and school age child care programs will now be processed by our licensing and registration offices and will contribute to the individual's overall background check eligibility/ineligibility.

OCFS recognizes the challenges in implementing these changes, and is dedicated to assisting child care programs throughout this transition. We want to reinforce that existing employees currently cleared to work in child care programs may continue to do so until their birthday requires them to be rescreened, as reflected in this letter. In addition, there will be no additional fees passed on to child care programs to complete the comprehensive background check process except for the \$25 fee, which is currently required to process SCR clearances for new applicants/staff only.

We appreciate your commitment to the safety and well-being of children in care. DCCS will continue to keep you informed as we progress with implementing these federal requirements. In the meantime, if you have any questions, please reach out to your regulator for assistance.

Sincerely,



Janice M. Molnar Ph.D.
Deputy Commissioner
Division of Child Care Services

Si necesita leer esta carta en español, visite el portal de la División de Servicios de Cuidado Infantil: Si no tiene acceso a <https://ocfs.ny.gov/main/childcare/letters.asp> la Red o Internet, contacte al encargado de licencias o registros para recibir ayuda.

