



# Office of Children and Family Services

ANDREW M. CUOMO  
Governor

SHEILA J. POOLE  
Commissioner

August 2019

Dear Provider:

## **THIS LETTER CONTAINS IMPORTANT INFORMATION REGARDING UPCOMING CHANGES TO THE BACKGROUND CHECK SCREENING PROCESS FOR ALL INDIVIDUALS AT YOUR PROGRAM.**

As you may be 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 checks as federally mandated in the Child Care Development Block Grant Act of 2014 (CCDBG). In the near future, we will be moving to implement these new, federally-required, background checks. Please read this information carefully as these changes affect all individuals associated with your child care program.

### **Comprehensive Background Check Screening Requirements Effective 9/16/19:**

This will require that any prospective or existing 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, in accordance with a schedule developed by the Office:

- 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; and
- 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 date).

In addition, for any individual who resides or resided outside of New York State in the preceding five years the following background checks will be required:

- 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, and;
- a search of state-based child abuse or neglect repository in each state where the individual resides or resided outside of New York.

### **What this means for you and your program:**

- All new applicants for employment and licensure/registration will be required to successfully complete these comprehensive background check screening requirements prior to beginning at the child care program;

- Prospective operators, directors, employees or volunteers who are not living out of state and did not live out of state in the preceding five years cannot begin until OCFS notifies the program that the person has successfully completed the comprehensive background check screening requirements;
- Prospective operators, directors, employees or volunteers who live or lived out of state in the prior five years may be granted conditional approval due to the additional processing timeframes that may result in completing these background checks; however, they cannot begin until OCFS grants conditional approval, and they cannot be left alone unsupervised with children until OCFS advises that the individual has successfully completed all components of the comprehensive background check screening and the person is eligible;
- All existing and currently cleared individuals will be required to undergo the fingerprinting process again to meet the requirements for processing these comprehensive background check screenings. The entire background check screening process must be redone at least every five years. Additionally, the clearances will need to be repeated when an individual has been separated from child care within NYS for more than 180 consecutive days;
- OCFS is developing an implementation schedule for existing and currently cleared staff to complete this comprehensive background check screening process. Given the high volume of individuals required to undergo this process, there are many logistical challenges being worked out. We anticipate releasing this schedule in the near future. **ONCE THIS SCHEDULE IS RELEASED, IT MUST BE FOLLOWED.**
- There will be federally-required mandatory disqualifying offenses. It is possible that individuals who have been approved prior may no longer be approved once these additional background checks are completed. OCFS will communicate this information to you, if applicable;
- There will be changes in how your program will process and receive information on the outcome of the background check screening process. A background check approval notice will be sent to Day Care Center and School Age Child Care programs reflecting completion of the process, and conditional approval, if applicable, for their employees and volunteers. All directors, and Family and Group Family Day Care roles, will receive an overall role-approval notice, which includes the approval of the background check screening, once the process is complete, and conditional approval, if applicable, for directors. Additional notifications and procedures will be in place to address any individuals whose role is unable to be approved due to conditions in their background check screening process;
- **Effective 9/1/19**, Day Care Center and School Age Child Care programs will still enter data from form LDSS-3370 into the Online Clearance System. However, programs will not get the results of the SCR clearances directly. The Online Clearance System submission will go to the program's regulator for submission to the SCR, as will the results, and will contribute to the overall background check process.
- Upon implementation, child care staff will no longer be able to have their fingerprints "waived" into new programs until they complete the comprehensive background check screening process. If your organization operates multiple programs and you anticipate the need to have staff work in multiple sites, you should contact your licensor/registrar so that their fingerprints can be waived into these locations before implementation begins; and
- OCFS is developing new forms and documentation to support these changes so that individuals will have everything they need in one place to complete the process. This information will be posted on our website, and we will send you a letter, as it becomes available.

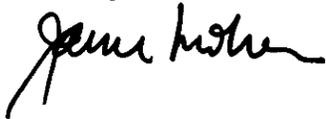
**\*An important reminder to clean up your staff rosters:**

As a result of the comprehensive background check screening requirements, it is more important than ever that your active staff list be current. Please review your staff roster carefully and expunge anyone who is not actively working in your program. You should use form [OCFS-4622, Notice To Expunge Associated Fingerprint Card](#) (which can also be found on our website's forms page: <https://ocfs.ny.gov/main/documents/docsChildCare.asp>)

or you can submit a list if there were multiple people fingerprinted who are no longer associated with your program. Communicate these changes to your licensor/registrar via telephone, email, in writing, or onsite during an inspection.

OCFS recognizes that implementing these changes may create challenges. We are committed to working with you and your program to complete the process. Enhancing the background clearances of individuals associated with child care programs improves the well-being and safety of children in care and are required under federal law. We will continue to keep you informed as we progress in implementation and will share information as processes are developed. In the coming weeks, we will send a letter with more updates, but please check our website regularly for the most up-to-date information. Reach out to your licensor/registrar if you have any questions.

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: <http://www.ocfs.state.ny.us/main/childcare/letters.asp>. Si no tiene acceso a la Red o Internet, contacte al encargado de licencias o registros para recibir ayuda.



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