



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

September 23, 2019

Dear Enrolled Legally-Exempt Group 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 the enrollment of your child care program and clarifies changes in procedures and practice regarding the background clearance process.

In the letter dated August 2019, we indicated that implementation of the comprehensive background clearances for certain individuals would begin soon. **Please be advised that the implementation date for prospective directors, employees, and volunteers is September 25, 2019. All existing directors, employees, and volunteers will follow a schedule set forth by OCFS, beginning on October 1, 2019, and may continue in their role until the results of the background check have been provided.**

PLEASE READ CAREFULLY

Who is Required to Complete the Comprehensive Background Clearances:

- Director(s) at legally-exempt group child care programs
- Employees and volunteers at legally-exempt group child care programs

What are the Costs to Complete the Comprehensive Background Clearances:

Section 424-a(1)(f) of the Social Services Law requires new directors and employees to pay a \$25 fee for any database clearance conducted through the Statewide Central Register of Child Abuse and Maltreatment (SCR). There will be no other cost to the background clearances.

PROSPECTIVE INDIVIDUALS:

Beginning September 25, 2019, any prospective: director, employee, or volunteer must complete the following background clearances prior to being enrolled or beginning at an enrolled legally-exempt group child care program:

- a NYS criminal history record check with the Division of Criminal Justice Services (DCJS);
- 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 SCR; and
- a check of the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of Persons with Special Needs.

A search of the national sex offender registry using the National Crime and Information Center is also required as part of the comprehensive background clearances, but will not be conducted upon initial implementation and will be required at a later time.

Once the background clearances are complete, OCFS will mail written notice to the program reflecting an individual's eligibility for enrollment or to begin at a program. This notice must be kept on site at the program.

In addition to those listed above, the following background clearances will be required where a director, employee or volunteer resides or resided outside of NYS in the five preceding years:

- a search of the criminal history repository in each such state;
- a search of any state sex offender registry or repository in each such state; and
- a search of state-based child abuse or neglect repository in each such state.

Any prospective director, employee or volunteer of a legally-exempt group program subject to out-of-state clearance requirements *may* be granted conditional approval by OCFS to begin at the child care program while their out-of-state clearances are in process. Before OCFS will grant a conditional approval, the individual must successfully complete all other background clearances, except for the national sex offender registry, until such time that this clearance has been implemented. This individual cannot be unsupervised with children until OCFS notifies the program, in writing, that all background clearances have been successfully completed and the individual is eligible to begin at the child care program.

EXISTING INDIVIDUALS:

CCDBG requires all existing directors, employees, and volunteers to complete the background clearances listed above **in accordance with a schedule set forth by OCFS**. Once the background clearances are complete, OCFS will mail written notice to the program reflecting an individual's eligibility to continue at a program. This notice must be kept on site at the program.

Existing employees and volunteers must schedule their fingerprint imaging appointment within seven days (before or after) their birthday. For example, if the person's birthday is on May 15th, their 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. Given the number of individuals subject to the background clearances, please plan ahead.

Existing directors **must complete the background clearances at the time of re-enrollment, or within seven days (before or after) their birthday, whichever occurs first**. The program cannot be re-enrolled until all required clearances are completed for all director(s). Sixty days prior to the end of the enrollment period, the Enrollment Agency will send a new enrollment application and notice that re-enrollment is coming due. At that time, if you are re-enrolling, the director(s) are to schedule fingerprint imaging appointments. Forms are included in this correspondence for those who are approaching the time to re-enroll or have birthdays prior to the re-enrollment date. Please complete the background check documentation and return to the Enrollment Agency as soon as possible.

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>. Individuals can call 1-877-472-6915 or go to <https://uenroll.identogo.com/workflows/15441V> to schedule a fingerprint imaging appointment.

Please note: DCJS and the FBI require individuals who have a social security number to enter it into a key pad when they are fingerprinted. If the number is entered incorrectly, the individual will need to be re-fingerprinted which will delay completion of the background clearances. If a social security number has been issued to the

individual, please be sure the individual has their social security number with them when they go to be fingerprinted.

FINGERPRINT WAIVER PROCESS:

Once an existing individual has successfully completed the background clearances, fingerprint imaging results can be associated with another program unless the person has not worked in any child care program in NYS for 180 consecutive days. Anyone who is not associated with a program in NYS for a period greater than 180 days must complete the background clearances again prior to enrollment or beginning in a child care program.

A new SCR clearance and a clearance through the Justice Center for the Protection of Persons with Special Needs, also known as the Staff Exclusion List, must also be completed when a person goes to another program, even if fingerprint results can be waived to that program.

HOW TO COMPLETE THE BACKGROUND CLEARANCES:

OCFS has revised the packet (6000-series) to support these background clearances. This packet contains the following forms applicable to legally-exempt group programs.

- OCFS 6000 Required Forms and Clearance List
- OCFS 6001 Child Care Provider, Staff, and Volunteer Information
- OCFS 6004 Medical
- OCFS 6022 Staff Exclusion List
- OCFS 4930 Request for Fingerprinting
- LDSS 3370 Statewide Central Register Database Check Request

The clearance packet also includes the OCFS 6002, 6003, and 6005 forms, but these forms are not applicable to legally-exempt programs. The instructions on the OCFS 6000 list which forms are applicable to the individual. Each individual must complete all applicable sections of the relevant forms. Instructions on where forms are to be returned are included on OCFS 6000. For a copy of these forms, please reach out to your enrollment agency, or download and print from the OCFS website at:

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

In addition to scheduling an appointment for fingerprint imaging as outlined in this letter, programs must also submit all applicable forms and sections in the 6000-series packet.

SCR ONLINE CLEARANCE SYSTEM (OCS):

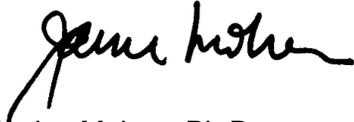
Beginning September 25, 2019, legally-exempt group programs will enter information from the LDSS 3370 into the OCS for all employees and volunteers. Entry will be completed in the OCS at the child care program, and the request will then be submitted to the respective enrollment agency for review and submission to the SCR. The results of the SCR check will be returned to the enrollment agency via the OCS, and will contribute to the overall background clearances.

It is important, when submitting database clearance requests, to be sure you are assigning the correct clearance category. Requests for new employment require \$25 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, such must be made payable to "New York State Office of Children and Family Services" in the amount of twenty-five dollars. The check must also include the applicant's name and the program's facility ID number. Payment must be mailed to the

appropriate enrollment agency upon submission of the request in the OCS. The database clearance will not be processed until the \$25 fee is received by OCFS. Untimely submission will result in a delay of processing.

OCFS recognizes the challenges in implementing these changes and is dedicated to assisting child care programs throughout this transition. We appreciate your commitment to the safety and well-being of children in care. OCFS 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 enrollment agency for assistance.

Sincerely,



Janice 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.

