



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

September 25, 2019

Dear Enrolled Legally-Exempt Informal Provider:

This letter is to inform you of new requirements for background checks for certain child care providers. Legally-exempt child care providers, employees, volunteers, and household members must now complete a criminal background check and other background checks. This letter contains important information about this requirement.

PLEASE READ CAREFULLY.

Who is required to complete the new background checks?

- Legally-exempt child care providers (unless they are related to ALL children in care as a grandparent, great-grandparent, sibling who resides in a separate residence, aunt or uncle)
- Employees and volunteers
- Family child care household members age 18 or older not related in any way to all children in care

Who is not required to complete the new background checks?

- Providers who are related to ALL children in care as a grandparent, great-grandparent, sibling who resides in a separate residence, aunt or uncle; and their employees, volunteers, and household members
- Household members if they are under age 18 and living at an in-home program, or if they are age 18 or older and living at a family program and related in any way to all children in care

What is checked?

- New York State criminal history records with the Division of Criminal Justice Services (DCJS)
- National criminal history records with the Federal Bureau of Investigation (FBI)
- The New York State Sex Offender Registry
- The Statewide Central Register of Child Abuse and Maltreatment (SCR)
- The Staff Exclusion List (SEL)

A search of the national sex offender registry is also required but will be conducted at a later time.

In addition to those listed above, the following background checks will be required if an individual listed above lives or lived in a state other than New York during the five years prior:

- A search of the criminal history repository in the other state(s)
- A search of any state sex offender registry or repository in the other state(s)
- A search of state-based child abuse or neglect repository in the other state(s)

What are the costs?

- New child care providers and employees must pay \$25 for their SCR check.

When must this be done?

- All new providers applying on or after September 25, 2019, and all other required individuals at such programs must complete the background checks prior to enrollment.
- You, as a currently enrolled informal provider, will receive a new application and notice of reenrollment 60 days prior to the end of your enrollment period. You and all other required individuals at your program must complete these background checks prior to reenrollment.

How do I do it?

- After you receive your enrollment application, complete and return it to your enrollment agency as soon as possible.
- The enrollment agency will then provide you with the OCFS-6000 form (described below) if you or anyone associated with your program is required to complete a background check. If background checks are not required, your reenrollment will proceed as normal.
- Complete the OCFS-6000 form using the instructions in the packet, which include information about scheduling fingerprinting.
- Once the background check process is complete, the New York State Office of Children and Family Services (OCFS) will mail to you a written notice that will state the individual's eligibility for enrollment, work, or presence at a child care program. You must keep the notice on site at the program.

What is the OCFS-6000 series?

The OCFS-6000 is a series of forms needed to complete the background check. The packet contains the following forms for legally-exempt informal programs:

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

There are four additional forms in the packet, OCFS-6002, 6003, 6004, and 6005, **that you do not need to complete because these forms do not apply to informal programs**. The instructions for the OCFS-6000 are enclosed with this letter. These forms, and the OCFS-4930-1, *Guidelines for Fingerprinting for Child Care Programs*, are on our website at: <https://ocfs.ny.gov/main/documents/docsChildCare.asp>.

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

Please note: DCJS and the FBI require individuals who have had a Social Security number issued to enter it into a key pad when they are fingerprinted. If the number is entered incorrectly, the individual will need to be fingerprinted again, which results in additional costs and a delay in completing the background check. If a Social Security number has been issued to the individual, please be sure the individual carries it when going to be fingerprinted.

FINGERPRINT WAIVER PROCESS

If an individual successfully completes a background check, his/her fingerprint results can apply to another program if the individual has been associated with an active program in the past 180 days. If an individual has not been associated with an active program for more than 180 consecutive days, the individual must complete another background check. However, even when fingerprint results can be waived into another child care program, a new SCR and SEL checks must be completed.

Who must be trained?

Legally-exempt group, family and in-home providers, caregivers, employees, and volunteers with the potential for regular and substantial contact with children will be required to participate in this health and safety training. The only exception to this is that a grandparent, great-grandparent, sibling (if living in a separate residence), aunt or uncle who provides care for ONLY a child(ren) related to them will NOT be required to complete this requirement.

What Happens If I Don't Get the Training?

Legally-exempt child care programs who do not complete the required Health and Safety Pre-service training AND do not notify the enrollment agency that training has been completed within the designated time frame will NOT be eligible to receive child care subsidies. Failure to obtain the training may result in the termination of the child care program's enrollment to provide subsidized child care.

How do I Take the Pre-service Training?

There are two OCFS-approved training options.

1. Online "E-Learning"- *Foundations in Health and Safety*
 - a. This training is available online and can be found by going to www.ecetp.pdp.albany.edu.
 - b. Takes approximately five hours to complete.
 - c. Training may be completed on a PC or MAC computer. Mobile devices are not supported. Internet access is required.
 - d. All modules must be completed in full for compliance; they may be completed in more than one sitting.
 - e. Trainees need to create an ecetp account at ecetp.pdp.albany.edu. The username and password established needs to be used for each log in.
 - f. Training is currently available in English. The Spanish version is expected to be available July 1, 2017.
 - g. Participants will be able to print out a certificate at the end of the training to submit to the enrollment agency as proof of having completed the required training.
 - h. There is no cost to take this training.

What Should I Do Once I Have Completed the Training?

Submitting the certificate and notifying your enrollment agency that training has been completed helps make sure that enrollment is not affected. Directors of legally-exempt group programs and providers of legally-exempt family and in-home child care must submit a copy of the certificate and the Training Record Form (OCFS Form 4699.3) to the enrollment agency. Employees and volunteers of legally-exempt group programs should submit a copy of their certificate to their program director. Directors of legally-exempt group programs and providers of legally-exempt family and in-home child care are responsible for verifying that their employees who have caregiving roles and volunteers who have the potential for regular and substantial contact with children in care have met the requirement.


Legally-exempt child care providers and programs must keep copies of the certificates obtained by the applicable staff and volunteers on file and accessible at the program site.

Questions? Resources? Who Can Help?

For questions or concerns regarding this new training regulation and how it affects you, please contact your local enrollment agency.

For help in creating a username/password, printing the certificate or technical assistance with the online E-learning please email the staff at the Professional Development Program (PDP), University at Albany, at ecetp@albany.edu.

Sincerely,



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

NYS Emergency Regulation for Legally-Exempt Child Care Providers- 18 NYCRR Part 415.4(f)(7)(vi)

"To be enrolled by or to maintain enrollment with a legally-exempt caregiver enrollment agency to provide child care services to families receiving child care subsidies under the New York State Child Care Block Grant Program, every legally- exempt caregiver, employee with a caregiving role, and volunteer with the potential for regular and substantial contact with children in care, except for a grandparent, great grandparent, sibling (if living in a separate residence), aunt or uncle providing care pursuant to 415.1(h), must complete Office-approved training that complies with the federal minimum health and safety pre-service training requirements.

- (1) For informal child care programs enrolled at the time this regulation becomes effective, the required individuals must complete an Office-approved training by September 30, 2017.*
- (2) For applicants seeking to be enrolled as an informal child caregiver after this regulation becomes effective, the required individuals must complete an Office-approved training pre-service or by September 30, 2017, whichever is later.*
- (3) For legally-exempt group child care programs enrolled at the time this regulation becomes effective, the required individuals must complete the Office-approved training by September 30, 2017. Any individual who does not complete the training by September 30, 2017 must not be left unsupervised with children in care until such time as the training is completed. The person supervising the individual must have completed the Office-approved training that complies with the federal minimum health and safety pre-service training requirements.*
- (4) For applicants seeking to be enrolled as a legally-exempt group child care program after this regulation becomes effective, the required individuals must complete an Office-approved training pre-service or by September 30, 2017 whichever is later. Any required individual who has not completed the training by September 30, 2017 must not be left unsupervised with children in care until such time as the training has been completed. The person supervising the individual must have completed the Office-approved training that complies with the federal minimum health and safety pre-service training requirements."*