

NEW YORK STATE  
OFFICE OF CHILDREN AND FAMILY SERVICES

**LEGALLY EXEMPT INFORMAL CHILD CARE PROGRAM INSPECTION REPORT**

**A. IDENTIFYING INFORMATION**

DATE / /	INSPECTOR'S NAME				
PROVIDER'S NAME				ENROLLMENT ID	
SITE ADDRESS/PHONE NUMBER			ENROLLMENT AGENCY		
REASON FOR INSPECTION <input type="checkbox"/> ANNUAL <input type="checkbox"/> FOLLOW-UP <input type="checkbox"/> COMPLIANT <input type="checkbox"/> OTHER (SPECIFY):			ARRIVAL TIME <input type="checkbox"/> AM <input type="checkbox"/> PM	DEPARTURE TIME <input type="checkbox"/> AM <input type="checkbox"/> PM	
PROVIDER'S DATE OF BIRTH / /			DOES PROVIDER HAVE PROOF OF ID <input type="checkbox"/> YES <input type="checkbox"/> NO		

**B. ATTACHMENTS TO THIS FORM: (CHECK ALL THAT APPLY.)**

- OCFS-LDSS-7028-1, *Inspection Summary for Legally Exempt Informal Child Care Provider (Required)*
- OCFS-LDSS-7028-2, *Corrective Action Plan for Legally Exempt Informal Child Care Provider*
- OCFS-LDSS-7028-3, *Site Verification of Health Care Plan for Legally Exempt Informal Child Care Provider*
- OCFS-LDSS-7028-4, *Site Verification of Staff Records for Legally Exempt Informal Child Care Provider*

**C. ACCESS TO CHILD CARE PROGRAM**

1) If there were barriers to accessing the child care program, indicate reason:

- Access was denied.
- No child care provider was found at the address.
- Other (specify): \_\_\_\_\_

2) Describe any concerns/issues/difficulties accessing the site.

**D. VERIFICATION OF PERSONS ON SITE**

Document the information for ALL adults found at the child care site during the inspection. This includes employees, volunteers, household members and/or visitors. Also include all household members, not present during the time of inspection.

NAME	ROLE	DATE OF BIRTH	RELATIONSHIP TO THE CHILD	PRE-SERVICE TRAINING REQUIREMENT	ANNUAL TRAINING REQUIREMENT
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt
		/ /		<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt	<input type="checkbox"/> Met <input type="checkbox"/> Not Met <input type="checkbox"/> Exempt

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NAME OF CHILD	PRESENT OR ABSENT? (P OR A)	DATE OF BIRTH	AGE	TIME DROPPED OFF	TIME TO BE PICKED UP	RECEIVES SUBSIDY? (Y OR N)	REPORTED ON THE ENROLLMENT FORM?
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
	<input type="checkbox"/> P <input type="checkbox"/> A	/ /				<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N

**F. REVIEW OF LEGALLY EXEMPT STATUS 18 NYCRR 415.1(h)**

Does the program satisfy the requirements described in **18 NYCRR 415.1(h) (1)** through **(2)** for the program subtype? Consider all requirements, for example: location of child care site, provider’s relationship to children in care, capacity, etc.

Yes  No

Does the information gathered during the inspection agree with the information reported on the enrollment form?

Yes  No (If No, please describe)

**G. ATTENDANCE 18 NYCRR 415.12(a)(2)**

An eligible provider must maintain daily attendance records. Such records must be kept current and accurate, be completed when a child arrives and departs, and include:

- ✓ The date of attendance.
- ✓ Arrival and departure times.
- ✓ Notation of full-day absences.

	Yes	No
a) Are the attendance records maintained daily?	<input type="checkbox"/>	<input type="checkbox"/>
b) Are the attendance records current (up to date)?	<input type="checkbox"/>	<input type="checkbox"/>
c) Do the records track attendance for each child?	<input type="checkbox"/>	<input type="checkbox"/>
d) Do the attendance records show the date of attendance, and time of arrival and departure for each day?	<input type="checkbox"/>	<input type="checkbox"/>
e) Are full-day absences noted?	<input type="checkbox"/>	<input type="checkbox"/>

**H. IMMUNIZATION RECORDS 18 NYCRR 415.13(b)(8)(ii)**

With the exception of children enrolled in kindergarten or a higher grade in a public or private school, child care shall not be provided to any child unless the provider has been furnished with a statement signed by a physician or other authorized individual who specifies that the child has received age-appropriate immunizations in accordance with the requirements of New York Public Health Law. A provider may provide child care to any child not yet immunized provided the child’s immunizations are in process and the caretaker gives the program specific appointment dates for required immunizations in accordance with the requirements of New York Public Health Law. Any child who is missing one or more of the required immunizations may be provided care if a physician, licensed to practice medicine in New York State furnishes the program with a signed, completed medical exemption form issued by the New York State Department of Health or New York City Department of Education. The medical exemption must be reissued annually.

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CHILD'S NAME	DATE OF BIRTH	DOCUMENTATION ON FILE	SATISFACTORY?	CHILD CARE START DATE	NOTES
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	
	/ /	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	/ /	

**I. SITE VERIFICATION OF HEALTH CARE PLAN FOR LEGALLY EXEMPT INFORMAL CHILD CARE PROVIDER 18 NYCRR 415.13(c)(2)**

Does the program have a health care plan?

- Yes. Complete and attach the **OCFS-7028-3**, *Site Verification of Health Care Plan for Legally Exempt Informal Child Care Provider*.
- No

**J. SITE VERIFICATION OF LEGALLY EXEMPT INFORMAL CHILD CARE PROVIDER STAFF RECORD REQUIREMENTS**

Use the **OCFS-LDSS-7028-4**, *Site Verification of Staff Records for Legally Exempt Informal Child Care Provider*, to document the program's compliance with staff record requirements.

**K. ENROLLMENT HEALTH AND SAFETY REQUIREMENTS**

HEALTH AND SAFETY REQUIREMENTS		
REGULATION	REQUIREMENT	VIOLATION?
415.13(b)(2)(i)	There must be two separate and remote ways to escape in an emergency.	<input type="checkbox"/>
415.13(b)(2)(ii)	Rooms for children must be well-lit and well-ventilated. Heat, ventilating and lighting equipment must be adequate for the protection of the health of the children.	<input type="checkbox"/>
415.13(b)(2)(iii)	Adequate and safe water supply and sewage facilities must be provided and comply with State and local laws. Hot and cold running water must be available and accessible at all times.	<input type="checkbox"/>
415.13(b)(2)(iv)	Paint and plaster must be in good repair and there must be no danger of children putting paint or plaster chips in their mouths or of getting it into their food.	<input type="checkbox"/>
415.13(b)(2)(v)	Stairs, railings, porches, decks and balconies must be in good repair.	<input type="checkbox"/>
415.13(b)(2)(vi)	Buildings, systems, and equipment must be kept in good repair and operate as designed.	<input type="checkbox"/>
415.13(b)(3)(i)	Evacuation drills must be conducted at least monthly with the children during the hours that the children are in care. The provider must maintain a written record of the evacuation drills on-site.	<input type="checkbox"/>
415.13(b)(3)(ii)	There must be a minimum of one operating smoke detector on each floor of the home and a minimum of one operating carbon monoxide detector. Such detectors must be checked regularly to verify proper operation.	<input type="checkbox"/>
415.13(b)(4)(i)	Children must never be left unsupervised or in the care of persons who are not authorized to supervise the children.	<input type="checkbox"/>
415.13(b)(4)(ii)	The enrolled provider is the sole person authorized to supervise the children.	<input type="checkbox"/>

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415.13(b)(4)(iv)	Electronic monitoring devices may not be used as a substitute for supervision of children who are awake.	<input type="checkbox"/>
415.13(b)(4)(v)	Electronic monitoring devices may be used to transmit images of children in common rooms, hallways and play areas only.	<input type="checkbox"/>
415.13(b)(4)(vi)	Bathrooms and changing areas must remain private and free of electronic monitoring devices.	<input type="checkbox"/>
415.13(b)(4)(vii)	The child's caretaker and each employee and volunteer of the provider must be notified if electronic monitoring devices are used.	<input type="checkbox"/>
415.13(b)(4)(viii)	Sleeping and napping arrangements must be made in writing between the parent and the program. Such arrangements shall include where the child will nap or sleep; whether the child will nap or sleep on a cot, mat, bed or a crib; and how the child will be supervised, including whether electronic monitors can be used, and how often the provider is required to check on the child.	<input type="checkbox"/>
415.13(b)(5)(i)	Suitable precautions must be taken to eliminate any conditions in areas accessible to children that pose a safety hazard.	<input type="checkbox"/>
415.13(b)(5)(ii)	All potentially hazardous materials, which include but are not limited to, matches, lighters, medicine, drugs, alcohol, cleaning materials, detergents, aerosol cans and other poisonous or toxic materials must be inaccessible to children and stored in their original containers, and used in a way that they will not contaminate play surfaces, food or food preparation areas, or constitute a hazard to children.	<input type="checkbox"/>
415.13(b)(5)(iii)	Barriers must be used to restrict children from unsafe areas. Such areas include, but are not limited to, swimming pools, bodies of water, open drainage ditches, wells, holes, wood and coal burning stoves, fireplaces and permanently installed gas space heaters.	<input type="checkbox"/>
415.13(b)(5)(iv)	Where child care is provided on floors above the first floor, windows on floors above the first floor must be protected by barriers or locking devices to prevent children from falling out.	<input type="checkbox"/>
415.13(b)(5)(v)	Protective caps, covers or permanently installed obstructive devices must be used on all electrical outlets that are accessible to young children.	<input type="checkbox"/>
415.13(b)(5)(vi)	Firearms and ammunition must be securely stored and inaccessible to children while care is being provided.	<input type="checkbox"/>
415.13(b)(5)(vii)	There must be either a working telephone or immediate access to one. Emergency telephone numbers for the fire department, local or State police or sheriff's department, poison control center and ambulance must be posted conspicuously or readily accessible.	<input type="checkbox"/>
415.13(b)(5)(viii)	The use of, or being under the influence of, alcohol or drugs is prohibited while children are in care. Children must not be exposed to persons using drugs or alcohol while in care. The use of, or being under the influence of, a controlled substance is prohibited while children are in care unless the controlled substance is prescribed by a health care provider, is being taken as directed and does not interfere with the person's ability to provide child care services.	<input type="checkbox"/>
415.13(b)(5)(ix)	Smoking and vaping are prohibited in indoor areas while children are in care or in vehicles while children are being transported. Children must not be exposed to smoke or vapors from vaping in outdoor areas.	<input type="checkbox"/>
415.13(b)(5)(x)	The child care site must be free of vermin.	<input type="checkbox"/>

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415.13(b)(5)(xi)	Exposure or access to any materials that are developmentally inappropriate for the age of children in care is prohibited. Such materials include but are not limited to, sexually and illicitly graphic materials, drug paraphernalia, and other printed or digital materials or content.	<input type="checkbox"/>
415.13(b)(5)(xii)	Sleeping arrangements for infants through 12 months old require that the infant be placed flat on his or her back to sleep, unless medical information from the child's health care provider is presented by the caretaker that shows that arrangement is inappropriate for that child.	<input type="checkbox"/>
415.13(b)(5)(xiii)	Cribs, bassinets and other sleeping areas for infants through 12 months of age must include an appropriately sized fitted sheet, and must not have bumper pads, toys, stuffed animals, blankets, pillows, wedges or infant positioners. Wedges or infant positioners will be permitted with medical documentation from the child's health care provider.	<input type="checkbox"/>
415.13(b)(5)(xiv)	Providers and staff must take steps to prevent a child's exposure to the foods to which the child is allergic.	<input type="checkbox"/>
415.13(b)(6)(i)	A child must never be left unattended in any motor vehicle or other form of transportation.	<input type="checkbox"/>
415.13(b)(6)(ii)	Each child must board or leave a vehicle from the curb side of the street.	<input type="checkbox"/>
415.13(b)(6)(iii)	All children must be secured in child safety seats properly installed per manufacturer's recommendations, or with safety belts, appropriate for the age of the child in accordance with the requirements of the New York State Vehicle and Traffic Law.	<input type="checkbox"/>
415.13(b)(6)(iv)	Drivers transporting children must be 18 years old or older and hold a current valid license to drive the class of vehicle they are operating.	<input type="checkbox"/>
415.13(b)(6)(v)	Any motor vehicle, other than a public form of transportation, used to transport children must have a valid registration and inspection sticker.	<input type="checkbox"/>
415.13(b)(6)(vi)	Children in care may not be transported in a vehicle built to hold more than 10 passengers, including the driver, unless the vehicle: meets the National Highway Traffic Safety Administration definition of a school bus or a multifunction school activity bus; complies with the National Highway Traffic Safety Administration Federal Motor Vehicle Safety Standards applicable to a school bus or multifunction school activity bus; and is inspected per New York State Department of Transportation rules and regulations.	<input type="checkbox"/>
415.13(b)(7)(i)	Safe, suitable care to children that is supportive to the children's physical, intellectual, emotional and social well-being must be provided.	<input type="checkbox"/>
415.13(b)(7)(ii)	Acceptable techniques and approaches must be used to discipline and to manage children's behavior. <ul style="list-style-type: none"> <li>• The use of corporal punishment is prohibited. The term corporal punishment means punishment inflicted directly on the body including but not limited to, physical restraint, spanking, biting, shaking, slapping, twisting or squeezing; demanding excessive physical exercise, prolonged lack of movement or motion, or strenuous or bizarre postures; and compelling a child to eat or have in the child's mouth soap, hot spices, irritants or the like.</li> <li>• Methods of discipline, interaction or toilet training that frighten, demean or humiliate children are prohibited.</li> </ul>	<input type="checkbox"/>
415.13(b)(8)(i)(a)	An informal child care provider, employees and volunteers must be physically fit to provide child care and free of any psychiatric and emotional disorder that would preclude such person from providing care.	<input type="checkbox"/>

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415.13(b)(8)(i)(b)	An informal child care provider, employees and volunteers, and each family child care household member must be free of any communicable disease unless the applicable person's healthcare provider has indicated that the presence of a communicable disease does not pose a risk to the health and safety of the children in care.	<input type="checkbox"/>
415.13(b)(8)(i)(c)	For an informal child care provider and employees or volunteers of the informal child care provider, a medical statement may be requested by the enrollment agency when an event or condition reasonably calls into question the ability of such person to provide safe and/or suitable child care and/or if there is reasonable cause to suspect the information provided is inaccurate.	<input type="checkbox"/>
415.13(b)(8)(ii)	With the exception of children enrolled in kindergarten or a higher grade in a public or private school, child care shall not be provided to any child unless the provider has been furnished with a statement signed by a physician or other authorized individual who specifies that the child has received age-appropriate immunizations in accordance with the requirements of New York Public Health Law. A provider may provide child care to any child not yet immunized provided the child's immunizations are in process and the caretaker gives the program specific appointment dates for required immunizations in accordance with the requirements of New York Public Health Law. Any child who is missing one or more of the required immunizations may be provided care if a physician, licensed to practice medicine in New York State furnishes the program with a signed, completed medical exemption form issued by the New York State Department of Health or New York City Department of Education. The medical exemption must be reissued annually.	<input type="checkbox"/>
415.13(b)(8)(iii)	A portable first aid kit must be accessible for emergency treatment. The first aid kit must be stocked to treat a broad range of injuries and situations and restocked as necessary. The first aid kit and any other first aid supplies must be kept in a clean container or cabinet not accessible to children.	<input type="checkbox"/>
415.13(b)(8)(iv)	Safety precautions relating to blood and other bodily fluids must be observed.	<input type="checkbox"/>
415.13(b)(8)(v)	All legally exempt providers must have procedures in place to reduce the risk of infection.	<input type="checkbox"/>
415.13(b)(9)(i)	Each child must receive meals and snacks in accordance with the plan developed jointly by the child care provider and the child's caretaker.	<input type="checkbox"/>
415.13(b)(9)(ii)	Perishable food, milk and formula must be refrigerated.	<input type="checkbox"/>
415.13(b)(9)(iii)	Heating infant formula, breast milk and other food items for infants in a microwave oven is prohibited.	<input type="checkbox"/>
415.13(b)(10)(i)	The child care provider must permit a child's caretaker to have: unlimited and on demand access to such child; the right to inspect, on demand and at any time during the hours of operation of the home, all parts of such home used for child care or which could present a hazard to the health or safety of a child; unlimited and on demand access to the provider(s) caring for such child whenever such child is in care and during normal hours of operation; and unlimited and on demand access to written records concerning such child, except where such access to such records is otherwise restricted by law.	<input type="checkbox"/>
415.13(b)(10)(ii)	The indoor and outdoor areas of the home where children are in care must not be used for any other business or social purpose when the children are present, such that attention is diverted from the care of the children.	<input type="checkbox"/>
415.13(b)(10)(iii)	Informal child care providers, employees and volunteers must be of good character and habits.	<input type="checkbox"/>
415.13(b)(10)(iv)	The provider must take precautions to prevent serious injury and death of a child while in care or being transported by the program.	<input type="checkbox"/>

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415.13(b)(10)(v)	The provider must immediately notify the enrollment agency and the caretakers of children in care of any death, serious incident/injury/condition, communicable disease or transportation to the hospital involving a child while in care at the program or being transported by the program.	<input type="checkbox"/>
415.13(b)(10)(vi)	The enrollment agency must be notified by a family child care provider or a relative-only family child care provider of any proposed new household member.	<input type="checkbox"/>
415.13(b)(10)(vii)	The provider must immediately call 911 for children who require emergency medical care and notify the caretaker.	<input type="checkbox"/>
415.13(b)(10)(viii)	The provider must submit to the enrollment agency a written attestation and certification stating whether the program is operating under the auspices of another federal, state, tribal or local government agency which includes the name of the agency.	<input type="checkbox"/>
415.13(b)(11)(i)	With the exception of in-home child care, each legally exempt child care provider must have on site a variety of supplies including food, water, first aid and other safety equipment to allow for the protection of the health and safety of children in the event caretakers are unable to pick up their children due to a local disaster.	<input type="checkbox"/>
415.13(b)(11)(ii)	Each legally exempt child care provider must have an emergency written plan that places primary emphasis on the safe and timely evacuation and relocation of children and meets the requirements set forth in clauses (a)-(i).	<input type="checkbox"/>
415.13(b)(11)(iii)	Two shelter-in-place drills must be conducted annually during which procedures and supplies are reviewed. The children's caretakers must be made aware of the drills in advance.	<input type="checkbox"/>
415.13(b)(11)(iv)	A record of each shelter-in-place and evacuation drill conducted, using forms provided by the Office or equivalents, must be maintained on site.	<input type="checkbox"/>

Observations: