

**OCFS FAQ for Licensed/Registered Providers on the New  
Required Comprehensive Background Clearances  
Updated 2/11/2020**

**1. What is this about?**

Due to a change in the law, all providers, employees, volunteers, and adult household members must complete a comprehensive background clearance by September 30, 2020. The law also requires comprehensive background clearances be repeated no less than once every five years.

**2. What is included in the comprehensive background clearance?**

- a. New York State criminal history record check with the Division of Criminal Justice Services;
- b. National criminal record check with the Federal Bureau of Investigation (FBI);
- c. National Sex Offender Registry check with the National Crime and Information Center
- d. New York State Sex Offender Registry check;
- e. New York Statewide Central Register of Child Abuse and Maltreatment (SCR) check.
- f. New York State Justice Center Staff Exclusion List (SEL) check.
- g. For any individual residing out of New York State in the past five years the comprehensive background clearance also includes the:
  - i. criminal history repository for the state(s) of residence;
  - ii. sex offender registry for the state(s) of residence;
  - iii. child abuse or neglect repository for the state(s) of residence.

**3. How much will this cost me?**

For any new or prospective provider or employee, there is a \$25 fee to complete the SCR check. This fee does not apply to individuals existing prior to September 25, 2019 to be re-cleared at the same program. There are no fees for any other parts of the comprehensive background clearance.

**4. I have already been cleared by OCFS to work in a day care program and have been working in this program for years. Do I need to be “re-cleared” under the new comprehensive background check standard?**

Yes, you will need to go through the comprehensive background clearance process before September 30, 2020. However, all such persons should follow the schedule released by OCFS for such clearances.

**5. What about my current job at a day care program? Can I continue to work?**

Yes. Individuals working at a program prior to September 25, 2019 may continue to work in that role at that program because the existing background checks are still good until September 30, 2020. However, those persons will need to schedule the appointment for the criminal history fingerprinting as per the OCFS schedule and complete all other requirements of the comprehensive background clearances prior to September 30, 2020.

**6. When do I need to complete the new comprehensive background clearance requirement?**

**a. Are you a NEW employee/director/volunteer starting at a licensed/registered program on or after September 25, 2019?**

Effective February 7, 2020, once you have completed your fingerprinting appointment and submitted your fingerprinting receipt and current medical form to the program, you may begin to work or volunteer, but you must be supervised by a person who has been fully cleared until the Office notifies you and the program that you are eligible to care for children based on the results of your comprehensive background check.

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**b. Are you a NEW applicant for a license/registration submitted on or after September 25, 2019?**

If so, you, and all other required individuals at your program, must complete the comprehensive background clearance BEFORE being issued a license/registration.

**c. Were you an existing operator/employee/director/volunteer/adult household member who previously completed all the NYS OCFS required background checks prior to September 25, 2019?**

If so, you must schedule a fingerprint appointment within seven days (before or after) of your next birthday and complete all other requirements of the comprehensive background clearance at that time.

**7. Can I allow new staff or volunteers to start at my program without the comprehensive Clearance completed if I make sure they are always supervised?**

As of February 7, 2020, employees and volunteers who were new on or after September 25, 2019 may begin once they complete their fingerprinting appointment and submit a fingerprint receipt and current medical form to the program. These individuals must be supervised at all times by a person who has been fully cleared until the Office notifies the person and program that the person is eligible to care for children based on the results of the comprehensive background check.

**8. I work for multiple providers. Does that mean I will need to have this clearance multiple times?**

Once an individual successfully completes the comprehensive background clearance requirements within NYS, their fingerprints can be associated (“waived”) to another child care program within NYS. However, anytime you join a new program, a SCR and SEL check must be completed.

**9. Can I challenge a determination by OCFS that I cannot work at a program due to my criminal history?**

Yes. There is a hearing right that is available to any person who has a discretionary crime appear as part of their criminal background check if that crime has resulted in a determination that the individual is not able to be a child care operator, director, employee or volunteer in a child care program.

**10. What happens if OCFS tells us that staff has failed to show up for their comprehensive background clearance fingerprinting?**

For the first year of implementation of the new comprehensive background clearances, OCFS is focusing on the importance of providing technical assistance to child care programs and supporting efforts to come into compliance with the new requirements. This means programs should expect to hear from their licensors and registrars on any compliance concerns and staff will be working with the program to overcome barriers to compliance.

**11. Are there additional regulatory changes we need to know about?**

Yes. The regulations issued in September 2019, and modified in February 2020, make several changes. Additional guidance will be forthcoming. The revised regulations can be found on our website at: [https://ocfs.ny.gov/main/childcare/daycare\\_regulations.asp](https://ocfs.ny.gov/main/childcare/daycare_regulations.asp). OCFS will be providing technical assistance on these changes over the course of the coming year. Programs can also reach out to their licensor or registrar if they have questions.

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**12. Who can I go to for more information about these requirements and how it affects me or my program?**

Please reach out to the licensors or registrars for additional information or to report any issues with the comprehensive background clearance process. OCFS has also posted this document and copies of the letters regarding implementation sent to providers on our website. Please go to <https://ocfs.ny.gov/main/> for additional resources.

**13. If I am an existing child care provider, employee or volunteer, how far in advance can I schedule my fingerprint imaging appointment that is to occur within seven days of my birthday?**

Fingerprint imaging appointments may be scheduled up to 45 days in advance of the appointment window.

**14. I resided outside of the country in the past five years, do the “interstate” checks apply to other countries?**

Out-of-state clearance provisions apply to other US states, US Commonwealths and US territories. There is no requirement to check for a person’s criminal history from other countries. Please note that the District of Columbia, US Virgin Islands, Guam, Commonwealth of Northern Mariana Islands, American Samoa, and Puerto Rico are all included in the “interstate” check for the purposes of the comprehensive background clearance. Therefore the “interstate” clearance provisions will apply to persons who have resided in the District of Columbia, US Virgin Islands, Guam, Commonwealth of Northern Mariana Islands, American Samoa and/or Puerto Rico in the past five years.

**15. I am a legally-exempt provider transitioning to a licensed/registered provider, do I need to redo the comprehensive background clearances? What about my other household members?**

Once an individual successfully completes the comprehensive background clearance requirements within NYS, the clearance requirements can be associated (“waived”) to another child care program within NYS provided that the individual has not separated from their role in a childcare program within NYS for a period of more than 180 consecutive days. A legally-exempt provider who has completed the comprehensive background check and later transitions to a licensed/registered provider will need to complete a new SCR and SEL. Household members must also complete a new SCR and SEL, and for those individuals associated with the program that were exempt from the comprehensive background check process based on their or the provider being related to all children in care, the full check will need to be completed.

**16. I have been cleared to work at Provider ABC but now want to work at Provider DEF. Do I need to redo the comprehensive background check? Can I work at Provider DEF while my results are pending?**

Once an individual successfully completes the comprehensive background clearance requirements within NYS, the clearance requirements can be associated (“waived”) to another child care program within NYS provided that the individual has not separated from their role in a childcare program within NYS for a period of more than 180 consecutive days. However anytime an individual joins a new program, a new SCR and SEL must be completed. The individual can begin in the new program while the SCR and SEL clearances are in process.

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**17. What should I do if I feel that the results of the background check are taking an extensive amount of time?**

It is not anticipated that the comprehensive background checks will take a long time to complete, provided that the required documentation packet is completed with accurate information. However, if you feel that the process is taking an unusually long time for completion, please contact your licensor or registrar.

**18. Am I required to provide my Social Security number (SSN) at my fingerprint imaging appointment?**

If you have been issued an SSN, you must provide it at the fingerprint imaging appointment. An SSN is not required for those who have not had one issued to them.

**19. If I am an existing child care provider, employee or volunteer, am I required to submit a new medical statement and PPD Skin Test (Tuberculosis Test) results?**

Existing individuals are not required to submit a new medical statement or PPD Skin Test results. Approved medical statements for existing individuals remain valid.

**20. When the required clearance forms are completed, where are they to be submitted?**

DCC and SACC staff and volunteers must submit completed forms to their program director. DCC and SACC directors must submit completed forms to their licensor or registrar for review. FDC/GFDC/SDCC staff, volunteers and household members age 18 and older must submit completed forms to their licensor/registrar. Copies of all forms submitted to the Office should be maintained on site.

**21. Is there a fillable PDF version of the 6000 series forms?**

The PDF versions are not fillable. However, the individual forms in WORD are fillable.

**22. Do current/existing staff, volunteers, and household members need to re-submit the SCR database check?**

Yes. A new LDSS 3370 (SCR database check) must be completed at the same time as the person's fingerprinting appointment (within seven days of their next birthday). EXISTING INDIVIDUALS CURRENTLY CLEARED UNDER NYS REQUIREMENTS PRIOR TO SEPTEMBER 25, 2019 MAY CONTINUE TO WORK IN THEIR CURRENT PROGRAM.

**23. Do current/existing staff, volunteers, and household members need to re-submit the SEL check?**

Yes. A new OCFS-6022, must be completed at the same time as the person's fingerprinting appointment (within seven days of their next birthday). EXISTING INDIVIDUALS CURRENTLY CLEARED UNDER NYS REQUIREMENTS PRIOR TO SEPTEMBER 25, 2019 MAY CONTINUE TO WORK IN THEIR CURRENT PROGRAM.

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**24. What if a current/existing staff, volunteer, or household member is unavailable and cannot follow the birthday schedule?**

OCFS asks that individuals make every effort to complete comprehensive background clearance requirements in accordance with the schedule that has been set forth by the Office. All individuals are required to complete comprehensive background check requirements by September 30, 2020. Throughout this time, OCFS is committed to partnering with programs to assist with compliance. Programs are encouraged to reach out to their regulator in extenuating circumstances for guidance and technical assistance.

**25. What information is required for prospective staff and volunteer references?**

All prospective staff and volunteers in licensed/registered programs must provide contact information for a minimum of one employment and one personal reference.

**26. What will the comprehensive background check clearance letter look like?**

Programs will receive a comprehensive background clearance letter which indicates whether the individual is eligible or ineligible to work in their role.

**27. How long is the process to get the comprehensive background check clearance letter-provided all the documentation has been submitted?**

It is not anticipated that the comprehensive background checks will take a long time to complete, provided that the required documentation packet is completed with accurate information. However, if you feel that the process is taking an unusually long time for completion, please contact your licensor or registrar.