Comprehensive Background Clearance requirements as federally mandated in the Child Care Development Block Grant Act of 2014 (CCDBG)
On April 1, 2019, legislation was passed granting the Office of Children and Family Services (OCFS) the statutory authority to implement provisions of the federal Child Care Development Block Grant Act of 2014 (CCDBG)...one of them being comprehensive background checks.
These provisions include:

- Comprehensive background checks (CBCs)
- Annual inspections
- Annual training requirements
- Additional health and safety requirements
Public comment period begins on September 25, 2019 will last for 60 days. Comments can be submitted to regcomments@ocfs.ny.gov
**What Are the Overall Requirements?**

*Legally-exempt family child care household members age 18 or older who are related to ALL children in care in any way are exempt from comprehensive background check requirements.*

<table>
<thead>
<tr>
<th>Requirement</th>
<th>All Staff &amp; Volunteers in licensed/registered programs</th>
<th>G/FDC Household Member 18 Years &amp; Older</th>
<th>G/FDC Household Member Under 18 years old</th>
<th>Legally-Exempt Group Staff and Volunteers</th>
<th>Legally-Exempt Informal Providers, Staff, Volunteers and LE Child Care Household Members 18 years &amp; older</th>
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<td>LDSS-3370</td>
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<td>Criminal Conviction Statement</td>
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New Regulations Apply to Individuals in:

- family day care
- group family day care
- child day care center
- small day care center
- school-age child care
While the requirements are similar for Article 47 Day Care Centers in NYC overseen by NYC Department of Health and Mental Hygiene, some of the procedures may be different.

For information regarding these programs, please contact your DOHMH representative.
Beginning September 25, 2019
New or prospective child care individuals in a:
• child day care center
• small day care center
• school-age child care program
• group family day care home
• family day care
will be subject to comprehensive background checks.
Background clearances must be completed for any prospective:

- Operator
- Director
- Employee
- Volunteer
- Any person age 18 or older living in a family or group family day care home.

Existing individuals may continue to work in the program as they have been.
Office of Children and Family Services

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Requirements as of September 25, 2019

- 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 completed by NYS OCFS
- a database check of the NYS Statewide Central Register of Child Abuse and Maltreatment (SCR)
- a check of the Justice Center for the Protection of People with Special Needs Staff Exclusion List (SEL)
- a search of the National Sex Offender Registry (NSOR) using the National Crime and Information Center (NCIC)
• In addition, the following background checks will be required to be conducted where an existing or prospective Operator, Employee, Volunteer or Director who resides or has resided outside of New York in the five years preceding working or living in a childcare program in New York State.
In the last five years, before working in child care in NY, I lived in...

• 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.

• a search of any state-based Child Abuse/Neglect Repository in each state where the individual resides or resided outside of New York.
What this means for you and your program
For New or Prospective Individuals
New/Prospective Individuals:

Applicants who are not living out-of-state and did not live out-of-state in the prior five years, must successfully complete the comprehensive background clearance checks and receive successful notification from OCFS PRIOR to beginning in a program.
OCFS has revised the clearance packet (6000 series) containing:

- OCFS-6000 Required Forms and Clearance List
- OCFS-6001 Child Care Provider, Staff and Volunteer Information
- OCFS-6002 Qualifications
- OCFS-6003 References
- OCFS-6004 Medical
- OCFS-6005 Criminal Conviction Statement
- OCFS-6022 Staff Exclusion List
- OCFS-4930 Request for Fingerprinting
- LDSS-3370 Statewide Central Register Database Check Request
Each individual (current or prospective) must complete the clearance packet. Instructions on where forms should be mailed will be included on OCFS-6000. A copy of these forms is included with this letter and we strongly encourage that you make copies to have available for future use. These forms are also available on our website.

www.ocfs.ny.gov
• Prospective operators, directors, employees or volunteers who live or lived out-of-state in the past 5 years may be granted conditional approval due to the additional processing timeframes that may result in completing the out-of-state portion of the background checks.
Before they begin, the individual must have successfully completed all other components of the comprehensive background checks and they cannot be left alone, unsupervised with children until the successful results are provided to the program by NYS OCFS.
Child Care Development Block Grant

CCDBG requires all existing and currently cleared operators, directors, employees, volunteers, and household members living in a family or group family day care home age 18 years and older to complete the comprehensive background check screening with a schedule set forth by OCFS. Currently cleared individuals may continue to work in the program as they have been.

The implementation date for existing staff begins on October 1, 2019.
• If an individual has been separated from a NYS child care for more than 180 consecutive days the clearances will need to be repeated.
If an individual has completed the comprehensive background check, and wants to work in a new program, their fingerprint screening can be waived to the new program but a new SCR and SEL are needed. This individual may begin working at the new program while their SCR and SEL are being processed.
Existing Staff
Implementation Schedule
Schedule

Each **existing** child care operator, director, employee, volunteer and household member over the age of 18, will schedule their fingerprinting appointment within seven days (before or after) their birthday.
Schedule

Each **existing** child care operator, director, employee, volunteer and household member over the age of 18, will schedule their fingerprinting appointment within seven days (before or after) their birthday.

Existing individuals may continue to work in the program, as they have been, while awaiting their birthday, in accordance with the schedule and while awaiting the results of their comprehensive background check.
Schedule

Each **existing** child care operator, director, employee, volunteer and household member over the age of 18, will schedule their fingerprinting appointment within seven days (before or after) their birthday.

For instance:

If your birthday is on May 15\(^{th}\), your fingerprint imaging appointment must occur between May 8 and May 22, 2020.
Schedule

Each existing child care operator, director, employee, volunteer and household member over the age of 18, will schedule their fingerprinting appointment within seven days (before or after) their birthday.

Existing individuals may continue to work in the program, as they have been, while awaiting their birthday, in accordance with the schedule and while awaiting the results of their comprehensive background check.
It is imperative individuals follow the schedule. Failure to follow the schedule may result in an individual not being screened as required and cause unnecessary delays.
There are federally-required mandatory disqualifying conditions and offenses. It is possible that individuals who have been approved prior may no longer be approved once these additional background checks are completed.
Conditions disqualifying you from keeping your job:

- refuses to consent to the criminal background check described in subsection.
- knowingly makes a materially false statement in connection with such criminal background check.
- is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).
• has been convicted of a felony consisting of:
  o murder, as described in section 1111 of title 18, United States Code
  o child abuse or neglect
  o a crime against children, including child pornography
  o spousal abuse
  o a crime involving rape or sexual assault
  o kidnapping
  o arson
  o physical assault or battery
• has been **convicted** of a **violent misdemeanor** committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.
• There will be changes in how programs will process and receive information on the outcome of the background check screening process.

• A background check approval notice will be sent to DCC and SACC programs reflecting completion of the process, and conditional approval, if applicable, for their employees and volunteers.
• All directors, and those in 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 approval process is complete, and conditional approval, if applicable.
SCR process

DCC and SACC users benefit by the utilization of the SCR Online Clearance System

The New York State Office of Children and Family Services’ web-based “Online Clearance System” supports the mandate for legally authorized agencies to inquire of the Statewide Central Register of Child Abuse and Maltreatment (SCR) as to the existence of any indicated reports of child abuse and maltreatment against an applicant prior to employment, certification, or licensure in the child care field.

This allows designated, authorized users access to electronically submit database-check requests to the SCR, thereby replacing the mailing of the paper LDSS-3370 form. SCR responses are delivered to NYS OCFS electronically to further reduce the processing time. To receive a registration packet or obtain more information, you may contact your licensing agency or call the SCR at 518-474-1567.
Fees

It is important when submitting database check requests, to be sure you are assigning the correct clearance category.

Requests for new/prospective individuals, a fee-paying category, requires $25 to accompany the request.

The Online Clearance System (OCS) allows programs to pay this fee using a credit card when the request if being made and OCFS strongly encourages this practice as it will help expedite processing.
Fees

If the program is paying by a certified check, postal or bank money order, teller’s check, cashier’s check or agency check, it must be made payable to “New York State Office of children and Family Services” in the amount of $25. The check must also include the applicant’s name and the program’s facility ID number. This payment must then be mailed to the appropriate licensing/registration office upon submission of the request in the Online Clearance System (OCS). The database check will not be processed until the $25 fee is received by the OCFS licensing/registration office. Untimely submission will result in a delay of processing. Again, OCFS strongly encourages the use of credit card payment.
This form should be completed immediately, when any person(s) who were fingerprinted as a day care provider, assistant, household member over the age of 18, Day Care Center or School-Age program employee or volunteers judged to have regular and substantial contact, are separated from service (no longer part of the day care program).

The purpose of this form is to provide the Office of Children and Family Services (OCFS) with information that OCFS will use to terminate the search and retain function. "Search and Retain" allows the Division of Child Care Services (DCCS) Regional Office to be notified of arrests in New York State throughout the period that a day care provider, assistant, household member over the age of 18, Day Care Center or School-Age program employee or volunteers judged to have regular and substantial contact remain on record as open/active with DCCS.

COMPLETE A SEPARATE FORM FOR EACH PERSON WHO WAS FINGERPRINTED AND IS NO LONGER ASSOCIATED WITH YOUR PROGRAM.

[PLEASE PRINT CLEARLY]

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<th>NAME (LAST):</th>
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<td>CITY:</td>
<td>STATE:</td>
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<td>CONTACT PERSON:</td>
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<tr>
<td>SIGNATURE OF PERSON COMPLETING THIS FORM:</td>
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- LDSS-3370 Statewide Central Register Database Check Request
Comprehensive Background Clearance requirements as federally mandated in the Child Care Development Block Grant Act of 2014 (CCDBG)
Questions? Please submit to your Regional Manager, we will compile a Q&A document