



Office of Children and Family Services

Andrew M. Cuomo
Governor

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RENSSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

DIVISION OF CHILD CARE SERVICES POLICY STATEMENT

15-6

Clarification Concerning the Term “Business Interest”

ID NUMBER: 15-6

TOPIC: Clarification Concerning the Term “Business Interest”

MODALITIES IMPACTED: Group Family Day Care and Family Day Care Programs

APPLICABLE REGULATIONS: Title 18 of the New York State Code of Rules & Regulations §§:
416.15(a)(6) 417.15(a)(6)

CONTACT: Regional Offices
<http://ocfs.ny.gov/main/childcare/regionaloffices.asp>

EFFECTIVE: IMMEDIATELY

THIS POLICY STATEMENT IS EFFECTIVE IMMEDIATELY AND CANCELS ALL PREVIOUS MEMOS OR STATEMENTS ON THIS TOPIC.

This policy statement clarifies the meaning of the term “business interest” as it is used in home-based regulations in the following citations: 416.15(a)(6) and 417.15(a)(6). These regulatory citations include the requirement that when the home-based child day care registrant/licensee is an entity other than an individual, the person named as the Provider must be a person with a business interest in the entity.

A “business interest” is when an individual has a share in the entity or decision rights within the ownership of the entity. Examples of a business interest include, but are not limited to, being a shareholder, partner or member of the entity. OCFS requires that an individual serving as the Provider have a majority business interest of at least a 51% share of ownership of the entity.

Approved By:

Date: August 18, 2015

Janice M. Molnar, Ph.D.
Deputy Commissioner