



Office of Children and Family Services

Andrew M. Cuomo
Governor

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Sheila J. Poole
Acting Commissioner

DIVISION OF CHILD CARE SERVICES POLICY STATEMENT

16-4

Day Care Referral Processes and Program Removal from the Referral List

ID NUMBER: 16-4

TOPIC: Day care referral processes and program removal from the referral list

MODALITIES IMPACTED: All licensed/registered modalities

APPLICABLE REGULATIONS: Title 18 of the New York State Code of Rules & Regulations §413.3

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.

The purpose of this policy statement is to highlight how referral information concerning child care programs will be shared with parents. This policy provides information on the circumstances under which a program can be removed from and reinstated to the referral list, and when the child care program is able to provide subsidized child care.

Referring Parents to Licensed and Registered Child Day Care Programs

All child day care programs that are licensed or registered by the New York State Office of Children and Family Services (OCFS) become part of a child day care referral list. This list is used by Child Care Resource and Referral (CCR&R) agencies, local departments of social services, regional offices and registrars when contacted by parents asking for information about available day care programs.

Removal and Reinstatement of a Program from the Referral List

A program will be removed from the referral list when a decision has been made by OCFS to revoke, suspend or deny the renewal of the license or registration. Reinstatement to the referral list can occur if the program becomes compliant with the regulations and the

enforcement action is withdrawn or is otherwise resolved in a manner that allows the program to continue operating as a licensed/registered child day care program. A program will not be reinstated to the referral list if the program is unsuccessful at an administrative hearing contesting the enforcement action.

Program Notification of Removal from, and Reinstatement to, the Referral List

A program will be notified regarding any change of status on the child care referral list. Notification that a program has been removed from the referral list will be included in the enforcement letter sent to the program from OCFS. A program will also be informed in writing of reinstatement to the referral list.

Parental Choice and Subsidy Payments when a Program has been Removed from the Referral List

A program is ineligible to provide subsidized child care as a licensed or registered program when its license or registration is suspended. Parents in receipt of a child care subsidy may continue using a suspended program; however the parent is responsible for paying for the child care, and the program may only provide care for up to two unrelated children.

A licensed or registered child care program whose license or registration is revoked or denied renewal is able to continue providing child day care services while pursuing its hearing rights and remains eligible to provide subsidized child care pending the completion of the appeal process. If the program is unsuccessful in appealing the revocation or denial, the program will be ineligible to provide subsidized child care as a licensed/registered child care program.

Approved by:



Date:

Janice M. Molnar, Ph.D.
Deputy Commissioner