

NEW YORK STATE  
 DEPARTMENT OF SOCIAL SERVICES  
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



ESAR A. PERALES  
 Commissioner

[An Administrative Directive is a written communication to local Social Services Districts, providing directions to be followed in the administration of public assistance and care programs.]

**ADMINISTRATIVE DIRECTIVE**

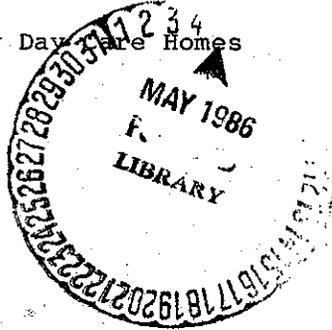
TRANSMITTAL NO.: 86-ADM-15  
 (Family and Children Services)

Commissioner of Social Services  
 TO: Local Social Service Districts  
 Authorized Agencies which License Family Day Care

SUBJECT: Unannounced Visits to Family Day Care Homes

DATE: April 30, 1986

SUGGESTED DISTRIBUTION: Director of Services Staff  
 Day Care Staff  
 CPS Staff



CONTACT PERSON: Any questions regarding this release should be directed to the appropriate regional office:

- Karen Schimke, Director, Buffalo Regional Office, 1-716-847-3145;
- Jack Klump, Acting Director, Rochester Regional Office, 1-716-238-8200;
- John O'Connor, Director, Eastern Regional Office, 1-518-473-1095;
- Fred Cantlo, Director, Metropolitan Regional Office, 1-212-488-3485.

I. Purpose

The purpose of this directive is to advise local districts and authorized agencies responsible for certifying family day care homes of a provision within Chapter 677 of the Laws of 1985 regarding the requirement to make unannounced visits to family day care homes which they certify. A new subdivision 13 was added to Section 390 of the Social Services Law which reads:

**FILING REFERENCES**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		417.16 417.17	Section 390 of the Social Services Law		

"The Department and authorized agencies responsible for licensing day care centers or certifying family day care homes shall make unannounced visits of such centers or homes if the department or such authorized agencies receive a complaint that, if true, would indicate that children in such centers or homes are not receiving adequate or appropriate care. In addition, such department and such authorized agencies shall, whenever possible, make at least one unannounced visit to every center or family day care home annually."

## II. Background

Prior to the enactment of Chapter 677 of the Laws of 1985 (which along with Chapter 676 is known as the "Child Abuse Prevention Act of 1985"), local district and authorized agency staff could visit family day care homes which they had certified at any time for the purpose of investigating a complaint or conducting an inspection. Additionally, certifying agencies were required to conduct an annual visit to renew the family day care home's certificate. There was no specific requirement that any visit be conducted in an unannounced fashion, nor was there any prohibition against unannounced visits.

## III. Program Implications

This new requirement, along with another provision contained in Chapter 677 which provides that parents or guardians of children receiving day care shall have unlimited and on demand access to such children, reflects a legislative concern with protecting children in day care settings from abuse or maltreatment. As it specifically pertains to the new Section 390.13 of the Social Services Law and the requirement to make unannounced visits, it may be helpful to distinguish between visits in response to complaints and other visits.

As it concerns visits by the local districts or authorized agencies in response to complaints, this could appear to take two different forms. If a complaint about a family day care home involves a report of suspected child abuse or maltreatment which has been reported to the New York State Child Abuse and Maltreatment Register (SCR), such complaint must at minimum be investigated by the local Child Protective Service (CPS). Also, complaints about other forms of inappropriate or inadequate care should be investigated by day care certification staff. In either case, among the first steps taken in the investigation should involve an unannounced visit to the family day care home to attempt to ascertain the validity of the complaint.

The other requirement contained in Section 390.13 of the Social Services Law is that the certifying agency should make at least one unannounced visit to each family day care home every year, whenever possible. In certain instances it may be appropriate that the current requirement of an annual renewal visit be conducted in an unannounced fashion to meet the new requirement contained in Section 390.13. As an alternative, the district or agency could conduct two visits annually, one of which should be unannounced.

As it pertains to day care centers or family day care homes licensed by this Department, it is still the responsibility of the local CPS staff to conduct an investigation if a report of suspected abuse or maltreatment should be received at the State Central Register. However, the requirement of conducting one unannounced annual visit would be the responsibility of the Department and not the local district.

IV. Required Action

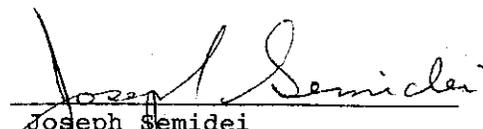
1. Appropriate staff should be advised of the new law and required to establish documentation procedures which would reflect when an unannounced visit was made to a family day care home and the cause of the visit. The record should indicate the date of the unannounced visit, whether it was in response to a complaint, who made the visit, the findings, any referrals or follow-up actions planned or taken, and any other information the district finds pertinent.
2. Complaints of inadequate or inappropriate care in a family day home shall be investigated by the appropriate local district or authorized agency representative in an unannounced visit.

Reports of child abuse and maltreatment in any day care setting must be investigated by the local district child protective services staff. If the CPS staff does find that there is a problem which could effect the health or safety of children placed in the home or center, the appropriate licensing staff of either the local district, an authorized agency or this Department should be informed of such findings in order to determine whether corrective action, certificate revocation, or suspension is necessary.

3. The local districts and authorized agencies shall make every feasible effort to make one unannounced visit annually as stipulated by the new law.
4. The local district or authorized agency responsible for certification shall notify family day care providers of Section 390.13 of the Social Services Law and its implications.

V. Effective Date

This directive is effective January 1, 1986.

  
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Joseph Semidei  
Deputy Commissioner  
Division of Family and  
Children Services

