



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

Enrollment of Legally-Exempt Informal Child Care Provider Guidance

May 18, 2020

In response to the COVID-19 public health emergency and pursuant to [Executive Order 202.5](#), issued by Governor Andrew M. Cuomo on March 18, 2020, the Office of Children and Family Services (OCFS) has been granted the authority to waive certain background checks. This waiver allows legally-exempt informal child care providers to enroll without completing the comprehensive background check process, subject to the following:

Informal Relative-Only Enrollment Applicants

Submit a completed enrollment application, OCFS-LDSS-4699, to the enrollment agency.

Informal Non-relative Enrollment Applicants

Submit a completed enrollment application, OCFS-LDSS-4699, to the enrollment agency, and:

- **For applicants who were fingerprinted prior to the public health emergency:**
A final enrollment decision will be made by the enrollment agency, unless an individual has open criminal charges and is unable to provide the disposition. If the disposition cannot be provided, OCFS will conduct a safety assessment in accordance with Social Services Law Section 390-b. The safety assessment determination will be provided to the enrollment agency. The enrollment agency will make the final enrollment determination.
- **For applicants who could not be fingerprinted due to the public health emergency:**
Complete the OCFS Waiver Request Form, OCFS-4887, requesting to waive the Comprehensive Background Check. The waiver request must list the full name and date of birth of the applicant, and all household members for whom the comprehensive background checks are being waived, and include:
 - The Statewide Central Register (SCR) for Child Abuse and Maltreatment database check form, LDSS 3370, and
 - The Emergency Employment Attestation for Adults form, OCFS-6051.

Submit the OCFS Waiver Request form to the enrollment agency.

The enrollment agency will review the waiver request package, conduct a search of the NYS Division of Criminal Justice Services Public Registry of Sex Offenders for each of the individuals named in the request, and forward the SCR form to the OCFS Division of Child Care Services (DCCS). DCCS will request a search of the SCR database, determine whether the individual is eligible for the requested role in the child care program, and provide the eligibility determination to the enrollment agency. The enrollment agency will make the final enrollment and waiver approval determination. Approved waivers must be maintained by the enrollment agency and onsite at the program.