



## Office of Children and Family Services

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Governor

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Commissioner

### **Information for Child Care Programs**

In an effort to support child care programs and be responsive to the needs of the community during this time, Governor Cuomo has granted OCFS the authority to temporarily waive selective regulatory requirements. The Division of Child Care Services encourages programs who are either experiencing hardship due to COVID-19 or are in a position to assist those experiencing hardship due to COVID-19 to submit a waiver request to your licensor/registrar. Each request will be evaluated on a case-by-case basis and approval will be time limited. For example, in light of school closings, a current FDC who is at capacity (8) might be willing and able to accept two additional school-aged children for the 14 days their school is closed. The program must submit a waiver request for consideration by OCFS which indicates how the health and safety of the children in the program will be maintained. OCFS is committed to reviewing these as expediently as possible. If approval is granted, the waiver would be limited to the duration of the school closure. This program could submit another waiver request in the event the school closure is extended, or other if the program has a new circumstance requiring a waiver. This is just one example of a potential waiver request. Child care programs are encouraged to consider what scenarios (if any) are applicable to them specifically and apply as necessary throughout the duration of this health crisis. OCFS encourages innovative and entrepreneurial thinking to work together to get through this current crisis.

Below are several Frequently Asked Questions compiled to provide guidance to the child care community. OCFS will continue to add to this list as applicable. Please reach out to your regulator with questions.

### **Frequently Asked Questions for Child Care Programs**

**Updated 3/23/2020**

**Q. Are child care programs being ordered to close?**

**A.** Child care programs are NOT being ordered to close. In fact, quite the opposite is true. Governor Cuomo and his administration consider child care to be an essential function critical to enabling parents to go to work.

**Q. Who can order a child care program to close due to COVID-19?**

**A.** In certain circumstances, local authorities, mainly local Departments of Health, have the authority to direct programs to close under quarantine or other emergency orders. In addition, child care programs are business entities and can voluntarily close the program.

**Q. Have the requirements regarding staff/child ratios been lifted?**

**A.** OCFS has been granted the authority to waive select regulatory requirements in order to meet the need for child care services. Staff/child ratio is one such requirement. You may contact your regulator and submit a waiver request. For the duration of this emergency, there may be flexibility regarding certain regulatory requirements.

**Q. Have the regulations regarding comprehensive background clearance checks been lifted?**

**A.** OCFS has been granted the authority to waive select regulatory requirements in order to meet the need for child care services. Comprehensive background clearance checks are one such requirement. You may contact your regulator and submit a waiver request. For the duration of this emergency, there may be flexibility regarding certain regulatory requirements.

**Q. How do child care programs maintain a perimeter of 6 feet while caring for them?**

**A.** Adults must be in close proximity to young children in order to provide proper care. It is important to take universal precautions. Ensure handwashing strategies are being followed including washing with soap and water for at least 20 seconds. When soap and water are not available individual wipes may be used in combination with hand sanitizer. Also, be sure to perform routine substantial cleaning of the childcare program.

**Q. Are child care programs required to maintain a group size of 10 or less?**

**A.** The Centers for Disease Control, in its guidance on events and mass gatherings recommends group size to ten or fewer and therefore we ask providers to reconfigure space to limit overall density of rooms to ten or fewer children. See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html>. Your licensed/registered capacity, however, remains in effect unless you've been approved for a waiver by OCFS as there may be ways for you to serve a greater number of children while continuing to prioritize their health and safety and that of your employees.

**Q. Why haven't child care programs been closed?**

**A.** Child care is considered an essential service. In a time of crisis, other essential professionals must be able to go to work and have safe and suitable child care available to their children. If you have openings in your program, please use those openings to serve the children of employees who are unable to work from home and must continue to report to their work location. Please reach out to your local Child Care Resource and Referral agency and make them aware of any slots you have available.

**Q. How do programs limit access to the program and try to reduce exposure to COVID-19?**

**A.** Programs are encouraged to utilize these screening questions:

1. Within the last 14 days, have you traveled to a country that the federal Centers for Disease Control and Prevention should be avoided for nonessential travel or where travelers should practice enhanced precautions?  
(China, Iran, Italy, South Korea, Japan)
2. Have you had contact with any person with known COVID-19 or person under investigation for COVID-19?
3. Do you have any symptoms of a respiratory infection (e.g., cough, sore throat, fever, shortness of breath)?

4. Are you or anyone in your home in active quarantine status?

If an individual responds “yes” to any of the above, do not allow that individual to enter the program. Where staffing allows, programs can implement strategies to reduce traffic in the program including meeting children at the door.

**3/16/2020**

**Q. Is OCFS going to close my child care program because of COVID-19?**

**A.** No. NYS Department of Health and local health departments will instruct a child care programs regarding how to respond to COVID-19.

**Q. What if my child care program is located in New York City?**

**A.** For child care programs located in NYC, including those regulated by OCFS, additional information can be obtained by going to the NYC Department of Health and Mental Hygiene website at <https://www1.nyc.gov/site/doh/index.page>. The New York City Health Department will let you know if you are required to close your program. For information about COVID-19 in New York City, including when to call your health care provider if you feel sick, visit: <http://nyc.gov/health>.

**Q. If my neighborhood school closes, is my child care program required to close?**

**A.** No, unless the program is told to by a public health official, or if it is located in the school facility.

**Q. What if my program is located in the containment bubble? What if there are new containment areas?**

**A.** If a program is in the containment area and is directed to close, you will be contacted by local DOH. At this time, group family and family day care homes are not considered places of mass gatherings. Day Care Centers and School Aged Child Care may or may not be considered places of mass gathering as it is based on their capacity. Your local department of health will direct you.

**Q. What if I am directed to close, or choose to close?**

**A.** In either case, you must inform your regulator.

**Q. Families are contacting me who are needing child care, especially for school-aged children, but my program is full.**

**A.** If you want to take the additional children, and believe your program can handle the additional children, contact your regulator and submit a waiver request. During the duration of this emergency, there may be flexibility regarding certain regulatory requirements.

**Q. What if I want to expand my license/registration to serve more children temporarily?**

**A.** Contact your regulator and submit a waiver request. During the duration of this emergency, there may be flexibility regarding certain regulatory requirements.

**Q. What If I want to bring on new assistant/staff during emergency?**

**A.** Contact your regulator and submit a waiver request. During the duration of this emergency, there may be flexibility regarding certain regulatory requirements.

**Q. What if hospitals, schools, etc. contact me about taking on additional children?**

**A.** Contact your regulator and submit a waiver request. During the duration of this emergency, there may be flexibility regarding certain regulatory requirements.

**Q. What if my program has too many staff absent to continue care?**

**A.** Contact your regulator. There may be possibilities to bring substitutes on board quickly and explore other possibilities in collaboration with other local programs.

**Q. What if my program is closed for a period of time? How will I get by?**

**A.** We are receiving ongoing guidance from the federal Office of Child Care and considerations are being made to support programs.

**Q. What if a program staff /volunteer is mandated to be quarantined?**

**A.** If the person tests positive for the virus, the program will be contacted by the local Department of Health (DOH) and will be directed on what steps are needed. It is likely the program will be directed to close and self-quarantine the remaining staff and children.

**Q. What if a staff person at a child care program is precautionarily quarantined?**

**A.** If a staff member has been exposed to the virus and has self-quarantined but has not tested positive, the individual must not report to work during the quarantine period. The center may continue to operate unless notified otherwise by local DOH.

**Q. What if a parent of a child is quarantined?**

**A.** In the event a parent of a child in your program must be quarantined, advise the parent they cannot enter the child care program for any reason, including picking up their child. If the parent is exhibiting signs of illness or has been tested and is positive for the virus, they must utilize an emergency contact authorized by the parent to come pick up the child. If the parent is being quarantined as a precautionary measure, without symptoms or a positive test, child care staff should walk out or deliver the child to the parent outside the child care building. The child must not return to the child care program for the duration of the quarantine.

**Q. What if a household member of a home-based provider is quarantined?**

**A.** The program must not operate and must contact local DOH.

**Q. What if a child is quarantined?**

**A.** Children who have been quarantined either through exposure to the virus or a positive test must not attend programs for the duration of the quarantine period. If a child has been diagnosed as positive and has attended the program within the past week, the program must contact local DOH.

**Q. What if a family seeks child care for school-aged children whose school has closed?**

**A.** When bringing on additional children, for school-aged children, please confirm what school the child attends. OCFS will distribute lists of schools that have been mandatorily closed for quarantine to the regional offices. No children with any symptoms of illness, or children from schools under mandatory quarantine should attend programs.

**Q. My program serves families who receive child care subsidy, what will happen when children are absent, or my program is forced to close?**

**A.** We are receiving ongoing guidance from the federal Office of Child Care and considerations are being made to support programs. This includes allowing counties to pay for absence and closure days.

