

Dear Providers:

The purpose of this letter is to provide guidance about the New York State Justice Center and clarify how it affects your day care program's employment process.

#### **Mission of the Justice Center**

Governor Cuomo's recent legislation created a new Justice Center for the Protection of People with Special Needs, an initiative that will transform how the state protects over one million New Yorkers in State operated, certified or licensed facilities and programs.

#### **What does means to you as a child care provider?**

One aspect of the Justice Center relates to an additional employment check required for child care providers and their employees. This additional employment check by the Justice center is called a Staff Exclusion List (SEL) check and is similar to the process to get a Statewide Central Register (SCR) database check. The process is explained in this letter.

**What do you gain by this additional employment check?** This SEL employment check identifies persons who are former employees of programs serving people with special needs who have been found to have committed an act of abuse or neglect regarding those service recipients. Knowing that a candidate for employment in a child day care program is listed on the SEL will further protect employers like you, and the children you care for, from hiring unqualified caregivers.

There is currently no one listed on the SEL, which allows us to begin day care program's participation in the SEL process starting on **December 15, 2013**. The Office of Children and Family Services will monitor the list until that date. **As of December 15, 2013**, anyone who must obtain a Statewide Central Register (SCR) database check as part of the employment process at a child care program **must also** obtain a SEL check. This database check is free. Persons who need an SEL check include:

- All new employees of licensed or registered child care programs
- Applicants to become a family or group family child care providers
- Directors of day care centers or school age child care programs
- Household members over the age of 18 in family or group family day care homes

#### **How to get an SEL check?**

##### **Day Care Centers and School age child care programs only**

The first step for directors of day care centers and school age child care programs is to complete the attached form called the ***Authorized Person Designation Form***. Once completed this form (attached) must be faxed to, or mailed to the Justice Center. Mailing and faxing instructions appear on the form.

The next step for directors is to fill out a "Request for Staff Exclusion List Check Form" whenever any new staff is considered for hiring. A copy of the *Request For Staff Exclusion List Check form* is attached. Once completed the form is faxed directly to the Justice center using the fax number on the form.

Additional forms that allow direct text entry can be downloaded at the Justice Center website at: <http://www.justicecenter.ny.gov/resources/forms>. These same forms are available on the Division of Child Care

Services website under "Forms". Hard copy forms can be ordered by calling the Justice Center main line at (518) 549-0200.

**Family, Group Family and Small Day Care Centers only**

Family, group family, and small day care center providers must complete the "Request for Staff Exclusion List Check Form" whenever they are considering hiring a person to work at the program. The provider then must submit the completed form to their licensor/registrar using the same method in which they submit SCR requests. The licensor/registrar will then submit the form to the Justice Center.

**Results of the SEL check**

Processing results of the Justice Center SEL check is similar to the process for an SCR background check.

Directors of centers and school age child care programs will receive results directly from the Justice Center for evaluation. As with SCR checks, directors will be required by the Office of Children and Family Services to evaluate the Justice Center findings. A copy of the guidelines for evaluating persons found on the SEL list is included in this mailing. Your licensor or registrar will be available to answer any questions you may have.

Family-based providers and providers at small day care centers will be notified by their licensor/registrar when the Justice Center results are returned and an evaluation by the Office of Children and Family Services has been completed.

Q. I am currently employed in a day care program; do I need to submit an SEL?

A. No, current employees in day care programs and current household members in family-based care, are not required to submit an SEL check, unless the individual applies to work in, live in, or open, another licensed/registered program. A good rule of thumb is that if you are required to get an SCR data base check after December 15, 2013, you will also need to get a Justice Center SEL check.

Q. While I am waiting for my SEL check to be returned, can I be left alone with day care children?

A. No, all background checks, including the SEL must be completed before a new employee can be left unsupervised with children

Q. If a person is on the Justice Center Staff Exclusion List, can they still work in a child care program?

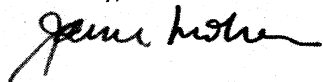
A. An evaluation will be completed on the substantiated findings to determine if person who is on the SEL may work in a child care program. This evaluation is done by a licensor/registrar for family based programs and small day care centers and by directors for day care centers and school age child care programs. In New York City, this evaluation is done by staff of the New York City Department of Health.

Q. I do not have access to the internet. How can I get the forms I need or ask additional questions I may have?

A. Contact the Justice Center at (518) 549-0200 during business hours.

The Justice Center initiative supports your efforts to provide high quality care for children. Thank you for all you do, every day, for children and families in your program.

Sincerely,



Janice M. Molnar Ph.D.  
Deputy Commissioner  
Division of Child Care Services

**i necesita leer esta carta en español, visite el portal de la División de Servicios de Cuidado Infantil en <http://www.ocfs.state.ny.us/main/childcare/letters.asp>. Si no tiene acceso a la Red o Internet, contacte al encargado de licencias o registros para recibir ayuda.**