

Group Family Day Care

1. Group family child care providers may now care for up to 12 children of all ages. Up to four additional school-age children may be in care for a maximum capacity of 16 children. OCFS will assess the program for adequate indoor space for the comfort of the children and to accommodate a variety of activities for the children prior to issuing a new license reflecting a change in maximum capacity.
2. A group family child care provider may now care for up to 8 children by his/herself provided that at least two of the children are of school-age and no more than two of the children are under the age of two.
3. There must be one approved assistant present when child care is provided to seven or more children when none of the children in care are school-age or nine or more children when at least two children in care are school age. One caretaker per every two children under the age of two is still the requirement.

Group family child care providers who opt to increase their maximum capacity must submit the attached request form. An inspection will be scheduled to assess whether there is adequate indoor space for the comfort of the children and to accommodate a variety of activities for the children. If you are within 60 days of renewal or in the process of renewal, a request is unnecessary; the licenser will review your group family day care program space during renewal. *Until an inspection is conducted and a new license is issued, providers must be in compliance with the current maximum capacity as noted on the face of his/her group family day care license.*

The following regulatory restriction will still apply: *In a personal residence where **more than one licensed or registered family or group family day care home** was located **prior to March 1, 2002**, the maximum capacity of all licensed and registered family and group family day care homes in the residence **shall not under any circumstances exceed 20 children in total**, including school-age children who receive care for only part of the day; and no individual group family day care home located in such a residence may have a maximum capacity of more than 10 children, including school-age children who receive care for only part of the day.*

Family Day Care

Under the new law, family day care providers may care for more than two children under the age of two only if there is at least one caregiver for each two children under the age of two.

 **A family child care provider who plans to request a new registration in order to care for more than two children under the age of two must fill out the attached form.** An inspection will be scheduled to assess the program's ability to care for additional infants. If you are within 60 days of renewal or in the process of renewal, a request is unnecessary; the licenser will review your family day care program's ability to care for additional children during renewal. *Until an inspection is conducted and a new license is issued, providers must be in compliance with the current license.*

Family child care providers, who hold waivers allowing them to care for more than two children under the age of two, will be contacted by their licensor and the waiver will be evaluated in light of the new law. No further waivers will be approved by the Division of Child Care Services as requirements established in law cannot be waived.

Terms of Licenses and Registrations

OCFS may **renew licenses and registrations for up to four years**, as long as the provider remains in substantial compliance with law and regulation. All day care licenses/registrations periods will be assessed for the four-year licensing and registration term at your program’s next renewal cycle.

Fines

The law expands the list of violations for which the OCFS may seek a fine regardless of whether the provider corrects the violation. The list is commonly known as the list of “non-rectifiable violations.” The law expanded the list to include the following violations for which the OCFS may seek a sanction for an initial violation:

- i. A provider, assistant, employee, volunteer, or household member who: injures a child in care; unreasonably fails to obtain necessary medical attention for a child; or uses corporal punishment against a child; or
- ii. A provider, assistant, employee, or volunteer who: fails to report suspected child abuse and maltreatment when required to do so; or submits forged documents to OCFS.

Minimum Periods of Disqualification from Reapplying

The law prohibits the issuance of a license or registration to a child day care provider whose license or registration was revoked or terminated during the previous two years, unless the OCFS determines that licensure or registration would not jeopardize the health, safety or welfare of children for whom care would be provided. This prohibition also applies to a child care program that is fined on two separate occasions for operating without a required license or registration and a program that is facing enforcement action and surrenders its license or registration in order to a void suspension, revocation, or termination.

Your licensor or registrar has been informed of the new law and will be working with you to accommodate the changes. If you have any questions regarding the Law or how OCFS plans to implement the changes, please call the regional office in your area.

| REGIONAL OFFICE | MANAGER | CONTACT NUMBER |
|------------------------|------------------------|-----------------------|
| Albany | Linda Sornberger | (518) 402-3038 |
| Buffalo | Robert Stoczynski | (716) 847-3828 |
| Long Island | Robin Beller | (631) 342-7100 |
| New York City | Patricia Lewis | (212) 383-1415 |
| Rochester | Terry Chylinski | (585) 238-8531 |
| Syracuse | Dianne McLaughlin | (315) 423-1202 |
| Spring Valley | Frances Franco-Montero | (845) 708-2400 |