

BUREAU OF EARLY CHILDHOOD SERVICES

POLICY STATEMENT

ID NUMBER: 99-1 **(Replaces policy statement 96-2)** Updated December, 2004

TOPIC: Multiple Providers in a One Family Residence: Clarification of Requirements

MODALITIES IMPACTED: FDC & GFDC

APPLICABLE REGULATIONS: 18 NYCRR 416.15 (a)(20)(i), 417.15(a)(20)(i), 416.15 (a)(20)(ii) and 417.15(a)(20)(ii)

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EFFECTIVE: Immediately December, 2004

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THIS POLICY STATEMENT IS EFFECTIVE IMMEDIATELY

During the 1990's, New York State's, Office of Children and Family Services (Office) permitted multiple family and group family day care programs to operate in a single residence. The Office permitted the licensing/registration of these multiple programs under the specific conditions listed in policy statement 96-2. However, in 2003 regulations were promulgated that prohibited more than one program from operating in a single residence, please see 18 NYCRR 416.15 (a)(20)(i) and 417.15(a)(20)(i). Despite the prohibition, double group programs already licensed/registered before March 1, 2002 were permitted to remain in operation due to a grandfathering clause, found in 18 NYCRR 416.15(a)(20)(i) and 417.15(a)(20)(i).

This updated policy statement will cover policy issues concerning those double groups that are still in operation under 18 NYCRR 416.15(a)(20)(ii) and 417.15(a)(20)(ii).

Licensers and registrars have historically identified safety concerns in many of these programs. Monitoring of these programs has revealed regulatory violations pertaining to the sharing of space, staff, children and equipment. Some of these programs have not been operating in accordance with the terms of their licenses/registrations. Each of the programs in the single-family residence is to operate completely independently of the other: separate space, separate

staff, separate enrollment of children. The experiences of both the Office, and contract staff, have been that providers treat the second site in the same residence as an adjunct site, sharing children, staff and space. These situations are out of compliance and increase the safety risks to children.

Some residences may have been acceptable for the establishment of an additional family or group family day care home. However, most personal residences are not appropriately laid out or designed for multiple facility use. Due to the number of violations in existing multiple facility residences and the concerns regarding the potential harm to children, special steps must be taken in inspecting a site that is in a personal residence where two child care programs are licensed/registered to operate. When licensors/registrars inspect single residences with multiple day care programs they should be reviewing the site for the following conditions:

**1. THERE MUST BE ADEQUATE SPACE FOR ALL THE CHILDREN IN CARE IN THE RESIDENCE.**

Statute and regulation do not address the issue of square footage in family-based programs. The regulations do, however, address the space needed by children in care by changing the maximum number of children permitted to attend each program in a single residence, which houses multiple programs, to a cap of ten children per program. This cap includes school-age children who receive care for only part of the day. Under no circumstances can the number of children receiving care in these programs exceed 20 children in total. Please see 18 NYCRR 416.15(a)(20)(ii) and 417.15(a)(20)(ii).

Due to the additional numbers of people (children and adults) in the structure when there is more than one program operating, the issue of space becomes crucial and it must be carefully reviewed. It is the policy of the Office's, Bureau of Early Childhood Services that each program within a single-family residence be inspected to determine that there is adequate space for the care of children.

**2. THERE MUST BE NO SHARED SPACE USED BY THE PROGRAMS.**

Each program in a single-family residence must be a completely separate entity. There may be no shared bathrooms. Each program must have its own kitchen/food preparation area which includes food storage space, a refrigerator which is appropriate to the number of children in care and a meal plan for the program. Separate appropriately furnished eating areas must also be available to each program. Furthermore, there must also be either a separate outdoor play space for each program, or a written schedule which clearly indicates that the programs do not use the space simultaneously.

### 3. EACH PROGRAM MUST OPERATE WITHOUT SHARING STAFF, CHILDREN, EQUIPMENT OR SUPPLIES.

Children must be enrolled in only one program in the home and are to be in care only at the program at which they are enrolled. At no time may children be moved to the other program in the residence or to another program owned by the provider/operator without that program's enrollment process having been completed. Included in the enrollment process is the completion of the enrollment forms by the parent, the submission of the child's medical forms and immunization records, and the completion of all other requirements consistent with the regulations of the Office found in 18 NYCRR 416.15(c)(3)-(6) or Section 417.15 (c)(3)-(6) and with PS 96-10: On-Site Provider in FDC and GFDC Homes.

Each program must have an on-site provider, and for a group family day care home, an assistant who is responsible for only one program in the residence. If the on-site provider or assistant must be absent, then arrangements for a substitute must be made consistent with the regulations of the Office. Again, there can be no sharing of providers, assistants, staff, children, equipment or supplies between the programs.

### 4. THERE MUST BE COMPLETELY SEPARATE EXITS AND MEANS OF EGRESS FOR EACH PROGRAM.

Each program in the single-family residence must have its own approved evacuation plan for emergency situations. The following criteria must be in place for each program before the Office issues either a license or registration:

1. The two programs may not share either the same exits or the same means of egress. This means that each program must have two separate exits and the routes to these exits may not be shared by the two programs;
2. The two exits from each program must be a minimum of 10 feet apart from the other program's exit;
3. The two exits from each program must be on separate walls or otherwise positioned so that they minimize the possibility that more than one exit would be blocked by any one fire or other emergency condition; and
4. Each program must have separate sites to which each program's enrolled children will evacuate to after an emergency evacuation.

## 5. INSPECTION OF THE SITE.

It is the policy of the Office that an inspection must be done prior to renewal of all programs. Section 390 of the Social Services Law requires such an inspection.

## 6. COMPLIANCE AND ENFORCEMENT.

If a program, located in a residence in which there are two family or group family day care homes, is found to have violated any of the regulatory or statutory requirements the violation must be immediately assessed for referral to the Bureau of Enforcement.

UPDATE APPROVED BY:

[ X ] Suzanne Zafonte Sennett      Date: 6-30-05