



Dear Provider:



REPORTING SUSPECTED CHILD ABUSE AND MALTREATMENT IS MANDATORY

OCFS has noticed a rise in the number of child care programs being cited with violations for failing to report suspected child abuse or maltreatment. This is a major concern. In an effort to protect children and the programs that care for them, here are some reminders to all staff and caregivers on this important topic:

- **The child care program may not conduct its own investigation into suspected child abuse or maltreatment.** Conducting your own investigation is not permitted nor is it a substitute for calling the Statewide Central Register of Child Abuse and Maltreatment (SCR). Failure to place a timely call to the SCR may put a child at risk, limit the ability of child protective services agencies (CPS) and/or law enforcement to act, and may put the license/registration of the program in jeopardy. CPS must investigate all child abuse or maltreatment allegations. The Division of Child Care Services conducts a collateral investigation.
- **All persons** employed in child day care programs are mandated to report their **reasonable suspicions** of child abuse or maltreatment to the SCR. Any mandated reporter who has a reasonable suspicion of abuse or maltreatment of a child in care **must** call the SCR themselves or cause a report to be made to the SCR.
- The staff person or caregiver who is required to make a call to the SCR in day care centers or school age child care programs is the person who witnessed the abuse or maltreatment or the person who has the most details about the situation. Contact information for every staff person who is believed to have direct knowledge of the allegations in the report must be given to the SCR at the time of the call.
- If a staff person or caregiver with knowledge of the abuse or maltreatment of a child in care is aware that the information was not called into the SCR, he or she is required to make that call.
- The reasonable suspicion of abuse or maltreatment (reasonable cause to suspect) is the basis to require an **immediate** call to the SCR. **Proof** of abuse or maltreatment is **not** necessary.
- Reasonable suspicion of child abuse or maltreatment means that based on your rational observations, professional training, and experience, you have a rational belief that the parent, caregiver or other person legally responsible for a child is harming that child or placing that child in imminent danger of harm. Your suspicion can be based on your distrust of an explanation for an injury.
- A signed, written report (LDSS 2221A, *Report of Suspected Child Abuse or Maltreatment*) must be filed with the local CPS agency by the mandated reporters **within 48 hours** of an oral report.
- If you are in doubt about whether you have enough information to make a report, **call** the SCR and have the SCR intake worker assess the information.

- If you call the SCR and a report is not registered but you subsequently learn significant new information about the incident or situation, you must call the SCR again.
- The mandated reporter phone number to the SCR is **1 (800) 635-1522**. This is a confidential phone number to be used only by mandated reporters. Calls are answered 24 hours a day, seven days a week.

Consequences for Failure to Report

Anyone who is mandated to report suspected child abuse or maltreatment *and willfully fails to do so* could be charged with a Class A misdemeanor and could be subject to criminal penalties. Further, mandated reporters can be sued in a civil court for monetary damages for any damages caused by the mandated reporter's knowing and willful failure to make a report to the SCR. Ask for the report ID number for your records. If your information is not accepted as a report, remember to get the SCR worker's name for your records. If you do not agree with the SCR worker's decision, ask to speak to a supervisor for further consultation.

The list above does not cover all mandated reporter requirements, but it does address the more common errors programs are making in reporting SCR cases. OCFS recommends that child care programs regularly review the reporting requirements found in **Section .10** of the regulations. *Summary Guide for Mandated Reporters In New York State* (available at: <http://ocfs.ny.gov/main/publications/Pub1159.pdf> in Adobe PDF or Text, and also available in Spanish, Arabic, Chinese, and Russian) provides mandated reporters with an overview of their obligations and a conceptual framework of the New York State Child Protective Services System.

OCFS also offers online Mandated Reporter Training in Child Abuse and Maltreatment Identification at no cost to you. Register anytime at www.nysmandatedreporter.org. This two-hour web-based training is fully narrated and interactive, and features learning exercises customized for child care professionals.



**DO NOT DELAY! FOUNDATIONS IN HEALTH AND SAFETY TRAINING
REQUIRED BY SEPTEMBER 30, 2017**

In the previous Dear Provider letter (dated March, 2017) we let you know about the new federal law requiring child care directors, teachers, caregivers, and volunteers with the potential for regular and substantial contact with children in care to complete health and safety training by **September 30, 2017, (or within three months of starting such position, if later)**. The March Dear Provider letter detailed the requirements of the new regulations. The letter is available on the OCFS website at <http://ocfs.ny.gov/main/childcare/letters.asp>. Please, do not delay! Log onto: <https://www.ecetp.pdp.albany.edu/index.asp> and complete **Foundations in Health and Safety e-Learning**. This five-hour, online course is available at no cost to you, and will count toward the 30-hours of training required every two years.

Foundations in Health and Safety e-Learning has just become available in Spanish, titled **Aprendizaje a Distancia Sobre Fundamentos de Salud y Seguridad**.

It is anticipated that **Foundations in Health and Safety e-Learning** will be available in Chinese on September 14, 2017.

To enroll, go to: <https://www.ecetp.pdp.albany.edu/index.asp>.

Remember: anyone who does not complete this training by September 30, 2017, may not be left unsupervised with day care children and the program will not be in compliance with regulation. Failure to comply with the

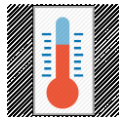
requirement may result in enforcement action including, but not limited to, the loss of your license or registration. If you have any questions, please contact the OCFS regional office in your area.

TRAINING REQUIREMENT: DCC and SACC DIRECTORS hired on or after October 1, 2017

All new directors of day care centers or school age child care programs hired on or after October 1, 2017, will be required to complete an OCFS 15-hour health and safety classroom training, either pre-service or within three months of their start date as director, and current directors who have not completed the ***Foundations in Health and Safety e-Learning*** by September 30, 2017, will also be required to complete the OCFS 15-hour health and safety classroom training. There is a cost associated with this training. The goal for this training is to provide DCC and SACC directors with information on best practices that lead to high quality child care. Health and safety trainers can be found at: <https://www.ecetp.pdp.albany.edu/olapps/hstrainerlookup/findtrainer.aspx>.

ON-DEMAND TRAINING

Foundations in Health and Safety e-Learning in Spanish is now available to directors of child day care centers and school-age child care programs as an on-demand training. This training is anticipated to be available on demand in Chinese on September 14, 2017. For information on how to become an on-demand trainer, visit: <https://www.ecetp.pdp.albany.edu/OnDemandTrainer.shtm>



OUCH! THAT'S TOO HOT!!

Have you checked the temperature of your water lately? According to *Caring for Our Children*, a reference guide that sets national health and safety standards for early care and education programs, it is common for tap water to be a source of scalding in young children. Hot water temperatures at sinks used for handwashing, or where hot water will be in direct contact with children, should be set at a temperature of at least 60 degrees Fahrenheit and not exceeding 120 degrees Fahrenheit. Water heated to temperatures above 120 degrees takes less than 30 seconds to burn the skin. Check the temperature of the water in your program and ensure it falls within the safety range. Remember: children cannot be left without competent supervision at any time.



DOES YOUR PROGRAM CONTRACT FOR OUTSIDE SERVICES?

Day care programs that contract with outside businesses to deliver classes or services such as Karate, dance, or computer classes for day care children are not permitted to leave these contracted instructors unsupervised with day care children. The contracted instructors do have the potential for regular and substantial contact with children so they must be cleared through the SCR and through the Staff Exclusion List maintained by the Justice Center for the Protection of People with Special Needs. However, contracted staff **may not** be fingerprinted by OCFS. As such, the interaction between the outside instructors and the children must be supervised by an employee of the child care program who has completed the required background checks.



ASPIRING NEWS!

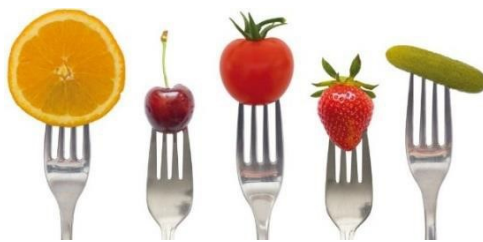
An exciting change has been made to Aspire! You can now UPLOAD documentation and training certificates directly to your Aspire profile. Child care facilities that create a 'program profile' can also scan and track training for individual staff. Aspire will calculate training hours and completed topic areas, which makes training information available at a glance. Visit the Aspire Registry website to learn more and get started. <https://nyworksforchildren.org/Home.aspx>

NEED FINGERPRINTS?

As of June 30, 2017, the forms required for fingerprinting services (Form OCFS-4930, *Request for NYS Fingerprinting Services: Child Day Care Programs* and OCFS-4930-1, *Guidelines for Fingerprinting: Child Day Care Programs*) have been updated with an important new service code and new information for scheduling fingerprint appointments. If you use the old forms after July 1, 2017, you will not be able to successfully schedule an appointment. Please discard any outdated fingerprinting forms you may have, and replace them with the updated versions. The new forms are available on the OCFS website: <http://ocfs.ny.gov/main/documents/docsChildCareAll.asp>.

IMPORTANT CHANGES TO PROGRAM COMPLIANCE HISTORY

On May 17, 2017, OCFS began expanding the posting period of compliance histories for licensed and registered programs on its website. What was once a two-year posting period will eventually be six years of compliance histories. This change will provide more information to parents seeking child care and will promote greater governmental transparency. The change is not being applied retroactively. However, histories that are already posted on the OCFS website will now remain there for six years from the date of the inspection.



DO YOU KNOW?

Today, one in six children in America doesn't get the food he or she needs every day. This takes a terrible toll on a child's health and development, and threatens a child's future in profound ways. Two federal programs, National School Lunch Program, and Summer Food Service Program, provide free meals to kids during summer months when they are at higher risk.

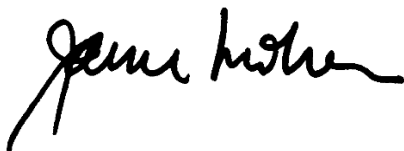
What can you do to help? It's simple! Enclosed you will find a color flyer (in English and Spanish) that explains three ways to find a summer food site in your community:

- Call: **211** or **1-866-3-HUNGRY**
- Text: **“food” to 877-877**
- Visit: www.SummerMealsNY.org

PLEASE, HELP SPREAD THE WORD TO PARENTS BY POSTING THIS FLYER IN YOUR PROGRAM!

I hope this information is helpful. Please call your licensor/registrar with any questions you may have. Wishing you a safe, and healthy summer!

Sincerely,



Janice M. Molnar
Deputy Commissioner
Division of Child Care Services

Si necesita leer esta carta en español, visite el portal de la División de Servicios de Cuidado Infantil: <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.