

## CAPITAL DISTRICT CHILD CARE COUNCIL COMPLIANCE POLICY AND PROCEDURES

The Capital District Child Care Council is a resource and referral agency dedicated to promoting quality, accessible child care for all of the Capital Region's diverse communities. The Council assumes a leadership role in supporting children, parents, child care professionals, and employers through referral counseling, education, training and advocacy. As part of this mission, Council employees provide Intensive Technical Assistance (ITA) and consultation services to regulated and non-regulated child care and school age care providers. Within the capacity as consultant, home visitor and/or regulator, Council employees may observe conditions related to child abuse, maltreatment and regulatory concerns. One of the roles of a Council employee as a consultant is to ensure that child care programs receiving technical assistance are operating within the appropriate regulatory guidelines.

Intensive Technical Assistance (ITA) is conducted on behalf of;

- The Office of Children and Family Services (OCFS),
- The Child and Adult Care Food Program (CACFP),
- County Social Services Agencies for Registration Activities,
- and other contracted entities.

One important way to support the quality of child care and school age care in the community is for Council employees to maintain a system for documenting and responding to concerns regarding compliance. All Council employees are responsible for following procedures regarding regulatory compliance concerns set forth in this document.

### **Confidentiality**

The Council does not disclose information about any concern regarding compliance to unauthorized individuals. CDCCCC does disclose the fact that a provider may not currently be included on our referral database. Regulation citations are listed on the Office of Children and Families (OCFS) website. Inquiries are referred to the OCFS website: [http://www.ocfs.state.ny.us/ccfs\\_facilitysearch/](http://www.ocfs.state.ny.us/ccfs_facilitysearch/)

### **Informed Consent:**

All Council employees are **required** to inform child care, school-age care and legal exempt providers that any serious regulation citations observed during a program/home visit will be reported to the New York State Office of Children and Family Services.

All Council employees are mandated reporters, therefore child care, school-age, and legal exempt providers will be informed that any suspicion of child maltreatment will be referred to the New York State Office of Children and Family Services Child Protective Unit.

Signed statements attesting to knowledge of this policy are required of all Council employees and the caregivers they visit. (See Attachment A)

- Adherence to and acknowledgment of this policy is required of guest speakers/trainers employed by the CDCCCC when training involves visiting child care programs. (See Attachment B)
  - All participants involved in a guest speaker's training, when the training involves visiting child care programs, are required to report any observed concerns directly to the guest trainer. The guest trainer will then report those concerns to the Education Director, or in her absence, to the Executive Director. Training participants who are CDCCCC employees are required to follow the CDCCCC compliance policies, as well as to report concerns to the guest trainer.

## **Policy & Procedures**

### **I. Child Abuse & Maltreatment Concerns (Class 1 OCFS Regulatory Citations)**

Child abuse encompasses the most serious injuries and/or risk of serious injuries to children by their caregiver. An abused child is one whose parent or other person legally responsible for his or her care inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or commits a sex offense against the child. Abuse also includes situations where a parent or other person legally responsible, knowingly allows someone else to inflict such harm on a child.

Maltreatment (includes neglect) means that a child's physical, mental or emotional condition has been impaired, or placed in imminent danger of impairment, by the failure of the child's parent or other person legally responsible to exercise a minimum degree of care.

#### **Definitions:**

**Abused child** (SSL 412 / FCA 1012) means a child less than eighteen years of age whose parent or other person legally responsible for his care

- a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or
- b. Creates or allows to be created substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or
- c. Commits, or allows to be committed an offense against such child defined in article one hundred and thirty of the penal law; allows, permits or encourages such child to engage in any act in sections 230.25, 230.30 and 230.32 of the penal law; commits any of the acts described in section 255.25 of the penal law.

**Neglected child** means a child less than eighteen years of age

- a. Whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care.
- b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self control of his actions.

**Corporal punishment** is punishment inflicted directly on the body including, but not limited to, spanking, biting, shaking, slapping, twisting or squeezing; demanding excessive physical exercise, prolonged lack of movement or motion, or strenuous or bizarre postures; and compelling a child to eat or have in the child's mouth soap, foods, hot spices or other substances. (Office of Children and Family Services Child Care Regulations)

**Mandated Reporter Responsibilities:**

As mandated reporters, Council staff are required to report when they suspect that a child is an abused or maltreated child, where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge, facts, conditions or circumstances which, if correct would render the child an abused or maltreated child.

► If the situation involves suspected or observed child abuse or maltreatment/neglect, call 1-800-635-1522.

**Procedure for responding to suspected child abuse or maltreatment/neglect:**

1. You Should:
  - Act to ensure the safety of all children in program.
  - Call Police if children are in immediate danger.
  - Take action to protect your personal safety.
  - Notify your supervisor of all actions taken ASAP.
2. As soon as child abuse or maltreatment/neglect is suspected, staff must report concerns by telephone to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). **1-800-635-1522**
3. Do not notify parents or other persons legally responsible before or after the call to the SCR; doing so may hinder local CPS investigation and adversely affect its ability to assess the safety of children.
4. Oral reports to the SCR from a mandated reporter must be followed within 48 hours by a written report to the local Department of Social Services' CPS unit (county in which the child resides) on form LDSS-2221A. A copy of this form can be found at [www.ocfs.state.ny.us](http://www.ocfs.state.ny.us). Click on "forms" and then "Child Protective Services" to access LDSS-2221A. Click on "contact us" and scroll down to "Contacting Your Local Department of Social Services" for addresses.

5. Callers will be asked to provide the following information when reporting suspected child abuse and maltreatment.
  - a. The effect on the child
  - b. Names and addresses of the provider
  - c. Location of the child at the time of the report
  - d. Child's age, gender, and race
  - e. The nature and extend of the child's injuries.
  - f. Name of the person or persons you suspect is responsible for causing the injury, abuse, or maltreatment/neglect
  - g. Direct contact information of the reporter
6. Council employees must inform their direct supervisor that a call has been placed.
7. Council employees must contact the program regulator to inform them that a call has been placed.
8. Keep all information about children, families and caregivers confidential. Information related to allegations of child abuse and maltreatment should only be shared with those CDCCCC staff & regulators directly involved with the reporting process.

## **II. Regulation Concerns (Serious Class II OCFS Regulatory Citations)**

Serious regulatory concerns are those concerns that place the child at risk of physical, mental or emotional harm, where the risk of harm is not likely to result in death, serious or protracted disfigurement, or protracted impairment of physical or emotional health. Serious regulatory concerns do not involve actual harm to a child; if a child was actually harmed CDCCCC would function as a mandated reporter and follow protocol outlined for **responding to suspected child abuse or maltreatment**. Serious regulatory concerns may be raised to an imminent danger complaint based on the below listed criteria.

### **Imminent Danger Complaint Criteria:**

Imminent danger is the existence of any serious regulatory citation, condition or practice in a child care program that is causing, has caused or could reasonably be expected to cause death, serious or protracted disfigurement, or protracted impairment of physical or emotional health to any child if the operation of the child day care program were to continue before the citation, condition or practice was eliminated.

### **Procedures for responding to observations of serious regulation concerns:**

1. You should:
  - Act to ensure the safety of all children in program.
  - Take action to protect your personal safety.
  - Notify your supervisor of all actions taken ASAP.
2. Immediately bring serious licensing concerns to the attention of the caregiver, and/or director.
3. Provide direction for the caregiver regarding the correction of a serious licensing concern.
4. Document, on the Council's triplicate form, what was observed and said by both the caregiver and CDCCCC staff person; read back to the caregiver what was documented and have her/him sign the triplicate form.

5. Inform the caregiver that a call may be made to the Office of Children and Family Services regarding the serious licensing concern.
6. Suggest that the caregiver call the program's licensor/registrar and share what occurred, explain what technical assistance (TA) was given and the resolution of the situation.
7. Before placing a call to OCFS, Council employees are required to immediately discuss serious regulatory concerns with their direct supervisor.

**Complaint procedures are as follows;**

1. Complaints regarding family child care homes or school age programs regulated by Council staff are entered into the OCFS system under the direction of the Director of Regulatory Services.
2. Complaints regarding family child care/group family child care and school age programs not regulated by Council should be referred to the Albany Regional Office licensing staff responsible for the individual program.
3. Complaints regarding child care center programs are to be referred to the center licensor with specific information regarding the regulation concerns and technical assistance offered.
4. Reports regarding serious regulatory concerns should include only that information that was shared with the caregiver.
5. Keep all information about children, families and caregivers confidential. Information related to serious regulatory concerns should only be shared with those CDCCC staff directly involved with the reporting process. With the exception of the NYS Office of Children and Family Services, such information is never to be shared with individuals outside of the Council.

**Procedures for Registrars, in their official capacity:**

1. You should:
  - Act to ensure the safety of all children in program.
  - Take action to protect your personal safety.
  - Notify your supervisor of all actions taken ASAP.
2. Immediately bring serious regulatory concerns to the attention of the caregiver, and/or director. A citation that rises to the level of imminent danger will be reported to a supervisor immediately.
3. Provide technical assistance to the provider regarding the correction of a regulatory citation.
4. Document on the form provided by the Office of Children and Family Services (OCFS), what is observed, the regulation number it applies to, and the action(s) need to be taken to correct the deficiency. The document will be read back to the caregiver and the caregiver will be asked to sign the form.
5. Registrars will discuss serious regulatory concerns that were observed with their direct supervisor as soon as possible.
6. A letter stating the regulatory deficiency and the required action needed to correct the citation will be mailed to the provider.

7. All serious safety concerns noted by the Registrar will be followed up by a site visit to verify compliance.

### **III. Non-Emergency Regulation Concerns (Class III OCFS Regulatory Citations)**

Non-serious regulatory concerns are those citations of regulatory requirements that do not fall within the child abuse/maltreatment or serious regulatory concerns categories. They are citations that do not involve harm or risk of harm to a child.

#### **Procedures for responding to observations of non-serious regulation concerns:**

1. You should:
  - Act to ensure the safety of all children in program.
  - Take action to protect your personal safety.
  - Notify your supervisor of all actions taken ASAP.
2. Immediately bring non-emergency licensing concerns to the attention of the caregiver, and/or director.
3. Provide direction for the caregiver regarding the correction of a non-emergency licensing concern.
4. Document on the CDCCCC technical assistance form, what is observed and said by both the caregiver and CDCCCC staff person; read back to the caregiver what was documented and have her/him sign the triplicate form.
5. Develop a technical assistance/consultation or training plan with the caregiver or program that addressed the content of the regulatory concern.
6. For child care centers and school age programs, technical assistance plans should be shared with the program director and included in the caregiver's professional development plan.
7. Keep all information about children, families and caregivers confidential.

#### **Procedures for Registrars, in their official capacity:**

1. Act to ensure the safety of all children in the program.
2. Immediately bring serious regulatory concerns to the attention of the caregiver, and/or director. A citation that rises to the level of imminent danger will be reported to a supervisor immediately.
3. Provide technical assistance to the provider regarding the correction of a regulatory citation.
4. Document on the form provided by the Office of Children and Family Services (OCFS), what is observed, the regulation number it applies to, and the action(s) need to be taken to correct the deficiency. The document will be read back to the caregiver and the caregiver will be asked to sign the form.
5. Registrars will discuss serious regulatory concerns that were observed with their direct supervisor as soon as possible.
6. A letter stating the regulatory deficiency and the required action needed to correct the citation will be mailed to the provider.
7. All serious safety concerns noted by the Registrar will be followed up by a site visit to verify compliance.

#### **IV. Procedures for reporting concerns related by telephone, electronic message or visitor:**

1. Council employees who receive a phone call, electronic message or in-person visitor regarding a regulatory concern, should refer the complainant to the Coordinator of Regulatory Services or to the Executive Director.
2. If the complainant describes a situation where they are currently observing imminent danger, child abuse or neglect, document the name and phone number of the complainant, and the name of the alleged program. The complainant will be directed to immediately call the police and then call CDCCCC back.
3. In the event that the abuse or maltreatment occurred in the past, the complainant will be referred to call the child abuse hotline 1-800-342-3720. The complainant will then be referred to the registrar working with the program who will enter the complaint in the Child Care Facility System (CCFS).
4. The Registrar will alert the Licensor or Registrar responsible for the program that a complaint has been received.
5. For non-immediate concerns, that do not involve a program regulated by CDCCCC staff, complainants should be directed to contact the OCFS complaint line at (800) 732-5207.

#### **V. Procedures for programs removed from the referral list:**

1. CDCCCC, through its connection to the OCFS data system, generates a daily report to determine if programs have been removed from the referral list. If a program is removed from the referral list, a print-out is generated.
2. CDCCCC will remove the program from the referral list in our database (NACCRRAware).
3. Programs are restored to our referral list in NACCRRAware upon receipt of notification from OCFS and/or the OCFS database shows that the program has been restored to referral status.

**COMPLIANCE CONCERN INTAKE FORM**

Person taking complaint \_\_\_\_\_ Date: \_\_\_\_\_ Time \_\_\_\_\_

Name of Provider/ Program involved: \_\_\_\_\_

OCFS ID# \_\_\_\_\_ Complaint Number \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Adults involved:

Name: \_\_\_\_\_ Male/Female Title/Position \_\_\_\_\_

Name: \_\_\_\_\_ Male/Female Title/Position \_\_\_\_\_

**Provider/ Program is:** Parent/ Guardian FCC GFCC CCC SAC NURSERY CACFP  
INFORMAL LEGALLY EXEMPT REGISTERED LICENSED ILLEGAL

LISTED W/CDCCCC?  Yes  No

Other Provider/ Program information: \_\_\_\_\_

**OBJECTIVE:** (Gather facts)  Anonymous  Confidential

**Date of observation/occurrence:** \_\_\_\_\_

**Name of person CDCCCC reporting concern:** \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cellular: \_\_\_\_\_ Work: \_\_\_\_\_

**Children involved:** (use additional forms if necessary)

Name: \_\_\_\_\_ Male/Female DOB: \_\_\_\_\_

Age: \_\_\_\_\_

Schedule: M T W TH F S S Time child arrives at care: \_\_\_\_\_ Departs: \_\_\_\_\_

Name: \_\_\_\_\_ Male/Female DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Schedule: M T W TH F S S Time child arrives at care: \_\_\_\_\_ Departs: \_\_\_\_\_



**FOR INTERNAL USE**

**PLAN:**(Check all that apply)

- If it is imminent danger, take reporter's name and number and urge them to call 911 immediately and call us back. Make return call to verify that they called 911. If not, call 911, place report and give information.
  
- If the concern is a possible CPS case, conduct the intake process, making sure to take the reporter's name and number and urge them to call Child Protective Services at 1-800-635-1522, make the report, get a CPS case number and call us back. Staff members who receive the call will also call CPS at the same number to make the report or ensure the original caller made the call and that a case has been opened. Make a return call to verify that the caller had placed the call. (Be sure to put the case number on the intake form to be faxed to regional office)
  
- If complaint is from CDCCCC staff - complete this intake form, read back all information to make sure it is correct to the best of your knowledge.
  
- Read back information to caller to verify accuracy. Help them to frame/ prepare their concern. Also, help caller understand that this information will afford the Licensor/Registrar the opportunity to offer technical assistance to improve the quality of program in question.
  
- Fill in any missing Objective data from database, other records
  
- Process with supervisor
  
- If CDCCCC is Registrar: Give Intake Form to Registration Coordinator and if she is not available, give to Supervisor. If CDCCCC is not a Registrar instruct caller to use the complaint line.
  
- Registration Coordinator will complete the Regional Office Intake Form for registered, licensed or illegal child care and enter into CCFS and assign case to a Registrar if the case is FCC or SAC. Legally Exempt Enrollment Coordinator will take and process all calls on Legally Exempt providers.
  
- Fax information to OCFS/OCFS Regional Office at (fax number): Date: \_\_
  
- Put all four pages of this form in the Compliance Binder (attach any notes, letters)
  
- Call compliance committee to inform staff of issue.

CCR&R Staff processing this concern: \_\_\_\_\_

NOTES: \_\_\_\_\_

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