



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

MEMO

To: Commissioners and Directors of Services, Local Departments of Social Services; Executive Directors Voluntary Agencies; Executive Directors of Domestic Violence Residential Programs

From: Lisa Ghartey Ogundimu, Deputy Commissioner Division of Child Welfare and Community Services, New York Office of Children and Family Services

Date: June 24, 2021

Re: Rescinding of Executive Orders Relating to the COVID-19 pandemic

The state disaster emergency relating to the COVID-19 pandemic will end tonight, June 24, 2021, at 11:59 pm. Among other things, this means that Executive Orders issued under this authority will be rescinded as of 11:59 pm this evening.

On March 7, 2020, in accordance with section 29a of Article 2-B of the Executive Law, Governor Andrew M. Cuomo declared a state disaster emergency for the entire state of New York in relation to the COVID-19 pandemic through Executive Order (EO) 202. Subsequent to that, the governor issued EO, 202.1- 202.111; waiving specific statutory and regulatory requirements on a time limited basis to address the COVID-19 pandemic. All such EO's will no longer be in affect on June 25, 2021.

In particular, I would like to draw your attention to specific EOs, corresponding guidance documents and requirements.

Length of Stay at Residential Shelters for Domestic Violence (EO 202.11)

On March 27, 2020, EO 202.11 was issued waiving provisions contained in Social Services Law (SSL) §§ 131-U and 459(b) and §§ 408.6, 408.7 and 408.8 of Title 18 of the New York Codes, Rules and Regulations (18 NYCRR), to allow domestic violence residential programs to continue to serve survivors of domestic violence that need to exceed the 180-day limit and to allow for state reimbursement for services in excess of such limit. This EO was extended several times under subsequent EOs. The Office of Children and Family Services (OCFS) issued guidance on April 8, 2020 relating to this EO. **Please note that while the EO is being rescinded, in accordance with the State's moratorium on eviction, survivors of domestic violence may remain in residential domestic violence shelters through the end of the state's eviction moratorium, presently scheduled to expire on August 31, 2021. OCFS' April 8, 2020 guidance shall remain in effect during this period.**

Background Clearance Portability (EO 202.13)

On March 29, 2020, EO 202.13 was issued. This EO waived, among other things, provisions contained in SSL §§ 378-a, 424-a and 495 and 18 NYCRR §§ 442.18, 447.2, 448.3, 449.4 450.19 and 451.6 provided a streamlined ability for non-profit, voluntary agencies to expedite background checks for staff who have previously been fingerprinted and were currently employed by a similar agency under the oversight of the Justice Center for the Protection of People with Special Needs (Justice Center). Under this EO, an OCFS licensed or certified residential program were allowed to hire a staff member who is currently employed by another program licensed or certified by OCFS, without the need to perform a new criminal background check, a Staff Exclusion List check, or a Statewide Central Register (SCR) database check, by submitting a Justice Center Executive Order 202.13 – Criminal Background Check Request Form. OCFS issued guidance on this EO on April 10, 2020. Such guidance emphasized that *any employee that continues to work in this program on a regular basis, shall be required to complete an updated CBC, as soon as practicable, after the commencement of their employment.*

Effective June 25, 2021, provider agencies must resume routine processing of background checks, in accordance with SSL §§ 378-a, 424-a and 495 and 18 NYCRR §§ 442.18, 447.2, 448.3, 449.4 450.19 and 451.6. This applies to all staff members hired on and after June 25, 2021.

In those instances where background checks were abbreviated, in accordance with the Interim Guidelines, all required background checks must be submitted as soon as practicable but no later than August 24, 2021.

Effective June 25, 2021, OCFS' August 10, 2020 guidance will be rescinded.

If you have questions regarding the rescinding of these or other EOs related to the COVID-19 emergency, or other questions regarding the end of the declared State disaster emergency please contact your OCFS regional office staff. Contact information for each OCFS CWCS regional director is listed below.

Buffalo Regional Office – Amanda Darling (716) 847-3145
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Rochester Regional Office – Christopher M. Bruno (585) 238-8201
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New York City Regional Office – Ronni Fuchs (212) 383-4873
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Native American Services – Heather LaForme (716) 847-3123
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Thank you again for your ongoing commitment to children, families, and vulnerable adults throughout the State and for your tireless dedication during the challenges brought on by the pandemic.