



## Office of Children and Family Services

ANDREW M. CUOMO  
Governor

SHEILA J. POOLE  
Commissioner

### **Expiration of Interim Guidance on Background Check Requirements for Staff of OCFS Licensed or Certified Residential Programs for Youth During COVID-19 Emergency**

June 24, 2021

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 Among other things, this means that Executive Orders issued under this authority will be rescinded as of 11:59 pm this evening.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, 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. In particular, I would like to draw your attention to EO 202.13, and the corresponding OCFS guidance document that will be rescinded as of 11:59 tonight pm.

The document entitled "Interim Guidance on Background Check Requirements for Staff of OCFS Licensed or Certified Residential Programs for Youth During COVID-19 Emergency," issued by OCFS on March 31 to effectuate the provisions of Executive Order 202.13, permitted residential programs for youth licensed or certified by OCFS, including runaway and homeless youth (RHY) shelters and juvenile detention facilities, flexibility in the background check process associated with onboarding new staff. That executive order and the associated flexibility will expire today along with the COVID-19 state of emergency declared by the governor.

- The guidance permitted expedited onboarding of employees, provided parameters for abbreviated Criminal Background Check (CBC), Staff Exclusion List (SEL) check, and State Central Register (SCR) checks for individuals who were currently employed by another OCFS licensed or certified program; programs operated, licensed, funded, or approved by the Office of Mental Health (OMH); certified, funded, or authorized by the Office of Addiction Services and Supports (OASAS); operated by the Office for People with Developmental Disabilities (OPWDD); or a provider approved by OPWDD.
- In particular, the guidance permitted employees to be hired with an abbreviated Justice Center screening only confirming a prior CBC through the Justice Center and current employment with such a program. Full screening was required to be completed as soon as possible. Additionally, any employee who had not completed all required checks was required to be supervised by a fully-screened employee and not be permitted to be alone with any youth outside the line of sight of such an employee.

**Effective Friday, June 25, 2021, RHY and detention residential providers must resume routine processing of background checks, in accordance with OCFS regulations, for all prospective employees. If any employees were hired pursuant to the abbreviated screening process outlined above, the full background screening process must be completed as soon as practicable and by no later than Tuesday, August 24, 2021.**

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:

For Runaway and Homeless Youth programs: [RHY@ocfs.ny.gov](mailto:RHY@ocfs.ny.gov)

For Detention programs: [ocfs.sm.detention@ocfs.ny.gov](mailto:ocfs.sm.detention@ocfs.ny.gov)

Thank you for your ongoing commitment to vulnerable youth and for your tireless dedication during the challenges brought on by the pandemic.