

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001



BRIAN J. WING
Acting Commissioner

LOCAL COMMISSIONERS MEMORANDUM

DSS-4037EL (Rev. 9/89)

Transmittal No: 97 LCM-24

Date: March 17, 1997

Division: Services and
Community
Development

TO: Local District Commissioners

SUBJECT: Complaint/Referral Procedures Adopted By
Child Care Resource and Referral Agencies

ATTACHMENTS: Attachment A - CCRR Agency Complaint/Referral Policy
(available on-line)
Attachment B - BECS Regional Office Contacts
(available on-line)

The purpose of this Local Commissioners Memorandum (LCM) is to inform social services districts of changes in the way that Child Care Resource and Referral (CCRR) agencies maintain child day care provider referral lists and furnish information about providers to parents who are looking for child care services. These changes are intended to give parents, social services districts and communities more confidence in the quality of the referrals made by CCRR agencies.

New York State currently supports a statewide system of 40 CCRRs to provide information and referral services to parents who need help locating and selecting child care services. As part of their contractual relationship with the Department, CCRRs are required to maintain a list of all regulated child day care providers - day care centers, family day care homes, group family day care homes and school age child care programs - operating within their service areas.

Sometimes, in the course of their work, a CCRR will become aware that a complaint has been alleged against a provider. A few months ago, the Department learned that, in the absence of a Department directive, individual CCRRs had developed and implemented varying practices for responding to such information. Some CCRRs temporarily removed the accused

provider from their referral lists while others did not. This inconsistency in CCRR practices was particularly confusing and disturbing to providers who were on the referral list in more than one county due to their location (i.e. close to a county line) and commuter patterns.

The Department has worked with the CCRR agencies to develop a consistent statewide policy which defines the circumstances which will result in the removal of a provider from a CCRR's referral list. In developing a policy, we have tried to strike a balance among several interests. These include:

- o the rights of parents to receive up to date, relevant information regarding a program's compliance history so that they can make informed placement decisions for their children;
- o the need to reduce the likelihood of additional children being placed at risk in programs where there are documented, serious compliance issues; and
- o the rights of providers to pursue their businesses without undue interference.

Effective March 17, 1997, CCRRs which are under contract with the Department will implement a consistent statewide complaint/referral policy. This policy provides for the removal of a provider from a CCRR's referral list when any of the following three compliance issues arises: an enforcement action, a serious regulatory violation, or an allegation of abuse or maltreatment of a child in a day care setting. Attachment A provides the complete complaint/referral policy, including the conditions under which providers will be restored to the referral list.

A social services district also may wish to discontinue referrals to an individual provider when any of the three compliance issues listed in the previous paragraph exists. Therefore, the Department and its registration contractors will furnish social services districts with the same information given CCRRs regarding removing providers from and restoring providers to the referral lists. The Regional Day Care Managers will work with each social services district to identify the appropriate person to receive this information.

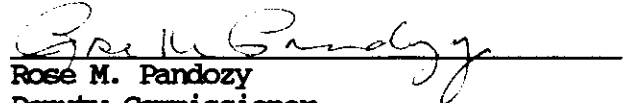
It should be noted that while a district may choose to use the information provided by the Department to discontinue referrals to a provider with a compliance issue, that does not mean that subsidy payments can be discontinued. To the extent that the subsidy is subject to the parental choice provisions set forth in Section 415.4(a)(1)(vii) of Department regulations and the provider is permitted by the Department to continue providing care, a social service district may not require parents to make other child care arrangements.

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Questions regarding this LCM may be directed to Suzanne Zafonte Sennett, the Director of the Bureau of Early Childhood Services, at 518-474-9454, User ID AW1160, or to the Day Care Manager of the Bureau of Early Childhood Services Regional Office serving your county (see Attachment B).


Rose M. Pandozy
Deputy Commissioner
Services and Community Development