

# STATE OF NEW YORK

8804--A

## IN SENATE

May 18, 2018

Introduced by Sen. HELMING -- (at request of the Office of Children and Family Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 1 of  
2 section 390 of the social services law, as added by chapter 750 of the  
3 laws of 1990, is amended to read as follows:

4 (i) "Child day care" shall mean child care where a license or regis-  
5 tration pursuant to this section is required and shall include care for  
6 a child on a regular basis provided away from the child's residence for  
7 less than twenty-four hours per day by someone other than: (1) the  
8 parent, step-parent, guardian, or relative within the third degree of  
9 consanguinity of the parents or step-parents of such child; or (2) an  
10 enrolled legally-exempt provider as such term is defined in paragraph  
11 (g) of this subdivision.

12 § 2. Subdivision 1 of section 390 of the social services law is  
13 amended by adding two new paragraphs (g) and (h) to read as follows:

14 (g) "Enrolled legally-exempt provider" shall mean a person or entity  
15 that is not required to be licensed or registered pursuant to this  
16 section and that is enrolled to provide subsidized child care services  
17 to eligible families in accordance with title five-c of this article and  
18 the regulations of the office of children and family services.

19 (h) "Relative enrolled legally-exempt provider" shall mean an enrolled  
20 legally-exempt provider who is an individual, age eighteen or older, and  
21 who, by virtue of blood, marriage or court decree, is, to all of the  
22 children that such person is enrolled to provide subsidized child care  
23 services to in accordance with title five-c of this article:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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- 1 (i) a grandparent;  
2 (ii) a great-grandparent;  
3 (iii) a sibling provided that such sibling resides in a separate  
4 household from the child;  
5 (iv) an aunt; or  
6 (v) an uncle.

7 § 3. Paragraph (a) of subdivision 2 of section 390 of the social  
8 services law, as amended by chapter 117 of the laws of 2010, is amended  
9 to read as follows:

10 (a) Child day care centers caring for seven or more children and group  
11 family day care programs, as defined in subdivision one of this section,  
12 shall obtain a license from the office of children and family services  
13 and shall operate in accordance with the terms of such license and the  
14 regulations of such office. Initial licenses [~~shall be valid for a peri-~~  
15 ~~od of up to two years,~~] and subsequent licenses shall be valid for a  
16 period of up to four years so long as the provider remains substantially  
17 in compliance with applicable law and regulations during such period.

18 § 4. Clause (A) of subparagraph (ii) of paragraph (d) of subdivision 2  
19 of section 390 of the social services law, as amended by chapter 117 of  
20 the laws of 2010, is amended to read as follows:

21 (A) Initial registrations [~~shall be valid for a period of up to two~~  
22 ~~years,~~] and subsequent registrations shall be valid for a period of up  
23 to four years so long as the provider remains substantially in compli-  
24 ance with applicable law and regulations during such period.

25 § 5. Paragraphs (a) and (b) of subdivision 3 of section 390 of the  
26 social services law, paragraph (a) as amended by chapter 416 of the laws  
27 of 2000, and paragraph (b) as amended by chapter 117 of the laws of  
28 2010, are amended to read as follows:

29 (a) The office of children and family services may make announced or  
30 unannounced inspections of the records and premises of any child [~~day~~]  
31 care provider, whether or not such provider has a license from, or is  
32 registered with, the office of children and family services. The office  
33 of children and family services shall make unannounced inspections of  
34 the records and premises of any child day care provider within fifteen  
35 days after the office of children and family services receives a  
36 complaint that, if true, would indicate such provider does not comply  
37 with the applicable regulations of the office of children and family  
38 services or with statutory requirements. If the complaint indicates that  
39 there may be imminent danger to the children, the office of children and  
40 family services shall investigate the complaint no later than the next  
41 day of operation of the provider. The office of children and family  
42 services may provide for inspections through the purchase of services.

43 (b) (i) Where inspections have been made and violations of applicable  
44 statutes or regulations have been found, the office of children and  
45 family services shall within ten days advise the child day care provider  
46 in writing of the violations and require the provider to correct such  
47 violations. The office of children and family services may also act  
48 pursuant to subdivisions ten and eleven of this section.

49 (ii) Where inspections have been made and violations of applicable  
50 statutes or regulations have been found, the office of children and  
51 family services or its designee shall, within ten days, advise the  
52 enrolled legally-exempt provider in writing of the violations and  
53 require the provider to correct such violations.

54 § 6. Paragraph (a) of subdivision 4 of section 390 of the social  
55 services law, as amended by chapter 416 of the laws of 2000, is amended  
56 to read as follows:

1 (a) The office of children and family services on an annual basis  
2 shall inspect [~~at least twenty percent of all registered family day care~~  
3 ~~homes, registered child day care centers and registered school age child~~  
4 ~~care programs to determine whether such homes, centers and programs are~~  
5 ~~operating in compliance with applicable statutes and regulations. The~~  
6 ~~office of children and family services shall increase the percentage of~~  
7 ~~family day care homes, child day care centers and school age child care~~  
8 ~~programs which are inspected pursuant to this subdivision as follows: to~~  
9 ~~at least thirty percent by the thirty-first of December two thousand,~~  
10 ~~and to at least fifty percent by the thirty-first of December two thou-~~  
11 ~~sand one]~~ all child day care programs and all enrolled legally-exempt  
12 providers other than relative enrolled legally-exempt providers. The  
13 office of children and family services may provide for such inspections  
14 through purchase of services. [~~Priority shall be given to family day~~  
15 ~~care homes which have never been licensed or certified prior to initial~~  
16 ~~registration.~~]

17 § 7. Subdivision 3 of section 390-a of the social services law, as  
18 amended by chapter 416 of the laws of 2000, paragraph (b) as amended by  
19 chapter 552 of the laws of 2003, subparagraph (ix) as amended by chapter  
20 117 of the laws of 2010, is amended to read as follows:

21 3. (a) The office of children and family services shall promulgate  
22 regulations requiring operators, program directors, employees and  
23 assistants of family day care homes, group family day care homes,  
24 school-age child care programs and child day care centers to receive  
25 pre-service and annual training, as applicable. Provided however that  
26 such providers shall be required to receive thirty hours of training  
27 every two years; provided, further however, that fifteen hours of such  
28 training must be received within the first six months of the initial  
29 licensure, registration or employment. Such training requirements shall  
30 also apply to any volunteer in such day care homes, programs or centers  
31 who has the potential for regular and substantial contact with children.  
32 The thirty hours of training required during the first biennial cycle  
33 after initial licensure or registration shall include training received  
34 while an application for licensure or registration pursuant to section  
35 three hundred ninety of this title is pending. The office of children  
36 and family services may provide this training through purchase of  
37 services.

38 (b) The training required in paragraph (a) of this subdivision shall  
39 address topics and subject matters required by federal law and the  
40 following topics or subject matters, unless such topics or subject  
41 matters are substantially covered in training that is required pursuant  
42 to federal law:

43 (i) principles of childhood development, focusing on the developmental  
44 stages of the age groups for which the program provides care;

45 (ii) nutrition and health needs of infants and children;

46 (iii) child day care program development;

47 (iv) safety and security procedures;

48 (v) business record maintenance and management;

49 (vi) child abuse and maltreatment identification and prevention;

50 (vii) statutes and regulations pertaining to child day care;

51 (viii) statutes and regulations pertaining to child abuse and  
52 maltreatment; and

53 (ix) for operators, program directors, employees and assistants of  
54 family day care homes, group family day care homes and child day care  
55 centers, education and information on the identification, diagnosis and  
56 prevention of shaken baby syndrome.

1 (c) For the thirty hours of biennial training required after the  
2 initial period of licensure or registration, each provider who can  
3 demonstrate basic competency shall determine in which of the specified  
4 topics he or she needs further study, based on the provider's experience  
5 and the needs of the children in the provider's care.

6 (d) Family day care home and group family day care home operators  
7 shall obtain training pertaining to protection of the health and safety  
8 of children, as required by regulation, prior to the issuance of a  
9 license or registration by the office of children and family services.

10 (e) Upon request by the office of children and family services, the  
11 child day care applicant or provider shall submit documentation demon-  
12 strating compliance with the training requirements of this section.

13 § 8. The section heading of section 390-b of the social services law,  
14 as added by chapter 416 of the laws of 2000, is amended to read as  
15 follows:

16 Criminal history review and background clearances of child care  
17 providers, generally.

18 § 9. Subdivisions 1, 2 and 3 of section 390-b of the social services  
19 law are REPEALED and five new subdivisions 1, 1-a, 2, 3 and 3-a are  
20 added to read as follows:

21 1. Notwithstanding any other provision of law to the contrary, and  
22 subject to rules and regulations of the office of children and family  
23 services and, where applicable, the division of criminal justice  
24 services, the following clearances shall be conducted for entities spec-  
25 ified in subdivision two of this section in the time and manner as  
26 required by this section:

27 (a) a criminal history record check with the division of criminal  
28 justice services;

29 (b) a search of the criminal history repository in each state other  
30 than New York where such person resides or resided during the preceding  
31 five years, if applicable unless such state's criminal history record  
32 information will be provided as part of the results or the clearance  
33 conducted pursuant to paragraph (c) of this subdivision;

34 (c) a national criminal record check with the federal bureau of inves-  
35 tigation; the division of criminal justice services is directed to  
36 submit fingerprints to the federal bureau of investigation for the  
37 purpose of a nationwide criminal history record check, pursuant to and  
38 consistent with public law 113-186 to determine whether such persons  
39 shall have a criminal history in any state or federal jurisdiction;

40 (d) a search of the New York state sex offender registry;

41 (e) a search of any state sex offender registry or repository in each  
42 state other than New York where such person resides or resided during  
43 the preceding five years, if applicable unless such state's sex offender  
44 registry information will be provided as part of the clearance conducted  
45 pursuant to paragraph (f) of this subdivision;

46 (f) a search of the national sex offender registry using the national  
47 crime and information center, established under the Adam Walsh child  
48 protection and safety act of 2006 (42 U.S.C. 16901 et seq.);

49 (g) a database check of the statewide central register of child abuse  
50 and maltreatment in accordance with section four hundred twenty-four-a  
51 of this article; and

52 (h) a search of a state-based child abuse or neglect repository of any  
53 state other than New York where such person resides or resided during  
54 the preceding five years; if applicable.

55 1-a. For purposes of this section, and in accordance with federal law,  
56 the term "enrolled legally-exempt provider" shall refer to a person who

1 meets the definition of "enrolled legally-exempt provider" as defined in  
2 paragraph (g) of subdivision one of section three hundred ninety of this  
3 title and who is not an individual who is related to all children for  
4 whom child care services are provided.

5 2. In relation to any child day care program and any enrolled legal-  
6 ly-exempt provider:

7 (a) the clearances required pursuant to paragraphs (a), (c), (d) and  
8 (g) of subdivision one of this section shall be conducted for:

9 (i) every prospective volunteer with the potential for unsupervised  
10 contact with children in care;

11 (ii) every applicant to become an enrolled legally-exempt provider;

12 (iii) every prospective caregiver or employee, including directors and  
13 operators of such a program; and

14 (iv) where the child care services will be or are provided in a home  
15 setting where the child does not reside, any individual age eighteen or  
16 older who, for a prospective program, resides, or who, for an existing  
17 program, begins residing on the premises where the child care services  
18 are provided;

19 (b) notwithstanding any other provision of law to the contrary, prior  
20 to October first, two thousand twenty, all clearances listed in subdivi-  
21 sion one of this section that have not previously been conducted pursu-  
22 ant to paragraph (a) of this subdivision and for which on-going criminal  
23 history results are not already provided, shall be conducted in accord-  
24 ance with a schedule developed by the office of children and family  
25 services, for all:

26 (i) existing volunteers with the potential for unsupervised contact  
27 with children in care;

28 (ii) existing caregivers and employees including directors and opera-  
29 tors of any such program; and

30 (iii) where the child care services are provided in a home setting  
31 where the child does not reside, any individual age eighteen or older  
32 who resides on the premises where the child care services are provided;

33 (c) notwithstanding any other provision of law to the contrary, the  
34 clearances required pursuant to this section other than those for which  
35 on-going criminal history results are provided, shall be conducted for a  
36 person listed in subparagraphs (i), (ii) and (iii) of paragraph (b) of  
37 this subdivision at least once every five years in accordance with a  
38 schedule developed by the office of children and family services.

39 3. (a) Notwithstanding any other provision of law to the contrary, in  
40 relation to the clearances required pursuant this section, an individual  
41 or a program shall be deemed ineligible, as such term is defined in  
42 paragraph (b) of this subdivision, if such individual:

43 (i) refuses to consent to such clearance;

44 (ii) knowingly makes a materially false statement in connection with  
45 such a clearance;

46 (iii) is registered, or is required to be registered, on a state sex  
47 offender registry or repository or the national sex offender registry  
48 established under the Adam Walsh child protection and safety act of 2006  
49 (42 U.S.C. 16901 et seq.); or

50 (iv) has been convicted of a crime enumerated in subparagraph (E) or  
51 clauses (i) through (viii) of subparagraph (D) of paragraph (1) of  
52 subdivision (C) of 42 U.S.C. 9858f.

53 (b) For purpose of this subdivision, the term "ineligible" shall mean:

54 (i) the individual who engaged in conduct listed in paragraph (a) of  
55 this subdivision shall not be permitted to:

1 (1) operate, direct, be the caregiver for, or be employed by a child  
2 day care program or an enrolled legally-exempt provider; or

3 (2) be a volunteer with the potential for unsupervised contact with  
4 children in a child day care program or with an enrolled legally-exempt  
5 provider; or

6 (3) be an enrolled legally-exempt provider; or

7 (ii) in relation to child day care programs or any enrolled legally-  
8 exempt providers, where child care is, or is proposed to be provided, to  
9 a child in a home setting where such child does not reside, such program  
10 or provider shall not be eligible to operate or to be enrolled to serve  
11 children receiving child care subsidies pursuant to title five-c of this  
12 article, if an individual over the age of eighteen who resides in the  
13 household where child care is, or is proposed to be provided, engaged in  
14 conduct listed in paragraph (a) of this subdivision.

15 3-a. (a) In relation to child day care programs and any enrolled  
16 legally-exempt provider, when a clearance conducted pursuant to this  
17 section reveals that any existing operator, director, caregiver, or  
18 person over the age of eighteen that resides in a home where child care  
19 is provided in a home setting where the child does not reside has been  
20 convicted of a crime other than one set forth in subparagraph (iv) of  
21 paragraph (a) of subdivision three of this section, the office of chil-  
22  dren and family services shall conduct a safety assessment of the  
23 program and take all appropriate steps to protect the health and safety  
24 of the children in the program, and may deny, limit, suspend, revoke or  
25 reject such program's license or registration or terminate or reject  
26 such program's enrollment, as applicable, unless the office of children  
27 and family services, determines in its discretion, that continued opera-  
28 tion by the child day care program or enrolled legally-exempt provider  
29 will not in any way jeopardize the health, safety or welfare of the  
30 children cared for in the program or by the provider.

31 (b) In relation to child day care programs and any enrolled legally-  
32 exempt provider, when a clearance conducted pursuant to this section  
33 reveals that any existing employee or volunteer with the potential for  
34 unsupervised contact with children has been convicted of a crime other  
35 than one set forth in subparagraph (iv) of paragraph (a) of subdivision  
36 three of this section, the office of children of family services shall  
37 conduct a safety assessment of the program and take all appropriate  
38 steps to protect the health and safety of the children in the program.  
39 The office of children of family services may direct the program or  
40 provider to terminate the employee or volunteer based on such a  
41 conviction, consistent with article twenty-three-A of the correction  
42 law.

43 (c) In relation to any child day care programs and any enrolled legal-  
44 ly-exempt providers or any applicants to become an enrolled legally-ex-  
45 empt provider, where a clearance conducted pursuant to this section  
46 reveals a conviction for a crime other than one set forth in subpara-  
47 graph (iv) of paragraph (a) of subdivision three of this section, for  
48 any prospective employee, volunteer, or applicant seeking enrollment,  
49 the office of children and family services may direct that such person  
50 not be hired or be enrolled, as applicable, based on such a conviction,  
51 consistent with article twenty-three-A of the correction law.

52 (d) (i) Where a clearance conducted pursuant to this section reveals  
53 that an applicant to be the operator or director of a child day care  
54 program, or anyone who resides in the home over the age of eighteen  
55 where child day care is proposed to be provided to children in a home-  
56 based setting has been charged with a crime, the office of children and

1 family services shall hold the application in abeyance until the charge  
2 is finally resolved.

3 (ii) Where a clearance conducted pursuant to this section reveals that  
4 the current operator or director of a child day care program or any  
5 person over the age of eighteen that resides in a home where child day  
6 care is provided has been charged with a crime, the office of children  
7 and family services shall conduct a safety assessment of the program and  
8 take all appropriate steps to protect the health and safety of children  
9 in the program. The office of children and family services may suspend a  
10 license or registration or terminate enrollment based on such a charge  
11 when necessary to protect the health and safety of children in the  
12 program.

13 (iii) Where a clearance conducted pursuant to this section reveals  
14 that an existing caregiver, volunteer or an existing employee of an  
15 enrolled legally-exempt provider or any person over the age of eighteen  
16 that resides in a home where child care is provided by an enrolled  
17 legally-exempt provider in a home setting where the child does not  
18 reside, has been charged with a crime, the office of children and family  
19 services shall take one or more of the following steps:

20 (A) conduct a safety assessment; or

21 (B) take all appropriate steps to protect the health and safety of  
22 children in the program.

23 (iv) Where a clearance conducted pursuant to this section reveals that  
24 an applicant to be an employee or volunteer with the potential for unsu-  
25 pervised contact with children of a child day care program has been  
26 charged with a crime, the office shall hold the application in abeyance  
27 until the charge is finally resolved.

28 (v) Where a clearance conducted pursuant to this section reveals that  
29 a current employee, or current volunteer with the potential for unsuper-  
30 vised contact with children of a child day care program or enrolled  
31 legally-exempt provider has been charged with a crime, the office of  
32 children and family services shall conduct a safety assessment of the  
33 program and take all appropriate steps to protect the health and safety  
34 of the children in the program.

35 § 10. Subdivision 6 of section 390-b of the social services law is  
36 REPEALED and a new subdivision 6 is added to read as follows:

37 6. The office of children and family services shall pay any required  
38 processing fee for a criminal history or sex offender clearance pursuant  
39 to this section. The office of children and family services shall  
40 promptly submit fingerprints obtained pursuant to this section and such  
41 processing fee to the division of criminal justice services.

42 § 11. Subdivision 7 of section 390-b of the social services law, as  
43 added by chapter 416 of the laws of 2000, is amended to read as follows:

44 7. Where the office of children and family services or its designee  
45 denies or directs a child day care or an enrolled legally-exempt provid-  
46 er to deny an application based on the criminal history record[7]; (a)  
47 the provider must notify the applicant that such record is the basis of  
48 the denial; and (b) the office of children and family services shall  
49 also notify as the case may be, such current or prospective operator,  
50 director, employee, assistant, legally exempt provider, volunteer with  
51 the potential for unsupervised contact with children or other person  
52 eighteen years of age or older, who resides in the home where care is  
53 provided, other than the child's home, that the criminal record check  
54 was the basis for the denial of clearance and shall provide such indi-  
55 vidual with a copy of the results of the national criminal record check  
56 upon which such denial was based together with a written statement

1 setting forth the reasons for such denial, as well as a copy of article  
2 twenty-three-A of the correction law and inform such individual of his  
3 or her right to seek correction of any incorrect information contained  
4 in such national record check provided by the federal bureau of investi-  
5 gation.

6 § 12. Subdivisions 9 and 10 of section 390-b of the social services  
7 law, as added by chapter 416 of the laws of 2000, are amended and a new  
8 subdivision 11 is added to read as follows:

9 9. (a) Any criminal history record provided by the division of crimi-  
10 nal justice services, and any summary of the criminal history record  
11 provided by the office of children and family services to a [~~child day~~  
12 ~~care provider~~] person that receives a clearance pursuant to this  
13 section, is confidential and shall not be available for public  
14 inspection; provided, however, nothing herein shall prevent [~~a child day~~  
15 ~~care provider or~~] the office of children and family services from  
16 disclosing criminal history information or the individual from disclos-  
17 ing his or her criminal history information at any administrative or  
18 judicial proceeding relating to the denial or revocation of an applica-  
19 tion, employment, license or registration. The subject of a criminal  
20 history review conducted pursuant to this section shall be entitled to  
21 receive, upon written request, a copy of the summary of the criminal  
22 history record [~~provided by the office of children and family services~~  
23 ~~to the child day care provider~~]. Unauthorized disclosure of such  
24 records or reports shall be subject [~~the provider~~] to civil penalties in  
25 accordance with the provisions of subdivision eleven of section three  
26 hundred ninety of this title.

27 (b) The office of children and family services shall not release the  
28 content of the results of the nationwide criminal history record check  
29 conducted by the federal bureau of investigation in accordance with this  
30 subdivision to any non-public entity.

31 10. A child day care or enrolled legally-exempt provider shall advise  
32 the office of children and family services when an individual who is  
33 subject to criminal history record review in accordance with subdivision  
34 one or two of this section is no longer subject to such review. The  
35 office of children and family services shall inform the division of  
36 criminal justice services when an individual who is subject to criminal  
37 history review is no longer subject to such review so that the division  
38 of criminal justice services may terminate its retain processing with  
39 regard to such person. At least once a year, the office of children and  
40 family services will be required to conduct a validation of the records  
41 maintained by the division of criminal justice services.

42 11. Child day care centers which are not subject to the provisions of  
43 section three hundred ninety of this title shall not be subject to the  
44 provisions of this section, provided however, that the city of New York  
45 shall require that such child day care centers meet the requirements of  
46 any federal laws and regulations pertaining to the child care develop-  
47 ment and block grant and the related federally approved plans of the  
48 state of New York.

49 § 13. Subparagraph (z) of paragraph (A) of subdivision 4 of section  
50 422 of the social services law, as amended by section 11 of part L of  
51 chapter 56 of the laws of 2015, is amended to read as follows:

52 (z) an entity with appropriate legal authority in another state to  
53 license, certify or otherwise approve prospective foster parents,  
54 prospective adoptive parents, prospective relative guardians [~~or~~],  
55 prospective successor guardians or child care program where disclosure  
56 of information regarding such prospective foster or prospective adoptive

1 parents or prospective relative or prospective successor guardians and  
2 other persons over the age of eighteen residing in the home of such  
3 persons [~~is~~] or where child care is provided, as required under either  
4 title IV-E of the federal social security act or the federal child care  
5 and development block grant act (section nine thousand eight hundred  
6 fifty-eight, et seq. of title forty-two of the United States Code); and

7 § 14. Paragraph (a) of subdivision 1 of section 424-a of the social  
8 services law, as amended by section 12 of part L of chapter 56 of the  
9 laws of 2015, is amended to read as follows:

10 (a) A licensing agency shall inquire of the [~~department~~] office of  
11 children and family services and the [~~department~~] office shall, subject  
12 to the provisions of paragraph (e) of this subdivision, inform such  
13 agency and the subject of the inquiry whether an applicant for a certifi-  
14 cate, license, enrollment or permit, [~~assistants to group~~] or to become  
15 an employee or volunteer with the potential for unsupervised contact  
16 with children in care of a family day care [~~providers~~] provider or an  
17 enrolled legally-exempt provider as such term is defined in subdivision  
18 one-a of section three hundred ninety-b of this article the director of  
19 a camp subject to the provisions of article thirteen-B of the public  
20 health law, a prospective successor guardian when a clearance is  
21 conducted pursuant to paragraph (d) of subdivision two of section four  
22 hundred fifty-eight-b of this article, and any person over the age of  
23 eighteen who resides in the home of a person who has applied to become  
24 an adoptive parent or a foster parent or to operate a family day care  
25 home or group family day care home or any person over the age of eigh-  
26 teen residing in the home of a prospective successor guardian when a  
27 clearance is conducted of a prospective successor guardian pursuant to  
28 this paragraph, or any person age eighteen or older that resides on the  
29 premises of where child care is provided in a setting that is not the  
30 child's own home by an enrolled legally-exempt provider as such term is  
31 defined in subdivision one-a of section three hundred ninety-b of this  
32 article has been or is currently the subject of an indicated child abuse  
33 and maltreatment report on file with the statewide central register of  
34 child abuse and maltreatment.

35 § 15. Subdivision 4 of section 424-a of the social services law, as  
36 amended by section 14 of part L of chapter 56 of the laws of 2015, is  
37 amended to read as follows:

38 4. For purposes of this section, the term "licensing agency" shall  
39 mean an authorized agency which has received an application to become an  
40 adoptive parent or an authorized agency which has received an applica-  
41 tion for a certificate or license to receive, board or keep any child  
42 pursuant to the provisions of section three hundred seventy-six or three  
43 hundred seventy-seven of this article or an authorized agency which has  
44 received an application from a relative within the second degree or  
45 third degree of consanguinity of the parent of a child or a relative  
46 within the second degree or third degree of consanguinity of the step-  
47 parent of a child or children, or the child's legal guardian for  
48 approval to receive, board or keep such child, or an authorized agency  
49 that conducts a clearance pursuant to paragraph (d) of subdivision two  
50 of section four hundred fifty-eight-b of this article, or a state or  
51 local governmental agency which receives an application to provide child  
52 day care services in a child day care center, school-age child care  
53 program, family day care home or group family day care home or enrolled  
54 legally-exempt provider as such term is defined in subdivision one-a of  
55 section three hundred ninety-b of this article pursuant to the  
56 provisions of section three hundred ninety of this article, or the

1 department of health and mental hygiene of the city of New York, when  
2 such department receives an application for a certificate of approval to  
3 provide child day care services in a child day care center pursuant to  
4 the provisions of the health code of the city of New York, or the office  
5 of mental health or the office for people with developmental disabili-  
6 ties when such office receives an application for an operating certifi-  
7 cate pursuant to the provisions of the mental hygiene law to operate a  
8 family care home, or a state or local governmental official who receives  
9 an application for a permit to operate a camp which is subject to the  
10 provisions of article thirteen-B of the public health law or the office  
11 of children and family services which has received an application for a  
12 certificate to receive, board or keep any child at a foster family home  
13 pursuant to articles nineteen-G and nineteen-H of the executive law or  
14 any other facility or provider agency, as defined in subdivision four of  
15 section four hundred eighty-eight of this chapter, in regard to any  
16 licensing or certification function carried out by such facility or  
17 agency.

18 § 16. Severability. If any clause, sentence, paragraph, subdivision,  
19 section or part contained in any part of this act shall be adjudged by  
20 any court of competent jurisdiction to be invalid, such judgment shall  
21 not affect, impair, or invalidate the remained thereof, but shall by  
22 confined in its operation to the clause, sentence, paragraph, subdivi-  
23 sion, section or part contained in any part thereof directly involved in  
24 the controversy in which such judgment shall have been rendered. It is  
25 hereby declared to be the intent of the legislature that this act would  
26 have been enacted even if such invalid provisions had not be included  
27 herein.

28 § 17. This act shall take effect September 1, 2018; provided, however,  
29 that section seven of this act shall take effect immediately; provided,  
30 further, that the office of children and family services is authorized  
31 to promulgate any rules or regulations necessary for the implementation  
32 of this act on its effective date.