

STATE OF NEW YORK

5352

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. KELLES -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to outdoor, nature-based child care

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

1 Section 1. Legislative findings and statement of purpose. The legisla-
2 ture hereby finds that it is in the interest of the state to provide
3 children with the opportunity to learn and develop in natural outdoor
4 environments. Not only do outdoor activities promote physical fitness
5 and reduce the risk of obesity and related health issues among children,
6 but numerous studies have shown that exposure to nature enhances cogni-
7 tive abilities, creativity, problem-solving skills, and overall mental
8 health. In addition, outdoor child care fosters a sense of connection
9 and appreciation for the natural environment, promotes the development
10 of self-efficacy, autonomy, and overall confidence in interacting with
11 the natural environment, instills environmental values, and promotes
12 sustainable practices.

13 The purpose of this act is to recognize the importance of nature in
14 children's development by providing them with access to outdoor learning
15 environments, thereby encouraging them to engage in physical activities
16 and explore nature, fostering a naturally healthy lifestyle from an
17 early age and contributing to the development and well-being of children
18 in our state and, ultimately, contributing to the preservation and
19 conservation of our natural resources.

20 § 2. Subdivision 1 of section 390 of the social services law is
21 amended by adding a new paragraph (h) to read as follows:

22 (h) "Outdoor, nature-based child care" shall mean a program caring for
23 children that: (i) enrolls preschool or school-age children; (ii)
24 provides early learning services in an outdoor space for not less than
25 four hours per day or fifty percent of the total daily program hours,

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

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1 whichever is less; and (iii) employs a curriculum with nature to teach
2 enrolled children.

3 § 3. Section 390 of the social services law is amended by adding a new
4 subdivision 2-b to read as follows:

5 2-b. (a) The office of children and family services shall establish an
6 outdoor, nature-based child care program and shall adopt rules and regu-
7 lations to implement such program, waiving or adapting existing child
8 care licensing requirements designed for indoor child care facilities
9 where necessary in order to allow for the operation of licensed outdoor,
10 nature-based child care classrooms, including but not limited to rules
11 for: (i) ensuring adequate shelter to ensure safety during inclement
12 weather but not requiring a building configured for indoor program
13 delivery; (ii) use of buildings for emergencies; (iii) fire drills for
14 programs without a permanent indoor space; (iv) requirements related to
15 the safety of children during inclement weather conditions and account-
16 ing for outdoor hazards; (v) reporting of falls, cuts, and scrapes, or
17 other minor non-emergency injuries; (vi) additional training for staff
18 in skills for outdoor child care settings, including outdoor classroom
19 management, behavior management, risky play analysis, directional profi-
20 ciency in the use of cardinal directions, compasses, and the navigation
21 of natural terrain, familiarity with flora and fauna, wilderness first
22 aid and skills; and (vii) minimum standards for an outdoor, nature-
23 based, early learning curriculum.

24 (b) The office of children and family services shall convene an advi-
25 sory group of outdoor, nature-based early learning practitioners to
26 inform and support implementation of the outdoor, nature-based child
27 care program. Such advisory group shall review best practices and
28 research for outdoor education and child care in outdoor education
29 settings and help inform the development of outdoor, nature-based child
30 care regulations, including minimum standards for a nature-based early
31 learning curriculum. The advisory group shall be compensated only for
32 travel.

33 (c) The office of children and family services shall establish a pilot
34 program for licensed outdoor, nature-based child cares in order to:

35 (i) expand access to affordable, high-quality early learning and child
36 care programs; and

37 (ii) investigate the benefits of outdoor, nature-based classrooms.

38 (d) The office of children and family services shall select, or devel-
39 op with eligible child care providers, up to ten outdoor, nature-based
40 child care programs to participate in the pilot program during the first
41 year of the pilot program.

42 (e) when selecting and approving outdoor, nature-based child care
43 programs to participate in the pilot program, the office of children and
44 family services shall:

45 (i) give priority to:

46 (1) existing outdoor, nature-based child care programs that are
47 already licensed as camps; and

48 (2) existing licensed child care centers or registered family child
49 care homes seeking to expand into nature-based early learning;

50 (3) areas where there are few or limited licensed child care programs;
51 and

52 (4) areas of need where licensed child care programs are at or near
53 full capacity, and where access may be restricted by enrollment wait-
54 lists.

55 (ii) to the extent practicable, select a mix of rural, urban, and
56 suburban programs.

1 (f) Within two years after the establishment of the pilot program, the
2 office of children and family services shall prepare and publish a
3 report on the activities and outcomes of the outdoor, nature-based child
4 care pilot program.

5 § 4. Subdivision 2 of section 390 of the social services law, as added
6 by chapter 750 of the laws of 1990, paragraph (a) as amended by section
7 3, clause (A) of subparagraph (ii) of paragraph (d) as amended by
8 section 4 and paragraph (d-1) as added by section 2-a of part H of chap-
9 ter 56 of the laws of 2019 and subparagraphs (i) and (ii) of paragraph
10 (d) as amended by chapter 416 of the laws of 2000, is amended to read as
11 follows:

12 2. (a) Child day care centers or outdoor, nature-based child cares
13 caring for seven or more children and group family day care programs, as
14 defined in subdivision one of this section, shall obtain a license from
15 the office of children and family services and shall operate in accord-
16 ance with the terms of such license and the regulations of such office.
17 Initial licenses and subsequent licenses shall be valid for a period of
18 up to four years so long as the provider remains substantially in
19 compliance with applicable law and regulations during such period.

20 (b) Family day care homes, child day care centers caring for at least
21 three but fewer than seven children, outdoor, nature-based child cares,
22 and school-age child care programs shall register with the department
23 and shall operate in compliance with the regulations of the department.

24 (c) Any child day care provider not required to obtain a license
25 pursuant to paragraph (a) of this subdivision or to register with the
26 department pursuant to paragraph (b) of this subdivision may register
27 with the department.

28 (d) (i) The office of children and family services shall promulgate
29 regulations for licensure and for registration of child day care pursu-
30 ant to this section. Procedures for obtaining a license or registration
31 or renewing a license shall include a satisfactory inspection of the
32 facility or outdoor, nature-based child care by the office of children
33 and family services prior to issuance of the license or registration or
34 renewal of the license.

35 (ii) (A) Initial registrations and subsequent registrations shall be
36 valid for a period of up to four years so long as the provider remains
37 substantially in compliance with applicable law and regulations during
38 such period.

39 (B) After initial registration by the child day care provider, the
40 office of children and family services shall not accept any subsequent
41 registration by such provider, unless:

42 (1) such provider has met the training requirements set forth in
43 section three hundred ninety-a of this title;

44 (2) such provider has met the requirements of section three hundred
45 ninety-b of this title relating to criminal history screening;

46 (3) such provider has complied with the requirements of section four
47 hundred twenty-four-a of this article; and

48 (4) the office of children and family services has received no
49 complaints about the home, center, outdoor, nature-based child care, or
50 program alleging statutory or regulatory violations, or, having received
51 such complaints, the office of children and family services has deter-
52 mined, after inspection pursuant to paragraph (a) of subdivision three
53 of this section, that the home, center, outdoor, nature-based child
54 care, or program is operated in compliance with applicable statutory and
55 regulatory requirements.

1 (C) Where the office of children and family services has determined
2 that a registration should not be continued because the requirements of
3 clause (B) of this subparagraph have not been satisfied, the office of
4 children and family services may terminate the registration. If the
5 office of children and family services does not terminate the registra-
6 tion, the office of children and family services shall inspect the home,
7 outdoor, nature-based child care, or program before acknowledging any
8 subsequent registration. Where the home, outdoor, nature-based child
9 care, or program has failed to meet the requirements of this section,
10 the office of children and family services may reject any subsequent
11 registration of a provider. Nothing herein shall prohibit the office of
12 children and family services from terminating or suspending registration
13 pursuant to subdivision ten of this section where the office of children
14 and family services determines that termination or suspension is neces-
15 sary.

16 [~~(iv)~~] (iii) Child day care providers who have been issued a license
17 shall openly display such license in the facility, outdoor, nature-based
18 child care location, or home for which the license is issued. Child day
19 care providers who have registered with the department shall provide
20 proof of registration upon request.

21 (d-1) (i) The office of children and family services shall promulgate
22 regulations for inspections of enrolled legally exempt providers, which
23 shall include the completion of a satisfactory inspection of the prem-
24 ises where care is to be provided, by the office of children and family
25 services.

26 (ii) Provided however, unless a complaint is made in or as otherwise
27 authorized such inspections shall not be required when the enrolled
28 legally exempt provider is an individual, age eighteen or older, and
29 who, by virtue of blood, marriage or court decree, is, to all of the
30 children that such person is enrolled to provide subsidized child care
31 services to in accordance with title five-C of this article:

32 (A) a grandparent;

33 (B) a great-grandparent;

34 (C) a sibling, provided that such sibling resides in a separate house-
35 hold from the child; or

36 (D) [~~an aunt, or~~

37 ~~(E) an uncle] a sibling of a parent.~~

38 (e) Notwithstanding any other provision of this section, where a child
39 is cared for by a parent, guardian or relative within the third degree
40 of consanguinity of the parent of such child and such person simultane-
41 ously provides child day care for other children, only the other chil-
42 dren shall be considered in determining whether such person must be
43 registered or licensed, provided that such person is not caring, in
44 total, for more than eight children.

45 § 5. Subdivision 2-a of section 390 of the social services law, as
46 added by chapter 416 of the laws of 2000, is amended to read as follows:

47 2-a. (a) The office of children and family services shall promulgate
48 regulations which establish minimum quality program requirements for
49 licensed and registered child day care homes, programs, outdoor,
50 nature-based child cares and facilities. Such requirements shall
51 include but not be limited to (i) the need for age appropriate activ-
52 ities, materials and equipment to promote cognitive, educational,
53 social, cultural, physical, emotional, language and recreational devel-
54 opment of children in care in a safe, healthy and caring environment
55 (ii) principles of childhood development (iii) appropriate staff/child
56 ratios for family day care homes, group family day care homes, outdoor,

1 nature-based child cares, school age day care programs and day care
2 centers, provided however that such staff/child ratios shall not be less
3 stringent than applicable staff/child ratios as set forth in part four
4 hundred fourteen, four hundred sixteen, four hundred seventeen or four
5 hundred eighteen of title eighteen of the New York code of rules and
6 regulations as of January first, two thousand (iv) appropriate levels of
7 supervision of children in care (v) minimum standards for sanitation,
8 health, infection control, nutrition, buildings and equipment, the size
9 and suitability of a facility or location for an outdoor, nature-based
10 child care, safety, security procedures, first aid, fire prevention,
11 fire safety, evacuation plans and drills, prevention of child abuse and
12 maltreatment, staff qualifications and training, record keeping, and
13 child behavior management.

14 (b) The use of electronic monitors as a sole means of supervision of
15 children in day care shall be prohibited, except that electronic moni-
16 tors may be used in family day care homes and group family day care
17 homes as an indirect means of supervision where the parents of any child
18 to be supervised have agreed in advance to the use of such monitors as
19 an indirect means of supervision and the use of such monitors is
20 restricted to situations where the children so supervised are sleeping.

21 (c) No child less than six weeks of age may be cared for by a licensed
22 or registered day care provider, except in extenuating circumstances
23 where prior approval for care of such children has been given by the
24 office of children and family services. Extenuating circumstances for
25 the purposes of this section shall include but not be limited to the
26 medical or health needs of the parent or child, or the economic hardship
27 of the parent.

28 § 6. Paragraphs (c) and (d) of subdivision 3 of section 390 of the
29 social services law, as amended by chapter 416 of the laws of 2000, are
30 amended to read as follows:

31 (c) (i) The office of children and family services shall establish a
32 toll-free statewide telephone number to receive inquiries about child
33 day care homes, outdoor, nature-based child cares, programs and facili-
34 ties and complaints of violations of the requirements of this section or
35 regulations promulgated under this section. The office of children and
36 family services shall develop a system for investigation, which shall
37 include inspection, of such complaints. The office of children and fami-
38 ly services may provide for such investigations through purchase of
39 services. The office of children and family services shall develop a
40 process for publicizing such toll-free telephone number to the public
41 for making inquiries or complaints about child day care homes, outdoor,
42 nature-based child cares, programs or facilities.

43 (ii) Information to be maintained and available to the public through
44 such toll-free telephone number shall include, but not be limited to:

45 (A) current license and registration status of child day care homes,
46 outdoor, nature-based child cares, programs and facilities including
47 whether a license or registration is in effect or has been revoked or
48 suspended; and

49 (B) child care resource and referral programs providing services
50 pursuant to title five-B of this article and other resources known to
51 the office of children and family services which relate to child day
52 care homes, outdoor, nature-based child cares, programs and facilities
53 in the state.

54 (iii) Upon written request identifying a particular child day care
55 home, outdoor, nature-based child care, program or facility, the office
56 of children and family services shall provide the information set forth

1 below. The office of children and family services may charge reasonable
2 fees for copies of documents provided, consistent with the provisions of
3 article six of the public officers law. The information available pursu-
4 ant to this clause shall be:

5 (A) the results of the most recent inspection for licensure or regis-
6 tration and any subsequent inspections by the office of children and
7 family services;

8 (B) complaints filed against child day care homes, outdoor, nature-
9 based child cares, programs or facilities which describes the nature of
10 the complaint and states how the complaint was resolved, including the
11 status of the office of children and family services investigation, the
12 steps taken to rectify the complaint, and the penalty, if any, imposed;
13 and

14 (C) child day care homes, outdoor, nature-based child cares, programs
15 or facilities which have requested or received a waiver from any appli-
16 cable rule or regulation, and the regulatory requirement which was
17 waived.

18 (iv) Nothing in this paragraph shall be construed to require or permit
19 the disclosure either orally or in writing of any information that is
20 confidential pursuant to law.

21 (d) Where investigation or inspection reveals that a child day care
22 provider which must be licensed or registered is not, the office of
23 children and family services shall advise the child day care provider in
24 writing that the provider is in violation of the licensing or registra-
25 tion requirements and shall take such further action as is necessary to
26 cause the provider to comply with the law, including directing an unli-
27 censed or unregistered provider to cease operation. In addition, the
28 office of children and family services shall require the provider to
29 notify the parents or guardians of children receiving care from the
30 provider that the provider is in violation of the licensing or registra-
31 tion requirements and shall require the provider to notify the office of
32 children and family services that the provider has done so. Any provid-
33 er who is directed to cease operations pursuant to this paragraph shall
34 be entitled to a hearing before the office of children and family
35 services. If the provider requests a hearing to contest the directive to
36 cease operations, such hearing must be scheduled to commence as soon as
37 possible but in no event later than thirty days after the receipt of the
38 request by the office of children and family services. The provider may
39 not operate the center, outdoor, nature-based child care, home or
40 program after being directed to cease operations, regardless of whether
41 a hearing is requested. If the provider does not cease operations, the
42 office of children and family services may impose a civil penalty pursu-
43 ant to subdivision eleven of this section, seek an injunction pursuant
44 to section three hundred ninety-one of this title, or both.

45 § 7. Paragraph (b) of subdivision 4 of section 390 of the social
46 services law, as added by chapter 750 of the laws of 1990, is amended to
47 read as follows:

48 (b) Any family day care home, outdoor, nature-based care or school-age
49 child care program licensed, registered, or certified by the department
50 or by any authorized agency on the effective date of this section shall
51 be deemed registered until the expiration of its then-current license or
52 certificate unless such license or certificate is suspended or revoked
53 pursuant to subdivision ten of this section. Family day care homes,
54 outdoor, nature-based child cares, and school-age child care programs
55 not licensed, registered, or certified on the effective date of this
56 section shall register pursuant to subdivision two of this section.

1 § 8. Subdivision 6 of section 390 of the social services law, as added
2 by chapter 750 of the laws of 1990, is amended to read as follows:

3 6. Unless otherwise limited by law, a parent with legal custody or a
4 legal guardian of any child in a child day care program shall have
5 unlimited and on demand access to such child or ward. Such parent or
6 guardian unless otherwise limited by law, also shall have the right to
7 inspect on demand during its hours of operation any area of a child day
8 care center, group family day care home, school-age child care program,
9 outdoor, nature-based child care location or family day care home to
10 which the child or ward of such parent or guardian has access or which
11 could present a hazard to the health and safety of the child or ward.

12 § 9. Subdivision 8-a of section 390 of the social services law, as
13 added by chapter 354 of the laws of 2009, is amended to read as follows:

14 8-a. The office of children and family services shall not make avail-
15 able to the public online any group family day care home provider's,
16 outdoor, nature-based child care provider's, or family day care provid-
17 er's home street address or map showing the location of such provider's
18 home or outdoor, nature-based child care location where such provider
19 has requested to opt out of the online availability of this information.
20 The office shall provide a written form informing a provider of their
21 right to opt out of providing information online, and shall also permit
22 a provider to request to opt out through the office's website.

23 § 10. Subdivision 10 of section 390 of the social services law, as
24 amended by chapter 416 of the laws of 2000, is amended to read as
25 follows:

26 10. Any home, outdoor, nature-based child care, or facility providing
27 child day care shall be operated in accordance with applicable statutes
28 and regulations. Any violation of applicable statutes or regulations
29 shall be a basis to deny, limit, suspend, revoke, or terminate a license
30 or registration. Consistent with articles twenty-three and
31 twenty-three-A of the correction law, and guidelines referenced in
32 subdivision two of section four hundred twenty-five of this article, if
33 the office of children and family services is made aware of the exist-
34 ence of a criminal conviction or pending criminal charge concerning an
35 operator of a family day care home, group family day care home, school-
36 age child care program, outdoor, nature-based child care, or child day
37 care center or concerning any assistant, employee or volunteer in such
38 homes, programs or centers, or any persons age eighteen or over who
39 reside in such homes, such conviction or charge may be a basis to deny,
40 limit, suspend, revoke, reject, or terminate a license or registration.
41 Before any license issued pursuant to the provisions of this section is
42 suspended or revoked, before registration pursuant to this section is
43 suspended or terminated, or when an application for such license is
44 denied or registration rejected, the applicant for or holder of such
45 registration or license is entitled, pursuant to section twenty-two of
46 this chapter and the regulations of the office of children and family
47 services, to a hearing before the office of children and family
48 services. However, a license or registration shall be temporarily
49 suspended or limited without a hearing upon written notice to the opera-
50 tor of the facility following a finding that the public health, or an
51 individual's safety or welfare, are in imminent danger. The holder of a
52 license or registrant is entitled to a hearing before the office of
53 children and family services to contest the temporary suspension or
54 limitation. If the holder of a license or registrant requests a hearing
55 to contest the temporary suspension or limitation, such hearing must be
56 scheduled to commence as soon as possible but in no event later than

1 thirty days after the receipt of the request by the office of children
2 and family services. Suspension shall continue until the condition
3 requiring suspension or limitation is corrected or until a hearing deci-
4 sion has been issued. If the office of children and family services
5 determines after a hearing that the temporary suspension or limitation
6 was proper, such suspension or limitation shall be extended until the
7 condition requiring suspension or limitation has been corrected or until
8 the license or registration has been revoked.

9 § 11. Subdivision 11 of section 390 of the social services law, as
10 added by chapter 750 of the laws of 1990, paragraphs (a) and (b) as
11 amended and paragraph (d) as added by chapter 416 of the laws of 2000
12 and paragraph (c) as amended and paragraph (e) as added by chapter 117
13 of the laws of 2010, is amended to read as follows:

14 11. (a) (i) The office of children and family services shall adopt
15 regulations establishing civil penalties of no more than five hundred
16 dollars per day to be assessed against child day care centers, outdoor,
17 nature-based child cares, school age child care programs, group family
18 day care homes or family day care homes for violations of this section,
19 sections three hundred ninety-a and three hundred ninety-b of this title
20 and any regulations promulgated thereunder. The regulations establishing
21 civil penalties shall specify the violations subject to penalty.

22 (ii) The office of children and family services shall adopt regu-
23 lations establishing civil penalties of no more than five hundred
24 dollars per day to be assessed against child day care providers who
25 operate child day care centers, outdoor, nature-based child cares, or
26 group family day care homes without a license or who operate family day
27 care homes, school-age child care programs, or child day care centers
28 required to be registered without obtaining such registration.

29 (iii) In addition to any other civil or criminal penalty provided by
30 law, the office of children and family services shall have the power to
31 assess civil penalties in accordance with its regulations adopted pursu-
32 ant to this subdivision after a hearing conducted in accordance with
33 procedures established by regulations of the office of children and
34 family services. Such procedures shall require that notice of the time
35 and place of the hearing, together with a statement of charges of
36 violations, shall be served in person or by certified mail addressed to
37 the school age child care program, group family day care home, family
38 day care home, outdoor, nature-based child care, or child day care
39 center at least thirty days prior to the date of the hearing. The state-
40 ment of charges shall set forth the existence of the violation or
41 violations, the amount of penalty for which the program may become
42 liable, the steps which must be taken to rectify the violation, and
43 where applicable, a statement that a penalty may be imposed regardless
44 of rectification. A written answer to the charges of violations shall be
45 filed with the office of children and family services not less than ten
46 days prior to the date of hearing with respect to each of the charges
47 and shall include all material and relevant matters which, if not
48 disclosed in the answer, would not likely be known to the office of
49 children and family services.

50 (iv) The hearing shall be held by the commissioner of the office of
51 children and family services or the commissioner's designee. The burden
52 of proof at such hearing shall be on the office of children and family
53 services to show that the charges are supported by a preponderance of
54 the evidence. The commissioner of the office of children and family
55 services or the commissioner's designee, in [~~his or her~~] their
56 discretion, may allow the child day care center operator or provider to

1 attempt to prove by a preponderance of the evidence any matter not
2 included in the answer. Where the child day care provider satisfactorily
3 demonstrates that it has rectified the violations in accordance with the
4 requirements of paragraph (c) of this subdivision, no penalty shall be
5 imposed except as provided in paragraph (c) of this subdivision.

6 (b)(i) In assessing penalties pursuant to this subdivision, the office
7 of children and family services may consider the completeness of any
8 rectification made and the specific circumstances of such violations as
9 mitigating factors.

10 (ii) Upon the request of the office of children and family services,
11 the attorney general shall commence an action in any court of competent
12 jurisdiction against any child day care program subject to the
13 provisions of this subdivision and against any person, entity or corpo-
14 ration operating such center or school age child care program, outdoor,
15 nature-based child care, group family day care home or family day care
16 home for the recovery of any penalty assessed by the office of children
17 and family services in accordance with the provisions of this subdivi-
18 sion.

19 (iii) Any such penalty assessed by the office of children and family
20 services may be released or compromised by the office of children and
21 family services before the matter has been referred to the attorney
22 general; when such matter has been referred to the attorney general,
23 such penalty may be released or compromised and any action commenced to
24 recover the same may be settled and discontinued by the attorney general
25 with the consent of the office of children and family services.

26 (c)(i) Except as provided for in this paragraph, a child day care
27 provider shall avoid payment of a penalty imposed pursuant to this
28 subdivision where the provider has rectified the condition which
29 resulted in the imposition of the penalty within thirty days of notifi-
30 cation of the existence of the violation of statute or regulation.

31 (ii) [~~Clause~~] Subparagraph (i) of this paragraph notwithstanding,
32 rectification shall not preclude the imposition of a penalty pursuant to
33 this subdivision where:

34 (A) the child day care provider has operated a child day care center,
35 outdoor, nature-based child care, or group family day care home without
36 a license, has refused to seek a license for the operation of such a
37 center or home, or has continued to operate such a center or home after
38 denial of a license application, revocation of an existing license or
39 suspension of an existing license;

40 (B) the child day care provider has operated a family day care home,
41 outdoor, nature-based child care, school-age child care program or child
42 day care center required to be registered without being registered, has
43 refused to seek registration for the operation of such home, outdoor,
44 nature-based child care, program or center or has continued to operate
45 such a home, program or center after denial of a registration applica-
46 tion, revocation of an existing registration or suspension of an exist-
47 ing registration;

48 (C) there has been a total or substantial failure of the facility's
49 fire detection or prevention systems or emergency evacuation procedures;

50 (D) the child day care provider or an assistant, employee or volunteer
51 has failed to provide adequate and competent supervision;

52 (E) the child day care provider or an assistant, employee or volunteer
53 has failed to provide adequate sanitation;

54 (F) the child day care provider or an assistant, employee, volunteer
55 or, for a family day care home or group family day care home, a member
56 of the provider's household, has injured a child in care, unreasonably

1 failed to obtain medical attention for a child in care requiring such
2 attention, used corporal punishment against a child in care or abused or
3 maltreated a child in care;

4 (G) the child day care provider has violated the same statutory or
5 regulatory standard more than once within a six month period;

6 (H) the child day care provider or an assistant, employee or volunteer
7 has failed to make a report of suspected child abuse or maltreatment
8 when required to do so pursuant to section four hundred thirteen of this
9 article; or

10 (I) the child day care provider or an assistant, employee or volunteer
11 has submitted to the office of children and family services a forged
12 document as defined in section 170.00 of the penal law.

13 (d) Any civil penalty received by the office of children and family
14 services pursuant to this subdivision shall be deposited to the credit
15 of the "quality child care and protection fund" established pursuant to
16 section ninety-seven-www of the state finance law.

17 (e)(i) The office of children and family services shall deny a new
18 application for licensure or registration made by a day care provider
19 whose license or registration was previously revoked or terminated based
20 on a violation of statute or regulation for a period of two years from
21 the date that the revocation or termination of the license or registra-
22 tion became finally effective, unless such office determines, in its
23 discretion, that approval of the application will not in any way jeop-
24 ardize the health, safety or welfare of children in the center, program
25 or home. For the purposes of this paragraph, the date that the revoca-
26 tion or termination became finally effective shall be, as applicable:

27 (A) the date that the revocation or termination became effective based
28 on the notice of revocation or termination;

29 (B) the date that the hearing decision was issued upholding the revo-
30 cation or termination;

31 (C) the date of issuance of a final court order affirming the revoca-
32 tion or termination or affirming a hearing decision that upheld the
33 revocation or termination; or

34 (D) another date mutually agreed upon by the office of children and
35 family services and the provider.

36 (ii)(A) Such office shall deny a new application for licensure or
37 registration made by a day care provider who is enjoined or otherwise
38 prohibited by a court order from operation of a day care center,
39 outdoor, nature-based child care, group family day care home, family day
40 care home or school-age child care program without a license or regis-
41 tration for a period of two years from the date of the court order
42 unless the court order specifically enjoins the provider from providing
43 day care for a period longer than two years, in which case the office
44 shall deny any new application made by the provider while the provider
45 is so enjoined.

46 (B) Such office shall deny a new application for licensure or regis-
47 tration made by a day care provider who is assessed a second civil
48 penalty by such office for having operated a day care center, outdoor,
49 nature-based child care, group family day care home, family day care
50 home or school-age child care program without a license or registration
51 for a period of two years from the date of the second fine. For the
52 purposes of this paragraph, the date of the second fine shall be either
53 the date upon which the day care provider signs a stipulation agreement
54 to pay the second fine or the date upon which a hearing decision is
55 issued affirming the determination of such office to impose the second
56 fine, as applicable.

1 (iii) A day care provider who surrenders the provider's license or
2 registration while such office is engaged in enforcement seeking suspen-
3 sion, revocation or termination of such provider's license or registra-
4 tion pursuant to the regulations of such office, shall be deemed to have
5 had their license or registration revoked or terminated and shall be
6 subject to the prohibitions against licensing or registration pursuant
7 to subparagraph (i) of this paragraph for a period of two years from the
8 date of surrender of the license or registration.
9 § 12. This act shall take effect immediately.