



# Office of Children and Family Services

**Andrew M. Cuomo**  
*Governor*

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**Sheila J. Poole**  
*Commissioner*

## Informational Letter

<b>Transmittal:</b>	20-OCFS-INF-09
<b>To:</b>	Commissioners of Social Services Child Care Providers Child Care Resource and Referral Agencies Licensing, Registration, and Enrollment Offices Child Care Unions
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	March 27, 2020
<b>Subject:</b>	<b>COVID-19 Guidance to Child Care Providers</b>
<b>Suggested Distribution:</b>	
<b>Contact Person(s):</b>	OCFS Regional Offices <a href="https://ocfs.ny.gov/main/childcare/referralagencies.asp">https://ocfs.ny.gov/main/childcare/referralagencies.asp</a>
<b>Attachments:</b>	None

### I. Purpose

The purpose of this Informational Letter (INF) is to reiterate certain important information for child care providers necessary for them to continue operations during the current public health emergency.

### II. Background

On March 7, 2020, Governor Cuomo issued Executive Order 202 declaring a disaster emergency for the entire State of New York. On March 18, 2020, Governor Cuomo issued Executive Order 202.5, which among other things, provided important regulatory relief for child care providers and school districts wishing to provide child care on their premises. Also on March 20, 2020, Governor Cuomo issued Executive Order 202.8. Under the order, effective as of March 22 at 8 p.m., all businesses and not-for-profit entities are to use any telecommuting or work from home procedures, except for essential businesses.

### III. Program Implications

Please be aware that child care programs are NOT being ordered to close. Child care is considered to be an essential function, critical to enabling parents—especially our first responders, health care workers, direct care workers and other essential service workers—to go to work.

We would like to highlight some additional guidance:

- While local authorities do not have broad authority to close child care programs, in certain circumstances local authorities, primarily local public health entities, have the authority to direct programs to close under quarantine or other emergency orders for specific reasons (e.g., if an employee or student tests positive for the COVID-19 virus).
- Child care providers are asked to prioritize openings in programs for employees of essential businesses as identified in Executive Order 202.6 or identified by the [Empire State Development Corporation](#) so that essential workers can continue to provide critical response to the COVID-19 virus.
  - As part of this prioritization, we ask you to work with those families who have been directed to work from home to not utilize child care services in order to limit density and to free up additional slots for those workers who are considered essential.
  - “Essential Business,” means businesses such as essential health care operations, essential infrastructure, essential manufacturing, groceries, pharmacies, gas stations, public transit workers, mail and shipping, law enforcement, direct care workers, and news media. If there is any question about whether something is considered an essential business, please contact your local regional office.
  - Empire State Development Corporation has issued guidance available here: <https://esd.ny.gov/guidance-executive-order-2026> which details what is an essential business. This guidance may be evolving in the future, please feel free to check often or contact your regional office.
- The Centers for Disease Control, in its guidance on events and mass gatherings, recommends limiting group size to 10 or fewer; therefore, we ask providers to reconfigure space to limit overall density of rooms to 10 or fewer children. (See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html>.)
- Your licensed capacity, however, remains in effect unless you have been approved for a waiver by the Office of Children and Family Services (OCFS). There may be ways for you to serve a greater number of children while continuing to prioritize their health and safety, and that of your employees, by submitting a waiver to your regulator.

- If you have questions about how you can serve children in groups of 10 without reducing capacity, please call your licensing/registration office or enrollment agency.

As a child care program, you are not required to keep your program open. Please remember that you must contact your regulator if you are either closing voluntarily or instructed to close by a local authority. We encourage you to continue to provide these important services to your community as the state responds to the COVID-19 emergency.

In an effort to support you as you continue to operate during these difficult times, OCFS would like to remind you of resources already available to you and make you aware of new resources as well:

- OCFS is collecting information from licensed and registered child care providers to find out whether they have openings in their child care program, and if they have the capacity and desire to serve more children than their established capacity. Providers who have slots available in their program are asked to [complete this survey every Wednesday](#). OCFS will share this information with stakeholders including the local child care resource and referral agencies to help connect parents in need of child care with available slots in their community.
- If you are a parent or caregiver who needs child care, please complete this [parent need for child care survey](#). Based on the information you provide about your job, employer, number of children, and financial need, OCFS may be able to help you find the child program you need.
- Please visit our [website](#) and the New York State Department of Health's [website](#) frequently to be reminded and updated on the latest guidance. DOH is also operating a 24-hour per day hotline, which can be reached at 1-888-364-3065. All OCFS-issued coronavirus related guidance can be found [here](#).
  - If you are struggling to find necessary items, like cleaning supplies and gloves, please work with your local health and emergency management departments to access supplies. If you are unable to acquire supplies through those methods, please contact your regional office for assistance.

#### IV. Contacts

OCFS Division of Child Care Services regional offices:  
<https://ocfs.ny.gov/main/childcare/regionaloffices.asp>

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**Issued by:**

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Title: Deputy Commissioner

Division/Office: Division of Child Care Services