

Report in Brief

Date: January 2019

Report No. A-02-17-02011

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Review

The Child Care and Development Block Grant Act of 2014 (CCDBG Act) added new requirements for States receiving Child Care and Development Fund (CCDF) funds to conduct comprehensive criminal background checks on staff members and prospective staff members of childcare providers every 5 years. Background check requirements apply to any staff member who is employed by a childcare provider for compensation or whose activities involve the care or supervision of children or unsupervised access to children. States must have requirements, policies, and procedures in place to conduct criminal background checks for staff members of childcare providers (other than relatives) that are licensed, regulated, or registered under State law or receive CCDF funds no later than September 30, 2017.

Our objective was to determine New York's progress toward implementing new criminal background check requirements established under the CCDBG Act.

How OIG Did This Review

Our review covered New York's efforts to implement the new criminal background check requirements and its plans to address those requirements that were not implemented as of the end of our fieldwork. We also identified challenges that New York experienced as of October 1, 2018. Our review did not address childcare providers' compliance with the new requirements.

New York Has Not Fully Implemented New Criminal Background Check Requirements for Childcare Providers

What OIG Found

The CCDBG Act allowed for the Secretary of HHS to grant a 1-year extension to the States as long as they demonstrate a good-faith effort to implement the requirements. In recognition of significant challenges to implementing the new background check requirements, all States, including New York, applied for and received extensions through September 30, 2018.

While New York had some background check requirements in place prior to the establishment of the CCDBG Act, it had not fully implemented the new criminal background check requirements as of October 1, 2018, the date that its 1-year extension expired. New York must enact supporting legislation to make the changes necessary to its current CCDF program to come into compliance with the CCDBG Act.

Should the Administration for Children and Families (the administrator of the CCDF program) determine New York to be in substantial non-compliance with the Act, New York would be subject to a penalty of 5 percent of the total discretionary CCDF funds awarded to New York for the fiscal year following its determination that non-compliance occurred.