

**Staff Exclusion List Checks for Prospective Staff Hired on or after June 30, 2013**

The chart below sets forth the entities that must request the Justice Center to request a check of the Staff Exclusion List (SEL) before determining whether to hire or otherwise allow “any person” with the potential to have regular and substantial contact with a service recipient. “Any person” can include an employee, administrator, consultant, intern, volunteer, or contractor.

If the applicant is **not** on the SEL, a criminal background check (CBC), if required, and an inquiry of the Statewide Central Register of Child Abuse and Maltreatment (SCR), if required, must be conducted.

<b>Entities that must request an SEL check</b>	<b>SEL check</b>	<b>CBC<sup>1</sup> by Justice Center</b>	<b>SCR check<sup>2</sup></b>	<b>If on SEL - mandatory no hire</b>	<b>If on SEL - discretion to hire<sup>3</sup></b>
<b>1) Facility/Provider Agency</b> (defined Social Services Law §488[4]):					
a) Facility or program operated, licensed or certified by OMH, <sup>4</sup> OPWDD and OASAS	X	X	X	X	
b) Facility or program operated by OCFS for youth in OCFS custody; Residential programs for children licensed or certified by OCFS <sup>5</sup> ; including family type home for adults certified by OCFS	X	X  No CBC for family type home for adults	X	X	
c) DOH adult care facilities (80+ beds with at least 25% residents with serious mental illness)	X		X	X	
d) Camps for children with developmental disabilities regulated by DOH	X		X	X	
e) State operated schools for Deaf/Blind, f) State supported schools with a residential component, g) Special act school districts; h) In-state private special education schools with residential programs	X		X	X	

<sup>1</sup>The standard for conducting a CBC is regular and substantial unsupervised or unrestricted physical contact with service recipients as provided for in Mental Hygiene Law §§16.33, 19.20, 19.20-a and 31.35.

<sup>2</sup> If an applicant has a finding of abuse or maltreatment on the SCR, the provider still has discretion to hire.

<sup>3</sup> Discretion in determining whether to hire is to be made in accordance with guidelines developed by OCFS for evaluating the subject of an indicated report of child abuse or maltreatment.

<sup>4</sup> Except for MLH Art 10 secure treatment facilities and programs operated by OMH located in DOCCS’ facilities.

<sup>5</sup> Except for foster family homes and residential programs for victims of domestic violence.

	<b>SEL check</b>	<b>CBC by Justice center</b>	<b>SCR check</b>	<b>If on SEL – mandatory no hire</b>	<b>If on SEL – Discretion to hire</b>
<b>2) Other providers of services in programs licensed or certified by State Oversight Agency (SOA)</b>	X		X	X	
<b>3) Other providers of services in programs funded by SOA</b>	X	X for certain OMH OPWDD providers			X
<b>4) Provider or provider agencies defined in Social Services Law §424-a(3) that are not otherwise covered by 1 or 2 above, such as<sup>6</sup>:</b>					
a) Authorized agencies defined Social Services Law §371(10)	X		X		X
b) OCFS	X		X		X
c) Licensed child day care centers	X		X		X
d) Early intervention service	X		X		X
e) Approved 4410 providers (preschool special education) Municipalities that contract for related services for preschool children with disabilities	X		X		X
f) School-age child care programs	X		X		X
g) Publicly-funded emergency shelters for families with children	X		X		X
h) Health homes or subcontractors of such health homes providing services to individuals under the age of 21 or with a diagnosis of a developmental disability	X		X		X
<b>5) Licensing Agency defined in Social Services Law §424-a(4)</b>					

<sup>6</sup> If a provider agency included in Social Services Law §424-a(3) is otherwise covered in category 1 or 2 on this chart, it is not included under category 4 of this chart.

<b>not otherwise covered in 1 or 2 above, such as<sup>7</sup>:</b>					
a) an authorized agency defined in Social Services Law §371(10) which:					
<i>i) has received an application to become an adoptive parent; or</i>	X		X		X
	<b>SEL check</b>	<b>CBC by Justice Center</b>	<b>SCR check</b>	<b>If on SEL – mandatory no hire</b>	<b>If on SEL-discretion to hire</b>
<i>ii) has received an application for a certificate or license to receive, board of keep any child; or</i>	X		X		X
<i>iii) has received an application from a relative of parent or step-parent; or the child’s legal guardian for approval to receive, board or keep such child</i>	X		X		X
b) A state or local government agency that receives an application to provide:					
<i>i) child day care services in a child day care center, or</i>	X		X		X
<i>ii) school age child care program, or</i>	X		X		X
<i>iii) family day care home or group family day care home</i>	X		X		X
c) NYC DOHMH when it receives an application for certificate of approval to provide child day care services in a child day care center	X		X		X
d) OMH or OPWDD when it receives an application for an operating certificate to operate a family care home	X	X	X	X	
e) A state or local government official who receives an application for a permit to operate a camp which is subject to Public Health Law Article 13-B, or by	X		X	X	

<sup>7</sup> If a licensing agency included in Social Services Law §424-a(4) is otherwise covered in category 1 or 2 on this chart, it is not included under category 5 of this chart.

designation, the camp operator					
f) OCFS when it has received an application for a certificate to receive, board or keep any child at a foster home (Executive Law Articles 19G and H)	X		X	X	