

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.

Entities that must request an SEL check	SEL check	CBC¹ by Justice Center	SCR check²	If on SEL - mandatory no hire	If on SEL - discretion to hire³
1) Facility/Provider Agency (defined Social Services Law §488[4]):					
a) Facility or program operated, licensed or certified by OMH, ⁴ 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 ⁵ ; 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	

¹The 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.

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

³ 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.

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

⁵ Except for foster family homes and residential programs for victims of domestic violence.

	SEL check	CBC by Justice center	SCR check	If on SEL – mandatory no hire	If on SEL – Discretion to hire
2) Other providers of services in programs licensed or certified by State Oversight Agency (SOA)	X		X	X	
3) Other providers of services in programs funded by SOA	X	X for certain OMH OPWDD providers			X
4) Provider or provider agencies defined in Social Services Law §424-a(3) that are not otherwise covered by 1 or 2 above, such as⁶:					
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
5) Licensing Agency defined in Social Services Law §424-a(4) not otherwise covered in 1 or 2 above, such as⁷:					
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

⁶ 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.

⁷ 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.

	SEL check	CBC by Justice Center	SCR check	If on SEL – mandatory no hire	If on SEL- discretion to hire
<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 designation, the camp operator	X		X	X	
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	