



Office of Children and Family Services

KATHY HOCHUL
Governor

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Commissioner

March 18, 2025

Dear Provider:

The federal government is implementing several new immigration policies. This letter is to clarify what child care programs can expect during the New York State Office of Children and Family Services on-site inspection, and what you can do to make your program a safe space for children.

The OCFS Division of Child Care Services utilizes a team of child care licensors, registrars and enrollment agency representatives employed by local nonprofit agencies, and staff from the New York City (NYC) Department of Health and Mental Hygiene (DOHMH) to conduct site visits. OCFS and its regulator teams do not enforce immigration laws or work with immigration agents. Immigration agents will never accompany an OCFS inspector to your program.

Ideally, you will know your regulator well. However, sometimes a regulator who is unfamiliar to you will come to inspect the program. As a reminder:

- All child care regulators are required to carry photo identification from their employing agency. If you do not recognize a regulator who comes to your program, ask to see their I.D.
- If you continue to have concerns, contact your program's Regional Office or Enrollment Agency to verify the regulator's identity. [Click here](#) for a list of Regional Offices.

The sole purpose of an on-site inspection is to provide child care regulatory oversight and technical assistance to the child care program. OCFS may make announced or unannounced visits to verify compliance.

Child care regulations require that OCFS representatives be given free access to the site, staff, volunteers, children, and program records at any time during program hours of operation.

The recent federal immigration policies can have a serious impact on the families you serve. You can plan ahead to make your child care program a safe space. Consider the following when making your plan:

- Verify the identity of all people who want to enter your program. Ask for I.D..
- Consider designating a lead person in your program in advance, so that they are prepared to interact with immigration agents in the event your program is visited.
- Federal agents may enter public areas, but to access private areas they must have permission or a judicial warrant.
 - If you do not give permission to enter, ask the agent if they have a judicial warrant. A judicial warrant must be signed by a judge. It will say U.S. District Court or a New York State Court at the top. An administrative warrant from the Department of Justice, Department of Homeland Security, or Immigration and Customs Enforcement is not a judicial warrant.
- If an immigration agent enters your program, if possible, you may want to consider limiting child exposure to the interactions to avoid unnecessary trauma to the children.
- Information about individual children is confidential and may not be shared.
- Talk with the families who are enrolled in your program. Make sure that there is open communication so that they can provide updates or concerns as they have them. Keep families informed in the event your program is visited.
- Licensed and registered providers should review the information provided on the child's "blue card" ([LDSS-0792 – Day Care Registration forms](#)) and confirm all contact information is up to date. This includes emergency contacts and those authorized to pick up children from care. Encourage families to

identify additional authorized individuals if needed. Legally exempt programs should verify contact information for parents.

- Programs should only release children to those that are authorized to pick them up from your program. In the event that their parents have been detained, this may include child welfare officials.
- The prohibition regarding firearms in child day care programs is not applicable to law enforcement agents, but programs may request that they do not want firearms being carried into their programs to avoid unnecessary trauma to children.

New York state law prohibits discrimination against a child or family because of their citizenship or immigration status. You may not exclude any families because of perceived or actual citizenship or immigration status.

Educate yourself and be aware of your rights. Please see the links below for a list of additional resources that you can share with the families in your program.

Resources for families:

- NYS Office of New Americans: Hotline (9am-8pm): 1-800-566-7636, Legal Help, Local Opportunity Centers,
<https://dos.ny.gov/office-new-americans>
- New York Immigration Coalition *Know Your Rights* brochures/materials:
<https://www.nyic.org/resources-training/kyr/#2>
- CLASP *Guide to Creating "Safe Space" Policies for Early Childhood Programs*:
<https://www.clasp.org/publications/report/brief/guide-creating-safe-space-policies-early-childhood-programs/>

We understand that these may be challenging times for you as a child care provider and the uncertainty that it may present for you, your staff, or the families that you serve. We will work to provide additional information and resources as they become available.

This information is being provided as a resource and is not intended to be legal guidance. If you have any additional questions, you may want to consider consulting with an attorney who may be able to more directly advise you.

Sincerely,



Nora Yates
Deputy Commissioner
Division of Child Care Services