



Office of Children and Family Services

KATHY HOCHUL
Governor

SHEILA J. POOLE
Commissioner

January 25, 2022

Dear Child Care Provider,

As you may have heard by now, a State Supreme Court judge ruled yesterday that New York State's December 10, 2021, mask mandate was improper and should be struck down. Litigation is ongoing but we wanted to make sure you understand what the current requirements are in terms of masking, as the Court ruling has likely created some confusion in the field.

The mandate that was struck down on January 24, 2022, was the one issued by emergency regulations filed by the State Department of Health on December 10, 2021. That mandate required masks in specific settings, such as healthcare facilities and schools, as well as in all indoor venues and business without a vaccine mandate in place.

Mask mandates, however, are still required in child care settings licensed, registered, or enrolled by the Office of Children and Family Services (OCFS). The OCFS mandate was implemented by emergency regulation on September 16, 2021. The OCFS mask mandate was issued pursuant to OCFS's authority and obligation to maintain health and safety in all settings we oversee and was issued in accordance with to public health recommendations of the federal Centers for Disease Control and Prevention (CDC) and the NYS Department of Health. A copy of these regulations are available on our website (<https://ocfs.ny.gov/main/legal/Regulatory/er/>), and the regulations **remain in place through February 10, 2022**. OCFS will notify you if this mandate is extended.

You should also know that your local department of health also has authority to issue mask mandates or other COVID-19 directives, and those directives are not impacted by yesterday's court decision. Additionally, the State Education Department has advised school districts that masks mandates continue in school settings.

The CDC and the Departments of Health continue to recommend that well-fitting face coverings be worn by all individuals aged two and older, regardless of vaccination status, while indoors/in public settings.

Thank you for your ongoing commitment to keeping yourself, your staff, and the children in your care safe during this challenging time. If you have any additional questions, please reach out to your regulator.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Molnar".

Janice Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services