

EMPOWER OVERSIGHT

Whistleblowers & Research



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April 23, 2026

VIA ELECTRONIC TRANSMISSION: INFO@OCFS.NY.GOV

Dr. DaMia Harris-Madden
Commissioner
New York State Office of Children and Family Services
Attention: Data Request
Capital View Office Park
52 Washington Street
Rensselaer, New York 12144-2834

**RE: Request for Records Related to Oversight of the
Child Care Assistance Program**

Dear Commissioner:

INTRODUCTION

Empower Oversight is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. The organization works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

The New York State Office of Children and Family Services (OCFS) is responsible for the administration of the New York State Child Care Assistance Program (CCAP). Under this program, OCFS oversees the distribution of billions of dollars to child care providers throughout the State via local social services districts. The purpose of the program is to give low-income families financial support for child care services so they can participate in the workforce. A significant amount of the money for this program comes from the federal government through

the Child Care and Development Fund, which combines the Child Care and Development Block Grant and the Child Care Entitlement to States. Nationally, this is roughly \$12 billion annually. In State Fiscal Year 2025, federal funding for CCAP in New York totaled more than \$1.1 billion, comprised of \$838 million from the Child Care Development Fund and \$290 million in transfers from the Temporary Assistance for Needy Families block grant.¹ From 2015 to 2025, federal funding comprised three quarters of approximately \$12.9 billion in CCAP spending in New York, and as of January 2025, approximately 150,749 children were receiving CCAP services across the State.²

However, recent widespread attention has come to child care assistance programs nationally over concerns about widespread fraud and misuse of state and federal taxpayer dollars. On January 6, 2026, the U.S. Department of Health and Human Services froze access to certain federal child care and family assistance funds for five states, including New York, following serious concerns about fraud and misuse of taxpayer dollars in state-administered programs.³ The Administration for Children and Families activated its Defend the Spend system and now requires these states to submit justification and receipt documentation before any federal payment is released. White House Press Secretary Karoline Leavitt has stated that the administration is considering fraud investigations in New York specifically. OCFS is responsible for overseeing child care providers, a serious oversight responsibility. Although OCFS has a fraud tipline,⁴ it is unclear whether OCFS has taken further steps to affirmatively address these concerns and ensure the integrity of the program.

HHS Deputy Secretary Jim O’Neill called the funding freeze a response to “blatant fraud that appears to be rampant” in state-administered child care programs.⁵ Assistant Secretary for Children and Families Alex J. Adams stated, “We have a responsibility to protect taxpayer dollars and ensure these programs serve the families they were created to help. When there are credible concerns about fraud or misuse, we will act.”⁶ The federal government has also launched a dedicated fraud reporting portal at childcare.gov to allow parents, providers, and community members to report suspected fraud and program misuse.⁷

Recent reporting further underscores concerns about the stewardship of public child care funds in New York. According to the *New York*, empty NYC preschool facilities have cost taxpayers nearly \$100 million in rent and utilities alone, with dozens of planned preschool locations remaining unused despite the city earmarking \$400 million for construction and

¹ N.Y. STATE COMPTROLLER, Office of the State Comptroller, Federal Funding and New York: Child Care Assistance, <https://www.osc.ny.gov/reports/budget/fed-funding-ny/child-care-assistance>.

² *Id.*

³ U.S. DEP’T OF HEALTH & HUM. SERVS., *HHS Freezes Child Care and Family Assistance Grants in Five States for Fraud Concerns* (Jan. 6, 2026), <https://www.hhs.gov/press-room/hhs-freezes-child-care-family-assistance-grants-five-states-fraud-concerns.html>.

⁴ N.Y. STATE OFF. OF CHILD. & FAM. SERVS., *Report Fraud*, <https://ocfs.ny.gov/programs/childcare/report-fraud.php>.

⁵ Jim O’Neill (@HHS_Jim), X (Dec. 30, 2025, 5:51 PM), https://x.com/HHS_Jim/status/2006136004294664464.

⁶ U.S. DEP’T OF HEALTH & HUM. SERVS.

⁷ ChildCare.gov, *Report a Child Care Concern*, <https://childcare.gov/health-and-safety-reporting>.

renovation costs.⁸ At least 28 sites, meant to open to nearly 3,800 children by September 2025, sit idle while families struggle to find available child care seats.⁹

DATA REQUEST

Accordingly, pursuant to the New York Freedom of Information Law (Public Officers Law, Article 6), Empower Oversight requests electronic copies of the following:

1. Investigative reports, inspection reports, or audit findings identifying no children present at a child care provider since January 20, 2019.
2. All communications since January 20, 2019, regarding child care providers whose licenses have been suspended, revoked, or subject to enforcement action by OCFS in connection with fraud or misuse of Child Care Assistance Program funds.
3. All communications since January 20, 2019, between OCFS and the U.S. Department of Health and Human Services, the Administration for Children and Families, or any other federal agency regarding fraud, misuse, or integrity concerns in the Child Care Assistance Program.
4. All communications since January 20, 2019, regarding fraud, misuse, or suspected misuse of the Child Care Assistance Program, including any communications related to the January 2026 federal funding freeze or the Defend the Spend initiative.
5. All other Freedom of Information Law requests related to the Child Care Assistance Program since January 20, 2019, and their responses.

DEFINITIONS

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“REFERS,” “REFERRING TO,” “REGARDS,” “REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “BEARS UPON,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining,

⁸ Nicole Rosenthal & Carl Campanile, *Empty NYC Preschools Cost Taxpayers Nearly \$100M in Rent Alone*, N.Y. POST, (Apr. 20, 2026), <https://nypost.com/2026/04/20/us-news/empty-nyc-preschools-cost-taxpayers-nearly-100m-in-rent-alone/>.

⁹ *Id.*

mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“INCLUDING” means comprising part of, but not being limited to, the whole.

INSTRUCTIONS

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, please segregate them by reference to each of the numbered items of this request.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information.

If you have any questions about this request, please contact Bobby Cheren by e-mail at bcheren@empowr.us.

FEE WAIVER REQUEST

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of potential fraud in the Child Care Assistance Program.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that Empower Oversight receives that tends to explain the subject matter of this request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

Cordially,
/Tristan Leavitt/
Tristan Leavitt
President