

2013

Child Care Subsidy



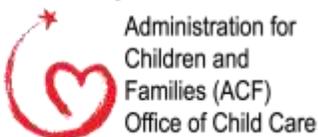
This training is

and administered by the

sponsored by the



funded by the federal



PROFESSIONAL DEVELOPMENT PROGRAM
ROCKEFELLER COLLEGE UNIVERSITY AT ALBANY State University of New York

Child Care Subsidy Program

AGENDA

DAY 1

Welcome and Introduction, and Pre-Assessment

Unit 1: Screening and Application

Lesson 1: Overview of the Child Care Subsidy Program

Lesson 2: The Application Process

Unit 2: Programmatic and Income Requirements

Lesson 1: Categories of Eligible Families

Lesson 2: Income and Residency Requirements for Low-Income Families

Unit 3: Verification and Redetermination

Lesson 1: Verification and Documentation of Eligibility

DAY 2

Unit 3: Verification and Redetermination, continued

Lesson 2: Redetermining Eligibility

Unit 4: Payment Processing

Lesson 1: Determining Payment Amounts

Lesson 2: Issuing and Monitoring Payments

Lesson 3: Handling Child Care Overpayments

Unit 5: Provider Types and Provider Enrollment

Lesson 1: Provider Information Regarding Referrals

Lesson 2: Overview of Legally-Exempt Enrollment Process

Closing, Review, Q & A

There will be a break provided in the morning and afternoon of each day.

**Child Care Subsidy Training
Contact and Questions Form**
(Please Print)

Name: _____

Job Title: _____

Agency & County: _____

Telephone Number: _(_____)_____

E-Mail Address: _____

Periodically check www.pdp.albany.edu/ocfs for updates.

Questions:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

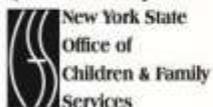
2013

Child Care Subsidy



Revised October 2013

sponsored by the



Andrew M. Cuomo, Governor
Gladys Camión, Esq., Commissioner

funded by the federal



Child Care and
Development
Fund

This training is

and administered by the



PROFESSIONAL DEVELOPMENT PROGRAM
ROCKEFELLER COLLEGE UNIVERSITY AT ALBANY, STATE UNIVERSITY OF NEW YORK



This material was developed by the Professional Development Program (PDP), Rockefeller College, University at Albany, under a training and administrative services agreement with the New York State Office of Children and Family Services.

License Rights

PDP acknowledges the State of New York's and the Office of Children and Family Services' right to a royalty-free, non-exclusive and irrevocable license to reproduce, publish, distribute or otherwise use, in perpetuity, any and all copyrighted and copyrightable material resulting from this agreement and/or activity supported by this agreement. All of the license rights so reserved to the State of New York and the Office of Children and Family Services under this acknowledgement are equally reserved to the United States Department of Health and Human Services and are subject to the provisions on copyrights in 45CFR 92 if the agreement is federally funded.

Limited License and Disclaimer

The State of New York and the Office of Children and Family Services grants permission to reproduce these materials to any interested parties solely for noncommercial purposes and uses, provided that the user acknowledge that the materials were developed by PDP under a training and administrative services agreement with the New York State Office of Children and Family Services. Under no circumstances or at any time shall anyone or any entity earn a profit from the sale or use of these materials. While every effort has been made to provide accurate and complete information, the Office of Children and Family Services and the State of New York assumes no responsibility for any errors or omissions in the information provided here and makes no representations or warranties about the suitability of the information contained here for any purpose. All information and documents are provided "as is," without a warranty of any kind. Any modifications in content or delivery to the original material must be expressly delineated as a modification to the original material in the reproduced materials and the user must expressly state that the modification is not sanctioned by OCFS in any manner. Any modifications in content or delivery are solely the responsibility of the entity or organization making such modifications.

Table of Contents

Unit 1: Screening and Application

Preface	1-1
Lesson 1: Overview of the Child Care Subsidy Program	1-3
Lesson 2: The Application Process.....	1-11

Unit 2: Programmatic and Income Requirements

Preface	2-1
Lesson 1: Categories of Eligible Families	2-3
Lesson 2: Income and Residency Requirements for Low-Income Families.....	2-26

Unit 3: Verification and Redetermination

Preface	3-1
Lesson 1: Verification and Documentation of Eligibility	3-3
Lesson 2: Redetermining Eligibility	3-23

Unit 4: Payment Processing

Preface	4-1
Lesson 1: Determining Payment Amounts.....	4-3
Lesson 2: Issuing and Monitoring Payments	4-28
Lesson 3: Handling Child Care Overpayments	4-49

Unit 5: Provider Types and District Responsibilities

Preface.....	5-1
Lesson 1: Provider Information	5-3
Lesson 2: District Responsibilities Regarding Child Care Providers	5-15

Unit 1

Screening and Application

Unit Importance During the screening process, clients are provided with an explanation of the purpose and philosophy of the Child Care Subsidy program and a description of their rights and responsibilities when they receive child care assistance.

Workers need to know policy related to client and agency responsibilities in the application process in order to:

- Explain to clients the goals of the Child Care Subsidy program and client rights and responsibilities
- Follow policy as they process client applications

Unit Overview This unit reviews the importance of orienting the Child Care Subsidy training participants with the necessary information and procedures to allow the continuance of program integrity.

This unit covers the following lessons:

- Overview of the Child Care Subsidy program
- The Application Process

Contents

Lesson 1: Overview of the Child Care Subsidy Program.....	3
Welfare Reform and the Child Care Subsidy Program	4
New York State Child Care Block Grant.....	4
Laws, Regulations, and Policy Directives Governing the Child Care Subsidy Program	6
Lesson 2: The Application Process	11
The Common Application	12
Sections Required for the Child Care Subsidy Program.....	14
Application for Child Care Assistance	18
Client Responsibilities at Application.....	18
Social Service District Responsibilities at Application	20
Client Rights.....	22
Guidelines for Determining Availability of Child Care for TA Clients.....	25
Practice A: Assisting the TA Client with the Availability of Child Care	27

Lesson 1: Overview of the Child Care Subsidy Program

- Lesson Importance** This lesson provides you with the background information you need:
- To explain the purpose and philosophy of the Child Care Subsidy program
 - To identify where to find the appropriate laws, regulations, Administrative Directives (ADMs), Informational Letters (INFs), and Local Commissioner Memorandums (LCMs) governing child care policy
-

- Lesson Overview** This lesson covers the following topics:
- Welfare Reform and the Child Care Subsidy Program
 - New York State Child Care Block Grant
 - Laws, Regulations, and Policy Directives Governing the Child Care Subsidy Program
-

- Lesson Objectives** By the end of this lesson, you will be able to:
- Describe the legislative intent of the New York State Child Care Block Grant and its relationship to welfare reform
 - Describe the philosophy of the Child Care Subsidy program as it relates to Temporary Assistance and Low-Income clients
 - Identify the policies and regulations governing the Child Care Subsidy program

Welfare Reform and the Child Care Subsidy Program

- Goals of the Child Care Subsidy Program** New York State (NYS) Child Care Subsidy policy supports the goals of personal responsibility and self-sufficiency by:
- Removing child care as a barrier to working
 - Encouraging personal responsibility
 - Empowering clients to make informed child care decisions by supplying information about providers and quality care
 - Setting minimum health and safety standards for child care provider

New York State Child Care Block Grant

- Introduction** As a result of welfare reform, the federal government provided money for child care to states in the form of a block grant. The New York State Child Care Block Grant (NYSCCBG):
- Restructured child care from a system with seven separate and distinct funding streams to a consolidated program
 - Developed consistency in the rules governing child care, thereby making it easier for the state and local departments of social services to administer a unified program
 - Allowed social services districts to establish locally identified priorities, reflective of the specific needs of their communities
 - Guaranteed a subsidy to families in receipt of Temporary Assistance (TA) who are meeting their work requirements and to working parent/caretakers transitioning from assistance
 - Guaranteed child care subsidies to families who apply and are found eligible for TA but choose Child Care In Lieu of TA

Funding Sources

The NYSCCBG is comprised of the following:

- All the federal child care funds appropriated under Title IV-A of the federal Social Security Act
- Additional funds the social services districts choose to transfer from the Flexible Fund for Family Services (FFFS)
- Any NYS funds appropriated for child care subsidies, and for activities to increase the availability and quality of child care programs

Requirements

Current county requirements for using funds from the block grant are outlined in 13-OCFS-LCM-06, *New York State Child Care Block Grant Subsidy Program Allocations for State Fiscal Year 2013-2014*, **Tab 5** and include:

- Parental choice
- Reimbursement levels
- Maintenance of effort (MOE) levels for spending
- County assurance of compliance with programmatic and procedural requirements at federal and state levels

A copy of this Local Commissioner Memorandum (LCM) is included in **Tab 5** of the Regulations and Resources manual.

Parental Choice

Parent/caretakers must be given discretion in selecting or arranging for the purchase of child care services from any eligible provider.

The district must inform applicants/recipients that they may choose:

- A child day care provider with whom the Local Department of Social Services (LDSS) has contracted
- A Licensed, Registered, or enrolled, Legally-Exempt provider

Lesson 1: Overview of the Child Care Subsidy Program

Reimbursement Levels Counties will be reimbursed with NYSCCBG funds up to the district allocation as follows:

- 75% for families receiving TA (the county pays the other 25%)
- 100% for all other eligible families

Maintenance of Effort Social services districts using NYSCCBG funds must maintain district spending for child care services at a level established by the Office of Children and Family Services (OCFS) in accordance with New York statute.

The most current levels are given in 13-OCFS-LCM-06, *New York State Child Care Block Grant Subsidy Program Allocations for State Fiscal Year 2013-2014*, found in **Tab 5** of the Regulations and Resources manual.

Laws, Regulations, and Policy Directives Governing the Child Care Subsidy Program

Introduction The Child Care Subsidy Program is governed by:

- Federal Law
- NYS Social Services Law
- Federal and New York State Regulations
- Administrative Directives (ADM)
- Local Commissioner Memorandums (LCM)
- Informational Letters (INF)

Below is a list of the most current source documents you may want to consult when you are trying to determine what course of action to take with a particular case.

Social Services Law Social Services Law, Article 6, *Children*, Title 5C, Sections 410 – u through 410 - z, governs the Child Care Subsidy program.

Social Services Law, Article 5, *Assistance & Care*, Title 9 – B, sections 332 – a, 334 and 335 contain additional requirements relative to child care for TA applicants and recipients.

Regulation The most important regulations as contained within New York State Code, Rules and Regulations (NYCRR), Title 18, which govern the delivery of child care services include:

- Part 418, *Day Care Centers*
- Part 417, *Family Day Care Homes*
- Part 416, *Group Family Day Care Homes*
- Part 415, *Child Care Services*
- Part 414, *School-Age Child Care*
- Part 405, *Purchase of Services by Social Services Districts*
- Part 404, *Determination and Re-determination of Eligibility for Social Services*
- Part 403, *Program Requirements for Social Services*
- Part 358, *Fair Hearings, Notice Requirements*
- Part 628, *State Reimbursement*

Lesson 1: Overview of the Child Care Subsidy Program

Administrative Directives Administrative Directives (ADMs) issued by either NYS OCFS or NYS Office of Temporary and Disability Assistance (OTDA) related to child care include:

- 12-ADM-01, *Requirement to Make Information Available to Non-Parent Caregivers Relating to Available Services and Assistance Programs*
- 05-OCFS-ADM-03, *Child Care Subsidy Program*
- 04-OCFS-ADM-01, *Guaranteed Child Care in Lieu of Temporary Assistance, Payment During Breaks in Activities, Eligibility for Family in Post-Secondary Education, No Application for Transitional Child Care*
- 91-ADM-34, *Child Care Reimbursement of Payments for Children with Special Needs*

Note: The rates in 91-ADM-34 are outdated; however, the definitions are in effect.

Note: There are changes to Child Care In Lieu of TA. Please refer to the *Commissioner Letter* and 04-OCFS-ADM-01, Attachment A in **Tab 4**, as well as the Child Care In Lieu of TA income requirements chart.

**Local
Commissioner
Memorandums**

Local Commissioner Memorandums (LCMs) include:

- 13-OCFS-LCM-15, *Guidelines and Instructions for Preparing the Child And Family Services Plan Update*
- 13-OCFS-LCM-07, *SFY 2013- 2014 Social Services Block Grant (Title XX) Allocations*
- 13-OCFS-LCM-06, *New York State Child Care Block Grant Subsidy Program Allocations for State Fiscal Year 2013-2014*
- 13-OCFS-LCM-04, *Revised Client Notification Forms for Child Care Subsidy*
- 12-OCFS-LCM-03, *Kinship Guardian Assistance Program Payments—Excludable Income for Child Care Subsidy Program Eligibility*
- 12-OCFS-LCM-01, *Changes to the Legally-Exempt Child Care Provider Enrollment Process*
- 11-OCFS-LCM-13, *Child Care Providers Deduction of Union Dues and Fees in Social Services Districts Other Than New York City*
- 11-OCFS-LCM-12, *Child Care Market Rates, 2011-2013*
- MEMORANDUM, *The American Recovery and Reinvestment Act Making Work Pay Credit, February 8, 2010*
- MEMORANDUM, July 30, 2009: *Repeal of Child Support Requirement for Child Care Assistance*
- 09-OCFS-LCM-07, *Training Programs for Dislocated Worker, One-time Disbursement Under the American Recovery and Reinvestment Act of 2009, Enhanced Market Rate for Legally Exempt Family and In-Home Child Care Providers*
- 07-OCFS-LCM-05, *Adoption and Foster Care Subsidies: Excludable Income for Child Care Subsidy*
- 03-OCFS-LCM-17, *In-Home Child Care Providers As Employers*
- *Client Notification Forms for Child Care Subsidy*
- 99-LCM-19, *Important Information about Child Care*
- 92-LCM-138, *Child Care Certificate Program*

Lesson 1: Overview of the Child Care Subsidy Program

Informational Letters

Informational Letters (INFs) include:

- 13-OCFS-INF-03, *2013 Income Standards for the Child and Family Services Plan*
- 12-OCFS-INF-01, *Sharing Confidential Client-identifiable Information Between Child Protective Services (CPS) and Protective Services for Adults (PSA)*
- 10-OCFS-INF-10, *Law 19, Invalidating Puerto Rican Birth Certificates*
- 10-OCFS-INF-04, *Child Care Subsidy Program—Improper Authorization for Payment*
- 05-INF-09, *New Statewide “Common Application”, LDSS-2921 Statewide (Rev. 1/05) New Statewide “How To Complete” publication, PUB-1301 Statewide (Rev. 1/05)*
- 03-OCFS-INF-07, *Application For Child Care Assistance*
- 02-OCFS-INF-05, *Child Care Case Referrals to FEDS and EVR*
- 02-OCFS-INF-01, *Former Family Assistance Families Eligible for Transitional Child Care Guarantee*
- 01-OCFS-INF-08, *For Child Assistance Program (CAP) Families Eligible for Transitional Child Care Guarantee or/and Transitional Medicaid/CAP MA Guarantee*
- 00-OCFS-INF-03, *Child Care Subsidies for School Age Children During the Summer*

Lesson 2: The Application Process

- Lesson Importance** This lesson describes policies related to the processing of client applications and will assist you in:
- Explaining client and social services district responsibilities in the application process
 - Explaining client rights
 - Assisting the client in completing the *Common Application*
-

- Lesson Overview** This lesson covers the following topics:
- Common Application
 - Sections Required for the Child Care Subsidy Program
 - The Application For Child Care Assistance
 - Client Responsibilities at Application
 - Social Services District Responsibilities at Application
 - Client Rights
 - Guidelines for Determining Availability of Child Care for Temporary Assistance Clients
-

- Lesson Objectives** By the end of this lesson, you will be able to:
- Describe the purpose and structure of the *Common Application* as it relates to the Child Care Subsidy program
 - Describe the purpose of the *Application for Child Care Assistance*
 - Describe client's rights and responsibilities in the application process
 - List Temporary Assistance and Non-Temporary Assistance families' rights and responsibilities when receiving child care assistance
 - Inform clients about their rights and responsibilities and about the different types of child care providers available to them

The Common Application

Introduction Clients who want to apply for child care assistance use the *Common Application* for social services (LDSS-2921), which is called “common” because the same form is used to apply for:

- Temporary Assistance (TA)
- Medical Assistance
- Medicare Savings Program
- Supplemental Nutrition Assistance Program (SNAP)
- Services, Including Foster Care
- Child Care Assistance

The Application Packet

Clients applying for child care assistance are given an application packet. New York State (NYS) requires the following material be given to all clients applying for TA or Services programs:

- *Statewide Common Application Form*, LDSS-2921
- *Statewide “How to Complete” Publication*, PUB-1301
- *Book 1: What You Should Know About Your Rights and Responsibilities*, LDSS-4148A
- *Book 2: What You Should Know About Social Services Programs*, LDSS-4148B
- *Book 3: What You Should Know if You Have an Emergency*, LDSS-4148C

Note: In addition to what the state requires, social services districts often include other information or forms in the application packet.

Prohibition Against Requiring a New Application

Districts must ensure that families who are transitioning from TA and meet the criteria set forth below suffer no break in child care services and do not have to apply for Transitional Child Care. This requirement pertains only to cases where the parent or caretaker relative is receiving a Child Care Subsidy at the time of case closing.

The district must determine the parent's/caretaker's need for child care and eligibility for the transitional guarantee before closing the TA case. If the parent/caretaker has a continuing need for child care and is eligible for the Transitional Child Care guarantee, the district must continue the family's child care subsidies without interruption by authorizing Transitional Child Care.

Transitional Child Care assistance must be guaranteed to the parent/caretaker for a period of 12 months after TA has been terminated or ended if the parent or caretaker relative meet the following criteria:

- Needs child care for an eligible child under 13 years of age in order to enable a parent/caretaker to engage in work, and
- Has income of no more than 200% of the State Income Standard (SIS), and
- Has been in receipt of TA or Child Assistance Program (CAP) in three of the six months prior to the TA case being closed, and
- Had his or her TA terminated as a result of:
 - Increased income from employment, or
 - Former CAP recipients who are ineligible for Safety Net Assistance (SNA) due to the income limits are deemed to meet this criteria at the time their five-year limit for TA expires regardless of whether their income increased
 - Increased income from child support, or
 - The parent voluntarily ended assistance and is no longer financially eligible for TA
 - Former Family Assistance (FA) recipients who do not apply for SNA benefits prior to their FA case closing are deemed to have voluntarily ended their TA
 - Additionally, a parent/caretaker who fails to recertify, but otherwise meets the eligibility criteria for the transitional guarantee, shall be considered to have voluntarily ended assistance

Note: For more information on Transitional Child Care, see 04-OCFS-ADM-01.

- Purpose** The *Common Application* serves multiple purposes. It provides:
- The means for the Local Department of Social Services (LDSS) to meet regulatory requirements
 - A means for the applicants to state their needs and circumstances
 - Information to register the application into the Welfare Management System (WMS)
 - An audit trail for approval, denial, or withdrawal of the application
 - Signatures attesting that the information in the document is true and that client responsibilities are understood

-
- Structure of the Application** The *Common Application* is divided into sections:
- Applicant information (white) to be completed by the client
 - Worker information (green shaded) to be completed by the worker
 - Important information about client responsibilities
 - Client certifications and signatures
 - Agency-based voter registration form

Note: It is important that the workers not make any changes on the applicant's section of the form or, if the worker does make changes, the client should initial the changes.

Sections Required for the Child Care Subsidy Program

- Introduction** The *Common Application* and information on how to complete it is contained in the 05-INF-09, *New Statewide "Common Application"*, **Tab 4**, and *New Statewide "How to Complete" Publication*, (Publication-1301, Rev. 1/05).

**Page 1,
Common
Application
Information**

The green section at the top of the page allows the worker to enter information related to the *Common Application* registration and other information designed to identify the disposition of the application decision to WMS.

Sections 1-5 of the *Common Application* (the white sections) are filled out by the applicant. The applicant is asked to:

- Identify the name and address of the applying individual and directions to the residence in case a home visit needs to be made
- Identify the applicant’s primary language and the language in which notices should be provided
- Indicate the programs for which the applicant is applying
- Indicate if the applicant is in need of SNAP benefits
- Indicate if emergency needs exist

**Demographic
Information
and Ethnic
Codes,
Pages 2 & 3**

Sections 6-7 of the *Common Application*; parent/caretaker information requested on this page is used as follows:

Parent/ Caretaker Information	Purpose
Names and dates of birth of all people living in the household	Helps determine who is required to be in the case and whether they meet the age requirements for eligibility Used to search the WMS database for person’s history
Other names (Section 6)	Used to search the WMS database for prior history

**Citizenship
Certification,
Page 4**

Sections 8-9 of the *Common Application* state that the Child Care Subsidy program certification status is needed for the child only.

Lesson 2: The Application Process

Non-Custodial Parent Information, Page 5

Sections 10-13 of the *Common Application* request information regarding child support as well as the name and location of the non-custodial parent. This information will be helpful in determining eligibility and meeting program requirements.

Note: Effective July 24, 2009, pursuit of child support is no longer required of families not in receipt of TA.

Income Information, Page 6

Section 14-15 of the *Common Application* asks for information concerning earned and unearned income received by anyone in the Child Care Services Unit (CCSU). This information is used to determine income eligibility for Low-Income clients.

The eligibility worker performs initial data entry to determine income eligibility for services and produces the *Services Financial Eligibility Display / Turnaround* (SFED/T) from this section.

Employment Information, Page 7

Section 16 of the *Common Application* asks for current and previous employment information and is recorded by the client and documented by the worker. Complete information is essential as earned income will be calculated to determine eligibility.

Education and Training, Page 8

Section 17 of the *Common Application* requests information on current participation in school or training programs.

Additional Information, Page 12-13

Section 22 of the *Common Application*, which requests other information, has to be completed.

Legal Notices, Pages 14-16

Sections 23-27 of the *Common Application* contain important information about the client's responsibilities when receiving assistance.

Of special significance for all recipients of child care are the following statements:

- Agreement to inform the agency immediately of any changes in needs, income, property, child care provider, living arrangements, or address
- Consent to any investigation by the LDSS to confirm or verify the information given
- Certification that all statements are true, under penalty of perjury
- Authorization to release educational records

Signatures, Page 16

Section 28 of the common application requires the following applicants to sign the application:

- Husband and wife, on family applications
- Head of household, in single parent/caretaker family
- Authorized representative, on behalf of an applicant who is incapable due to physical or mental incapacity

By signing the application, the applicant certifies all information is true and that he or she has read and understands the sections regarding client rights and responsibilities.

Application for Child Care Assistance

Application for Child Care Assistance Districts may elect to develop an application for families that are applying only for child care assistance. Those districts that choose to develop an application for child care only should refer to 03-OCFS-INF-07, *Application for Child Care Assistance*, **Tab 4** to see the requirements regarding requesting approval.

Districts must also continue to inform all applicants of their rights and responsibilities through the inclusion of:

- Book 1: *What You Should Know About Your Rights and Responsibilities (LDSS-4148A)*
- Book 2: *What You Should Know About Social Services Programs (LDSS-4148B)*
- Book 3: *What You Should Know if You Have an Emergency (LDSS-4148C)*

Client Responsibilities at Application

Introduction Client responsibilities are outlined in:

- Book 1: *What You Should Know About Your Rights and Responsibilities (LDSS-4148A)*
- Book 2: *What You Should Know About Social Services Programs (LDSS-4148B)*
- Book 3: *What You Should Know If You Have an Emergency (LDSS-4148C)*

**Client
Respon-
sibilities**

All applicants for child care services must:

- Complete the application by providing accurate, complete, and current information regarding family income and composition, child care arrangements, and any other circumstances related to the family's eligibility for child care services
- Select a provider, and if selecting a Legally-Exempt provider, supply the Legally-Exempt provider enrollment form and documents to an Enrollment Agency (EA) to determine provider's eligibility

Low-Income families:

- Must contribute toward the cost of child care services by paying a family share based upon the family's income. Minimum family share equals \$1.00

TA Families:

- No family share is required for recipients of TA, unless they are repaying an overpayment

**TA Require-
ments
Related to
Locating a
Provider**

When locating a provider, TA clients must:

- Let their caseworker know what they have done to locate a provider on their own
- Ask for assistance in finding a provider if they cannot find one on their own
- Demonstrate that they have followed up on the two mandated referrals provided to them
- Demonstrate their inability to find appropriate, accessible, affordable, or suitable child care

TA clients who cannot satisfactorily demonstrate that suitable child care is not available will be sanctioned if they fail to participate in their work activity.

Lesson 2: The Application Process

Cooperating with Child Support Enforcement

TA clients are required to cooperate with the Child Support Enforcement Unit. TA clients who meet the district's definition of "engaged in work" or "participating in work activities" have a child care guarantee regardless of whether they meet the cooperation standard.

Transitional Child Care, Child Care In Lieu of TA, and Low-Income clients should be *encouraged* to pursue child support. **Active pursuit of child support is no longer a requirement for child care assistance.**

A memorandum sent to all Commissioners, *Repeal of Child Support Requirements for Child Care Assistance, July 30, 2009, Tab 3* announced the repeal of the child support requirement for non-TA applicants and recipients.

Social Service District Responsibilities at Application

Introduction LDSS responsibilities at application are spelled out in

- New York State Code, Rules and Regulations, Title 18, Part 404, *Determination and Re-determination of Eligibility, Tab 1*
- 05-OCFS-ADM-03, *Child Care Subsidy Program, Tab 3*
- 05-INF-09, *New Statewide "Common Application"/New Statewide "How to Complete Application", Tab 4*
- 13-OCFS-LCM-06, *New York State Child Care Block Grant Subsidy Program Allocations for State Fiscal Year 2013-2014, Tab 5*

The district's responsibilities include:

- Assist the client in the application process
- Provide educational information about different types of providers and criteria for selection
- Make a timely eligibility decision and send a timely notice of the decision
- Inform clients of their rights and responsibilities

Assist Client The worker should offer assistance to the client in completing the application process. The worker can offer assistance with filling out the application or obtaining verification.

Provide Educational Information Districts give assurances that they will provide educational information about different types of providers and criteria to help parent/caretakers select a suitable provider.

Inform Clients of Rights and Responsibilities Districts are required to inform applicants of their rights and responsibilities.

This is accomplished through the following documents:

- *Book 1: What You Should Know About Your Rights and Responsibilities* (LDSS-4148A)
- *Important Information About Child Care* (LDSS-4647) (optional)
- *Common Application* (pages 14 - 16)

In addition, the child care eligibility worker should be prepared to use clear and understandable language to further explain these rights to the client.

Inform TA Clients of Their Rights and Responsibilities Social services districts are responsible for informing TA clients of:

- Their responsibility for locating a child care provider
- Their right to demonstrate they cannot find appropriate, accessible, suitable, and affordable child care
- Their right to continue receiving TA when they have demonstrated that they cannot meet their work requirements because they cannot find appropriate, accessible, suitable, and affordable child care
- Their responsibility to continue looking for child care and reporting back to the district on their efforts

Lesson 2: The Application Process

Front End Detection System/Eligibility Verification Review

Front End Detection System (FEDS) and Eligibility Verification Review (EVR) are fraud and abuse control programs designed to prevent and/or identify fraud and overpayments.

Each districts must identify in its Child and Family Services Plan and FEDS Plan the criteria that will be used to determine which Child Care Subsidy applications suggest a higher than acceptable risk for fraudulent or erroneous Child Care Subsidy payments and procedures for referring such applications to the district's FEDS unit. Workers should be alert to potential indicators of fraud and make referrals to FEDS and/or EVR, when appropriate.

Reference for the implementation of FEDS and/or EVR for a child care case is found in 02-OCFS-INF-05, *Child Care Case Referrals to FEDS and EVR*, located in **Tab 4**.

Make Eligibility Decision

Eligibility decisions must be made within 30 calendar days of the date of the application.

Written notice of the eligibility decision must be sent within 15 calendar days after the determination has been made.

Client Rights

Introduction Client rights are outlined in *Book 1: What You Should Know About Your Rights and Responsibilities* (LDSS-4148A).

Rights Shared by TA and Low-Income Clients

Rights all applicants or recipients of Child Care Subsidy have are:

- Parental choice
- Non-discrimination rights
- Right to look at their own records
- Conference and fair hearing rights

Information on Parental Choice

Parent/caretakers must be invested with the freedom to choose and to monitor the care for their children. The information given out at application is designed to help parent/caretakers make the best choice, and to help them monitor the quality of child care they have selected. Parent/caretakers of eligible children should receive information about:

- The available types of care
- Their right to visit and observe their children while in care
- How to choose a provider
- How to file a complaint if they feel a provider is violating the laws and regulations governing child care

Non-Discrimination

Any family eligible for services shall not be denied that service or discriminated against in the use of the service on the basis of race, sex, religion, or any other factors prohibited by law.

Right to Look at Record

Clients have the right to look at their case record during working hours. If documents are needed for a fair hearing they have the right to receive free copies.

Right to a Conference of Fair Hearing

Clients who are not satisfied with a child care eligibility decision have the following recourse:

- Contact their child care case worker to understand how and why the decision was made
- Request a conference in which another worker reviews the decision. This is a district review process
- Request a fair hearing

A fair hearing gives the client and the district the opportunity to present their versions of the facts to an administrative law judge, who will make a finding of fact. A written decision detailing the outcome is given to the client and the LDSS.

Lesson 2: The Application Process

Right to a Conference of Fair Hearing (cont'd)

Clients have 60 days from the date of the notice to ask for a fair hearing and 10 days from the date of mailing postmark to ask for aid continuing.

While the fair hearing decision is pending, clients are eligible for aid continuing. Aid continuing means benefits continue unchanged. If clients lose their fair hearing, they are required to pay back the amount of the aid continued. Districts should inform clients of this when they request a fair hearing.

Rights Specific to TA Clients

TA clients have specific rights related to child care, work requirements, and TA assistance, including the right to:

- Demonstrate the inability to locate appropriate, accessible, suitable, and/or affordable child care
- Receive a referral for at least two eligible licensed or registered providers when they cannot find one on their own

TA Client Right to Information

TA clients have the right to receive information about how to locate a child care provider when they apply for TA. If they cannot locate needed child care on their own, this information can be provided in a number of ways.

Two ways this might be done are by providing:

- The name and telephone number of a Child Care Resource and Referral Program (CCR&R), Enrollment Agency (EA), or other similar programs, or
- A list with the names, addresses, and telephone numbers of child care providers

TA Client Right to Choose

TA clients who demonstrate an inability to find a child care provider on their own must be provided with two choices of eligible licensed and registered providers.

At least one of these choices must be a provider who is licensed or registered with the NYS Office of Children and Family Services (OCFS) or the New York City Department of Health.

TA Client Failure to Comply with Work Requirement

TA clients must be informed that:

- Their benefits cannot be reduced or terminated if the client fails to comply with their work requirement due to a documented lack of child care
- The time they are excused from their work activity still counts toward their 60-month limit of federally funded TA

Note: *Book 1: What You Should Know About Your Rights and Responsibilities* (LDSS-4148A) has a section entitled “Rights Regarding Child Care” that explains if a client is unwilling to accept child care services from either provider referred by the district, does not demonstrate such child care is not appropriate, accessible, suitable, affordable, and the client fails to comply with applicable work requirements, then the district may reduce or terminate TA benefits.

Guidelines for Determining Availability of Child Care for TA Clients

Introduction Districts vary as to who may perform a particular job function. The TA, employment, or child care worker might be the one to decide if the TA applicant or recipient may be excused from work due to the lack of affordable, accessible, appropriate, or suitable child care as stipulated in 18 NYCRR 415.8, *Child Care Services*, **Tab 1**.

The worker charged with making the decision may want to consult with you about the availability of child care in the area where the client lives and is expected to work.

Lesson 2: The Application Process

Available Child Care

Criteria	Definition
Appropriate Care	Means the provider is open the hours and days needed for the individual to meet participation requirements or engage in work activities, and is willing to care for the children, including any special needs.
Accessible Care	Means the parent/caretaker is able to get to the location by driving a motor vehicle or by public transportation within a reasonable distance of home or work. Reasonable distance is locally defined in the Child and Family Services Plan.
Affordable Care	Means the parent/caretaker has sufficient money to pay his or her share of child care costs, if any (currently TA clients are not required to pay a family share). Affordability may come into play if available provider charges over the market rate or if the parent/caretaker is reimbursing an overpayment via family share.
Suitable Care	Means the physical and mental condition of the provider and the physical condition of the provider's home is not detrimental to the health and safety of the child.

Conditions for Excusing from Work

It is the responsibility of the LDSS to determine that a client has demonstrated an inability to locate needed child care. In order to be excused from the work requirement, all of the following conditions must be met:

- Attestations regarding the inability to find appropriate, accessible, affordable, or suitable providers must be submitted by the client
- The LDSS must determine the validity of the attestations
- New attestations must be submitted periodically, based on the client's employability plan, verifying the client's continuing attempt to locate child care

Practice A: Assisting the TA Client with the Availability of Child Care

Directions: Read the case study and answer the questions.

Sheila is a TA client with three children: 3 year old Nicholas, 2 year old Benjamin and 8 month old Jeanne.

She has found a job as an aide in a nursing home, which will begin in two weeks. Her work schedule is Sunday through Thursday with varying hours; however, usually in the evening.

The CCR&R gave her two referrals, both of which will provide weekend care. The closest is 2.4 miles from her home. Sheila does not have a car and relies on public transportation.

1. What are some factors that need to be considered to determine the availability of care?
 - a. _____
 - b. _____
 - c. _____

2. What would have to be verified in order for Sheila to be excused from work?
 - a. _____
 - b. _____
 - c. _____

3. What could you do to help Sheila find child care?
 - a. _____
 - b. _____
 - c. _____

Unit 2

Programmatic and Income Requirements

Unit Importance This lesson explains policy related to the determination of programmatic, residency, and income eligibility for child care services. As an eligibility worker you need to know the policy in order to:

- Explain eligibility criteria to clients
- Determine client programmatic and income eligibility

Unit Overview This unit consists of the following lessons:

- Categories of Eligible Families
- Income and Residency Requirements for Low-Income Families

Content

Lesson 1: Category of Eligible Families	3
Introduction to Child Care Eligibility	4
Families Eligible for a Child Care Guarantee (Category One)	10
Families Eligible When Funds Available (Category Two)	14
Families Eligible When Funds Available and the District Includes in the Child and Family Services Plan (Category Three)	16
Title XX	19
Priority Populations	21
Practice A: Determining Category of Eligible Family	23
Lesson 2: Income and Residency Requirements for Low-Income Families	26
Residency Requirements	27
Determining the Child Care Services Unit	28
Practice B: Determining the Child Care Services Unit	30
Determining Income Eligibility	33
Calculating Income Eligibility and Family Share	37

Lesson 1: Category of Eligible Families

Lesson Importance

This lesson will help you determine whether a family meets the requirements for eligible families under the New York State Child Care Block Grant or Title XX.

This decision will affect:

- The factors in a client's situation that need verification before a case can be opened
- The authorization codes you use to designate which funding sources will be used to make the payments

Lesson Overview

Topics in this lesson include:

- Introduction to Child Care Eligibility
- Families Eligible for a Child Care Guarantee
- Families Eligible When Funds are Available
- Families Eligible When Funds are Available and Included in the District Child and Family Services Plan
- Title XX Eligibility

Lesson Objectives

By the end of this lesson, participants will be able to:

- Distinguish Temporary Assistance families from Non-Temporary Assistance families
- Identify the category of an eligible family
- Describe criteria for qualifying under Title XX money
- Determine the category of eligible family for which the family qualifies

Introduction to Child Care Eligibility

Broad Categories of Eligibility Title 5-C of Social Services Law, *Block Grant for Child Care*, section 410, defines the three broad categories of eligible families entitled to participate in the New York State Child Care Block Grant (NYSCCBG):

- Families eligible for a child care guarantee
- Families eligible when funds are available
- Families eligible when funds are available and the district has included them in its Child and Family Services Plan

Title XX Eligibility Families may also be eligible for child care services funded under Title XX of the federal Social Security Act if the family is listed in the district's Child and Family Services Plan, and

- The child is in need of child care as a preventive service, or
- The family meets one or more of the criteria set forth in the three categories of eligible families specified in the NYSCCBG

13-OCFS-LCM-07, *SFY 2013-2014 Social Services Block Grant (Title XX) Allocations*, **Tab 6**, contains a list of the actual dollar amounts allocated to each Local Department of Social Services (LDSS).

Factors Affecting Eligibility

Families are determined eligible for child care services based on many factors including:

- The reason for child care (so the parent/caretaker can work or engage in work activities, to protect the child, to prevent harm to the child, etc.)
- The relationship of the parent/caretaker to the child
- The age of the child
- The needs of the child (the child may have special needs or be under court supervision)
- The eligibility of the provider
- The income of the family
- The family's Temporary Assistance (TA) status
- The family's eligibility for a child care guarantee

Temporary Assistance Families vs. Low-Income Families

During the initial stage of screening, it should be determined if the applicant applying for child care is a:

- TA applicant, recipient, or family transitioning from TA
- Low-Income applicant, recipient, or family who meets other eligibility criteria
- Individual who may choose Child Care In Lieu of TA

The determination of whether a client fits under TA or services category affects:

- The paper work used to communicate to the Welfare Management System (WMS)
- The authorization codes
- What the worker tells the client about his or her rights and responsibilities

Lesson 1: Category of Eligible Families

Definitions Important definitions related to eligibility are outlined in 18 NYCRR 415, *Child Care Services*, **Tab 1**, and in 05-OCFS-ADM-03, *Child Care Subsidy Program*, **Tab 3**. These include:

- Child care services
- Eligible child
- Caretaker and caretaker relative
- Person in loco parentis
- Child Care Services Unit (CCSU)
- Engaged in work
- Seeking employment
- Eligible providers

Child Care Services

Child care services means care provided by an eligible provider:

- On a regular basis, either in or away from the child's residence, for less than 24 hours per day
- On a limited basis for 24 or more consecutive hours, when services are provided because of a short-term emergency or to allow the caretaker to participate in an activity as outlined by the district, if the district has indicated this in its Child and Family Services Plan

Eligible Child

An eligible child is a child who resides with a caretaker in an eligible family and who:

- Is under 13, for all types of child care services
- Turns 13 during a school year, for services provided under Title XX
- Is under 18 and has special needs or is under court supervision
- Is under 19, a full-time student in a secondary school or in an equivalent level of vocational or technical training, and has special needs or is under court supervision

Introduction to Special Needs

During their initial contact with the agency, applicants should be informed about:

- How a child may qualify as a child with special needs
- How a provider may be eligible for additional payment due to the costs incurred because of the special needs child
- The parent/caretaker's responsibility to obtain verification of the special need by a recognized specialist

Caretaker

A caretaker is defined as the child's:

- Parent
- Legal guardian
- Caretaker relative
- Any other person in loco parentis to the child

Caretaker Relative

A caretaker relative is defined as any person who is a parent or other relative who exercises responsibility for day-to-day care and is living with the child. Such relatives are those related to the parents or step-parents of the child, through blood or marriage, within the 3rd degree of consanguinity, including:

- Siblings, step-siblings
- Grandparents, great-grandparents, great-great grandparents
- Aunts and uncles to the third degree
- The child's first cousin

Note: This is the same definition as listed in NYCRR 369.2, as used within the context of eligibility for family assistance. A full listing of those who may be considered a caretaker relative are listed in 05-OCFS-ADM-03, *Child Care Subsidy Program*, located in **Tab 3** .

Lesson 1: Category of Eligible Families

Person in Loco Parentis Individuals are considered to be in loco parentis if they are the child's guardian, caretaker relative, or any other person with whom the child lives who has assumed responsibility for the day-to-day care and custody of the child.

Child Care Services Unit The Child Care Services Unit (CCSU) definition replaces the former Services Family Unit. This concept defines which individuals must be included in the unit to determine eligibility.

Engaged in Work For a TA client, engaged in work means the individual:

- Is working according to the definition set forth in the district employment plan that has been approved by New York State Office of Temporary and Disability Assistance (NYS OTDA)

For a non-TA client, engaged in work means that the individual:

- Is earning wages at a level equal to or greater than the minimum amount required under federal and state labor law for the type of employment, or
- Is self-employed and is able to demonstrate that such self-employment produces personal income equal to or greater than the minimum wage or has the potential for growth in earnings to produce such an income within a reasonable period of time

Seeking Employment For a person not receiving TA, seeking employment means:

- Making in person job applications
- Going on job interviews
- Registering with the NYS OTDA to obtain job listings
- Participating in other job seeking activities as approved by the LDSS

**Eligible
Provider**

Eligible providers include:

- • Validly licensed (outside NYC) or permitted by the NYCDOH (NYC boroughs) Day Care Centers (DCC), or properly registered School-Age Child Care (SACC) programs
- A public school district operating a child care program which meets state and federal requirements pursuant to a contract with a LDSS
- A registered Family Day Care (FDC)
- A registered Group Family Day Care (GFDC)
- A Legally-Exempt provider of Family or In-Home Child Care enrolled with a Legally-Exempt Enrollment Agency (EA)
- A Legally-Exempt provider of Group Child Care enrolled with a Legally-Exempt EA

Eligible providers do NOT include:

- Members of the TA Filing Unit
- Adult members of the CCSU who are not the child's siblings
- Parents or stepparents

For services provided under Title XX funds, an eligible provider must be licensed or registered and have a contract or letter of intent from the district. All other providers are not eligible for services provided under Title XX funds.

Families Eligible for a Child Care Guarantee (Category One)

Introduction Under the NYSCCBG, districts are required to guarantee child care services under specific situations for persons who are qualified for, or are current or former recipients of, TA. Guarantees are for:

- TA families participating in a required activity
- TA recipients who meet the definition of engaged in work
- Working families who choose Child Care In Lieu of TA
- Transitional Child Care (TCC) services

Purpose of Guarantee These guarantees for child care services support and reinforce the notion of personal responsibility, as well as the increased level of work requirements as established by federal and state welfare reform. All of these opportunities to provide child care are directly related to assisting the household to achieve or maintain self-sufficiency.

TA Applicants and Recipients Complying with Required Activity A family that has applied for, or is in receipt of, TA when services are needed for a child under 13 in order to enable the child's custodial parent or caretaker relative to participate in required employment activities, including:

- Orientation
- Assessment
- Assigned work activities, such as work experience, job readiness training, subsidized employment, job search, on the job training, vocational training and education, or community service

The guarantee applies to all the children of the custodial parent or caretaker, regardless of the child's status as part of the TA filing unit.

TA Recipients Engaged in Work A family that is in receipt of TA when services are needed for an eligible child under age 13 to enable the custodial parent or caretaker relative to engage in work. Engaged in work means the individual is involved in work activities as defined by the social services district in the district's employment plan submitted to and approved by the NYS OTDA.

Guaranteed Child Care In Lieu of TA Applies to families whose income is at or below the amount that would allow them to become or remain eligible for TA; their resources must also be within TA limits.

They must be engaged in work, have a need for child care for a child under age 13, and must use an eligible child care provider.

Eligibility Requirements for Child Care In Lieu of TA The parent or caretaker relative:

- Has applied for and would be otherwise eligible for TA by completing the application, and
- Chooses to receive child care In Lieu of TA or voluntarily closes his or her TA case while still eligible for TA

Programmatic Eligibility Eligibility requirements differ for TA clients and those who choose Child Care In Lieu of TA. Families who choose Child Care In Lieu of TA do not have to meet certain requirements, including:

- Domestic Violence (DV) screening
- Drug/alcohol screening
- Sign a property lien

Lesson 1: Category of Eligible Families

Child Care In Lieu of TA When Engaged in Work

A parent or caretaker relative will be considered “engaged in work” if he or she meets the following criteria:

- The parent/caretaker must be earning at least minimum wage unless he or she is employed in a job where minimum wage is made by the combination of wages and tips, or the employment is exempt from minimum wage rules, and
- The parent(s)’ gross earned income must be equal to or greater than the amounts listed below or, if employed in a job exempt from minimum wage rules and paying less than minimum wage, he or she must meet the minimum number of work hours listed below:

Minimum Gross Earnings	
Single parent family earning minimum wage or more, or self-employed	\$127/week or \$550/month
Two parent family when both parents re employed earning minimum wage or more, or self-employed	\$181/week or \$784/month
Minimum Number of Hours	
Single parent in a job exempt from minimum wage rules and paying less than minimum wage	17.5 hours/week
Two-parent family where both parents are employed in a job exempt from minimum wage rules and paying less than minimum wage	25 hours/week

See the desk aid, “*Determining Child Care in Lieu of TA Income Eligibility*” at the end of this section for additional details on how income eligibility should be determined for clients who choose Child Care In Lieu of TA.

Eligibility Requirements for Transitional Child Care Transitional Child Care (TCC) assistance is guaranteed to the parent/caretaker relative for a period of 12 months after the TA case has closed, including CAP (Child Assistance Program), when the following criteria are met:

Criteria for Transitional Child Care			
The family received TA, or Child Care In Lieu of TA in at least three of the six months prior to the case closing or becoming TA ineligible, <u>and</u>	The family includes an eligible child that is under 13 who needs child care so the child's parent or caretaker relative can be engaged in work, <u>and</u>	The family has income at or below 200% of the SIS, <u>and</u>	The TA or CAP case closed for a reason that meets specific criteria.

Specific Criteria for Case Closing The TA or CAP case must have closed for one of the following reasons:

- TA case was closed due to increased income from employment, child support, or the family voluntarily ended its assistance and its income is above the TA limit, or
- TA case was closed due to the five-year cash time limit and the family does not apply for Safety Net Assistance (SNA), or
- TA case was closed due to the five-year cash time limit and the family is in the 45-day application period before receiving recurring SNA benefits, or
- CAP case was closed due to the five-year cash time limit and the case is found to be income ineligible for SNA non-cash benefits (case type 17)

Note: Families who become ineligible for TA due to an increase in resources do not meet the eligibility criteria for the TCC guarantee. This information can be found in 04-OCFS-ADM-01, **Tab 4**.

Lesson 1: Category of Eligible Families

Transitional Child Care Families with closed TA cases that do not apply for SNA are deemed to have voluntarily ended their TA benefits and therefore are potentially eligible for TCC, provided they meet all the criteria. The district must use the information available from the TA case record to determine eligibility for TCC. The district may not require the family to submit a new application. The district may however, contact the family to verify existing information or to obtain new information.

When a family applies for SNA after the TA case was closed due to the 60-month time limit, the family may be eligible for TCC only during the 45-day application waiting period. The district:

- Should use the application for SNA to determine the eligibility
- Must consider eligibility for other categories of eligible families under NYSCCBG, if the family is not eligible for TCC

Once the SNA case opens, such a family is eligible for guaranteed child care if the assistance is needed in order for the parent or caretaker relative to participate in work activities as required by the LDSS. If the family is found ineligible for SNA, then the family would remain eligible for TCC for the remainder of its 12 month time period.

Families Eligible When Funds Available (Category Two)

Introduction Certain children and families are eligible as long as funds are available under the NYSCCBG program or any district funds appropriated for such programs. Under this category are:

- TA families needing care for older children who have special needs or are under court supervision
- TA and Low-Income families with a teen parent who needs to attend high school or an equivalency program
- Low-Income working families with income up to 200% of the SIS who also must meet additional criteria

**TA Families
Needing
Care for an
Older Child**

Child care services must be provided to applicants and recipients of TA with a child 13 and older:

- When the custodial parent or caretaker relative is working or required to engage in work activities, such as orientation, assessment, or approved work activities, and
- The child has special needs as defined in 91-ADM-34 (**Tab 9**), or
- The child is under court supervision

**TA Families
with Teen
Parent or
Needing
Protection**

A family in receipt of TA must also receive Child Care Subsidy when child care is necessary:

- To allow a teenage parent to attend high school or an equivalency program, or
- When the child's parent or caretaker relative is
 - Physically or mentally incapacitated, or
 - Has family duties away from home necessitating his or her absence

**Low-Income
Families**

Families with income up to 200% of the SIS when:

- Child care services are needed for the child's parent/caretaker to engage in work, or
- To enable a teen parent to attend high school or an equivalency program

Families Eligible When Funds Available and the District Includes in the Child and Family Services Plan (Category Three)

Introduction Districts must provide child care services for an eligible child in an eligible family:

- To the extent the district continues to have funds available under the district's allocation for NYSCCBG or any district funds appropriated for such program
- Providing the district has listed such families as eligible in its Child and Family Services Plan

Below is a list of the full range of families that may be eligible if the district has listed those families in its Child and Family Services Plan. Workers need to know which families are listed in their district's Child and Family Services Plan and Annual Plan Update.

TA Family in Additional Approved Activity A family receiving TA may be eligible when child care services are necessary for a parent or caretaker relative to participate in an approved activity in addition to his or her required work activity.

TA Family with Sanctioned Parent A family receiving TA may be eligible when child care services are necessary for a sanctioned parent or caretaker relative to participate in unsubsidized employment, provided the parent or caretaker relative receives earned wages at a level equal to or greater than the minimum amount under federal and state labor law, even if the parent or caretaker relative is not meeting the work requirement.

Family with Illness or Emergency Families with income up to 200% of the SIS when child care services are needed because the child's caretaker is physically or mentally incapacitated, or has family duties away from home.

**Families
Who Need
Care to
Protect the
Child**

A family receiving TA or with income up to 200% of the SIS, when child care services are needed for the child to be protected because the child's caretaker is:

- Participating in an approved substance abuse treatment program, or in screening or assessment activities for such a program
- Homeless or receiving services for victims of Domestic Violence (DV) and needs child care to participate in an approved work activity or screening for DV, or assessment of the need for services for victims of DV
- In an emergency situation of short duration, including cases where the caretaker's absence from the home is necessary because of extenuating circumstances such as fire, eviction from a home, seeking living quarters, or providing chore/housekeeping services for an elderly or disabled relative

A family with income up to 200% of the SIS when child care services are needed for the child to be protected because the child's caretaker is:

- Physically or mentally incapacitated, or
- Has family duties away from home necessitating his or her absence

A family with an open child protective services case when it is determined on a case-by-case basis that such child care is needed to protect the child (without regard to income).

Lesson 1: Category of Eligible Families

Families Attending Programs Beyond High School

A caretaker in a family receiving TA or with income up to 200% of the SIS needing child care may attend:

- A two-year program, other than one with a specific vocational sequence, leading to an associate's degree, or
- A four year college or university program leading to a bachelor's degree; as long as the parent/caretaker is also working at least 17 and 1/2 hours per week and earning wages at a level equal to or greater than the minimum required by federal and state law while pursuing the course of study

Clients will meet these eligibility requirements only if:

- The program is reasonably expected to improve the earning capacity of the caretaker, and
- The caretaker can demonstrate his or her ability to successfully complete the course of study

Low-Income Families Participating in Activities as Selected in the District's County Plan

A family with income up to 200% of the SIS when child care services are needed for the caretaker to participate in an activity that is a necessary part of a plan for the family's self-support, including:

- Actively seeking employment for a period up to six months (as defined in the district's Child and Family Services Plan)
- Education or vocational activities, including attendance in an allowable secondary or post-secondary program
- A program to train workers in an employment field that currently is or is likely to be in demand in the near future, if the caretaker documents that he or she is a dislocated worker and is registered in such a program

See **Tab 1**, 18 NYCRR 415.2(a)(3)(vii)(c) for the regulations that pertain to dislocated workers.

Title XX

Title XX Eligibility

Families may also be eligible for child care services funded under Title XX of the federal Social Security Act:

If the family is listed in the district's Child and Family Services Plan, and

- The child is in need of child care as a child preventive service, or
- The family meets one or more of the criteria set forth in the three categories of eligible families specified in the NYSCCBG

See *13-OCFS-LCM-07, SYF 2013-2014 Social Services Block Grant (Title XX)* Allocations in **Tab 6** for more information on Title XX funding.

Require- ments

When Title XX money is used for child care, there are special requirements related to:

- Type of provider
- Payment of provider
- Upper income level
- Additional coverage for children

Type of Provider

The provider must be a private, not-for profit corporation, unless the district can demonstrate that conveniently accessible non-profit facilities are unavailable or unable to provide the required care and the Commissioner of the Office of Children and Family Services (OCFS) approves the purchase of said care.

Payment of Provider

Payment of the provider must be made by a Purchase of Services contract or a letter of intent in accordance with 18 NYCRR 405, *Purchase of Services by Social Service Districts*.

Lesson 1: Category of Eligible Families

Title XX Upper Income Levels A LDSS may establish in its Child and Family Services Plan upper income levels for families receiving child care services under Title XX above 200% of the SIS provided that the income levels do not exceed:

- 275% of the income standard for a family of one or two
- 255% of the income standard for a family of three
- 225% of the income standard for a family of four or more

Additional Coverage A child who turns 13 years of age during a school year may continue to receive child care services under Title XX through the end of the school year, as long as the child care is provided by a licensed or registered provider with whom the district has a contract or a letter of intent.

Providers of Care for Children with Special Needs Providers of care for children with special needs may be Licensed Registered, or enrolled Legally-Exempt providers.

In order to assist children with special needs, districts are no longer required, as per 91-ADM-34, *Child Care Reimbursement for Children with Special Needs*, to request approval from OCFS to apply the special needs market rate to enrolled, Legally-Exempt providers funded under the NYSCCBG subsidy program. All the other requirements of 91-ADM-34 still apply.

Special needs are defined in 91-ADM-34, *Child Care Reimbursement for Children with Special Needs*, located in **Tab 9**, and include:

- Visual impairment
- Deafness
- Hard of hearing
- Orthopedic impairment
- Emotional disturbance
- Mental retardation
- Learning disability

- Speech impairment
- Health impairment
- Autism
- Multiple handicaps

See 91-ADM-34, *Child Care Reimbursement for Children with Special Need* for more information. **Tab 9.**

Priority Populations

Priority Populations For child care services funded under the NYSCCBG, each district must give priority to the following federally-mandated populations:

- Families with very low income—each district must outline in its Child and Family Services Plan an income level at or below 200% of the SIS which will constitute the upper income level for families with very low income.
- Families with children who have special needs

For Child Care Services funded under the NYSCCBG or under Title XX, each district may choose to establish local priorities in their Child and Family Services Plan, provided the established priorities allow equitable access to child care assistance funds for eligible families. Additional information on priority populations may be found in 18 NYCRR 415.2(d), **Tab 1.**

Case Openings

When a LDSS has insufficient funds to maintain the current caseload or to open cases for all eligible families, the district may limit opening cases for those families that have lower priorities in order to serve families with higher priorities.

The district must describe how it will select cases to be opened in its Child and Family Services Plan. However, the district must open cases for families who are eligible for a child care guarantee.

Lesson 1: Category of Eligible Families

Case Closings

When a LDSS has insufficient funds to maintain the current caseload or to open cases for all eligible families, a district may discontinue funding to those families who are not eligible for a child care guarantee and who have lower priorities in order to serve families with higher priorities. The district must describe how it will select cases to be closed in its Child and Family Services Plan.

If no priorities are established beyond the federally-mandated priorities and all funds are committed, case closings must be based on the length of time in receipt of services. The length of time used may be based either on the longest or shortest time receiving services, but must be consistent for all families.

Practice A: Determining Category of Eligible Family

Directions: Using the following case studies, determine what category of eligible family the applicant qualifies for and why. For each of the cases, assume that income eligibility has been established.

Case 1

Part A

Ms. Jackson has been on TA for six months and has recently found a full-time job.

Her mother previously watched her children at no charge, however due to health problems she is unable to do this on a full-time basis.

Her TA worker has done a budget and determined that Ms. Jackson is still income eligible for TA.

Ms. Jackson states that she needs help with her child care for her 8 month old son Michael and her 2 year old daughter Janet.

Category: _____ **Why:** _____

Part B

Eight months later, Ms. Jackson reports an increase in pay. After recalculating her budget, it is determined she is no longer income eligible for TA and her case will be closed in 10 days.

Category: _____ **Why:** _____

Case 2

Ms. Price called her LDSS office to explain that she is having a problem paying for her child care for her three children who are all under the age of 13. She explains that she works full-time and receives no help from her ex-husband.

Category: _____ **Why:** _____

Lesson 1: Category of Eligible Families

Case 3 Mr. Riley just received custody of his 3 year old daughter, 5 year old daughter, and 8 year old son because the children's mother is in drug rehab.

Mr. Riley works full-time and needs help with child care.

Category: _____ **Why:** _____

Case 4 Ms. Jones is a 17 year old trying to obtain her GED. She is four months away from completing her requirements.

Her friend can no longer babysit her two daughters under three.

The children's father previously supported her, but he left them two weeks ago and she now has no means of support. Ms. Jones moved in with her mother, who does not receive TA.

Category: _____ **Why:** _____

Case 5 Ms. Thompson has been in receipt of child care assistance and receives TA. She has recently been sanctioned and her TA benefit has been decreased due to her failure to meet the work requirement. She is employed only 15 hours per week, but is required to participate at a level of 30 hours per week.

Category: _____ **Why:** _____

Case 6

Part A

Sally Thomas is currently employed full-time and receives child support for two of her three children. She earns minimum wage. (Earning at least \$127/week.) She is struggling to meet her expenses and has come to the agency to apply for cash assistance.

A quick scratchpad budget calculation shows that she will be eligible for a small grant, but after discussing the eligibility requirements with the pre-screener, she decides not to proceed, but requests assistance with child care subsidy only.

Category: _____ **Why:** _____

Part B

Sally reports an increase in her earned income seven months later and it is determined that she would no longer be income eligible for TA.

Category: _____ **Why:** _____

Lesson 2: Income and Residency Requirements for Low-Income Families

Lesson Importance Income is one of the requirements for a family to be eligible for the Child Care Subsidy programs.

This lesson will help you:

- Identify whose income should count
- Separate countable from excludable income
- Determine whether a family meets the applicable income standards
- Determine the family share

Lesson Overview

Topics in this lesson include:

- Residency Requirements
- Determining Child Care Services Unit
- Determining Income Eligibility
- Calculating Income Eligibility and Family Share

Lesson Objectives

By the end of this lesson, participants will be able to:

- Describe residency requirements for Low-Income clients
- Determine the Child Care Services Unit based upon household composition
- Determine sources of household income and separate countable and excludable income by regulation
- Determine income eligibility and family share for a family using manual calculations

Residency Requirements

Introduction There are very strict requirements that applicants who are not citizens of the United States must meet in order to receive most forms of assistance provided by any LDSS. For child care assistance, verification is required to document the child in need of services is residing in the U.S. legally.

**Eligible
Child and
Citizenship**

Based on 18 NYCRR 403:

- A child is eligible for Child Care Subsidy if the child is a U.S. citizen or is lawfully residing in the United States
- There are no requirements for duration of residency or citizenship imposed as a condition of eligibility
- The child cannot be denied child care assistance because of the residency status of the child's parent/caretakers or custodial relatives

**Ineligible
Child**

An ineligible child is:

- A child illegally residing in the U.S., or
- A child whose residency status cannot be verified (until such time as they are able to present verification of an eligible status)

**Provider
Status**

It is not required that the citizenship status of the provider be explored as there is no requirement that the provider hold any particular citizen or alien status in order to be approved.

**Verification
of Alien
Status**

The parent/caretaker must provide verification that the child is lawfully residing in the U.S. This verification would be supplied by documents from the United States Citizenship and Immigration Services (USCIS).

County Residence is Required The county which administers subsidy to a family should be the county where that family resides. Documentation and verification of residency is required.

Determining the Child Care Services Unit

Introduction In order to be certain that the appropriate income is used to calculate eligibility, it is vital to examine the household composition of each case. This involves more than verifying the number of individuals residing in the same dwelling. This also means evaluating the relationship of each individual to one another.

Child Care Services Unit The Child Care Services Unit (CCSU) refers to those adults and children who reside in the same household and who must be considered as a unit for purposes of determining a family’s eligibility for child care services. Also considered in this determination are individuals who would normally be part of the unit but are temporarily absent from the home, such as minors attending school away from home. The CCSU is defined as follows:

Situation	CCSU
An unmarried individual residing together with his or her own children and a child in common	All individuals are part of the unit
Parent under age 21 residing with his/her parents	Parent and child are in unit, but not the child’s grandparents
18,19, or 20 year old residing with parent/caretaker and minor siblings	18, 19, or 20 year old included in CCSU at the district’s option if in Child and Family Services Plan
Eligible child with a non-parent/caretaker	Child only
Unmarried individuals residing together and no children in common	Each parent/caretaker will be considered a separate unit with his or her own child(ren)

- Definition of Adult** For the purpose of determining the CCSU, an adult is any person 18 years of age or older, unless:
- The individual meets the definition of a child with special needs, or
 - The district has specified in an approved Child and Family Services Plan that they want to include an 18, 19, or 20 year old in the same CCSU as his or her parent/caretaker, either by:
 - Including all 18, 19, and 20 year olds, (can be just one age group), or
 - Including only the 18, 19, or 20 year olds, (can be just one age group) if the inclusion of that individual would benefit the family

Case/Unit Members as Providers It is important to note that members of the Temporary Assistance (TA) unit and adult members of the CCSU of an eligible child (except the child's siblings) are NOT considered eligible providers.

Practice B: Determining the Child Care Services Unit

Directions: Review the following case studies and determine which individuals are and are not a part of the CCSU. Be prepared to explain your answers.

Case 1

Mary Ellen Jones lives with her boyfriend and their 1 year old child. She also has four other children from a previous relationship ranging in age from 3 to 17. Ms. Jones and her boyfriend are both employed and she claims to be in need of child care for all of her children, except the 17 year old who works part time and attends college.

Individuals who ARE a part of the CCSU	Individuals who ARE NOT a part of the CCSU
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

How I Know:

Case 2

Mr. and Mrs. Gutierrez are married with five children. They reside together with their sister-in-law in Rockland County. Mr. and Mrs. Gutierrez are not legally residing in the U.S. Four of their children were born in Mexico and they have no documentation of legal residence in the U.S. The youngest child was born in this country. They are requesting child care subsidy for all five children due to their employment.

Individuals who ARE a part of the CCSU	Individuals who ARE NOT a part of the CCSU
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

How I Know:

Lesson 2: Income and Residency Requirements for Low-Income Families

Case 3

Mrs. Horne has legal custody of her two young grandchildren, both under the age of 5, due to the fact that the whereabouts of their father is unknown and the mother is in jail. Mrs. Horne is employed full-time in a high-level management position, but is requesting child care subsidy for the two children.

Individuals who ARE a part of the CCSU	Individuals who ARE NOT a part of the CCSU
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

How I Know:

Determining Income Eligibility

Introduction Families who meet programmatic eligibility for child care services must also be income eligible.

- TA families already meet income requirements by virtue of meeting the income requirements for TA
- Low-Income families funded using New York State Child Care Block Grant (NYSCCBG) money must be at no more than 200% of the State income standard
- Families funded using Title XX money must meet the income requirements set forth by Title XX

Information regarding income determinations including countable and excluded income and income eligibility calculation can be found in 18 NYCRR 404.5, **Tab 1**.

Evaluation of Income Once the CCSU has been determined, all income for the members of the CCSU must be evaluated as to its amount and source. As part of this evaluation, the worker will separate countable from excludable income.

Countable income is then used to determine both eligibility and parent/caretaker share (family share) for services cases.

If the family is receiving TA, there is no separate income eligibility test or calculation.

Lesson 2: Income and Residency Requirements for Low-Income Families

Countable Income

The following is a summary of income to be counted in the eligibility calculation. These sources of income include, but are not limited to:

- Wages, salary, tips, commission (current earnings)
- Net income from self-employment
- SSI and Social Security Benefits
- Dividends and interest income
- Net income from rental property
- TA grant
- Pensions and annuities
- Benefits from most government programs, such as
 - NYS Disability
 - Worker's Compensation
 - Railroad Retirement Benefits
 - Veterans Pensions and benefits
 - Unemployment Insurance Benefits
- Child support and alimony

Note: For a more complete listing of countable income, refer to 18 NYCRR 404.5(b)(5), *Determination and Redetermination of Eligibility*, **Tab 1** and 05-OCFS-ADM-03, *Child Care Subsidy Program*, **Tab 3**.

**Excluded
Income**

Monies excluded from the calculation of eligibility determination include, but are not limited to:

- Per capita payments to funds held in trust based on a court requirement
- Capital gains
- Money from the sale of real and personal property
- Bank withdrawals
- Money borrowed and gifts
- Loans, grants, and scholarships for educational purposes (including Federal Work Study)
- Tax refunds
- Allowable cost of producing self-employment income
- Earnings of a child under age 14
- Lump sum inheritances or insurance payments
- Adoption and foster care subsidies
- One-time \$250 disbursements under the American Recovery and Reinvestment Act
- Child care child support payments

Note: For a more complete listing of excludable income refer to:

- 18 NYCRR 404.5(b)(6) pgs.10-12, *Determination and Redetermination of Eligibility*, **Tab 1**
- 07-OCFS-LCM-05, *Adoption and Foster Care Subsidies: Excludable Income for Child Care Subsidy Eligibility*, **Tab 6**
- 05-OCFS-ADM-03, *Child Care Subsidy Program*, **Tab 3**
- 09-OCFS-LCM-07, III.B., **Tab 2**.

Resources

Financial eligibility for child care services is based on an income eligibility determination only. No exploration of resources is to be made and no lien or encumbrances can be required or imposed against the property of an applicant or recipient for services.

Lesson 2: Income and Residency Requirements for Low-Income Families

Income Determination

The determination of countable monthly gross income is based on

- Income received not less than one month, and not more than three months, prior to application
- If the income fluctuates significantly, than the computation must be based on three to six months of income
- Computation of monthly income is based on a factor of 4 and 1/3 of weekly or 2 and 1/6 of bi-weekly income

See 404.5(b)(2)-(4), **Tab 1**, for more information.

Self-Employment Income

A client who is self-employed shall have net income, after allowable deductions, used to determine eligibility.

Allowable expenses, or deductions, include:

- Cost of inventory
- Rent, heat, and utility expenses
- Depreciation charges
- Wages and salaries paid to employees
- Business taxes (but not personal income taxes)

See 404.5(b)(5)(ii), **Tab 1**, for more information.

Self-Employment Farming

In determining countable income from farm self-employment, allowable expenses to be deducted include:

- Cost of seed, fertilizer, and other farming supplies
- Cash wages paid to employees
- Depreciation charges
- Rent costs
- Farm taxes (not state and federal income taxes)

See 404.5(b)(5)(iii), **Tab 1**, for more information.

Verification of Self-Employment Income In order to determine countable net business income for a self-employment enterprise, it is essential that the client keep up to date and accurate business records.

Often, a best source for verification is the client's IRS income tax records, supplemented by any additional information, such as a business ledger kept by the client.

If records are difficult to decipher, speak with available personnel within your social services district that may be able to assist in the IRS process (such as your Legal, TA, or Accounting Divisions).

Calculating Income Eligibility and Family Share

Introduction The worker may determine income eligibility either through manual calculation of income or through the use of WMS at data entry.

Lesson 2: Income and Residency Requirements for Low-Income Families

Manual Computation of Eligibility

Use the following procedure to manually determine if a family is income eligible for child care services.

Step	Action
1	Determine members of the CCSU.
2	Separate countable from excluded income.
3	Convert countable income to a monthly figure by use of the $4\frac{1}{3}$ or $2\frac{1}{6}$ calculation. <ul style="list-style-type: none">• Weekly income is converted to monthly by multiplying by 4.333• Bi-weekly income is converted to monthly by multiplying by 2.166
4	Convert countable gross monthly income to annual income by multiplying by 12.
5	Round annual income by using the following protocol: .01 to .24 round down to 0 .25 to .50 round up to .50 .51 to .74 round down to .50 .75 to .99 round up to the next .00
6	Compare the family's countable gross annual income to the appropriate size of family on the <i>200% of State Income Standard Table</i> (or the LDSS Title XX standards for Title XX calculations). <ul style="list-style-type: none">• If annual income is less than the figure on the table, the family is income eligible for child care services• If family income is over the figure on the table, the family is not income eligible

Resources

Use the following materials to clarify and support your income eligibility decisions.

Child Care Services Unit

The Child Care Services Unit is defined in the following:

- 18 NYCRR 403, **Tab 1**
- 18 NYCRR 404, **Tab 1**
- 05-OCFS-ADM-03, **Tab 3**

Determine Income Eligibility

Determination of Income Eligibility procedures are defined in the following:

Countable: 18 NYCRR 404, **Tab 1**

05-OCFS-ADM-03, **Tab 3**

Excluded: 18 NYCRR 404, **Tab 1**

07-OCFS-LCM-05, **Tab 6**

05-OCFS-ADM-03, **Tab 3**

09-OCFS-LCM-07, III.B., **Tab 2**

Desk Aid: *Determine Income Eligibility*

Desk Aid: *Doing the Math*

Rounding

The establishment of the rounding to the nearest 50 cent criteria started in 1987 with a letter to all Commissioners when the state instituted the current methodology for family share.

In 90-ADM-31 the methodology with the rounding criteria was included as attachment K. This ADM has not been cancelled.

100% Income

The 100% income standard is currently found in 13-OCFS-INF-03, **Tab 6.**

Lesson 2: Income and Residency Requirements for Low-Income Families

State Income Standard	<u>FAMILY SIZE</u>	<u>200% INCOME STANDARD</u>	<u>100% INCOME STANDARD</u>
	1	\$22,980	\$11,490
	2	\$31,020	\$15,510
	3	\$39,060	\$19,530
	4	\$47,100	\$23,550
	5	\$55,140	\$27,570
	6	\$63,180	\$31,590
	7	\$71,220	\$35,610
	8	\$79,260	\$39,630
	Additional Family Size	\$ 8,040 per person	\$4,020 per person

Note: The State Income Standard is traditionally updated annually and announced through 13-OCFS-INF-03, **Tab 6**.

Example of Income Eligibility Determination

Stephanie has applied for child care assistance to help pay for day care for her two young children while she is attending a full-time vocational training program, which has been approved by the child care worker.

Stephanie has presented verification of receipt of \$340.00 per week in Unemployment Insurance Benefits, and \$110.00 per week in child support. Additionally, she has indicated that she received a \$374.00 income tax refund last week

1. How many people are in the Child Care Services Unit? _____
2. What is the Gross Monthly Income? _____
3. What is the Gross Yearly Income? _____
4. Is the family income eligible? _____

Manual Calculation Procedure

Use the following procedure to manually calculate the family share:

Step	Action
1	Subtract 100% of the State Income Standard for the appropriate household size from the family's annual gross income.
2	Multiply the remaining income (if any) by a factor of 10 to 35 % (as defined within each LDSS Child and Family Services Plan).
3	Divide that amount by 52 to determine a weekly share.
4	Round weekly share using the following protocol: .01 to .24 round down to 0 .25 to .50 round up to .50 .51 to .74 round down to .50 .75 to .99 round up to the next .00

The calculation of the family share requires the use of a formula, knowledge of the current SIS, and the multiplying factor used in your county. If the fee calculates to less than \$1, the family share will be \$1 since that is the established minimum.

Example of Family Share Calculation

So returning to Stephanie and her family:

You approved Stephanie, on p. 40, for child care assistance for her two young children while she attends a full-time vocational training program, which has been approved by the child care worker.

Now, you have to determine Stephanie's family share. For the purposes of this exercise we will use a factor of 25%.

1. What is the family's Annual Gross Income? _____
2. What is 100% of the SIS? _____
3. Where do you find your county percentage? _____
4. What is Stephanie's family share? _____

Lesson 2: Income and Residency Requirements for Low-Income Families

Using WMS to Calculate Eligibility

At full data entry, WMS is able to calculate income eligibility and the family share, provided all income information has been listed by the worker on the shaded areas of pages 3 and 4 of the *Common Application*. Eligibility criteria will be reported on the *Services Turnaround Authorization Document*.

Step	Action
1	<p>On page 3 of the <i>Common Application</i>, in the field labeled “EL Code,” enter code 14.</p> <p>This tells WMS to determine eligibility by comparing income listed on page 6 of the application to the State income standard.</p>
2	<p>On page 6 of the <i>Common Application</i>:</p> <ul style="list-style-type: none">• “LN No” – record the line number of the individual receiving the income• “Source Code” – assign a WMS source code which describes the source of the income• “Amount” – record the amount of the income• “Period” – record the frequency of the receipt of the benefit, i.e., weekly, bi-weekly, etc.

Limitations to Using WMS

Although in many instances, it may be preferable to use WMS to perform the calculation, as described, there are limitations to its use:

- If fee calculated is \$1.00 or less, WMS will display the mandatory minimum fee of \$1.00, provided eligible code 14 is entered.
- WMS will not calculate a fee for MA only cases, even though a family share is required.

Unit 2

DESK AIDS

- **Eligible Family Categories**
- **Determining Child Care in Lieu of TA
Income Eligibility**
- **Definition of Work Activities for TA
Applicants**
- **Welfare Management System Child
Care Subsidy Coding Guide**
- **Determining Income Eligibility
(Countable vs. Excluded)**
- **Determining Income Eligibility and
Family Share**
- **Doing the Math**

This page is intentionally left blank.

Desk Aid: Eligible Family Categories

<u>Category</u>	<u>Eligible Families</u>	<u>Eligibility Requirement</u>
(I) Child Care <u>Guaranteed</u>	<u>TA</u> applicants and recipients, with an eligible child, complying with required activities.	Parent/caretaker is required to comply with activities required by the district including orientation, assessment, or work activities as defined in 18 NYCRR 385.
	<u>TA</u> applicants and recipients, with an eligible child, engaged in work.	Parent/caretaker is conducting work activities as defined by the social services district in the district's employment plan submitted to and approved by NYS OTDA.
	TA eligible applicants and recipients with an eligible child choosing child care <u>in lieu of TA</u>	<ul style="list-style-type: none"> • Parent/caretaker is required to be working; and • The household would be otherwise eligible for TA; and • Meet certain income requirements: <ul style="list-style-type: none"> • For parents earning at least minimum wage, the parent/caretaker's gross income must be at least: <ul style="list-style-type: none"> • \$127/week or \$550/month for single parents • \$181/week or \$784/month combined for two-parent families, <u>or</u> • If the parent earns less than minimum wage and is in a job exempt from minimum wage requirements, the parent must work at least: <ul style="list-style-type: none"> • 17.5 hours/week for single parents • 25 hours/week combined for two-parent families <u>or</u> • If the two-parent family has one hourly and one exempt employee: <ul style="list-style-type: none"> • \$127/week or \$550/month for one parent, and • 7.5 hours/week for the other parent <p>Parent/caretakers earning more than minimum wage may be employed for less than 17.5 hours or 25 hours per week, provided that their income is equal to or greater than the above amounts.</p> <p>Self-employed parents must meet the above minimum income requirements listed above.</p> <p>Parents in jobs that are exempt from the minimum wage rules and pay less than minimum wage must meet the minimum work hours</p>

Desk Aid: Eligible Family Categories

	<p>Families eligible for <u>Transitional Child Care</u></p> <p>(Up to 12 months of Child Care benefits after case closure)</p>	<p>Families are eligible for Transitional Child Care if they meet the following requirements:</p> <ul style="list-style-type: none">• The family received TA, or child care in lieu of TA, in at least 3 of the 6 months prior to the case closing or becoming TA ineligible, <u>and</u>• Child care is needed for an eligible child under 13 to enable parent/caretaker to be engaged in work, <u>and</u>• The family has income at or below 200% of the State Income Standard, <u>and</u>• The case has closed due to one of the following reasons:<ul style="list-style-type: none">• TA case was closed due to increased income from employment, child support, or the family voluntarily ended its assistance and its income is above the TA limit, <u>or</u>• TA case was closed due to the five-year cash time limit and the family does not apply for Safety Net Assistance (SNA), <u>or</u>• TA case was closed due to the five-year cash time limit and the family is in the 45-day application period before receiving recurring SNA benefits, <u>or</u>• CAP case was closed due to the five-year cash time limit and the case is found to be income ineligible for Safety Net Assistance non-cash benefits (case type 17)
--	---	---

Desk Aid: Eligible Family Categories

<u>Category</u>	<u>Eligible Families</u>	<u>Eligibility Requirement</u>
(II) Child Care Eligible <u>When Funds Available</u>	<u>TA</u> family needing care for a child 13 and older	Child care is needed to enable the parent/caretaker to engage in work, or to participate in activities required by the district including orientation, assessment, or work activities as defined in 18 NYCRR 385., and <ul style="list-style-type: none"> • The child has special needs, <u>or</u> • The child is under court supervision.
	<u>TA</u> family with an eligible child and a teen parent	The teenage parent is attending high school or an equivalent program
	<u>TA</u> family with an eligible child needing protection	The parent/caretaker: <ul style="list-style-type: none"> • Is physically or mentally incapacitated, or • Has family duties away from home necessitating his or her absence
	<u>Low-income family</u> , with an eligible child	Family has an income up to 200% of the State Income Standard, and <ul style="list-style-type: none"> • Needs child care to enable the parent/caretaker to work, or participate in another approved activity by the district such as an educational program. equivalent program

Desk Aid: Eligible Family Categories

<u>Category</u>	<u>Eligible Families</u>	<u>Eligibility Requirement</u>
(III) Child Care Eligible When Funds Available and Included in the Child and Family Services County Plan	<u>TA</u> family with an eligible child in additional approved activities	Parent is participating in an approved activity in addition to required work activity
	Families receiving <u>TA</u> or <u>low-income families with income up to 200%</u> of the State Income Standard needing child care services	The child's caretaker is: <ul style="list-style-type: none"> • Participating in an approved substance abuse treatment program, or in screening for or an assessment of the need for substance abuse treatment • Homeless • Receiving services for victims of domestic violence, or in screening for or an assessment of the need for services for victims of domestic violence • In an emergency situation of short duration, including cases where the caretaker's absence from the home for a substantial part of the day is necessary because of extenuating circumstances (such as fire or eviction from a home, seeking living quarters, or caring for an elderly or disabled relative)
	Families <u>regardless of income</u> with an open child protective services case when child care is needed to protect the child	When it is determined on a case-by-case basis that such child care is needed to protect the child.
	<u>Low-income families with income up to 200%</u> of the State Income Standard needing child care services	The child's caretaker: <ul style="list-style-type: none"> • Is physically or mentally incapacitated • Has family duties away from home
	<u>Low-income families with income up to 200%</u> of the State Income Standard needing child care services for the child's caretaker to actively seek employment	The child's caretaker may actively seek employment for up to 6 months, if the caretaker can document current registration with the NYS Department of Labor and provide documentation related to such activities
	<u>TA</u> family with an eligible child and sanctioned parent	A parent is sanctioned for not meeting the work requirement but need child care: <ul style="list-style-type: none"> • In order to participate in unsubsidized employment, and • Provided the parent receives earned wages at a level equal to or greater than the minimum amount required by law.

Desk Aid: Eligible Family Categories

Low-income families with income up to 200% of the State Income Standard when child care services are needed for the child's caretaker to participate in educational or training activities.

Child care services are needed for the parent/caretaker to attend one of the following programs, provided the caretaker is enrolled in only one program and completes the program within 30 consecutive calendar months:

- A public or private educational facility providing a standard high school curriculum offered or approved by the local school district
- An education program that prepares an individual to obtain a NYS High School equivalency diploma
- A program providing basic remedial education in the areas of reading, writing, mathematics, and oral communications for individuals functioning below the 9th month of eighth grade level
- A program providing literacy training
- ESL instructional program for individuals whose primary language is other than English
- Two year full-time degree granting program at a community college, two year college, or undergraduate college with a specific vocational goal leading to an Associate's degree or certificate of completion
- A training program which has a specific occupational goal and is conducted by an institution licensed or approved by the State Education Department, other than a college or university
- A prevocational skill training program, such as basic education and literacy training
- A demonstration project designed for vocational training or other projects approved by the DOL

Desk Aid: Eligible Family Categories

	<p>TA families and families with income up to 200% of the State income standard, with an eligible child, attending programs beyond high school</p>	<p>Child care services are needed for the parent/caretaker to attend other two year programs leading to associates degree, or 4 year college or university program, provided:</p> <ul style="list-style-type: none"> • The caretaker is employed at least 17.5 hours per week • The program is reasonably expected to improve the earning capacity of the caretaker • The caretaker can demonstrate the ability to successfully complete the program
	<p><u>Low-income families with income up to 200%</u> of the State Income Standard with an eligible child attending approved activities</p>	<p>Child care services are needed for the caretaker to participate in a program to train workers in an employment field that currently is or is likely to be in demand in the near future, if:</p> <ul style="list-style-type: none"> • The caretaker documents that he or she is a dislocated worker • The caretaker is currently registered in such a program (for dislocated workers) • Child care services are only used for a portion of the day • The caretaker can provide documentation related to such activities • See 18NYCRR 415.2.

Determining Child Care In Lieu of TA Income Eligibility

The gross earned income must be equal to or greater than the amounts listed in the chart below, or if the parent/caretaker relative(s) is employed in a job exempt from the minimum wage rules and paying less than minimum wage, he or she must meet the minimum number of work hours indicated on the chart; AND

The parent/caretaker relative(s) must be earning at least minimum wage (unless he or she is employed in a job where minimum wage is made by a combination of wages and tips) or the employment is exempt from minimum wage rules.

Family	Minimum Gross Earnings	Minimum Number of Work Hours
Single parent family earning minimum wage or more per hour or self-employed	\$127/week or \$550/month	N/A
Two parent family when both parents are employed earning minimum wage or more per hour or are self-employed	\$181/week combined or \$784/month combined	N/A
Single parent in a job exempt from minimum wage rules and paying less than minimum wage per hour	N/A	17.5 hours per week
Two parent family where both parents are employed in a job exempt from minimum wage rules and paying less than minimum wage	N/A	25 hours per week combined
Two parent family: One parent is employed earning minimum wage or more per hour or self employed -and- The other parent is in a job exempt from minimum wage rules and paying less than minimum wage per hour	\$127/week Or \$550/month N/A	N/A 7.5 hours per week

The above minimum gross earning amounts are based on the current minimum wage of \$7.25 per hour times 17.5 hours per week for a single parent/caretaker relative(s) and the minimum wage of \$7.25 per hour times 25 hours per week for a two parent family. However, parent/caretaker relative(s) earning more than minimum wage may be employed for less than 17.5 or 25 hours provided that their income is equal to or greater

than the above amounts. Self-employed parent/caretaker relative(s) must meet the above gross earned income minimums (see 95 OTDA INF-33 for self-employment budgeting). For parent/caretaker relative(s) in jobs that are exempt from minimum wage rules, the parent/caretaker relative(s) must meet the minimum work hours.

As the minimum wage increases in the future the districts will need to recalculate the minimum gross earnings needed to be eligible for child care in lieu of TA. The State minimum wage must be at least equal to the federal minimum wage in accordance with Section 652 of the Labor Law.

**DESK AID: WORK ACTIVITIES FOR TEMPORARY ASSISTANCE
FOR NEEDY FAMILIES AND SAFETY NET MAINTENANCE OF EFFORT**

6/09

Work Activities	Definition
Unsubsidized Employment	Employment in the private, public, or nonprofit sector for which the employer does not receive a subsidy. Includes paid internships.
Subsidized Private Sector Employment	Employment in the private sector for which the employer receives a subsidy that is funded by federal, State, or local funds to support the employment. Includes positions subsidized through grant diversion (TEAP), supported employment programs and paid college work study programs at public institutions.
Subsidized Public Sector Employment	Employment in the public sector for which the employer receives a subsidy that is funded by federal, State, or local funds to support the employment. Includes positions subsidized through grant diversion (TEAP), supported employment programs and paid college work study programs at public institutions.
Work Experience	A work activity in which a person performs unpaid work in the public or nonprofit sector to improve the employability of the participant. Includes unpaid internships.
On-The-Job Training	A work activity in which a person receives training by the employer while on the job. On-the-job training may be subsidized or unsubsidized employment.
Job Search	A work activity in which a person is engaged in an active effort to secure employment.
Job Readiness Training	A work activity in which a person is engaged in active training designed to provide assistance in securing employment. Includes life skills training and short term substance abuse treatment, mental health treatment or rehabilitative activities.
Community Service	Typically a structured volunteer work activity in which a person performs unpaid work in the public or nonprofit sector which directly benefits the community. May include court ordered activities that otherwise meet the definition of community service.

**DESK AID: WORK ACTIVITIES FOR TEMPORARY ASSISTANCE
FOR NEEDY FAMILIES AND SAFETY NET MAINTENANCE OF EFFORT**

6/09

Work Activities	Definition
Vocational Education	A work activity that involves organized educational programs offering courses that are directly related to the preparation of individuals for employment in current or emerging occupations that require training other than a baccalaureate or advanced degree. Vocational educational programs may include no more than a total of 2 years of postsecondary education (or the part time equivalent if full time study would constitute an undue hardship.)
Childcare Provider for Community Service Participant	A work activity in which a person provides unpaid childcare for a participant enrolled in community service only.
Job Skills Training	A work activity that is directly related to employment and required by the employer designed to improve the participant's employability and ensure basic skills competencies required by employers. May also include vocational educational activities beyond the 12 month lifetime limit.
Education Training	A work activity that is necessary to the individual's attainment of employment which includes literacy, English as a Second Language, and Adult Basic Education.
High School or Equivalent	High school education or education designed to prepare a participant for a high school equivalency certificate. This includes alternative high school and General Equivalency Diploma (GED) courses.
Other local district activity, not included above	Any work activity that does not meet the criteria of any of the above countable activities constitutes participation that is not countable toward federal and State participation rates.

WMS SERVICES CODING GUIDE

March 16, 2009

1 ON CODE (Other Name)		8 EM CODE (Emancipated Minor -16&17 years old)	
M Maiden	A Also Known As	Y Yes	
		N No	
2 REL CODE (Relationship)		9 CI CODE (Citizenship Indicator)	
01 Applicant/Payee	15 Legal Guardian	C Citizen	
02 Legal Spouse	18 None	I Ineligible Alien	
03 Non-Legal Union	19 Parent	L Eligible Alien	
04 Son	20 Sister/Brother	N Citizenship Not Required - As Approp. For PPRS-NYC	
05 Daughter	21 Step-Parent		
06 Step-Son	22 Step-Sister/Step-Brother	10 EL CODE (Eligibility Code)	
07 Step Daughter	23 Half-Sibling		
08 Niece/Nephew	24 Putative Father	01 IVE Determination Pending	
09 Grandson/Granddaughter	25 Acknowledging Father	02 FCAA (IV-E)	
10 Grandmother/Grandfather	26 Great Grandparent	03 TANF	
11 Aunt/Uncle	27 Great Grandchild	04 EAF	
14 Other Relationship		05 SSI-Aged	13 Home Relief -SNA
		06 SSI-Blind	14 Eligibility to be determined
3 SSN (Social Security Number Indicator)		07 SSI-Disabled	by income (Non-Categorical)
		08 MA	19 Not Eligible Due to Income (system generated)
1 SSN Present			
2 SSN Applied For		09 Refugee Assistance Program-	
3 SSN Applied For and Denied		Unaccompanied Refugee Minor	
4 SSN Not Applied For			
6 SSN Unobtainable - As Approp.. For PPRS-NYC		11 Income Source Codes	
7 SSN SSA Input			
8 WMS-SSA Valid (System Generated)		01 Salaries, Wages (In kind payments not included)	
A SSN Validation Failed - Not on File		02 Alimony/ Spousal Support	
B SSN Validation Failed - No Match on Name		03 Any dividends, interest, or periodic receipts from stocks, bonds	
C SSN Validation Failed - No Match on DOB and Sex		06 Child Support Payments	
D SSN Validation Failed - No match on DOB		10 GI-Dependency Allotment	
E SSN Validation Failed - No Match on Sex		14 Gross income from each boarder/ lodger	
		20 Net Business Income	
		31 Net Income from rental of house, store, or other property	
4 SFUI (Services Family Unit Indicator, A to Z)		33 NYS Disability Insurance	
		37 Public Assistance Grant	
A First Services Family Unit		38 Railroad Retirement Benefit	
B Second Services Family Unit		39 Retirement Benefits (Pension)	
C Third Services Family Unit		42 Social Security Disability Benefits	
		43 Social Security Survivor's Benefits	
REQUIRE CODES 535, 553, OR 570-584		44 Social Security Retirement Benefits	
		45 SSI-Benefits	
1 Married	5 Divorced	49 Unemployment Insurance Benefit Compensation	
2 Single	6 Widowed	50 Union Benefits	
3 Formal Separation	7 Annulment	55 Veteran's Pensions or Benefit	
4 Informal Separation	8 Abandonment/Desertion	59 Workmen's Compensation	
		98 No Income	
		99 Income information is not available	
6 SI CODE (Student Indicator -18-21 Years Old)			
01 Student Not Employed		12 METHOD OF PROVISION (System Generated on SFED-T Only)	
02 Student Employed Full Time			
03 Student Employed Part Time (Includes full time vacation employment)		1 Direct	3 POS Private
04 Not a Student		2 POS Public	
05 Student Enrolled in Secondary School or Approved Equivalent			
7 LA CODE (Living Arrangement)		13 GOAL ACHIEVEMENT STATUS	
40 In Household	42 Not In Household-Foster Care	1 Goal Achieved/Services No Longer Necessary	
41 Not in Household	43 Not In Household -Institution	2 Goal Achieved/Services Continuing	
		3 Goal Achieved/Transferred to New Goal	
		4 Goal Not Achieved/Transferred to New Goal	
		5 Goal Not Achieved/Case Terminated	

14 GOAL ACHIEVEMENT STATUS	19 SERVICES TYPE SUFFIX CODE
1 Goal Achieved/Services No Longer Necessary	C Title XX Below 200%
2 Goal Achieved/Services Continuing	D TANF Preventive
3 Goal Achieved/Transferred to New Goal	E EAF Services
4 Goal Not Achieved/Transferred to New Goal	F Federally-Non Participating
5 Goal Not Achieved/Case Terminated	G Group Eligibility
	N Non-Reimbursable
15 DAY CARE - SUB GOAL	P Protective Sub-Service
	R NYS Child Care Block Grant-Low Income Recipients
1A Self-Support-Employment	S NYS Child Care Block Grant-Temporary Assistance Recipients
1B Self-Support-Training or Education	W Without Regard (Preventive)
1C Self-Support-Seeking Employment	
1D Self-Support-Both Employment and Training/Education	20 SERVICE ELIGIBILITY PROCESS CODE
1E Self-Support-Transitional Child Care	
1F Self-Support: Employment - Child Care in Lieu of PA	01 Process as financially ineligible (use in protective cases cases and child preventive cases when income information cannot be secured)
2A Self-Care-Illness	
2B Self-Care-Incapacity	
2C Self-Care-Absence	
2D Self-Care-Child-One Person Family	21 AFA CODE (Anticipated Future Action)
3A Protection-Prevention	
3B Protection-Protection	112 Individual Leaving Household
	201 Expected Date of Confinement
16 STATE CHARGE	301 End of Approved Training Plan
	302 End of Authorization Period
04 Indian on NYS Reservation	304 End of Incapacity
05 OMH or OMRDD Release	305 End of Incapacity (30 Days)
06 Needy without State Residence	317 End of State-Federal Charge
07 OMH or OMRDD In-Patient	318 End of Student Status
08 OMH or OMRDD Family Care	323 End of EAF Authorization
09-ODAS In-Patient	399 Expiration of Related Supportive Services as a Protective Service
10 ODAS Out-Patient	400 Expiration of Related Supportive Services as a Preventive Service
11 Oxford Home	401 End of Illness
18 621 Client in State ICF	402 Return of Addition of Individual to Case
19 621 Client in Private ICF	404 Release from OMH or OMRDD Facility
20 621 All Others	408 End of Month After Month Moved Between Districts
88 State Charge Status Expired	409 Receipt of Anticipated Income
	415 90 Day from Oral Report Date
17 FEDERAL CHARGE	416 Twelve-Month Extension of Neglect Petition
	424 Six Months from Oral Report Date
03 Repatriate	426 Birthday: Foster Child-Clothing Grant
30 Refugee Assistance Program	427 Birthday: Care Rate Adjustment
31 Unaccompanied Refugee Minor	428 Birthday: Day Care Rate Adjustment
34 Cuban Entrants	999 Other
35 Cuban/Haitian Unaccompanied Entrant Minor	C01 End 3mo Auth Prd Pending Child Supp Good Cause Determination
36 Haitian Entrants	C02 Child Care Benefit Adjust Due to Non-Recpt Child Support Payments
88 Federal Charge Status Expired	C03 Repayment of Overpayment Due
	C04 Full Eligibility Review
18 SERVICE TYPE CODES - Direct	
03 Day Care	
20 Transportation	

Determining Income Eligibility: Countable Income

Total monies earned for work performed as an employee by anyone in the CCSU 14 years of age or older including: <ul style="list-style-type: none"> • Wages/Salary • Tips • Commission 	Cash bonuses earned before: <ul style="list-style-type: none"> • deductions for taxes • bonds • Pensions • union dues, etc
Net income from non-farm and farm self-employment	Public Assistance grant
Social Security Benefits including: <ul style="list-style-type: none"> • Social Security Pension • Survivor Benefits • Permanent disability Insurance 	Pensions, annuities, retirement benefits <ul style="list-style-type: none"> • paid directly to retiree or • paid to survivor Through previous employer or insurance agent
Dividends <ul style="list-style-type: none"> • Stockholdings • Membership in associations Interest income <ul style="list-style-type: none"> • Estates/trusts • Savings/bonds 	Net income from <ul style="list-style-type: none"> • rental property • royalties • store • other properties receipts from boarders
Benefits from most government programs, such as: <ul style="list-style-type: none"> • NYS Disability • Worker's Compensation • Railroad Retirement Benefits • Veterans Pensions and benefits • Unemployment Insurance Benefits 	Temporary Assistance/Welfare payments including: <ul style="list-style-type: none"> • Safety Net • Veteran's Assistance • Family Assistance
Child support and alimony	Strike Benefits

Excluded Income

Money from the sale of property including: <ul style="list-style-type: none"> • Stocks/bonds • House • Car 	Judgment of the Indian Claims Commissions or the Court of Claims including: <ul style="list-style-type: none"> • Per capita payments • funds held in trust
Capital gains	Allowable cost of producing self-employment income
Loans, grants, and scholarships for educational purposes (including Federal Work Study)	Bank withdrawals
Lump sum inheritances or insurance payments	Government related monies including: <ul style="list-style-type: none"> • Tax refunds • The value of coupon allotments under the Food Stamp Act of 1964 • The value of USDA donated food • The value of supplemental food assistance under the Child Nutrition Act of 1966 • Special Food Service program for children under the National School Lunch Act • Payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 • Benefits paid to Vietnam Veterans natural adult or minor children related to birth defects or disability related to Spina Bifida
Earnings of child under age 14	
Borrowed Monies and gifts	
Adoption and foster care subsidies 07-OCFS-LCM-05	
One-time \$250 disbursements made under the American Recovery and Reinvestment Act.	

Determining Income Eligibility and Family Share

Member	Countable Income - Monthly				Family Share Calculation	
					Family Annual Gross Income	
					100% State Income Standard	-
					LDSS % Child and Family Services Plan	x
						÷ 52
					Weekly Family Share	
	Monthly Subtotal 3					Approved Rounding Chart
	Monthly Subtotal 1	+				.01 - .24 = .00
	Monthly Subtotal 2	+				.25 - .50 = .50
	Countable Gross Monthly Income					.51 - .74 = .50
			x 12			.75 - .99 = .00
	Family Annual Gross Income					

Doing the Math

Calculate Annual Income

Using Weekly Income

Countable Weekly Income		4.333
X		_____
	Monthly Gross Income	_____
X		12

	*Annual Income	

Calculate Annual Income

Using Bi-Weekly Income

Countable Bi-Weekly Income		2.166
X		_____
	Monthly Gross Income	_____
X		12

	* Annual Income	

Calculate Family Share

Families Annual Gross Income		
- 100% State Income Standard		_____
	Remaining Family Income	_____
X	LDSS Percentage	_____
	Annual Family Share	_____
÷		52

	*Weekly Family Share	

Approved Rounding Chart

	.01 - .24 = .00
	.25 - .50 = .50
	.51 - .74 = .50
	.75 - .99 = .00

*all **final** calculations are rounded per the Approved Rounding Chart 90-ADM-31, Attachment K.

Unit 3

Verification and Redetermination

Unit Importance Activities related to verification and redetermination when processing an application are extremely important. Districts are required, per 18 NYCRR 404(d)(i), *Determination and Redetermination of Eligibility, Tab 1*, to make eligibility decisions within 30 days of application. Working parent/caretakers, or Temporary Assistance clients fulfilling Office of Temporary and Disability Assistance work requirements, do not want to jeopardize their jobs or their assistance.

This lesson will allow you to process cases more efficiently and will help you:

- Evaluate verification documents
- Document the case record
- Take appropriate case actions when a family's circumstances change
- Send appropriate notices

Unit Overview This unit consists of the following lessons:

- Verification and Documentation of Eligibility
- Redetermining Eligibility

Content

Lesson 1: Verification and Documentation of Eligibility	3
The Verification Process	4
Verification of Lawful Residence	6
Verification of Programmatic Eligibility	9
Verification of Special Needs	11
Documenting Child Care Cases	16
Guidelines for Using Application to Document Low-Income Clients	17
Lesson 2: Redetermining Eligibility.....	23
Changes in Client Circumstances.....	24
Changes Affecting Eligibility	25
Redetermination	28
Practice A: Determining What Verification is Needed	31
Notifying the Client.....	34

Lesson 1: Verification and Documentation of Eligibility

Lesson Importance You need to know how to verify the facts of the case and document the case record in order to:

- Establish and document eligibility
- Allow funds to be correctly utilized
- Provide an audit trail of decisions made on the case

Lesson Overview Topics in this lesson include:

- The Verification Process
- Verification of Lawful Residence
- Verification of Programmatic Eligibility
- Verification of Special Needs
- Documenting Child Care Cases
- Guidelines for Using Application to Document Low-Income Cases

Lesson Objectives By the end of this lesson, participants will be able to:

- Describe the purpose of verification and documentation
- Determine whether a family meets the verification requirements for the program under which it is eligible
- Describe guidelines for adequate documentation
- Document a Low-Income case record

The Verification Process

Introduction Applicants for any and all programs administered by the Local Department of Social Services (LDSS) are required to provide verification of their circumstances in order to validate eligibility and benefit level.

What Needs To Be Verified Low-Income child care clients need to verify general eligibility factors such as:

- Identity
- Household composition
- Age of child
- Relationship of caretaker to child
- Absence of parent/caretaker
- Resident status of child
- Income
- Reason for child care
- Special needs (if applicable)

An Ongoing Process Documentation and verification requirements occur throughout the life cycle of a case, including at the time of:

- Application
- Redetermination
- Anytime, when changes in circumstances are reported

Certain documentation, such as documents verifying identity, date of birth, marital status, relationship, and citizenship, will be copied and placed in the case record upon application, and will not have to be presented again.

**Client's
Respon-
sibility**

The applicant or recipient is expected to:

- Verify his or her claim
- Provide verification
- Bear the burden of proof

**District
Respon-
sibility**

When child care eligibility is being determined, the LDSS is expected to:

- Evaluate documents presented for verification
- Provide assistance in locating documents, when applicable
- Document the case record by copying documents and recording appropriate notes in the case record
- Document relevant information in the shaded sections of the *Common Application*

**District
Assistance**

Examples of actions the district may take to assist clients in obtaining verification are:

- Calling landlord to verify household composition information
- Providing assistance when the client is unable to obtain required verification, such as obtaining out of county/state birth certificate

Verification of Lawful Residence

Introduction Any child who is legally residing in the United States is eligible for child care services under New York State Child Care Block Grant (NYSCCBG), as long as the family meets other financial and programmatic eligibility requirements. Verification documents of legal residence in the U.S. can include:

- Proof of citizenship
- U.S. Passport or Certificate of Naturalization
- Resident Alien Card
- Visa

Possession of any of these above documents proves legal residence in the U.S.

Citizenship Anybody who has a birth certificate issued in the United States or any U.S. Territories, such as Puerto Rico and Guam, is a citizen or a legal resident (see OTDA-4357-EL, *Invalidating Puerto Rican Birth Certificates*, **Tab 4**, regarding updates to Puerto Rico's birth certificates. **Note:** The date for valid birth certificates will be October 30, 2010).

An individual is a U.S. citizen:

- By birth in the U.S., or
- Through derivation from U.S. parents when a child is born abroad, or
- Through naturalization after meeting the necessary requirements

**U.S. Passport/
Certificate of Naturalization**

A United States Passport and/or Certificate of Naturalization are documents that are issued to persons who are citizens of the United States by birth, naturalization, derivation, or adoption.

- There are approximately 15 different valid versions of the U.S. passport
- There have been many different versions of the Certificate of Naturalization, though there are two common versions

Resident Alien Card

There are two types of Resident Alien Cards:

- Permanent Resident Card
- Temporary Resident Card

Permanent Resident Card

There are currently two valid versions of the Permanent Resident Card.

- *Resident Alien Card*, Form 1-551, was introduced in January 1977. The card was also known as the *Alien Registration Card*



- The machine-readable visa, which is a sticker applied to the passport page



Verification of Programmatic Eligibility

Introduction To verify the category of eligible family, clients need to present evidence that they meet the criteria as defined in 18 NYCRR 415.2, *Child Care Services, Tab 1*.

Families Guaranteed Child Care Families who are guaranteed child care need to provide proof of the following:

- Age of child needing care
- Special needs of child needing care (if applicable)
- Participation in work related requirements such as orientation, assessment, or assigned work activities
- Employment
- For transitioning families only, when income at or below 200% of New York State State Income Standard (NYS SIS)

Lesson 1: Verification and Documentation of Eligibility

Families eligible for the child care guarantee include TA clients engaged in work, TA clients participating in a required activity, clients choosing Child Care In Lieu of TA, and Transitional Child Care clients.

Families Eligible When Funds Are Available

Families eligible when funds are available need to provide proof of one or more of the following:

- Age of child needing care
- Special needs of child needing care
- Participation in an approved work related activity or work
- School attendance for teenage parent
- Disability, incapacity, or necessary absence of parent/caretaker from home
- Income at or below 200% of the NY SIS (for Low-Income clients)
- Requirement of parent/caretaker to participate in an approved activity including participation in a substance abuse program or screening for or assessment of risk for victims of Domestic Violence (DV), or in an emergency situation such as being homeless, seeking living quarters, or caring for an elderly parent

Low-Income Clients Listed in Child and Family Services Plan

Low-Income families who fit the category of eligible families listed in the Child and Family Services Plan may need to provide proof of one or more of the following:

- Income at or below 200% of the NY SIS
- Participation in an approved substance abuse treatment program or in screening for or assessment of the need for such a program
- Homeless; receiving services for victims of DV and needs services to participate in DV screening or assessment; in an emergency situation such as a fire, being dispossessed from a home, seeking living quarters; or providing services for an elderly or disabled relative

- Participating in an approved educational program that is reasonably expected to improve the earning capacity of the caretaker while continuing to be employed at wages equal to or greater than the minimum wage
- Services needed to protect a child because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence
- Actively seeking employment and registered with New York State Department of Labor (NYS DOL) Division of Employment Services
- Attendance at an approved secondary or post-secondary education program
- Dislocated worker status and current registration in a training program in a field that is in demand or is likely to be in demand in the near future

Verification of Special Needs

Introduction During the initial contact with the LDSS, applicants should be informed about:

- How a child may qualify as a child with special needs
- How a provider may be eligible for additional payment due to costs incurred because of the special needs child
- The parent/caretaker's responsibility to obtain verification of the special need by a recognized specialist

Families who have a child with special needs must provide proof of that need given by an appropriate specialist.

Lesson 1: Verification and Documentation of Eligibility

Categories of Need

Special needs are defined in 91-ADM-34, **Tab 9**, and include:

- Visual impairment
- Deafness
- Hard of hearing
- Orthopedic impairment
- Emotional disturbance
- Mental retardation
- Learning disability
- Speech impairment
- Health impairment
- Autism
- Multiple handicaps

Visual Impairment

A visual handicap:

- Adversely affects a child's ability to function normally
- Includes impairments that result in a child having partial sight or blindness

An ophthalmologist, optometrist, or physician must make the diagnosis of the child's condition.

Deafness

A hearing impairment:

- Is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification
- Adversely affects the child's ability to function normally

An audiologist, otolaryngologist, or physician must make the diagnosis of the child's condition.

Hard of Hearing

A hearing impairment:

- May be permanent or fluctuating
- Not included in the definition of the term deaf
- Adversely affects the child's ability to function

An audiologist, otolaryngologist, or physician must make the diagnosis of the child's condition.

Orthopedic Impairment

A physical handicap:

- Resulting from a severe orthopedic impairment which adversely affects a child's ability to function normally
- Includes impairments caused by congenital anomaly, impairments caused by disease and impairments from other causes

A physician, orthopedist, or neurologist must make the diagnosis of the child's condition.

Emotional Disturbance

Emotional disturbance is defined as an inability to learn which cannot be explained by intellectual, sensory, or health factors and which causes a child to exhibit, to a marked degree, one or more of the following characteristics over a long period of time:

- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
- Inappropriate types of behavior or feelings under normal circumstances
- A general pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears associated with personal or school problems

A psychologist, psychiatrist or other clinically trained NYS qualified mental health professional must make the diagnosis of a child as emotionally disturbed.

Lesson 1: Verification and Documentation of Eligibility

Mental Retardation

Mental retardation is:

- General intellectual functioning that is determined to be 1.5 standard deviations or more below the mean of the general population
- Results in an individual psychological deficit in a child's ability to adapt to her/his learning environment

A psychologist or physician must make the diagnosis of the child's condition.

Learning Disability

A learning disability:

- A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations
- Includes such conditions as perceptual handicaps, brain injury, neurological impairment, minimal brain dysfunction, dyslexia and developmental aphasia
- Includes a child who exhibits a discrepancy of 50 percent or more between expected achievement and actual achievement determined on an individual basis
- Does not include learning problems that are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage

A psychologist, special education professional, psychiatric social worker, or other mental health professional must diagnose the child's condition.

**Speech
Impairment**

A speech impairment is:

- A communication disorder, such as stuttering, impaired articulation, language impairment, or a voice impairment, which adversely affects the child's ability to function normally
- Does not include speech and language differences attributed to cultural, ethnic, bilingual, or dialectical difference or being non-English speaking

A speech or language pathologist, audiologist, otolaryngologist, or physician must diagnose the child's condition.

**Health
Impairment**

A health impairment is:

- A chronic or acute health problem that limits a child's strength, vitality or alertness
- Adversely affects a child's ability to function normally

A physician or other medical professional must diagnose the child's condition.

Autism

Autism is a behaviorally defined syndrome that occurs in children of all levels of intelligence. Autism:

- Includes severe disturbances of developmental rates and/or sequences of responses to sensory stimuli, of speech, language, or cognitive capacities, and of the ability to relate to people, events and objects
- Typically manifested prior to 30 months of age

A psychologist, psychiatrist or other clinically trained and NYS qualified mental health professional must diagnose the child's condition.

**Multiple
Handicaps**

Two or more handicapping conditions resulting in multi-sensory or motor deficiencies and developmental lags in the cognitive, affective, or psychomotor areas may result in the interference in the child's ability to function normally. A physician or other medical specialist must diagnose the child's condition.

Lesson 1: Verification and Documentation of Eligibility

Written Request Districts may submit written requests for Office of Children and Family Services (OCFS) approval of any category of special needs not previously defined.

Providers of Child Care for Children With Special Needs 91-ADM-34, **Tab 9**, requires that providers of care for children with special needs must be a Licensed, Registered, or enrolled Legally-Exempt provider.

Documenting Child Care Cases

Definition Documentation of the criteria and conditions essential for eligibility is part of eligibility determination process. Documentation means:

- Collection
- Evaluation
- Recording of information necessary to determine eligibility

Purpose Documentation of child care eligibility factors and case actions provide:

- Information to support your eligibility decision
- Information to you, coworkers, and your supervisor about actions taken on the case, allowing others to work on your case should you be absent
- A paper trail should the client request a fair hearing
- Appropriate records for the purpose of audit by appropriate state and federal agencies.

Guidelines The following guidelines should be applied when recording case notes:

- Be factual
- Refrain from giving opinions or subjective evaluation of the facts
- Be clear, concrete, and complete
- Avoid irrelevant details
- Base any impression on observable and specific facts
- Support your eligibility decision

Guidelines for Using Application to Document Low-Income Clients

Introduction All the eligibility factors such as the family size, the amount and source of all income, the need for services, as well as all requisite programmatic factors should be documented. Documentation includes:

- Worker notes on the green part of the *Common Application*
- Case Record Notes
- Completion of a Services Plan for clients eligible under Title XX for protective, preventive, or foster care services

Lesson 1: Verification and Documentation of Eligibility

Page 1, Common Application

The Green and White Sections of the Common Application

LOCATION OFFICE	APPLICATION DATE	UNIT ID	WORKER ID	CASE TYPE	CDU#	CASE NUMBER	REGISTRY NUMBER	VENO	DISTRICT	SUFFIX	FS SUFF	CATEGORY	LAND	NUMBER PERIOD (RELATED)					
CASE NAME		SPOUSE SPOUSE NAME		DEPOSITED		RECEIVED TRANSACTIONS TYPE		RECEIVED		RECEIVED		RECEIVED		RECEIVED					
ELIGIBILITY DETERMINED BY WORKER		DATE		ELIGIBILITY APPROVED BY SUPERVISOR		DATE		REASON		PERSON CODE		METHODOLOGY		DATE					
DATE RECEIVED BY AGENCY		EMPLOYED BY		<input type="checkbox"/> SO CAL SERVICE DISTRICT		<input type="checkbox"/> PROVIDER AGENCY SPECIFY													
TA AUTHORIZATION PERIOD		MA AUTHORIZATION PERIOD		FS AUTHORIZATION PERIOD		SERVICES AUTHORIZATION PERIOD													
NEW YORK STATE																			
APPLICATION FOR: TEMPORARY ASSISTANCE (TA) - MEDICAL ASSISTANCE (MA) - MEDICARE SAVINGS PROGRAM (MSP) - FOOD STAMP BENEFIT (FS) - SERVICES (S) (Including Foster Care (FC), CHILD CARE ASSISTANCE (CC))																			
We are committed to assisting and supporting you in a professional and respectful manner with your goal of achieving self-sufficiency. You, in turn, must be committed to becoming self-sufficient and must be responsible for participating in activities to reach self-sufficiency including work activities for Temporary Assistance and Food Stamp Benefits where required. Whenever you see "Temporary Assistance" or "TA" on this application, it means "Family Assistance" and "Safety Net Assistance". We call both Public Assistance Programs "Temporary Assistance". These TA Programs are meant to assist you only until you can fully support yourself and your family. Please refer to the "How to Complete" instruction book (Pub 1301 Statewide) when completing this application.																			
CHECK EACH PROGRAM YOU OR YOUR HOUSEHOLD MEMBERS ARE APPLYING FOR:		<input type="checkbox"/> Temporary Assistance and Medical Assistance		<input type="checkbox"/> Temporary Assistance		<input type="checkbox"/> Child Care in lieu of TA		<input type="checkbox"/> Medical Assistance		<input type="checkbox"/> Medicare Savings Program		<input type="checkbox"/> Food Stamp Benefits		<input type="checkbox"/> Services, including Foster Care		<input type="checkbox"/> Child Care Assistance		<input type="checkbox"/> Emergency Payment Only (EMRO)	
DO YOU WANT TO RECEIVE SERVICES IN:		<input type="checkbox"/> SPANISH AND ENGLISH		<input type="checkbox"/> ENGLISH ONLY		HAVE IN YOUR PRIMARY LANGUAGE?		<input type="checkbox"/> ENGLISH		<input type="checkbox"/> SPANISH		<input type="checkbox"/> OTHER (specify)		DO ANY OF THESE APPLY TO YOU?					
FIRST NAME		LAST NAME		ADDRESS		CITY		STATE		ZIP CODE		<input type="checkbox"/> Pregnant			1				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Victim Of Domestic Violence			2				
NEED TO ESTABLISH PATERNITY		<input type="checkbox"/> YES		<input type="checkbox"/> NO		<input type="checkbox"/> NO		<input type="checkbox"/> NO		<input type="checkbox"/> NO		<input type="checkbox"/> Need Child Support			4				
CARETAKER (Complete if you work for a child in care of another person)		NAME		ADDRESS		CITY		STATE		ZIP CODE		<input type="checkbox"/> Drug/Alcohol Problem			5				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Fuel Or Utility Shutoff			6				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> No Place To Stay/Homeless			7				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Urgent Personal Or Family			8				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Fire Or Other Disaster			9				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Have No Job			10				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Serious Medical Problem			11				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Recently Lost Income			12				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Pending Eviction			13				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> No Food			14				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Need Foster Care			15				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Need Child Care			16				
PHONE NUMBER (AREA CODE)		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		PHONE NUMBER		<input type="checkbox"/> Other			17				

Allows the worker to identify the applicant's residence address and what programs are being applied for and to document status of case record.

**Page 1,
Common
Application**

The green part of the *Common Application* provides space for the services worker to document various eligibility factors:

Top part of page 1:

CENTER OFFICE	APPLICATION DATE	UNIT ID	WORKER ID	CASE TYPE	SEVERITY	CASE NUMBER	REGISTRY NUMBER	VERSION	DISTRICT	OFFICE	FS OFFICE	CATEGORY	LAND	NUMBER	HOUSE	INDICATOR	
CASE NAME							UPLINE SYSTEMS DATE	DISORDER	SERVICES TRANSACTION TYPE								
ELIGIBILITY DETERMINED BY WORKER:			DATE	ELIGIBILITY APPROVED BY SUPERVISOR:			DATE	SERIAL	REASON CODE	WITHDRAWAL	IS	REOPEN	IS	RECERTIFIED	IS	DATE	
DATE RECEIVED BY AGENCY		EMPLOYED BY:		<input type="checkbox"/> SOCIAL SERVICES DISTRICT		<input type="checkbox"/> PROVIDER AGENCY SPECIFY:											
TA AUTHORIZATION PERIOD				MA AUTHORIZATION PERIOD				FS AUTHORIZATION PERIOD				SERVICES AUTHORIZATION PERIOD					
FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO				

- Indicates workers who gathered information, determined eligibility, and supervisor who approved the decision
- Identifies application date and date application was received at agency, if different
- Allows client to withdraw application

Pages 2-3

These pages of the *Common Application* provide space to document how individual identifying information is verified, including:

- Household
- Date of birth
- Relationship
- Social Security Number
- Ethnic Affiliation
- Alien information/Citizenship

Lesson 1: Verification and Documentation of Eligibility

Page 3

RACIETHNIC AFFILIATION CODES		ENTER APPROPRIATE CODES											
UH	H	Hispanic or Latino	EVENT IDENTIFICATION NUMBER	REL	SSN	SPL	MS	SI	LA	EM	CI	EL	
	I	Native American or Alaska Native											
	A	Asian											
	D	Black or African American											
	F	Native Hawaiian or Pacific Islander											
	W	White											
U	Unknown (NA Only)												
ENTER Y (YES) OR N (NO) IF HISPANIC OR LATINO													
ENTER Y (YES) OR N (NO) FOR EACH RACE AFFILIATION													
	H	I	A	D	F	W	U						
01													
02													
03													
04													
05													
06													
07													
08													
09													
ANTICIPATED FUTURE ACTION		CASE TYPE	RELATED CASE NUMBERS		CONSIDER			REQUESTED	DOCUMENTATION	IN FILE			
INNOV	CODE	DATE			<input checked="" type="checkbox"/> Relationship			Photo I.D.					
					<input checked="" type="checkbox"/> Filing Unit			Birth Certificates					
					<input checked="" type="checkbox"/> Legally Responsible Relative			Marriage Licenses					
					<input checked="" type="checkbox"/> Single Economic Unit			Vertical Security Card					
					<input checked="" type="checkbox"/> FS Household Composition			Code 9 Residence					
					<input checked="" type="checkbox"/> FS Aged/Disabled Individual			Immigration Status					
					<input checked="" type="checkbox"/> Photo IDAFIS			Multi-Traffic/Co-op Case Notes (Single Economic Unit Questionnaire)					
					<input checked="" type="checkbox"/> CB/CIFIN								
					<input checked="" type="checkbox"/> REVOCA								
					<input checked="" type="checkbox"/> Health Insurance								
NEEDS		REFERRALS		COMPLETED									
		CAP											
		Services											
		SSA											
		Legal											

Pages 4-8

These pages of the *Common Application* provide space to document how other eligibility factors were verified, including:

- Certification of citizenship/immigration status
- Absent parent
- Income
- Employment (current or past)
- Participation in education or training

Page 10

Medical information, such as the disability of a parent/caretaker or a child, may be relevant to your decision to the granting of child care subsidy. Documentation to this effect would be narrated here.

Pages 11-12 Provides space for the applicant to record information about shelter expenses and lists additional expenses. Although not particularly relevant to a child care decision, corresponding documentation would be narrated in the shaded sections.

Page 12 Case Record notes provides space for a narrative summary of client and provider contacts, including:

- Phone calls
- Interviews
- Items requested, received, and/or sent

Each entry should give the specifics including date, time, and purpose of contact and results.

Pages 14-16 These pages contain important information that must be read regarding:

- Privacy Act Statement
- Penalties
- Warnings
- Required documentation
- Consent/Certification
- Signature

Lesson 1: Verification and Documentation of Eligibility

Content of the Service Plan Besides required documentation, a completed service plan is a necessary prerequisite to the determination of eligibility of Title XX, protective, preventive or foster care services.

The minimum data needed for a child care service plan includes:

- Names of the applicant and applying child(ren)
- Description of immediate home situation
- Reason/need for care
- Type of care needed
- Planned hours of care
- Goal of services

The service plan and its goal(s) should be evaluated at six month intervals.

Lesson 2: Redetermining Eligibility

Lesson Importance It is the client's responsibility to report changes in his or her situation as soon as they occur and the child care worker's responsibility to evaluate how these changes affect the client's eligibility.

This lesson will help you:

- Determine how changes in a family's circumstances affect the eligibility for child care
- Complete tasks associated with redetermination, which must occur no less frequently than every 12 months
- Send appropriate notices to client
- Communicate client's eligibility status to Enrollment Agency

Lesson Overview This lesson describes how changes in a family's situation may affect its eligibility for child care services.

It consists of four topics:

- Changes in Client Circumstances
- Changes Affecting Eligibility
- Redetermination
- Notifying the Client
- Notifying the Enrollment Agency

Lesson Objectives By the end of this lesson, you will be able to:

- Take appropriate case actions as a family's circumstances change
- Verify eligibility at the redetermination period
- Send appropriate notices to client
- Communicate client's eligibility status to Enrollment Agency

Changes in Client Circumstances

Introduction Changes in client circumstances between authorization periods may require a redetermination of eligibility—potentially resulting in an increase, decrease, or ineligibility for Child Care Subsidy.

Timely Reporting

Recipients of child care services are required to report immediately changes in:

- Financial circumstances
- Living arrangements, including household composition
- Employment/other approved activities
- Child care provider
- Other circumstances affecting eligibility

Failure to report changes in a timely way may lead to overpayments for which recovery must be attempted and to the denial of services.

Note: Regulations governing the reporting of changes are found in 18 NYCRR 415, *Child Care Service*, **Tab 1**. It should be stressed to the client that any change in his or her circumstances should be reported immediately to aid in the accuracy of case decisions.

How Changes Are Reported

There are a number of ways clients can report changes to you, including:

- Face-to-face interview
- By mail
- Through a phone call

District Time Frame

Local Departments of Social Services (LDSS) have 30 days from an indication of a change in an individual's circumstances to make a redetermination of eligibility and send appropriate notification.

Changes Affecting Eligibility

Introduction Some of the most important changes affecting eligibility for child care include:

- Change in employment, including work hours, money earned, or required work activities
- Change in household composition or in marital status
- Change in residence
- Change in status of children, such as age or disability
- Change of client status in a training or school program
- Change in Temporary Assistance (TA) status
- Need for substance abuse assessment or treatment
- Development of an emergency situation such as fire, eviction, domestic violence

Employment Changes in employment need to be reported to the social services district because:

- Changes in work hours may impact the amount of child care necessary to be provided
- Changes in income may impact income eligibility
- Changes in income may impact child care service payment amount and family share amount

When a client reports a change in employment, she/he needs to submit to the district verification of the new employment information.

Household Composition Changes in household composition may affect who is required to be in the Child Care Services Unit (CCSU) and ultimately whose income is to be used in the eligibility calculation. Proof of residence and relationship of household members are important in sorting out who is required to be in the CCSU.

Lesson 2: Redetermining Eligibility

Marital Status

Changes in marital status may impact:

- Household composition and the decision regarding the CCSU, which ultimately impacts the calculation of income eligibility, and family share

The client may be asked to submit:

- Copy of divorce papers
- Copy of agreement of separation
- Copy of new marriage certificate

Residence

A change in residence may affect:

- Household composition
- District responsibility (jurisdiction)

Status of Child

Changes in the status of a child affecting eligibility include:

- Birth of a child
- Child turning 13
- Onset of a special need
- Court ordered supervision
- Change of residence, including foster care placement
- Child with special needs, or under court supervision, turning 18 or 19

Child Care Provider Changes in Legally-Exempt provider information may impact payment eligibility and the amount or method of payment used by the social services district.

A new Legally-Exempt enrollment form must be completed by the parent/caretaker and provider and submitted to the Legally-Exempt Enrollment Agency (EA) to determine whether or not the new provider meets the regulatory requirements to provide Legally-Exempt care to children receiving Child Care Subsidy.

Status in Training or School Program Changes in the client's status in a training program may affect eligibility for child care. For example, the client may have completed the program and no longer be eligible for child care, or may have reduced the number of hours in school. Clients may need to submit:

- Proof of continued attendance, or
- Proof of completion of school/training program

TA Status Tracking a change in TA status is very important because:

- It may affect the category of eligibility to which a family is assigned
- It allows working families to have a smooth transition from TA without causing a disruption in child care arrangements

When a TA case is closing or the recipient volunteers to close a TA case, the worker:

- Must inform the former recipient of potential eligibility for Transitional Child Care (TCC) benefits
- Enter correct Welfare Management System (WMS) coding to see that the accurate time frames for TCC, if eligible
- May not require the submission of a new application merely because the applicant is no longer eligible for TA or no longer eligible for a child care guarantee

Lesson 2: Redetermining Eligibility

In Lieu Of Cases

For cases receiving Child Care In Lieu of TA, a change in income may impact the category of eligible family for which that case is entitled to receive funding. This will require ongoing monitoring, requiring:

- The family to immediately report income and resource changes, and
- The worker to determine continued TA eligibility

As discussed in Unit 2, when the income exceeds TA standards, the family will then be entitled to up to 12 months of the TCC guarantee, provided other programmatic requirements are met.

Note: Families whose income fluctuates significantly do not have to report changes in income until the next redetermination so long as income continues to fluctuate during the eligibility period.

Redetermination

Introduction Continuing eligibility for child care services must be verified as often as case factors indicate but no less frequently than every 12 months. This process of verifying eligibility is referred to as redetermination.

Redetermination of eligibility for child care services is governed by 18 NYCRR 415.4(a) & (b), *Social Service District Responsibilities, Tab 1*, and certain sections of 18 NYCRR 404.1(d), *Time Periods, Tab 1*.

Identification of Cases Due for Redetermination WMS tracks case expiration dates and provides a listing of these cases. Designated staff reviews the list, set up appointments, and mails out application packets.

What to Review at Redetermination All factors concerning need and eligibility for child care services must be re-evaluated and verified during redetermination.

Clients have to submit documents such as:

- A new application form, signed and dated
- Proof of income
- Verification from employer listing the working hours
- Proof of incapacity of a parent/caretaker, if applicable
- School/training program attendance report
- Copy of birth certificate if adding a new child
- Proof of residence

A signed and dated family share agreement is not required but is a very good practice.

The clients do not have to re-submit:

- Birth certificate if no child added
- Marriage certificate if no change in marital status

Lesson 2: Redetermining Eligibility

District Role Each agency must undertake the following tasks:

- Notify client of need to verify eligibility
- Review application and case record
- Conduct interview, if needed
- Evaluate and document factors of eligibility
- Make necessary changes to the appropriate WMS Authorization Change Form
- Process case without lapse of benefits
- Notify parent/caretaker of eligibility status
- Notify the EA of the client's eligibility status
- Establish procedures to enable families to retain child care services without interruption as long as the families remain eligible for such services by transferring families from one unit of the district to another when necessary (for example, from Employment or TA to Services) without requiring a new or separate application form

Client Role At redetermination each client is responsible for:

- Completing a new application form
- Appearing for redetermination interview, if needed
- Reporting any changes since the last determination
- Providing verification of eligibility factors as identified by the worker

Provider Role Legally-Exempt provider enrollment information is updated every 12 months by the completion of a new enrollment form.

The EA will notify enrolled providers of the requirement to complete a new enrollment form.

Lesson 2: Redetermining Eligibility

Case 2

Three months later, Daisy calls to report that she has received authorization to reduce her part-time job hours so she can attend a vocational program. In addition, her boyfriend has moved in with her. They are planning to move out of county next month.

What needs to be verified?	What can be used?

Case 3

Maria is from Cuba and has two children. She lives with and works for her boyfriend who has a small business and is not the father of the children. Her mother and two sisters are also living with her. She needs to travel on business about twice a month. She is applying for child care for both children.

What needs to be verified?	What can be used?

Case 4

Samantha Smith, 17 and in receipt of TA and child care subsidy, resides with her 8-month-old son and the child’s father. Samantha called to let you know that she just graduated from high school and is scheduled to complete job screening and assessment; her live-in boyfriend got a full-time job; and her grandmother, who works for a local convenience store, has just moved in with them.

What needs to be verified?	What can be used?

Case 5

Three months later, Samantha called to report that the child’s father has moved out and that her mother, who lives in the next town, just had a heart attack. Samantha and her siblings have to take turns looking after their mother. Samantha’s share is two hours every night. Given these new circumstances, what else needs to be verified?

What needs to be verified?	What can be used?

Notifying the Client

Introduction Districts must provide notification to TA and Low-Income applicants/recipients on actions related to their application for Child Care Subsidy and/or Child Care Subsidy benefits. Required notices are in **Tab 7** of the Regulations and Resources manual.

Notices sent to clients must meet certain criteria, depending on the types of action taken:

- All notices must be **adequate**, that is, they must contain certain required information
- When certain actions are involved, the notice must be both **adequate and timely**

Revised Forms

The revised standard forms are included in **Tab 7** of the Regulations and Resources manual. They are:

- LDSS-4779, *Approval of Your Application for Child Care Benefits*
- LDSS-4780, *Denial of Your Application for Child Care Benefits*
- LDSS-4781, *Notice of Intent to Change Child Care Benefits*
- LDSS-4782, *Notice of Intent to Discontinue Child Care Benefits*
- LDSS-4783, *Delinquent Family Share Model Form*

Two copies of each form (except for the *Delinquent Family Share Model Form*) are sent to the applicant/recipient so that one copy can be used for a fair hearing request and one copy can be retained for his or her personal records.

Approval of Child Care Benefits

The *Approval of Child Care Benefits* form must be sent to applicants/recipients for initial and continuing eligibility within **15** calendar days after the determination has been made. Written notice is not required when a face-to-face interview is conducted at redetermination as long as benefits remain the same.

**Denial of
Child Care
Benefits**

Notice of a denial must be sent within **15** calendar days after the determination has been made to notify applicants that they are not eligible to receive child care benefits because:

- The applicant is not programmatically eligible
- The applicant's income that exceeds allowable levels
- The applicant has not provided adequate documentation
- Child care benefits are not available due to the lack of funds

**Notice of
Intent to
Change
Child Care
Benefits**

The *Notice of Intent to Change Child Care Benefits* form must be sent at least **10 calendar** days before the proposed action becomes effective when the change involves a reduction of benefits or changes in the manner of payment forces the client to change child care arrangements. This notice must be sent to notify clients of:

- Increase in benefit level
- Reduction due to increased income, change in the hours of employment, change in child's age, overpayment recovery, changes in provider or provider rate, decreased market rate
- Change in the manner of payment that forces the client to change child care arrangements

Lesson 2: Redetermining Eligibility

Notice of Intent to Discontinue Benefits

The *Notice of Intent to Discontinue Benefits* must be sent at least **10 calendar** days before the case closing. This notice must be sent to notify clients that their child case is being closed due to such circumstances as:

- Change in financial circumstances or living arrangements that makes the family ineligible for child care benefits
- Termination of employment without “good cause” in transitional cases
- Failure to meet employment-related activity requirements for TA
- Change in activities from approved activity to unapproved activity
- Failure to pay or make an arrangement satisfactory to the district to make full payment of all delinquent family share
- Failure to provide required documentation by client

Note: Child care services may also be discontinued because of unavailability of funding if the family is not eligible for a child care guarantee and is in a lower priority group as established in the district’s Child and Family Services Plan.

Delinquent Family Share Model Form

The *Delinquent Family Share Model Form* is used to notify recipients that they are delinquent in paying their family share for child care services and of the consequences of non-payment (discontinuance). Before an action can be taken the appropriate notice, *Notice of Intent to Change* or *Notice of Intent to Discontinue Child Care Benefits*, must be sent to recipient. This form also serves to:

- Identify the delinquent amount, time frame for paying, and where overdue fees should be paid
- Notify the client of the option of making “satisfactory” arrangements in lieu of payment in full

- Definition of Adequate Notice** Adequate notice means a notice of action which must include required information, including, but not limited to:
- An acceptance of an application for services
 - A description of the action being taken
 - The specific regulations upon which the action is based
 - The effective date of the intended action
 - The right to request an agency conference
 - Notice of fair hearing rights
 - Right to access case records and obtain copies of documents
-

Definition of Timely Notice Timely notice means a notice which is mailed at least **10** calendar days before the date upon which the proposed action is to become effective.

When a reduction or termination of benefits is involved, notices must be sent in a timely fashion by the district.

- When Adequate Notices Are Sent** Adequate notices are sent when the district proposes to:
- Approve (including at redetermination) or deny an application for child care service, or
 - Increase the amount of child care benefits, or
 - Make a change in the manner of payment and the change does not result in the discontinuance, suspension, reduction or termination of child care services or force the recipient to make changes in child care arrangements

Adequate notices should be sent as soon as possible after a decision has been made about a proposed action.

Lesson 2: Redetermining Eligibility

When Adequate and Timely Notices Are Sent

Adequate and timely notices must be sent when the district proposes to:

- Take any action to discontinue, suspend or reduce child care services, or
- Make a change in the manner of payment when the change results in discontinuance, suspension, reduction or termination of child care services or forces the recipient to make changes in child care arrangements

Local Equivalent Forms

Districts wishing to use local equivalent of the required forms must first receive the approval from the Division of Child Care Services (DCCS) **before** the forms are used. It is imperative that local equivalents meet the standards of “adequate” and “adequate and timely” notice.

Local equivalents must also inform the applicants of their rights to a conference and/or a fair hearing, including:

- Address and telephone number to request a fair hearing
- Time limits to request a fair hearing
- Where to obtain free legal assistance
- How to obtain access to their files and copies of documents, and
- Information about aid continuing

The client notification forms are to be used by TA workers unless the district has a local equivalent combining TA and child care issues. This type of local equivalent has to be submitted to DCCS for approval **before** it is used for child care cases.

Unit 3

DESK AID

- **Documentation Requirements**

This page is intentionally left blank.

DOCUMENTATION REQUIREMENTS

Applicant/Recipient Name	Case Name
Date	Time of Interview
Case Number	

LOCAL DISTRICT NAME AND ADDRESS:

You must provide proof of the eligibility factors checked. Your worker must receive this proof no later than _____. If your worker does not receive this proof, your application may be denied or your assistance may be discontinued. (If you cannot obtain these items by the above date, call _____ to find out what other forms may be used to verify your eligibility.) If you ask, we will help you get the proof as long as you are cooperating with us.

Eligibility Factor	To prove this factor, provide: ✓↓ ONE of the following	OR	✓↓ TWO of the following (If you are applying for Food Stamp Benefits or Medical Assistance only, you need to bring only one form for each eligibility factor checked.)
<input type="checkbox"/> Identity You must prove who you are.	Photo I.D. Driver's license U.S. passport Naturalization Certificate Hospital/Doctor's Records Adoption paper		Statement from another person Validated Social Security Number Birth/Baptismal Certificate
<input type="checkbox"/> Marital Status You must prove if you are married, divorced, separated, or widowed.	Marriage/Death certificates Separation agreement Divorce decree Social Security records VA records		Statement from clergy Census records Newspaper notice Statement from another person
<input type="checkbox"/> Residence You must prove where you live.	Statement from landlord Current rent receipt or lease Mortgage records		Statement from another person Current mail School records
<input type="checkbox"/> Household Composition/Size You must prove who is living with you.	Statement from non-relative Landlord School records		Statements from other persons
<input type="checkbox"/> Age You must prove the age of each person applying for assistance, where appropriate.	Birth certificate Baptismal certificate Hospital records Adoption records Naturalization certificate Driver's license		Insurance policy Census records School records Statement from another person Physician statement Official correspondence from SSA
<input type="checkbox"/> Absent Parent If the parent of any child in your home is not living with you, you must prove this	Death certificate Survivor's benefits Hospital records VA or military records Divorce papers Proof of remarriage		Newspaper notice Insurance company records Institutional records Agency case records and burial payment files Statement from another person

Eligibility Factor	To prove this factor, provide one of the following:
<input type="checkbox"/> Social Security Number (For Temporary Assistance, Food Stamp Benefits and Medical Assistance-only, you do not have to provide proof of your Social Security Number (SSN) unless the SSN you give does not match with SSA'S records or cannot be verified by the agency.)	Social Security Card Official correspondence from SSA A Social Security Number is not required for aliens who are seeking Medical Assistance for emergency treatment only or are Medical Assistance-only applicants who are pregnant.
<input type="checkbox"/> Citizenship or Current Alien Status - US citizens are eligible for Temporary Assistance, Food Stamps and Medical Assistance. Aliens must be in satisfactory immigration status in order to be eligible for Temporary Assistance, Food Stamps or Medical Assistance. Immigration status is not an eligibility factor for pregnant women or immigrant children applying for Child Health Plus B. Undocumented immigrants and temporary non-immigrants are eligible only for the treatment of an emergency medical condition.	Birth certificate Baptismal certificate Hospital records U.S. passport Military service records Naturalization certificate USCIS documentation Evidence of continuous U.S. residence since prior to 11/1/72.
<input type="checkbox"/> Earned Income From employer	Current wage stubs Pay envelopes On letterhead, rate of pay per hour; hours worked per week; date of first pay, if new and employer's phone number Contact with employer Business records Tax records Records and related materials concerning self-employment earnings and expenses Current income tax return
<input type="checkbox"/> From self-employment	Current contribution check Statement from roomer, boarder, tenant Income tax records
<input type="checkbox"/> Income from rent or room/board	
<input type="checkbox"/> Unearned Income Child support	Statement from Family Court Statement from person paying support Check stubs Current award certificate Current benefit check Official correspondence with NYS Dept. of Labor Current award certificate Current benefit check Official correspondence from SSA Current award certificate Current benefit check Official correspondence from VA
<input type="checkbox"/> Unemployment Insurance benefits (UIB)	
<input type="checkbox"/> Social Security benefits (including SSI)	
<input type="checkbox"/> Veteran's benefits	

Eligibility Factor	To prove this factor, provide one of the following:
<input type="checkbox"/> Unearned Income (con't)	
<input type="checkbox"/> Workers' Compensation	Award Letter Check stub
<input type="checkbox"/> Education grants and loans	Statement from school Statement from bank Award letter
<input type="checkbox"/> Interest/dividends/royalties	Statement from bank or credit union Statement from broker/agent
<input type="checkbox"/> Private pension/annuity	
<input type="checkbox"/> Other	Current award letter Current benefit check Official correspondence from source of income
<input type="checkbox"/> Resources	Statement from household Statement from nursing home
<input type="checkbox"/> Bank accounts: checking, savings, retirement (IRA and Keogh)	Current bank records Current credit union records
<input type="checkbox"/> Stocks, bonds, certificates	Stock certificate Bonds Statement from financial institution
<input type="checkbox"/> Life Insurance	Insurance policy Statement from insurance company
<input type="checkbox"/> Burial trust or fund burial plot or funeral agreement	Bank records Burial agreement Burial plot deed Statement from funeral director
<input type="checkbox"/> Income tax refund or earned income tax credit (EITC)	Tax Refund Statement from tax office
<input type="checkbox"/> Real estate other than Residence	Deed Statement from real estate broker Appraisal/estimate of current value by broker
<input type="checkbox"/> Motor Vehicle	Registration (older models) Title of ownership Appraisal of current value by dealer Financing data
<input type="checkbox"/> Lump sum payment	Statement from source of payment

Eligibility Factor	To prove this factor, provide one of the following:
<input type="checkbox"/> Other _____	
<input type="checkbox"/> Shelter Expenses You must prove how much it costs you to live where you do (You may need to provide separate documentation for each item of shelter expense.) Medical Assistance does not require documentation of shelter expenses.	Current rent receipt Current lease Mortgage book/records Property and school tax records Landlord statement Sewer and water bills Homeowner's insurance records Fuel bills Non-heating utility bills Telephone bills
<input type="checkbox"/> Medical Bills	Copies of medical bills (paid and unpaid)
<input type="checkbox"/> Health Insurance If you or anyone applying has health insurance coverage (even if paid for by someone else), you must prove this.	Insurance policy Insurance card Statement from provider of coverage Medicare card
<input type="checkbox"/> Disabled/Incapacitated /Pregnant If you or anyone living with you is sick or pregnant, you must provide proof.	Statement from medical professional verifying pregnancy and expected date of birth Statement from medical professional Proof of SSA or SSI benefits for disability or blindness
<input type="checkbox"/> Unpaid Bills Rent, utility	Copy of each bill showing amount owed, period of services and provider
<input type="checkbox"/> Referral Drug/Alcohol Treatment Program	Statement from provider of Treatment
<input type="checkbox"/> Employment Service	Statement from employment service
<input type="checkbox"/> Other Expenses/ Dependent Care Cost You must provide proof if you pay court-ordered support, child care, recurring loans, or for services of a home health aide or attendant.	Court order Statement from day care center or other child care provider Statement from aide or attendant Cancelled checks or receipts
<input type="checkbox"/> School Attendance You must prove who is in school	School records (current report card) Statement from school/ or Higher Education Institution
<input type="checkbox"/> Other:	

<input type="checkbox"/> Absent Parent Information You must provide any information you have: name, address, Social Security Number, birth date, employment	Pay Stubs Tax returns Social Security or VA records Monetary determination letters ID. cards (health insurance) Driver's license or registration	WORKER NAME	DATE	TELEPHONE NUMBER ()
		APPLICANT/ RECIPIENT SIGNATURE	DATE	TELEPHONE NUMBER ()

Unit 4

Payment Processing

Unit Importance Once a case is open and a provider begins care, payments must be monitored as the client or provider's circumstances change.

This lesson will help you:

- Determine family share and payment amount based on applicable market rates
- Monitor payments and make payment adjustments
- Identify the steps in the recovery process and under what circumstances an overpayment can be recovered

Unit Overview

This unit contains the following lessons:

- Determining Payment Amounts
- Issuing and Monitoring Payments
- Handling Child Care Overpayments

Content

Lesson 1: Determining Payment Amounts	3
Determining Market Rate.....	4
Determining Rates in Specialized Circumstances	10
Selecting Payment Method.....	19
Practice A: Determining Market Rate and Payment Amount.....	24
Lesson 2: Issuing and Monitoring Payments.....	28
Cross Checking Child Care Attendance Against Parent/Caretaker Activities	29
Practice B: Determining If Attendance Record Warrants Payment	31
Reimbursement for Absences with Extenuating Circumstances.....	35
Reimbursement When a Program is Closed.....	38
Practice C: Temporary Absence from Child Care	40
Issuing Payments to Providers	43
Lesson 3: Handling Child Care Overpayments	49
Definition of Overpayment	50
Practice D: What Caused the Overpayment?	55
The Mechanism of Recovery	56
Fraud	58
Fraud and Abuse Control Activities.....	64

Lesson 1: Determining Payment Amounts

Lesson Importance The writing of correct payment lines verifies that federal and state money is properly spent and that payments go out in a timely way.

This lesson will help you:

- Determine the payment amount
- Select a payment method
- Complete payments lines, using proper coding

Lesson Overview This lesson continues the discussion of processing the case by reviewing instructions on how to determine child care costs and information on billing procedures, as well as related activities associated with payment processing, including the method for authorizing benefits through the Welfare Management System (WMS).

This lesson contains the following topics:

- Determining Market Rate
- Determining Rates for Specialized Circumstances
- Policy Related to Family Share
- Selecting the Payment Method
- Completing Payment Lines

Lesson Objectives By the end of this unit, participants will be able to:

- Complete payment lines to ensure payment is made
- Describe payment ceiling based on market rate
- Describe different types of payment methods
- Determine the reimbursement amount for child care, including situations where reimbursement over market rate is allowable
- Determine reimbursement levels in specialized situations
- Describe policy governing family share, if applicable
- Describe the required fields and correct codes for payment lines

Determining Market Rate

Introduction Payments for child care services under the New York State Child Care Block Grant (NYSCCBG) and under Title XX must be for the actual cost of care up to the applicable market rate.

Market rates are traditionally updated every two years. The current applicable market rates are outlined in 18 NYCRR 415.9, “Rates”, **Tab 1** and 11-OCFS-LCM-12, *Child Care Market Rates 2011-2013*, **Tab 1**, for the current market rates.

Actual Cost of Care The actual cost of care is the usual rate charged by the provider for non-subsidized care up to the applicable market rate as updated in 18 NYCRR 415.9, **Tab 1**, and in 11-OCFS-LCM-12, **Tab 2**, pages 2-4.

In the case where a district has negotiated a contract rate with individual providers that is less than the charge to non-subsidized families, the contracted rate is considered the actual cost of care.

In the case where a provider is serving only subsidized children, and does not have a contract with the Local Department of Social Services (LDSS), then the actual cost of care is the current rate the provider receives from the LDSS. However, if the provider requests payment for a higher cost of care and can clearly document:

1. In the recent past a higher rate was received for non-subsidized children, or
2. Costs solely related to or attributable to the child care services have increased in the previous 12 months. Costs related to compliance and personal salary are generally not considered (see LCM 11-OCFS-LCM-12, **TAB 2**, p. 4)

then the LDSS can establish that rate as the actual cost of care.

**Child
Support
Child Care
Payments**

The cost of care must be further adjusted if there is a child support child care payment being made to the parent/caretaker for the child in care or directly to the provider.

The child care portion of the child support payment must be deducted from the provider's usual rate for child care. Then the family share may be deducted from the balance to arrive at the child care benefit amount.

For example:

Provider's Actual Cost of Care	200.00
Market Rate	150.00
Non-Custodial Parent Child Care payment	<u>-50.00</u>
Balance of Cost of Care	100.00
Balance of Cost of Care	100.00
Family Share	<u>-15.00</u>
Child Care Subsidy Benefit Amount	85.00

Note: The deduction of the child support child care payment is deducted from the actual cost of care unless the cost of care exceeds the market rate.

Lesson 1: Determining Payment Amounts

Market Rate Market rates:

- Are determined by the New York State Office of Children and Family Services (NYS OCFS)
- Establish a ceiling for state and federal reimbursement for payment for child care services
- Must be sufficient to ensure equal access to child care for subsidized children
- Take into account the variations in costs of providing care in different settings and to different age groups

How Market Rate Was Established

In accordance with federal regulatory requirements, OCFS contracted with a market research firm to conduct a telephone survey of a sample of regulated providers. Data from the survey was analyzed and the rates from the survey were clustered into five distinct groupings of districts. Market rates were then established for each cluster at the 75th percentile.

As per 11-OCFS-LCM-12, **Tab 2**, the rates in each group are differentiated by:

- Type of provider
- Age of child
- Duration of care

Note: Also see 18 NYCRR 415.9, **Tab 1**.

Type of Provider	<p>Market rates vary according to the type of provider, which includes different rates for:</p> <ul style="list-style-type: none">• Licensed or Registered Day Care Centers and Legally-Exempt Group Child Care• Registered Family Day Care providers• Licensed Group Family Day Care providers• Registered School-Age Child Care programs• Legally-Exempt Family and In-Home Child Care, Standard rate• Legally-Exempt Family and In-Home Child Care, Enhanced rate
-------------------------	---

Age of Child	<p>Market rates are also differentiated by the age of the child. The age categories are:</p> <ul style="list-style-type: none">• Under 1 ½ years• 1 ½ through 2 years• 3 years through 5 years• 6 years through 12 years
---------------------	---

Note: When a child moves from one age category to another, the new market rate limit should be applied at the beginning of the full month following the child's birthday.

Lesson 1: Determining Payment Amounts

Duration of Care Market rates are also differentiated by the duration of the care, which is defined as weekly, daily, part-day, or hourly. Below are definitions of these different payment units:

Payment Unit	Definition
Weekly	When care is provided for 30 or more hours over the course of five or fewer days in a single week
Daily	When care is provided for at least six but fewer than 12 hours per day for less than 30 hours in a single week
Part-day	When care is provided for at least three but fewer than six hours per day
Hourly	When care is provided for fewer than three hours per day

Determining Payment Unit

Guidelines for selecting the applicable payment unit are governed by whether the provider has a purchase of services contract or not.

Provider	Care for 30 or More Hours per Week	Care for 30 or Less Hours per Week
Has no purchase of service contract or other written agreement	<ul style="list-style-type: none"> If routinely charges a weekly rate to non-subsidized, <u>must use weekly market rate</u> If routinely charges a daily rate to non-subsidized, <u>must use weekly market rate divided by 5.</u> 	<p><u>Must use applicable rate based on duration of care:</u></p> <ul style="list-style-type: none"> Daily Part-day Hourly Or a combination
Has purchase of service contract or other written agreement	<p><u>Always apply the contract rate. The rate set by the local district for such contracts must be within the weekly market rate, or the weekly market rate divided by five if paying on a daily basis.</u></p>	<p><u>Must use applicable rate based on duration of care:</u></p> <ul style="list-style-type: none"> Daily Part-day Hourly Or a combination
Day Care Center or School-Age Child Care program not routinely charging an hourly basis		<p><u>Must use part-day rate when care is provided for three hours or less per day before and/or after school.</u></p>

Determining Rates in Specialized Circumstances

Enhanced Market Rates An enhanced market rate is established for Legally-Exempt Family Child Care and In-Home Child Care providers that have completed ten or more hours of training annually as established in the LDSS Child and Family Services Plan, Appendix T.

A standard market rate is traditionally established every two years for Legally-Exempt Family Child Care and In-Home Child Care providers that have not completed 10 or more hours of training by OCFS in 11-OCFS-LCM-12, **Tab 2**.

When notified by the Enrollment Agency (EA) that a Legally-Exempt Family Child Care or In-Home Child Care provider has completed 10 or more hours of training, the district must apply the enhanced market rate and send OCFS/LDSS-4781, *Notice of Intent to Change Child Care Benefits*, **Tab 7**, to the parent/caretaker. The district must apply the enhanced rate no later than the beginning of the first full month for 12 months following the date the district was notified by the EA of the approval of the enhanced rate.

In order to receive the enhanced market rate beyond the approved period, the provider must complete an additional ten or more hours of training. The EA will notify the district if the provider has completed an additional 10 or more hours of training.

For those cases in which the district has not been notified by the EA that a Legally-Exempt Family Child Care or In-Home Child Care provider is eligible for the enhanced market rate, the district must apply the standard market rate.

Note: See 09-OCFS-LCM-07, *Attachment B*, **Tab 2**.

Differential Payment Rates

Districts are allowed to establish higher payment rates for Registered and Licensed providers for:

- Providers that have been accredited by a nationally recognized child care organization
- Providers who offer services during non-traditional hours

Guidelines for Differential Rates

Differential rates must be indicated in the Child and Family Services Plan. Payment rates:

- May be up to 15% higher than the applicable market rates
- May be different percentages for accredited programs than for programs offering services during non-traditional hours
- Cannot exceed 15% to any one provider

Note: A district may request a waiver to establish a payment rate that is in excess of 15% above the market rates upon showing that 15% maximum is insufficient to provide access within the district.

Special Needs

The Federal Family Support Act of 1988 recognized the need for making higher child care payments for children with special needs and allowed states to establish separate statewide limits for care of these children when the increased payments are the result of increased costs associated with meeting the special care needs of such children.

However, higher child care payments for children with special needs are not allowed to cover:

- Special educational
- Therapeutic, or
- Other services not directly related to the provision of appropriate child care

Note: Payment rates for children with special needs are also traditionally updated every two years.

Lesson 1: Determining Payment Amounts

Statewide Limits: Special Needs

The statewide limit for children with special needs is based on the amount of time of care per week. The market rate for children with special needs:

Payment unit	Statewide Limit
Weekly	\$335.00
Daily	\$ 64.00
Part-Day	\$ 43.00
Hourly	\$ 18.75

The payment of a higher rate for child care services for children with special needs can only be made when both of the following are true:

- A child meets one or more of the definitions of special needs
- The provider incurs additional costs as a result of caring for such children

Note: Please refer to 11-OCFS-LCM-12, **Tab 2**, p 9.

Multiple Providers

Payment for care provided by more than one provider during the course of a single day or week will be made to each provider for the actual cost up to the applicable market rate for each when the family can reasonably justify the need for multiple providers.

Example: Ms. Smith needs care for her 5 year old son David when she goes to her day job five days a week. She works a second job and also needs care Tuesday and Thursday night.

Provider	Hours of Care Provided	Payment
Kids Choice Day Care Center	9:30am to 4:30pm Monday through Friday	Up to one weekly market rate
Mr. Johnson	6:00pm to 9:30pm on Tuesday and Thursday	Up to two part-day market rates

Note: Please refer to 18 NYCRR Part 415.9(h), **Tab 1**, for instructions when payment to multiple providers would exceed one weekly market rate. Please also refer to 11-OCFS-LCM-12, **Tab 2**, p 8.

Excessive Hours by Single Provider

When child care services are provided by a single provider in excess of one weekly or daily period, payment for the additional child care services will be based on the actual cost of additional care up to the applicable rates.

Note: Please refer to 11-OCFS-LCM-12, **Tab 2**, p 7.

Provider	Hours of Care Provided	Payment
Mrs. Jones	Eight hours per day, Monday through Saturday	Up to one weekly market rate plus one daily market rate

Lesson 1: Determining Payment Amounts

Trans- portation Fee

Districts, at their option, may make payments for eligible families for transportation to and from a child care provider, providing this option has been listed in their Child and Family Services Plan.

Districts who have elected a transportation option:

- Will be reimbursed for transportation expenses charged by a child care provider that are separate and apart from the regular rate charged by the provider, or
- May make arrangements using other providers of transportation services

Client Residence Change

When a family who is guaranteed child care services moves from one district to another:

- The former district pays for the month of the move and the first full month thereafter, using the market rate for the district in which the provider is located
- The new district picks up payments beginning with the second full month the family lives in the district

When a family, who is eligible when funds are available or when included in district's Child and Family Services Plan, moves to another district:

- The former district is no longer responsible for the child care services payment as soon as the family moves out
- The parent/caretaker has to re-apply in the new district if child care is still needed

Jurisdiction The social services district where the family resides is normally responsible for providing child care services. However, in some Temporary Assistance (TA) circumstances, jurisdiction remains with the district where the family or child formerly resided.

Special circumstances include:

- Client participating in an approved activity in another county
- Child placed in foster care in another county

Note: Please see 05-OCFS-ADM-03, **Tab 3**, p 37

Required Activity in Another County When a parent or caretaker relative participates in a substance abuse program in another district, the district requiring or approving the activity pays for the child care services that are needed while the parent or caretaker relative is in treatment.

Foster Care in Another County When a child is placed in foster care in a district outside of the district where the child resided at the time of placement, and the foster parent needs child care services for approved or required activities of the foster parent, the district placing the child pays for the child care services.

Policy Related to Family Share

Definition Family share is the weekly amount paid towards the costs of the authorized child care services by the child's parent/caretaker as per 18 NYCRR 404.6, **Tab 1**.

Family share is required of Low-Income families, but not TA families.

Rules Governing Sliding Fee Scale

In establishing family share, districts:

- May use a sliding fee from 10% to 35%, as indicated in the district's Child and Family Services Plan
- Must use the same percentage factor for all families receiving child care services in the district
- Must charge a minimum weekly fee of one dollar to each family unit required to pay a fee
- May charge no more than one fee per family regardless of the number of children in the family receiving child care services
- Districts may change their family share by amending their Child and Family Services Plan, which requires approval from OCFS **prior** to implementation

District's Responsibility

The district is responsible for determining the manner of collecting family share and must advise the parent/caretaker in writing, at the time of the initial eligibility determination and each re-determination, of the:

- Required family share amount
- Date(s) such family share is due
- Payment procedure to be followed

The notice of family share requirements must be included in the written notice of eligibility.

**Methods of
Collecting
Family Share**

Family share may be collected from the parent/caretaker by either:

- The provider, or
- The district

**Provider
Collection**

If the provider is responsible for collecting the family share:

- Any required family share must be deducted from the amount made to the provider, and
- The parent/caretaker pays the family share directly to the provider

A provider must be notified when a parent/caretaker is required to pay family share to the provider. Such notification to the provider must contain:

- The amount of the family share, and
- The date(s) the family share is due

**District
Collection**

If the district assumes this responsibility, the district will:

- Collect the family share from the parent/caretaker, and
- Make full payment to the provider

Lesson 1: Determining Payment Amounts

Handling Delinquency If a family share is not paid by the specified date, the district, or the provider, when appropriate, must immediately give written notice of the family share amount past due in person or by mail to the recipient. Such notice must include:

- A warning of impending termination of the service for continued non-payment, and
 - Specification of the time period within which such payment must be made, or
 - The time period within which the satisfactory arrangement for such payment must be made

Note: Such time period may be no less than **seven** days and no more than **30** days, **unless** the district has determined other satisfactory arrangements for payment. A sample of OCFS-LDSS-4783, *Notice of Delinquent Family Share for Child Care Benefits* is provided in **Tab 7**.

Termination Failure of the parent/caretaker or caregiver to pay the family share must lead to termination of the service for which the family share was imposed and not paid unless, prior to the termination of such services:

- Payment of the full amount of the delinquent family share is received, or
- Satisfactory arrangements have been made for the service recipient to make full payment of the delinquent family share

Protective and Preventive Exception All Low-Income families are required to pay a family share. However, failure to pay family share must **not** be a basis for denial or discontinuance of services as part of a plan:

- Of protective services for a child, or
- For preventing placement of a child in foster care

Notice Requirement The district must give written notice of termination of service in person or by mail to the recipient. Such notice must state that the service will be terminated **10** days subsequent to the date of notice.

Copies of the warning and termination notices must be maintained in the recipient's case record.

Selecting Payment Method

Overview Payment methods are outlined in 18 NYCRR 415.5, *Child Care Services*, **Tab 1**. Payment for child care services provided under the NYSCCBG Program can be made by one or more of the following methods:

- Advanced cash payment
- Cash reimbursement
- Voucher
- Purchase of services contract or letter of intent

Payment goes to either the parent/caretaker or the provider.

Attendance and payment records must be monitored for all providers receiving payment for child care services regardless of the method of payment.

Payment for Legally-Exempt In-Home Child Care To reinforce the fact that only the parent/caretaker is responsible for paying providers, OCFS recommends that districts consider issuing checks only in the parent/caretakers name when a Legally-Exempt In-Home provider is used.

If the district is changing the method of direct payment, then OCFS-LDSS-4781, *Notice of Intent to Change Child Care Benefits* (LDSS-4781) must be issued to the recipient.

Lesson 1: Determining Payment Amounts

Payment to Provider

Payment may be made directly to the provider through:

- Purchase of Services contract or letter of intent
- Advance cash payment, cash reimbursement, or vouchers

Regulated or Legally-Exempt child care providers must be enrolled with the LDSS before payment can be made.

Required Use of Purchase of Services

When NYSCCBG funding covers the services for protective only cases, **no** Purchase of Service contract is required.

However, for child care services provided under Title XX, payment must be made through a Purchase of Services contract or letter of intent. This includes child care to:

- Prevent foster care placement
- Provide preventive services
- Provide protective services for children who have been reported neglected, abused, or maltreated

Note: Letters of intent may be used only for Family Day Care providers.

**Contents of
Purchase of
Service
Contract**

A Purchases of Services contract must have the following elements:

- A definite effective and termination date
- A detailed description of the services to be provided and the methods of provision
- A specific dollar rate
- Method of payment
- Statement that the provider meets applicable standards
- Location where services are provided
- Provider's responsibilities and rights
- Dated and executed by authorized worker

All contracts should be reviewed at least every six months for verification of conformance.

**Child Care
Certificate
Payment
System**

The district must issue a child care certificate directly to the parent/caretaker when the parent/caretaker does not have a child care provider. The parent/caretaker may use it only to arrange for child care services from any eligible provider.

The child care certificate must be available in all districts except New York City which developed a state approved local equivalent to the child care certificate program.

A copy of 92-LCM-138, *Child Care Certificate Program* is found in **Tab 4.**

Lesson 1: Determining Payment Amounts

Certificate Validity Time Limit A child care certificate is valid for a 30 day period following the date of issue.

During this period, the family:

- May present the certificate to any eligible provider, or
- May request another certificate in order to continue to try to self-arrange care if unable to locate care during 30 days, or
- May ask the district to arrange care

Completing Payment Lines

Introduction In writing payment lines to authorize child care payments for an eligible household, the worker will utilize the appropriate document:

For TA cases,

- The Application Turnaround Document (LDSS 3636), or
- The Authorization Change Form (LDSS 3209)

For Services cases, or TA cases opened on services Welfare Management System (WMS)

- The *Services Financial Eligibility Documents/Turnaround (SFED/T)*, or
- The *Services Authorization* (LDSS 2970)

**TA Child
Care
Payment
Line**

For TA cases, screens 6 - 9 are used to record all payment lines related to:

- Cash benefits
- Restricted benefits
- Supplemental Nutrition Assistance Program (SNAP) benefits
- Child care

Child care payments are included in the listing of all eligible payments for the TA case and are then entered into screen 9 of the WMS Non-Services authorization process. Payment type codes are selected in accordance with the type of child care provided.

**Low-Income
Child Care
Payment
Line**

As in the TA process, the worker uses either the *SFED/T* or the *WMS Services Authorization* form and uses codes to identify the appropriate Purchase of Service for child care.

Coding

In selecting the appropriate codes for authorization of child care payment, the following references are to be used:

- For TA cases, the WMS Non-Services Code Cards (LDSS – 4398)
- For Services cases, the WMS/Services Coding Guide (WMS/SVC – 80)

As with any reference guide, it is important to be certain of using the most current version, as codes may change over time.

Practice A: Determining Market Rate and Payment Amount

Directions: Review the following cases and determine the applicable market rates. For the purposes of the practice cases assume today's date is October 22.

Case 1

Bill, a 22 month old boy with documented autism, lives in Erie County. He goes to Star Day Care Center for four hours a day, three days a week and works with a one-on-one aide that was hired to work with Bill because of his documented need for additional supervision around other children.

Bill also goes to Mrs. Brown, a Legally-Exempt provider, at night for two hours a day, three days a week, where he works with a physical therapist.

1. What is the applicable rate for Star Day Care? _____
2. What is the applicable rate for Mrs. Brown? _____

Work Area:

Case 2

Scott is celebrating his 18-month birthday today. He is having a party at the nationally accredited Star Day Care Center in Albany where he attends six hours a day, three days a week.

Scott's custodial parent receives \$25.00 a week in child support for child care expenses from the non-custodial parent. The provider's rate is \$60.00/daily for children under 1½ years.

1. What is the applicable market rate now? _____
2. For next month? _____
3. What amount should the district pay? _____

Work Area:

Lesson 1: Determining Payment Amounts

Case 3

Samantha, a 2 year old from Erie County, will be celebrating her 3rd birthday next month in Albany County with her mother where they have moved to in order for her mother to attend a 6 month residential drug rehabilitation center as ordered by her TA case worker in Erie county.

Samantha currently attends the Registered Family Tiny Miracles Day Care Center 3 hours per day 4 days per week while her mother attends treatment.

1. Who is going to pay for October? _____
What rate? _____
2. Who is going to pay for November? _____
What rate? _____
3. Who is going to pay for December? _____
What rate? _____

Work Area:

Case 4

Beth, a 10 month old, is receiving guaranteed child care service provided by an In-Home babysitter for five hours a day, three days a week.

Her family is moving from Monroe County to Steuben County on the 5th of November. She will go to a Registered Family Day Care Center after the move for six hours a day Monday through Friday.

In December, Beth will also begin to attend day care at the same Registered Family Day Care Center on Saturdays for 3 hours.

1. Who is going to pay for November? _____
What rate? _____
2. Who is going to pay for December? _____
What rate? _____
3. Who is going to pay for January? _____
What rate? _____

Work Area:

Lesson 2: Issuing and Monitoring Payments

Lesson Importance The Child Care Subsidy Program needs to be monitored carefully to ensure that federal and state money is spent appropriately and paid to those for whom it was intended.

This lesson will help you:

- Monitor whether payments should be made
- Cross check the correct amount of payment
- Identify when payments should be made to providers

Lesson Overview

The topics in this lesson include:

- Cross Checking Child Care Attendance Against Parent/Caretaker Activity
- Reimbursement for Temporary Absences
- Reimbursement for Absences in Extenuating Circumstances
- Reimbursement When a Program is Closed
- Issuing Payments to Providers

Lesson Objectives

By the end of this lesson, you will be able to:

- Monitor a child's attendance against the provider's billing and the parent/caretaker participation in activities as selected in the district's county plan to determine if payments should be made
- Describe guidelines for making payments when a child is temporarily absent from child care
- Determine if payments should be made to providers from program closures
- Identify under which circumstances providers may be eligible or ineligible for subsidy payment

Cross Checking Child Care Attendance Against Parent/Caretaker Activities

Introduction The requirement for local districts to monitor attendance records before making payment for child care services is outlined in 18 NYCRR 415.4, *Local District Responsibility*. Monitoring needs to occur to make sure payments are being made for legitimate activities.

Participation in Employment or Approved Training Activities On a regular basis, districts need to monitor parent/caretaker participation in employment or a training activity as selected in the district's county plan.

The parent/caretaker must provide:

- Documentation of hours worked, or
- Documentation related to a training activity including:
 - The name of the institution offering or conducting the training program
 - The course of study to be pursued
 - The specific vocational or rehabilitative goal
 - The duration of the training per day, including no more than a total of three hours per day to commute to and from the training location
 - Progress reports to show that the parent/caretaker is progressing satisfactorily towards the established goal(s)

Lesson 2: Issuing and Monitoring Payments

Reviewing Attendance Records

On a periodic basis, the district must review the child's attendance record to see that the hours of attendance in child care are reasonably related to the hours of employment or participation in an activity. In the review, the worker checks:

- The child's attendance records against the parent/caretaker's work or activity hours to make sure the payment does not exceed the needed hours of care, allowing:
 - Travel time to and from the work or activity location
 - Time for delivery and pick-up of the child
 - Up to eight hours of child care services to enable the parent/caretaker who works a second or third shift to sleep, provided this has been identified in the local district's Child and Family Services Plan
- The child's attendance records against the attendance records from in the provider. In the case of multiple providers, the worker should check to make sure there is no overlap in child care

Since providers will submit signed records of the children's attendance with the bills, it is very important to educate/train the providers on standard billing procedures established by the district to minimize turnaround time and allow prompt payment.

Child Care During Breaks in Activities

Districts must provide child care subsidies for Temporary Assistance (TA) recipients during breaks in work or an approved activity. Payment for child care during approved or allowed breaks in activities is mandated and is limited to a period of up to two weeks. However, child care may be authorized for up to one month if the child care arrangements would be lost if not continued, and the employment or approved activity is scheduled to begin within that one-month period. There are no limits on the number of approved or allowed breaks for which child care may be authorized, so long as the recipient is participating as required in his or her work or approved activity.

A copy of this information can be found in 04-OCFS-ADM-01, Section B, "*Payment During Breaks in Activities*", located in **Tab 4**.

Practice B: Determining If Attendance Record Warrants Payment

Directions: Read the following case studies and examine the attendance records and bills submitted to determine if payment is warranted for the child care services claimed and give reasons for your decisions.

Case 1 Wendy has one child. She works in a grocery store from 8:00 am to 4:00 pm Monday through Tuesday and from 10:00pm to 6:00 am on Thursdays.
The provider submitted a bill for 30 hours a week.

Peter Piper Day Care <i>We lead when others follow</i> 135 Rockefeller Street Warrensburg, NY 12345		INVOICE INVOICE # 101 DATE: OCTOBER 6, 2010
FOR: WENDY CALABRESE Re: Lilly Calabrese		
DESCRIPTION	AMOUNT	
Child Care provided for minor child Lilly Calabrese as scheduled by mother Wendy	30 hours	
TOTAL	30 hours	
If you have any questions concerning this invoice, contact Torie at 1.800.WeCare		
Thank you for your business!		

Work Area:

Lesson 2: Issuing and Monitoring Payments

Case 2 Mary is attending an approved training program three mornings a week from 8:00am to 12:00pm on Mondays, Wednesdays, and Fridays. She is also working part time from 1:00pm to 5:00pm on Mondays, Wednesdays, Fridays and Saturdays. The following attendance report #1 is from Peter Pan Day Care and attendance report #2 is submitted by Mrs. Brown, who babysits in Mary's house when Mary works.

Attendance Report #1 from Peter Pan Day Care:

<u>Sun</u>	<u>Mon</u>	<u>Tues</u>	<u>Wed</u>	<u>Thurs</u>	<u>Fri</u>	<u>Sat</u>
	7:30am-12:30pm	7:30am-12:30pm	7:30am-12:30pm	7:30am-12:30pm	7:30am-12:30pm	
	5 hours					

Attendance Report #2 from Mrs. Brown:

<u>Sun</u>	<u>Mon</u>	<u>Tues</u>	<u>Wed</u>	<u>Thurs</u>	<u>Fri</u>	<u>Sat</u>
	11am-6pm		11am-6pm		11am-6pm	11am-6pm
	7 hours		7 hours		7 hours	7 hours

Work Area:

Reimbursement for Temporary Absences

Introduction Local districts have the option to pay for temporary absences from child care. Districts that choose to pay for temporary absences must indicate this option in their Child and Family Services Plan.

As part of the monitoring process, child care workers need to monitor temporary absences of children in order to determine whether payment to the provider is warranted.

Regulations Regulations for reimbursement are found in 18 NYCRR 415.6, *State Reimbursement, Tab 1*, and are more fully outlined in 05-OCFS-ADM-03, *Child Care Subsidy Program, Tab 3*.

Routine Absences Reimbursement for payments on behalf of children who are temporarily absent from child care is allowable, subject to the guidelines outlined in 18 NYCRR Part 415.6, and as outlined in the Child and Family Services Plan.

The provider rendering the child care services must be duly Licensed, Registered, or enrolled as a Legally-Exempt Group Child Care provider.

- The district may choose to make payments only to those providers with which it has a letter of intent or contract, or to all subsidized providers (except Legally-Exempt In-Home and Legally-Exempt Family Child Care providers)
- The district has to specify in the written contract, agreement, or written notice to the provider that payment is allowable in cases of temporary absence from child care

Lesson 2: Issuing and Monitoring Payments

Selecting a Base Period The district that plans to claim federal or state reimbursement of payments for child care for children who are temporarily absent must select either the three-month or six-month period as the basis on which it will maintain records and seek reimbursement.

- No combination of the three or six month periods is permitted within one district
- Once a base period is selected, no change can be made until the end of the annual program year

Identifying a Base Period The district must identify the beginning of the three-month or the six-month period used in determining maximum temporary absence numbers.

The base period is defined as:

- The date of a child's admission to child care and ending three or six months later depending on the period selected, or
- The fixed calendar date for all children entering child care and ending three or six months later depending on the period selected

If the latter is selected,

- A child entering child care during a quarterly (or semiannual, depending on the period selected) cycle may, during the initial period, receive a prorated number of days of absence, beginning on the date of entry and ending on the last day of the quarterly or semiannual cycle
- All temporary absences thereafter will be computed using the normal quarterly or semiannual cycle.

**Limits for
Routine
Absent
Maximum
Days**

In the case of routine absences, payment for maximum temporary absence from child care is allowed for up to:

- 12 days in any one calendar month, and
 - No more than 12 days in any three-month period if the district selects a three-month base period, or
 - 24 days in any six-month period if the district selects a six-month base period

Reimbursement is **not** available if:

- The provider ordinarily charges the parent/caretaker on a daily or part-time basis and the child for whom reimbursement is requested receives subsidized child care from a different provider on the same day
- The provider ordinarily charges the weekly market rate, when care is provided 30 or more hours for five or less days per week. In this case, the child's absences would not count towards routine absences

Reimbursement for Absences with Extenuating Circumstances

Introduction Districts may also provide reimbursement for absences caused by extenuating circumstances if these circumstances are noted in the child's services plan and have been verified by the district.

Lesson 2: Issuing and Monitoring Payments

Extenuating Circumstances Definitions

Extenuating circumstances are defined as:

- The child or the child's caretaker needs to appear in court or keep other appointments related to the provision of preventive, foster care, adoption or child protective services, or other needs set forth in the child's service plan
- The child needs to receive medical care and/or routine medical treatment
- The child's family is homeless, and the homelessness necessitates the child's absence from child care
- The child's caretaker is participating in an education or training program as outlined in the district's county plan, and the child's absence coincides with the temporary suspension of the program for purposes of, but not limited to, holidays, school conference, and snow day closures

Limit for Maximum Absent Days

The maximum allowed absent days from child day care with extenuating circumstance(s) are:

- Up to 15 days in any one calendar month, and
 - No more than 20 days in any three-month period if the district selects a three-month base period, or
 - 40 days in any six-month period if the district selects a six-month base period.

Note: These limits are not additional but cumulative to routine limits. Example: Routine absences allow 12 days in a month, plus 3 additional days for absences with extenuating circumstances, totaling 15 days.

Summary— Absences The following chart summarizes the maximum limits for reimbursement for temporary absence from child day care:

Base Period	Routine Limits	Limits with Extenuating Circumstance(s)	Total
In one calendar month	Up to 12 days	3 days	Up to 15 days
In 3-month period	Up to 12 days	8 days	Up to 20 days
In 6-month period	Up to 24 days	16 days	Up to 40 days

Verification Required for Claiming Payment When the payment of absence with extenuating circumstances is claimed, the parent/caretaker is responsible for providing documentation such as:

- Court order
- Physician’s letter
- Any other documents to show compliance with the definition of extenuating circumstance

Lesson 2: Issuing and Monitoring Payments

District Reimbursement Requirements	<p>When an extenuating circumstance exists and the district opts to make payments and claim reimbursement for a number of absences <u>over the limits of extenuating circumstances</u>, the district must:</p> <ul style="list-style-type: none">• Submit a written request to the Office of Children and Family Services (OCFS) for approval. Such requests must be client-specific and must indicate the numbers of additional absences as well as the reason(s) the additional absences were necessary• Maintain as a part of the case record a copy of the written OCFS approval for reimbursement of child care payments in excess of the limits for cases with extenuating circumstances
--	---

Reimbursement When a Program is Closed

Introduction	<p>Districts may also reimburse Licensed, Registered, or enrolled Legally-Exempt Group Child Care providers when care is not provided because of program closure due to:</p> <ul style="list-style-type: none">• A state, federal, or nationally recognized holiday• Extenuating circumstances beyond the provider's control such as natural disaster, severe weather• Other emergency closing not due to a substantiated regulatory violation
---------------------	--

**Policy
Governing
Payment for
Program
Closure**

The following guidelines govern payment for program closure:

- Reimbursement is available **only** for subsidized children who would otherwise be present at the child care program
- Reimbursement is **not** available for a day the program is closed if the provider ordinarily charges the clients on a day or part-time basis and the child for whom reimbursement is requested receives subsidized child care from a different provider on the same day
- The maximum number of days allowable is **5** per year

The district must maintain a record of the payment to each provider.

**Payment for
Program
Closure to
Provider**

If a district opts to make payments for program closures, it may choose to make such payments to:

- Providers with which the district has a contract or letter of intent only, or
- All providers of subsidized child care services except for care givers of Legally-Exempt In-Home or Family Child Care

The district must specify in the Child and Family Services Plan whether or not it opts to make such payments and, if applicable, for which providers such payment will be made.

Practice C: Temporary Absence from Child Care

Directions: Review the following cases and determine if the payment for temporary absence is allowed.

Case 1 Mrs. Green is a Legally-Exempt provider who looks after her nephew, Matthew, in her home and claimed payment for the month of January including five days when Matthew was absent due to illness.

1. Approve Deny

Why? _____

Case 2 Cara goes to Star Day Care for three hours in the morning on weekdays. Star Day Care submitted a bill, claiming three days of program closure during the month, on days Cara was scheduled to be there.
Cara's parents report, and provide verification, that she received child care from another provider on those three half-days.

1. Approve Deny

Why? _____

Lesson 2: Issuing and Monitoring Payments

Case 4 You've received a bill from Star Day Care for Jonathan for the month of January. It reads:

<u>Sun</u>	<u>Mon</u>	<u>Tue</u>	<u>Weds</u>	<u>Thurs</u>	<u>Fri</u>	<u>Sat</u>
	New Year's		Sick	Snow Day	Sick	
		Court	Court	Court	Sick	
	Sick	Sick	Sick	Sick	Sick	
	Sick	Sick	Sick	Sick	Sick	

1. Approve

Deny

Why? _____

Issuing Payments to Providers

Payments to Child Care Providers In order for districts to issue child care subsidy payments, the district must verify provider eligibility in the Child Care Facility System (CCFS) to determine if providers are licensed, registered, or enrolled as Legally-Exempt providers by an Enrollment Agency (EA). The Local Department of Social Services (LDSS) can also run a “parent-provider report” in CCFS to see a list of providers associated with the county.

Providers receiving subsidies are required to be in compliance with the applicable laws and regulations pertaining to the Child Care Subsidy program, as well as any additional requirements imposed on providers by the district. In addition, all child care providers receiving subsidy payments must certify that all documentation and information provided to the district is accurate and true, and that they do not charge more for subsidized children than for non-subsidized children in care. These guidelines are outlined in 05-OCFS-ADM-03 and 18 NYCRR 415.12.

Districts must determine whether providers are eligible for subsidy payments based on their provider status. It is the district’s responsibility to ensure that those providers required to be Licensed, Registered, or enrolled have a valid license, registration, or enrollment status before they make Child Care Subsidy payments.

Lesson 2: Issuing and Monitoring Payments

Non-compliance of a Licensed or Registered Provider

Districts must pay Licensed or Registered providers who are in good standing. A Licensed or Registered child care provider has due process rights to a hearing and may only be considered non-compliant for the purpose of stopping the issuance of subsidy payments after one of the following events occurs:

- The provider's license or registration was suspended following a finding that the public health or a child's safety or welfare is in imminent danger
- The provider was issued a letter to revoke or deny the provider's child care license or registration, the child care provider's due process hearing rights have been adhered to, and all rights to appeal have been exhausted, resulting in a final decision to revoke or deny the provider's child care license or registration
- The provider was issued a written notification that the provider's license or registration is no longer valid
- The provider is closed

See 18 NYCRR 415.4(h) for more information.

Legally-Exempt Payable Statuses

Districts must issue payments for care provided by Legally-Exempt providers who have either been temporarily or fully enrolled by the EA. These payments may go back to the Child Care Subsidy Start Date established by the district when there are no known Periods of Ineligibility documented in CCFS. These providers do not have to be fully enrolled in order to begin receiving subsidy payments.

Providers with a status of Intake, Preliminary Review or Under Full Review have not been enrolled and are not eligible providers. Providers whose status is Denied or Withdrawn have been rejected and are not eligible for enrollment. Providers who are Closed or Closed: Terminated were once eligible but are no longer eligible to provide subsidized child care.

Legally-Exempt Payable Statuses (Con't)

The district may also pay Legally-Exempt providers who are in the process of renewing their enrollment. The LDSS must review both the provider enrollment status and the family decision in order to determine whether a provider is eligible to be paid for care. Detailed information is in the desk aid Issuing Payments for Subsidized Child Care Based on Provider Enrollment Status and Family Decision.

The provider status of Enrolled: Emergency Inactive indicates serious non-compliance and the district must not issue payment for care given to a provider in this status.

Deferring Payments to Providers

The district is required to act on a claim for reimbursement from a provider within 30 days of receiving such a claim.

Districts may choose to defer a claim in the following circumstances:

- Upon the recommendation of a federal, state, or local agency when the agency has informed the local district that continued payment of claims place the district at risk of making payments for services that were not provided in accordance with the applicable state regulations
- Inaccuracies in the claim warrant a more detailed review
- Upon notification of the existence of a pending criminal charge involving fraud

See 18 NYCRR 415.4(h) for more information.

Lesson 2: Issuing and Monitoring Payments

Disallowing Payments to Providers

The district may also disallow payments for claims for subsidy services provided for the time period in which:

- An enrolled provider is found to be operating or have operated a child care program required to be licensed or registered without obtaining a license or registration
- A Licensed or Registered provider is found to be operating or have operated over its licensed or registered capacity
- An enrolled Legally-Exempt provider is found to be caring or have cared for more children than the limits defined by regulation in 18 NYCRR 415.1(h)

Denying Payments to Providers

Districts may also deny payments to providers who are not eligible to care for specific families. This can include circumstances when:

- A provider is an adult member of the Child Care Services Unit (CCSU) who is not a sibling to the child in care
- Title XX funding is being used to pay for services
- A provider has been disapproved in a protective/preventive case because the district believes it would be contrary to the health, safety, or welfare of the child to receive services from the provider

Suspending Legally-Exempt Providers Districts may choose to suspend a Legally-Exempt provider to care for all subsidized children while a provider is under investigation for child abuse and maltreatment. The district may only suspend the provider during the time that the investigation is open.

If the district chooses to do so, the district must develop a written policy that includes:

- Modalities of Legally-Exempt care that will qualify for suspension
- The criteria that will be used to determine which providers will be suspended, or specify that suspension will be applied to all providers
- Specify how such providers will be identified and who will be responsible for informing the EA of the beginning and end of the suspension
- State written notification procedures when the suspension begins and ends

The procedure for suspending Legally-Exempt providers is outlined in 12-OCFS-LCM-01, *Changes to the Legally-Exempt Child Care Provider Enrollment Process*.

Lesson 2: Issuing and Monitoring Payments

District Requirements When Suspending a Legally-Exempt Provider

If the district elects to suspend a Legally-Exempt provider who is under investigation for child abuse or maltreatment, the district must:

- Notify the EA when the suspension begins and ends
- Notify the provider in writing of the suspension. The letter must include:
 - A contact person at the district who can explain the district's decision
 - A statement that explains the suspension will end when the CPS investigation ends
- Notify the parent via OCFS-LDSS-4781, *Intent to Change Child Care Benefits*, to inform the parent that payment to the provider is suspended and the parent should seek another provider

Note: The outcome of the investigation is not relevant to the provider's eligibility for payment, nor does an indicated report of child abuse or maltreatment make a provider ineligible for payment. In addition, per confidentiality laws, the LDSS cannot share the reason for the suspension with the parent or the EA.

Child Care Time and Attendance

Child Care Time and Attendance (CCTA) is a computer program used by OCFS to support the monitoring and payment of Child Care Subsidy funds. Support provided by the system includes, but is not limited to recording:

- Child care schedules
- Parent schedules
- Travel time
- Absences and closures

Lesson 3: Handling Child Care Overpayments

Lesson Importance In the course of monitoring payments, you will occasionally discover an overpayment. According to 18 NYCRR 415, overpayments must be collected. Prior to collecting an overpayment, you need to determine what caused it. Once you determine whether the cause of the overpayment is one which permits you to collect it, the amount of the overpayment should be determined and all reasonable steps to collect it taken.

Lesson Overview This lesson provides an overview of the steps workers need to take when an overpayment occurs.

This lesson contains the following topics:

- Definition and Occurrence of Overpayment
 - Recovery of Overpayments
 - The Mechanism of Recovery
 - Fraud
 - Fraud and Abuse Control Activities
-

Lesson Objectives By the end of this lesson, participants will be able to:

- Determine whether an overpayment should be collected
- Identify the steps involved in recovering an overpayment
- Identify the types of situations in which benefits should be terminated or suspended
- Identify the two methods by which fraud is established
- Identify district responsibilities when fraud occurs
- Determine whether or not the disqualification penalty can be applied in cases where A/R fraud has been established
- Identify the appropriate time to start the disqualification penalty and the length of time for which it should be applied
- Identify the appropriate procedures for dealing with providers who commit fraud or submit false claims

Definition of Overpayment

Definition of Over-payment An overpayment is the amount of Child Care Subsidy that has been paid to either a parent or provider in excess of the amount for which he or she was eligible. In other words, an overpayment is the difference between what the subsidy amount should have been and the amount above and beyond the subsidy amount that actually was paid. According to 18 NYCRR 415.4(i), overpayments must be collected.

Changes a Parent May Fail to Report

Examples of changes a provider may fail to report include:

- A child's absence
- Changes to hours of care
- Rate changes
- Child withdrawn from care

District Action

District Action to Correct

The district must take all reasonable steps to promptly correct any overpayments for child care services to a child's parent or provider.

For the purpose of correction of overpayments, "promptly" means within **60 days** of the date the client notified the district of a change in circumstance.

No recovery may be made when the overpayment was caused by the district's failure to act promptly on a change of information provided by the parent/caretaker.

See 415.4(i)(7) for more information.

Generally Accepted Accounting Principles (GAAP)

Local districts are required to use Generally Accepted Accounting Principles (GAAP) in all government programs. Systems which meet GAAP standards must be in place in order to:

- Keep track of funds going out and where they go
- Get funds back to the subsidy program once they are recovered by the district (for districts that use a general fund)

GAAP standards are usually in place by any system that disperses funds. The process is monitored by an auditing function.

Recovery of Overpayments

Overpayment Recovery Overpayment recovery is defined as the process by which an overpayment is recovered.

The process for overpayment recovery can be found in 18 NYCRR 415.4(i), **Tab 1**, as well as in 05-OCFS-ADM-03, *Child Care Subsidy Program*, III.E.13, p. 39-42, **Tab 3**.

Federal and State Reimbursement

When an overpayment occurs as a result of a district's failure to act promptly (within 60 days) on information provided by a parent/caretaker regarding circumstances affecting child care benefits, no recovery can be made.

When recovery cannot be made under this subdivision, Federal Financial Participation (FFP) and state reimbursement cannot be claimed for such overpayment.

Lesson 3: Handling Child Care Overpayments

Prompt Action to Correct

Prompt action means that corrective action must be taken and the client must receive a client notice within 60 days of the following:

- The date the client notified the district of a change in circumstances, or
- The date on which a district calculation error or other error that caused the overpayment was made

When an overpayment occurs as a result of a district's failure to act within 60 days on information provided by a parent regarding the circumstances affecting child care benefits, no recovery may be made.

Prompt Recovery is Better for the Family

Although there is a 60 day grace period for corrective action on child care overpayments, a district:

- Is encouraged to take corrective action as soon as possible to lessen the economic impact on the family
- Should not wait until the next recertification or redetermination period to recoup overpayments

Delay may result in a family receiving additional benefits or applying an inappropriate amount towards the family share of child care costs.

Steps in the Process

The following steps need to be taken by the district to determine the overpayment and whether to recover the amount of the overpayment:

- Determine how the overpayment occurred and who was responsible for it
- Determine the amount of the overpayment including the time period for which an overpayment occurred
- Estimate the costs of recovery
- Determine whether the overpayment rises to the level of fraud

Responsibility for Overpayments

The parties responsible for an overpayment may include:

- The district
- The parent
- The provider
- A combination of one or more of these parties

Responsibility for an overpayment is the same whether the overpayment is due to acts of omission or commission.

When to Recover Overpayments

The district must attempt to recover overpayments when:

- The overpayment resulted from fraud (regardless of the amount of the overpayment or whether the parent is a current or former recipient)
 - The parent/caretaker is currently receiving child care benefits
 - The estimated cost of recovery from a *former* recipient is less than or equal to the amount of the overpayment
-

Reasonable Recovery

Ideally, complete recovery of all child care overpayments should occur within 12 months; however:

- The district must see that the recipient retains a reasonable amount of funds for any given month
 - Recovery amounts and timeframes must be reasonable
-

Recovery Guidelines

Guidelines for reasonable recovery are as follows:

- In no event can the monthly recovery exceed 10% of the gross income
- If the monthly recovery amount would exceed 10% of the gross income, the recovery period must be extended
- The parent caretaker can waive the above and repay in a lump sum
- Districts should consider parent/caretaker hardship requests

Lesson 3: Handling Child Care Overpayments

Requests for Reduced Recovery Amounts Parent/caretaker requests that recovery amounts be reduced to less than 10% of the gross monthly income and/or that collection periods be extended beyond 12 months may be made in cases of undue hardship.

Recovery from TA Recipients If Temporary Assistance (TA) is the only source of income, the district should delay recovery until the family has additional income. Monthly gross income is the sum of:

- The amount of the TA cash grant, and
- Any earned or unearned income

Outstanding Over-payments When an the applicant has failed to repay an overpayment that resulted from either:

- Failure to notify the district of a change in circumstance, or
- Fraud

He or she must agree to and comply with a plan to make full repayment of such child care overpayments as a condition of eligibility for new child care services.

Responsibility for Repayment Overpayments should be recovered from the party who is responsible for the overpayment as follows:

- From the recipient on whose behalf payments were made, or
- From the provider who received payments for such services

Refusals to Repay If the child care provider or former recipient of child care services refuses to repay, the overpayment may be recovered in accordance with the legal remedies available under state law.

Practice D: What Caused the Overpayment?

Directions: Please place a checkmark in the column with the most likely cause for the overpayment.

#	Case Scenario	Both Client & Provider Error	Client Error	Provider Error	Agency Error
1	Janice is receiving CCS benefits. Her work hours decrease, decreasing the need for child care. At redetermination an overpayment is identified.				
2	CCS worker Maria reviews a case at redetermination. She uses the new market rates but forgets to check the age of the child. Six months goes by. Upon redetermination, she discovers the mistake. An overpayment has been made.				
3	CCS worker Homer receives a message from the Medicaid worker eight weeks after the recipient reported her employer gave her a raise. The family share dollar amount should have been increased but was not. Therefore, there has been an overpayment. The overpayment began eight weeks ago.				
4	An attendance sheet is submitted for payment of child care services. Elle, the worker reviewing the sheet, notices this provider has too many children in care. She realizes an overpayment was made.				

The Mechanism of Recovery

Methods of Recovery

A district must determine the mechanism by which to collect a child care overpayment. Recovery may occur through:

- Repayment to the district
- Increase in family share
- Reduction in the district's payment to the child care provider and increase in the parent's family share except where a contract for services obligates the district to make full payment
- From the recipient's available income (by voluntary request only)

Offsetting Underpayments and Overpayments

Underpayments and overpayments may be offset against each other.

Districts must:

- Maintain overpayment collection information
- Make appropriate adjustments:
 - When claiming Federal Financial Participation (FFP)
 - When claiming state reimbursement
 - When satisfying the district's maintenance of effort requirement under the New York State Child Care Block Grant (NYSCCBG)

FFP and state reimbursement cannot be claimed where there has been an overpayment and no repayment has been made and no recovery occurs.

Suspending or Terminating Benefits With the exception of child care services authorized as a child protective or a preventive service, a recipient of child care services who fails to comply with an agreed upon plan, must have his or her family's child care benefits suspended or terminated until such time as the recipient comes into compliance with such a plan.

Districts have the option to either suspend benefits or to reduce benefits. When the child care recipient is a TA recipient, he or she cannot be sanctioned for non-participation in a work activity if they do not have affordable child care.

TA Sanction Districts must take into account that TA recipients cannot be sanctioned for non-participation in a work activity, if they do not have affordable child care. This situation must be examined when determining any reduction in child care benefits for TA families.

Notification of Reduction of Benefits OCFS-LDSS-4782, *Notice of Intent to Discontinue Child Care Benefits*, must be sent prior to any action being taken on the recipient's child care benefits. This notice must include information on:

- The timeframe, amount, and reason for the overpayment
- The mechanism for collection of the overpayment
- Right to an agency conference or fair hearing

The district must give the recipient the completed form and keep a signed copy in the case record.

Lesson 3: Handling Child Care Overpayments

Notification of Overpayment When an overpayment not due to fraud occurs, districts must complete OCFS-LDSS-7009, *Notice of Child Care Assistance Overpayment and Repayment Requirements*. This notice includes information on:

- The timeframe, amount, and reason for the overpayment
- The mechanism for collection of the overpayment
- The right to an agency conference or fair hearing

The district must give the parent/caretaker the completed form and keep a copy of the signed form in the case record.

Fraud

Definition of Fraud Fraud is overpayments caused by the misrepresentation, concealment or withholding of information (by word or behavior) for the purpose of establishing or maintaining eligibility or increasing the level of child care assistance.

Disqualification penalties can only be applied once fraud has been established.

Establishing Fraud Fraud can be established in two ways:

- Conviction
- Voluntary admission

Voluntary Admission of Child Care Fraud

Establishing child care fraud on the basis of voluntary admission requires that the district obtain a written agreement signed by the parent/caretaker or provider in which the parent/caretaker or provider does the following:

- States that he or she understands and agrees that he or she or a member of the Child Care Services Unit (CCSU) made a fraudulent statement or committed a fraudulent act
- Describes the activity in which he or she participated
- States he or she has been notified of the disqualification penalties
- States that he or she understands that he or she is responsible for repayment of any overpayment
- Agrees that he or she understands the consequences of signing a written statement

Responsible Parties

The responsibility for repayment of overpayments resulting from fraud lies with:

- The recipient of child care services, and
- Members of the Child Care Services Unit (CCSU)

Lesson 3: Handling Child Care Overpayments

Disqualifi- cation Penalties

A current or former recipient who has been convicted or voluntarily admitted to fraudulently receiving child care services is disqualified from receiving child care services for a period of time to be determined in accordance with the following time periods established for an Intentional Program Violation (IPV) in the TA program as set forth in 18 NYCRR 359.9(a):

Number of Admissions or Convictions	Dollar Amount Fraudulently Received	Length of Disqualification from Child Care Subsidy
1	-----	6 months
2	\$1,000. - \$3,900.	12 months
3	Over \$3,900.	18 months
4 or more	-----	5 years

Members of the CCSU are also subject to these disqualification penalties.

Application Status and the Disquali- fication Penalty

The disqualification penalty is applied to applicants or recipients who are otherwise eligible for a Child Care Subsidy.

If an application for child care is denied or a case is closed because the applicant/recipient is not otherwise eligible, the disqualification penalty is pended until the individual reapplies and is found eligible for Child Care Subsidies.

Required Activities and the Disqualification Penalty

If a recipient of TA needs child care in order to participate in an activity required by the district, the disqualification will be suspended during the recipient's participation in the required activity.

The disqualification will begin once the recipient is no longer participating in a required activity.

Notice of Fraud Determination

The district must notify applicants, recipients and former recipients when they are subject to a disqualification for child care fraud by using the OCFS-LDSS-7010, *Notice of Fraud Determination, Disqualification for Child Care Benefits and Repayment Plan*, Attachment E of 05-OCFS-ADM-03, *Child Care Subsidy Program*, **Tab 3**.

The completed form must be given to the parent/caretaker and a copy kept in the case record.

District Right to Inspect Provider Records and Premises

Per 415.4(h)(3), districts have the right to make announced or unannounced inspections of the records and premises of any provider that provides care for subsidized children. This includes the right to make inspections prior to subsidized children receiving care in a home where the inspection is for the purpose of determining whether the child care provider is in compliance with applicable laws and regulations and any additional requirements imposed on such a provider by the district.

This option must be outlined in the Local Department of Social Services (LDSS) Child and Family Services Plan. The district must notify the Office of Children and Family Services (OCFS) immediately if regulatory violations are found and provide OCFS with an inspection report documenting the results of the inspection.

Lesson 3: Handling Child Care Overpayments

Disqualifi- cation of Providers

Districts may disqualify a provider from receiving payment for child care services provided under the Child Care Subsidy program if a provider:

- Is criminally convicted of fraud
- Is found to be civilly liable for fraud
- Has voluntarily admitted to filing a false claim for reimbursement for child care services
- Has been disqualified from the Child and Adult Care Food Program (CACFP) for submission of false information on the application, submission of a false claim for reimbursement, or failure to keep required records
- Has failed to comply with the terms of a repayment plan with the social services district
- Has a conviction of any activity that occurred within the past seven years that indicated a lack of business integrity
- Has been found, after the district has conducted an administrative review, to have submitted a false claim to a LDSS for reimbursement. Procedures for conducting an administrative review are outlined in 415.4(h)(2)(ii)

Adminis- trative Review

In order to conduct an administrative review, the district must take the following steps:

1. The LDSS conducts an administrative review of claims submitted to the district and any other information or documentation obtained to determine the accuracy of information in the claims
2. If the LDSS determined the provider submitted inaccurate information, a preliminary review report must be prepared by the district and sent to the provider for response.
3. The provider has 20 days from the date the district sent to report to respond.

4. The provider may respond in writing and present evidence to refute the findings of the report, or may request a formal review by the LDSS, which allows the provider to answer the findings of the report in person.
5. If no response is received from the provider within 20 days from the postmark on the preliminary review report, the report may be finalized by the LDSS. A finalized report may be the basis to disqualify a provider from providing subsidized care.
6. If a response is received from the provider within 20 days from the postmark on the preliminary review report, the LDSS must review the response and make appropriate changes before issuing a final report. The final report must be sent to the child care provider.
7. The provider, upon receipt of the final report, must be given 10 days from the date of the postmark to respond, and to request a formal review by the district.
8. If the provider does not request a formal review within 10 days, or does not provide a response that disproves the findings of the report, the provider may be disqualified.
9. The LDSS must conduct a formal review within 30 days of receipt of the request from the provider.
10. The LDSS must allow a provider, in person, to present evidence and arguments in support of the provider's position at a formal review.
11. After a formal review, the district must make a final determination of whether the provider submitted false claims.

More details about the administrative review can be found in 18 NYCRR 415.4(h)(2)(ii).

Fraud and Abuse Control Activities

Comprehensive Internal Control Plan Per changes to 18 NYCRR 415.4, each local district is expected to establish comprehensive fraud and abuse control activities for the district's child care subsidy program. A copy of the changes to 18 NYCRR 415.4(m) can be found in **Tab 1**.

Child and Family Services Plan Requirements A social services district must provide details on its fraud and abuse control activities in the district's Child and Family Services Plan. The details must cover the following areas:

- Criteria to be used in Front End Detection System (FEDS), and
- Sampling methodologies to verify the following:
 - Continued need for child care, and
 - Attendance

Front End Detection System Front End Detection System (FEDS) criteria are the standards the district will use to determine which child care subsidy applications suggest a higher than acceptable risk for fraudulent or erroneous child care subsidy payments. The Child and Family Services Plan must identify the following:

- FEDS criteria that will be used, and
- Procedures for referring applications to the district's FEDS unit

Additionally, the district must submit a FEDS Plan which identifies the investigative process it will use in its FEDS program. Reference for the implementation of FEDS is found in 02-OCFS-INF-05, **Tab 4**.

Sampling Methodologies

For our purposes, sampling methodologies are the procedures the district will use to identify the group of child care cases that are going to be scrutinized.

The sampling methodology that will be used for each of the following verification areas should be explained in the Child and Family Services Plan:

- Continued need for child care, and
- Attendance

Verification of Continued Need for Child Care

The need for child care includes, as applicable, participation in one or more of the following:

- Employment
- Education
- Other required activities

The need for child care is defined in 18 NYCRR Part 415, **Tab 1**.

Verification of Attendance

Attendance will be verified by comparing the following:

- Caregivers' attendance forms for children receiving subsidized child care services, and
- Any Child and Adult Care Food Program (CACFP) inspection forms

Unit 5

Provider Types and District Responsibilities

Unit Importance This unit provides you with information about the different types of providers. This unit also covers the local district's responsibilities when dealing with the different types of child care providers.

This unit will help you:

- Explain the difference between various provider types that will help your clients select a suitable provider
- Explain parent/caretaker responsibilities related to selecting a provider
- Identify local district roles and responsibilities in dealing with child care providers

Unit Overview This unit consists of the following lessons:

- Provider Information
- District Responsibilities Regarding Child Care Providers

Content

Lesson 1: Provider Information	3
Giving Information About Providers.....	4
Licensed Providers.....	6
Registered Providers.....	8
Legally-Exempt Providers	10
Parental Responsibilities with Legally-Exempt Providers.....	14
Lesson 2: District Responsibilities Regarding Child Care Providers	15
Local District Responsibilities.....	16

Lesson 1: Provider Information

Lesson Importance

The lesson provides you with information about the different types of providers and will help you:

- Explain the difference between the various types of providers
- Provide clients with criteria that will help them select an available provider
- Make referrals to local Child Care Councils (CCC) or Child Care Resource and Referral Agencies(CCR&Rs), when appropriate

Lesson Overview

Topics in the lesson include:

- Giving Information About Providers
- Licensed Providers
- Registered Providers
- Legally-Exempt Providers
- Parental Responsibilities with Legally-Exempt Providers

Lesson Objectives

By the end of this lesson, you will be able to:

- Identify the sources of information available to educate clients about the different types of providers
- Explain the importance of the parent/caretaker making informed decisions about child care
- Describe the difference between Licensed, Registered, and Legally-Exempt providers

Giving Information About Providers

Introduction The Child Care Subsidy worker can assist the parent/caretaker in the process of locating a provider by offering the following information:

- An explanation of the difference between Licensed, Registered, and Legally-Exempt providers
- Information about the resource and referral programs in their local area
- Any additional information the district offers based on local requirements

Video

The video, provided by the New York State Office of Children and Family Services (OCFS) and titled *Think About Child Care*, introduces the many facets of child care to local district clients. It comes in both English and Spanish Versions.

The video emphasizes what parent/caretakers should look for and expect from providers. This video can be watched online at the OCFS Website under *Publications* at <http://www.ocfs.state.ny.us/main/publications/>.

Brochures

The companion brochure to the video *As You Think About Child Care*, Publication #1115A:

- Explains the different types of regulated care situations
- Explains those types of care that are not regulated
- Provides resources and phone numbers if a parent/caretaker needs assistance while looking for care
- Provides a child care checklist reminding the parent/caretaker what to look for while assessing child care

Note: Both the video and brochure were made prior to the new health and safety requirements. Additional important information is located in the *Guide to Enrollment for Local Districts*, **Tab 8**.

Resource and Referral Programs

Child Care Councils (CCC) or Child Care Resource and Referral (CCR&R) agencies provide services to parent/caretakers and day care providers in a network which serves all areas of New York State.

Services vary from district to district but may include:

- Making referrals to Licensed or Registered day care providers
- Monitoring of Registered providers
- Offering technical assistance and support services to providers
- Providing assistance to help clients make informed child care decisions
- Offering educational programs for parent/caretakers and providers
- Maintaining data on Licensed and Registered child care capacity
- Assisting providers in meeting OCFS requirements for medication administration
- Providing the services of a Health Care Consultant at reduced rates
- Serving as Enrollment Agencies (EA) for Legally-Exempt child care providers

Due to confidentiality requirements, no referrals can be made to Legally-Exempt child care providers. Local Departments of Social Services (LDSS), EAs, and CCR&Rs are prohibited from releasing any information pertaining to Legally-Exempt providers to the public or to parent/caretakers.

Definition of CCFS

The Child Care Facility System (CCFS) was developed by OCFS Division of Child Care Services (DCCS) to process and track data for Licensed, Registered, and Legally-Exempt providers. Its users include staff from the New York State Regional Offices, LDSSs, CCR&Rs, and EAs.

Lesson 1: Provider Information

Use of CCFS Districts are provided use of CCFS to:

- Obtain a report of Licensed or Registered providers to be used for referral purposes
- Obtain a report of Licensed and Registered providers removed from the referral list
- Search the database to verify whether a child care provider is currently Licensed or Registered, the type of care provided, and whether the provider is in a status “eligible” to provide subsidized child care
- Search the database to verify whether a Legally-Exempt child care provider is enrolled with a payable provider status and family decision combination (see the Desk Aid: *Issuing Payments for Subsidized Child Care*)
- Obtain a report of parent/caretakers and the Legally-Exempt providers they are using

Licensed Providers

Introduction A Licensed child care provider meets standards set by a licensing agency, which may be the:

- NYS OCFS for Group Family Day Care and Day Care Centers outside of NYC
- NYC Department of Health and Mental Hygiene for Day Care Centers in NYC

Examples of Licensed Providers

Examples of providers that must be licensed include:

- Day Care Centers (DCC) – care provided in a facility (not a home) for more than six children for more than three hours a day
- Group Family Day Care (GFDC) – care provided in a home, for up to 16 children of all ages for more than three hours a day when four are of school age. There must be one approved assistant present when child care is provided to seven or more children when none of the children in care are school age, or nine or more children when at least two children in care are school age. One caretaker per every two children under the age of two is required

Standards for Licensure

A license gives the provider the legal authority to provide child care and informs the parent/caretaker that the provider has met established standards for operation including but not limited to:

- Management and Administration
- Building and Equipment
- Child Abuse
- Staff criminal background check/fingerprinting
- Discipline
- Fire Protection
- Health
- Nutrition
- Program Requirements
- Safety
- Sanitation
- Staff Qualifications
- Training

The license of each provider will note whether the provider meets the OCFS requirements to administer medication. Standards are spelled out in detail in 18 NYCRR 416, *Group Family Day Care* and 18 NYCRR 418, *Day Care Centers*, and require extensive supportive paperwork and numerous inspections by outside agencies and/or contractors before a license may be issued.

Inspections Licensing standards must be met before the licensed operation opens.

Licensed operations are required to renew their license periodically. Regular inspections are conducted to see that standards continue to be met.

Registered Providers

Registered Providers Registration may be required for some programs and is voluntary for others. Examples of programs that must be registered include:

- Family Day Care (FDC) - care provided in a residence for more than three hours per day for three to six children. Maximum capacity depends on the age of the children in care (under certain conditions, up to two additional school-age children may be cared for if approved by OCFS regulators). FDC providers may care for more than two children under the age of two only if there is at least one caregiver for every two children under the age of two
- School-Age Child Care (SACC) - a program for seven or more school-age children operating during non-school hours. School-age child care programs cannot be operated in a home
- Small Day Care Center (SDCC) – A program not in a residence and where care is provided for three to six children for more than three hours per day

An example of a program that may voluntarily register is a Legally-Exempt nursery school that provides care in a facility for less than three hours a day.

Standards are spelled out in detail in 18 NYCRR 417 for *Family Day Care*, 18 NYCRR 414 for *School Age Child Care*, and 18 NYCRR 418 for *Small Day Care Centers*.

Registering Agency The agency that registers SACC and FDC is the NYS OCFS. The agency may use its own staff or the following agencies to register these providers:

- Regional Office of DCCS
- LDSS
- CCR&R

Registration Requirements An example of some information registered providers supply is:

- Water quality and heating
- Character references
- Education and experience
- Home safety checklist
- Staff criminal background check/fingerprinting
- Floor plan
- State Central Register Database Check (LDSS-3370)
- Medical statement on condition of employees

CCFS will note whether the provider meets OCFS requirements to administer medication. The information provided is either attested to be true by virtue of the provider's signature or attested to by outside inspectors.

Quality Child Care and Protection Act As a result of the Quality Child Care and Protection Act of 2000, certain registered providers have to meet additional requirements:

- SACC programs and FDC homes must be inspected by OCFS prior to being registered for the first time
- 50% of registered programs are required to be re-inspected prior to renewal

Every valid complaint received by OCFS of a Licensed or Registered provider must be followed by an inspection.

Legally-Exempt Providers

Introduction These providers are Legally-Exempt from day care licensing or registration regulations but must meet minimum state health and safety standards to care for subsidized children. Unlike Licensed and Registered providers, a Legally-Exempt provider cannot initiate the enrollment process without an applicant/recipient of child care assistance who has chosen the provider for child care services.

An enrolled Legally-Exempt child care provider becomes “inactive” when the child care provider is not currently caring for a subsidized child. Inactive Legally-Exempt providers close at the end of the 12 month enrollment period.

Types There are two types of Legally-Exempt care. They are as follows:

- Informal Child Care
- Group Child Care

Each of these types can be divided into subgroups. Informal Child Care includes Family Child Care and In-Home Child Care. Group Child Care includes Groups Operating Under the Auspices of Another Government Agency (GUAs), as well as Groups Not Operating Under the Auspices of Another Government Agency (GNUAs).

Family Child Care Legally-Exempt Family Child Care is:

- Care for one or two children provided outside the child's home in a residence by a caregiver who is at least 18 years of age, or who is less than 18 years of age and meets the requirements for the employment of minors (Article 4 of the State Labor Law)
- Care for more than two children, for three hours or less per day, provided outside the child's home, in a residence, by a caregiver who is at least 18 years of age, or who is less than 18 years of age and meets the requirements for the employment of minors (Article 4 of the State Labor Law)
- Care provided by a relative within the third degree of consanguinity of the parent

Note: Care may be provided in a home other than the provider's own residence. For example, a provider may use a neighbor's home to operate a Legally-Exempt Family Child Care program as long as the neighbor is not already operating any type of child care program in the home. The health and safety requirements apply to the home where care is provided.

Lesson 1: Provider Information

In-Home Child Care

In-Home Child Care consists of child care furnished in the child's own home by a provider. For Legally-Exempt In-Home Child Care:

- The provider is chosen and monitored by the child's caretaker
- The caretaker is responsible for finding out their responsibilities as an employer, including but not limited to: Minimum wage, applicable state and federal employment taxes, and employee benefits

A minor providing in-home child care is a **"babysitter"**, as defined by NYS Labor Law. As such, babysitters must meet the requirements for the employment of minors as set forth in Article 4 of the NYS Labor Law. Babysitters are exempt from the NYS Labor Law restrictions on the number of work hours and the requirement to have working papers.

For more information, please refer to the desk aid *Clarification on Enrollment Requirements for Minors 14 Years or Older Who are Providing In-Home Child Care*, located in your participant manual.

Factors in Legally- Exempt Status

The following factors are relevant in determining if the child care provider is providing Legally-Exempt In-Home or Family Child Care:

- Whether children are cared for in their own home
- Relationship of the children to the provider
- Number of hours care is provided
- Number of children in care at any one time
- Age of children in care

Group Child Care

Legally-Exempt Group Child Care means care provided by those caregivers that are not required to be licensed by, or registered with, NYS OCFS but that meet all applicable state or local requirements for such child care programs. Group Child Care providers may be groups operating under the auspices of another government agency, or groups not operating under the auspices of another government agency. Legally-Exempt Group Child Care providers include, but are not limited to:

- Nursery school, pre-kindergarten, or day care programs for children three years of age or older or a program for school-age children conducted during non-school hours, **operated by public school districts or by a private school or academy** which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the NYS Education Law, provided that such pre-kindergarten, nursery school or school-age program is located on the same premises or campus where the elementary or secondary education is provided
- Nursery schools and programs for pre-school-age children **operated by non-profit agencies or organizations or private proprietary agencies** which provide services for three or less hours per day
- Summer day camps operated by **non-profit agencies or organizations or private proprietary agencies** in accordance with the State Sanitary Code
- Day care centers, family day care homes and other child care programs located on **Federal/tribal property** which are operated in compliance with the applicable Federal/tribal laws and regulations for such child care programs

Parental Responsibilities with Legally-Exempt Providers

Parent Responsibility for Monitoring

Monitoring the quality of care provided by Legally-Exempt providers is primarily the parent/caretaker's responsibility because:

- Family and In-Home Child Care providers are not required to be Licensed or Registered. However, Family Child Care providers may be subject to inspection by the EA
- Group Child Care providers are not required to be Licensed or Registered, but may be subject to applicable federal or state regulations or registration requirements

Additional Parental Responsibilities in Legally-Exempt In-Home Child Care

The child's parent/caretaker has to meet applicable federal and state employment requirements when employing an In-Home Child Care provider including:

- Complying with the Minimum Wage requirement
- Reporting and paying Social Security Taxes (FICA)
- Meeting Federal Unemployment Tax (FUTA) requirements
- Meeting the NYS Unemployment Insurance requirements
- Providing Worker's Compensation coverage
- Providing disability benefits

The *Legally-Exempt In-Home Provider Agreement* form and 03-OCFS-LCM-17, *Legally-Exempt In-Home Child Care Providers as Employers* are located in **Tab 8**.

Complaints

Parents or caretakers who have a complaint about the care of their children should contact the EA if their child care is provided by an enrolled Legally-Exempt provider. All other child care complaints, including concerns about over capacity, should be directed to the toll-free Child Care Complaint Line at 1-800-732-5207.

Lesson 2: District Responsibilities Regarding Child Care Providers

Lesson Importance In addition to the determination of a family's eligibility for a Child Care Subsidy, the district has additional responsibilities related to child care providers. District responsibilities include communicating regularly with Enrollment Agencies, determining whether additional standards need to be met for providers, and conducting checks and verifications for certain child care providers.

Lesson Overview Topics in the lesson include:

- Additional Local District Responsibilities

Lesson Objectives By the end of this lesson, you will be able to:

- Explain the additional responsibilities the district has related to the Child Care Subsidy program
- Identify the checks the district must conduct related to Legally-Exempt provider enrollment

Local District Responsibilities

Introduction In addition to providing benefits to Low-Income families, the local district has additional responsibilities related to the Child Care Subsidy program. These additional responsibilities are outlined in 18 NYCRR, 415.4 and 415.9, **Tab 1**.

Summary of Local District Responsibilities The Local Department of Social Services (LDSS) is responsible for the following tasks during the enrollment process:

- Distributing the enrollment packet for Legally-Exempt providers to parents/caretakers
- Coordinating required tasks with Enrollment Agencies (EAs)
- Reporting changes to the EA of parent/caretaker case information
- Outlining additional local standards, if applicable
- Conducting child welfare database checks
- Reviewing extenuating circumstances pertaining to child welfare issues
- Issuing payments to subsidized child care providers

Distribution of Enrollment Packet Districts must provide the most recent version of the enrollment form(s) and attachments to a child's parent/caretaker that has applied for or is receiving child care subsidies under the New York State Child Care Block Grant (NYSCCBG), and who is interested in using a Legally-Exempt child care provider.

The Local Department of Social Services (LDSS) must inform the parent/caretaker that the enrollment packet must be submitted to the EA that serves the area where the child care will be provided. The EA will be responsible for providing the enrollment packet to providers at the time of their subsequent re-enrollment. Providers are responsible for working with parents to complete the enrollment packet at re-enrollment.

The Enrollment Packet

The enrollment packet, which the district must provide, includes the following forms:

- OCFS-LDSS-4699, *Enrollment Form for Provider of Legally-Exempt Family Child Care and Legally-Exempt In-Home Child Care*
- OCFS-LDSS-4700, *Enrollment Form for Provider of Legally-Exempt Group Child Care*
- OCFS-LDSS-4699.1, *Employment of Minors Form*
- OCFS-LDSS-4699.1A, *Employment of Minors, Information*
- OCFS-LDSS-4699.2, *Legally-Exempt In-Home Child Care Provider Agreement Form*
- OCFS-LDSS-4699.2A, *Parental Responsibilities When Employing a Legally-Exempt In-Home Child Care Provider*
- OCFS-LDSS-4699.3, *Legally-Exempt Provider Training Record Form*
- OCFS-4915, *History of Criminal Convictions and Parental Acknowledgement*
- OCFS-4916, *History of Day Care Enforcement and Parental Acknowledgement*
- OCFS-4971, *History of Termination of Parental Rights and or Court Ordered Article 10 Removal of a Child and Parental Acknowledgement*

Lesson 2: District Responsibilities Regarding Child Care Providers

Coordination Between Local District and Enrollment Agencies During the enrollment or re-enrollment of Legally-Exempt providers, the LDSS and EA must communicate during several points in the enrollment process. The EA must immediately notify the district of its enrollment decisions of Legally-Exempt providers. The district must notify the EA of any changes in the parent/caretaker's benefit status. The manner of notification may vary according to the needs of the district and the agreement between the district and the EA.

Districts should communicate with enrollment agencies to determine:

- The primary contact people from the district and the EA who will be involved in the enrollment process
- Which personnel to notify at the EA when a change in the parent/caretaker's benefits occur
- Procedures for communicating whether Legally-Exempt providers meet any additional local standards set forth in the district's Child and Family Services Plan
- The process for handling requests and delivering the results of the child welfare database checks
- The process for conducting and communicating the results of a review of extenuating circumstances with the EA

**Enrollment
Agency
Notifications**

EAs can notify the district of major tasks related to Legally-Exempt Enrollment through the Child Care Facility System (CCFS). Notices may include:

- LE Child Welfare Referral List—List of LE providers for whom the district must conduct a child welfare database check
- LE Child Welfare Database Results Due/Overdue—Results of the child welfare database check are overdue
- Additional Standards Referral List—List of LE providers for whom the district must conduct a check of the district’s additional standards
- LE Additional Standards Due/Overdue—Results of the additional standards check are overdue
- LE Child Welfare Extenuating Circumstances Review Referrals—List of providers for whom the district must conduct a Review of Extenuating Circumstances related to the provider’s history of either a TPR or Article 10 removal
- LE Family Child Care and In-Home Training Approvals by Approval Date—List of providers eligible for the LE enhanced rate (Districts should apply the enhanced rate for a period of 12 consecutive months. The 12 month period should start no later than the beginning of the first full month following the date of the E-notice.)
- LE Parent-Provider Eligibility Changes—Informs district that EA has made changes to either the family decision and/or to the enrollment status of a provider that may impact subsidy payments

Details regarding these notifications can be found in 12-OCFS-LCM-01, *Changes to the Legally-Exempt Child Care Provider Enrollment Process*.

Lesson 2: District Responsibilities Regarding Child Care Providers

Notification of Child Care Subsidy Case Information Status Parents/caretakers must receive written notification from the LDSS any time their eligibility changes or their case closes. Districts should notify child care providers if the benefit status of a parent/caretaker changes or a parent/caretaker's subsidy case is closed. For Legally-Exempt providers, districts **must** notify the EA with whom the provider is enrolled.

The district must inform the EA within 7 days of the subsidy case determination for the parent/caretaker, including when the following events occur:

- Child care or TA case eligibility approval or denial
- Child care or TA case closure

The district must also inform the EA within 7 days of changes in the subsidy case information which impact enrollment, which may include the following:

- The parent stops using the Legally-Exempt provider
- The parent places another child in the provider's care
- Changes in the location where care is provided
- Possible health and safety violations, as outlined in 18 NYCRR 415.4(f), **Tab 1**
- Other information which may impact enrollment

**District
Notification
Forms**

Districts may use the model form OCFS-2114, *District Notification to Legally-Exempt Caregiver Enrollment Agency* to inform the EA of updates. This form can be used to update the EA of:

- The results of the child welfare database check
- The results of the additional standards check
- The results of the Review of Extenuating Circumstances
- Provider's ineligibility to provide care for a specific family
- Decision to suspend a Legally-Exempt provider or a provider's suspension has ended
- District has disqualified a provider
- Complaints regarding Legally-Exempt providers, when the district believes the provider is violating health and safety regulations
- Updates to the status of the Child Care Subsidy case

Details on district notifications to the EA are available in 12-OCFS-LCM-01, *Changes to the Legally-Exempt Child Care Provider Enrollment Process*.

**Additional
Local
Standards**

Districts may choose to establish additional local standards for providers who receive Child Care Subsidy payments. Any additional local standards the district chooses must be outlined in its Child and Family Services Plan and approved by OCFS.

The district is responsible for verifying that providers meet its additional standards. The district should develop a mechanism for informing other agencies, such as the EA, as to whether the provider meets or fails to meet such standards. Providers who do not meet the additional standards cannot receive subsidy payments.

Lesson 2: District Responsibilities Regarding Child Care Providers

Participation in the Child and Adult Food Program (CACFP) As part of establishing additional standards, the district may require participation in the Child and Adult Food Program (CACFP) for Legally-Exempt providers who provide 30 or more hours of child care per week to one or more subsidized children. If the district chooses this option, it must be outlined in its Child and Family Services Plan.

Child Welfare Database Checks During the enrollment process for Legally-Exempt providers, the EA will request that the district conduct a child welfare database check to determine whether the provider has had his or her parental rights terminated or has had a child removed from his or her care by court order under Article 10 of the Family Court Act (FCA). The district must inform the EA, based on the results of the database check, whether:

- The provider does or does not have a history of court-ordered removal under FCA Article 10
- The district must determine whether the provider has or has not had a termination of parental rights

Once the EA makes the request to the district to conduct the child welfare database check, the district must inform the EA only whether the provider has had a child removed by court order under FCA Article 10 and whether the provider has had his or her parental rights terminated. The district must return these results to the EA within 15 days.

The results of the child welfare database check are confidential; the district should only inform the EA whether the information from the database check precludes the caregiver from being enrolled as a Legally-Exempt child care provider.

This process is outlined in the *Guide to Enrollment for Local Districts*, **Tab 8**.

**Review of
Extenuating
Circum-
stances**

A provider may be eligible for a Review of Extenuating Circumstances, if the provider has been denied enrollment or terminated based on the results of the district's child welfare database check or the EA's review of the attestations on the enrollment form concerning:

- Termination of Parental Rights under the Family Court Act
- Court-ordered Removal of a Child under Article 10 of the Family Court Act
- Criminal history of the provider, employees, household members, or volunteers that involves a violent or other serious crime not committed against a child
- Licensing or registration enforcement history in CCFS

A request can be made for the denial or termination to be reviewed if the provider believes there are extenuating circumstances. If a provider's termination or denial is based upon a termination of parental rights or a court-ordered removal of a child under Article 10 of the Family Court Act, it is the district's responsibility to conduct the Review of Extenuating Circumstances and to inform the EA of the results.

**Conducting
a Review of
Extenuating
Circum-
stances**

The EA receives the following items prior to informing the local district of the need for an extenuating circumstances review:

- Written request for the extenuating circumstances review with an explanation of the extenuating circumstances
- A summary written by the provider explaining the original incident and the underlying reasons for the incident; the statement is signed by both the parent and the provider
- One or more of the following applicable forms:
 - OCFS-4915, *History of Criminal Convictions and Parental Acknowledgement*
 - OCFS-4916, *History of Day Care Enforcement and Parental Acknowledgement*
 - OCFS-4971, *History of Termination of Parental Rights and or Court Ordered Article 10 Removal of a Child and Parental Acknowledgement*

Lesson 2: District Responsibilities Regarding Child Care Providers

At the time of referral, the EA is required to provide the district with the enrollment form, written summary explaining the original incident, one or more of the *Parental Acknowledgement* forms, the provider's written request for the review and explanation of extenuating circumstances, and any other relevant material it has received. It is the district's responsibility to work with the provider and request any additional documentation needed to conduct the review.

The district is responsible for:

- Requesting the provider submit proof as appropriate
- Evaluating the provider's claim, as described in the *Guide to Enrollment for Local Districts*, **Tab 8**, and 05-OCFS-ADM-03, **Tab 3**
- Determining whether an exception should be made to the presumption against enrollment. The reviewing agency must not allow an exception to be made unless the provider has satisfactorily demonstrated that enrollment will not jeopardize the health, safety, or welfare of children in the provider's care
- Verifying the provider has given the parent full knowledge of the original incident and extenuating circumstances prior to granting an exception
- Notifying the EA of the results

The district must make a determination whether the provider can be considered for enrollment based upon guidelines issued in 05-OCFS-ADM-03, Attachment A, **Tab 3**. This information is also located in the *Guide to Enrollment for Local Districts*, **Tab 8**. Once the EA receives the district's extenuating circumstances determination, the EA will make the final enrollment determination as to whether the provider may be enrolled and notify the provider.

UNIT 5

DESK AIDS

- **Legally-Exempt Provider Enrollment Process Overview**
- **NYCRR 415 Changes & Local District Responsibilities**
- **District Notification to Legally-Exempt Caregiver Enrollment Agency**
- **Listing of the Legally-Exempt Enrollment Agencies**

Legally-Exempt Provider Enrollment Process Overview

<i>Pre-Enrollment Phase</i>		
Timeframe	Local District	Enrollment Agency
Upon parent approval for Child Care Subsidy	Give/Send Enrollment Packet to parent with instructions to complete with provider and return to Enrollment Agency	
Once provider/parent returns the Enrollment Packet to Enrollment Agency Marks Day One for determining appropriate timeframes for action		Receives Enrollment Packet from provider
<i>Enrollment Intake Phase</i>		
For Upstate Agencies: Within 5 business days of receipt of enrollment packet In NYC only: On the same day as the receipt of the enrollment packet, or by noon the next business day if received after 4pm		Determine if Packet is Complete or Incomplete <ul style="list-style-type: none"> • Packet completely filled out • Additional attestations attached, as needed
		Enter Data into CCFS: <ul style="list-style-type: none"> • Provider information (name, etc) • Enrollment status: <ul style="list-style-type: none"> ○ Received-Incomplete ○ Received-Complete
		In NYC only: <ul style="list-style-type: none"> • Conduct CCFS History Check (including for daycare enforcement history) • NYS Sex Offender Registry Check • Social Security Number Verification

<p>Timeframes:</p> <ul style="list-style-type: none"> • “Notice of Incomplete Enrollment Form” must be sent by EA within one business day after incomplete packet is received (Day One) • Notice of intent to withdraw sent if no response is received from provider within 10 days of Day One • Status changed to withdrawn and notifications sent if no response is received 40 days after Day One 	<p>Receives:</p> <ul style="list-style-type: none"> • Notification from Enrollment Agency if provider’s enrollment packet is incomplete and has not responded within 10 days • Notification from Enrollment Agency if provider’s Enrollment Packet has been Withdrawn 	<p>Notify (For Incomplete Packets):</p> <ul style="list-style-type: none"> • Send “Notice of Incomplete Enrollment Form” to provider if packet is deemed incomplete • Send “Notice of (Intent to) Withdraw” to provider and parent; notify district if no response is received • Change status to Withdrawn; send “Notice of Withdrawal of Enrollment Request” to parent and provider; notify district
<p><i>Preliminary Review Phase</i></p>		
<p>For Upstate Agencies: Completed by the 10th calendar day after the Enrollment Packet has been determined to be “Received-Complete”</p> <p>In NYC only: Completed on the same day as the Enrollment Packet has been determined “Received-Complete” or if the packet was received after 4pm, by noon the next business day</p>		<p>Review packet for:</p> <ul style="list-style-type: none"> • Legally-exempt status • Immediate concerns (i.e. Red flags on Checklist or Attestations)
		<p>Determine Temporary Enrollment Status:</p> <ul style="list-style-type: none"> • Temporarily Enrolled • Under Full Review • Denied
		<p>Enter Data into CCFS:</p> <ul style="list-style-type: none"> • Provider information (name, etc) • Requirements met (L-E status or medication) • Enrollment status

	<p>Receives:</p> <ul style="list-style-type: none"> • Notification from EA informing the district if the provider has been Temporarily Enrolled, Under Full Review, or Denied 	<p>Notify:</p> <ul style="list-style-type: none"> • Send notice of status to parent and provider; notify district of Temporary Enrollment decision
		<p>Send Temporary Enrollment Certificate to Provider with List of CACFP sponsors</p>
	<p>Pays:</p> <ul style="list-style-type: none"> • Providers who have been Temporarily Enrolled 	
<i>Full Review</i>		
	<p>Verify:</p> <ul style="list-style-type: none"> • Local Child Welfare Database Check for provider's history of parental rights and court-ordered Article 10 removals • Additional local standards check (if applicable) 	
<p>Timeframe: Completed within 15 days from the EA's request</p>	<p>Notify:</p> <ul style="list-style-type: none"> • EA of Local Child Welfare Database Results • EA of Additional Standards Check (if applicable) 	

<p>Timeframe: Completed by the 40th calendar day after the enrollment packet has been determined to be "Received-Complete"</p>	<p>Notify:</p> <ul style="list-style-type: none"> • Request child care start date from EA, when it precedes Initial Opened Date • Notify parents through appropriate notification regarding payment 	<p>Verify:</p> <ul style="list-style-type: none"> • NYS Sex Offender Registry Check • CCFS History Check
		<p>Evaluate:</p> <ul style="list-style-type: none"> • Criminal History evaluations of providers with Category C Crimes • Day Care Enforcement History Assessment for providers with low-risk enforcement histories • District results from Local Child Welfare Database Check
		<p>Determine:</p> <ul style="list-style-type: none"> • Provider Enrollment Status after all database checks and/or history checks have been reviewed. <ul style="list-style-type: none"> ○ Approved ○ Partial Approval ○ Denied
		<p>Enter Data into CCFS:</p> <ul style="list-style-type: none"> • Results of History/Database Checks • Provider Enrollment Status
	<p>Pays:</p> <ul style="list-style-type: none"> • Providers who have been enrolled after the Full Review process is complete 	<p>Notify:</p> <ul style="list-style-type: none"> • Parent, Provider, and District of Enrollment Decision • District if database check results have not been received
	<p>Evaluate:</p> <ul style="list-style-type: none"> • Changes in status on subsidy payments of provider 	

Extenuating Circumstances Review

Timeframe:

Request for a Review of Extenuating Circumstances must be made by the denied/terminated provider to the EA within 30 days of denial notification

Receives:

- Request for Extenuating Circumstances

Determines:

- If criteria for conducting a Review of Extenuating Circumstances are met
 - If the provider has appropriate grounds
 - If the parent still wants to use the provider to provide child care

Notifies:

- Parent to determine if parent would like to continue to use the provider
- Provider of the EA's determination of whether a Review of Extenuating Circumstances will be granted, requesting additional information if necessary
- District to request a Review of Extenuating Circumstance related to child welfare matters

Sends district all relevant information related to child welfare matters (Termination of Parental Rights and Article 10 removal)

	<p>Determines:</p> <ul style="list-style-type: none"> • The status of the provider based on whether the child welfare matter is likely to preclude the provider from enrollment • If a “Parental Acknowledgement” needs to be obtained, on the condition that the parent desires to use the provider and provider may be considered for enrollment upon review 	<p>Determines:</p> <ul style="list-style-type: none"> • The results of the Review of Extenuating Circumstances in the case of a Category B criminal history or high-risk daycare enforcement
	<p>Notifies:</p> <ul style="list-style-type: none"> • EA of the results of the district’s Review of Extenuating Circumstances related to child welfare matters 	<p>Receives:</p> <ul style="list-style-type: none"> • The results of the Review of Extenuating Circumstances from the district in cases related to child welfare matters
		<p>Determines:</p> <ul style="list-style-type: none"> • The status of the provider after the Full Review, if the results of the Review of Extenuating Circumstances determines that the provider may be considered for enrollment
		<p>Notifies:</p> <ul style="list-style-type: none"> • The provider, parent, and district of the provider’s status after the Full Review/Review of Extenuating Circumstances
	<p>Pays: Providers who have been enrolled</p>	<p>Sends Enrollment Information Packet to Provider with List of CACFP sponsors</p>

Post Enrollment

Monitor:

- The effect of provider status changes on subsidy payments
- If the status is determined by the EA to be one of the following, the provider cannot be paid subsidy:
 - Closed: Voluntary
 - Closed: Terminated
 - Voluntary Inactive
- If the status is the following, the district can choose whether the provider receives subsidy payment:
 - Enrolled, Noncompliant

Monitor:

- Provider compliance issues and investigate complaints
 - Enrolled, Non-Compliant
 - Closed: Terminated
 - Voluntary Inactive—
Emergency Health and Safety Issues
- Process additional families and re-enroll eligible providers after 12 months

Notifies:

- EA of any changes in the CCS case which may affect the provider's enrollment status

Notifies:

- District of any changes that may impact payment or parent/family status of eligibility

**New York Code, Rules and Regulations
Part 415.4 and 415.9
Changes & Local District Responsibilities**

Section of Part 415	Subdivision & Topic	Language
415.4 (g)(2)	<i>Notifying the Enrollment Agency of Additional Standards</i>the district's monitoring process must include procedures for notifying the applicable legally-exempt caregiver enrollment agency if the district determines that such a caregiver is not in compliance with an additional standard. Any such procedures established by the social services district may not extend the timeframes set forth in subdivision (f) of this section for a legally-exempt caregiver enrollment agency to review an enrollment package.
415.4 (g)(1)	<i>District May Mandate Participation in CACFP as a Condition of Enrollment</i>	A social services district may make participation in the child and adult care food program a condition of initial enrollment for each caregiver of informal child care who will be providing an average in excess of thirty hours of care per week to one or more subsidized children provided the district sets forth this requirement in the district's consolidated services plan or integrated county plan (Children and Family Services Plan).
415.4(f)(4)	<i>Notifying EA that Additional Standards Were Not Met</i>	the legally-exempt caregiver enrollment agency [social services district] must enroll the caregiver [with the district] for the purpose of providing child care services to eligible families under the New York State Child Care Block Grant Program unless the applicable social services district informs the legally-exempt caregiver enrollment agency that the caregiver does not meet a locally-defined additional requirement set forth in the social services district's consolidated services plan or integrated county plan (now called: Children and Family Services Plan) in accordance with subdivision (h) of this section.

Section of Part 415	Subdivision & Topic	Language
415.4(f)(8)(i) (a) &(a)(1)	<i>Child Welfare Database Check and Provision of Information to EA</i>	<p>....whether the caregiver has had his or her parental rights terminated or had a child removed from his or her care by court order under Article 10 of the Family Court Act. The district must provide the legally-exempt caregiver enrollment agency with the results of the child welfare database check within 15 days of receiving the request.</p> <p>(1) When the check of the district’s child welfare data base reveals that the caregiver has had his or her parental rights terminated or had a child removed from his or her care by court order under Article 10 of the Family Court Act, the district shall provide the specific Office mandated information on the foster care and/or court records concerning the caregiver’s termination of parental rights and the removal of the child from the caregiver’s home to the legally-exempt caregiver enrollment agency for the purposes of determining whether to enroll the caregiver.</p>
415.4 (f)	<i>Payment to EA-Enrolled Providers Only & Continued Provision of Enrollment Package</i>	<p>A social services district may only make payments for child care provided by caregivers of informal or legally-exempt group child care if the caregiver has been enrolled by a legally-exempt caregiver enrollment agency on either a temporary or final basis in accordance with this subdivision. Each social services district must provide a child’s caretaker that has applied for or is receiving child care subsidies under the New York State Child Care Block Grant and who is interested in using a caregiver of legally-exempt child care with an enrollment package and notify the caretaker that the completed package must be submitted to the applicable legal-exempt caregiver enrollment agency.</p>

Section of Part 415	Subdivision & Topic	Language
415.9(j)(2)	<i>Two Market Rates: Enhanced and Standard</i>	Thirty days after the effective date of these regulations, there will be two market rates for the legally-exempt family child care and in-home child care categories, a standard market rate and an enhanced market rate . The enhanced market rate will apply to those caregivers of legally-exempt family child care and in-home child care who have provided notice to, and have been verified by, the applicable legally-exempt caregiver enrollment agency, as having completed ten or more hours of training annually in the areas set forth in section 390-a(3)(b) of the social services law. The standard market rate will apply to all other caregivers of legally-exempt family child care and in-home child care.
415.4	(m) <i>Comprehensive Fraud and Abuse Control Activities:</i> <i>(1) FETS Criteria & Sampling</i> <i>Methodologies for Verification of</i> <i>(2) Need for Care and</i> <i>(3) Attendance</i>	Each social services district must establish comprehensive fraud and abuse control activities for the district's child care subsidy program. A social services district must provide details on its comprehensive fraud and abuse control activities in the district's consolidated services plan or integrated county plan (Children and Family Services Plan) , which must include, but not be limited to: (1) identification of the criteria the social services district will use to determine which child care subsidy applications suggest a higher than acceptable risk for fraudulent or erroneous child care subsidy payments and procedures for referring such applications to the district's front end detection system ; (2) a sampling methodology to determine which cases the social services district will seek verification of an applicant or recipient's continued need for child care including, as applicable, verification of participation in employment, education or other required activities; and (3) a sampling methodology to determine which caregivers of subsidized child care services the social services district will review for the purpose of comparing the caregivers' attendance forms for children receiving subsidized child care services and any child and adult care food program inspection forms to verify that child care was actually provided on the days listed on the attendance forms.

**DISTRICT NOTIFICATION TO LEGALLY-EXEMPT
CAREGIVER ENROLLMENT AGENCY**

FROM SOCIAL SERVICES DISTRICT		TO ENROLLMENT AGENCY	
PROVIDER NAME	CCFS NUMBER	TODAY'S DATE	

I. NEW YORK STATE ENROLLMENT REQUIREMENT FOR LOCAL CHILD WELFARE DATABASE CHECK

The district conducted a search of its local database on ____ / ____ / ____ and the results follow.

1. The child care provider (*choose one*) **was found** / **was NOT found** in a search of the local child welfare database to be the respondent in court-ordered removal and/or placement of a child under Family Court Act Article 10.
2. The child care provider was (*choose one*) **was found** / **was NOT found** in a search of the local child welfare database to have his or her parental rights terminated under Social Services Law (SSL) 384-b.

II. OCFS APPROVED ADDITIONAL LOCAL STANDARD (IF APPLICABLE)

The results of the additional standard(s) are as follows (*Give a brief description of each OCFS-approved local requirement, the name of the person it is applicable to and whether the requirement is met or not met*):

<u>DESCRIPTION</u>	<u>APPLICABLE TO (NAME)</u>	<u>RESULT</u>
1. _____		<input type="checkbox"/> MET <input type="checkbox"/> NOT MET
2. _____		<input type="checkbox"/> MET <input type="checkbox"/> NOT MET
3. _____		<input type="checkbox"/> MET <input type="checkbox"/> NOT MET
4. _____		<input type="checkbox"/> MET <input type="checkbox"/> NOT MET

III. REVIEW OF EXTENUATING CIRCUMSTANCES DETERMINATION

- A review of extenuating circumstances has been completed and the district has:
- GRANTED** an exception to the presumption against enrollment, because the provider has demonstrated that enrollment will not jeopardize the health, safety or welfare of children in the provider's care. The provider **may be considered** for enrollment.
 - DENIED** an exception to the presumption against enrollment. The provider **cannot be considered** for enrollment.

IV. LOCAL DISTRICT DECISIONS REGARDING LEGALLY-EXEMPT CHILD CARE PROVIDER

- The district has **rejected** this legally-exempt child care provider **for this child/family only**.
- Parent Name:** _____, per the Codes, Rules and Regulations of New York, (NYCRR) Title 18,
- 415.1(l), the child care provider is not eligible to provide care **for this child/family** because he/she is an adult member of this family's Child Care Services Unit and is not a sibling to the child(ren).
 - 415.1(g)(6 and 7) and 415.4(c)(1)(i), the funding source cannot be used for legally-exempt child care.
 - 415.4(c)(1)(ii), the district believes it would be contrary to the health, safety or welfare of the child to receive child care services from the provider and the district has the authority to disapprove the service.
- The child care provider's **eligibility** to care for **ALL subsidized children** was **suspended** on: ____ / ____ / _____. The provider may obtain an explanation by contacting: (district staff) _____ at (phone) _____.
- The child care provider's **suspension of eligibility** ended on (date): ____ / ____ / _____.
 - The provider is **DISQUALIFIED** from receiving payment under the child care subsidy program for child care services provided for a period of five years, per 18 NYCRR 415.4 (h)(2)(i).
- Disqualification Start Date: ____ / ____ / _____ Disqualification End Date: ____ / ____ / _____

V. COMPLAINT REGARDING LEGALLY-EXEMPT CHILD CARE PROVIDER

- The district has reason to believe the child care provider is/was **in violation** of 18 NYCRR,
- 415.1(h)(1), by caring for more children than allowed from (dates ____ / ____ / ____ to ____ / ____ / _____).

- 415.4(c)(iv) by denying a parent access to his/her child, the premises, or written records concerning the child.
- 415.6(e)(2), by charging a subsidy parent an amount greater than that charged to a non-subsidy parent for similar child care services.
- Other, please identify regulation: _____

Supportive documentation is attached.

VI. CHILD CARE SUBSIDY CASE INFORMATION

Parent Name: _____

The child care subsidy is: Approved. Disapproved. Closed.

The parent is: Not using this provider. Using this provider.

SIGNATURE

DATE

PHONE

NYS Legally-Exempt Enrollment Agencies

Region 1

Allegany County Community Opportunities and Rural Development, Inc. (Accord)

Counties Served: Allegany, Cattaraugus, Wyoming

PO Box 573, 84 Schuyler Street

Belmont, New York 14813

P: 585.268.7605

Chautauqua Opportunities, Inc.

Counties Served: Chautauqua

402 Chandler St

Jamestown, NY 14701

P: 716.661.9430

Child Care Resource Network

Counties Served: Erie

1000 Hertel Ave

Buffalo NY 14216

P: 716.877.6666

Community Action of Orleans and Genesee, Inc.

Counties Served: Genesee, Orleans

409 East State Street

Albion, New York 14411

5073 Clinton Street Road

Batavia, NY 14020

Genesee County P: 585.343.7798

Orleans County P: 585.589.5605

Niagara Community Action Program, Inc.

Counties Served: Niagara

1521 Main Street

Niagara Falls, New York 14305

P: 716.285.8572

Region 2

Chemung County Child Care Council, Inc.

Counties Served: Chemung

571 St. Joseph's Blvd. – Suite 205

Elmira, New York 14901

P: 607.734.3941

Child and Family Resources, Inc.

Counties Served: Ontario, Seneca, Yates

263 Lake Street

Penn Yan, New York 14527

P: 315.536.1134

Seneca: 115 Fall Street, Seneca Falls, NY 13148,

P: 315.568.0945

Ontario: 41 Lewis Street, Ste 103, Geneva, NY 14456

P: 315.781.1491

Child Care Council, Inc.

Counties Served: Livingston, Monroe, Wayne

595 Blossom Rd., Suite 120

Rochester, NY 14610

P: 585.654.4720

Pro Action of Steuben and Schuyler, Inc.

Counties Served: Schuyler, Steuben

117 East Steuben Street, Suite 11

Bath, NY 14810

P: 607.776.2126

Region 3

Child Care Council of Cornell Cooperative Extension

Counties Served: Herkimer, Madison, Oneida,

121 Second Street

Oriskany, NY 13424

P: 315.223.7850

Child Care Solutions, Inc.

Counties Served: Cayuga, Onondaga

6724 Thompson Road

Syracuse, NY 13211

P: 315.446.1220

Child Development Council

Counties Served: Cortland, Tompkins

609 West Clinton Street

Ithaca, New York 14850

P: 607.273.0259

Community Action Planning Council of Jefferson County, Inc.

Counties Served: Jefferson, Lewis

518 Davidson Street
Watertown, NY 13601
P: 315.782.4900

Family Enrichment Network, Inc.

Counties Served: Broome, Chenango, Tioga

24 Cherry Street
Johnson City, New York 13790
P: 607.723.8313

Integrated Community Planning Council of Oswego County, Inc.

Counties Served: Oswego

317 West First Street, Suite 111
Oswego, New York 13126
P: 315.343.2344

St. Lawrence Child Care Council, Inc.

Counties Served: St. Lawrence

318 Ford Street
Ogdensburg, NY 13669
P: 315.393.6474

Region 4

Adirondack Community Action Programs, Inc.

Counties Served: Essex

P.O. Box 848, 7572 Court Street – Suite 2
Elizabethtown, New York 12932
P: 518.873.3207

Capital District Child Care Coordinating Council, Inc.

Counties Served: Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady

91 Broadway
Menands, NY 12204
P: 518.426.7181

Child Care Coordinating Council of the North Country, Inc.

Counties Served: Clinton, Franklin

P.O. Box 2640, 194 US Oval
Plattsburgh, NY 12901
P: 518.561.4999

Delaware Opportunities, Inc.

Counties Served: Delaware
35430 State Highway 10
Hamden, NY 13782
P: 607.746.1600

Family of Woodstock, Inc.

Counties Served: Columbia, Greene, Ulster
UPO Box 3516, 39 John St.
Kingston, NY 12402
P: 845.331.7080

Schoharie County Community Action Program, Inc.

Counties Served: Schoharie, Otsego
795 East Main Street, Ste. 5
Cobleskill, New York 12043
P: 518.234.2568

Southern Adirondack Child Care Network, Inc.

Counties Served: Hamilton, Warren, Washington
88 Broad Street
Glens Falls, NY 12801
P: 518.798.7972

Region 5

Child Care Council of Dutchess & Putnam, Inc.

Counties Served: Dutchess, Putnam
70 Overocker Road
Poughkeepsie, NY 12603
P: 845.473.4141

Child Care Council of Orange County, Inc.

Counties Served: Orange
40 Matthews St. Suite 103
Goshen, NY 10924
P: 845.294.4012

Child Care Council of Westchester, Inc.

Counties Served: Westchester
313 Central Park Avenue
Scarsdale , NY 10583
P: 914.761.3456

Child Care Resources of Rockland, Inc.

Counties Served: Rockland

235 North Main Street, Suite 11

Spring Valley, NY 10977

P: 845.425.0009

Sullivan County Child Care Council, Inc.

Counties Served: Sullivan

P.O. Box 186

Ferndale, NY 12734

P: 845.292.7166

Region 6

**Women's Housing and Economic
Development Corporation (WHEDco)**

50 East 168th Street

Bronx, New York 10452

P: 718.839.1124

Region 7

Child Care Council Of Nassau, Inc.

Counties Served: Nassau

925 Hempstead Turnpike, Suite 400

Franklin Square, NY 11010

P: 516.358.9250

Child Care Council of Suffolk, Inc.

Counties Served: Suffolk

60 Calvert Avenue

Commack, New York 11725

P: 631.462.0303 & 631.462.0444

