



June 19, 2009

New York State
Office of
Children & Family
Services

www.ocfs.state.ny.us

Ms. Sandra Wright, Commissioner
Livingston County Department of Social Services
3 Livingston County Campus
Mt. Morris, NY 14510-1699

Dear Commissioner Wright:

This letter is to inform you that the child care section found in the administrative component of your Annual Plan Update 2008-2009 was approved on June 19, 2009. The child care section became effective on June 19, 2009.

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

This approval is being issued separate from the approval of other sections of your plan in order to accommodate your county's need to implement the child care services provisions. A letter approving the remaining sections of your plan will be sent upon their approval.

If you have any questions about this approval or the child care section found in your Annual Plan Update 2008-2009 please contact Ms. Amy Ryan, (518) 474-9620 or by e-mail at Amy.Ryan@ocfs.state.ny.us.

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

Sincerely,

Janice M. Molnar
Deputy Commissioner
Division of Child Care Services



**APPENDIX G
CHILD CARE SECTION
DATED 2008-2009**

APPENDIX G-1

County: Livingston

I. Administration (Required Section)

Describe how your district is organized to administer the child care program, including any functions that are subcontracted to an outside agency.

1. Identify the unit that has primary responsibility for the administration of child care for:

Public Assistance Families: **Team TA Examiners**

Transitioning Families: **FS/DC Examiners**

Income Eligible Families: **FS/DC Examiners**

Title XX: **FS/DC Examiners**

Indicate the use of New York State Child Care Block Grant (NYSCCBG) Funds.

FFY 06-07 Rollover Funds (<i>this amount is available from the NYSCCBG ceiling report in the claiming system</i>)	\$176,909.00
Estimate of FFY 07-08 Rollover Funds	\$181,726.00
Estimate of Flexible Funds for Families (FFFS) for child care subsidies	\$
NYSCCBG Allocation for SFY 08-09	\$1,053,262.00
Estimate of Local Share	\$

Total Estimated NYSCCBG Amount:	\$1,234,988
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	\$1,234,988
A. Subsidy	\$1,224,148
B. Other program costs (excluding subsidy)	\$
C. Administrative costs	\$10,840

3. Does your district have a contract or formal agreement with another organization to perform any of the following functions?yes

Function:

Organization:

Amount of Contract:

- Eligibility screening
Function
- Assistance in locating care
- Child Care Information
Systems
- Determining if legally-
exempt providers meet
State approved additional
local standards (if
applicable)
- Other

Western NY Child Care Council

76,447

APPENDIX G-2

II. Other Eligible Families if Funds are Available (Required Section)

Listed below are optional categories of eligible families that your district can include as part of its ICP. Select any categories your district wants to serve and describe any limitations associated with the category.

Optional Categories	Option	Limitations
1. Public Assistance (PA) families participating in an approved activity in addition to their required work activity.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None
2. PA families or families with income up to 200% of the State Income Standard when the caretaker is:		
a) participating in an approved substance abuse treatment program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None
b) homeless	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None
c) a victim of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None
d) in an emergency situation of short duration	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
3. Families with an open child protective services case when child care is needed to protect the child.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None
4. Families with income up to 200% of the State Income Standard when child care services are needed because the child's caretaker:		
a) is physically or mentally incapacitated	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Up to 160% Poverty Level
b) has family duties away from home	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A

5. Families with income up to 200% of the State Income Standard when child care services are needed for the child's caretaker to actively seek employment for a period up to 6 months.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
6. PA families where a sanctioned parent is participating in unsubsidized employment, earning wages at a level equal to or greater than the minimum amount under law.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None
7. 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:		
a) a public or private educational facility providing a standard high school curriculum offered by or approved by the local school district	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must maintain satisfactory attendance with local school district
b) an education program that prepares an individual to obtain a NYS High School equivalency diploma	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must maintain satisfactory attendance with program provider and must participate at least 10 hours
c) a program providing basic remedial education in the areas of reading, writing, mathematics, and oral communications for individuals functioning below the ninth month of the eighth grade level	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must maintain satisfactory attendance with program provider and must participate at least 10 hours
d) a program providing literacy training designed to help individuals improve their ability to read and write;	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must maintain satisfactory attendance with program provider and must participate at least 10 hours
e) English as a second language (ESL) instructional program designed to develop skills in listening, speaking, reading and writing the English language for individuals whose primary language is other than English	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Must maintain satisfactory attendance with program provider and must participate at least 10 hours

<p>f) a two year full-time degree granting program at a community college, a two year college, or an undergraduate college with a specific vocational goal leading to an associate degree or certificate of completion</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Must be employed at least 20 hours per week, maintain satisfactory attendance and must maintain at least a 2.0 GPA</p>
<p>g) 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</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Must maintain satisfactory attendance with program provider and must participate at least 10 hours Must not exceed 12 months in a lifetime</p>
<p>h) a prevocational skill training program such as, a basic education and literacy training program</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Must maintain satisfactory attendance with program provider and must participate at least 10 hours Must not exceed 12 months in a lifetime</p>
<p>i) a demonstration project designed for vocational training or other project approved by the Department of Labor.</p> <p>The parent/caretaker must complete the selected programs listed under number seven within 30 consecutive calendar months. The parent/caretaker cannot enroll in more than one program.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>N/A</p>
<p>8. PA recipients and low income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a two-year program other than one with a specific vocational sequence (leading to an associates degree or certificate of completion and that is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity) as long as the parent(s) or caretaker is also working at least 17 ½ hours per week. The parent/caretaker must demonstrate his or her ability to successfully complete the course of study.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<p>9. PA recipients and low income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a two-year college or university program (other than one with a specific vocational sequence) leading to an associates degree or a certificate of completion that is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity as long as the parent(s) or caretaker is also working at least 17 ½ hours per week. The parent/caretaker must demonstrate his or her ability to successfully complete the course of study.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>10. PA recipients and low income families with incomes up to 200% of the State Income Standard who are satisfactorily participating in a four-year college or university program (leading to a bachelor degree and that is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity) as long as the parent(s) or caretaker is also working at least 17 ½ hours per week. The parent/caretaker must demonstrate his or her ability to successfully complete the course of study.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

APPENDIX G-3

III. Reasonable Distance, Very Low Income, Family Share, Case Closings and Openings, and Fraud and Abuse Control Activities (Required Section)

Reasonable Distance

Your district is required to define reasonable distance based on community standards for determining accessible child care.

The following defines "reasonable distance": **45 miles one way from home to work activity, with a stop at a child care provider.**

Describe any steps/consultations made to arrive at your definition: **The farthest distance a participant would be required to travel to an activity is 35 miles. Based on location of child care providers and activity sites, 10 miles added to stop at child care provider.**

Very Low Income

Very Low Income is defined by each district and is used in determining priorities for child care benefits.

Very Low Income is defined as **160%** the State Income Standard.

Family Share

Family share is the weekly amount paid towards the costs of the child care services by the child's parent or caretaker. In establishing family share, your district must select a percentage from 10% to 35% to use in calculating the family share. The family share of child care is calculated by applying the family share percentage against the amount of the family's annual gross income that is in excess of the State Income Standard divided by 52.

Family Share Percentage selected by our district **10%**

Note: Make sure the % selected here matches the % selected in Appendix F.

Case Closings (select one or two)

1. The district must describe below how priority is given to federally mandated priorities and describe local priorities. If all NYSCCBG funds are committed, the district will discontinue funding to those families that have lower priorities in order to serve families with higher priorities. Described below is how the district will select cases to be closed in the event that there are insufficient or no funds available.

2. The district has not established priorities beyond the federally-mandated priorities. If all NYSCCBG funds are committed, case closings for families which are not eligible under a child care guarantee and are not a federally-mandated priority must be based on the length of time in receipt of services. The length of time used to close cases may be based either on the shortest or longest time receiving child care services but must be consistent for all families. The district has chosen to close cases based on:

- shortest time receiving child care services
- longest time receiving child care services

Case Openings

The district must describe below how priority is given to federally mandated priorities and how the district will select cases to be opened in the event that there are insufficient funds available.

See attachment to G-3.

Fraud and Abuse Control Activities

The district must identify below the criteria it will use to determine which child care subsidy applications suggest a higher than acceptable risk for fraudulent or erroneous child care subsidy payment and procedures for referring such applications to the district's front end detection system.

See below.

The district must describe below its sampling methodology used to determine which cases it 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.

See below.

The district must describe below its sampling methodology used to determine which child care providers of subsidized child care services they will review for the purpose of comparing the child care providers' 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.

Day Care Random Sampling

Accounting staff will randomly pull 3 billing sheets weekly (on Tuesdays) from the previous week's sheets, copy them and put them in the Fraud Investigator's mailbox.

The Fraud Investigator will check:

- 1. Hours worked vs. hours day care is paid for**
- 2. Provider is an actual person, lives where they say they do, and that they are providing care.**

This will be accomplished through:

- 1. Wage verifications sent to employers**
- 2. Wage verifications gathered by phone call to employers**
- 3. Home visits to providers**

Other issues may be added as the case is investigated and as circumstances dictate.

APPENDIX G-3-(attachment)

Case Openings

We will open cases in the following order.

I. Families with children who have special needs

- a. applying for or in receipt of public assistance in order to enable the child's custodial parent or caretaker relative to participate in activities required by a social services official including orientation, assessment of work activities.
- b. in receipt of public assistance when child care services are needed to enable the child's custodial parent or caretaker relative to engage in work as defined in 18 NYCRR Part 385.

II. Families receiving public assistance and families with very low income, which we define as 160% of the State Income Standard

- a. for the child's caretaker(s) to be engaged in work; or
- b. to enable a teenage parent to attend high school or an equivalency program.

III. Families with income between 161%-200% of the State Income Standard

- a. for the child's caretaker(s) to be engaged in work; or
- b. to enable a teenage parent to attend high school or an equivalency program.

IV. Families with very low income (160% or less) when the parent(s) or caretaker(s) need child care services for the following activities or situations

- a. participating in substance abuse treatment programs or in screening or assessment of the need for substance abuse treatment. This includes families in receipt of public assistance.
- b. a family with an open child protective services case (without regard to income) when it is determined that such child care is needed to protect the child.
- c. the child's caretaker is physically or mentally incapacitated.
- d. the child's caretaker is homeless or receiving services for victims of domestic violence in order to participate in an approved activity, or in screening for or an assessment of the need for services for victims of domestic violence.

V. Families with income between 161%-200% the State Income Standard when the parent(s) or caretaker(s) when the parent(s) or caretaker(s) need child care for the following activities or circumstances.

- a. participating in substance abuse treatment programs or in screening or assessment of the need for substance abuse treatment.
- b. the child's caretaker is homeless or receiving services for victims of domestic violence in order to participate in an approved activity, or in screening for or an assessment of the need for services for victims of domestic violence.

VI. Families with very low income (160% or less) when the parent(s) or caretaker(s) need child care services to participate in educational or vocational training programs as described in Appendix G-2.

VII. . Families with income between 161%-200% the State Income Standard when the parent(s) or caretaker(s) need child care services to participate in educational or vocational training programs as described in Appendix G-2

Case Closings

Case closings will occur in the opposite order of case openings with the following additional consideration.

Families with income of 200% or less needing child care for the following reasons will closed based on the below income bands.

- a. for the child's caretaker(s) to be engaged in work; or
- b. to enable a teenage parent to attend high school or an equivalency program.

Order of closing 200%-180%, 179%-160%, 159%-140%, 139% and below

Waiting Lists

All closing/denial notices will include notification that the client will be placed on a waiting list based on their group, category and date of closing/denial. As funds become available, we will select from our waiting list using our prioritization listed for openings. The criteria of selection within each category will be by date of closing/application.

Cases will be deleted from the waiting list as we select them for re-application. We will cross-reference our daily day care openings with our waiting list and delete cases from the waiting list that have opened in another category of day care.

APPENDIX G-4

IV. District Options (Required Section)

Districts have certain flexibility to administer the child care subsidy program to meet local needs. Check which options that your district wishes to include in your county plan. Complete attachments for any area(s) checked.

1. Our district has identified local priorities in addition to the federal priorities (complete Appendix G-5).
2. Our district has chosen to establish funding set-asides for NYSCCBG (complete Appendix G-6).
3. Our district is using Title XX funds for the provision of child care services (complete Appendix G-7).
4. Our district has chosen to establish additional local standards for child care providers (complete Appendix G-8).
5. Our district has chosen to make payments to child care providers for absences (complete Appendix G-9).
6. Our district has chosen to make payments to child care providers for program closures (complete Appendix G-10).
7. Our district has chosen to pay for transportation to and from a child care provider (complete Appendix G-11).
8. Our district has chosen to pay up to a 15% higher than the applicable market rates for regulated child care services that have been accredited by a nationally recognized child care organization (complete Appendix G-11).
9. Our district has chosen to pay up to 15% higher than the applicable market rates for non-traditional hours (complete Appendix G-11).
10. Our district has chosen to pay for child care services while a caretaker who works the second or third shift sleeps (complete Appendix G-11).
11. Our district has chosen to make payments to child care providers who provide child care services, which exceed 24 consecutive hours (complete Appendix G-12).
12. Our district has chosen to include 18, 19 or 20 year olds in the Child

Care Services Unit (complete Appendix G-12).

APPENDIX G-4 (continued)

13. Our district is seeking a waiver from one or more regulatory provisions. Such waivers are limited to those regulatory standards that are not specifically included in law (complete Appendix G- 12).
14. Our district has chosen to pay for breaks in activity for low income families (non public assistance families, complete Appendix G-12).
15. Our district has chosen to use local equivalent forms such as, but not limited to, child care application, client notification and/or legally exempt enrollment forms (attach copies of the local equivalent forms your district uses).

Any previous approvals for local equivalent forms will not be carried forward into this county plan. Therefore, any local equivalent forms a district wishes to establish or renew must be included in this plan and will be subject to review and approval by OCFS.

APU Instructions: Only those local equivalent forms that were not already approved in the 2007-09 CFSP need to be included.

**APPENDIX G-9
PAYMENT TO CHILD CARE PROVIDERS FOR ABSENCES**

The following providers are eligible for payment for absences:
(Check any that are eligible)

- Day Care Center Legally Exempt Group
 Group Family Day Care School Age Child Care
 Family Day Care

Our district will only pay for absences to providers with which the district has a contract or letter of intent. Yes No

Base period selected (check one) 3 months 6 months

Number of absences allowed during base period:

Period	Routine Limits (# of days)	Extenuating Circumstances (# of days)	Total Number of Absences Allowed (# of days)
In a month	12	3	15
Base period	12	3	15

List reasons for absences for which the district will allow payment:

Same absences as defined by provider for non-subsidized children.

List any limitations on the above providers' eligibility for payment for absences:

None.

Note: Legally exempt family child care and in-home child care providers are **not** eligible to receive payment for absences.

APPENDIX G-11
TRANSPORTATION, DIFFERENTIAL PAYMENT RATES, SLEEP

Transportation

Describe below under what circumstances and limitations if any your district will use to reimburse for transportation, what type of transportation will be reimbursed (public vs. private), and how much your district will pay (per mile or trip). Note if paying for transportation, Appendix F will need to reflect this choice.

None

Differential Payment Rates

Indicate below the percentage above the market rate your district has chosen.

Accredited Programs may receive a differential payment up to _____ % above market rate.

Care during non-traditional hours may be paid up to _____ % above market rate.

Limitations to the above differentials are as follows:

Payments may not exceed 15% above market rate. However, if your district wishes to establish a payment rate that is in excess of 15% above the applicable market rate must describe below why the 15% maximum is insufficient to provide access within the district to accredited programs and/or care provided during non-traditional hours.

None

Sleep

The following describes the standards that will be used in evaluating whether or not to pay for child care services while a parent or caretaker that works a second or third shift sleeps and any limitations pertaining to payment:

Payment will be made where it has been determined that there is no other legally responsible caretaker relative available to provide child care in these situations.

Indicate the number of hours allowed by your district (maximum number of hours allowed is eight). **The number of hours allowed is equal to the length of the work shift, not to exceed 8 hours.**

**APPENDIX G-12
CHILD CARE EXCEEDING 24 HOURS, CHILD CARE SERVICES UNIT,
WAIVERS, BREAKS IN ACTIVITIES**

Child Care Exceeding 24 Hours

Child care services may exceed 24 consecutive hours when such services are provided on a short-term emergency basis or in other cases where the caretaker's approved activity necessitates care for 24 hours on a limited basis.

Describe any limitations for payment of child care services that exceed 24 consecutive hours.

Child Care Services Unit

The Child Care Service Unit is the basis upon which a district will determine which household and/or family members should be counted in determining family size and countable family income.

Our district will include the following in the Child Care Services Unit (check which ones apply).

18 year old 19 year old 20 year old

-OR-

Our district will include only the following in the Child Care Services Unit when it will benefit the family (check which ones apply).

18 year old 19 year old 20 year old

Describe the criteria your district will use to determine whether or not an 18, 19 or 20 year old is included in the Child Care Services Unit.

Waivers

Districts have the authority to request a waiver of any regulatory provision that is non-statutory. Describe and justify why your district is requesting a waiver.

Breaks in Activities

Districts may pay for child care services for low income families during breaks in activities for a period not to exceed two weeks or for a period not to exceed one month where child care arrangements would otherwise be lost and the subsequent activity is expected to begin within that period (check one).

two weeks four weeks

Districts may provide child care services while the caretaker is waiting to enter an approved activity or employment or on a break between approved activities. The following low income families are eligible for child care services during a break in activities (check any that are eligible):

entering an activity waiting to begin employment break between activities