



**New York State
Office of
Children & Family
Services**

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David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

September 22, 2009

Mr. John B. Mattingly, Commissioner
Administration for Children's Services
150 William Street
New York, NY 10038

Dear Commissioner Mattingly:

This is in response to your request to amend Appendices G-3 and G-5 of the Child and Family Services Plan for 2007-2009.

Upon review of the proposed amendment and the public notice that New York City's Administration for Children's Service (ACS) will use Title XX and local funds to serve families that are receiving public assistance and are in need of services due to the child's caretaker being physically or mentally incapacitated or has family duties away from the home necessitating his or her absence is approved. As such, ACS will no longer use funds from the New York State Child Care Block to serve these families. The effective date of this amendment is September 22, 2009.

Enclosed is the revised Appendices G-3 and G-5 for your records. Should you have any further questions please contact Ms. Rhonda Duffney, (518) 474-3775 or by e-mail at Rhonda.Duffney@ocfs.state.ny.us.

Sincerely,

Amy Ryan
Children and Family Services Specialist
Division of Child Care Services

cc: Melanie Hartzog
Shari Gruber

Attachment



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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": **No more than one hour and fifteen minutes travel time, by public transportation or private car, between the caretaker's home and the child care provider.**

Describe any steps/consultations made to arrive at your definition: **Consultation with parents living throughout the city to determine maximum travel time from home to the work activity site, including time to stop at a 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 **200 %** of 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 will range from **27% to 35.3%**. In April 2009, the Family Share Percentage will become **35%**.

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

New York City will not use the State prescribed methodology of applying a formula to gross family income above the State Income Standard (SIS). Instead a fee schedule will be utilized. Within a given fee band in the fee schedule, and, depending on family income, the family share percentage will range between **27% and 35.3%** of remaining gross family income after subtracting the applicable SIS level. Family shares or fees will be capped at **10%** of annual gross family income. A minimum weekly family share of **\$3** for full-time care or **\$2** for part-time care will be charged to families. If **\$3** per week exceeds **27%** of remaining income after subtracting SIS from the highest income level listed in a given fee band, a **\$3** per week minimum family share/fee for full-time care or **\$2** per week for part-

time care will apply to that entire fee band. A part-day weekly family share of 62.5% of the full-time weekly family share for a family of the same size and income will be charged for children who receive part-day care. Households in receipt of Child Care in Lieu of Public Assistance (CILOPA) are required to pay \$1 per week for their family share.

In April 2009, the family share percentage in New York City will become 35% of remaining gross family income after subtracting the applicable SIS level. Family shares or fees will be capped at 12% of annual gross family income. A minimum weekly family share of \$5 for full-time care or \$4 for part-time care will be charged to families. If \$5 per week exceeds 35% of remaining income after subtracting SIS from the highest income level listed in a given fee band, a \$5 per week minimum family share/fee for full-time care or \$4 per week for part-time care will apply to that entire fee band. A part-day weekly family share of 75% of the full-time weekly family share for a family of the same size and income will be charged for children who receive part-day care. Households in receipt of Child Care in Lieu of Public Assistance (CILOPA) are required to pay \$1 per week for their family share.

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.

In the event that there are limited or no funds available, cases will be selected to be closed using the reverse of the priority order that will be used to open cases. (See the Case Opening section below.)

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.

Eligible families will be placed on a waiting list if there are insufficient funds to open

their cases. If additional funds become available (either through an increased allocation or attrition), cases will be selected to be opened in the priority order listed below.

First

Category 3e: A family with an open child protective services case when it is determined that such child care is needed to protect the child. These families will be funded using Title XX and local funds.

Second

A family with an open child preventive services case when it is determined that such child care is needed to prevent the risk of foster care placement of the child. These families will be funded using Title XX and local funds.

Third

Children with special needs from families that meet financial and programmatic eligibility requirements for NYSCCBG funding will receive first priority among all NYSCCBG eligible cases and third priority overall.

Fourth

- Category 2 c (1): A family receiving public assistance when child care services are necessary to enable a teenage parent to attend high school or an equivalency program.
- Category 2 d (2). A family with income up to 200 percent of the State income standard which is at risk of becoming dependent on public assistance when child care services are needed:
 - To enable a teenage parent to attend high school or an equivalency program.

Fifth

- Category 2 d (1): A family with income up to 200 percent of the State income standard which is at risk of becoming dependent on public assistance when child care services are needed:
 - For the child's caretaker(s) to be employed;
 - Each caretaker/parent in the family must be employed a minimum of 20 hours per week.
- Category 2 a and b: A family that has applied for or is receiving public assistance when child care services are needed for an eligible child who is age 13 or older and who has special needs or is under court supervision in order to enable the child's custodial parent or caretaker relative to participate in required activities including orientation, assessment or work activities as defined in 12 NYCRR §1300 or to engage in work.
- Category 3 a: A family receiving public assistance and child care services are necessary for a parent or caretaker relative to participate in an approved activity in addition to their required work activity.

Sixth

- Category 3 d: A family receiving public assistance when child care services are needed to protect the child because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

Seventh

- Category 3 f (2): A family with income up to 200 percent of the State income standard when child care services are needed for the child's caretaker to participate in educational or vocational activities including attendance in one of the secondary or post-secondary programs allowable under Part 415 of the State regulations and the district determines that the activity is a necessary part of a plan for the family's self support.

Eighth

- Category 3 c (1): A family receiving public assistance or with income up to 200% of the State income standard when child care services are needed because the child's caretaker is participating in an approved substance abuse treatment program or an assessment of the need for substance abuse treatment.
- Category 3 c (2): A family receiving public assistance or with income up to 200 percent of the State income standard when child care services are needed because the child's caretaker is:
 - Homeless
 - Receiving services for victims of domestic violence and needs child care to participate in an approved activity or for screening or assessment of the need for services for domestic violence victims.

Ninth

- Category 3 f (1): A family with income up to 200 percent of the State income standard when child care services are needed for the child's caretaker to actively seek employment for a period of up to six months, if the caretaker documents that he or she is currently registered with the New York State Department of Labor Community Service Center and the district determines that the activity is a necessary part of plan for the family's self support:

Tenth

- Category 3 d: A family with income up to 200 percent of the State income standard when child care services are needed because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

Eleventh

- A family with income between 200 percent and 275% of the State Income Standard (SIS) for a family of 2, 255% of the SIS for a family of 3 and 225% of the SIS for a family of 4 or more:
 - which is at risk of becoming dependent on public assistance when child care services are needed to enable a teenage parent to attend high school or an equivalency program or
 - when child care services are needed for the child's caretaker to participate in educational or vocational activities including attendance in one of the secondary or post-secondary programs allowable under Part 415 of the State regulations and the district determines that the activity is a necessary part of a plan for the family's self support or

- when child care services are needed for the child's caretaker to participate in actively seeking employment for a period of up to six months, if the caretaker documents that he or she is currently registered with the New York State Department of Labor Community Service Center and the district determines that the activity is a necessary part of plan for the family's self support or
- when child care services are needed for the child's caretaker(s) to be engaged in work.
- when child care services are needed because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

These families will be funded using Title XX and local funds.

Twelfth

- A family with income up to 275% of the State Income Standard (SIS) for a family of 2, 255% of the SIS for a family of 3 and 225% of the SIS for a family of 4 or more:
When a family is referred for child care services by non child welfare social services personnel.

These families will be funded using Title XX and local funds.

Thirteenth

- Category 3 g: PA recipients and families with incomes up to 200% of the SIS when the child care services are needed for the child's caretaker to attend a two year program other than one with a specific vocational sequence leading to an associates degree or certificate of completion or a four-year college or university program leading to a bachelor degree provided:
 - that the program is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity)
 - the parent(s) or caretaker is also participating in non-subsidized employment at least 17 ½ hours per week.
 - the caretaker can demonstrate the ability to satisfactorily complete the course of study.

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.

Income/Resource Indicators

- 1) Working off the books, lack of pay stubs, or lack of proof that income will be reported to IRS, State and local tax agencies (currently or previously).

At the time of eligibility determination, all cases of applicants or recipients who indicate that they work off the books and who only submit a letter or a "Referral to Employer for Employee Information Form" (ACD 1069) from their employer as documentation of employment income will be reviewed by an eligibility worker. If, upon review, the documentation of income is determined questionable by the worker and the supervisor approves, the case will be

referred to New York City's (NYC) FEDS program.

2) Self Employed but without adequate business records to support financial assertions.

At the time of eligibility determination, cases of applicants or recipients who indicate that they are self employed will be reviewed by an eligibility worker. If, in the judgment of the eligibility worker, the applicant/recipient did not submit adequate business records to support his/her financial assertions pertaining to self employment, the case, with supervisory approval, will be referred to NYC's FEDS program.

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.

A random sample of 100 cases will be chosen from the universe of approximately 40,000 non-public assistance child care subsidy cases. From the sample, we will seek verification of participation in the above specified activities of 25 cases per quarter.

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.

A random sample of 40 providers will be chosen from the universe of 375 informal providers of subsidized child care who are participating in CACFP. The attendance forms for subsidized children from 10 providers per quarter will be compared to the CACFP inspection forms for those same providers.

**APPENDIX G-5
PRIORITY POPULATIONS-ADDITIONAL LOCAL PRIORITIES**

The federal priorities of very low income families and families with children who have special needs must be ranked either one or two. Additional local priorities that have been selected must have a lower rank than the federal priorities:

Category: Families with very low income Rank: 1 (select rank one or two)

Description: Below 200%

Category: Families with children who have special needs Rank: 1 (select rank one or two)

Description: Children with special needs from families that meet financial and programmatic eligibility requirements for NYSCCBG funding.

Category: 3 e Rank: 1

Description: A family with an open child protective services case when it is determined that such child care is needed to protect the child. These families will be funded with Title XX and local funds.

Category: Rank: 2

Description: A family with an open child preventive services case when it is determined that such child care is needed to prevent the risk of foster care placement of the child. These families will be funded using Title XX and local funds.

Category: Rank: 3

Description: Children with special needs from families that meet financial and programmatic eligibility requirements for NYSCCBG funding will receive third priority overall, but first priority among all NYSCCBG eligible cases, if limited funds are available.

Category: 2 c 1 and 2 d 2 Rank: 4

Description: A family receiving public assistance when child care services are necessary to enable a teenage parent to attend high school or an equivalency program and
A family with income up to 200 percent of the State income standard which is at risk of

becoming dependent on public assistance when child care services are needed:

- To enable a teenage parent to attend high school or an equivalency program.

Category: 2 d (1), 2 a, 2 b and 3 a

Rank: 5

Description: -A family with income up to 200 percent of the State income standard which is at risk of becoming dependent on public assistance when child care services are needed:

- For the child's caretaker(s) to be employed;
- Each caretaker/parent in the family must be employed a minimum of 20 hours per week

-A family that has applied for or is receiving public assistance when child care services are needed for an eligible child who is age 13 or older and who has special needs or is under court supervision in order to enable the child's custodial parent or caretaker relative to participate in required activities including orientation, assessment or work activities as defined in 12 NYCRR §1300 or to engage in work and

-A family receiving public assistance and child care services are necessary for a parent or caretaker relative to participate in an approved activity in addition to their required work activity.

Category: 3 d

Rank: 6

Description: A family receiving public assistance when child care services are needed to protect the child because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

Category: 3 f (2)

Rank: 7

Description: A family with income up to 200 percent of the State income standard when child care services are needed for the child's caretaker to participate in educational or vocational activities including attendance in one of the secondary or post-secondary programs allowable under Part 415 of the State regulations and the district determines that the activity is a necessary part of a plan for the family's self support.

Category: 3 c (1) and 3 c (2)

Rank: 8

Description: -A family receiving public assistance or with income up to 200% of the State income standard when child care services are needed because the child's caretaker is participating in an approved substance abuse treatment program or an assessment of the need for substance abuse treatment.

-A family receiving public assistance or with income up to 200 percent of the State income standard when child care services are needed because the child's caretaker is:

- Homeless
- Receiving services for victims of domestic violence and needs child care to participate in an approved activity or for screening or assessment of the need for services for domestic violence victims.

Category: 3 f (1)

Rank: 9

Description: A family with income up to 200 percent of the State income standard when child care services are needed for the child's caretaker to actively seek employment for a period of up to six months, if the caretaker documents that he or she is currently registered with the New York State Department of Labor Community Service Center and the district determines that the activity is a necessary part of plan for the family's self support.

Category: 3 d

Rank: 10

- **Description:** A family with income up to 200 percent of the State income standard when child care services are needed because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

Category:

Rank: 11

Description: A family with income between 200 percent and 275% of the State Income Standard (SIS) for a family of 2, 255% of the SIS for a family of 3 and 225% of the SIS for a family of 4 or more:

- which is at risk of becoming dependent on public assistance when child care services are needed to enable a teenage parent to attend high school or an equivalency program or
- when child care services are needed for the child's caretaker to participate in educational or vocational activities including attendance in one of the secondary or post-secondary programs allowable under Part 415 of the State regulations and the district determines that the activity is a necessary part of a plan for the family's self support or
- when child care services are needed for the child's caretaker to participate in actively seeking employment for a period of up to six months, if the caretaker documents that he or she is currently registered with the New York State Department of Labor Community Service Center and the district determines that the activity is a necessary part of plan for the family's self support or
- when child care services are needed for the child's caretaker(s) to be engaged in work.
- when child care services are needed because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

These families will be funded using Title XX and local funds.

Category:

Rank: 12

Description: A family with income up to 275% of the State Income Standard (SIS) for a family of 2, 255% of the SIS for a family of 3 and 225% of the SIS for a family of 4 or more:

-When the family is referred for child care services by non child welfare social services personnel.

These families will be funded using Title XX and local funds.

Category: 3 g

Rank: 13

Description: Category 3 g: PA recipients and families with incomes up to 200% of the SIS when the child care services are needed for the child's caretaker to attend a two year program other than one with a specific vocational sequence leading to an associates degree or certificate of completion or a four-year college or university program leading to a bachelor degree provided:

- that the program is reasonably expected to lead to an improvement in the parent/caretaker's earning capacity)
- the parent(s) or caretaker is also participating in non-subsidized employment at least 17 ½ hours per week.
- the caretaker can demonstrate the ability to satisfactorily complete the course of study.