



July 27, 2009

Commissioner M. Josh McCrossen
Wayne County Department of Social Services
P.O. Box 10, 77 Water Street
Lyons, New York 14489-0010

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

www.ocfs.state.ny.us

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
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**New York State
Division of
Probation and
Correctional
Alternatives**

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Robert Maccarone
State Director

80 Wolf Road
Suite 501
Albany, NY 12205

David A. Paterson
Governor



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Dear Commissioner McCrossen:

This letter is to inform you that your January 1, 2007 to December 31, 2010 County Child and Family Services Plan (CFSP) Annual Plan Update, except for the Child Care Appendix G-8, Additional Local Standards, of the Administrative Component, has been approved by the Office of Children and Family Services.

The Appendix G-8 is still being reviewed for regulatory compliance and your county will be contacted with the results of that review. The OCFS Division of Child Care Services (DCCS) will work with your county to obtain approval of Appendix G-8. Until such time that Appendix G-8 is approved, you may not implement these additional standards. If you have any questions about the child care section of your Annual Plan Update, please contact Ms. Amy Ryan at (518) 474-9620, or by e-mail at Amy.Ryan@ocfs.state.ny.us.

Additionally, the PINS Diversion Services Plan of your January 1, 2007 to December 31, 2010 County Child and Family Services Plan (CFSP) Annual Plan Update (APU) has been jointly approved by the Division of Probation and Correctional Alternatives and the Office of Children and Family Services.

The Office of Children and Family Services and the Division of Probation and Correctional Alternatives are committed to working together to provide the support probation, youth bureaus and local social service departments need to improve outcomes for youth and their families. We look forward to working with your county to implement the provisions of your CFSP APU.

Sincerely,

Robert M. Maccarone
State Director
Division of Probation and Correctional Alternatives

Laura M. Velez
Deputy Commissioner
Division of Child Welfare and Community Services

Janice M. Molnar
Deputy Commissioner
Division of Child Care Services

Cc: file

APPENDIX G-1

**CHILD CARE SECTION
DATED 2007-2009**

County: Wayne

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: **Temporary Assistance**

Transitioning Families: **Services**

Income Eligible Families: **Services**

Title XX: **N/A**

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>)		\$214,511
Estimate of FFY 07-08 Rollover Funds		\$0
Estimate of Flexible Funds for Families (FFFS) for child care subsidies		\$0
NYSCCBG Allocation for SFY 08-09		\$1,087,652
Estimate of Local Share	MOE	\$39,416
Total Estimated NYSCCBG Amount:		\$1,127,068

\$1,127,068

A. Subsidy	\$1,004,556
B. Other program costs (excluding subsidy)	\$66,159
C. Administrative costs	\$56,353

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

<u>Function:</u>	<u>Organization:</u>	<u>Amount of Contract:</u>
<input type="checkbox"/> Eligibility screening Function		
<input type="checkbox"/> Assistance in locating care		
<input type="checkbox"/> Child Care Information Systems		
<input type="checkbox"/> Determining if legally- exempt providers meet State approved additional local standards (if applicable)		
XX<input type="checkbox"/> Other Registration & Compliance MOU #2024	Child Care Council	\$114,621

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	
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	
b) homeless	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
c) a victim of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
d) in an emergency situation of short duration	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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	
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	MD statement is needed indicating disability does not allow person to provide care
b) has family duties away from home	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

<p>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.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>verify schedule of job search activities, appointments</p>
<p>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.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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:</p>		<p>in accordance with 18 NYCRR 415</p>
<p>a) a public or private educational facility providing a standard high school curriculum offered by or approved by the local school district</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>b) an education program that prepares an individual to obtain a NYS High School equivalency diploma</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>d) a program providing literacy training designed to help individuals improve their ability to read and write;</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
h) a prevocational skill training program such as, a basic education and literacy training program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
i) a demonstration project designed for vocational training or other project approved by the Department of Labor. 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Child care provided during time recipient is working. Recipient must meet work requirements.

<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>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Child care provided during time recipient is working. Recipient must meet work requirements.</p>
<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>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Child care provided during time recipient is working. Recipient must meet work requirements.</p>

APPENDIX G-3

III. Reasonable Distance, Very Low Income, 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”: Child’s day care provider is no more than one hour travel time from home or work location.

Describe any steps/consultations made to arrive at your definition:
Give client maximum flexibility in deciding which provider to use.

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 25%.

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.

Other than those families guaranteed child care, services are provided based on available funds. For families dependent on availability of funding, cases will be closed starting at the 200% level and work down.

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.

1. Families guaranteed child care
2. Then, most impoverished families first

0 – 100% of poverty level

101- 125

126-150

151-175

176-200

For families not guaranteed child care, we will place these cases on a waiting list by above categories. As funds become available, we will contact these cases by category in reverse order of closing. New applicants will be added to the waiting list by category. As funds become available, these cases will be opened following the reverse of the above closing order procedure.

Fraud and Abuse Control Activities

1. The district will identify higher than acceptable risk for fraudulent or erroneous child care subsidy payments by reviewing information contained in applications and the applicant's employment verification and then comparing it to provider information. If the information raises a concern for fraud or erroneous payments, the provider and/or parent will be contacted for further clarification. We will also do further investigations for cases where there is conflicting information based on WMS information, arrest reports, child support postal checks, or school attendance information.

- If there is still concern over the risk for fraud, the district will check to see if the client or provider is active FS or MA. If the client or provider is active with one of these programs, the examiner will be informed of the concern. If it affects their case, they will do a FEDS referral. If the examiner feels the information has no bearing on their case, the day care assistance worker will do a FEDS referral.
2. All cases, in which day care assistance is needed for limited time frame, are tracked by noting the information on the Notice of Decision or if for longer than 6 months by the use of the case file. This alerts both the person doing the authorization and the accounting department, where the payments are done, of attendance limits. Ongoing cases are recertified every 6 months and employment is verified by reviewing 8 weeks worth of pay stubs.
 3. At this time, the number of informal providers in the Child and Adult Care Food program are few, therefore it seems reasonable to conduct a sampling once per year. The Child Care Council will provide DSS with "Food Attendance" information on 50% of the providers participating in the Food program. DSS will then compare this information to the bills submitted to us for day care subsidy. This will help to verify attendance.
 4. If a case is closed with no fraudulent concerns but an overpayment has occurred, the amount will be entered in CAMS for recoupment. If the client fails to pay on this amount, the client will not be eligible for further benefits unless they pay half of the amount owed prior to receiving further benefits. The remainder will be recouped in their Family Share that will not exceed \$10.00/week over and above the 25%.

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-8
ADDITIONAL LOCAL STANDARDS FOR CHILD CARE PROVIDERS
(Local child protective involvement check approved 11/4/09)

The district may propose local standards in addition to the State standards for providers who will receive child care subsidies.

1. Described below are the additional local standards that will be required of providers as well as which providers must comply with each additional standard.

The directors of legally-exempt group child care programs including: a) nursery schools, pre-kindergarten or day care programs, b) summer day camps operated in accordance with Subpart 7-2 of the State Sanitary Code, c) nursery schools, pre-kindergarten or day care programs for children three years of age or older or programs for school aged children conducted during non-school hours, and d) nursery school or programs for preschool-aged children, providers of legally-exempt in-home child care and providers of legally-exempt family child care and all of the legally exempt family child care providers' employees, volunteers, or household members 18 years of age and older will be asked to sign a release which states they will allow this District to check its local Child Protective involvement database to determine if any of the individuals named above have been named as an indicated subject in a report of child abuse or maltreatment.

If any of the individuals listed above refuse to sign the release which would allow our District to check its local Child Protective involvement database the additional standard will not apply and these providers will be considered for temporary enrollment. Our District will inform the parent/caretaker of their refusal to sign the release and the parent/caretaker will be reminded of their right to choose another provider. If they wish to choose another provider, the parent/caretaker will be given information about how to locate one. This District will also request that the Legally-Exempt Enrollment Agency visit the provider's home within the month.

The information submitted by the provider will then be checked against the local child protective/involvement database. If the information given by the provider correlates with the information obtained from the check of the local child protective/involvement database, the District will notify the Enrollment Agency that the additional standard has been met. The parent/ caretaker will be informed of their right to keep their provider or choose another provider. If the parent wishes to keep their provider, the District will inform the parent/caretaker that their decision to place their child in the care of this provider could place their child at risk. As mandated reporters, our District is obligated to make a report of suspected child abuse or maltreatment if placing the child in the care of a provider would place the child in imminent

danger of impairment. If they wish to choose another provider, the parent/caretaker will be given information on how to locate one.

If the information given by the provider does not correlate with the information obtained from the local child protective/involvement database check, our District will notify the provider that they have 10 days to clarify any discrepancies in the information submitted. The provider must give complete and accurate information regarding any child protective reports that they, or any of the individuals listed in number one that signed the release, are known in as an indicated subject of child abuse or maltreatment to the parent and the district, or submit information explaining why the district's information is inaccurate. If the provider does not take this action within 10 days, the district will notify the enrollment agency that the additional standard has not been met.

The local Child Protective involvement database checks will be conducted at initial enrollment and re-enrollment. The releases that the providers and the other individuals listed in number one will be asked to sign will be included in the legally-exempt enrollment package. At enrollment, the local Social Service District will provide the parent with the legally-exempt enrollment packet. At re-enrollment, the Enrollment Agency will give the provider the legally-exempt enrollment packet. All packets are returned to the enrollment agency. The Enrollment Agency will provide the district with a copy (faxed and mailed) of the signed releases and copies of the completed enrollment packages.

- 2. Described below are the methods and resources that will be utilized to determine that these additional local standards are being met.**

When any of the individuals listed in number one have signed the release our designated Department staff will check to see if any of the individuals are named as an indicated subject in a report of child abuse or maltreatment. The results of the Child Protective involvement database check will be given to the Day Care Unit Staff for appropriate action as described in the response to item one above.

If the search of the local Child Protective involvement database check reveals that the provider or any of the other individuals named in number are known as indicated subject in a report of child abuse or maltreatment, the Day Care Unit Staff will follow the procedures outlined in number one above. The Day Care Unit Staff will not provide the parent or the enrollment agency with any confidential information. Only the person involved in the report may call the Day Care Unit Staff or come into the agency if they would like more information. When the Day Care Unit Staff calls a person involved in a report, gets called by one, or sees the provider in person, they will ask the person to identify themselves by having them

provide the last four digits of their SSN prior to Day Care Unit Staff discussing their information.

3. Described below are the procedures the district will use to notify the Legally Exempt Caregiver Enrollment Agency as to whether or not the legally exempt provider is in compliance with the additional local standards. (Districts only need to describe this procedure if the additional local standard is applied to legally exempt child care providers.)

Once a Legally-Exempt packet is received, the Day Care Unit Staff will review additional standard criteria, and within 15 days the Day Care Unit Staff will inform the Legally Exempt Enrollment Agency by phone and/or e-mail as to whether the provider meets the additional standard criteria or not.

4. Described below is the justification for the additional standard.

Attempting to help ensure the provision of SAFE Day Care services to children.

APPENDIX G-8
ADDITIONAL LOCAL STANDARDS FOR CHILD CARE PROVIDERS
(local criminal conviction check approved 11/4/09)

The district may propose local standards in addition to the State standards for providers who will receive child care subsidies.

1. Described below are the additional local standards that will be required of providers as well as which providers must comply with each additional standard.

The directors of legally-exempt group child care programs including: a) nursery schools, pre-kindergarten or day care programs, b) summer day camps operated in accordance with Subpart 7-2 of the State Sanitary Code, c) nursery schools, pre-kindergarten or day care programs for children three years of age or older or programs for school aged children conducted during non-school hours, and d) nursery school or programs for preschool-aged children, providers of legally-exempt in-home child care and providers of legally-exempt family child care and all of the legally exempt family child care providers' employees, volunteers, or household members 18 years of age and older will be asked to sign a release which will allow our District to conduct a background check for local criminal convictions. This will be done in order to determine if the individuals listed above have a law enforcement conviction.

If the individuals listed above refuse to sign the release which would allow our District to check for law enforcement conviction's, the additional standard will not apply and these providers will be considered for temporary enrollment. Our District will inform the parent/caretaker of the refusal and the parent/caretaker will be reminded of their right to keep their provider or choose another provider. If they wish to choose another provider, the parent will be given information about how to locate one. This District will also request that the Legally-Exempt Enrollment Agency visit the home of legally-Exempt Family Child Care provider's within the month.

The enrollment agency has notified the local social service district of the list to which the standard will be applied.

At initial enrollment, the local social service district will provide the parent with the legally-exempt enrollment packet, which will include the release for a background check for local criminal convictions.

At re-enrollment, the enrollment agency will give the legally-exempt provider the enrollment packet, which will include the release for a background check for local criminal convictions.

The enrollment agency will forward all signed releases to the local social service district. The social service district will then give all signed releases to either the Sheriff's department or the Probation Department. The given Law Enforcement agency will provide the results of the background check for local criminal convictions to the social service district and the social service district will forward the local criminal convictions to the enrollment agency.

The local criminal convictions check will be used by the enrollment agency to verify that all the individuals listed in number one that signed the release have provided complete and accurate information regarding any of their criminal convictions. The enrollment agency will also use this information along with the information provided on the enrollment package to determine if the provider can be enrolled or re-enrolled.

2. Described below are the methods and resources that will be utilized to determine that these additional local standards are being met.

The Wayne County Sheriff's and Probation departments have agreed to conduct a search of their local records to determine if the individuals listed in number one have a criminal conviction.

When a release is received, the local social service district will send it via inter-office mail to the Sheriff's or Probation departments. The law enforcement agency will provide the results of their background check for local criminal convictions to the local social service district. The Sheriff's and Probation departments will only provide criminal convictions to the local social service district. The local social services district will forward the results of the local criminal convictions check to the enrollment agency.

Once the results of the local criminal convictions check has been forwarded to the enrollment agency, the social service district will inform the enrollment agency that the additional standard has been met.

3. Described below are the procedures the district will use to notify the Legally-Exempt Caregiver Enrollment Agency as to whether or not the legally-exempt provider is in compliance with the additional local standards. (Districts only need to describe this procedure if the additional local standard is applied to legally-exempt child care providers.)

Once a release is received, the District will review additional standard criteria, and within 15 days, the Day Care Unit Staff will inform the Legally-Exempt Enrollment Agency by phone and/or e-mail as to whether the provider meets the additional standard criteria or not.

4. Described below is the justification for the additional standard.

Attempting to help ensure the provision of SAFE Day Care services to children.

