

Subparagraphs (xviii) and (xix) of subparagraph (6) of paragraph (b) of section 404.5 of Title 18 are amended, and a new subparagraph (xx) is added to such paragraph, to read as follows:

(xviii) veterans' assistance payments made to or on behalf of certain Vietnam veterans' natural adult or minor children for any disability resulting from spina bifida suffered by such children; [and]

(xix) veterans' assistance payments made for covered birth defects to or on behalf of the adult or minor children of women Vietnam veterans in service in the Republic of Vietnam during the period beginning on February 28, 1961 and ending on May 7, 1975. Covered birth defects means any birth defect identified by the Veterans' Administration as a birth defect that is associated with the service of women Vietnam veterans in the Republic of Vietnam during the period on February 28, 1961 and ending on May 7, 1975, and that has resulted or may result in permanent physical or mental disability[.]; and

(xx) one-time \$250 payments made under the American Recovery and Reinvestment Act of 2009 to Social Security, Supplemental Security Income (SSI), Railroad Retirement Benefits and Veterans Disability Compensation or Pension Benefits recipients for 10 months from the date the payment was received, including the month payment was received.

A new subparagraph (c) of subparagraph (vii) of subparagraph (3) of paragraph (a) of section 415.2 of Title 18 is added to read as follows:

(c) 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 currently registered in such a program, provided that child care services are only used for the portion of the day the caretaker is able to document is directly related to the caretaker engaging in such a program. For the purposes of this provision, a dislocated worker is any person who: has been terminated or laid off from employment; has received a notice of termination or layoff from employment that will occur within six months of such notice; or was self-employed but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

Subparagraph (1) of paragraph (j) of section 415.9 of Title 18 is amended and reads as follows:

(1) Effective [May 15, 2009] October 1, 2009, the following are the local market rates for each social services district set forth by the type of provider, the age of the child and the amount of time the child care services are provided per week.

Subparagraph (2) of paragraph (j) of section 415.9 of Title 18 is renumbered as subparagraph (3) and a new subparagraph (2) is added to read as follows:

(2) Upon 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 standard market rate for legally-exempt family child care and in-home child care categories will be 65 percent of the applicable registered family day care market rate. The enhanced market rate for legally-exempt family child care and in-home child care categories will be 70 percent of the applicable registered family day care 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 or by the district for those portions of the district that are not covered by a 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. A social services district has the option, if it so chooses in the child care portion of its child and family services plan, to increase the enhanced market rate for eligible legally-exempt family child care and in-home child care categories to up to 75 percent of the applicable registered family day care market rate: (i) for all such providers; (ii) for those providers who were receiving the enhanced rate on the date of the regulations but only for the remainder of their current one-year enrollment period; or (iii) for those providers who were receiving the enhanced rate on the date of the regulations for the remainder of the time they remain enrolled and continue to meet the ten hour annual training requirement. The standard market rate will apply to all other caregivers of legally-exempt family child care and in-home child care.

Re-numbered subparagraph (3) of paragraph (j) of section 415.9 of Title 18 is amended and reads as follows:

[(2)] (3) The market rates are established in five groupings of social services districts.

[Except for districts noted as an exception in the market rate schedule,] [t]The rates established for a group apply to all districts in the designated group. The district groupings are as follows:

CHILD CARE MARKET RATES

Market rates are established in five groupings of social services districts as follows:

- Group 1: Nassau, Putnam, Rockland, Suffolk, Westchester
- Group 2: Columbia, Erie, Monroe, Onondaga, Ontario, Rensselaer, Saratoga, Schenectady, Tompkins, Warren
- Group 3: Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Otsego, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Washington, Wayne, Wyoming, Yates
- Group 4: Albany, Dutchess, Orange, Ulster
- Group 5: Bronx, Kings, New York, Queens, Richmond

GROUP 1 COUNTIES:

Nassau, Putnam, Rockland, Suffolk, and Westchester

DAY CARE CENTER

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$330 | \$304 | \$265 | \$265 |
| DAILY | \$59 | \$52 | \$42 | \$40 |
| PART-DAY | \$39 | \$35 | \$28 | \$27 |
| HOURLY | \$9.32 | \$9.00 | \$8.56 | \$9.16 |

REGISTERED FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$270 | \$263 | \$250 | \$250 |
| DAILY | \$48 | \$41 | \$40 | \$37 |
| PART-DAY | \$32 | \$27 | \$27 | \$25 |
| HOURLY | \$10.00 | \$10.00 | \$9.00 | \$9.00 |

GROUP FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$275 | \$275 | \$265 | \$257 |
| DAILY | \$50 | \$50 | \$50 | \$50 |
| PART-DAY | \$33 | \$33 | \$33 | \$33 |
| HOURLY | \$9.88 | \$9.13 | \$9.13 | \$8.00 |

(Group 1 Counties)
 SCHOOL AGE CHILD CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$0 | \$0 | \$0 | \$265 |
| DAILY | \$0 | \$0 | \$0 | \$40 |
| PART-DAY | \$0 | \$0 | \$0 | \$27 |
| HOURLY | \$0 | \$0 | \$0 | \$9.16 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
STANDARD RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$176 | \$171 | \$163 | \$163 |
| DAILY | \$31 | \$27 | \$26 | \$24 |
| PART-DAY | \$21 | \$18 | \$17 | \$16 |
| HOURLY | \$6.50 | \$6.50 | \$5.85 | \$5.85 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
ENHANCED RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$189 | \$184 | \$175 | \$175 |
| DAILY | \$34 | \$29 | \$28 | \$26 |
| PART-DAY | \$23 | \$19 | \$19 | \$17 |
| HOURLY | \$7.00 | \$7.00 | \$6.30 | \$6.30 |

GROUP 2 COUNTIES: Columbia, Erie, Monroe, Onondaga, Ontario, Rensselaer, Saratoga, Schenectady, Tompkins and Warren

DAY CARE CENTER

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$226 | \$215 | \$196 | \$190 |
| DAILY | \$48 | \$45 | \$40 | \$35 |
| PART-DAY | \$32 | \$30 | \$27 | \$23 |
| HOURLY | \$8.00 | \$8.36 | \$8.00 | \$8.00 |

REGISTERED FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$170 | \$161 | \$152 | \$150 |
| DAILY | \$35 | \$32 | \$30 | \$30 |
| PART-DAY | \$23 | \$21 | \$20 | \$20 |
| HOURLY | \$5.00 | \$5.37 | \$5.00 | \$5.75 |

GROUP FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$180 | \$175 | \$175 | \$160 |
| DAILY | \$36 | \$35 | \$35 | \$34 |
| PART-DAY | \$24 | \$23 | \$23 | \$23 |
| HOURLY | \$5.79 | \$5.83 | \$5.93 | \$7.00 |

(Group 2 Counties)
 SCHOOL AGE CHILD CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$0 | \$0 | \$0 | \$190 |
| DAILY | \$0 | \$0 | \$0 | \$35 |
| PART-DAY | \$0 | \$0 | \$0 | \$23 |
| HOURLY | \$0 | \$0 | \$0 | \$8.00 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
STANDARD RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$111 | \$105 | \$99 | \$98 |
| DAILY | \$23 | \$21 | \$20 | \$20 |
| PART-DAY | \$15 | \$14 | \$13 | \$13 |
| HOURLY | \$3.25 | \$3.49 | \$3.25 | \$3.74 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
ENHANCED RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$119 | \$113 | \$106 | \$105 |
| DAILY | \$25 | \$22 | \$21 | \$21 |
| PART-DAY | \$17 | \$15 | \$14 | \$14 |
| HOURLY | \$3.50 | \$3.76 | \$3.50 | \$4.03 |

GROUP 3 COUNTIES:

Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Orleans, Oswego, Otsego, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tioga, Washington, Wayne, Wyoming, and Yates

DAY CARE CENTER

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$180 | \$171 | \$160 | \$150 |
| DAILY | \$40 | \$37 | \$34 | \$31 |
| PART-DAY | \$27 | \$25 | \$23 | \$21 |
| HOURLY | \$6.50 | \$6.50 | \$6.50 | \$6.25 |

REGISTERED FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$140 | \$139 | \$135 | \$130 |
| DAILY | \$30 | \$30 | \$30 | \$30 |
| PART-DAY | \$20 | \$20 | \$20 | \$20 |
| HOURLY | \$4.00 | \$3.88 | \$3.50 | \$4.00 |

GROUP FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$150 | \$145 | \$140 | \$140 |
| DAILY | \$33 | \$31 | \$30 | \$30 |
| PART-DAY | \$22 | \$21 | \$20 | \$20 |
| HOURLY | \$4.00 | \$4.00 | \$4.00 | \$5.00 |

(Group 3 Counties)
 SCHOOL AGE CHILD CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$0 | \$0 | \$0 | \$150 |
| DAILY | \$0 | \$0 | \$0 | \$31 |
| PART-DAY | \$0 | \$0 | \$0 | \$21 |
| HOURLY | \$0 | \$0 | \$0 | \$6.25 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
STANDARD RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$91 | \$90 | \$88 | \$85 |
| DAILY | \$20 | \$20 | \$20 | \$20 |
| PART-DAY | \$13 | \$13 | \$13 | \$13 |
| HOURLY | \$2.60 | \$2.52 | \$2.28 | \$2.60 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
ENHANCED RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$98 | \$97 | \$95 | \$91 |
| DAILY | \$21 | \$21 | \$21 | \$21 |
| PART-DAY | \$14 | \$14 | \$14 | \$14 |
| HOURLY | \$2.80 | \$2.72 | \$2.45 | \$2.80 |

**GROUP 4 COUNTIES:
Albany, Dutchess, Orange, and Ulster**

DAY CARE CENTER

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$241 | \$223 | \$205 | \$200 |
| DAILY | \$50 | \$48 | \$43 | \$37 |
| PART-DAY | \$33 | \$32 | \$29 | \$25 |
| HOURLY | \$8.24 | \$7.90 | \$7.62 | \$7.00 |

REGISTERED FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$200 | \$191 | \$185 | \$185 |
| DAILY | \$44 | \$40 | \$38 | \$38 |
| PART-DAY | \$29 | \$27 | \$25 | \$25 |
| HOURLY | \$7.00 | \$6.13 | \$6.00 | \$7.00 |

GROUP FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$220 | \$200 | \$195 | \$195 |
| DAILY | \$45 | \$45 | \$40 | \$40 |
| PART-DAY | \$30 | \$30 | \$27 | \$27 |
| HOURLY | \$8.00 | \$7.22 | \$8.00 | \$7.25 |

(Group 4 Counties)
 SCHOOL AGE CHILD CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$0 | \$0 | \$0 | \$200 |
| DAILY | \$0 | \$0 | \$0 | \$37 |
| PART-DAY | \$0 | \$0 | \$0 | \$25 |
| HOURLY | \$0 | \$0 | \$0 | \$7.00 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
STANDARD RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$130 | \$124 | \$120 | \$120 |
| DAILY | \$29 | \$26 | \$25 | \$25 |
| PART-DAY | \$19 | \$17 | \$17 | \$17 |
| HOURLY | \$4.55 | \$3.98 | \$3.90 | \$4.55 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
ENHANCED RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$140 | \$134 | \$130 | \$130 |
| DAILY | \$31 | \$28 | \$27 | \$27 |
| PART-DAY | \$21 | \$19 | \$18 | \$18 |
| HOURLY | \$4.90 | \$4.29 | \$4.20 | \$4.90 |

**GROUP 5 COUNTIES:
Bronx, Kings, New York, Queens, and Richmond**

DAY CARE CENTER

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$338 | \$255 | \$217 | \$195 |
| DAILY | \$53 | \$47 | \$40 | \$35 |
| PART-DAY | \$35 | \$31 | \$27 | \$23 |
| HOURLY | \$16.09 | \$17.00 | \$15.70 | \$10.00 |

REGISTERED FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$160 | \$150 | \$150 | \$150 |
| DAILY | \$30 | \$30 | \$32 | \$30 |
| PART-DAY | \$20 | \$20 | \$21 | \$20 |
| HOURLY | \$16.00 | \$11.11 | \$13.20 | \$13.06 |

GROUP FAMILY DAY CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$194 | \$181 | \$175 | \$160 |
| DAILY | \$35 | \$33 | \$31 | \$32 |
| PART-DAY | \$23 | \$22 | \$21 | \$21 |
| HOURLY | \$18.14 | \$15.65 | \$12.83 | \$18.00 |

(Group 5 Counties)
 SCHOOL AGE CHILD CARE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$0 | \$0 | \$0 | \$195 |
| DAILY | \$0 | \$0 | \$0 | \$35 |
| PART-DAY | \$0 | \$0 | \$0 | \$23 |
| HOURLY | \$0 | \$0 | \$0 | \$10.00 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
STANDARD RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$104 | \$98 | \$98 | \$98 |
| DAILY | \$20 | \$20 | \$21 | \$20 |
| PART-DAY | \$13 | \$13 | \$14 | \$13 |
| HOURLY | \$10.40 | \$7.22 | \$8.58 | \$8.49 |

LEGALLY-EXEMPT FAMILY CHILD CARE AND IN-HOME CHILD CARE
ENHANCED RATE

| | AGE OF CHILD | | | |
|----------|-------------------------|-----------------------|---------------------|--------------------|
| | <u>Under 1 ½</u> | <u>1 ½ - 2</u> | <u>3 - 5</u> | <u>6-12</u> |
| WEEKLY | \$112 | \$105 | \$105 | \$105 |
| DAILY | \$21 | \$21 | \$22 | \$21 |
| PART-DAY | \$14 | \$14 | \$15 | \$14 |
| HOURLY | \$11.20 | \$7.78 | \$9.24 | \$9.14 |

SPECIAL NEEDS CHILD CARE

The rate of payment for child care services provided to a child determined to have special needs is the actual cost of care up to the statewide limit of the highest weekly, daily, part-day or hourly market rate for child care services in the State, as applicable, based on the amount of time the child care services are provided per week regardless of the type of child care provider used or the age of the child.

The highest full time market rate in the State is:

| | |
|----------|----------|
| WEEKLY | \$ 338 |
| DAILY | \$ 59 |
| PART-DAY | \$ 39 |
| HOURLY | \$ 18.14 |