Welcome to the Child Care Subsidy Training Program

Presenters:
Jill Finnegan
Lakia Green
This training program is delivered under contractual agreement with:

- NYS Office Of Children & Family Services, Division of Child Care Services
- NYS Office of Children & Family Services, Bureau of Training
Getting to Know You!

Introductions:

- Your name
- What agency/county you represent
- Current position
- How long you’ve been in this job
- Surprise question
Please complete the Pre-Training Assessment:

- Record your answers on the answer sheet provided
- Do not write on the pre/post-training assessment document
- Do not share answers with others
Unit 1: Screening and Application

- Lesson 1: Overview of the Child Care Subsidy Program
- Lesson 2: The Application Process
Lesson 1

Overview of the Child Care Subsidy Program
Lesson 1

- Describe the legislative intent of the New York State Child Care Block Grant and its relationship to Welfare Reform

- Describe the philosophy of the Child Care Subsidy Program as it relates to Temporary Assistance and Low-Income clients.

- Identify the policies and regulations governing Child Care Subsidy Program
The Child Care Subsidy Program is designed to assist Temporary Assistance and Low-Income families with paying for child care while they participate in approved activities designed to move them toward financial independence.
District’s Role

- Determining and monitoring programmatic, residency, and income eligibility
- Determining correct payment amounts and monitoring payments for child care
- Ensuring the rights and responsibilities of Child Care Subsidy families guaranteed by law
- Assisting other agencies in ensuring certain health and safety standards for child care are met
Goals of Child Care Subsidy Program

- Remove child care as a barrier to working
- Give Temporary Assistance (TA) and Low-Income families the opportunity to make informed decisions about their child care
- Encouraging personal responsibility
- Setting minimum health and safety standards for certain types of child care
Directives Governing Child Care Programs

- Federal Law
- Social Services Law
- NYS Regulations (18 NYCRR Title 18, Part 415 & Part 404)
- Administrative Directives (ADM)
- Informational Letters (INF)
- Local Commissioner Memorandums (LCM)
We will be specifically reviewing:

- **Part 415 – Child Care Services**
  - R&R - Tab 1, Part 1

- **Part 404 – Determination and Redetermination of Eligibility for Social Services**
  - R&R - Tab 1, Part 2
What does 415.4(a)(1)(iv) discuss?
ADMs, LCMs, and INFs

Policy releases providing guidance in administration of the Child Care Subsidy program:

- Lists of many of the ADMs, LCMs, and INFs
  - PM - Tab 1, p. 8-10

- Policy Directives
  - R&R - Tabs 2-9
09-OCFS-ADM-05
(year) (office) (type) (#)
Policy Directives

09-ADM-05

(year) (type) (#)
Rules and Regulations of Note

Please mark the following rules and regulations in your manual:

<table>
<thead>
<tr>
<th>TAB NUMBER</th>
<th>RULE OR REGULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>18 NYCRR 404</td>
</tr>
<tr>
<td>3</td>
<td>05-OCFS-ADM-03</td>
</tr>
</tbody>
</table>
Objectives Review

1. What is the goal of the New York State Child Care Subsidy Program?
2. What are the two main New York State Code, Rules, and Regulations that govern the Child Care Subsidy Program?
3. What does parental choice mean?
4. Where can you find the most recent policy updates?
5. What is the main purpose of the Child and Family Services Plan?
Lesson 2

The Application Process
Lesson 2

- Describe the purpose and structure of the Common Application as it relates to the child care subsidy program
- Describe the purpose of the Application For Child Care Assistance
- Describe client’s rights and responsibilities in the application process
- List Temporary Assistance and Non-Temporary Assistance families’ rights and responsibilities when receiving child care assistance
- Inform clients about their rights and responsibilities and about the different types of child care providers available to them
The Common Application

- Temporary Assistance
- Medical Assistance
- Medicare Savings Program
- Supplemental Nutrition Assistance Program (SNAP) Benefits
- Services, Including Foster Care
- Child Care Assistance
The Application Packet

- Common Application
- How To Complete the Social Services Application
- (TA Applicants) Important Information About Child Care

- Application for Child Care Assistance
- How To Complete the Application for Child Care Assistance

- Book 1 - What You Should Know About Your Rights and Responsibilities
- Book 2 - What You Should Know About Social Services Programs
- Book 3 - What You Should Know if You Have an Emergency
Sections Relevant to Child Care Subsidy

Common Application

[Image of a Common Application form]

1. We are committed to assisting and supporting you in a professional and respectful manner with your goal of achieving self-sufficiency. You, in turn, must be committed to becoming self-sufficient and must be responsible for participating in activities to reach self-sufficiency including work activities. Whenever you see “Temporary Assistance” or “TA” on the application, it means “Family Assistance” and “Safety Net Assistance.” We ask both Public Assistance Programs “Temporary Assistance” these TA Programs are meant to assist you only until you can fully support yourself and your family.

2. Please refer to the “How to Complete” instruction book (Pub. 1201: Statewide) when completing this application.
Using your combined experiences, your manuals, and the materials provided please list:

- The client’s responsibilities,
- The local district responsibilities
- The client’s rights     OR
- The district specific content of the Child and Family Services Plan
Client Responsibilities

- Outlined in Books 1, 2, and 3, and Important Information About Child Care for TA clients
- Complete the application
- Select a provider, if selecting a Legally-Exempt provider, supply documentation to verify the provider’s eligibility
Client Responsibilities

Temporary Assistance Families

No family share is required, unless they are reimbursing for an overpayment

Low-Income Families

Pays a family share based upon the family’s income

Income changes must be reported immediately to the Local District
TA Clients must:

- Let the caseworker know what they have done
- Ask for assistance if they need help
- Demonstrate their inability to find appropriate, accessible, affordable, or suitable child care
- Follow up on the mandated referrals they have been given
Local District Responsibilities at Application

- Assist clients in the application process
- Provide educational information about different types of providers and the criteria for selection
- Provide clients with mandated referrals to providers only if the parent can not locate a provider 415.8(f)
- Make timely eligibility decision and send a timely notice of the decision
- Inform clients of their rights and responsibilities
FEDS/EVR Referral

**FEDS** – Front End Detection System

**EVR** – Eligibility Verification Review

R&R - Tab 1, 415.4(m)(1), p. 38
R&R - Tab 4, 02-OCFS-INF-05
Making the Eligibility Decision

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

- Provide written notice of the eligibility decision within **15 calendar days** of when determination is made.
Rights shared by TA and Low-Income Clients:

- Parental Choice in selecting a provider
- Non-discrimination rights
- Right to look at their records
- Right to Conference or Fair Hearing
Rights Specific to TA Clients

TA clients have specific rights related to work requirements and receiving assistance, including the following:

- To be excused from work if they meet specific criteria
- To demonstrate the inability to locate appropriate, accessible, suitable and/or affordable child care
- To receive two choices of eligible providers, who are licensed or registered, when they cannot find one of their own
Determining Availability of Child Care for a TA Client

Temporary Assistance, employment, or child care worker might determine if child care meets the following standards to be excused from work because the availability of child care is not:

- Appropriate
- Accessible
- Affordable
- Suitable

*R&R - Tab 1, 415.8, p. 45*
Practice: Assisting the TA Client with the Availability of Child Care

Read the case study, PM, Tab 1, p. 27

- What factors do you need to consider?
- What has to be verified
- What could you do to help the client find child care?
Objectives Review

1. In what ways can clients submit their applications?
2. What are the 5 parts of the application packet?
3. What are the 5 main responsibilities of the Local District?
4. How do we inform clients of their rights and responsibilities?
5. Under what circumstances can a TA client be excused from their work requirement as it relates to child care?
Unit 2: Programmatic and Income Requirements

- Lesson 1: Categories of Eligible Families
- Lesson 2: Income and Residency Requirements for Low-Income Families
Lesson 1

Categories of Eligible Families
Lesson 1

- Distinguish TA families from Non-TA families
- Identify the category of an eligible family
- Describe criteria for qualifying under Title XX money.
- Determine the category of eligible family for which the family qualifies.
Child Care Definitions

- Child Care Services
- Eligible Child
- Caretaker & caretaker relative
- Person in loco parentis
- Child Care Services Unit
- Working or seeking work
- Eligible providers

R&R - Tab 1, 415.1
R&R – Tab 3, 05-OCFS-ADM-03, p. 7
What are Child Care Services?

Child care provided to an eligible child either in or away from the child’s residence for less than 24 hours a day.
Who is an Eligible Child?

An eligible child resides with the parent/caretaker who meets the program and eligibility requirements.
Who is an Eligible Child?

- A child under 18 who has special needs or is under court supervision
- A child under 19 who has special needs or is under court supervision AND is in secondary school

R&R – Tab 1, 415.1(b) (1)-(3)
R&R – Tab 3, 05-OCFS-ADM-03, p. 7
Who is a Caretaker?

- Parent
- Legal guardian
- Caretaker relative
- Any other person in loco parentis to the child
Who is a Caretaker Relative?

A caretaker relative is a person related to the parent of the child by blood, marriage, or adoption within the third degree of consanguinity.

R&R – Tab 1, 415.1(e)
R&R – Tab 3, 05-OCFS-ADM-03, p. 7-8
Who is a Person in Loco Parentis?

Any person who lives with a child who has assumed responsibility for the day-to-day care of the child.

R&R – Tab 1, 415.1(f)
R&R – Tab 3, 05-OCFS-ADM-03, p. 13
What is the Child Care Services Unit?

The adults and children residing in the same household who are considered when making a determination whether the family is income eligible for child care services.

R&R – Tab 1, 415.1(l)
R&R – Tab 3, 05-OCFS-ADM-03,p. 11-12
Engaged in Work

For TA families, defined by the district’s OTDA approved employment plan

For Low-Income families, the individual is earning minimum wage (or its equivalent)

R&R – Tab 1, 415.1(o) (2)
R&R – Tab 3, 05-OCFS-ADM-03, p. 12

R&R – Tab 1, 415.1(o) (1)
R&R – Tab 3, 05-OCFS-ADM-03, p. 12
Seeking Employment

For TA recipients, approved activities must meet the OTDA standards defined in their individual employment plan.
For Low-Income families, seeking employment means:

- In-person job applications
- Job interviews
- Seeking work through the Department of Labor
- District approved activities

R&R – Tab 3, 05-OCFS-ADM-03, p. 12
Who is an Eligible Provider?

- Licensed Providers
- Registered Providers
- Legally-Exempt Providers enrolled by an Enrollment Agency
Who is NOT an Eligible Provider?

- People in the same TA filing unit with the child
- Adult members in the same Child Care Services Unit (CCSU) as the child, other than the child’s siblings
- Parent or stepparent
Eligible Families

Eligible families under the NYS Block Grant:

I. Families eligible for child care guarantee

II. Families eligible when funds available

III. Families eligible when funds available AND included in Child and Family Services Plan

Families may also be eligible under Title XX
I. Child Care Guarantee

- **TA** families participating in a *required activity*

- **TA** families *engaged in work*

- Working families choosing *Child Care “In Lieu of TA”*

- **Transitional** child care services

Tab 3, 05-OCFS-ADM-03, p. 20
“In Lieu of” Eligibility Requirements

- Apply for and be found Temporary Assistance-eligible.
- Earn at least minimum wage or, if in an exempt job, work a minimum # of hours per week.
- Choose to receive Child Care Subsidy rather than Temporary Assistance.

R&R Manual, Tab 4, 04-OCFS-ADM-01
Minimum Gross Earnings (for parents earning at least minimum wage)

- $127 per wk or $550 per month for single parents
- $181 per wk or $784 per month for 2-parent families

Minimum # of Work Hours (for parents in jobs exempt from minimum wage rules)

- 17.5 hours per week for single parents
- 25 hours per week for two-parent families

Parents may be employed less hours provided their income is at least the amount above.
“In Lieu of” Earnings Requirement

1st Parent employed earning Minimum Gross Earnings (at least minimum wage)
   • $127 per wk or $550 per month

2nd Parent in a job exempt from minimum wage rules and being paid less than minimum wage

Minimum # of Work Hours
   • 7.5 hours per week

Parents may be employed for fewer hours provided their income is at least the amount above.
Criteria for Receiving Transitional Child Care

- Family received TA, or Child Care In Lieu of TA, for 3 out of 6 months
- Child under 13
- Income is 200% of State Income Standard or less
- Meets case closure criteria

*PM, Tab 2, p. 12-13*
Transitional Child Care Services

Temporary Assistance
Case closed due to:
- Increased income from employment or child support
- Voluntary closing AND income ineligible for TA
- Reaching 5-year limit and does not apply for SNA
- Former Child Assistance Program cases reaching 5-year limit and income eligible for SNA cash benefits

Low-Income Families
“In Lieu Of“ cases that become income ineligible

Eligible for Transitional Child Care for 12 months from the closing of the TA case
Eligible families under the NYS Block Grant:

I. Families eligible for child care guarantee

II. Families eligible when funds available

III. Families eligible when funds available AND included in Child and Family Service Plan
### II. Families Eligible When Funds Available

<table>
<thead>
<tr>
<th>TA Families</th>
<th>TA and Low-Income Families</th>
<th>Low-Income Families</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Older child with special needs or under court supervision</td>
<td>Teen parent attending high school or equivalency program</td>
<td>Working and meeting income requirements</td>
</tr>
<tr>
<td>• Parent incapacitated or has duties away from home</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Tab 3, 05-OCFS-ADM-03, p. 21
Families eligible under the NYS Block Grant:

I. Families eligible for child care guarantee

II. Families eligible when funds available

III. Families eligible when funds available AND included in Child and Family Service Plan

Tab 3, 05-OCFS-ADM-03, p. 22
CFSCP, Appendix L
III. Families Eligible When Funds Available and in the Child and Family Services Plan

District Options:

- Additional approved activity (TA)
- Sanctioned TA parent
- Care to protect child
- Emergency of short duration
- Parent has duties away from home
- Education programs beyond high school
- Low-Income families participating in activities as selected in the district’s county plan
- Dislocated worker

*Tab 1, 415.2(a)(3)*
*Tab 3, 05-OCFS-ADM-03, p. 22-24*
Families Who Need Care to Protect the Child

<table>
<thead>
<tr>
<th>TA and Low-Income Families</th>
<th>Low-Income Families</th>
<th>All Families Without Regard to Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Parent in substance abuse program</td>
<td>• Caretaker physically or mentally incapacitated</td>
<td>• Families with open Child Protective Services case</td>
</tr>
<tr>
<td>• Homeless or receiving domestic violence services</td>
<td>• Caretaker has family duties away from home</td>
<td></td>
</tr>
<tr>
<td>• Certain short-term emergencies</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
In Category III, the Local District (LDSS) may choose to limit eligibility within these families:

- Time limits
- Restrict programmatic and/or income eligibility
- Set aside funds for specific families

LDSS may **not** set time limits or restrictions on Category II families.
I. Families eligible for child care guarantee

II. Families eligible when funds available

III. Families eligible when funds available and included in the Child and Family Services Plan
If the family is listed in the Child and Family Services Plan, and:

- The child is in need of care as a preventive or protective service

  or

- The family meets any of the criteria for eligible families under Child Care Block Grant

CFSP, Appendix P
A child who turns 13 during a school year may receive child care services through the end of the school year if care is being provided by a licensed/registered provider that is under contract with the Local District.

You may be switching from Block Grant to Title XX for the additional time.
Priority Populations

- Priority populations can be used to determine how the district will open or close cases if the district has insufficient funds.
- Districts must give priority to families with children who have special needs and “very low-income” families.
- Districts must provide subsidies to Category I & II families, regardless of the amount of funds available.
Practice: Determining Category of Eligible Family

Review the case studies in PM Tab 2, p. 23-25 and determine what category of eligibility the family qualifies for. Assume that income eligibility has been established.
1. What is the definition of an eligible child?
2. What are the three categories of eligible families?
3. In general, what types of families are guaranteed Child Care Subsidy under the NYSCCBG?
4. What are the criteria for being eligible for Title XX funds?
5. What document should a worker reference to determine which families fall under Category III?
Lesson 2

Income and Residency Requirements
Lesson 2

- Describe residency requirements for Low-Income families
- Determine Child Care Services Unit (CCSU) based on household composition
- Determine Income Eligibility
- Calculate Family Share
Residency Requirements

- The child needs to be legally residing in the United States and the county where payment is being made.
- There are no residency requirement for parents, caretakers, or providers.
Determining Child Care Services Unit (CCSU)

- Details of the CCSU reviewed in the following case studies...*
18, 19, 20 Year Old
Residing with parents and siblings…

- LDSS option to include **any or all** 18-20 year olds in Child Care Services Unit

**OR**

- Include any or all 18-20 yr. olds in the Child Care Services Unit only if it is beneficial to the family

*Tab 1, 18 NYCRR 415.1 (l)*
Practice: Determining CCSU

Review the case studies on PM, p. 30-32 and determine:

- Who is a member of the CCSU
- Who is not a member of the CCSU
Determining Income Eligibility

- Evaluate income sources
- Separate excluded from countable income
- Convert income to monthly figure and calculate eligibility and family share
Calculating Income Eligibility

- Separate countable from excludable
  - PM, Tab 2, p. 34-37

- Convert income to monthly and then yearly amount
  - PM, Tab 2, p. 38

- Round the yearly amount
  - PM, Tab 2, p. 38

- Compare annual income to 200% state standard (or less, if in your CFSP)
  - PM, Tab 2, p. 40
Determining Income Eligibility
Stephanie

- Step 1: Separate Countable from Excluded income
  - $340.00/week UIB
  - $110.00/week Child Support
  - $374.00 income tax refund

- Step 2: Convert Income to Monthly Gross Income
  \[ \text{Income} = \$340.00 + \$110.00 = \$450.00 \]
  \[ \text{Monthly Gross Income} = \$450.00 \times 4.333 = \$1,949.85 \]

- Step 3: Convert Monthly Gross Income to Yearly Gross Income
  \[ \text{Yearly Gross Income} = \$1,949.85 \times 12 = \$23,398.20 \]

- Step 4: Round
  \[ \text{Rounded} = 23,398 \]

- Step 5: Compare to 200% State Income Standard
  \[ \text{$23,398 \ vs. \ $39,060} \]
Calculating Family Share

- Subtract the (100%) State Income Standard from the countable family income
- Multiply remainder by LDSS multiplication factor (10 to 35%) (defined by each LDSS in the Child and Family Services Plan)
- Divide that amount by 52 and round to determine weekly family share
Determining Family Share
Stephanie

1. Subtract 100% of the State Income Standard from the family’s Annual Gross Income
   \[\text{\$23,398.20} - \text{\$19,530} = \text{\$3,868.20}\]

2. Multiply the remainder by 10-35% per your CFSP
   \[\text{\$3,868.20} \times 25\% = \text{\$967.05}\]

3. Divide by 52 to determine weekly share
   \[\frac{\$967.05}{52} = \$18.5971\]

4. Round
   \[\$18.50\]
Objectives Review

1. What are the US residency requirements for Low-Income families?
2. What are the county residency requirements for Low-Income families?
3. What factors do we consider when we determine the Child Care Services Unit?
4. What can we use to help us determine income eligibility?
5. What are the 4 steps to calculating family share?
Unit 3: Verification and Re-Determination

Lesson 1: Verification and Documentation of Eligibility

Lesson 2: Redetermining Eligibility
Lesson 1

Verification and Documentation of Eligibility
Lesson One

- Describe the purpose of verification and documentation
- Determine if a family meets the verification requirements under which they are eligible
- Describe guidelines for adequate documentation
- Document a Low-Income case
The Verification Process:

- Verify Income
- Verify Programmatic Eligibility
- Verify Special Needs
- Document Child Care Cases

*R&R, Tab 3, 05-OCFS-ADM-03, p. 16*
## Documentation and Verification for Temporary Assistance Clients

<table>
<thead>
<tr>
<th>TA Client Information</th>
<th>Examples of Documentation to Verify Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>Pay stubs, tax papers</td>
</tr>
<tr>
<td>Reason for child care</td>
<td>Work or school schedule</td>
</tr>
<tr>
<td>Special needs, if applicable</td>
<td>Medical records</td>
</tr>
<tr>
<td>Keep LD informed of changes</td>
<td>Any relevant documents</td>
</tr>
</tbody>
</table>

- If the agency already has the verification documents on file then they cannot ask for them again.

- Verification is an on-going process. District verifies income, continuing need for care, and changes.

- You cannot require only 1 type of documentation.
**Verification and Documentation for Low-Income Clients**

<table>
<thead>
<tr>
<th>Low-Income Client to Verify</th>
<th>Examples of LD Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity</td>
<td>Social Security card, photo id</td>
</tr>
<tr>
<td>Household composition</td>
<td>Social security cards, birth certificates</td>
</tr>
<tr>
<td>Age of children</td>
<td>Birth certificates, baptismal records</td>
</tr>
<tr>
<td>Relationship of caretaker to child</td>
<td>Birth certificates, court papers</td>
</tr>
<tr>
<td>Absence of parent/caretaker</td>
<td>Court papers, deployment papers</td>
</tr>
<tr>
<td>Resident status of child</td>
<td>Birth certificate, citizenship papers</td>
</tr>
<tr>
<td>Income</td>
<td>Pay stubs, tax papers</td>
</tr>
<tr>
<td>Reason for child care</td>
<td>Work or school schedule</td>
</tr>
<tr>
<td>Special needs, if applicable</td>
<td>Medical records</td>
</tr>
</tbody>
</table>

You cannot require only 1 type of documentation
District’s Responsibility

- Evaluate documents presented for verification
- Provide assistance in locating documents
- Document the case record (comment sheet)
- Complete shaded areas of the Common Application, unless using an alternate, OCFS approved application
The district reviews documentation submitted by the client, and determines if the client fits the criteria of one of the three categories of eligible families:

- I. Families Guaranteed Child Care
- II. Families Eligible When Funds Are Available
- III. Low-Income Clients Listed in Child and Family County Services Plan
Families who have a child with special needs must provide proof of that need given by an appropriate specialist.

R&R, Tab 9, 91-ADM-34
Guidelines for Using Application to Document Low-Income Cases

All eligibility factors should be documented such as:

• Family size
• Amount and source of all income
• Need for services
• All requisite programmatic factors
Objectives Review

1. Why do we verify the information we are given?
2. Why is documentation important in the process?
3. Name 3 things that we ask applicants to verify.
4. What resources do we have to assist us in the verification process?
5. What skills do we need practice in order to fully document our case record?
Lesson 2

Redetermining Eligibility
Lesson 2

- Take appropriate case actions as circumstances change
- Verify eligibility at redetermination
- Send appropriate notices to client
- Communicate effectively with Enrollment Agency
Changes in Client Circumstances Require

Redetermination of eligibility, potentially resulting in an:

- Increase
- Decrease
- Ineligibility of the Child Care Subsidy
Redetermination

As often as case factors indicate

OR

At least every 12 months
What to Review at Redetermination

1. What is the district’s role in redetermination?
   
   R&R, Tab 1, 18 NYCRR 415.4, p. 21

2. What is the client’s role in redetermination?

3. What is the provider’s role in redetermination?
Practice: Determining What Verification is Needed

Review the case studies on PM, p. 31-33 and determine:

1. What documentation is needed?
2. What information is going to be effected by the life changes?
3. What new documentation will be needed?
Notifications

- Approval of Your Application, LDSS-4779
  - Within 15 days or during face-to-face interview
- Denial of Your Application, LDSS-4780
  - Within 15 days
- Notice of Intent to Change, LDSS-4781
  - 10 days before change goes into effect
- Notice of Intent to Discontinue, LDSS-4782
  - 10 days before case closes
- Delinquent Family Share Model, LDSS-4783
1. What action do we take when we are notified of a change in client circumstances?
2. What types of changes should we review?
3. When do we send notification to families of changes in their benefits?
4. Why do we want to communicate with the Enrollment Agency?
Unit 4: Payment Processing

Lesson 1: Determining Payment Amounts

Lesson 2: Monitoring Payments

Lesson 3: Handling Child Care Overpayments
Lesson 1

Determining Payment Amounts
Lesson 1

- Determine Market Rate
- Determine Rates for Specialized Circumstances
- Identify policies related to Family Share
- Complete Payment Lines
Actual Cost of Care

The actual cost of care is:

- The rate charged by the provider for non-subsidized care,
- Or
- Up to the applicable market rate,
- Or
- The contracted rate amount when negotiated less than the market rate

If a provider (without a contract) cares only for subsidized children and can prove their costs are higher than the market rate, the district may approve the higher rate under certain circumstances (see R&R, Tab 2, 11-OCFS-LCM-12, p. 3 for more information)
Determining Duration of Care

When determining which duration of care applies based on hours and days worked, the following rules apply:

• The week starts on Monday
• Days counted for 5 days of weekly rate only include the days worked

*R&R, Tab 1, 18 NYCRR 415.9
PM, Tab 4, p. 8*
Differential Payment Rates

Districts which select this option in their CFSP are allowed to pay up to 15% above the market rate for:

- Providers who have been accredited by a nationally recognized child care organization

- Providers who provide care during non-traditional hours
Districts are allowed to make higher child care payments for children with special needs

- Covered expenses: R&R, Tab 9, 91-ADM-34, p. 5-6
The payment of higher rates for child care services for children with special needs:

- Can **only** be made when a child meets one or more definitions of special needs

  **AND**

- The provider has additional costs as a result of caring for such children
Excessive Hours by a Single Provider

When the care exceeds one weekly rate, the additional child care services are based on the actual cost of the additional care up to the applicable rates.
A fee for transportation can be paid for transportation to and from a child care provider, for eligible families. Payment is for expenses for transportation that are separate from the regular rate charged by the provider.

The district may select the option to pay in its Child and Family Services Plan.
Client Residence Change
(Family who is Category 1. Guaranteed child care services)

- The former district pays for the month of the move and the first full month thereafter.
- The new district picks up payments beginning with the second full month the family lives in the district.

January ➔ February ➔ March
Client Residence Change
(Family who is Category II. Eligible when funds are available)

- The former district is no longer responsible for the child care services payment as soon as the family moves.
- The parent has to re-apply in the new district if child care is still needed.
Jurisdiction (Special Circumstances)

- Client participating in an approved activity in another county
  - District requiring or approving the activity is responsible for child care services
  - Market rate is determined by where care is provided

- Child placed in foster care in another county
  - District placing the child is responsible for child care services
  - Market rate is determined by where care is provided
Family share is:

- The weekly amount paid towards child care cost by the parent or caretaker
- Required of all Low-Income families
- The family share is applied per family regardless of the number of children in care
Policy Related to Family Share – Payment

- Family share can be paid to either the provider or the district.
- The family share is always deducted from the provider’s cost of care, regardless of who is collecting the family share.
Handling Delinquent Family Share

If family share is not paid:

- Provider must notify the district
- District must send written notice to the parent

(OCFS-LDSS-4783, Delinquent Family Share for Child Care Benefits) including:

- Warning of termination of services if non-payment continues
- Time period when payment must be made OR
- Time period within which payment arrangements can be made
If a family share is not paid, services are terminated unless prior to termination:

- Full amount is paid  
- Satisfactory payment arrangements have been made

Failure to pay family share cannot be a basis for denial of services as part of a plan of protective services for a child or preventing foster care placement.
Selecting A Payment Method
In writing payment lines, the following documents should be used:

<table>
<thead>
<tr>
<th>TA Families</th>
<th>Low-Income Families</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Application Turnaround Document (LDSS-3636)</td>
<td>• The Services Financial Eligibility Documents/Turnaround (SFED/T)</td>
</tr>
<tr>
<td>OR</td>
<td>OR</td>
</tr>
<tr>
<td>• The Authorization Change Form (LDSS-3209)</td>
<td>• The Services Authorization (LDSS 2970)</td>
</tr>
</tbody>
</table>
Review the cases on **PM, Tab 4, p. 24-27**, and determine the applicable market rates.
Objectives Review

1. What 4 factors are used to determine market rate?
2. How often is market rate updated?
3. Where do we find the specialized market rates for each county?
4. Who does not have to pay a family share for child care?
Lesson 2

Payment Processing
Lesson 2

- Monitor a child’s attendance against the provider’s billing and the parent/caretaker participation in approved activities to determine if payments should be made.

- Describe guidelines for making payments when a child is temporarily absent from child care.
On a periodic basis, the districts need to monitor a client’s participation in employment or an activity selected in the district’s county plan.

Documentation must be submitted related to:

- Employment
- Training
- Approved activity
In the review, the worker checks:

- The child’s attendance against the parent’s work or activity hours
- The child’s attendance records against attendance records from other providers, in the case of multiple providers
Child Care During Breaks In Activities

- Child Care must be provided for TA recipients during breaks in work or an approved activity.
- Payments during breaks are allowed for up to two weeks.
- Child Care may be authorized for up to one month, if child care would be lost.
- There are no limits to the number of allowed breaks as long as the TA recipient is participating in work or an approved activity, as required.

R&R Manual, Tab 4, 04-OCFS-ADM-01
Practice: Determining if Attendance Record Warrants Payment

Directions:

• Review the cases on PM, Tab 4, p. 31-32, and determine if the attendance record warrants payment
Districts have the option to pay for temporary absences from child care.

Districts that choose to pay for temporary absences must indicate this option in their Child and Family Services Plan.

Child care workers need to monitor temporary absences in order to determine whether the reimbursement is warranted.

R&R Manual, Tab 3, 05-OCFS-ADM-03, p. 67-70
Districts may choose to make payments to only those providers with which it has a letter of intent or contract or to all subsidized providers, except Legally-Exempt In-Home and Legally-Exempt Family Child Care.

Districts must also specify in the written contract, agreement, or written notice to the providers that payment is allowable in cases of temporary absence from child care.
Routine Absence Rules

- Under **NO** circumstances will reimbursement be permitted in excess of the limits **UNLESS** OCFS approves.

- Reimbursement is **NOT** available for a day of absence if:
  - The provider ordinarily charges on a day or part-day basis
  - The needed care was received elsewhere.

- Providers who provide 30 or more hours of care over 5 or fewer days **CANNOT** be reimbursed.
Determine maximum temporary absence by:

- Date of child’s admission to child care and ending (three or six months) of the period selected, OR
- Beginning with a fixed calendar date for all children entering child care and ending (three or six months) of the period selected
- All temporary absences should be computed using a quarterly or semi-annual cycle
Payment maximum for temporary absence from child care is allowed up to:

- 12 days in any one (1) calendar month, and
- 12 days in any three (3) month period, if the district selects three-month period base, or
- 24 days in any six (6) month period, if the district selects six-month period base
These limits are not additional but cumulative to routine limits:

- **Up to 12 days in any one (1) calendar month period**, plus up to 3 days for extenuating circumstances, and

- **No more than 12 days in any three (3) month period** plus up to 8 days for extenuating circumstances, if the district selects a three-month period base, or

- **No more than 24 days in any six (6) month period**, plus up to 16 days for extenuating circumstances if the district selects a six-month period base.
Verification Required
For Payment for Absences

Any verification requirements or limitations would be determined by the district, as outlined in their CFSP.

Examples include:

- Court order
- Physician’s letter
- Any other documents to show compliance with the definition of extenuating circumstances
District Reimbursement Requirements

When an extenuating circumstance exists, and the district opts to make payments and claim reimbursement for a number of absences over the limit for extenuating circumstances, the district must:

- Submit request to OCFS
- Indicate # of additional absences
- List reason(s) why absences were necessary
- If approved, keep OCFS approval as part of the case record
Districts may also reimburse Licensed, Registered programs or enrolled, Legally-Exempt Group Child Care providers when care is not provided because of program closure due to:

- A state, federal or nationally recognized holiday
- Extenuating circumstances beyond the provider’s control, such as natural disaster, severe weather
- Other emergency closing not due to a substantiated regulatory violation
Policy Governing Payment

• Reimbursement is available only for subsidized children who would otherwise be present at the child care program.

• Reimbursement is not available for a day the program is closed if the provider ordinarily charges the clients on a day or part-time basis, and needed care was received elsewhere.

• The district must maintain a record of the payment to each provider.
Payment to Child Care Providers For Program Closures

- The district must indicate in it’s Child and Family Services Plan whether or not they will pay for program closures.
- The maximum number of program closures allowed annually are 5 days.
- The provider must also charge non-subsidized parents for program closures.
- Legally-Exempt In-Home and Family Child Care providers are not eligible for program closures.
Using the scenarios on PM, Tab 4, 40-42, determine if the payment for temporary absences is allowed.
Child Care Time and Attendance

- Child Care Schedule
- Parent Schedule
- Travel Time
- Absence Policy
- Closure Policy
The provider’s license or registration was suspended following a finding that the public health or a child’s safety or welfare is in imminent danger.

The provider was issued a letter to revoke or deny the provider’s child care license or registration and their hearing rights were exhausted.

The provider was issued a written notification that the provider’s license or registration is no longer valid.

The provider is closed.
Issuing Payments

The district must pay providers who have either been temporarily or fully enrolled by the EA.

These payments may go back to the Child Care Subsidy Start Date provided there are no known Periods of Ineligibility documented in CCFS.
Deferring Payments

Districts may choose to defer a claim if:

- Federal, state, or local agency has informed the district that continued payment puts district at risk of making payments for services that were not provided in accordance with applicable regulations
- Inaccuracies in the claim warrant a more detailed review
- Upon notification of the existence of a pending criminal charge involving fraud
Districts may choose to disallow a claim for services when:

- An enrolled, Legally-Exempt provider is operating a program required to be licensed or registered without a license or registration
- A License or Registered provider is found to be operating over its licensed or registered capacity
- An enrolled Legally-Exempt provider is found to be caring for more children than the limits defined in regulation
Denying Payments

Districts may choose to deny payments to providers who are not eligible to care for specific families, including circumstances when:

- The provider is an adult member of the CCSU (but not a sibling) to the child in care
- Title XX funding is being used to pay for services
- A provider has been disapproved in a protective/preventive case because it would be contrary to the health, safety, or welfare of the child
Districts may choose to suspend Legally-Exempt providers while a provider is under investigation for child abuse and maltreatment:

- An indicated report does not make the provider ineligible for payment
- The conclusion of the investigation is not relevant to the provider’s eligibility for payment
- Suspension may only be during the time the investigation is open
- District cannot share reason for suspension with parent or Enrollment Agency
Objectives Review

1. What information do you need to know in order to determine whether payment is warranted based on the child care attendance record?

2. Under what circumstances will the district pay for temporary absences in child care attendance?

3. What is the maximum number of allowed days to pay for absences, including extenuating circumstances, within one calendar month?

4. What types of providers are not eligible for payment when a program is closed?
Lesson 3

Handling Child Care Overpayments
Lesson 3

- Determine whether an overpayment should be collected
- Identify the steps involved in recovering an overpayment
- Identify the types of situations in which benefits should be terminated or suspended
- Identify the two methods by which fraud is established
Lesson 3 (continued)

- Identify district responsibilities when fraud occurs
- Determine whether or not the disqualification penalty can be applied in cases where fraud has been established
- Identify the appropriate time to start the disqualification penalty and the length of time for which it should be applied
Definition of Overpayment

Amount paid

Amount that should have been paid

Overpayment

R&R, Tab 3, 05-OCFS-ADM-03, 39-42
Occurrence of Overpayments

- Aid continuing / Parent loses fair hearing
- Failure to report changes
  - Parent
  - Provider
- Agency failure to take timely action
- Agency calculation error
District Action to Correct

- District “must take all reasonable steps”
- Prompt
  - Within 60 days from when a parent/caretaker reports a change in circumstance
- If a district fails to act within 60 days, no recovery can be made

*R&R, Tab 3, 05-OCFS-ADM-03, p. 39*
Recovery of Overpayments

The district must attempt to recover an overpayment when:

- The parent/caretaker is currently receiving benefits
- The cost of the recovery from a former recipient is less than or equal to the amount of overpayment
- The overpayment resulted from fraud
Recovery Guidelines

- The recovery payments and timelines are reasonable, given the person’s circumstances.

- The recovery period should not exceed 12 months.

- The monthly recovery amount should not exceed 10% of monthly gross income.

- If the recovery amount would exceed 10% of monthly income, then the payment period must be extended or, in the case of hardship, the recovery amount must be lowered.
Practice: What Caused the Overpayment?

- Read the scenario on PM, Tab 4, p. 55
- Identify who causes the overpayment
  - Client
  - Provider
  - Agency
- Prepare to report your decision
Mechanism of Recovery

Repayment to district:

- Increase in family share
- Decrease in payment to provider and increase in family share
- Parent volunteers to pay from their income
Districts suspend, terminate, or reduce benefits when a current recipient doesn’t repay

OCFS-LDSS-4782, *Notice of Intent to Discontinue Child Care Benefits* must be sent

District can not suspend, terminate, or reduce benefits if child care is being provided as part of child protective or preventive services
A Temporary Assistance recipient can’t be sanctioned for not participating in a work activity, if he/she doesn’t have child care.
Fraud is:

- “Misrepresentation, concealment, or withholding of information (by word or behavior)”
- Established by voluntary admission or conviction
### Disqualification Penalties

<table>
<thead>
<tr>
<th>Number of Admissions or Convictions</th>
<th>Dollar Amount Fraudulently Received</th>
<th>Length of Disqualification from Child Care Subsidy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>-------------------------------</td>
<td>6 months</td>
</tr>
<tr>
<td>2</td>
<td>$1,000-$3,900</td>
<td>12 months</td>
</tr>
<tr>
<td>3</td>
<td>Over $3,900</td>
<td>18 months</td>
</tr>
<tr>
<td>4 or more</td>
<td>-------------------------------</td>
<td>5 years</td>
</tr>
</tbody>
</table>

The responsibility for the repayment of overpayments resulting from fraud lies with the recipient of child care services and members of the CCSU.
Districts have the right to make announced or unannounced inspections of the records and premises of any provider that provides care for subsidized children, including inspections prior to subsidized children receiving care.
Disqualifying Providers

Districts may disqualify a provider from receiving payment if a provider:

- Is found criminally convicted of fraud
- Is found civilly liable for fraud
- Has voluntarily admitted to filing a false claim for reimbursement for child care services
- Has been disqualified from the Child and Adult Care Food Program (CACFP) for submission of false information on the application, submission of a false claim, or failure to keep required records
Districts may disqualify a provider from receiving payment if a provider:

- Has failed to comply with the terms of a repayment plan with the district
- Has a conviction of any activity that occurred within the past 7 years that indicated a lack of business integrity
- Has been found, after an administrative review, to have submitted false claims
Disqualification Period

Disqualified providers are ineligible to receive payments from any local district for 5 years from the date of disqualification, if the provider made full restitution of any and all falsely obtained funds.

Providers who do not make restitution remain ineligible.
If a district suspects a provider has submitted false information or claims, the district may also choose to conduct an administrative review.
Each district has an internal control plan, including:

- Front End Detection System indicators (FEDS)
- Eligibility Review Verification (EVR)
- Sampling methods for:
  - Attendance
  - Continued need
Objectives Review

1. What are the steps to determine the overpayment amount and whether it should be recovered?
2. Under which three circumstances must an overpayment be recovered by the district?
3. What are the two methods by which fraud is determined for Child Care Subsidy?
4. Who is subject to a disqualification penalty?
Unit 5: Provider Types and District Responsibilities

Lesson 1: Provider Information

Lesson 2: District Responsibilities Regarding Child Care Providers
Lesson 1

Provider Information
Lesson 1

- Identify sources of information available to educate clients about the different types of providers
- Explain the importance of the parent/caretaker making informed child care decisions
- Describe the difference between Licensed, Registered, and Legally-Exempt providers
Think about Child Care

Brochures

As you think about child care for your 3- to 5-year-old...

As you think about child care for your infant or toddler...

Video

Child Care Facility System

Child Care Resource and Referral Services
Child Care Facility System

- Statewide database of providers
- Developed by OCFS
- Purpose: Track data for Licensed, Registered, and Legally-Exempt Providers
- Users:
  - NYS Regional Offices
  - LDSS
  - CCR&Rs
  - Enrollment Agencies
Provider Types

- Licensed
- Registered
- Legally-Exempt
When employing an In-Home Child Care provider, the child’s caretaker has to meet Federal and State requirements.
Parent Responsibility

The parent is responsible for monitoring the quality of their child care.

Child Care Complaint Line for parents: 1-800-732-5207
Objectives Review

1. Name two resources that districts can provide for families searching for child care providers.
2. What information relevant to child care providers can be found in CCFS?
3. What are the three types of child care providers eligible to receive Child Care Subsidy payments?
4. What additional responsibilities should parents consider when using a Legally-Exempt child care provider that provides care in the child’s home?
5. What should parents do if they have a complaint about the care of their children?
Lesson 2

District Responsibilities Regarding Child Care Providers
Lesson 2

- Explain the additional responsibilities the district has related to the Child Care Subsidy Program
- Identify the checks the district must conduct related to Legally-Exempt provider enrollment
If a parent wishes to use a Legally-Exempt provider:

- Provide enrollment form and attachments to parent
- Instruct parent to return completed packet to EA
- Refer parents who wish to utilize a Legally-Exempt provider to Enrollment Agency
Enrollment Forms

- OCFS-LDSS-4699: *Enrollment Form for Provider of Legally-Exempt Family Child Care and In-Home Child Care* (revised 2/12)

- OCFS-LDSS-4700: *Enrollment Form for Provider of Legally-Exempt Group Child Care* (revised 2/12)
The local district should determine:

- The primary contact people from the district and the Enrollment Agency who will be involved in the enrollment process
- Which personnel to notify at the Enrollment Agency when a change in the parent/caretaker’s benefits occur
- Procedures for communicating whether Legally-Exempt providers meet any additional local standards set forth in the district’s Child and Family Services County Plan
The local district should determine:

- The process for handling requests and delivering the results of the child welfare database checks
- The process for conducting and communicating the results of a review of extenuating circumstances with the Enrollment Agency
The local district should:

- Inform providers and the Enrollment Agency of decisions on parent’s child care subsidy case: Approved, Denied, Intent to Discontinue

- When parent case is approved, determine the Child Care Subsidy Start Date
Additional Standards for Providers

The local district may choose to establish additional standards for child care providers:

- District is responsible for verifying if providers meet standards outlined in the Child and Family Services Plan
- Must develop a mechanism for informing other agencies if the provider meets standards
The local district may choose to require Legally-Exempt providers participate in the Child and Adult Food Program (CACFP), if:

- The provider gives 30 or more hours per week in child care
- The child care provided is to one or more subsidized children
Search Local Child Welfare Database for provider history:

- Court-ordered FCA Article 10 Removal
- Termination of Parental Rights (TPR)

Verify provider as responsible party

Inform the Enrollment Agency whether provider has met or not met each requirement

Must return results within 15 days of receipt of request
Optional use of COGNOS Impromptu Reports for Searching the Local Child Welfare Database

These COGNOS reports utilize data recorded in the Child Care Review System (CCRS), a foster care tracking system.

For details, refer to PM, Tab 7, Guide To Enrollment, p. 27-30
Local social services districts are prohibited from releasing any information contained in the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) pertaining to Legally-Exempt child care providers.
Maintain Confidentiality

This practice is expressly prohibited by the Social Services Law (SSL 422-a and 424-a), unless it is for one of the statutorily listed exceptions. As such, the sharing of any SCR information, unless it is for a statutorily listed exception, is prohibited by law.
The EA sends to the LDSS, when the review pertains to TPR or court-ordered Article 10 removal of a child:

- The request for extenuating circumstances review
- The enrollment form and attachments, including the required explanation of the TPR or court-ordered removal
- The signed parental acknowledgement form
- Any other pertinent information
The Review of Extenuating Circumstance is an opportunity for a provider to establish to the satisfaction of the district that his/her enrollment will not jeopardize the health safety or welfare of children in the provider’s care.

The onus of proof is on the provider.
District review includes:

- Review of:
  - Enrollment form and attachments,
  - Original incident and underlying cause
  - Explanation of extenuating circumstances

- Verification of original incident, underlying causes, and extenuating circumstances:
  - Provider must submit documentation
  - District may choose to review its own records

- Decision per Guide to Enrollment
Review of Extenuating Circumstances

- Time frame: Within 60 days from receipt of request
- Local District Actions:
  - Inform the Enrollment Agency of whether provider meets or does not meet the enrollment requirement. (Enrollment Agency will make final enrollment decision and inform the provider, parent and the Local District.)
  - *If making an exception to the presumption against enrollment,* The Local District also obtains the appropriate Parental Acknowledgement form, signed by the parent, and gives to Enrollment Agency.
Objectives Review

1. Why is communicating with Enrollment Agencies so important?

2. Identify the process for conducting the Child Welfare Database Check. For which checks is the local district responsible?

3. How long do districts have to notify the Enrollment Agency of changes to a subsidy case?

4. What is the purpose of a Review of Extenuating Circumstances?
Please complete…

- Participant Reaction Survey
- Post Test

Please request a Travel Voucher if you need one.
Thank you for attending the Child Care Subsidy Training Program

Presenters:
Jill Finneghan
Lakia Green