Welcome to the Child Care Subsidy Training Program

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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
Pre-Training Assessment

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 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)
New York State Code, Rules and Regulations, Title 18

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. 7-9

- Policy Directives
  - R&R - Tabs 2-9
Policy Directives

09-OCFS-ADM-05

(year) (office) (type) (#)
Policy Directives

09-ADM-05

(year) (type) (#)
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>
<tr>
<td>3</td>
<td>Memorandum</td>
</tr>
<tr>
<td>4</td>
<td>03-OCFS-INF-07</td>
</tr>
<tr>
<td>4</td>
<td>02-OCFS-INF-05</td>
</tr>
</tbody>
</table>
1. What is the goal of the NYS 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
- Food Stamps 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 document page from a state application for child care subsidy]
Client & District Responsibilities and Client Rights

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 Client Requirements when Locating a Provider

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 cannot 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 – 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
Client’s Rights

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
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, when they cannot find one of their own, at least one must be licensed or registered
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. 28*

- 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 LDSS?
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
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 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**.
- **Transitional** child care services.
- Working families choosing **child care in lieu of TA**.

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*
“In Lieu of” Earnings Requirement

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 or $54.50 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*
Temporary Assistance

Case closed due to:
• Increased income from employment or child support
• Voluntary closing AND income ineligible for TA
• Cases reaching 5-year limit
• Former Child Assistance Program cases

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

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
TA Families Needing Care for an Older Child

<table>
<thead>
<tr>
<th>When Child:</th>
<th>When Parent:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Is under court supervision, or</td>
<td>• Engaged in work</td>
</tr>
<tr>
<td>• Has special needs</td>
<td></td>
</tr>
</tbody>
</table>

Older child:

• Over 13 but under 19 or
• 19 if still in secondary school
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 G-2
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>

2-15
District Options

- In Category III, the 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
Child Care Block Grant
Eligible 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** service

  or

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

CFSP, Appendix G-7
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 caretaker 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 1 families, regardless of the amount of funds available.
Review the case studies in *PM Tab 2, p. 21-22* and determine what category of eligibility the family qualifies for. Assume that income eligibility has been established.
Objectives Review

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...*
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 (I)
Practice: Determining CCSU

Review the case studies on *PM*, p. 27-28 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. 30 - 31

- Convert income to monthly and then yearly amount
  - PM, Tab 2, p. 34

- Round the yearly amount
  - PM, Tab 2, p. 34

- Compare annual income to 200% state standard (or less, if in your CFSP)
  - PM, Tab 2, p. 36
Determining Income Eligibility
Stephanie

- **Step 1: Separate Countable from Excluded Income**
  - Income
    - $340.00/week UIB
    - $110.00/week Child Support
    - $374.00 income tax refund
  - $340.00 + $110.00 = $450.00

- **Step 2: Convert Income to Monthly Gross Income**
  - $450.00 × 4.333 = $1,949.85

- **Step 3: Convert Monthly Gross Income to Yearly Gross Income**
  - $1,949.85 × 12 = $23,398.20

- **Step 4: Round**
  - $23,398

- **Step 5: Compare to 200% State Income Standard**
  - $23,398 vs. $37,060
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 CFSP)
- Divide that amount by 52 and round to determine weekly family share
Determining Family Share
Stephanie

- Step 1: Subtract 100% of the State Income Standard from the family’s Annual Gross Income
  - $23,398.20 – $18,530 = $4,868.20

- Step 2: Multiply the remainder by 10-35% per your CFSP
  - $4,868.20 × 25% = $1,217.05

- Step 3: Divide by 52 to determine weekly share
  - $1,217.05 ÷ 52 = $23.4048

- Step 4: Round
  - $23.50
Practice: Determine Income Eligibility and Family Share

Review the PM, p. 39-41 and determine:

- What are countable vs. excluded incomes?
- How do I convert to annual gross?
- How do I properly round?
- Where do I find 100% and 200% state income standards?
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 resources 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
District Verification of Eligibility

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 can not ask for them again.

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

- You can not 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 CCS 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
Verification of Special Needs

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
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. 32-34 and determine:

1. What documentation is needed?
2. What is 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
Objectives Review

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
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 2,10-OCFS-LCM-01, p. 3 for more information)
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. 7-8
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
Statewide Limits

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
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 CFSP.
Client Residence Change
(Family who is Category 1. Guaranteed CC 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
Review the cases on *PM, Tab 4, p. 14-16*, and determine the applicable market rates.
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 OR
- 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>
Practice: Determining Payment Amount

Review the cases on PM, Tab 4, p. 22-25, 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 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, 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 CFSP.

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.
Identifying Base Period

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
Limits for Absent Days

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
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
Reimbursement When A Program is Closed

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 its CFSP 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 providers are not eligible for program closures.
Practice: Temporary Absence from Child Care

Using the scenarios on PM, Tab 4, 38-39, determine if the payment for temporary absences is allowed.
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 A/R 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. 47
- 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
Suspending or Terminating

- 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 services
Suspending or Terminating

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:

- “Intentional misrepresentation”
- 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.
Fraud and Abuse Control Activities

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 parents about provider types
- Explain the importance of making informed child care decisions
- Describe the difference between licensed, registered and legally-exempt providers
Think about Child Care

Brochures

Child Care Facility System

Video

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
Examples of Licensed Providers

Day Care Center

- Non-residence
- More than 6 kids
- More than 3 hrs /day

Group Family Day Care

- Residence based
- No more than:
  - 8-12 full time and
  - 4 school-aged kids
- More than 3 hrs /day
Examples of Registered Providers

Family Day Care (FDC—residential)

Or

Small Day Care Center (SDCC—non-residential)

• More than 3 hrs / day
• 3-6 full time kids
• FDCs may care for 2 school-aged kids if approved

School Age Child Care (SACC)

• In a facility
• 7 or more school-aged kids
• Non-school hours
Types of Legally-Exempt Providers

- Family Child Care
- In-home Child Care
- Group Child Care
When employing an in-home child care provider, the child’s caretaker has to meet Federal and State requirements.
Legally-Exempt group child care providers include:

- Pre-K and nursery school
- Programs for school-age children
- After-school programs
- Summer Day Camps
- Some child care programs on federal/tribal property
Questions for Parents

Age of children

Number of children

Number of hours

Relationship of children to provider
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 circumstances in which the district should authorize Child Care Subsidy payments to providers
- Determine how to handle payments to child care providers found to be noncompliant with Child Care Subsidy rules and regulations
Enrollment Forms

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 7/06)

- OCFS-LDSS-4700: *Enrollment Form for Provider of Legally-Exempt Group Child Care* (revised 7/06)
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
Coordination with the Enrollment Agency

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 EA of decisions on parent’s child care subsidy case: Approved, Denied, Intent to Discontinue
- When parent case is approved, inform providers and EA of Child Care Subsidy Start Date
The local district may choose to establish additional standards for child care providers:

- District is responsible for verifying if providers meet standards outlined in CFSP
- 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
Local Child Welfare Database Check

- 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 EA 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
Review of Extenuating Circumstances

- The review of EC 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.
Review of Extenuating Circumstances

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
- **LD Actions:**
  - Inform EA of whether provider meets or does not meet the enrollment requirement. (EA will make final enrollment decision and inform the provider, parent and LD.)
  - *If making an exception to the presumption against enrollment,* LD also obtains the OCFS-LDSS 4699.4, Parental Acknowledgement, signed by the parent, and gives to EA.
Issuing Payments

- 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.
The district can only issue payments for legally-exempt providers when their status is listed as:

- Temporarily Enrolled
- Partial Approval
- Approved
- In Renewal
- Expired: In Renewal
Payments Prior to Full Enrollment

Districts may request to make payments to legally-exempt providers prior to the provider’s full enrollment if:

- The provider is already taking care of the parent/caretaker’s subsidized children
- The district makes a written request to the Enrollment Agency
- The requested pay period is no more than 60 days prior to the provider’s period start date, which marks the beginning of the provider’s 12 month enrollment period
- No factors were present that would have precluded the provider from being eligible during the requested pay period
Legally-Exempt providers are considered noncompliant when their status is listed as:

- Enrolled, Non-compliant (district choice to pay)
- Voluntary Inactive, Emergency Health and Safety Issues
- Closed: Terminated
- Closed: Voluntary
- Terminated: EC Review
- Expired
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. Under which circumstances may the district refuse to pay a licensed or registered provider?
4. For which payment statuses does the district have to pay legally-exempt providers?
5. For which payment statuses should the district not pay a legally-exempt provider?
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 Finnegan
Lakia Green

2011