

Summary of Substance

The proposed changes to the child care regulations are necessary to implement statutory changes allowing districts to choose to authorize child care assistance under the New York State Child Care Block Grant Program (NYSCCBGP) for a period of 12 months or 24 months. Companion regulatory changes are necessary to clarify the process and achieve consistency in implementation across the state.

The New York State Office of Children and Family Services (OCFS) proposes to amend regulations to include both 12-month and 24-month eligibility periods, for districts that choose to authorize child care assistance beyond the federally required 12-month minimum.

OCFS proposes to amend regulations to clarify the age at which a child in receipt of child care assistance loses eligibility.

OCFS proposes to amend regulations to state that a family who has applied for public assistance is only eligible to receive child care services during the application period unless the application is approved. If denied, the case must be closed unless the family is determined otherwise eligible. If the application is approved, the child(ren) would receive child care assistance for the duration of the eligibility period.

OCFS proposes to extend the time frame that a caretaker may be eligible for child care assistance while attending certain educational and vocational activities from 30 consecutive calendar months to 48 consecutive calendar months.

OCFS proposes to no longer limit an emergency situation to a short duration since families are authorized for the entirety of the 12-month or 24-month eligibility period, regardless of the duration of the emergency situation. Districts will continue to have the discretion to explain in the Child and Family Services Plan what situations constitute an emergency.

OCFS proposes to reduce the time frame in which a district must allow, disallow, or defer a claim for reimbursement submitted by an eligible provider from 30 to 21 days. This change will bring OCFS into compliance with federal regulation.

OCFS proposes to amend jurisdictional regulations to align with 12-month and 24-month eligibility periods and to make the district of origin responsible for child care assistance payments under the NYSCCBGP for the duration of the period of authorization. For cases funded under Title XX, the current district of residence shall be responsible for child care services.

OCFS proposes that a provider who fails to comply with the terms of a repayment plan for grant programs administered by OCFS can be disqualified from receiving payment for child care services provided, and such a provider is ineligible to receive payments through any social services district for a minimum of five years if full restitution is made. Providers that do not make full restitution would remain ineligible for future OCFS grant opportunities.

OCFS proposes that a parent or caretaker who was responsible for fraudulent activity must agree to and comply with a repayment plan as a condition of being eligible for child care services. This removes responsibility from members of the child care services unit who were not responsible for the overpayment, including children and siblings.

OCFS proposes to add to the process and criteria for waiver submission to clarify that districts requesting waivers must consider the intent of the regulation and the effects of the waiver.

OCFS proposes to align the definition of third degree of consanguinity with other instances in regulation and Social Services Law. There will be no fundamental change in the application of the regulation.

OCFS proposes to update terminology used throughout the regulations.