



Office of Children and Family Services

Kathy Hochul
Governor

52 WASHINGTON STREET
RENSELAER, NY 12144

Suzanne Miles-Gustave, Esq.
Acting Commissioner

Informational Letter

Transmittal:	23-OCFS-INF-09
To:	Local Departments of Social Services Commissioners
Issuing Division/Office:	Division of Child Care Services
Date:	August 24, 2023
Subject:	Notification of Changes to the Child Care Assistance Program as a Result of the State Fiscal Year 2024 Enacted Budget
Suggested Distribution:	Social Services Directors Temporary Assistance Directors Child Care Assistance Supervisors Temporary Assistance Supervisors Child Care Assistance Staff
Contact Person(s):	Sonoma Pelton, Bureau of Child Care Assistance, 518-408-6074 Sonoma.Pelton@ocfs.ny.gov ocfs.sm.districtsupport.subsidy@ocfs.ny.gov
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR Parts 404 and 415	SSL § 410-u SSL § 410-w SSL § 410-x SSL § 410-y		

I. Purpose

The purpose of this Informational Letter (INF) is to inform local social services districts (districts) of the impact the New York State Fiscal Year (SFY) 2023-24 budget will have on the Child Care Assistance Program (CCAP) and the provision of child care services funded under the New York State Child Care Block Grant (NYSCCBG).

II. Background

On May 3, 2023, the New York State budget for SFY 2023-24 was enacted. The budget appropriated funds for the provision of child care assistance. The enactment of the budget included amendments to Social Services Law (SSL) to expand access to child care assistance and to standardize the New York State Child Care Block Grant Program (NYSCCBGP) across the state.

Regulatory changes are forthcoming to support these legislative changes. Districts and stakeholders, including members of the public, will have the opportunity to comment on the proposed rules after they have been published in the *State Register*.

III. Program Implications

Below is a brief overview of items in the 2023 State of the State and the enacted state budget that impact the administration of the CCAP. The major implications include: an increase in income eligibility to 85% of the state median income (SMI), standardization of the family share to 1% of the state income standard (SIS), an increase in the number of paid absence days across the state to up to 80 days, the establishment of state priority populations as determined by the New York State Office of Children and Family Services (OCFS), and the elimination of local priorities and set-asides.

- State Median Income

Effective October 1, 2023, if funds are available, districts are required to open all new child care assistance cases, that are otherwise programmatically eligible, if the family income is at or below 85% of the SMI.

- Family Share

Effective October 1, 2023, the family share will be set at 1% of income exceeding the federal poverty level for all districts across the state. Districts will no longer select the percentage a family must pay toward the cost of child care assistance.

- Absences

All districts are required to provide assistance for children who are temporarily absent from care for up to 80 days per child per year. Districts will no longer be able to opt to pay for fewer than 80 absences. Reimbursement for additional absences may be allowed in the case of extenuating circumstances, as determined by OCFS.

- Priorities and Set-Asides

State priorities may be established for child care assistance as determined necessary by OCFS. Districts will no longer have the option to define local priorities in their Child and Family Services Plan (CFSP) or to set aside funds for priority populations. Families designated a local priority as of September 30, 2023, will continue to be eligible for assistance provided they continue to meet all other eligibility requirements.

- Breaks in Activities

Section 410-w(1)(a) of the SSL has been amended to remove the time limits on child care assistance provided during breaks in activities for families in receipt of public assistance. Such child care assistance must be provided pursuant to regulation.

- Preliminary Eligibility

Effective May 3, 2024, districts will be able to opt in to preliminary eligibility. Under preliminary eligibility, upon receipt of a completed application and documentation as required by the district, and in accordance with guidance to be issued by OCFS, a family will be presumed eligible from the date of the application to the date of the final eligibility determination. If the family is found eligible upon final determination, NYSCCBG funds can be used. If the family is found ineligible, the district must use local funds for the presumptive eligibility period.

- CCAP Enrollment Pilot and Grants

The enacted budget provides General Fund support for an enrollment pilot program and grants to offset child care costs, which will be managed by the Consortium for Worker Education (CWE) and the AFL-CIO Workforce Development Institute (WDI). The grants to offset child care costs will serve

families with income up to 400% of the SIS who are not eligible for the NYSCCBGP. Districts are encouraged to refer working families with income above 85% of the SMI, but below 400% of the SIS, to the WDI and CWE pilot program.

- Pre-Screening Tool

The *Child Care Assistance Eligibility Questionnaire* has been added to the OCFS website. Parents and caretakers can find out if they may be eligible for child care assistance by answering a series of questions. Districts should encourage families who have not completed an application for the CCAP to complete the questionnaire.

Additional guidance will be forthcoming following the adoption of the regulations.

/s/ Nora K. Yates

Issued by:

Name: Nora K. Yates

Title: Deputy Commissioner

Division/Office: Division of Child Care Services