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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 00 OCFS LCM-26

Date: September 29, 2000

Division: Development and
Prevention Services

TO: Local District Commissioners

SUBJECT: New York State Child Care Block Grant (NYSCCBG)
Subsidy Program Allocations

ATTACHMENTS: A: New York State Child Care Block Grant Allocation
B: Maintenance of Effort Level
C: Assurances
D: Eligible Families
(Available on-line)

The purpose of this Local Commissioners Memorandum (LCM) is to inform social services districts of their allocation and maintenance of effort (MOE) levels for the New York State Child Care Block Grant (NYSCCBG) subsidy program for the period April 1, 2000 through March 31, 2001, and to explain the allowable uses for these federal and State funds. The NYSCCBG allocation to districts for this State fiscal year is \$570,439,174.

This LCM includes a set of assurances, provided in Attachment C, of compliance with federal and State statutory requirements. In order to participate in the NYSCCBG subsidy program, the commissioner of the social services district must agree to comply with program requirements by signing Attachment C: Assurances and returning it to the Office of Children and Family Services by August 14, 2000. To conform to State legislation recently enacted, the assurances have been revised to include compliance with three new requirements, which are summarized on page 5 of the LCM.

BACKGROUND

The NYSCCBG is comprised of all of the federal child care funds appropriated under Title IV-A of the federal Social Security Act and additional federal funds the State chooses to transfer from the federal Temporary Assistance

for Needy Families (TANF) Block Grant to the NYSCCBG, plus any State funds appropriated for child care subsidies and for activities to increase the availability and quality of child care programs. A portion of the NYSCCBG is to be allocated to social services districts to provide child care assistance to families in receipt of public assistance and to other low income families.

ALLOCATION INFORMATION

Attachment A indicates district allocations of NYSCCBG subsidy funds for the period beginning April 1, 2000 and ending March 31, 2001. Allocations are listed on Attachment A for two six-month periods to allow for the reporting of federal funds on a federal fiscal year basis. The allocations cover the period April 1, 2000 to September 30, 2000, the last half of federal fiscal year 1999-2000, and the period October 1, 2000 to March 31, 2001, the first half of federal fiscal year 2000-2001. Local social services districts were issued their NYSCCBG allocations for the first half of the federal fiscal year 1999-2000, October 1, 1999 through March 31, 2000, in 99 OCFS LCM-28, 00 OCFS LCM-2 and 00 OCFS LCM-11. Any unspent NYSCCBG funds for the period October 1, 1999 to March 31, 2000 will be carried into, and be available for, the period ending September 30, 2000.

Each social services district may expend no more than five percent of its NYSCCBG allocation for administrative activities. Administrative activities do not include the costs of providing direct services such as eligibility determinations and re-determinations; preparation and participation in judicial hearings; child care placement; the recruitment, licensing, inspection, review and supervision of child care placements; rate setting; resource and referral services; training; and the establishment and maintenance of computerized child care information systems.

Districts, at their option, may make payments for eligible families for transportation to and from a child care provider. Districts will be reimbursed for transportation expenses charged by a child care provider that are separate and apart from the regular rate charged by the provider. Also, the district may make arrangements using other providers of transportation services. Expenditures for transportation are reimbursed as a program cost under the district's NYSCCBG allocation if the provision of transportation services is included in the district's Consolidated Services Plan.

Any portion of a district's NYSCCBG allocation for the period October 1, 1999 through September 30, 2000 that is not claimed by the district by March 31, 2001 will be available to the district through the end of federal fiscal year 2000-2001, which is September 30, 2001. Claims for

the period October 1, 1999 through September 30, 2000 cannot be rolled forward into the next federal fiscal year.

ELIGIBLE FAMILIES

There are three broad categories of families eligible for child care services under the NYSCCBG when such care is not otherwise available from the caretaker(s) of the child in need of services. Attachment D: Eligible Families details the specifics for each of these categories.

The first category is families who are eligible for a child care guarantee.

Social services districts must guarantee child care services to families who have applied for or are in receipt of public assistance when such services are needed for a child under 13 years of age in order to enable the child's custodial parent or caretaker relative to participate in activities required by a social services official including orientation, assessment or work activities as defined in 12 NYCRR Part 1300.9.

Social services districts must guarantee child care services to a family who is in receipt of public assistance when such services are needed for a child under 13 years of age in order to enable the child's custodial parent or caretaker relative to engage in work as defined by the social services district.

Social services districts must guarantee child care services for up to 12 months for applicants for or recipients of public assistance who have chosen to receive child care subsidies for a child under 13 years of age in lieu of public assistance benefits and who are no longer eligible for public assistance, provided that certain financial and programmatic requirements are also met;

Child care services for a child under 13 years of age also must be guaranteed for a period up to twelve months after the month in which a family's eligibility for public assistance has ended due to an increase in income from employment or increased income from child support payments or because the family voluntarily ended assistance provided the family meets certain additional criteria.

The second category is families that are eligible if funds are available. This category includes such families as low income working families, applicants for or recipients of public assistance who are employed and have chosen to receive child care subsidies in lieu of public assistance benefits, and teen parents who are completing high school.

The third category is families that are eligible if funds are available and if the district includes them as eligible families in the child care section of the Consolidated Services Plan.

PARENTAL CHOICE

Social services districts must inform parents requesting NYSCCBG services that they may:

- a) choose to have care provided by one of the child day care providers with whom the social services district has contracted for the provision of child care services; or
- b) request a child care certificate which enables the parents to select from a full range of child care arrangements including care by regulated child care providers and providers of legally-exempt child care.

Parents must be given discretion in selecting or arranging for the purchase of child care services from any eligible provider. The case record should document that parents have been apprised of the full range of providers eligible for payment and of their right to elect to use a child care certificate. Social services districts must allow parents to select, and must have a method to pay, any and all legal providers with whom they do not contract. A contract may not be made a condition of receiving payment from NYSCCBG funds.

REIMBURSEMENT

Claims for expenditures for child care services for families receiving public assistance will be reimbursed at 75 percent with NYSCCBG funds up to the district's NYSCCBG allocation. Claims for expenditures for child care services for all other eligible families will be reimbursed at 100 percent NYSCCBG funds, as long as the district's MOE is maintained, up to the district's NYSCCBG allocation.

MAINTENANCE OF EFFORT

Social services districts must maintain local spending for child care services at a level established by the Office of Children and Family Services in accordance with State statute. The MOE for each social services district is listed in Attachment B. Note that the MOE has not changed from the previous year even though NYSCCBG funding has increased significantly.

The MOE was calculated by totaling the local district share of expenditures in federal fiscal year 1994-1995 for child care services claimed under the following categories: State Low Income Day Care program and administrative costs, Transitional Child Care, At-Risk Low Income Child Care, Child Care and Development Block Grant, Emergency Assistance to Families, JOBS-related child care and employment-related child care. In addition, the MOE for those social services districts participating in the Child Assistance Program (CAP) were adjusted to reflect the district share for federal fiscal year 1996-1997 CAP child care expenditures included in their NYSCCBG allocation.

Each social services district must meet its MOE level in cash in federal fiscal year 1999-2000 and in each subsequent federal fiscal year. The MOE is met by the 25 percent local share of claims for expenditures for public assistance recipients as reported on Schedule A and Schedule H and any other non-Title XX expenditures that are allowable but not reimbursed under the district's NYSCCBG allocation. Claims submitted under NYSCCBG will be processed to ensure that the district's MOE requirement is met. Claims for administrative costs exceeding the 5% administrative cap will not count toward meeting the MOE and will not be eligible for federal and State reimbursement.

ASSURANCES

Welfare reform legislation has created some programmatic and procedural requirements both on the federal and State levels that will be implemented with the child care portion of the Consolidated Services Plan and revised child care regulations. The revised regulations and child care plan are expected to be released in the near future.

Until such time as the regulations are promulgated and the child care plans are filed, social services districts must attest to their compliance to these requirements. The assurances are found in Attachment C. All districts must sign and date Attachment C: Assurances which prescribes actions required by federal or State statute or regulations and must ensure that their delivery of child care services incorporates these assurances. These assurances must be returned by August 14, 2000 to:

Eileen Mahoney
Bureau of Early Childhood Services
Office of Children and Family Services
Riverview Center 6th Floor
40 North Pearl Street
Albany, New York 12243

The assurances has been revised to include three new requirements. First, districts must provide, to the extent federal financial participation is available, applicants for or recipients of public assistance who are employed and would otherwise be eligible for public assistance benefits the option to choose to receive child care subsidies for children under 13 years of age in lieu of public assistance benefits for such period of time as the applicant/recipient continues to be financially eligible for public assistance. Second, districts must guarantee child care services for children under 13 years of age for up to 12 months for applicants for or recipients of public assistance who have chosen to receive child care subsidies in lieu of public assistance benefits and who are no longer eligible for public assistance, provided that certain financial and programmatic requirements are also met. Third, districts must allocate NYSCCBG subsidy funds in a manner that provides eligible families equitable access to child care assistance funds.

SYSTEMS INFORMATION

Procedures for the authorization of payment for child care services in the Welfare Management System (WMS) are as follows:

For child care payments for eligible families applying for or receiving public assistance, districts can continue to use the DSS-3209 IM/WMS Authorization. Districts may, at their option, utilize the DSS-2970 WMS Services Authorization to authorize payment for child care for public assistance families. Service Type Suffix Code (Data Element #23021) value "S" designates child care services funded under the NYSCCBG for public assistance applicants/recipients and reimbursed at 75% federal and state share up to the district's allocation ceiling.

For child care payments for all other eligible families (including transitional child care families), districts must authorize in WMS/Services by using Service Type Suffix Code value "R" on the DSS-2970 WMS Services Authorization which designates child care services funded under NYSCCBG for non-public assistance families and reimbursed at 100% federal and state share up to the district's allocation ceiling.

In circumstances of an adult only public assistance case in which the children are not included in the public assistance filing unit, child care payment is authorized as a public assistance family and reimbursed at 75% federal and state share. For cases in which children are in receipt of public assistance but the caretaker is not included in the public assistance filing unit, child care is authorized in WMS Services and reimbursed at 100% federal and state share up to the district's allocation ceiling.

WMS Services continues to support monitoring the issuance and return of child care certificates. Instructions for the child care certificate can be found in 92 LCM-138 and in the BICS Operations Manual, page A-82, BICS Production Request 32, in the addition dated April 1, 1993. Information is also provided in the BICS Services Payment Processing Manual, II. Authorizations, E. Self Selected Day Care Certificates, pages II 25-27.

CLAIMING INSTRUCTIONS

Instructions for claiming program costs are contained in the Office of Temporary and Disability Assistance Fiscal Reference Manual (Volume II, Chapter 3). NYSCCBG expenditures for child care subsidies for families receiving public assistance are claimed on Schedule H Non-Title XX Services for Recipients (LDSS-4283), line 2 (Day Care Services for Children), column 7 (Day Care Block Grant 75%). NYSCCBG program expenditures for child care subsidies for all other eligible families are claimed on the Schedule H, line 2, column 6 (Day Care Block Grant 100%). NYSCCBG expenditures for child care transportation services are claimed on the Schedule H, line 6, columns 6 and 7. Line 12, columns 6 and 7, are the total of expenditures on lines 2 and 6, for columns 6 and 7, respectively. Enter on line 14 (fees collected), columns 6 and 7, the total fees required from families

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responsible for paying a fee. Line 15 (Net Expenditures), columns 6 and 7, is the result of subtracting the amounts on line 13 (Refunds and Cancellations) and line 14 (Fees Collected) from the amount on line 12 (Total Expenditures) for columns 6 and 7, respectively. Line 16 (Day Care Reimbursement) is the total reimbursement, from Federal and State funding combined, for NYSCCBG expenditures. The amount on line 16, column 6 is equal to the amount on line 15, column 6. The amount on line 16, column 7 is 75% of the amount on line 15, column 7. Line 20 (Local Share), column 7 is the remaining 25% of the amount on line 15, column 7.

Administrative expenditures for NYSCCBG are claimed in accordance with the Services RMS as Child Care Block Grant costs on line 5, section 1 (associated A-87 costs are claimed on line 3, section 2) of the Schedule D-2, Allocation for Claiming of General Services Expenditures (LDSS-2347B). Instructions for completing the Schedule D-2 are contained in Chapter 9 of Volume 3 of the Fiscal Reference Manual County Cost Allocation Plan for districts outside of New York City. For New York City districts, the instructions are contained in Chapter 9 of Volume 4 of the Fiscal Reference Manual.

ADDITIONAL CLAIMING REQUIREMENTS: NYSCCBG child counts and expenditures also must be reported on the Schedule G-2 Summary of Payments for Day Care-Services Authorized (LDSS-2109). Expenditures made under the Services Types allowed must be reported on the G-2, the BICS Schedule G-2 Report, and to the Automated Claiming System.

TRAINING COSTS: Claiming instructions for district administrative expenditures related to the training of employees which are claimed on the Schedule D-6 "Reimbursement For Training" (LDSS-2347-C) for the CCDBG program are covered in Chapter 13 of Volume 3 of the Fiscal Reference Manual for districts outside of New York City. New York City would refer to Volume 4 of the Fiscal Reference Manual.

CONTACT PERSON

If you have any questions regarding information contained in this LCM, please contact Eileen Mahoney of the Bureau of Early Childhood Services at (518) 473-0711. Ms. Mahoney also may be contacted on-line, OFISLINK User ID #SVC109.

If you have any fiscal questions, please contact the Bureau of Financial Services:

Regions 1-4 - Roland Levie at 474-7549; User ID #FMS001.
Region 5 - Marvin Gold at (212) 383-1733; User ID #0FM270.

If you have WMS/Services questions, please contact Gerald Seeley of the Bureau of Services Information Systems at (518) 402-3087; User ID #0FL130.

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If you have WMS/IM questions, please contact Tully Lenihan of the Office of Temporary and Disability Assistance at (518) 474-8749; User ID #73A002.

Melvin I. Rosenblat
Deputy Commissioner
Division of Administration

Donald K. Smith
Deputy Commissioner
Division of Services and
Community Development

ATTACHMENT A
 NEW YORK STATE CHILD CARE BLOCK GRANT
 LOCAL DISTRICT ALLOCATION
 4/1/00 - 3/31/01

DISTRICT	APRIL 1, 2000 THROUGH SEPTEMBER 30, 2000	OCTOBER 1, 2000 THROUGH MARCH 31, 2001	TOTAL ALLOCATION
Albany	\$4,951,540	\$4,951,540	\$9,903,080
Allegany	\$451,811	\$451,811	\$903,622
Broome	\$2,327,214	\$2,327,214	\$4,654,428
Cattaraugus	\$572,329	\$572,328	\$1,144,657
Cayuga	\$460,190	\$460,190	\$920,380
Chautauqua	\$2,551,479	\$2,551,479	\$5,102,958
Chemung	\$1,267,604	\$1,267,604	\$2,535,208
Chenango	\$411,401	\$411,401	\$822,802
Clinton	\$618,066	\$618,066	\$1,236,132
Columbia	\$515,745	\$515,744	\$1,031,489
Cortland	\$495,085	\$495,084	\$990,169
Delaware	\$487,110	\$487,110	\$974,220
Dutchess	\$2,238,122	\$2,238,122	\$4,476,244
Erie	\$11,254,868	\$11,254,868	\$22,509,736
Essex	\$388,706	\$388,706	\$777,412
Franklin	\$462,770	\$462,770	\$925,540
Fulton	\$402,547	\$402,547	\$805,094
Genesee	\$565,951	\$565,951	\$1,131,902
Greene	\$258,297	\$258,296	\$516,593
Hamilton	\$41,072	\$41,072	\$82,144
Herkimer	\$411,278	\$411,277	\$822,555
Jefferson	\$829,169	\$829,168	\$1,658,337
Lewis	\$170,976	\$170,975	\$341,951
Livingston	\$409,926	\$409,926	\$819,852
Madison	\$479,715	\$479,714	\$959,429
Monroe	\$15,814,516	\$15,814,516	\$31,629,032
Montgomery	\$285,673	\$285,672	\$571,345
Nassau	\$15,661,385	\$15,661,384	\$31,322,769
Niagara	\$2,065,308	\$2,065,307	\$4,130,615

ATTACHMENT A
 NEW YORK STATE CHILD CARE BLOCK GRANT
 LOCAL DISTRICT ALLOCATION
 4/1/00 - 3/31/01

DISTRICT	APRIL 1, 2000 THROUGH SEPTEMBER 30, 2000	OCTOBER 1, 2000 THROUGH MARCH 31, 2001	TOTAL ALLOCATION
Oneida	\$2,403,260	\$2,403,260	\$4,806,520
Onondaga	\$6,590,594	\$6,590,593	\$13,181,187
Ontario	\$629,545	\$629,544	\$1,259,089
Orange	\$2,036,687	\$2,036,686	\$4,073,373
Orleans	\$497,672	\$497,672	\$995,344
Oswego	\$733,086	\$733,085	\$1,466,171
Otsego	\$379,047	\$379,047	\$758,094
Putnam	\$395,530	\$395,529	\$791,059
Rensselaer	\$1,069,341	\$1,069,341	\$2,138,682
Rockland	\$2,692,994	\$2,692,994	\$5,385,988
St Lawrence	\$1,280,206	\$1,280,205	\$2,560,411
Saratoga	\$830,710	\$830,709	\$1,661,419
Schenectady	\$2,166,841	\$2,166,840	\$4,333,681
Schoharie	\$192,467	\$192,466	\$384,933
Schuyler	\$130,441	\$130,440	\$260,881
Seneca	\$225,440	\$225,440	\$450,880
Steuben	\$1,479,208	\$1,479,207	\$2,958,415
Suffolk	\$9,091,822	\$9,091,822	\$18,183,644
Sullivan	\$587,736	\$587,736	\$1,175,472
Tioga	\$379,036	\$379,035	\$758,071
Tompkins	\$816,292	\$816,291	\$1,632,583
Ulster	\$1,425,187	\$1,425,186	\$2,850,373
Warren	\$385,609	\$385,609	\$771,218
Washington	\$441,931	\$441,930	\$883,861
Wayne	\$337,993	\$337,993	\$675,986
Westchester	\$9,094,820	\$9,094,819	\$18,189,639
Wyoming	\$217,964	\$217,963	\$435,927
Yates	\$149,055	\$149,055	\$298,110
New York City	\$171,709,234	\$171,709,234	\$343,418,468
State Total	\$285,219,601	\$285,219,573	\$570,439,174

ATTACHMENT B
NEW YORK STATE CHILD CARE BLOCK GRANT

MAINTENANCE OF EFFORT
Federal Fiscal Year 1995 Basis

DISTRICT	MOE AMOUNT	DISTRICT	MOE AMOUNT
Albany	1,019,127	Oneida	283,468
Allegany	68,895	Onondaga	1,204,201
Broome	518,534	Ontario	73,752
Cattaraugus	34,769	Orange	32,900
Cayuga	15,101	Orleans	36,152
Chautauqua	558,879	Oswego	41,453
Chemung	63,364	Otsego	28,900
Chenango	27,933	Putnam	62,728
Clinton	99,395	Rensselaer	164,819
Columbia	7,848	Rockland	235,830
Cortland	53,422	St Lawrence	101,658
Delaware	34,955	Saratoga	30,127
Dutchess	193,433	Schenectady	228,165
Erie	1,264,742	Schoharie	12,101
Essex	16,498	Schuyler	9,515
Franklin	26,381	Seneca	19,292
Fulton	38,407	Steuben	148,022
Genesee	49,813	Suffolk	692,326
Greene	20,310	Sullivan	28,491
Hamilton	2,738	Tioga	22,049
Herkimer	14,318	Tompkins	70,752
Jefferson	81,936	Ulster	208,356
Lewis	11,454	Warren	22,063
Livingston	76,936	Washington	32,583
Madison	12,147	Wayne	39,416
Monroe	4,221,021	Westchester	1,018,071
Montgomery	11,738	Wyoming	13,806
Nassau	1,574,621	Yates	11,683
Niagara	364,420		
		New York City	52,937,271
		State Totals	68,293,085

ATTACHMENT C
NEW YORK STATE CHILD CARE BLOCK GRANT ASSURANCES

The social services district assures that when providing child care services under the New York State Child Care Block Grant (NYSCCBG) it will:

- (1) provide parents with information about the full range of providers eligible for payment with child care subsidy funds;
- (2) offer child care certificates to assist parents in accessing care;
- (3) inform clients of criteria to consider when selecting a child care provider;
- (4) allow parents to select any legal eligible child care provider (Districts may disapprove providers chosen by families with a preventive or protective case under certain circumstances.);
- (5) establish at least one method of paying for child care provided by caregivers who do not have a contract with the district;
- (6) review enrollment forms for providers of legally-exempt child care to ensure providers are operating legally and comply with State standards and any additional State-approved local standards;
- (7) ensure that families with very low income and families with children who have special needs are given priority for subsidies;
- (8) guarantee child care services to a family who has applied for or is in receipt of public assistance when such services are needed for a child under 13 years of age in order to enable the child's custodial parent or caretaker relative to participate in activities required by a social services official including orientation, assessment, or work activities as defined in 12 NYCRR Part 1300.9;
- (9) provide, to the extent that funds are available, applicants for or recipients of public assistance who are employed and would otherwise be eligible for public assistance benefits with the option to choose to receive child care subsidies for a child under 13 years of age in lieu of public assistance benefits for such period of time as the applicants/recipients continue to be financially eligible for public assistance;
- (10) guarantee child care services for up to 12 months for applicants for or recipients of public assistance who have chosen to receive child care subsidies for a child under 13 years of age in lieu of public assistance benefits and who are no longer eligible for public assistance, provided that certain financial and programmatic requirements are also met;
- (11) guarantee child care services to a family who is in receipt of public assistance when such services are needed for a child under 13 years of age in order to enable the child's custodial parent or caretaker relative to engage in work as defined by the social services district;

- (12) guarantee child care subsidies for up to 12 months for families whose public assistance has ended, who need child care for a child under 13 years of age in order for the parent or caretaker relative to engage in work, whose income is within 200% of the State income standard, who received public assistance in three of the six months prior to case closing, and whose assistance was terminated as a result of increased hours or income from employment or increased income from child support or because the family voluntarily closed its case;
- (13) inform recipients of public assistance and former public assistance recipients of the child care guarantees for eligible families;
- (14) inform families in receipt of public assistance of their responsibility to locate child care;
- (15) inform families in receipt of public assistance of the criteria the district will use to determine that a family has demonstrated an inability to obtain needed child care because of the following reasons:
 - unavailability of appropriate child care within a reasonable distance from the individual's home or work site;
 - unavailability or unsuitability of informal child care by a relative or under other arrangements; or
 - unavailability of appropriate and affordable regulated child care arrangements;
- (16) offer two choices of legal child care, at least one of which must be a licensed or registered provider, to recipients of public assistance who have requested assistance in locating child care for a required work activity and who have demonstrated an inability to obtain care;
- (17) inform recipients of public assistance that their public assistance benefits cannot be reduced or terminated when they demonstrate that they are unable to work due to the lack of child care for a child under the age of thirteen;
- (18) advise recipients of public assistance that the time during which they are excepted from the reduction or termination of benefits due to the lack of available child care will still count toward the families' time limit on family assistance benefits;
- (19) provide payment for the actual cost of care (rate charged by the provider to non-subsidized families unless a lower payment rate has been established in a negotiated contract) up to the applicable market rate; and
- (20) allocate NYSCCBG subsidy funds in a manner that provides eligible families equitable access to child care assistance funds.

Commissioner's signature/ Date

ATTACHMENT D

ELIGIBLE FAMILIES

1. Families which are guaranteed child care. A social services district must guarantee child care services to the following families:

a. A social services district must guarantee child care services to a family that has applied for or is in receipt of public assistance when such services are needed for a child under 13 years of age in order to enable the child's custodial parent or caretaker relative to participate in activities required by a social services official including orientation, assessment, or work activities as defined in 12 NYCRR Part 1300.9.

b. A social services district must guarantee child care services to a family that is in receipt of public assistance when such services are needed for a child under 13 years of age in order to enable the child's custodial parent or caretaker relative to engage in work as defined by the social services district.

c. For a family with a closed public assistance case, a social services district must guarantee child care services for a period up to 12 consecutive months after the month in which the public assistance case closed, provided:

- (1) the case closed due to increased income from either employment or child support or because the family voluntarily ended assistance;
- (2) the family received public assistance in at least three of the six months immediately preceding the case closing;
- (3) the family includes an eligible child that is under the age of 13 and needs child care services in order to enable the child's parent(s) or caretaker relative(s) to engage in work; and
- (4) the family has income at or below 200% of the applicable State income standard.

d. A social services district must guarantee child care services for up to 12 consecutive months to an applicant for or recipient of public assistance who has chosen to receive child care subsidies in lieu of public assistance benefits and who is no longer financially eligible for public assistance, provided that:

- (1) the family includes an eligible child that is under the age of 13 and needs child care services in order to enable the child's parent(s) or caretaker relative(s) to engage in work;
- (2) the family has income at or below 200% of the applicable State income standard; and

- (3) the family received child care subsidy in lieu of public assistance in at least three of the six months immediately preceding their ineligibility for public assistance.

2. Families that are eligible when funds are available. A social services district must provide child care services to a family eligible under this category, to the extent that the district continues to have funds available from the New York State Child Care Block Grant or any local funds appropriated for such program, subject to any priorities or set asides as approved by the Office of Children and Family Services.

a. A family applying for or receiving public assistance when child care services are needed for an eligible child who is age 13 or older and who has special needs or is under court supervision in order to enable the child's custodial parent or caretaker relative to participate in activities required by a social services official including orientation, assessment, or work activities as defined in 12 NYCRR Part 1300.9.

b. A family receiving public assistance when child care services are needed for an eligible child who is age 13 or older and who has special needs or is under court supervision in order to enable the child's custodial parent or caretaker relative to engage in work as defined by the social services district.

c. A family receiving public assistance when child care services are necessary:

- (1) to enable a teenage parent to attend high school or an equivalency program; or
- (2) for the child to be protected because the child's parent or caretaker relative is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

d. A family with income up to 200 percent of the State income standard which is at risk of becoming dependent on public assistance when child care services are needed:

- (1) for the child's caretaker(s) to be engaged in work; or
- (2) to enable a teenage parent to attend high school or an equivalency program.

e. An applicant for or recipient of public assistance who would otherwise be eligible for public assistance benefits and who is employed and who chooses the option to receive child care subsidies for a child under 13 years of age in lieu of public assistance benefits for such period of time as the applicant/recipient continues to be financially eligible for public assistance.

3. Families that are eligible if funds are available and if the social services district has listed such families as eligible in the district's Consolidated Services Plan. The following families are eligible provided the social services district has listed such families as eligible families in the district's Consolidated Services Plan and the district continues to

have funds available from the NYSCCBG or any local funds appropriated for such program:

a. A family receiving public assistance and child care services are necessary for a parent or caretaker relative to participate in an approved activity in addition to their required work activity.

b. A family receiving public assistance or with income up to 200% of the State income standard when child care services are needed for the child to be protected because the child's caretaker is:

- (1) participating in an approved substance abuse treatment program or in screening for or an assessment of the need for substance abuse treatment;
- (2) homeless or receiving services for victims of domestic violence and needs child care in order to participate in an approved activity or in screening for or an assessment of the need for services for victims of domestic violence; or
- (3) in an emergency situation of short duration including, but not limited to, cases where the caretaker's absence from the home for a substantial part of the day is necessary because of extenuating circumstances such as a fire, being dispossessed from the home, seeking living quarters or providing chore/housekeeper services for an elderly or disabled relative.

c. A family with income up to 200% of the State income standard when child care services are needed for the child to be protected because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.

d. A family with an open child protective services case when it is determined on a case-by-case basis that such child care is needed to protect the child.

e. A family with income up to 200 percent of the State income standard when child care services are needed for the child's caretaker to participate in one of the following activities provided such activity is an allowable activity set forth in the social services district's Consolidated Services Plan and the district determines that the activity is a necessary part of a plan for the family's self-support:

- (1) actively seek employment for a period of up to six months as established by the social services district in its Consolidated Services Plan, if the caretaker documents that he or she is currently registered with the New York State Department of Labor Community Service Center; or
- (2) educational or vocational activities including attendance in one of the secondary or post-secondary programs allowable under Part 415 of the State regulations.