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## Local Commissioners Memorandum

<b>Transmittal:</b>	14-OCFS-LCM-12
<b>To:</b>	Local District Commissioners Director of Services Child Care Unit Supervisors Temporary Assistance Unit Supervisors
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	July 1, 2014
<b>Subject:</b>	<b>Excludable Income for Financial Eligibility for Child Care Subsidy</b>
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<b>Attachments:</b>	No
<b>Attachment Available Online:</b>	N/A

### I. Purpose

The purpose of this Local Commissioners Memorandum is to advise social services districts (districts) about an amendment to Social Services Law (SSL) 410-w regarding the treatment of earned income of a child under the age of 18 when determining the eligibility of a household for a child care subsidy.

### II. Background

18 New York Codes Rules and Regulations (NYCRR) § 404.5 (b)(6)(xiii) requires that social services districts exclude earnings of a child under 14 years of age, in determining financial eligibility for child care services. This regulation was not consistent with budgeting for public assistance programs, which disregards all of the

earned income of a child under the age of 18. Therefore, SSL 410-w was amended to add a new paragraph to SSL 410-w, disregarding earned income of a dependent child under the age 18. With this change in statute 18 NYCRR § 404.5(b)(6)(xiii) will be revised in accordance with this statute.

### **III. Program Implications – Effective July 1, 2014**

The amendment to SSL 410-w has added a new paragraph requiring the earned income of a dependent child under the age of 18, who is not legally responsible for the child or children for whom child care assistance is sought, to be disregarded when determining eligibility of a household for a child care subsidy.

Effective July 1, 2014, when determining financial eligibility of a new application for a child care subsidy, the earned income of a dependent child under the age of 18 who is not legally responsible for the child or children for whom child care assistance is sought must be disregarded.

Effective July 1, 2014, when re-determining financial eligibility for existing cases, the earned income of a dependent child under the age of 18 who is not legally responsible for the child or children for whom child care assistance is sought, must be disregarded at case recertification or when the next case action occurs.

### **IV. System Implications**

No change required.

### **V. Notice Requirements**

If a district determines that there is a change in benefits when excluding income of dependent children under the age of eighteen, the district must provide written notification of the change to the family by using OCFS-LDSS-4781 Notice of Intent to Change Child Care Benefits and Family Share Payments or an approved local equivalent.

*s/s Janice M. Molnar, Ph.D.*

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**Issued By:**

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Deputy Commissioner

Division of Child Care Services