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 | ADMINISTRATIVE DIRECTIVE |  
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TRANSMITTAL: 90 ADM-31

TO: Commissioners of  
 Social Services

DIVISION: Family and  
 Children  
 Services

DATE: September 26, 1990

SUBJECT: Employment- and JOBS- Related Child Care, Transitional Child  
 Care and Local Child Care Market Rates For All Forms of  
 Child Care

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 SUGGESTED

DISTRIBUTION: | Directors of Services  
 | Directors of Income Maintenance  
 | Directors of Food Stamps  
 | WMS Coordinators  
 | Staff Development Coordinators  
 | Child Care Supervisors

CONTACT

PERSON:

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 Local District Food Stamp Representative:  
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ATTACHMENTS:

See Attachment 1 (listing of attached documents which  
 is available on line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90 ADM 27	90 LCM-45	18 NYCRR parts 358, 369, 385, 403, 404 414, 415 418	PL 100-485 Title 9B	PASB XV-J-6	

I. Purpose

The purpose of this ADM is to inform you of revisions to Department regulations that implement those provisions of Chapter Law 453 of the Laws of 1990, (Job Opportunity and Basic Skills Training Act of 1990), which are related to child care as a supportive service to assist recipients and former recipients of Aid to Dependent Children (ADC), Home Relief (HR), and Veteran Assistance (VA) to achieve economic independence. The regulatory amendments establish standards for the Employment and Job Opportunities and Basic Skills Training Program (JOBS)-Related Child Care Program and for the Transitional Child Care Program.

An additional purpose of this ADM is to inform you of local child care market rates for purposes of payment for and reimbursement of child day care and child care.

II. Background

Child day care is an important issue for parents who are or were in receipt of public assistance, who have children under 13 and are employed or seeking employment or who are participants or want to participate in training or education programs. The lack of available and affordable child care for these families has restricted the parents' opportunity to pursue training or educational activities which increase their employability. The lack of affordable child care also affects the ability of former recipients of public assistance to retain steady employment and to maintain economic independence.

The federal Family Support Act of 1988, (PL 100-485), which created the JOBS program for ADC recipients, recognizes the importance of child care to ensure progress towards economic independence. The federal law provides for funding on behalf of recipients of ADC to help meet the cost of child care for children under 13 years of age which is needed to maintain or accept employment or to participate in the JOBS program. The federal law also provides for funding on behalf of former recipients of ADC to help meet the cost of needed child care for the 12 month period beginning the month the recipient ceased to be eligible for ADC as a result of increased hours or earnings from employment or loss of the 30 and 1/3 disregard. The federal law authorizes payment for the actual cost of child care up to the local child care market rate established by the State Department of Social Services (The Department) in accordance with federal guidelines.

In compliance with the federal law, the New York State Legislature enacted the Job Opportunity and Basic Skills Training Act of 1990. The State Law requires social service districts to establish a JOBS program and an Employment- and JOBS-Related Child Care program effective October 1, 1990. The State Law also establishes a Transitional Child Care program effective April 1, 1990. The social service district must make the above mentioned supportive child care programs available to

recipients and former recipients of HR or VA as well as ADC, based upon the actual cost of such child care up to the local child care market rate determined by the Department.

### III. Program Implications

#### A. Eligibility

##### 1. JOBS-Related Child Care

Federal regulations 45 CFR Part 255 and Social Service regulations 18 NYCRR Part 385 and Section 415.8 guarantees JOBS-Related Child Care to ADC, HR or VA applicants or recipients who are participating in an approved JOBS activity including orientation or assessment. This guarantee applies only when child care is determined by the social services district to be necessary to allow for or to continue such participation and is available to the caretaker relative in such ADC, HR or VA households. For the purposes of this ADM, the term caretaker relative means any person who is or was receiving ADC, HR or VA and who is a parent or other relative as set forth in Social Services regulations 18 NYCRR 369.1(b) of this Title who is responsible for the care of and who lives with a child who is in need of Employment- or JOBS-Related Child Care or for whom an application for Transitional Child Care has been made. The child care must reasonably correspond with the hours of education or training with time allowed for travel to and from the child care provider. Additionally, child care must be provided for a caretaker relative:

- o who has been approved for and is waiting to enter JOBS activities; or,
- o who is between JOBS activities; or,
- o who is on a break from a JOBS activity.

Such additional child care may be provided for a caretaker relative:

- o for a period not to exceed two weeks, or;
- o for a period not to exceed one month where child care arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period.

The children eligible to receive JOBS-Related Child Care include:

- o children over six weeks of age and under 13 years of age, when the care is being provided by a child day care provider or an approved child care provider;
- o children under 13 years of age, when care is being provided by an in-home or informal child caregiver;
- o children of any age, up to age 21, who are physically or mentally incapable of caring for themselves as verified by the social services district based on the determination of a physician or a licensed or certified psychologist. However, federal financial participation

- is only available for children up to age 18, or age 19 if a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and who are reasonably expected to complete the program before reaching age 19;
- o children of any age, up to age 21, who are under court supervision applying the same federal financial participation restrictions as above; and,
  - o children, otherwise identified above, who reside with ADC, HR or VA families, and who are in receipt of Supplemental Security Income (SSI) benefits or Foster Care.

Eligibility for JOBS-Related Child Care is conditional upon the caretaker relative's continued compliance with the JOBS program requirements as administered by the social services district pursuant to Social Services regulations 18 NYCRR Part 385 and is subject to the availability of child care. A discussion of availability of child care is in Sections III.D. and IV. B. of this ADM.

2. Employment-Related Child Care

ADC, HR, or VA recipients with a caretaker relative who is or is about to become employed must be guaranteed child care as determined necessary by the social services district in order to begin or retain employment. Employed caretaker relatives will continue to have the child care disregard applied by the social services district. Where the actual cost of child care exceeds the child care disregard, a supplemental payment must be made based upon the actual cost of child care up to the local child care market rate. The supplemental payment is available only for caretaker relatives who use the service of a legal child care provider. (Legal providers are discussed in Section III.C of this ADM). The children eligible for such child care are the same as those identified above in Section III.A.1 of this ADM.

3. Transitional Child Care

Former ADC, HR or VA recipients whose eligibility for public assistance has ended as a result of (1) increased hours of employment of the principal wage-earner in the family according to Social Service regulations 18 NYCRR Section 369(g)(7); (2) increased earnings from employment; or (3) loss of the earned income disregards due to the expiration of the time limits set forth in section of the Social Services regulations 18 NYCRR Section 352.20(g) are programmatically eligible for Transitional Child Care for a period of up to 12 consecutive months beginning from the first month of ineligibility for ADC, HR or VA so long as such child care is needed to accept or retain employment.

To be eligible for Transitional Child Care, the former recipients of public assistance must have received ADC, HR or VA in at least three of the last six months immediately

preceding the first month of ineligibility for ADC, HR or VA and must have income that is at or below 200 percent of the most recent federal income poverty line (as defined and annually revised by the federal Office of Management and Budget) for a family size of four and adjusted by the Department for other family sizes. The social services district will find the income levels which are at or below 200 percent of the State income standards in Attachment K, entitled Statewide Fee Structure.

Families eligible for Transitional Child Care must contribute toward the payment of such services by paying a fee based upon family income, income levels which are 100 percent of the State income standards as set forth in Attachment K and a sliding fee scale as determined by the social services district. The social services district must use the fee structure currently in place for other publicly funded day care programs, and a minimum of \$1.00 per week must be charged. The social services district may elect to collect the fee or have the provider collect the fee. The social services district must document in the case record the amount charged to the recipient and ensure that fees have been paid. The children eligible for Transitional Child Care are the same as those identified above in Section III.A.1 of this ADM.

An application for Transitional Child Care can be made any time after a recipient of public assistance becomes ineligible for ADC, HR or VA for the above specified reasons and, if otherwise eligible, such benefits must be provided retroactively to the first month of eligibility for Transitional Child Care.

A caretaker relative, otherwise eligible for Transitional Child Care, who loses a job with good cause and obtains another job, will continue to be eligible for Transitional Child Care for the remainder of the 12 month period. If such caretaker relative returns to public assistance during the 12 month period, and later ceases to be eligible for ADC, HR or VA for the reasons specified above, he or she may qualify for a new 12 month period of Transitional Child Care, provided all other eligibility criteria are met.

If a caretaker relative in receipt of Transitional Child Care loses a job without good cause as determined by the social services district, or fails to pay the required fee or fails to make satisfactory arrangements for the payment of delinquent fees, he or she is no longer eligible for Transitional Child Care benefits for the remaining portion of the 12 month period.

Applicants for Transitional Child Care are responsible for providing accurate, complete, and current information regarding income, family composition and any other matters related to the applicant's eligibility for such child care.

Where applicable, an applicant must comply with the requirements of the child support enforcement program as administered by the social services district.

B. Eligible Child Care Providers

The following are legal child care providers as defined in Social Services regulation 18 NYCRR Section 415.1 who are eligible for reimbursement for services provided as Employment- and JOBS-Related Child Care and as Transitional Child Care.

1. Regulated Providers:

- o a day care center with a valid permit or properly registered to operate, a family day care home with a valid permit, certificate or proper registration to operate, or a group family day care home with a valid permit to operate;
- o a public school providing care to pre-school age children in a social services district in accordance with a contract between the public school district and the social services district.
- o a school-age child care program with a valid permit or certificate or proper registration to operate;
- o an approved child care family home which is care provided to one or two children outside the child's own home in a home which is the residence of a provider who has been approved by a social services district as meeting family day care home standards.

2. Informal Providers:

- o child care for one or two children outside the child's own home in the residence of a provider who is at least 18 years of age, or if less than 18, meets employment requirements for minors as set forth in Article 4 of the NYS Labor Law as specified in question four of Attachments F and G to this ADM. The provider must certify that he or she has not been convicted of any crime against children and that he or she is or is not the subject of an indicated report of child abuse or maltreatment and must be chosen and monitored by the caretaker relative;
- o child care for more than two children outside the child's own home in the residence of a provider who is at least 18 years of age, or if less than 18, meets employment requirements for minors as set forth in Article 4 of the NYS Labor Law as specified in question four of Attachments F and G of this ADM and provides care for less than three hours per day. The provider must certify that he or she has not been convicted of any crime against children and that he or she is or is not the subject of an indicated report of

child abuse or maltreatment and must be chosen and monitored by the caretaker relative;

- o informal in-home child care furnished by a provider who is chosen and monitored by the caretaker relative and who is at least 18 years of age, or, if less than 18, meets employment requirements for minors as set forth in Article 4 of NYS Labor Law as specified in question four of Attachments F and G of this ADM. Such provider must certify that he or she has not been convicted of any crime against children and that he or she is or is not the subject of an indicated report of child abuse or maltreatment. Such provider must be paid at least the minimum wage set forth in Article 19 of the NYS Labor law and must receive Social Security and Workers Compensation coverage if he or she is providing care for more than four hours a day and more than four days a week;
- o child care provided by a relative within the second degree, i.e. a brother, sister, aunt, uncle, grandparent, or great-grandparent of the child or children. If such relative is the legal guardian of such child or children, or a member of the assistance unit, no reimbursement is allowable for any child care provided by such legal guardian or such relative who is a member of the assistance unit, except non-legally responsible essential persons as referred to in Social Services regulation 18 NYCRR 369.3(c)(2);
- o child care for school-age children provided outside the child's own home by a program that operates 15 hours per week or less, is not a registered school-age child-care program as defined in Social Services regulations 18 NYCRR 414 and is providing child care in a building that meets the applicable safety standards for such use in accordance with local zoning, fire safety and building codes. (Note: Effective July 1991 State-wide and January 1992 in New York City, regardless of hours, care being provided for school age children must be registered as a school-aged child care program.)

3. In-Home Child Care

In-home child care is child care provided to a child(ren) in his or her own home by an approved provider. An approved provider is one who: is at least 18 years of age and has the maturity, interest in and ability to care for children; has good physical health and emotional stability, with no mental or physical handicaps which would prevent her or him from giving adequate care; has time free from other responsibilities and available full-time to care for the children under his or her supervision during the required hours; will not leave the children unsupervised at any time

nor care for more than six children, including their own children in the home under six years of age; is of good personal character, reliable and competent to handle emergencies; will serve adequate and nutritious meals and snacks to the children at appropriate hours; will provide appropriate health care to the children with particular regard to personal hygiene and safety; will arrange to have a person to call upon for assistance in case of emergency; and will provide care for no less than one hour or more than 18 hours per day.

4. Other Forms of Child Care

The above child care providers are legal providers who are eligible for reimbursement for providing Employment- and JOBS-Related Child Care services. However, there are other child care providers that provide legal child care services that are funded by other sources. Such child care providers include Head Start, Pre-K, Family Shelters providing child care services pursuant to Social Services regulations 18 NYCRR Part 900, Giant Step or other forms of legal child care or activities which may satisfy the need for child care.

C. Methods to Provide Care or Arrange Care

When Employment-Related Child Care is authorized for employed PA recipients, the social services district must disregard earnings up to the actual cost of the child care or the maximum of the applicable disregard, whichever is less. The current maximum allowable child care disregard is \$175 per month for a child age two and older and \$200 per month for a child under age two. If the actual cost of child care exceeds the child care disregard, Employment-Related Child Care is provided as a supplemental payment. The amount of the supplemental payment when added to the child care disregard should not exceed the lower of the actual cost of the child care or the local child care market rate.

For Employment-Related Child Care provided as a supplemental payment or for JOBS-Related Child Care or for Transitional Child Care, the social services district can provide care directly or care can be provided as one of the aforementioned legal forms of child care. The social services district can make payments for such child care by using any of the following methods:

- o by a purchase of services contract, letter of intent or a voucher with a licensed or registered day care center, licensed or registered family day care home, a licensed group family day care home, a public school under contract with a social services district to provide care to pre-school age children, a licensed or registered school-age child care program, an approved child care family home provider or a caregiver of in-home child care or informal child care;
- o by advance cash payments, by cash reimbursements or by voucher to the caretaker relative.

The social services district must establish at least one method of payment by which a caretaker relative can pay for child care that he or she has arranged.

#### IV. Required Action

##### A. Notification and Determination of Eligibility

###### 1. JOBS-Related Child Care

The social service district must inform all applicants for and recipients of ADC, HR and VA, orally and in writing, as appropriate, of the availability of JOBS-Related Child Care at the time of application or of redetermination of eligibility for public assistance. This information must include the social services district's and the applicant's or recipient's responsibilities. Notification may be made through DSS 4148A ("What You Should Know About Your Rights and Responsibilities When Applying for Public Assistance") and DSS 4148B ("What You Should Know About Social Services Programs").

The initial assessment and the development of a written employability plan, related to the participation of an applicant or recipient of ADC, HR or VA in the JOBS program must address such applicant's or recipient's need for JOBS-Related Child Care. Prior to the assignment of a recipient of ADC, HR or VA to a JOBS activity consistent with an employability plan, the social services district must provide such recipient with information regarding the right to request the assistance of the social services district to secure child care, the right to choose a child care arrangement from two or more regulated child day care providers located by the social services district that are available and accessible to the recipient, the right to select an informal child care provider, and the method of payment to be used to pay for such child care services. Such information also must include the consequence to such applicant's or recipient's participation in a JOBS activity when the social services district cannot locate two or more regulated child care providers that are available and accessible to such applicant or recipient.

JOBS-Related Child Care must be authorized when the social services district determines that such child care is needed as a supportive service to enable an applicant or recipient of ADC, HR or VA to participate in the JOBS program. Prior to such authorization the social services district must determine that the children in such ADC, HR or VA households are eligible to receive child care and that the child care provider to be or being used provides legal child care as described in Section III.C.1-2 of this ADM.

###### 2. Employment-Related Child Care

The social services district must inform all applicants for and recipients of ADC, HR and VA of the availability of and their eligibility for Employment-Related Child Care to the extent that child care is needed to accept employment or

remain employable at the time of their application for and redetermination of eligibility for public assistance. Child care benefits are available to employed recipients of ADC, HR or VA. Notification may be made through DSS 4148A ("What You Should Know About Your Rights And Responsibilities When Applying for Public Assistance") and DSS 4148B ("What You Should Know About Social Services Programs"). Recipients must be notified that if the actual cost of child care exceeds the child care disregard, they are entitled to receive a supplemental payment for the difference between such disregard and the actual cost of care up to the local child care market rate, whichever is lower. This supplemental payment is conditional upon using one of the legal forms of child care providers identified in Section III.C.1-2 of this ADM. The Department is developing a model notice to inform recipients of public assistance of the conditions for the availability for supplemental payments. This notice will be distributed to the social services district under a separate communication.

As with JOBS-Related Child Care, the social services district must assess the need for such child care, determine whether the child care provider that is or will be used by an employed public assistance recipient provides a legal form of child care, ascertain the cost of child care in order to determine the amount of any supplemental payment to be made, and determine the manner of payment to be used to pay for such child care.

3. Transitional Child Care

The social services district must inform all applicants for and recipients of ADC, HR or VA of the availability of Transitional Child Care at the time of application for or redetermination of eligibility for public assistance. Notification of such child care can be made through DSS forms 4148A and 4148B referred to above.

The social service district also must inform recipients of ADC, HR or VA of the availability of Transitional Child Care at the time their eligibility for ADC, HR or VA is terminated. This notification must describe how to apply for such child care benefits and must state the eligibility requirements, the applicant's responsibility to provide accurate, complete and current information regarding income, family composition and any other matters relevant to the determination of the applicant's eligibility for such child care, to notify the social services district immediately of any changes in such information, the types of verification needed, the availability of the social services district to assist the applicant in locating available and accessible child care, the applicant's option to choose an informal child care provider as defined in Section III.C of this ADM and the applicant's responsibility to pay a fee for such child care. The social services district must inform all recipients of ADC, HR or VA who voluntarily request that their PA case be

closed that voluntary closure may disqualify them from being eligible for Transitional Child Care benefits.

Attachments A and C are model forms which may be used to inform former recipients of PA of their potential eligibility for Transitional Child Care. Attachment A is designed to notify families whose public assistance case has been closed due to employment. Attachment C is designed to notify families whose cases have been closed for reasons other than employment. Districts may utilize these models as their own forms, or may develop their own forms for use, provided that such forms have received prior approval by the Department.

The applicant for Transitional Child Care must complete and sign the "Application for Public Assistance, Medical Assistance, Food Stamps, Services"(DSS-2921) in order to receive Transitional Child Care services and must provide appropriate information and documentation necessary to determine financial and programmatic eligibility. The family will be allowed to mail in the application, questionnaire, and documentation. A face-to face interview will not be required unless issues concerning application cannot be resolved in any other manner. The DSS-2921 is processed in the Services component of the Welfare Management System, and eligibility is determined by the worker according to the factors outlined above.

Upon determination, the social services district must send a notice which informs the applicant of their eligibility or ineligibility for Transitional Child Care benefits, their rights and responsibilities, steps the applicant must take to establish eligibility, the amount of the child care fee to be paid by the recipient and their responsibility to notify the social services district of any changes that would affect eligibility or fees. Attachment D is a model form that the social services district may use to notify applicants of the decision made on the Transitional Child Care application. It also contains fair hearing information. Attachment E is a checklist that may be used by the worker to aid in the determination of eligibility for Transitional Child Care.

It is the responsibility of the social services district to determine the child care fee which families are required to contribute. The social services district must use the fee schedule currently in place in their social services district or, if there is no such fee schedule in place, develop a fee schedule with Department approval. Transitional Child Care requires that each family pay a minimum fee of \$1.00. The formula for computing the fee is found in Attachment K which is entitled Statewide Fee Structure. This attachment also contains the most recent State income standards to be used to determine eligibility and the child care fee to be paid for Transitional Child Care.

B. Assistance in Locating Child Care

The social services district must maintain a current list of licensed, certified or registered child day care providers, approved child care providers and approved in-home child care providers located in the social services district and in adjacent social services districts. This list must be made available to applicants for and recipients of public assistance and Transitional Child Care benefits.

1. JOBS-Related Child Care

If requested, the social service district must assist participants in the JOBS program in locating available and accessible child care. Upon this request, the social services district must offer such participants the opportunity to select from at least two regulated child day care providers or approved child care providers. In locating available and accessible child care, the social services district must consider the needs of the child including, but not limited to, continuity of child care, reasonable accessibility of child care either to the child's home or school or the location of the parent's or the caretaker relative's place of JOBS related activity or employment and the appropriateness of the child care to the child's age and special needs.

For the purposes of participation in the JOBS program, child care is considered available when, upon the caretaker relative's request, the social service district is able to offer a choice of at least two regulated child day care providers or approved child care providers that are accessible and available to the caretaker relative and that are willing to accept the amount and type of payment offered by the social services district. If two choices of regulated child day care or approved child care providers are unavailable or inaccessible, the social services official must notify the caretaker relative of the option to obtain his or her own child care and must excuse the caretaker relative from any assignment to a JOBS activity until at least two regulated child day care providers or approved child care providers are located by the social services district or until the participant arranges his or her own child care provider.

If the social services district is unable to locate and arrange for available child care, the caretaker relative must be excused from participation in the JOBS program unless or until the caretaker relative selects a regulated child day care provider, despite the absence of choice, or an informal child care provider or the social services district locates at least two regulated child day care providers or approved child care providers from which the caretaker relative is able to choose a child care arrangement. The social services district must notify applicants or recipients so excused from participation in the JOBS program when at least two regulated child day care providers or approved child care providers have been located. The social services district also must

periodically reassess the need for child care of an applicant or a recipient excused from participation in the JOBS program.

If the social services district is unable to provide referrals to two regulated providers or approved child care providers because of an insufficient number of regulated providers or approved providers consistent with the need and population of the social services district, it will submit a report, together with its local plan which describes its efforts to increase the supply and availability of regulated child day care in the social services district.

2. Employment-Related Child Care

If requested, the social services district must assist employed-PA recipients to locate available and accessible regulated child day care providers or approved child care providers. In doing so, social services districts must take into account the needs of the child and other factors as identified above in Section V.B.1. of this ADM.

3. Transitional Child Care

If requested, a social services district should assist a family in locating child care. If more than one provider is available, the caretaker relative must have the opportunity to choose the child care provider. When locating a provider, social services districts should consider the needs of the child as described in Section IV.B.1 of this ADM.

C. Determining Legal Care

It is the social services district's responsibility to ascertain that a recipient is using a provider which is providing one of the legal forms of child care. Below are definitions of the legal forms of child care:

- o Day Care Center - Day care center shall mean a program provided for more than three but less than twenty-four hours a day away from the child's home by an individual, association, corporation, institution or agency for seven or more children, except those programs operating as "group family day care".
- o Family Day Care - Day care in a family home means day care of not more than six children provided in an individual's home, except that as many as eight children may be cared for at any one time if at least two of the children are of school age and are receiving care primarily during non-school hours and the authorized agency which certified the provider, or the department, if it issued a permit to the provider, has determined that the provider can adequately care for the additional children.
- o Approved Family Day Care - An approved family day care provider who provides care for one or two children outside the child's own home in a home that is the residence of a provider who has been approved by the social services district as meeting the standards for family day care as contained in Social Services regulations 18 NYCRR Part 417.

- o Group Family Day Care - A group family day care home shall mean a home wherein day care services are provided to up to ten children of all ages, including not more than four children under two years of age or up to twelve children where all of such children are over two years of age. A group family day care home may provide day care services to two additional children if such additional children are of school age and such children only receive services before or after school hours.
- o School-Age Child Care - School-age child care shall mean programs offering care to more than six children up to age fourteen for a portion of the day, before or after the period children enrolled in such program are ordinarily in school. Such programs shall be in operation consistent with the local school calendar. School-age child care programs shall offer care five days a week during the school year to an enrolled group of children at a permanent site and may also provide such care on school holidays and those periods of the year in which school is not in session.
- o Day Care in a Public School - A public school providing care to pre-school aged children, in accordance with a contract entered into between a public school district and a social services district.

For definitions of informal child care providers, refer to Section III. C. of this ADM.

D. Redetermining Eligibility

1. Employment- and JOBS-Related Child Care  
The social services district must determine that Employment- and JOBS-Related Child Care is needed as often as case factors require, but no less than every 12 months.
2. Transitional Child Care  
For recipients of Transitional Child Care benefits, programmatic and financial eligibility must be redetermined as often as case factors indicate, but no less than every six months. The social services district must obtain information and documentation from each Transitional Child Care recipient in order to redetermine eligibility. Attachment H is a model eligibility redetermination questionnaire which the social services district may send to recipients in order to assist the social services district in gathering information to determine continued eligibility. This questionnaire is to be completed by the recipient and returned to the social services district so that a determination may be made. The social services district may use this form or develop their own form provided the form has received prior Department approval. For those recipients continuing to meet eligibility requirements for Transitional Child Care, the social services district must recalculate the fee based upon current recipient income. The social services district must notify the

recipient of any changes in the fee or the Transitional Child Care benefits. Notification of changes and other required notifications are detailed in Section IV.A of this ADM.

E. Termination of Eligibility

1. JOBS-Related Child Care

Child care benefits must be terminated if:

- o a JOBS participant fails to provide accurate, complete and current information or documentation necessary to determine eligibility for such child care;
- o a JOBS participant is not satisfactorily participating in assigned JOBS activities (90 ADM-27, Job Opportunity and Basic Skills (JOBS) Program identifies satisfactory participation in JOBS under V.B.27);
- o the child care is no longer necessary for the recipient to participate in the JOBS program;
- o the child care provider is not providing a legal form of child care;
- o a JOBS participant's eligibility for public assistance is being terminated for other reasons; or,
- o the child becomes ineligible for such benefits due to age.

2. Employment-Related Child Care

Child care benefits in the form of supplemental payments must be terminated if:

- o the employed recipient fails to provide accurate, complete and current information or documentation necessary to determine eligibility for such child care;
- o the employed recipient of public assistance no longer needs such child care;
- o the child care provider is not providing a legal form of child care;
- o the recipient loses employment; or,
- o the recipient's eligibility for public assistance is terminated for other reasons.
- o the child becomes ineligible for such benefits due to age.

The termination of Employment-Related Child Care in the form of supplemental payments is separate from any action affecting the continued use of the child care disregard in determining a recipient's financial eligibility for public assistance.

3. Transitional Child Care

Child care benefits must be terminated if the caretaker relative:

- o fails to provide accurate, complete and current information or documentation necessary to determine eligibility for such child care;
- o fails to cooperate in establishing and enforcing child support in accordance with requirements of the child

- support enforcement program as administered by the social services district;
- o fails to pay the recipient fee for such child care as determined by the social services district;
- o loses a job without good cause;
- o is using a child care provider that is not providing a legal form of child care;
- o is no longer in need of such child care;
- o is no longer financially eligible for such child care;
- o is no longer eligible for such child care because the 12 month period of eligibility has passed; or,
- o does not have any children in the family who are eligible for child care benefits.

F. Due Process

The social services district's actions to discontinue, suspend, reduce or reinstate benefits, and actions that result in a change of child care arrangements or that affect the appropriateness of the Employment- or JOBS-Related Child Care or Transitional Child Care being provided entitle the caretaker relative to timely and adequate notice. The social services district's actions regarding the acceptance or denial of Employment- or JOBS-Related Child Care or Transitional Child Care require adequate notice. The notice of such social services district actions must specify the right to a fair hearing and the right to review the social services district action.

If the social services district plans to make changes to the manner of payment for Employment- or JOBS-related Child Care or Transitional Child Care and these changes result in the discontinuance, suspension, reduction or termination of benefits or if these changes force the caretaker relative to make a change in child care arrangements, the caretaker relative is entitled to timely and adequate notice. If a change in the manner of payment for either child care program does not result in any of the above consequences, the social services district must provide the caretaker relative with adequate notice of such action. The notice of such change in the method of payment to the caretaker relative must specify the right to a fair hearing and the right to review the social services district action.

Failure of the family to pay the Transitional Child Care fee or to make satisfactory arrangements for the payment of delinquent fees must lead to termination of Transitional Child Care benefits. No further application or reapplication from the family for Transitional Child Care will be considered until the delinquent fee is paid or until satisfactory arrangements are made for the family to pay the full amount.

The social services district must immediately give written notice of the delinquent fee in person or by mail to the family. This notice must include a warning of impending termination of the service if the delinquent fee is not paid. If the fee is not paid within the specified period, (which must be no less than seven days

and no more than 30 days), the social services district must give written notice of termination of service in person or by mail to the family. The notice of termination of service must state that the service will be terminated 10 days subsequent to the date of the notice unless payment of the delinquent fee is received prior to the date of termination or unless and until arrangements satisfactory to the social services district or the provider are made for the service recipient to make payment of delinquent fees.

A request for a fair hearing to review the social services district's action regarding the discontinuance, suspension, adequacy or appropriateness of Employment- or JOBS-Related Child Care, including an action to change the manner of payment for such child care, even if timely made, does not entitle a caretaker relative to the continuation of child care benefits in the same amount or form pending the results of a fair hearing. However, the caretaker relative's public assistance payment, including the use of the child care disregard in computing such payment, may not be reduced because of changes in the provision of such child care benefits while a fair hearing is pending.

A request for a fair hearing made within the timely notice period to review the social services district's action regarding the discontinuance, suspension, adequacy or appropriateness of Transitional Child Care including an action to change the manner of payment for such child care that has such consequences would entitle a caretaker relative to have Transitional Child Care continued unchanged in the same method of payment or the same form of child care until a fair hearing decision is issued.

Attachment I is a form which the social services district may use to notify Transitional Child Care recipients of intent to change their benefits. Attachment J is the notification of discontinuation of Transitional Child Care benefits. The social services district may use the forms provided or may choose to modify the forms. Department approval is required prior to using a modified form.

G. Reimbursement to Social Services District

To receive reimbursement, the social services district must initially determine whether the child care provider is a legal provider as described in Section III.C. of this ADM. If the provider is a caregiver of informal child care, the Department has two forms that may be used to assist the social services district to make determination. Attachment F, or a similar form which has been approved by the Department, must be completed by the informal caregiver for care given outside the child's home. Attachment G, or a similar form which has been approved by the Department, must be completed by the informal caregiver for care given inside the child's home. These forms must be returned by the caretaker relative to the social services district so that the social services district may make a determination.

Reimbursement to the social services district is available based upon the allowable actual cost of child care up to the local child care market rate minus any fee required to be paid by the recipient of services.

The amount of the recipient fee for Transitional Child Care is deducted from the total amount of payment in order to determine the amount of the payment to be made to the provider or the caretaker relative by the social services district. It is the provider's responsibility to collect the fee unless the social services district chooses to do otherwise. However, it is the responsibility of the social services district to ensure that the assessed child care fee is paid.

Reimbursement is not available for payments for child care made by social services districts under the following circumstances:

- o for child care benefits provided to individuals not entitled to such benefits;
- o for the amount of payments in excess of the actual cost of child care or the applicable local market rate;
- o for any amount of payment made based on a rate established by a child care provider for publicly funded child care that is higher than the rate established by the same provider for non-publicly funded child care;
- o for child care provided by a child's parents, step-parents, legal guardian or member of the public assistance unit except non-legally responsible essential persons as referred to in Social Services regulations 18 NYCRR 369.3(c)(2). In the case of the exception, federal financial participation may not be claimed;
- o for child care provided by a provider who does not fit into one of the forms of legal child care mentioned in Section III.C. 1 - 4 and in IV.C of this ADM;
- o if a social services district has verified information which establishes that the provider of child care has provided false or fraudulent information regarding qualifications as a caregiver; or,
- o for overpayments of child care benefits.

Registration Fees, application fees or service fees charged by child care providers are reimbursable costs. This fee is a supportive service charge for public assistance recipients that are employed and for public assistance applicants or recipients that participate in the JOBS program and is separate from child care costs.

H. Child Care Local Market Rates

In accordance with the federal Family Support Act of 1988, the Department established local child care market rates to be used as the maximum reimbursement rates for the payment of for Employment and JOBS-Related Child Care and for Transitional Child Care. Additionally, the Department is applying the local child care market rates to all other programs of publicly funded child care.

There is no reimbursement for Employment- or JOBS-Related Child Care or Transitional Child Care benefits above the applicable local child care market rate. Weekly rates are the maximum reimbursable rates for full time care which is defined as care provided for four or more days per week and for a minimum of 30 hours per week. Part time rates are the maximum reimbursable rates for care that is provided for less than four days per week regardless of the total number of hours or more than four days per week and hours totalling less than 30 hours per week. Hourly rates are the maximum reimbursable rates for school-aged children (five to 13) while school is in session.

Attachment L includes two social services district specific charts: weekly and monthly child care market rates. These local child care market rates are to be used in determining the maximum amount which can be authorized as a training-related expense for JOBS-Related Child Care or as a child care supplemental payment for Employment-Related Child Care. Each chart displays the local market rate by age of child and type of care. The type of care is further annotated with the appropriate WMS Payment Type and ABEL Child Care Type (Monthly chart only).

Rates are differentiated by the type of program providing care, i.e., a day care center (DCC), family day care (FDC), group family day care (GFDC), school-age child care (SACC), and informal child care. They are also differentiated by the age of the child receiving care. Individual rates are provided for each type of care based on the following age grouping: under 1 1/2 years of age, 1 1/2 years of age up to age 3, 3 years of age up to age 5, 5 years of age up to age 10, 10 years of age up to age 13.

Payment will be made for child care consistent with the hours of employment, training or education with time allowed for travel to and from the child care site.

Payment for informal child care will be for the actual cost of care up to a rate equivalent to 75% of the family day care rate which ever is less.

Part-time care provided by any eligible child care provider may be for the actual cost of care up to a rate that is equivalent to two-thirds of the weekly rate, whichever is less, for the type of care and age of the child.

For children with special needs as verified by the social services district, based on the determination of a physician or a licensed or certified psychologist or as approved by the department, payment will be reimbursed based upon the actual cost of the child care up to the statewide maximum rate of \$204 per week minus any fee required to be paid by the recipient. Part-time rates for the care of such children may be for the actual cost of care up to the rate that is equivalent to two-thirds of the weekly rate, whichever is less, for the type of care and the age of the child.

Effective April 1, 1990 for Transitional Child Care and effective October 1, 1990 for Employment- and JOBS-Related Child Care and for all programs of publicly funded child care, reimbursement for payments to a day care center, a family day care home, a group family day care home, a school age child care program, in-home child care and informal child care cannot exceed the child care market rates identified. The social services district should pay the actual cost of child care up to the local child care market rate of the district in which the child care is being provided less the required fee for Transitional Child Care.

If, in order to maintain employment or JOBS participation, a recipient or former recipient of ADC, HR or VA or a JOBS participant needs child care for a period or periods that exceeds a full-time shift of child care (full-time shift is defined by the provider), but is less than 24 hours of child care, reimbursement for the cost of the excess hours of child care is available for the actual cost of such additional child care up to the local child care market rate for weekly or part-time care, whichever is applicable.

#### I. Reimbursement Levels

The reimbursement levels for Employment and JOBS-Related Child Care are as follows:

##### Employment- and JOBS-Related Child Care

	Child Care		Administrative	
	ADC(IV-A)	HR(HR)	ADC(IV-F)	HR(HR)
Federal	50%	0%	50%	0%
State	25%	50%	25%	50%
Local	25%	50%	25%	50%

##### Transitional Child Care

Federal	50%	0%	50%	0%
State	37.5%	87.5%	25%	50%
Local	12.5%	12.5%	25%	50%

State reimbursement for administrative costs for such child care is capped; however, services administrative costs are exempt from the State administrative cap. Once the social services district JOBS plans have been approved by the State, employment and training-related expenses are also exempt from the State administrative cap.

Child care administrative costs will be reimbursed provided the activities are solely for child care for Employment-and JOBS-Related Child Care and Transitional Child Care. Such activities could include arranging purchase of service contracts or developing fee collection systems. Reimbursement is not available for provider recruitment and training, licensing activities or training.

Local shares must be in cash and not in-kind; parent fees may not be applied toward the local share. The funding stream for such child care programs is IV-A of the federal Social Security Act as amended by the Family Support Act as amended by the Family Support Act of 1988 as implemented by the State Job Opportunity and Basic Skills Training Act of 1990. For those recipients of services who are not eligible for federal financial participation, the funding stream for such child care programs is the State Job Opportunity and Basic Skills Training Act of 1990.

J. Overpayment of Employment- and JOBS-Related Care and Transitional Child Care

It is the responsibility of the social services district to take all reasonable steps to promptly correct any overpayments of Employment- and JOBS-Related Child Care to a caretaker relative or a child care provider. Any overpayments must be recovered through repayment by the caretaker relative or the child care provider. Recovery can be made through a reduction in the amount of the payment to the caretaker relative or child care provider provided further that no attempt to recover overpayments from a child care provider is required where a contract for such child care obligates the social services district to make full payment. In the latter case, federal financial participation cannot be claimed for such overpayment.

In recovering an overpayment for child care from ADC, HR or VA recipients, the social services district must ensure that the recipients retain a reasonable amount of funds for any month. The recoupment of overpayment can be made only from child care benefits, unless the recipient of public assistance voluntarily requests that such recovery be made from public assistance cash benefit payments.

If the recipient of ADC, HR or VA voluntarily requests that such recovery be made from cash grant payments, normal procedures can be used to allow ABEL to automatically calculate and subtract the correct amount to be recouped from the cash grant. Otherwise, the social services district must ensure the recoupment of overpayments is made only from child care benefits. Procedures are currently being developed so that ABEL can automatically recoup such overpayments from child care benefits. The social services districts will be notified when ABEL has been modified to automatically recoup such overpayments of child care benefits.

Overpayments of child care benefits can be recovered from:

- o the family unit that was overpaid;
- o individuals who were members of the family when overpaid;
- o families which include members of the previously overpaid families; or,
- o former ADC, HR or VA recipients who refuse to repay according to State law.

Underpayments and overpayments may be offset against each other to correct erroneous payments for child care. In cases of fraud involving current ADC, HR or VA recipients and in all cases where

the overpayment amount would equal or exceed the cost of recovery, the social services district must attempt to recover the overpayment. The social services district also must collect and maintain information on the collection of overpayments and make appropriate adjustments for federal financial participation purposes. Overpayment of Employment- and JOBS-Related Child Care benefits which are not recovered are not allowable costs and are not reimbursable by the Department.

With regard to Transitional Child Care, it is the policy of the Department that the social services district apply the same standards for the correction and recovery of overpayment of Employment- and JOBS-Related Child Care to the correction and recovery of overpayment of Transitional Child Care. A regulatory revision regarding the responsibility of the social services district to correct and recover overpayments of Transitional Child Care is forthcoming. Allowable costs for Transitional Child Care benefits are reimbursable by the Department.

K. Impact of Transitional Child Care on the Low Income Day Care Program

The State funded Low Income Day Care Program will continue to be available to families as resources are available, provided they are income eligible and do not meet eligibility requirements for Transitional Child Care.

L. Impact of Transitional Child Care on the Food Stamp Program

Transitional Child Care payments or reimbursements are not counted as income for purposes of determining eligibility or benefit level for food stamps, provided that the payments do not exceed the actual unreimbursed cost of the dependent care. The Transitional Child Care payments are excluded as income whether purchased, paid as an advance or paid as a reimbursement by the social services district.

Dependent care costs which are met by a Transitional Child Care payment or reimbursement cannot be also allowed as a food stamp dependent care deduction. The actual dependent care cost including Transitional Child Care fees which exceed the amount the household receives as a Transitional Child Care payment, can be applied as a dependent care deduction. For example, if a household receives a Transitional Child Care payment or reimbursement, the amount of the payment or reimbursement is excluded as income. Actual costs which exceed the payment or reimbursement amount can be allowed as a deduction up to \$160 per month per dependent.

M. Claiming

Employment- and JOBS-Related Child Care and Transitional Child Care will be claimed on the Schedule G (DSS-1372) and reported on the Schedule G-2 (DSS-2109), G-2A (DSS-2109A) and G-2B (DSS-2109B). Claiming instructions for Employment- and JOBS-Related Child Care and Transitional Child Care will be provided under separate cover.

V. Systems Implication

1. Employment- and JOBS-Related Child Care

Child care payments may be made to recipients of ADC, HR or VA who are eligible for Employment- or JOBS-Related Child Care benefits. Payments must be authorized for actual cost of child care up to the local child care market rate based upon the type of care and the child's age.

In most instances, the social services district will need only the rates for their own district. If, however, a child is in day care located in another district, the market rate used is that of the district in which the day care is located. Additionally, when child day care is being paid for a child with special needs, the standard maximum rate is \$204 per week, or \$884 per month, regardless of the child's age or type of care.

One of the factors used to determine the child care market rate is the age of the child. The social services district will apply the new child care market rate upon the first day of the month following the birthday of the child. For example, if a child turns eighteen months old in June, the "To 3 years" rate would be applied as the maximum reimbursement rate for the type of care the child was receiving on the first day of July.

To determine the appropriate amount to be authorized for JOBS-Related Child Care, compare the total actual cost of care per child and type, against the applicable local child care market rate established for the care type and age of child. The applicable local child care market rate chart is to be determined as follows:

- o If the duration of child care is three weeks or less, use the weekly rate chart. Identify the comparable rate based on full or part-time care, type of care, and age of child. Total the market rate amounts for the number of weeks in care.
- o If the duration of child care is more than three weeks, use the monthly rate chart. Determine if child care is full or part-time by converting the actual number of days and hours of child care to a monthly amount using the factor of 4.3333 (actual days x 4.3333 and hours x 4.3333). If the conversion results in less than 17 days or less than 130 hours, use the part-time rates. If equal to or more than 17 days and 130 hours, use the full-time rates.

When authorizing child care, separate payment lines must be written for each type of care when there is more than one child receiving the specific type of care.

ABEL will support the calculation of the supplemental payments for Employment-Related Child Care as of October 29, 1990. To calculate the supplemental child care payment during the month of October, the social services district must use the applicable monthly local child care market rate chart. After finding the applicable market rate for the child by type, age and part-

time/full-time, the social services district must determine the lesser of the actual cost of child care and the applicable market rate. After subtracting the amount of the child care disregard (\$175 or \$200), from the lesser of the actual cost of child care and the applicable market rate, the remainder is authorized using the appropriate pay-type and Special Claiming Code "B-Day Care Supplemental." If the supplemental payment is being paid for more than one child, separate payment lines should be written only if the types of child care are different. If the public assistance case is suspended for one month (due to receipt of an additional paycheck) and has a child care expense, the supplemental child care payment is calculated and authorized in the same manner set forth above.

Additional WMS Income maintenance systems implications for JOBS-Related Child Care including specific instructions for NYC, are described in 90 ADM-27, Job Opportunities and Basic Skills (JOBS) Program. Specific instruction for ABEL calculations for supplemental child care will be forwarded in ABEL Transmittal 90-6.

2. Transitional Child Care

Upstate

Transitional Child Care will be supported in the authorization and reporting of services in the WMS Services System. Two new suffix codes will be available to support Transitional Child Care. The suffix code H is to be used for former Home Relief recipients. The suffix code J is to be used for former ADC recipients.

Additional purchase of service types will be available to support the authorization of payments for school age and informal child care. The new codes are as follows:

- 3A - School Age Child Care Program
- 3B - Informal Child Care (Full-Time)
- 3C - Informal Child Care (Part-Time)
- 3D - Informal Child Care-Relative (Full-Time)
- 3E - Informal Child Care-Relative (Part-Time)
- 3F - Day Care-In Home-Relative (Full-Time)
- 3G - Day Care-In Home-Relative (Part-Time)

Detailed process instructions will be issued in a Services Information System (SIS) letter.

New York City

Transitional Child Care in New York City will be supported through the Work Related Benefits Unit of the Office of Employment Services, a division of HRA. Transitional Child Care will be authorized for eligible families as defined in this ADM for the actual cost of care up to the local child care market rate less the recipient fee, using day care payment types P 1-8 for part-time care and F 1-7 for full-time care. Closing codes and other systems instructions have been distributed to the New York City through training from WMS Downstate office.

Date September 26, 1990

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VI. Additional Information

Attachments to this ADM include Attachments A through J which are model notices which the social services district may use as its own or modify and submit for Department approval prior to use. Also attached is the Statewide Fee Structure, and local child care market rate package.

VII. Effective Date

The effective date of this ADM for Employment- and JOBS-Related Child Care is \_\_\_\_\_ retroactive to October 1, 1990. The effective date of this ADM for Transitional Child Care is \_\_\_\_\_ retroactive to April 1, 1990.

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Joseph Semidei  
Deputy Commissioner  
Family and Children Services

ATTACHMENT 1

LISTING OF ATTACHMENTS

Attachment A: Notice of Potential Eligibility for Transitional Benefits  
Attachment B: Applicant Questionnaire Initial Eligibility  
Attachment C: Notice of Potential Eligibility for Transitional Child Care Benefits  
Attachment D: Action Taken On Your Application For Transitional Child Care  
Attachment E: Eligibility Checklist for Transitional Child Care  
Attachment F: Approval of Informal Child Care Provider in Caregiver's Home  
Attachment G: Approval of Informal Child Care Provider in Child's Home  
Attachment H: Questionnaire for Redetermination of Eligibility  
Attachment I: Notice of Intent to Change Transitional Child Care Benefits  
Attachment J: Notice of Intent to Discontinue Transitional Child Care  
Attachment K: Statewide Fee Structure

(all above are available on line)

Attachment L: Weekly Child Care Market Rates (not available on line)  
Attachment M: Monthly Child Care Market Rates (not available on line)

AUGUST 1990

ATTACHMENT A

Notice of Potential Eligibility for Transitional Benefits

Dear \_\_\_\_\_:

This letter contains important information about transitional child care and medical assistance benefits you may be entitled to receive.

Transitional Child Care

A new Transitional Child Care Program is available to help families in paying for child care (baby-sitting/day care) for children under 13 years of age (and older children physically or mentally incapable of caring for themselves or under court supervision). This program helps former recipients of Public Assistance (PA) pay for child care if care is needed to allow a family member to accept or retain employment.

If you are determined eligible, you are entitled to receive child care benefits for a period of up to 12 months.

Who Is Eligible For Transitional Child Care?

Transitional Child Care is available for up to 12 months to families who become ineligible for PA on or after April 1, 1990, due to increased hours of employment, increased earnings from employment, or loss of the income disregard.

In order to be eligible for Transitional Child Care benefits, your family must have received PA in at least 3 of the 6 months before you became ineligible for PA. In addition, your family's income must not exceed certain income eligibility limits which your local social services district will calculate for your eligibility.

Potential eligibility begins the first month you are ineligible for PA and continues for 12 months. If you are eligible for child care benefits prior to the date of your application, you will receive payment for these prior months.

How to Apply for Transitional Child Care

In order to receive benefits, you must complete an application. You must provide the following information at the time of application:

- o Current pay stub or other verification of the amount of income received by your family.
- o Dates of birth of your child or children.
- o If you have a child aged 13 or older who is unable to care for him/herself you will need to provide verification from a physician or psychologist.

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- o If you have a child aged 13 or older who is under court supervision, you will need verification from a court.
- o Information regarding the person or child care program that will be providing care for your child.

We have enclosed for your convenience an Application for Public Assistance, Medical Assistance, Food Stamps, and other Social Services. You may complete the application and mail it in or you may apply in person at the department of social services. If you apply by mail be sure to enclose copies of documents (i.e., birth certificates, pay stubs, etc.) verifying the above information. Applicants may wish to contact the local department of social services department to verify that items such as birth certificates are on file and need not submit duplicate copies. Applicants must provide documentation not already on file.

Also enclosed are instructions entitled, How To Complete the Social Services Application Form. Please note that in order to apply for transitional child care you only need to complete Sections 1, 4, 5, 6, 8 & 9 and sign the last page of the application. (The local department of social services will automatically determine your eligibility for extended Medicaid.)

If you need assistance in completing the application, you may call the local department of social services for assistance or go in person to apply.

What Are Your Responsibilities Under Transitional Child Care?

In order to continue to receive child care benefits you must:

- o Notify your caseworker of any change in family income, household composition or circumstances (i.e., birth of a child, etc.), child care arrangements or termination of employment.
- o Complete and return to your caseworker a questionnaire that will be used to determine your continued eligibility.
- o Pay the fee required by your local department of social services.
- o Cooperate in establishing paternity and enforcement of child support obligations.

When Will Benefits End?

Your Transitional Child Care benefits will be terminated when one or more of the following occurs:

- o The twelve month eligibility period ends.
- o You quit your job without good cause.

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- o You fail to pay your child care fee and fail to make satisfactory arrangements with the social services district to make full payment of the delinquent fee.
- o You change child care providers from a legal provider to an illegal provider.
- o Child care is no longer needed to allow a family member to accept or retain employment.
- o Your income exceeds the maximum allowed for your family size.

You are entitled to a fair hearing if you feel you were incorrectly denied Transitional Child Care benefits.

You may request a fair hearing by calling \_\_\_\_\_.

#### Medical Assistance

If you become ineligible for PA because your earned income increased or because your hours of employment increased or because of loss of earned income disregard, you may be eligible for extended Medicaid coverage.

Continued Medicaid coverage will be available for up to 6 months if you meet ALL of the following requirements:

- 1) Your family received cash assistance during 3 of the past 6 months.
- 2) A child of yours under the age of 21 must be living with you.
- 3) You or your spouse are working or recently employed.

You may be eligible to receive Medicaid for up to 6 more months after the first 6 months of extended Medicaid has ended if your earned income remains below certain levels. You must complete the information on the reports we send to you every 3 months starting in the third month of your extended Medicaid period. This includes mailing us pay stubs with the reports by the 7th day of the month after you receive the report. The information you provide us in the report will be used to determine your eligibility for the additional 6 months of Medicaid benefits.

THE DEPARTMENT OF SOCIAL SERVICES WILL AUTOMATICALLY DETERMINE YOUR ELIGIBILITY FOR EXTENDED MEDICAID. YOU DO NOT NEED TO APPLY FOR THIS BENEFIT.

August 1990

ATTACHMENT B

Applicant Questionnaire  
Initial Eligibility for Transitional Child Care

Your name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone where you can be reached during the day: \_\_\_\_\_

List below the name and age of your child (children) who need (or are receiving) child care and the number of hours they are in care per week.

<u>Name</u>	<u>Age</u>	<u>Hours</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

	<u>Yes</u>	<u>No</u>
1. Do you have care arranged for your child?	_____	_____

a. If no, do you need assistance in arranging care?	_____	_____
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b. If yes, is care provided:		
a) in your home	_____	_____
or		
b) outside your home?	_____	_____

c. Who provides care for your child?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

d. How much does your child care provider charge for care of your child?	
\$_____ per hour/day/week (circle one)	

2. Are both parents (natural or adoptive) of the children listed above living in the home?

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, list the name and address of the parents who are absent:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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3. Is either parent deceased? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, enter name(s) \_\_\_\_\_

4. Is either of the natural (or adoptive) parents sick? The illness (disability) can be physical or mental. Answer yes to this question even if the illness is not serious but illness is expected to last at least 30 days.

Yes \_\_\_\_\_ No \_\_\_\_\_

What is the illness or disability?

\_\_\_\_\_

5. Is child care necessary in order for a family member to accept a job or continue employment?

Yes \_\_\_\_\_ No \_\_\_\_\_

CONSENT

I understand that by signing this form, I agree to any investigation made by the Department of Social Services to verify or confirm the information I have given or any other investigation made by them in connection with my request for Transitional Child Care benefits.

I agree to inform the Department of Social Services promptly of any change in my needs, income, property, living arrangement, address or child care provider to the best of my knowledge or belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

August 1990

Attachment C

Notice of Potential Eligibility for Transitional Child Care Benefits

Dear \_\_\_\_\_:

This letter contains important information about transitional child care benefits you may be entitled to receive.

Transitional Child Care

A new Transitional Child Care Program is available to help families in purchasing child care (baby-sitting/day care) for children under 13 years of age (and older children physically or mentally incapable of caring for themselves or under court supervision). This program helps former recipients of Public Assistance (PA) to pay for child care if care is needed for a family member to accept or retain employment.

If you are determined eligible, you are entitled to receive child care benefits for a period of up to 12 months.

Who Is Eligible For Transitional Child Care?

Transitional Child Care is available for up to 12 months to families who become ineligible for PA on or after April 1, 1990, due to increased hours of employment, increased earnings from employment, or loss of the PA income disregard.

In order to be eligible for Transitional Child Care benefits, your family must have received PA in at least 3 of the 6 months before you became ineligible for PA. In addition, your family's income must not exceed certain income eligibility limits which your local social services district will calculate for you.

Potential eligibility begins the first month you are ineligible for PA and continues for 12 months. If you are eligible for child care benefits prior to the date of your application you may receive payment for these prior months.

How to Apply for Transitional Child Care

In order to receive Transitional Child Care benefits, you must complete an application at your local department of social services.

You must provide the following information at the time of application:

- o Current pay stub or other verification of the amount of income received by your family.
- o Dates of birth of your child or children.
- o If you have a child aged 13 or older who is unable to care for him/herself you will need to provide verification from a physician or psychologist.

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- o If you have a child aged 13 or older who is under court supervision you will need to provide verification from court.
- o Information regarding the person or child care program that will be providing care for your child.

What Are Your Responsibilities Under Transitional Child Care?

In order to continue to receive child care benefits you must:

- o Notify your caseworker of any change in family income, household composition or circumstances (i.e., birth of a child, etc.), child care arrangements or termination of employment.
- o Complete and return to your caseworker a questionnaire that will be used to determine your continued eligibility.
- o Pay the fee required by your local department of social services.
- o Cooperate in establishing paternity and enforcement of child support obligations.

When Will Benefits End?

Your Transitional Child Care benefits will be terminated when one or more of the following occurs:

- o The twelve month eligibility period ends
- o You quit your job without good cause
- o You fail to pay your child care fee and fail to make satisfactory arrangements to the social services district to make full payment of the delinquent fee
- o You change child care providers from a legal provider to an illegal provider
- o Child care is no longer needed to allow a family member to accept or retain employment
- o Your income exceeds the maximum allowed for your family size

You are entitled to a fair hearing if you feel you were incorrectly denied Transitional Child Care benefits. You may request a fair hearing by calling \_\_\_\_\_.

If you think you may be eligible and would like to apply for transitional child care benefits, call the department of social services at \_\_\_\_\_ for more information.

August 1990

ATTACHMENT D

ACTION TAKEN ON YOUR APPLICATION FOR  
TRANSITIONAL CHILD CARE BENEFITS

Notice Date		Name and Address of District Office		
Case Number	CIN/RID Number			
Case Name and Address		General Telephone No. for Questions of Help		
Office No.	Unit No.	Worker No.	Unit of Worker Name	Telephone No.

The action(s) taken on your application dated \_\_\_\_\_ are explained below next to the boxes that have been checked x.

++

++Accepted for the period \_\_\_\_\_ to \_\_\_\_\_.

Your benefits will be \$\_\_\_\_\_, which will cover the period \_\_\_\_\_ to \_\_\_\_\_. This amount will be available on \_\_\_\_\_. After this your benefits will be \$\_\_\_\_\_ per \_\_\_\_\_.

++

++Denied

You are ineligible to receive benefits for the following reasons:

- ( ) Your income of \$\_\_\_\_\_ is over the allowed amount of \$\_\_\_\_\_.
- ( ) You have not provided us with sufficient information to document your eligibility.
- ( ) You did not receive AFDC in at least 3 of the 6 months before you became ineligible for AFDC.
- ( ) You did not become ineligible for AFDC because of increased hours of employment, increased income from employment or the loss of income disregards.
- ( ) Other

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(over)

Date September 26, 1990

Trans. No. 90 ADM-31

Page No. 35

The Law(s) and/or Regulation(s) which allow us to deny your application is:

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If you are accepted into the Transitional Child Care Program, in order to continue to receive benefits you must:

- o Notify your caseworker of any change in family income, household composition or circumstances (i.e., birth of a child, etc.), child care arrangements or termination of employment.
- o Complete and return to your caseworker a questionnaire that will be used to determine your continued eligibility.
- o Pay the fee required by your local department of social services.
- o Cooperate in establishing paternity and enforcement of child support obligations.

REGULATIONS REQUIRE THAT YOU IMMEDIATELY NOTIFY THIS DEPARTMENT OF ANY CHANGES IN NEEDS, INCOME, RESOURCES, LIVING ARRANGEMENTS OR ADDRESS

YOU HAVE THE RIGHT TO APPEAL THIS DECISION  
BE SURE TO READ THE NEXT PAGE OF THIS NOTICE ON HOW TO APPEAL THIS DECISION

++

++ I want a fair hearing. The Agency's action is wrong because:

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---

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\_\_\_\_\_  
Signature of Client

\_\_\_\_\_  
Date

RIGHT TO A CONFERENCE: You may have a conference to review these actions. If you want a conference you should ask for one as soon as possible. At the conference, if we discover that we made a wrong decision, or if, because of information you provide, we determine to change our decision we will take corrective action and give a new notice. You may ask for a conference by calling us at the number on the first page of this notice or by sending a written request to us at the address listed at the top of the first page of this notice. This number is used only for asking for a conference. It is not the way you request a fair hearing. If you ask for a conference you are still entitled to a fair hearing. Read below for fair hearing information.

RIGHT TO A FAIR HEARING: If you believe that the above action(s) are wrong, you may request a State fair hearing by:

1. Telephoning: Please have this notice with you when you call \_\_\_\_\_.

OR

2. Writing: By sending a copy of this notice completed, to the Office of Administrative Hearings, New York State Department of Social Services, P.O. Box 1930, Albany, New York 12201. Please keep a copy for yourself.

You have 60 days from the date of this notice to request a fair hearing.

If you request a fair hearing, the State will send you a notice informing you of the time and place of the hearing. You have the right to be represented by legal counsel, a relative, a friend or other person, or to represent yourself. At the hearing you, your attorney or other representative will have the opportunity to present written and oral evidence to demonstrate why the action should not be taken, as well as an opportunity to question any persons who appear at the hearing. Also, you have a right to bring witnesses to speak in your favor. You should bring to the hearing any documents such as this notice, paystubs, receipts, medical verification, letters, etc. that may be helpful in presenting your case.

**LEGAL ASSISTANCE:** If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking your Yellow Pages under "Lawyers" or by calling the number indicated on the first page of this notice.

**ACCESS TO RECORDS/INFORMATION:** You have the right to review your case record. Upon your request, you have the right to free copies of documents which we will present into evidence at the fair hearing. Also, upon request, you have the right to free copies of other documents from your case record which you need for your fair hearing. To request such documents or to find out how you may review your case record, call the number indicated on the first page of this notice, or send a written request to us at the address listed at the top of the first page of this notice.

If you want additional information about your case, how to request a fair hearing, how to gain access to your case file and/or additional copies of documents, you may call the number indicated on the first page of this notice or write us at the address listed at the top of the first page of this notice.

August 1990

ATTACHMENT E

ELIGIBILITY CHECKLIST FOR  
TRANSITIONAL CHILD CARE

Case Name: \_\_\_\_\_ +----+ Initial Determination of  
+----+ Eligibility

Case Number: \_\_\_\_\_ +----+ Redetermination of  
+----+ Eligibility

The applicant must meet all programmatic and financial requirements described below in order to be eligible for Transitional Child Care.

FAMILY FACTORS

The family must meet all the following conditions:

1. The family must have become ineligible for PA on or after April 1, 1990 as a result of an increase in earned income, the loss of the \$30 + 1/3 disregard due to the expiration of time limits or an increase in the number of hours worked by the principal wage earner (to 100 hours or more per month);

YES \_\_\_\_\_ NO \_\_\_\_\_

AND

2. The family must have received PA in at least 3 of the 6 months immediately preceding the first month of ineligibility;

YES \_\_\_\_\_ NO \_\_\_\_\_

AND

3. Child care is necessary to permit a member of the PA family to accept or retain employment.

YES \_\_\_\_\_ NO \_\_\_\_\_

Documentation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

CHILD FACTORS

A child (for whose child care benefits are being requested) must meet one of the following requirements:

- 1. Child's age is over 6 weeks and under 13 years;

YES \_\_\_\_\_ NO \_\_\_\_\_

OR

- 2. Is physically or mentally incapacitated and incapable of caring for himself or herself based on the determination of a physician or a licensed or certified psychologist;

YES \_\_\_\_\_ NO \_\_\_\_\_

OR

- 3. Is under court supervision.

YES \_\_\_\_\_ NO \_\_\_\_\_

Documentation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

- 3 -

Documentation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FINANCIAL ELIGIBILITY

1. The family income (determined according to Section 404.5 of Department regulations) does not exceed 200% of the poverty level for a family unit of that size.

YES \_\_\_\_\_ NO \_\_\_\_\_

Income \$ \_\_\_\_\_ Family Size \_\_\_\_\_

Poverty Level \$ \_\_\_\_\_

200% Poverty Level \$ \_\_\_\_\_

Fee \$ \_\_\_\_\_

Documentation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

TRANSITIONAL CHILD CARE PROVIDER

In order for payment to be made, the provider of Transitional Child Care must be a legal provider.

1. Is provider a legal provider?

YES \_\_\_\_\_ NO \_\_\_\_\_

(Refer to DR 415.8 for definitions of legal providers)

REDETERMINATION OF ELIGIBILITY

In addition to the above, the family must continue to meet the following requirements:

1. Employment is not terminated without good cause.

YES \_\_\_\_\_ NO \_\_\_\_\_

2. Family cooperates in establishing and enforcing child support obligations.

YES \_\_\_\_\_ NO \_\_\_\_\_

-4-

3. Family cooperates in paying the required transitional child care fee.

YES \_\_\_\_\_ NO \_\_\_\_\_

Documentation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Family is eligible for Transitional Child Care for the period \_\_\_\_\_ to \_\_\_\_\_.

Worker's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The following information is provided to assist districts in determining the appropriate authorization and claiming for child care. If parental deprivation exists the Transitional Child Care may be claimed under IV-A. If parental deprivation does not exist, the claim is under Home Relief Funding.

PARENTAL DEPRIVATION

A child (for whom child care benefits are being requested) must be deprived of parental support or care by one of the following reasons:

\_\_\_\_\_ Continued Absence of Parent from the Home

OR

\_\_\_\_\_ Death of Parent

OR

\_\_\_\_\_ Incapacity of Parent (physical or mental)

NOTE: The deprivation factor of continued absence or death of parent is still valid if the custodial parent re-marries.

Any physical or mental problem of a parent should be examined to determine if the condition can be medically verified, is expected to last at least 30 days, and interferes with the normal functions of employment or care of the child.

ATTACHMENT F

APPROVAL OF INFORMAL CHILD CARE PROVIDER  
IN CAREGIVER'S HOME

The purpose of this form is to establish that the child care that you provide does not require a license or permit and is legal under the laws and regulations of the State of New York. In order to receive reimbursement for the care provided, you must answer all items below. Do not use this form if care is being provided in the child's own home.

This form must be completed by the child care provider and returned by the parent to the following address by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 1. Provider's name: \_\_\_\_\_  
     Address: \_\_\_\_\_  
     Phone: \_\_\_\_\_

- 2. List below the names of the children (other than your own) for whom you are providing care, their ages, the hours per week they are in care and the amount you charge for their care.

<u>Child's Name/Age</u>	<u>Hours per Week</u>	<u>Amount per Week:</u>
-------------------------	-----------------------	-------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 3. In order to provide legal child care without a license, you must answer yes to at least one of the following questions:

<u>Yes</u>	<u>No</u>	
___	___	a. I am the (circle one) aunt, uncle, brother, sister, niece, nephew, or grandparent of the child(ren) named above.
___	___	b. I provide care for only one or two children in my home (not counting my own children and not counting children who are over 14 years of age).
___	___	c. I provide care for the child(ren) named above for less than three hours per day.

-2-

Put an (x) in answer to the following questions.

- | <u>Yes</u> | <u>No</u> |  |
|------------|-----------|--|
| ___        | ___       | 4. I am 18 years of age or older. If you are <u>under 18</u> answer the following:   |
| ___        | ___       | a. I have valid working papers.  |
| ___        | ___       | b. I am age 14 or 15 and work no more than 3 hours per day up to a maximum of 23 hours per week while school is in session. I do not provide care between the hours of 7:00 pm. and 7:00 am. |
| ___        | ___       | c. I am age 16 and work no more than 4 hours per day up to a maximum of 28 hours per week while school is in session. I do not provide care between midnight and 6:00 am.                    |
| ___        | ___       | d. I am age 17 and work no more than 8 hours per day up to a maximum of 48 hours per week while school is in session. I do not provide care between midnight and 6:00 am.                    |
| ___        | ___       | e. I am not providing child care during the hours I am required to attend school.  |
| ___        | ___       | 5. I have not been convicted of any crime against children.  |
| ___        | ___       | 6. I have not been the subject of an indicated report of child abuse or maltreatment.  |
| ___        | ___       | 7. I have received all fees from the parent or legal guardian due to me as of this date.   |
| ___        | ___       | 8. I allow the parent with legal custody or the legal guardian of the above named child(ren) unlimited and on demand access to such child.   |

The statements made above are correct and true to the best of my knowledge.

(Caregiver's Signature)	(Date)
(District Use Only)	
+++	+++
+++ Initial Determination	+++ Approved
+++	+++
+++ Redetermination	+++ Disapproved
(Worker's Signature)	(Date)

ATTACHMENT G

APPROVAL OF INFORMAL CHILD CARE PROVIDER  
IN CHILD'S HOME

The purpose of this form is to establish that the child care that you provide does not require a license or permit and is legal under the laws and regulations of the State of New York. In order to receive reimbursement for the day care provided you must answer all items below.

This form must be completed by the child care provider and returned (by the parent) to the following address by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 1. Provider's name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

- 2. List below the names of the children (other than your own) for whom you are providing care, their ages, hours per week they are in care and the amount you charge for their care.

CHILD'S NAME/AGE	HOURS PER WEEK	AMOUNT PER WEEK
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Put an (x) in answer to the following:

YES NO

- \_\_\_ \_\_\_ 3. I am the (circle one) aunt, uncle, brother, sister, niece, nephew, grandparent of the child(ren) named above.
- \_\_\_ \_\_\_ 4. I am 18 years of age or older. If you are under 18 answer the following:
  - \_\_\_ \_\_\_ a. I have valid working papers.
  - \_\_\_ \_\_\_ b. I am age 14 or 15 and work no more than 3 hours per day up to a maximum of 23 hours per week while school is in session. I do not provide care between the hours of 7:00 pm and 7:00 am.



August 1990

Attachment H

Questionnaire for Redetermination of Eligibility  
for Transitional Child Care Benefits

You have been receiving Transitional Child Care benefits. In order to be eligible for continued benefits under the Transitional Benefits Program, you must answer all of the questions on this form and return this form before the deadline listed below.

If you have any questions please call \_\_\_\_\_.

IMPORTANT: You must return your completed report by \_\_/\_\_/\_\_.

---

General Instructions:

1. Answer all questions. If you do not fill out this form completely, your Transitional Child Care benefits may be discontinued.
2. If you answer yes to a question, you must give more information in the space provided or on an extra sheet of paper.
3. Provide proof of income such as a copy of pay stubs.
4. Return this form in the enclosed business reply envelope or in person to the local social services department office before the date listed above.
5. Please make sure you read the Certification and Consent Notice before signing on the last page of this form.

-2-

1. Complete the following information.

Your Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Case Number \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 (Where you can be reached during the day)

2. List all persons living in your home.

<u>Name</u>	<u>Date of Birth</u>	<u>Relationship to You</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Are both parents (natural or adoptive) of the children listed above living in the home?

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, list the name and address of the parents who are absent:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Is either parent deceased? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, enter name(s) \_\_\_\_\_

Is either of the natural (or adoptive) parents sick? The illness (disability) can be physical or mental. Answer yes to this question even if the illness is not serious but illness is expected to last at least 30 days.

Yes \_\_\_\_\_ No \_\_\_\_\_

What is the illness or disability?

\_\_\_\_\_.

4. Is your child(ren) still receiving child care?

Yes \_\_\_\_\_ No \_\_\_\_\_

Name of child(ren) receiving child care.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Is child care still necessary in order for a family member to accept a job or continue employment?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. Who is providing child care for your child(ren)?

Provider Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Permit Number \_\_\_\_\_

7. Did you or anyone in your household receive wages or money from any source (such as social security, child support, rental income or other benefits) during the past six months?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please complete the following

Name of Person	Source of Money	Dates Received	Total (Gross) Amount Received
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please enclose proof of earned income from employment, such as copies of pay stubs, or checks as well as award letters for any new source of unearned income.

8. Do you expect any changes in the amount of wages or money received by anyone in the household during the next six months?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain these changes below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If there is any change in income by any household member, this must be reported immediately to your case worker.

CERTIFICATION

In signing this form, I swear and affirm that the information I have given or have been requested to give to the Department of Social Services as a basis for Transitional Child Care benefits is true and correct.

CONSENT

I understand that by signing this form, I agree to any investigation made by the Department of Social Services to verify or confirm the information I have given or any other investigation made by them in connection with my request for Transitional Child Care benefits.

I agree to inform the Department of Social Services promptly of any change in my needs, income, property, living arrangements, address or child care provider to the best of my knowledge or belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

August 1990

ATTACHMENT I

Notice of Intent to Change  
Transitional Child Care Benefits

Notice Date		Name and Address of District Office		
Case Number	CIN/RID Number			
Case Name and Address		General Telephone For Questions		
Office No.	Unit No.	Worker No.	Unit of Worker	Telephone No.

This notice is to tell you that this agency intends to change your Transitional Child Care benefits. The changes are explained below next to the boxes that have been checked (x).

We will:

- ++
- ++ REDUCE your benefits to \$\_\_\_\_\_ effective \_\_\_\_\_. You are required to pay a fee of \$\_\_\_\_\_ per \_\_\_\_\_ to \_\_\_\_\_.
- ++
- ++ INCREASE your benefits to \$\_\_\_\_\_ per \_\_\_\_\_ to \_\_\_\_\_. You are required to pay a fee of \$\_\_\_\_\_ per \_\_\_\_\_ to \_\_\_\_\_.

The reason for this action is:

---

---

The LAW(S) and/or REGULATION(S) which allow us to do this is:

---

---

REGULATIONS REQUIRE THAT YOU IMMEDIATELY NOTIFY THIS DEPARTMENT OF ANY CHANGES IN NEEDS, INCOME, RESOURCES, LIVING ARRANGEMENT OR ADDRESS.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION  
BE SURE TO READ THE NEXT PAGE OF THIS NOTICE ON HOW TO APPEAL THIS DECISION

++  
++ I want a fair hearing. The Agency's action is wrong because:

---

---

\_\_\_\_\_  
Signature of Client

\_\_\_\_\_  
Date

**RIGHT TO A CONFERENCE:** You may have a conference to review these action. If you want a conference, you should ask for one as soon as possible. At the conference, if we discover that we made a wrong decision, or if, because of information you provide, we determine to change our decision, we will take corrective action and give you a new notice. You may ask for a conference by calling us at the number listed on the first page or by sending a written request to the address on that page. This number and address is used only for a conference. You are still entitled to a fair hearing. Read below for fair hearing information.

**RIGHT TO A FAIR HEARING:** If you believe that the above action(s) are wrong, you may request a State fair hearing by calling \_\_\_\_\_. (Please have this notice in front of you when you call.) You may also request a fair hearing by mail by sending a copy of this notice, completed, to the Office of Administrative Hearings, New York State Department of Social Services, P.O. Box 1930, Albany, NY 12202. Please keep a copy of this notice for yourself.

---

Signature of Client

---

Date

You have 60 days from the date of this notice to request a fair hearing.

If you request a fair hearing, the State will send you a notice informing you of the time and place of the hearing. You have the right to be represented by legal counsel, a relative, a friend or other person, or to represent yourself. At the hearing, you, your attorney or other representative will have the opportunity to present written and oral evidence to demonstrate why the action should not be taken, as well as an opportunity to question any persons who appear at the hearing. Also, you have a right to bring witnesses to speak in you favor. You should bring to the hearing any documents such as this notice, paystubs, receipts, medical verification or letters that may be helpful in presenting your case.

**LEGAL ASSISTANCE:** If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking your Yellow Pages under "Lawyers" or by calling the number indicated on the first page of this notice.

**ACCESS TO RECORDS/INFORMATION:** You have the right to review your case record. Upon your request, you have the right to free copies of documents which we will present into evidence at the fair hearing. Also, upon request, you have the right to free copies of other documents from your case record which you need for your fair hearing. To request such documents or to find out how you may review your case record, call the number indicated on the first page of this notice, or send a written request to us at the address listed at the top of the first page of this notice.

If you want additional information about your case, how to request a fair hearing, how to gain access to your case file and/or additional copies of documents, you may call the number indicated on the first page of this notice or write to us at the address listed at the top of the first page of this notice.

August 1990

ATTACHMENT J

Notice of Intent to Discontinue  
Transitional Child Care Benefits

Notice Date		Name and Address of District Office	
Case Number	CIN/RID Number	General Telephone for Questions	
Case Number and Address			
Office No.	Unit No.	Worker No.	Unit of Worker Name Telephone No.

This notice is to tell you that this agency intends to discontinue your Transitional Child Care benefits. The reason for this action is:

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The LAW(S) and/or the REGULATION(S) which allow us to do this is:

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YOU HAVE THE RIGHT TO APPEAL THIS DECISION  
BE SURE TO READ BELOW IN ORDER TO APPEAL THIS DECISION

++

++ I want a fair hearing. The Agency's action is wrong because:

---

---

Signature of Client

Date

RIGHT TO A CONFERENCE: You may have a conference to review these actions. If you want a conference, you should ask for one as soon as possible. At the conference, if we discover that we made a wrong decision, or if, because of information you provide, we determine to change our decision, we will take corrective action and give you a new notice. You may ask for a conference by calling us at the number on the first page of this notice or by sending a written request to us at the number on the first page of this notice. This number is used only for a conference. You are still entitled to a fair hearing. Read below for fair hearing information.

(over)

**RIGHT TO A FAIR HEARING:** If you believe that the above action(s) are wrong, you may request a State fair hearing by telephone at \_\_\_\_\_. (Please have this notice in front of you when you call.) You may also request a fair hearing by mail by sending a copy of this notice completed, to the Office of Administrative Hearings, New York State Department of Social Services, P.O. Box 1930, Albany, NY 12202. Please keep a copy of this notice for yourself.

You have 60 days from the date of this notice to request a fair hearing.

If you request a fair hearing, the State will send you a notice informing you of the time and place of the hearing. You have the right to be represented by legal counsel, a relative, a friend or other person, or to represent yourself. At the hearing you, your attorney or other representative will have the opportunity to question any persons who appear at the hearing. Also, you have a right to bring witnesses to speak in your favor. You should bring to the hearing any documents such as this notice, paystubs, receipts, medical verification, or letters that may be helpful in presenting your case.

**CONTINUING YOUR BENEFITS:** If you request a fair hearing before the effective date stated in this notice and our action affects your Transitional Child Care benefits, you will continue to receive your benefits unchanged until the fair hearing decision is issued. However, if you lose the fair hearing, you will owe any Transitional Child Care money or benefits that you should not have received. If you want to avoid this possibility, check the box below to indicate you do not want your aid continued, and send this page along with your hearing request. If you do check the box, the action(s) described above will be taken on the effective date listed above as identified under the appropriate program.

++

++ I do not want the Transitional Child Care benefits continued unchanged until the fair hearing decision is issued.

**LEGAL ASSISTANCE:** If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking your Yellow Pages under "Lawyers" or by calling the number indicated on the first page of this notice.

**ACCESS TO RECORDS/INFORMATION:** You have the right to review your case record. Upon request, you have the right to free copies of documents which we will present into evidence at the fair hearing. Also, upon request, you have the right to free copies of other documents from your case record which you need for you fair hearings. To request such documents or to find out how you may review your case record, call the number indicated on the first page of this notice, or send a written request to us at the address listed at the top of the first page of this notice.

If you want additional information about your case, how to request a fair hearing, how to gain access to your case file and/or additional copies of documents, you may call the number indicated on the first page of this notice or write us at the address listed at the top of the first page.

ATTACHMENT K

STATEWIDE FEE STRUCTURE

Regulations require that eligibility for Transitional Child Care be based on gross income as we have reflected in the formula below.

Districts must select a fee level to be applied to the difference between family gross income and the state income standards. The fee level is selected from 10% to 35%. Districts may select only one percentage for all family sizes and all child care funding sources. When computing fees, amounts should be rounded to the nearest .50. Also, as a reminder, Transitional Child Care requires a minimum fee of \$1.00.

$$\frac{\text{Annual Gross Income} - \text{State Income Standards (by family size)}}{52} \times \text{(district option \%)} = \text{Weekly Fee}$$

EXAMPLE:

1. Family of 4 with gross annual income of \$10,400.  
 $(10,400 - 12,700) \times .10 = 230/52 = \$-4.42$

Transitional Child Care required a minimum fee of \$1.00, therefore, family would pay \$1.00 per week

2.  $(14,200 - 12,700) \times .10 = 150/52 = \$2.88$   
 Round to nearest .50 or \$3.00 per week

THIS FEE MUST BE MANUALLY CALCULATED

1990 INCOME STANDARDS

<u>Family Size</u>	<u>Family Size scale</u>	<u>100% Income Standards</u>	<u>200% Income Standards</u>
1	52%	\$ 6,604	\$13,208
2	68%	8,636	17,272
3	84%	10,668	21,336
4	100%	12,700	25,400
5	116%	14,732	29,464
6	132%	16,764	33,528
Each additional member		add \$750	add \$ 1,500