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Local Commissioners Memorandum

Transmittal:	13-OCFS-LCM-04
To:	Local District Commissioners Director of Services Child Care Unit Supervisors Temporary Assistance Unit Supervisors
Issuing Division/Office:	Division of Child Care Services
Date:	March 29, 2013 (<i>Revised April 18, 2013</i>)
Subject:	Revised Client Notification Forms for Child Care Subsidy
Contact Person(s):	Michael Miller, Division of Child Care Services, (518) 408-3395 Michael.Miller@ocfs.ny.gov
Attachments:	Click on titles to view sample forms: A: OCFS-LDSS- 4779 Approval of Your Application for Child Care Benefits B: OCFS-LDSS- 4780 Denial of Your Application for Child Care Benefits C: OCFS-LDSS-4781 Notice of Intent to Change Child Care Benefits and Family Share Payments D: OCFS-LDSS-4782 Notice of Intent to Discontinue Child Care Benefits E: OCFS-LDSS-4783 Delinquent Family Share F: OCFS-4773 Child Care Eligibility Re-Determination Coming Due
Attachment Available Online:	Original forms are available on the OCFS <i>intranet</i> only, at: http://ocfs.state.nyenet/admin/Forms/

I. Purpose

The purpose of the Local Commissioners Memorandum (LCM) is to issue revised forms that must be used by local department of social services (LDSS) to provide notifications to public assistance and low-income clients on actions related to their

applications for a child care subsidy and/or child care subsidy benefits. This notification is required by Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) Parts 358, 404, and 415.

II. Background

LDSS were previously notified in 01-OCFS-LCM-08, dated August 1, 2001, of the requirement to provide notification to applicants of child care subsidy benefits funded under the New York State Child Care Block Grant (NYSCCBG) and Title XX. This LCM replaces 01- OCFS-LCM-08.

The requirements to provide notifications to applicants of child care subsidy benefits funded under NYSCCBG and Title XX have not changed. However, the forms have been revised in order to provide more specific information to the applicant or recipient as to why an action is being undertaken.

If an LDSS wishes to use local equivalents of the required forms, such forms must be approved by OCFS's Division of Child Care Services (DCCS) prior to their use by LDSS. Any previously approved local equivalents of the client notices must be revised and resubmitted for approval to DCCS prior to their continued use by LDSS.

III. Program Implications

LDSS must provide recipients of child care services with adequate and timely notice in accordance with Title 18 of the NYCRR §358-2.2 and §358-2.23, respectively. Adequate notice is defined in Title 18 of the NYCRR §358-2.2 and specifies the information that must be included in the notice to a recipient. Timely notice is defined in Title 18 of the NYCRR §358-2.23 as a notice that is mailed at least ten days before the date upon which the proposed action is to be taken.

Adequate and timely notice must be sent by an LDSS when it proposes to:

- Take any action to discontinue, suspend or reduce child care services; or
- Make a change in the manner of payment for public assistance recipients or parents/caretakers who are guaranteed child care and such change results in the discontinuance, suspension, reduction or termination of child care services or forces the recipient to make changes in child care arrangements.

Adequate notice must be sent by an LDSS when it proposes to:

- Approve or deny an application for child care services;
- Increase the amount of child care benefits; or
- Make a change in the manner of payment for public assistance recipients or parents/caretakers who are guaranteed child care and such change does not result in the discontinuance, suspension, reduction or termination of child care services or force the recipient to make changes in child care arrangements.

IV. Notice Requirements

The revised forms below meet the standards for adequate notice. Two copies of the notice should be sent so that applicants/recipients can use one copy to request a fair hearing and retain one for their records.

Attachment A: OCFS-LDSS-4779, Approval of Your Application for Child Care Benefits must be used by the LDSS when an application for child care benefits has been approved at initial application, at recertification, or when transitional child care has been approved. At recertification, if the benefits have changed, the LDSS must also send the recipient OCFS-LDSS 4781, Notice of Intent to Change Child Care Benefits. LDSS must show how the family share was calculated in the Family Share portion of the form and indicate if the child care benefits will be paid to the parent or provider in the Benefits portion of the form. The effective dates of the child care benefits must also be included on the notice.

Attachment B: OCFS-LDSS-4780, Denial of Your Application for Child Care Benefits must be used by LDSS when an application for child care benefits has been denied at initial application. LDSS must select one or more of the denial reasons listed on the form. Below is the list of denial reasons and the information that must be provided.

- **The family's income for their family size exceeds 200% of the State Income Standard (SIS).** The LDSS must indicate the family's monthly gross income, the family's size and the maximum SIS for the family's size. On the addendum, the LDSS must show what sources were used to determine the family's monthly gross income and what the maximum SIS monthly income is for the family's size.
- **The family did not provide all of the required documentation.** The LDSS selects this denial reason if the family failed to provide the required documentation. The LDSS must specify the exact documentation the family failed to provide which led to the denial of benefits.
- **The family is not programmatically eligible.** The LDSS selects this denial reason if the reason for care is not allowed under New York State regulation, or if the LDSS has not included this category of family in its Child and Family Services Plan. The LDSS must inform the applicant as to why the family's reason for care cannot be approved. If the denial is based on New York State regulation, the LDSS must cite the regulation in the reason for denial. If the denial is based on category of family in its Child and Family Services Plan, the LDSS must cite where eligible families are defined in its Child and Family Services Plan.
- **Due to insufficient funding, the LDSS is not opening cases.** The LDSS selects this denial reason if it has been determined that it only has sufficient funding to

maintain its current caseload. At a fair hearing, LDSS must be prepared to present supporting documentation that the LDSS does not have sufficient funding to open cases for all eligible families. Supporting documentation could include, but is not limited to, the relevant allocation LCM, ceiling reports, Excel spread sheets showing monthly claims and available funds, and the approved child care section of their Child and Family Services Plan along with the plan approval letter.

- **Due to insufficient funding, the LDSS can only open cases up to a percentage (determined by the LDSS) of the State Income Standard.** The LDSS selects this denial reason if they have determined that there are insufficient funds to open cases for all eligible families. The LDSS must indicate what its local priority level is for the monthly gross income standard, compared to the family's monthly gross income for the family's size. On the addendum, the LDSS must show what sources were used to determine the family's monthly gross income and what its priority is for the monthly gross income standard for its family size. At a fair hearing, the LDSS must be prepared to present supporting documentation that the LDSS does not have sufficient funding to provide child care benefits to all eligible families. Supporting documentation could include, but is not limited to, the relevant allocation LCM, ceiling report, Excel spread sheet showing monthly claims and available funds, and the approved child care section of its Child and Family Services Plan along with the plan approval letter.
- **Other.** The LDSS selects this option when none of the options listed above applies. LDSS must inform the applicant why their application was denied. LDSS may select this option when it denies child care services to a family that has a child with special needs who needs child care. LDSS district must describe why, in sufficient detail, a family with a special needs child, needing child care, was not eligible for child care benefits.

Attachment C: OCFS-LDSS-4781, Notice of Intent to Change Child Care Benefits and Family Share Payments must be used by the LDSS when there is a change in: family share, child care provider, and/or authorization of benefits. LDSS must also send this notice at recertification when there has been a change in benefits.

Attachment D: OCFS-LDSS-4782, Notice of Intent to Discontinue Child Care Benefits must be used by the LDSS when it intends to end child care benefits. LDSS must select one or more of the closing reasons listed on the form. Below is the list of closing reasons and the information that must be provided.

- **The family's income for their family size exceeds 200% of the State Income Standard (SIS).** The LDSS must indicate the family's monthly gross income and the maximum SIS for its family size. On the addendum, the LDSS must show what sources were used to determine the family's monthly gross income and what the maximum SIS monthly income is for its family size.

- **The family did not provide all of the required documentation.** The LDSS selects this denial reason if the family failed to provide the required documentation. LDSS must specify the exact documentation the family failed to provide which led to the denial of benefits.
- **The family is not programmatically eligible.** The LDSS selects this denial reason if the reason for care is not allowed under New York State regulation, or if the LDSS has not included this category of family in its Child and Family Services Plan. The LDSS must inform the applicant as to why the family's reason for care cannot be approved. If the denial is based on New York State regulation, the LDSS must site the regulation in the reason for denial. If the denial is based on category of family in its Child and Family Services Plan, the LDSS must cite where eligible families are defined in its Child and Family Services Plan.
- **Due to insufficient funding, the LDSS is not able to serve all eligible families.** The LDSS selects this closing reason if they have determined that they do not have sufficient funding to maintain their current caseload. The LDSS must indicate what its income priority level is for the monthly gross income standard for the family's size compared to the family's monthly gross. On the addendum, LDSS must show what sources were used to determine the family's monthly gross income and what the LDSS priority is for the monthly gross income standard for its family size. At a fair hearing, LDSS must be prepared to present supporting documentation that the LDSS does not have sufficient funding to provide child care benefits to all eligible families. Supporting documentation could include, but is not limited to: the relevant allocation LCM, ceiling reports, Excel spreadsheets showing monthly claims and available funds, and the approved child care section of its Child and Family Services Plan along with the plan approval letter.
- **Other.** The LDSS selects this option when none of the options listed above applies. The LDSS must inform the recipient why their child care case is closing. LDSS may select this option when it discontinues child care services to a family needing child care for a child with special needs. LDSS must describe why a family with a special needs child, needing child care, will no longer be eligible for child care benefits.

Attachment E: OCFS-LDSS-4783, Delinquent Family Share must be used by LDSS when a family has been delinquent in paying its family share. This form has not been revised.

Attachment F: OCFS-4773, Child Care Eligibility Re-Determination Coming Due may be used by the LDSS to notify the family that the re-determination of their programmatic and financial eligibility is coming due. The form advises the family what documentation is needed to re-determine the family's eligibility.

VI. Access to Client Notices Forms

The client notices are available in English and Spanish on the OCFS intranet site at <http://ocfs.state.nyenet/admin/Forms/> .

The client notices will also be available through the Child Care Time and Attendance System (CCTA). LDSS are encouraged to use the client notices through CCTA as most of the information will auto-fill, which will cut down on staff time needed to complete the forms.

Hard copies of the client notices will be available 30-days from the release of this LCM.

VII. Effective Date

LDSS must implement the use of the revised client notices (or an approved local equivalent) within 60 days from the date of this LCM.

VIII. Contact Person

Questions regarding this LCM or a request for approval of a local equivalent of these forms may be directed to Michael Miller, Division of Child Care Services, at (518) 408-3395, or email at Michael.Miller@ocfs.ny.gov .

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

Issued by:

Janice M. Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services