



Office of Children and Family Services

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Informational Letter

Transmittal:	22-OCFS-INF-01
To:	Local Departments of Social Services Commissioners
Issuing Division/Office:	Division of Child Care Services Division of Child Welfare and Community Services
Date:	March 22, 2022
Subject:	Child Care Subsidy for Cases with a Child Protective Services Component
Suggested Distribution:	Directors of Social Services Directors of Services Directors of Temporary Assistance Child Care Supervisors Temporary Assistance Supervisors Child Welfare Supervisors Child Protective Services Supervisors Foster Care Supervisors Adoption Supervisors Child Care Assistance Staff Children’s Services Caseworkers
Contact Person(s):	See section IV.
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
05-OCFS-ADM-03		18 NYCRR Parts 404 and 415	SSL 410		

I. Purpose

The purpose of this Informational Letter (INF) is to inform local social services districts (districts) of the existing option to provide child care subsidy assistance funded through the New York State Child Care Block Grant to families with a child(ren) named in a case with a child protective services component when it is determined, on a case-by-case basis, that such child care is needed to protect the child(ren). Such families are eligible for child care without regard to activity or income and are not required to pay a family share toward the cost of care.

II. Background

On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014, which reauthorized the Child Care and Development Fund (CCDF), was signed into law. Lead agencies are required to submit a CCDF plan to the Office of Child Care (OCC). The plan serves as New York State's application for CCDF funds by providing a description of how the program will be administered in accordance with CCDF rules and regulations. Section 658P(4) of CCDBG states that an eligible child includes a child who is receiving, or needs to receive, protective services who does not reside with a parent(s) who is working or attending a job training program or attending an educational program. The plan requires that lead agencies specify if they will provide child care to a child who receives or needs to receive protective services. The New York State CCDF plan specifies that districts may provide child care to a family, including a foster care family, with a child(ren) in a case with a child protective services component when it is determined, on a case-by-case basis, that such child care is needed to protect the child(ren). Such eligibility is established in Title 18 of the official compilation of Codes, Rules and Regulations of the State of New York (18 NYCRR) Part 415.2(a)(3)(v). Under said regulation, districts may choose to provide child care to a family with an open child protective services case if funds are available and the district has listed such families as eligible in the district's Child and Family Services Plan (CFSP).

III. Program Implications

All districts, especially districts with rollover funds, are strongly encouraged, if they have not already done so, to amend their CFSP to provide child care to families with an open child protective services case in their county plan under Appendix L, Other Eligible Families if Funds are Available. Such families include those families with an open child protective services investigation or family assessment response, families with a current preventive services case as a result of an indicated child protective services investigation, cases where a child(ren) is placed with a relative or other significant caretaker under an Article 10 Family Court Order as well as foster care families caring for a child(ren) named in such cases. These cases are programmatically eligible based on the child's need to be protected and are not subject to work, training, or educational activities to establish eligibility. The care authorized pursuant to this provision must be related to the protection of the child(ren) as established by the district. The 12-month eligibility period begins with the subsidy start date, which, once approved, can be backdated as far as the date the application was received, including when the family is using an enrolled legally exempt provider. Further, per 18 NYCRR Part 415.3(e), these families are not required to contribute toward the costs of child care services by paying a weekly family share. A family share may be required of any family to recoup an overpayment for child care services. However, per 18 NYCRR Part 404.6(a), failure of the service recipient to pay a fee or family share must not be a basis for denial or discontinuance of services as part of a plan of protective services for a child or for preventing placement of a child in foster care.

Districts that wish to amend their CFSP to include providing child care to a family with a child in a case with a child protective services component are encouraged to submit an amendment request to the OCFS subsidy shared mailbox at ocfs.sm.districtsupport.subsidy@ocfs.ny.gov.

IV. Contacts

Any child care related questions concerning this release should be directed to Sonoma Pelton, OCFS Division of Child Care Services, (518) 408-6074, Sonoma.Pelton@ocfs.ny.gov, or ocfs.sm.districtsupport.subsidy@ocfs.ny.gov. Any child welfare related questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

Buffalo Regional Office – Amanda Darling (716) 847-3145

Amanda.Darling@ocfs.ny.gov

Rochester Regional Office – Chris Bruno 585-238-8201

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Syracuse Regional Office – Sara Simon (315) 423-1200

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Albany Regional Office – John Lockwood (518) 486-7078

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

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Name: Janice M. Molnar, Ph.D.

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/s/ Lisa Ghartey Ogundimu, Esq. _____

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