

# CHILD CARE POLICY, PROCEDURES AND BILLING MANUAL



This manual describes the operating policies and procedures for all child care providers who provide care for families utilizing child care subsidies in Monroe County.

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## **Day Care Services**

Child care subsidies are available to eligible families through several programs.

**Temporary Assistance Day Care** is available to recipients of cash benefits (Temporary Assistance to Needy Families – TANF, or Safety Net Assistance) who are employed or engaged in approved employment programming. Temporary Assistance recipients should contact the agency with questions regarding day care assistance eligibility. Parents do not contribute to the cost of care while in receipt of Temporary Assistance day care.

**Transitional Day Care** is available to recipients of Temporary Assistance (TA) who become ineligible for TA due to new or increased employment. Transitional Day Care is guaranteed for 12 months after the case closing if the family is earning less than 200% of the Federal Poverty Level (FPL) for their household size. Parents contribute to the cost of care based on a sliding scale.

**Income Eligible Day Care** is available to working families who earn less than 200% of the FPL for their household size. Subsidy payments are provided for care provided only during work hours and parents are allowed up to 1 hour of travel time each way. Assistance is available for vocational and/or higher education program participation after the parent has worked 17.5 hours per week. Assistance is also available to teen parents attending high school. Parents contribute to the cost of care based on a sliding scale.

**Preventive/Protective Services Day Care** is available to recipients of Children and Family Services when day care is mandated as a part of the family's service plan.

## **Eligibility**

Daycare subsidies are provided to Income Eligible Day Care recipients to assist working families in maintaining employment by paying a portion of child care costs. Families with adults who are working, with income levels under 200% FPL, might qualify for a daycare subsidy. Day Care subsidy eligibility is subject to funding availability.

To apply for Income Eligible Day Care, a Child Care Application (OCFS-6025) must be submitted. The application is available online ([monroecounty.gov](http://monroecounty.gov)), in our offices or by calling the DHS Application Line 585-753-6960 to request a Child Care Application packet. Complete the Child Care Application, Child Care Statement, provide four consecutive weeks of all earned income (copies of wage stubs, employer statement), verification of all unearned income (your income, spouse's income, Social Security, SSI, child support, rental income, etc.), Work Schedule, Absent Parent Form (if applicable), high school verification for teen parents and send to: Department of Human Services, 111 Westfall Rd. Rochester, NY 14620 Attn: Team 76 – Child Care

Important Income Eligible Day Care eligibility considerations:

Parents/guardians must be **actively working at a job weekly**.

Childcare subsidies can be authorized for Teen parents **ACTIVELY** attending high school **with no work requirement**.

Child care payment can be authorized for Parents/Guardians **ACTIVELY** attending college with **at least a 2.0** grade point average. In Addition: **The Parent/Guardian student must work an average of 17.5 hours per week**.

Families who are currently receiving **Temporary Assistance** and are in need of Day Care to participate in approved activities will work with their assigned workgroup to facilitate approval. Day Care is available for Temporary Assistance recipients while working, participating in assigned employment activities, as well as while attending substance use or mental health services.

**Important Telephone Numbers**

**MCDHS Intake Unit**

(585) 753-2780 – phone

(585) 753-5315 – fax

**MCDHS Care Management Unit**

(585) 753-2750 – phone

(585) 753-6305 – fax

**MCDHS Income Eligible Day Care Unit**

(585) 753-6316 – phone

(585) 753-6308 – fax

**MCDHS Accounting/Day Care Payables Unit**

(585) 753-6136 – phone

(585) 753-6111 – fax

**Child Care Council**

(800) 743-KIDS (5437) – phone

(585) 654-4721 – fax

## **Types of Providers**

**Family Day Care** providers are registered/licensed by the NYS Office of Children and Family Services. Family day care home shall mean a program caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children.

(i) There shall be one caregiver for every two children under two years of age in the family day care home.

(ii) A family day care provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-age children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of OCFS and OCFS inspects such home to determine whether the program can care adequately for seven or eight children.

**Group Family Day Care** providers are registered/licensed by the NYS Office of Children and Family Services. Group family day care home shall mean a program caring for children for more than three hours per day per child in which child day care is provided in a family home for seven to twelve children of all ages, except for those programs operating as a family day care home, which care for seven or eight children. A group family day care program may provide child day care services to four additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session.

(i) There shall be one caregiver for every two children under two years of age in the group family home.

(ii) A group family day care home must have at least one assistant to the provider present when child day care is being provided to seven or more children when none of the children are school age, or nine or more children when at least two of the children are school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or

school holidays, or during those periods of the year in which school is not in session. This assistant shall be selected by the group family day care licensee and shall meet the qualifications established for such position by the regulations of OCFS.

**Day Care Centers** are licensed providers who provide care in a facility that has been approved by NYS Office of Children and Family Services. The center or facility is not a residence. Day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise, except those programs providing care as a school-age child care program as defined in this section. The name, description or form of the entity which operates a child day care center does not affect its status as a child day care center.

**School-Age Child Care** facilities serve children from kindergarten through age 12 during non-school hours. They may also provide care during school vacations and holidays. *Note: Care provided by Universal Pre-K, private kindergarten, nursery schools and Head Start programs are not eligible for subsidy payments.*

**Legally-Exempt Child Care** providers are required to enroll with the Child Care Council. They must meet the standard of legal care as set forth by New York State. Provider must be enrolled for the address that care is being provided at. Each family/child in care must be included on the enrollment.

Note: Summer camp locations holding a NYS Health Department permit must be enrolled as a Legally Exempt Group provider to be eligible for childcare subsidies.

\*Legally-Exempt Child Care providers *who provide care in the home of the child* are not eligible to receive payment from MCDHS. Payment for “*in-home*” care will be issued to the parent/guardian as a client benefit and the parent is responsible to pay the legally-exempt provider for care provided. A 1099 is not issued to legally-exempt providers for “*in-home*” care.

### ***Eligible Provider***

*The definition of “eligible provider” in 18 NYCRR 415.1(g) is changed to specify that members of the child’s child care services unit are not eligible to provide subsidized child care to that child. There is no longer an exception for siblings who are in the child care services unit. When siblings live in the household with the child, such siblings may only apply for enrollment as legally-exempt child care providers if they are not included in the child care services unit.*

### **Vendors**

In order to receive payments from the Department of Human Services, providers will need to obtain a vendor number. Providers can walk into 691 St. Paul Street or 111 Westfall Road to receive a Vendor form or they can contact Vendor Operations by calling 753-6663. Completed Vendor Forms should be mailed to;

Vendor Operations  
P.O. Box 23020  
Rochester, NY 14692

### **Authorization Notices**

An authorization (Notice of Decision – NOD) is an agreement that MCDHS will pay the client’s child care costs up to the set allowances (less parent fees when applicable) to a specific provider, for specified hours during a distinct period of authorization. The agreement is between MCDHS and the client. A copy of the NOD provided to clients is also sent to the provider. The notice describes the maximum care approved, but clients are reminded that care should only be used while participating in approved activities or while at work (or during approved travel time). MCDHS will only pay the provider for the days children are actually in attendance (see exception below\*). The parent is responsible for any fees or charges outside of the authorized days and times. Providers should have a copy of the NOD prior to beginning care for a client. The NOD will advise of the start and end date of the authorization. There is no assumption of continuation after the end date of the authorization. Providers who take children prior to receiving a NOD (or verbal authorization in cases of immediate need) and providers who

continue to provide care after the end of the authorization notice are not *guaranteed* payment by MCDHS.

A copy of any changes from the original authorization will be sent to the parent and provider prior to the effective date of the changes.

\* Payment will only be allowed for open Child & Family Services cases (LDSS case prefix SO) in which the child is to appear in court or keep appointments related to the provision of preventive, FC, adoption or child protective services, or other needs as identified in the child's service plan. Maximum of 3 days per month. Legally-exempt family child care and in-home child care providers are **not** eligible to receive payment for absences.

### **Discontinuance**

By regulation, a client is entitled to a timely notice (at least 10 days) of a discontinuance. A copy of the discontinuance notice will also be sent to the provider at that time. Providers will not be paid beyond the end date noted on the discontinuance notice. If the client provides information that changes the eligibility determination within the 10 days, a new authorization notice will be sent.

### **Changing Daycare Providers**

A family receiving child care payments from MCDHS can change daycare providers while receiving services. The request to change providers should be submitted to the agency using the Child Care Statement (MCDHS 932) with the effective date of the change. As soon as you know a change in providers is needed submit the Child Care Statement (MCDHS 932) promptly to ensure the change is processed timely. The earliest effective date of a change will be the date MCDHS is notified and the change processed. The start date of the new authorization will not be back dated to cover a previous time another provider had an active authorization.

### **Child Care Time and Attendance System (CCTA)**

New York State and MCDHS utilizes a web-based Child Care Time and Attendance (CCTA) tracking system to authorize and calculate subsidy payments. The CCTA attendance tracking and submission system provide several benefits, including:

On-line submission of attendance – no paper time sheets required;  
Real-time information on new authorizations, changes, or discontinuances;  
Accurate calculation of subsidy payments;  
On-line information of pending and processed payments – no telephone calls.  
Participation in CCTA is not required by providers to receive subsidy payments, but MCDHS strongly encourages the use of CCTA.

### **Absence Policy**

MCDHS does not pay for absences. MCDHS will only pay the provider for the days children are actually in attendance (see exception below\*).

\* Payment will only be allowed for open Child & Family Services cases (LDSS case prefix SO) in which the child is to appear in court or keep appointments related to the provision of preventive, FC, adoption or child protective services, or other needs as identified in the child's service plan. Maximum of 3 days per month. Legally-exempt family child care and in-home child care providers are **not** eligible to receive payment for absences.

### **Sleep Care**

Childcare to allow a parent to sleep may be paid with Administrative approval for up to 6 hours with supporting documentation under the following circumstances: special circumstances include parents working night shift requiring sleep during the day and the child(ren) are below school-age or the care is during school breaks.

### **Billing**

For providers not utilizing CCTA, submission of attendance forms is required by the 5<sup>th</sup> of the month following the end of the month care was provided. Attendance forms must be completed in full and signed by both the provider and parent. Attendance forms provided by the 5<sup>th</sup> will be processed for payment and mailed to providers on the 3<sup>rd</sup> Thursday of each month for all provider types except Daycare Centers. The centers will be mailed on the 4<sup>th</sup> Thursday of each

month. Attendance forms provided after the 5<sup>th</sup> will be processed and mailed to providers on subsequent Thursdays as they are approved.

***Important: Providers may only bill for days a client worked or was engaged in an assigned activity. If you believe a client is not utilizing care for the purpose authorized, please contact our agency.***

### **Parent Fees (Family Share)**

Types of care requiring parent fees will have information regarding the fee in the authorization notice (NOD). Fees are also visible to providers when viewing their cases in the CCTA system. Parent fees are payable directly to the provider. It is the provider's responsibility to collect parent fees. Providers should send notice to MCDHS if the parent fees are late. MCDHS will send a notice to the client regarding overdue fees. The client must remit parent fees to the provider as required. Failure to do so may result in day care assistance being discontinued until all fees are paid.

**Note: Parent fees are charged on the first day of care each week. The first day of each week is Monday for billing purposes.**

### **Rates**

Providers set their rates and should not charge subsidy clients a different rate than their non-subsidy parents. Rates, based on type of provider and age of child, are set by the NYS Office of Children and Family Services. Rates are determined based on actual hours of care provided. Rates are calculated using the following schedule, based on OCFS definitions and maximum child care market rates:

**Weekly rate** - child care services are provided for ***30 or more hours over the course of five or fewer days in a single week.***

**Full Day Rate** - child care services are provided for ***less than 30 hours over the course of five or fewer days in a single week and for at least six but fewer than twelve hours per day***

**Part Day Rate** - child care services are provided for *at least three but fewer than six hours per day*

**Hourly** - child care services are provided for *fewer than three hours per day*

Licensed or Registered Providers with National Accreditation are eligible for a 10% differential. Providers who care for children during non-traditional hours and some holidays are eligible for a 5% differential. Licensed or Registered Providers who care for children in families experiencing homelessness are eligible for a 5% differential. The total rate enhancement cannot exceed 25%.

### **Tax Reporting**

All child care payments made to providers over \$600 annually will be reported to the Internal Revenue Service. An IRS Form 1099 will be submitted for all subsidy payments remitted. Providers are required to report this non-employee compensation on their tax returns. For more information contact the IRS or a tax advisor.

\*Legally-Exempt Child Care providers *who provide care in the home of the child* are not eligible to receive payment from MCDHS. Payment for *“in-home”* care will be issued to the parent/guardian as a client benefit and the parent is responsible to pay the legally-exempt provider for care provided. A 1099 is not issued to legally-exempt providers for *“in-home”* care.

### **Fraud**

The district may choose to make announced or unannounced inspections of the records and premises of a provider/program that provides child care for subsidized children for the purpose of determining whether the child care provider is in compliance with applicable laws and regulations and any additional requirements imposed on such a provider by the social services district per 18 NYCRR§ 415.4(h) (3).

The district has the right to make inspections *prior to subsidized children receiving care* of any child care provider, including care in a home, to determine whether the

child care provider is in compliance with applicable laws and regulations and any additional requirements imposed on such a provider by the district.

The district may report violations of regulations as follows:

- Violations by a licensed or registered child care provider must be reported to the applicable Office of Children and Families (OCFS) Regional Office
- Violations of an enrolled or enrolling legally-exempt child care provider must be reported to the applicable Enrollment Agency.

### ***Disqualifications Due to Fraud***

*The disqualification period for a recipient or former recipient of child care assistance who has been convicted of, or has voluntarily admitted to, fraudulently receiving child care assistance has been amended. Unless a court of appropriate jurisdiction specifies a different disqualification period, the following disqualification periods apply:*

- *12 months for a first offense.*
- *24 months for a second offense or an offense that results in the wrongful receipt of child care assistance in an amount specified by OCFS. At this time, OCFS has determined that this amount will be \$10,000 - \$24,999.*
- *Permanently for a third offense or an offense that results in the wrongful receipt of child care assistance in an amount as specified by OCFS. At this time, OCFS has determined that this amount will be \$25,000 or greater.*

### **Income Guidelines**

To be eligible for Day Care, a household's gross income must be under 200% of current Federal Poverty level (FPL).

More information can be found on the Monroe County website

<https://www2.monroecounty.gov/hs-daycare.php>

### **Important Tips for Parents**

Monroe County can only pay for actual daycare services provided, and only for care during the hours of your employment or your participation in an approved activity (plus a maximum of 60 minutes of travel to and from your job or activity). You will be liable for payment to your provider for any care not billable to the subsidy program.

Only sign an attendance sheet after your provider has filled it out completely and accurately. Attendance sheets are used to bill Monroe County for daycare services provided to your child, therefore you and your provider are responsible for the attendance sheet's accuracy and completeness. Never sign a blank attendance sheet.

If you sign a contract with your provider for daycare services, please understand that Monroe County is not a party to that contract and therefore is not responsible for compliance with the terms of that contract. You will be liable for payment to your provider for any care that is not billable to the subsidy program.

Monroe County cannot pay for any daycare absences, whether due to illness, vacation, or program closures.

You must notify Monroe County within ten (10) days of any changes that may affect your subsidy case (change in income, household composition, address, employment, etc). Overpayments resulting from a failure to notify us of changes will need to be repaid by you to Monroe County. Intentional misrepresentations may lead to program sanctions or prosecution for fraud.

### **Important Tips for Providers**

Daycare subsidies can only be paid for actual daycare services provided. MCDHS cannot pay for "slots" or transportation provided by you.

Make sure your attendance sheets are filled out completely and accurately before asking the parent to sign their approval. You should never ask a parent to sign a blank attendance sheet.

Attendance sheets should be signed by you and the parent before submitting them. Submitting unsigned attendance sheets could delay payment.

Attendance sheets should reflect the actual time of day that care begins and ends. If a child did not attend daycare due to illness, vacation, or any other reason, that child should be marked on the attendance sheet as absent for that day.

If you ask parents to sign a contract for your daycare services, please understand that Monroe County is not a party to that contract and therefore is not responsible for compliance with the terms of that contract.

If a child in your care attends another program (such as Universal Pre-K) you cannot bill the daycare subsidy program for the same hours the child spends in the other program.

Overpayments due to billing errors on your part will require repayment back to Monroe County. Intentional misrepresentation of daycare services provided could result in disqualification from receiving daycare subsidy payments, licensing sanctions, or prosecution for fraud.

If a parent is required by Monroe County to pay a weekly parent fee, you must collect the parent fee directly from the parent. Failure to collect the weekly parent fee may adversely impact your ability to receive future payments from Monroe County.

More information and forms can be found on the Monroe County website;  
<https://www2.monroecounty.gov/hs-daycare.php>