



Office of Children and Family Services

KATHY HOCHUL
Governor

SUZANNE MILES-GUSTAVE, ESQ.
Acting Commissioner

October 13, 2023

Dear Provider:

The New York State Office of Children and Family Services (OCFS) is excited to share with you some information on changes to the Child Care Assistance Program (CCAP). These changes may impact eligible families as well as licensed, registered, permitted, and enrolled legally exempt providers. Outlined below are changes that are effective October 1, 2023, in accordance with statutory revisions.

- Local social services districts (districts) must now pay for up to 80 absence days per child per licensed, registered, permitted, or enrolled legally exempt provider per state fiscal year, which is April 1 - March 31. If a child receives care from more than one provider in one year, each provider can be paid for up to 80 absences. Payment for additional absences due to extenuating circumstances may be allowed on a case-by-case basis if the district submits a waiver request that is approved by OCFS. Payment is only available when children are temporarily absent from care, and would otherwise be present in the program. Payment is not available if the provider normally charges on a daily or part-day basis and the child receives child care assistance from a different provider on the same day. Payment is also not available if a child is not expected to return to the provider or has separated from the child care program. In order to be paid for absences, providers must require payment for absences from families not in receipt of child care assistance and must be open and available to provide care on the day the child is absent. Providers can only charge for absences as stated in their absence policies, which must apply to both families in receipt of child care assistance and private pay families. Providers are encouraged to share their payment policies with districts they receive payment from.
- Districts must now pay for up to 20 program closure days per licensed, registered, permitted, or enrolled legally exempt group child care provider per state fiscal year, which is April 1 - March 31. The program closure must be due to a state, federal, religious, or cultural holiday, or due to extenuating circumstances beyond the provider's control including but not limited to natural disaster, severe weather, or other emergency closings, provide that this closing is not due to a substantiated regulatory violation. Payment is only available for children who are scheduled to be present on the day of the closure. Payment is not available if a child is no longer attending the program. Payment is not available if the provider normally charges on a daily or part-day basis and the child receives child care assistance from a different provider on the same day. In order to be paid for program closures, providers must require payment for program closures from families not in receipt of child care assistance. Providers can only charge for closures as stated in their payment policies, which must apply to both families in receipt of child care assistance and private pay families. Providers are encouraged to share their payment policies with districts they receive payment from.
- Family share is capped at 1% of the family's income over the state income standard.
- The regulations have been changed to reinforce that payments may be disallowed by a district when a provider has been found not eligible to receive payments after an administrative review. Districts may

disqualify a provider from receiving payments for child care services and/or require a repayment plan for the overpayment after determining that a provider submitted false claims. As a reminder, a provider who has been disqualified is ineligible to receive payments for 5 years from the date of disqualification, or longer if full restitution has not been made.

- The eligibility level for CCAP has been increased to 85% of the State Median Income (SMI).
- Districts are implementing adjunctive eligibility, also known as fast-track eligibility. If a family is receiving assistance from the Home Energy Assistance Program (HEAP) or the Supplemental Nutrition Assistance Program (SNAP), and that determination was made in the last six months, the family is deemed financially eligible for CCAP. All other programmatic eligibility requirements must be met and documented. Families must still complete a child care assistance application and provide districts with their monthly gross income in order to determine family share. Additional programs may be approved in the future.
- Districts may provide child care assistance during the application period. This is known as presumptive or preliminary eligibility. However, if the family is found ineligible or the application is withdrawn the child care assistance will be discontinued.

These changes are expected to increase the number of eligible families. Districts must serve families for the entire eligibility period unless a family meets a discontinuance reason listed in regulation. It is important for districts to know what their current spending is because districts cannot close a case due to lack of funding and must determine if they have funds available prior to opening a case. Providers must continue to submit timesheets and billing in a timely manner to ensure that payment is received and as many eligible families as possible are served.

You should contact your paying district with any questions regarding the changes outlined in this letter. Contact information for each district can be found on the OCFS website at:

<https://ocfs.ny.gov/directories/localdss.php>

We appreciate providers and your valuable role in the lives of children, families, and the larger community. Thank you for your dedication to the children of New York state.

Sincerely,



Deputy Commissioner
Division of Child Care Services