



Office of Children and Family Services

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Informational Letter

Transmittal:	17-OCFS-INF-07				
To:	Commissioners of Social Services				
Issuing Division/Office:	Division of Child Care Services				
Date:	September 18, 2017				
Subject:	Clarification on the Financial Eligibility Requirements for Transitional Child Care				
Suggested Distribution:	Directors of Social Services Directors of Temporary Assistance Supervisors of Child Care Subsidy				
Contact Person(s):	Any questions concerning this release should be directed to: Merideth Bastiani (518) 402-3001 or Merideth.Bastiani@ocfs.ny.gov				
Attachments:	None				
Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
04-OCFS-ADM-01 05-OCFS-ADM-03		18 NYCRR 415.2(a)(1)(iv)	SSL 410-w		

I. Purpose

The purpose of this Informational Letter (INF) is to provide local social services districts with clarification regarding the financial eligibility requirements for Transitional Child Care (TCC).

II. Background

Section 410-w of the Social Services Law (SSL) and Title 18 of the Codes, Rules and Regulations of the State of New York (NYCRR) Section 415.2(a)(1)(iv) provide that a family receiving public assistance or child care subsidy in lieu of public assistance may be eligible for TCC provided the family is no longer financially eligible for public assistance, and certain other conditions are met. Specifically, 18 NYCRR § 415.2(a)(1)(iv) provides, in relevant part, that:

- (iv) "A social services district must guarantee child care services for a period of up to 12 consecutive months after the month in which a

family's public assistance case closed or, for those who chose child care in lieu of public assistance, the month after the family **is no longer financially eligible for public assistance**, provided:

- (a) the case closed or the family became financially ineligible for public assistance due to:
 - (1) increased income from either employment or child support; or
 - (2) the family voluntarily ending assistance **and their income is no longer within public assistance standards...** (Emphasis added)

This provision is part of the transitional guarantee. Accordingly, a family that voluntarily ends its public assistance or child care in lieu of public assistance may only receive TCC if the family's income exceeds public assistance standards.

Administrative Directive 04-OCFS-ADM-01, dated June 29, 2004 stated, under the subheading "Impact on Transitional Child Care Eligibility," that families who "voluntarily close their 'in lieu of TA' child care case while still eligible for TA . . . will be covered under the transitional guarantee, assuming they meet all other eligibility criteria." OCFS clarified this misleading language in a subsequent Administrative Directive, 05-OCFS-ADM-03, dated May 20, 2005. Section III C(1)(a)(4) of 05-OCFS-ADM-03 provides that, "for transitional child care, the eligibility period begins with the first month in which a family **becomes ineligible for TA or 'child care in lieu of TA'**, and is limited to 12 months in duration." (Emphasis added)

The interpretation in 05-OCFS-ADM-03 is consistent with 18 NYCRR § 415.2(a)(1)(iv) and Section 410-w of the SSL because it provides that a family must be financially ineligible for public assistance to be considered eligible for TCC. 05-OCFS-ADM-03 remains the current directive and superseded 04-OCFS-ADM-01 with regard to the financial eligibility requirements for TCC.

III. Program Implications

Local social services districts must comply with the requirements provided in SSL 410-w, 18 NYCRR Part 415.2(a)(1)(iv), and 05-OCFS-ADM-03, which specify that a family is eligible for TCC only if the family's income exceeds the income eligibility standards for public assistance, and the family has met the other TCC eligibility requirements. The statutory, regulatory, and administrative requirements regarding transitional eligibility apply equally to: (1) a family whose public assistance case or child care in lieu of public assistance case is closed by the district; and (2) a family who voluntarily closes its public assistance case or child care in lieu of public assistance case.

/s Janice M. Molnar, Ph.D.

Issued By:

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