



Office of Children and Family Services

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Governor

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Administrative Directive

Transmittal:	22-OCFS-ADM-18
To:	Local Departments of Social Services Commissioners
Issuing Division/Office:	Division of Child Care Services
Date:	August 1, 2022
Subject:	Increase in Income Eligibility Levels for Child Care Assistance
Suggested Distribution:	Directors of Social Services Directors of Temporary Assistance Child Care Assistance Supervisors Temporary Assistance Supervisors Child Care Assistance Staff
Contact Person(s):	Sonoma Pelton, OCFS Bureau of Child Care Assistance, 518-408-6074 Sonoma.Pelton@ocfs.ny.gov ocfs.sm.districtsupport.subsidy@ocfs.ny.gov
Attachments:	<ul style="list-style-type: none"> OCFS-LDSS-4780, Denial of Your Application for Child Care Benefits OCFS-LDSS-4782, Notice of Intent to Discontinue Child Care Benefits

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
21-OCFS-ADM-30 22-OCFS-INF-05		18 NYCRR Part 415	SSL § 410-u, 410-w		

I. Purpose

The purpose of this Administrative Directive (ADM) is to inform local social services districts (districts) of changes to Title 18 of the official compilation of Codes, Rules and Regulations of the State of New York (18 NYCRR) Part 415, regarding income eligibility levels for child care services funded under the New York State Child Care Block Grant (NYSCCBG) and Title XX of the federal Social Security Act. This ADM also informs districts of two revised client notices that must be used by districts to provide notification to families about actions related to their child care assistance.

II. Background

The New York State Fiscal Year 2023 Enacted Budget amended Social Services Law section 410-u to state that income eligibility shall be increased to 300% of the state income standard (SIS) effective August 1, 2022, provided that the family income is at or below 85% of the state median income (SMI).

In accordance with this legislative change, the New York State Office of Children and Family Services (OCFS) filed a Notice of Proposed Rulemaking on April 18, 2022, and adopted the regulatory revisions effective August 1, 2022. The revised regulations increase income eligibility levels expanding access to child care assistance, allowing OCFS to obligate and liquidate funds allocated to the NYSCCBG in accordance with timelines under the New York State budget appropriations. Districts must come into compliance beginning August 1, 2022. With this ADM, OCFS is providing an overview of the regulatory changes and guidance for the implementation of such.

III. Program Implications

For cases funded under the NYSCCBG, districts must provide child care assistance for all eligible families with income up to 300% SIS if the district has funds available, subject to guarantee, priority and set-aside rules, provided the family income does not exceed 85% SMI. Further, the income eligibility level for families to be found eligible for child care assistance funded under Title XX will be increased up to 375% SIS depending on family size and at district option effective August 1, 2022.

NYSCCBG

OCFS amended 18 NYCRR Part 415.2(d)(1)(i)(a) to define “very low income” as a family income level of up to 300% SIS, provided the family income does not exceed 85% SMI. A district must use this definition for “very low income” in its Child and Family Services Plan (CFSP).

- State Income Standard

The following table provides the current income standards to determine financial eligibility for services. The table includes relevant SIS levels for each family size, valid from June 1, 2022, through May 31, 2023. OCFS previously advised districts of these updated figures in 22-OCFS-INF-05.

Family Size	New York State Income Standard (SIS)	200% SIS (Through 7/31/22)	300% SIS (Beginning 8/1/22)
1	\$13,590	\$27,180	\$40,770
2	\$18,310	\$36,620	\$54,930
3	\$23,030	\$46,060	\$69,090
4	\$27,750	\$55,500	\$83,250
5	\$32,470	\$64,940	\$97,410
6	\$37,190	\$74,380	\$111,570
7	\$41,910	\$83,820	\$125,730
8	\$46,630	\$93,260	\$139,890
9	\$51,350	\$102,700	\$154,050
10	\$56,070	\$112,140	\$168,210
11	\$60,790	\$121,580	\$182,370

12	\$65,510	\$131,020	\$196,530
13	\$70,230	\$140,460	\$210,690
14	\$74,950	\$149,900	\$224,850
15	\$79,670	\$159,340	\$239,010
16	\$84,390	\$168,780	\$253,170
17	\$89,110	\$178,220	\$267,330
18	\$93,830	\$187,660	\$281,490
19	\$98,550	\$197,100	\$295,650
20	\$103,270	\$206,540	\$309,810
Each Additional Person	\$4,720	\$9,440	\$14,160

- State Median Income

18 NYCRR Part 415.1(ae) defines state median income as the most recent SMI data published by the United States Census Bureau for a family of the same size. OCFS updates the SMI pursuant to guidance from the Administration for Children and Families for the Low-Income Home Energy Assistance Program (LIHEAP).

The SMI and 85% of the SMI levels for each family size, valid June 1, 2022, through May 31, 2023, are shown below.

Family Size	State Median Income (SMI) for New York	85% SMI for New York
1	\$57,052.32	\$48,494.47
2	\$74,606.88	\$63,415.85
3	\$92,161.44	\$78,337.22
4	\$109,716.00	\$93,258.60
5	\$127,270.56	\$108,179.98
6	\$144,825.12	\$123,101.35
7	\$148,116.60	\$125,899.11
8	\$151,408.08	\$128,696.87
9	\$154,699.56	\$131,494.63
10	\$157,991.04	\$134,292.38
11	\$161,282.52	\$137,090.14
12	\$164,574.00	\$139,887.90
13	\$167,865.48	\$142,685.66

14	\$171,156.96	\$145,483.42
15	\$174,448.44	\$148,281.17
16	\$177,739.92	\$151,078.93
17	\$181,031.40	\$153,876.69
18	\$184,322.88	\$156,674.45
19	\$187,614.36	\$159,472.21
20	\$190,905.84	\$162,269.96

Title XX

A district must indicate in its CFSP if it opts to use Title XX funds to provide child care assistance. Districts that do so may open such cases to eligible families with income up to 300% SIS, subject to priority and set-aside rules. Districts may establish income levels above 300% SIS, provided that the income levels do not exceed 375% SIS for a family of one or two, 355% SIS for a family of three, or 325% SIS for a family of four or more.

IV. Required Action

NYSCCBG

Districts must open all eligible cases with income up to 300% SIS, provided the family income does not exceed 85% SMI, if the district has funds available, subject to guarantee, priority and set-aside rules. OCFS encourages districts to review any cases that were denied due to excess income between December 1, 2021, and July 31, 2022, to contact any applicants who may be deemed eligible under the new income eligibility levels, and encourage them to reapply. Each district must project expenditures to verify adequate funding to serve families determined eligible for child care assistance for the entire 12-month eligibility period.

Title XX

Each district must review their CFSP election to use Title XX funds for child care assistance. If a district decides to change its position on the use of such funds, the district must submit an amendment request to OCFS. If a district will use Title XX funds to provide child care assistance, the amendment request must include the new income eligibility thresholds, within the established parameters. Upon approval, the district must amend Appendix P in the CFSP system. Amendments will be effective August 1, 2022.

Redetermination of Eligibility

Districts must redetermine a recipient's continued eligibility only when case factors indicate that a redetermination could be beneficial to the family by reducing the family share or increasing the amount of child care assistance; when case factors indicate that a change has occurred, which might bring the family over the applicable income eligibility threshold or, for NYSCCBG, be considered a non-temporary break in work, education or training activity; and at recertification.

For cases funded under the NYSCCBG, districts must not reduce the 12-month eligibility period when redeterminations are made during the 12-month period, unless one of the case closure criteria is met. Districts must continue any decrease in family share or increase in the amount of child care assistance through the remainder of the current 12-month eligibility period. Districts must complete a full redetermination when a child is born or otherwise joins the family's child care services unit if a

redetermination could be beneficial to the family by increasing the amount of child care assistance. If a district determines that a family's income does not exceed 300% SIS or 85% SMI, the district must give the family a new 12-month eligibility period because the new child is programmatically eligible for a full 12-month eligibility period. If a district determines a family's income is above 300% SIS and below 85% SMI, the district must add the child to the case and authorize child care services for the remainder of the current 12-month eligibility period. If the family income is above 85% SMI, the district must close the case because the family is no longer eligible to receive child care services.

Child and Family Services Plan

To expedite CFSP amendment submission and approval, OCFS has streamlined the amendment process and will post a notice of amendment to cover the eligibility increase to 300% SIS for cases funded under the NYSCCBG. Each district must review its CFSP to determine if it will revise district options in accordance with regulatory changes, and submit a letter to OCFS outlining its requested amended district options. If approved, the district will complete the amendment in the CFSP system.

For cases funded under Title XX, districts must submit an amendment letter that states the maximum allowable percentages for each family size. This amendment request must be submitted to OCFS no later than August 31, 2022. Upon approval by OCFS, the district will complete the amendment in its CFSP. Amendments to Appendix P of currently approved plans will be effective August 1, 2022.

OCFS will post a notice of the amendment on its website at:

<https://ocfs.ny.gov/programs/childcare/plans/>.

In an effort to increase statewide spending and to expand awareness of the Child Care Assistance Program (CCAP), OCFS encourages districts to advertise their child care programs and perform community outreach.

V. Client Notices

This ADM includes revised versions of two client notices that reflect the regulatory changes pertaining to income eligibility:

- OCFS-LDSS-4780, *Denial of Your Application for Child Care Benefits* (Rev. 07/2022)
- OCFS-LDSS-4782, *Notice of Intent to Discontinue Child Care Benefits* (Rev. 07/2022)
 - Attachment A – OCFS-LDSS-4780 (Rev. 07/2022), *Denial of Your Application for Child Care Benefits*, must be used by the district when a new application for child care benefits has been denied at initial application. The district must select one or more of the denial reasons listed on the form. If cases are denied because funding is not available to fund the case for the entirety of the NYSCCBG 12-month eligibility period, districts must select “due to insufficient funding the district is not opening cases at this time.” If cases are denied under Title XX, districts must select the “other” checkbox and explain in the comments the reason for denial. Additional information has been incorporated to the addendum to explain the difference in eligibility levels. Additionally, the income chart included in the addendum includes fields for both eligibility levels for a family size of 1 to 20.
 - Attachment B – OCFS-LDSS-4782 (Rev. 07/2022), *Notice of Intent to Discontinue Child Care Benefits*, must be used by the district when the district intends to end the child care benefit, either during the eligibility period or at redetermination. This notice was revised to reflect changes in regulation regarding income eligibility levels at redetermination and during the NYSCCBG 12-month eligibility period. Districts must select the applicable check boxes if

services are discontinued during the 12-month eligibility period or at redetermination. When a district is closing cases funded under Title XX for being over the applicable income limit, the district must select the “other” checkbox and explain in the comments what the income level is and the associated dollar amount.

VI. Systems Implications

Welfare Management System (WMS)

WMS has been updated to reflect increased eligibility levels for child care services effective August 1, 2022. OCFS issued a General Information System (GIS) message, #22-004 *Eligibility Level Increase for Child Care Assistance*, on July 22, 2022, to assist districts with necessary updates related to the implementation of the new eligibility levels, including required actions and instructions to update the eligibility levels for child care services in the Matrix in WMS.

For determining initial eligibility and at redetermination, income may not exceed 300% SIS and will be compared to the percentage of the state income standard listed in the Matrix in WMS. For Child Care Assistance funded by the Child Care Block Grant, income must also be at or below 85% SMI. During case update transactions (as would be used to process changes during the 12-month eligibility period), WMS will compare the income to 85% SMI if the income is greater than 300% SIS. For family size of eight or more, 85% SMI is *lower than* 300% SIS. For these cases, districts will be required to determine eligibility offline in some situations. See GIS #22-04 for detailed guidance.

Child Care Time and Attendance (CCTA)

For districts that use CCTA to process child care assistance payments, some modifications to CCTA have been made to support these regulatory changes. In other instances, guidance is provided for using the system as-is to process cases with the required regulatory changes. Additional guidance will be made available after the release of this ADM through emails with CCTA district users and by contacting the Kinder Systems Support Desk.

Updated SMI levels and SIS for eligibility determinations during the 12-month eligibility period have been added to the Administration, Eligibility Levels window. Further, when opening a family’s record in CCTA and navigating to the Family, Eligibility Levels window, the chart will show the calculation of 85% SMI for the family size of that case. It is the responsibility of district staff to apply the correct income eligibility levels to determine the appropriate case action.

CCTA has been updated to reflect the changes made to the OCFS-LDSS-4780 and the OCFS-LDSS-4782 client notices.

VII. Additional Information

A full version of 18 NYCRR 415 can be found on the OCFS website:

<https://ocfs.ny.gov/programs/childcare/regulations/>

The revised and new client notices (OCFS-LDSS-4780 and OCFS-LDSS-4782) are available in English on the OCFS intranet and internet websites:

<https://ocfs.state.nyenet/admin/forms/BECS/>

<https://ocfs.ny.gov/main/documents/docsChildCare.asp>

The notices will soon be made available in Arabic, Bengali, Chinese, French, Haitian Creole, Italian, Korean, Polish, Spanish, Yiddish, and Russian. Hard copies of the client notices in English and Spanish will be available for order 30 days from the release of this ADM. To request hard copies:

Complete form OCFS-4627, *Request for Forms and Publications*, which can be found on the OCFS internet website:

<https://ocfs.ny.gov/search/docs.php>.

- Once completed, mail the form to the following address:

New York State Office of Children and Family Services
Forms and Publications Unit
52 Washington Street, Room 116 South Bldg.
Rensselaer, NY 12144-2834

OR

- Call the OCFS Forms Hotline: (518) 473-0971

The revised and new client notices will soon be made available for use in CCTA and the OTDA Imaging Electronic Document Retrieval Intelligent Autofill System.

VIII. Effective Date

Districts must come into compliance with the requirements of the regulations, including the use of any revised client notices, by August 1, 2022.

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

Issued by:

Name: Janice M. Molnar, Ph.D.

Title: Deputy Commissioner

Division/Office: Division of Child Care Services