



# Office of Children and Family Services

**Andrew M. Cuomo**  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Sheila J. Poole**  
Commissioner

## Administrative Directive

<b>Transmittal:</b>	20-OCFS-ADM-07
<b>To:</b>	Commissioners of Social Services
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	May 21, 2020
<b>Subject:</b>	<b>CARES Child Care Scholarships for Essential Workers</b>
<b>Suggested Distribution:</b>	Directors of Social Services Supervisors of Day Care Child Care Assistance Staff
<b>Contact Person(s):</b>	Merideth Infantino, OCFS Division of Child Care Services 518-402-3001 or <a href="mailto:Merideth.Infantino@ocfs.ny.gov">Merideth.Infantino@ocfs.ny.gov</a> or <a href="mailto:ocfs.sm.districtsupport.subsidy@ocfs.ny.gov">ocfs.sm.districtsupport.subsidy@ocfs.ny.gov</a>
<b>Attachments:</b>	None

### I. Purpose

The purpose of this Administrative Directive (ADM) is to inform local social services districts (LSSDs) of the distribution of federal funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act to child care resource and referral (CCR&R) agencies to pay for child care assistance for income eligible essential workers during the COVID-19 pandemic.

### II. Background

On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order 202 declaring a disaster emergency for the entire State of New York. On March 18, 2020, Governor Cuomo issued Executive Order 202.6, which, among other things, directed businesses and not-for-profit entities to utilize, to the maximum extent possible, any telecommuting or work-from-home procedures that could be safely utilized, with the exception of essential businesses. In addition, Executive Order 202.6 included child care and services needed to

ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public within the definition of an essential business. On March 20, 2020, Governor Cuomo issued Executive Order 202.8. Under the order, effective as of March 22, 2020, at 8 p.m., all businesses and not-for-profit entities were to use any telecommuting or work-from-home procedures to the maximum extent possible and reduce the in-person workforce at any work locations by 100 percent, with the exception of essential businesses.

On March 16, 2020, the New York State Office of Children and Family Services (OCFS) notified LSSDs that districts could expand the child care services they provide to families affected by the novel coronavirus disease, COVID-19, for the duration of the disaster emergency, provided that the LSSD continued to have funds available under either the LSSD's New York State Child Care Block Grant (NYSCCBG) or any local funds appropriated for such purpose. LSSDs were able to select from the following regulatory waiver options: extend the eligibility period, expand the definition of a child needing protective services, expand the number of allowable absences paid, expand the number of program closures paid, expand income eligibility up to 85 percent of the state median income (SMI) level, waive the family share of families impacted by COVID-19, and make other requests related to eligibility and/or administration of the child care subsidy program. On April 14, 2020, OCFS notified LSSDs of the option to request a 30-day extension of any waiver to expand child care services provided to families affected by COVID-19 that were previously approved by OCFS. For information see 20-OCFS-ADM-06, *COVID-19 Guidance for Child Care Subsidy*.

On March 27, 2020, the CARES Act (H.R. 748) was signed into law. With the passage of the CARES Act, New York State received \$163.6 million in emergency relief for the child care system. New York State is using a portion of this funding to provide child care scholarships for income-eligible essential workers.

### III. Program Implications

#### **CARES Child Care Scholarships**

A portion of CARES Act funding allocated to emergency relief to the child care system will be managed by the Early Care & Learning Council (ECLC) and administered by the ECLC network of 35 CCR&R agencies. Payment for child care services for eligible families will be made through CARES Child Care Scholarships. To be eligible for a CARES Child Care Scholarship,

- the parent or caretaker must be an essential worker, as described in Executive Orders 202.6-202.8 and clarified by the New York State Empire State Development; (see <https://esd.ny.gov/guidance-executive-order-2026>);
- the parent or caretaker must be required to work outside of the home; and
- the family's adjusted gross income may not exceed 300 percent of the federal poverty level (FPL).

In New York, CARES Child Care Scholarships may only be used to pay for child care services provided by licensed or registered child care providers. Payments to providers will be for the actual cost of child care, up to the applicable market rate as defined in 19-OCFS-LCM-23.

CARES Child Care Scholarships payments may be made for the entire cost of child care, up to the applicable market rate, or for the amount of the current family share if the family is currently being served by the LSSD under the NYSCCBG subsidy program and the LSSD has not waived the family share. The CARES Child Care Scholarships will be available while the funds to support them are available, pursuant to the contract entered into with the CCR&R. Awards will be made on a first-come, first-served basis.

Essential workers must apply for the CARES Child Care Scholarships through their local CCR&R, where an online application will be available. Applicants for the CARES Child Care Scholarships must certify that they meet all of the eligibility requirements. Essential workers must submit a letter from their employer to their CCR&R confirming that they are an essential worker who cannot work from home. Essential workers currently in receipt of child care assistance through the NYSCCBG subsidy program who are seeking CARES Child Care Scholarships to pay for their family share must also submit a letter stating the amount of their current family share. A copy of the family's most recent LSSD notice stating the amount of their family share is sufficient. Acceptable notices include: OCFS-LDSS-4779, *Approval of Your Application for Child Care Benefits*, OCFS-LDSS-4781, *Notice of Intent to Change Child Care Benefits*, or OCFS-LDSS-4784, *Approval of Your Redetermination for Child Care Benefits*.

All licensed and registered providers who are caring for the children of essential workers may participate in the CARES Child Care Scholarship program. In order to receive payment, providers must apply through their CCR&R agency.

The CCR&R is solely responsible for determining family and provider eligibility for CARES Child Care Scholarships.

### **LSSD Implications**

LSSDs must provide families with a letter specifying the amount of the current family share when requested by a family.

LSSDs must continue to provide child care assistance in accordance with any and all currently approved waivers until the end of the waiver period, provided that the LSSD continues to have funds available. To the extent that the LSSD has already approved cases between 200 percent FPL and 85 percent SMI, the LSSD must continue to issue payments on behalf of such cases for the remainder of the waiver period if funds are available and as long as the family continues to be eligible and wishes to keep their case open. If the LSSD has an approved waiver to expand income eligibility, the LSSD must process new applications according to such approved waiver. However, LSSDs must inform new applicants with income between 200 percent FPL and 85 percent SMI about the CARES Child Care Scholarships available through the CCR&Rs. Applicants who are eligible for both a CARES Child Care Scholarship or a subsidy through NYSCCBG must be allowed to apply for either program and must be able to freely choose which program they will participate in and may participate in both (if receiving a subsidy from the LSSD and their family share is paid through CARES). A requirement of CARES funding is that it supplement, rather than supplant, current programs. As a result, LSSDs may not amend approved waiver(s) in a way that would negatively impact the community until the waiver expires, unless they have run out of funds. If the option to extend the approved waivers is offered, LSSDs may choose whether to extend their approved waivers at that time.

**IV. Effective Date**

The effective date of this release is April 20, 2020.

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

---

**Issued by:**

Name: Janice M. Molnar, Ph.D.

Title: Deputy Commissioner

Division/Office: Division of Child Care Services