

+-----+
| LOCAL COMMISSIONERS MEMORANDUM |
+-----+

DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-53

Date: May 4, 1995

Division: Services and
Community
Development

TO: Local District Commissioners

SUBJECT: Child Care: Availability of the Child and Adult Care Food
Program (CACFP) to Caregivers of Informal Child Care

ATTACHMENTS: None

The New York State Department of Health which administers the Child and Adult Care Food Program (CACFP) in New York State has announced that caregivers of informal child care who are enrolled with a social services district to receive payments on behalf of one or more subsidized children are eligible to participate in the CACFP. In State Fiscal Year 1993-1994, approximately 22 percent of all children receiving subsidized child care services were in informal child care arrangements. The Department supports the CACFP expansion efforts which will help ensure that all low income children receive nutritious meals and snacks while in child care, regardless of the category of provider selected by their parents. The purpose of this Local Commissioners Memorandum (LCM) is to provide guidance to social services districts regarding their relationship with the CACFP sponsors and the impact of CACFP payments on eligibility for public assistance, medical assistance and food stamps.

Enrolled providers will participate in CACFP under the same federal CACFP regulations as family day care providers. Current CACFP sponsors must submit a "Plan of Sponsorship" for approval by the Department of Health before enrolled providers can begin to participate. Since caregivers of informal child care will be eligible for CACFP funding for only those months in which they provide care to a subsidized child, the plan must include

information about how the CACFP sponsor will work with social services districts to identify enrolled caregivers for outreach and to verify payments each month.

Social services districts are reminded that the name and address of a caregiver of informal child care cannot be shared without the written permission of the caregiver. However, social services districts may choose to inform caregivers of informal child care of the availability of CACFP funds by other means, such as:

- o attaching information about the CACFP to the enrollment form;
- o including CACFP flyers with the "Health and Safety Information Letter" that is given to each enrolled caregiver; or
- o adding a question to the enrollment form to determine whether the caregiver is interested in being contacted about the CACFP.

It should be noted that since families may select a caregiver who resides in a neighboring county, social services districts may be approached by more than one sponsor agency regarding expanding the availability of CACFP to caregivers of informal child care. Each social services district must determine the extent to which it is able to work with sponsor agencies to make the CACFP available to caregivers of informal child care. Social services districts are encouraged to collaborate with the CACFP sponsor agencies to develop creative outreach efforts and verification procedures to the maximum extent practical.

In accordance with federal rules, CACFP monitors are required to visit participating providers three times annually. In the course of such visits, the monitors may identify issues related to the quality of child care services being provided. Since caregivers of informal child care are exempt from State regulation, neither the Department nor social services districts have authority to investigate such concerns or to deny payment for services provided to an eligible family. Generally, however, CACFP monitors have training and experience in the area of child care and child development. Therefore, in addition to providing nutrition information, CACFP monitors are able to guide caregivers in other areas related to the quality of services they provide to children and families. CACFP monitors also are aware of available training programs and can encourage caregivers to take advantage of such opportunities.

CACFP monitors also may identify enrolled caregivers who are caring for more than two children for more than three hours per day and who are required to register as family day care providers. When such an individual is identified, the CACFP monitor will make a report to the Child Care Complaint Line. In addition, the monitor should notify the social services district

which enrolled the caregiver of the situation. The caregiver will be contacted by the Department, or its contracted representative, regarding the registration requirements. In some cases, the CACFP monitor may assist the caregiver in completing the registration application.

Unregulated caregivers who are not legally-exempt from family day care registration requirements are not eligible to receive payment from child care subsidy funds. Upon learning that an enrolled caregiver of informal child care is subject to family day care registration requirements, social services districts must offer the parent(s) an opportunity to make different child care arrangements and assistance locating a provider who is eligible for payment. If the parent chooses to continue the existing child care arrangement, the social services district must provide the parent(s) with adequate and timely notice of intent to discontinue the child care benefits. The reason for discontinuance would be that the caregiver selected is not an eligible provider as defined in Section 415.1(h) of the Department's regulations. Child care subsidy payments may be resumed when:

- o the caregiver registers as a family day care provider;
- o the caregiver reduces the number of children served to legally-exempt levels; or
- o the parent selects an eligible child care provider.

Under Section 352.16(a) of the Department's regulations, payments from the CACFP are excluded from income when determining a caregiver's eligibility for public assistance and the amount of such benefits. When determining eligibility for Medical Assistance (MA), payments from the CACFP also are excluded from income. For food stamp purposes, CACFP payments are treated as self-employment income. Guidance on determining the amount of CACFP income used to calculate food stamp benefits can be found in 90 INF-4 entitled "Food Stamp Treatment of Child Care Food Program (CCFP) Payments."

Questions regarding this LCM may be directed to Dee Woolley, Bureau of Early Childhood Services at 1-800-343-8859, extension 432-2541 or dial direct (518) 432-2541. Ms. Woolley also may be contacted on-line, Userid #89a800.

Suzanne Zafonte Sennett
Director
Bureau of Early Childhood Services