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CHILD CARE SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS

CHILD CARE SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS AND APPLICANTS 18 NYCRR§415.8(A)

The Department of Social Services (“DSS”) “must promise child care services to a family who has applied for or is in receipt of public assistance when” ALL of the following commitments are met:

- Child care “services are needed for a child under 13 years of age” and
- Child care services are necessary “to enable the child’s custodial parent or caretaker relative to participate in activities required” by DSS.

CHILD CARE SERVICES AND DSS WORK REQUIREMENTS 18 NYCRR § 415.8(B)-(L)

a. Locating Necessary Child Care to Enable Completion of Work Requirement

It is the parent or caretaker relative’s duty to find and secure child care services necessary to enable the completion of a DSS work requirement. If the parent or caretaker relative is unable to find and secure child care services so that the individual can complete the work requirement, the parent or caretaker relative must do the following:

- Notify DSS of attempts to secure child care.
- Request additional assistance from DSS to secure child care.
- o DSS should refer the individual to the “child care resource and referral agency” and/or
- o Provide contact information (i.e. name, address, and telephone number) for “eligible providers.”
- Follow-up with referrals received from DSS.
- Notify DSS of outcome of follow-up with referrals.





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CHILD CARE SERVICES FOR PUBLIC ASSISTANCE RECIPIENTS CONTINUED...

b. Exclusion from Work Requirement Due to Inability to Secure Child Care

In order to be excluded from the DSS work requirement due to an inability to secure child care, the following must all be true:

- *Attempts to Secure Child Care Made by Parent or Caretaker Relative:* A parent or caretaker relative must follow the steps outlined above in “Locating Necessary Child Care to Enable Completion of Work Requirement”
- *“Demonstrated Inability” to Locate Necessary Child Care Exists Despite Referrals from DSS and Referring Agencies:* DSS must determine a “demonstrated inability” exists. To make their determination, a parent or caretaker relative must submit an attestation to DSS regarding 1) informal and formal care providers contacted and 2) why the provider(s) and provider(s) from any referrals from DSS or other referring agency are “not appropriate, accessible, suitable, affordable or a reasonable distance from the individual’s home or work site.” DSS will review and verify the attestation(s) to make their determination.

NOTE: _____

If there is a “demonstrated inability” established, DSS is to offer the parent or caretaker relative “two choices of eligible child care providers[,] at least one of which must be a licensed or registered provider.” Public assistance may be terminated or reduced if the parent or caretaker relative:

- 1) is unwilling to accept either provider,
- 2) cannot show, per DSS’ determination, “that such child care is not appropriate, accessible, suitable, affordable or a reasonable distance from the individual’s home or work site[,]” and
- 3) the parent or caretaker relative does not comply with the work requirements

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