



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY DIRECTIVE #05-25-ELI

### CHILD CARE IN LIEU OF PUBLIC ASSISTANCE (CILOPA)

<b>Date:</b> July 11, 2005	<b>Subtopic(s):</b> Child Care
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#### AUDIENCE

The instructions in this policy directive are for staff in the Job Centers and are informational for all other staff.

#### POLICY

Applicants/participants deemed eligible for or in receipt of public assistance (PA) may now choose to receive child care assistance *instead of* PA. If the applicant/participant is determined to be eligible for this benefit, child care payments are guaranteed for as long as the household's income continues to be within the PA income guidelines.

#### BACKGROUND

Currently, an individual must be an applicant for/recipient of PA and engaged in a work-related activity to be eligible for HRA child care payments. If the PA case is closed due to excess income, eligible households may continue to receive child care payments for a maximum of 12 months as Transitional Child Care (TCC) assistance.

CILOPA: Child care in Lieu of Public Assistance

Effective August 1, 2005, certain employed individuals may receive HRA child care payments "in lieu of" PA. Households in receipt of Child care in Lieu of PA (CILOPA) will be required to pay only \$1 per week as their family share/fee for child care assistance. Only one family share/fee is required, regardless of the number of children requiring care. If an applicant/participant's child care provider charges more than the HRA market rate, s/he will need to either find a different provider or pay the difference between the HRA market rate and the rate charged by the provider.

CILOPA will assist certain low-income families in achieving self-sufficiency by guaranteeing the child care subsidies needed to maintain their employment without requiring them to receive PA benefits.

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 2 at the prompt followed by 765 or  
send an e-mail to *FIA Call Center*

**Eligibility Requirements**

When determining eligibility for CILOPA, the income and resources of all members of the household who would otherwise be required in the public assistance filing unit must be counted.

In order to be eligible for CILOPA the household must:

- Be in receipt of PA or apply and be deemed eligible for PA; and
- Be *employed* at least 20 hours per week (single parent with a child under the age of six); 30 hours per week (single parent whose children are all six or older); or a combined total of 55 hours per week (two-parent families with at least one parent working 30 or more hours per week); and either:
  - earning wages at a level equal to or greater than the minimum amount required under Federal and State labor law for the type of employment; or
  - self-employed and able to demonstrate that such self-employment produces personal income equal to or greater than the minimum wage or has the potential for growth earnings to produce such an income within a reasonable period of time; and
- Be in need of child care for a child(ren) under the age of 13; and
- Use an eligible child care provider; and
- Be in receipt of, or actively pursuing, court-ordered child support or have good cause not to be actively pursuing child support.

**Note:** If a parent/caretaker fails to comply with efforts to pursue a child support claim against non-custodial parent(s), the household is ineligible for CILOPA but may still be eligible for PA. Please see PD #03-48-ELI, Public Assistance Sanctions and Reduction Budgeting, for more information on this process.

 See PD #03-48-ELI

Child-only cases are not eligible for CILOPA.

There must also be at least one parent/guardian applying for or in receipt of assistance who meets both the immigrant/citizenship status requirement and the Social Security number requirement for PA to qualify for CILOPA.

Any CILOPA recipient who voluntarily reduces his/her income or the number of hours s/he works in order to maintain CILOPA eligibility will lose the child care assistance guarantee.

**Benefits of Choosing CILOPA**

- Unlike PA, if the household has not used all of their 60/24 months of cash assistance eligibility, the child care assistance subsidy does not count against the cash assistance time limits. Therefore, the remaining months of eligibility for cash assistance can be saved for a time when greater financial assistance is needed.
- There are no eligibility periods attached to this guarantee. A family can continue to receive the child care subsidy for as long as it meets the eligibility criteria for CILOPA and remains financially eligible for PA.
- An individual in receipt of CILOPA who is employed for less than 35 hours a week is not required to participate in *additional* work activities.
- Participants who choose CILOPA instead of PA will now receive all child support money paid by the noncustodial parent.

Individuals choosing CILOPA are not subject to the substance abuse or domestic violence screening requirements and are not required to sign a property lien. However, they must still comply with all other eligibility requirements including, but not limited to, referrals to the Bureau of Eligibility Verification (BEV), the Office of Child Support Enforcement (OCSE) and finger imaging.

New forms for PA Application/Recertification Kits.

A Child Care Guarantee Letter (**M-528m**), informing households of the availability of this child care guarantee, must be provided to all participants at every contact and placed in all application and recertification kits.

**New NYCWAY Action Codes**

New NYCWAY action codes have been developed for CILOPA:

If an applicant/participant requests CILOPA

- **918L** (Request for CC in Lieu of PA – Applicant)
- **118L** (Request for CC in Lieu of PA – Participant)

These two codes are used to identify applicants/participants *requesting* CILOPA. They only indicate an applicant/participant's *intention* to pursue CILOPA. They also trigger the Employment Plan (EP) to only display the language and child care sections required for CILOPA.

If an applicant/participant withdraws his/her request for CILOPA

- **918D** (Withdrawal Request for CC in Lieu of PA – Applicant)
- **118D** (Withdrawal Request for CC in Lieu of PA – Participant)

These two codes are used after a *request* for CILOPA has been entered in NYCWAY with code **918L** or **118L**, to indicate an applicant/participant's intention to withdraw his/her request for CILOPA and pursue/continue PA instead. These codes are not used for persons already in receipt of CILOPA.

New WMS  
Rejection/Closing  
Code

A new WMS rejection/closing code, **F98** (PA Denied/Closed Because of Request for Child Care in Lieu of PA), has been developed to identify applicants/participants who have completed the eligibility process and are *deemed eligible* for CILOPA.

In order for child care payments to continue seamlessly through the transition from PA to CILOPA, the Automated Child Care Information System (ACCIS) reads the **F98** posted in WMS to provide/continue to provide child care payments for these rejected/closed cases.

ACCIS will check the data in NYCWAY and WMS weekly to ensure that the **F98** status has not changed. Once a PA case has been rejected/closed with the **F98**, the TCC Unit handles all further child care activity on the case.

Twelve months after the **F98** is posted in WMS, and every year thereafter, the TCC Unit will conduct a recertification to determine if the household remains income eligible for PA and therefore eligible for continued CILOPA.

If, at recertification, excess income causes a household to become ineligible for CILOPA, the household's eligibility is then evaluated for 12 months of TCC payments.

During breaks in work-related activities (e.g., vacation), the continuation of the guaranteed child care payments is limited to a period of up to two weeks. However, the guaranteed child care payments may be authorized for up to one month if the child care arrangements would be lost if payments were not continued. The extended payments can be granted as long as the employment activity is scheduled to restart within that one-month period.

If a household in receipt of CILOPA moves to another county outside New York City, HRA is responsible for the child care benefits during the month of move and through the end of the following month.

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**REQUIRED  
ACTION**

Workers must actively discuss the option of CILOPA with all qualifying applicants/participants. When an individual reports that s/he is employed and in need of child care, s/he may not be aware of the availability of CILOPA. It is the Worker's responsibility to inform him/her of this program. However, under no circumstance is an individual required to accept CILOPA.

**Note:** It is critical to inform all applicants/participants that if they choose to receive/continue to receive PA, child care assistance can still be provided if they are in compliance with all engagement/work-related activity requirements.

**Applicants**

When interviewing an applicant who is already employed, the Worker:

- Verifies that the applicant requires child care assistance in order for him/her to work.
- Discusses the availability of the guaranteed CILOPA subsidy (for aid in this discussion, see the attached Child Care in Lieu of PA (CILOPA) Discussion Guide [**M-528p**]).

When an applicant informs the Worker that s/he wants only child care assistance and does not want PA, the Worker:

- Checks the *Case is a Child Care In Lieu of TA (PA)* box on the top of the Paperless Office System (POS) Disposition/Withdrawal screen. The Disposition/ Withdrawal screen can be accessed at any time, allowing the Worker to indicate an applicant’s choice of CILOPA or change of mind about choosing CILOPA at any point in the process up *until* the denial/closing code **F98** posts in WMS.

POS will then indicate to NYCWAY that the applicant is choosing CILOPA, and NYCWAY will post Action Code **918L**. When POS is not available, Action Code **918L** must be manually entered into NYCWAY.

- Continues the application interview:
  - Explores availability of resources, other income, household composition and filing unit requirements, alien/citizenship requirements and makes referrals to:
    - Finger Imaging Unit
    - BEV
    - OCSE, etc.
- At the end of the POS activity, prints the Request for Child Care Assistance or Request to Close My Public Assistance (PA) Case (**M-528n**) and electronically captures the applicant’s signature.
- Completes an **FIA-3A** that will result in the automatic posting of Action Code **167D (FIA-3A Data Entry Completed)** in NYCWAY.  
 If an employed applicant does not have proof of employment, the **FIA-3A** is still completed and action code **910R (FA Job Center Return Appointment – Other)** is entered to schedule a return appointment for the applicant to provide proof of employment.
- Initiates an EP. The CILOPA EP will require entry of the language and child care information only.

**Note:** If an EP is attempted *before* the **FIA-3A** is completed on a case with CILOPA Action Code **918L**, NYCWAY will prompt the Worker to first complete the **FIA-3A**.

- Enters the appropriate child care code for each child in the household.

Once Applicant Is Deemed Income Eligible

Child care not in place at time of application

For most applicants, child care will not be in place at the time of application. In this case the Worker:

- Indicates child care type **3** (No Child Care in Place – Arrangement Required) and transmits.
- Chooses the type of referral (Provider and Documentation Required or Documentation Only Required [Provider Is in Place]) and transmits.
- Discusses child care options with the applicant.
- Fills out the Child Care Appointment Confirmation and Contact List (**W-667C**) with the names of two regulated and confirmed available providers and gives it to the applicant with a Child Care Provider Form (**W-273B**) and an Administration of Medication Enrollment for Child Care Providers form (**W-273W**). As per current procedure, the parent/guardian completes both of these forms with the child care provider.
- Schedules a return appointment on the EP Child Care screen (Action Code **933S** Child Care Return Appointment – Provider Needed).

📖 See PD #02-27-EMP for more information regarding enrolling PA children into the Agency for Child Development’s (ACD) contracted slots.

Child care in place at time of application

For applicants with child care in place at the time of application, the Worker:

- Gives applicant a **W-273B** and a **W-273W** for him/her to complete with the child care provider.
- Schedules a return appointment on the EP Child Care screen (Action Code **933D** Child Care Return Appointment – Documentation Needed).

At Return Appointment

When the applicant returns to the Center, the Worker:

- Reviews the **W-273B** and **W-273W** for accuracy and completeness. If incomplete, they are returned to applicant to correct. Another return appointment can be scheduled to allow the applicant time to complete these forms or obtain necessary information.
- If forms are complete, enters information from the **W-273B** into ACCIS and gives the applicant the Authorization for Child Care Payment form (**W-273K**).
- Scans and indexes all completed child care forms, including the **W-273B**, into POS.

Once all child care documentation is in place

- Enters child care Type **1** or **2** and transmits. NYCWAY will post a **933T** (Child Care Is in Place – Applicant).

**Note:** In order for the system to accept an applicant’s request for CILOPA, there must be at least one child in the household requiring either child care type **1** (formal childcare in place at cost to the city) or child care type **2** (informal childcare in place at cost to the city).

- Closes out the EP with Action Code **119U** (EAEP assessment completed – participant exemption).
- Denies/closes PA case with **F98**.

ACCIS will read the **F98** denial/closing code and enter a 12-month recertification date. ACCIS will send out the paper recertification notice in the 11th month.

If child care is in place at the time of application, the child care subsidy is paid from the date of application. If child care is not in place at the time of application, the subsidy will be paid from the date the provider began caring for the child(ren).

If applicant decides s/he doesn’t want CILOPA

At any time until the **F98** is posted in WMS an applicant may change his/her mind as to whether s/he wants CILOPA. If an applicant changes his/her mind before the **F98** is posted, the Worker must:

- Check the *Child Care In Lieu of TA (PA)* box in the *Wishes to Withdraw Case From:* section of the POS Disposition/Withdrawal screen.
  - POS will indicate to NYCWAY that the applicant has withdrawn his/her request for CILOPA, and
  - NYCWAY will post Action Code **918D**.
- Print the **M-528n** and recapture the applicant’s electronic signature.
- Initiate a new EP addressing all barriers and required referrals.

Applicant/participant wants to return to PA

If an applicant/participant changes his/her mind after the **F98** is posted in WMS, s/he must reapply for PA. Upon reapplication, the Job Center Worker must update ACCIS to reflect the new reason for care. A new case must not be established in ACCIS. If child care is no longer required, the Worker needs to manually end the child care case in ACCIS.

## Participants

When a participant reports that s/he is now employed or when interviewing a participant who is already employed, the Worker:

- Reviews the case to see if the participant meets the CILOPA eligibility requirements. If s/he does, then the Worker:
- Discusses the availability of the guaranteed CILOPA subsidy (for aid in this discussion, see the attached **M-528p**).

When a participant informs the Worker that s/he wants to receive the child care assistance *only* (no longer wants PA and wants to close his/her PA case), the Worker:

- Enters action code **118L** in NYCWAY to indicate that this participant is requesting CILOPA.
- Verifies current employment and/or income and calculates a budget.
  - If the participant's employment information or income has changed, the Worker starts a new FIA-3A (auto-budget).
  - If the participant's employment information or income has not changed, ensure that an **FIA-3A** has been completed within the past six months. To verify that the information is current/correct, scan and index either the participant's paystub(s) documenting all income from the past 30 days or a letter from his/her employer, on official stationery, listing salary and hours worked, into POS (documentation cannot be more than 30 days old). Obtaining employment documentation will probably require a return appointment for the participant.
  - If the **FIA-3A** is more than six months old but the information has not changed, create an information-only **FIA-3A** to show that the information used to determine eligibility for PA is the same and up to date.
  - If the participant is newly employed or no **FIA-3A** exists, initiate one.
- Initiates a new EP, which will require only language and child care information.

**Note:** If an EP is attempted *before* a current (within the past six months) **FIA-3A** is completed on a case with CILOPA Action Code **118L**, NYCWAY will prompt the Worker to first complete the **FIA-3A**.



- Enters the appropriate child care code for each child in the household.

Because of engagement requirements, most participants will already have child care in place. For those participants who do not have child care in place, the Worker:

- Discusses child care options with participant.
- Fills out **W-667C** with the names of two regulated and confirmed available providers, if required.
- Indicates child care type **3** (No Child Care in Place – Arrangement Required), transmits and schedules a return appointment via Action Code **133S** (child care return appointment – provider required) or **133D** (child care return appointment – documentation required).
- Provides the **W-273B** and **W-273W**. Enters the appropriate child care code for each child in the household.

At the return appointment:

- Reviews the **W-273B** and **W-273W** for completeness.
- Scans and indexes all completed child care forms, including the **W-273B** and **W-273W**.
- Ensures that child care is in place and enters the completed child care information into the EP. NYCWAY will post a **133T** (Child Care Is in Place – Participant).

**Note:** In order for the system to accept a participant's request for CILOPA, there must be at least one child in the household requiring either child care type **1** or child care type **2**.

- Enters the child care information in ACCIS.
- Selects the **F98** closing code in POS and enters "CILOPA" in the comments section.
- Prints the **M-528n** and electronically captures the participant's signature.

ACCIS will read the **F98** closing code and enter a 12-month recertification date. ACCIS will send out the paper recertification notice in the 11th month.

📖 See PD #02-27-EMP for more information regarding child care for persons on PA.

If participant decides s/he doesn't want CILOPA

At any time until the F98 is posted in WMS a participant may change his/her mind as to whether s/he wants CILOPA. If a participant changes his/her mind before the **F98** is posted, the Worker must:

- Manually enter action code **118D** in NYCWAY to indicate that this participant has withdrawn his/her request for CILOPA.
- Print the **M-528n**, have the participant check the box under *Withdrawal from the child care subsidy guarantee "in lieu of PA,"* and recapture the participant's electronic signature.
- Settle in Conference (SIC) the pending **F98** closing. If the Worker cannot SIC the closing in time to prevent the case closing, the case must be reopened using Closed in Error code **066**.

If a participant changes his/her mind after the **F98** is posted in WMS, s/he must reapply for PA.

📖 See PD #01-49-EMP for more information regarding TCC.

Once the PA case is rejected/closed and the person is in receipt of CILOPA, all further child care activities are handled by the TCC Unit of the Work Related Benefits Program.

The TCC Unit will conduct the CILOPA eligibility recertification 12 months after the **F98** posts in WMS.

**CILOPA Recertification**

On a monthly basis ACCIS will create a report of CILOPA recipients who are in their 11th month and mail them a recertification package.

Upon recertification, any child support income redirected to a CILOPA client becomes part of his/her household's countable income.

CILOPA recipient remains income eligible for PA

If the household is deemed income eligible for continued CILOPA, the TCC Worker makes system annotations/changes needed to guarantee 12 additional months of CILOPA. A notice is mailed to inform recertified CILOPA recipients that they will continue to receive CILOPA for another 12 months.

CILOPA recipient becomes financially ineligible for PA

If the income renders the household ineligible for PA, the TCC Worker determines eligibility for 12 months of TCC benefits. If eligible for TCC, the weekly fee will vary depending on the amount of household income. The CILOPA recipient will be informed of the TCC payment and fee change via the Notice of Intent to Change Child Care Benefits (**LDSS-4781**). If ineligible for TCC, recipients will be mailed the Notice of Intent to Discontinue Child Care Benefits (**LDSS-4782**).

CILOPA recipient wants PA (no longer wants CILOPA)

A CILOPA recipient who wishes to discontinue CILOPA and return to PA is considered a new applicant. S/he must return to the Job Center to apply for and file a **new** PA application.

If child care is still required, DO NOT create a new case in ACCIS for the child(ren) in care. Instead, update the reason for care code and provider information.

**PROGRAM IMPLICATIONS**

**Model Center Implications**

At the Model Centers, the Front Door Reception must forward all CILOPA child care return appointments to the Customer Service and Information Center’s (CSIC) Child Care Specialist who will:

For further information on the CILOPA child care process, refer back to page 5 for applicants or page 8 for participants.

- Enter all child care related information into ACCIS.
- Close the EP with Action Code **119U**.
- Close the Model Office Number Identification Queue (MONIQ) ticket.
- Issue a new MONIQ ticket in the PA Other queue to refer the applicant/participant back to the original PA Worker, who will complete the CILOPA process as appropriate.

**Food Stamp Implications**

The receipt of CILOPA has no effect on Food Stamp eligibility. If the applicant/participant withdraws the PA application or closes the PA case, a separate determination is required for food stamps. If the CILOPA recipient is paying the difference between the market rate for child care and the rate his/her child care provider charges, this difference is an out-of-pocket expense and must be counted as a child care deduction in the Food Stamp calculation.

**Medicaid Implications**

Receipt of CILOPA has no effect on Medicaid eligibility. If the applicant/participant withdraws only his/her PA application or closes his/her PA case, a separate determination is required for Medicaid.

**FAIR HEARING IMPLICATIONS**

**Avoidance/ Resolution**

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

**Conferences**

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen.

The FH&C AJOS/Supervisor I will listen to and evaluate the applicant/participant's complaint. After reviewing the case file and discussing the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor, s/he will determine if the action taken was correct. If the determination is that the action taken was correct, the FH&C AJOS/Supervisor I will explain the reason for the determination to the applicant/participant. If the explanation is accepted, no further action is necessary. The AJOS/Supervisor I must complete a Conference Report (**M-186a**).

If the determination is that the action taken was incorrect or correct but lacking the supporting documentation, the FH&C AJOS/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken.

In addition, if the adverse case action still shows on the **Pending (08)** screen in WMS, the AJOS/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form (**LDSS-3722**) if the case was granted aid continuing (ATC) to change the **02** to an **01**, or a PA Recoupment Data Entry Form (**LDSS-3573**) to delete a recoupment. The **M-186a** must also be prepared.

Should the applicant/participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing which has already been requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

#### Evidence Packets


All Evidence Packets must contain a detailed history, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY **Case Notes** screens.

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#### REFERENCES

**04-OCFS-ADM-01** New York State Office of Children & Family Services, Administrative Directive, June 29, 2004  
**PD #03-48-ELI**  
**PD #02-27-EMP**  
**PD #01-49-EMP**

**ATTACHMENTS**

 Please use Print on Demand to obtain copies of forms.

- M-528m** Child Care Guarantee Letter
- M-528m (S)** Child Care Guarantee Letter (Spanish)
  
- M-528n** Request for Child Care Assistance or Request to Close My Public Assistance (PA) Case
- M-528n (S)** Request for Child Care Assistance or Request to Close My Public Assistance (PA) Case (Spanish)
  
- M-528p** Child Care in Lieu of PA (CILOPA) Discussion Guide
  
- LDSS-4781** Notice of Intent to Change Child Care Benefits (Rev. 12/2004)
- LDSS-4782** Notice of Intent to Discontinue Child Care Benefits (Rev. 12/2004)

## Child Care Guarantee Letter

A new guarantee of child care assistance is now available for **working** families. You may decide that instead of **receiving** Public Assistance (PA), what you really need is help paying for child care. Working families who are applying for or receive PA **and need child care in order to work** may be eligible for a new child care guarantee available for working families. A child care guarantee means that if you meet the eligibility requirements, the Human Resources Administration must pay an eligible child care provider for your child care.

### Who is eligible?

You are eligible for this guarantee if you are applying for and found eligible for PA and choose child care instead of PA or if you are receiving PA and ask that your PA case be closed, and:

- your income and resources are within PA limits;
  - you are working the number of hours required by PA;
  - you need child care for a child under age 13 so you can work;
  - you are using an eligible child care provider; and
  - you receive court-ordered child support, are actively pursuing support through the Child Support Enforcement Unit, are trying to get court-ordered support through other means, or have received a good cause exception from actively seeking support.
- SAMPLE**
- **What if I am worried that if I go after child support my partner may harm me or my child?**  
You should discuss your situation with your Worker. Your Worker will determine whether you should receive a good cause exception from actively pursuing child support. You may be asked to provide hospital or police reports or statements from family, friends or neighbors who are aware of your situation.
  - **If I had a Domestic Violence (DV) Waiver while I was receiving Public Assistance, doesn't that demonstrate good cause not to pursue support?**  
If you can show your Worker a DV Waiver dated within the last 12 months, the DV Waiver demonstrates good cause. If your DV Waiver is older than 12 months, you should discuss your situation with your Worker so he or she can determine if you have good cause not to pursue support.
  - **Does my eligibility for this new child care guarantee have a time limit like the 60-month time limit for PA?**  
No, your child care benefits are not time limited. You can continue to receive child care benefits for as long as you are eligible.

(Include in PA Application/Recertification Kits)

- **Why don't I have a child care guarantee while I am on PA?**

Actually, you do. PA participants who are taking part in work activities, as required, also have a child care guarantee as long as certain requirements are met. However, this new guarantee allows you to receive the same guarantee of child care without having to remain on PA. Your eligibility for the child care guarantee is not time limited and the guarantee will continue as long as you remain eligible. If you decide you need PA in the future, you may still apply for it.

- **If I decide all I really need is child care, how do I apply for the new child care guarantee?**

If you are eligible for PA and decide that all you really need is child care, your Worker can tell you how to apply for the new child care guarantee. If you are already receiving PA and are otherwise eligible for the program, you will need to close your PA case in order to get this new guarantee.

- **Will all of my child care be paid?**

If you chose to receive child care assistance instead of receiving PA and child care, you will have to pay part of your child care costs. This is called your "family share" or "fee." The amount that you pay will be \$1 per week. Additionally, if your provider charges more than the market rate, you will need to pay the amount that your child care provider charges above the market rate. Ask your Worker to tell you how much you will have to pay as family share or fee.

- **Who can care for my child?**

You can choose from many different eligible child care providers, including licensed or registered day care centers, family or group family day care homes or school-age child care programs. You can also choose a relative, neighbor or friend. If you want a relative, neighbor or friend to care for your child, he or she will need to enroll with the Department of Social Services. Ask your Worker for the enrollment forms.

- **What if I change my mind and decide that I need PA as well as child care?**

You can still apply for PA at any time. If you are found eligible for PA, you may still be eligible for child care.

- **What about other benefits like food stamps and Medical Assistance?**

Your Food Stamp eligibility will not be affected if you request to change your application for PA to a request for child care assistance only or if you request to close your PA case to get child care assistance only.

If you applied for Medicaid at the same time you applied for PA and/or food stamps, and you choose to receive child care only, your application will be referred to the Medicaid program for a separate determination. If you are currently receiving PA and request your case be closed, you can request that your Medicaid be continued. If your case is closed for increased earnings, your case will be referred to the Medicaid unit for a separate determination.

## Carta de Garantía de Cuidado Infantil

Una nueva garantía de asistencia de cuidado infantil está disponible ahora para las familias que **trabajen**. Puede ser que usted decida que en vez de **recibir** Asistencia Pública (Public Assistance – PA), lo que más le conviene es ayuda con los pagos de cuidado infantil. Aquellas familias que estén solicitando o recibiendo Asistencia Pública **y que necesiten cuidado infantil para poder trabajar** podrían tener derecho a una nueva garantía de cuidado infantil disponible para las familias que trabajen. Mediante la garantía de cuidado infantil la Administración de Recursos Humanos (Human Resources Administration) debe pagar el costo de cuidado infantil a un proveedor elegible para aquellas personas que cumplan los requisitos de elegibilidad.

### ¿Quién es elegible?

Usted es elegible para esta garantía si está solicitando Asistencia Pública, si se determina que tiene derecho a ello, y elige cuidado infantil en vez de la asistencia. También es elegible si recibe Asistencia Pública y solicita que se cierre su caso de de dicha asistencia, y:

- sus ingresos y bienes caen dentro de los límites de Asistencia Pública;
- usted trabaja el número de horas estipuladas por la Asistencia Pública;
- usted necesita cuidado infantil para un niño menor de 13 años para poder trabajar;
- usted usa a un proveedor de cuidado infantil elegible; y
- usted recibe mantenimiento de niños por orden judicial, lo está procurando activamente mediante la Unidad de Aplicación de Mantenimiento de Niños (Child Support Enforcement Unit), está intentando conseguir el mantenimiento estipulado por orden judicial por otros medios, o ha recibido exención con razón válida respecto a la búsqueda activa de mantenimiento.

• **¿Qué tal si me preocupa el hecho de que si trato de conseguir mantenimiento de niños mi compañero podría hacer daño a mí o a mi niño(a)?**

Tendrá que tratar el tema con su Trabajador, quien determinará si usted debe recibir una exención con motivo justificado respecto al esfuerzo activo por obtener mantenimiento de niños. Puede que se le pida que proporcione informes médicos o policiales o declaraciones por parte de familiares, amigos o vecinos que estén al tanto de su situación.

• **En caso de que se me hubiera otorgado una Dispensa por Violencia Doméstica (Domestic Violence [DV] Waiver) mientras yo recibía Asistencia Pública, ¿no constituiría esto motivo justificado de no tratar de conseguir mantenimiento?**

La Dispensa por Violencia Doméstica comprobará motivo justificado, si usted puede presentarle a su Trabajador una con fecha no más de 12 meses atrás, si al contrario la fecha de la dispensa remonta a más de 12 meses, deberá tratar sobre el caso con su Trabajador para que éste pueda determinar si usted tiene razón válida para no tratar de conseguir mantenimiento.

• **¿Existe algún límite de tiempo respecto a esta nueva garantía de cuidado infantil, como en el caso del límite de tiempo de 60 meses de Asistencia Pública?**

No, sus beneficios de cuidado infantil no tienen límite de tiempo, al contrario, usted tiene derecho a seguir recibiendo beneficios de cuidado infantil, siempre que conserve su elegibilidad.

(Include in PA Application/Recertification Kits)



- **¿Por qué no tengo derecho a una garantía de cuidado infantil mientras recibo Asistencia Pública?**

De hecho, sí lo tiene. Los beneficiarios de Asistencia Pública que participen en actividades de trabajo como debido también tienen garantía de cuidado infantil, siempre y cuando cumplan ciertos requisitos. Sin embargo, esta nueva garantía le permite recibir el cuidado infantil sin la necesidad de continuar recibiendo Asistencia Pública. Su derecho a la garantía de cuidado infantil no tiene límite de tiempo y seguirá vigente mientras usted continúe cumpliendo los requisitos de elegibilidad. Si posteriormente necesita Asistencia Pública, podrá solicitarla.

- **Si decido que lo único que necesito es cuidado infantil, ¿cómo tramito la solicitud de la nueva garantía de cuidado infantil?**

Si tiene derecho a Asistencia Pública y decide que lo único que necesita es cuidado infantil, su Trabajador podrá decirle cómo tramitar su solicitud de la nueva garantía de cuidado infantil. Si ya recibe Asistencia Pública y por lo demás tiene derecho a participar en el programa, tendrá que cerrar su caso de Asistencia Pública para poder obtener la nueva garantía.

- **¿Se pagará mi costo total de cuidado infantil?**

Si usted elige recibir asistencia de cuidado infantil en vez de recibir Asistencia Pública y cuidado infantil, tendrá que pagar parte de sus costos de cuidado infantil, a lo que llamamos "partida" o "cuota familiar". La cantidad que usted pagará es de \$1 semanal. Además, si su proveedor cobra más que la tarifa de mercado, a usted le tocará pagar la cantidad en exceso de dichas tarifa. Pregúntele a su Trabajador cuánto tendrá que pagar usted de partida o cuota familiar.

- **¿Quién puede cuidar a mi niño(a)?**

Usted puede escoger entre diversos proveedores de cuidado infantil elegibles, incluidos las guarderías de niños certificadas y registradas, hogares de guardería de niños en grupo o en grupo familiar, o programas de cuidado infantil de edad escolar. También puede seleccionar a un pariente, vecino o amigo. Si elige a un pariente, vecino o amigo, la persona seleccionada tendrá que inscribirse en el Departamento de Servicios Sociales (Department of Social Services). Pídale a su Trabajador los formularios de inscripción.

- **¿Qué tal si cambio de parecer y decido que necesito Asistencia Pública al igual que cuidado infantil?**

Aún tendrá la oportunidad de solicitar Asistencia Pública en cualquier momento. Si se le determina elegible respecto a Asistencia Pública, puede también tener derecho a cuidado infantil.

- **¿Qué tal de otros beneficios como cupones para alimentos y Asistencia Médica?**

Su derecho a Cupones para Alimentos no será afectado si usted elige cambiar su solicitud de Asistencia Pública por sólo una de asistencia de cuidado infantil, o si solicita que su caso de Asistencia Pública se cierre para obtener sólo asistencia de cuidado infantil.

Si usted solicitó Medicaid al mismo tiempo que Asistencia Pública y/o cupones para alimentos, y elige recibir sólo cuidado infantil, su solicitud será trasladada al programa de Medicaid para una determinación por separado. Si usted recibe Asistencia Pública en la actualidad y solicita que se cierre su caso, puede pedir que su Medicaid continúe. Si su caso se cierra debido a aumento de ingresos, el caso será trasladado a la unidad de Medicaid para una determinación por separado.



Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Case Name: \_\_\_\_\_

### Request for Child Care Assistance or Request to Close My Public Assistance (PA) Case

I am requesting that the Human Resources Administration (HRA) determine if I am eligible for a child care subsidy guarantee "in lieu of PA." I understand that I may be eligible for the "in lieu of PA" child care guarantee because:

- I work the number of hours required of me; and
- My family's income and resources are within PA limits; and
- I do everything required of me to obtain child support for my child(ren) or have a good cause exception for not actively seeking child support; and
- I need child care for a child or children under age 13; and
- I am using an eligible child care provider.

**If I am found eligible for and choose the "in lieu of PA" child care guarantee, I also understand that:**

- I may use a licensed or registered child care provider. If I want to use a friend, relative or neighbor to provide child care instead of a licensed or registered child care provider, HRA must determine if that person is eligible to receive child care payments from HRA, and the person must enroll with HRA before he or she can be paid.
- My child care provider determines how much he or she will charge.
- I will be required to pay some of my child care costs. This amount will be \$1 per week. If my provider charges more than the market rate, I understand that I will have to pay the amount above the market rate plus my family share. If I hire a child care provider to come to my home, I understand that, as that person's employer, I must pay him or her minimum wage and provide benefits.
- I must immediately report any changes that might affect my eligibility for child care to my Worker. This includes any changes regarding where I am living, who is living in my household, my work schedule, my employer, my child care needs, my child care provider and my income and resources.

- By withdrawing my request for PA, or asking that my PA case be closed, I will not receive PA at this time. However, if I change my mind, I may apply for PA in the future.
- The 60-month time limit for cash assistance does not apply to this child care guarantee.
- I may be eligible for 12 months of transitional child care services when my income is no longer within PA limits.
- Withdrawing my request for PA, or asking that my PA case be closed, will not affect my application for or eligibility for food stamps or Medicaid.
- If I have any questions about my eligibility for this child care guarantee, I can call:

\_\_\_\_\_  
Worker's Name

\_\_\_\_\_  
Telephone Number

**If I am found eligible for the "in lieu of PA" child care guarantee, I am requesting the following:**

**Applicant**

- I want to apply for child care assistance only instead of applying for PA, under which child care assistance may also be paid. I understand that if I change my mind in the future, I can still apply for PA at that time. If I also applied for Medicaid and food stamps, a separate determination will be made.

**Participant**

- I request that my PA case be closed because I want child care instead of PA. A separate Medicaid determination and a separate Food Stamp determination will be made.

**Withdrawal from the child care subsidy guarantee "in lieu of PA"**

- I have changed my mind and do not want child care instead of PA.

\_\_\_\_\_  
Applicant/Participant's Signature

\_\_\_\_\_  
Date



Fecha: \_\_\_\_\_

Número del Caso: \_\_\_\_\_

Nombre del Caso: \_\_\_\_\_

### **Petición de Asistencia de Cuidado Infantil o del Cierre de Mi Caso de Asistencia Pública**

Por la presente solicito que la Administración de Recursos Humanos (Human Resources Administration – HRA) determine mi elegibilidad respecto a la garantía de subsidio de cuidado infantil "en vez de Asistencia Pública". Entiendo que puedo ser elegible a la garantía de subsidio "en vez de Asistencia Pública" para el cuidado infantil porque:

- Trabajo el número de horas que se me exige; y
- Los ingresos y bienes de mi familia no exceden el límite establecido para Asistencia Pública; y
- Hago todo lo necesario de mi parte para obtener el mantenimiento de mis hijos o tengo razón válida para no buscar diligentemente el mantenimiento de los niños; y
- Necesito cuidado infantil para un niño o niños menores de 13 años; y
- Estoy utilizando un proveedor de cuidado infantil elegible.

**Además si se determina que soy elegible y elijo la garantía de cuidado infantil "en vez de Asistencia Pública", entiendo que:**

- Puedo hacer uso de un proveedor de cuidado infantil autorizado o registrado. Si deseo asignar a un amigo, pariente o vecino como proveedor de cuidado infantil en lugar de un proveedor de cuidado infantil autorizado o registrado, la HRA debe determinar si dicha persona tiene derecho a recibir pagos de cuidado infantil por parte de la HRA, y por consiguiente él o ella debe inscribirse en la HRA para poder recibir sus pagos.
- Mi proveedor de cuidado infantil debe establecer su tarifa de cobro.
- Yo tendré que aportar parte del pago para el cuidado de mis niños. Esta cantidad será de \$1 semanal. Si mi proveedor cobra por encima de la tarifa del mercado, entiendo que tendré que proveer toda cantidad que exceda a la tarifa del mercado además de mi cuota familiar. Si contrato a un proveedor de cuidado infantil en mi hogar, entiendo que como empleador de dicha persona, debo pagarle el sueldo mínimo y suministrar beneficios.
- Debo informar de inmediato a mi Trabajador sobre cualquier cambio que pueda afectar mi derecho al cuidado infantil. Esto incluye cualquier cambio en: mi situación de vivienda, las personas que vivan conmigo, mi horario de trabajo, mi empleador, mi necesidad de cuidado infantil y cambios en mis ingresos y bienes.

- No recibiré Asistencia Pública en este momento si retiro mi solicitud de dicha asistencia, o si solicito que se cierre mi caso. Sin embargo, si cambio de parecer, posteriormente tendré el derecho de solicitar Asistencia Pública.
- El plazo de 60 meses de asistencia en efectivo no corresponde a esta garantía de cuidado infantil.
- Si mi ingreso excede el límite establecido para la Asistencia Pública, puede que tenga derecho a 12 meses de servicios de transición de cuidado infantil.
- El retiro de mi solicitud de Asistencia Pública, o la petición para cerrar mi caso de Asistencia Pública no afectará ni mi solicitud ni mi derecho a cupones para alimentos o Medicaid.
- En caso de cualquier pregunta sobre mi elegibilidad respecto a esta garantía de cuidado infantil, puedo llamar a:

Nombre del Trabajador

Número de Teléfono

**Si se determina que tengo derecho a la garantía de cuidado infantil "en vez de Asistencia Pública", solicito lo siguiente:**

**Solicitante**

- Deseo solicitar sólo asistencia de cuidado infantil en lugar de solicitar Asistencia Pública, conforme a la cual se puede pagar además la asistencia de cuidado infantil. Entiendo que si posteriormente cambio de parecer, aún podré solicitar Asistencia Pública en ese momento. Si también solicitara Medicaid y cupones para alimentos, se llegará a una determinación por separado.

**Participante**

- Solicito que mi caso de Asistencia Pública se cierre **ya que prefiero cuidado infantil en vez de Asistencia Pública**. La decisión respecto al Medicaid se tomará independientemente de la decisión respecto a los cupones para alimentos.

**Retiro de garantía de asignación de cuidado infantil en lugar de Asistencia Pública**

- He cambiado de parecer, **no** deseo cuidado infantil en vez de Asistencia Pública.

Firma del Solicitante/Participante

Fecha



### **Child Care in Lieu of Public Assistance (CILOPA) Discussion Guide**

The goal of the CILOPA initiative is to assist families in becoming financially independent. CILOPA can only help a family toward financial independence if choosing it is the best option for that family at that time. It is therefore very important for you as the Worker to not only present the option of CILOPA wholly and clearly, but to *listen to and ask appropriate questions* to help each applicant/participant discern if CILOPA is the best choice for his/her family. The following is simply a guide – not a script. When discussing CILOPA, tailor the conversation to each individual circumstance.

**Applicants:** (once it's been established during an initial conversation that s/he is employed)

*You mentioned that you are employed, and I notice that you have children in your household under the age of 13 – do any of these children need day care in order for you to work?* (If the applicant answers “Yes,” then continue as follows. If s/he answers “No,” continue with the PA application process).

*Did you know that you may be eligible for child care assistance **instead of** Public Assistance (PA)? You may decide that instead of receiving PA, what you really need is help paying for child care. If you meet the eligibility requirements of the CILOPA program (CILOPA is Child care in Lieu of Public Assistance), HRA must pay an **eligible** child care provider for your child care!!*

*Of course, if you are working and need child care while on PA, HRA will also pay for your child care. However, while in receipt of PA, you are using up your 60-month lifetime limit on cash assistance. What is great about CILOPA is that it **does not count** against your time limit. Therefore you can save your months of eligibility for cash assistance for a time when you are in greater need of financial help! If at any time while in receipt of CILOPA you decide that you need or want PA, you can always apply for it. Also, choosing CILOPA has no effect on your Food Stamp or Medicaid eligibility, and if you ever become financially ineligible for CILOPA, you will be evaluated for an additional year of Transitional Child Care benefits.*

*Another benefit of choosing CILOPA instead of PA is that you don't have to make up the difference between the hours you already work and the hours of work activity required to receive PA. For example, to qualify for PA you must work and/or be engaged in a work activity for 35 hours per week. If you are working 30 hours per week, to qualify for PA you would have to participate in a work-related activity for an additional five hours per week. But if you choose CILOPA, you would not be required to be engaged those additional hours to qualify. Lastly, if you receive child support payments while in receipt of PA, HRA keeps most of your child support money as reimbursement for assistance paid to you. You will only receive a maximum of \$50 per month of the support money paid. With CILOPA, **you** will receive all of your child support money!*

*So, if all you really need is child care and you chose not to receive PA, you can let me know at any time during the application process!*

*Would you be interested in learning more about CILOPA and seeing if you qualify for it?*

(If the applicant answers “Yes,” then continue as follows. If s/he answers “No,” continue with the PA application process).

*How many hours per week are you working?*

(only continue this discussion if the applicant qualifies for CILOPA by working:

20 hours/week

Single parent with at least one child less than 6 years old

30 hours/week

Single parent with all children 6 years old or older

55 hours/week

Two-parent household with at least one parent working 30 or more hours per week)

From here, continue the rest of the eligibility verification, budgeting and child care processes as outlined in the CILOPA PD #05-XX-ELI. After those processes are complete, reinforce to the applicant that s/he may change his/her mind and reapply for PA at any time.

*Do you have any questions for me for me regarding CILOPA?* (Please refer to PD #05-25-ELI to answer any questions the applicant might have.)

**Participants:**

(For a participant who verbally reports that s/he is employed) *You mentioned that you are employed. Do you need child care services for your child(ren) while you are working?* (Only continue as follows if the participant answers "Yes.")

(For a participant whose case notes indicate that s/he is employed) *I noticed that you are employed and HRA pays your child care provider.*

*Did you know that you may be eligible to receive child care assistance **instead of Public Assistance (PA)**? You may decide that instead of receiving PA, what you really need is help paying for child care. If you meet the eligibility requirements of the CILOPA program (CILOPA is Child care in Lieu of Public Assistance), HRA must pay an **eligible** child care provider for your child care!*

*Of course, you know that while on PA, HRA will also pay for your child care if you need it to work. If at any time while in receipt of CILOPA you decide that you need or want PA, you can always apply for it. Also, choosing CILOPA has no effect on your Food Stamp or Medicaid eligibility, and if you ever become financially ineligible for CILOPA, you will be evaluated for an additional year of Transitional Child Care benefits.*

*(Please check the participant's case record to determine the number of cash assistance months left, if any. If there are no months remaining, proceed to next paragraph.) According to our records, you have only \_\_\_\_\_ months of cash assistance left. What is great about CILOPA is that it **does not count** against your time limit. Therefore you can save your remaining months of eligibility for cash assistance for a time when you are in greater need of financial help.*

*Another benefit of choosing CILOPA instead of PA is that you don't have to make up the difference between the hours you already work and the hours of work activity required to receive PA. For example, to qualify for PA you must work 35 hours per week. If you are working 30 hours per week, to qualify for PA you would have to participate in a work-related activity for an additional five hours per week. But, if you choose CILOPA, you would not be required to be engaged those additional hours to qualify. Lastly, if you receive child support payments, you will no longer just receive a maximum of \$50 per month. With CILOPA, all of the support money collected will be sent to you!!!*

*So, if all you really need is child care and you chose not to receive PA, let me know at any time!*

*Would you be interested in learning more about CILOPA and seeing if you qualify for it?*  
(Only continue as follows if the participant answers "Yes.")

*How many hours per week are you working?*

(only continue this discussion if the participant qualifies for CILOPA by working either:

20 hours/week

Single parent with at least one child less than 6 years old

30 hours/week

Single parent with all children 6 years old or older

55 hours/week

Two-parent household with at least one parent working 30 or more hour per week)

*Since you are already receiving PA, you must close your PA case in order to receive CILOPA. Your Food Stamp and Medicaid eligibility will not be affected if you request to close your PA case to get CILOPA.*

(From here, continue the rest of the eligibility verification, budgeting and child care processes as outlined in the CILOPA PD #05-XX-ELI.)

Once the participant's eligibility has been verified, reinforce to the participant that s/he may change his/her mind and reapply for PA at any time.

*Do you have any questions for me regarding CILOPA?* (Please refer to PD #05-25-ELI to answer any questions the participant might have.)



NEW YORK STATE  
OFFICE OF CHILDREN AND FAMILY SERVICES

**NOTICE OF INTENT TO CHANGE CHILD CARE BENEFITS**

NOTICE DATE:		EFFECTIVE DATE	NAME AND ADDRESS OF AGENCY/CENTER OR DISTRICT OFFICE	
CASE NUMBER		CIN NUMBER	GENERAL TELEPHONE NO. FOR QUESTIONS OR HELP	
CASE NAME (And C/O Name if Present) AND ADDRESS				
			OR Agency Conference _____	
			Fair Hearing information and assistance _____	
			Record Access _____	
			Legal Assistance information _____	
OFFICE NO.	UNIT NO.	WORKER NO.	UNIT OR WORKER NAME	TELEPHONE NO.

This notice is to inform you that this agency intends to change your Child Care benefits. The changes are explained below.

Payment will be provided on behalf of the following:

Child(ren):	For this Provider:	Change from \$ to \$:*	Effective:	Full Time or Part Time

**\*Payment may vary based on fluctuations in your approved activity and/or absences.**

You are responsible for a family share which must be paid to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ per week effective \_\_\_\_\_.

The reason for this action is: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The LAW(S) AND/OR REGULATION(S) that allows us to do this is: \_\_\_\_\_



**RIGHT TO A CONFERENCE:** You may have a conference to review these actions. If you want a conference, you should ask for one as soon as possible. At the conference, if we discover that we made a wrong decision or if, because of information you provide, we determine to change our decision, we will take corrective action and give you a new notice. You may ask for a conference by calling us at the number on the front of this notice. This number is used only for asking for a conference. **It is not the way you request a fair hearing. If you ask for a conference you are still entitled to a fair hearing. If you want to have your benefits continue unchanged (aid continuing) until you get a fair hearing decision, you must request a fair hearing in the way described below. A request for a conference, alone will not result in continuation of benefits. Requesting an agency conference does not affect your right to also request a fair hearing. Read below for fair hearing information.**

**RIGHT TO A FAIR HEARING:** If you believe that the above action is wrong, you may request a State fair hearing by:

(1) **Telephoning:** (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL) **1-800-342-3334.**

**OR**

(2) **Writing:** Complete the information, sign and mail to the New York State Office of Administrative Hearings, Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201-1930. **Please keep a copy for yourself.**

**OR**

(3) **FAX:** Your fair hearing request to (518) 473-6735.

**OR**

(4) **Email:** Your fair hearing request to <http://www.otda.state.ny.us/oah/forms.asp>

**I want a fair hearing. The Agency's action is wrong because:**

\_\_\_\_\_  
\_\_\_\_\_  
Signature of Client: \_\_\_\_\_ Date \_\_\_\_\_

**YOU HAVE 60 DAYS FROM THE DATE OF THIS NOTICE TO REQUEST A FAIR HEARING**

If you request a fair hearing, the State will send you a notice informing you of the time and place of the hearing. You have the right to be represented by legal counsel, a relative, a friend or other person, or to represent yourself. At the hearing you, your attorney or other representative will have the opportunity to present written and oral evidence to demonstrate why the action should not be taken, as well as an opportunity to question any persons who appear at the hearing. Also, you have a right to bring witnesses to speak in your favor. You should bring to the hearing any documents such as the notice, paystubs, receipts, child care bills, medical verification, letters, etc. that may be helpful in presenting your case.

**I understand I may be eligible for aid continuing. My benefits have been reduced and I wish to have my benefits restored (aid continuing): If you request a fair hearing within ten (10) days of the date of the postmark of the mailing of this notice, your child care will be reinstated and will be unchanged until the fair hearing decision is issued. However, if you lose the fair hearing, you will owe any child care that you should not have received. We are required to recover any child care overpayments. We must make a claim against you for any child care you receive that you are not entitled to, which may be collected by reduction of future child care allotments, lump sum installment payments, or through legal action. If you want to avoid this possibility you can check the box below. You can also indicate over the telephone or in a letter that you do not want reinstatement of your child care.**

**I do not want my benefits continued unchanged until the hearing decision is issued.**

**LEGAL ASSISTANCE:** If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking your Yellow Pages under "Lawyers" or by calling the number indicated on the first page of this notice.

**ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS:** To help you get ready for the hearing, you have a right to look at your case file. If you call or write to us, we will provide you with free copies of the documents from your file which we will give to the hearing officer at the fair hearing. To ask for documents or to find out how to look at your file, call us at the Record Access telephone number listed at the top of page 1 of this notice or write us at the address printed at the top of page 1 of this notice. Also, if you call or write to us, we will provide you with free copies of other documents from your file which you may need to prepare for your fair hearing. If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you **only** if you specifically ask that they be mailed.

**INFORMATION:** If you want more information about your case, how to ask for a fair hearing, how to see your file, or how to get additional copies of documents, call us at the telephone numbers listed at the top of page one of this notice or write to us at the address printed at the top of page one of this notice.

NEW YORK STATE  
OFFICE OF CHILDREN AND FAMILY SERVICES  
**NOTICE OF INTENT TO DISCONTINUE CHILD CARE BENEFITS**

NOTICE DATE:		NAME AND ADDRESS OF AGENCY/CENTER OR DISTRICT OFFICE		
CASE NUMBER	CIN NUMBER	GENERAL TELEPHONE NO. FOR QUESTIONS OR HELP		
CASE NAME (And C/O Name if Present) AND ADDRESS				
		OR    Agency Conference _____ Fair Hearing information and assistance _____ Record Access _____ Legal Assistance information _____		
OFFICE NO.	UNIT NO.	WORKER NO.	UNIT OR WORKER NAME	TELEPHONE NO.
This notice is to inform you that your case will be closed effective _____				
This agency intends to <b>stop</b> your payment of Child Care benefits effective _____				
The reason for this action is: _____				
_____				
_____				
The LAW(S) AND/OR REGULATION(S) that allow us to do this is: _____				
_____				
_____				

SAMPLE

**YOU HAVE THE RIGHT TO APPEAL THIS DECISION.  
BE SURE TO READ THE BACK OF THIS NOTICE ON HOW TO APPEAL THIS DECISION**

**RIGHT TO A CONFERENCE:** You may have a conference to review these actions. If you want a conference, you should ask for one as soon as possible. At the conference, if we discover that we made a wrong decision or if, because of information you provide, we determine to change our decision, we will take corrective action and give you a new notice. You may ask for a conference by calling us at the number on the front of this notice. This number is used only for asking for a conference. **It is not the way you request a fair hearing. If you ask for a conference you are still entitled to a fair hearing. If you want to have your benefits continue unchanged (aid continuing) until you get a fair hearing decision, you must request a fair hearing in the way described below. A request for a conference, alone will not result in continuation of benefits. Requesting an agency conference does not affect your right to also request a fair hearing. Read below for fair hearing information.**

**RIGHT TO A FAIR HEARING:** If you believe that the above action is wrong, you may request a State fair hearing by:

(1) **Telephoning:** (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL) **1-800-342-3334.**

**OR**

(2) **Writing:** Complete the information, sign and mail to the New York State Office of Administrative Hearings, Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201-1930. **Please keep a copy for yourself.**

**OR**

(3) **FAX:** Your fair hearing request to (518) 473-6735.

**OR**

(4) **Email:** Your fair hearing request to <http://www.otda.state.ny.us/oah/forms.asp>

**I want a fair hearing. The Agency's action is wrong because:**

Signature of Client: \_\_\_\_\_

Date \_\_\_\_\_

**YOU HAVE 60 DAYS FROM THE DATE OF THIS NOTICE TO REQUEST A FAIR HEARING**

If you request a fair hearing, the State will send you a notice informing you of the time and place of the hearing. You have the right to be represented by legal counsel, a relative, a friend or other person, or to represent yourself. At the hearing you, your attorney or other representative will have the opportunity to present written and oral evidence to demonstrate why the action should not be taken, as well as an opportunity to question any persons who appear at the hearing. Also, you have a right to bring witnesses to speak in your favor. You should bring to the hearing any documents such as this notice, pay-stubs, receipts, child care bills, medical verification, letters, etc. that may be helpful in presenting your case.

**I understand I may be eligible for aid continuing. My benefits have been stopped and I wish to have my benefits restored (aid continuing):** If you request a fair hearing **within ten (10) days** of the date of the postmark of the mailing of this notice, your child care will be reinstated and will be unchanged until the fair hearing decision is issued. However, if you lose the fair hearing, you will owe any child care that you should not have received. We are required to recover any child care overpayments. We must make a claim against you for any child care you receive that you were not entitled to, which may be collected by reduction of future child care allotments, lump sum installment payments, or through legal action. If you want to avoid this possibility you can check the box below. You can also indicate over the telephone or in a letter that you do not want reinstatement of your child care.

I do **not** want my benefits continued until the hearing decision is issued.

**LEGAL ASSISTANCE:** If you need free legal assistance, you may be able to obtain such assistance by contacting your local Legal Aid Society or other legal advocate group. You may locate the nearest Legal Aid Society or advocate group by checking your Yellow Pages under "Lawyers" or by calling the number indicated on the first page of this notice.

**ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS:** To help you get ready for the hearing, you have a right to look at your case file. If you call or write to us, we will provide you with free copies of the documents from your file, which we will give to the hearing officer at the fair hearing. To ask for documents or to find out how to look at your file, call us at the Record Access telephone number listed at the top of page 1 of this notice or write us at the address printed at the top of page 1 of this notice. Also, if you call or write to us, we will provide you with free copies of other documents from your file which you may need to prepare for your fair hearing. If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you **only** if you specifically ask that they be mailed.

**INFORMATION:** If you want more information about your case, how to ask for a fair hearing, how to see you file, or how to get additional copies of documents, call us at the telephone numbers listed at the top of page one of this notice or write to us at the address printed at the top of page one of this notice.