

+-----+  
 | ADMINISTRATIVE DIRECTIVE |  
 +-----+

TRANSMITTAL: 92 ADM-8

TO: Commissioners of  
 Social Services  
 Proprietary Day Care  
 Centers

DIVISION: Family and  
 Children  
 Services

DATE: February 12, 1992

SUBJECT: Child Care: Reimbursement of Payments for Children's  
 Absences

-----  
 SUGGESTED

DISTRIBUTION: | Directors of Services  
 | Day Care Staff  
 | Accounting Supervisors  
 | Staff Development Coordinators

CONTACT

PERSON: | Dee Woolley, Bureau of Child Care, 1-800-342-3715,  
 | extension 4-9324

ATTACHMENTS: | None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
87 ADM-12	87 ADM-12	415.6(g)			

I. Purpose

The purpose of this ADM is to advise social services districts of an amendment to Department regulation section 415.6(g) regarding reimbursement of child care payments for children who are temporarily absent from child day care. The policies and procedures outlined in this ADM apply to all child care services regardless of funding source.

II. Background

Previously, 18 NYCRR section 415.6(g) established limits for the number of days in a calendar month, a three-month period and six-month period, that social services districts could be reimbursed for child care payments for a child who was temporarily absent from child day care. This regulation also permitted payments for a greater number of days for cases of extenuating circumstance(s) certified by the local commissioner and approved by the Department. Such reimbursement was restricted to payments made to a "duly licensed nonprofit day care center, a certified family day care home or a licensed group family day care home." In no instance could reimbursement be sought for a number of absences in excess of the limits for cases with extenuating circumstance(s).

With the increased emphasis on parental choice of child care providers, it has become more common for families in receipt of child care subsidies to use proprietary child care providers. Recognizing that proprietary and not-for-profit child care centers provide similar services to families and comply with the same regulatory requirements, the Department has amended this regulation to permit reimbursement of payments for temporary absences to all child day care providers. The limits on reimbursable absences due to routine or extenuating circumstances remain unchanged. In addition, as part of the Department's commitment to local district mandate reduction, the requirement that a social services district request Department approval in order to obtain reimbursement up to the limit for cases of extenuating circumstance(s) has been eliminated.

In order to accommodate the rare situations in which a social services district may wish to make child care payments for a number of absences in excess of the limits for cases with extenuating circumstance(s), a provision has been added which permits reimbursement of such payments when prior Department approval has been obtained.

III. Program Implications

Reimbursement of child care payments for children who are temporarily absent from child day care may be made to all child day care providers. Child day care providers include licensed day care centers; registered small day care centers; registered family day care

providers; licensed group family day care providers; registered school-age child care programs; and public schools providing care to preschool-aged children in accordance with a contract entered into between a public school district and a social services district.

Extenuating circumstance means a situation or occurrence, verified by the social services district and noted in the child's services plan, in which a child is temporarily absent from child day care for one or more of the following reasons:

1. it is necessary for the child to appear in court or keep other appointments related to the provision of preventive, foster care, adoption, or child protective services, or other needs as set forth in the child's services plan; or
2. the child is ill, has a handicapping or other condition which requires medical care, or requires other medical care and/or treatment; or
3. the child's family is homeless, and the homelessness necessitates the child's absence from child day care or approved child care.

A general reference in the case record to court appearances or other appointments related to the provision of preventive, foster care, adoption or child protective services requiring the child's presence will constitute sufficient verification of extenuating circumstance(s). Additional notations in the child's services plan beyond those which are required currently by existing regulations in Part 428 are not necessary.

When applying the routine limits, temporary absences from child day care are allowed up to 12 days in any one calendar month. However, such absences may total no more than 12 days in any three-month period if the social services district selects a three-month period for determining maximum temporary absences, or 24 days in any six-month period if the social services district selects a six-month period for determining maximum temporary absences. In cases of extenuating circumstance(s), temporary absences from child day care are allowed up to a total of 15 days in any one calendar month. However, such absences may total no more than 20 days in any three-month period if the social services district selects a three-month period for determining maximum temporary absences, or a total of 40 days in any six-month period if the social services district selects a six-month period for determining maximum temporary absences.

The following chart summarizes the routine limits and limits in cases with extenuating circumstance(s) for which reimbursement for child care payments for temporary absences from child day care may be claimed.

PERIOD	ROUTINE LIMITS (# of days)	LIMITS WITH EXTENUATING CIRCUMSTANCE(S)-(total # of days)
in a month	12	15
in 3 months	12	20
in 6 months	24	40

Where absences are not related to extenuating circumstance(s), social services districts will risk losing reimbursement unless families who have been determined to need child care are encouraged to have their children attend the child care program consistently. Loss of reimbursement also may be avoided by encouraging district staff to recognize and report promptly that a child has been withdrawn from a child day care program. Claims for reimbursement of child care payments for days of absence which occur after the date of withdrawal identified by the social services district must not be submitted to the Department. To ensure appropriate payments to child day care providers in the event that a child is withdrawn, the social services district may wish to prescribe guidelines for the reporting of a child's absences in its agreement with child day care providers.

#### IV. Required Actions

##### A. Contracting with Child Day Care Providers

The social services district and the child day care provider must have a contract or written agreement which specifies that payment is allowable in cases of a child's temporary absence. In accordance with Department regulations, section 405.1(a)(8), such payments are allowable only when the child day care provider requires that parents whose child care costs are not subsidized by DSS must make payment for days when their children are absent from care.

##### B. Selecting a Base Period

A social services district which plans to claim reimbursement of payments for child care for children who are temporarily absent must select either the three-month or six-month period as the basis on which it will maintain records and seek reimbursement. No combination of methodologies is permitted within a social services district. Once a methodology is selected, no change may be made until the end of the annual program year as defined in the Consolidated Services Plan (CSP).

##### C. Identifying a Base Period

A social services district must identify the three-month or the six-month periods used in determining maximum temporary absences by either of the following methods:

1. beginning on the date of the child's admission to child day

care and ending three or six months later depending on the period selected by the social services district; or

2. beginning on a fixed calendar date for all children entering child day care and ending three or six months later depending on the period selected. If this basis is chosen, a child entering child day care during the established three-month or six-month period may receive, during that initial cycle, a prorated number of days of absence beginning on the date of entry and ending the last day of that three-month or six-month period. All temporary absences thereafter will be computed using the normal three-month or six-month period.

D. Reimbursement in Excess of Limits with Extenuating Circumstance(s)

The number of days which may be reimbursed for routine absences and for absences in cases of extenuating circumstance(s) remains unchanged. Social services districts are no longer required to seek Department approval in order to obtain reimbursement of child care payments for a number of absences up to the limits established for cases with extenuating circumstance(s). However, reimbursement of child care payments for temporary absences in excess of the limits established for cases with extenuating circumstance(s) will be permitted only when the Department and the social services district expressly consent to such reimbursement.

When extenuating circumstance(s) exist, social services districts may now choose to make payment and claim reimbursement for a number of absences over the routine limits and up to the limits with extenuating circumstance(s) without seeking Department approval. However, in limited situations, the social services district may wish to make payments and claim reimbursement for a number of absences which exceeds the limits allowed in cases of extenuating circumstance(s). In these case-specific situations, the social services district must obtain Department approval prior to or concurrent with the incurring of the additional days of temporary absence.

1. A social services district which wishes to claim reimbursement for temporary absences in excess of the limits with extenuating circumstance(s) must submit a written request for Department approval. Such requests must be client-specific and must indicate the number of additional absences that are anticipated per three-month or six-month period as well as the reason(s) the additional absences are required.
2. A copy of the written Department approval for reimbursement of child care payments in excess of the limits for cases

with extenuating circumstance must be maintained as part of the case record.

V. Additional Information

The provisions of this ADM also apply to approved child care providers for the period of August 14, 1991 through March 15, 1992. After March 15, 1992 the category of approved child care will cease to exist. Approved child care means child care provided to one or two children outside the child's own home in the provider's personal residence as approved by a social services district as meeting the standards for the operation of a family day care home as found in Part 417 of Department regulations. Approved child care does not include informal child care providers.

VI. Effective Date

The effective date of this ADM is March 1, 1992, retroactive to August 14, 1991.

---

Joseph Semidei  
Deputy Commissioner  
Division of Family and  
Children Services