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| LOCAL COMMISSIONERS MEMORANDUM |  
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DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-44

Date: April 24, 1995

Division: Services and  
Community  
Development

TO: Local District Commissioners

SUBJECT: Child Care: Enrollment of Caregiver of Informal Child Care or  
Legally-Exempt Group Child Care - Revised Form

ATTACHMENTS: Attachment A - Enrollment of Caregiver of Informal Child  
Care or Legally-Exempt Group Child Care  
(Available On-Line)

Attachment B - Guide to Reviewing Enrollment Forms  
(Available On-Line)

Attachment C - Permitted Working Hours for Minors Under  
18 Years of Age (Not Available On-Line)

The purpose of this Local Commissioners Memorandum (LCM) is to provide social services districts with a revised form to be used when enrolling caregivers of informal child care and caregivers of legally-exempt group child care for payment. The revised form consolidates the three enrollment forms currently in use.

As prescribed by Section 415.4(f), social services districts must have procedures to enroll, for payment purposes, a caregiver of informal child care or legally-exempt group child care. Such procedures must include provisions for reviewing the enrollment information provided by the caregiver to determine, prior to authorizing payments, that the caregiver is not subject to State regulation. Social services districts already have procedures for reviewing enrollment forms and determining whether unregulated caregivers are eligible to receive payment for child care services. This LCM does not require a social services district to alter significantly its existing procedures.

Currently the Department has three separate forms which are used to enroll different types of unregulated providers. These forms were released to

social services districts as attachments to 92 LCM-143 and are entitled:

- o Enrollment of Caregiver of Legally-Exempt Group Child Care;
- o Enrollment of Caregiver of Informal Child Care (in Child's Home); and
- o Enrollment of Caregiver of Informal Child Care (in Caregiver's Home).

Attachment A to this LCM entitled "Enrollment of Caregiver of Informal Child Care or Legally-Exempt Group Child Care," consolidates the information from these three forms into a single form. This eases the provision of child care services for social services districts by eliminating the need for the worker to decide which form is appropriate to use. In addition, it streamlines the process for parents as the enrollment form can be given to them before they have identified a specific provider.

Since there are no significant changes in the information garnered by the revised enrollment form, social services districts may enroll unregulated caregivers by:

- o using Attachment A, "Enrollment of Caregiver of Informal Child Care or Legally-Exempt Group Child Care";
- o continuing to use the three separate forms attached to 92 LCM-143; or
- o continuing to use previously approved local equivalent forms.

Social services districts not electing one of the options listed above must obtain written approval of local equivalent forms prior to their use. Department approval may be obtained by submitting such forms to:

Ms. Suzanne Zafonte Sennett, Director  
Bureau of Early Childhood Services  
New York State Department of Social Services  
40 North Pearl Street - 11B  
Albany, New York 12243

Attachment B, Guide to Reviewing Enrollment Forms, and Attachment C, Permitted Working Hours for Minors Under 18 Years of Age, are provided to assist social services districts in reviewing Attachment A to determine whether applicant caregivers are exempt from State regulation.

If you have questions regarding this LCM, please call 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.

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Anona Joseph  
Deputy Commissioner  
Division of Services and  
Community Development

GUIDE TO REVIEWING ENROLLMENT FORMS

Section I

This section should provide client identifying information - name, address, telephone number, case number and social security number.

Section II

This section should provide the name, address, and telephone number of the caregiver. The caregiver's social security number may be required only if the district will be paying the caregiver directly.

Section III

This section should provide the following information:

- o the names of the ALL children for whom the caregiver is providing, or will be providing, care;
- o the days, hours and total time each child is, or will be, in care; and
- o the rate which the caregiver charges, or will charge, for the care provided to each child.

Caregivers of legally-exempt group child care may attach a roster or information about the number of children served and a fee schedule.

Section IV

The caregiver must sign and date this section.

Section V

1. This statement must be checked if the caregiver is providing care in the child's home.
2. This section applies to care provided in the home of the caregiver. The caregiver must select either 2a, 2b or 2c in order to be eligible or payment.
  - a. A caregiver of informal child care can care for an unlimited number of children as long as all the children are related to the provider within the third degree of relationship. When a caregiver of informal child care is caring for some number of related children and simultaneously provides child care for other children, the total number of unrelated children in care at the same time cannot exceed two (2).

- b. When care is being provided for more than three hours per day, a caregiver of informal child care may only care for one or two children. When care is provided for three hours or less per day a caregiver of informal child care can care for any number of children.
  - c. A caregiver of informal child care may care for more than two children for some portion of the day, as long as there are never more than two children in care at the same time for a period of time in excess of three hours.
3. This section applies when care is provided by a caregiver who is under 18 years of age. Caregivers who are under 18 years of age must be working in accordance with the labor standards for minors. The statements in this section cover most, but not all, of the restrictions for employed minors. Attachment C, "Permitted Working Hours for Minors Under 18 Years of Age," provides a more complete summary of the New York State Labor Law relating to minors.
- a. All minors who are providing child care are required to have working papers. Minors without working papers are not eligible for payment.
  - b. State Labor Law prohibits minors from working during the hours they are required to attend school. If this statement is not checked, the minor is not eligible for payment.
  - c. As a general rule, minors aged 14 and 15 years must check this statement in order to be eligible for payment. See Attachment C for exceptions.
  - d. As a general rule, minors aged 16 and 17 years must check this statement in order to be eligible for payment. See Attachment C for exceptions.
4. Payments received for child care services must be budgeted as income for public assistance recipients. The district is encouraged to develop procedures to alert the income maintenance unit when a public assistance recipient is enrolled to receive payments for providing child care services.

#### Section VI

This section applies when care is being provided by a caregiver of legally-exempt group child care. The provider agency/organization must meet the criteria of one of the descriptive statements numbered 1 through 5 in order to be eligible for payment. If statement 6 is checked, the provider agency/organization should be referred to the appropriate Regional Office of the Bureau of Early Childhood Services for information on licensing requirements.