



# GUIDE FOR CHILD CARE ASSISTANCE PROVIDERS

This document constitutes the operating policies and procedures for all providers who provide child care and receive payment for child care services through the Erie County Department of Social Services (ECDSS). This guide is available on the Erie County Department of Social Services website at <https://www3.erie.gov/socialservices/day-care-eligibility-guidelines-payment-procedures>.

Mark Poloncarz  
Erie County Executive

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Karen Rybicki  
Social Services Commissioner

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# Child Care Assistance

**Child care assistance is available to eligible families through a variety of programs.**

**Temporary Assistance (TA) Child Care** is available to recipients of cash benefits (Temporary Assistance to Needy Families or Safety Net Assistance) who are employed or engaged in an approved work activity. Temporary Assistance recipients should contact their TA examiner or employment counselor to discuss child care assistance eligibility. Child care approvals are determined by the TA examiner.

**Transitional Child Care** is available to recipients of Temporary Assistance who become ineligible for cash benefits due to earned income. Transitional Child Care is guaranteed for 12 months after case closing if the working family earns less than, or equal to a designated percentage of the State Income Standard (which is based on the Federal Poverty Level and subject to change).

**Low Income Subsidy Child Care** is available to working families who earn less than, or equal to, a designated percentage of the State Income Standard. Parents contribute toward the cost of care according to a calculated percentage based on household size and income. Assistance is also available to teen parents attending high school or high school equivalency classes, and parents attending certain vocational and educational programs approved by ECDSS.

**Preventive/Protective Services Child Care** is available to recipients of Children's Services when child care is mandated as part of the family's service plan.

## ***Contact Information***

### **Erie County Accounting Division–Day Care Audit**

95 Franklin Street, 4th Floor

Buffalo, New York 14202

[716] 858-6557

Payment and timesheet processing

### **Erie County Department of Contract Compliance**

95 Franklin Street, 7th Floor

Buffalo, New York 14202

[716] 858-7960

Child care provider contracts

### **Erie County Low Income Subsidy Day Care Unit**

95 Franklin Street, 4th Floor

Buffalo, New York 14202

[716] 858-8953 (TYKE)

Low-income child care assistance program

### **Child Care Resource Network (CCRN)**

1000 Hertel Avenue

Buffalo, New York 14216

[716] 877-6666

Provider resource, referral services, and legally-exempt provider enrollment

### **NYS Office of Children and Family Services**

295 Main Street

Buffalo, New York 14202

[716] 847-3828

Child care licensing and information

# Provider Types

- **Family Day Care Providers/Registered Providers**
- **Group Family Day Care Providers**
- **Day Care Centers**
- **School-Age Child Care**
- **Legally-Exempt Providers\***
- **Legally-Exempt Group Child Care\***

Providers must meet requirements outlined in [SOS § 390](#) and [18 CRR-NY 415.1](#).

\* Legally Exempt Providers are required to enroll with the Child Care Resource Network at 1000 Hertel Ave, Buffalo, NY 14216; telephone 716-877-6666. The Child Care Resource Network is a resource for providers throughout Erie County. It is the primary child care referral source in the county. The Child Care Resource Network also administers the USDA Food Program, which provides grants to assist providers, and conducts trainings and meetings to benefit providers.

*Note: ECDSS does not pay for children enrolled in universal pre-kindergarten, private kindergartens, nursery schools or Head Start Programs.*

## **Contracted and Non-Contracted Child Care**

- A contract or non-contract is required for any day care center, school-age program, family, or group family day care provider to receive payment from ECDSS.
- If a provider changes status (e.g., from family day care to group family day care), a new contract/non-contract is required. The provider must submit a copy of their license and request a new

contract/non-contract.

- Payments are made in accordance with contract/non-contract dates.
- Providers are subject to yearly renewal agreements.
- **Contracted Child Care**
  - \* Providers must be licensed/registered and insured to enter into a contract with the County.
  - \* To become a contracted provider contact:  
Erie County Department of Contract Compliance  
95 Franklin Street 7<sup>th</sup> Floor, Buffalo NY 14202  
716-858-7960
- **Non-Contracted Child Care**
  - \* Providers must be licensed/registered to enter into a non-contract with the County.
  - \* To become a non-contracted provider contact:  
Day Care Unit  
95 Franklin Street Room 448, Buffalo NY 14202  
716-858-2770

## **Child Care Time and Attendance System (CCTA)**

NYS Child Care Time and Attendance (CCTA) is a web-based system utilized to determine eligibility for low-income subsidy child care assistance, record time and attendance, and compute payments to providers.

Contracted providers must participate in the NYS Child Care Time and Attendance (CCTA) automated attendance module.

A non-contracted or legally-exempt provider interested in becoming a user of the system may contact **Erie County Accounting-Day Care Audit**,

95 Franklin 4th Floor, Buffalo New York 14202, [716] 858-6557.

The provider enters daily attendance and submits after the last day of the month. For issues or problems entering attendance in CCTA, providers may call Control Tech at 1-877-369-6016, option 9.

## **Attendance Records**

All providers must maintain a daily attendance record, which contains the child's name and a parent's signature for both the time in and time out. These attendance records must be retained at the provider's facility and available upon request by the County for auditing purposes. Failure to maintain attendance records, and produce them upon request, may result in the County withholding payment.

The County may make announced and unannounced inspections of the attendance records and premises to determine if the child care provider is in compliance with the applicable laws and regulations.

## **Absence Policy**

- All child care providers are entitled to a maximum of 80 absences per child in ongoing care (i.e. child is enrolled, expected to return, would otherwise attend, but is temporarily absent) per fiscal year (April 1 through March 31).
- There is no requirement in the Child Care Time and Attendance system to indicate the reason for the absent day(s).
- The provider must be open and available to provide care.
- Providers must charge private pay customers for absences.

## **Program Closures**

Reimbursement for payments to licensed, registered and legally-exempt group providers is subject to the following conditions:

- Maximum of 20 days per child in ongoing care per fiscal year (April 1 through March 31)
- Program closure is due to a State, Federal, religious, or cultural holiday (including observance day); full-day professional development days as listed on their contract/non-contract; or extenuating circumstances beyond the provider's control such as natural disaster, severe weather, declared emergency or other emergency as per district discretion
  - Maximum of 2 full-day professional development training days per fiscal year
  - Training must be related to state or federally mandated training topics
  - Provider must submit documentation of the training to ECDSS
- Provider must charge private pay customers for program closures

## Provider Notices

A parent/caretaker must recertify annually for child care assistance. The parent/caretaker has the right to choose their provider and may change providers at any time. By regulation a parent/caretaker is entitled to ten days' notice of a change in benefit, unless they waive their right, then adequate notice is sent. A provider may not receive advance notice of a change in benefit.

Authorization is only valid for the provider indicated on the schedule. More than one provider may not be paid for the same time period. Switching children from one site to another, even within the same child care organization, requires prior approval.

The provider notices outline the authorized schedule, effective date and family share for the specified child(ren).



- **Provider Schedule**
  - Certification
  - Change of Benefits (i.e., change in schedule, reduction in family share, provider no longer eligible for payment)
  - Redetermination
- **Provider Cancellation Notice** (i.e., family's case is closed within the 12-month eligibility)

The parent will receive an approval notice with the authorized schedule as well. If a parent uses a provider above and beyond the authorized days and times, the parent is responsible for payment.

**Providers who take children prior to receiving written authorization (except for Protective or Preventive cases as outlined above) are not guaranteed payment by the County. The provider must consider a parent/caretaker is private pay, until they receive an authorization from the County.**

Schedule types:

- ***A Varying Schedule:***

The total number of hours for which care is needed per day and per week.

If days of care are regular it will be noted on the authorization (e.g., M-F or M, W, F).

If a parent/caretaker works a rotating shift, it will be noted on the authorization.

School-aged children needing care on school holidays will be authorized for a designated number of hours per day for school holidays and recess.

- ***A Fixed Schedule:***

Exact Days and Times (M-F – 8am to 4pm)

If a provider chooses to enter into an agreement with a parent/caretaker requiring a certain number of days' notice, this would be a contract between the parent/caretaker and the provider, one to which the County is not a party of. Should the parent/caretaker violate this agreement the resolution is between the two parties.

## Billing

All providers are expected to submit monthly web submittals/timesheets, documenting attendance, after the last business day of the month.

Valid entries include:

- Present
- Not scheduled
- Absent (a note is not required, but helpful when a parent is on a temporary work stoppage)
- Program Closure (a note is required for culturally specific and professional development training dates)

Web submittals/timesheets received by the third business day of the month will be paid based on the following schedule:

- Payments to Family and Group Family Day Care providers will be mailed by the end of the third full week of each month.
- Payments to Legally-Exempt (informal) providers and Day Care Centers will be mailed by the end of the fourth full week of each month.

Timely submission will ensure prompt processing for payment.

Mail timesheets to: Erie County Department of Social Services, 95 Franklin Street, Day Care Audit Room 426, Buffalo, New York 14202

**Incomplete, unsigned, or unreadable timesheets will be returned.**

## Re-Billing

A provider may submit a Re-Billing Form (B-2824-A-DC) with a timesheet within 3 months of the original payment date for review of any payment discrepancies.

## Family Shares

- A. The family share is based on one percent of the family's gross annual income that exceeds the State Income Standard (SIS) should be divided by 52 weeks per year and rounded to the nearest 50 cents.
- B. There is one family share, regardless of the number of children in care.
- C. It is the provider's responsibility to collect the family share, if applicable, and notify the parent/caretaker if the family share is late. The family share is always paid directly to the provider.

Family shares are noted on the approval letter [*Approval of Your Application for Child Care Benefits (OCFS-LDSS-4779)*, *Approval of Your Redetermination for Child Care Benefits (OCFS-LDSS-4784)*, or *Approval of Your Transitional Child Care Benefits (OCFS-LDSS-4785)*] and the *Provider Notice of Authorization/Schedule*.

Parents are not required to pay a family share if the child is not in attendance all scheduled days in a week unless the provider is submitting time for absences.

- D. If the provider reports to ECDSS, in writing, that a parent has not paid their family share or is in arrears, the worker will mail the parent a delinquent fee notice. The parent/caretaker must make an agreeable payment arrangement for child care assistance to continue.

## Non-Custodial Parent Contribution

Family Court, or any court which has jurisdiction on child support issues,

may order the non-custodial parent to pay toward the cost of child care. The provider will be informed of the non-custodial parent's contribution on the approval letter and Provider Notice of Authorization/Schedule.

## Fees

The County will not pay activities fees, registration fees, transportation costs or any other fees.

## Fraud

Whether the provider is a family, group family, legally exempt provider, or a child care center, they must comply with applicable federal, state, and local laws. Committing fraud has consequences.

### **Here are a few examples of fraud:**

- Provider who falsely reports the number of children in attendance and requests payment for services that were not provided.
- Provider that receives governmental assistance but fails to report income.
- Provider that charges the private pay parent less than the subsidy rate.
- Provider who falsely reports the number of children served for Child and Adult Care Food Program (CACFP) reimbursement.

Fraud allegations will be referred to the ECDSS Special Investigations Division (SID) for investigation. Failure to fully cooperate with the investigation may result in discontinuance from the child care assistance program. Payments will continue to the provider until a determination has been made by SID. Upon a finding of fraud or improper billing, the

provider will be required to make restitution to the County.

## Rates

- A. The County will pay providers by the type of provider and the age of the child (6 weeks to 13 years old).
- B. Change in age category - if a birthday occurs which will result in a change in rate for a child, the new rate will become effective the first day of the following billing period. A child who turns 13 during the 12-month authorization will remain eligible until the end of the authorization period. Also, child care may continue beyond a child's 13<sup>th</sup> birthday if there is existing medical documentation that the child has special needs. A child may qualify as a special needs child and remain eligible until they turn 19 years of age.
- C. A contracted provider may not charge a parent/caretaker more than the ECDSS contracted rate for the authorized schedule.
- D. If a provider changes their provider type (e.g., from Family Day Care to Group Family Day Care), the provider must contact ECDSS:

Contracted provider:

Erie County Department of Contract Compliance  
716-858-6079

Non-contracted provider:

Day Care Unit  
716-858-2770

Any increase in rates will be effective following the approval of the contract/non-contract and all required documents.

## Tax Reporting

The County reports all child care payments made to providers over \$600 annually to the Internal Revenue Service (IRS) and submits an IRS Form

1099. Child care providers are required to complete and return a W-9 form to the County in order to receive payment.

**Note: Legally-exempt in-home providers are not sent a Form 1099. It is the responsibility of the parent/guardian to provide verification of income and payment dates to the child care provider.**

## Special Needs

The County is authorized to pay a higher rate, currently 5 % above market rate, for special needs children if certain criteria are met. A special needs child, per regulation, is a child that may have one or more conditions limiting their ability to function. i.e., physical, mental, or emotional health (18 NYCRR 415.1(c)). The provider must obtain a Special Needs Statement (B-3962) from the appropriate worker. This form is also available on the Erie County website at [www3.erie.gov/socialservices/day-care](http://www3.erie.gov/socialservices/day-care). This form must be completed by a medical doctor or other health professional and returned to the worker. A decision regarding “special needs” will be made by a supervisor and if approved, the special needs rate will be applied the following month.

## Income Guidelines

Please see the Erie County Department of Social Services – Day Care website at <https://www3.erie.gov/socialservices/day-care>.

## Related Websites

- <https://ocfs.ny.gov/programs/childcare/>
- [www3.erie.gov/socialservices/day-care](http://www3.erie.gov/socialservices/day-care)