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Governor

NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY, NEW YORK 12243-0001

Brian J. Wing  
Commissioner

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

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: LOCAL COMMISSIONERS MEMORANDUM :  
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NYS Office of Temporary  
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Transmittal No: 99 LCM-19

Date: August 27, 1999

Division: Temporary Assistance

**TO:** Local District Commissioners

**SUBJECT:** Notice: LDSS-4647: "Important Information about Child Care"

**ATTACHMENTS:** LDSS-4647: "Important Information about Child Care" -  
Not Available on Line

The purpose of this release is to provide local districts with the notice entitled LDSS-4647: "Important Information about Child Care". This notice must be provided to all Temporary Assistance applicants and recipients, along with the Client Information Booklets, at application and at recertification. This notice is required by the federal Department of Health and Human Services. Failure to provide this notice can result in substantial financial penalties to New York State. These penalties would be shared with local districts.

The final federal TANF regulations require States to inform single custodial caretaker relatives with children under age 6 who are receiving TANF benefits that their TANF benefits cannot be reduced or ended because they are not participating in work requirements if the reason is that they do not have appropriate, accessible, affordable and suitable child care. New York State Law requires this for caretaker relatives with children under age 13.

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Please note that in the "Notice of Important Information about Child Care" districts are required to define reasonable distance for the purpose of determining whether child care is accessible. The definition of reasonable distance will become part of the child care section of your Consolidated Services Plan. Until such time as the new child care planning forms become available, districts must submit their proposed definition of reasonable distance to the following address:

Office of Children and Family Services  
Bureau of Early Childhood Services  
40 N. Pearl St. (Riverview Center)  
Albany, New York 12243  
Attn. Paula Vielkind

Districts must use the proposed definition on an interim basis pending OCFS approval. The proposed definition must be submitted by September 10, 1999. The definition must be submitted to OCFS as an amendment to the existing Consolidated Services Plan. As such, a 30 day public notice period as well as OCFS approval is required before the definition is given final approval. The draft definition may be submitted to OCFS concurrent with the beginning of the public notice period. It should be noted, however, that any changes to the proposed definition as a result of the review process might require additional public notice. Any sanctions placed on clients for refusal to participate where the client maintained that there was no available child care within a reasonable distance may need to be corrected if OCFS determines that the district's proposed definition of reasonable distance needs to be substantially modified.

This federal notification requirement will be met by having local social services districts provide the notice attached to this LCM. Both English and Spanish versions are attached to the LCM.

This notice will be printed by the Office of Temporary and Disability Assistance and will be sent to, and available in, local social services districts in early September, 1999. Until this notice is available, local districts must copy the notice that is attached to this LCM and provide it to all applicants at application and to all recipients at next client contact and thereafter at recertification. The notice will eventually become part of the Client Information Booklets.

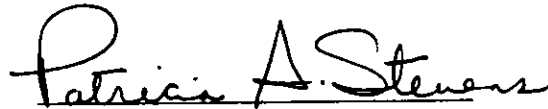
This LCM will be followed by an administrative directive which will provide you with more detailed information on this federal requirement.

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Any questions on this should be directed to Dottie Mullooly at 518-474-9101. Any questions on the Consolidated Services Plan or on the definition of reasonable distance should be directed to Paula Vielkind at 518-402-6520.

A handwritten signature in cursive script that reads "Patricia A. Stevens". The signature is written in black ink and is positioned above the typed name and title.

Patricia A. Stevens  
Deputy Commissioner  
Division of Temporary Assistance

## ***Important Information about Child Care***

If you are receiving Temporary Assistance and *need child care* in order to participate in work activities, please read this notice. It will tell you about your rights and responsibilities and about how to locate a child care provider.

### ***Your Rights***

Your *cash assistance cannot be reduced or ended* because you are not participating in work activities *if* the reason you are not participating is because *you don't have appropriate, accessible, affordable and suitable child care*.

You have the *right to receive information* about how to locate a child care provider. This information could be provided in a number of ways.

- Your worker can give you the name and telephone number of a Child Care Resource and Referral Program or other similar program which can help you find a child care provider; or
- Your worker can give you a list with the name, address and telephone numbers of child care providers.

You have the *right to choose* the child care provider for your child. This could be a provider who is licensed or registered or it could be a relative, a friend of the family or a trusted neighbor.

If you are unable to find a child care provider on your own, your worker must provide you with *two choices* of child care providers. At least one of these choices must be a child care provider who is licensed or registered with the State of New York or with New York City Department of Health.

You have the *right to be excused from your work activity* if you have a child under 13 years of age and you are unable to find a child care provider that is *appropriate, accessible, affordable and suitable*. However, the time you are excused from your work activity will still count toward your 60 month limits of federally funded and cash Temporary Assistance.

- *Appropriate* means the provider is open for the hours and days needed for you to participate in your work activity, and is willing to care for your child(ren) including any special needs your child has.
- *Accessible* means that you are able to get to the provider by driving your own car or by public transportation and the provider is located within a *reasonable distance* from your home and work. Your worker must tell you what is considered a reasonable distance for your community.
- *Unsuitable* means the physical or mental condition of the provider or the physical condition of the home would be detrimental to the health or safety of your child(ren).
- *Affordable* means you have enough money to pay your share of the child care cost, if you are required to pay a share of the costs.

You have the *right to request a fair hearing to appeal the decision to reduce or end your Temporary Assistance* if you feel your worker made the wrong decision regarding your refusal to comply with your work activities due to a lack of child care.

## ***Your Responsibilities***

It is your responsibility to ***look for and choose*** a child care provider.

If you are unable to find a child care provider, ***you must do the following***.

1. ***Let your worker know*** what you have done to find a provider and ***ask for help*** in finding a provider.
2. ***Follow up on all referrals*** you are given by your worker or other programs that are helping you locate a provider. This means ***you must contact or visit all providers that you are referred to*** until you are able to choose a provider that is appropriate, accessible, suitable and affordable.
3. If you have contacted all providers and are still not able to choose any of these providers, ***you must let your worker know in writing which providers you contacted and when and why you did not choose any of these providers***. Your reasons must include one of the following.
  - The provider was not open for the days or hours needed or could not care for your child's special needs.
  - You were unable to get to the provider by car or public transportation.
  - The provider was not located within a reasonable distance from your home or work activity. Each social services district has a different meaning of "reasonable distance". The district must tell you what reasonable distance means in your district.
  - Friends, relatives or neighbors you considered or contacted were unsuitable.
4. If you show that you are unable to locate a provider, your worker ***must offer you a choice of two providers***. At least one of these choices must be a child care provider who is licensed or registered with the State of New York or New York City Department of Health. You must choose one of these providers or show why they are not appropriate, accessible, affordable or suitable.
5. ***You must continue to look*** for a child care provider and follow up on all referrals during the time you are excused from your work activity.
6. If you cannot show that you were unable to locate a provider and that the two choices of providers offered to you were not appropriate, accessible, affordable, or suitable, then your Temporary Assistance cash grant will be reduced if you fail to participate in your work activity.

I have read and understand the above information.

\_\_\_\_\_  
Client's Name

\_\_\_\_\_  
Date

## ***Información Importante acerca del Cuidado de Niños***

Si usted está recibiendo Asistencia Temporal y necesita cuidado de niños o cuidado infantil para poder participar en actividades laborales, por favor lea esta notificación. Este aviso le dará a conocer sus derechos y sus responsabilidades; también le proveerá información sobre cómo localizar a un(a) proveedor(a) de cuidado de niños.

### ***Sus Derechos***

Su ***asistencia en efectivo no puede ser reducida o cancelada*** debido a que usted no está participando en actividades laborales si la razón por la que usted no está participando se debe a que ***usted no cuenta con un(a) proveedor(a) de cuidado infantil conveniente, accesible, razonable en costo y apropiado.***

Usted tiene el derecho de recibir información acerca de cómo localizar a un(a) proveedor(a) de cuidado infantil. Esta información se le puede proveer de varias maneras.

- Su trabajador(a) puede darle el nombre y el número de teléfono de un Programa de Recursos y Referencias de Cuidado Infantil u otro programa similar que le puede ayudar a encontrar un(a) proveedor(a) de cuidado infantil; o
- Su trabajador(a) puede darle una lista con el nombre, la dirección y los números de teléfono de proveedores de cuidado infantil.

Usted tiene el ***derecho de escoger*** al/a la proveedor(a) de cuidado infantil adecuado(a) para su niño(a). Éste o ésta podría ser un(a) proveedor(a) licenciado(a) o registrado(a), o podría ser un familiar, un(a) amigo(a) de la familia o un(a) vecino(a) de confianza.

Si usted no puede encontrar a un proveedor(a) de cuidado infantil por su cuenta, su trabajador(a) debe proveerle ***dos selecciones*** de proveedores de cuidado infantil. Por lo menos una de esas selecciones debe ser un(a) proveedor(a) de cuidado infantil licenciado(a) o registrado(a) con el Estado de Nueva York o con el Departamento de Salud de la Ciudad de Nueva York.

Usted ***tiene el derecho de ser excusado(a) de su actividad laboral*** si usted tiene un(a) hijo(a) de 13 años o menos y usted no puede encontrar a un(a) proveedor(a) de cuidado infantil que sea conveniente, accesible, razonable y apropiado. Sin embargo, el tiempo que usted está excusado de su actividad laboral todavía contará hacia su límite de 60 meses de Asistencia Temporal federal o en efectivo.

- ***Conveniente*** significa que el/la proveedor(a) opera durante las horas y los días que necesita para que usted participe en su actividad laboral, y está dispuesto(a) a cuidar a sus hijos y proveer servicios para cualquier necesidad que su hijo(a) pueda tener.
- ***Accesible*** significa que usted puede llegar al lugar de trabajo del/de la proveedor(a) manejando su propio automóvil o por transportación pública, y que el/la proveedor(a) está localizado(a) dentro de una distancia razonable de su hogar y trabajo. Su trabajador(a) debe darle a conocer la distancia que se considera razonable en su comunidad.
- ***Razonable*** significa que usted tiene suficiente dinero para pagar su porción del costo de cuidado infantil, si se le requiere que pague una porción del costo.
- ***Inapropiado(a)*** se refiere a la condición física o mental del proveedor(a) o la condición física del hogar que sería detrimental para la salud o seguridad de su(s) hijo(s).

Usted tiene el ***derecho de solicitar una audiencia imparcial para apelar la decisión de reducir o cancelar sus beneficios de Asistencia Temporal*** si usted cree que su trabajador(a) tomó una decisión incorrecta con respecto a la falta de cumplimiento de sus actividades laborales debido a la carencia de cuidado infantil.

## ***Sus Responsabilidades***

Es su responsabilidad **buscar y escoger** a un(a) proveedor(a) de cuidado de niños o cuidado infantil.

Si usted no puede encontrar a un(a) proveedor(a) de cuidado infantil, usted debe hacer lo siguiente:

1. Hacerle saber a su trabajador(a) lo que usted ha hecho para encontrar a un(a) proveedor(a), y pedirle ayuda para encontrar a un(a) proveedor(a).
2. Llamar a todas las referencias que su trabajador(a) le ha provisto o llamar a otros programas que están ayudándole a conseguir a un(a) proveedor(a). Esto significa que usted debe ponerse en contacto o visitar a todos los proveedores a los que usted ha sido referido hasta que usted pueda escoger un(a) proveedor(a) conveniente, accesible, razonable y apropiado.
3. Si usted se ha contactado con todos los proveedores y todavía no puede escoger a algún proveedor(a), usted debe hacerle saber a su trabajador(a) por escrito sobre los proveedores que usted contactó, y por qué usted no escogió a alguno de éstos proveedores. Sus razones deben incluir uno de lo siguiente:
  - El proveedor(a) no estaba abierto durante los días y las horas que yo necesitaba o no podía cuidar a su hijo(a) con necesidades especiales.
  - Usted no podía llegar al proveedor(a) por automóvil o por transporte público.
  - El proveedor(a) no estaba localizado dentro de una distancia razonable de su hogar o de su actividad laboral. Cada distrito de servicios sociales tiene una descripción diferente de lo que representa una "distancia razonable." El distrito debe decirle qué representa una distancia razonable en su distrito.
  - Los amigos, familiares o vecinos que usted consideró o con los que se puso en contacto no eran apropiados.
4. Si usted demuestra que no puede localizar a su proveedor(a), su trabajador(a) debe ofrecerle una selección de dos proveedores. Por lo menos una de estas selecciones debe ser un(a) proveedor(a) de cuidado con licencia o registrado con el Estado de Nueva York o con el Departamento de Salud de la Ciudad de Nueva York. Usted debe escoger uno de estos proveedores o explicar por qué éstos no son convenientes, accesibles, razonables o apropiados.
5. Usted debe continuar buscando a un proveedor(a) de cuidado infantil y debe llamar a todas las referencias durante el tiempo en el que usted ha sido excusado de su actividad laboral
6. Si usted no puede demostrar que usted no pudo localizar a un(a) proveedor(a) y que las dos selecciones de proveedores que se le ofreció no fueron convenientes, accesibles, razonables o apropiadas entonces sus beneficios de Asistencia Temporal en efectivo serán reducidos si usted no logra participar en su actividad laboral.

He leído y comprendo la información citada anteriormente.

\_\_\_\_\_  
Nombre del Cliente

\_\_\_\_\_  
Fecha