

pending the hearing. If the individual had not been receiving any child care benefits and is awaiting a hearing due to nonreceipt of child care benefits, he or she is not entitled to receive any WFNJ child care benefits pending the hearing.

#### 10:15-3.5 Refusal of WFNJ/TANF child care benefits

(a) A WFNJ/TANF participant may refuse available appropriate WFNJ child care benefits if the participant can ensure that such refusal will not prevent or interfere with participation in a WFNJ work activity.

1. When child care referrals have been made available to them, refusal of WFNJ/TANF child care benefits may be inferred if the participant does not select a child care provider by the start of a work activity.

2. Refusal of WFNJ/TANF child care benefits shall be documented in the CCR&R case record and reported to the CWA immediately.

3. In instances where refusal of child care is disputed, it is the responsibility of the CCR&R to show that a minimum of three referrals for appropriate care were made, and it is the responsibility of the participant to document that he or she met with the referred providers in a manner compatible with the activity.

Amended by R.2009 d.18, effective January 5, 2009.

See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In the introductory paragraph of (a), inserted "A" at the beginning; and in (a)2 and (a)3, substituted "CCR&R" for "UCCA".

### SUBCHAPTER 4. TRANSITIONAL CHILD CARE (TCC) BENEFITS

#### 10:15-4.1 Overview

Transitional child care (TCC) benefits provide child care services to families whose eligibility for cash assistance has terminated when the case is closed due to earnings from employment.

#### 10:15-4.2 Eligibility for TCC benefits

(a) A TANF family shall be eligible for TCC benefits if all of the following conditions are met:

1. The family shall have ceased to be eligible for cash assistance as a result of earnings due to employment, which resulted in the loss of TANF cash assistance;

2. The family that has ceased to be eligible for cash assistance as a result of a combined income of child support and earnings from employment shall be eligible for TCC benefits based solely on the earnings due to employment;

3. The family shall have received cash assistance in the last month preceding the first month of ineligibility;

4. The family requests TCC benefits and provides the information necessary for determining eligibility and co-payment, including verification of effective dates and amounts of earnings;

5. The participant signs an agreement covering the benefit period during which the child care is to be provided;

6. The participant remains eligible in accordance with N.J.A.C. 10:90-2 and 3;

7. The family pays the required co-payment in accordance with N.J.A.C. 10:15-10; and

8. The family shall report changes in employment status and income to the CCR&R.

(b) The period of eligibility for TCC benefits shall be subject to the following:

1. Eligibility for TCC begins with the first month for which the family is ineligible for TANF cash benefits due to the reason set forth in (a)1 and 2 above;

2. Families shall begin to receive TCC assistance in any month of the 24-month eligibility period;

3. The period of eligibility may continue for a period of up to 24 consecutive months beginning the first month the family is ineligible for TANF;

4. The family that applies in any month after the first month of eligibility for TCC benefits loses those months for extension purposes; and

5. Continued eligibility shall be re-determined after 12 months from the initial eligibility.

(c) A family shall be ineligible for TCC assistance if the participant does any of the following:

1. Terminates employment;

2. Fails to cooperate with the CCR&R in establishing child care payments; or

3. Fails to pay the required co-payment.

(d) Re-determination of eligibility for TCC benefits shall occur after 12 months of eligibility for TCC benefits. The family shall be required to submit verification of evidence that they continue to meet eligibility requirements and shall comply with all program requirements. The family shall be eligible for extended benefits if:

1. The participant remains employed;

2. The participant signs an agreement covering any remaining period of eligibility during which TCC benefits may be provided;

3. The participant agrees to comply with all co-payment requirements; and

4. The family continues to have an age eligible child or a special needs child.

(e) A participant shall reestablish eligibility for TCC benefits under the following circumstances.

1. If the participant loses a job and then secures another job, the family can qualify for TCC benefits for the remaining portion of the eligibility period.

2. A family that reestablished eligibility for TANF cash assistance benefits for one month or more shall become eligible for another full period of extended TCC if the TANF case is closed for earnings due to employment.

Amended by R.2009 d.18, effective January 5, 2009.

See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In (a)8 and (c)2, substituted "CCR&R" for "UCCA".

### 10:15-4.3 Hearings and notices

(a) TCC recipients are entitled to hearings and notices under the provisions at N.J.A.C. 10:90-9 on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce WFNJ/TANF child care benefits.

1. Timely and adequate notice shall be given if TCC benefits are reduced, discontinued or suspended due to nonpayment of the co-payment; or if a change in the manner of payment results in a discontinuance, suspension, reduction or termination of benefits; or forces a change in child care arrangements.

2. Timely and adequate notice is not required for a change in the manner of payment that does not result in an action in (a)1 above.

## SUBCHAPTER 5. NEW JERSEY CARES FOR KIDS (NJCK) PROGRAM

### 10:15-5.1 General provisions

(a) The NJCK program operates with three components: At-Risk Child Care (ARCC), Child Care Development Block Grant (CCDBG), and Child Protective Services (CPS). These components provide eligible families with necessary child care services. Eligible families shall access NJCK child care services through the CCR&R in the county where the family resides.

(b) Full and part-time child care arrangements are available for care of an infant, toddler, preschool child, school-aged child or child with special needs.

Amended by R.2005 d.77, effective February 22, 2005.

See: 36 N.J.R. 4882(a), 37 N.J.R. 630(c).

In (a), substituted "Child" for "Children in" preceding "Protective Services (CPS)".

Amended by R.2009 d.18, effective January 5, 2009.

See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In (a), substituted "CCR&R" for "UCCA".

### 10:15-5.2 At Risk Child Care (ARCC) eligibility

(a) Families shall be eligible for At Risk Child Care (ARCC) if they are in need of child care services in order to remain employed full-time or to accept full-time employment, to avoid dependency on TANF. (See chapter Appendix B, Income Eligibility Schedule for Publicly Subsidized Child care services or Services, incorporated herein by reference.)

(b) Families shall be ranked according to the following Admission Priority Codes. For initial program entry, the maximum annual gross income of the family shall not exceed 200 percent of the Federal Poverty Level (Tier A—at or below 150 percent; Tier B—between 151 percent and 175 percent; Tier C—between 176 percent and 200 percent of Federal Poverty Level). Following the initial determination, child care services may continue until the gross annual income of the family exceeds 250 percent of the Federal Poverty Level.

1. "01": Children in families in which the parent is a former TANF recipient and who has completed extended WFNJ/TANF TCC eligibility or in which the parent will complete his or her child care benefit period within one month from the date of the application. The parent must need child care services in order to accept or remain in full-time employment. A parent who is enrolled in school or who is participating in a training program shall not be eligible unless the parent is also employed full-time. The CCR&R shall be responsible for monitoring the TCC case load to facilitate the transition of services. A family in receipt of TCC may apply for ARCC at any time during the 24 month benefit period.

2. "02": Children in families who are ineligible for WFNJ/TANF TCC benefits. A parent must need child care services in order to accept or remain in full-time employment. A parent who is enrolled in a school or who is participating in a training program shall not be eligible unless the parent is also employed full-time. The parent who falls into this category is likely to have left WFNJ/TANF due to the level of child support received. The CCR&R shall be informed of the family's eligibility in this area by the appropriate county welfare agency/Board of Social Services WFNJ/TANF Case Management Unit.

3. "03": Children with parents who are employed and who are enrolled in the non-public assistance Food Stamp Program. A parent must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating in a training program shall not be eligible unless they are also employed full-time.

4. "04": Children in families who are homeless or at-risk of becoming homeless. Parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating in a training program shall not be eligible unless they are also employed full-time.

5. "05": Children residing with adolescent parents who are head of their household, who are not on WFNJ/TANF, and who are otherwise eligible for assistance under ARCC. Parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating in a training program shall not be eligible unless they are also employed full-time.

6. "06": Children under the DYFS protective service supervision who reside in their own home with their parent(s) who are employed full-time and not on WFNJ/TANF. Parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or training program shall not be eligible unless they are also employed full-time. Children under the DYFS protective service supervision in an out-of-home placement shall not be eligible.

7. "07": Children in families with incomes at or below 200 percent of Federal Poverty Level for initial entry into the program and 250 percent of the Federal Poverty Guidelines for continued eligibility and where the parent (one parent in single parent families or both parents in two parent families) works full-time who do not fall in priorities 01 through 06 in (a)1 through 6 above. The parent(s) must need child care services in order to accept or remain in full-time employment. Parents who are enrolled in a school or who are participating in a training program shall not be eligible unless they are also employed full-time.

(c) The applicant shall report changes in circumstances which affect continued eligibility or level of benefits to the CCR&R.

(d) Families shall make the required co-payment in accordance with N.J.A.C. 10:15-9.

(e) If the participant loses a job, eligibility terminates unless he or she then finds another job within one month of the job loss.

Amended by R.2009 d.18, effective January 5, 2009.

See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In (b)1, (b)2 and (c), substituted "CCR&R" for "UCCA".

### 10:15-5.3 Eligibility for CCDBG

(a) Families shall be eligible for CCDBG if they are in need of child care services in order to remain employed or accept full-time employment or to attend full-time educational and/or work/training programs. For initial program entry, the annual gross income of the family shall not exceed 200 percent of the Federal Poverty Level Guidelines for a family of the same size. Following the initial determination, child care services shall continue until the gross annual income of the family exceeds 250 percent of the Federal Poverty Level Guidelines, adjusted for family size. Since the priority code 8 children who come through the CCDBG/CPS funding stream represent the most severe cases of abuse/neglect, these cases only shall not be required to adhere to the

200 percent entry level requirement, but shall be ranked according to the following CCDBG Admission Priority Codes:

1. "08": Children identified by the DYFS as abused or neglected and in need of protective services.

i. Families who are eligible to receive a subsidy or be placed on a waiting list under this priority are as follows:

(1) DYFS At-Home: These families are not required to need child care services to accept or maintain employment full-time or be enrolled in a school or training program.

(2) Out of home placement: These families are required to need child care services to accept or maintain employment full-time or be enrolled in a school or training program.

ii. In both instances, in (a)1i(1) and (2) above, the CCR&R shall verify if the family is an active DYFS case, via the process outlined in their affiliation agreement, with the appropriate Area Office. The affiliation agreement shall address verification procedures for this population as well as the CCDBG/CPS population.

2. "09" Children in families with incomes at or below 200 percent of Federal Poverty Level for initial entry in to the program and 250 percent of the Federal Poverty Guidelines for continued eligibility and where the parent (one parent in single parent families or both parents in two parent families) works full-time who do not fall in priorities 01 through 06. The parent(s) must need child care services in order to accept or remain in full-time employment. Parents working full-time or part-time or in a full-time training or education program and who do not fall into priority 08 in (a)1 above shall not be eligible. This priority is further delineated as follows:

i. Children identified as having special needs and/or circumstances, that is, in N.J.A.C. 10:90-5.3, a child that is not under the DYFS supervision who has been identified through a written referral from a county welfare agency; legal, medical, or social service agency; emergency shelter; or public school which indicates that the child is from a family experiencing medical or social problems or adverse living conditions. Such children require child care arrangements to help ameliorate the situation and/or prevent the placement of the child or other family member(s) outside the home. Parents must need child care services in order to remain in full-time employment or in a full-time training/education program.

ii. Children identified as a child of a teen parent enrolled and referred by a school-based youth services program or a teen parent who has remained in school and is therefore ineligible for WFNJ/TANF transitional

or like benefits shall be considered as having special circumstances and shall receive this priority consideration.

iii. Children in families with incomes at or below 200 percent of the Federal Poverty Level and do not fall into priority 08 in (a)1 above. Parents must need child care services in order to remain in full-time employment or full-time training/education program.

(b) The applicant shall report changes in circumstances that affect continued eligibility or level of benefit to the CCR&R.

(c) Families shall make the required co-payment in accordance with N.J.A.C. 10:15-9.

(d) If the participant loses a job, eligibility terminates unless he or she then finds another job within one month of the job loss.

Amended by R.2005 d.77, effective February 22, 2005.

See: 36 N.J.R. 4882(a), 37 N.J.R. 630(c).

In (a), amended N.J.A.C. reference in 2i.

Amended by R.2009 d.18, effective January 5, 2009.

See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In (a)1ii and (b), substituted "CCR&R" for "UCCA"; and in (a)1ii, substituted "Area" for "District".

#### 10:15-5.4 Eligibility for Child Protective Services (CPS) funds

(a) A child is eligible for Child Protective Services (CPS) child care services if the child is under the DYFS CPS supervision, including children in out of home placement supervised by DYFS.

(b) Any parent and his or her child(ren), a legal guardian and his or her children, or the foster parent of a protective services child(ren) under the supervision of the DYFS shall be given the opportunity to apply without delay for child care services.

(c) CPS child care services shall be accessed in the following manner:

1. Eligible families shall access CPS child care services only through a referral from the DYFS Area Office or ARC.

2. The appropriate DYFS staff shall assist the applicant and the CCR&R in completing the application process after the referral is made.

3. In all cases, CPS funds shall only be used to provide voucher subsidy assistance for services provided in the following types of child care arrangements:

- i. Licensed child care centers;
- ii. Registered family child care homes;
- iii. Summer day camps; and
- iv. DYFS in-home care.

(d) In addition to the eligibility criteria set forth in (a) and (b) above, families shall also satisfy additional requirements for receipt of child care services as set forth in N.J.A.C. 10:15-1.3.

(e) The out-of-home placement provider for a child placed with the provider and receiving child care services through DYFS, as defined in N.J.A.C. 10:15-1.2, shall be exempt from the co-payment requirement. The co-payment shall be assessed for children in their own homes under the DYFS supervision, but may be waived or reduced on a case-by-case basis by the DYFS Area Office or ARC.

(f) Separate applications shall be completed for the DYFS foster child(ren) and for the birth child(ren) residing in the same home, when subsidized child care is needed for both.

Amended by R.2005 d.77, effective February 22, 2005.

See: 36 N.J.R. 4882(a), 37 N.J.R. 630(c).

In (c), substituted "child" for "day" following "Registered family" in 3ii.

Amended by R.2009 d.18, effective January 5, 2009.

See: 40 N.J.R. 2637(b), 41 N.J.R. 226(b).

In (c)1 and (e), substituted "Area Office" for "DO"; in (c)2, substituted "CCR&R" for "UCCA"; and in (e), substituted "out-of-home" for "out of home" and "case-by-case" for "case by case".

## SUBCHAPTER 6. CONTRACTED CHILD CARE CENTERS

### 10:15-6.1 Purpose and scope

(a) The DFD requires that the admissions criteria set forth in this subchapter be observed by contracted child care agencies to ensure that subsidized child care services are provided on a consistent basis Statewide to those eligible children and their families in greatest need of the service. The admissions criteria established in this subchapter shall apply to all eligible children on behalf of whom subsidized child care is requested.

(b) The scope of this subchapter specifically applies to center-based child care provider agency contracts as designated by the DFD.

(c) Contracted child care centers shall be accessed in the following manner: