

ii. Refunds due to any error made by the agency in co-payment computation that has resulted in overcharges to the parent/applicant; and

iii. Payments for any co-payment that is owed to the child care agency resulting from:

(1) Errors in co-payment computation due to any misrepresentation or misinformation; or

(2) Co-payments that are in arrears involving a child care agency that has elected not to terminate services to the parent who was delinquent with their payments or who was unable to pay due to extraordinary circumstances.

(e) A family shall be excluded from the co-payment requirement in the CCDBG/CPS program when the child is identified as a CPS Priority 1 child in a DYFS-paid out of home placement. Such cases involve children in foster care and adoption services, including children in pre-adoptive homes, children under the guardianship of the DYFS, and children voluntarily surrendered to the DYFS*, the co-payment shall be based on the income available in the child's name]*. The DYFS board payment shall not be considered income; therefore, the payment amount shall be \$0.00.

(f) In the event that protective child care services are deemed necessary as part of a case plan for a CPS Priority 1 child who is residing in his or her own home with his own parent(s) or who resides with a related or unrelated para care provider, the amount of the family's co-payment is determined on the basis of the family's annual gross income, family size, number of children receiving care (up to two per family), and the number of hours of service (that is, full-time and/or part-time care) provided to the children. Gross annual income and family size shall be calculated based upon the criteria in N.J.A.C. 10:15-9.2(a). The DYFS case manager shall have the authority to decrease or waive the co-pay on a case by case basis.

(g) For families receiving child care services for their own children and who also provide foster care for DYFS:

1. The annual gross income of the family shall be calculated separately from any funds that can be identified for the maintenance of the foster child; and

2. The family's size shall exclude any foster children in the DYFS-paid placement.

(h) No additional co-payment is required for other DHS child care programs if the family has children in care through a subsidized voucher program and the family is making a co-payment for two children.

(i) No co-payment is required for children of unemployed WFNJ participants in approved activities unless the child is enrolled in a contracted center. For purposes of WFNJ, the assessed fee for a child enrolled in contracted centers is

considered the total cost of care for that child and paid by the WFNJ program.

(j) The co-payment assessed for the family is compiled into one fee for the entire family. In WFNJ and TCC, the co-payment is assessed to the provider on a bi-weekly basis. In the NJCK program, the co-payment is assessed to the provider on a monthly basis. For the DFD contracted centers, the co-payment may be assessed for weekly, bi-weekly or monthly co-payments.

(k) Once assessed, the total co-payment is deducted from the amount to be paid by the UCCA to the provider(s) rendering services to the family (N.J.A.C. 10:15-9.3). This assessed co-payment for child care services is then paid directly by the parent/applicant to the provider of care. In NJCK and TCC, any remaining balance of the cost of care, up to the maximum rates established by the DHS is paid by the UCCA. The child care co-payment policy and procedures are applicable for all types of care arrangements available through the child care service programs including:

1. Licensed child care center (including school-age child care programs);
2. Registered family child care homes;
3. Approved home care, including in-home care; and
4. Summer camps which are approved by the Department of Health and Senior Services (see N.J.A.C. 8:25).

(l) In NJCK, the amount of the required co-payment is based on the family's annual gross income level, family size, hours of care needed, and the number of children in care. There are two co-payment scales, full-time and part-time.

(m) No co-payment is required for purposes of the DHS child care programs described at N.J.A.C. 10:15-6 if the family has children in care through subsidized child care programs described at N.J.A.C. 10:15-5 and is already making a co-payment for two children under either of these child care program requirements.

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

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

Rewrote (b); in (k), substituted "child" for "day" following "Registered family" in 2.

10:15-9.2 Determination of the co-payment

(a) The criteria for determination and re-determination of the co-payment shall be determined as specified in the chapter Appendix, the Client Income Eligibility and Co-payment Schedule, incorporated herein by reference, in accordance with the following:

1. Family size, which shall consist of the parent/applicant, the parent's or applicant's spouse and all children for whom the parent/applicant is a legal guardian in the same household. Family size shall also include dependent children who are over the age of 18 or other adults who are not legally responsible for the children but who

are dependent upon the parent/applicant and who live in the same household if the parent/applicant so chooses to include these family members in the application for child care services;

2. WFNJ participants who are employed shall be required to contribute toward the cost of child care services provided on their behalf. This co-payment shall be assessed based on earned income only. Participants who are eligible to receive transitional child care benefits in accordance with eligibility requirements at N.J.A.C. 10:90-4.2 shall also contribute toward the cost of child care services;

3. Family income for NJCK shall include all gross income received by all members of the family unit defined in (a)1 above. The gross annual family income amount shall be verified by wage stubs or similar documentation as a condition of receiving child care benefits; and

4. For all DFD voucher payments, the number of hours child care services are being provided to the child shall be as follows:

- i. Full-time care is defined as care for 30 hours or more per week for co-payment purposes;
- ii. Part-time care is defined as care for less than 30 hours per week for co-payment purposes; and
- iii. In no case shall the co-payment exceed the cost of care.

(b) Once the co-payment is determined, it shall remain unchanged for the duration of the eligibility period (up to 12 months) unless there is a change in family size, gross family income or a change in care from full-time to part-time or vice versa. For the DFD voucher programs, the participant shall notify the UCCA of any changes occurring in the family related to family size, income, work status or training/educational program attendance. The UCCA shall then determine any changes in the co-payment based on reported circumstances affecting co-payment calculation. For DFD contracted child care centers, the center shall recalculate the co-payment following any reported changes by the parent.

1. In NJCK and TCC, an exception shall be made in the case of co-payment for school-age children. The UCCA shall determine a part-time co-payment in accordance with (a) above, for all school-age children, unless the school-age child is in full-time child care for the entire period of the 12 month agreement. Only in this instance, the co-payment determination shall be based on the full-time arrangement.

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 "the chapter Appendix, the Client Income Eligibility and Co-payment Schedule" for "Appendix B" in the introductory paragraph.

10:15-9.3 Termination resulting from non-compliance of co-payment requirements

(a) For individuals who fail to cooperate in paying the required co-payment, child care benefits shall terminate for nonpayment of the co-payment.

(b) Child care services for child protective services children, including foster care children identified by the DYFS, shall not be terminated until the referring DYFS District Office or Adoption Resource Center has been notified whenever possible and an alternate plan identified.

(c) When child care services are terminated due to non-payment of the co-payment, the parent/applicant may request an administrative review or fair hearing. In the DFD voucher programs, if child care services are terminated, no payment shall be rendered by the agency from the date of termination until a review is held and a final determination is made.

(d) In all cases where an administrative review or fair hearing is requested of the UCCA, it shall adhere to N.J.A.C. 10:90-9. If the issue is not resolved at the UCCA, an administrative review, or a fair hearing may be requested at the DFD, in accordance with N.J.A.C. 10:90-9.

(e) If an employed WFNJ or TCC participant fails to pay assessed co-payments for child care services provided to his or her child(ren), child care services shall be terminated and the provider(s) shall be paid by the UCCA through the WFNJ or TCC program for the amount of unpaid co-payments. Payment of unpaid co-payments is limited to a maximum period of two months. Exceptions may be granted in extreme circumstances with prior written approval by a DFD representative.

(f) If the child care services of an WFNJ or TCC participant has been terminated due to non-payment of co-payments and the participant applies for other DHS child care services or re-qualifies for WFNJ or TCC benefits, the participant shall reimburse the amount of the unpaid co-payments prior to the receipt of any child care benefits.

(g) Individuals who fail to cooperate in paying the required co-payment shall, subject to appropriate notice requirements and, if requested, case review or administrative review, as set forth in N.J.A.C. 10:15-2.4(a) and 6.16, or fair hearing as set forth in N.J.A.C. 10:15-3.4(a), lose eligibility for child care benefits for so long as back co-payments are owed, unless satisfactory arrangements are made with each provider to make full payments of arrearages.

(h) In the DFD voucher programs, termination of child care services which are initiated by the child care provider or the parent/applicant shall be reported by the parent to the UCCA no later than 10 calendar days.

State Fiscal Year 2005
Effective: July 1, 2004 to June 30, 2005

APPENDIX
State of New Jersey
DEPARTMENT OF HUMAN SERVICES
CLIENT INCOME ELIGIBILITY and
CO-PAYMENT SCHEDULE for
SUBSIDIZED CHILD CARE ASSISTANCE or SERVICES



Full Time Child Care				Part-Time Child Care				Percent of 2004 Federal Poverty Index		Family Size and Annual Income				
Weekly Co-Payment		Monthly Co-Payment		Weekly Co-Payment		Monthly Co-Payment		More than	Less than	1 or 2	3	4	5	6
First Child 100%	Second Child 75%	First Child 100%	Second Child 75%	First Child 100%	Second Child 75%	First Child 100%	Second Child 75%							
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%		0	0	0	0	0
\$2.10	\$1.60	\$9.10	\$6.80	\$1.05	\$0.80	\$4.55	\$3.45	1% - 17%		1 - 2,123	1 - 2,664	1 - 3,205	1 - 3,745	1 - 4,286
\$5.40	\$4.05	\$23.40	\$17.55	\$2.70	\$2.05	\$11.70	\$8.90	17% - 33%		2,124 - 4,122	2,665 - 5,171	3,206 - 6,221	3,746 - 7,270	4,287 - 8,319
\$7.60	\$5.70	\$32.90	\$24.70	\$3.80	\$2.85	\$16.45	\$12.35	33% - 50%		4,123 - 6,245	5,172 - 7,835	6,222 - 9,425	7,271 - 11,015	8,320 - 12,605
\$10.90	\$8.20	\$47.20	\$35.40	\$5.45	\$4.10	\$23.60	\$17.75	50% - 67%		6,246 - 8,368	7,836 - 10,499	9,426 - 12,630	11,016 - 14,760	12,606 - 16,891
\$13.10	\$9.85	\$56.70	\$42.55	\$6.55	\$4.90	\$28.35	\$21.20	67% - 83%		8,369 - 10,367	10,500 - 13,006	12,631 - 15,646	14,761 - 18,285	16,892 - 20,924
\$16.40	\$12.30	\$71.00	\$53.25	\$8.20	\$6.15	\$35.50	\$26.65	83% - 100%		10,368 - 12,490	13,007 - 15,670	15,647 - 18,850	18,286 - 22,030	20,925 - 25,210
\$20.80	\$15.60	\$90.05	\$67.55	\$10.40	\$7.80	\$45.05	\$33.75	100% - 117%		12,491 - 14,613	15,671 - 18,334	18,851 - 22,055	22,031 - 25,775	25,211 - 29,496
\$25.20	\$18.90	\$109.10	\$81.25	\$12.60	\$9.45	\$54.55	\$40.90	117% - 133%		14,614 - 16,612	18,335 - 20,841	22,056 - 25,071	25,776 - 29,300	29,497 - 33,529
\$30.70	\$23.05	\$132.95	\$99.70	\$15.35	\$11.50	\$66.45	\$49.80	133% - 150%		16,613 - 18,735	20,842 - 23,505	25,072 - 28,275	29,301 - 33,045	33,530 - 37,815
\$36.20	\$27.15	\$156.75	\$117.55	\$18.10	\$13.60	\$78.35	\$58.90	150% - 167%		18,736 - 20,858	23,506 - 26,169	28,276 - 31,480	33,046 - 36,790	37,816 - 42,101
\$41.70	\$31.30	\$180.55	\$135.40	\$20.85	\$15.65	\$90.30	\$67.75	167% - 175%		20,859 - 21,858	26,170 - 27,423	31,481 - 32,988	36,791 - 38,553	42,102 - 44,118
\$44.00	\$33.00	\$190.50	\$142.90	\$22.00	\$16.50	\$95.25	\$71.45	175% - 183%		21,859 - 22,857	27,424 - 28,676	32,989 - 34,496	38,554 - 40,315	44,119 - 46,134
\$48.30	\$36.25	\$209.15	\$156.85	\$24.15	\$18.10	\$104.60	\$78.35	183% - 200%		22,858 - 24,980	28,677 - 31,340	34,497 - 37,700	40,316 - 44,060	46,135 - 50,420
FOR USE ONLY IN REDETERMINING CONTINUATION OF SERVICES														
\$56.00	\$42.00	\$242.50	\$181.90	\$28.00	\$21.00	\$121.25	\$90.95	200% - 217%		24,981 - 27,103	31,341 - 34,004	37,701 - 40,905	44,061 - 47,805	50,421 - 54,706
\$63.70	\$47.80	\$275.80	\$206.85	\$31.85	\$23.90	\$137.90	\$103.50	217% - 233%		27,104 - 29,102	34,005 - 36,511	40,906 - 43,921	47,806 - 51,330	54,707 - 58,739
\$68.10	\$51.10	\$294.90	\$221.20	\$34.05	\$25.55	\$147.45	\$110.65	233% - 250%		29,103 - 31,225	36,512 - 39,175	43,922 - 47,125	51,331 - 55,075	58,740 - 63,025

EXCEPTIONS: Children v case treatment plan. If family income exceeds the client income eligibility level, services may be pro appropriate child care co-payment scale for the size of the family. For children who are in paid foster placement, the co-payment income, the assessed child care co-payment is almost always \$0. For CPS family size and income.

For CPS children residing in their own home will will cause undue hardship to the CPS family or place the child

A Tier A: A child who has been initially determined eligible on the basis of the annual gross income of the family, which must be at or below 150% of the current Federal Poverty Income Guidelines (FPI).

B Tier B: A child who has been initially determined eligible on the basis of the annual gross income of the family, which must be between 151% and 175% of the current FPI.

C Tier C: A child who has been initially determined eligible on the basis of the annual gross income of the family, which must be between 176% and 200% of the current FPI.

D Tier D: A child who has been redetermined eligible on the basis of the annual gross income of the family, which must be between 201% and 250% of the current FPI.

Full time care is defined as six (6) or more hours of care per day.

Part-time care is defined as less than six (6) hours of care per day.



State of New Jersey
 DEPARTMENT OF HUMAN SERVICES
**CLIENT INCOME ELIGIBILITY and
 CO-PAYMENT SCHEDULE for
 SUBSIDIZED CHILD CARE ASSISTANCE or SERVICES**

State Fiscal Year 2005
 Effective: July 1, 2004 to June 30, 2005

Full Time Child Care				Part-Time Child Care				Percent of 2004 Federal Poverty Index	Family Size and Annual Income					
Weekly Co-Payment		Monthly Co-Payment		Weekly Co-Payment		Monthly Co-Payment			7	8	9	10	11	12
First Child 100%	Second Child 75%	First Child 100%	Second Child 75%	First Child 100%	Second Child 75%	First Child 100%	Second Child 75%	More than	Less than					
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%						
\$2.10	\$1.60	\$9.10	\$6.80	\$1.05	\$0.80	\$4.55	\$3.45	1% - 17%	1 - 4,826	1 - 5,367	1 - 5,908	1 - 6,448	1 - 6,989	1 - 7,529
\$5.40	\$4.05	\$23.40	\$17.55	\$2.70	\$2.05	\$11.70	\$8.90	17% - 33%	4,827 - 9,369	5,368 - 10,418	5,909 - 11,468	6,449 - 12,517	6,990 - 13,566	7,530 - 14,616
\$7.60	\$5.70	\$32.90	\$24.70	\$3.80	\$2.85	\$16.45	\$12.35	33% - 50%	9,370 - 14,195	10,419 - 15,785	11,469 - 17,375	12,518 - 18,965	13,567 - 20,553	14,617 - 22,145
\$10.90	\$8.20	\$47.20	\$35.40	\$5.45	\$4.10	\$23.60	\$17.75	50% - 67%	14,196 - 19,021	15,786 - 21,152	17,376 - 23,283	18,966 - 25,413	20,556 - 27,544	22,146 - 29,674
\$13.10	\$9.85	\$56.70	\$42.55	\$6.55	\$4.90	\$28.35	\$21.20	67% - 83%	19,022 - 23,564	21,153 - 26,203	23,284 - 28,843	25,414 - 31,482	27,545 - 34,121	29,675 - 36,761
\$16.40	\$12.30	\$71.00	\$53.25	\$8.20	\$6.15	\$35.50	\$26.65	83% - 100%	23,565 - 28,390	26,204 - 31,570	28,844 - 34,750	31,483 - 37,930	34,122 - 41,110	36,762 - 44,290
\$20.80	\$15.60	\$90.05	\$67.55	\$10.40	\$7.80	\$45.05	\$33.75	100% - 117%	28,391 - 33,216	31,571 - 36,937	34,751 - 40,658	37,931 - 44,378	41,111 - 48,099	44,291 - 51,819
\$25.20	\$18.90	\$109.10	\$81.25	\$12.60	\$9.45	\$54.55	\$40.90	117% - 133%	33,217 - 37,759	36,938 - 41,988	40,659 - 46,218	44,379 - 50,447	48,100 - 54,676	51,820 - 58,906
\$30.70	\$23.05	\$132.95	\$99.70	\$15.35	\$11.50	\$66.45	\$49.80	133% - 150%	37,760 - 42,585	41,989 - 47,355	46,219 - 52,125	50,448 - 56,895	54,677 - 61,665	58,907 - 66,435
\$36.20	\$27.15	\$156.75	\$117.55	\$18.10	\$13.60	\$78.35	\$58.90	150% - 167%	42,586 - 47,411	47,356 - 52,722	52,126 - 58,033	56,896 - 63,343	61,666 - 68,654	66,436 - 73,964
\$41.70	\$31.30	\$180.55	\$135.40	\$20.85	\$15.65	\$90.30	\$67.75	167% - 175%	47,412 - 49,683	52,723 - 55,248	58,034 - 60,813	63,344 - 66,378	68,655 - 71,943	73,965 - 77,508
\$44.00	\$33.00	\$190.50	\$142.90	\$22.00	\$16.50	\$95.25	\$71.45	175% - 183%	49,684 - 51,954	55,249 - 57,773	60,814 - 63,593	66,379 - 69,412	71,944 - 75,231	77,509 - 81,051
\$48.30	\$36.25	\$209.15	\$156.85	\$24.15	\$18.10	\$104.60	\$78.35	183% - 200%	51,955 - 56,780	57,774 - 63,140	63,594 - 69,500	69,413 - 75,860	75,232 - 82,220	81,052 - 88,580
FOR USE ONLY IN REDETERMINING CONTINUATION OF SERVICES														
\$56.00	\$42.00	\$242.50	\$181.90	\$28.00	\$21.00	\$121.25	\$90.95	200% - 217%	56,781 - 61,606	63,141 - 68,507	69,501 - 75,408	75,861 - 82,308	82,221 - 89,209	88,581 - 96,109
\$63.70	\$47.80	\$275.80	\$206.85	\$31.85	\$23.90	\$137.90	\$103.50	217% - 233%	61,607 - 66,149	68,508 - 73,558	75,409 - 80,968	82,309 - 88,377	89,210 - 95,786	96,110 - 103,196
\$68.10	\$51.10	\$294.90	\$221.20	\$34.05	\$25.55	\$147.45	\$110.65	233% - 250%	66,150 - 70,975	73,559 - 78,925	80,969 - 86,875	88,378 - 94,825	95,787 - 102,775	103,197 - 110,725

EXCLUSIONS: A child under the child protective service (CPS) who exceeds the client income eligibility level, services may be provided without regard to the size of the family. For children who are in paid foster care, children who are residing with a related or unrelated caregiver or para-home care provider, the co-payment is assessed on the basis of family size and income. For CPS children residing in their own home with their own parents, the co-payment is:

- Tier A:** A child who has been initially determined eligible on the basis of the annual gross income of the family, which must be at or below 150% of the current Federal Poverty Income Guidelines (FPI).
- Tier B:** A child who has been initially determined eligible on the basis of the annual gross income of the family, which must be between 151% and 175% of the current FPI.
- Tier C:** A child who has been initially determined eligible on the basis of the annual gross income of the family, which must be between 176% and 200% of the current FPI.
- Tier D:** A child who has been redetermined eligible on the basis of the annual gross income of the family, which must be between 201% and 250% of the current FPI.

Full time care is defined as six (6) or more hours of care per day.
 Part-time care is defined as less than six (6) hours of care per day.

Repeal and New Rule, R.2005 d.77, effective February 22, 2005.
 See: 36 N.J.R. 4822(a), 37 N.J.R. 630(c).