

CHAPTER 15C

CO-PAYMENTS AND PROCEDURES

Authority

N.J.S.A. 30:1-12; 45 CFR, Parts 98 and 257, and the Americans with Disabilities Act (P.L. 101-336).

Source and Effective Date

R.1994 d.628, effective November 23, 1994.
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Executive Order No. 66(1978) Expiration Date

Chapter 15C, Co-payments and Procedures, expires on November 23, 1999.

Chapter Historical Note

Chapter 15C, Co-Payments and Procedures, was adopted as R.1991 d.600, effective December 16, 1991 (operative January 1, 1992). See: 23 N.J.R. 2960(a), 23 N.J.R. 3771(a). Pursuant to Executive Order No. 66(1978), Chapter 15C was readopted as R.1994 d.628. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:15C-1.1 Co-payment procedures

(a) All eligible families shall pay a fee toward the cost of child care services. This fee is termed a co-payment.

1. The exception to the co-payment requirement exists in the CCDBG program when the child is identified as under DYFS child protective services supervision (see N.J.A.C. 10:15-1.2), including foster care. The co-payment for CPS children including foster care may be waived on a case by case basis in the CCDBG program; such a waiver is granted by the DYFS District Office (DO) or the DYFS Adoption Resource Center (ARC) as delineated in N.J.A.C. 10:15A-1.5(a).

2. Additionally, no co-payment is required for purposes of the other Departmental child care programs (for example, the Social Services Block Grant (SSBG) child care program) if the family has children in care through IV-A At-Risk or CCDBG and the family is making a co-payment for two children under that program's requirements. The designated child care entity shall verify and document the facts concerning co-payment circumstances

under the IV-A At-Risk and CCDBG programs. The designated child care entity shall make contact with the appropriate agency(s) in the county assessing co-payment for the other respective Departmental child care programs and inform that agency that the requirement for the co-payment has been met under either the CCDBG or IV-A At-Risk program.

(b) By the adoption of a Statewide co-payment scale for child care service programs provided to families, the programs seek to:

1. In accordance with the eligibility criteria of CCDBG or IV-A At-Risk, enable an eligible family to accept and maintain employment and/or to participate in work/training or educational activities through child care service program aid or to provide child care services to a child in protective services, including foster care, as identified by DYFS;

2. Ensure that the family has freedom of choice in selecting child care arrangements and is provided with flexibility to choose the location and type of provider that best meets their child care needs under the child care service programs; and

3. Require that all families receiving child care service program benefits be assessed and/or pay a portion of the cost of care based on ability to pay, as required by the PRWORA of 1996 and P.L. 1997, c.13. However, the co-payment for CPS children, including foster care, may be waived on a case by case basis in the CCDBG program; such a waiver is granted by the DYFS District Office (DO) or DYFS Adoption Resource Center (ARC) as delineated N.J.A.C. 10:15A-1.5(a).

(c) The co-payment assessed for the family is compiled into one monthly fee for the entire family. Once assessed, the total monthly co-payment is deducted from the amount to be paid by the designated child care entity to only one provider rendering services to the family (see N.J.A.C. 10:15C-1.3). This assessed co-payment for child care services is then paid directly by the parent/applicant to the provider of care; any remaining balance of the cost of care, up to the maximum rates established by the Department (see N.J.A.C. 10:15A-1.2(c)), is paid by the designated child care entity. 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 centers;
2. Registered family day care homes;
3. Self-arranged care (including in-home care);
4. Summer camps which are approved by the Department of Health (see N.J.A.C. 8:25); and
5. School-age child care programs.

(d) The amount of the required co-payment is based on the family's annual gross income level, family size, hours of care needed, and number of children in care. Assessed co-payments are apportioned monthly and are due for the entire period of time that subsidized childcare assistance is received. Holidays, emergency closings, absences, and starting or ending dates of child care falling within any part of the month do not exclude or reduce the required monthly co-payment. There are two co-payment scales:

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

Effective: 7/1/97

	Full Time Child Care				Part-Time Child Care				Percent of 1997 Federal Poverty Index	Family Size and Annual Income					CPS
	Weekly Co-Payment		Monthly Co-Payment		Weekly Co-Payment		Monthly Co-Payment			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%							
CPS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	0	0	0	0	0	CPS
1	\$2.10	\$1.60	\$9.10	\$6.80	\$1.05	\$0.80	\$4.55	\$3.45	1% - 17%	1 - 1,768	1 - 2,222	1 - 2,675	1 - 3,128	1 - 3,582	1
	\$5.40	\$4.05	\$23.40	\$17.55	\$2.70	\$2.05	\$11.70	\$8.90	18% - 33%	1,769 - 3,537	2,223 - 4,443	2,676 - 5,350	3,129 - 6,257	3,583 - 7,163	
	\$7.60	\$5.70	\$32.90	\$24.70	\$3.80	\$2.85	\$16.45	\$12.35	34% - 50%	3,538 - 5,305	4,444 - 6,665	5,351 - 8,025	6,258 - 9,385	7,164 - 10,745	
	\$10.90	\$8.20	\$47.20	\$35.40	\$5.45	\$4.10	\$23.60	\$17.75	51% - 67%	5,306 - 7,073	6,666 - 8,887	8,026 - 10,700	9,386 - 12,513	10,746 - 14,327	
	\$13.10	\$9.85	\$56.70	\$42.55	\$6.55	\$4.90	\$28.35	\$21.20	68% - 83%	7,074 - 8,842	8,888 - 11,108	10,701 - 13,375	12,514 - 15,642	14,328 - 17,908	
	\$16.40	\$12.30	\$71.00	\$53.25	\$8.20	\$6.15	\$35.50	\$26.65	84% - 100%	8,843 - 10,610	11,109 - 13,330	13,376 - 16,050	15,643 - 18,770	17,909 - 21,490	
	\$20.80	\$15.60	\$90.05	\$67.55	\$10.40	\$7.80	\$45.05	\$33.75	101% - 117%	10,611 - 12,378	13,331 - 15,552	16,051 - 18,725	18,771 - 21,898	21,491 - 25,072	
	\$25.20	\$18.90	\$109.10	\$81.25	\$12.60	\$9.45	\$54.55	\$40.90	118% - 133%	12,379 - 14,147	15,553 - 17,773	18,726 - 21,400	21,899 - 25,027	25,073 - 28,653	
\$30.70	\$23.05	\$132.95	\$99.70	\$15.35	\$11.50	\$66.45	\$49.80	134% - 150%	14,148 - 15,915	17,774 - 19,995	21,401 - 24,075	25,028 - 28,155	28,654 - 32,235		
2	\$36.20	\$27.15	\$156.75	\$117.55	\$18.10	\$13.60	\$78.35	\$58.90	151% - 167%	15,916 - 17,683	19,996 - 22,217	24,076 - 26,750	28,156 - 31,283	32,236 - 35,817	2
	\$41.70	\$31.30	\$180.55	\$135.40	\$20.85	\$15.65	\$90.30	\$67.75	168% - 175%	17,684 - 18,130	22,218 - 22,715	26,751 - 27,300	31,284 - 31,885	35,818 - 36,470	
3	\$41.70	\$31.30	\$180.55	\$135.40	\$20.85	\$15.65	\$90.30	\$67.75	176% - 183%	18,131 - 19,452	22,716 - 24,438	27,301 - 29,425	31,886 - 34,412	36,471 - 39,398	3
	\$48.30	\$36.25	\$209.15	\$156.85	\$24.15	\$18.10	\$104.60	\$78.35	184% - 200%	19,453 - 21,220	24,439 - 26,660	29,426 - 32,100	34,413 - 37,540	39,399 - 42,980	
FOR USE ONLY IN REDETERMINING CONTINUATION OF SERVICES															
4	\$56.00	\$42.00	\$242.50	\$181.90	\$28.00	\$21.00	\$121.25	\$90.95	201% - 217%	21,221 - 22,988	26,661 - 28,882	32,101 - 34,775	37,541 - 40,668	42,981 - 46,562	4
	\$63.70	\$47.80	\$275.80	\$206.85	\$31.85	\$23.90	\$137.90	\$103.50	218% - 233%	22,989 - 24,757	28,883 - 31,103	34,776 - 37,450	40,669 - 43,797	46,563 - 50,143	
	\$68.10	\$51.10	\$294.90	\$221.20	\$34.05	\$25.55	\$147.45	\$110.65	234% - 250%	24,758 - 26,525	31,104 - 33,325	37,451 - 40,125	43,798 - 46,925	50,144 - 53,725	

CPS NOTE: A child under the child protective service (CPS) supervision of DYFS is eligible to receive services without regard to income whenever the services are required as part of a case treatment plan. For children who are in DYFS-paid foster placement, the co-payment is assessed based on the income of the child. Since in most cases, the child has no income, the assessed co-payment is almost always \$0. For DYFS/CPS children residing in their own home, the co-payment is assessed on the basis of family size and income. If it has been determined that payment of the full co-payment amount will cause undue hardship to the CPS family or place the child, the siblings or the protective service treatment plan in jeopardy, the DYFS Case Manager may reduce or waive the co-payment on a case-by-case basis.

- 1** Tier 1: 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).
 - 2** Tier 2: 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.
 - 3** Tier 3: 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.
 - 4** Tier 4: 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.

ISC-3

Supp. 7-21-97

CO-PAYMENTS AND PROCEDURES

10:ISC-1.1

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

Effective: 7/1/97

	Full Time Child Care				Part-Time Child Care				Percent of 1997 Federal Poverty Index	Family Size and Annual Income						CPS
	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%								
CPS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	0	0	0	0	0	0	CPS
1	\$2.10	\$1.60	\$9.10	\$6.80	\$1.05	\$0.80	\$4.55	\$3.45	1% - 17%	1 - 4,035	1 - 4,488	1 - 4,942	1 - 5,395	1 - 5,848	1 - 6,302	
	\$5.40	\$4.05	\$23.40	\$17.55	\$2.70	\$2.05	\$11.70	\$8.90	18% - 33%	4,036 - 8,070	4,489 - 8,977	4,943 - 9,883	5,396 - 10,790	5,849 - 11,697	6,303 - 12,603	
	\$7.60	\$5.70	\$32.90	\$24.70	\$3.80	\$2.85	\$16.45	\$12.35	34% - 50%	8,071 - 12,105	8,978 - 13,465	9,884 - 14,825	10,791 - 16,185	11,698 - 17,545	12,604 - 18,905	
	\$10.90	\$8.20	\$47.20	\$35.40	\$5.45	\$4.10	\$23.60	\$17.75	51% - 67%	12,106 - 16,140	13,466 - 17,953	14,826 - 19,767	16,186 - 21,580	17,546 - 23,393	18,906 - 25,207	
	\$13.10	\$9.85	\$56.70	\$42.55	\$6.55	\$4.90	\$28.35	\$21.20	68% - 83%	16,141 - 20,175	17,954 - 22,442	19,768 - 24,708	21,581 - 26,975	23,394 - 29,242	25,208 - 31,508	
	\$16.40	\$12.30	\$71.00	\$53.25	\$8.20	\$6.15	\$35.50	\$26.65	84% - 100%	20,176 - 24,210	22,443 - 26,930	24,709 - 29,650	26,976 - 32,370	29,243 - 35,090	31,509 - 37,810	
	\$20.80	\$15.60	\$90.05	\$67.55	\$10.40	\$7.80	\$45.05	\$33.75	101% - 117%	24,211 - 28,245	26,931 - 31,418	29,651 - 34,592	32,371 - 37,765	35,091 - 40,938	37,811 - 44,112	
	\$25.20	\$18.90	\$109.10	\$81.25	\$12.60	\$9.45	\$54.55	\$40.90	118% - 133%	28,246 - 32,280	31,419 - 35,907	34,593 - 39,533	37,766 - 43,160	40,939 - 46,787	44,113 - 50,413	
\$30.70	\$23.05	\$132.95	\$99.70	\$15.35	\$11.50	\$66.45	\$49.80	134% - 150%	32,281 - 36,315	35,908 - 40,395	39,534 - 44,475	43,161 - 48,555	46,788 - 52,635	50,414 - 56,715		
2	\$36.20	\$27.15	\$156.75	\$117.55	\$18.10	\$13.60	\$78.35	\$58.90	151% - 167%	36,316 - 40,350	40,396 - 44,883	44,476 - 49,417	48,556 - 53,950	52,636 - 58,483	56,716 - 63,017	
	\$41.70	\$31.30	\$180.55	\$135.40	\$20.85	\$15.65	\$90.30	\$67.75	168% - 175%	40,351 - 41,055	44,884 - 45,640	49,418 - 54,810	53,951 - 59,395	58,484 - 63,980	63,018 - 68,565	
3	\$41.70	\$31.30	\$180.55	\$135.40	\$20.85	\$15.65	\$90.30	\$67.75	176% - 183%	41,056 - 44,385	45,641 - 49,372	54,811 - 54,358	59,396 - 59,345	63,981 - 64,332	68,566 - 69,318	
	\$48.30	\$36.25	\$209.15	\$156.85	\$24.15	\$18.10	\$104.60	\$78.35	184% - 200%	44,386 - 48,420	49,373 - 53,860	54,359 - 59,300	59,346 - 64,740	64,333 - 70,180	69,319 - 75,620	
FOR USE ONLY IN REDETERMINING CONTINUATION OF SERVICES																
4	\$56.00	\$42.00	\$242.50	\$181.90	\$28.00	\$21.00	\$121.25	\$90.95	201% - 217%	48,421 - 52,455	53,861 - 58,348	59,301 - 64,242	64,741 - 70,135	70,181 - 76,028	75,621 - 81,922	
	\$63.70	\$47.80	\$275.80	\$206.85	\$31.85	\$23.90	\$137.90	\$103.50	218% - 233%	52,456 - 56,490	58,349 - 62,837	64,243 - 69,183	70,136 - 75,530	76,029 - 81,877	81,923 - 88,223	
	\$68.10	\$51.10	\$294.90	\$221.20	\$34.05	\$25.55	\$147.45	\$110.65	234% - 250%	56,491 - 60,525	62,838 - 67,325	69,184 - 74,125	75,531 - 80,925	81,878 - 87,725	88,224 - 94,525	

- CPS** NOTE: A child under the child protective service (CPS) supervision of DYFS is eligible to receive services without regard to income whenever services are required as part of a case treatment plan.
For children who are in DYFS-paid foster placement, the co-payment is assessed based on the income of the child. Since in most cases, the child has no income, the assessed co-payment is almost always \$0.
For DYFS/CPS children residing in their own home, the co-payment is assessed on the basis of family size and income. If has been determined that payment of the full co-payment amount will cause undue hardship to the CPS family or place the child, the siblings or the protective service treatment plan in jeopardy, the DYFS Case Manager may reduce or waive the co-payment on a case-by-case basis.
- 1** Tier 1: 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).
 - 2** Tier 2: 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.
 - 3** Tier 3: 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.
 - 4** Tier 4: 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.

(e) The criteria for determination and re-determination of the co-payment are as follows:

1. Family size, which consists of the parent/applicant, the parent's/applicant's spouse and all children for whom the parent/applicant is a legal guardian. Family size may 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 if the parent/applicant so chooses to include these family members in the application for child care services.

2. Family income, which includes all gross earned and unearned income received by all members of the family unit defined in (e)1 above. The gross annual family income amount must be verified by wage stubs or similar documentation as a condition of receiving child care benefits; and

3. The number of hours child care services are being provided to the child.

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.

iii. In no case may the co-payment exceed the cost of care.

(f) Once the co-payment is determined, it will 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. The participant must notify the designated child care entity of any changes occurring in the family related to family size, income, work status or training educational program attendance. The designated child care entity shall then determine any changes in the co-payment based on reported circumstances affecting co-payment calculation.

1. An exception shall be made in the case of co-payment for school-age children. The designated child care entity will determine a part-time co-payment in accordance with (e) above, for all school-age children, unless the school-age child is in full-time child care for the entire period of the 12 months Parent/Applicant/Provider Agreement. Only in this instance, the co-payment determination will be based on the full-time arrangement.

(g) The co-payment assessment is based on up to two children in care in a family. If more than two children in a family are in care, no co-payment is required for the third and subsequent children in the family. The co-payment is determined on a per month basis.

Amended by R.1993 d.396, effective August 16, 1993.
See: 25 N.J.R. 1692(a), 25 N.J.R. 3772(b).
Amended by R.1994 d.206, effective April 18, 1994.
See: 26 N.J.R. 296(a), 26 N.J.R. 1636(a).
Administrative Correction.

See: 26 N.J.R. 2098(a).

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

In (a)2 and (c), substituted "designated child care entity" for "county designated agency"; in (b)3, substituted "PRWORA of 1996 and P.L. 1997, c.13" for "Omnibus Budget Reconciliation Act of 1990 (Public Law 100-508)"; in (d), rewrote tables; and in (f) and (f)1, substituted "designated child care entity" for "county designated agency".

10:15C-1.2 Process for co-payment assessment

(a) The monthly co-payment is based on whether the care is full-time or part-time care, on the number of children (up to two per family) in the family needing such care through the program, and on the family's annual gross income level.

(b) If only one child is in care, the monthly co-payment is the payment which results at N.J.A.C. 10:15C-1.1(d). That co-payment is assessed on that family's size, the family's annual gross income, and whether the care is full-time or part-time care for that child, resulting in the co-payment.

(c) If two or more children in the family receive child care services through the program, the monthly co-payment amount is a total payment for up to two children in the family receiving such services. The monthly co-payment sum equals the full co-payment assessed for the first child, plus 75 percent of the full assessed co-payment for the second child in care. The two children are selected for determination of the co-payment from all children in the family in care, based first, on the number of children in the family in full-time care arrangements.

1. If two or more children in the family are in full-time care arrangements, the full co-payment amount is assessed on two children in full-time care. A full co-payment amount is assessed for the first child in full-time care; to that co-payment amount is added 75 percent of the full-time co-payment amount for the second child in full-time care. The resulting total monthly co-payment equals one and three quarters of the full-time co-payment amount based on the family's size and annual income level.

2. If at least one child in the family is in a full-time care arrangement and the second and subsequent children are in part-time care arrangements, the full monthly co-payment amount is assessed on the first child in full-time care; to that co-payment amount is added 75 percent of the part-time co-payment amount for the second child in part-time care. The resulting total monthly co-payment equals the full-time co-payment assessed amount plus 75 percent of the part-time co-payment amount.

3. If all children in the family are in part-time care arrangements, the full monthly co-payment amount is based on up to two children in care and is one full payment for the first child and 75 percent of the part-time co-payment amount for the second child for the family's size and income amount.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Child care payment amounts were previously referenced as coming from Table I and/or Table II and substituted "75 percent" or "three quarters" for "one-half" throughout the section; and in (d)3, substituted "full payment for the first child and 75 percent of the part-time co-payment amount for the second child" for "and one-half times the part-time co-payment amount from Table II".

10:15C-1.3 Provider's receipt of co-payment

(a) The total monthly co-payment is paid to only one provider of care based on the care arrangements of the family. That is, the total monthly co-payment is paid in total to the provider of the highest cost of care arrangement (that is, either the full-time care provider or the provider with the highest reimbursement rate per category of care). The following situations may result and the co-payment shall be distributed as follows:

1. When one child is receiving child care services through the Program, the full assessed co-payment is made by the recipient to that provider of care.

2. If one child is receiving child care services through the Program but more than one provider is involved in giving care, the co-payment is paid by the parent/applicant to that child care provider who provides the highest cost care arrangement (see (a) above).

3. When two children are receiving child care services from the same provider, the total monthly co-payment amount is determined in accordance with N.J.A.C. 10:15C-1.2(c) above, and the sum total is paid by the parent/applicant to that provider of care. The total monthly co-payment is based on the respective hours of care (full-time or part-time) provided each child; the full assessed co-payment fee for the first child is added to 75 percent of the full assessed fee for the second child in care with the provider, for the total co-payment amount.

4. When both children are receiving different child care services from separate providers, the child care provider who provides either full-time care or receives the highest reimbursement rate per category of care, will receive from the parent/applicant the full amount of the total monthly co-payment assessed for both children based on the respective type of care provided (full-time or part-time care) for both children.

5. When both children are receiving the same child care services but from different providers (for example both receiving full-time care) the provider assessed at the highest cost of care arrangement receives the full monthly assessed co-payment from the parent/applicant.

6. When a family has child(ren) receiving child care services from the voucher program and another Departmental child care program(s), the designated child care entity shall contact the appropriate agency to inform them that the family is receiving assistance from the voucher. In these situations, the provider receiving a subsidy on behalf of the eligible children in the voucher program shall receive the total family monthly co-payment.

(b) No co-payment shall be assessed for the third and additional children in a family receiving child care service program benefits.

(c) The designated child care entity will determine a part-time co-payment for all school-age children, in accordance with N.J.A.C. 10:15C-1.1(e), unless the school-age child is in full-time child care for the entire period of the 12 month Parent/Applicant/Provider Agreement. In this instance, the co-payment determination will be based on the full-time arrangement.

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

In (a)1 through 4, child care payment amounts were previously referenced as coming from Table I and/or Table II; in (a)3, substituted "75 percent" for "one-half"; and in (a)6 and (c), substituted "designated child care entity" for "county designated agency".

10:15C-1.4 Collection, reporting and monitoring of the co-payment; notice of termination

(a) The child care provider will be responsible for the collection and reporting of all nonpayment of the co-payment fee(s) to the designated child care entity.

(b) The designated child care entity is responsible for advising the provider and the parent/applicant of the co-payment requirement, for training the provider and the parent/applicant in voucher completion, and for advising both the provider and the parent/applicant of the consequences of failure to make the required co-payments.

(c) Co-payment collection, monitoring, and procedures for late payment or nonpayment of co-payments and termination of child care benefits are as follows:

1. It is the responsibility of the child care provider to collect co-payments and report nonpayment of co-payments to the designated child care entity in accordance with Departmental procedures. Whenever the child care co-payment has not been paid to the provider as required, the co-payment is considered unpaid.

i. In the event of nonpayment of the co-payment by the participant, the provider will provide notice to the designated child care entity indicating the child(ren) for whom the participant failed to pay the required co-payment and the total amount owed by the participant. This action by the provider will initiate the process for terminating child care benefits.

ii. The provider must continue to attempt to collect the co-payment from the participant and must document such collection efforts.

2. It is the responsibility of the designated child care entity to monitor co-payment collection by responding to all notices of nonpayment of co-payments which are reported by the provider.

3. Following receipt of a notice from a provider indicating nonpayment of the assessed co-payment by the participant, the designated child care entity worker shall:

- i. Determine the effective date that child care benefits will be terminated; and
- ii. Complete a letter notifying the participant and provider of termination of child care services.

4. The purpose of the letter in (c)3ii above is to provide written notice to:

- i. Advise the parent/applicant of the amount of assessed co-payment monies which have not been paid;
- ii. Advise the parent/applicant of the right to request and obtain a case or administrative review;
- iii. Serve as formal notice to the participant that child care services will be terminated by a specific date unless overdue co-payments are paid;
- iv. Serve as written confirmation for the provider and designated child care entity that child care services will be terminated due to the late or nonpayment status of the parent/applicant; and
- v. Advise the parent/applicant to pay the required co-payment arrearages and to contact the designated child care entity immediately if overdue co-payment(s) have been paid so that benefits may be continued.

5. Three copies of the notification of termination letter must be completed and signed by the agency worker. The agency worker will:

- i. Send the original to the parent/applicant;

- ii. Distribute a copy to the provider; and
- iii. Retain an agency copy.

6. In the CCDBG program child protective services children including foster care children identified by DYFS shall not be terminated until the conditions at N.J.A.C. 10:15A-1.5(d) are met.

7. When child care services are terminated due to nonpayment of the co-payment, the parent/applicant of a child receiving child care services may request a case or administrative review. If child care services are terminated, no payment shall be rendered by the agency under the program from the date of termination until a review is held and a final determination is made (see N.J.A.C. 10:15A-1.1(f)).

- i. In all cases where a case review is requested of the designated child care entity, the agency must adhere to the established procedures of the program. If the issue is not resolved through the due process proceedings at the designated child care entity level, an administrative review may be requested at DFD for those participants receiving care through the certificate (voucher) process or a fair hearing through DYFS for those receiving care through contracted child care services (see N.J.A.C. 10:120-3).

Amended by R.1994 d.628, effective December 19, 1994.

See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

Amended by R.1997 d.296, effective July 21, 1997 (operative August 1, 1997).

See: 29 N.J.R. 1636(a), 29 N.J.R. 3270(c).

Substituted "designated child care entity" for "county designated agency" throughout.