

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.

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 Children in Protective Services (CPS). These components provide eligible families with necessary child care services. Eligible families shall access NJCK child care services through the UCCA 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.

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 UCCA 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 UCCA 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 UCCA.

(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.

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 UCCA shall verify if the family is an active DYFS case, via the process outlined in their affiliation agreement, with the appropriate District 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 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. 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. 10:90-5.2(b)1 through 7, 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 UCCA.

(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.

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

(a) A child is eligible for Child Protective Service (CPS) child care services if the child is under the DYFS CPS supervision, including children in out of home placements supervised by the 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 DO or ARC.
2. The appropriate DYFS staff shall assist the applicant and the UCCA 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 day 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 DO 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.

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:

1. Eligible families shall access contracted child care centers through a written referral from the UCCA, the DYFS or direct application to the program.
2. The staff shall assist the applicant and the UCCA in completing the application process after the referral is made.
3. In all cases, only CPS funds shall be used to provide voucher subsidy assistance for services provided in contracted child care centers after all available contracted slots are utilized. This child then becomes eligible for the next available contracted slot.

10:15-6.2 Application of the admission criteria

(a) An eligible child who is receiving subsidized child care services shall not be displaced by another child for the sole reason of meeting an admission category of priority.

(b) In the event that a vacancy does not exist, the child care agency shall place the child needing child care services on a child care waiting list in priority order.

10:15-6.3 Priorities for admission

(a) The three priorities specified in this section establish additional criteria for the admission of children who are eligible for subsidized child care services funded through contracts maintained by the DFD.

1. Priority 1: A child under the CPS supervision of the DYFS and who is identified as eligible to receive subsidized child care services as part of an approved case plan.

i. A DYFS case manager shall use the following criteria to determine when subsidized child care is needed:

(1) The child is living in the home of the parent(s) or legally responsible persons and the need for child care services is related to preventing neglect or abuse; rehabilitating the family; preventing a crisis or disruption in the family; preventing the need for the DYFS out of home placement services; or meeting identified developmental special needs of the child.

(2) The child is living in the home of individuals who are not the birth parents, but who have voluntarily assumed responsibility for the care of a child or who have legal custody of a child, and no payment is received for the maintenance of the child from the DYFS. The need for child care services is related to preventing a crisis or disruption in the family; preventing the need for the DYFS out of home placement services; meeting identified developmental special needs of the child; or to prepare for family reunification.

(3) The child is in a DYFS out-of-home placement or DYFS para care home and the need for child care services is related to sustaining the placement:

(A) The employment, education or training status of the applicant and co-applicant, or applicant in a single foster parent family;

(B) One applicant is employed, attending school, or participating in a job training program leading to employment and the co-applicant (or applicant in a single foster parent family) is responsible for the care of another child in the home who is physically incapacitated or mentally challenged; or

(C) Child care services are needed to meet identified developmental special needs of the child.

ii. Income eligibility criteria for a Priority 1 child, as defined in (a)1i above, is without regard to income, if family income exceeds eligibility limits;

iii. Income eligibility criteria for a Priority 1 child, as defined in (a)1i above, shall be determined on the basis of the following criteria:

(1) The child shall constitute a family of one with \$0.00 income;

(2) Two (or more) of these children with \$0.00 income who are siblings residing in the same private household shall constitute that family's size.

iv. The DYFS case manager or applicant is required to provide all annual family gross income and family size information requested and supporting documentation needed to verify eligibility for subsidized child care service, such as employment, education or training status, which is required for payment or reimbursement purposes and/or to meet reporting requirements mandated by State or Federal regulations. While the income of the foster parents' is not needed for determining eligibility, it is needed for Federal reporting.

v. The DYFS case manager or child care liaison shall notify the contracted child care center, in advance, in writing, of the closing of a CPS case of an enrolled child.

vi. Subsidized child care services may not be discontinued for a Priority 1 child after the case is closed by the DYFS, if there is an identifiable need for subsidized child care and the family continues to meet the income eligibility and need criteria for Priority 2 or 3, as specified in N.J.A.C. 10:15-6.4 and 6.5.

2. Priority 2: Priority placement consideration for subsidized child care services or service shall be given to a child who is not under the child protective service supervision of the DYFS and who has been initially determined eligible on the basis of the annual gross family income for the family size, as indicated in Entrance Tiers A, B and C. One parent/applicant in a single parent family or both parents in two parent families shall also meet the following conditions in order for the child to be considered eligible for Priority 2 placement:

i. The parents work full-time, attend a full-time school or training program directed toward employment, or whose combination of work and school/training equals a full-time work/school/training equivalent. Full-time work means work for 30 or more hours per week. Full-time school or job training means either 12 or more credit hours per term at a college or university or nine or more credit hours during summer semester.

ii. One parent/applicant is employed or attends class full-time and the co-applicant (or the applicant in a single parent family) is physically or mentally incapacitated and due to the extent of the condition, is unable to care for the child or the ability to provide care for the child is significantly limited and assistance is required.

iii. The child is identified by the CWA, BSS or UCCA as eligible to receive subsidized child care services or service because both parents (or the only applicant in a single parent family) participate in an approved employment-related activity, as part of the WFNJ Program.