

CHAPTER 15B**ELIGIBILITY FOR INDIVIDUAL CHILD CARE SERVICE PROGRAMS****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 15B, Eligibility for Individual Child Care Service Programs, expires on November 23, 1999.

Chapter Historical Note

Chapter 15B, Eligibility for Individual Child Care Service Programs, 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 15B was readopted as R.1994 d.628. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. IV-A "AT-RISK" CHILD CARE PROGRAM**10:15B-1.1 Description of IV-A "At-Risk" Program**

(a) The Title IV-A "At-Risk" Child Care (ARCC) Program provides child care assistance to low-income working families who might otherwise be vulnerable to welfare dependency if not provided the opportunity for affordable, stabilized child care arrangements. It is anticipated that the families served will be more likely to remain employed if given child care assistance, thereby reducing the likelihood that those families will need the help of public assistance benefit programs.

(b) Child care assistance is also available to a child who is under the child protective services of DYFS and who resides

in his or her own home with his or her own parents whose income meets the definition of low income as set forth in N.J.A.C. 10:15B-1.2(b).

(c) Services shall be provided to the extent of the State's entitlement to Federal monies, by targeting those most "at risk" of becoming AFDC-dependent. Groups identified as most "at risk" for participation include:

1. Families who are former AFDC recipients and who have completed their 12-months of REACH/JOBS/FDP transitional child care eligibility (see N.J.A.C. 10:81-14.18);
2. Families who are ineligible for Federal REACH/JOBS/FDP transitional child care benefits;
3. Families who are enrolled in the non-public assistance Food Stamp Program; and
4. Families who have children identified as being in need of child protective services (excluding foster care children) under CPS supervision of DYFS; or, who are at risk of becoming homeless; or, who are teen parents (not on AFDC) who are employed and otherwise eligible for IV-A "At-Risk" assistance.

Amended by R.1994 d.628, effective December 19, 1994.
See: 26 N.J.R. 3327(a), 26 N.J.R. 5012(b).

10:15B-1.2 Eligibility for IV-A "At-Risk" Child Care (ARCC) Program

(a) Families shall be in need of IV-A "At-Risk" child care assistance in order to remain employed or to accept employment and shall be eligible to apply for ARCC benefits.

(b) Families shall be working low-income families or a working low-income family that has a child in child protective services under the supervision of DYFS and who resides in the family's home.

1. For program entrance "low income" families are defined for purposes of this program as families whose gross annual income for the family size is at or below 200 percent of the Federal Poverty Income Guidelines published annually in the Federal Register (reference the Federal Register, Vol. 59, No. 28, dated February 10, 1994, page 6277). Subsequent updates to these Guidelines in the Federal Register will be published as a public notice by the Department in the New Jersey Register.

2. The annual gross income of the family must fall at or below 200 percent of the Federal Poverty Income Guidelines for the family size to establish initial income eligibility.

i. Priority attention shall be given to those families at the lower end of the income spectrum, that is, those at or below 150 percent of poverty shall be given highest

priority, those at over 150 percent but not over 175 percent of poverty shall be given the next highest priority and those at over 175 percent of poverty but not over 200 percent shall be given the next highest priority.

3. Families may remain eligible under the IV-A At-Risk Program as long as the family's annual gross income, for the family size, does not exceed 250 percent of the Federal Poverty Level Income Guidelines for a family of the same size. The Federal Poverty Level Income Guidelines are published by the Federal Administration for Children and Families in the Federal Register. The income levels associated with the guidelines shall be updated as published through notice in the New Jersey Register.

(c) Children shall be eligible for IV-A "At-Risk" assistance if they meet the general eligibility requirement set forth at N.J.A.C. 10:15A-1.1(b).

(d) The family cannot be receiving AFDC.

(e) The family must be at-risk of becoming eligible for AFDC, as defined in N.J.A.C. 10:15B-1.1(c) through 4.

(f) Families shall meet the conditions set forth at N.J.A.C. 10:15A-1.2(e) for receipt of IV-A "At-Risk" assistance.

(g) Families shall comply with the rules set forth in N.J.A.C. 10:15 and 10:15A through 10:15C for receipt of child care assistance through the ARCC program.

(h) A family is also eligible to apply for benefits from this program if it is a two parent family where one parent who is working and the other is incapacitated, as defined in N.J.A.C. 10:15-1.2.

(i) Families shall make a co-payment toward the cost of care in accordance with N.J.A.C. 10:15C. The exception to the co-payment requirement exists when the child is identified as under the protective services supervision of DYFS as defined at N.J.A.C. 10:15-1.2. A co-payment will be assessed for such children but may be waived on a case by case basis by the DYFS District Office (DO) or Adoption Resource Center (ARC) as delineated at N.J.A.C. 10:15A-1.5(a).

Public Notice: New Client Eligibility Income Schedules: IV-A "at-risk" child care (ARCC) Program.

See: 24 N.J.R. 2257(a).

Amended by R.1993 d.396, effective August 16, 1993.

See: 25 N.J.R. 1692(a), 25 N.J.R. 3772(b).

Public Notice: 1994 Federal Poverty Guidelines.

See: 26 N.J.R. 1725(a).

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

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

Public Notice: 1995 Federal Poverty Guidelines.

See: 27 N.J.R. 1697(b).

Public Notice: 1996 Federal Poverty Guidelines.

See: 28 N.J.R. 2387(a).

Public Notice: 1997 Federal Poverty Guidelines.

See: 29 N.J.R. 2483(a).

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 (b)2i, substituted "shall" for "will" in two places and amended poverty levels; and in (b)3, substituted reference to the Federal Poverty Level Income Guidelines for reference to the State's median income (SMI).

10:15B-1.3 Accessing ARCC assistance

(a) Eligible families shall access ARCC assistance in the county through the designated child care entity.

(b) Application for ARCC assistance and the ARCC income eligibility determination are handled by the designated child care entity.

(c) Other child care service provisions established in these rules (see N.J.A.C. 10:15 and 10:15A-15C) are applicable to the IV-A "At-Risk" Child Care Program.

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.

SUBCHAPTER 2. CHILD CARE AND DEVELOPMENT BLOCK GRANT PROGRAM (CCDBG)

10:15B-2.1 Description of CCDBG Program

(a) The Child Care and Development Block Grant Program provides low and moderate income families with the child care assistance necessary to find and afford quality child care for their children or for children who are under DYFS child protective services (CSP) supervision including children in DYFS foster care placement.

(b) Monies through the CCDBG Program shall be used by the Department to expand child care services and provide for improvements to the child care system of the State. Funding is provided through the CCDBG Program to improve the availability and quality of child care and for early childhood development and before-and-after-school services.

(c) CCDBG assistance is intended for "low and moderate income" families with a parent(s) who is working or attending a training or education program, or families who have a child under the supervision of DYFS in child protective services, including foster care.

1. "Low income" for purposes of the CCDBG Program for families receiving services is defined as an annual gross family income for the family size that does not exceed 250 percent of the Federal Poverty Level Income Guidelines for a family of the same size if the family has been receiving child care services through Departmental child care programs. "Low income" for purposes of the CCDBG program for new applicant families is defined as an annual gross family income for the family size that does not exceed 200 percent of the Federal Poverty Level Income Guidelines for a family of the same size. The Federal Poverty Level Income Guidelines are published by the Federal Administration for Children and Families in the Federal Register. The income levels included in these guidelines shall be updated as published through a notice in the New Jersey Register.

(d) Priority consideration and placement of children through CCDBG assistance is given to children who are from families with "very low income," as well as children who have been identified as child protective service children under the supervision of DYFS, including foster care, as having special needs or as having special circumstances (see N.J.A.C. 10:15-1.2 for definitions of a special needs or special circumstances child).

1. Families with "very low income" are defined as families with incomes at or below 185 percent of the Federal Poverty Income Guidelines, as determined by family size.

2. Priority attention shall be given to those families at the lower end of the income spectrum, that is, those at or below 150 percent of poverty shall be given highest priority, those at or over 150 percent but not over 175 percent of poverty shall be given the next highest priority and those at over 175 percent of poverty but not over 200 percent shall be given the next highest priority.

(e) Groups identified for priority CCDBG participation include:

1. Children who are under child protective services supervision, including foster care, as identified by the Department's Division of Youth and Family Services (DYFS) and defined at N.J.A.C. 10:15-1.2.

2. Children identified as having special needs (see N.J.A.C. 10:15-1.2) and/or in special circumstances, that is, a child that is not under DYFS supervision who has been identified through a written referral from a county welfare agency; DYFS, legal, medical, or social service agency; emergency shelter; School Based Youth Services Program or public school which indicates that the child is from a family experiencing medical or social problems or adverse living conditions. Such children require short-term special child care arrangements to help to stabilize or to ameliorate the situation and/or prevent the placement of the child or other family member(s) outside the

home. Children of teen parents are also considered special circumstances children.

3. Children in families with very low income at or below 185 percent of the Federal Poverty Income Guidelines.

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.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 (c)1, substituted reference to Federal Poverty Level Income Guidelines for reference to the State's median income (SMI); and added (d)2.

10:15B-2.2 Eligibility for CCDBG Program

(a) Families shall be in need of CCDBG child care assistance in order to remain employed or accept full-time employment or to attend full-time educational and/or work/training programs; or the family has a child in need of child care services who is under the supervision of DYFS in child protective services, including foster care.

(b) The child(ren) shall be residing with a family whose annual gross income does not exceed 250 percent of the Federal Poverty Level Income Guidelines for a family of the same size (see N.J.A.C. 10:15B-2.1(c)) for families who have been receiving child care services through other Departmental child care service programs; or by residing with an applicant family whose annual gross income does not exceed 200 percent of the Federal Poverty Level Income Guidelines.

(c) The child(ren) under protective service supervision, including foster care, where child care has been identified as part of the case plan to ensure that such children receive necessary child care services.

(d) Children shall be eligible for CCDBG assistance if they meet the general eligibility requirements set forth at N.J.A.C. 10:15A-1.1(b).

(e) Families shall meet the conditions set forth at N.J.A.C. 10:15A-1.2(e) for receipt of CCDBG assistance.

(f) Families shall comply with the rules set forth in N.J.A.C. 10:15, and 10:15A through 10:15C for receipt of child care assistance through the CCDBG program.

(g) Families shall make a co-payment toward the cost of care in accordance with N.J.A.C. 10:15C. The exception to the co-payment requirement only exists in the CCDBG program when the child is identified as one who is in child protective services under the supervision of DYFS (see N.J.A.C. 10:15-1.2), including foster care. Co-payment fees for these children may be waived on a case by case basis by the DYFS DO or the DYFS Adoption Resource Center (ARC) as delineated in N.J.A.C. 10:15A-1.5(a).

(h) A family is also eligible to apply for benefits from this program if one parent is working or attending a training/education program and the other parent is incapacitated, as defined in N.J.A.C. 10:15-1.2.

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 (b), substituted reference to Federal Poverty Level Income Guidelines for reference to the State's median income (SMI).

10:15B-2.3 Accessing CCDBG assistance

(a) Eligible families shall access CCDBG assistance in the county through the designated child care entity.

(b) Application for CCDBG assistance and the CCDBG income eligibility determination are handled by the designated child care entity.

(c) Other child care service provisions established in these rules (see N.J.A.C. 10:15, 10:15A and 10:15C) are applicable to the CCDBG Child Care Program.

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) and (b), substituted "designated child care entity" for "county designated agency".