

PARENTS RECEIVING PUBLIC
ASSISTANCE IN NEW YORK CITY:
YOUR RIGHTS TO CHILD CARE



A PUBLICATION OF THE ASSOCIATION OF THE
BAR OF THE CITY OF NEW YORK FUND, INC.
UPDATED JANUARY 2003

WHAT YOU SHOULD KNOW ABOUT CHILD CARE AND PUBLIC ASSISTANCE

You have a right to child care if you receive public assistance and have a child under age 13, or a child age 13 or over who is physically or mentally unable to care for him or herself; when child care is necessary for you to work in private employment or to do work activities assigned by The New York City Office of Employment Services (OES)/ Begin Employment Gain Independence Now (BEGIN) such as workfare (WEP), community service and approved vocational education and training.

You have a right to transitional child care for up to 12 months after your case is closed under some circumstances. For example, if you start working and no longer qualify for public assistance but are still within certain income limits depending on the size of your household, you may qualify. You can call New York City's Work Related Benefits Program at 212-835-7681 to get an application.

PUBLIC ASSISTANCE WILL PAY FOR THESE TYPES OF CHILD CARE:

Informal Care A friend, neighbor or relative may care for your child with no State or City oversight of conditions. However, each provider must attest to their health

and the safety of their homes. You will be asked for documentation of the provider's name and address.

Registered Care The provider registers with the City and certifies that safety and health standards are met.

Licensed Care Providers are approved by the NYC Department of Health and must meet strict health and safety standards. These providers are inspected once a year. The City's Agency for Child Development (ACD) offers licensed care, and many people believe ACD child care is the best available. **You have a right to request a referral to ACD child care from public assistance.** However, you will likely be put on a waiting list.

PAYMENT FOR CHILD CARE

- The State sets a market rate for each type of child care, and must pay child care providers the rate they charge the general public up to the market rate.
- Payment for your child care will be made directly to your provider.

FINDING CHILD CARE

- Ask OES/BEGIN to give you a current list of licensed and registered child care providers in your area.

- Call the child care resources listed in this pamphlet.
- If you cannot find appropriate and suitable child care, ask your OES/BEGIN worker to help you. Your worker is then **required** to make appointments for you with two registered or licensed providers with slots available. **Make sure you go to these appointments to avoid the possibility of sanction.**

When searching for child care, consider the following:

- How far the provider is from the home, work site and school.
- How many children are cared for by the provider.
- The cleanliness and safety of the provider's facility.
- Whether there are toys, books and educational materials available.
- Whether the provider can meet any special needs of your child (get letters from doctors to document these needs).
- Whether there is oversight by the City, State or a professional organization.

You have a right to refuse child care that is unsuitable for your child, unavailable, or inaccessible. You should keep a detailed record of the reasons child care providers were unacceptable in order to avoid

sanction (loss of benefits) for failing to find child care. See the second Golden Rule below for use of our suggested child care search log.

You cannot be sanctioned for failing to participate in a work assignment because you could not find appropriate and suitable child care. However, if you stop looking for child care or if you cannot provide details to OES/BEGIN about where you looked for child care, you may be sanctioned.

GOLDEN RULES FOR AVOIDING SANCTION (LOSS OF BENEFITS)

Do everything possible to attend all appointments at OES/BEGIN and all work assignments, even if you must bring your child with you. If you do miss an appointment or a work assignment because your child care fell through, get a letter from the child care provider documenting that child care was not available. If you must miss a job assignment, call your WEP supervisor immediately to report your absence and present the letter from your child care provider.

Keep a detailed written record of your search for child care. Use the child care search log on the back of this pamphlet, filling in the provider information, the person you spoke to, and whether there is space available for your child. Ask for a signature to show

that you visited the provider. If you did not think the provider was appropriate or suitable for your child, write your specific reasons. This record will help you avoid sanction or, if you are sanctioned, will help you contest the sanction at a fair hearing.

DEALING WITH SANCTIONS

Request a fair hearing if you are sanctioned because of a problem related to child care. Make the request immediately after learning that your public assistance will be reduced. In your request, make sure to ask for 'aid continuing' so that you will not lose your public assistance while you await your fair hearing. If you receive a reduction of benefits notice, you must request 'aid continuing' **within 10 days** of the date on the notice. If you did not receive a notice, be sure to ask for aid continuing because the 10-day rule does not apply. You can request a fair hearing by calling (800)342-3334 or (212)417-4639 or by faxing a request to (518)473-6735. **Remember to save your fax confirmation.**



RESOURCES

If you need legal help securing the rights and services outlined in this pamphlet, you can contact the following advocates:

Women and Children Self-Sufficiency Project
Association of the Bar of the City of New York Fund, Inc.

Laila Maher (212) 382-6709

Susanna Saul (212) 382-6633

Child Care Law Project, South Brooklyn Legal Services
(718) 237-5500

Bronx Legal Services

Marie Elena Ruffo (718) 993-6250

Welfare Law Center

Jennifer Light (212) 633-6967

Northern Manhattan Improvement Corporation

Dora Galacotos (212) 822-8300

For assistance determining eligibility, you can call:

Public Benefits Resource Center (212) 614-5552

To Help Select Child Care:

NYS Office of Children + Family Services

(800) 345-KIDS

For child care resources and referrals, you can call:
Child Care Inc. (Spanish and English) (212) 929-7604

Chinese-American Planning Council (212) 941-0030

Committee for Hispanic Children + Families
(Spanish and English) (212) 206-1090

ACD Information + Referral (718) 260-6008

Child Development Support Corp. (718) 398-6738

Day Care Council for New York (212) 213-2423

NYC Youth Line (800) 246-4646

For After-School Programs:

NYC Youth Line (800) 246-4646

To get an application for transitional child care benefits, call the NYC Work Related Benefits Program at (212) 835-7681.

To request a fair hearing, call (212) 417-6550 or (800) 842-3334. You can also fax a request to (518) 473-6735 (save the fax confirmation).

Robert B. McKay Community Outreach Law Program of the Association of the Bar of the City of New York Fund, Inc.

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CHILD CARE SEARCH LOG

E
X
A
M
P
L
E

Date

2/3/00

Name, address and phone of provider

Alexandra Moore, 122 W. 122nd Street
555-1234

Signature of person you spoke with

Alexandra Moore

Date

Name, address and phone of provider

Signature of person you spoke with

Date

Name, address and phone of provider

Signature of person you spoke with

Date

Name, address and phone of provider

Signature of person you spoke with

Date

Name, address and phone of provider

Signature of person you spoke with

<p>Space available? Morning only — told me to call back in 4 wks</p>	<p>Is the provider right for your child? Give details. <i>No. My son has asthma + she smokes. House looks dirty and unsafe for 3 yr. old (no window guard, no outlet covers, chipping paint).</i></p>
<p>Space available?</p>	<p>Is the provider right for your child? Give details.</p>
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CHILD CARE SEARCH LOG

Date | Name, address and phone of provider

Signature of person you spoke with

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Give details.

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