



Rhode Island Executive Office of Health and Human Services
Appeals Office, 57 Howard Ave., LP Building, 2nd Floor, Cranston, RI 02920
Phone: 401-462-6827 / Fax: 401-462-0458

Hearing Date: 8/11/15

August 13, 2015

Docket # 15-1259

ADMINISTRATIVE HEARING DECISION

The Administrative Hearing that you requested has been decided against you. During the course of the proceeding, the following issue(s) and Agency Rules and Regulations(s) were the matters before the hearing:

RI DEPARTMENT OF HUMAN SERVICES

SECTION: 0850 STARTING RIGHT CHILD CARE ASSISTANCE PROGRAM

SECTION: 0850.02.04 CRITERIA FOR INCOME ELIGIBILITY

The facts of your case, the Agency rules and regulations, and the complete administrative decision made in this matter follow. Your rights to judicial review of this decision are found on the last page of this decision.

Copies of this decision have been sent to the following: you (the appellant), and Agency representatives Betty Perez and David Nielson.

Present at the hearing were: you and Agency representative David Nielson.

ISSUE: Is the Appellant eligible for the Starting Right Child Care Assistance Program?

Department of Human Services Rules and Regulations:

Please see the attached APPENDIX for pertinent excerpts from the RI Department of Human Services Rules and Regulations.

APPEAL RIGHTS: Please see attached NOTICE OF APPELLATE RIGHTS at the end of this decision.

The Agency Representative testified:

- The Appellant applied for Childcare Assistance on March 26, 2015.
- On April 10, 2015 the Agency reviewed the application and the Appellant had indicated that she was paid every two weeks for thirty-nine hours.
- The Appellant had submitted paystubs that verified that she was paid every two weeks for a total of thirty nine hours.
- The Agency sent a request for proof of income and received a letter from the Appellant's employer indicating that she worked 19.5 hours per week.
- The Agency denied the application because the Appellant was not working the minimum twenty hours per week as required by Agency Policy.
- The Agency sent a denial notice on April 25, 2015.

The Appellant testified:

- She received the Childcare denial notice.
- She only misses the minimum required hours by a half hour per week.
- The city she works for refuses to give part-time workers twenty hours per week.
- She is looking for other employment.
- Paying for childcare is very difficult.

FINDINGS OF FACT:

- The Appellant applied for Childcare Assistance on March 26, 2015.
- The Appellant received a denial notice dated April 25, 2015.
- The appellant filed for a timely appeal received by the Agency on 16, 2015.
- The hearing was held on August 11, 2015.

The issue to be decided is whether the Appellant meets the eligibility criteria for Child Care Assistance.

A review of Agency Rules and Regulations reveals that the applicant must meet the need for services criteria. To be authorized for income-based CCAP child care services, the parent(s) shall have an acceptable need for services related to employment, or in the case of non-RIW cash assistance YS Program participation, in an approved educational program, or in the case of participation in the Back to Work Rhode Island Program, in an approved job readiness/job attachment program.

For there to be an acceptable need for services in a one-parent home, the parent living in the household shall be employed a minimum of an average of twenty (20) hours per week in a month, earn per hour an average of the greater of either the state or federal minimum wage, and require CCAP child care services in order to work.

In this case the appellant is only working 19.5 hours per week. The Agency requested and received verification of the Appellant's work schedule. The Appellant argued that she did not miss the required hours by much. The Agency argued that there is no Policy regarding required hours other than that which requires a minimum of twenty hours per week.

After a careful review of the Rules and Regulations, as well as the evidence and testimony given, this Appeals Officer finds that the Agency followed the Rules and Regulations regarding Child Care Services; therefore, the appellant's request for relief is denied

Geralyn B. Stanford
Appeals Officer

APPENDIX

0850.02.01 GENERAL ELIGIBILITY REQUIREMENTS

For a child to be eligible to participate in the Child Care Assistance Program (CCAP), the family applying for CCAP services shall meet the general requirements set forth in this Section as well as the specific requirements pertaining to either categorical or income eligibility.

A. General Eligibility Requirements. To be eligible for the CCAP the following requirements have been met: 1. Age of applicant child(ren) - The child to receive CCAP services shall be over one (1) week old and below the age of thirteen (13) years unless the following circumstances apply: a. The child is thirteen (13) up through eighteen (18) years old and has a documented physical or mental disability which makes the child incapable of self-care; or b. The child is under age thirteen (13) and would be considered a dependent child for the purposes of Rhode Island Works except for the receipt of Supplemental Security Income, or foster care services under Title IV-E. This sub-rule applies only in those instances in which child care is necessary for a parent to accept or retain employment or to participate in a RIW approved education or training program.

2. Relationship - The applicant child(ren) must live in the home of the parent requesting CCAP services. The relationship between the adult applying for CCAP services and each applicant child must meet the broad definition of parent as set forth in this rule.

3. Residency - As defined in DHS Code Section 0106, the applicant parent(s) and any applicant children in the financial unit shall be residents of the State of Rhode Island.

4. Citizenship a. The applicant child shall be either a citizen of the United States or a qualified immigrant. Qualified immigrants are: i. lawful permanent residents (LPRs);

ii. Refugees, asylees, persons granted withholding of deportation/removal, conditional entry (in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year;

iii. Cuban/Haitian entrants;

0850.02.04 CRITERIA FOR INCOME ELIGIBILITY

Working families and YS participants not receiving RIW cash assistance who meet the general requirements in Section 0850.02.01 and the following criteria may be CCAP income eligible:

A. Financial Determination.

1. The countable income of the financial unit shall be at or below 180 percent of the Federal Poverty Level (FPL), based on family size.

a. Beginning October 1, 2013 the Department of Human Services will conduct a pilot Transitional Child Care program. This pilot will be time-limited and is expected to end on September 30, 2016.

b. Transitional Child Care will allow families currently eligible for child care to continue to receive child care after their income exceeds 180% of the federal poverty level (FPL), as long as income remains below 225% FPL.

c. When income rises above 225% FPL the family is no longer eligible.

d. New child care assistance applicants with income over 180% FPL will not be eligible for Transitional Child Care.

e. This pilot project allows RI Works and CCAP Income Eligible families to continue receiving child care benefits as their income rises. Eligibility for Transitional Child Care will be determined at normal recertification times or sooner if a currently eligible CCAP family submits evidence of increased income over 180% FPL.

f. Families found eligible after October 1, 2013 will be continued on transitional child care until they reach 225% FPL or at the close of the pilot program.

i. If approved for Transitional Child Care and income later falls below 180% FPL eligibility for transitional child care ends and an application for child care assistance under the regular CCAP program can occur.

ii. Families are eligible to resume Transitional Child Care if their income were to again rise above 180% FPL within the timeframes of the pilot program.

2. The income of self-employed families shall be calculated as outlined in Section 1424.20.10 of the DHS Code of Rules.

3. In the process of determining eligibility for CCAP, prospective budgeting is used. Eligibility is established based on the knowledge and reasonable expectation of what income and circumstances will exist in the month for which a payment is authorized. The agency representative must determine all factors of eligibility prospectively for all payment months.

a. The prospective budgeting method is used to determine the income which will exist during the period of eligibility for cash assistance under the RI Works Program. This means that weekly income for these cases is converted to a monthly amount using the 4.3333 weeks per month conversion method.

b. The projected estimate of income is valid for the following periods:

i. between the initial determination of eligibility and redetermination;

ii. between redeterminations;

iii. following a change in income or circumstances which is reported by the recipient

14 Need for Services. To be authorized for income-based CCAP child care services, the parent(s) shall have an acceptable need for services related to employment, or in the case of non-RIW cash assistance YS Program participation, in an approved educational program, or in the case of participation in the Back to Work Rhode Island Program, in an approved job readiness/job attachment program.

14.1 General Criteria: Income Eligible. For there to be an acceptable need for services in a two-parent home, each parent shall be employed a minimum of an average of twenty (20) hours per week in a month and require CCAP child care services in order to work in accordance with E below.

14.2 In

(c) . To obtain CCAP authorized services, such applicants applying for income eligibility shall meet the applicable general criteria as well as the following program-specific criteria:

(i) The applicant parent shall be a participant in a DLT-approved training, apprenticeship, internship, on-the-job training, work experience, work immersion, or other job readiness/job attachment programs sponsored or funded by the human resource investment council, and require CCAP child care services in order to take part in job readiness/job attachment activities.

The applicant parent shall be participating in job readiness/job attachment activities for a minimum of twenty (20) hour per week, on average, in a month. CCAP child care services for participants who meet this requirement may be authorized for a addition, the parents shall each earn, per hour, an average of the greater of either the state or federal minimum wage. For there to be an acceptable need for services in a one-parent home, the parent living in the household shall be employed a minimum of an average of twenty (20) hours per week in a month, earn per hour an average of the greater of either the state or federal minimum wage, and require CCAP child care services in order to work.

(d) Program-Specific Criteria: Non RIW cash assistance YS Participants. To obtain CCAP authorized services, non-RIW teens applying for income eligibility shall meet the applicable general criteria as well as the following program-specific criteria:

(i) The applicant parent shall be a YS participant, under twenty (20) years of age, and without a high school degree or its equivalent;

(ii) The applicant YS parent shall be employed, attending school or participating in education related activities, or engaged in some combination thereof for a minimum of twenty (20) hour per week, on average, in a month. CCAP child care services for YS participants who meet this requirement may be authorized for a period of up to twelve (12) months, with the end date set to correspond to completion date of the educational activity - e.g., date high school diploma or GED is received.

(iii) Teen Parent Under the Age of Sixteen (16). A teen parent who is under age sixteen

- (16) may not have a child care case in their own name; unless documentation of emancipation exists or circumstances exist that the inclusion of the parent or legal guardian would present an obstacle to securing child care.
- (iv) Program-Specific Criteria: Back to Work Rhode Island Program is defined in the Department of Labor and Training rules and regulations. Beginning October 1, 2013, and until January 1, 2015, the department shall provide child care to Income Eligible / Low-income families with income below one hundred eighty percent (180%) of the federal poverty level who are involved in training, apprenticeship, internship, on-the-job training, work experience, work immersion, or other job readiness/job attachment programs sponsored or funded by the human resource investment council (governor's workforce board) or state agencies that are part of the coordinated program system pursuant to sections 42-102-9 and 42-102-11 of RIGL
- (v) Period of three (3) to six (6) months, with the end date set to correspond to completion date of the activity.
- (vi) For there to be an acceptable need for services in a two-parent home, at least one parent shall be participating in approved job readiness/job attachment activities for an average of twenty (20) hours per week in a month and require CCAP child care services in order to work in accordance with E below. In addition, any parent with earned income shall earn, per hour, an average of the greater of either the state or federal minimum wage. For there to be an acceptable need for services in a one-parent home, the parent living in the household shall be participating in approved job readiness/job attachment activities for a minimum of an average of twenty (20) hours per week in a month.
- (e)

NOTICE OF APPELLATE RIGHTS

This Final Order constitutes a final order of the Executive Office of Health and Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.