



Office of Children and Family Services

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Governor

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Commissioner

Child Care Subsidy Program Information for Local Social Services Districts in Response to COVID-19:

In an effort to support local districts and be responsive to the needs of the community during this time, OCFS has been granted the authority to consider waiving selective regulatory requirements. The Division of Child Care Services encourages districts that are experiencing challenges due to COVID-19 to request waivers as appropriate. Below are several Frequently Asked Questions compiled to provide guidance to local districts. OCFS will continue to add to this list as applicable. Please send any questions related to waiver requests to the OCFS district support shared mailbox at Ocfs.sm.districtsupport.subsidy@ocfs.ny.gov.

Q: Can subsidy be paid for childcare when a child is sent to an alternative location?

A: Yes, if the program is licensed, registered or enrolled and in a payable status.

Q: Can a program serve more subsidized children than it's licensed/registered capacity?

A: Yes, during the emergency, some licensed or registered programs may be able to care for more children than their regulated capacity to allow them to meet community needs for child care. Providers must submit a waiver and have approval from OCFS to increase capacity, and this information will be tracked by OCFS. Districts can verify an increase in capacity by contacting the applicable regional office. These increases in capacity will be temporary in nature and will expire after the emergency.

Q: Can child care be provided in excess of 24 hours per day?

A: Yes, during the emergency, licensed and registered child care programs can apply for a waiver to operate around the clock. Districts can opt in to paying for care in excess of 24 hours in Appendix U section I of the Child and Family Services Plan, or by requesting this change in conjunction with a waiver. This specific type of waiver request would fall under the “other” category on the waiver request form.

Q: Can districts waive eligibility standards during the COVID-19 emergency?

A: Districts can request a waiver of eligibility standards in order to serve families who exceed the financial eligibility standards currently in their child and family services plan. Districts may elect to prioritize certain categories of workers such as health care and first responders.

Q: Can districts pay for more absences or closure days than permitted by regulation?

A: Districts can request a waiver to expand the number of absences and closures that can be paid. Districts are encouraged to consider paying for closures and absences for both contracted and non-contracted child care providers/programs.

Q: How can a district modify the Child and Family Services Plan?

A: Requests to modify the Child and Family Services Plan as well as for waivers related to the child care subsidy program can be submitted to OCFS by e-mail to [ocfs.sm.districtsupport.subsidy@ocfs.ny.gov](mailto:Ocfs.sm.districtsupport.subsidy@ocfs.ny.gov) or by fax to (518) 474-9617 Attn: Merideth Infantino.

Q: Can a district pay for care at a non-regulated program such as a drop-in program?

A: Subsidy can be paid to licensed, registered and enrolled legally-exempt programs. Drop-in programs may be eligible for enrollment as legally-exempt group programs and would submit an enrollment request directly to OCFS using the following mailbox: ocfs.sm.legally-exemptchildcare@ocfs.ny.gov.

Q: A family in receipt of subsidy wants to use a legally-exempt provider who is not yet fully enrolled; can the district pay for this care?

A: A provider who is not yet fully enrolled to provide legally-exempt child care is not currently payable, but a family can use that provider for care. Once a provider becomes enrolled, they are payable back to the date of the subsidy authorization. However, if the provider ultimately does not become enrolled, the district cannot pay for any of the care provided.

Q: Can OCFS help expedite enrollments for legally-exempt programs?

A: OCFS may be able to expedite certain aspects of the enrollment process. Contact OCFS directly for assistance at ocfs.sm.legally-exemptchildcare@ocfs.ny.gov.

Q. Is OCFS going to close child care programs because of COVID-19?

A. No. NYS Department of Health and local health departments will instruct child care programs regarding how to respond to COVID-19.

Q. If a neighborhood school closes, are child care programs required to close?

A. No, unless the program is told to close by a public health official, or if it is located in the school facility and the school has prohibited operation at the site.

Q: If a district is paying a child care provider for absences, can the provider serve other children during the time period that children are absent?

A: Yes, if the provider continues to operate, the provider can admit other private pay children to care even while being paid for absences provided that the child care slot remains available to the family in receipt of subsidy immediately upon their need to resume care.