Substitute Senate Bill No. 391

Public Act No. 10-61

AN ACT CONCERNING CHILD CARE SUBSIDIES UNDER THE CARE 4 KIDS PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17b-749 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) The Commissioner of Social Services shall establish and operate a child care subsidy program to increase the availability, affordability and quality of child care services for families with a parent or caretaker who is working, attending high school or who receives cash assistance under the temporary family assistance program from the Department of Social Services and is participating in an approved education, training, or other job preparation activity. Services available under the child care program shall include the provision of child care subsidies for children under the age of thirteen or children under the age of nineteen with special needs. The department shall open and maintain enrollment for the child care subsidy program and shall administer such program within the existing budgetary resources available. <u>The department shall issue a notice on the department's Internet web site and shall provide written notice to recipients of program benefits and to service providers any time the department closes the program to</u>

new applications, changes eligibility requirements or changes program benefits, provided the department shall not be required to issue such notice when the department expands program eligibility. Any change in the department's acceptance of new applications, eligibility requirements or program benefits for which the department is required to give notice pursuant to this subsection, shall not be effective until thirty days after the department issues such notice.

(b) The commissioner shall establish income standards for applicants and recipients at a level to include a family with gross income up to fifty per cent of the state-wide median income, except the commissioner (1) may increase the income level to up to seventy-five per cent of the state-wide median income, (2) upon the request of the Commissioner of Children and Families, may waive the income standards for adoptive families so that children adopted on or after October 1, 1999, from the Department of Children and Families are eligible for the child care subsidy program, and (3) on and after March 1, 2003, shall reduce the income eligibility level to up to fifty-five per cent of the state-wide median income for applicants and recipients who qualify based on their loss of eligibility for temporary family assistance. The commissioner may adopt regulations in accordance with chapter 54 to establish income criteria and durational requirements for such waiver of income standards.

(c) The commissioner shall establish eligibility and program standards including, but not limited to: (1) A priority intake and eligibility system with preference given to serving recipients of temporary family assistance who are employed or engaged in employment activities under the department's "Jobs First" program, working families whose temporary family assistance was discontinued not more than five years prior to the date of application for the child care subsidy program, teen parents, low-income working families, adoptive families of children who were adopted from the Department

of Children and Families and who are granted a waiver of income standards under subdivision (2) of subsection (b), and working families who are at risk of welfare dependency; (2) health and safety standards for child care providers not required to be licensed; (3) a reimbursement system for child care services which account for differences in the age of the child, number of children in the family, the geographic region and type of care provided by licensed and unlicensed caregivers, the cost and type of services provided by licensed and unlicensed caregivers, successful completion of fifteen hours of annual in-service training or credentialing of child care directors and administrators, and program accreditation; (4) supplemental payment for special needs of the child and extended nontraditional hours; (5) an annual rate review process for providers which assures that reimbursement rates are maintained at levels which permit equal access to a variety of child care settings; (6) a sliding reimbursement scale for participating families; (7) an administrative appeals process; (8) an administrative hearing process to adjudicate cases of alleged fraud and abuse and to impose sanctions and recover overpayments; (9) an extended period of program and payment eligibility when a parent who is receiving a child care subsidy experiences a temporary interruption in employment or other approved activity; and (10) a waiting list for the child care subsidy program that reflects the priority and eligibility system set forth in subdivision (1) of this subsection, which is reviewed periodically, with the inclusion of this information in the annual report required to be issued annually by the Department of Social Services to the Governor and the General Assembly in accordance with subdivision (10) of section 17b-733. Such action will include, but not be limited to, family income, age of child, region of state and length of time on such waiting list.

(d) Not later than January 1, 2011, an applicant determined to be eligible for program benefits shall remain eligible for such benefits for

a period of not less than eight months from the date that such applicant is determined to be eligible, provided the commissioner has not determined, during such eight-month period, that the applicant's circumstances have changed so as to render the applicant ineligible for program benefits. The commissioner shall not make an eligibility determination for a recipient of program benefits more than one time per eight-month period, except as provided in subsection (e) of this section.

(e) Not later than October 15, 2011, the commissioner shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies concerning eligibility redeterminations made on an eight-month basis. Such report shall include an analysis of overpayments of program benefits made by the department and administrative costs incurred by the department as a result of eligibility redeterminations made on an eight-month basis. On and after October 15, 2011, the commissioner may make eligibility redeterminations on a six-month basis if, after January 1, 2011, the department's overpayments of program benefits have increased in comparison with the period between January 1, 2010, and December 31, 2010, as a result of having an eight-month eligibility redetermination period.

[(d)**]** (f) **[**On or after January 1, 1998, a**]** A provider under the child care subsidy program that qualifies for eligibility and subsequently receives payment for child care services for recipients under this section shall be reimbursed for such services until informed by the Department of Social Services of the **[**parent's**]** recipient's ineligibility.

[(e)**]** (g) All licensed child care providers and those providers exempt from licensing shall provide the Department of Social Services with the following information in order to maintain eligibility for

reimbursement: (1) The name, address, appropriate identification, Social Security number and telephone number of the provider and all adults who work for or reside at the location where care is provided; (2) the name and address of the child's doctor, primary care provider and health insurance company; (3) whether the child is immunized and has had health screens pursuant to the federal Early and Periodic Screening, Diagnostic and Treatment Services Program under 42 USC 1396d; and (4) the number of children cared for by the provider.

[(f)**]** (h) On or after January 1, 1998, the commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

[(g)**]** (i) The commissioner shall submit to the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies a copy of the Child Care and Development Fund Plan that the commissioner submits to the Administration for Children and Families pursuant to federal law. The copy of the plan shall be submitted to the committees not later than thirty days after submission of the plan to the Administration for Children and Families.

Approved May 18, 2010