

Code of Massachusetts Regulations
Title 606: Department of Early Education and Care
Chapter 10.00: Subsidized Child Care

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10.01: Introduction

606 CMR 10.00 is adopted pursuant to federal law at 45 CFR Part 98.11(b)(2) and (8), which requires the Department of Early Education and Care, as the Lead Agency for administering the Child Care Development Fund (CCDF) in Massachusetts, to promulgate rules and regulations to administer the CCDF Plan, and, in accordance with ~~M.G.L. c. 28A and~~ M.G.L. c. 15D which states the policy of state government to assure every child and family “a fair and full opportunity to reach his full potential.” 606 CMR 10.00 is established in keeping with the Department of Early Education and Care's mission of ~~leading the way in helping Massachusetts children and families reach their full potential by providing and coordinating a range of services designed to continuously improve the quality, affordability, and accessibility of early education and care in the Commonwealth~~ providing the foundation that supports all children in their development as lifelong learners and contributing members of the community, and supporting families in their essential work as parents and caregivers.

606 CMR 10.00 sets forth the conditions for eligibility, for the provision and termination of child care services, for payment, and for the review of decisions to terminate or reduce services provided to children and families through subsidized child care programs. The goals of 606 CMR 10.00 include:

- (a) creating an integrated system of child care that ensures the seamless delivery of quality, accessible and affordable child care for children from birth through school age;
- (b) standardizing eligibility requirements and intake procedures for families; and
- (c) administering consistent procurement and payment policies and procedures.

10.02: Definitions

The following words shall have the following meanings unless the context otherwise requires:

Absence. Any day that a child is authorized to attend an early education and care program, but is not in attendance.

Caretaker. A person who lives with, supervises and cares for a child or children whose parents do not live in the home, such as a foster parent, legal guardian (temporary or permanent), or designated caregiver, in accordance with M.G.L. c. 201F.

CCR&R. A Child Care Resource and Referral Agency.

Child. A person younger than 13 years, or 16 years if such person has special needs.

Child Care Educator/Provider. A licensed or exempt center-based child care program, or a licensed, family-based child care program located within the Commonwealth of Massachusetts.

Child Care Resource and Referral Agency-or CCR&R. An agency that contracts with the Department of Early Education and Care (EEC), or subcontracts with an agency that contracts with EEC, to provide child care resource information, referral services, and/or child care voucher management services.

Child Care Subsidy. Financial assistance given to eligible parents for child care provided by a contracted or voucher child care educator/provider.

Contracted Child Care Educator/Provider. A licensed, or licensed exempt, child care program or family child care system that holds a contract with the Department of Early Education and Care-EEC for the provision of subsidized child care services.

Days. Calendar days, unless otherwise specified.

DCF. Massachusetts Department of Children and Families.

Dependent Child. A person under the age of 18, or a person under the age of 24 if he or she is a full time student.

Dependent Grandparent. A grandparent of the child receiving care who resides in the household with the child and is financially dependent on the child's parent(s).

Designated Authority. A person or organization authorized by the Department of Early Education and Care to determine eligibility for subsidized child care services.

DSS. Department of Social Services.

DHCD. Massachusetts Department of Housing and Community Development.

DTA. Massachusetts Department of Transitional Assistance.

EEC. Department of Early Education and Care.

Eligible Family. A family that qualifies for a child care subsidy based on criteria determined by EEC in regulation and policy.

ESL. An English language training program for people whose primary language is not English.

Excessive Absence. More than three consecutive unexplained absences or ~~11 or more~~ **than 30** explained absences within a ~~30-day~~ **6 month** period.

Explained Absence. Absence due to ~~illness, emergency, or a maximum of ten days of vacation per year.~~

- (i) Child illness or medical condition;
- (ii) Death in the family;
- (iii) Emergency circumstances;
- (iv) Religious holidays; and
- (v) Up to 10 days of vacation in a 12 month period.

Family. One of the following:

- (a) parent(s) and their dependent child(ren) and any dependent grandparent(s) who reside in the same household; or
- (b) a teen parent and his/her child(ren) who reside in the same household.

Full Time Care. Care for not less than 30 **hours** nor more than 50 hours per week ~~during the hours when the parent(s)' service need activity occurs, unless otherwise approved by EEC.~~

Full time Service Need. Service need of 30 hours or more per week.

In Home or Relative Child Care Provider. A caregiver who meets the In Home or Relative **Child Care Provider** standards and requirements established by EEC, and is exempt from EEC licensure because the caregiver either provides care in the child's own home, or is a relative of the child.

Parent. A biological or adoptive parent or step-parent who resides in the household with his/her dependent child(ren), or a caretaker.

Part Time Child Care. Care up to 30 hours per week.

Part Time Service Need. Service need between 20 and up to 30 hours per week.

Protective Services. Families authorized for child care subsidy based on clinical decision by DCF will be deemed to be in need of protective services, including foster care. Additionally, children may be deemed at risk of needing protective services in special circumstances, wherein families are unable to provide child care for any portion of a 24 hour day due to a situation of domestic violence or homelessness; a physical, mental, emotional or medical condition; or participation in a drug treatment or drug rehabilitation program.

Relative. Sibling, aunt, uncle, or grandparent, whether by birth, marriage or adoption.

Service Need. The amount of time ~~when no parent is available to care for his/her child~~ **child care is required** due to the parent's employment, education or training, or ~~incapacity~~ **incapacity** based on a documented protective services need. ~~A particular child may also have a service need due to a documented disability or special need that requires child care, regardless of the parent(s)' activities.~~

State Median Income. The dollar amount which represents the midpoint in a rank ordering of the incomes of all families of the same size in Massachusetts, ~~as calculated by the Department of Early Education and Care.~~

Subsidy Administrator. A person or organization authorized or designated by EEC to conduct eligibility determinations for child care subsidies, such as a CCR&R or contracted child care educator/provider.

Supportive Child Care. A program of comprehensive educational and developmentally appropriate activities augmented by health and nutritional services, case management, social services and transportation, provided by child care providers under contract with EEC to families determined eligible by **DSS DCF**.

TAFDC. Transitional Aid to Families with Dependent Children.

Vocational Training Program. A program other than graduate, medical or law school, which is intended to teach a specific skill leading to employment.

Voucher Child Care **Educator/Provider.** A caregiver who provides child care services pursuant to an EEC voucher ~~provider services~~ agreement.

10.03: General Provisions

The following general provisions apply to all **child care** subsidies administered by EEC, **unless otherwise stated**.

(1) **Eligibility**.

(a) **Family Composition and Size**. Prior to issuing an authorization for a child care subsidy, subsidy administrators shall verify the family size and household composition of the applicant through documentary evidence, as defined in EEC policy.

(b) **Identity**. Prior to the initial authorization, the subsidy administrator shall verify the identity of each parent(s) applying for subsidized child care, through documentary evidence, as defined in EEC policy.

(ac) **Residency**. The subsidy administrator must verify that families seeking child care assistance reside in a Massachusetts household because ~~S-subsidies~~ administered by the ~~Department of Early Education and Care~~ EEC are available only to residents of the Commonwealth of Massachusetts.

(d) **Citizenship or Immigration Status**. In accordance with federal law, the subsidy administrator shall verify, through documentary evidence, the United States citizenship status or immigration status of each child for whom care is requested, as implemented through EEC policy.

(be) **Eligibility Periods**. Eligibility is determined for periods not to exceed 12 months, and is renewable in accordance with EEC policy. The ~~CCR&R and/or contracted provider~~ EEC subsidy administrators shall notify families, **in writing**, that their eligibility period is ending no less than one month prior to the end of the eligibility period.

(ef) **Contact Information**. In order to remain eligible for a child care, subsidy parents must maintain current address and telephone number information, if any, with the contracted child care provider or CCR&R. A parent who does not have an address or telephone number must maintain as much current contact information as possible with the contracted child care provider or CCR&R.

(dg) **Documentation of Continued Eligibility**. In order to remain eligible for a child care subsidy, parents must provide current documentation of income, service need and residence, ~~and documentation of any change in family relationships as required by EEC policy~~, to their ~~contracted child care provider or CCR&R~~ subsidy administrator. Such documentation must be provided prior to each voucher or authorization end date.

~~**DTA Authorizations**. For purposes of demonstrating continuing eligibility, parents who have a current authorization from DTA are not required to resubmit documentation of their current income or service need, except as otherwise required by DTA or~~

~~by EEC policy or regulation.~~

(eh) Current Eligibility Information. Parents receiving a child care subsidy must notify their contracted child care provider or CCR&R whenever there is a change in income, service need, residence or family size within ~~two weeks~~ 14 days of such a change, ~~as implemented through EEC policy.~~

(i) Child Attendance. In order to remain eligible for a child care subsidy, all children receiving financial assistance through EEC subsidy administrators shall attend the early education and care program, in accordance with the terms of the child care authorization. Failure to attend the child care program may result in the termination of the child care subsidy for excessive absence, in accordance with 606 CMR 10.13. Children shall not be authorized for early education and care on days that they are regularly scheduled to be absent (i.e., every Friday, homework clubs, etc.).

1. Payment for Child Care Absences. Educators/Providers shall not be paid for more than 30 child absence days in a 6 month period or for more than 3 consecutive unexplained absences without written approval from EEC.

(j) Data Sharing. For purposes of program integrity and in an effort to establish front end detection related to measures necessary to combat fraud, waste and abuse, EEC may use data collected from child care subsidy applicants to conduct data matches with other government entities.

(2) Fees. Parents receiving child care subsidies may be required to contribute to the cost of the child care services they receive, in accordance with a sliding fee scale established by EEC, ~~as amended from time to time.~~

(a) How Fees are Assessed. The full weekly parent fee will be assessed for the ~~first~~ **oldest** child in the family **enrolled** in EEC subsidized care; one half the weekly fee (appropriate for the child's program type) will be assessed for the second **oldest** child in the family **enrolled** in EEC subsidized care, and one quarter of the weekly fee (appropriate for the child's program type) will be assessed for each additional child in the family **enrolled** in EEC subsidized care.

(b) Additional Fees. No additional fees may be charged to parents, except in accordance with EEC policy.

(c) Reassessments. Fee obligations will be reviewed **at least** every 12 months, or sooner if the parent reports or the **educator**/provider learns of a change in the family's size, income, or service need, or the child's program type.

(d) Payment and Collection.

1. Parent fees must be paid no later than the first business day of the week in which care is being provided.

2. Parent fees must be paid, at a minimum, in weekly amounts.

3. **Educators**/Providers are responsible for collecting parent fees in a timely fashion, and must take appropriate action if parents fail to pay fees as required.

(3) Priority in Funding.

(a) Children will be authorized for child care subsidies in accordance with priorities established by EEC, and subject to available funding.

(b) Parents whose eligibility for a specific EEC subsidy program is ending have priority for access to other EEC subsidies over other parents who have not previously received an EEC child care subsidy. In order to maintain priority access and facilitate transition to another subsidy program, parents must submit the information required to determine eligibility at least two weeks prior to termination from their current program.

(4) Location of Care. A child care subsidy may only be used for care provided within the Commonwealth of Massachusetts.

10.04: Income Eligible Child Care Subsidy

Subject to appropriation, an income eligible child care subsidy is available to eligible parents for care by a contracted, or voucher educator/provider, or in home or relative child care provider, in accordance with regulations, guidelines and policies established by EEC.

(1) Eligibility Criteria. To be eligible for an Income Eligible Child Care Subsidy, parents must meet both income eligibility and service need requirements established by EEC.

(a) Financial Requirements. Income eligibility is based on the income and the size of the family. Families headed by caretakers are exempt from financial eligibility guidelines.

~~21. All Other Families General Rule. Families who do not have an incapacitated parent or a child with special needs are financially eligible for seeking child care financial assistance meet the financial requirements for the Income Eligible Child Care Program provided that their total gross monthly income for the household is at or below 50% of the State Median Income as determined by EEC at the time of the family's initial enrollment. Families, whose gross monthly income is at or below 50% of the State Median Income at the initial assessment, Financial eligibility will continue to meet the financial requirements provided that until the family's the total gross monthly income for the household remains at or below reaches 85% of the State Median Income as determined by EEC.~~

~~12. Protective Services Families With an Incapacitated Parent or a Child with Special Needs. Families with an incapacitated parent or a child with special needs determined to have a protective service need, in accordance with 606 CMR 10.02 and as implemented through EEC policy, meet the financial requirements for are financially eligible for the Income Eligible Child Care Program provided that their total gross monthly income for the household is at or below 85% of the State Median Income as determined by EEC at the time of the family's initial enrollment. Families, whose gross monthly income is at or below 85% of the State Median Income at the initial assessment, Financial eligibility will continue to meet the financial requirements provided that until the family's the total gross monthly income for the household remains at or below reaches 100% of the State Median Income as determined by EEC. The incapacity of a parent and the special needs of a child protective service need must be verified and documented on a case by case, as required by federal law and as implemented through EEC policy.~~

3. Relevant Income. When determining financial eligibility relevant income includes, but is not limited to, wages or salary (including overtime), social security benefits, alimony, child support, and public assistance.

(b) Service Need Requirements. ~~Except when requesting a subsidy for a child with special needs, b~~Both parents living in the household must document either a part

time or full time service need.

1. Approved Activities. Activities acceptable for establishing a service need are; seeking paid employment for a maximum of eight weeks; paid employment; maternity leave from paid employment for a maximum of 12 weeks; participating in education or training, ~~as outlined at 606 CMR 10.04(1)(b)5;~~ or ~~incapacity of the parent~~ receiving or at risk of receiving protective services. Each activity is outlined below:

i. Job SearchSeeking Paid Employment. Parents seeking paid employment may comply with the service need requirement, as follows:

- a. Parents with a full or part time child care subsidy for work, education or training who lose their job or finish their education or training and are actively seeking employment will qualify for the equivalent full or part time service need for a period of job search not to exceed eight weeks in a 52 week period. An additional four weeks may be available in accordance with EEC policy.
- b. Parents who have not been receiving a child care subsidy and are actively seeking employment will qualify for a full time service need for a period of job search not to exceed eight weeks in a 52 week period.

ii. Paid Employment. The following activities meet the service need requirement of paid employment: existing employment, including self employment; active deployment in the military; and retirement, if the head of household is a caretaker, as defined in 606 CMR 10.02, and age 65 or older.

- a. Self-Employment and Minimum Wage. All self-employed parents must participate in self-employment activities for an average of 20 hours per week and show income equivalent to minimum wage in the Commonwealth.
- b. Limitations on Self Employment. For parents engaged in home-based self-employment activities, the self-employment activity shall not qualify as an approved activity, unless the parent(s)' child is age six (6) or under, or up to age thirteen (13), for children with special needs, and:
 1. The type of work performed entails a clear and present danger to children; or
 2. The primary type of work performed consists of face-to-face meetings/appointments with clients, which prevents direct supervision of children.

iii. Maternity Leave. A parent, whose child care has been subsidized by EEC,

may take up to twelve (12) weeks of maternity (parental) leave from paid employment and continue to receive financial assistance, provided that the parent returns to any EEC approved activity, except for job search.

- iv. Education or Training. Parents will qualify for a service need of education or training if they are enrolled in and attending any of the following: a full time high school program; a high school equivalency program; a vocational training program, not including graduate, medical or law school; an ESL program; or an accredited college or university, leading to an Associate's or a Bachelor's degree.
 - a. The service need of education or training shall continue through a semester break for parents registered for the following semester. The service need of education shall not continue during the summer break unless parents are enrolled in and attend school or training during the summer.
 - b. The service need for parents participating in a full time high school program will be considered full time, regardless of the program schedule.
 - c. The service need for parents participating in college coursework with 12 credit hours or more will be considered full time. Credit hours fewer than 12 are counted as a part time service need.
 - d. The service need for parents participating in education or training programs other than college or high school is one hour of service need for each hour spent in the education or training program per week.
 - e. Work study hours and required practical and clinical experiences (including student teaching) are counted as hours of employment, for the purpose of determining service need.
 - v. Protective Services. In accordance with federal law, a family's protective service need, as defined at 606 CMR 10.02, shall be assessed on a case by case basis, as implemented by EEC policy.
- 2. Combining Service Need Activities. Work and education or training may be combined to meet service need requirements.
 - 3. Travel Time. Up to five hours of travel time per week may be added to a parent's service need, provided that the travel is reasonably related to the necessary time to/from ~~when required for travel between~~ the child care program and the parent's service need activity. ~~Before travel time may be added to a service need, the par-~~

ent must establish a minimum of at least 20 hours in an EEC approved activity, pursuant to 606 CMR 10.04(1)(b)1.

4. Amount of Care. Parents who document a full time service need will be eligible for full time child care. Parents who document a part time service need will be eligible for part time child care. ~~Parents unable to document either a full time or a part time service need are not eligible for subsidized child care.~~

- i. ~~Children with Disabilities/Special Needs. 6. Children with Special Needs.~~ Children with documented special needs ~~meet the service need criterion for~~ may be eligible for either full time or part-time care, in accordance with the supporting documentation, ~~full time care, whether or not the parents are available to provide care~~ provided that the child's parent(s) establishes at least a part time service need, in accordance with 606 CMR 10.04(1)(b).
- ii. Parents with Disabilities/Special Needs. Families with documented protective service needs based on the physical or mental disability of a parent may be eligible for either full time or part-time care, in accordance with the supporting documentation. Unless approved in writing by EEC, authorizations based on the physical or mental disability of a parent may not be renewed more than once.

(c) Child Support. For all households in which a biological (or adoptive) parent is continually absent, the parent with whom the child resides must either demonstrate the existence of court-ordered child support or efforts to establish court-ordered child support, in accordance with EEC policy. Parents may seek the assistance of the Department of Revenue's Child Support Enforcement (CSE) division to establish court-ordered child support. Participation with CSE requires on-going cooperation to maintain eligibility, in accordance with EEC policy. Failure to demonstrate court-ordered child support or efforts to establish court-order child support, without good cause, may result in the denial or termination of subsidized child care.

1. Good Cause Exemption. At any time, a parent may claim a good cause exemption as to why he/she has not established court-ordered child support. The EEC subsidy administrator shall determine the existence of good cause, for purposes of exempting the family from the requirements in 606 CMR 10.04(c), in accordance with EEC policy. Failure to provide sufficient evidence to support good cause may result in the denial or termination of subsidized child care.
2. Grounds for Good Cause. It is the responsibility of the parent to specify the circumstances under which good cause is claimed by providing sufficient evidence to the EEC subsidy administrator of any of the following exemptions, in accordance with EEC policy:
 - i. Child was conceived as a result of incest or forcible rape;

- ii. Legal proceeding for adoption are currently pending before a court of competent jurisdiction;
 - iii. A public or licensed private agency is currently assisting the parent to resolve the issue of whether to keep the child or relinquish him/her for adoption and those discussions have not lasted for more than three (3) months; or
 - iv. Cooperation in efforts to establish court-ordered child support would result in serious harm or emotional impairment to the child or the parent.
3. Final Determination of Good Cause. After considering the evidence provided by the parent, the worker must make a determination of whether or not the parent has good cause for not cooperating with the child support requirements. The final determination must be made within 30 days of the good cause claim, except where the subsidy administrator has documented that extra time is needed to secure additional evidence. The determination must contain, in written form, the subsidy administrator's findings and the basis for the determination, and be made a part of the case record. If the subsidy administrator finds that good cause does not exist, the parent must be notified in writing of the findings and basis for determination, and afforded an opportunity to cooperate in establishing court-ordered child support or withdraw the request for financial assistance.
4. Cooperation Requirement. For purposes of this requirement, cooperation with EEC or CSE to establish court-ordered child support shall mean:
- i. Make reasonable efforts to furnish identifying information about the non-custodial parent to the EEC subsidy administrator or CSE;
 - ii. Participate in efforts to establish maternity or paternity, if required;
 - iii. Appear at required court hearings related to child support action; or
 - iv. Establish, modify or enforce a child support order for each dependent child, who receives child care financial assistance from EEC.
5. Reassessment and On-Going Eligibility. Until court-ordered child support is established or the parent's case with CSE is closed for good cause, on-going cooperation with CSE shall be maintained to remain eligible for child care financial assistance, in accordance with EEC policy. Failure to cooperate with EEC or CSE may result in the termination or reduction of a parent's subsidized child care.

(32) Referral and ~~Enrollment~~ Waiting List.

(a) Child Care Resource and Referral Agency. Based on availability and in accordance with EEC enrollment priorities and policies, the CCR&R must:

21. issue a voucher to the eligible parent that may be used toward payment of a voucher child care provider, **subject to an eligibility determination**; or

12. refer the eligible parent to a contracted child care provider who has an opening

appropriate for the age and needs of the child in need of care; or

3. enter the child on the waitlist for a child care subsidy, in accordance with EEC policy.

(b) Contracted Provider. Based on availability and in accordance with EEC enrollment priorities and policies, the contracted provider must:

1. enroll the eligible child in his/her child care program if a contract slot appropriate to the age and needs of the child exists, **subject to an eligibility determination**; or

2. if an appropriate contract slot does not exist, refer the parent to the regional **Child Care Resource and Referral agency CCR&R**; and

3. enter the child on the waitlist for a child care subsidy, in accordance with EEC policy.

(c) Parent Choice. Parents may not be required to enroll their children at a particular child care program. Upon **two-weeks' 14 days** notice, parents may choose to withdraw their children from one child care program and enroll in another available program for the duration of the child care subsidy.

(d) Enrollment Prior to Service Need. Eligible children may be enrolled in care **two-weeks 14 days** prior to the start of the parent's service need, when appropriate.

(23) Eligibility Determination. An EEC **Designated Authority subsidy administrator** will make eligibility determinations based on the parent(s) application and documentation and based upon relevant regulations and policies.

(a) Application. Parents may apply for an income eligible child care subsidy at a contracted child care program or at a **Child Care Resource and Referral agency CCR&R**. At the time of application and at each subsequent reassessment, parents must complete and sign a child care application and fee agreement on forms provided or approved by EEC.

(b) Documentation. At the time of application, **in accordance with the requirements established in 606 CMR 10.03 and 10.04**, parents must submit documentation that verifies their **identity, residency, citizenship or immigration status of any child seeking subsidized child care, child support, if necessary, income, service need, residence** and relationship to all children and dependent grandparents in the family.; **and-a** At each subsequent reassessment, parents must submit documentation that verifies their **residency, child support, if necessary, income and service need**, in accordance with EEC regulation and policy.

10.05: Employment Services Program

Subject to appropriation, DTA may issue authorizations or referrals for TAFDC recipients seeking child care financial assistance through the Employment Services Program, as described below. DTA authorizations or referrals for subsidized child care shall be issued in accordance with the regulations, guidelines and policies established by DTA and in accordance with the General Provisions for subsidized child care described at 606 CMR 10.03, unless otherwise noted.

(41) **Authorization**. For any eligible parent seeking child care through DTA's employment services program, DTA may issue a written child care authorization to the eligible parent based on the family's TAFDC status.

(2a) **TAFDC Families**. Parents, who currently receive TAFDC cash assistance and participate in the employment services program, may be issued a written child care authorization for priority access to subsidized child care. ~~Parents receiving TAFDC benefits must obtain written child care authorization from DTA.~~

(3b) **Transitional Families**. Parents who received TAFDC benefits within the 12 months prior to their application for a child care subsidy and who obtain a written child care authorization from DTA will have priority access to a child care subsidy, provided they continue to meet EEC eligibility guidelines.

(42) **Referral**. DTA shall refer parents with a written child care authorization to the ~~local CCR&R~~ appropriate EEC subsidy administrator. Parents with DTA authorizations must contact the EEC subsidy administrator ~~CCR&R~~ to obtain either a voucher or a referral to a contracted child care slot, depending upon availability. The ~~CCR&R~~ EEC subsidy administrator shall help the parents identify a ~~Caregiver~~ child care educator/provider who can provide subsidized care as defined in 606 CMR 10.101.

(43) **Eligibility Determination Criteria**. Eligibility for a child care subsidy through the employment services program shall be determined by ~~the Department of Transitional Assistance (DTA), pursuant to DTA regulations and policies~~ and verified by the EEC subsidy administrator based on the parent's TAFDC status, as described below.

(a) **TAFDC Families**. The written child care authorization is sufficient documentation that the parent is eligible for a child care subsidy for each child included in the authorization. Subsidy administrators shall verify the identity of the parent(s) listed on the child care authorization issued by DTA, in accordance with 606 CMR 10.03(b).

(b) **Transitional Families**. The written child care authorization is evidence of family relationship for all children included in the authorization. Subsidy administrators shall verify the identity of the parent(s) listed on the child care authorization issued by DTA, in accordance with 606 CMR 10.03(b). Parents must also submit evidence of their income, service need, residence, and their relationship to children or dependent grandparents not included in the child care authorization.

(4) Eligibility Period. EEC subsidy administrators should approve the length of time for subsidized child care based on the parent's TAFDC status, as described below. The EEC subsidy administrator shall notify families, in writing, that their eligibility period is ending no less than 30 days prior to the end of the eligibility period.

(a) TAFDC Families. EEC subsidy administrators shall approve the subsidized child care based on DTA authorization, not to exceed 12 months, provided that the family continues to receive TAFDC cash assistance.

(b) Transitional families. EEC subsidy administrators shall approve the subsidized child care based on the parent's service need, not to exceed 12 months from the date the family's TAFDC case closed.

(5) Enrollment. Parents will enroll children directly at the Caregiver's child care site, in accordance with the procedures of the Caregiver.

(6) Denial or Termination of Authorization. Parents aggrieved by the denial or termination of a child care authorization by the Department of Transitional Assistance may pursue their grievance through the DTA Fair Hearing Process.

10.06: Supportive Child Care

Subject to appropriation, DCF may issue authorizations or referrals for children that are receiving, or at risk of receiving protective services, as defined at 606 CMR 10.02, through the a supportive child care program, ~~subsidy is available to children as described below with an open protective case with the Department of Social Services (DSS). An open protective case exists when a report pursuant to M.G.L. c. 119, § 51B has substantiated allegations of abuse or neglect of a child within the 12 months prior to referral for subsidized care, or when there is a determination of need to begin or continue supportive services at a DSS Progress, Supervisory, or Foster Care Review.~~ DCF authorizations or referrals for subsidized child care shall be issued in accordance with the regulations, guidelines and policies established by DCF and in accordance with the General Provisions for subsidized child care described at 606 CMR 10.03, unless otherwise noted.

(1) Authorization. For any child receiving or at risk of receiving protective services through DCF, DCF may issue a written authorization for child care services to the parent.

(32) Referral or Waitlisting. ~~DSS DCF~~ or its designee will determine the appropriateness of and authorize all referrals for supportive child care, and may either:

(a) refer the parent to a contracted provider with supportive child care openings appropriate to the age and needs of the child, or

(b) enter the child on a waitlist for care, if there are no appropriate openings available.

(43) Eligibility Criteria. ~~(a) Criteria.~~ ~~DSS DCF~~ or its designee ~~will~~ shall determine eligibility of its clients for supportive child care services, in accordance with ~~DSS DCF~~ regulations and policy. ~~The written child care authorization is sufficient documentation that the children listed on the authorization are eligible for supportive child care services. Subsidy administrators shall verify the identity of the parent(s) listed on the child care authorization issued by DCF, in accordance with 606 CMR 10.03(b).~~

(b4) Duration-Eligibility Period. The supportive child care subsidy will be authorized by ~~DSS DCF~~ for a maximum of ~~six~~ 6 months, and may be renewed by ~~DSS DCF~~ for a second ~~six~~ 6 month period. Unless approved by the ~~DSS DCF~~ Area Director, authorization for supportive services may not be renewed more than once. ~~Subject to appropriation, DCF may authorize transitional supportive child care to continue beyond the closure of the DCF case for up to 6 months. The EEC subsidy administrator shall notify families, in writing, that their eligibility period is ending no less than one month prior to the end of the eligibility period.~~

(25) Fee Assessment. ~~On a case by case basis, DSS DCF~~ will determine whether applicable parent fees shall be waived.

(46) Information Sharing. ~~DSS DCF~~ or its designee will share information with the child care ~~educator~~/provider regarding the child's behavior and the family's psychosocial history to assist the provider in meeting the needs of the child and family.

(57) Enrollment. The parent must meet with the contracted provider to complete the enrollment process in accordance with the provider's policies and procedures.

(68) Denial or Termination of Supportive Child Care Services. Supportive Child Care Services will end when the protective case closes, or when ~~DSS DCF~~ determines that services are no longer appropriate, whichever first occurs. ~~(7) Appeal of Termination~~. Parents wishing to appeal the termination of Supportive Child Care Services may do so through the ~~DSS DCF~~ Fair Hearing Process, in accordance with ~~DSS DCF~~ policy and regulation.

10.07: Teen Parent Child Care Services

Subject to appropriation, Teen parents ~~are~~ **may be** eligible to receive subsidized child care through the Teen Parent Child Care Services program, provided they meet the following requirements:

(21) Application and Referral. Teen parents may apply for child care subsidies at a CCR&R, a program contracted to provide Teen Parent Child Care services, a local DTA office, or any other location authorized by EEC. At the time of application and at each subsequent redetermination the parents must complete a child care application and fee agreement on forms provided or approved by EEC, and must submit documentation that verifies their income, service need, residence and family relationships, in accordance with EEC regulation and policy. If a teen parent has a current child care authorization from DTA, the authorization is sufficient documentation of their income and service need.

(32) Referral or Enrollment and Waitlist. Based on availability, parents ~~who are determined eligible~~ will be referred to and/or enrolled, ~~subject to an eligibility determination,~~ in a program contracted to provide Teen Parent Child Care services. ~~(5) Waitlist.~~ Parents ~~who cannot be~~ **unable to** enrolled in a Teen Parent Child Care Services program due to a lack of available funding will be placed on a child care subsidy waitlist in accordance with EEC guidelines and policy.

(43) Eligibility Criteria. ~~Unless authorized for child care subsidy through the Employment Services Program (606 CMR 10.05) or through the Supportive Child Care Program (606 CMR 10.06), T~~ teen parents ~~seeking to subsidized child care through the Teen Parent Child Care Services program must comply with the financial and service need requirements of the Income Eligible Child Care program (606 CMR 10.04), unless excepted below be authorized by DTA or meet the income, service need and age requirements specified below. Teens with an open protective case with DSS are eligible when they meet the income, service need and age requirements specified below.~~

~~(a) Income Requirements. Teen parents must be authorized by DTA or must meet the financial eligibility requirements of the Income Eligible Child Care Program, as specified at 606 CMR 10.04(1)(a).~~

~~(ba) Service Need Requirements. Unless authorized by DTA or DCF, T~~ teen parents ~~must be authorized by DTA or~~ must ~~be participate ing~~ in a full time high school program or a high school equivalency (GED) program, or must have received a GED or high school diploma and be participating in an approved higher education, training, and/or work activity, as specified at 606 CMR 10.04(1)(b).

(eb) Age Requirements. ~~2-~~ Teens in their third trimester of pregnancy and teen parents are eligible to participate in the Teen Parent Child Care Services program until they reach their 20th birthday. Enrolled teens who turn twenty may continue through the completion of their service need activity.

~~1. Children are eligible for child care services through the Teen Parent Child Care Services program from birth through school age.~~

(4) Eligibility Periods. Eligibility is determined for periods not to exceed 12 months, and is renewable in accordance with EEC policy. The EEC subsidy administrator shall notify teen parents, in writing, that their eligibility period is ending no less than 30 days prior to the end of the eligibility period.

(45) Participation Requirements. In addition to the Eligibility Criteria outlined above, teen parents participating in the Teen Parent Services Child Care program must comply with the following requirements:

(a) Teens must participate at least ~~eight~~ 8 hours per month in structured social service support activities through the Teen Parent Child Care Services program unless they are receiving equivalent services from other sources.

(b) Teens must participate in child care activities in their child's classroom or family child care home at least ~~one~~ 1 hour each month.

(c) Teen parents receiving ~~Transitional Aid to Families with Dependent Children~~ TAFDC must comply with all TAFDC requirements.

(6) Denial, Termination or Reduction of Services. All denials, terminations or reductions related to the Teen Parent Child Care Services program shall comply with the regulations outlined at 606 CMR 10.13 and 606 CMR 10.14.

10.08: Homeless Child Care Services Program

Subject to appropriation, child care subsidies may be available for children experiencing homelessness or at risk of homelessness, through the Homeless Child Care Services program, as described below, in accordance with the General Provisions for subsidized child care described at 606 CMR 10.03, unless otherwise noted.

(1) Authorization. DHCD and/or DCF may issue a written child care authorization or referral for any family seeking to enroll a child in the Homeless Child Care Services program, provided that the family is participating in an approved homeless activity, in accordance with EEC policy, including, but not limited to: residing in an emergency assistance shelter, domestic violence shelter or residential family substance abuse treatment shelter; placement in temporary housing at a motel/hotel; or participation in either a homeless stabilization or diversion program.

(2) Referral and Waitlist. Upon issuance of the written child care authorization, DHCD, DCF or their respective designees shall refer parents to a contracted provider with homeless child care openings appropriate to the age and needs of the child. If no appropriate child care openings are available, the family may be placed on a waiting list for Homeless Child Care Services.

(3) Eligibility Criteria. Unless authorized for a child care subsidy through the Employment Services Program (606 CMR 10.05) or through the Supportive Child Care Program (606 CMR 10.06), homeless families seeking subsidized child care through the Homeless Child Care Services program must comply with the financial and service need requirements of the Income Eligible Child Care program at 606 CMR 10.04, unless excepted below.

(a) Service Need Requirement. Receipt of a current, active referral form from either DHCD or DCF serves as sufficient documentation to establish the service need requirement of the child care financial assistance laws and policies of the Commonwealth. Families with homeless child care referrals from DHCD or DCF establish a full-time need for child care.

(4) Eligibility Period. The length of the child care authorization shall be established by the authorizing agency, either DHCD or DCF, for a period not to exceed 12 months. In determining the eligibility period, DHCD or DCF shall take into account the individual needs of the family.

(5) Fee Assessment. On a case by case basis, DHCD or DCF will determine whether parent fees shall be waived.

(6) Enrollment. The parent must meet with the contracted provider to complete the enrollment process in accordance with the provider's policies and procedures.

(7) Denial, Termination or Reduction of Services. Homeless Child Care Services will end when the applicant family is longer homeless or when DHCD or DCF determines that child care services are no longer appropriate, whichever occurs first, or in accordance with EEC's reasons for denial, termination and reduction at 606 CMR 10.13. All denials, terminations or reductions related to the Homeless Child Care Services program shall comply with the regulations outlined at 606 CMR 10.13 and 606 CMR 10.14.

10.0809: Trial Court Child Care

(1) Eligibility. Children whose parents have occasional business with the trial court are eligible for short term care on a first come, first served basis.

(2) Enrollment. A parent who has business with the trial court may enroll his/her child directly at the Trial Court Child Care Program on the day the care is needed, in accordance with the program's procedures and EEC policies.

(3) Waitlisting. If the child care program has reached its licensed capacity at the time the parent requests care, the child will be entered on a waiting list for care and notified as soon as space is available for the child.

10.0910: Child Care for Special Populations

Families with special needs may be eligible for assistance in receiving child care and other supportive services through EEC's Specialized Child Care Services programs, in accordance with EEC policies. Parents and children who wish to participate in a specialized child care services program must meet eligibility criteria established by EEC. Parents may apply through their local CCR&R or through a child care program that holds a contract to provide these specialized services.

10.1011: Caregivers Child Care Educators/Providers and Caregivers

(1) Care by Licensed Educators/Providers. Except as set forth in 606 CMR 10.10(2), subsidized child care may be provided by an EEC licensed family child care **educator**/provider, a licensed group or school age child care program or through a family child care system, if the **educator**/provider, program or system holds a contract or agreement with EEC to provide subsidized child care services or a voucher agreement with a CCR&R.

(2) Care Exempt from Licensure.

(a) Subsidized child care may be provided by a group or school age child care program that has been determined by EEC to be exempt from licensure, and with whom EEC holds a contract or an agreement to provide subsidized child care services.

(b) In Home or Relative Child Care.

1. Child Care by a Relative of the Child. In accordance with EEC policy, subsidized child care may be provided by a relative of the child in a private residence, provided that the caregiver is at least 18 years old and is not the child's parent. Relative caregivers who provide subsidized child care services must submit to the CCR&R evidence of their relationship to the child receiving care. Such evidence may include birth certificates, baptismal certificates, and marriage certificates.

2. In Home Child Care. In accordance with EEC policy, subsidized child care may be provided in the home of the child by a caregiver unrelated to the child, provided that the caregiver is at least 18 years old and has a background free of conduct which, in the judgment of the EEC, bears adversely upon his or her ability to provide for the safety and well-being of a child. Such conduct shall include, but not be limited to, conduct identified in EEC's Enforcement Regulations, 102 CMR 1.05(1).

3. Prior to providing and being reimbursed for subsidized child care, relative caregivers and caregivers providing care in the child's own home must:

- a. complete an orientation to child care, in accordance with EEC policies;
- b. satisfy all applicable health and safety requirements; and
- c. sign an agreement to provide subsidized child care services in accordance with EEC policy.

4. Relative caregivers and caregivers providing care in the child's own home may not care for more than six children under the age of 13 years, in accordance with EEC policy.

10.112: Reimbursement

(1) Rates. Reimbursement to child care **educators**/providers shall be made in accordance with rates established by EEC.

(2) Hours. Unless approved by EEC or authorized by DTA, providers shall not be reimbursed for more than ten hours of care per day or 50 hours of care per week per child.

(3) Denial. EEC may deny reimbursement of child care services when:

(a) the care provided does not meet EEC health and safety standards;

(b) the care provided is not in the best interest of the children served; or

(c) the **educator**/provider fails to follow EEC regulations, policies, procedures, or contract requirements.

10.1213: Termination and Denial, Reduction or Termination of Services

Parents aggrieved by the denial, reduction or termination of their DTA authorization for a child care subsidy may request a fair hearing on the matter from DTA in accordance with DTA regulations and policies. Parents aggrieved by the denial, reduction or termination of their eligibility for supportive child care services may request a fair hearing on the matter from **DSS DCF** in accordance with **DSS DCF** regulations and policies. All others whose subsidies are terminated, reduced or denied may request EEC to review the decision through the EEC Review Process, as specified at 606 CMR 10.13.

(1) Reasons for Denial or Termination. In accordance with EEC policies, EEC child care subsidies may be terminated for reasons including, but not limited to, the following:

- (a) lack of ~~a continuing~~ service need;
- (b) lack of financial eligibility;
- (c) non-payment or late payment of fees;
- (d) unexplained or excessive absence;
- (e) failure to submit the required documentation at **assessment or** reassessment; ~~or~~
- (f) submission of false or misleading information or documentation to the contracted provider, CCR&R or EEC; or**
- (fg) failure of the parent(s) to comply with EEC policies, the contracted or voucher provider's policies, or the ~~Child Care Resource and Referral agency CCR&R's~~ policies.**

(2) Reasons for Reduction. If the parent(s)' service need changes from full time to part time, or otherwise diminishes, the amount of child care subsidy must be reduced proportionately.

(3) Notice. Whenever a subsidy is being denied following an initial application or a family is being removed from a waiting list, the contracted provider or CCR&R shall give to the parent written notice of the denial or removal within ~~ten~~ **14** calendar days of the decision using a notice form provided or prescribed by EEC. Whenever a subsidy is being **denied**, reduced or terminated, the contracted provider or CCR&R must give the parent(s) written notice of the **denial**, reduction or termination and the option to request a review of the action through the EEC review process. The contracted provider or CCR&R shall use a notice form provided or prescribed by EEC and shall provide the parent with the notice at least two weeks before the effective date of the reduction or termination.

All notices required by EEC regulation and policy will be deemed **adequately** served if they are mailed to parents at their last known address, or if they are otherwise mailed or delivered to parents based on the contact information that they maintain with their con-

tracted child care provider or CCR&R.

(4) Continuation of Care. The child care subsidy shall continue after receipt of a notice of termination or reduction if:

(a) the parent takes appropriate action to resolve the circumstances which caused the notice of termination or reduction prior to the effective date of the notice; or

(b) prior to the effective date of the notice, the parent files with EEC a request for a Review and a request for continuation of child care services; and while the Review is pending, the parent keeps all undisputed fee payments current, and the child continues to attend care in accordance with EEC attendance policies.

10.1314: Review Process

(1) Reasons for Review. A parent may request an EEC Review when a contracted child care provider or CCR&R:

- (a) denies, terminates or reduces the parent's child care subsidy;
- (b) assesses a fee that the parent believes is not in accordance with EEC policy; or
- (c) acts or fails to act in a way that the parent believes violates EEC subsidy regulations or policy.

(2) Scope of Review. A parent may not challenge the legality of state or federal law or EEC policy in the EEC review process. The scope of an EEC review shall be limited to determining whether the contracted provider or CCR&R acted in accordance with EEC regulation and policy.

(3) Filing a Request for Review. The parent shall submit to EEC a written, signed and dated request for a review within 30 days of notice that their child care is being terminated or reduced, or within 30 days of an action or determination by the provider which the parent claims violates EEC subsidy regulations or policy. The request for a review shall contain the parent's name, address, and telephone number; the name, address and telephone number of the contracted provider or CCR&R and the reason for the request. ~~The If a parent may wishes to submit evidence in support of his/her request, such as documents or receipts, the evidence must be received by EEC within 14 calendar days of submitting the request for review. I, in order to make such evidence a part of the review record, the parent must submit such evidence within 14 days of submitting the request for review.~~

(4) Representation. The parent may be represented by a person of his/her choosing at any stage of the review process.

(5) Continuation of Subsidized Child Care Services. In order for subsidized child care services to continue pending outcome of the review, the parent shall:

- (a) file with EEC a written request for the continuation of child care services on a form provided or prescribed by EEC prior to the termination of the child care services;
- (b) at all times during the review process and any subsequent appeals keep all undisputed fee payments current; and
- (c) at all times during the review process and any subsequent appeals ensure that the child continues to attend care in accordance with EEC attendance policies.

(6) Termination of Continued Subsidized Child Care. Subsidized child care services con-

tinued in accordance with 606 CMR 10.13(5) shall be terminated if at any time during the review process or any subsequent appeals:

(a) a determination is made that the sole issue is a challenge to the validity of a particular law or EEC regulation or policy; or

(b) a determination is made that there is no genuine issue of material fact, as presented by the parent in his/her request for review;

(bc) a change affecting the parent's subsidy occurs subsequent to the filing of the request for a review which makes the previously filed request for a review moot, and the parent fails to request a hearing on the subsequent matter within the applicable time period; or

(ed) the parent fails to comply with the requirements for continuing subsidized care listed in 606 CMR 10.13(5)(b) and (c).

(7) Preliminary Review.

(a) Notification. Within seven days of receipt of the parent's request for review the EEC Review Officer shall notify the contracted child care provider or the CCR&R of the Request for a Review, and shall request that the provider or CCR&R submit evidence in support of his/her determination. The EEC Review Officer shall also notify the parent and the contracted provider or the CCR&R whether the subsidized child care shall continue pending the outcome of the review.

(b) Response. Within seven days of the date of notification from EEC the contracted provider or CCR&R must submit to the EEC Review Officer its evidence in support of its decision, action or inaction which allegedly forms the basis for the parent's request for review.

(c) Record. The case record shall consist of any evidence submitted by the contracted provider or the CCR&R, any evidence submitted by the parent, and, if applicable, any evidence obtained by the EEC Review Officer, including, but not limited to, documentary evidence obtained from other local/state/federal agencies.

(ed) Decisions.

1. How Made. The EEC Review Officer will review all information submitted by the parent and the provider or CCR&R and seek clarification from the parties, if necessary. The Review Officer may take administrative notice of general, technical or scientific facts within his/her specialized knowledge and may use his or her experience and specialized knowledge in the evaluation of the evidence presented. The EEC Review Officer may also take administrative notice of any public records or information provided by other local/state/federal agencies.

2. When Made. Within 30 days of EEC's receipt of the Request for Review **or as promptly as administratively feasible**, the EEC Review Officer shall issue a written decision to the parent and the provider or CCR&R which upholds, reverses, or modifies the provider's or CCR&R's decision, action or inaction.

3. When Implemented. Unless 606 CMR 10.13(8)(b) applies, the EEC Review Officer's decision will be implemented in accordance with the timelines set forth in the decision.

4. Notice of Right to Appeal. The Review Officer's written decision shall inform the parent of the parent's right to appeal the written decision by requesting an Informal Hearing in accordance with 606 CMR 10.13(8). If the parent does not appeal, the Review Officer's written decision shall become EEC's final agency decision. **If the EEC Review Officer's written decision determines that the parent's request falls within 606 CMR 10.13(6), the parent shall not have a right to an informal hearing.**

(8) Informal Hearing. After a Preliminary Review aggrieved parents may appeal the EEC Review Officer's decision by requesting an informal hearing.

(a) Requesting an Informal Hearing. Parents may request an informal hearing by submitting to the EEC General Counsel a written, signed and dated request for an informal hearing on a form prescribed or provided by EEC within seven days of the date of the EEC Review Officer's written decision. The request for informal hearing must state the grounds for the appeal.

(b) Continuation of Benefits Pending an Informal Hearing. If the parent timely appeals the decision in accordance with 606 CMR 10.13(8)(a), the child care subsidy will automatically continue pending the outcome of the appeal unless EEC has determined, in writing, that 606 CMR 10.13(6) ~~(b) or (e)~~ applies.

(c) Notice of Hearing. The General Counsel or the designated EEC Hearing Officer shall notify the parent and the provider or CCR&R of the date, time, and place of the hearing. The notice shall also describe the hearing procedure.

(d) Hearings.

1. Procedure. The hearing shall be conducted in accordance with the Standard Adjudicatory Rules of Practice and Procedure Informal/Fair Hearing Rules at 801 CMR 1.02. The General Counsel may appoint an EEC Hearing Officer to preside over the hearing.

2. Adjustment of Matters Relating to the Hearing. The EEC Hearing Officer may make informal disposition of the adjudicatory proceeding by stipulation, agreed settlement, consent order, or default, and may limit the issues to be heard, in accordance with M.G.L. c. 30A, § 10.

3. Submission Without a Hearing. The parent may elect to waive a hearing and to submit any documents without appearing at the time and place designated for the hearing. Submission of a case without a hearing does not relieve the parties from supplying all documents supporting their claims or defenses. Affidavits and stipulations may be used to supplement other documentary evidence in the record.

4. Location. The Informal Hearing shall be held in EEC's ~~e~~ Central ~~e~~ Office, unless otherwise designated by the EEC Hearing Officer.

5. Hearing Record. The EEC Hearing Officer shall ensure that a record is made of the hearing. All documents and other evidence offered and accepted shall become part of the record. The record shall also include the Request for Review, the Request for Informal Hearing and the decision by the EEC Review Officer.

6. Burden of Proof. The EEC Hearing Officer's decision shall be supported by substantial evidence presented at the hearing.

(e) Reasons for Dismissal. The EEC Hearing Officer may dismiss a request for an informal hearing if a parent:

1. fails to appear at the informal hearing; ~~or~~

2. fails to prosecute his/her claim, in accordance with 801 CMR 1.02(10)(e); or

2. withdraws the request for Informal Hearing in writing or on the record at the hearing.

(f) Decisions. Within 30 days of conducting the Informal Hearing, or as promptly as administratively feasible, the EEC Hearing Officer shall issue a written decision in accordance with M.G.L. c. 30A, § 11(8).

(g) Judicial Review and Finality of Decision. The decision of the EEC Hearing Officer following an Informal Hearing shall be the final agency decision for purposes of judicial review under M.G.L. c. 30A.

(h) Further Appeal and Stay of Decision. Following the Informal Hearing, the decision of the Hearing Officer shall be implemented in accordance with the timelines set forth in the Hearing Officer's decision unless the parent:

1. timely appeals the decision to superior court pursuant to M.G.L. c. 30A;

2. submits a written request for a stay of the decision to the EEC General Counsel; and

3. the General Counsel grants the request for a stay.

10.1415: Applicability

If any provision contained in 606 CMR 10.00 *et seq.* or the application thereof is held invalid to any person or circumstance, the remainder of 606 CMR 10.00 and the application of the provision in question to other persons not similarly situated, or to other circumstances, shall not be affected thereby.