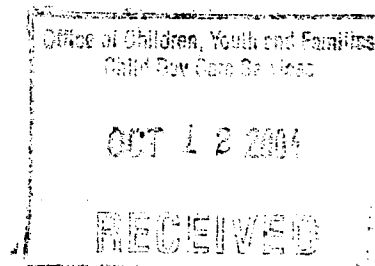


14-489-25

I have seen many children turn thirteen and leave my program. I am always sad to see them go as they are sad to leave. I can say that some have been ready but many have not. Those are the children we as a society must look out for the most.

Dan Frank



OCT 11 2004

14-489-14

Original: 2429

United Way of Westmoreland County, School Readiness Initiative (SRI)

Comments: The Department of Public Welfare September 11, 2004

Proposed Child Care Subsidy Regulations

The School Readiness Initiative (SRI) of United Way of Westmoreland County supports the Department of Welfare Proposed Child Care Subsidy Regulations changes as proposed in the September 11, 2004 PA Bulletin.

SRI appreciates the Department of Public Welfare's willingness to work with parents, providers, interested groups and advocacy organizations prior to publishing the regulations as proposed. This extended process resulted in a package clearly designed to improve access for eligible families and to increase the number of families eligible for subsidy.

The format changes make reading and understanding the regulations easier for all those applying the requirements for subsidized child care eligibility.

In addition, SRI is heartened to have included the references to the quality of the situation for the children in care, which research findings indicate improve a child's chance for success in school and beyond.

Specifically supported within the changes related to general requirements is permitting child care to continue following a parent's summer break.

Relating to eligibility requirements, reducing the number of hours a parent must work to be eligible to receive subsidized child care is supported, as is allowing parents (including teens) to pursue college education or training in order to qualify for higher paying jobs.

Allowing additional time (from 30 to 60 days) for parents who have lost a job to find new employment is supported.

Relating to special eligibility programs, children attending pre-kindergarten programs needing extended day and allowing for continuous uninterrupted care is supported.

SRI supports changes relating to verification making it easier for parents to document eligibility and eliminating specific reverification requirements.

Eliminating the requirement for court ordered support as a prerequisite for eligibility is also supported.

SRI supports the changes allowing for the special circumstances of families dealing with domestic violence.

Allowing income deductions that recognize step-parents responsibilities to other children is supported.

While 12 month redetermination is preferred because this is more efficient for those administering the program and benefits children in care, SRI supports the proposed more streamlined process.

Thank you for the opportunity to comment.

Respectfully Submitted,

Martha W. Isler
Public Policy Director, School Readiness Initiative
United Way of Westmoreland County
1011 Old Salem Road, Suite 101
Greensburg, PA 15601

OCT 14 2004

Maternity Care Coalition

Strengthening families, one baby at a time

Original: 2429

37

October 11, 2004

Ms. Susan Miller
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105



2000 Hamilton Street
Suite 205
Philadelphia, PA 19130
Tel 215 972.0700
Fax 215 972.8266
www.MOMobile.org

Dear Ms Miller:

I am writing to comment on Proposed Child Care Regulation No. 14-489 published in the Pennsylvania Bulletin Doc. No. 04-1687. Through outreach, health promotion, and family support and education, Maternity Care Coalition serves over 4,000 low-income families each year in Philadelphia, Delaware, and Montgomery Counties. A typical Maternity Care Coalition (MCC) client is a low-income pregnant woman or a parent of an infant or toddler.

On behalf of the families with whom MCC works each year, we welcome the opportunity to share the views on child care and child care subsidy that these parents of infants and toddlers in the Greater Philadelphia area have brought to our attention.

First and foremost, MCC applauds the proposal's increased focus on helping low income families to access high quality care. We are very pleased to see a provision allowing for subsidy coverage for extended day for children enrolled in Head Start or pre-kindergarten. **We strongly urge DPW to enhance the quality of care for infants and toddlers through an expansion of this provision to include Early Head Start Programs as well as Head Start.** We believe that access to high quality infant and toddler child care offers very young children from low-income, low English literacy families throughout the Commonwealth the best opportunity to grow up to be healthy, contributing citizens.

MCC fully supports the "common sense" approach, inherent in these regulations, that accommodates individual family variations in work hours, allowing more working families to access child care subsidy, including those who work evening and night shifts, as well as those who work "flexible" hours as a requirement of their employment.

For the past several years, MCC has testified to the urgent need for simplification of the application process. These proposed rules appear to be a giant, positive step in this direction! Self-declaration, more flexibility in verification options, and allowing for voluntary child support agreements will increase access to subsidized child care for many more eligible families.

Yours truly,

Natalie Sondheimer, LSW
Public Benefits Education Coordinator



Healthy Mothers
Healthy Babies
Pennsylvania



A United Way Agency

OCT 08 2004

~~11/18/04~~ 9

Original: 2429

Montgomery County Office of Child Day Care Services
The Child Care Information Services of Montgomery County

Comments on Proposed Pennsylvania Department of Public Welfare
Subsidized Child Day Care Regulations

I. General Comment

We commend the Department's efforts to reduce barriers that keep families from accessing subsidized child day care due to roadblocks within the application process itself and/or restrictions within the eligibility criteria. Enabling more families to enter the childcare subsidy system in order to move toward self-sufficiency through work and education/training, is a goal we strongly support. These, in conjunction with policies that promote quality child development services, while maintaining an equitable parent choice system, are what we have all been working toward.

However, reducing the criteria for obtaining entry into the subsidy system should be balanced with some expectations and limitations that relate to the concept that the provision of subsidized child care is a support to enable parent/caretakers to move on a continuum toward self sufficiency. Implementing policies that offer greater assistance to parent/caretakers from Child Care Information staff should be balanced with the maintenance of parental responsibility for those things that they do and can control.

II. Comment on *Fiscal Impact* Statement

We are concerned that the *Fiscal Impact* statement underestimates the true impact that the eligibility regulation changes will have on the subsidized childcare system. The Department has budgeted \$5.5 million to cover the cost of serving an additional 3,388 children who will become eligible under these new regulations. This only indicates the impact on the State budget.

There is a secondary impact that relates to how these changes will impact how many children will be able to be served with existing budgeted dollars. Several of the changes will result in parent/caretakers paying lower co-payments and the Department paying higher per child subsidies – elimination of the income from a live-in companion in determining eligibility and co-payment; lower family income levels related to the reduction in the work hour requirement; reduction or elimination of child support income counted in determining co-payment; removal of limit on the number of hours per week for which subsidy can be authorized. There is the clear potential that existing budgeted dollars will serve fewer children than are being served today.

Our primary concern is that without adequate funds to support both of these fiscal impacts, we are reducing the regulatory barriers to accessing subsidized child care, thereby creating a level of expectation in families, while creating a different barrier of an excessively long waiting period for the actual receipt of the child care subsidy.

III. Impact on the Child Care Information Services Agencies (CCIS), the eligibility agencies for subsidized child day care services

The Department indicates that the “proposed rulemaking will result in reduced paperwork and record keeping for both parents and eligibility agencies.” This does not, however, translate into an actual reduction in the amount of time a CCIS worker will spend on case. Making and documenting collateral contacts to verify information can be more time consuming than reviewing and entering data from a form.

The regulatory changes will impact the workload of the CCISs in two ways:

1. The \$5.5 million to serve new eligible children will result in increases in CCIS caseloads, which must be maintained according to DPW policies and procedures.
2. Although there are a maximum number of children that will be served with the new funds, there is no limit on the number of newly eligible families who can apply for the subsidy program. The CCIS is required to accept and process all applications within very specific timelines, whether or not there are lengthy waiting lists.

The Department must factor in the potential additional administrative costs to the CCIS agencies, needed to be able to truly meet the intent of the regulations in providing prompt access to service, assistance to applicants and clients in receiving and maintaining child care subsidy, and in complying with regulatory timelines.

IV. Comments on Regulations

A. 3041.3 Definitions

Caretaker – the definition has removed the requirement that a caretaker who is not a foster parent or specified relative of the child for whom care is being requested have legal custody of the child.

It is understood that removing “legal custody” from the definition is being done to support those communities where involvement with the legal system relative to the care of children is not the cultural norm. However, there needs

to be some protection from the type of abuses that occurred in the past when legal custody was not part of the requirement. Procedurally, the caretaker should at least be required to complete a form documenting the natural parents' name, address (if known) and reason they have the child living with them.

Employment

The definition of employment no longer contains the phrase "working...for income equal to or greater than the Federal or State minimum hourly wage standards....". The current regulation provides exemption from the minimum wage requirement for those occupations legally exempt from the standard.

We support having income that does not meet the minimum wage requirement and is not exempt, as a eligible for initial entry into the subsidized system, with a time limitation of two years, based on the concept of supporting and encouraging individual's movement toward self-sufficiency.

Family

The proposed definition of who is to be included in the *family* for the purpose of determining eligibility, no longer requires that a "live-in-companion" of the parent/caretaker be counted. We support this change, since legally, a live-in-companion who is not the parent of the child(ren) has no financial responsibility for the child(ren) of their partner.

Self-Employment

The definition of self-employment no longer contains the phrase "operating one's own business, trade or profession for profit equal to or greater than the Federal or State minimum hourly wage standards....". The current regulation provides exemption from the minimum wage requirement for those occupations legally exempt from the standard.

We understand that the elimination of the minimum wage requirement is to provide time for an individual starting a new business/trade/profession to get off the ground. We support having income that does not meet the minimum wage requirement and is not exempt, as eligible for initial entry into the subsidized system, with a time limitation of two years, based on the concept of supporting and encouraging individual's movement toward self-sufficiency.

This addition to the definition or financial eligibility regulation would also be added to the definition of *net profit from self-employment*.

B. 3040.14 (formerly 3040.20)

(a)(1) The benefit limits of 50 hours of childcare in a 7-day period for employment and an additional 12 hours of childcare to attend training, beyond the hours needed for employment, have been removed. Without some limit on the number of hours in a week for which subsidy can be paid, one child could, for example, be authorized for 1 part-time and 2 full time subsidy payments to three different providers each day, 7 days a week.

(B)(1) This regulation, which relates to the availability of a parent/caretaker in the household during the hours for care is being requested, has been re-worded to say that care can be authorized if one or both parent/caretakers who are otherwise available and expected to care for the child, is physically or mentally incapable of providing childcare, or cannot provide child care because of the need to attend treatment for a physical or mental illness or disability. In the past, the concept was always that this kind of exemption applied when at least one parent/caretaker was able to work. Or that the exemption was connected clearly to a temporary disability of up to six-months, where at least one parent is expected to return to work.

We recommend that these limitations be retained, unless additional funding for families where there is no ultimate work-related need for child care can be provided through the appropriate service delivery system, i.e. MH/MR/D&A; Aging & Adult; Children & Youth. These additional funds could still be managed through the childcare subsidy system.

D. 3041.33 Income Adjustment

(5) This regulation contains a new income adjustment – a basic living need allowance deduction to be calculated and deducted from the income of a stepparent of a child for whom subsidy is being requested.

We support the addition of this adjustment and would like to recommend that this same deduction be given to a caretaker who is the grandparent (or possibly even further, any caretaker who is a specified relative) of the children) for whom care is being requested. If this recommendation is considered, it should be limited to caretakers who legally standing relationship to the child(ren),

Grandparents who are suddenly faced with raising young grandchildren constantly contact CCISs. They do not want or need

to get involved with Children & Youth, or the CAO; they just need help with childcare to be able to continue working and to keep their grandchildren out of the foster care system. Unfortunately, these individuals are often over income for the subsidy system, often by only a small amount.

E. 3040.43 Work, education and training

© This regulation changes the former requirement that required 25 hours per week of work before a parent/caretaker became eligible for an additional 12 hours per week of child care to attend training. The new regulation allows a parent to be eligible by combining 10 hours per week of work with 10 hours per week of training to meet a total 20-hour per week requirement.

This regulation needs to be clarified as to whether it means that as long as a parent works 10 hours, they can receive any number of hours of subsidized child care to attend training, i.e. work 10 hours, attend training 50 hours.

We recommend that this regulation have a time limit related to it, so that after a certain amount of time, (2years? 4 years?) the parent/caretaker must then meet the regular work hour requirement (20 hours) before additional hours for training will be authorized.

(d) This new regulation institutionalizes a policy that DPW implemented to assist families who had real, temporary situations impacting their ability to work 20 hours. The new regulation adds an new criteria that was not in the former policy: a waiver of the 20 hour work requirement can be given if the parent/caretaker doesn't meet the requirement because of "temporary work slow-downs", as long as the parent is normally scheduled to work an average of 20 hours per week. It is extremely important that this waiver be very clearly defined, with some clear time limitations (how often before a "temporary" slow down is really permanent). If this isn't done, the 20-hour work requirement has no meaning.

F. 3040.51 Head Start Expansion

We support the Department's Head Start Expansion initiative, which combines meeting a parent's need for full day child care services to be able to work with providing a consistent school readiness program for low-income preschool children.

We are questioning the intent of paragraph (d) which is not part of the current Head Start Expansion policy implemented in March, 2004. We do not support this paragraph if it is saying that a family who has one child in Head Start Expansion and three other children in traditional subsidized child care, will only be held to the requirements in section 3040.51 for all four of the children as long as the one child remains in Head Start.

Currently, a family in this situation would have to do a normal application for the non-Head Start services they are requesting, and have to meet all the normal subsidy requirements other families needing and using non-Head Start Expansion services have to meet. If this parent becomes ineligible because, for example, they become over-income, the subsidy would stop for the three non-Head Start Expansion children and continue for the Head Start child. We support the continuation of this policy.

We feel that to retain the basis of a parent-choice system, there should not be any benefit given to any parents requesting traditional subsidy service for a child. This is especially true since there are many parents in the subsidy system at Head Start eligible income levels, where Head Start Expansion is not available, who do not choose to use Head Start, or have children outside of the Head Start age-range.

G. 3041.64 Verification of Income

(a)(1) The regulation changes the requirement for "pay stubs covering 4 consecutive weeks" to "pay stubs reflecting earnings for 3 in the most recent 6-week period". We support the elimination of the requirement that the pay stubs be consecutive. However, since regulation 3040.43(a) has the CCIS averaging work hours over a 4-week period, and the majority of subsidized families do have varying work hours and therefore, varying pay, we strongly urge that both the work hour and the income calculation be based on four (4) weeks. This is even more appropriate relative to income, as many people get bi-weekly pay stubs.

H. 3041.109 Co-payment for families headed by a caretaker

This new regulation sets the co-payment for the family of a caretaker who is not the parent of any child for whom subsidized childcare is being requested, at the lowest level for a family of its size. We fully support this benefit for caretakers who are specified relatives of or have legal custody of the child(ren) for whom care is being requested. This will be a valuable, and much appreciated benefit to these individuals.

I. 3041.127 Parent and caretaker report of changes

((b)(3) Parent/caretakers should be required to report all income changes. This regulation, as written, will be too confusing for parents/caretakers to understand. We do not recommend that it be the responsibility of a parent/caretaker to figure out which income changes they are required to report and which they don't have to report.

Determination of what income change amount should require a partial or full redetermination of family eligibility and a co-pay adjustment should be left to the CCISs and covered in the regulations relating to co-payments and partial/full redeterminations.

We support as written any new or unchanged regulation not specifically mentioned above.

Respectfully Submitted

Connie R. Whitson
Executive Director

October 8 2004

OCT 11 2004

14-489-13

Original: 2429

OCT 11 11 00

October 11, 2004

Susan Miller
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105

Dear Ms. Miller:

I urge the Independent Regulatory Review Commission to approve of the proposed Child Care Subsidy regulations at 55 Pa. Code Chapter 3041.

As a partner collaborating with the Pennsylvania Child Care Campaign, we have worked with parents, child care providers, and elected officials over the past six years, advocating for the removal of barriers in the current subsidized child care program. Our work with more than fifty child care centers through our initiatives – Early To Learn Partners for School Readiness and the Preschool Quality Project -- helped us to understand the dynamics of the child care system, which aided our opinion on the proposed regulations.

We know that child care is often the key component that keeps a parent working. Knowing that your child is in a safe, protective, learning environment is a great comfort to parents who are working toward self-sufficiency and independence.

We support the changes for a number of reasons. One, the restoration of the 20-hour per week work requirement makes sense to us. This change will help a parent transition from welfare to work. If a parent is working just 20 hours a week but leaves the TANF system, s/he would need to be provided an additional five hours from their employer, which is something out of a parent's control.

Two, the change to have a program that informs and encourages parents about the benefits of pursuing court ordered child support and helps them file support actions rather than the current mandate that all parents file for court ordered support demonstrates that the Commonwealth understands the dynamics of some families. This change permits the decision about whether to pursue court ordered support or work out a voluntary support agreement – a decision that can have implications for children – into the hands of the parent. The parent, not the state, should make this decision.

Three, streamlining and simplifying the verification process by permitting alternative forms and methods of verification for each factor of eligibility through a sequential verification scheme will make the system work better, both for families and child care providers. In this way, government serves families rather than families serving the needs of government.

These proposed child care regulatory changes are designed to meet parents' needs. Our parents are doing the best they can and we ask the Commonwealth to do the best it can.

If these changes are approved, the United Way stands ready to work with the Commonwealth, parents, child care providers, and children to help implement the changes.

Sincerely,

Alba Martinez
President

14-489-11

OCT 08 2004

Original: 2429

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE AUDITOR GENERAL
HARRISBURG, PA 17120-0018

THE AUDITOR GENERAL

October 8, 2004

The Honorable Estelle Richman
Secretary
Department of Public Welfare
333 Health and Welfare Building
Harrisburg, Pennsylvania 17120

Dear Secretary Richman:

I commend you for your decision to change Pennsylvania's subsidized child care regulations to remove barriers that for years have caused undue hardship to working families, especially the 25-hour work week, the requirement that only court-ordered child support is acceptable, and the cumbersome application process.

Your proposed change from a 25-hour work week requirement to a 20-hour requirement will finally make the subsidized child care program compatible with TANF. As you know, the 25-hour requirement has left many working women without child care as they struggle to transition from welfare to work, undermining the very goal of welfare reform.

A few years ago, a father told me that for reasons beyond his control he lost two hours of work, and therefore did not meet the 25-hour weekly requirement. He received notice that he would lose his child care subsidy. "I don't want to have to quit my job because of this and have to start all over again," he said.

I am also pleased that families for whom court-ordered support is not the best option will no longer be refused crucial child care assistance. Three years ago, Pennsylvania Citizens for Children and Youth and the United Way of Southeastern Pennsylvania identified the mandated link between child support enforcement and the receipt of child care subsidies as a significant barrier to accessing child care. The proposed regulations represent a commonsense solution to this problem.

Finally, a more family-friendly application and redetermination process that also "supports parents who pursue education or training to qualify for a better paying job in the future" will certainly create a system that is more responsive to the needs of the families it is designed to serve.

The Honorable Estelle Richman

Page 2

October 8, 2004

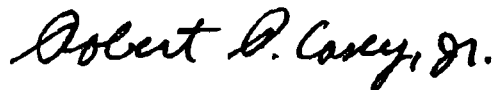
These and other changes made in draft Regulations Reference No. 14-489 that you have submitted to the Independent Regulatory Review Commission (IRRC) will make significant improvements in the subsidized child care program, and ensure that it more effectively helps families obtain self-sufficiency.

At a forum in 2001, I listened to Carla, a mother of five, talk about how she loved her job as an administrative assistant and, in an effort to become more financially stable, she was committing five nights each week to completing a GED program. She had come to the forum to urge the Schweiker administration to make the program more accessible to real families with real struggles. "I want to continue to go forward," she said.

I commend you and your staff for the time and effort you have put into implementing comprehensive changes that will finally help women like Carla go forward. These new regulations, as well as your creation of a deputy-level Office of Child Development, demonstrate the Rendell administration's commitment to early care and education in Pennsylvania.

Best wishes for continued success.

Sincerely,

A handwritten signature in black ink that reads "Robert P. Casey, Jr." in a cursive script.

Robert P. Casey, Jr.
Auditor General

OCT 08 2004

~~CONFIDENTIAL~~

Original: 2429

-----Original Message-----

From: Mary Alice Williamson [mailto:pw-MWillia@dpw.state.pa.us]

Sent: Friday, October 08, 2004 2:41 PM

To: 'susanmille@state.pa.us'

Subject: Comments on Proposed Regulations

Susan,

Please find attached our comments regarding the proposed regulation changes. Thank you.

<<CHILD CARE NETWORK COMMENTS.doc>>

*Mary Alice Williamson
Office Manager
Child Care Network, Inc.*

CONFIDENTIAL
OCT 14 PM 1:05
2004

CHILD CARE NETWORK COMMENTS		
SECTION	RECOMMENDED CHANGE	REASON
3041.43(a) Work, education and training	Maintain 25 hour requirement or increase to 30 hours as recommended in past proposed changes.	By decreasing the amount of hours required, this will increase the possibility of long waiting lists. This is also taking away possible funding for families working full-time and needing full-time care. This action does not promote self-sufficiency.
3041.31 Family Size	Maintain live-in companion as part of family size.	Parent/caretakers who do not have to report live-in companions have an unfair advantage over a parent/caretaker who lives alone. The parent/caretaker with a live-in companion has access to additional income within the household, and/or reduced living expenses. By not including the live-in companion in the family composition, this could increase the waiting list and keep other needy children from getting care. (Food Stamp and WIC require reporting of "all" people living in a household.) This should not be a new concept to the majority of the subsidized clients. A possible solution to benefit both sides may be to adopt the basic living need allowance as outlined in 3041.33 Income Adjustment, to include live-in companions.
3041.130 Redetermination of Eligibility	Establish a 1 year redetermination requirement.	A six month redetermination does not coincide with the <i>"Purpose of the Proposed Rulemaking"</i> thoughts on developing a "user-friendly" child care system. Based on the proposed requirement clients would need to report changes based on income limits that they would not readily have available to them. The current regulation that requires reporting of all changes encourages responsibility on the part of the parent. By continuing to enforce the current reporting regulation we strongly believe that a 12 month redetermination is sufficient. We still will be able to monitor eligibility while easing the paperwork requirement of the clients.
3041.127 Parent/caretaker report of change	Retain the requirement that clients must report all changes.	
3041.101(e) General Co-payment Requirements	This should read that the co-payment is due on the first day of the family's service week and each week thereafter.	By stating the "first full week" this implies that any client who does not enroll on a Monday would not be responsible to make a co-payment for that week of service. Co-pay should start on the first day of the service week, regardless of the day of the week.

OCT 12 2004

14-489-28

Original: 2429

October 8, 2004

Susan Miller
Bureau of Child Daycare
Depart of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Ms. Miller,

I wanted to take this opportunity to tell you what the continuation of childcare to the age of 15 would mean to me and my child.

Kara is a special needs child, she is 13 and doesn't walk or talk, and is 1 and 12 years old mentally.

I have been notified that child care would end for her at her facility after this year.

This impacts my family greatly.

I am a social worker, working, and the task of finding care for her is devastating.


The facility I use has been wonderful. It is her second home after school and in the summer for camp.

Being a child with special needs, many private caregivers are scared to take her. She is incontinent and just the title special needs puts some people off.

In general, I feel that the 13 - 15 population is still in need so a watchful eye. They can use a homework spot after school, and the thought of children going home to an empty house is frightening to me.

Please consider the best for our kids and extend the age for child care.

Thank you,


Marilyn Constable
415 JPM RD
Lewisburg, PA 17837
570-523-0083

OCT 12 2004

14-489-20



766 East Pittsburgh Street, Suite 202
Greensburg, PA 15601
(724) 836-4580 (800) 548-2741
Fax: (724) 836-5415

Original: 2429

October 8, 2004


Ms. Susan Miller
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105
Re: 14-489

Dear Ms. Miller,

Enclosed with this letter are comments on the Subsidized Child Care Eligibility Proposed Regulations, Chapter 3041, as prepared by the Child Care Information Services of Westmoreland County staff. Comments from all staff have been compiled; therefore, not all comments are the direct opinion of the Director or any other individual staff member.

We appreciate the opportunity to respond to the proposed rulemaking. We look forward to the final regulations in the near future.

Sincerely,



Jennifer L. Pusateri
Director, CCIS of Westmoreland County

cc: Kathleen Huth, CCIS Regional Coordinator

enc

- (1) Military – states families where one or both parent/caretaker has “active duty” status.

These families should not be subject to financial requirements for eligibility and their family co-pay should be \$5.00. This will allow the families to maintain financial self-sufficiency and this will also assist in alleviating some of the pressure and stress they are experiencing (eliminating a hardship).

- (2) 3041.3

The definition of live-in companion is needed. This definition should include how they impact the family composition and eligibility. This should also include responsibility for care of the child when not working.

- (3) 3041.14(a)(2)

The number of hours interrupted time for sleep time needs to be designated. Clarification: if sleep time and work time will be allowed to occur as one extended unit or two separate enrollments.

- (4) 3041.14(b)(2)

Suspected abuse needs to be documented by an outside agency.

- (5) 3041.16(f)

Waiting lists will occur and increase under the present proposed regulation, but if the amount of time given to parents to choose a provider and be enrolled is shortened it may assist in controlling the number on the waiting list.

Suggestion: Give clients 20 calendar days (10 calendar days and 10 calendar days under an adverse action) instead of 30 days.

- (6) 3041.41(1)

In order to help families, make the initial applicable income 235% of the FPIG. This would help to create continuity throughout the program for income guidelines.

- (7) 3041.43(a) and 3041.45(a)

How is working 20 hours/week and not charging a co-pay to a new applicant with a prospective employment assisting a family with self-sufficiency and realistic expectations in life? Basic economics teaches,

“there is no such thing a free lunch”. A minimum co-pay of \$5.00 reinforces the concept that this is not an entitlement program and it establishes the importance/responsibility of paying your weekly co-pay.

As far as lowering the number of work hours required for care to 20, this is not going to encourage or inspire families to work more hours towards financial self-sufficiency. The probability of this having a negative/adverse reaction is high. Yes, 25 hours/week was a problem – mostly because of it being such a “peculiar” amount. (24 hours, 3-8 hour shifts, makes more sense.) To address the transition issue for TANF clients, give them one year (instead of 183 days) to obtain a job(s) that meets the number of work hours required. If after one year their income has not increased, then our “system” has failed them. Therefore, if the number of work hours are decreased, then we are setting them up for failure, as far as reaching financial self-sufficiency is concerned.

(8) 3041.64(a)(1)

Pay stubs should reflect earnings for 4 weeks not 3 weeks.

(9) 3041.66

We support that the minimum wage is no longer a factor in determining if a person is working enough hours.

(10) 3041.83(e)

We support this.

(11) 3041.91(a)

Question: What type of documentation is the parent or caretaker going to submit to support their domestic violence issues?

(12) 3041.101(e)

We support this.

(13) 31041.103(a)(1)

Completion of a partial redetermination for actual pay stubs should be held off until a month to six weeks of salary is received. In doing this, the probability of having a more accurate income amount will occur.

(14) 3041.106(c)(1)

Is this saying that during the 10 days of adverse action care is not available until the co-pay is paid or the family is terminated?

(15) 3041.108(a)(2)

Everyone should have a minimum co-pay.

(16) 3041.126

If there is concern about the family having a hardship then the time period to complete a face-to-face should be longer than 30 days.

(17) 3041.133

Again, 30 days is too long to complete enrollment. This delay in time causes an additional hardship for those on the waiting list trying to receive care.

(18) We support that court ordered support would no longer be a requirement. This was a hardship that was unnecessary, especially in the case of mutual agreements.

OCT 12 2004

14-489-18

Original: 2429

**Child Care Consultants, Inc
CCIS of York County**

Memo

To: Susan Miller

From: Pat Torbert *Pat*

Date: 10/8/2004

Re: Proposed regulation changes

Susan:

I am passing along comments from several eligibility staff from York County CCIS.

Pat

Comments on proposed regulation changes

Employee #1

DPW is making it too easy for clients to receive subsidized funding. This is a program for working families...a step above welfare. Clients should have to work at least 25 hours per week to receive assistance. Reducing the work requirement does not help families to advance in the working world.

Also, clients should have to pursue child support for any absent parent. Why shouldn't an absent mother or father help with the costs of raising their own child????

Employee #2

One of my concerns is, allowing a family to be eligible without pursuing child support. I think the absent parent has a responsibility toward his/her child and if we don't require this they will never pay child support. I really don't think a client has that much difficulty opening a case with Domestic Relations. Dropping this requirement won't necessarily make it easier to apply. We already give them plenty of time to get the documentation in. At the same time a client receiving child support may actually be over income but if they don't tell us they are receiving support they may be eligible. Without the documentation we can't prove what they are receiving.

The other concern is that we wouldn't include a live in companion's income. This enters a territory I am afraid the State of Pennsylvania hasn't completely thought through. Are we going to ask for birth certificates to prove the person living with the client isn't a parent? I think that if someone moves in with a client that they are in essence taking on that "parental" role and therefore their income should be included.

Employee #3

I would like to see a deduction on income for health insurance paid by the parent. If we want the program to be more, parent friendly, we should reward those families who make the health of their children and themselves a priority. Health Insurance costs are sky rocketing and parents should be able to afford insurance as well as day care.

OCT 08 2004

~~14 489-6~~

(6)

Original: 2429

-----Original Message-----

From: Chang, Caulyn D. [mailto:cchang@chesco.org]
Sent: Friday, October 08, 2004 9:19 AM
To: susanmille@state.pa.us
Cc: lguytonwal@state.pa.us
Subject: Comments on proposed state regulations-Chester County CCIS

Hello Ms. Miller:

The following is collective commentary from Chester County CCIS

The regulations are quite lenient. We think it absolves clients of responsibility. We also feel that current clients who become aware of new regs will quit their jobs and/or reduce their hours. This will in turn, reduce their co-pay. With all the extra \$ we will need to spend to serve these populations-just wondering where the \$ will come from? In addition, lenient regulations also translates to:

- More eligible clients
- Less attrition
- Larger caseloads for staff (are we getting more admin \$ in order to hire staff?)
- Need for larger service allocations
- Longer waiting lists

The only regulations that our CCIS was in support was with regards to the 84 days maternity leave as it coincides with already established federal FMLA guidelines. We also were in agreement with the sleep time adjustment. This is now in line with TANF guidelines.

Caulyn D. Chang
CCIS Eligibility Supervisor
610-344-5714
cchang@chesco.org

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Original: 2429



5

Joan L. Benso, President and CEO

**Pennsylvania
Partnerships for Children**

Peter P. Brubaker, Chair of the Board

20 North Market Square, Suite 300, Harrisburg, PA 17101-1632

October 7, 2004

Susan Miller
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105

Dear Ms. Miller:

Pennsylvania Partnerships for Children (PPC), a strong, effective, and trusted voice for improving the health, education, and well-being of the Commonwealth's children would like to voice our support to the proposed changes to the subsidized child care eligibility regulations.

PPC has been a long time advocate and supporter of reducing Pennsylvania's work requirement for subsidy to 20 hours per week, eliminating the court mandated child support requirement for eligibility, the annual re-determination, the streamlining and simplification of the verification process, and the special provisions to support children from low-income families enrolled in Head Start or a pre-kindergarten program and who need extended hours or days of care.

PPC commends the Department's efforts to develop a "user friendly" child care system that is accessible to eligible families who need help finding and paying for quality child care that is responsive to their needs.

Sincerely yours,

Joan L. Benso
President & CEO

CC: IRRG

OCT 14 2004

Original: 2429

35



YMCA of the
Brandywine Valley

October 7, 2004
We build strong kids, strong families, strong communities.

REGIONAL BRANCH
Brandywine YMCA
295 Hurley Road
Coatesville, PA 19320
(610) 380-YMCA
Fax (610) 383-1538

Susan Miller
Bureau of Child Day Care
PA Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Ms. Miller,

I am writing in response to the Proposed Rulemaking for Subsidized Child Care Eligibility as published in the Pennsylvania Bulletin on September 11, 2004. I would like to request that the Department of Public Welfare raise the eligibility age for subsidized child care beyond the age of twelve.

Many working parents in our area are now looking for programs for children attending middle school. They do not feel comfortable leaving their thirteen year old child home alone. The parents must send their children home by themselves and require them to stay inside their homes. The children are isolated, inactive and often afraid to be alone.

In licensed, subsidized programs children can get homework assistance, much needed exercise and a nutritious snack. There are responsible adults around to provide guidance. They are able to socialize with their peers in a safe environment, which is free from drugs and alcohol. They are not exposed to criminal activity. Statistics show that children are more prone to be sexually active at an earlier age when left unsupervised.

Many lower income families have difficulty affording programs for older school-age children. They are not able to fund their child's participation in sports or arts programs.

Many after-school programs already participate in subsidized care through the state. The Department of Public Welfare defines school-age children as children entering first grade through the age of 15. The eligibility regulations for subsidized child care should be consistent with the child care facility regulations. If child care facilities can serve children through 15 years of age, then their care should be able to be subsidized.

ASSOCIATION OFFICE

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50 S. First Avenue
Coatesville, PA 19320
(610) 643-YMCA
Fax (610) 643-0132

REGIONAL BRANCHES

Kennett Area YMCA
101 Race Street
Kennett Square, PA 19348
(610) 444-YMCA
Fax (610) 444-1846

Southern Chester County YMCA
880 West Baltimore Pike
West Grove, PA 19380
(610) 869-8001
Fax (610) 869-8004

West Chester Area YMCA
One East Chestnut Street
West Chester, PA 19380
(610) 431-YMCA
Fax (610) 692-8712



Since the goal of the State is to increase access to high quality child care for infants through school age children, as stated in the Pennsylvania Bulletin, what better way to increase access than to allow eligible parents of all older school-aged children, including those through 15 years of age as defined by the Public Welfare Code, to receive subsidized child care.

I have worked in licensed child care facilities for over 25 years and have seen the need for quality child care, for older children, grow over the years. I feel that I speak for many parents in our community and I hope your agency considers my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Ricedorf Boerlin", with a long horizontal flourish extending to the right.

Carol Ricedorf Boerlin
Senior Program Director
Brandywine YMCA

14-489-24

OCT 12 2004

Original: 2429

October 7, 2004

OCT 14 11:08:07

To Whom It May Concern:

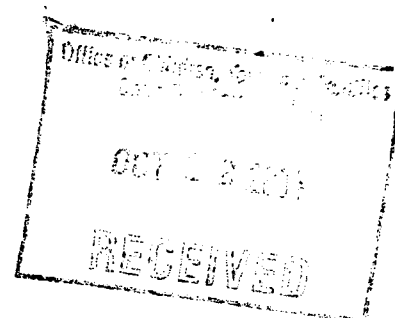
My name is Silvia Custis-Henry and I am writing this letter with concerns that come November my daughter will be turning 13 and Title XX funding will end for her. That's disturbing because I do not believe at 13 children are neither mature nor responsible enough to be given the responsibility of being home alone. Yes, there are a lot of children that do this at that age and some even younger, but I think that you would agree that a lot of those children find themselves giving in to peer pressure and doing things that are inappropriate.

Unfortunately we live in a world that is unkind among people that are uncaring, and the school that my daughter attends sit in the middle of a drug-infested community. It's reassuring to know that if my daughter is not at the bus stop at the appropriate time, someone is on the phone with me wanting to know why she's is not at the stop.

It would be a big help to me and any other parent of a 13 year old, especially if you are a single parent, without any other parenting support, if Title XX would extend the funding until the child began High School.

I thank you in advance to your attention to this matter.

Sincerely


Silvia R. Custis-Henry

OCT 12 2004

14-489-23

October 7, 2004

Original: 2429

To whom it may concern:

Quality child care is an important factor in society today. The benefits of the care can be seen in the children and families that take advantage of the services provided, as well as the facility itself. Younger children are provided a safe, healthy environment in which to thrive socially and physically, mentally and intellectually. As the children grow older, they are provided with opportunities to be positive role models to the younger children. They assist the younger children in the school age program with reading and homework, and provide guidance in regards to social behaviors, such as basic good manners. These children receive help with their homework daily, which then allows them to spend more time with their families at home in the evening rather than doing homework at night when they should be spending time with their families. There is also the advantage in that parents know that their older children are safe after school, rather than not knowing where their child is or who they are with.

When funding is cut off for these children at the age of 13, it presents a damaging situation to the children and to the families. Children may appear physically mature enough to handle being alone after school for sometimes several hours until parents return home from work, but emotionally and intellectually are going through a confusing time in their lives. They are dealing with more peer pressure, and they are presented with harmful situations that they may not know how to handle without guidance. Without adult supervision after school, children are exposed to elements such as drugs, petty crimes, and for some more serious crimes such as theft or assault. Family time suffers in that children are less likely to complete homework on their own after school than if there is someone encouraging them to do it. This then leads to children doing homework after the parents have returned from work rather than spending the time together in a valuable manner. This is also a disadvantage to the child in regards to the quality of homework. At the facilities, the children have a staff person that helps

them with their work, someone who can give guidance and encourage the child to complete their work to the best of their abilities. At night, parents are responsible for cooking dinner, and sometimes looking after younger siblings. This sometimes leaves very little time at night for homework to be completed correctly. The day care facilities also lose out in that they are losing valuable role models for the younger children. They lose the children who have been helping the younger children with homework time, and with modeling good manners. The younger children observe their older peers using positive language, in dealing with problems in an effective manner versus fighting, and helping those who need help.

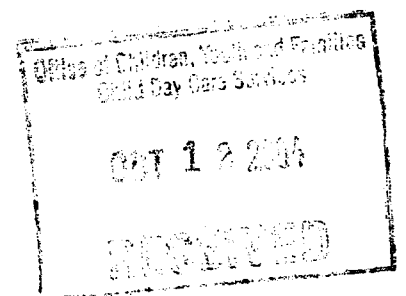
By allowing the children an extra year, or even two, to remain in an environment where they feel safe, and are happy, the children benefit, the families benefit, and the facilities benefit.

Thank you for your time in considering this matter.

Sincerely,

Veronica M. Scocca

Veronica M. Scocca
School Age teacher
The Cuddle Zone Learning Center



OCT 08 2004

~~10/10/04~~ 10

Original: 2429



**Pennsylvania
Partnerships for Children**

Joan L. Benso, President and CEO

Peter P. Brubaker, Chair of the Board

20 North Market Square, Suite 300, Harrisburg, PA 17101-1632

October 7, 2004

Susan Miller
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105

Dear Ms. Miller:

Pennsylvania Partnerships for Children (PPC), a strong, effective, and trusted voice for improving the health, education, and well-being of the Commonwealth's children would like to voice our support to the proposed changes to the subsidized child care eligibility regulations.

PPC has been a long time advocate and supporter of reducing Pennsylvania's work requirement for subsidy to 20 hours per week, eliminating the court mandated child support requirement for eligibility, the annual re-determination, the streamlining and simplification of the verification process, and the special provisions to support children from low-income families enrolled in Head Start or a pre-kindergarten program.

PPC commends the Department's efforts to develop a "user friendly" child care system that is accessible to eligible families who need help finding and paying for quality child care that is responsive to their needs.

Sincerely yours,

Joan L. Benso
President & CEO

CC: IRRRC

OCT 12 2004

Original: 2429



14-489-27
**YMCA of the
Brandywine Valley**

We build strong kids, strong families, strong communities.

REGIONAL BRANCH
Southern Chester County YMCA
880 West Baltimore Pike
West Grove, PA 19390
(610) 869-8001
Fax (610) 869-8004

Susan Miller
Bureau of Child Day Care
PA Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Susan,

10/7/04

I am writing to you to show support on behalf of my YMCA and its families for the possible change by the Department of Public Welfare to raise the eligibility age for children so that all older school-age children could be eligible for subsidized child care.


The number of middle school-age child care programs is growing and more parents are requesting care for middle school-age children. The YMCA is leading the way in offering care for this age group. As more families are double working families the need for increased services is alarming.

Lower income families have difficulty affording programs for older school-age children. Parents have been forced to have their middle school-age children stay home alone, unsupervised. This is not the best situation for this age group. Children who are 13, 14 and 15 need safe, well-supervised programs before and after school. Our YMCA provides financial assistance to numerous families each year. In 2003 our YMCA Association provided financial assistance to more than 4300 individuals in need in our community of Chester County.

These funds alone can not reach all of the families in need. Our centers are servicing this age group. When subsidy stops for older children, many times families need to stop care and find new providers. These changes disrupt the entire family, many times, negatively affecting the younger siblings. Making the subsidized child care eligibility regulations consistent with the child care facility regulations will help this situation. If child care facilities can serve children through 15 years of age, then their care should be able to be subsidized.

On behalf of all families with older school-age children who are eligible for subsidized child care, thank you for considering this request.

Sincerely,


Pam Kennedy
Sr. Director of Youth and Family Programs

ASSOCIATION OFFICE

YMCA of the Brandywine Valley
50 S. First Avenue
Coatesville, PA 19320
(610) 643-YMCA
Fax (610) 643-0132

REGIONAL BRANCHES

Brandywine YMCA
295 Hurley Road
Coatesville, PA 19320
(610) 380-YMCA
Fax (610) 383-1538

Kennett Area YMCA
101 Race Street
Kennett Square, PA 19348
(610) 444-YMCA
Fax (610) 444-1846

West Chester Area YMCA
One East Chestnut Street
West Chester, PA 19380
(610) 431-YMCA
Fax (610) 692-8712



A United Way Member Agency

OCT 12 2004

14-489-15

Original: 2429



Northampton Community College

October 7, 2004

Susan Miller
Bureau of Child Day Care
PA Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Susan,

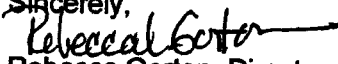
On behalf of Northampton Community College and its Early Childhood Education Department, I am writing to request that the Department of Public Welfare raise the age eligibility for Subsidized Child Care to include children through 15 years of age. This change would increase access to regulated care for older school-age children, hence accomplishing one of the Department's goals as stated in the September 11, 2004 issue of the Pennsylvania Bulletin.

Research demonstrates the importance of afterschool programs for middle school-age children and teens. According to the National Institute on Out-of-School time:

- Teens who are unsupervised during afterschool hours are 37% more likely to become teen parents.
- Lack of adult supervision and participation in self-care for both children and adolescents have been linked to: increased likelihood of accidents, injuries, lower social competence, lower GPA's, lower achievement test scores, and greater likelihood of participation in delinquent or other high risk activities such as experimentation with alcohol, tobacco, drugs and sex.
- Afterschool programs can increase engagement in learning by providing middle school students with opportunities to meet needs that schools often can't, e.g., personal attention from adults, a positive peer group, and activities that hold their interest and build their self esteem.
- Fifty-two percent of teens say they wish there were more community and neighborhood based activities during the afterschool hours.

Children who are 13, 14 and 15 years old deserve the same access to regulated and subsidized child care as their younger siblings. If child care facilities can serve children through 15 years of age, then their care should be able to be subsidized if they meet the eligibility criteria.

Thank you for considering this request. We look forward to your support in providing access to subsidized child care for older school-age children.

Sincerely,

Rebecca Gorton, Director
Early Childhood Education Department

OCT 12 2004

14-489-33

Original: 2429

October 7, 2004

To Whom It May Concern:

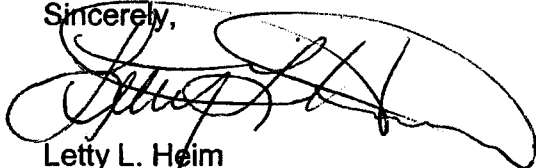
As a parent of two children, ages 15 and 7, the notion of after-school hours of care for pre-teens and young teens is certainly one I have considered. Both of my children have been involved in after school programs while in elementary school. This program offers me the reassurance that instead of my children returning to an empty home and feeling insecure because of being alone, they can be in a safe environment with friends and are cared for by adults. However, this security "nirvana" ends when they start middle school – age 11.

My oldest child, unfortunately, was alone in our home after school during his middle school years until we returned from work. We had a routine established of "checking in" – just as many parents do. I was assured because my child is very conscientious and responsible but I still felt ill at ease because of the "what if...." Fortunately, nothing did happen but I am only a few years away from my youngest being thrust into this same scenario. An even greater fear consumes me because this child is more carefree and hapless than my older child. If an after-school program was established for middle school, I would continue to feel at ease knowing that she is well cared for until we return from work.

The current generation of children does not have the advantage of their predecessors --when mom was at home after school. This concern is evident because I have been involved in several discussions with other parents about middle-school aged after-school care. Our general consensus is that extended hours of care for this age group would be most beneficial. Not only would these children have time to re-group for the day, do homework, socialize and interact with peers, but more importantly, they will remain in a structured setting geared toward their well-being and security – and that is what this age group needs.

Please consider extending the age guidelines for child care providers. While it should not be a requirement for parents to furnish care for children of this age group, many parents will take advantage of programs that are offered and aligned for this age group. More importantly, the children will benefit from the extended hours of care.

Sincerely,



Letty L. Heim
Northumberland, PA

10/14/04 11:00 AM
10/14/04 11:00 AM

OCT 12 2004

Original: 2429

14-489-32

October 7, 2004
2623 Covington Ave.
Bethlehem, PA 18017

Susan Miller
Bureau of Child Day Care
PA Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Susan,

As a parent who was unable to find regulated child care for my middle school-age daughter, I am writing to request that DPW raise the age eligibility limit for subsidized child care. Extending eligibility for 13-15 year olds will provide an incentive for the creation of more regulated middle school-age child care programs, benefiting not only income eligible families but also all parents and children across Pennsylvania.

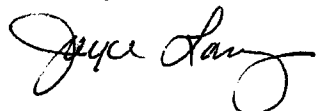
Not having access to child care subsidies for children over the age of 12 has been cited a major barrier to the development of middle school-age child care programs, according to a Middle School-Age Quality Initiative conducted by Community Services for Children several years ago. When my daughter was in middle school, I was forced to use unregulated, home-based care because there was no other regulated option. Although she was safe, my daughter missed out on opportunities for learning, recreation and interaction with her peers afterschool for those three years. Middle school-age children in Pennsylvania deserve better than that.

In the mid-1980's many counties in Northeastern PA (and probably throughout the Commonwealth) did not provide subsidized child care to any school-age children. Fortunately, that service is now available statewide. There is evidence that, as subsidized care became available for school-agers, the number of regulated school-age child care programs began to grow. If we raise the age limit for subsidized child care eligibility, we can make the same thing happen for middle school-agers.

Families at all income levels deserve access to regulated child care. By raising the age eligibility limit for subsidized child care, the Department can meet its goal of increased access to high quality child care for all children, including older school-agers.

Thank you for considering this request. I hope that we can count on the Department's support for families with older school-age children.

Sincerely,



Joyce Lang

OCT 12 2004

Original: 2429

14-489-30
10/7/04

Dear Mr Miller,

As an early childhood educator,
& am very interested in quality
childcare for all children. Please

give great consideration to extending
the age for childcare to include
ages 13 to 15. This is such a critical

age.

Thank you,

Wayne Sells

OCT 12 2004

14-489-16

Original: 2429



515 North 19th St. Allentown, PA 18104
(610) 820-0855

1525 North 18th St. Allentown, PA 18104
(610) 435-9645

10/7/04

Susan Miller
Bureau of Child Day Care
PA Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Susan,

I am writing in response to the Proposed Rulemaking for Subsidized Child Care Eligibility as published in the Pennsylvania Bulletin on September 11, 2004 and would like to request that the Department of Public Welfare raise the eligibility age for children that all older school-agers could be eligible for subsidized child care.

There are many reasons why I believe that the eligibility age for subsidized child care should be raised to accommodate all children that attend child care facilities. First and foremost is the matter of consistency. If a child care facility is able to enroll children up to the age of 15 years, then why is subsidized child care only available to children up to the age of 12 years? As a child care provider I believe that all children in my child care facility should be treated equally. There is no reason why a 12 year old child can receive subsidized care and his/her 15 year old brother/sister cannot. The subsidized child care eligibility regulations must be consistent with the child care facility regulations. Secondly, lower income families have difficulty affording child care for their older school-age children. Thus, this fact forces the parents into a difficult dilemma. They have to choose whether to spend the much needed money on child care, or let their teenager(s) stay home unsupervised. Many families cannot afford to send these children to child care facilities and have to worry about their children while at work. Also at the ages from 13 through 15 children are introduced to tobacco products, drugs, alcohol, and sex. Without proper supervision, it is much easier for a teenager to succumb to those temptations. If subsidized child care is offered to children from the ages of 13 through 15 years old, these children will get the supervision that they need, giving parents greater peace of mind.

The Pennsylvania Bulletin states that one of the department goals is for "healthy child

development by increasing access to high quality child care for infants, toddlers, preschool and school age children.” Excluding eligible children from the ages of 13 through 15 years old is obviously contradictory to the goal stated above. The age group that is excluded is one that needs high quality care the most.

On behalf of all staff at this facility and all families with older school age children who are eligible for subsidized child care, thank you for considering this request.

Sincerely,

Jon Snow Jr.

14-489-5



OCT 07 2004

Original: 2429

DEPARTMENT OF HEALTH & HUMAN SERVICES
Administration for Children and Families, Region III

(7)

Suite 864
150 S. Independence Mall West
Philadelphia, PA 19106-3499

Kate Holod
Director
Bureau of Child Day Care
P. O. Box 2675
Harrisburg, PA 17105

Re: Regulation No. 14-489

Dear Ms. Holod,

Enclosed please find our comments on Pennsylvania's Child Care Subsidy regulations. Thank you for allowing us an opportunity to review the regulations before they become final.

In some sections we were unable to comment because further discussion by ACF and your staff is necessary to ensure that each provision comports with the Child Care Development Fund regulations.

I will make arrangements to speak with you and your staff next week to go over each issue. If you have any questions, please call me at 215-861-4058 or have your staff call Peg Montgomery, TANF/CC Program Specialist at 215-861-4015.

Sincerely,


Eileen H. Friedman
TANF/CC Program Specialist

Enclosure

cc: Susan Miller

OCT 12 11 00 AM '04

Comments on Proposed Child Care Regulations --Reference Regulation No. 14-489

Co-payments

We applaud Pennsylvania's efforts to create collaborative efforts between publicly supported child care and Head Start programs that accomplish the goals of both programs and support more seamless early care and education programming for children. However, the Head Start Expansion provision found in Section 3041.51 does not conform to the Child Care Development Fund regulations relating to the sliding fee scale and equal access provisions. Our decision is based on the following:

Section 98.42 of the CCDF Regulations sets forth the requirement that State Lead Agencies establish sliding fee scale(s) based on income and the size of the family and other factors, as appropriate. Section 98.43 of the CCDF Regulations sets forth the requirement that States certify that payment rates for subsidized child care services ensure equal access to the child care provider market for all subsidized families, irrespective of their eligibility status or circumstances. The 1998 preamble to the CCDF regulations states that while Lead Agencies have "flexibility to take additional elements into consideration when designing fee scales, such as the number of children in care ... basing fees on the cost or category of care is not allowed," and "multiple fee scales based on factors such as a family's eligibility status would be precluded." (63 FR 39960) The 1992 preamble is clearer still, providing:

Our review of Grantee Plans also revealed fee scales that have the effect of varying the fee based on the category of care selected by the parent. For example, two families with the same income and family characteristics choose providers in different categories. Even though the providers' charge is the same, the families' fees are different. This policy is not permissible. While Grantees may take into account the cost of care in establishing a fee scale ..., the Grantee may not vary the fee scale based on the category of care or the type of provider. (57 FR 34380)

Thus, any State policy that established differing co-payment rates for identically situated families based on whether or not they were eligible for and enrolled in a Head Start expansion program would be impermissible. As stated above, co-payments are based on family size and income and other factors, as appropriate.

Parental Choice

In regard to parental choice, Section 98.30 of the CCDF regulations provides that the parent(s) of an eligible child must be offered the choice to enroll the child with a provider that has a grant or contract with the State or to receive a child care certificate that can be used to pay for child care services. The express language of Pennsylvania's regulation provides that when a child enrolled in Head Start requires extended hours or days of child care in order for the parents/caretakers to work, the "parent/caretaker shall apply for the Head Start expansion program." (emphasis added) In turn, such child care services "must be provided in a certified or registered child care facility ... that has a collaborative agreement with a Head Start program or by a Head Start program." Section 3041.13 and sections 3041.51 and section 3041.52 (pre-kindergarten program) indicate that "...care shall be provided by a facility that has a certificate of compliance or registration by the Department as a child day care facility." Does this provision exclude in-home care and any other exempt provider or limit parental choice?

While the express language of the regulation raises some concerns about its effect on parental choice, we suggest this regulation be clarified to ensure that there is no restriction on parental choice.

Also, Section 3041.102 (Department's payment) may also limit parental choice. Failure to pay a provider \$5 a week (at least \$20 a month) puts an unnecessary burden on the eligible family to pay the extra amount or to choose another provider. **(Please note that ACF staff would like to discuss this section with you to determine if the above policy conforms to CCDF regulations.)**

Section 3041.61(h) (Verification) indicates that the agency shall require the parent to provide documentary evidence of eligibility, as specified in sections 3041.41-.47, and shall permit "self-certification of other eligibility requirements." However, section 3041.46 (Immunization), section 3041.42 and 3041.65 (Residence), and section 3041.68 (Citizenship) allow for "self-certification," not documentary evidence as the above statement implies. We recommend that the reference be clarified to reflect the type of documentation necessary for immunization, residence, and citizenship.

In regard to immunization, CCDF regulations at 98.41(a)(1)(i) require states assure that children receiving services under the CCDF are age-appropriately immunized. The preamble (page 39953-39957) states that ACF encourages all Lead Agencies to consider requirements that provide for documenting regular updates of child immunizations. The State may require parents to provide proof of immunization as part of the initial eligibility determination and again at redetermination, or they may require child care providers to maintain proof of immunization for children enrolled in their care. Requiring documentary evidence, and not self-certification, would assure that all children are immunized.

How is age of the child verified? How is the identity of child verified? How is relationship of parent/caretaker to child established or verified?

There is much interest around erroneous payments in the Child Care Development Fund program. We hope that allowing self certification and self declaration does not result in payments to ineligible children.

Section 3041.14 (b)(1) (Subsidy benefits) and Section 3041.16(d) (Subsidy Limitations) In what situation would both parents or caretakers, who are incapable of providing care, be eligible for a subsidy when neither one of them would be working or in training? Is this a protective services type of case? Also, child care is considered unnecessary when a biological or adoptive parent or stepparent living in the household is available for the child, unless the parent or caretaker is incapable **ACF staff would like to discuss this section with you to determine if the above policy conforms to CCDF regulations.**

Section 3041.15(e) When do changes in circumstances need to be reported? Income is 10 days.

Section 3041.16 (a) (Subsidy Limitations) What is meant by "A family...receiving TANF is not eligible for subsidized child care under this chapter?" Does this mean that CCDF

funds are for former TANF and low income families only? Do TANF recipients receive CCDF services?

Section 3041.43 (Work, Education and Training) What is the difference between (b)(1) and (b)(2)?

Section 3041.51(d) What is meant by provisions of this section apply to other children?

Section 3041.61(d) (General Verification Requirements) Regulations state that "Requirements for a specific type of verification may not be imposed by the eligibility agency." What is meant by a "specific type" – documentary evidence, collateral contact, self-certification, self-declaration? (e) states that changes in circumstances may be reported at any time. You may want to say that changes in circumstances that effect eligibility must be reported in 10 days of the change.

Section 3041.66 Still 20 hours? What if less than 20 hours?

Section 3041.70 and 71 (Verification of temporarily/permanent inability to work) Child care is provided for up to a maximum of 6 months for a parent or caretaker who is temporarily unable to work, participate in education or training or to provide care for the child. Is there a specific time limit for eligibility services for clients who are unable to work permanently? Are these situations where the family is considered a protective service case? **ACF staff would like to discuss this section with you to determine if the above policy conforms to CCDF regulations.**

Domestic Violence:

Section 3041.91-94 **A this time, we are unable to comment on the Domestic Violence Waivers section without further discussions with your staff and ACF to determine if the above policy conforms to CCDF regulations.**

Section 3041.108 (2) (Co-payment for families headed by a parent) Section mentions that the co-payment could be waived as specified in sections 3041.44(a) and .91(2). Neither section mentions waiving co-payments.

Section 3041.109 (Co-payments for families headed by a caretaker) **A this time, we are unable to comment on the Domestic Violence Waivers section without further discussions with your staff and ACF to determine if the above policy conforms to CCDF regulations.**

Section 3041.127(3) Why the difference between the parent's and caretaker's income? What is the significance of the \$300?

Section 3041.128 (Review of Changes) If there is a decrease in the family's income, it could be possible that the number of hours worked could have decreased below 20 hours, and thus causing ineligibility for the subsidy. We recommend that all changes that effect eligibility be reported timely and are acted upon to ensure ongoing eligibility. This is especially important since under the Improper Payment Act, States will need to address improper/erroneous spending in CCDF, TANF and other federally funded programs.

Section 3041.142 (General requirements for former TANF families) It is my understanding that there is no hourly work requirement for former TANF recipients. You may want to further clarify this since the previous sections require 20 hours of work.

Section 3040.167 (Notice of overpayment) Citation should be 3041.137.

Section 3041.171(6 & 7) Citations should be corrected to be 3041.21 and 3041.22.

Section 3041.174(a) You might want to mention that client has 30 days to appeal.

Section 3041.176 (f) It is important that the eligibility agency or the Department appear at the hearing so that a fair and correct decision can be made. It is a concern to us that a client's appeal could be sustained because of the failure of the Department /agency to appear.

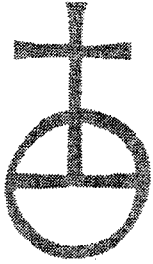
Section 3041.18 (Overpayment) How are provider overpayments handled? Are all overpayments, including provider, calculated?

Section 3041.182 Do you have definitions for "hardship?"

OCT 07 2004

14-489-4

(u)



Original: 2429

PENNSYLVANIA CATHOLIC CONFERENCE

223 North Street • Box 2835 • Harrisburg, PA 17105 • (717) 238-9613 • FAX (717) 238-1473

October 6, 2004

Via First Class Mail and Hand Delivery

Ms. Susan Miller
Department of Public Welfare
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105

Re: Proposed Rulemaking in *Pennsylvania Bulletin*
Regulation No. 14-489 - Subsidized Child Care

Dear Ms. Miller:

The Catholic Church in Pennsylvania provides a significant amount of religious child care within the Commonwealth. The Department's proposed regulations would exclude from eligibility for subsidized child care, children whose parents wish to send them to our religious facilities, solely because those facilities refuse to become licensed/certified pursuant to the Department's regulations. (§3041.3) This is also true of religious pre-kindergarten programs which are not licensed as private academic schools. (§3041.52)

The Department clearly has authority, pursuant to Article X of the Public Welfare Code, to require such licensing/certification of child care facilities that are operated for-profit. However, it has no such licensing authority over not-for-profit entities which are subject only to the Department's supervisory authority under Article IX of the Public Welfare Code. Likewise, the Private Academic Schools Act specifically exempts bona fide religious schools from its licensing requirements. (24 P.S. §6705).

Our child care facilities are operated not-for-profit. As such, they are subject to the Department of Public Welfare's *supervisory* authority under Article IX; not to its *licensing* authority under Article X. Article IX authorizes the Department to visit and inspect our religious child care facilities. (62 P.S. § 911(a)) If, upon inspection the Department finds conditions that are unlawful, unhygienic, or detrimental to the safety and welfare of the children in care, it is to direct the facility to correct any such objectionable condition. (62 P.S. §911 ©)) If the facility fails to comply with that direction, the Department may: 1) request the Attorney General to initiate appropriate legal proceedings to enforce compliance with the direction; or 2) withhold State money from the institution until it complies. *Id.*

In short, the Department lacks statutory authority to require Article IX facilities to become licensed/certified as a condition precedent to lawful operation. The attached list of the section headings under Articles IX and X of the Public Welfare Code amply demonstrates this distinction. As you will note, there is no corresponding provision within Article IX that authorizes the licensing of religious not-for-profit entities such as those we represent. Nor is there any provision that prohibits them from operating without a license.

Thus, neither religious child care providers or religious pre-kindergarten programs are statutorily required to become licensed/certified in order to lawfully operate within this Commonwealth. We view the Department's exclusion of Article IX religious child care facilities and pre-kindergarten programs from participation in subsidized child care as an attempt to achieve indirectly what it cannot do directly—require licensure of religious child care and pre-kindergarten programs.

The commentary to the proposed regulations indicates that the added costs of this proposal will be funded through Federal Child Care and Development Block Grant ("CCDBG") appropriations. It is quite clear that this federal law is designed to promote parental choice of child care, including religious child care. There is nothing in that law that requires child care providers to be licensed in order to provide care to eligible children. Indeed, the law specifically states that it is not to be construed "to require that licensing requirements be applied to specific types of providers of child care services." 42 U.S.C.A. §9858c(c)(2)(E)(I).

We note that this federal law previously allowed states to impose "more stringent standards and licensing or regulatory requirements on child care providers within the State that provide services for which assistance is provided under this subchapter." (See, prior §9858c(c)(2)(E)(I)). However, that language was deleted altogether in the 1996 amendments to the law. Thus, the law no longer allows States to impose more stringent licensing or regulatory requirements on child care providers that provide care to children receiving federal governmental assistance thereunder.

As noted above, there is no state statutory licensing/certification requirement for non-profit religious entities—either as child care providers or as pre-schools—as a condition of lawful operation. Given the subsequent changes in the federal law, the State no longer may require more stringent licensing/certification of such entities as a precondition for the provision of services subsidized by these federal funds. Accordingly, under the CCDBG, it is impermissible for the Department to prohibit families that are eligible for subsidized child care from choosing these lawfully operating providers.

The explanatory commentary also claims that the proposed rulemaking supports families and children "by providing parents with a broad range of child care options and empowering them to make their own decision on the child care that best meets the needs of the child and the family." However, under the framework established by these proposed regulations, families and children are actually denied a broad range of choice.

They may not choose child care from a lawfully operating, convenient, and trusted church-run day care or pre-kindergarten located in their own neighborhood. Thus, the proposed regulations are contrary to both the spirit and letter of the law.

In addition, the exclusion of religious providers serves no legitimate or rational purpose. It should be noted that the proposed regulations appear to allow parents to choose family day care providers that are "specifically exempt" from all DPW regulation and oversight. §3041.13 (a) (4). This means that the Department will provide subsidies if parents choose to send their children to a family day care provider who may have several of his or her own children in care, has three unrelated children in care, and has not even had a criminal or child abuse background check. Yet, it will not allow parents to receive subsidies if they choose to send their child to a religious child care provider where children are cared for by persons with background checks, under the oversight of church administrators, and subject to DPW's supervisory authority and numerous other regulations promulgated by other government agencies.

In short, the proposed regulations are punitive toward religious providers that seek to protect their religious child care ministries from unwarranted interference by the Department into sensitive areas such as program, curriculum, teaching and instruction. They are also punitive toward poor families that wish to have their children cared for in religious facilities where they will be taught values consistent with their own religious beliefs.

If you have any questions, please contact me for further information.

Very truly yours,



Fredrick Cabell, Jr., Esq.
Director of Education
Pennsylvania Catholic Conference

cc: Senator Harold Mowery, Jr., Chairman
Senate Public Health & Welfare Committee

Representative Jerry Birmelin, Chairman
House Children and Youth Committee

ARTICLE IX

- §901. Definitions
- §902. Supervisory powers
- §§903 to 910. Reserved for future legislation
- §911. Visitation and inspection
- §§912 to 915. Reserved for future legislation
- §916. Recommendations
- §§917 to 920. Reserved for future legislation
- §921. Additional provisions respecting certain institutions; purpose; definitions; standards; inspection
- §922. Reorganization Plan No. 5 of 1955

ARTICLE X

- §1001. Definitions
- §1002. Operation and maintenance without license prohibited
- §1003. Application for license
- §1004, 1005. Reserved for future legislation
- §1006. Fees
- §1007. Issuance of license
- §1008. Provisional license
- §1009. Term and content of license
- §§1010 to 1015. Reserved for future legislation
- §1016. Right to enter and inspect
- §1017. Reserved for future legislation
- §1018. Records

§§1019, 1020. Reserved for
future legislation

§1021. Regulations

§§1022 to 1025. Reserved for
future legislation

§1026. Refusal to issue license;
revocation; notice

§§1027 to 1030. Reserved for
future legislation

§1031. Violation; penalty

§1051. Definition

§1052. Actions against
unlicensed institutions

§1053. Actions against violations
of law and rules and
regulations

§1054. Venue

§1055. Injunction or restraining
order when appeal is
pending.

§1056. Injunction or restraining
order when no appeal is
pending

§1057. Repealed. 1971, June 3.
P.L. 146, No. 6, §1
(§509(a)(176))

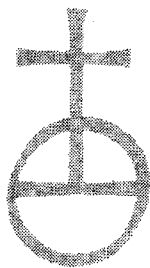
§1057.1 Appeals

§1057.2. Relocation

§1057.3. Rules and regulations
for personal care home

§1058. Bonds and costs

§1059. Law supplementary



Original: 2429

PENNSYLVANIA CATHOLIC CONFERENCE

223 North Street • Box 2835 • Harrisburg, PA 17105 • (717) 238-9613 • FAX (717) 238-1473

October 6, 2004

Via First Class Mail and Hand Delivery

Mr. Robert Nyce
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Proposed Rulemaking in *Pennsylvania Bulletin*
Regulation No. 14-489 - Subsidized Child Care

Dear Mr. Nyce:

The Catholic Church in Pennsylvania provides a significant amount of religious child care within the Commonwealth. The Department of Public Welfare's proposed regulations would exclude from eligibility for subsidized child care, children whose parents wish to send them to our religious facilities, solely because those facilities refuse to become licensed/certified pursuant to the Department's regulations. (§3041.3) This is also true of religious pre-kindergarten programs which are not licensed as private academic schools. (§3041.52)

The Department clearly has authority, pursuant to Article X of the Public Welfare Code, to require such licensing/certification of child care facilities that are operated for-profit. However, it has no such licensing authority over not-for-profit entities which are subject only to the Department's supervisory authority under Article IX of the Public Welfare Code. Likewise, the Private Academic Schools Act specifically exempts bona fide religious schools from its licensing requirements. (24 P.S. §6705).

Our child care facilities are operated not-for-profit. As such, they are subject to the Department of Public Welfare's *supervisory* authority under Article IX; not to its *licensing* authority under Article X. Article IX authorizes the Department to visit and inspect our religious child care facilities. (62 P.S. § 911(a)) If, upon inspection the Department finds conditions that are unlawful, unhygienic, or detrimental to the safety and welfare of the children in care, it is to direct the facility to correct any such objectionable condition. (62 P.S. §911 ©)) If the facility fails to comply with that direction, the Department may: 1) request the Attorney General to initiate appropriate legal proceedings to enforce compliance with the direction; or 2) withhold State money from the institution until it complies. *Id.*

In short, the Department lacks statutory authority to require Article IX facilities to become licensed/certified as a condition precedent to lawful operation. The attached list of the section headings under Articles IX and X of the Public Welfare Code amply demonstrates this distinction. As you will note, there is no corresponding provision within Article IX that authorizes the licensing of religious not-for-profit entities such as those we represent. Nor is there any provision that prohibits them from operating without a license.

Thus, neither religious child care providers or religious pre-kindergarten programs are statutorily required to become licensed/certified in order to lawfully operate within this Commonwealth. We view the Department's exclusion of Article IX religious child care facilities and pre-kindergarten programs from participation in subsidized child care as an attempt to achieve indirectly what it cannot do directly—require licensure of religious child care and pre-kindergarten programs.

The commentary to the proposed regulations indicates that the added costs of this proposal will be funded through Federal Child Care and Development Block Grant ("CCDBG") appropriations. It is quite clear that this federal law is designed to promote parental choice of child care, including religious child care. There is nothing in that law that requires child care providers to be licensed in order to provide care to eligible children. Indeed, the law specifically states that it is not to be construed "to require that licensing requirements be applied to specific types of providers of child care services." 42 U.S.C.A. §9858c(c)(2)(E)(I).

We note that this federal law previously allowed states to impose "more stringent standards and licensing or regulatory requirements on child care providers within the State that provide services for which assistance is provided under this subchapter." (See, prior §9858c(c)(2)(E)(I)). However, that language was deleted altogether in the 1996 amendments to the law. Thus, the law no longer allows States to impose more stringent licensing or regulatory requirements on child care providers that provide care to children receiving federal governmental assistance thereunder.

As noted above, there is no state statutory licensing/certification requirement for non-profit religious entities—either as child care providers or as pre-schools—as a condition of lawful operation. Given the subsequent changes in the federal law, the State no longer may require more stringent licensing/certification of such entities as a precondition for the provision of services subsidized by these federal funds. Accordingly, under the CCDBG, it is impermissible for the Department to prohibit families that are eligible for subsidized child care from choosing these lawfully operating providers.

The explanatory commentary also claims that the proposed rulemaking supports families and children "by providing parents with a broad range of child care options and empowering them to make their own decision on the child care that best meets the needs of the child and the family." However, under the framework established by these proposed regulations, families and children are actually denied a broad range of choice.

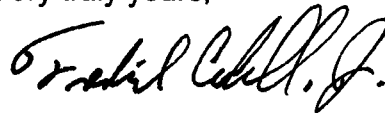
They may not choose child care from a lawfully operating, convenient, and trusted church-run day care or pre-kindergarten located in their own neighborhood. Thus, the proposed regulations are contrary to both the spirit and letter of the law.

In addition, the exclusion of religious providers serves no legitimate or rational purpose. It should be noted that the proposed regulations appear to allow parents to choose family day care providers that are "specifically exempt" from all DPW regulation and oversight. §3041.13 (a) (4). This means that the Department will provide subsidies if parents choose to send their children to a family day care provider who may have several of his or her own children in care, has three unrelated children in care, and has not even had a criminal or child abuse background check. Yet, it will not allow parents to receive subsidies if they choose to send their child to a religious child care provider where children are cared for by persons with background checks, under the oversight of church administrators, and subject to DPW's supervisory authority and numerous other regulations promulgated by other government agencies.

In short, the proposed regulations are punitive toward religious providers that seek to protect their religious child care ministries from unwarranted interference by the Department into sensitive areas such as program, curriculum, teaching and instruction. They are also punitive toward poor families that wish to have their children cared for in religious facilities where they will be taught values consistent with their own religious beliefs.

If you have any questions, please contact me for further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fredrick Cabell, Jr.", written in a cursive style.

Fredrick Cabell, Jr., Esq.
Director of Education
Pennsylvania Catholic Conference

ARTICLE IX

§901. Definitions

§902. Supervisory powers

§§903 to 910. Reserved for
future legislation

§911. Visitation and inspection

§§912 to 915. Reserved for
future legislation

§916. Recommendations

§§917 to 920. Reserved for
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§921. Additional provisions
respecting certain
institutions; purpose;
definitions; standards;
inspection

§922. Reorganization Plan
No. 5 of 1955

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§1002. Operation and
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§1021. Regulations

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§1057.2. Relocation

§1057.3. Rules and regulations
for personal care home

§1058. Bonds and costs

§1059. Law supplementary

OCT 12 2004

14-489-31

Original: 2429

October 6, 2004

Susan Miller
Department of Child Day Care
PO Box 2675
Harrisburg, PA 17105

2004 OCT 15 11:07

RECEIVED

As a supporter of children's issues and someone who truly believes that no child should be left behind I urge you to support an amendment to increase the subsidized child care age requirements from 13 to 15 yrs of age. Currently, the licensing regulations in Pennsylvania state that children can participate in child care programs until age 15, however the age requirements for eligibility of subsidized care cease at age 13. The Department of Public Welfare should be consistent and in alignment.

I am writing to you as both a concerned mother and a professional in the child care field. I have personal experience as a large service provider of school age programs and a parent of an eight year old child who will be looking for after school options for a soon-to-be middle school child. The importance of accessible and available child care options to the middle-schoolers is more important than ever.

Research has proven that the hours between 3 and 8 pm are most critical for school age children.

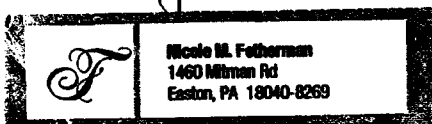
- Increases in teen pregnancy, underage drinking, smoking, vandalism, and juvenile delinquency are just some of the ill effects on our children and communities where viable options are not available.
- 86% of police chiefs agreed that overall, "expanding after-school programs and educational child care programs would greatly reduce youth crime and violence".
- Research also shows that children who participate in after school programs may behave better in class, handle conflict more effectively, and cooperate more with authority figures and with their peers.
- Research demonstrates that after school programs can raise standardized test scores and reduce high school dropout rates.

As a community, we must expand the options for parents who must work outside the home and make resources available so they can have peace of mind in knowing that their children are safe during the after school hours. We know that when money for after school programs is not available that children are left unsupervised. Low income parents who are trying to remain self sufficient but they need an extra hand. Parents need the age of eligibility expanded to ensure that their children can continue in care through the age of 15.

Thank you for your consideration

Sincerely,


Nicole Fetherman



OCT 08 2004



Original: 2429
Northeastern
Child Care Services

Judith Graziano
President

October 5, 2004

Susan Miller
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105

Re: Regulation No. 14-489

Dear Susan:

I am writing in support of many of the proposed changes to the subsidized child care program.

The Child Care Works program begun several years ago created many barriers for families who needed help in obtaining child care. It is evident from reviewing the proposed changes that the officials of the Pa. Department of Public Welfare have not only understood the problems but have taken giant steps to improve the regulations in many areas.

I will not comment on every proposed change but rather make comment on those changes which I believe demonstrate significant beneficial change.

The proposed changes would restore the twenty hour per work week requirement, eliminate the current mandate that all parents file for court ordered support, streamline, simplify the verification process and allow for the much needed training and education component.

It is gratifying to note in the preamble the goals of the subsidy program which now include healthy child development, family self-sufficiency and parent choice. The recognition of benefits for the child is noteworthy and of great importance.

I applaud the efforts of all who worked on this endeavor to make meaningful change.

Sincerely,

Judith Graziano
President

OCT 12 2004

19-787-17

INDIANA COUNTY Commissioners

Courthouse - 2nd Floor, 825 Philadelphia Street, Indiana, PA 15701-3972

Phone: (724) 465-3805 FAX: (724) 465-3953 TDD: (724) 465-3805

Original: 2429

RODNEY D. RUDDOCK
DAVID S. FRICK
BERNIE SMITH
County Commissioners

HELEN C. HILL
Chief Clerk

MICHAEL T. CLARK, ESQ.
Solicitor
(724) 463-8791

Emily Miller
PA Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

October 5, 2004

Dear Ms. Miller,

We are writing in response to proposed changes to subsidized child day care regulations that were printed in the PA Bulletin (Regulation No. 14-489) on September 11, 2004. As County Commissioners, we have serious concerns about some of the proposed revisions. Three general concerns are:

1. Parents of unlimited resources, regardless of income, will have the ability to access this child care funding;
2. Children 13 and older with behavioral health problems may have difficulty remaining in a traditional day care setting; and,
3. Additional administrative work is being created without accompanying funding.

In the case of number one, it seems that funding should go to the parents who need it most and not to parents who have the means to pay for their child care. Our sub-contractor, Child Care Information Services, already has several families through the Head Start Expansion Program, who receive this funding. The exceptions in the proposed regulations would allow more children and their siblings in the expansion program to be eligible. This same principle applies to the children in the pre-kindergarten programs.

The second concern listed relates to older children with mental health issues. Although the state would make this funding a possibility, it is doubtful that day care providers would be willing to care for children in this category. We think this piece shouldn't be included at this time and the state should investigate other possible alternatives to care and treatment for this group of children.

The Bulletin states there are no financial impacts of this program. We would disagree, because many of the changes require more paperwork and tracking of specific items for eligibility (number of hours per week, strike weeks, support documentation, etc.). Additional staff will need to be added, but the cap on administrative costs will prohibit our sub-contractor from adding staff. Child Care Information Services' entities should also not have the responsibility for having to check if a non-working parent is abusive and shouldn't be caring for their child.

It's important for child care to be available for all working families, but the state should carefully consider changes that disregard eligibility and creates more work at the local level, without supplementing the funding.

Sincerely,

Rodney Ruddock, Commissioner, Chair

David Frick, Commissioner

Bernie Smith, Commissioner

OCT 04 2004

Original: 2429

14-489-2

Susan Miller
Bureau of Child Day Care
PO Box 2675
Harrisburg, PA 17105

Dear Ms. Miller,

Via an announcement by PACCA Online, our Early Care & Education Committee, the Warren-Forest Child Care/School Readiness Coalition, became aware of the invitation for feedback to the PROPOSED RULEMAKING from the DEPARTMENT OF PUBLIC WELFARE.

Our discussion of the document from the Sept. 11 *Pennsylvania Bulletin* was completed at our September 21 meeting with 12 of our 28 members were in attendance (in addition to 9 *ex officio* members and guests, all who participated in our discussion). Here are the results of the Warren-Forest committee discussion of several key point in reference to Regulation No. 14-489:

Under "Requirements"

1) Simplification of the verification requirements to make it easier for families to apply and qualify for child care subsidies AGREE

2) Recognition that participation in education and training (for welfare recipients) is an effective way to support job advancement and financial self-sufficiency. AGREE

3) Remove the requirement for that parents pursue child support. AGREE

4) Support continuity of quality child care for children in school-district-sponsored prekindergarten programs. AGREE

5. Simplify regulatory language to make the eligibility process easier to understand. AGREE

Under 3041.41-3041.47

6. The proposed rulemaking reduces the number of hours a parent must work to be eligible to receive subsidized child care from 25 to 20 hours per week. AGREE

7. The proposed rulemaking also would make child care subsidy available to parents who work a minimum of 10 hours per week if the parent attends education or training for at least 10 hours per week.

Under Definition of "Family" (regarding income calculation)

8. Not counting the income of a live-in companion in terms of income determination. AGREED

On behalf of the EOC's Warren-Forest Child-Care/School Readiness Coalition, I thank you for your effort to garner and consider community feedback to this recent rulemaking proposal.

Sincerely,

Janette Martin,
Project Coordinator, Rmartin17@stny.rr.com
716-483-0381
Office Address:

C/o Tish Montgomery, Director, EOC's CCIS, 1209 Pennsylvania Ave. W., Warren, PA 16365

Quality Child Care



EVERYBODY WINS!

Warren-Forest Child Care/School Readiness Coalition
Planning for Early Care and Education
Sponsored by Warren-Forest Counties Economic Opportunity Council

OCT 12 2004

14-489-17



Original: 2429

PENN SACCA

PENNSYLVANIA SCHOOL AGE CHILD CARE ALLIANCE

P.O. BOX 14574 ♦ PITTSBURGH, PA ♦ 15234

October 8, 2004

Susan Miller
Bureau of Child Day Care
PA Department of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Ms. Miller,

I am writing on behalf of PENN SACCA in response to the Proposed Rulemaking for Subsidized Child Care Eligibility published in the Pennsylvania Bulletin on September 11, 2004. PENN SACCA requests that the Department of Public Welfare increase the eligibility age for children so that older school-agers through age 15 years-old could be eligible for subsidized child care.

Child care facilities can serve youth through 15 years of age. Increasing the age for subsidy eligibility would make the subsidized child care eligibility regulations more consistent with the child care facility regulations. This would provide parents with an opportunity for more continuity of care. Without the financial supports for older children parents have been forced to leave their middle school-age children at home alone, unsupervised.

Statistics link the lack of adult supervision and participation in self-care to increased likelihood of accidents, injuries, lower academic achievement, and greater participation in delinquent or high risk activity such as experimentation with alcohol, tobacco, drugs and sex.

As stated in the Pennsylvania Bulletin, one of the Department's goals is for "healthy child development by increasing access to high quality child care for infants, toddlers, preschool and **school-age children**." What better way to increase access than to allow eligible parents of older school-age children, including those through 15 years of age received subsidized care child care.

Thank you for your consideration.

Sincerely,

Leslie A. Roesler
Chairperson, PENN SACCA

OCT 04 2004

Original: 2429

14-489-3

To: Susan Miller
From: JoAnne Reinheimer
Program Administrator
CCIS of Berks County
Re: Comments on Proposed Rulemaking
Department of Public Welfare
(55 PA Code CHS. 3040 and 3041)
Regulation No. 14-489
Date: October 4, 2004

Definitions – the terms stepmother, stepfather, stepparent and stepchild need to be defined/clarified. What do those terms mean? They can mean different things to different people. We cannot apply them until we know to whom they refer.

3041.20. Subsidy continuation during breaks in work.

A family's eligibility for subsidized child care continues for and during the following:

- (1) Sixty calendar days from the date of an involuntary loss of work, the date a strike begins or the date the parent graduates from or completes an education program.

Sixty days is too long. This will cause children whose parents are actually working to sit on the waiting list while unemployed parents receive funding for up to two months. Waiting lists will develop. Thirty days is sufficient.

3041.33. Income adjustment.

To determine adjusted family income the eligibility agency shall:

- (5) Determine the basic living need allowance deduction for a stepparent

...

Define stepparent. We cannot figure out this deduction until we know to whom this term refers. If the stepparent is included in the family size then the entire income of the stepparent should be counted.

3041.41. Financial eligibility.

- (1) At initial application, annual family income shall not exceed 200% of the FPIG.

- (2) Following an initial determination of eligibility, a family shall remain financially eligible for subsidized child care as long as the annual income does not exceed 235% of the FPIG.

This unfairly penalizes parents who leave the program voluntarily (for a variety of justifiable reasons) after making over 200% FPIG (but less than 235% FPIG) and who then need to return only to discover they now make too much money.

3041.43. Work, education and training.

- (a) The parent or caretaker shall work at least 20 hours per week.

This is not the best use of the subsidy and will result in waiting lists. When people work 20 hours per week, CCIS's usually pay for full day care because of the need to include travel time. Example – parent works 5-four hour days. She needs one hour travel time per day. CCIS has to pay for 5 full days of care for all the parent's children. CCIS's will be paying for a parent/caretaker to work 20 hours per week while parent/caretakers who work 40 hours per week remain on the waiting list. Parents cannot become self-sufficient working 20 hours per week.

The regulation does not mention the stepparent. Does the stepparent not need to meet the work requirement?

3041.45. Anticipating income.

- (a) (b) (c)

Results in unnecessary paperwork. This will swamp the eligibility workers. Many parents change jobs regularly.

3041.51. Head Start expansion program.

- (h) . . . The family shall remain eligible for subsidy for the duration of the child's enrollment in a Head Start program, regardless of a change in family income or circumstances.

Funding will be used to subsidize child care for families who are not working, while families who are working will remain on the waiting list. This will contribute to the development of waiting lists.

3041.52. Prekindergarten program.

- (f) . . The family shall remain eligible for subsidy for the duration of the child's enrollment in a prekindergarten program, regardless of a change in the family income or circumstances.

Funding will be used to subsidize child care for families who are not working, while families who are working will remain on the waiting list. This will contribute to the development of waiting lists.

3041.61. General verification requirements.

- (b) The eligibility agency shall inform each parent and caretaker that the eligibility agency is available to assist in obtaining verification that the parent or caretaker is unable to obtain.

This will have the effect of negating subsection (a) because parents will come to see it as the CCIS agency's responsibility to get the verifications they need to be eligible for subsidy. Parents need to bear the responsibility to get the documentation.

3041.64. Verification of income.

- (1) Pay stubs reflecting earnings for 3 weeks in the most recent 6-week period . . .

Four weeks worth of pay stubs give a more accurate view of what the parent actually earns in a month.

3041.85. Record retention.

- (a) Records shall be maintained for at least 7 years . . .

The amount of space required to keep records for 7 years is prohibitive. The current requirement to keep them for 4 years is sufficient.

3041.174. Parent or caretaker rights and responsibilities

Add subsection (f) regarding the parent/caretaker's responsibility to reimburse the department for the cost of child care subsidy if subsidy continued during the appeal process and if the hearing officer finds in the Departments favor.

Appendix A Part II Income Deductions

- D. The Basic Living Need Allowance Deduction for stepparents . .

If a stepparent (and any child under his/her control) is counted in the household for purposes of determining family size then the stepparent's entire income should be counted.

The definition of stepparent needs to be clarified plus the work/training requirement for this person.

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October 4, 2004

Ms. Susan Miller
Bureau of Child Day Care
P.O. Box 2675
Harrisburg, PA 17105

Re: Regulation No. 14-489

Dear Ms. Miller,

Thank you for the opportunity to submit our comments and suggestions regarding the proposed rulemaking concerning Regulation No. 14-489 – Subsidized Child Care Eligibility (55 PA. Code CHS. 3040 and 3041). We endorse the purpose of the proposed rulemaking to help low income families more easily obtain affordable, accessible and quality child care. Overall, we believe that the proposed changes will do much to improve eligibility and flexibility for potential day care recipients.

We encourage consistency across the board with respect to DPW regulations in terms of families and children and have several suggestions for your consideration:

- §3041.3. Definitions.

The definition of family should be amended to include “permanent legal custodian (PLC).” Permanent legal custodianship was established by the Adoption and Safe Families Act, incorporated into the Juvenile Act, and issued as final policy by the Department of Public Welfare, Office of Children, Youth and Families on August 20, 2003. PLC allows children to achieve permanency with a person to whom the court awards permanent legal custody while continuing to receive the care reimbursement. There will be an increasing number of children living with “permanent legal custodians” who may need subsidized daycare.

- Appendix A Part III –Income Exclusions

The regulations should exclude “payments to permanent legal custodians” in addition to the exclusion of “foster care payments” and “adoption assistance payments by a county children and youth agency” in determining gross monthly income. As with foster care and adoption assistance payments, payments to permanent legal custodians are specifically for the support of the child.

- §3041.141 General Provisions (relating to TANF and former TANF families)

If a parent has a child in foster care placement when TANF payments end, we suggest that the 183 day period to request and receive subsidized daycare be further extended so that the status will not be jeopardized if/when a child is to be returned home.

- We recommend that “priority” status be given to any parent whose child is reunited with them and who will require child care to maintain family stability and financial self-sufficiency. We suggest that “priority” status be granted as well to adoptive parents who are still in the adoption process and also to caregivers who are still in the process of obtaining permanent legal custodianship (PLC).
- Proactive planning is required to address the disparity between the increased number of children who will become eligible for subsidized child care under the new provisions and the availability of enough day care slots to accommodate them all without creating excessively long waiting lists, especially for those children who may not qualify for “priority” status.

Please know that we would be pleased to discuss any of the specifics of the proposed suggestions that we have outlined. Feel free to contact me at (215) 683-6000 or Dennis Fox, Director of Policy & Planning at (215) 683-4100.

Sincerely,



Cheryl Ransom-Garner
Commissioner

cc: John McGee, Deputy Commissioner
Dennis Fox, Director of Policy & Planning

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COMMUNICATIONS SECTION

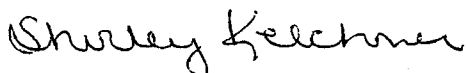
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Susan Miller
Bureau of Child Day Care
Dept. of Public Welfare
P.O. Box 2675
Harrisburg, PA 17105

Dear Ms. Miller,

Child care is a major concern for many parents. Usually we think of just young children when we think of Day Care. However it is important to have child care for children that are thirteen and fourteen years of age. Going home to an empty house is difficult. It leaves the child lonely and looking for something to do. There are safety issues, they may find inappropriate topics on the computer, experiment with drugs, or have sexual relations at this very young age. For these reasons I feel very strongly that there needs to be more programs/day cares for children of all ages in our communities.

Sincerely,



Shirley Kelchner