CHILD CARE FINANCIAL ASSISTANCE

606 CMR 10.00

Department of Early Education and Care (EEC)

Effective: January 1, 2026

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While the Department of Early Education and Care (EEC) strives to keep the regulations included on this site current, that is not always possible. In the case of any discrepancy between the version on this site, and the official Code of Massachusetts Regulations published by the Secretary of the Commonwealth, the Secretary of the Commonwealth's version shall take precedence and control.

606 CMR 10.01

10.01: Introduction

Effective: January 1, 2026

606 CMR 10.00 is adopted pursuant to Federal law at 45 CFR Part 98.11(b)(2) and (8), which requires the Department of Early Education and Care (EEC), as the Lead Agency for administering the Child Care Development Fund (CCDF) in Massachusetts, to promulgate rules and regulations to administer the CCDF Plan, and in accordance with M.G.L. c. 15D, § 1, which states the policy of state government to assure every child and family "a fair and full opportunity to reach their full potential," and M.G.L c. 15D, § 13A, which requires EEC to maintain "a child care financial assistance program that shall provide sufficient financial assistance to enable eligible families to afford and access high-quality early education and care for infants, toddlers, preschool-age children and school-age children." 606 CMR 10.00 is established in keeping with EEC's mission of providing the foundation that supports all children in their development as lifelong learners and contributing members of the community, and supporting families in their essential work as parents and caregivers.

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

(a) including families and children at the center of all phases of the efficient and equitable distribution of child care financial assistance;

(b) creating an integrated system of child care that ensures the seamless delivery of quality, accessible and affordable child care for children from birth through school age;

(c) standardizing eligibility requirements and intake procedures for families; and

(d) administering consistent procurement and payment policies and procedures.

EEC shall review the child care financial assistance program not less than annually to identify access barriers to families and opportunities to improve families' experiences with the child care financial assistance process, including, but not limited to, EEC paperwork and verification requirements.

EEC shall take action to remove any access barriers, including, but not limited to:

(i) making technological improvements;

(ii) streamlining the application and renewal processes;

(iii) improving outreach to potentially eligible families regarding the availability of child care financial assistance and the application process; and

(iv) improving access for families with limited English proficiency.

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606 CMR 10.02

10.02: Definitions

Effective: January 1, 2026

Terms listed in 606 CMR 10.00 shall have the following meanings, unless the context requires otherwise.

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

Approved Break-in-care. A written request, approved by EEC or a Family Access Administrator, to place a child care placement in inactive status for up to 90 consecutive days during the 12-month authorization period.

Assets. Items of value that may be converted into cash. Liquid assets include, but are not limited to, cash on hand, bank deposits, securities, lump sum payments, IRAs, and certain Keogh plans. The countable value of a liquid asset shall be its accessible cash value. Nonliquid assets are those that are not readily convertible to cash. These include land, buildings, and any real property. The countable value of a nonliquid asset shall be its equity value which is determined by fair market value less any encumbrances.

Authorization/Reauthorization. An assessment/reassessment and provision of financial assistance benefits to a family in accordance with regulations and policies defined by EEC.

Caregiver. A person who lives with, supervises, and cares for a child or children such as a foster parent, legal guardian (temporary or permanent), or designated caretaker.

Child. A person younger than 13 years old, or younger than 16 years old if such person has a disability.

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

Child Care Resource and Referral Agency (CCRR). An agency that contracts with EEC to provide child care resource information, referral services, and/or financial assistance management.

Child Care Financial Assistance. Financial assistance given to eligible parents for child care provided by a child care educator/provider pursuant to a contract or agreement with EEC, CCRR, or a contracted child care educator/provider.

Contracted Child Care Educator/Provider. A licensed, or license exempt, child care program or family child care system that holds a contract with EEC for the provision of child care services supported by EEC financial assistance.

Days. Calendar days, unless otherwise specified.

DCF. Massachusetts Department of Children and Families.

Dependent Child. A person younger than 18 years old, or a person younger than 24 years old if they are a full-time student.

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Dependent Relative. A relative of the child receiving care who resides in the household with the child and is financially dependent on the child's parent(s), as certified in accordance with EEC policy.

DHCD. Massachusetts Department of Housing and Community Development.

Disability. One or both of the following:

(a) a physical or mental impairment that substantially limits one or more major life activities (including but not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working as defined in M.G.L. c. 151B, § 1(20)) of a person, and/or

(b) a record of having such impairment. This definition is intended to be inclusive of the term 'handicap' as defined in M.G.L. c. 151B, § 1(17)(a) - (b). Disability is not intended to exclude participation in a substance abuse treatment or rehabilitation program as a possible qualification for purposes of eligibility, nor other documented physical or mental impairments which may otherwise qualify an individual for financial assistance at the discretion of EEC.

Domestic Violence. Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

DTA. Massachusetts Department of Transitional Assistance.

EEC. Massachusetts Department of Early Education and Care, the state education agency for the purposes of early education and care services as created and authorized pursuant to M.G.L. c. 15D.

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

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

Excessive Explained Absence. More than 45 non-attended days, including any unexplained absences, within a 12-month authorization period, or more than 15 non-attended days during an initial 12-week provisional authorization period. Explained absences shall include, but not be limited to: absences due to child illness, death in the family, emergency circumstances, religious holidays, and vacation days.

Excessive Unexplained Absence. A non-approved break in care that shall subject a family to possible termination of financial assistance in accordance with 606 CMR 10.10 and EEC policy.

Family. One of the following:

(a) Parent(s) or caregivers and their dependent child(ren) and any dependent relative(s) who reside in the same household; or

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(b) A young parent and their child(ren) who reside in the same household.

Family Access Administrator. A person or organization authorized or designated by EEC to conduct eligibility determinations for child care financial assistance, subject to EEC oversight and review.

Full Time Child Care. Care for at least 25 hours but not more than 50 hours per week at any one placement, unless otherwise approved by EEC.

Full Time Service Need. Participation in an approved activity for an average of 25 hours or more per week.

Guardian Child. A child on whose behalf a caregiver has legal authority to make decisions and provide care.

Homeless Family. A family meeting the requirements established under the McKinney-Vento Act (42 U.S.C. 11434 a) as certified in accordance with EEC policy.

Informal Child Care Provider. An individual who meets informal child care provider standards and requirements established by EEC and is exempt from EEC licensure because the individual either provides care in the child's own home or is a relative of the child.

Intentional Program Violation (IPV). A parent's intentional non-adherence to EEC's financial assistance requirements for the purpose of receiving Child Care Financial Assistance for which the parent is not eligible, including: not reporting a non-temporary change to the family's income exceeding 85% SMI or a higher limit set in accordance with 606 CMR 10.03(3)(c); an out of state change of address; a change in contact information; inaccurately reporting income at eligibility authorization/reauthorization; and non-payment of fees.

Non-approved Break in Care. A child care placement that has been inactive (not used) for more than 30 consecutive days during a 12-month authorization, or more than 20 days during a 12-week provisional authorization, unless the family has requested and received an approved break in care. A non-approved break in care shall subject a family to possible termination of financial assistance in accordance with 606 CMR 10.10.

Non-temporary Change. A change to a parent's circumstances, including: increases in total household income exceeding 85% SMI or a higher limit set in accordance with 606 CMR 10.03(3)(c); changes in family contact information; changes in household composition for more than 30 total days in a 12-month authorization; changes in child custody arrangements; any out of state change in address; or any change or cessation of a parent's work, training, or education participation that lasts for more than 12 weeks.

Parent. A biological or adoptive parent or stepparent who resides in the household with their dependent child(ren), or a caregiver.

Part Time Child Care. Care up to 25 hours per week.

Part Time Service Need. Participation in an approved activity for an average of 20 hours, but less than 25 hours per week.

Protective Services. Any parent authorized for child care financial assistance based on DTA referral or a clinical decision by DCF, including foster care; any parent who is unable to provide child care for any portion of a 24-hour day due to a situation

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of domestic violence or homelessness; a physical, mental, emotional, or medical condition; or participation in a substance abuse treatment or rehabilitation program.

Provisional Authorization. An authorization for 12 weeks to support parents who are seeking an approved activity, certifying an activity or employment, enrolled in a non-approved training program, including parents who lose their approved activity during the last 30 days prior to reauthorization.

Referral. A notice issued by DTA, DFC, or DHCD that a family is eligible for child care funding.

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

State Median Income (SMI). The dollar amount which represents the midpoint in a rank ordering of the incomes of all families of the same size in Massachusetts.

Substantiated Fraud. Intentionally providing false or misleading information or documentation to EEC or Family Access Administrator for the purpose of establishing or maintaining eligibility or increasing the level of child care assistance that has been verified as false or misleading by EEC or Family Access Administrator; or the intentional concealing or withholding of information for the purpose of establishing or maintaining eligibility or increasing the level of child care assistance as determined by the Bureau of Special Investigations (BSI).

TAFDC. Transitional Aid to Families with Dependent Children.

Temporary Change. A change to a parent's circumstances including: any time-limited absence from a parent's approved activity due to an illness or need to care for a family member; any interruption in work for a seasonal worker who is not working between regular industry work seasons; any reduction in work, training or education hours, as long as the parent is still working or attending training or education; any other cessation of a parent's approved activity that does not exceed 12 weeks; and any change in residency within the Commonwealth.

Vocational Training Program. An approved program other than graduate school, which is intended to teach a specific skill leading to employment.

Voucher Child Care Educator/Provider. A program or individual who provides child care services pursuant to an EEC voucher services agreement.

Young Parent. A biological parent who is younger than 24 years old, and who resides in the household with their dependent child(ren). This shall include young parents who attain the age of 24 years old during their third trimester of pregnancy.

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606 CMR 10.03

10.03: General Provisions

Effective: January 1, 2026

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

(1) Eligibility.

(a) Family Composition and Size. Prior to issuing a child care financial assistance authorization, Family Access Administrators shall verify, through documentary evidence in accordance with EEC policy, the family size and household composition of the applicant by verifying the relationship of each child younger than 18 years old, or younger than 24 years old if the child is a full-time student, who resides in the household and is financially dependent on the parent(s) applying for child care financial assistance. Documents that reasonably establish the family composition and size shall be acceptable. Parents of young parents may include the young parent and their child(ren) in the applicant's family size provided that the young parent is not receiving EEC financial assistance for their child(ren).

(b) Identity. Prior to the initial authorization, the Family Access Administrator shall verify, through documentary evidence in accordance with EEC policy, the identity of each parent(s) applying for child care financial assistance. Required documentary evidence shall contain a photo of the applicant. If a parent cannot provide documentary evidence with a photo of the applicant, a parent may submit a combination of two secondary documents without photos to verify the identity of the applicant, in accordance with EEC policy. Secondary documents that reasonably establish identity shall be acceptable.

(c) Residency. The Family Access Administrator must verify, through documentation in accordance with EEC policy, that families seeking child care assistance reside in a Massachusetts household because financial assistance administered by EEC is available only to residents of the Commonwealth of Massachusetts. Documents that reasonably establish residency in Massachusetts shall be acceptable.

(d) Citizenship or Immigration Status. In accordance with federal law, the Family Access Administrator shall verify, through documentary evidence in accordance with EEC policy, the United States citizenship status or immigration status of each child for whom care is requested. Any documents that reasonably establish the citizenship or immigration status of the child must be accepted, and no requirement for a specific type of documentation may be imposed. No child shall be denied child care financial assistance based solely on an applicant's failure to demonstrate citizenship or immigration status without final review by EEC.

(e) Eligibility Periods. Families shall be eligible for authorizations of a minimum of 12 months, and renewal is subject to the family's continued eligibility for child care financial assistance. Family Access Administrators shall notify families no fewer than two times that their eligibility period is ending. At least one of these notifications shall be in writing and shall be provided no fewer than 60 days prior to the end of their eligibility period. A child receiving child care financial

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assistance who reaches the maximum age for eligibility during an authorization period shall remain eligible and continue to receive assistance until the end of that school year.

(f) Contact Information. To ensure continued eligibility for child care financial assistance, parents must maintain current contact information, if any, with the Family Access Administrator and as directed in accordance with EEC policy. A family experiencing homelessness who does not have an address or telephone number must maintain as much current contact information as possible with the Family Access Administrator.

(g) Reauthorization. Prior to the end of the current authorization period, families must provide current documentation of continued income eligibility and service need to their Family Access Administrator, and shall provide documentation verifying their residency only if it has changed since their last reauthorization. Such documentation must be provided within a reasonable time prior to the authorization end date so that the authorization can be completed before the end of the current authorization. Parents who lose their approved activity during the last 30 days prior to reauthorization may be granted a 12-week provisional authorization to seek and certify an approved activity in accordance with 606 CMR 10.04(2)(b)2.

Parents who lose their approved activity during the last 30 days prior to reauthorization may be granted a 12-week provisional authorization to seek and certify an approved activity in accordance with 606 CMR 10.04(2)(b)2.

(h) Current Eligibility Information. Parents receiving child care financial assistance must notify their Family Access Administrator when there is a change in circumstances as follows:

1. Reporting Changes.

a. During the Authorization Period. A parent must notify their Family Access Administrator within 30 days of such a change.

i. The family's income exceeding 85% SMI, or a higher limit set in accordance with 606 CMR 10.03(3)(c);

ii. An out of state change of address;

iii. A change in contact information; or

iv. Loss of employment or cessation of attendance at a job training or educational program that lasts for more than 12 weeks. The parent shall be entitled to a 12-week period from the time the parent reports such a loss of employment or cessation of attendance at job training or an educational program to certify a new approved activity. If documentation of a new approved activity is not provided prior to the end of the 12-week period, child care financial assistance may be terminated.

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Failure to notify the Family Access Administrator of these changes within 30 days of each such change may result in an IPV, and may be subject to disqualification pursuant to 606 CMR 10.12.

b. At Reauthorization. A parent shall report all other changes at reauthorization. Failure to report these changes at reauthorization will not result in an IPV or disqualification. A parent may voluntarily choose to report a change prior to reauthorization if it will benefit the family to do so.

(i) Child Attendance. In order to remain eligible for a child care financial assistance, all children receiving EEC financial assistance shall attend the early education and care program, in accordance with the terms of the child care authorization. A non-approved break in care may result in the termination of child care financial assistance in accordance with 606 CMR 10.10.

(j) Data Sharing. For purposes of program integrity and in an effort to establish front end detection necessary to combat fraud, waste, and abuse, EEC may use data collected from child care financial assistance applicants to conduct data matches with other governmental entities. If data matches demonstrate inconsistencies with the statements or documents submitted by the child care applicant(s), the Family Access Administrator or EEC may request additional documentation. Failure to resolve the inconsistencies may result in the termination of an applicant's child care financial assistance, in accordance with 606 CMR 10.10.

(2) Fees. Parents receiving child care financial assistance may be required to contribute to the cost of the child care services they receive, in accordance with a sliding fee scale established by EEC.

(a) Parent Fee Scale. In accordance with M.G.L. c. 15D § 2(e) and pursuant to 45 CFR 98.45, EEC shall establish a schedule for revising its parent fee scale within six months of its most recent market rate survey or a federally-approved and adopted alternative methodology.

(b) How Fees Are Assessed for Siblings. Fees for siblings will be assessed in accordance with EEC policy.

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

(d) Reauthorizations. Fee obligations will be reviewed every 12 months or sooner in accordance with the parent's mandatory reporting requirements pursuant to 606 CMR 10.03(1)(h), or voluntary reporting by a parent.

(e) Payment and Collection.

1. Parent fees must be paid on a payment schedule in accordance with EEC policy.

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2. Educators/Providers are responsible for collecting parent fees in a timely fashion and must take appropriate action if parents fail to pay fees as required. Educators/providers who allow parents to accrue balances in excess of the value of three weeks of parent fees may be responsible for the balance.

(3) Priority in Funding.

(a) Children will be authorized for child care financial assistance in accordance with priorities and policies established by EEC, and subject to available funding. Equal priority shall be given to families in any of the following categories: families with a household income not more than 50 percent of the SMI; families in which a parent or caregiver is working in the field of early education and care, in accordance with EEC rules and policy; families with children who have a documented disability and whose household income is not more than 85 percent of the SMI or a higher limit set in accordance with 606 CMR 10.03(3)(c), in accordance with 606 CMR 10.04(2)(a)(2); families experiencing homelessness, in accordance with 606 CMR 10.04(2)(b)(1)(e); families who are headed by a young parent, in accordance with 606 CMR 10.07; and families with a parent experiencing a situation of domestic violence, in accordance with 606 CMR 10.04(2)(b)(1)(f).

(b) Parents whose eligibility for a specific EEC financial assistance program is ending have priority for access to other EEC financial assistance over parents who have not previously received EEC child care financial assistance. In order to maintain priority access and facilitate transition to another financial assistance program, a parent must provide documentation in accordance with 606 CMR 10.03(1).

(c) If additional funds are appropriated or the federal government obligates itself to release additional funding to expand access to child care services beyond those reasonably sufficient to fund child care financial assistance for income-eligible families in accordance with 606 CMR 10.04, EEC shall, in a manner consistent with any requirements placed on the receipt or expenditure of the relevant federal funds, allocate funding to increase the number of families receiving child care financial assistance based on income eligibility in the following order of priority to:

(i) Families with a household income of not more than 85 percent of the SMI;
(ii) Families with a household income above 85 percent, but not more than 100 percent, of the SMI;
(iii) Families with a household income above 100 percent, but not more than 110 percent, of the SMI; and
(iv) Families with a household income above 110 percent but not more than 125 percent of the SMI.

(4) Location of Care. Child care financial assistance may only be used for care provided within the Commonwealth of Massachusetts, unless exempted in accordance with EEC policy.

(5) Non-discrimination. EEC and its agents shall not discriminate against any child care financial assistance applicant or recipient on the basis of age, sex, gender identity, race, ethnicity, religion, color, national origin, disability, sexual orientation, military status or status as a veteran, or pregnancy or a condition related to pregnancy. All activities conducted by EEC and its agents must be carried out in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, *et seq.*), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), the Americans with Disabilities Act of 1990, as amended, the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101, *et seq.*), and the Massachusetts Constitution.

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(6) Confidentiality. EEC and its agents shall maintain and handle a child care financial assistance applicant or recipient's personal information in a manner that complies with all state and federal laws concerning the confidentiality of information, including M.G.L. c. 66A; M.G.L. c. 93H; 801 CMR 3.00: *Privacy and Confidentiality*; and 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*. Notwithstanding the prior sentence, EEC reserves the right to disclose an applicant or recipient's personal information to an appropriate agency without the prior consent of the subject of the personal information if EEC determines that such disclosure is necessary to prevent a serious threat to the health or safety of an individual.

(7) To the extent allowable under federal laws and regulation, child care financial assistance shall not be counted as income or assets for the purpose of disqualifying any person from eligibility for any other government benefit for which the person is otherwise eligible including, but not limited to, TAFDC.

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606 CMR 10.04

10.04: Income Eligible Child Care Financial Assistance

Effective: January 1, 2026

Subject to appropriation, income eligible child care financial assistance is available to eligible parents for care by a contracted or voucher child care educator/provider, or an in home or relative child care provider, in accordance with regulations, guidelines, and policies established by EEC. Eligible families shall only receive one type of child care financial assistance for each eligible child.

(1) Referral and Waitlist.

(a) Family Access Administrator. Based on availability and in accordance with EEC enrollment priorities and policies, the Family Access Administrator must:

1. issue a child care financial assistance (contract slot or voucher) to the eligible parent, subject to an eligibility determination; or

2. place the child on the waitlist for child care financial assistance.

(b) Parent Choice. Parents may not be required to enroll their children at a particular child care program. Upon 14 days notice, parents may choose to withdraw their children from one child care program and enroll in another available program for the duration of the child care financial assistance, subject to funding availability and in accordance with EEC policy.

(c) Enrollment Prior to Service Need. Eligible children may be enrolled in care 14 days prior to the start of the parent's service need.

(2) Eligibility Criteria. To be eligible for income eligible child care financial assistance, parents must meet both income eligibility and service need requirements established by EEC.

(a) Financial Requirements. Income eligibility is based on the income and the size of the family. Families headed by caregivers are exempt from financial eligibility guidelines, except as provided in 606 CMR 10.04(2)(a)4.

1. General Rule. Families seeking child care financial assistance meet the financial requirements for the income eligible child care program provided that the total gross monthly income for the household is at or below 85% of the State Median Income at the time of the family's initial enrollment, or a higher limit set in accordance with 606 CMR 10.03(3)(c). Families, whose gross monthly income is at or below 85% of the State Median Income at the initial authorization, will continue to meet the financial requirements provided that the total gross monthly income for the

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household remains at or below 85% of the State Median Income, or a higher limit set in accordance with 606 CMR 10.03(3)(c).

2. Families with a Child with a Disability. Families with a child with a disability will meet the financial requirements for the income eligible child care program provided that the total gross monthly income for the household is at or below 85% of the State Median Income at the time of the family's initial enrollment or a higher limit set in accordance with 606 CMR 10.03(3)(c). Families, whose gross monthly income is at or below 85% of the State Median Income or a higher limit set in accordance with 606 CMR 10.03(3)(c) at the initial authorization, will continue to meet the financial requirements provided that the total gross monthly income for the household remains at or below 85% of the State Median Income, or a higher limit set in accordance with 606 CMR 10.03(3)(c). The disability of the child must be verified and documented in accordance with EEC policy.

3. Relevant Income. When determining financial eligibility, relevant income shall include the income of the parents living with the child receiving financial assistance. The following types of income shall not be considered relevant income for determining financial eligibility: Child support and any form of income of foster parents, caregivers, or other adult family members; income of siblings who are not receiving child care financial assistance; Social Security income, including but not limited to survivor's benefits or SSDI; or earned income of any minor child. EEC may exclude additional forms of income for determining financial eligibility as detailed in EEC Policy.

4. Assets. Families seeking child care financial assistance shall not have assets that exceed $1,000,000. Documentation of assets shall be certified in accordance with EEC Policy.

(b) Service Need Requirements. Both parents residing in the household must document either a part time or full time service need.

1. Approved Activities. Activities acceptable for establishing a service need are: employment; participating in an approved education or training program; or receiving or at risk of receiving protective services. Each activity is outlined as follows:

a. Employment. The following activities meet the service need requirement of employment: paid employment; self-employment, including paid in cash; active deployment in the military; and retirement, if the head of household is a parent and 65 years of age or older.

i. Paid Employment. Eligible paid employment is considered a position that pays no less than the minimum wage in the state wherein the employment takes place for no less than an average of 20 hours per week.

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ii. Self-employment, Including Paid in Cash. All self-employed parents must participate in self-employment activities for no less than an average of 20 hours per week as certified in accordance with EEC policy.

b. Maternity/Paternity Leave. Parents on maternity/paternity leave at authorization/reauthorization shall be eligible for a 12-month authorization. For parents currently receiving child care financial assistance, maternity/paternity leave shall be considered a temporary change, in accordance with 606 CMR 10.03(1)(h)1.b. Parents must provide documentation as required under EEC policy.

c. Education or Training. Parents will qualify for a service need of education or training if they are enrolled in and attending any of the following: a full time high school program; an approved high school equivalency program; an approved vocational training program; an approved ESOL program; or an accredited college or university, leading to an associate's or a bachelor's degree. Parents attending an advanced professional training or graduate program will qualify for a service need of education or training at reauthorization only, in order to continue a previously authorized education or training service need as listed in the first sentence of this subsection. Approved vocational training programs, high school equivalency programs, or ESOL programs will be certified in accordance with EEC policy.

i. The service need of education or training shall continue through a semester break for parents registered for the following semester.

ii. The service need for parents participating in a full time high school program will be considered full time, regardless of the program's schedule.

iii. The service need for parents participating in college or graduate school coursework with 12 credit hours or more will be considered full time. For parents participating in less than 12 credit hours, the actual credit hours shall be multiplied by 2.5 to establish a child care need.

iv. The service need for parents participating in education or training programs other than college, or high school, (including high school equivalency programs), or graduate school is 2.5 hours of service for each hour spent in the education or training program per week.

v. Work study hours and required practical and clinical experiences (including student teaching or internships) are counted as hours of employment, for the purpose of determining service need.

d. Disability of Parent. Families with a documented physical or mental disability of a parent, that is certified in accordance with EEC policy, may be eligible for either full time or part-time care, subject to the following:

i. All authorizations must be approved in writing by EEC in accordance with EEC policy.

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ii. Authorizations shall be authorized for up to three years. At the end of the authorization period, a parent may apply to EEC for a reauthorization upon certification in accordance with EEC policy that the disability persists or is a permanent condition,

iii. All authorizations are reviewed under EEC's variance policy and may be appealed in the form of an Informal Hearing in accordance with the provisions of 606 CMR 10.11(7).

e. Homelessness. Families meeting EEC's definition for a family experiencing homelessness will qualify for full time child care.

i. The asset requirements established in 606 CMR 10.04(2)(a)4. shall be waived for all families meeting the homelessness service need.

ii. Parent fees shall be waived for all families meeting the homelessness service need.

f. Domestic Violence. Families with a parent experiencing a situation of domestic violence, certified in accordance with EEC policy, will qualify for full-time care.

2. Seeking Approved Activity. Parents who do not have an approved activity at time of initial authorization or at reauthorization may be granted a provisional authorization of 12 weeks to seek and certify an approved activity. This may include parents enrolled in a non-approved training program, or parents unable to certify employment at time of initial eligibility authorization.

a. Parents who are able to provide documentation of an approved activity and meet all other program requirements described in 606 CMR 10.04(2) before the end of the 12-week period will be issued a 12-month authorization.

b. Parents who are able to provide preliminary proof of an approved activity but are unable to provide documentation in accordance with EEC policy at the end of the 12-week period may be granted an extended period of twelve weeks to provide the documentation required to qualify for a 12-month authorization.

3. Combining Service Need Activities. Work, education or training, and disability of parent may be combined to meet service need requirements.

4. Travel Time. Travel time may be added to a parent's weekly service need, in accordance with EEC policy, provided that the travel is related to the necessary time to/from the child care program and the parent's service need activity. Before travel time may be added to a service need, the parent must establish an average of at least 20 hours in an EEC approved activity, pursuant to 606 CMR 10.04(2)(b)1.

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5. Amount of Care. Parents who document a full time service need will be eligible for full time child care. Parents who document a part time service need will be eligible for part time child care.

a. Parents who are able to provide documentation of a part time service need at authorization and provide preliminary documentation of a full time service need may be granted a provisional authorization for full time child care for the duration of the 12-week period.

b. Parents who are able to provide documentation of a full time service need in accordance with EEC policy at the end of the 12-week period will be granted a 12-month authorization for full time child care.

c. Parents who are able to provide documentation of a part time service need in accordance with EEC policy at the end of the 12-week period will be granted a 12-month authorization for part time child care.

(3) Eligibility Determination. A Family Access Administrator will make eligibility determinations based on the parent(s)' application and documentation and based upon relevant regulations and policies.

(a) Application. A parent may apply for income eligible child care financial assistance with a Family Access Administrator. At the time of application, each subsequent reauthorization, a parent applying must execute a child care application and fee agreement.

(b) Documentation. No more than 30 days after an application is received by a Family Access Administrator, parents must submit documentation that verifies the identity, residency, citizenship, or immigration status of any child seeking child care financial assistance; and documentation that verifies income, service need, family size, and relationship to all children and dependent relatives in the family, in accordance with EEC policy. At each subsequent reauthorization, parents must submit documentation that verifies their income and service need in accordance with 606 CMR 10.03(1)(g), and shall provide documentation verifying their residency only if it has changed since their last reauthorization.

(c) Notice to Applicants. Upon receiving an application, a Family Access Administrator shall notify the applicant of the 30 day deadline for documentation submission. An application shall be deemed to have been received on the first date on which a Family Access Administrator reviews the application.

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606 CMR 10.05

10.05: Department of Transitional Assistance (DTA)-related Child Care Program

Effective: January 1, 2026

Subject to appropriation, DTA may issue referrals for TAFDC or certain SNAP recipients, certain former TAFDC recipients, or any other DTA clients seeking child care supported by financial assistance, to the extent allowed by state and federal law, through the DTA-related child care program, as described in 606 CMR 10.05(1) through (7). DTA referrals for child care supported by financial assistance shall be issued in accordance with the regulations, guidelines, and policies established by DTA and in accordance with 606 CMR 10.03, unless otherwise noted.

(1) Authorization. For any eligible parent seeking child care through the DTA-related child care program, DTA may issue a child care referral to the eligible parent based on the family's participation in the TAFDC, SNAP Pathways to Work, or DTA-related programs.

(a) TAFDC or SNAP Families. Parents who currently receive TAFDC or SNAP and participate in a DTA-approved educational or employment-related activity may be issued a child care referral for priority access to child care supported by financial assistance for no less than 12 months, unless referral is for job development or placement, whereby a 12-week job search referral may be issued.

(b) Transitional Families. Parents who have received TAFDC within the 24 months prior to their application for child care financial assistance and who obtain a child care referral from DTA will have priority access to child care financial assistance, provided they meet EEC eligibility guidelines as established in 606 CMR 10.03 and 10.04.

(2) Referral. DTA shall issue parents a child care referral to the appropriate EEC Family Access Administrator. The family access administrator shall help the parents identify a child care educator/provider who can provide care supported by financial assistance as defined in 606 CMR 10.08.

(3) Eligibility Criteria. Eligibility for child care financial assistance through the DTA related child care program shall be determined by DTA and verified by the Family Access Administrator based on the parent's DTA or TAFDC status, as described in 606 CMR 10.05(3)(a) and (b).

(a) TAFDC or SNAP Families. The child care referral is sufficient documentation that the parent is eligible for child care financial assistance for each child included in the referral. Family Access Administrators shall verify the identity of the parent(s) listed on the child care referral issued by DTA, in accordance with 606 CMR 10.03(1)(b).

1. Fee Assessment. TAFDC or SNAP families with child care referrals who currently receive TAFDC or SNAP benefits from DTA shall not be charged any parent fees. TAFDC or SNAP families with child care referrals who currently receive TAFDC or SNAP benefits from DTA shall be exempt from payment of explained absences exceeding 45 days in accordance with 606 CMR 10.03(10)(i) through the end of the eligibility period.

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2. Asset Limits. The asset requirements established in 606 CMR 10.04(2)(a)4. shall be waived for all families referred for child care financial assistance through the DTA-related child care program.

(b) Transitional Families. The child care referral is evidence of family relationship for all children included in the referral. Family Access Administrators shall verify the identity of the parent(s) listed on the child care referral issued by DTA, in accordance with 606 CMR 10.03(1)(b).

(c) Fee Assessment. Transitional child care authorizations shall not be assessed a parent fee during the initial 12-month transitional period in accordance with 606 CMR 10.03(2).

(4) Eligibility Period. Family Access Administrators should approve child care based on the parent's DTA or TAFDC status, as described in 606 CMR 10.05(4)(a) through (d).

(a) TAFDC or SNAP Families. Family Access Administrators shall approve the child care financial assistance authorization based on the DTA referral, for no less than 12 months unless the referral is for job development or placement, whereby a 12-week job search referral may be authorized.

(b) Transitional Families. Family Access Administrators shall approve the child care financial assistance authorization in accordance with 606 CMR 10.04(2)(b), not to exceed 12 months from the date the family's TAFDC case closed.

(c) Notification. The Family Access Administrator shall notify families no fewer than two times, including at least once in writing, that their eligibility period is ending no fewer than 60 days prior to the end of the eligibility period.

(5) Enrollment. Parents will enroll children directly at the child care educator/provider child care site in accordance with the procedures of the child care educator/provider.

(6) Denial or Termination of Authorization. Parents aggrieved by DTA's denial or termination of a child care referral may pursue their grievance through the DTA Fair Hearing Process.

(7) Continuity of Care. Parent(s) seeking to continue eligibility upon the end of the family's DTA-related child care program authorization or termination of transitional TAFDC or SNAP care may continue to receive child care financial assistance through the income eligible child care program provided that the family meets the requirements set forth in 606 CMR 10.03 and 10.04.

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606 CMR 10.06

10.06: Department of Children and Families (DCF)-related Child Care Program

Effective: January 1, 2026

Subject to appropriation, DCF may issue referrals for children with active cases at DCF or during a transitional period following their case closure through the DCF-related child care program, as described in 606 CMR 10.06(1) through (9). DCF referrals for child care financial assistance shall be issued in accordance with the regulations, guidelines, and policies established by DCF and in accordance with the general provisions for child care financial assistance described in 606 CMR 10.03, unless otherwise noted.

(1) Authorization. For any child with active cases at DCF, DCF may issue a referral for child care services to the parent.

(2) Referral and Waitlist. DCF or its designee will determine the appropriateness of and authorize all referrals for DCF-related child care, and may either:

(a) refer the parent to a Family Access Administrator authorized by EEC to provide DCF-related child care appropriate to the age and needs of the child; or

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

(3) Eligibility Criteria. DCF or its designee shall determine eligibility of its clients for DCF-related child care, in accordance with DCF regulations and policy. The child care referral is sufficient documentation that the children listed on the referral are eligible for DCF-related child care. Family Access Administrators shall verify the identity of the parents listed on the child care referral issued by DCF in accordance with 606 CMR 10.03(1)(b). The asset requirements established in 606 CMR 10.04(2)(a)4. shall be waived for all families referred for child care financial assistance through the DCF-related child care program.

(4) Eligibility Period. The DCF-related child care financial assistance will be authorized by the Family Access Administrator for not less than 12 months, and may be renewed by DCF for an additional 12-month period as needed. Unless approved by the DCF social worker and DCF supervisor, referrals for DCF-related child care may not be renewed more than once. Family Access Administrators shall notify families no fewer than two times that their eligibility period is ending. At least one of these notifications shall be in writing and shall be provided no fewer than 60 days prior to the end of the eligibility period.

(a) Transitional Families. DCF may authorize transitional DCF-related child care to continue beyond the closure of the DCF case for no less than 12 months. Parents who seek eligibility following the parent's initial 12-month transitional period may receive priority access to child care financial assistance for one additional, transitional 12-month period, not to exceed 24 months from the date the family's DCF case closed. A parent fee shall not be assessed at the initial 12-month transitional period in accordance with 606 CMR 10.03(2).

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(b) Fee Assessment. DCF families with child care referrals who currently have an open case with DCF shall not be charged any parent fees. Transitional child care authorizations shall not be assessed a parent fee during the initial 12-month transitional period in accordance with 606 CMR 10.03(2).

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

(6) Enrollment. The parents shall complete the enrollment process in accordance with the child care educator/provider's policies and procedures.

(7) Denial or Termination of DCF-related Child Care. DCF-related child care will continue until the end of the authorization period under 606 CMR 10.06(4). DCF-related child care will not be renewed at the reauthorization period once the protective case has closed, or when DCF has determined that services are no longer appropriate, whichever first occurs. Parents wishing to appeal the termination or denial of DCF-related child care may do so through the DCF Fair Hearing Process, in accordance with DCF policy and 110 CMR 10.00: *Fair Hearings and Grievances*.

(8) Continuity of Care. Parent(s) seeking to continue eligibility upon the end of the DCF-related child care services may continue to receive child care financial assistance through the income eligible child care program provided that the family meets the requirements set forth in 606 CMR 10.03 and 10.04.

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606 CMR 10.07

10.07: Young Parent Child Care Services Program

Effective: January 1, 2026

Subject to appropriation, young parents may be eligible to receive child care financial assistance through the young parent child care services program, as described in 606 CMR 10.07(1) through (6), and provided they meet the requirements of the general provisions for child care financial assistance described in 606 CMR 10.03, unless otherwise noted:

(1) Application and Referral. Young parents may apply for child care financial assistance at a CCRR, a program contracted to provide young parent child care services, a local DTA office, or any other location authorized by EEC. At the time of application, the young parent must complete a child care application and fee agreement on forms provided or approved by EEC. At the initial authorization, the young parent must submit documentation that verifies their identity, income, service need, residence, and family relationships, in accordance with EEC regulation and policy. At reauthorization, the young parent must only submit documentation that verifies their income and service need, and shall provide documentation verifying their residency only if it has changed since their last reauthorization. If a young parent has a current child care referral from DTA under 606 CMR 10.05(1)(a), the referral is sufficient documentation of their income, service need, residence, and family relationships.

(2) Referral and Waitlist. Based on availability, parents will be referred to and/or enrolled, subject to an eligibility determination, in the young parent child care services program. Parents unable to enroll in the young parent child care services program, due to a lack of available funding, will be placed on a child care financial assistance waitlist with priority status.

(3) Eligibility Criteria. Young parents seeking access to child care financial assistance through the young parent child care services program must comply with the financial and service need requirements of 606 CMR 10.04, unless excepted in 606 CMR 10.07(3)(a) and (b).

(a) Service Need Requirements. Unless authorized by DTA or DCF, young parents must participate in a full-time high school program, or a high school equivalency (GED) program, or must have received a GED or high school diploma and be participating in an approved higher education, training, and/or work activity as specified at 606 CMR 10.04(2)(b).

(b) Age Requirements. Young parents are eligible to participate in the young parent child care services program until they reach their 24th birthday. Enrolled young parents who turn 24 years of age during their 12-month authorization may continue through the end date of their authorization.

(4) Eligibility Periods. Eligibility is determined for periods not less than 12 months, subject to the family's continued eligibility for child care financial assistance. Family Access Administrators shall notify young parents no fewer than two times that their eligibility period is ending. At least one of these notifications shall be in writing and shall be provided no fewer than 60 days prior to the end of the eligibility period.

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(5) Denial or Termination of Services. All denials or terminations related to the young parent child care services program shall comply with 606 CMR 10.10 and 10.11.

(6) Continuity of Care. Parent(s) seeking to continue eligibility upon the closure of the family's young parent child care services may continue to receive child care financial assistance through the income eligible child care program provided that the family meets the requirements set forth in 606 CMR 10.03 and 10.04 and any unpaid fee balance or disqualification period under 606 CMR 10.12(1) through (5) is resolved.

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606 CMR 10.08

10.08: Child Care Educators/Providers and Informal Child Care Providers

Effective: January 1, 2026

(1) Care by Licensed Educators/Providers. Except as set forth in 606 CMR 10.08(2), child care supported by financial assistance may be provided by an EEC licensed family child care educator/provider, a licensed group or school age child care program or through a family child care system, if the educator/provider, program or system holds a contract or agreement with EEC to provide child care supported by financial assistance services.

(2) Care Exempt from Licensure.

(a) Child care supported by financial assistance may be provided by a group or school age child care program that has been determined by EEC to be exempt from licensure, and with whom EEC holds a contract or an agreement to provide child care services supported by financial assistance or with whom a CCRR holds a voucher agreement. Prior to providing and being reimbursed for child care supported by financial assistance, license exempt providers providing care must:

1. complete EEC's background record check certifying the child care provider exempt from licensure, as determined by EEC, has a background free of conduct which, in the judgment of EEC and in accordance with EEC's Background Record Check Regulations at 606 CMR 14.00: *Criminal Offender and Other Background Record Checks*, bears adversely upon their ability to provide for the safety and well-being of a child.

2. complete all applicable pre-service and orientation to child care trainings;

3. agree to and complete annual trainings;

4. satisfy all applicable health and safety requirements;

5. agree to annual monitoring visits from EEC; and

6. sign an agreement to provide child care supported by financial assistance.

(b) Informal Child Care.

1. Relative of the Child. Child care supported by financial assistance may be provided in a private residence by an informal child care provider who is a relative of the child, provided that the informal child care provider is 18 years of age or older and is not the child's parent or caregiver. Relative informal child care providers who provide child

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care supported by financial assistance services must submit to the CCRR documentation of their relationship to the child receiving care, which may include birth certificates, baptismal certificates, and marriage certificates. The informal child care provider must not be a member of the parent's TAFDC assistance unit, unless the parent is younger than 18 years old. Prior to providing and being reimbursed for child care supported by financial assistance, relative informal child care providers must:

a. complete all applicable pre-service and orientation to child care trainings;

b. satisfy all applicable health and safety requirements; and

c. sign an agreement to provide child care supported by financial assistance.

2. Non-relative of the Child. Child care supported by financial assistance may be provided in the home of the child by an informal child care provider unrelated to the child on the condition that the informal child care provider is at least 18 years of age or older. Prior to providing and being reimbursed for child care supported by financial assistance, informal child care providers providing care in the child's own home must:

a. complete EEC's background record check certifying the informal child care provider has a background free of conduct which, in the judgment of EEC and in accordance with EEC's Background Record Check Regulations at 606 CMR 14.00: *Criminal Offender and Other Background Record Checks*, bears adversely upon their ability to provide for the safety and well-being of a child;

b. complete all applicable pre-service and orientation to child care trainings;

c. agree to and complete annual trainings;

d. satisfy all applicable health and safety requirements;

e. agree to annual monitoring visits from EEC; and

f. sign an agreement to provide child care supported by financial assistance.

3. Relative informal child care providers and non-relative informal child care providers providing care in the child's own home may not care for more than six children younger than 13 years old.

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606 CMR 10.09

10.09: Reimbursement

Effective: January 1, 2026

(1) Rates. Reimbursement to child care educators/providers shall be made on an enrollment basis in accordance with rates and policy established by EEC. EEC will measure enrollment using quarterly enrollment averages, and may use enrollment averages less frequent than quarterly if deemed necessary by the Commissioner.

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

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

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

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

(3) Payment for Child Care Absences. Educators/providers shall not be paid by the Commonwealth for care provided to an authorized child if the child's financial assistance has been terminated by EEC due to a non-approved break in care, in accordance with EEC policy.

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606 CMR 10.10

10.10: Denial and/or Termination of Services

Effective: January 1, 2026

Parents aggrieved by the denial or termination of their DTA authorization for a child care financial assistance may request a fair hearing on the matter from DTA in accordance with DTA regulations and policies. Parents aggrieved by the denial or termination of their eligibility for DCF-related child care services may request a fair hearing on the matter from DCF in accordance with DCF regulations and policies. All others whose financial assistance is terminated or denied may request EEC to review the decision through the EEC Review Process, as specified at 606 CMR 10.11.

(1) Reasons for Denial. In accordance with EEC policies, EEC may deny child care financial assistance for the following reasons:

(a) lack of service need;

(b) lack of financial eligibility including, but not limited to, exceeding income or asset limits;

(c) outstanding unpaid parent fee balance;

(d) failure to submit the required documentation at authorization or reauthorization in accordance with 606 CMR 10.03(1);

(e) Substantiated Fraud;

(f) disqualification pursuant to 606 CMR 10.12;

(g) non-approved break in care; or

(h) residency outside of the Commonwealth in accordance with 606 CMR 10.03(1)(c).

(2) Reasons for Termination. EEC child care financial assistance may be terminated due to the following:

(a) lack of service need;

(b) Intentional Program Violation;

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(c) Substantiated Fraud;

(d) residency outside of the Commonwealth in accordance with 606 CMR 10.03(1)(c).

(e) income exceeding limits detailed in 606 CMR 10.04(2)(a)1.; or

(f) non-approved break in care.

(3) Notice. Whenever financial assistance is being denied or terminated, EEC or the Family Access Administrator must give the parent(s) written notice of the denial or termination and the option to request a review of the action through EEC's review process and to request continuation of child care financial assistance services pending the outcome of the review and, if necessary, Informal Hearing. EEC or the Family Access Administrator shall use a notice provided or prescribed by EEC and shall provide the parent with the notice immediately upon the decision to deny child care financial assistance or at least 14 calendar days before the effective date of the termination.

At a minimum, the notice shall include the following:

(a) a clear and plain statement of the action to be taken;

(b) the effective date of the action;

(c) an explanation of the reason(s) for the action;

(d) the regulation or other legal authority on which the action is based;

(e) contact information to obtain further information related to the action;

(f) an explanation of the right to request a review;

(g) an explanation of the continuation of child care financial assistance pending the outcome of the review and, if necessary, Informal Hearing;

(h) a copy of the request for review process;

(i) the circumstances under which child care financial assistance may continue pending the outcome of a review, if applicable;

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(j) a notice of the right to be represented during the request for review and informal hearing process; and

(k) contact information for the EEC unit that receives appeal requests.

All notices required by EEC regulation and policy will be deemed adequately served if they are mailed *via* regular mail to parents at their last known address, or if they are otherwise mailed or delivered to parents *via* the parents' preferred method of delivery based on the contact information that they maintain with their Family Access Administrator.

(4) Continuation of Child Care Financial Assistance Pending Request for Review and Request for Informal Hearing

(a) Child care financial assistance shall continue after receipt of a notice of termination or denial at reauthorization pending the outcome of the request for review and, if necessary, Informal Hearing if the parent:

1. submits to EEC a request for review, which shall serve as a request for the continuation of child care financial assistance, prior to the effective date of the termination or denial of the child care financial assistance;

2. takes appropriate action to resolve any unpaid fee balance under 606 CMR 10.12(1) which caused the notice of termination prior to the effective date of the notice.

3. at all times during the review process, including any Informal Hearing, if necessary, keep all undisputed fee payments current; and

4. at all times during the review process, including any Informal Hearing, if necessary, ensure that the child continues to attend care in accordance with the child's Authorization.

(b) If the denial was issued at an initial authorization, child care financial assistance shall not be available during the request for review or Informal Hearing process.

(c) Child care financial assistance that is continued pending the outcome of a request for review or an Informal Hearing, and any unpaid fee balance, are subject to recoupment by EEC in cases where fraud is substantiated.

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606 CMR 10.11

10.11: Review Process

Effective: January 1, 2026

(1) Reasons for Review. A parent may request an EEC review when EEC or the Family Access Administrator:

(a) denies the parent's child care financial assistance.

(b) terminates the parent's child care financial assistance;

(c) assesses a fee that the parent believes is not in accordance with EEC regulation or policy;

(d) acts or fails to act in a way that the parent believes violates EEC financial assistance regulations or policy; or

(e) imposes a sanction pursuant to 606 CMR 10.12.

(2) Scope of Review. A parent may not challenge the legality of state or federal law in the EEC review process. The scope of an EEC review shall be limited to determining whether the Family Access Administrator acted, or failed to act, in accordance with state or federal laws or EEC regulations or policies. A parent may raise specific issues of fact for consideration as part of their request, and the EEC Review Officer may overturn a decision on those grounds even if the Family Access Administrator otherwise acted in accordance with state or federal laws or EEC regulations or policies.

(3) Filing a Request for Review. The parent shall submit to EEC a written and dated request, which may be made *via* email, for a review within 30 days of notice that their child care is being terminated or denied, or within 30 days of an action or determination by the Family Access Administrator which the parent claims violates EEC financial assistance regulations or policy. The request for a review shall contain the parent's name, address, and telephone number, and the reason for the request. If a parent wishes to submit evidence in support of their request, such as documents or receipts, the evidence must be received by EEC within 14 calendar days of submitting the request for review in order to make such evidence a part of the review record.

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

(5) Termination of Continued Child Care Financial Assistance. Child care financial assistance continued in accordance with 606 CMR 10.11(5)(a) shall be terminated if at any time during the review process or any subsequent appeals:

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

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(b) a change affecting the parent's financial assistance occurs subsequent to the filing of the request for a review which makes the previously filed request for a review moot, and the parent does not appeal the subsequent matter within the applicable time period; or

(c) the parent fails to comply with the requirements for continuing child care financial assistance listed in 606 CMR 10.10(4).

(6) Preliminary Review.

(a) Notification. Within seven days of receipt of the parent's request for review, the EEC Review Officer shall notify the Family Access Administrator of the request for review, and shall request that the Family Access Administrator submit evidence in support of their determination. EEC's Review Officer shall also notify the parent and the Family Access Administrator whether the child care financial assistance shall continue pending the outcome of the review.

(b) Response. Within seven days of the date of notification from EEC, the Family Access Administrator must submit to EEC's Review Officer evidence in support of their decision, action or inaction which allegedly forms the basis for the parent's request for review.

(c) Record. The case record shall consist of any evidence submitted by the Family Access Administrator, any evidence submitted by the parent, and, if applicable, any evidence obtained by EEC's Review Officer including, but not limited to, documentary evidence obtained from local, state, and/or federal agencies.

(d) Decisions.

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

2. When Made. Within 60 days of EEC's receipt of the request for review for a termination or denial at Reauthorization , EEC's Review Officer shall issue a written decision to the parent and the Family Access Administrator which upholds, reverses, or modifies the Family Access Administrator's decision, action, or inaction. Within 60 days of EEC's receipt of the request for review for denial at initial Authorization, EEC's Review Officer shall issue a written decision to the parent and the Family Access Administrator which upholds, reverses, or modifies the Family Access Administrator's decision.

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3. When Implemented. Unless 606 CMR 10.10(4) applies, the EEC Review Officer's decision will be implemented in accordance with the timelines set forth in the decision.

4. Notice of Right to Appeal. The Review Officer's written decision shall inform the parent of the parent's right to appeal the written decision by requesting an Informal Hearing in accordance with 606 CMR 10.11(7). If the parent does not appeal, the Review Officer's written decision shall become EEC's final agency decision and child care financial assistance shall be terminated immediately.

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

(a) Requesting an Informal Hearing. Parents may request an Informal Hearing by submitting to EEC's General Counsel a written dated request, which may be made *via* email, for an Informal Hearing within 14 days of the date of the EEC Review Officer's written decision. The request for Informal Hearing must state the reason for the appeal. The General Counsel, or designee, may make disposition of the appeal, at the request of and with the consent of the parent, prior to the holding of a hearing; a parent shall have the continued right to an Informal Hearing after any such disposition or may choose to waive the hearing.

(b) Continuation of Benefits Pending an Informal Hearing. In order for child care financial assistance to continue pending the outcome of the appeal, the parent shall timely appeal the decision in accordance with 606 CMR 10.11(7)(a), and shall comply with the requirements under 606 CMR 10.10(4).

(c) Notice of Hearing. The General Counsel or the designated EEC Hearing Officer shall notify the parent, the Family Access Administrator, and EEC's Review Officer of the date, time, and place of the hearing. The notice shall also describe the hearing procedure and the right to contact EEC to obtain further information, including the case file and documents to be submitted by EEC at the hearing.

(d) Hearings.

1. Timing. Within 60 days of EEC's receipt of the request for an Informal Hearing, EEC shall hold the hearing and process the appeal.

2. Procedure. The Informal Hearing shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules*. The General Counsel may appoint an EEC Hearing Officer to preside over the hearing.

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

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

5. Location. The Informal Hearing shall be held in EEC's Central Office, or a location designated by EEC. The parent may request that the Informal Hearing be held at an EEC regional office more conveniently located to the parent or be scheduled *via* telephone or *via* a virtual, video enabled platform.

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

7. Burden of Proof. The EEC Hearing Officer's decision shall be supported by substantial evidence presented at the hearing. EEC shall have the burden of proof to uphold the decision of the EEC Review Officer.

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

1. fails to appear at the informal hearing, in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules*;

2. fails to prosecute their claim, in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules*; or

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

(f) Decisions. If the denial was issued at reauthorization, or if child care financial assistance was terminated, EEC's Hearing Officer shall issue the written decision in accordance with M.G.L. c. 30A, § 11(8) within 60 days of EEC's receipt of the request for an Informal Hearing. If the denial was issued at an initial authorization, EEC's Hearing Officer shall issue a written decision in accordance with M.G.L. c. 30A, § 11(8) within 60 days of EEC's receipt of the request for an Informal Hearing.

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

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

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

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

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

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606 CMR 10.12

10.12: Sanctions

Effective: January 1, 2026

(1) Intentional Program Violation (IPV) and Substantiated Fraud. A parent determined by EEC to have committed Substantiated Fraud or an Intentional Program Violation shall have a period of disqualification from eligibility for each child the parent is authorized for pursuant to the following:

(a) First Offense of IPV. If a parent is determined to have committed an IPV then the parent shall receive a warning notification putting the parent on notice that subsequent offenses will result in disqualification.

(b) Second Offense of IPV. If a parent is determined to have committed a second IPV, then the parent shall be disqualified from eligibility for a period of 12 months from the date of termination. After that time the parent is eligible to return to the waitlist in accordance with 606 CMR 10.04 or, pursuant to the applicable referral, in accordance with 606 CMR 10.05 and 10.06.

(c) Third Offense of IPV. If a parent is determined to have committed a third IPV, then the parent shall be disqualified from eligibility for a period of 24 months from the date of termination. After that time the parent is eligible to return to the waitlist in accordance with 606 CMR 10.04 or, pursuant to the applicable referral, in accordance with 606 CMR 10.05 and 10.06

(d) Fourth or More Offense of IPV or Substantiated Fraud. If a parent is determined to have committed a fourth or more IPV, or Substantiated Fraud, the parent shall be disqualified from eligibility until any debt resulting from the Substantiated Fraud is repaid or for a period of 36 months from the date of termination, whichever is greater. After that time the parent is eligible to return to the waitlist in accordance with 606 CMR 10.04 or, pursuant to the applicable referral, in accordance with 606 CMR 10.05.

(e) 606 CMR 10.12 shall not apply to the issuance of an IPV for non-payment of parent fees, which shall follow the process pursuant to 606 CMR 10.12(2).

(2) Non-payment of Fees. If a parent is determined to be in violation of the parent fee obligation required by 606 CMR 10.03(2), the parent may incur an Intentional Program Violation pursuant to the following:

(a) Upon the non-payment of a parent fee, the provider shall issue a written warning to the parent that payment is due. If, after receiving the warning, the parent pays the balance owed prior to the due date for the next scheduled parent fee payment, no further action or sanction shall apply and an IPV shall not issue.

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(b) If the parent does not pay the balance owed following receipt of the warning and does not pay the next scheduled parent fee payment owed on or by its due date, the provider may enter a repayment plan with the parent or the provider or Family Access Administrator may issue a notice of termination for non-payment of fees to the parent.

(c) The provider may choose to enter into a repayment plan with the parent in lieu of issuing a termination notice, the terms of which must be agreed upon by both parties. If a parent adheres to the payment schedule of the repayment plan, no further action or sanction shall apply and no IPV shall issue. If a parent does not adhere to the payment schedule of the repayment plan, the provider or Family Access Administrator may issue a notice of termination for non-payment of fees to the parent.

(d) A termination notice for non-payment of fees must be delivered to the parent 14 calendar days prior to termination of care and must state that services to the family will end 14 calendar days from the date the notice is delivered if the parent does not pay the overdue balance.

(e) If the parent does not pay the overdue balance prior to the termination date listed in the termination notice, EEC shall issue the parent an IPV and child care financial assistance shall be terminated until the unpaid balance is paid in full. Following termination, if the parent pays the unpaid balance in full, the parent is eligible to return to care if allowable under 606 CMR 10.10(4) or (5) or is eligible to return to the waitlist in accordance with 606 CMR 10.04, or pursuant to the applicable referral in accordance with 606 CMR 10.05 and 10.06.

(3) Exemptions to Sanctions.

(a) A parent with an active TAFDC case in accordance with 606 CMR 10.05(4)(a) shall be exempt from the termination or disqualification sanctions during the period their TAFDC case remains open or through the end of their eligibility period under 606 CMR 10.05(4)(a), whichever is later.

(b) A parent with an active DCF referral pursuant to 606 CMR 10.06 will be exempt from the termination or disqualification sanctions during the period the parent receives DCF-related child care pursuant to 606 CMR 10.06(4).

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606 CMR 10.13

10.13: Applicability

Effective: January 1, 2026

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

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