



The Commonwealth of Massachusetts Department of Early Education and Care

Policy	
Income Eligible Child Care Financial Assistance Program	Field Operations – All Family Access Administrators
Effective Date: October 1, 2023	

The Massachusetts Child Care Financial Assistance System

EEC seeks to provide families with access to affordable early education and care services through the administration of a family-centered Child Care Financial Assistance system. Some of the major objectives of the EEC Child Care Financial Assistance system are to promote flexibility, transparency, equitable access, and program integrity while supporting each family’s economic mobility goals and each child’s readiness for school and life success. There are three Child Care Financial Assistance Programs to address the different needs of families across the Commonwealth:

- 1. Income Eligible Child Care Program**
- 2. Department of Transitional Assistance (DTA) Related Child Care Program**
- 3. Department of Children and Families (DCF) Related Child Care Program**

INCOME ELIGIBLE CHILD CARE PROGRAM

The Income Eligible Child Care Program serves families who reside in Massachusetts, meet certain income guidelines, and have a "service need" (such as working, attending school, or completing job training).

INCOME ELIGIBLE - WAITLIST

To access financial assistance through the Income Eligible Child Care Program, a family must first be placed on EEC’s centralized waitlist. A family can be added to the waitlist by a Family Access Administrator, including staff from Child Care Resource and Referral Agencies (CCRR), contracted early education and care providers, or Mass 211.

INCOME ELIGIBLE - WAITLIST – WAITLIST SCREENING

Placement on the waitlist begins with the completion of the Waitlist Screening, a short set of questions to collect the minimum amount of information necessary for Family Access Administrators to determine if a family likely qualifies for child care financial assistance and if the family is eligible for priority access. Those questions include Massachusetts residency, a child under 13 years old (or under 16 years old with a disability) needing care, and an initial soft

income eligibility check. A family will be able to choose how they want to complete the Waitlist Screening, including telephonically, digitally or in person. A family's responses to the screening questions will serve as the family's self-declaration regarding eligibility requirements. Verification of documentation confirming eligibility will not be required as part of the screening process. Interpretation services will be provided for families who speak languages other than English.

If a Waitlist Screening indicates that a family is ineligible, the Family Access Administrator will inform the family of their right to still complete a full application and be placed on the waitlist. At the family's request, the Family Access Administrator will place the family on the waitlist.

If a Waitlist Screening indicates that the family may be eligible for child care financial assistance, Family Access Administrators will place the family on the waitlist. A family may seek a review by EEC if their initial Waitlist Screening indicates they are ineligible.

INCOME ELIGIBLE - WAITLIST – PLACEMENT ON THE WAITLIST

Families can be placed on the waitlist if they have either an immediate or future need for child care. Circumstances in which a family may need child care in the future may include:

- Pregnancy or maternity leave;
- If a family member is currently caring for a child and will be unable to care for the child at a future date; and
- A family is seeking to transition to a new child care setting based on the age or needs of their child.

Once a family has been placed on the waitlist, they will receive a Waitlist Confirmation Notice asking them to review the information provided through the Waitlist Screening, verify its accuracy, and to contact a Family Access Administrator to declare any changes.

To ensure that families' records remain current, families on the waitlist for longer than 12 months will receive a Waitlist Renewal Notice.

INCOME ELIGIBLE - WAITLIST – REMOVAL FROM THE WAITLIST

Families may be removed from the waitlist for the following reasons:

- Family no longer lives in Massachusetts;
- Child over 13 years old (not including child(ren) with disabilities);
- Family is over income;
- Family is no longer in need of financial assistance;
- Family has not responded to notifications from the Family Access Administrator about their waitlist status; and/or
- Family requests to be removed from the waitlist.

Removal Notices are sent to families who are no longer eligible for financial assistance or do not respond to an offer of financial assistance or notice related to the waitlist. The purpose of the Removal Notice is to:

- Inform the family that they will be removed from the waitlist if they do not respond to the Family Access Administrator indicated in the notice within 15 business days; and
- Explain the process to request to be put back on the waitlist.

A family may request to be placed back on the waitlist by contacting a Family Access Administrator within 30 business days of their removal. Once the Family Access Administrator has confirmed the family's continued eligibility, the family will be placed back on the waitlist and the date of the family's last Waitlist Screening prior to removal will be honored.

If a family was removed from the waitlist due to exceeding income eligibility, the family may be placed back on the waitlist if their income later decreases and falls within the eligible range. The family's new waitlist date will be changed to the date on which they requested reactivation.

A family may request a review to EEC for removal off of the waitlist.

INCOME ELIGIBLE - WAITLIST – OFFERS OF CHILD CARE FINANCIAL ASSISTANCE

Funding Availability Notices are sent to families on the waitlist to offer them financial assistance at the point that funding becomes available. Families on the waitlist will generally be offered child care financial assistance based on priority access status (immediate, priority or general priority) and:

- the date they completed the waitlist screening;
- the date they require child care;
- And/or if they already have a placement for their child;

Families must respond to a Funding Availability Notice within 15 business days. Family Access Administrators will work with each family throughout the application process to confirm the family's eligibility and determine the amount of the family's parent fee. If a meeting is required at any time, the Family Access Administrator must offer in-person, telephonic and virtual options to the family.

INCOME ELIGIBLE - WAITLIST – PRIORITY ACCESS

Some families will be given priority or immediate access to funding including:

- Families experiencing homelessness;
- Families with a parent who is younger than 24 years old;
- Families with a service need of domestic violence;
- Families with a parent working in an early education and care program; and

- Families whose eligibility for a specific EEC financial assistance program is ending.

Families with immediate priority access will receive expedited enrollment through the child care financial assistance process. Families authorized for child care financial assistance based on DTA or DCF referral, including children in foster care, will have immediate access and generally do not get placed on the waitlist.

INCOME ELIGIBLE - WAITLIST – IMMEDIATE ACCESS – FAMILIES EXPERIENCING HOMELESSNESS

EEC Child Care Financial Assistance prioritizes all families considered homeless under Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (See 42 U.S.C. 11434 (a) (2)) including:

- Families residing in an emergency assistance shelter, domestic violence shelter, family substance abuse treatment shelter, and/or temporary housing;
- Families residing in temporary housing at a motel, hotel, trailer park or camp ground;
- Families participating in a homeless stabilization or diversion program.
- Families sharing the housing of other persons;
- Families living in emergency or transitional shelters;
- Families with a primary nighttime residence that is a public place or a sleeping accommodation that may be atypical;
- Families living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory families who qualify as homeless because their child(ren) is living in circumstances described above.

Families experiencing homelessness, including families considered homeless under the McKinney-Vento definition, may access child care financial assistance through the Income Eligible Program and will receive priority access to the waitlist. Families experiencing homelessness that qualify under the McKinney-Vento definition will be prioritized through vouchers and may use homelessness as a service need in lieu of employment, education, or training. All families qualifying for child care financial assistance as homeless, regardless of current living situation, will be eligible for full time care based on “homelessness” as their service need. The following documentation will be sufficient to verify a service need of homelessness:

- a written referral from an emergency shelter or other legal, medical or social service agency;
- a written referral from a local educational agency liaison for homeless children and youth;
- a written referral or other supporting documentation from a Head Start Program;
- a written referral from a transitional shelter; or
- a signed self-attestation that the family is homeless.

Verification of eligibility for families experiencing homelessness must be processed even when all documentation required to make an eligibility determination has not yet been provided. Families experiencing homelessness will be given a 12-week grace period in which to provide all documentation needed to verify eligibility for child care financial assistance. If, after full documentation is provided and financial assistance has been authorized, a family experiencing homelessness is found to be ineligible, child care financial assistance may be subject to termination.

Families may seek to continue child care financial assistance when they no longer fit the category of “homeless.” A Family Access Administrator will work with families to help determine whether they are eligible under Income Eligible Child Care requirements to continue receiving child care financial assistance.

Families experiencing homelessness who are residing in a shelter may access child care financial assistance immediately through a written referral from the shelter or Executive Office of Housing and Livable Communities (EOHLC). Based on the family’s choice, the shelter or EOHLC will issue a referral for the family to the CCRR to receive a voucher or to a contracted provider with Homeless Child Care Services openings appropriate to the age and needs of the child. Family Access Administrators will work with families to support their selection of a provider.

The written referral and a photo ID will be sufficient documentation to verify eligibility for the program and no income or asset information will be required. Referrals will be valid for 12 weeks from the date of issue. All families referred from the shelter or EOHLC will be eligible for full time care. Family Access Administrators will communicate with a shelter or EOHLC as needed to support a family with access to child care financial assistance. Contracted early education and care providers will work directly with Shelter or EOHLC referred families to complete the eligibility process and complete the child’s enrollment.

Families who no longer reside in a shelter and are in the middle of an authorization based on a referral from a shelter or EOHLC can continue accessing child care financial assistance until the end of the authorization period. Families who continue to experience homelessness at the end of their authorization may be reauthorized with homelessness as a service need and must continue to meet the applicable Income Eligible Child Care Program eligibility requirements. A child’s placement will not be disrupted while a new referral or voucher is being issued unless a change is requested by the family. Family access administrators should actively work with the family and shelter staff and/ or other EOHLC staff to coordinate a smooth transition while keeping the child in care.

INCOME ELIGIBLE - WAITLIST – IMMEDIATE ACCESS – FAMILIES EXPERIENCING HOMELESSNESS - EXPEDITED ENROLLMENT FOR FAMILIES EXPERIENCING HOMELESSNESS

Family Access Administrators will support families experiencing homelessness to find and enroll their child(ren) with an early education and care provider of their choosing as quickly as possible.

Providers are required to immediately enroll children from families experiencing homelessness. Families experiencing homelessness who need additional time to submit their child(ren)'s enrollment paperwork, including school records, records of immunization and other required health records, proof of residency, guardianship, or other documents, must be allowed at least 6 months of additional time to comply with immunization and other enrollment paperwork requirements.

Family Access Administrators working with families experiencing homelessness will support expedited enrollment, including:

- informing families about any extensions that may be helpful to them;
- issuing a provisional authorization for a family to access child care if the parent(s) is unable to submit complete income verification at the time of initial assessment; and
- working with providers to coordinate their services with other community agencies assisting families experiencing homelessness to achieve sustainable independence by supporting them with tailored services including referrals for assistance to access shelter, food, and medical care.

Any barriers to the enrollment of a child experiencing homelessness must be directed to EEC at eeccsubsidymanagement@mass.gov prior to any denial or exclusion of the child from child care services.

INCOME ELIGIBLE - WAITLIST – IMMEDIATE ACCESS – FAMILIES WITH A YOUNG PARENT

Young Parents are eligible to receive expedited or priority access to child care financial assistance to help them remain in school, engage in training and employment opportunities to advance their economic mobility, and to support their family.

Please note that EEC has updated its terminology from “Teen Parent” to “Young Parent.” The provisions of the following policies are applicable to the Teen Parent Contract, which has not been renamed at the time of policy publication.

Young Parents seeking to access child care financial assistance to enroll in child care must:

- Be a biological parent who is younger than 24 years old or who turns 24 years old at any time during the pregnancy;
- Reside in the household with their dependent child(ren); and
- Be referred by DTA or DCF or meet eligibility and service need requirements for the Income Eligible Child Care program, including:
 - Participation in a full-time high school or high school equivalency (GED) program; or
 - Participation in an approved higher education, training, and/or work activity (if already received a GED or high school diploma).

To apply, a Young Parent should contact:

- Their regional Child Care Resource and Referral Agency (CCRR);
- A contracted provider that holds a Teen Parent Contract;
- Their DTA Case Manager, if working with DTA;
- Their DCF Social Worker, if working with DCF; or
- Mass211.

Family Access Administrators shall inform and counsel Young Parents on the program choices, services provided and participation requirements.

Young Parents may access child care financial assistance through a Young Parent Child Care Services (Teen Parent) program at an early education and care program with an active contract for these services and who has availability that matches the parent and child(ren)'s needs.

Young parents may receive immediate access through a DTA-Related Child Care or DCF-Related Child Care Program referral. If the Young Parent has a current DTA or DCF child care referral, the referral is sufficient documentation of their income, service need, residence, and family relationships, in accordance with DTA-Referred or DCF- Referred Child Care policies. The young parent will need to provide proof of identity in the form of a letter from a social worker, case manager or a photo id and/ or two other forms of documentation that verifies identity.

Young Parents who are not working with DTA or DCF and prefer to access child care financial assistance through a voucher shall be referred to Mass211 or the regional Child Care Resource and Referral Agency for placement on the waitlist with a Waitlist Priority Code and receive immediate access through expedited enrollment.

A Young Parent will be authorized for at least 12 months of Child Care Financial Assistance. Near the end of the 12-month period, Reauthorization Notices will be sent to families at least two times to notify them that their authorization period is nearing an end. At least one of these notifications will be provided in writing at least 60 days before the end date of the family's current authorization period. Family Access Administrators are required to send all notifications to families through at least two forms of communication, including phone, text, email, and/or postal mail. Young Parents who have a change in activity, income, family size or composition or turned 25 years-old during the current authorization period will continue to be eligible for financial assistance, if they continue to meet EEC income and activity requirements.

In certain circumstances, Young Parents may be determined temporarily eligible through a 12-week Provisional Authorization. For example, if a young parent needs additional time to verify service need.

INCOME ELIGIBLE - WAITLIST –PRIORITY ACCESS- WORKING IN AN EARLY EDUCATION AND CARE PROGRAM

A family with a parent who is currently working at a licensed or funded early education and care program will be eligible for immediate access to child care vouchers. The parent must be employed and receiving a wage or salary working directly for the program that provides early education and care services, including but not limited to:

- Educators;
- support staff;
- administrators;
- kitchen staff;
- transportation staff;
- curriculum and continuous quality improvement staff;
- cleaning and maintenance staff; and
- staff working for a CCRR or Family Child Care System that is a contracted provider can access a prioritized contracted slot, if desired.

Eligible program staff with income at or below 85% SMI will be prioritized from the waitlist for immediate access to child care financial assistance.

Before a family can be removed from the waitlist and issued a voucher for child care they must:

- meet EEC income eligibility requirements, <https://www.mass.gov/how-to/apply-for-funds-to-help-pay-for-child-care>
- submit all requested verification materials. <https://www.mass.gov/guides/child-care-subsidy-management-and-ccfa>

Families with a parent working in an early education and care program can be authorized for full-time or part-time care, depending on the family's needs and circumstances. Documentation of employment or prospective employment that specifies full-time or part-time work will satisfy employment verification needs. Documentation of prospective employment will qualify a family for a 12-week provisional authorization.

To honor parent choice, family child care providers and their assistants will be able to access financial assistance for their own child(ren) or foster child(ren) to receive subsidized education and care services in their Family Child Care home or the home in which they are employed provided that:

- the family child care provider is willing to accept a voucher;
- the family child care provider is willing to accept enrollment of at least two unrelated children;
- there is capacity to allow the provider's child(ren) to be enrolled without displacing another child(ren); and

- the provider adheres to the family child care licensing capacity requirements established in 606 CMR 7.03(5)(c) regarding the children considered to be in the care of the provider.

INCOME ELIGIBLE - WAITLIST – PRIORITY ACCESS – ELIGIBILITY FOR SPECIFIC PROGRAM ENDING

A family whose eligibility for a specific program is ending will receive priority access to other EEC financial assistance. If a family is already receiving financial assistance through one of the Child Care Financial Assistance Programs and their eligibility for the program ends (i.e., the child or Young Parent ages up), the family will receive continuity of care through the Income Eligible Program through their reauthorization, if they are eligible. A Family Access Administrator will work with families to help determine whether they are eligible for the Income Eligible Child Care Program. If they are, they can continue receiving financial assistance for child care under this program.

INCOME ELIGIBLE – ELIGIBILITY

To be eligible for Income Eligible Child Care Financial Assistance:

- The child must be a citizen or qualified non-citizen of the United States;
- The child must be under the age of 13 years or be under the age of 16 years if the child has a disability;
- The family with whom the child lives must reside in Massachusetts;
- The family’s gross annual income must be at or below 50% of the State Median Income (SMI) based on family size at initial authorization;
- The family must have assets under \$1 million; and
- The parent(s) must either:
 - Be working part or full-time, attending school, or participating in job or educational training;
 - Be looking for work or engaging in job search activities;
 - Family experiencing or with a history of domestic violence;
 - Families experiencing homelessness;
 - Families experiencing substance abuse;
 - The child must be receiving or at risk of receiving protective services.

Families with a child with a disability or working in a licensed early education and care program may be eligible for financial assistance even if their household income is above 50% of the SMI at the time of initial authorization if their income does not exceed 85% of the SMI. Families led by a caregiver such as a foster parent, legal guardian or other person who lives and supervises the care of a child are not subject to income eligibility requirements.

Eligibility will be determined prior to initial authorization for child care financial assistance and prior to every reauthorization.

INCOME ELIGIBLE – ELIGIBILITY - DOCUMENTATION

Families must provide documentation that supports their eligibility for child care financial assistance. Supporting documentation will be collected and reviewed by Family Access Administrators to verify:

- Identity of the parent(s);
- Household composition and size, the parent and any child for whom care is needed and any dependent relative considered for purposes of family size;
- Massachusetts residency;
- Citizenship or immigration status of each child for whom child care supported by financial assistance is being requested;
- Age of each child for whom child care supported by financial assistance is being requested;
- Total gross household income* at or below 50% (or 85% if child has disability or the parent(s) work for an early education and care program) and assets that do not exceed \$1 million; and
- Service need for each parent residing in the household.

Once a family has responded to a Funding Availability Notice, they will have up to 30 days to submit all applicable documentation of eligibility to a Family Access Administrator. Families may submit their documentation electronically or in person. Family Access Administrators will offer families flexible options that meet families' needs when exchanging documentation, including but not limited to email, fax, text, and no-contact drop off. Eligibility documentation must be processed as soon as it is received.

Families may submit their documentation in any language. No family shall be required to provide translated documents or incur costs related to the required translation. Translation services will be made available to Family Access Administrators for the purpose of translating families' eligibility documentation.

Once a family's eligibility documentation has been processed, the family will be asked to sign their Financial Assistance and Fee Agreement. Only the parent who is completing the application will need to sign a Financial Assistance and Fee Agreement. Families will be asked to sign a new Financial Assistance and Fee Agreement at each reauthorization and any time there is a change in household income that results in an adjustment to the family's parent fee.

INCOME ELIGIBLE – ELIGIBILITY – IDENTITY OF PARENT(S)

At initial authorization only, the applicant parent(s) must provide documentation to verify their identity.

INCOME ELIGIBLE - ELIGIBILITY – HOUSEHOLD COMPOSITION AND SIZE

Household composition refers to the group of individuals living in the residence whose combined income determines the family's income eligibility and parent fee amounts, including:

- all parents or caregivers;
- all dependent children (including both applicant and non-applicant children); and
- all dependent relatives who reside in the same household.

Household composition and size will be verified through the completed application for child care financial assistance.

In addition to attesting to their household composition, families must provide documentation to verify the relationship of the parent(s) applying for child care financial assistance to each child under the age of 18, or under the age of 24 if the child(ren) is a full-time student and is financially dependent on the parent(s). A Young Parent must provide documentation to verify their age.

INCOME ELIGIBLE – ELIGIBILITY – MA RESIDENCY

Child care financial assistance is only available to residents of Massachusetts. Families must provide documentation to verify that they have a current and legal Massachusetts address, such as utility bills, tax forms, mortgage statements, or current vehicle registration or any other form of documentation that verifies residency. Post Office Box addresses are not accepted as proof of residency. Documentation used to verify homelessness will also be accepted as proof of MA residency.

INCOME ELIGIBLE – ELIGIBILITY – AGE OF CHILD

A child must be under the age of 13 years, or under the age of 16 years if the child has a disability, to be eligible for child care financial assistance. When a child turns 13 years old during the authorization period, the child remains eligible for child care services until the end of the current authorization.

Families must provide documentation to verify the age of the child(ren) for whom child care financial assistance is requested, such as a birth certificate, record of birth, passport, or school records.

INCOME ELIGIBLE – ELIGIBILITY - CITIZENSHIP AND IMMIGRATION STATUS OF THE CHILD

To qualify for child care financial assistance, each child for whom care is requested must be a U.S. citizen or a qualified non-citizen. Families must provide documentation to verify that the child(ren) for whom care is requested is a U.S. citizen or a qualified non-citizen, such as a birth certificate, passport, certificate of naturalization, green card or any other document that in some way indicates U.S. citizenship or qualified non-citizen status.

No family will be denied child care financial assistance based only on their inability to demonstrate the child’s citizenship or immigration status without final review by EEC. Parents will not be required to provide proof of citizenship or immigration status for themselves.

INCOME ELIGIBLE - ELIGIBILITY – INCOME

Families must have a total gross household income at or below 50% of the SMI at the time of their initial authorization. Families may remain eligible for child care financial assistance if their total gross household income remains at or below 85% of the SMI.

Families with a child with a disability and families with a parent working for an early education and care provider may be eligible for financial assistance if their household income at the time of their initial authorization exceeds 50% of the SMI but does not exceed 85% of the SMI.

Only the following income sources are used when calculating a family's income eligibility:

- Wages;
- Self-employment income;
- Alimony;
- Lottery earnings;
- Retirement income;
- Unemployment benefits;
- Workers' Compensation;
- Net rental income; and
- Dividends or income from trusts or estates.

The following income sources are not considered when calculating a family's income eligibility.

- Child support;
- Income from legal guardians, foster parents, caregivers, dependent children, or other household members not included in the reported household composition;
- Income from relatives or unmarried partners that do not share a common child;
- Government assistance income, including rental allowance and other rental assistance or housing stabilization funds;
- Income from scholarships, grants, and loans;
- Federal and state tax credits;
- Restitution payment earnings;
- Social Security Income, including but not limited to survivor's benefits or SSDI;
- Veterans Disability Benefits;
- SNAP; and
- TAFDC.

Families must provide documentation to verify their monthly gross household income.

To reduce the number of documents a family must provide, documentation provided for the verification of a family's income should also be used to verify a family's service need of employment to the greatest extent possible .

INCOME ELIGIBLE - ELIGIBILITY – INCOME - ASSETS

Families with assets that exceed \$1 million will not be eligible for financial assistance.

Assets are 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.

A family will attest to having assets valued at or below \$1 million by signing the completed application for child care financial assistance.

INCOME ELIGIBLE - ELIGIBILITY – SERVICE NEED

A family's eligibility for child care financial assistance is based in part on each parent in the household participating in a service need activity or having another qualifying need for child care services for their child(ren). Parents may meet the service need requirement by participating in one or more of the following:

- Employment:
 - Paid Employment;
 - Self-Employment;
 - Retirement; or
 - Active Deployment in Military.
- Education or Training, including a high school equivalency program, ESOL program, and work study hours, or, at reauthorization only, post-graduate professional training;
- Parental leave (Maternity/Paternity leave); and/or
- Seeking Approved Activity.

The following family or child circumstances will also meet the service need requirement:

- Parent or caregiver with a qualifying disability;
- Child with a qualifying disability;
- A family experiencing homelessness;
- A family experiencing or having experienced domestic violence; or
- A parent participating in substance abuse treatment or rehabilitation.

INCOME ELIGIBLE – ELIGIBILITY – SERVICE NEED – EMPLOYMENT

Paid Employment

Families must provide documentation that reasonably establishes the parents' hours and wages of employment.

Self-Employment

Families must provide documentation that includes a parent's hours and wages to verify a full-time or part-time service need of self-employment if the parent is engaged in a non-traditional work arrangement including, but not limited to, independent contractor work or gig work.

Retirement

Families with a parent(s) who is aged 65 or older and retired may qualify for full time care with a service need of retirement. Families must provide documentation of the retired parent's age, such as an ID, passport, or birth certificate, to verify retirement as a service need.

Active Deployment in Military

Families with a parent or parents serving in the U.S. military, including the National Guard, deployed or activated to a combat zone, hazardous duty zone, or venue for preparation for deployment to a combat or hazardous duty zone will qualify for a service need of Active Deployment in Military. Families must provide a copy of military orders.

INCOME ELIGIBLE – ELIGIBILITY – SERVICE NEED – EDUCATION OR TRAINING

The following education or training programs may be used to establish a service need of education or training.

- Full-time high school program:
 - Participation in a full-time high school program will qualify as a full-time service need, regardless of the program schedule.
- An accredited college or university program leading to an Associate's or a Bachelor's degree or, *at reauthorization only*, a graduate program or advanced professional training to continue a previously authorized education or training service need:
 - Participation in at least 12 credit hours of college coursework will qualify as a full-time service need. This includes participation in accelerated semester coursework that requires longer classroom hours but for a shorter length of time.
 - For participation in less than 12 credit hours of college coursework, service need hours will be determined by multiplying the credit hours by 2.5.
 - Participation in accelerated semester coursework for at least 8 hours but less than 12 hours per week will qualify as a part-time service need.
- Service need hours from participation in any of the following will be calculated according to the verified class, clinical, or work study hours:
 - Adult Basic Ed, or a high school equivalency program (e.g., GED or HlSet),
 - vocational training program, or an
 - ESOL program.
 - Work study hours,
 - required practical internships, and
 - clinical experiences (including student teaching, YouthBuild, AmeriCorps, and CommonwealthCorps)

INCOME ELIGIBLE – ELIGIBILITY – SERVICE NEED – PARENTAL LEAVE

A family will qualify for a service need of parental leave if a parent(s) is currently or will be on leave from employment or another service need activity for reasons connected to the birth of a child or the placement of a child with the family for adoption or foster care, including any medical leave prior to the birth of a child. Service need hours will be based on the hours the parent worked or participated in training or education activities before starting their parental leave. Parents on a parental leave at authorization/reauthorization shall be eligible for a 12-month authorization.

A parent(s) who is on parental leave from employment must present documentation from their employer noting their parental leave.

A parent(s) who is on parental leave from a service need activity that does not provide parental leave documentation (e.g., education, self-employment, temp agency) must provide a signed self-declaration of parental leave.

INCOME ELIGIBLE – ELIGIBILITY – SERVICE NEED - SEEKING APPROVED ACTIVITY

Parent(s) who do not have or are unable to provide complete documentation of an approved service need activity at the time of initial authorization may be granted a provisional authorization of 12 weeks to seek an approved service need activity or provide documentation of an existing service need activity. This includes:

- Parents unable to certify employment in full at initial authorization;
- Parents unable to certify participation in education/training program in full at eligibility assessment; or
- Parents seeking an eligible activity.

Family Access Administrators will connect parents without a service need to employment services, job training, higher education, or other employment or educational opportunities.

INCOME ELIGIBLE – ELIGIBILITY – SERVICE NEED - RECEIVING OR AT RISK OF RECEIVING PROTECTIVE SERVICES

A family may meet the service need requirement if they receive or are at risk of receiving protective services. For purposes of child care financial assistance, being at risk of receiving protective services includes situations in which a parent is unable to provide child care for any portion of a 24-hour day due to domestic violence or homelessness; a physical, mental, emotional, or medical condition; or participation in a substance abuse treatment or rehabilitation program.

Parent with a Disability

A family with a parent(s) who is unable to participate in an education or training program due to a physical or mental disability may qualify for full or part time care with a service need of Parent with a Disability. The affected parent must complete and submit to EEC a copy of EEC's Parent with a Disability application. If approved by EEC, the Parent with a Disability service need

will be valid for up to three years. After three years, a parent seeking to reauthorize care with a service need of Parent with a Disability must provide new documentation establishing that the disability persists or is a permanent condition.

Child with a Disability

Families with a child with a documented physical or mental disability, including a physical, mental, emotional, or medical condition, may qualify for full time care with a service need of Child with a Disability, provided:

- The parent(s) has also qualified for a part-time service need of employment, training, or education; and
- The documentation provided indicates at least a part time need for child care services; or
- The documentation provided indicates that the parent requires full-time child care services in order to care for another child with disabilities.

Family Experiencing Homelessness

Families experiencing homelessness, including families considered homeless under the McKinney-Vento definition homelessness (as defined under Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (See 42 U.S.C. 11434a(2))), will qualify for a full-time service need in lieu of employment, education, or training. Eligibility can be verified through a homeless referral form, shelter letter, or other documentation as defined by EEC. Families will not be required to submit income information and will not be assessed a parent fee.

Domestic Violence

Families who are experiencing or have experienced domestic violence may qualify for a full-time service need and full time care, regardless of whether the parent(s) is working or attending an education or training program. Domestic violence is a pattern of behavior used to maintain power and control over an intimate partner or family member. Documentation that may be submitted to establish a domestic violence service need includes but is not limited to:

- Court, medical, psychological, criminal, child protective services (DCF), social service, school or police records;
- Documents that show that the applicant parent has obtained an order of protection or has taken other legal steps to end the domestic violence;
- Evidence of seeking a safe place such as a shelter or other refuge;
- A letter reflecting that the parent participates or participated in domestic violence counseling services, including support groups or
- If the family does not have the documents listed above, a parent may provide a signed self-declaration.

For additional information about domestic violence, abuse protection orders, and safety planning for families experiencing domestic violence, visit [Domestic Violence | Mass.gov](#).

For more information about services for families experiencing domestic violence, visit [Domestic Violence Services | Mass.gov](#).

INCOME ELIGIBLE – ELIGIBILITY – SERVICE NEED – AMOUNT OF CARE

Unless otherwise stated in EEC regulations or policy, whether a family will receive full-time or part-time care is determined by the average hours per week the applicant parents participate in their service need activities.

Parents participating in an average of at least 20 but less than 25 hours per week in a service need activity will qualify for **part-time care**.

Parents participating in an average of 25 hours or more per week in a service need activity will qualify for **full-time care**.

Parents participating in their service need activity for an average of at least 20 hours per week are eligible to have travel time of one hour per day added to their service need hours to account for travel to and from the location where child care services are provided and the location of their service need activity (e.g., their workplace or school). In most cases, families participating in their service need activities for a minimum of 20 hours per week will qualify for full time care when accounting for transportation.

INCOME ELIGIBLE - ELIGIBILITY – SERVICE NEED – COMBINING SERVICE NEED ACTIVITIES

A family can combine service need activities to demonstrate a full-time or part-time service need. For example, if a parent is taking classes part-time and has a qualifying disability, the two service needs may be combined to result in a full-time service need and a 12-month authorization.

A Seeking Approved Activity service need may only be combined with other service need activities when the other activities do not account for an average of at least 20 hours per week. Additionally, combining Seeking Approved Activity with other service need activities may only be used to grant a family a 12-week provisional authorization. For example, a parent working an average of 18 hours per week may combine 10 hours Seeking Approved Activity to allow the parent a provisional authorization for full-time care.

INCOME ELIGIBLE - ELIGIBILITY – AUTHORIZATION PERIODS

An authorization period is the length of time that a family is authorized for child care financial assistance. The standard authorization period is 12 months, and a family will generally remain eligible for the entire 12 months unless they move out of state or request the closure of their case.

Families who need additional time to provide documentation of a service need activity in order to qualify for the standard 12-month authorization period but who otherwise qualify for child care financial assistance may receive a maximum of two 12-week provisional authorizations.

This includes:

- Families who are Seeking an Approved Activity, or are certifying an existing activity or employment;
- Families who lost, changed, or reduced the hours of their service need activity during the last 30 days before reauthorization; and
- Families who need additional time to obtain documents from a health care or other professional, as may be needed by parents seeking to qualify with a service need of Parent with a Disability.

Families who have been given a 12-week provisional authorization and who provide documentation of meeting the relevant eligibility requirements before the end of their 12-week authorization will be issued a 12-month authorization.

Families who are unable to provide documentation of meeting the relevant eligibility requirements before the end of their 12-week provisional authorization may qualify for one additional 12-week provisional authorization to support the family's efforts to qualify for a standard 12-month authorization period. Families may be authorized for a maximum of two 12-week provisional authorizations per 12-month period.

INCOME ELIGIBLE – ELIGIBILITY – AUTHORIZATION PERIODS - REAUTHORIZATION

Reauthorization Notices are sent to families at least two times to notify them that their authorization period is nearing its end. At least one of these notifications will be provided in writing at least 60 days before the end date of the family's current authorization period. Family Access Administrators are required to send all notifications to families through at least two forms of communication, including phone, text, email, and postal mail.

A family may apply in person or virtually to reauthorize their financial assistance for an additional 12-month authorization period. At every reauthorization, a family must submit documentation that verifies their income and service need. If the family has moved since their last reauthorization, documentation verifying their MA residency will be required. If a family has not moved, verification of their address or MA residency will not be required.

If a family needs more time to submit relevant eligibility documentation before the end of their current authorization period, the family may be issued a 12-week provisional authorization to allow care to continue while they complete the reauthorization process. Please see Authorization Periods for more information.

Before a family's child care financial assistance can be terminated, the Family Access Administrator must make two separate attempts to reach the family using different modes of communication (e.g., phone call one day, email the next day).

INCOME ELIGIBLE – ELIGIBILITY – CHANGE REPORTING

A family may experience changes to their living, employment, or educational situation during their authorization period. Family Access Administrators must inform families about their responsibility to report certain changes within 30 days, including:

- Household income exceeding 85% SMI;
- Family contact information;
- Family no longer living in MA; or
- A change or discontinuation of a parent's work, training, or education participation that is expected to last for more than 12 weeks.

If a family does not report one of these changes to a Family Access Administrator within 30 days, their financial assistance may be terminated.

Changes required to be reported only at reauthorization include:

- Income changes that do not exceed 85% SMI; and
- Service need change or ending that is not expected to last for more than 12 weeks.

While families must report all changes at reauthorization, they may choose to report a change sooner if the change benefits the family (e.g., change in family size or income).

Change reporting requirements do not apply to families who have been issued a 12-week provisional authorization.

INCOME ELIGIBLE – PLACEMENT

Once a family is determined to be eligible for child care financial assistance, a placement must be coordinated for their child(ren) with a provider of the family's choice. Family Access Administrators will help a family find local early education and care providers that meet the family's needs.

Families are not required to accept a placement or enroll with a particular early education and care provider. Family Access Administrators must ensure that families are able to choose from the full range of eligible child care settings, including:

- [Licensed Family Child Care Program Providers;](#)
- [Licensed Center-Based Program Providers;](#)
- [Licensed School-Age Child Care Program Providers;](#)
- [Licensed Head Start Program Providers; and](#)
- [Funded Programs and Informal Providers, including:](#)
 - [Center-Based Funded Program Providers;](#)
 - [Summer Camps Licensed by the Department of Public Health; and](#)
 - [Informal Child Care Providers; including:](#)

- **Informal Relative Care** is provided by a relative in either the relative's or the child's home; and
- **Informal Non-Relative Care** is provided by a non-relative to children from one family in the family's home.

INCOME ELIGIBLE – ENROLLMENT AND ATTENDANCE

Once authorized, families will work directly with their selected provider to enroll their child(ren) and establish a schedule that meets their needs and aligns with their authorization (i.e., full or part-time care). Providers will receive payment based on the child's enrollment.

A family may be authorized for financial assistance and enroll their child(ren) in care up to two weeks before the beginning of a new service need activity, such as a job, school, or training program, or while between different service need activities (e.g., while going from school to employment). The two-week early enrollment period is included with, not in addition to, any authorization that was previously granted. For example, if a parent is authorized for a 12-week provisional to provide documentation of new employment and wants to start child care two weeks prior to the start of their employment, the parent will have ten weeks remaining after the start of their employment to provide that documentation.

Changing Providers

A family may choose to withdraw their child(ren) from their current early education and care provider at any time and enroll with a different provider. Family Access Administrators will work with the family to understand their concerns with their existing provider and use that information to help find a program that better meets the family's needs. The family is responsible for paying all parent fees owed to the previous provider and must provide two weeks' notice of the withdrawal to the provider.

A family may withdraw their child(ren) from care immediately if the provider agrees to waive the two weeks' notice requirement or if the family has concerns about the health and safety of their child(ren) and files a complaint with EEC's Regional Licensing Office.

The provider should inform the relevant Family Access Administrator of the parent's request to ensure the family receives assistance in locating a new placement. If the child(ren) is enrolled with a contracted provider and there are no other contracted slot placements available, the family should be referred to a CCRR to obtain a voucher and find a provider. Family Access Administrators will work with the family until the child(ren) is enrolled with a new provider.

INCOME ELIGIBLE – ENROLLMENT AND ATTENDANCE - CARE OUTSIDE OF MASSACHUSETTS

EEC child care financial assistance may only be used to enroll children in care with providers located within the Commonwealth of Massachusetts, except in the following circumstances:

- The provider was in operation prior to March 1, 2019, received prior approval from EEC to provide early education and care services supported by EEC child care financial

assistance outside of the Commonwealth, and maintains compliance with all EEC requirements; or

- The provider has received written approval from EEC to serve families receiving financial assistance because of:
 - A standing Memorandum of Understanding (MOU) between Massachusetts and the state where the care will take place; and
 - The program complies with Child Care Development Block Grant (CCDBG) Reauthorization at 45 U.S.C. 9858 et seq. requirements including, but not limited to, background record checks; annual unannounced monitoring visits; annual health and safety trainings, emergency preparedness plans, and professional development.

INCOME ELIGIBLE – ENROLLMENT AND ATTENDANCE – TRANSPORTATION FUNDING

Some families may be able to access transportation services to help their child(ren) travel between their early education and care provider and the family’s home when both of the following are met:

- Transportation services are offered directly by the early education and care provider or coordinated by the provider through a private company or public school,
 - AND
- The family would otherwise be unable to transport their child due to geography, disability, service need schedule or lack of other transportation options.

Transportation funding may not be authorized if:

- The time required to travel from the family’s home to the child’s child care program or public school is more than one hour; and/or
- The family lives less than one half mile from the child’s early education and care provider. Exceptions include:
 - The family has no car, there is no public transportation available, and the family’s work schedule would not allow time to walk the child to care and then get to work on time;
 - The child(ren) or parent has a disability that prevents them from walking or being transported by stroller, carriage, or other similar means; and
 - The child(ren) or parent has a disability that prevents transportation via personal or public transportation.

EEC’s financial assistance transportation policies are aligned with the Registry of Motor Vehicles, which oversees vehicle, equipment, and training regulations and requirements for the school pupil transport (7D) industry to ensure the safety of students and passengers. Providers offering their own transportation services to children with financial assistance and transportation subcontractors must meet these RMV requirements, as well as a) the transportation-related requirements listed in 606 CMR 7.00, and b) the requirements listed in

the “Providers with Transportation Services Receiving EEC Subsidy” on the [EEC Transportation of Children in Early Childhood Programs webpage](#).

INCOME ELIGIBLE – ENROLLMENT AND ATTENDANCE – ABSENCES FROM CARE

Children are expected to attend their early education and care program in accordance with the selected program’s attendance policies.

An absence is defined as any day that a child(ren) is authorized to attend an early education and care program but is not in attendance. When a child(ren) will be absent from care, the family must let the provider know.

INCOME ELIGIBLE – ENROLLMENT AND ATTENDANCE – APPROVED BREAK IN CARE

Families may request an Approved Break in Care to suspend their financial assistance for up to 90 days.

Family Access Administrators must offer a family an Approved Break in Care if their child(ren) will not attend care due to an event of more than two weeks in length, including but not limited to:

- An extended illness or medical procedure;
- A visit to a non-custodial parent; or
- An extended vacation.

Parent(s) have the right to opt out of an Approved Break in Care.

Providers are not required to hold a child’s slot at the program during an Approved Break in Care. If a slot is no longer available at the family’s provider of choice, a Family Access Administrator will support the family to transfer to a new provider of their choosing.

Families returning from an Approved Break in Care during their current 12-month authorization do not need to reauthorize prior to returning to care and will not need to place their name back on EEC’s waitlist, unless the 12-month authorization expired during the Approved Break in Care.

- If a family does not return from an Approved Break in Care within the established time period, the family’s 12-month authorization ends, and the child is considered unenrolled from the provider.
- If the family returns within 30 days of the end of the authorization, the family will be eligible for reauthorization and should not be placed on the child care financial assistance waitlist.

If a child has been absent from care and the provider has not been able to communicate with the family for more than 30 consecutive days during a 12-month authorization, or more than 20 days during a 12-week provisional authorization, and the family has not requested and received an Approved Break in Care, this will be considered a Non-Approved Break in Care and the family’s child care financial assistance may be terminated. Before a family’s child care financial

assistance is terminated, the Family Access Administrator must make two separate attempts using different modes of communication to reach the family (e.g., phone call one day, email the next day).

A family's child care financial assistance can be reinstated within 30 business days of termination if financial assistance for care ended due to a non-approved break in care.

INCOME ELIGIBLE – PARENT FEES

A parent fee is the amount of money paid by a family to contribute to the cost of child care services. Parent fees are based on the family's income and household size.

Parent fees are determined at authorization, reauthorization, and whenever certain changes are reported using the [Parent Fee Table](#) .

Once a parent fee amount is determined at authorization, the parent fee amount cannot be increased before reauthorization unless there was an error in the prior calculation. The parent fee can be decreased in the period between authorization and reauthorization if the family's gross income decreases, there was an error in the prior calculation, or if a family reports a change that affects their parent fee.

The Parent Fee Calculator is available to families and to Family Access Administrators to estimate a parent fee.

The following families are **not** assessed a parent fee:

- Families headed by caregivers (e.g., a temporary or permanent legal guardian or designated caretaker);
- Families authorized for a 12-week provisional authorization;
- Families referred by DCF or DTA; and
- Families experiencing homelessness.

Outside of their parent fees, families may *only* be charged for:

- Services that the family uses that are not offered to every child as part of the regular program day, such as transportation and optional meals;
- Care of children who remain beyond program hours due to late pick-up by parents; and
- Bank fees resulting from checks deposited against overdrawn accounts (i.e., bounced checks).

At their discretion, families may enter into agreements with vendors for services that are made available through the program, and families will be expected to pay for such optional services. Examples of optional services include, but are not limited to, extended hours care, photography/class pictures, etc.

INCOME ELIGIBLE - PARENT FEES – PAYMENT OF PARENT FEES

Families pay their parent fees directly to their early education and care provider, in accordance with the provider's fee collection policies.

Families must pay their parent fee for every day that the provider is open, available for care and their child is scheduled to attend, including:

- A day when the child is absent for any reason, unless otherwise stated in EEC policy; and
- A day when the child is in attendance and the program uses a substitute child care educator who is paid for by EEC.

Parent fees will not be applied for any day that the provider has an approved full or partial closure day and their child is scheduled to attend, including:

- Professional development days, in accordance with the schedule approved by EEC on an annual basis;
- Holidays, in accordance with the schedule approved by EEC on an annual basis;
- Emergency closures;
- Full or partial closure days that are not eligible for payment by EEC; and
- Days when transportation services funded by EEC are unavailable and the child is unable to get to the provider.

A family who discontinues care with an outstanding repayment agreement may owe up to three weeks' worth of back owed parent fees. The three-week balance limit applies to outstanding parent fees, and does not include other fees, such as late pick-up, etc. Providers who allow families to accrue more than three weeks' worth of unpaid parent fees will be responsible for the parent fee balance that exceeds the value of three weeks' worth of parent fees.

INCOME ELIGIBLE – PARENT FEES – PARENT FEE DISCOUNTS

Families authorized for part-time early education and care services will pay half of the full-day parent fee amount.

Families who receive child care financial assistance for more than one child will receive a discount as follows:

- Youngest child receiving financial assistance: full fee
- Second youngest child receiving financial assistance: one half of full fee
- Each additional child receiving financial assistance: one quarter of full fee

A child whose family is receiving child care financial assistance to enroll in care on an occasional basis (i.e., summer only or school closures only) will be considered as an older sibling when determining the family's parent fee.

INCOME ELIGIBLE – PARENT FEES – PARENT FEE REFUNDS

A family may receive a parent fee refund if a grievance determination by EEC results in a re-computation of the assessed parent fee and it is determined that the family has been overcharged. In such cases, a refund will be promptly issued by check or account credit, as agreed to by the family, within 5 days of receiving notice of EEC's decision, or within 5 days of receiving payment from EEC if the balance is from a calculation error.

INCOME ELIGIBLE – POLICY VARIANCES

A variance may be requested by a family or by a Family Access Administrator on the family's behalf to request to be excused from a policy requirement that would otherwise be prohibitive to the family accessing or maintaining child care financial assistance. Requests for variances may be submitted in writing to the EEC General Counsel or designee. The final decision to grant a variance will be made within 14 calendar days of receiving the completed request. Denials of variance requests are not subject to EEC's appeals process.

INCOME ELIGIBLE – DENIAL AND TERMINATION

As with all areas of administration of the EEC Child Care Financial Assistance Program, Family Access Administrators must comply with all rules and regulations when determining a family's eligibility status. Family Access Administrators must be objective and consistent when evaluating the eligibility of a family who applies for financial assistance or seeks to maintain their assistance and care services. All families must be given the opportunity to explain their circumstances, provide additional information, and receive an explanation of the reasoning for any decision made related to the denial or termination of their application, reauthorization, or participation in the program.

All decisions must be made in accordance with EEC regulation and policy, and must ensure:

- Stability of child care arrangements;
- Family-centered processes and supportive interactions; and
- Integrity of administration.

The Child Care Financial Assistance Denial and Termination policy relates exclusively to the denial or termination of child care financial assistance. Suspension or expulsion from a care setting do not result in the family's loss of child care financial assistance.

A family may be issued a notice of denial when they are initially applying for Child Care Financial Assistance or at reauthorization. A family may be issued a notice of termination within an authorization period. Any time child care is denied or terminated, a notice must be provided immediately to the family. Enough time must be provided for the family to be able to appeal and continue the financial assistance pending the outcome of the request for review and, if necessary, hearing. Termination notices must be provided at least 14 days in advance. Notices denying care at reauthorization must also be provided 14 days in advance in order for the family to be able to request continuation of their financial assistance.

DENIAL

EEC financial assistance may be denied based on a family not meeting required eligibility requirements:

- Exceeding income or asset limits;
- Lack of service need;
- Not a Massachusetts resident; and/or
- Insufficient documentation of eligibility.

Financial assistance may also be denied based on action or inaction by a parent that affects their eligibility:

- Non-approved break in care;
- Unpaid parent fees, limited to three weeks of parent fees and only when a provider has not offered a payment plan or the parent has had a payment plan and has not adhered to it;
- Substantiated Fraud; and/or
- Disqualification due to previous Intentional Program Violations.

TERMINATION

EEC financial assistance may be *terminated* based on a family no longer meeting required eligibility requirements:

- Lack of service need;
- Income exceeding 85% SMI; and/or
- Family no longer resides in Massachusetts.

Financial assistance may also be terminated based on action or inaction by a parent that affects their eligibility:

- Non-approved break in care;
- Intentional Program Violation; and/or
- Substantiated Fraud.

In circumstances where a parent receiving financial assistance no longer has custody of the child receiving child care financial assistance, the change in custody will not necessarily result in automatic termination of financial assistance but may result in a redetermination.

INCOME ELIGIBLE – DENIAL AND TERMINATION – NOTICE OF DENIAL OR TERMINATION OF FINANCIAL ASSISTANCE

EEC or a Family Access Administrator will provide written notice of any action to be taken that would impact a family's application for or receipt of financial assistance. Written notice must be provided to a family:

- Immediately following any action to a family's case that would change their eligibility status;
- Immediately if the denial is at authorization;
- At least 14 calendar days before the effective date of the denial when at reauthorization, in order for the family to be able to request continuation of their financial assistance.; or
- At least 14 calendar days before the effective date of the termination.

The written notice must include:

- a clear and plain statement of the action to be taken;
 - the effective date of the action;
 - an explanation of the reason(s) for the action;
 - the regulation or other legal authority on which the action is based;
 - contact information to obtain further information related to the action;
 - an explanation of the right to request a review;
 - an explanation of the continuation of child care financial assistance pending the outcome of the review and, if necessary, Informal Hearing;
 - an explanation of the request for review process and a copy of the [Request for Review Form](#);
 - the circumstances under which child care financial assistance may continue pending the outcome of a review, if applicable;
 - a notice of the right to be represented by a person of their choosing, including legal counsel, during the request for review and, if needed, informal hearing process; and
 - contact information for the EEC unit that receives appeal requests.
- EEC considers a notice delivered if it has been sent to the family, within the time frame outlined in EEC regulation or policy, at their last known address and via their preferred communication method, based on the contact information the family maintains with their Family Access Administrator.

INCOME ELIGIBLE – DENIAL AND TERMINATION - REQUEST FOR REVIEW OF A DECISION TO DENY OR TERMINATE FINANCIAL ASSISTANCE

It is the right of every family who receives a denial, termination, or disqualification notice from EEC or a Family Access Administrator to request a review by EEC. A family may be represented by a person of their choosing at any stage of the EEC review process, including legal counsel.

Families who wish to request a review of the termination of DCF-Related Child Care services may do so through the DCF Fair Hearing Process, in accordance with DCF regulations and policies.

Families who wish to request a review of the denial or termination of their DTA-Related Child Care referral may do so through the DTA Fair Hearing Process, in accordance with DTA regulations and policies.

Families who wish to request a review of the denial or termination of their Income Eligible child care financial assistance, including families experiencing homelessness and young parents, may do so when EEC or a Family Access Administrator:

- Denies the family's child care financial assistance;
- Terminates the family's child care financial assistance;
- Assesses a fee that the family believes is not in accordance with EEC regulation or policy;
- Acts or fails to act in a way that the family believes violates EEC child care financial assistance regulations or policy;
- Removes a family from the waitlist; or
- Imposes a sanction pursuant to 606 CMR 10.12.

A request for review will focus on determining whether the decision is correct based on the applicable regulations, policy and facts. The review process must also address factual disputes and new evidence and:

- Avoid personalizing whether the Family Access Administrator was correct or not at that moment in time, and
- Make clearer that even if correct at the moment the decision was made, further development of the facts could require changing the decision.

A family cannot request an EEC review to:

- Contest the legality of state or federal law; or
- Contest a variance request that was denied, except a denial of a variance request due to the disability of a parent/guardian may be reviewed.

A family may request a review for a determination of initial ineligibility at the Waitlist Screening and/or for removal from the waitlist through the process outlined herein.

A [Request for Review Form](#) can be submitted to EEC within 30 days of:

- Notice that the family's child care financial assistance is being denied or terminated; or
- An action or determination by the Family Access Administrator that is adverse to the family; or
- An action or determination by the Family Access Administrator that the family has violated EEC regulations or policy.

INCOME ELIGIBLE – DENIAL AND TERMINATION - CONTINUATION OF CARE PENDING REVIEW

Families who submit a Request for Review prior to the effective date of the termination or denial at reauthorization of financial assistance will continue to receive financial assistance until their request for review is completed, provided they:

- Take appropriate action to resolve any unpaid fee balance;
- Keep all undisputed fee payments current; **and**
- Ensure that the child continues to attend care in accordance with the family's authorization.

Once the review is completed, a decision notice is issued to the family.

- If the denial or termination decision is overturned, financial assistance for child care will be continued until the date stated in the decision letter, unless a new notice of termination is issued before then.
 - For child care financial assistance to continue beyond this date, families must seek reauthorization.
 - If care has already ended, the Family Access Administrator will contact the family within two weeks from the date of the decision letter to check eligibility for the family for financial assistance.
- If the denial or termination decision is upheld, care will end two weeks from the date listed in the decision letter and the parent will be given information to request a hearing.

Requests for review of a denial of financial assistance at initial authorization are not eligible for continuation of care pending review.

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 possible recoupment by EEC in cases where fraud is substantiated.

INCOME ELIGIBLE – DENIAL AND TERMINATION - FILING A REQUEST FOR AN INFORMAL HEARING

A family may appeal the outcome of the EEC Review by submitting a written request to the EEC General Counsel for an informal hearing within 14 days of the date of the written decision from the EEC review. Family Access Administrators must inform the family of the hearing process and offer assistance in completing the request. Requests for Hearing that are not received by EEC within the 14 days may result in the denial of a hearing. A Request for Hearing is available for cases of denial of a variance request due to the disability of a parent/guardian that has been upheld during the EEC Review.

Families will be notified in writing of the date, time, and place of the hearing. The notice will also describe the hearing procedure and provide the EEC contact information to obtain further information. The informal hearing will be held within 60 days of EEC's receipt of the Request for

Hearing. The family will be given the option of choosing whether the hearing will be in person (either at the EEC Central Office in Boston or at an EEC Regional Office), virtual, or telephonic.

INCOME ELIGIBLE - DENIAL AND TERMINATION - CONTINUATION OF CARE PENDING INFORMAL HEARING

If the Request for Hearing form is submitted within the 14 business days, the family's child care financial assistance will continue pending the outcome of the appeal, provided it had been continued before the review process.

Financial assistance continued pending review or hearing will be terminated at any time during the review process or any subsequent appeals if:

- A determination is made that the sole issue is a challenge to the validity of a particular law or EEC regulation;
- A change affecting the family's eligibility for child care financial assistance occurs following the filing of the request for a review which makes the previously filed request for review moot, and the parent fails to appeal the subsequent matter within the applicable time; and/or
- The parent does not comply with the EEC requirements for continuing subsidized care pending review.

INCOME ELIGIBLE – DENIAL AND TERMINATION – SUBSTANTIATED FRAUD

EEC will consider a family to have committed Substantiated Fraud if the family:

- Intentionally provides false or misleading information or documentation that has been verified as false or misleading by EEC for the purpose of establishing or maintaining eligibility for financial assistance;
- intentionally provides false or misleading information or documentation that has been verified as false or misleading by EEC for the purpose of increasing the level of child care financial assistance provided to the family;
- intentionally conceals or withholds information for the purpose of establishing or maintaining eligibility for financial assistance, as determined by EEC; and/or
- intentionally conceals or withholds information for the purpose of increasing the level of child care financial assistance, as determined by EEC.

EEC may, in its discretion, refer instances of suspected substantiated fraud to the Bureau of Special Investigations (BSI) in the Office of the State Auditor for further investigation. Cases that have been referred to BSI will remain open at EEC pending the outcome of the BSI investigation.

A family who is determined to have committed substantiated fraud will be disqualified from eligibility for financial assistance 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 family is able to return to the waitlist in accordance with the income eligible program rules or obtain a referral in accordance with DCF and DTA rules.

INCOME ELIGIBLE – DENIAL AND TERMINATION - INTENTIONAL PROGRAM VIOLATIONS (IPV)

EEC will consider a family to have committed an Intentional Program Violation (IPV) if the family has intentionally:

- Made a false or misleading statement orally or in writing to obtain child care financial assistance to which the household was not entitled (e.g., Inaccurately reporting income at eligibility, authorization or reauthorization)
- Concealed information or withheld facts to obtain services
- Failed to report change to income exceeding 85% SMI or out of state change

EEC Response to Intentional Program Violations that are NOT related to Non-Payment of Parent Fees

1. **First Offense of IPV.** After determining that a family has committed an IPV, EEC will send parent a written warning notification that subsequent offenses will result in disqualification.
2. **Second Offense of IPV.** After determining that a family has committed a second IPV, EEC will notify the family that they are disqualified from eligibility for financial assistance for a period of 12 months from the date of termination.
3. **Third Offense of IPV.** After determining that a family has committed a third IPV EEC will notify the family that they are disqualified from eligibility for a period of 24 months from the date of termination.
4. **Fourth or More Offense of IPV. After determining that a family has committed a fourth or more IPV.** EEC will notify the family that they are disqualified from eligibility for a period of 36 months from the date of termination.

Following the duration of the disqualification period, the family is eligible to return to the waitlist in accordance with Income Eligible Child Care Program policies or, pursuant to the applicable referral, in accordance with DTA-Related Child Care policies or DCF-Related Child Care policies.

INCOME ELIGIBLE – DENIAL AND TERMINATION - RESPONSE TO INTENTIONAL PROGRAM VIOLATIONS THAT ARE RELATED TO NON-PAYMENT OF PARENT FEES

Families must pay their parent fees as outlined in the provider's fee collection policy. Failure to do so will result in the following:

1. **Warning:** Provider may issue a written warning to the family that payment is due. If the family then pays the balance owed prior to the next fee payment due date, no further action is necessary.

2. **Repayment Plan:** If the family does not pay the balance owed following the written warning, the provider may enter a repayment plan with the parent. If the family adheres to the repayment schedule, no further action is necessary.
3. **Termination Notice:** If a family does not adhere to the repayment schedule, the provider or Family Access Administrator may issue a written notice of termination. This notice will 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 or catch up with the payment plan.
4. **Termination:** If the family does not pay the overdue balance prior to the termination date listed in the termination notice, EEC may issue the parent an IPV and child care financial assistance may be terminated until the unpaid balance is paid in full.

Following termination, if the family pays the unpaid balance in full, they will be eligible to return to care if allowable under the EEC Continuation of Care Pending Review policies (above) or return to the waitlist in accordance with Income Eligible Child Care Program policies, or pursuant to the applicable referral in accordance with DTA-Related Child Care Program policies and DCF-Related Child Care Program policies.

INCOME ELIGIBLE – DENIAL AND TERMINATION - EXEMPTIONS FROM DISQUALIFICATION AND TERMINATION FOR DTA AND/OR DCF REFERRALS

The following families are exempt from termination and disqualification:

- A family with an active TAFDC case during the time the family's TAFDC case remains open or through the end of their current authorization for DTA-Related child care services, whichever is later;
- A family participating in the SNAP Pathways to Work Program through the end of their current authorization; or
- A family with an active DCF referral.

A family that was subject to a period of disqualification during a DTA referral period is not eligible for DTA transitional care until any time remaining in the disqualification period has elapsed.

A family that was subject to a period of disqualification during a DCF referral may receive DCF transitional care before any time remaining in the disqualification period has elapsed. However, the remaining disqualification balance must be satisfied before a post-transitional authorization can begin.