

# Child Care

## Child care assistance for low-income families and families receiving Temporary Assistance for Needy Families (TANF)

There are two major sources of federal funding for child care: Temporary Assistance for Needy Families (TANF) and the Child Care and Development Block Grant (CCDBG), also known as the Child Care and Development Fund (CCDF). In addition, some states use state or local funds to pay for child care assistance.

### CCDF-funded child care...

- is provided by states, which were granted flexibility to design their own child care assistance programs within broad federal requirements.
- is provided to children:
  - under age 13 or, at state option, under 19 if the child is physically or mentally incapable of caring for himself or herself, or is under court supervision;
  - in a family whose income does not exceed 85 percent of the state median income (although states may set a lower income eligibility level); *and*
  - when parents are working or attending an educational or job training program.
- is provided to children who meet the age requirements when the child is receiving or needs to receive child protective services. These services are provided whether or not the parents are working or engaged in education or training. States may waive income criteria on a case by case basis when child care is determined to be necessary.
- is not a federal entitlement; therefore, some eligible families may not be able to receive assistance.

**NOTE:** Parents with CCDF subsidies have a right to choose their child care provider, who can be a relative, a family child care home, or child care center.

### CCDF requires states to...

- give priority to very low-income families and to families with children who have special needs, as defined by the state.
- spend a substantial portion of CCDF funds to meet the needs of families that are receiving TANF assistance, transitioning off TANF, or at risk of needing TANF.

### TANF-funded child care...

- may be provided by states, which were granted flexibility regarding program design and eligibility criteria, as long as the expenditures are directed at one or more of the goals of the TANF program.
- may be provided to families that are receiving TANF cash assistance, families transitioning off of TANF cash assistance, and families at risk of needing TANF cash assistance.

- is not a federal entitlement, but may be an entitlement under state law.

**NOTE:** TANF funds may be transferred to the CCDF funding stream, in which case, CCDF rules (including immigrant eligibility criteria) rather than the TANF rules, govern.

### Special considerations for immigrants and their families

- Eligibility criteria and restrictions related to immigration status vary according to the funding source. Therefore, families should check with the agency providing child care assistance to determine which rules apply. If families are ineligible under one funding source, they should ask whether another funding source may provide eligibility.
- For CCDF-funded child care, only the citizenship or immigration status of the child (who is considered the primary beneficiary of the child care benefit) is relevant for eligibility purposes. However, some CCDF-funded child care is available to children regardless of their immigration status.
- Receipt of subsidized child care is not considered in “public charge” determinations. However, receiving TANF cash assistance may have public charge consequences.
- Child care providers may be required to provide an employer tax identification number or a Social Security number (SSN).

**NOTE:** State agencies cannot require an SSN from persons seeking CCDF-funded child care and cannot deny the benefit to families that do not provide an SSN. Families receiving child care through CCDF are not affected by TANF’s SSN requirement — even when the CCDF funding stream includes transferred TANF funds (as those funds are governed by CCDF rules).

### To apply, a person should...

- seek information from his or her state’s lead child care agency about community child care options and where to apply for subsidies and local child care services. State contacts are listed at [www.nccic.org/statedata/dirs/display.cfm?title=ccdf](http://www.nccic.org/statedata/dirs/display.cfm?title=ccdf). State profiles are at [www.nccic.org/statedata/statepro/index.html](http://www.nccic.org/statedata/statepro/index.html).
- get information from the local Child Care Resource and Referral Agency, if one exists in the community. Local Resource and Referral agencies can be found at [www.childcareaware.org/en/](http://www.childcareaware.org/en/).

*continued after tables ►*

CCDF-Funded Child Care	
ELIGIBLE IMMIGRANTS	INELIGIBLE IMMIGRANTS
<p>“<b>Qualified</b>” immigrant children.</p> <p><b>Victims of trafficking</b> and their derivative beneficiaries.</p> <p>NOTE: All immigrants, regardless of immigration status, are eligible for CCDF child care when:</p> <ul style="list-style-type: none"> <li>• child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays.</li> <li>• child care is subject to Head Start performance standards.</li> <li>• eligibility for child care services is determined by a nonprofit charitable organization.</li> </ul>	<p>Except in states that provide child care to all state residents regardless of immigration status, the following immigrants are ineligible:</p> <p>“<b>Not qualified</b>” immigrants.</p>

TANF-Funded Child Care	
ELIGIBLE IMMIGRANTS	INELIGIBLE IMMIGRANTS
<p>The following immigrants are eligible in all states:</p> <p>“<b>Qualified</b>” immigrants who physically entered the U.S. <b>before Aug. 22, 1996</b>.</p> <p>“<b>Qualified</b>” immigrants who physically entered the U.S. <b>on or after Aug. 22, 1996</b>, and have been in “qualified” immigrant status for at least five years.<sup>1</sup></p> <p>“<b>Refugee</b>” categories: individuals granted status as a refugee, asylee, person granted withholding of removal/deportation, Amerasian immigrant, or Cuban/Haitian entrant. Eligibility continues even if the “refugee” becomes a lawful permanent resident.<sup>2</sup></p> <p><b>Victims of trafficking</b> and their derivative beneficiaries.</p> <p><b>Veterans</b> and active duty military personnel, their spouses, unremarried surviving spouses, and children, who are “qualified” immigrants.</p> <p><b>Some states</b> provide child care to <b>additional categories of immigrants</b> not listed above. Check with your state’s lead child care agency about rules in your state.</p>	<p>Unless a state has decided to cover them using state funds, the following immigrants are ineligible:</p> <p>“Qualified” immigrants not listed as eligible.</p> <p>“Not qualified” immigrants.</p>

- 1 *Exception:* Idaho, Indiana, Mississippi, South Carolina, and Texas provide TANF only to lawful permanent residents (LPRs) credited with 40 quarters of work and the veteran and “refugee” categories listed in the table above. Idaho also provides TANF to “qualified” abused immigrants who have lived in the U.S. for five years.
- 2 *Exception:* In Idaho, Mississippi, South Carolina, Texas, and Wyoming, “refugees” who entered the U.S. on or after Aug. 22, 1996, are eligible only during the five years after obtaining this status. Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.

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- check with the local welfare agency about availability of child care subsidies if she or he is receiving or eligible for TANF.

**The law governing child care appears at:**

42 U.S.C. §§ 601, *et seq.*, 9858, *et seq.*, 45 C.F.R. Parts 98, *et seq.*, 99, *et seq.*; immigrant eligibility at 8 U.S.C. § 1601, *et seq.*, 45 C.F.R. §§ 260, *et seq.*, 8 C.F.R. Part 104, *et seq.*, Program Instruction from James A. Harrell, U.S. Dept. of Health and Human Services, Deputy Commissioner, Administration for Children, Youth and Families to Lead Agencies Administering Child Care Programs Under the Child Care and Development Block Grant (CCDBG) Act

of 1990 as amended, and other interested parties, Log. No. ACYFPI- CC-98-08, Re: Clarification of Interpretation of “Federal Public Benefit” Regarding Child Care and Development Fund (CCDF) Services, (Nov. 25, 1998), U.S. Dept. of Health and Human Services, Administration for Children, Youth and Families, “Clarifying Policy Regarding Limits of the Use of Social Security Numbers under the CCDF and the Privacy Act of 1974,” Log. No. ACYF-PI-CC-00-04 (Oct. 27, 2000). *Important case: Ruiz v. Blum*, 549 F. Supp. 871 (S.D. N.Y. 1982) (child is the primary beneficiary of child care benefits, which cannot be denied based on the immigration status of the parent).