

Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

www.lawny.org

Child Care Help

When can my Department of Social Services (DSS) help with child care?

1. If you need child care to go to work, and the other parent is not available.
2. If you need child care to attend approved training or approved education programs.
3. If you need child care to attend welfare-to-work activities.

Note: Depending on the county you live in, there may be other times that DSS can help with child care.

How do I apply for child care help?

If you receive public assistance or food stamps, contact the DSS office for help. If you do not, you can fill out an application at your local DSS office. You can mark on the application that you need child care.

What does DSS have to do after I apply?

Your local DSS has 30 days to decide on your application. You will receive a written decision.

The payments from DSS are given on a sliding scale based on your income. This means that, depending on your income level, you may have to pay a portion of your child care costs. This is called the “family share.”

If I am approved, what do I have to do?

First, find a child care provider. If you cannot find a child care provider, you can ask your local DSS for help. If you ask the DSS office, they must give you a list of child care providers, or refer you to the local child care resource and referral agency.

It is important that you report any changes to DSS immediately. This includes changes in your income, hours of employment, household members, or child care provider. These changes may cause an increase or decrease in benefits.

To keep receiving help with child care, you must recertify at least every 12 months.

What if I disagree with the action by DSS?

If you disagree with DSS, you can ask for a fair hearing.

These are the kind of issues that people request fair hearings for:

1. You do not get a decision within 30 days.
2. Your child care application is denied.
3. You disagree with the amount your local DSS says you must pay for child care.
4. Your child care benefits are reduced or stopped. If you request a fair hearing before the effective date of the notice, your benefits can continue while you are waiting for a fair hearing. This is called the “right to aid continuing.”
5. The DSS claims that you were overpaid child care benefits.

For more information: [Fair Hearings](#)

Legal Help

If you have a child care assistance problem you cannot solve with your local DSS office, you can contact your local legal services office for help. If you get a notice from your local DSS office, it should have contact information for a legal assistance office.

Legal Assistance of Western New York, Inc. ®

This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

Last Review Date: January 2016

Printed: May 9, 2021

<http://www.lawny.org/node/31/child-care-help>

©Legal Assistance of Western New York, Inc. ®