

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re ) Fair Hearing No. 10,905  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare finding her ineligible for child care assistance.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with her two children, ages fourteen and eight. The petitioner works part-time, including weekends, and also attends school several days a week. When she is away from home for these reasons, and the children are not in school, the older child baby-sits for the younger one. The petitioner pays him \$15.00 a week for this service.

The Department found the petitioner ineligible for child care assistance because the provider of the care--the petitioner's fourteen-year-old son--is a member of the petitioner's ANFC assistance group and is under sixteen years of age.

ORDER

The Department's decision is affirmed.

REASONS

The Department's regulations on child care assistance include the following provisions under W.A.M. § 2348.2<sup>1</sup>:

Allowable Child Care Expenses

Child care assistance is available for child care which meets the following conditions:

. . .

6. The provider of care must meet the following conditions:

a. Is not a member of the assistance group nor an individual who is excluded from the ANFC assistance group solely because he or she is a recipient of SSI/AABD benefits or foster care benefits funded under Title IV-E of the Social Security Act.

. . .

e. Is 16 years of age or older.

. . .

Inasmuch as the Department's decision in this case is clearly in accord with the above provisions it must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

FOOTNOTES

<sup>1</sup>Child care assistance benefits are part of the Vermont Reach Up Program. W.A.M. §§ 2340-2349. Reach Up is Vermont's version of the federal JOBS Program (Title II of the Family Support Act of 1988; Public Law No. 100-485). Virtually all of the funding under this program is subject to state discretion, as long as it is in keeping with the general purposes of the program. Nothing in the federal statute prevents states from imposing reasonable restrictions on the payment of child care assistance. While one might disagree with the policy considerations underlying the Department's prohibition on assistance payments for child care provided by ANFC household members and/or children under sixteen, it certainly cannot be concluded as

a matter of law that these provisions are discriminatory or unreasonable.

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