



CHILD CARE POLICY, PROCEDURES AND BILLING MANUAL

This document constitutes the operating policies and procedures for all child care providers who provide child care and receive payment for child care services through the Erie County Department of Social Services (ECDSS). The Child Care Policies, Procedures and Billing Manual is available in the Department Highlights on the Erie County Department of Social Services homepage: <http://www2.erie.gov/socialservices>).

Erie County Department of Social Services

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Erie County Executive

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Table of Contents

<i>Day Care Services</i> _____	<i>Page 3</i>
<i>Important Telephone Numbers</i> _____	<i>Page 4</i>
<i>Types of Providers</i> _____	<i>Page 5</i>
<i>Contracted Child Care</i> _____	<i>Page 8</i>
<i>Non-Contracted Child Care</i> _____	<i>Page 9</i>
<i>Child Care Time & Attendance System (CCTA)</i> _____	<i>Page 9</i>
<i>Absence Policy</i> _____	<i>Page 10</i>
<i>Authorization Notice (Approval Letter)</i> _____	<i>Page 11</i>
<i>Discontinuance Notice</i> _____	<i>Page 13</i>
<i>Transfers Between Providers</i> _____	<i>Page 15</i>
<i>Billing</i> _____	<i>Page 16</i>
<i>Parent Fees</i> _____	<i>Page 18</i>
<i>Non-Custodial Parent Contribution</i> _____	<i>Page 18</i>
<i>Re-Billing</i> _____	<i>Page 18</i>
<i>Fees</i> _____	<i>Page 19</i>
<i>Fraud</i> _____	<i>Page 19</i>
<i>Rates</i> _____	<i>Page 21</i>
<i>Tax Reporting</i> _____	<i>Page 22</i>
<i>Special Needs</i> _____	<i>Page 23</i>
<i>Waiting List</i> _____	<i>Page 23</i>
<i>200% of Federal Poverty Guidelines Chart</i> _____	<i>Page 24</i>
<i>Important Tips</i> _____	<i>Page 25</i>
<i>Payment Calendar</i> _____	<i>Page 26</i>

Day Care Services

Child care assistance is available to eligible families through a variety of programs.

Temporary Assistance (TA) Day Care is available to recipients of cash benefits (Temporary Assistance to Needy Families or Safety Net Assistance) who are employed or engaged in approved vocational or educational training programs. Temporary Assistance recipients should contact their TA Examiner or employment counselor to discuss day care assistance eligibility. Day care approvals are determined by the TA examiner.

Transitional Day Care Assistance is available to recipients of Temporary Assistance who become ineligible for cash benefits due to earned income. Transitional Day Care is guaranteed for 12 months after case closing if the working family earns less than, or equal to a designated percentage of the State Income Standard (which is based on the Federal Poverty Level and subject to change). Parents contribute weekly to the cost of care according to a calculated percentage based on household size and income.

Non-Temporary Assistance Day Care is available to working families who earn less than, or equal to, a designated percentage of the State Income Standard. Parents contribute toward the cost of care according to a calculated percentage based on household size and income. Assistance is also available to teen parents attending high school.

Preventive/Protective Services Day Care is available to recipients of Children Services when day care is a mandated part of the family's service plan.

Important Telephone Numbers

Erie County Accounting/Timesheet Audit

95 Franklin Street, 4th Floor
Buffalo, New York 14202
[716] 858-6557

Erie County Department of Contract Compliance

95 Franklin Street, 7th Floor
Buffalo, New York 14202
[716] 858-6141

Erie County Low Income Subsidy Day Care Unit

95 Franklin Street, 4th Floor
Buffalo, New York 14202
[716] 858-8953

Child Care Resource Network (CCRN)

1000 Hertel Avenue
Buffalo, New York 14216
[716] 877-6666

NYS Office of Children and Family Services

Child Care Licensing and Information
295 Main Street
Buffalo New York 14202
(716)847-3828

Types of Providers

The following are the types of child care providers and a list of child care resources:

Family Day Care Providers/Registered Providers

Family Day Care Providers care for up to six children at a time in a residence. They may add one to two school-age children (maximum allowable number depends on children's ages). The providers are registered by the NYS Office of Children and Family Services. Registered providers may provide overnight care as long as they are in compliance with New York State Regulation 417.3 ©, 417.7 (a), and 417.8(a)

Group Family Day Care Providers

Group Family Day Care Providers care for up to twelve children at a time in a residence and may add one to two school-age children. A provider must use an assistant when more than six children are present. They are licensed by the State of New York.

Day Care Centers

Day Care Centers are licensed providers who provide care for more than six children at one time in a facility that has been approved by the State of New York.

School-Age Child Care

School-age child care facilities care for more than six children. They generally serve school-age children from kindergarten through age 12 and care for children during non-school hours. They also may provide care during school vacation periods and holidays. *Note: ECDSS does not pay for children enrolled in universal pre-kindergarten, private kindergartens, nursery schools or Head Start Programs.*

Legally-Exempt Child Care Providers

Legally Exempt Child Care Providers are required to enroll with the Child Care Resource Network at 1000 Hertel Ave, Buffalo, NY 14216; telephone 877-6666. The Child Care Resource Network is a resource for providers throughout Erie County. It is the primary child care referral source in the county. The Child Care Resource Network also administers the USDA Food Program, provides mini-grants assist providers, and conduct trainings and meetings to benefit child care providers.

Legally-Exempt Family Child Care Providers must meet the standard of legal care as set forth by the State of New York including but not limited to the following:

1. She or he must be 18 years old or meet the minimum requirements of employment for minors.
2. If she or he is providing child care as a relative, she or he may be eligible to be paid unless she or he is legally responsible for the child in care. If she or he is not a relative, and she or he is caring for a child outside the child's home, she or he cannot provide care for more than two children for more than 3 hours per day (in addition to his/her own children). She or he may provide care for more than 2 children if it is for less than 3 hours per day.
3. If she or he is receiving Temporary Assistance or SNAP benefits, (formally known as Food Stamps) she or he must report this income to her or his worker. Providing child care will not exempt her or him from work participation.
4. She or he must meet Health and Safety guidelines as set by the State of New York.

4. A day care center, family day care home or other child care program located on federal property and operated in compliance with federal laws and regulations for such child care services.

Legally-Exempt Group Child Care is provided by caregivers meeting State requirements but are not required to be licensed or registered with New York State. Caregivers of Legally-Exempt Group Child Care include:

1. Pre-kindergarten or nursery school program for children three years of age or older, or a program for school-age children conducted during non-school hours, operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the education law, provided that such pre-kindergarten, nursery school or school-age program is located on the premises or campus where the elementary or secondary education is provided.
2. A nursery school or program for preschool-age children operated by a nonprofit agency or organization or a private proprietary agency which provides services for three or less hours per day.
3. A summer day camp for children under thirteen years of age operated by a nonprofit agency or organization or a private proprietary agency in accordance with Subpart 7-2 of the State Sanitary Code.
4. A day care center, family day care home or other child care program located on federal property and operated in compliance with federal laws and regulations for such child care services.

5. Legally-exempt family child care providers are required to submit criminal and medical attestations for themselves and all household members 18 years of age and older. The medical attestation determines if the provider/household members are physically and mentally fit to provide care. The criminal attestation requests information on any prior convictions and general health/safety questions relating to children in her/his care.
6. The provider and parent must jointly complete a Home Safety Checklist. The provider must meet all of the requirements and agree to abide by all of the health and safety conditions before she or he can be enrolled. The provider must also agree to a home safety on-site inspection by the CCRN.
7. A criminal background check is conducted on all legally-exempt family child care providers and household members 18 years of age and older, per local district policy.

Contracted Child Care

Day care centers, school-age programs, family and group family day care providers must be licensed/registered and insured to enter into contract with the County.

In addition to any policies and procedures outlined in this manual, contracted providers must adhere to all other requirements outlined in their contracts.

- For day care centers, school age programs, family or group providers to become contracted, contact: Erie County Department of Contract Compliance, 7th Floor, 95 Franklin Street, Buffalo, NY 14202; telephone 858-6141.
- The provider must request a new contract and submit a copy of her/his license if a provider changes status (e.g., from family day care to group family day care)

A contract is effective in the month it is returned to, and accepted by, the Agency. (Payment cannot be made to providers after expiration date). The date on the new fully executed contract will determine date of payment.

Non-Contracted Child Care

A provider must be licensed and registered to enter into a non-contract with the County (day care centers, school-age programs, family and group family day care providers).

Non-contracted providers cannot bill for absences .

By regulation, the Agency cannot pay a non-contracted provider for preventive child care.

- For day care centers, school age programs, family or group providers to become a non-contracted provider contact: Day Care Unit, 4th Floor, Room 448, 95 Franklin Street, Buffalo, NY 14202; telephone 858-2590.
- Non-contracted providers are subject to yearly renewal agreements.

Child Care Time and Attendance System (CCTA)

NYS Child Care Time and Attendance (CCTA), is a web-based system and requires access to a personal computer (PC) with internet capacity. The system is utilized to determine eligibility for the day care subsidy program, record time and attendance through the internet, and compute payments to providers.

Contracted providers must participate in the NYS Child Care Time and Attendance (CCTA) automated attendance module.

The provider enters daily attendance and submits after the last day of the month.

If a provider is interested in becoming a user of the system contact Erie County Accounting/Timesheet Audit,

95 Franklin, 4th Floor, Buffalo, New York 14202, [716] 858-4668

Absence Policy

Legally-exempt family child care and non-contracted providers may not charge or request payment from the County for absences, but must mark absences on the billing form for days that care is authorized, and the child (ren) is/are not present.

All providers must maintain a daily sign-in sheet, which contains the child's name, and a parent's signature for both the time in, and time out . These sign-in sheets will be retained at the provider's facility for use as requested by the County for auditing purposes. Failure to maintain sign-in sheets, and produce them upon request, may warrant the County withholding payment until time of verification.

A contracted provider may be paid by the County for absences up to the following limits:

Regular Absences (Sick Days)	Extenuating Circumstances *
No more than 12 absences per calendar month and absences may total no more than 12 days in any one calendar quarter.	No more than 15 absences per calendar month and absences may total no more than 20 days in any one calendar quarter.

Calendar quarters are: January-March; April-June; July-September; October-December

*Extenuating circumstances means a situation or occurrence, verified by the Department and noted in the child's services plan, in which a child is temporarily absent from child care for one of the following reasons:

1. Court appointments requiring child's attendance
2. Medical care or treatment for an ill child
3. Homelessness of child's family requiring child's absence from day care.

Attendance reflected on billing must be actual, accurate, and complete when turned in as part of the billing process. Absent notes from parent must be retained on site for audit.

If a child is authorized for care before and after school and school holidays and attends for a full-day that is not a school holiday, the provider must include an explanation as to why the child is in care and not in school (e.g., school suspension).

Authorization Notice (Approval Letter)

An authorization is an agreement that the County will pay the client's child care costs up to the appropriate allowance (less parent fees, if applicable) to a specific provider within the specified periods and hours of authorization. The agreement is between the County and the client only. The County will only pay the specific provider for the days the child (ren) is (are) actually in attendance with the exception of allowable absences paid to contracted providers. The County will not pay two different providers for the same time period.

If a parent uses a child care provider above and beyond the authorized days and times, the parent is responsible for payment.

The County will pay only for hours the client was working or in assigned activities and will not pay for more than the authorized hours that will include travel time.

Providers will be notified in writing when a client is authorized to receive child care assistance. No representative for either the County or the provider should at any time issue or accept an authorization that is not in writing, except in the case of an emergency regarding a Protective, Preventive or Foster Care client. In this case, the Preventive/ Protective Services Unit only can verbally authorize.

Dates written on the authorization form include the first and last days of service that is authorized

Providers who take children prior to receiving written authorization (except for emergency Protective or Preventive cases as outlined above) are not guaranteed payment by the County. The provider must consider a client private pay, until they receive an authorization from the County.

A copy of any changes from the original authorization (reduction in hours, or increase in parent fee, for example) will be sent to the provider noting the date that the change is to take effect

Authorizations may be written as follows:

A Varying Schedule: A total number of hours for which care is needed per day and per week

If days of care are regular it will be noted on the authorization (e.g., M-F or M, W, F).

If a client works a rotating shift it will be noted on the authorization.

School-aged children needing care on school holidays will be authorized for a designated number of hours per day for school holidays and recess.

A Fixed Schedule: Exact Days and Times (M-F – 8am to 4pm)

Extending Child Care Authorizations

If the County chooses to extend child care services beyond the date indicated on the initial authorization letter, a new authorization letter indicating a new start and end date will be sent. If a new authorization letter extending care is not received by the provider prior to the end of the original authorization letter, the provider should assume the parent is no longer eligible for child care services.

Discontinuance Notice

NOTE: This section does not apply to transfers to another child care provider - see page 15 for information on “Transfers between Providers.”

- Provider Authorization stop notices will be sent to providers as a mechanism to keep providers informed of childcare eligibility status, and, while not required by regulation, are important to advise daycare providers of changes in eligibility for which they may bill.

- Providers will be mailed a Provider Cancellation Notice prior to any change in child care eligibility status that affects the day care payment. **By regulation a client is entitled to ten days' notice, unless he or she waives his or her right, then adequate notice is sent.**

A Provider Cancellation Notice is only sent to providers if authorized day care is being discontinued.

- When a client receives a letter of discontinuance, the provider will receive notification that the client is being discontinued. **No letters of discontinuance will be backdated.** It will reflect changes to authorization on or after the date of the letter unless there has been specific agreement between the provider and the County that the effective date of the change is prior to the date the letter is sent. In this case the date the agreement was made and the names of the people who agreed will be noted on the letter.
- If the client submits the required eligibility documents within the 10 day discontinuance notice period, and is still eligible, a new authorization (reinstatement notice) will be sent.

Providers will not be paid beyond the date noted on the discontinuance notice.

Participants may be discontinued from child care assistance if it is determined that funding limitations exist. Priority for continuing assistance will be outlined in the County's Consolidated Services Plan.

The 10 days' notice of discontinuance rule may be waived on a case by case situation in instances involving children services cases (preventive/foster care).

Transfers between Providers

Note: Procedures regarding transfers are different than those for discontinuances of care (see Section 6.0)

- A. The County policy is that a client has the right to choose his or her child care provider, and therefore may select a change in provider at anytime. No advance notice to the former provider is required.
- B. Existing authorization is only valid for the provider indicated on the authorization letter. Switching children from one site to another, even within the same day care organization, must be prior approved. **The earliest effective date of such a transfer will be the date the County is notified and approves of the change in provider. The start dates of these authorizations will not be back dated.**
- C. Providers who choose to accept children prior to receiving written authorization, prior to the start date, or after the end date, as indicated on the authorization letter are doing so AT THEIR OWN RISK.
- D. The previous provider may not charge for absences if the provider has terminated the child (ren) from care.
- E. A provider may choose to enter into an agreement with a client requiring the client to provide a certain number of notice days before the child is moved. This would be a contract between the client and the provider, one to which the County is not a party of. Should the client violate this agreement the resolution is between the two parties.
- F. **Under no circumstances will the County pay two providers for the same period.**

Billing

All child care providers are expected to submit their billings for services after the last business day of the month printed on the roster.

Timesheet and web submittals received no later than the third business day of the month for all Erie County child care payments will be paid based on the following schedule:

Payments to Family and Group Family Day Care providers will be mailed by the end of the third full week of each month. Payments to Legally-Exempt (informal) providers and Day Care Centers will be mailed by the end of the fourth full week of each month.

Important: A provider may only bill for days a client worked or was in an assigned activity and the child (ren) were in the provider's care. If you believe a client is not utilizing child care for the purpose authorized (e.g., not working, not participating in employment activities or service activities) contact the assigned worker.

Completing the Billing Forms

To be paid you must submit a completed timesheet or submit web attendance online.

All copies of day care billing forms should be sent to: Erie County Department of Social Services, 95 Franklin Street, Accounting Audit Room 426, Buffalo, New York 14202

Keep a record of your billing forms and a record of the expected amount owed to you by the Erie County Department of Social Services.

Billing forms should be completed as follows:

1. Write the time in and out for each day you cared for the child, and below each day write the actual number of hours of service provided.
2. If you are claiming a legal absent day, enter an 'A' below the total hours
3. Review the timesheet for accuracy, then sign and date it when completed. Both parent and provider signatures are required (unless you are a day care center where there is a central billing office and the parents are not seen.) Unsigned forms will be returned for signatures, thus delaying payment.

Note: Do not submit your timesheet/or web submittal calendar until all service for the month has been completed. Incomplete, unsigned or unreadable timesheets will be returned. Also timesheets which are submitted before the month has ended will be returned.

Parent Fees

Note: The parent fee is deducted every Monday. If the month ends on Tuesday, we will be taking the whole parent fee on Monday.

- A. It is the provider's responsibility to collect parent fees, and to notify the client if the parent fee is late. Parent fees are paid directly to the provider.
- B. Parent fees are noted on the *Approval Letter and the provider notice of authorization schedule*.
- C. Parents are not required to pay parent fees if the child is not in attendance, unless the provider is submitting time for absences (sick days).
- D. The provider should notify the worker if the parent fees are late. The worker will send the client a notice regarding the overdue fees. The client must make an agreeable payment arrangement for daycare assistance to continue.

Non-Custodial Parent Contribution

Family Court, or any court which has jurisdiction on child support issues, may order the non-custodial parent to pay toward the cost of child care. The child care provider will be informed of the non-custodial parent's contribution on the authorization letter.

Re-Billing

A Provider must re-bill within 3 months of the original payment date for review

FEES

The County will not pay activities fees, registration fees, transportation or any other fees.

Fraud

Whether you are a family, group family, legally exempt child care provider, or a child care center you must comply with applicable federal, state and local laws.

Committing fraud has consequences.

Here are a few examples of fraud:

- Child care provider who falsely reports the number of children in attendance and requests payment for services that were not provided.
- Child care provider receiving (governmental assistance) but fails to report income.
- Charging the private pay parent less than the subsidy rate.
- Child care provider who falsely reports the number of children served for CACFP reimbursement.

Fraud Allegations Concerning Providers

- A. Cases will be referred to the ECDSS Special Investigations Division (SID) anytime there is a question regarding any suspected misuse of the program, misrepresentation of eligibility documentation, suspected fraudulent bills submitted by a child care provider, or a provider receiving benefits or payments he or she was not entitled to receive.
- B. Allegations of provider fraud will be referred to SID for investigation. Failure to fully cooperate with the investigation may result in discontinuance from the child care program.
- C. Payments will continue to the provider until SID informs the Accounting Division otherwise. The provider and/or the client will be notified that an investigation is ongoing.
- D. Upon preliminary review of possible child care provider fraud, the provider will be interviewed by a fraud investigator and program or accounting staff as necessary.
- E. Upon a finding of fraud or improper billing, the provider will be required to make restitution to the County by means of a repayment agreement AND, a recommendation may be made for a one-year suspension from status as a provider. Failure to enter into the repayment agreement or make the required repayments may result in withholding of monies owed.

Fraud Allegations Concerning Clients

- A. Cases will be referred to the Special Investigations Division (SID) anytime there is a question regarding any suspected misuse of the program, misrepresentation of documentation of eligibility or suspected fraudulent time-sheets submitted by a client receiving payments she or he was not entitled to receive.
- B. If SID determines that a fraudulent act has occurred, the client's case may be closed and the provider may receive a cancellation notice. In some cases a client will enter into a repayment agreement and his or her case will remain open. In other instances, the case will be referred to the District Attorney's office.

Rates

- A. The County will pay providers by the type of provider and the age of the child.
- B. Change in age category - if a birthday occurs which will result in a change in rate for a child, the new rate will become effective the first day of the following billing period. When a child turns 13 years old, all child care will be terminated effective on his or her birthday, unless the child is receiving Preventive Day Care. Then on a case-by-case basis care may be continued until the end of the school year. Also child care may continue beyond a child's 13th birthday if there is existing medical documentation that the child has special needs.

- C. The current rates are available through the Day Care Unit and Department of Contract Compliance, 95 Franklin Steet, Buffalo, NY 14202.
- D. A contracted provider may not charge ECDSS clients more than the ECDSS contracted rate.
- E. If a provider changes from one provider type to another (e.g., from Family Day Care to Group Family Day Care) it is the responsibility of the provider to notify ECDSS. Contracted providers must request a new contract from Erie County Department of Contract Compliance at 858-6141. Non-contracted providers must advise the Daycare Unit at 858-2770. If the provider is contracted, a new contract must also be signed and returned. The appropriate pay rate changes will then be made. Any increase in rates will be effective for the billings of the month in which the contract, and all required documents, are received and accepted by the County, e.g., if a contract is returned and accepted in January, January's billings received in February will be the first paid under the new rate.

Tax reporting

All child care payments made to providers over \$600 annually must be reported to the Internal Revenue Service (IRS). An IRS Form 1099 will be submitted to the IRS reporting all County child care payments. You are required to report this non-employee compensation on your tax return and you are allowed to take business expenses against the income. For more information contact the IRS or your tax advisor.

Special Needs

The County is authorized to pay a higher rate for special needs children if certain criteria is met. A special needs child per regulation is a child that may have one or more condition limiting their ability to function. i.e., physical, mental or emotional health (18 NYCRR 415.1). The provider must obtain a Special Needs Statement (B-3964) from the appropriate worker. This form must be completed by a medical doctor or other health professional before submission. To qualify for the special needs rate, the provider must demonstrate the incurred costs in caring for the special needs child by submitting Day Care Additional Costs Statement (B-3963). If approved the special needs rate will be allowed from the date of approval and subject to review at the client's recertification.

Waiting list

When it is determined by the County that child care spending is at a maximum level based on funding, a waiting list will be established. Interested parents can complete a waiting list application. Completed applications will be prioritized based on criteria in the County's Consolidated Services Plan.

We encourage all parents to submit all pending documentation and recertification applications by the assigned due date, to ensure maintaining enrollment in the Child Care Subsidy Program.

The New York State regulation that provides local districts with the authority to take this action is 18 NYCRR 415.2 (d) (3) (ii).

200% of Federal Poverty Guidelines Chart

The chart below indicates gross income standards used to determine eligibility for Non-Temporary Assistance Day Care Services.

June 1, 2017 through May 31, 2018

Family Size	Yearly	Monthly
1	\$24,120	\$2,010
2	\$32,480	\$2,707
3	\$40,840	\$3,403
4	\$49,200	\$4,100
5	\$57,560	\$4,797
6	\$65,920	\$5,493
7	\$74,280	\$6,190
8	\$82,640	\$6,887

Important Tips

- A parent must apply for day care services with Erie County and be determined eligible before the provider will receive an approval notice and authorization for payment.
- You are not guaranteed payment from the date you started care. The payment start date will be on the approval notice and the provider notice of authorization/schedule.
- You are required to keep daily records of when children are in care, including the child's name, the date, the time care started, the time care ended and the parent's signature. You cannot charge the county if the child was not actually in your care.
- You are required to collect the family share. If the parent does not pay the family share or is late in paying it, call his or her caseworker, who will send the client a Delinquent Fee Notice. If the parent does not pay the family share, the subsidy case may be closed.
- When the Department reviews a timesheet for payment, the auditors look to verify that the child, for which you are providing service, is authorized for the hours of child care payment you are requesting and that your child care license contract/non-contract covers the period for which you are requesting payment.

Payment Calendar For 2019

Service Month	Payment Month	Mailing of Group Family Payments	Mailing of Informal and Centers Payments
December 2018	January 2019	January 25, 2019	January 31, 2019
January 2019	February 2019	February 22, 2019	February 28, 2019
February 2019	March 2019	March 22, 2019	March 29, 2019
March 2019	April 2019	April 18, 2019	April 26, 2019
April 2019	May 2019	May 24, 2019	May 31, 2019
May 2019	June 2019	June 21, 2019	June 28, 2019
June 2019	July 2019	July 19, 2019	July 26, 2019
July 2019	August 2019	August 23, 2019	August 30, 2019
August 2019	September 2019	September 20, 2019	September 27, 2019
September 2019	October 2019	October 25, 2019	October 31, 2019
October 2019	November 2019	November 22, 2019	November 29, 2019
November 2019	December 2019	December 20, 2019	December 27, 2019

In order to qualify for the above payment schedule, Day Care Timesheets **must be received** by ECDSS Accounting Day Care Payment Unit **by the 3rd business day of the month** and by the “**Service period, payable thru (90 days)**” chart below.

*“**Payable thru**” is the CCTA “**web submittal date**” or the “**date stamp**” on the paper timesheet.

REBILLING FORMS will be accepted **ONLY** within the **90 day period** also.

<u>Service Period:</u>	<u>Payable thru:</u>
January	March 31
February	April 30
March	May 31
April	June 30
May	July 31
June	August 31
July	September 30
August	October 31
September	November 30
October	December 31
November	January 31
December	February 28/29



Erie County Department of Social Services

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