

Presumptive Eligibility in Child Care: Frequently Asked Questions

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Question: What is presumptive eligibility and why do families need it?

Answer: Presumptive eligibility for child care subsidies is a policy that allows families to receive temporary and immediate financial assistance to pay for child care services, while the agency administering the subsidy program determines and verifies their eligibility for the program.

Question: How many states have a presumptive eligibility policy for child care?

Answer: As of April 2023, four states and one county have a presumptive eligibility policy for child care assistance: Delaware, Maryland, Montana, Wyoming, and Monroe County in New York.

Question: How long does an eligibility determination take in a state that does not have a presumptive eligibility policy?

Answer: The period of time for a state and jurisdiction to determine eligibility without presumptive eligibility varies greatly depending on many circumstances. Qualitative data suggests that families across states wait approximately 30 days for an eligibility determination. In some states, it can take several months to complete.

Question: How long can a family be considered presumptively eligible?

Answer: Each state and jurisdiction determines the amount of time they can provide child care subsidies for families who are considered presumptively eligible. Many states consider factors like current funding or the current processing time for the application. In states with presumptive eligibility policies, the current range is from 30 to 60 days.

Question: How can families ensure that they continue to receive child care assistance after their presumptive eligibility phase is over?

Answer: Families should complete the application process as determined by each state or jurisdiction. This includes fully completing the application and submitting all accompanying documents.

Question: What happens if a family does not finish its application after receiving presumptive eligibility?

Answer: Each state and jurisdiction have different rules in place for families who do not complete their application. However, most states will stop providing assistance if the family has not completed the application at the conclusion of the presumptive eligibility period.

Question: What happens if the family is determined not to be eligible for the program?

Answer: If a presumptively eligible family is determined ineligible under state and federal eligibility rules, the family would no longer be eligible for care. Most states allow families to finish out the presumptive eligibility period. Additionally, the state's subsidy payment made during the presumptive eligibility period would be considered an unallowable expenditure. Therefore, the state child care agency would not be able to use federal funds for the payment and any federal funds used would be subject to repayment to the federal government.

Question: What happens if a family is determined to not be eligible for a subsidy under the state or jurisdiction's requirements, but is eligible under the federal criteria?

Answer: If a family is determined to be ineligible for the program under the state or jurisdiction's eligibility rules, but is determined to be eligible within the federal eligibility requirements, the state may use federal funds to cover the cost of the subsidy. In other words, if a family met federal eligibility rules, but failed to meet additional state eligibility requirements, the payment would still be allowable. However, the family would not continue to be eligible for the program after the presumptive eligibility period is complete or as otherwise determined by the state or jurisdiction.

Question: Will families be responsible for repayment if they are found to be ineligible for the program?

Answer: The funds used to support families during the presumptive eligibility period will not need to be recovered unless the payment was the result of fraud.

Question: Will providers be paid, even if a family is deemed ineligible for ongoing assistance?

Answer: Yes. Child care providers must still be paid for services rendered even if the family is deemed ineligible.

Question: Will presumptive eligibility cost states a lot of money?

Answer: No. A state is only responsible to cover funds if a family is found to be ineligible under the federal eligibility rules. Since presumptive eligibility is a temporary policy, the amount of money that a state could be responsible for is very low. States that have implemented a presumptive eligibility policy have not reported large costs as a result.

Question: How do I pursue a presumptive eligibility policy in my state?

Answer: For technical assistance to support your state's efforts toward a presumptive eligibility policy in child care please reach out to Alejandra Londono Gomez at alondono-gomez@clasp.org.