



**CHILDCARE AND PARENT SERVICES (CAPS)
Georgia's Subsidy Program**

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| CAPS Policy – Parental Authority Rights and Responsibilities | No.: CAPS/00-3 | Effective Date: 10/01/2016 |
| | | Revised: 10/01/2021 |
| | | Revision Effective: 10/01/2021 |

LEGAL AUTHORITY: Federal Register: 45 Code of Federal Regulation (CFR) 98 and 99.

Cross Reference/See Also: CAPS Application Process Policy (CAPS/00-4), CAPS Eligibility Requirements Policy (CAPS/00-6), CAPS Priority Groups Policy (CAPS/00-7), CAPS Family Fee Policy (CAPS/00-9), CAPS Case Change and Documentation Policy (CAPS/00-13), CAPS Program Integrity Policy (CAPS/00-16), CAPS Grievances Policy (CAPS/00-17), CAPS Administrative Hearings Policy (CAPS/00-18)

Note: Definitions of words or phrases in bold are located in [Definitions and Acronyms](#). Only the first occurrence of the defined words or phrases are bolded.

3. PARENT RIGHTS AND RESPONSIBILITIES

3.1. Purpose

The purpose of this policy is to provide the rights and responsibilities **parents** are required to abide by in order to receive **Childcare and Parent Services (CAPS)** services.

3.2. Scope

This policy applies to all employees of the **Department of Early Care and Learning (DECAL)**, all parties responsible for the administration of the CAPS program, **parents**, and child care **providers** who receive subsidies administered by DECAL on behalf of **parents**.

3.3. Parent Rights

- 3.3.1 The parent has the right to apply for assistance, withdraw the application, request termination of assistance, or reapply for CAPS at any time.
- 3.3.2 The parent is authorized to receive child care services as long as funds are available, and the parent remains **eligible** and has complied with all CAPS program requirements.
- 3.3.3 The parent has the right to choose any eligible child care provider within the limits prescribed in CAPS Participating Provider Policy (CAPS/00-11) and CAPS Provider Rights and Responsibilities Policy (CAPS/00-12).
- 3.3.4 The parent has the right to enroll their **school age** child in any educational program of their choice. However, CAPS may reimburse a provider only for before and after school care for school age children attending a public or private school while school is in session.
- 3.3.5 **Temporary Assistance for Needy Families (TANF)** recipients have the right to be informed of the availability of exemptions from mandatory participation in **employment** services activities if appropriate child care is not available, affordable or cannot be accessed.
- 3.3.6 Parents who state that they or their children have been victims of domestic violence or who state that they are at risk of further domestic violence must be informed of the available community services that assist victims of domestic violence and how to voluntarily and confidentially access such services.

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- 3.3.7 The parent has the right to have access to their child during all times the child is in child care.
- 3.3.8 Information that is provided by the parent and placed in a database used by the CAPS program will remain confidential in accordance with any applicable state or federal regulations.
- 3.3.9 The parent has the right to see their case file unless this is prohibited by state or federal laws or regulations.
- 3.3.10 The parent has the right to file a grievance or **appeal** when the Agency imposes an **adverse action** that is appealable, such as a **denial** or case closure if the parent does not agree with the action taken by the agency.
 - 3.3.10.1 Changes where adverse actions are a direct result of implementation of federal and state regulations/policies and the change affects entire populations are not appealable.
- 3.3.11 The parent has the right to request a grievance mediation and/or the right to an **administrative hearing**.
- 3.3.12 Parents who speak Spanish have the right to request and receive forms and notices in Spanish and request CAPS to provide an interpreter when contacting the CAPS program. Other non-English speaking individuals or persons with limited English proficiency shall have the right to request an interpreter provided by the agency.
- 3.3.13 Parents with vision or hearing impairments have the right to request auxiliary aids or other accommodations.
- 3.3.14 The parent has the right to be treated fairly without regard to race, color, religion, sex or sexual orientation, marital status, national origin, ancestry, age, political beliefs, or disability.

Note: An **applicant** or recipient who feels their rights have been violated may contact the CAPS program at 1-833-4GACAPS (1-833-442-2277) or CAPS.Complaints@dec.al.ga.gov.
- 3.3.15 The parent has the right to **appeal** to the U.S. Department of Health and Human Services Office for Civil Rights (HHS OCR) if they feel DECAL or CAPS staff has violated their civil rights.
- 3.3.16 The parent has the right to request **suspension** or closure of their CAPS case.

3.4. Parent Responsibilities

- 3.4.1 The parent is responsible for providing accurate, current, and complete information to the program. Failure to provide true and accurate information may result in sanctions as prescribed in [CAPS Program Integrity Policy \(CAPS/00-16\)](#).
- 3.4.2 The parent is responsible for supplying all requested forms, information, and verification needed to determine eligibility and amount of benefits. If all information is not submitted within the specified time frame, this may result in the inability to determine eligibility and a disposition of **unable to process** will be issued as prescribed in [CAPS Application Process Policy \(CAPS/00-04\)](#).
- 3.4.3 The parent must permit DECAL to verify all information/statements on the application and during the interview.
- 3.4.4 The parent must cooperate in taking any actions necessary to establish eligibility. The parent must cooperate with any CAPS investigation by completing any required forms, responding to scheduled interview appointments, and by making requested records or information available. Parents who do not cooperate may be determined to be ineligible for CAPS until they cooperate.
- 3.4.5 The parent is responsible for reporting changes in their circumstances to the CAPS program within **10 calendar days** of becoming aware of the change. Some changes, while not required to be reported, will result in an increased benefit for the family by reporting them. Changes should be reported online through the state’s integrated eligibility system or by phone, mail, or in person.
 - 3.4.5.1 The following is a list of changes that the parent is required to report within **10 calendar days** of becoming aware of the change:
 - Change in family income where the gross applicable income exceeds 85% **State Median Income (SMI)** for a minimum of four consecutive weeks
 - Change in activity that is not temporary (e.g., loss of **employment**, graduation from school or training activity)

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- Request for change in child care provider
- Any change in child care arrangements (including child care provider's location, relationship of the provider and the child, cost, or need for care)
- There is no longer a need for CAPS services
- Family moves out of the state of Georgia
- Change in contact information (e.g., phone number, email address, mailing address)

3.4.5.2 The following is a list of changes that the parent may, but is not required to, report:

- Change in family income where the gross applicable income is at or below 85% SMI
- Child birth, adoption, or addition of a new child
- Marriage
- Change in state-approved activity that is temporary and the activity may resume

3.4.5.3 Failure to report required changes may result in sanctions as prescribed in [CAPS Program Integrity Policy \(CAPS/00-16\)](#).

3.4.6 The parent is responsible for reporting within 10 calendar days if their child is no longer enrolled in child care or moves out of the home.

3.4.7 The parent is responsible for paying any amounts above the CAPS reimbursement to the provider, if applicable.

3.4.8 The parent is responsible for paying the provider if child care is received during a period in which the parent or the provider is ineligible.

3.4.9 The parent is responsible for paying the provider for any child care that CAPS did not authorize.

3.4.10 The parent is responsible for repaying any **overpayments** assessed against them by the CAPS program after all appeal processes have been exhausted. Any violations of responsibility for non-payment may result in additional **sanctions**. Refer to the [CAPS Program Integrity Policy \(CAPS/00-16\)](#).

3.4.11 The parent or **authorized representative** is responsible for signing their children in and out of care each day in accordance with both CAPS and the child care provider's policies and procedures. Failure to sign children in and out of care each day may result in the provider being assessed an overpayment as prescribed in [CAPS Program Integrity Policy \(CAPS/00-16\)](#).

POLICY REVISION HISTORY

| Date | Description of Change |
|------------|--|
| 03/26/2018 | Clarified text in section 3.4.5 regarding which changes parental authorities are required to report. |
| 10/19/2018 | Removed a change in child's citizenship status from the list of changes parental authorities are required to report. |
| 02/01/2019 | Added references to CAPS Program Integrity Policy and added the responsibility for parental authority or authorized representative to sign children in and out of care each day. |
| 05/15/2020 | Revised language related to appeals and grievances. Updated the email address for parental authorities to contact if they feel their rights have been violated. |

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| 11/02/2020 | Revised language to clarify parents have the right to choose any eligible provider within the limits prescribed in CAPS Participating Policy (CAPS/00-11) and CAPS Provider Rights and Responsibilities Policy (CAPS/00-12). Clarified parents can enroll their school age child in any educational program of their choice; however, CAPS may reimburse a provider only for before and after care for school age children attending a public or private school while school is in session. |
| 10/01/2021 | Revised language to state change reports can be submitted online through the state's integrated eligibility system or by phone, mail, or in person. |