

## **Parent Fees in the Massachusetts Subsidized Child Care System**

***Lee v. Aigner-Treworgy*, Suffolk Superior Court Civil Action No. 19-3799B**

### **What is the case about?**

In this case, a mother lost her child care subsidy from the Department of Early Education and Care (EEC) because she couldn't afford her parent fees (also called co-pays). EEC would not let her get the subsidy back until she paid the money she owed. She sued EEC on behalf of herself and other families who lost their EEC child care subsidies because they couldn't afford EEC's parent fees.

Ms. Lee challenged the fees because EEC did not follow the law when it set the fees, and the fees were unaffordable.

### **What did the court decide?**

The court decided that the EEC's parent fees in the income eligible child care program were unlawful because they were never properly established. Under the court order, EEC cannot deny subsidies to families who fell behind in their parent fees between March 1, 2019 and February 4, 2021.

### **Who is covered by the court's decision?**

The court ruled that families who lost EEC child care because they owed fees between March, 1, 2019 through February 4, 2021 can get back on the waitlist, even if they still owe money to their old child care provider.

Before the court's decision, families could not get on the waitlist unless they paid all the money they owed or made an agreement with the child care provider to pay the money back.

This case does not affect families who lost child care for other reasons besides owing fees.

### **Why March 1, 2019 through February 4, 2021?**

The court limited its decision to families who lost their subsidy due to owing parent fees in this time period. March 1, 2019 is when current regulations went into effect. February 4, 2021 is when EEC started using a new fee scale that follows the required process and that charges fees that are much lower for most families.

### **What if I lost child care because I owed fees at a different time?**

You can still get back on the waitlist if you enter into a “repayment agreement” with the child care provider you owe. Under EEC Policy, the provider should only include 4 weeks of parent fees in the repayment agreement. The child care provider can include certain other amounts you owe, such as fees for late pick up.

### **What kind of child care is and is not covered?**

This case is **only** about income eligible child care.

This case does **not** affect other kinds of child care, including:

- private child care
- child care for families involved with the Department of Transitional Assistance (DTA)
- child care for families involved with the Department of Children and Families (DCF)
- Head Start or
- public preschool.

This case does not affect families who lost child care for other reasons besides owing fees.

### **What do I get if I am covered by this case?**

If your family lost child care between March 1, 2019 and February 4, 2021 because you owed parent fees, you can get back on the waitlist now. Before the court’s decision, families could not get on the waitlist unless they paid what they owed or made a repayment agreement with the child care provider they owed.

### **What if I’m not sure whether I am covered by this case?**

You can call Mass211 by dialing 2-1-1 or (877) 211-6277. Mass211 should tell you who you owe money to and for what period **or** they should contact the provider to find out. If they can’t tell you or find out what time frame you owe the money for, they must let you get back on the waitlist now.

### **Do I still owe the money?**

Yes, you still owe the money to the child care provider. The child care provider is an independent business, and the court’s decision does not affect that debt. But, the court said that EEC can’t deny you a child care subsidy now because of that debt.

### **What can you tell me about the new fee scale?**

The new fee scale charges fees that are generally much lower.

- Families whose income is below the Federal Poverty Level will not pay any fees.
- Families with income above the Federal Poverty Level will have a parent fee based only on the part of their income that is above the Federal Poverty Line. So if a family's income is \$200 more than the Federal Poverty Level, only \$200 will be used to calculate the parent fee.
- 98% of families will have fees that are less than 7% of their income.
- There is a discount for siblings. Families will pay a full fee for their youngest child, 50% of the fee for their second child, and 25% of the fee for other children.

### **So what does this look like?**

#### **Example 1: A parent with one child earning \$2,480 per month**

Under the old fee scale: \$379 per month which is over 15% of income

Under the new fee scale: \$64.25 per month which is 2.6% of income

#### **Example 2: A parent with three children earning \$4,000 per month**

Under the old fee scale: \$720.36 per month which is 18% of income

Under the new fee scale: \$210 per month which is 5% of income

### **Where can I find out what my fee would be?**

Use EEC's online calculator to enter your information and see a fee estimate. Visit:

<https://c2acr388.caspio.com/dp/6A9E9000d413d5fffb2e4dd38546>.

### **I have questions.**

You may call:

Mass211 by dialing dial 2-1-1 or (877) 211-6277. Interpreters will be provided.

or

Greater Boston Legal Services, which brought the case on behalf of Ms. Lee and affected families, toll free at (833) 887-1717. Interpreters will be provided.

*Greater Boston Legal Services 4/22*