

	Department of Human Services Division: Benefits and Community Support		
Policy Title:	Administration & Collection of Recoveries Policy		
Program:	Colorado Child Care Assistance Program (CCCAP)		
Approved by:	Division Manager - BCSD		
Effective Date:	5/2019	Revision Cycle:	Annually
Revision Date:			
Owner:	CCAP Deputy Division Manager		
References:	Volume 3 Regulation 3.903 Definitions Volume 3 Regulation 3.904.2 Confidentiality Volume 3 Regulation 3.912 County Responsibilities Volume 3 Regulation 3.915.2 Child Care Provider Responsibilities Volume 3 Regulation 3.917.93 Child Care Recovery Volume 3 Regulation 3.917.94 Timeliness and Amount Volume 3 Regulation 3.917.95 Recovery Process		

Larimer county will take whatever action is necessary to recover payments when households and/or child care providers owe money to the State Department because of overpayments, ineligibility, and/or failure to comply with applicable state laws, rules or procedures.

When it is determined that a child care provider has been overpaid, and the amount of overpayment totals \$50 or more, a recovery against the provider will be established within twelve (12) months of discovery of the facts resulting in the recovery.

If a recovery is suspected to be due to a fraudulent act by a household or provider of services, that recovery will be referred to the Larimer County Fraud Investigation Unit and/or district attorney within fifteen (15) calendar days of establishing the recovery. A recovery that is due to a fraudulent act and is five thousand (\$5000) or more will be reported to the state department.

If it is determined that a household or child care provider was not eligible for benefits Larimer county will:

- A. Determine if the overpayment is to be recovered.
- B. Exception from recovery includes:
 1. The household is without fault in the creation of the overpayment (in cases of willful misrepresentation households will not receive exceptions #3 and #4 below); and,
 2. The household has reported any increase in income or change in resources or other circumstances affecting the household's eligibility within the timely reporting requirements for the program.
 3. The household demonstrates a need such as the inability to repay the claim within three (3) years.
 4. The household provides proof that a financial, physical, or mental hardship would exist if they are forced to pay the claim back

- B. Determine the liable members from whom funds should be collected. Recovery will be pursued against adult caretaker(s), teen parent(s) or child care providers who have received child care assistance for which they were not eligible.
- C. Determine whether there was willful misrepresentation and/or withholding of information and consider or rule out possible fraud.
- D. Recover on any claims that are determined to be due to a fraudulent act.
- E. Determine the amount of overpayment.
- F. Take action to recover following the right of appeal and fair hearing process.
- G. Pursue all legal remedies available in order to recover the overpayment.
- H. Document the facts and situation that produced the overpayment in CHATs as well as in the file, and retain this documentation until the overpayment is paid in full or for three (3) years plus the current year, whichever is longer.
- I. Initiate timely written notice allowing for the fifteen (15) calendar day noticing period. Such notice shall come from CHATs and include a complete explanation, including applicable rules, concerning the overpayment, recovery sought and appeal rights.
- J. Enter the amount of the overpayment and other specific factors of the situation in the case record, including the calculation used to determine the recovery amount.

A recovery for overpayment of public assistance will be established when the overpayment occurred during the twelve (12) months preceding discovery and the facts to establish recovery have been received. However, when a single overpayment or several overpayments have been made within the prior twelve (12) months and the overpayments total less than fifty dollars (\$50), a recovery for repayment will not be made.

If an overpayment occurs due to willful misrepresentation or withholding of information and Larimer county is unable to determine income and eligibility criteria for child care previously provided, either through verification from the client(s) or child care provider(s) or access to other verification sources, Larimer county will recover the entire benefit for the affected months. For willful misrepresentation and/or withholding of information, all overpayments will be pursued regardless of how long ago they occurred.