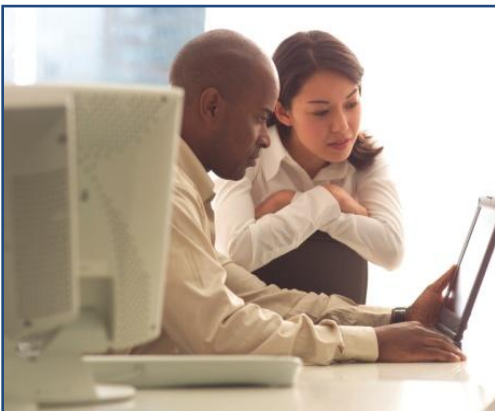


WORKING CONNECTIONS CHILD CARE POLICY MANUAL



***A GUIDE TO UNDERSTANDING
WCCC WAC 170-290***



Washington State Department of
Early Learning

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Introduction

The Working Connections Child Care (WCCC) program helps eligible families pay for child care while they work, attend job training or educational programs. Families choose the child care that works best for them.

WCCC is funded through federal Child Care and Development Funds (CCDF) and Washington State Maintenance of Effort (MOE) funds. The CCDF describes child care as a key support in helping families achieve self-sufficiency. States are encouraged to balance flexibility and accountability, and work towards assuring the health and safety of all children in child care.

DSHS determines consumer eligibility. Sometimes, child care workers may need to offer extra help to consumers to help them understand the reporting requirements and documentation necessary to determine eligibility.

Timely communication with the consumer and provider, and consistent follow-through is key to quality service delivery. A quick call or e-mail confirming that information has been received or that a case concern has been addressed and resolved are important.

The Washington Administrative Code (WAC) explains the purpose, goals and rules for WCCC – known as program policy. The complete text of each WAC with additions and strikeouts is included in the manual until the final version is posted by the Code Revisor's office.

The Working Connections Child Care Handbook provides step-by-step instructions in using WCAP or other DSHS eligibility systems. Find it here: <http://csd.esa.dshs.wa.lcl/wiki/Wiki%20Pages/Home.aspx>

Some additional resources include:

Department of Early Learning (DEL)
www.del.wa.gov

Child Care Resource & Referral Network (CCR&R)
http://www.childcarenet.org/families/your-search/referral_form

Child Care Check (formerly LCCIS)
<https://apps.del.wa.gov/check/CheckSearch.aspx>

Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers
http://www.del.wa.gov/publications/subsidy/docs/Licensed_booklet.pdf

Child Care Subsidies: A Booklet for In-Home and Relative Child Care Providers
http://www.del.wa.gov/publications/subsidy/docs/Inhome_booklet.pdf

Collective Bargaining Agreement for Licensed Family Child Care and In-Home/Relative Providers
<http://ofm.wa.gov/labor/agreements/11-13/childcare.pdf>

You Have a Choice! A Guide to Finding Quality Child Care
<http://www.del.wa.gov/publications/development/docs/ChoosingChildCare.pdf>

An Introduction for Parents to Early Learning and Development Benchmarks
http://www.del.wa.gov/publications/development/docs/Benchmarks_parents.pdf

Ready, Set, Go! Kindergarten Readiness Tips for Washington Families
<http://www.del.wa.gov/publications/development/docs/KindergartenReadinessBrochure.pdf>

Department of Revenue: Doing Business In Washington State
<http://dor.wa.gov/content/doingbusiness/>

WAC 170-290-0001 PURPOSE AND INTENT.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0001>

Additional Policy Guidance for WAC 170-290-0001

WCCC Capacity. The child care subsidy program is being managed to a capacity established through agreement between the legislative leadership and the Governor's office. These changes also include: limiting enrollment, establishing a waiting list, and prioritizing TANF recipient families, including families who are working to cure their WorkFirst sanction and child-only TANF cases, and income-eligible non-TANF families with a special needs child for enrollment. *Eff. 3/1/2011*

Wait List Addition. HB 1087 (Appropriations Budget) includes in WCCC prioritization of the following applicants or consumers: families in which a parent of a child in care is a minor who is not living with a parent or guardian and is a full-time student in a high school that has a school-sponsored on-site child care center. *Eff. 7/1/2011*

WAC 170-290-0002 SCOPE OF AGENCY RESPONSIBILITIES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0002>

Additional Policy Guidance for WAC 170-290-0002

None at this time.

WAC 170-290-0003 DEFINITIONS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0003>

Additional Policy Guidance for WAC 170-290-0003

Certification. Refers to the family's period of eligibility for WCCC benefits, as established by DSHS through the consumer's completed application or reapplication, and verification process. *Added 1/4/2011*

Live-in partner or partner.

Both the consumer and the other person must meet the following requirements, whether or not they are "state registered domestic partners" as defined in RCW 26.60.020:

- (1) Both persons share a common residence. "Share a common residence" means inhabit the same residence. Two persons shall be considered to share a common residence even if:
 - (a) Only one of the partners has legal ownership of the common residence;
 - (b) One or both partners have additional residences not shared with the other partner; or
 - (c) One partner leaves the common residence with the intent to return;
- (2) Both persons are at least eighteen years of age;
- (3) Neither person is married to someone other than the party to the partnership and neither person is in a state registered domestic partnership with another person;
- (4) Both persons are capable of consenting to the partnership; and
- (5) Both of the following are true:
 - (a) The persons are not nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; and
 - (b) Neither person is a sibling, child, grandchild, aunt, uncle, niece, or nephew to the other person.

Added 7/1/2011

Support Order means a court order, administrative order or tribal court order which contains a determination, finding, decree or order that sets a child support obligation (including medical support) and orders either the payment of a set or determinable amount of money for current support and/or a support debt, or the provision of medical support, or both. *Added 2/3/2012.*

Eligibility

WAC 170-290-0005 CONSUMERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0005>

Additional Policy Guidance for WAC 170-290-0005

Non-Parental Custody of a Child and Consumer Eligibility for WCCC. Non-parental custody occurs when a non-parent is responsible to provide for a child's care and needs. Non-parental custody can be shown by court documents signed by a judge, or be an informal written agreement between two parties. Workers may approve eligibility based on the consumer's statement of circumstances pending final verification.

- **Permanent Custody.** (Also known as "legal guardianship", "3rd party custody" or "dependency guardianship.") Permanent custody is shown by a final custody order, signed by a judge.
- **Temporary or Emergency Custody.** Both temporary and emergency custody orders are legal documents, signed by a judge.
- **Informal Agreements.** Written agreements that are signed and dated by the parent and the caregiver who is assuming custodial responsibility for the child.

Eff. 4/1/2009

WCCC Consumers and Children's Administration Clients. WCCC and CA Child Care are two different programs, with different policies, SSPS codes, and funding sources. However, families may be eligible for both WCCC and CA at the same time, depending on the family's specific circumstances, eligibility, and activities. In general:

- Children's Administration provides child care to meet the family needs, and promote safety, permanency and well-being for all children in out-of-home, in-home care, licensed and unlicensed care.
- Children's Protective Services (CPS) and Child Family Welfare Services (CFWS) social workers authorize child care as part of the case plan for families' receiving services through CPS/CFWS or for employed foster parents.
- "Case Plan" means a written statement by the social worker of the anticipated activities, including service agreements, which are planned in the conduct of the case.
- WCCC child care workers authorize child care for families that meet WCCC income and activity requirements such as work, education or training. When both WCCC and CA child care is authorized, workers must ensure that WCCC child care hours are not the same as the CA child care hours.

Eff. 10/15/2010

Adult recipients of SSI, Refugee Cash Assistance or other types of non-TANF assistance payments may be eligible for WCCC if they meet approvable activity requirements and income guidelines. **Eff. 7/1/2006**

Americorp/Vista Child Care Subsidy. The person applying for WCCC is not eligible for child care benefits from WCCC if his or her child care is subsidized by Americorp or Vista child care programs. **Eff. 7/1/2006**

Consumers and Joint Custody. Joint custody is defined as a child's time being divided equally between two parents. In these cases, each parent requesting WCCC must apply separately for child care subsidy benefits for his or her particular household. **Eff. 7/19/2010**

WAC 170-290-0012 VERIFYING CONSUMERS' INFORMATION.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0012>

Additional Policy Guidance for WAC 170-290-0012

Head Start, Early Head Start or ECEAP Enrollment for 12-Month Eligibility. Telephone verification required of child's current enrollment from Head Start, Early Head Start or ECEAP staff; **OR** completed, signed verification form provided to DSHS (e-mail attachment, fax, or hard copy. Form available to parents on-line at www.del.wa.gov or at their local programs. *Eff. 7/1/2010*

Existing Employment. Applicant may choose which of the three options to provide for verification:

1. Copies of his or her most current three months of paystubs; **OR**
2. Employer statement by phone or in writing of received gross wages and typical schedule for the most current three months of employment; **OR,**
3. W-2 tax return for calendar year immediately preceding date of application for benefits.

Eff. 7/1/11

New or Changed Employment. At application or reapplication, applicant must provide for verification:

1. Employer statement of anticipated gross wages and expected work schedule for the next month pending verification with actual paystub(s) and schedule within 30 days of approved application; **OR**
2. If employer does not respond, applicant's written statement of anticipated gross wages and expected work schedule pending verification with actual paystub(s) and work schedule within 30 days of approved application.

Applicant Name. An applicant's name must match the name on his or her income verification documents.

Eff. 3/26/2010

Residential Time or Shared Custody of a Child. When determining the units or hours of child care needed, the following verification may be used:

- Court documentation, such as divorce decrees or parenting plans.
- IF court documentation is not available, or not reflective of current arrangements, workers may verify using collateral resources, such as: informal records between the parents, child care provider statements, or other collateral statements.

Eff. 4/1/2010

Child Support Paid by the Non-Custodial Parent. When determining the total countable income for an applicant or reapplicant, verify the child support paid out using:

- SEMS verification; **or**
- Current court order showing the child support amount; **and,**
 - Receipts or a copy of the canceled checks from the paying parent; or
 - A pay stub from the paying parent showing the child support deducted.

Eff. 12/3/2010

Child Support Received by the Custodial Parent.

- For applicants or re-applicants who do not receive DSHS division of child support services, workers use the amount of child support obligation as shown on a current court order as countable income.
- For applicants or re-applicants who receive DSHS division of child support services, workers use the amount as verified by the DSHS division of child support SEMS system.

Eff. 7/1/2011

Uniform Business Identifier (UBI) of Self-Employed Applicants or Recipients. Eligibility workers can verify an applicant or consumer's business registration and UBI number on-line at:

<http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/>

WAC 170-290-0015 ELIGIBILITY -FAMILY SIZE.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0015>

Additional Policy Guidance for WAC 170-290-0015

Determining Family Size. Count the WCCC family size based on how the child is related to the consumer applying for child care benefit. *Eff. 7/1/2006*

In Loco Parentis. Apply WAC 170-290-0015(1)(f) to all in loco parentis consumers. *Eff. 7/1/2006.*

Domestic Partnerships Law. Same sex partners registered under the 26.60 RCW domestic partnership law are considered two-parent households, and their family size is determined as described in 170-290-0015(1)(d).
Eff. 7/1/2009

Unmarried Parents with No Mutual Children. If an unmarried couple living together have no mutual children but are expecting a mutual child to be born to them, determine family size as a single parent under 170-290-0015(1)(a) until the day the mutual child is born. Re-determine eligibility based on the new family circumstances. *Eff. 5/15/2009*

Military Parent(s) on Leave. When a parent who is out of the home on active military duty returns home on leave for a period of 30 days or less, the WCCC consumer remains eligible for child care benefits. Family size, eligibility, and copayment are not re-determined during this time period. *Eff. 4/12/2010*

Minor Parents.

With legal custody of his or her child(ren). Whether married or unmarried, on or off TANF, the minor parent is considered a separate family even if they live with the minor's parent, guardian or other relative. The minor parent's parent, guardian or relative is not considered when determining family size, countable income or "ability" or "availability" to provide child care. WAC 170-290-0015(1)(g) applies.
Without legal custody of his or her child(ren). When the minor parent lives with the legal guardian of his or her child(ren), the minor parent is not considered the consumer of child care nor is counted when determining family size for income eligibility and copayment. Do not consider the minor parent's "ability" or "availability" to provide child care. WAC 170-290-0015(1)(f) applies.

Eff. 7/1/2011

Live-In Partner. If an applicant or current consumer has a "live-in partner" that meets the definition in additional policy guidance under WAC 170-290-0003, eligibility workers apply either 170-290-0015(1)(b) or 170-290-0015 (1)(c) when determining family size for eligibility and copayment. *Eff. 7/1/2011*

WAC 170-290-0020 ELIGIBILITY--SPECIAL CIRCUMSTANCES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0020>

Additional Policy Guidance for WAC 170-290-0020

Employer-Provided Child Care Benefits. If a consumer receives child care at no cost as a benefit of his or her employment, he or she is not eligible for WCCC benefits. The state will not authorize payment in these cases, as the provider's rate for that family is \$0. *Eff. 7/1/2006*

Court-Ordered Substance Abuse or Mental Health Treatment. When a parent in a two-parent family is court-ordered to attend substance abuse or mental health treatment, that parent is not considered "able" or "available" to care for the children during the time he or she is participating in treatment. *Eff. 1/4/2010*

Consumer Residence and In-home or Relative Child Care Providers. The consumer can live with the in-home or relative provider who cares for his or her child as long as his or her approved activities are outside the provider's home. *Eff. 12/28/2009*

Child's Visitation. If a consumer currently receives WCCC for children that reside in the household, and needs additional child care during another child's visitation, that child is authorized under the consumer's current benefits with no changes to the consumer's family size, income or copayment. *Eff. 7/19/2010*

In Sanction and Working. An applicant or consumer who is in WorkFirst sanction may be eligible for WCCC benefits for employment or other approved activities during his or her sanction period. *Eff. 7/1/2006*

Rights and Responsibilities

WAC 170-290-0025 CONSUMER RIGHTS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0025>

Additional Policy Guidance for WAC 170-290-0025

Fraud Investigations. When a DFI investigator makes an unscheduled visit, a consumer has these rights without any changes to his or her eligibility for benefits:

- To ask the investigator to come back at another time more convenient to the consumer.
- Refuse access to his or her home.

If a consumer does not schedule a more convenient time with DFI, child care workers may:

- Send a *pending letter* (on an unapproved case); or
- Send a *request for information* letter (on an approved case).

Based on received information, workers send an approval, denial, or termination letter. *Eff. 7/1/2006*

Access to Consumer's Child. Consumers have the right, protected by federal law, to access their child while the child is in care at all times. Providers may not restrict consumers from observing or visiting their children while in the care of the provider. *Eff. 7/1/2006*

Termination of Child Care. Consumers have the right to terminate child care without cause or notice to the provider unless they have signed a contract with the provider requiring notice. If the consumer does not comply with the notice required in their signed contract, the provider may bill the parent, according to their written policies. Consumers must report to DSHS within five (5) days that they have terminated care with the provider. *Eff. 7/1/2006*

Charging Families for Additional Services. Licensed or certified child care providers must follow the billing guidance found in the DEL publication, *Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers*. http://www.del.wa.gov/publications/subsidy/docs/Licensed_booklet.pdf (See pages 10-15). *Eff. 7/1/2006*

Provider Overpayments or Underpayments. If a child care provider incorrectly bills the state for child care services causing an overpayment or an underpayment to the provider, then the provider must follow the rules described in WAC 170-290-0266 – WAC 170-290-0275, as appropriate, to remedy the payment discrepancy. Consumers may not be held accountable for the provider's billing errors to the state. *Eff. 6/17/2010*

Child Support Enforcement and Child Care Subsidy Benefits.

- An applicant may qualify for child care subsidy benefits for up to 30 days after being found eligible for child care subsidies in order to establish a child support case with the Division of Child Support for the child needing subsidized child care, or provide a current court order showing the child support amount ordered and verification of payments received, on behalf of the child needing subsidized child care.
- Current consumers must establish a child support case with the Division of Child Support, or provide a current court order showing the child support amount ordered and verification of payments received during his or her reapplication period.

Eff. 7/1/2011

WAC 170-290-0030 CONSUMERS' RESPONSIBILITIES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0030>

Additional Policy Guidance for WAC 170-290-0030

Consumer Payments to The Provider.

- Consumers pay their assessed copayment directly to the child care provider.
- Consumers may arrange to have a third party pay all or part of their copayment directly to the provider.
- Consumers can only use WCCC benefits while in approved activities. If the consumer is not in an approved activity and wants to use the provider, he or she must make a plan to pay the provider if the provider wants payment. The provider may charge the consumer the same rate that the provider charges other parents who are not in the WCCC program.
- When the child care provider has a written policy charging all families (subsidized or private pay) the following fees, consumers are responsible to pay: non-sufficient funds (NSF) fees, late pick-up fees for pick-up of the child after operating hours, and late child care payment (copayment) fees.

Eff. 7/1/2006

In-Home or Relative Child Care.

Families may choose child care providers who are exempt from licensing. In these cases, consumers have additional responsibilities to:

- Monitor the environment and child care services provided by the in-home/relative provider.
- Ensure immunizations are current for children in care outside his or her home, except in cases based on religious preference or medical conditions.
- Review and sign the provider's attendance records at least weekly.
- Give the provider the names, addresses, and telephone numbers of those people who can pick the consumer's child up from the provider's care.
- Ensure that child care happens in the appropriate home based on the child care authorization. See WAC 170-290-0130(3).

Eff. 7/1/2006

Child Support Enforcement and Child Care Subsidy Benefits.

- The requirement to cooperate with the Division of Child Support as a condition of receiving child care subsidy benefits applies **only** to the child(ren) for whom the subsidy is requested.
- If an eligible applicant or consumer receives "good cause" under WAC 388-422-0020 from cooperating with the Division of Child Support for TANF or another public benefits program, then she or he is not required to cooperate in order to receive child care subsidy benefits.

Eff. 7/1/2011

Pending Support Enforcement Services. If an applicant or re-applicant provides verification that he or she is seeking child support enforcement services from a court, administration or tribe, then he or she has met good cause. (Note: any verified court, administrative or tribal support order regardless of the issuing state, tribe or country is acceptable.) **Eff. 7/1/2011**

Non-cooperation with DCS. If an applicant or re-applicant has chosen not to cooperate with DSHS-DCS services when required to do so for any benefits program, he or she is not eligible to receive child care subsidy benefits. He or she may be eligible for child care subsidy benefits beginning the date he or she cooperates with DCS and meets all other child care subsidy eligibility requirements. (See WAC 170-290-0095.) **Eff. 7/1/2011**

Cooperation with Quality Assurance. When an applicant or consumer refuses to cooperate with quality Assurance (QA), he or she becomes ineligible for WCCC benefits. When he or she starts cooperating with QA, then the WCCC benefits may be backdated to the date that he or she began cooperating with QA.

Eff. 10/1/2011

WAC 170-290-0031 NOTIFICATION OF CHANGES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0031>

Additional Policy Guidance for WAC 170-290-0031

Reporting Changes. Child care workers help applicants or consumers understand the timeframes for reporting changes of circumstances. Clear communication helps decrease errors, payment discrepancies and administrative costs. Applicants or consumers must:

--Tell DSHS within five (5) days about any change in child care providers.

--Tell DSHS within ten (10) days about any change in:

-The number of monthly child care hours needed

-Household income changes

-Child support changes

-Family members moving in or out of the consumer's home

-Changes in employment, school or other approved activities

-Changes to an in-home/relative provider's address and telephone number

Eff. 7/1/2006

Due Date. If the due date for reporting changes falls on a non-business day, consumers have until the next business day to turn in the requested information. WAC 388-458-0020. ***Eff. 7/1/2006***

WAC 170-290-0032 FAILURE TO REPORT CHANGES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0032>

Additional Policy Guidance for WAC 170-290-0032

None at this time.

WAC 170-290-0035 DSHS'S RESPONSIBILITIES TO CONSUMERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0035>

Additional Policy Guidance for WAC 170-290-0035

None at this time.

Approved Activities

WAC 170-290-0040 APPROVED ACTIVITIES FOR TANF CONSUMERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0040>

Additional Policy Guidance for WAC 170-290-0040

TANF/WorkFirst Applicants or Reapplicants for WCCC: Determining Eligibility and Need for Care. All applicants and reapplicants for WCCC benefits, including those person's eligible for or receiving other DSHS benefits, must complete the WCCC application and verification process in order to have his or her WCCC eligibility and need for care determined. *Eff. 4/1/2009*

Approved Activities. WorkFirst clients found eligible for WCCC may have child care subsidy benefits approved for the following activities when specified in the client's current Individual Responsibility Plan (IRP):

- work or unpaid work experience
- volunteer activities
- job search
- training and education
- other activities that prepares the consumer for work and self-sufficiency

Note: Training and education activities for TANF/WorkFirst applicants and consumers of WCCC are not subject to the limitations described for non-TANF applicants and consumers in WCCC in 170-290-0045. *Eff. 11/30/2009*

WorkFirst and X-Components. The following X-components count for approved activities for TANF-WCCC consumers when it is clearly written into their in their current IRP:

- XS: Structured Community Service
- XD: In a DVR plan
- XE: Alcohol/substance abuse treatment – NOTE: only when court-ordered for WCCC; other needs in this area must be through ETR process
- XH: Resolution of Homelessness
- XP: Parenting skills, nutrition classes, family planning for pregnant WorkFirst clients

The following X-components must go through the WCCC-ETR process and be approved by DEL before child care benefits can be authorized. The ETR must have a copy of the current IRP attached showing the actual dates/times of the activities:

- XB: Pursuing SSI/L&I/VA benefits
- XE: Alcohol/substance abuse treatment – when it is NOT court-ordered
- XF: Family violence intervention
- XG: Mental health services
- XJ: Learning disability services
- XM: Temporary physical incapacity/medical treatment

Eff. 11/29/2011

Authorizing Care. After reviewing the current WorkFirst IRP, second parent availability if living in the same home, and the child's need for care, eligibility workers authorize:

- 22 FDUs for licensed care, or up to 230 hours for in-home/relative care, for any combination of approved WorkFirst activities specified in the current IRP with a total 32 or more hours per week of activity. Use a standard Monday-Friday, 8 am – 5 pm schedule unless otherwise specified in the IRP **or** the applicant/reapplicant reports a different schedule.
- Determine units or hours of care for eligible applicants or reapplicants with fewer than 32 hours of week WorkFirst activities based on the schedule and total hours in the WorkFirst IRP, and child's need for care.

Eff. 11/30/2009

Referred-Back. If a client is referred back (RB'd), the child care worker must provide the parent and the provider with a 10-day advance and adequate notice of termination. *Eff. 11/30/2009*

Tribal TANF, WCCC, and Dual Eligibility. Some tribes in Washington manage their own TANF and WorkFirst program. Tribal members may receive child care subsidies from the tribe or DSHS. This is called "dual eligibility."

- A WorkFirst tribal member's participation requirements may be different than non-tribal participants.
- If a tribal member requests WCCC from DSHS, child care workers follow the WCCC WAC rules regarding family size, counting income, and determining copayments.

Eff. 7/1/2006

Sleep Time. Sleep time can be authorized for up to eight (8) hours immediately before or after the night shift. Night shift is defined as employment for a minimum of six (6) hours between the hours of 8 p.m. and 8 a.m. *Eff. 5/25/2011*

WAC 170-290-0045 APPROVED ACTIVITIES FOR CONSUMERS NOT RECEIVING TANF.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0045>

Additional Policy Guidance for WAC 170-290-0045

Defining “Work” or “Employment” for Non-TANF Applicants and Consumers of WCCC. Employment is defined in WAC 170-290-0003 as “engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States. This includes unsubsidized employment, as verified by an employee’s pay stubs or DSHS employer verification form, and subsidized employment, such as:

- (a) Working in a federal or state paid work study program; or
- (b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income

is taxed.

Eff. 10/1/2011.

In-Kind Activities. Unless the applicant or consumer receives taxable and reported compensation for his or her in-kind activity, the in-kind activity does not count as an approved work activity. ***Eff. 10/1/2011.***

Education and Training Activities.

- Consumers do not have to work a minimum number of hours per week to receive WCCC, unless they request child care for education and training in addition to work hours.
- Consumers can combine work study and other employment hours to meet the minimum number of work hours required to receive child care for education and training activities.
- Paid work study, internships and practicums count as employment.

Eff. 7/1/2006

High School/GED Completion.

- HS/GED program participants under 22 years of age do not need to meet the minimum work hour requirement. This includes consumers with child only grants.
- HS/GED program participants over 22 years of age must meet the work requirements described in WAC 170-290-0045.

Eff. 7/1/2006

Vocational Education.

- Two-year degrees with a vocational education focus are permitted.
- The accredited college or school defines prerequisites for their enrolled students.

Eff. 2/2/2010

Volunteer Activities. Non-TANF consumers of WCCC may not receive child care benefits for volunteer or community services activities. ***Eff. 7/1/2006***

Sleep Time. Sleep time can be authorized for up to eight (8) hours immediately before or after the night shift. Night shift is defined as employment for a minimum of six (6) hours between the hours of 8 p.m. and 8 a.m.

Eff. 5/25/2011

WAC 170-290-0050 ADDITIONAL REQUIREMENTS FOR SELF-EMPLOYED WCCC CONSUMERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0050>

Additional Policy Guidance for WAC 170-290-0050

Resources for Self-Employment. Applicants and reapplicants for WCCC benefits may need assistance accessing the appropriate Washington State agencies to file for a business registration or license, applying for their Uniform Business Indification (UBI) number, and meeting Washington State and federal business and tax laws. Direct applicants or consumers to the following resources for assistance:

Washington State Department of Revenue

<http://dor.wa.gov/content/doingbusiness/registermybusiness/>

<http://dor.wa.gov/docs/Pubs/BusReg/Belowmin.pdf>

Small Business Assistance

<http://www.ora.wa.gov/business.asp>

<http://access.wa.gov/business/start.aspx>

Incorporations.

- Incorporated businesses are not self-employment enterprises. See WAC 170-290-0003 (17).
- Compensation received by an individual from a corporation is countable income. Any distribution of income, including receiving compensation such as rent, living expenses, or transportation is reportable for tax purposes, and is therefore countable income for consumers reporting employment and income as or under an incorporated business.

Eff. 2/1/2011

Cost of Doing Business. Self-employed applicants or consumers for WCCC benefits are responsible for the costs involved in providing verification of his or her business license, registration, UBI number or other self-employment documents needed by eligibility workers to determine eligibility for benefits, need for care, and copayment.

Eff. 10/1/2011

DEL Self-Employment Plan. An applicant or consumer must provide both the DEL self-employment plan form, and the DSHS self-employment income and expense declaration form. If the applicant or consumer does not use the DEL self-employment plan form, then he or she must submit a written, signed and dated plan as described in 170-290-0050(3)(a)(iii) in its' place. ***Eff. 10/1/2011***

New Self-Employment: Determining Need for Care. A new applicant is eligible only once in his or her lifetime to receive self-employment child care subsidy benefits as described in 170-290-0050 (3)(b). Any current consumer of WCCC benefits who has already received this benefit previously is not eligible to receive it again at reapplication. ***Eff. 10/1/2011***

WAC 170-290-0055 RECEIPT OF BENEFITS WHEN NOT ENGAGED IN APPROVED ACTIVITIES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0055>

Additional Policy Guidance for WAC 170-290-0055

Consumer GAP Benefits. The act of receiving GAP does not qualify as employment or an approved non-TANF activity. When a consumer has used both of his or her GAP periods in a calendar year, then he or she must meet all qualifications for continuing to receive WCCC benefits. *Eff. 1/4/2011*

28-day GAP back-to-back usage. A consumer may use his or her two 28-day GAP coverage periods back-to-back within the current authorization period. *Eff. 5/19/2010*

14-day wait period. This benefit may be authorized only ONCE in a calendar year. *Eff. 5/19/2010*

Medical Leave. The 28-day gap period and the 14-day wait period may not be used to cover pregnancy, post-partum recovery, hospitalizations or other extended medical leave situations.

- When a single-parent family needs child care for medical leave, refer the consumer to Children's Administration for services.
- When a two-parent family needs child care coverage during the time another parent is not able or available due to extended medical leave, apply 170-290-0020(1)(c).

Eff. 5/19/2010

Income and Copayment Calculations

WAC 170-290-0060 COUNTABLE INCOME.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0060>

Additional Policy Guidance for WAC 170-290-0060

General Rule of Thumb. If an income is taxable and available to the household, it is counted, with the exceptions noted in WAC 170-290-0070. *Eff. 7/1/2006*

Estimating Income. Estimated income must be verified within 30 days of the approved application. See additional policy guidance under 170-290-0012 regarding verification. *Eff. 7/1/2006*

Irregular Pay Check. If a consumer receives a bonus or an irregular paycheck that is expected to occur only once in the calendar year, it is treated as a “lump sum.” (See 170-290-0065(2).) *Eff. 7/1/2006*

Children’s SSI. When a child receives SSI income, the following conditions must apply for the income to be used in determining the family’s eligibility and copayment for WCCC:

- The child must reside with the representative payee that administers the monthly disability SSI benefits.
- The income must be from the monthly SSI benefit check which is designated to assist with the child’s basic needs for food, clothing and shelter.
- Do not count any past-due SSI lump-sum payments in the WCCC household income. Past-due lump-sum SSI payments are kept in a dedicated account for medical expenses or job training and education costs for the child. To learn more: <http://www.ssa.gov/ssi/spotlights/spot-dedicated-accounts.htm>

Eff. 7/24/2009

Child Support Income.

- For applicants or re-applicants who do not receive DSHS division of child support services, workers use the amount of child support obligation as shown on a current court order as countable income.
- For applicants or re-applicants who receive DSHS division of child support services, workers use the amount as verified by the DSHS division of child support SEMS system.

Eff. 7/1/2011

WAC 170-290-0065 CALCULATION OF INCOME.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0065>

Additional Policy Guidance for WAC 170-290-0065

Lump Sums. The monthly amount of the lump sum calculation is only applied to the current authorization period. *Eff. 7/1/2006*

WAC 170-290-0070 EXCLUDED INCOME AND DEDUCTIONS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0070>

Additional Policy Guidance for WAC 170-290-0070

Engrossed House Bill 1091. (Chapter 4, Laws of 2011). Between March 6, 2011 and November 6, 2011, do not count the \$25 increase in a consumer's weekly unemployment benefit when determining a consumer's income eligibility and copayment. *Eff. 3/16/2011*

Excluded Income. Do not count income when determining a consumer's income eligibility and copayment from:

- WorkStudy (Federal, State or WorkFirst) or the WorkFirst Career Services Program (WCSP).
- A "third-party" child care copayment made directly to the provider.
- SSI overpayments that are withheld from gross SSI income.
- Earned income of siblings enrolled in high school or GED completion, or of siblings participating in their school district's special education program, until age 22.

Eff. 7/1/2006

WAC 170-290-0075 DETERMINING INCOME ELIGIBILITY AND COPAYMENT AMOUNTS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0075>

Additional Policy Guidance for WAC 170-290-0075

Consumer Copayment. Consumers pay a portion of their child care costs, called a "copayment" directly to the child care provider. Advise consumers to keep written records or receipts of all copayments made to his or her provider, or payment agreements between the provider and the consumer. *Eff. 7/1/2006*

Copayment Amounts.

- Vary by family size and income.
- Do not vary with the number of children in care, the amount of care a consumer needs, or the type of care a consumer chooses to use.
- Never exceeds the actual cost of care at the state rate or the provider's rate, whichever rate is less. A consumer's copayment must meet this requirement during the entire authorization period.

Eff. 7/1/2006

Consumer Ineligibility. A consumer may become ineligible for WCCC if they:

- Fail to pay the copayment to the provider and the provider has not agreed to waive the copayment.
- Fail to make satisfactory arrangements with the provider to pay the copayment. Satisfactory arrangements are between the provider and consumer; or a third party payor and the provider; or a collection agency, the provider and the consumer.
- When a consumer has paid the past copayment or provides documentation of a satisfactory payment arrangement, his or her eligibility is re-established.

Eff. 7/1/2006

Copayments and Closed Facility. A consumer is not ineligible for child care benefits if the provider of a closed child care facility can not be located by the consumer in order to pay back copayments. DSHS may require the consumer to provide additional verification that the attempt was made. *Eff. 7/6/2010*

WAC 170-290-0082 ELIGIBILITY PERIOD.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0082>

Additional Policy Guidance for WAC 170-290-0082

WorkFirst/TANF. Child care for TANF-WCCC consumers is based on the approved activities listed in the consumer's IRP. See WAC 170-290-0040 and additional policy guidance. *Eff. 11/30/2009*

Reporting Changes. Regardless of the length of eligibility, all consumers are still required to report changes of circumstances to DSHS as provided in WAC 170-290-0031. *Eff. 7/1/2011*

WAC 170-290-0085 CHANGE IN COPAYMENT.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0085>

Additional Policy Guidance for WAC 170-290-0085

Date Copayment Changes Become Effective. Copayment changes during a consumer's current eligibility period become effective on the first day of the month following the day DSHS establishes the copayment change with the exception of 170-290-0055(5).

Eff. 7/1/2006

WAC 170-290-0090 MINIMUM COPAYMENT.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0090>

Additional Policy Guidance for WAC 170-290-0090

Eligibility for Minimum Copayment. Eligibility for WCCC must be determined using all of the components of 170-290-0005 **before** applying the minimum copayment rule in 170-290-0090. If the copayment is less than the total cost of care for all children in that family that would receive subsidized child care, **then** workers apply the minimum copayment rule in 170-290-0090 (2) or (3). *Eff. 7/1/2006.*

Splitting Copayments Between Multiple Providers. A consumer may request the copayment to be split among providers. The consumer may choose which provider to assign the copayment. *Eff. 7/1/2006.*

Minimum Copayments During the 14-day Wait Period or 28-day GAP Period.

- All consumers automatically qualify for the minimum copayment during the 14-day wait period.
- One-parent families automatically qualify for the minimum copayment during the 28-day GAP period. Once the parent returns to work or approved activities, the copayment is redetermined.
- Two-parent families automatically qualify for the minimum copayment during a 28-day GAP period **only** if both parents meet the GAP requirements. Otherwise, eligibility workers must determine the change in copayment based on the family's countable income and family size, as specified in 170-290-0065 and 170-290-0085.

Eff. 7/1/2006.

Start Dates and Eligibility Period

WAC 170-290-0095 WHEN WCCC BENEFITS START FOR TANF CONSUMERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0095>

Additional Policy Guidance for WAC 170-290-0095

None at this time.

Please Note:

WAC 170-290-0100 is repealed. Refer to WAC 170-290-0095.

WAC 170-290-0107 DENIAL OF BENEFITS--DATE OF REDETERMINING ELIGIBILITY.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0107>

Additional Policy Guidance for WAC 170-290-0107

None at this time.

WAC 170-290-0109 NEW ELIGIBILITY PERIOD.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0109>

Additional Policy Guidance for WAC 170-290-0109

Incomplete Reapplications. If the consumer submits the needed documentation more than 30 days after submitting their reapplication, eligibility begins the date the department receives all of the requested information and the consumer is determined eligible. *Eff. 7/1/2006*

WAC 170-290-0110 TERMINATION OF AND REDETERMINING ELIGIBILITY FOR BENEFITS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0110>

Additional Policy Guidance for WAC 170-290-0110

None at this time.

Notice

WAC 170-290-0115 NOTICE OF PAYMENT CHANGES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0115>

Additional Policy Guidance for WAC 170-290-0115

Advance and Adequate Notice. All child care providers also receive a 10-day advance and adequate notice from DSHS. This notice of termination of child care benefits to the provider and the parent allows the provider to plan for the change in services.

- Providers must continue to track a child's attendance and bill accordingly through the authorization period as stated in the notice of termination.
- Providers may not bill DSHS for any services provided after the termination date.

Eff. 7/1/2006

WAC 170-290-0120 WHEN NOTICE OF PAYMENT CHANGES IS NOT REQUIRED.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0120>

Additional Policy Guidance for WAC 170-290-0120

None at this time.

Eligible Child Care Providers

WAC 170-290-0125 ELIGIBLE CHILD CARE PROVIDERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0125>

Additional Policy Guidance for WAC 170-290-0125

Choice of Providers. Applicants and consumers may choose the eligible provider he or she prefers, and can change eligible providers at any time during his or her eligibility period. A consumer must confirm verbally or in writing his or her choice of provider(s) to DSHS. If a consumer selects an ineligible provider or a provider becomes ineligible, the consumer maintains WCCC eligibility but child care cannot be authorized until the consumer has chosen an eligible provider. *Eff. 7/1/2006*

Licensing Waiver. DEL licensing staff may complete waiver for a specific licensing requirement. The approved waiver applies ONLY to a specific purpose or child and for a specific period of time within the effective dates of the license. If a provider bills for a child whose age is outside of their licensed age limit without a licensing waiver, they can be assessed an overpayment. Note: The overpayment is not to the consumer. It is to the licensed provider. *Eff. 7/1/2006*

No Referral. A provider with a “no referral” status may continue to care for children currently receiving child care subsidies. The provider may not receive any new authorizations for child care subsidy while under this status. *Eff. 7/1/2006*

Status 4. Providers with a Status 4 are not eligible to receive child care subsidy payments. Notice of Status 4 may be sent to the child care worker from the DEL licensor or the SSPS staff who have taken action on the provider’s status. *Eff. 7/1/2006*

Seasonal Day Camps. Eligible seasonal day camps operate under contract with DEL and are accredited by the American Camping Association (ACA). *Eff. 7/1/2006*

Out-of-State Providers. Bordering state child care providers (Idaho or Oregon) may be eligible to provide subsidized child care for Washington residents if they meet their state's statutory requirements for providing child care; and agree to Washington State’s payment rates or their customary rate, whichever is less.

--If the provider has not had a criminal history background check through their state, they must have a background check processed through Washington State and the BCCU.

--All individuals listed in WAC [170-290-0143](#) (2)(a)(b) must have a Washington State criminal history check even if they have had a check through their home state.

--The out-of-state provider is eligible for payment when DSHS has verified the provider’s criminal history background check as a part of the state’s statutory requirements for providing child care; or DSHS receives criminal history results from the BCCU on all required applicants according to WAC [170-290-0143](#) (2) (a) and (b). *Eff. 7/1/2006*

Part-day private preschool programs. If a child attends private preschool, the hours of care the child is in preschool must also meet the licensed or certified requirements to be eligible to receive subsidy payments. *Eff. 7/1/2006*

Public preschools. WCCC may not pay for the hours a child attends part-day ECEAP or Head Start. *Eff. 7/1/2006*

Full-day, full-year Head Start. If a child attends FULL-DAY, FULL-YEAR Head Start, all hours of approved activities for a consumer are paid for by WCCC. *Eff. 7/1/2006*

School-Age Child Care. Eff. 7/1/2006

Follow the chart below for school-age child care related to school attendance.

Note: Weekend or evening care can be in addition, based on the family's needs.

WHEN A CHILD WHO IS ELIGIBLE FOR WCCC .	<i>Attends public school kindergarten, and also needs child care before or after school:</i>	<i>Attends private kindergarten or a child care that offers kindergarten programming:</i>	<i>Attends grades 1-12 in a public or private school, and also needs child care before or after school:</i>
WCCC CAN AUTHORIZE:	Before and after school child care hours including early release, in-service, or holiday care.	<u>All</u> child care hours needed based on the parent's approved activities and child's need for care.	Before and after school child care hours including early release, in-service, or holiday care.
CHILD CARE HOURS MUST BE:	In a DEL-licensed or certified setting, or with an approved in-home or relative provider.	In a DEL-licensed or certified setting, or with an approved in-home or relative provider.	In a DEL-licensed or certified setting, or with an approved in-home or relative provider.
AT THE FOLLOWING PROVIDER RATES:	Provider rate is for a school-age child, paid at the state's rate or the provider's rate, whichever rate is less. In-home or relative providers are paid at the state rate or their usual hourly rate, whichever is less.	Provider rate is for a preschool- age child, paid at the state's rate or the provider's rate, whichever rate is less, up to age 6. After age 6, use school-age rates. In-home or relative providers are paid at the state rate or their usual hourly rate, whichever is less.	Provider rate is for a school-age child, paid at the state's rate or the provider's rate, whichever rate is less. In-home or relative providers are paid at the state rate or their usual hourly rate, whichever is less.
NOTE:	Washington State must pay for and make public school accessible to all persons, starting at age 5. This means that WCCC cannot pay for the hours that a child attends a public school kindergarten.	WCCC requires child care licensing or certification from DEL in order to be authorized to accept subsidized child care payments, regardless of other certifications.	Federal rules strictly forbid child care subsidy dollars being used to pay for education costs, such as tuition, for children in grades 1-12. This includes families that home school.

In-Home or Relative Providers

WAC 170-290-0130 IN-HOME/RELATIVE PROVIDERS--ELIGIBILITY.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0130>

Additional Policy Guidance for WAC 170-290-0130

In-Home or Relative Providers. Eff. 7/1/2006

- Care for children birth through age 12.
- May care for kids from age 13 through age 18 when there is a verified special need.
- Bill for no more than six children receiving care during the same hours.
- Keep daily attendance records and review them with the consumer at least weekly.
- Pass background checks every two years before being approved to care for children.
- Provide care for the child only in the home approved by DSHS. See chart below:

(A) In Child's Home Only	(B) In Provider's Home <u>or</u> Child's Home
<ul style="list-style-type: none"> • Relatives/family members other than those listed in section B of this table • Friends • Neighbors • Nannies 	<ul style="list-style-type: none"> • Adult siblings that live outside the child's home • Extended tribal family members • Grandparent • Great-grandparent • Aunt or uncle; great-aunt or great-uncle

Number of Providers.

- A consumer can have up to two primary in-home/relative providers at one time with open authorizations during their eligibility period as well as one back-up provider; a licensed or an in-home/relative provider. **Eff. 7/1/2006**
- More than one license-exempt "in-home or relative" provider may not be approved to care for children in the same home at the same time. **Eff. 1/26/2011**

Employment. In-home/relative child care providers are considered to be employees of the WCCC consumer. **Eff. 7/1/2006**

Consumer Residence and In-Home or Relative Child Care Providers. The consumer can live with the in-home or relative provider who cares for his or her child as long as his or her approved activities are outside the provider's home. (See also WAC 170-290-0020 and additional policy guidance.) **Eff. 12/28/2009.**

WAC 170-290-0135 IN-HOME/RELATIVE PROVIDERS--INFORMATION PROVIDED TO DSHS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0135>

Additional Policy Guidance for WAC 170-290-0135

WCCC Application, Part 2.

- The consumer and the in-home or relative provider must complete, sign, date and submit the WCCC Application, Part 2 to DSHS.
- No child care may be authorized in advance of a cleared background check and a completed, signed and dated application.

Eff. 7/1/2006

Providers With a Disability.

Individuals with a documented disability must provide verification that they can perform the following requirements of caring for a child, such as being able to:

- Pick up or hold a child.
- Use a phone to call in an emergency.
- Identify emergency situations.
- Have a valid driver's license **if** transporting the child.
- Stay alert and responsive while caring for the child.
- Provide age and developmentally appropriate guidance and activities for the child.

Eff. 4/1/2009

WAC 170-290-0138 IN-HOME/RELATIVE PROVIDERS--RESPONSIBILITIES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0138>

Additional Policy Guidance for WAC 170-290-0138

See *Child Care Subsidies: A Booklet for In-Home and Relative Child Care Providers* for more information.

http://www.del.wa.gov/publications/subsidy/docs/Inhome_booklet.pdf

Eff. 7/1/2006

WAC 170-290-0140 IN-HOME/RELATIVE PROVIDERS--INELIGIBILITY.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0140>

Additional Policy Guidance for WAC 170-290-0140

Payment Begin Date.

- The provider is not eligible for any child care subsidy payments before the date the department receives background check results for the provider **and** individuals living with the provider who are age 16 or older when the provider cares for the child in the provider's home.
- If a person living in the relative provider's household turns 16 during the authorization period, payments to the provider are not stopped while the CBI is completed and processed. If the CBI returns with ineligible results, then care must occur only in the child's home.
- The "received date" is the date DSHS receives the information from the Washington State Patrol.
- If the CBI is returned to the provider to be completed correctly, the payment cannot be backdated.

Eff. 7/1/2006

WAC 170-290-0143 IN-HOME/RELATIVE PROVIDERS--BACKGROUND CHECKS--REQUIRED PERSONS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0143>

Additional Policy Guidance for WAC 170-290-0143

Frequency of Background Checks.

- A current provider must have a completed background check no later than two years from the date of the last approved background check.
- If care occurs in the provider's home, anyone 16 years of age or older who lives with the provider must have a completed background check every two years.
- If a person living in the relative provider's household turns 16 during the authorization period, payments to the provider are not stopped while the CBI is completed and processed. If the CBI returns with ineligible results, then care must occur only in the child's home.
- The approved background check is good for 90 days from the date of approval for other families that may request the provider.
- A provider is not required to have a new background check when the family has a break of less than 30 days in child care with the approved provider.

Eff. 7/1/2006

Non-Conviction Information. The provider's non-conviction information can not be disclosed to the consumer unless the provider has signed a release of information. **Eff. 7/1/2006**

WAC 170-290-0145 IN-HOME/RELATIVE PROVIDERS--BACKGROUND CHECKS--REASONS AND NOTIFICATION.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0145>

Additional Policy Guidance for WAC 170-290-0145

None at this time.

WAC 170-290-0150 IN-HOME/RELATIVE PROVIDERS--BACKGROUND CHECKS--INCLUDED INFORMATION AND SOURCES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0150>

Additional Policy Guidance for WAC 170-290-0150

None at this time.

WAC 170-290-0155 IN-HOME/RELATIVE PROVIDERS--BACKGROUND CHECKS--SUBSEQUENT STEPS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0155>

Additional Policy Guidance for WAC 170-290-0155

None at this time.

WAC 170-290-0160 IN-HOME/RELATIVE PROVIDERS--BACKGROUND CHECKS--DISQUALIFIED PROVIDERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0160>

Additional Policy Guidance for WAC 170-290-0160

None at this time.

WAC 170-290-0165 IN-HOME/RELATIVE PROVIDERS--BACKGROUND CHECKS--OTHER DISQUALIFYING INFORMATION.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0165>

Additional Policy Guidance for WAC 170-290-0165

Character and Suitability Determination (ADATSA).

Individuals receiving ADATSA (Alcohol and Drug Addiction Treatment and Support Act) payments do not meet suitability requirements as in-home or relative providers and may not be approved for WCCC payments. *Eff. 4/1/2009*

WAC 170-290-0167 IN-HOME/RELATIVE PROVIDERS--BACKGROUND CHECKS--DISQUALIFIED PERSON LIVING WITH THE PROVIDER.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0167>

Additional Policy Guidance for WAC 170-290-0167

Disqualified Person Living with the In-Home or Relative Provider.

- If a person living with an in-home or relative provider is disqualified based on his or her background check results, the provider is limited to only providing child care paid by WCCC for the child in the child's home.
- If a consumer chooses to use provider despite the disqualified person, the consumer and provider must sign an agreement (DSHS Form 7-080) stating that child care paid by WCCC will occur only in the child's home; and there will be no contact between child and disqualified person during care hours paid by WCCC. A signed copy of the agreement is required before WCCC can be authorized.
- The consumer may choose a licensed provider or submit an application for a different in-home or relative provider.
- If an individual living with the provider is disqualified, a consumer **cannot** file for a hearing to have child care paid through WCCC provided in the home where the disqualified person lives.

Eff. 7/1/2006

Subsidy Rates and Fees

WAC 170-290-0180 WCCC SUBSIDY RATES--EFFECTIVE DATE.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0180>

Additional Policy Guidance for WAC 170-290-0180

Provider's Customary Rate.

- This is the standard rate a provider charges a non-subsidized or private pay family for the same type of care as the subsidized child receives.
- If a provider offers sliding fee scale rates or offers free child care as part of a benefits package, the state must compare the rate charged to that family to the maximum state rate and pay the lesser of the two rates.
- If a consumer receives child care at no cost as a benefit of his or her employment, he or she is not eligible for WCCC benefits. The state will not authorize payment in these cases, as the provider's rate for that family is \$0.

Eff. 7/1/2006

Child Age Change. When a child's age changes to the next age group, the effective date of the rate change is the first day of the following month.

Eff. 7/1/2006

Reporting Rate Changes. Providers report their rates to DSHS by phone, on-line, or on the WCCC application with DSHS annually by September 1 each year. Providers must also update rate changes as they occur throughout the rest of the year. *Eff. 4/1/2009*

WAC 170-290-0185 WCCC SUBSIDY RATES--FIVE-YEAR-OLD CHILDREN.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0185>

Additional Policy Guidance for WAC 170-290-0185

Rate Determination for Children age 5 and In School.

- If the five year old child is attending kindergarten or enrolled in a home schooling program through the school district, the child is considered school age and authorized at the rate for ages 5-12.
- If the five year old child is not attending kindergarten or enrolled in home schooling, the child is considered pre-school age and paid at the rate for ages 30 month to 5 years until the child turns 6 years of age.

Eff. 7/1/2006

WAC 170-290-0190 WCCC AUTHORIZED AND ADDITIONAL PAYMENTS--DETERMINING UNITS OF CARE.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0190>

Additional Policy Guidance for WAC 170-290-0190

Overtime Care. Workers may authorize overtime care when a licensed or certified provider cares for a child more than 10 hours on any single day IF the provider has a written policy in place charging all parents an additional rate for care over 10 hours a day.

--In-home/relative care in excess of 230 hours per month requires a "9" code for overtime care.

--If a child has more than one provider, the OT codes follow the provider who has already provided 22 units of care. When a second provider is authorized, use the appropriate codes for the type of provider and amount of care provided to the child.

Eff. 2/2/2010

Flexible Schedules. Work schedules with flexible hours and days are common. Establish a typical or average number of weekly hours for work or approved activities, and multiply by 4.3 to get the monthly total of needed child care hours. ***Eff. 4/1/2009***

School-Age Child Care.

- When FIVE days of school-age child care is needed weekly during the school year, authorize 30 half-day units (HDUs) per month. This allows for teacher in-service days, etc., during the school year.
- When fewer than five days of school-age child care is needed weekly during the school year, authorize the HDUs needed before and after school during the consumer's work or approved activities, and ADD five additional half-day units to allow for in-service days, etc. ***Eff. 4/1/2009***

Hourly Child Care. In-home or relative providers can be authorized to provide up to 230 hours per month of child care. Additional hours beyond the 230 require supervisor approval. ***Eff. 4/1/2009***

Daily Child Care Rates

WAC 170-290-0200 DAILY CHILD CARE RATES -LICENSED OR CERTIFIED CHILD CARE CENTERS AND DEL CONTRACTED SEASONAL DAY CAMPS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0200>

Additional Policy Guidance for WAC 170-290-0200

None at this time.

WAC 170-290-0205 DAILY CHILD CARE RATES -LICENSED OR CERTIFIED FAMILY HOME CHILD CARE PROVIDERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0205>

Additional Policy Guidance for WAC 170-290-0205

Authorizing Payment for Relatives Who Operate A Licensed Family Home Child Care.

- A licensed family home child care provider may be authorized to receive child care subsidy payments when providing child care for a related child, who is not in the provider's WCCC household.
- Children may live in the licensed family child care home and receive child care authorized by WCCC in the licensed family home during the hours the consumer is in an approved activity outside the licensed family home.
- The provider may not bill for WCCC subsidies if they also receive TANF on behalf of the child as an in-loco parent or a non-needy relative caregiver.
- If the consumer is employed by the licensed family home, WCCC will not pay for the consumer's child during those hours.

Eff. 7/1/2006

WAC 170-290-0220 SPECIAL NEEDS RATES--QUALIFICATION.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0220>

Additional Policy Guidance for WAC 170-290-0220

Special Needs Definition. Children with special needs generally have physical, emotional or mental challenges limiting one or more major life activities. Major life activities means breathing, hearing, seeing, speaking, walking, using arms and hands, learning, and playing. Inclusion contributes to acceptance, improved socialization, and understanding of individual differences. *Eff. 4/1/2009*

Special Needs Rates. Care is authorized at the state's special needs rate or the provider's reasonable additional cost associated with the care for that child, whichever is greater. Documentation is required from a provider who requests a rate above the standard special needs rate listed in WAC 170-290-0225, 170-290-0230, or 170-290-0235. *Eff. 4/1/2009*

Evaluation and Documentation Requirements. Either the provider or the consumer may request a special needs rate, but the consumer must approve of the request and be involved in determining if their child qualifies for the special needs rate.

- Special needs rates may not be approved based only on a provider's request.
- Providers must submit written documentation of the reasonable cost associated with caring for the child in the child care setting.
- Both the family and provider use the DEL Form 12-001 at:
<http://www.del.wa.gov/publications/subsidy/>
- WCCC does not pay for the provider's training needs to care for a specific child or for the child's equipment needs while in the child care setting.
- Professional documentation of the child's special needs should be dated no more than 18 months before the date of the original request. Children with an ongoing condition that is not expected to improve do not require periodic documentation.
- The evaluation must describe the level of care needed in the child care setting and does not need to be signed.
- Documentation may include but is not limited to the following:
 - Individualized Education Plans (IEP),
 - Individual Habilitation Plan (IHP),
 - Individual Family Plan (IFP),
 - Basic health records from his or her health care provider;
 - Comprehensive assessments from a mental health professional;
 - Medical or psychological reports from a mental health professional.

Eff. 4/1/2009

Level 1 Special Needs.

- A Level 1 authorization means the provider receives the standard special needs rate in WAC 170-290-0225, 170-290-0230, or 170-290-0235, in addition to the base rate under WAC 170-290-0200, 170-290-0205, or 170-290-0240.
- Providers may receive level 1 authorization while the Level 2 request is reviewed.
- If the Level 2 rate is approved, the Level 1 rate must be discontinued.

Eff. 4/1/2009

Level 2 Special Needs.

- A Level 2 authorization means the provider receives a rate greater than Level 1 and under \$9.41/hour for an in-home/relative provider; or under \$15.89/hour for a licensed or certified provider, in addition to the standard daily rate under WAC 170-290-0200, 170-290-0205, or 170-290-0240.

Eff. 4/1/2009

Level 2 and Above Special Needs Rate. If the provider requests a Level 2 or greater special needs rate, the request is reviewed, approved or denied jointly by DSHS and DEL. *Eff. 5/20/2011*

WAC 170-290-0225 SPECIAL NEEDS RATES -CHILD CARE CENTERS AND SEASONAL DAY CAMPS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0225>

Additional Policy Guidance for WAC 170-290-0225

None at this time.

WAC 170-290-0230 SPECIAL NEEDS RATES -FAMILY HOME CHILD CARE PROVIDERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0230>

Additional Policy Guidance for WAC 170-290-0230

None at this time.

WAC 170-290-0235 SPECIAL NEEDS RATES--IN-HOME/RELATIVE PROVIDERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0235>

Additional Policy Guidance for WAC 170-290-0235

None at this time.

WAC 170-290-0240 CHILD CARE SUBSIDY RATES--IN-HOME/RELATIVE PROVIDERS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0240>

Additional Policy Guidance for WAC 170-290-0240

In-home/relative rates. If a consumer is using more than one in-home/relative provider, both providers are eligible for the maximum in-home/relative rate for one child.

Eff. 7/1/2006

WAC 170-290-0245 REGISTRATION FEES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0245>

Additional Policy Guidance for WAC 170-290-0245

Provider Policy. Each individual provider determines what is included in their registration fee, reflected in written policies for all parents, whether they are private pay or receiving child care subsidies.

Eff. 2/17/2010

WAC 170-290-0247 FIELD TRIP FEES.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0247>

Additional Policy Guidance for WAC 170-290-0247

Per the SEIU Local 925 Collective Bargaining Agreement, licensed or certified family home child care providers with a written policy in place that charges all families whether subsidized or private pay for the following field trip expenses and quality enhancement activities may be reimbursed for:

- Admission costs (for example: zoo, museum, movies, swimming pool, etc.);
- Enrichment programs or ongoing lessons (for example, language classes, gymnastics, swimming lessons or music lessons);
- Public transportation (not including gas or insurance for a business or private vehicle);
- The cost of hiring a non-employee to provide an activity at the child care site (for example, clown, pony ride, music performance, etc.); or
- The purchase of a pre-kindergarten curriculum, or, if a provider has the proper credentials as determined by DEL, the provider may develop his or her own curriculum and purchase materials to support it.

The field trip/quality enhancement fee shall not cover:

- transportation costs if a business or private vehicle is being used for transportation;
- fees or admission costs for adults on field trips; or
- food purchased on field trips.

Eff. 7/1/2011 through 6/30/2013

WAC 170-290-0249 NONSTANDARD HOURS BONUS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0249>

Additional Policy Guidance for WAC 170-290-0249

None at this time.

Payment Discrepancies

WAC 170-290-0266 PAYMENT DISCREPANCIES--GENERALLY.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0266>

Additional Policy Guidance for WAC 170-290-0266

Collecting Overpayments. DSHS, Office of Financial Recovery (OFR), collects debts owed to the department. *Eff. 7/1/2006*

Overpayment Disputes. If a consumer or provider objects to the department's overpayment decision, they may file an administrative hearing request per [WAC 170-290-0260](#). Overpayment disputes resulting from Payment Review Program (PRP) overpayments are handled by PRP. *Eff. 7/1/2006*

WAC 170-290-0267 PAYMENT DISCREPANCIES--PROVIDER UNDERPAYMENTS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0267>

Additional Policy Guidance for WAC 170-290-0267

Underpayments. An underpayment can occur when an eligible provider did not bill for up to the full amount of eligible child care services authorized by DSHS and that were actually provided to the eligible child. Consumers may not be held accountable for the provider's billing errors to the state. (See WAC 170-290-0025.) *Eff. 7/1/2006*

Underpayment Timeframes. Providers must bill for child care services provided within 12 months of the actual date of service to be eligible for discovered underpayments.

--Center providers are subject to WAC 388-05-0010.

--Family home providers and in-home or relative providers are subject to WAC 388-05-0010 before July 1, 2007. Apply WAC 170-290-0275 for underpayments discovered after July 1, 2007 for these providers.

Eff. 7/1/2006

WAC 170-290-0268 PAYMENT DISCREPANCIES--PROVIDER OVERPAYMENTS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0268>

Additional Policy Guidance for WAC 170-290-0268

Billing and Attendance Records. Providers may only bill for care that was both authorized and actually provided. Attendance records must support the billing. There is no specific attendance form providers must use, but licensed providers must keep attendance records according to licensing regulations or contract requirements.

--In-home/relative providers must keep accurate daily records showing the day and hours that child care was provided. The consumer must review the record, and sign and date at least weekly.

--Attendance records must be kept for five years.

--Providers have 14 calendar days to provide attendance records requested by DEL or DSHS.

Eff. 7/1/2006

Subsidy Payment for Children Outside of the Licensed Provider's Age Range. If a provider bills for a child outside of their licensed age range, he or she can be assessed an overpayment. The overpayment is to the provider. An exception to rule cannot be backdated to cover care prior to the request. *Eff. 7/1/2006*

In-Home or Relative Providers. In-home or relative providers may not bill WCCC for more than 6 children during the same time period. *Eff. 7/1/2006*

WAC 170-290-0269 PAYMENT DISCREPANCIES -CONSUMER UNDERPAYMENTS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0269>

Additional Policy Guidance for WAC 170-290-0269

Underpayment Eligibility. If an error is made on the consumer's copayment, the consumer may be eligible for an underpayment. The consumer must have:

- Been eligible during the reimbursement time period.
- Made the request within three years of the date of service.
- Provide receipts or a provider statement that the copayment was paid.

Eff. 4/1/2009

WAC 170-290-0271 PAYMENT DISCREPANCIES -CONSUMER OVERPAYMENTS.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0271>

Additional Policy Guidance for WAC 170-290-0271

Determining Consumer Income When Calculating an Overpayment. 170-290-0065 allows the WCCC eligibility worker to choose one of two methods in calculating income. Accordingly, when an overpayment is processed, DFI should use the same method as chosen and documented by the worker.

Eff. 6/10/2010

WAC 170-290-0275 PAYMENT DISCREPANCIES -PROVIDERS COVERED UNDER COLLECTIVE BARGAINING.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0275>

Additional Policy Guidance for WAC 170-290-0275

Collective Bargaining Agreement. The SEIU Local 925 contract with licensed family home child care providers and exempt in-home/relative providers can be found on-line at:

<http://ofm.wa.gov/labor/agreements/11-13/childcare.pdf> **Eff. 7/1/2011**

Administrative Hearings

WAC 170-290-0280 RIGHT TO REQUEST AN ADMINISTRATIVE HEARING.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0280>

Additional Policy Guidance for WAC 170-290-0280

Verbal Request.

A verbal request for an administrative hearing may be accepted by any DSHS employee.

Eff. 7/1/2006

WAC 170-290-0285 RECEIPT OF WCCC BENEFITS PENDING THE OUTCOME OF AN ADMINISTRATIVE HEARING.

<http://apps.leg.wa.gov/wac/default.aspx?cite=170-290-0285>

Additional Policy Guidance for WAC 170-290-0285

Eligibility for Benefits. The consumer is eligible for WCCC benefits through the end of the current certification period providing WAC 170-290-0285 (1)(a) or (b) is met. If the consumer loses the hearing, he or she may be assessed an overpayment. *Eff. 7/1/2006*