Chapter 170-290 WAC

WORKING CONNECTIONS AND SEASONAL CHILD CARE SUBSIDY PROGRAMS

WAC

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170-290-0260 Who has a right to ask for a hearing and how do they ask for one? [WSR 08-08-047, recodified as § 170-290-0260, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0260, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0260, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0260, filed 12/19/01, effective 1/19/02.] Repealed by WSR 09-22-043, filed 10/28/09, effective 12/1/09. Statutory Authority: 2006 c 265 and chapter 43.215 RCW. Later promulgation, see WAC 170-290-0280.

170-290-0265 When can I get WCCC benefits pending the outcome of a hearing? [WSR 08-08-047, recodified as § 170-290-0265, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0265, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0265, filed 12/19/01, effective 1/19/02.] Repealed by WSR 09-22-043, filed 10/28/09,

effective 12/1/09. Statutory Authority: 2006 c 265 and chapter 43.215 RCW. Later promulgation, see WAC 170-290-0285.

170-290-0270 What is a WCCC overpayment and what can be included? [WSR 08-08-047, recodified as § 170-290-0270, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0270, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0270, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0270, filed 12/19/01, effective 1/19/02.] Repealed by WSR 09-22-043, filed 10/28/09, effective 12/1/09. Statutory Authority: 2006 c 265 and chapter 43.215 RCW. Later promulgation, see WAC 170-290-0268.

170-290-0273 When would my licensed or certified provider or DSHS contracted seasonal day camp get an overpayment? [WSR 08-08-047, recodified as § 170-290-0273, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0273, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0273, filed 3/29/04 and 4/7/04, effective 5/28/04.] Repealed by WSR 09-22-043, filed 10/28/09, effective 12/1/09. Statutory Authority: 2006 c 265 and chapter 43.215 RCW. Later promulgation, see WAC 170-290-0268.

170-290-0274 When would my in-home/relative provider get an overpayment? [WSR 08-08-047, recodified as § 170-290-0274, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0274, filed 10/31/05, effective 12/1/05.] Repealed by WSR 09-22-043, filed 10/28/09, effective 12/1/09. Statutory Authority: 2006 c 265 and chapter 43.215 RCW. Later promulgation, see WAC 170-290-0268.

170-290-3510 SCC definitions. [Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3510, filed 10/28/09, effective 12/1/09.] Repealed by WSR 11-12-078, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW.

170-290-3670 Preauthorization for the SCC program. [Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3670, filed 10/28/09, effective 12/1/09.] Repealed by WSR 11-12-078, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW.

170-290-3820 Review of eligibility and copayment information. [Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3820, filed 10/28/09, effective 12/1/09.] Repealed by WSR 11-12-078, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW.

170-290-3830 Redetermination of SCC benefits. [Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3830, filed 10/28/09, effective 12/1/09.] Repealed by WSR 11-12-078, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW.

PART I. INTRODUCTION

WAC 170-290-0001 Purpose and intent. (1) This chapter establishes the requirements for eligible families to receive subsidized child care through the working connections child care (WCCC) and seasonal child care (SCC) programs as administered by DSHS under applicable state and federal law, to the extent of available funds. WCCC administered through the early childhood education and assistance program (ECEAP) shall follow ECEAP performance standards and contracts. As used in chapter 170-290 WAC, "to the extent of available funds" includes one or more of the following:

(a) Limiting or closing enrollment;

(b) Establishing a priority list for new enrollees subject to applicable state and federal law. The priority list includes families participating in early head start-child care partnership slots; families with children with special needs; teen parents; homeless families according to the McKinney-Vento Act; families receiving TANF; TANF families curing a sanction; and families that received WCCC/SCC within thirty days of application; or

(c) Creating and maintaining a waiting list.

(2) The purpose of WCCC, as provided in part II of this chapter, is to:

(a) Assist eligible families in obtaining child care subsidies for approvable activities that enable them to work, attend training, or enroll in educational programs; and

(b) Consider the health and safety of children while they are in care and receiving child care subsidies.

(3) The purpose of SCC, as provided in part III of this chapter, is to:

(a) Assist eligible families who are seasonally employed in agriculturally related work to pay for licensed child care; and

(b) Consider the health and safety of children while they are in care and receiving child care subsidies.

(4) No provision of this section shall be interpreted contrary to RCW 43.215.250.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0001, filed 4/15/16, effective 5/16/16; WSR 15-01-033, § 170-290-0001, filed 12/8/14, effective 1/8/15. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0001, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0001, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0001, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0001, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0001, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0002 Scope of agency responsibilities. DEL is designated as the lead agency for child care and development funds (CCDF) and oversees expenditure of CCDF funds.

(1) The responsibilities of the department of early learning (DEL) include, but are not limited to:

(a) Determining child care subsidy policy for the WCCC and SCC programs;

(b) Determining thresholds for eligibility and copayment amounts and establishing rights and responsibilities; and

(c) Serving as the designated representative for the state to implement the collective bargaining agreement under RCW 41.56.028 for in-home/relative providers as defined in WAC 170-290-0003(13), and for all licensed family homes.

(2) The responsibilities of the department of social and health services (DSHS) include, but are not limited to:

(a) Service delivery for the WCCC and SCC programs, including determining who is eligible for WCCC and SCC benefits; and

(b) Authorizing payments for these programs, and managing payments made to providers that receive WCCC and SCC subsidies.

(3) This allocation between DEL and DSHS is pursuant to section 501(2), chapter 265, Laws of 2006 (2SHB 2964), in which the legislature transferred all of the powers, duties, and functions relating to the WCCC program from DSHS to DEL, except for eligibility staffing and eligibility payment functions, which remain in DSHS.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0002, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-0002, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0002, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Able" means being physically and mentally capable of caring for a child in a responsible manner.

"Authorization" means the transaction created by DSHS which allows the provider the ability to claim payment during a certification period. The transaction may be adjusted based on the family need.

"Available" means being free to provide care when not participating in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055 during the time child care is needed.

"Benefit" means a regular payment made by a government agency to a person qualified to receive it.

"Calendar year" means those dates between and including January 1st and December 31st.

"Capacity" means the maximum number of children the licensee is authorized by the department to have in care at any given time.

"Collective bargaining agreement" or **"CBA"** means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

"Consumer" means the person receiving:

(a) WCCC benefits as described in part II of this chapter; or

(b) SCC benefits as described in part III of this chapter.

"Copayment" means the amount of money the consumer is responsible to pay the child care provider toward the cost of child care, whether provided under a voucher or contract, each month.

"Days" means calendar days unless otherwise specified.

"DEL" means the department of early learning.

"DSHS" means the department of social and health services.

"Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

"Eligibility" means that a consumer has met all of the requirements of:

(a) Part II of this chapter to receive WCCC program subsidies; or

(b) Part III of this chapter to receive SCC program subsidies.

"Employment" or **"work"** means 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 DSHS, 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.

"Existing child care provider" means a licensed or certified provider who received a state subsidy payment between July 1, 2015, and June 30, 2016.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefits to himself or herself or another person. See RCW 74.04.004.

"Homeless" means homeless as defined by the McKinney-Vento Homeless Assistance Act of 1987.

"In-home/relative provider" or **"license-exempt provider,"** referred to in the collective bargaining agreement as **"family, friends and neighbors provider"** or **"FFN provider,"** means a provider who meets the requirements in WAC 170-290-0130 through 170-290-0167.

"In loco parentis" means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian, and is responsible for exercising day-to-day care and control of the child.

"Intentional" means the likelihood of willfulness or done on purpose.

"New child care provider" means a licensed or certified provider who did not receive a state subsidy payment between July 1, 2015, and June 30, 2016.

"Night shift" means employment for a minimum of six hours between the hours of 8 p.m. and 8 a.m.

"Nonschool age child" means a child who is six years of age or younger and is not enrolled in public or private school.

"Phase out period" means a three-month eligibility period a consumer may be eligible for at reapplication when the consumer's household income is greater than two hundred percent of the federal poverty guidelines (FPG) but less than two hundred twenty percent of the FPG.

"Preschool age child" means a child age thirty months through six years of age who is not attending kindergarten or elementary school.

"Private school" means a private school approved by the state under chapter 28A.195 RCW.

"Program violation" means an act contrary to program rules and regulations and includes failure to adhere to program requirements.

"Sanction" means deterrent action imposed by the department to address a program violation finding.

"SCC" means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists eligible families who are seasonally employed in agriculturally related work outside of the consumer's home to pay for licensed or certified child care.

"School age child" means a child who is between five years of age through twelve years of age and who is attending

public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

"Seasonally available agricultural related work" means work that is directly related to the cultivation, production, harvesting or processing of fruit trees or crops.

"Self-employment" means 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, as verified by Washington state business license, or a tribal, county, or city business or occupation license, as applicable, and a uniform business identification (UBI) number for approved self-employment activities that occur outside of the home. Incorporated businesses are not considered self-employment enterprises.

"Suspected fraud" means evidence supporting a finding of fraud. Suspected fraud can result in a criminal investigation by law enforcement.

"Unintentional" means not done willfully or on purpose.

"Waiting list" means a list of applicants or reapplicants eligible to receive subsidy benefits but funding is not available.

"WCCC" means the working connections child care program, which is a child care subsidy program described in part II of this chapter that assists eligible families in obtaining subsidy for child care.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0003, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-013, § 170-290-0003, filed 5/26/17, effective 6/26/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0003, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0003, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0003, filed 5/30/14, effective 6/30/14; WSR 12-11-025, § 170-290-0003, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-0003, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0003, filed 10/28/09, effective 12/1/09.]

PART II. WORKING CONNECTIONS CHILD CARE

Eligibility Requirements

WAC 170-290-0005 Eligibility. (1) At application and reapplication, to be eligible for WCCC, the applicant or reapplicant must:

(a) Have parental control of one or more eligible children;

(b) Live in the state of Washington;

(c) Be the child's:

(i) Parent, either biological or adopted;

(ii) Stepparent;

(iii) Legal guardian verified by a legal or court document;

(iv) Adult sibling or step-sibling;

(v) Nephew or niece;

(vi) Aunt;

(vii) Uncle;

(viii) Grandparent;

(ix) Any of the relatives in (c)(vi), (vii), or (viii) of this subsection with the prefix "great," such as great-aunt; or

(x) An approved in loco parentis custodian responsible for exercising day-to-day care and control of the child and who is not related to the child as described above;

(d) Participate in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or have been approved per WAC 170-290-0055;

(e) Comply with any special circumstances that might affect WCCC eligibility under WAC 170-290-0020;

(f) Have countable income at or below two hundred percent of the federal poverty guidelines (FPG) and have resources under one million dollars per WAC 170-290-0022;

(g) The consumer's eligibility shall end if the consumer's countable income is greater than eighty-five percent of the state median income or if resources exceed one million dollars;

(h) Complete the WCCC application and DSHS verification process provided in WAC 170-290-0012 regardless of other program benefits or services received;

(i) Effective March 1, 2018, certify under penalty of perjury, the applicant's or reapplicant's status as:

(i) Married;

(ii) Unmarried and living with the parent of any child in the household; or

(iii) Single parent not living with the parent of any child in the household.

(j) Meet eligibility requirements for WCCC described in Part II of this chapter.

(2) **Children.** To be eligible for WCCC, the child must:

(a) Belong to one of the following groups as defined in WAC 388-424-0001:

(i) A U.S. citizen;

(ii) A U.S. national;

(iii) A qualified alien; or

(iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005;

(b) Live in Washington state, and be:

(i) Less than thirteen years of age; or

(ii) Less than nineteen years of age, and:

(A) Have a verified special need, according WAC 170-290-0220; or

(B) Be under court supervision.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0005, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0005, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0005, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0005, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0005, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0005, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0005, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0005, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0005, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0012 Verifying consumers' information. (1) When a consumer initially applies or reapplies for benefits, DSHS requires the consumer to provide verification

of child care subsidy eligibility if the department is unable to verify through agency records or systems.

(2) During the consumer's eligibility period, DSHS will request verification for changes that may affect the consumer's benefit amount or eligibility when the department is unable to verify through agency records or systems if:

(a) The consumer reports a change;

(b) DSHS discovers the consumer's circumstances have changed; or

(c) The information DSHS has is questionable or outdated.

(3) DSHS notifies the consumer when verification is required.

(4) DSHS may accept verification to support the consumer's statement of circumstances. The verification the consumer gives DSHS must:

(a) Clearly relate to what the consumer is trying to provide;

(b) Be from a reliable source; and

(c) Be accurate, complete, and consistent.

(5) When the consumer gives DSHS questionable verification DSHS will:

(a) Ask the consumer to provide DSHS with more verification or provide a collateral contact (a "collateral contact" is a statement from someone outside of the consumer's residence that knows the consumer's situation); or

(b) Send an investigator from the DSHS office of fraud and accountability (OFA) to make an unannounced visit to the consumer's home to verify the consumer's circumstances. Consumer's rights are found in WAC 170-290-0025.

(6) At the time of application, reapplication, or when changes are reported, DSHS will verify the following:

(a) The consumer's Washington residency;

(b) That the consumer has parental control of an eligible child per WAC 170-290-0005;

(c) The consumer's household composition:

(i) DSHS will compare the consumer's statement of household composition against records for that consumer under TANF, food assistance, medical assistance, and child support services;

(ii) If the consumer's statement of household composition is questionable when compared against records for that consumer under TANF, food assistance, medical assistance, and child support services, DSHS may take the action described in subsection (5) of this section; and

(iii) Effective March 1, 2018, if the consumer is the only parent named on the benefits application and DSHS is unable to verify household composition in agency records under TANF, food assistance, medical assistance, or child support services, then the consumer must:

(A) Provide the name and address of the other parent, or indicate, under penalty of perjury, that the other parent's identity and address are unknown to the applicant or that providing this information will likely result in serious physical or emotional harm to the consumer or anyone residing with the consumer; and

(B) Indicate under penalty of perjury whether the parent is present or absent in the household;

(d) Whether the consumer is participating in an approved activity, including the consumer's income and schedule from the approved activity;

(e) Whether the consumer complies with applicable eligibility rules in WAC 170-290-0020;

(f) Other income and countable resources under WAC 170-290-0005;

(g) If any other parent, as determined in WAC 170-290-0015, is in the household, the same information in (a) through (g) of this subsection is verified for that parent; and

(h) The citizenship or alien status of a child receiving child care subsidies.

(7) If DSHS requires verification from a consumer that costs money, DSHS must pay for the consumer's reasonable costs.

(8) DSHS does not pay for a self-employed consumer's state business registration or license, which is a cost of doing business.

(9) If a consumer does not provide all of the verification requested within thirty days from the application date, DSHS will determine the consumer's eligibility based on the information already available to DSHS. DSHS shall deny the application or reapplication if the available information does not confirm eligibility.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0012, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0012, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.-070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0012, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0012, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0012, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0012, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0012, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0012, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0012, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0014 Verifying information for a provider's payment. (1) A consumer must provide all required information for payment to be authorized to their provider.

(2) All verification that is provided to DSHS must:

(a) Clearly relate to the information DSHS is requesting;

(b) Be from a reliable source; and

(c) Be accurate, complete, and consistent.

(3) If DSHS has reasonable cause to believe that the information is inconsistent, conflicting, or outdated, DSHS may:

(a) Ask the consumer to provide DSHS with more verification or provide a collateral contact (a "collateral contact" is a statement from someone outside of the consumer's residence that knows the consumer's situation); or

(b) Send an investigator from the DSHS office of fraud and accountability (OFA) to make an unannounced visit to the consumer's home to verify the consumer's circumstances. See WAC 170-290-0025(9).

(4) The verification that the consumer gives to DSHS includes, but is not limited to, the following:

(a) Name and phone number of the licensed child care provider; and

(b) For the in-home/relative child care provider, a:

(i) Completed and signed criminal background check form;

(ii) Legible copy of the proposed provider's photo identification, such as a driver's license, Washington state identification, or passport;

(iii) Legible copy of the proposed provider's valid Social Security card;

(iv) All other information required by WAC 170-290-0135;

(c) Self-attestation of work, school or training schedule when the consumer requests child care for non-TANF activities. An authorization based on a self-attested schedule is subject to change if DSHS subsequently receives more accurate, complete, or consistent third-party information.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0014, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0014, filed 4/15/16, effective 5/16/16.]

WAC 170-290-0015 Determining family size. (1) DSHS determines a consumer's family size as follows:

(a) For a single parent, including a minor parent living independently, DSHS counts the consumer and the consumer's children;

(b) For unmarried parents who have at least one mutual child, DSHS counts both parents and all of their children living in the household;

(c) Unmarried parents who have no mutual children are counted as separate WCCC families, the unmarried parents and their respective children living in the household;

(d) For married parents, DSHS counts both parents and all of their children living in the household;

(e) For parents who are undocumented aliens as defined in WAC 388-424-0001, DSHS counts the parents and children, documented and undocumented, and all other family rules in this section apply. Children needing care must meet citizenship requirements described in WAC 170-290-0005;

(f) For a legal guardian verified by a legal or court document, adult sibling or step-sibling, nephew, niece, aunt, uncle, grandparent, any of these relatives with the prefix "great," such as a "great-nephew," or an in loco parentis custodian who is not related to the child as described in WAC 170-290-0005, DSHS counts only the children and only the children's income is counted;

(g) For a parent who is out of the household because of employer requirements, such as training or military service, and expected to return to the household, DSHS counts the consumer, the absent parent, and the children;

(h) For a parent who is voluntarily out of the household for reasons other than requirements of the employer, such as unapproved schooling and visiting family members, and is expected to return to the household, DSHS counts the consumer, the absent parent, and the children. WAC 170-290-0020 and all other family rules in this section apply;

(i) For a parent who is out of the country and waiting for legal reentry in to the United States, DSHS counts only the consumer and children residing in the United States and all other family rules in this section apply;

(j) An incarcerated parent is not part of the household count for determining income and eligibility. DSHS counts the remaining household members using all other family rules in this section; and

(k) For a parent incarcerated at a Washington state correctional facility whose child lives with them at the facility, DSHS counts the parent and child as their own household.

(2) In addition to family members described in subsection (1)(a) through (k) of this section, siblings of the child needing care, unless they are parents themselves, who meet the following criteria are counted by DSHS as part of the family for WCCC eligibility:

(a) Eighteen year old siblings who are enrolled in high school or a general equivalency diploma (GED) program until turning nineteen or completing high school/GED, whichever comes first; and

(b) Siblings up to twenty-one years of age who are participating in an approved program through a school district's special education department under RCW 28A.155.020.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0015, filed 11/3/17, effective 12/4/17. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0015, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0015, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0015, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0015, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0015, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0015, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0020 Eligibility—Special circumstances. (1) **At application, reapplication and change reporting:**

(a) A consumer is not eligible for WCCC benefits for the consumer's children when child care is provided at the same location where the consumer works.

(b) A legal guardian under WAC 170-290-0005 may receive WCCC benefits for approved activities without the spouse or live-in partner's availability to provide care being considered unless the spouse or live-in partner is also named on the permanent custody order.

(i) Eligibility for WCCC benefits is based on:

(A) The consumer's work or approved activities schedule;

(B) The child's need for care;

(C) The child's income eligibility; and

(D) Family size based on number of children under guardianship and needing care.

(ii) The consumer's spouse or live-in partner is not eligible to receive subsidized child care payments as a child care provider for the child.

(c) An in loco parentis custodian may be eligible for WCCC benefits when he or she cares for an eligible child in the absence of the child's legal guardian or biological, adoptive or stepparents.

(i) An in loco parentis custodian who is not related to the child as described in WAC 170-290-0005(1) may be eligible for WCCC benefits if he or she:

(A) Has a written, signed agreement between the parent and the caregiver assuming custodial responsibility; or

(B) Receives a TANF grant on behalf of the eligible child.

(ii) Eligibility for WCCC benefits is based on:

(A) The consumer's work schedule;

(B) The child's need for care;

(C) The child's income eligibility; and

(D) Family size based on number of children under in loco parentis and needing care.

(iii) The consumer's spouse or live-in partner is not eligible to receive subsidized child care payments as a child care provider for the child.

(2) **At application and reapplication:**

(a) A consumer may be eligible for WCCC benefits while working in a child care center if the consumer does not provide direct care in the same classroom to the consumer's children during work hours.

(b) A consumer is not eligible for WCCC benefits while working in a family home child care where the consumer's children are also receiving subsidized child care.

(c) In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care.

(d) A consumer may be eligible for WCCC if the consumer is a parent in a two-parent family and one parent is not able or available as defined in WAC 170-290-0003 to provide care for the children while the other parent is working or participating in approved activities.

(e) If a consumer claims one parent is not able to care for the children the consumer must provide written documentation from an acceptable medical source (see WAC 388-449-0010) that states the:

(i) Reason the parent is not able to care for the children;

(ii) Expected duration and severity of the condition that keeps the parent from caring for the children; and

(iii) Treatment plan if the parent is expected to improve enough to be able to care for the children. The parent must provide evidence from a medical professional showing he or she is cooperating with treatment and is still not able to care for the children.

(f) A consumer is not eligible for WCCC benefits when the consumer is the only parent in the family and will be away from the home for more than thirty days in a row.

(3) A consumer may be eligible for WCCC if the consumer is participating in an approved activity needed to remove a sanction penalty or to reopen the consumer's WorkFirst case.

(4) A child care provider who receives TANF benefits on behalf of a dependent child may not bill the state for subsidized child care for that same child.

(5) When a consumer's monthly copayment is higher than the state maximum rate including any special needs payments for all of the consumer's children in care under WAC 170-290-0005:

(a) The consumer's eligibility period may continue; and

(b) DSHS will not authorize payment to the provider until the copayment becomes lower than the state maximum rate including any special needs payments for all of the consumer's children in care under WAC 170-290-0005.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0020, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0020, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0020, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0020, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0020, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.260, chapter 74.08A RCW. WSR 06-10-035, § 388-290-0020, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0020, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0020, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0020, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0020, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0022 Eligibility—Resources. (1) Effective October 1, 2016, to be eligible for WCCC, the consumer applying or receiving benefits must have countable resources less than one million dollars. The resources count if:

(a) The consumer has control over the resource;

(b) The consumer could legally sell the resource or convert it into cash;

(c) The resource belongs to the consumer or dependents that are part of the household and applying for or receiving WCCC.

(2) Resources that count include both liquid and nonliquid resources:

(a) Liquid resources easily convert into cash. Some examples of liquid resources include:

(i) Value of all bank accounts;

(ii) Cash on hand;

(iii) Money market accounts, IRAs, certificate of deposits (CDs), stocks, bonds, annuities, mutual funds less early withdrawal penalties including taxes;

(iv) Available trust accounts;

(v) If a consumer owns a resource with someone not part of his or her household, we count the portion of the resource that the consumer owns.

(b) Nonliquid resources do not easily convert to cash. Some examples of nonliquid resources include:

(i) Value of any additional vehicles not excluded. Vehicle value determined by applying WAC 388-470-0075;

(ii) A house the consumer does not live in or intend to return to;

(iii) Property the consumer does not live on.

(3) Excluded resources include:

(a) Legal guardians resources;

(b) In loco parentis custodians resources;

(c) Resources with a legal barrier, which include:

(i) Resources tied up in a divorce proceeding;

(ii) Jointly owned resources that the consumer has no clear access to obtain the resource;

(iii) If the consumer cannot overcome the barrier to obtain the resource;

(iv) The consumer must petition the courts for access of the resource;

(v) Making the resource available would place the consumer at risk of harm.

(d) For a one-parent household, one vehicle, defined as a motorized device the consumer can use as a regular means of transportation. For a two-parent household, two vehicles,

defined as a motorized device the consumers can use as a regular means of transportation;

(e) One home and the surrounding property the consumer and consumer's dependents live in;

(f) Personal effects;

(g) Household goods;

(h) Life insurance policies, including a policy with cash surrender value;

(i) Federal law resources:

(i) Child nutrition act for Women, Infants, and Children (WIC) including day care and school lunch programs (P.L. 89-642);

(ii) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646);

(iii) Payments from the Domestic Volunteer Services Act of 1973 (P.L. 93-113);

(iv) Disaster or emergency payments under the Disaster Relief Act of 1974 (P.L. 93-288) from:

(A) Federal Emergency Management Agency (FEMA);

(B) States or local governments; or

(C) Disaster assistance organizations.

(v) Disaster assistance payments to farmers under the Disaster Relief Act of 1974 (P.L. 93-288 as amended by 100-387);

(vi) Home energy assistance payments under the Low-Income Home Energy Assistance Act (P.L. 99-425);

(vii) Housing and Urban Development (HUD) community development block grant funds;

(viii) Title IV financial assistance other than room, board, and dependent care provided by the Higher Education Act (P.L. 99-498 as amended by 100-50);

(ix) Restitution payments under the Civil Liberties Act of 1988 to certain Asian Americans and Aleuts interned during World War II (P.L. 100-383);

(x) Yearly disability payments to veterans or lump sum payments to survivors of a deceased veteran retroactive to January 1, 1989, from the Agent Orange Settlement Fund (P.L. 101-201). These are different funds than those from the Agent Orange Act of 1991, which are not excluded (P.L. 102-4);

(xi) Payments received by an injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act (P.L. 101-426);

(xii) Payments to victims of Nazi persecution (P.L. 103-286); and

(xiii) Payments to crime victims from a federal or federally funded state or local program including Washington state crime victims compensation program (P.L. 103-322, section 23022).

(j) Native American resources:

(i) II compensation including cash, stock, partnership interest, land, and interest in land under the Alaska Native Claims Settlement Act (P.L. 92-203 & 100-241);

(ii) Funds held in trust, restricted lands and the first two thousand dollars of each per capita judgment award (P.L. 93-134 as amended by 97-458, 98-64 & 103-66);

(iii) Relocation assistance payments to members of the Navajo and Hopi tribes (P.L. 93-531, section 22);

(iv) Payments to certain Indian tribal members, regarding submarginal land held in trust by the U.S. (P.L. 94-114). Call state office for a list of affected tribes;

(v) Funds distributed per capita or held in trust under the Sac and Fox Indian Claims Agreement (P.L. 94-189);

(vi) Payments from the disposition of funds to the Grand River Band of Ottowa Indians (P.L. 94-540);

(vii) Payments to the Confederate Tribe of the Yakama Indian Nation and the Apache Tribe from the Indian Claims Commission (P.L. 95-433);

(viii) Payments under the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

(ix) Payments and certain funds held in trust for Chippewa Indians (P.L. 97-403, 98-102, 99-146, 99-264, 99-346, & 99-377);

(x) Payments under the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41) as follows:

(A) Annuity fund established by P.L. 101-41 made to a Puyallup Tribal member upon reaching age twenty-one; and

(B) Payments made to a Puyallup tribe member from the trust fund established by P.L. 101-41;

(xi) Payments to the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (P.L. 103-436) including:

(A) Real or personal property purchased directly with such funds; and

(B) Appreciation in value of the initial investment.

(xii) Payments to the Blackfeet, Gros Ventre, and Assiniboine tribes, Montana; and the Papag, Arizona (P.L. 97-408 & 98-124);

(xiii) Per capita shares to heirs of two thousand dollars or less under the Old Age Assistance Claims Settlement Act (P.L. 98-500);

(xiv) Financial assistance provided by the Bureau of Indian Affairs under the Higher Education Act (P.L. 99-498 as amended by 100-50);

(xv) Loans provided under the Tribal Development Student Assistance Revolving Loan Program of the Higher Education Act (P.L. 99-498 as amended by 102-325). These payments are counted for SSI-related medical; and

(xvi) Payments under the Seneca Nation Settlement Act (P.L. 101-503).

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0022, filed 9/21/16, effective 10/22/16.]

WAC 170-290-0023 Homeless grace period (HGP). (1) Families experiencing homelessness will be eligible for HGP and will have a certification period of twelve months:

(a) When homelessness is verified within thirty days of the date of application or reapplication;

(b) When the family has not received HGP in the twelve calendar months prior to the month of application or reapplication; and

(c) When the family meets all eligibility requirements under WAC 170-290-0005 and 170-290-0030, except:

(i) Verifying participation or participating in approved activities in WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055; or

(ii) Providing required third-party verification of employment within thirty days of receipt of an application or reapplication; or

(iii) Having an outstanding copayment or not having a payment plan for the outstanding copayment.

(2) Families eligible for HGP will have a period of four months to provide:

(a) Verification of participation in approved activities in WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055;

(b) Required third-party verification of employment; and

(c) Verification of payment or payment plan arrangements for an outstanding copayment.

(3) Families must report changes as required in WAC 170-290-0031 and will remain eligible for HGP through the end of the fourth month, if their homeless status changes.

(4) If received in months one through four, the verification required in subsection (3) of this section will not need reverification for care to continue during months five through twelve.

(5) The four-month period begins on the first date of eligibility, which is the date of application or reapplication and the first month may be a partial month. The four-month period ends on the last day of the fourth month.

(6) Termination of HGP will occur on the last day of the fourth month if the family does not:

(a) Verify they have entered an approved activity;

(b) Provide the required third-party verification of employment;

(c) Pay or make payment arrangements of an outstanding copayment.

(7) DSHS will approve HGP for families using WCCC for the fourteen-day wait period (WAC 170-290-0055). If the family has verified their homeless status but not entered the approved activity by the fourteenth day:

(a) HGP is approved the first day following the end of the fourteen-day wait period instead of terminating WCCC;

(b) The copayment is waived effective the first day of the month following the last day of the fourteen-day wait period; and

(c) The copayment is waived for the remainder of the four-month period, even if it is less than four months.

(d) When homelessness is verified and HGP approved, an overpayment will not be established for the fourteen-day wait period.

(8) DSHS will approve HGP for families using WCCC for the sixty days of self-attestation of new employment (WAC 170-290-0012). If the family has verified their homeless status but not provided the required employment verification by the sixtieth day:

(a) HGP is approved the first day following the end of the sixty days of self-attestation period instead of terminating WCCC;

(b) The copayment is waived effective the first day of the month following the last day of the sixty days of self-attestation period; and

(c) The copayment is waived for the remainder of the HGP, even if it is less than four months.

(d) An overpayment is not established for the sixty days of self-attestations if homelessness is verified and HGP is approved.

(9)(a) HGP copayments will be determined at initial eligibility determination and be waived for the first four months. A copayment is required for months five through month twelve.

(b) If the copayment exceeds fifteen dollars, the family will not be eligible for the fifteen dollars copayment during the first two months of paying a required copayment.

(10) Families will be approved for full-time care during the four months of HGP and the remainder of the eligibility period. Full-time care means:

(a) Twenty-three full day units when the child needs five or more hours of care per day;

(b) Thirty half day units when the child needs less than five hours of care per day;

(c) Thirty half day units during the months of September through June when the child is school-aged; or

(d) Forty-six half day units during the months of July and August when the child is school-aged.

(11)(a) Only licensed, certified or DEL-contracted providers shall be authorized to provide child care during the four months of HGP. Payment to the provider will be either the provider rate or state rate, whichever is less.

(b) In-home/relative providers shall not be authorized to provide child care for families during the HGP, regardless of changes reported.

(c) Families may choose in-home/relative providers to provide care during months five through twelve, under WAC 170-290-0125, 170-290-0130 and 170-290-0190.

(d) The four months of HGP are nontransferable; families may not change the four months of HGP, even when care was not provided.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-013, § 170-290-0023, filed 5/26/17, effective 6/26/17.]

Rights and Responsibilities

WAC 170-290-0025 Consumers' rights. When a consumer applies for or receives WCCC benefits, the consumer has the right to:

(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Have WCCC eligibility determined within thirty days from the application date per WAC 170-290-0095;

(3) Be informed, in writing, of the consumer's legal rights and responsibilities related to WCCC benefits;

(4) Receive a written notice at least ten days before DSHS makes changes to lower or stop benefits except as stated in WAC 170-290-0115;

(5) Ask for an administrative hearing if the consumer does not agree with DSHS about a decision per WAC 170-290-0280;

(6) Ask a supervisor or administrator to review a decision or action affecting the consumer's benefits without affecting the right to an administrative hearing;

(7) Have an interpreter or translator service provided by DSHS within a reasonable amount of time and at no cost to the consumer;

(8) Choose a provider as long as the provider meets the requirements in WAC 170-290-0125;

(9) Ask the fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA) to come back at another time. A consumer does not have to let

an investigator into the consumer's home. This request will not affect the consumer's eligibility for benefits. If the consumer refuses to cooperate (provide the information requested) with the investigator, it could affect the consumer's eligibility for benefits;

(10) Access to the consumer's child at all times while the child is in child care;

(11) Terminate child care without cause and without notice to the provider. Notice must be given to DSHS within five days of termination;

(12) Not be charged by the consumer's licensed, certified, or license-exempt provider, or be made to pay for the difference between the provider's private rate and the state maximum rate, when the provider's private rate for child care is higher than the maximum state rate;

(13) Not be charged by the consumer's licensed or certified provider, or be made to pay for:

(a) The difference between the provider's registration fee and the state's maximum registration fee, when the provider's registration fee is higher;

(b) Any day when the consumer's child is absent;

(c) Vacation days when the provider chooses to close;

(d) A higher amount than the state allows for field trips. If the consumer requests, and the provider has a written policy in place, the consumer may voluntarily pay the difference between the amount that the state allows and the actual field trip cost;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care, when the provider stops caring for the consumer's children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0025, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0025, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0025, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0025, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0025, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0025, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0025, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0030 Consumers' responsibilities. When a person applies for or receives WCCC benefits, the applicant or consumer must, as a condition of receiving those benefits:

(1) Give DSHS correct and current information so DSHS can determine eligibility and authorize child care payments correctly;

(2) Choose a provider who meets requirements of WAC 170-290-0125;

(3) Pay the copayment directly to the child care provider or arrange for a third party to pay the copayment directly to the provider;

(4) In cases of overdue or past due copayments, the consumer, as a condition of maintaining eligibility, must do one or more of the following:

(a) Pay past or overdue copayments;

(b) Give DSHS a written agreement between the provider and consumer to verify that copayment arrangements include one or more of the following:

(i) An installment payment plan;

(ii) A collection agency payment plan;

(iii) In-kind services in lieu of paying the copayment; or

(iv) Forgiveness of the copayment from the provider; or

(c) Provide proof that the consumer has attempted to pay a copayment to a licensed provider who is no longer in business or a license-exempt provider who is no longer providing child care. "Proof" includes, but is not limited to, a return receipt that was signed for and not responded to, or a returned document that was not picked up;

(5) Pay the provider for child care services when the consumer requests additional child care beyond the current authorization;

(6) Pay the provider for optional child care programs that the consumer requests. The provider must have a written policy in place charging all families for these optional child care programs;

(7) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late;

(8) Ensure that care is provided in the correct home per WAC 170-290-0130 if the consumer uses an in-home/relative provider, and monitor the in-home/relative provider's quality of care to ensure that the child's environmental, physical, nutritional, emotional, cognitive, safety, and social needs are being met;

(9) Cooperate (provide the information requested) with the child care subsidy audit process:

(a) A consumer becomes ineligible for WCCC benefits upon a determination of noncooperation;

(b) The consumer remains ineligible until he or she meets child care subsidy audit requirements;

(c) The consumer may become eligible again when he or she meets WCCC requirements in part II of this chapter and cooperates;

(d) Care can begin on or after the date the consumer cooperated and meets WCCC requirements in Part II of this chapter.

(10) Provide the information requested by the fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA). If the consumer refuses to provide the information requested within fourteen days, it could affect the consumer's benefits;

(11) Document their child's attendance in child care by having the consumer or other person authorized by the consumer to take the child to or from the child care:

(a) If the provider uses a paper attendance record, sign the child in on arrival and sign the child out at departure, using their full signature and writing the time of arrival and departure; or

(b) Record the child's attendance using an electronic system if used by the provider;

(12) Provide the in-home/relative provider the names, addresses, and telephone numbers of persons who are authorized to pick up the child from care; and

(13) Ensure that their children who receive child care outside of their own home are current on all immunizations

required under WAC 246-105-030, except when the parent or guardian provides:

(a) A department of health (DOH) medical exemption form signed by a health care professional; or

(b) A DOH form or similar statement signed by the child's parent or guardian expressing a religious, philosophical or personal objection to immunization.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-017, § 170-290-0030, filed 4/7/17, effective 5/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0030, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0030, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0030, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0030, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0030, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0030, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0030, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0030, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0031 Notification of changes. (1) When a consumer applies for or receives WCCC benefits, he or she must:

(a) Report to DSHS, within twenty-for hours, any pending charges or conviction information the consumer learns about his or her in-home/relative provider;

(b) Report to DSHS, within twenty-four hours, any pending charges or conviction information the consumer learns about anyone sixteen years of age or older who lives with the provider when care occurs outside of the child's home;

(c) Notify DSHS, within five days, of any change in providers;

(d) Notify DSHS, within ten days, of changes of the address and telephone number of the consumer's in-home/relative provider;

(e) Notify DSHS, within ten days, when the consumer's countable income increases and exceeds eighty-five percent of state median income as provided in WAC 170-290-0005;

(f) Notify DSHS, within ten days, when the consumer's countable resources exceed one million dollars as provided in WAC 170-290-0005;

(g) Notify the consumer's provider, within ten days, when DSHS changes the consumer's child care authorization; and

(h) Notify DSHS, within ten days, when the consumer's home address or telephone number changes.

(2) When a consumer receives WCCC benefits, he or she may notify DSHS when:

(a) The number of child care hours the consumer needs increases;

(b) The household income changes, which may lower the consumer's copayment under WAC 170-290-0085;

(c) The household size increases, which may lower the copayment; or

(d) The consumer's legal obligation to pay child support increases, which may lower the copayment.

(3) Effective dates of changes are as follows:

(a) Copayment changes are effective as provided in WAC 170-290-0085;

(b) Changes under subsection (1)(c) and (d) of this section are effective:

(i) The date of change, if reported within five days; or

(ii) The date the change was reported, if not reported within five days.

(c) Changes to consumer information described in WAC 170-290-0012 are effective:

(i) The date the change was reported, if reported within ten days from the date of change or if received within ten days from the date of request for verification; or

(ii) The date verification is received, if verification is not received within ten days from the date the change is reported or if not received within ten days from the request of verification.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0031, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0031, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0031, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0031, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2010 c 273. WSR 11-01-090, § 170-290-0031, filed 12/14/10, effective 1/14/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0031, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0031, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0031, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0032 Failure to report changes. (1) A consumer's failure to report changes as required in WAC 170-290-0031 within the stated time frames may cause:

(a) A copayment error. The consumer may be required to pay a higher copayment as stated in WAC 170-290-0085; or

(b) A WCCC payment error. If an overpayment occurs, the consumer may receive an overpayment for what the provider has correctly billed, including absent days (see publications "*Child Care Subsidies: A Guide for Licensed and Certified Child Care Centers*," "*Child Care Subsidies: A Guide for Licensed and Certified Family Home Child Care Providers*" and "*Child Care Subsidies: A Guide for Family, Friends and Neighbors Child Care Providers*").

(2) If a consumer receives an overpayment for failure to report changes or failure to provide required verification, they will be required to repay any overpayment as provided in WAC 170-29-0271 [170-290-0271].

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0032, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0032, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0032, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2010 c 273. WSR 11-01-090, § 170-290-0032, filed 12/14/10, effective 1/14/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0032, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0032, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0032, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0032, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0034 Providers' responsibilities. Child care providers who accept child care subsidies must do the following:

(1) Comply with:

(a) All of the DEL child care licensing or certification requirements as provided in chapter 170-295, 170-296A, or 170-297 WAC, for child care providers who are licensed or certified; or

(b) All of the requirements in WAC 170-290-0130 through 170-290-0167, 170-290-0250, and 170-290-0268, for child care providers who provide in-home/relative care;

(2) Report pending charges or convictions to DSHS as provided in:

(a) Chapter 170-295, 170-296A, or 170-297 WAC, for child care providers who are licensed or certified; or

(b) WAC 170-290-0138 (2) and (3), for child care providers who provide in-home/relative care;

(3) Keep complete and accurate daily attendance records for children in their care, and allow access to DEL to inspect attendance records during all hours in which authorized child care is provided as follows:

(a) Current attendance records (including records from the previous twelve months) must be available immediately for review upon request by DEL.

(b) Attendance records older than twelve months to five years must be provided to DSHS or DEL within two weeks of the date of a written request from either department. Beginning July 1, 2017, or upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, whichever occurs later, the records must be provided within twenty-eight consecutive calendar days of the date of a written request from either department.

(c) Failure to make available attendance records as provided in this subsection may:

(i) Result in the immediate suspension of the provider's subsidy payments; and

(ii) Establish a provider overpayment as provided in WAC 170-290-0268;

(4) Keep receipts for billed field trip/quality enhancement fees as follows:

(a) Receipts from the previous twelve months must be available immediately for review upon request by DEL;

(b) Receipts from one to five years old must be provided to DSHS or DEL within two weeks of the date of a written request from either department;

(5) Allow consumers access to their child at all times while the child is in care;

(6) Collect copayments directly from the consumer or the consumer's third-party payor, and report to DSHS if the consumer has not paid a copayment to the provider within the previous sixty days;

(7) Follow billing procedures:

(a) As described in the most current version of "*Child Care Subsidies: A Guide for Licensed and Certified Family Home Child Care Providers*,"; or

(b) As described in the most current version of "*Child Care Subsidies: A Guide for Family, Friends and Neighbors Child Care Providers*"; or

(c) As described in the most current version of "*Child Care Subsidies: A Guide for Licensed and Certified Child Care Centers*."

(8) Not claim a payment in any month a child has not attended at least one day within the authorization period in that month.

(9) Invoice the state no later than one calendar year after the actual date of service;

(10) For both licensed and certified providers and in-home/relative providers, not charge subsidized families the difference between the provider's customary rate and the maximum allowed state rate; and

(11) For licensed and certified providers, not charge subsidized families for:

(a) Registration fees in excess of what is paid by subsidy program rules;

(b) Absent days on days in which the child is scheduled to attend and authorized for care;

(c) Handling fees to process consumer copayments, child care services payments, or paperwork;

(d) Fees for materials, supplies, or equipment required to meet licensing rules and regulations; or

(e) Child care or fees related to subsidy billing invoices that are in dispute between the provider and the state.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0034, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0034, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0034, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0034, filed 5/8/12, effective 6/8/12.]

WAC 170-290-0035 DSHS's responsibilities to consumers. DSHS is responsible to:

(1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Determine a consumer's eligibility within thirty days from the date the consumer applied (application date as described in WAC 170-290-0095). Under WAC 170-290-0012 (5)(e)(ii), a determination made within thirty days of application using self-attestation of new employment wages is compliant with this subsection even if third-party verification is provided more than thirty days after the date of application;

(3) Allow a consumer to choose his or her provider as long as the provider meets the requirements in WAC 170-290-0125;

(4) Review a consumer's chosen in-home/relative provider's background check results;

(5) Authorize payments only to child care providers who allow a consumer to access his or her children whenever they are in care;

(6) Authorize payment when no adult in a consumer's family (under WAC 170-290-0015) is able or available (under WAC 170-290-0003) to care for the consumer's children at application and reapplication;

(7) Inform a consumer of:

(a) His or her rights and responsibilities under the WCCC program at the time of application and reapplication;

(b) The types of child care providers DSHS can pay;

(c) The community resources that can help a consumer select child care when needed; and

(d) Any change in a consumer's copayment during the authorization period except under WAC 170-290-0120(5).

(8) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:

(a) WCCC eligibility;

(b) Copayment; or

(c) Providers.

(9) Provide prompt child care payments to a consumer's child care provider;

(10) Provide an interpreter or translator service within a reasonable amount of time and at no cost to the consumer;

(11) Ensure that Social Security cards, driver's licenses, or other government-issued identification for in-home/relative providers are valid and verified; and

(12) For providers who care for children in states bordering Washington, verify that they are currently complying with their state's licensing regulations.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0035, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0035, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0035, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.-070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0035, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0035, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0035, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0035, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0035, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0035, filed 12/19/01, effective 1/19/02.]

Approved Activities

WAC 170-290-0040 Approved activities for applicants and consumers participating in WorkFirst. Applicants and consumers who participate in WorkFirst activities may be eligible for WCCC benefits for the following approved activities in their individual responsibility plans (IRPs), for up to a maximum of sixteen hours per day, including:

(1) An approved WorkFirst activity under WAC 388-310-0200, with the following exception: In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care. These consumers may be eligible for other approved activities in their IRPs;

(2) Employment as defined in WAC 170-290-0003;

(3) Self-employment as defined in WAC 170-290-0003 and as described in the consumer's current WorkFirst IRP;

(4) Transportation time between the location of child care and the consumer's place of employment or approved activity;

(5) Up to ten hours per week of study time for approved classes; and

(6) Up to eight hours of sleep time before or after a night shift.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0040, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0040, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0040, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0040, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0040, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0040, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0040, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0040, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) **General requirements for employment, self-employment, or Supplemental Nutrition Assistance Program employment and training (SNAP E&T) programs.** An applicant or consumer may be eligible for WCCC benefits for up to a maximum of sixteen hours per day, including travel, study, and sleep time before or after a night shift, when he or she is:

(a) Employed under WAC 170-290-0003;

(b) Self-employed under WAC 170-290-0003; or

(c) Participating in the SNAP E&T program under chapter 388-444 WAC.

(2) **Special requirements for education.**

(a) An applicant or consumer who is under twenty-two years of age may be eligible for WCCC benefits for high school (HS) or general educational development (GED) program without a minimum number of employment hours.

(b) An applicant or consumer who is twenty-two years of age or older:

(i) May be eligible to receive general education and training benefits under this subsection. The consumer must work either:

(A) An average of twenty or more hours per week of unsubsidized employment; or

(B) An average of sixteen or more hours per week in a paid federal or state work study program;

(ii) Is limited to up to twenty-four months of WCCC benefits during the consumer's lifetime for participation in:

(A) Adult basic education (ABE);

(B) English as a second language (ESL); or

(C) High school/general educational development (GED) completion; and

(iii) Is limited to up to thirty-six months of WCCC benefits during the consumer's lifetime for participation in vocational education. The vocational education program must lead to a degree or certificate in a specific occupation and be offered by the following accredited entities only:

(A) Public and private technical college or school;

(B) Community college; or

(C) Tribal college; and

(iv) Is limited to up to ten hours per week of WCCC benefits for study time for approved classes. Approved classes include classroom, labs, online class and unpaid internships required by the vocational educational program.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0045, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0045, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0045, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0045, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0045, filed

10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0045, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0045, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0045, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0045, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0045, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0050 Additional requirements for self-employed WCCC consumers. (1) **Self-employment generally.** To be considered self-employed, a WCCC consumer must:

(a) Earn income directly from the consumer's trade or business, not from wages paid by an employer;

(b) Be responsible to pay the consumer's self-employment Social Security and federal withholding taxes;

(c) Have a work schedule, activities or services that are not controlled in an employee-employer relationship;

(d) Participate directly in the production of goods or services that generate the consumer's income.

(2) Child care may not occur in the home of a consumer who operates a home-based business.

(3) **Self-employed consumers receiving TANF.** If a consumer receives TANF and is also self-employed, he or she may be eligible for WCCC benefits for up to sixteen hours in a twenty-four-hour period.

(a) The consumer must have an approved self-employment plan in the consumer's IRP under WAC 388-310-1700;

(b) The amount of WCCC benefits a consumer receives for self-employment is equal to the number of hours in the consumer's approved plan; and

(c) Income from self-employment while the consumer is receiving TANF is determined by WAC 388-450-0085.

(4) **Self-employed consumers not receiving TANF.** If a consumer does not receive TANF and requests WCCC benefits for the consumer's self-employment, the consumer may be eligible for WCCC benefits for up to sixteen hours in a twenty-four-hour period.

(a) A consumer who does not receive TANF cash assistance and requests WCCC benefits for self-employment must provide DSHS with the consumer's:

(i) Washington state business license, or a tribal, county, or city business or occupation license, as applicable;

(ii) Uniform business identification (UBI) number for the state of Washington, or, for self-employment in bordering states, the registration or filing number;

(iii) Completed self-employment plan that is written, signed, dated and includes, but is not limited to, a description of the self-employment business, proposed days and hours of work activity including time needed for transportation and the location of work activity;

(iv) Projected profit and loss statement, if starting a new business; and

(v) For established businesses, either federal self-employment tax reporting forms for the most current reporting year or a profit and loss statement.

(b) At application and reapplication, the first six consecutive months of starting a new self-employment business, the number of hours a consumer is eligible to receive is based on the consumer's report of how many hours are needed, up to sixteen hours per day. A consumer is eligible to receive this provision only once during the consumer's lifetime and must use the benefit provided by this provision within the consumer's authorization period.

(c) At application and reapplication, DSHS determines the number of care hours the consumer is eligible to receive after receiving WCCC self-employment benefits for six consecutive months as provided in (b) of this subsection by:

(i) Dividing the consumer's gross monthly self-employment income by the federal or state minimum wage, whichever is lower, to determine the average monthly hours of care needed by the consumer; and

(ii) Adding the consumer's additional approved employment, education, training, or travel to the total approved self-employment hours.

(d) If both parents in a two-parent family are self-employed, at the same or a different business, each parent must provide a self-employment plan and self-employment income verification. If the requested verification is not provided, then WAC 170-290-0012 applies to determining eligibility.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0050, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0050, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0050, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0050, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0050, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0050, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0050, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0050, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0050, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0055 Receipt of benefits during fourteen-day wait period. (1) **Fourteen-day wait period.** DSHS may authorize WCCC payments for a child's attendance in child care for up to fourteen consecutive days when a consumer is waiting to enter an approved activity under WAC 170-290-0040 or 170-290-0045.

(2) If the consumer does not enter the fourteen-day wait period activity, DSHS will terminate the consumer's case, as provided in WAC 170-290-0110.

(3) In the situation described in subsection (1) of this section, the child needs to attend at least one day in the calendar month for the provider to bill.

(4) DSHS does not prorate the copayment.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0055, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0055, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0055, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0055, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0055, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0055, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-

290-0055, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0055, filed 12/19/01, effective 1/19/02.]

Income and Copayment Calculations

WAC 170-290-0060 Countable income. DSHS counts income as money an applicant or consumer earns or receives themselves, or on behalf of the child from:

(1) A TANF grant, except when the grant is for the first three consecutive calendar months after the consumer starts a new job. The first calendar month is the month in which he or she starts working;

(2) The following child support payment amounts:

(a) For applicants or consumers who are not receiving DSHS division of child support services, the amount as shown on a current court or administrative order;

(b) For applicants or consumers who are receiving DSHS division of child support services, the amount as verified by the DSHS division of child support;

(c) For applicants or consumers who have an informal verbal or written child support agreement, the amount verified by a written agreement signed by the noncustodial parent (NCP);

(d) For applicants or consumers who cannot provide a written agreement signed by the NCP, the amount received for child support verified by a written statement from the consumer that documents why they cannot provide the statement from the NCP.

(3) Supplemental security income (SSI);

(4) Other Social Security payments, such as SSA and SSDI;

(5) Refugee assistance payments;

(6) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);

(7) Unemployment compensation, except as required under RCW 43.215.1351;

(8) Other types of income not listed in WAC 170-290-0070;

(9) VISTA volunteers, AmeriCorps, and Washington Service Corps (WSC) if the income is taxed:

(a) Verify if AmeriCorps has child care services available.

(b) If the consumer is using the AmeriCorps child care services, they are not eligible for WCCC.

(10) Gross wages from employment or self-employment as defined in WAC 170-290-0003. Gross wages includes any wages that are taxable;

(11) Corporate compensation received by or on behalf of the consumer, such as rent, living expenses, or transportation expenses;

(12) Lump sums as money a consumer receives from a one-time payment such as back child support, an inheritance, or gambling winnings; and

(13) Income for the sale of property as follows:

(a) If a consumer sold the property before application, DSHS considers the proceeds an asset and does not count as income;

(b) If a consumer sold the property in the month the consumer applies or during the consumer's eligibility period, DSHS counts it as a lump sum payment as described in WAC 170-290-0065(2);

(c) Property does not include small personal items such as furniture, clothes, and jewelry.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0060, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0060, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0060, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0060, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0060, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0060, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0060, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0060, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0065 Calculation of income. DSHS uses a consumer's countable income when determining income eligibility and copayment. A consumer's countable income is the sum of all income listed in WAC 170-290-0060 minus any child support paid out through a court order, division of child support administrative order, or tribal government order.

(1) To determine a consumer's income, DSHS either:

(a) Calculates an average monthly income by:

(i) Determining the number of months, weeks or pay periods it took the consumer's WCCC household to earn the income; and

(ii) Dividing the income by the same number of months, weeks or pay periods; or

(b) When the consumer begins new employment and has less than three months of wages, DSHS uses the best available estimate of the consumer's WCCC household's current income:

(i) As verified by the consumer's employer; or

(ii) As provided by the consumer through a verbal or written statement documenting the new employment at the time of application, reapplication or change reporting, and wage verification within sixty days of DSHS request.

(2) If a consumer receives a lump sum payment (such as money from the sale of property or back child support payment) in the month of application or during the consumer's WCCC eligibility:

(a) DSHS calculates a monthly amount by dividing the lump sum payment by twelve;

(b) DSHS adds the monthly amount to the consumer's expected average monthly income:

(i) For the month it was received; and

(ii) For the remaining months of the current eligibility period; and

(c) To remain eligible for WCCC the consumer must meet WCCC income guidelines after the lump sum payment is applied.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0065, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0065, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-

043, § 170-290-0065, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0065, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0065, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0065, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0070 Excluded income and deductions. (1) DSHS does not count the following income types when determining a consumer's income eligibility and copayment:

(a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;

(b) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(c) Adoption support assistance and foster care payments;

(d) Reimbursements, such as an income tax refund;

(e) Diversion cash assistance;

(f) Military housing and food allowance;

(g) The TANF grant for the first three consecutive calendar months after the consumer starts a new job. The first calendar month is the month in which he or she starts working;

(h) Payments to the consumer from the consumer's employer for benefits such as medical plans;

(i) Earned income of a WCCC family member defined under WAC 170-290-0015(2);

(j) Income of consumers described in WAC 170-290-0005 (1)(c)(iii) through (x);

(k) Earned income from a minor child who DSHS counts as part of the consumer's WCCC household; and

(l) Benefits received by children of Vietnam War veterans who are diagnosed with any forms or manifestations of spina bifida except spina bifida occulta.

(2) DSHS deducts the amount a consumer pays for child support under court order, division of child support administrative order, or tribal government order, from the consumer's other countable income when determining eligibility and copayment for the WCCC voucher or contract programs.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0070, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0070, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0070, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0070, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0070, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0070, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0070, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0075 Determining income eligibility and copayment amounts. (1) DSHS takes the following steps to determine a consumer's eligibility and copayment, whether care is provided under a WCCC voucher or contract:

(a) Determine the consumer's family size (under WAC 170-290-0015); and

(b) Determine the consumer's countable income (under WAC 170-290-0065).

(2) DSHS calculates the consumer's copayment as follows:

IF A CONSUMER'S INCOME IS:	THEN THE CONSUMER'S COPAYMENT IS:
(a) At or below 82% of the federal poverty guidelines (FPG).	$15
(b) Above 82% of the FPG up to 137.5% of the FPG.	$65
(c) Above 137.5% of the FPG through 200% of the FPG.	The dollar amount equal to subtracting 137.5% of the FPG from countable income, multiplying by 50%, then adding $65.

(3) DSHS does not prorate the copayment when a consumer uses care for part of a month.

(4) The FPG is updated every year. The WCCC eligibility level is updated at the same time every year to remain current with the FPG.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0075, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0075, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0075, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0075, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0075, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0075, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-067, § 388-290-0075, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0075, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0082 Eligibility period. (1) A consumer who meets all of the requirements of part II of this chapter is eligible to receive WCCC subsidies for twelve months. The twelve-month eligibility period in this subsection applies only if enrollments in the WCCC program are capped as provided in WAC 170-290-0001(1).

(2) Regardless of the length of eligibility, consumers are still required to report changes of circumstances to DSHS as provided in WAC 170-290-0031.

(3) All children in the consumer's household under WAC 170-290-0015 are eligible for the twelve-month eligibility period.

(4) The twelve-month eligibility period begins:

(a) When the benefits begin under WAC 170-290-0095; or

(b) Upon reapplication under WAC 170-290-0109.

(5) A consumer's eligibility may be for less than twelve months if:

(a) Requested by the consumer; or

(b) DSHS terminates the consumer's eligibility as stated in WAC 170-290-0110.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0082, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0082, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0082, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0082, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2010 c 273, chapter 43.215 RCW,

and 2006 c 265. WSR 10-15-063 and 10-16-128, § 170-290-0082, filed 7/15/10 and 8/3/10, effective 9/1/10. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0082, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0082, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0082, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0085 Change in copayment. (1) A consumer's copayment may change when:

(a) The consumer's monthly income decreases;

(b) The consumer's family size increases and causes the copayment to decrease;

(c) DSHS makes an error in the consumer's copayment computation;

(d) The consumer did not report all income, activity and household information at the time of application, reapplication, or when reporting a change in circumstances;

(e) The consumer is no longer eligible for the minimum copayment under WAC 170-290-0090;

(f) DEL makes a mass change in benefits due to a change in law or program funding; or

(g) The consumer is approved for a new eligibility period.

(2) Copayment changes are effective on the first day of the month immediately following the date the copayment change was made.

(3) DSHS does not increase a consumer's copayment during the current eligibility period when countable income remains at or below the maximum eligibility limit as provided in WAC 170-290-0005.

(4) DSHS does not prorate the copayment.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0085, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0085, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0085, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0085, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0085, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0085, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0085, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-067, § 388-290-0085, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0085, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0090 Minimum copayment. (1) The minimum copayment is paid when the consumer has countable monthly income at or below eighty-two percent of the federal poverty guidelines.

(2) **First application.** The consumer pays the minimum copayment at first application for WCCC when benefits are paid. The consumer pays the minimum copayment:

(a) Beginning in the month that DSHS pays for WCCC child care services; and

(b) The first full calendar month thereafter.

(3) **Reapplication.** The consumer pays the minimum copayment at reapplication for WCCC after a break of at least thirty days in the consumer's approved activities. The consumer pays the minimum copayment:

(a) Beginning in the month that DSHS pays for WCCC services; and

(b) The first full calendar month thereafter.

(4) The consumer pays the minimum copayment when he or she is a minor parent, and:

(a) Receives TANF; or

(b) Is part of the parent's or relative's TANF assistance unit.

(5) DSHS does not prorate the copayment.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0090, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0090, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0090, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0090, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0090, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0090, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0090, filed 12/19/01, effective 1/19/02.]

Start Dates and Eligibility Period

WAC 170-290-0095 When WCCC benefits start. (1) WCCC benefits for an eligible consumer may begin when the following conditions are met:

(a) The consumer has completed the required WCCC application and verification process as described under WAC 170-290-0012 within thirty days of the date DSHS received the consumer's application for WCCC benefits, except in the case of new employment or new non-TANF activities. In those cases, under WAC 170-290-0012 and 170-290-0014, the consumer must provide third-party verification within sixty days of DSHS approving the application or reapplication;

(b) The consumer is working or participating in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050 or 170-290-0055; and

(c) The consumer needs child care for approved activities within at least thirty days of the date of application for WCCC benefits.

(2) If a consumer fails to turn in all information within thirty days from the application date, the consumer must restart the application process, except in the case of new employment or new non-TANF activities. In those cases, under WAC 170-290-0012 and 170-290-0014, the consumer must provide third-party verification within sixty days of DSHS approving the application or reapplication.

(3) The consumer's application date is whichever of the following is earlier:

(a) The date the consumer's application is entered into DSHS's automated system; or

(b) The date the consumer's application is date stamped as received.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0095, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0095, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0095, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-

290-0095, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0095, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0095, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0095, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0095, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0106 When provider payments start. The provider is eligible to receive payment when both of the following are met:

(1) The consumer has chosen the eligible provider (under WAC 170-290-0125) and the provider is caring for the children during an eligibility period; and

(2) DSHS notifies the provider that the consumer is eligible.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0106, filed 4/15/16, effective 5/16/16.]

WAC 170-290-0107 Denial of benefits—Date of redetermining eligibility. DSHS sends a consumer a denial letter when the consumer has applied for child care and the consumer:

(1) Withdraws the request;

(2) Is not eligible due to the consumer's:

(a) Family composition;

(b) Income; or

(c) Activity.

(3) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-0012 within thirty days;

(4) If a consumer turns in information or otherwise meets eligibility requirements after DSHS sends the consumer a denial letter, DSHS determines the consumer's benefit begin date as provided in WAC 170-290-0095.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0107, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0107, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0107, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0107, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0107, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0109 Reapplication. (1) If a consumer wants to receive uninterrupted child care benefits for another eligibility period, the consumer must reapply for WCCC benefits before the end of the current eligibility period. To determine if a consumer is eligible, DSHS:

(a) Requests reapplication information before the end date of the consumer's current WCCC eligibility period; and

(b) Verifies the requested information for completeness and accuracy.

(2) A consumer may be eligible for WCCC benefits for a new eligibility period if:

(a) DSHS receives the consumer's reapplication information no later than the last day of the current eligibility period;

(b) The consumer's provider is eligible for payment under WAC 170-290-0125; and

(c) The consumer meets all WCCC eligibility requirements.

(3) Effective October 1, 2016, if a consumer's household has countable income greater than two hundred percent of the federal poverty guidelines (FPG) but less than two hundred twenty percent of the FPG, the consumer may be eligible for a three-month eligibility period called Income Phase-Out. In determining eligibility for the Income Phase-Out period, the following rules apply:

(a) All countable income must be greater than two hundred percent of the FPG and less than two hundred twenty percent of the FPG. If the countable income is equal to or greater than two hundred twenty percent of the FPG, DSHS denies the reapplication;

(b) DSHS applies all other eligibility criteria for a reapplication, with the exception of income as described above;

(c) There is no break between the twelve-month eligibility period and the Income Phase-Out period;

(d) DSHS calculates the consumer's copayment at two hundred percent of the FPG of countable household income;

(e) DSHS certifies the consumer for a three-month eligibility period;

(f) The consumer will need to reapply for a new twelve-month certification period if the consumer's household income falls below two hundred percent of the FPG during or at the end of the three-month Income Phase-Out period; and

(g) The consumer will not be eligible for a second, back-to-back Income Phase-Out period if the countable income of the consumer's household remains equal to or greater than two hundred percent of the FPG and less than two hundred twenty percent of the FPG at the end of the first three-month Income Phase-Out period.

(4) If DSHS determines that a consumer is eligible for WCCC benefits based on reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.

(5) When a consumer submits a reapplication after the last day of the current eligibility period, the consumer's benefits begin:

(a) On the date that the consumer's reapplication is date-stamped as received in DSHS's community service office or entered into the DSHS automated system, whichever date is earlier;

(b) When the consumer is working or participating in an approved activity; and

(c) The consumer's child is being cared for by an eligible WCCC provider.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0109, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0109, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0109, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0109, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0110 Termination of and redetermining eligibility for benefits. (1) DSHS stops a consumer's eligibility for WCCC benefits when the consumer does not:

(a) Comply with the copayment requirements of WAC 170-290-0030 (3) and (4);

(b) Complete the requested application or reapplication before the deadline noted in WAC 170-290-0109 (2)(a);

(c) Enter the approved activity at the end of the fourteen-day wait period;

(d) Complete the WorkFirst orientation process when approved for TANF;

(e) Return the requested income verification of new employment by the sixtieth day as provided in WAC 170-290-0012; or

(f) Cooperate with the child care subsidy audit process or with the DSHS office of fraud and accountability (OFA).

(2) A consumer may be eligible for WCCC again beginning on the date that the consumer:

(a) Meets all WCCC eligibility requirements;

(b) Complies with the copayment requirements of WAC 170-290-0030 (3) and (4); and

(c) Cooperates with the child care subsidy audit process or with the DSHS office of fraud and accountability (OFA).

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0110, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0110, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0110, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0110, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0110, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0110, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0110, filed 12/19/01, effective 1/19/02.]

Notice

WAC 170-290-0115 Notice of payment changes. DSHS provides WCCC consumers with at least ten days written notice for changes to WCCC eligibility or provider payments, or when DSHS forces a change in child care arrangements.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0115, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0115, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0115, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0115, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0120 When notice of payment changes is not required. DSHS does not give a consumer written notice of changes to WCCC eligibility or provider payments when:

(1) The consumer tells DSHS that he or she no longer wants WCCC; or

(2) The consumer has not informed DSHS of his or her new mailing address.

[Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0120, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0120, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0120, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0120, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0120, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0120, filed 12/19/01, effective 1/19/02.]

Eligible Child Care Providers

WAC 170-290-0125 Eligible child care providers. To receive payment under the WCCC program, a consumer's child care provider must be:

(1) An in-home/relative provider. Providers other than those specified in subsection (2) of this section must meet the requirements in WAC 170-290-0130; or

(2) **A licensed, certified, or DEL-contracted provider.**

(a) Licensed providers must:

(i) Be currently licensed as required by chapter 43.215 RCW and as described by chapters 170-295, 170-296A, or 170-297 WAC; or

(ii) Meet the provider's state's licensing regulations, for providers who care for children in states bordering Washington. DSHS pays the lesser of the following to qualified child care facilities in bordering states:

(A) The provider's private pay rate for that child; or

(B) The DSHS maximum child care subsidy daily rate for the DSHS region where the child resides.

(b) Certified providers are exempt from licensing but certified by DEL, such as:

(i) Tribal child care facilities that meet the requirements of tribal law;

(ii) Child care facilities on a military installation; and

(iii) Child care facilities operated on public school property by a school district.

(c) New child care providers, as defined in WAC 170-290-0003, who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who received a subsidy payment for nonschool age child care on or after July 1, 2016, and received no such payments during the period July 1, 2015, through June 30, 2016, must:

(i) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care.

(A) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and

(B) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.

(ii) Adhere to the provisions for participation as outlined in the most recent version of the *Early Achievers Operating Guidelines*. Failure to adhere to these guidelines may result in a provider's loss of eligibility to receive state subsidy payments nonschool age child care;

(iii) Complete level 2 activities in the early achievers program within twelve months of enrollment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(iv) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If an eligible pro-

vider fails to rate at a level 3 or higher within thirty months of enrollment in the early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher within six months of beginning remedial activities. A provider who fails to receive a rating within thirty months of enrollment or fails to rate at a level 3 or higher within six months of beginning remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and

(v) Maintain an up to date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.

(d) Existing child care providers who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who have received a subsidy payment for a nonschool age child in the period July 1, 2015, through June 30, 2016, must:

(i) Enroll in the early achievers program by August 1, 2016. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(A) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and

(B) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.

(ii) Complete level 2 activities in the early achievers program by August 1, 2017. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(iii) Rate at a level 3 or higher in the early achievers program by December 31, 2019;

(iv) If an existing provider fails to rate at a level 3 or higher by December 31, 2019, in the early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher by June 30, 2020. A provider who fails to receive a rating by December 31, 2019, or fails to rate at a level 3 or higher by June 30, 2020, after completing remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and

(v) Maintain an up-to-date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.

(e) If a child care provider serving nonschool age children, as defined in WAC 170-290-0003, and receiving state subsidy payments for nonschool age child care has successfully completed all level 2 activities and is waiting to be rated, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity.

(f) DEL-contracted seasonal day camps have a contract with DEL to provide subsidized child care.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0125, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0125, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0125, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0125, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0125, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0125, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0125, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0130 In-home/relative providers—Eligibility. (1) To be eligible as an in-home/relative provider to care for children under WCCC, the applicant must be:

(a) Eighteen years of age or older;

(b) A citizen or legal resident of the U.S.; and

(c) Meet all of the requirements listed in WAC 170-290-0135.

(2) Additionally, eligible in-home/relative providers must:

(a) Meet all applicable background check requirements in part II of this chapter;

(b) Agree to provide care, supervision, and daily activities based on the child's developmental needs, including environmental, physical, nutritional, emotional, cognitive, safety, and social needs; and

(c) Bill only for actual hours of care provided. Those hours must be authorized by DSHS and used by the parent.

(3) The following eligible in-home/relative providers, except those providers residing with a disqualified person, may provide care in either their home or the child's home:

(a) Adult siblings that live outside the child's home;

(b) Extended tribal family members;

(c) Grandparents or great-grandparents; or

(d) Aunts or uncles, or great-aunts or great-uncles.

(4) All other eligible providers, including other family members, friends, neighbors, or nannies must provide care in the child's home only.

(5) The following persons are not eligible to provide in-home/relative care under part II of this chapter:

(a) The child's biological, adoptive, or step-parent;

(b) The child's legal guardian or the guardian's spouse or live-in partner;

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner; or

(d) An individual who has a revoked child care license.

(6) WCCC consumers may have up to two in-home/relative providers authorized for payment during the consumer's eligibility period plus one back-up provider, either licensed or in-home/relative, also authorized to care for the consumer's children.

(7) WCCC consumers who choose in-home/relative care are responsible to monitor the environment and child care services they receive from their provider. WCCC consumers must ensure that their children who receive subsidized child care outside of their own home are current on all Washington state immunizations, unless exempt under department of health regulations.

(8) In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the

hours in which they provide subsidized child care. A child care provider who receives TANF benefits on behalf of a dependent child may not bill the state for subsidized child care for that same child.

(9) In-home/relative provider payments cannot begin prior to the receipt of all required background checks indicating no disqualifying information.

(10) WCCC consumers must be in an approved activity at application and reapplication and the requirements in WAC 170-290-0020 pertain for the in-home/relative provider to be eligible for subsidy payments.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0130, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0130, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-039, § 170-290-0130, filed 11/20/15, effective 12/21/15. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0130, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0130, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0130, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0130, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0130, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0130, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0130, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0135 In-home/relative providers—Information provided to DSHS. (1) When a consumer chooses in-home/relative child care, the consumer and the provider must give DSHS the following information:

(a) The in-home/relative provider's legal name, address and telephone number;

(b) A copy of the provider's valid Social Security card;

(c) A copy of the provider's photo identification;

(d) A completed, signed and dated background check form; and

(e) A completed provider application form, signed and dated by the consumer and the provider, in which they both attest that the provider is:

(i) Of suitable character and competence;

(ii) Of sufficient physical and mental health to be a safe child care provider and meet the needs of the children in care;

(iii) Able to work with the children without using corporal punishment or psychological abuse;

(iv) Able to accept and follow instructions;

(v) Able to maintain personal cleanliness;

(vi) Prompt and regular in job attendance;

(vii) Informed about basic health practices, prevention and control of infectious disease, and immunizations; and

(viii) Not an individual who has a revoked child care license.

(2) If DSHS requests it, the consumer and/or the provider must provide written medical or legal evidence that the in-home/relative provider is of sufficient physical and mental health to provide safe, reliable and developmentally appropriate child care services.

(3) The provider must give DSHS information as to whether an individual sixteen years of age or older living with the provider is a registered sex offender.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0135, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-039, § 170-290-0135, filed 11/20/15, effective 12/21/15. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0135, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0135, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0135, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0135, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0135, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0135, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0135, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0138 In-home/relative providers—Responsibilities. An in-home/relative provider must:

(1) Provide care, supervision, and daily activities based on the child's developmental needs;

(2) Report to DSHS within ten days any changes to their legal name, address or telephone number;

(3) Report to DSHS within twenty-four hours any pending charges or convictions they have;

(4) Report to DSHS within twenty-four hours any pending charges or convictions for anyone sixteen years of age and older who lives with the provider, including any person sixteen years of age or older who newly resides with the provider, when the provider cares for the child in the provider's home. Background checks must be completed for these persons as provided in WAC 170-290-0143;

(5) Report a revoked child care license;

(6) Bill only for actual hours of care provided. Those hours:

(a) Must be authorized by DSHS;

(b) Must be used by the consumer; and

(c) Can be claimed whether or not the consumer is present during the hours of care.

(7) Bill for no more than six children at one time during the same hours of care;

(8) Track attendance documenting the days and hours of care provided and keep records for five years:

(a) If paper attendance records are used, the provider must have the consumer sign and date the attendance records at least weekly, verifying the accuracy of the dates and times.

(b) Providers may use an electronic attendance system as provided in WAC 170-290-0139 to record attendance in lieu of a paper sign-in record;

(9) Repay any overpayments under WAC 170-290-0268; and

(10) Have at least one working telephone accessible in the home for incoming and outgoing calls during all times that subsidized child care is provided. The telephone must have 911 emergency services calling access.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0138, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0138, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW

43.215.070 and chapter 43.215 RCW. WSR 15-24-039, § 170-290-0138, filed 11/20/15, effective 12/21/15. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0138, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0138, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0138, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0138, filed 10/31/05, effective 12/1/05.]

WAC 170-290-0139 In-home/relative providers—Electronic attendance records—Records retention. (1) If an electronic system is used to record attendance, it must record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent or designee when signing the child in and out of the in-home/relative provider's care.

(2) The electronic system selected must ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against repudiation of the electronic records, and must be able to:

(a) Produce an authentic, verifiable written record for each transaction upon demand that complies with all legal and other requirements regarding the record's structure, content, and time of creation or receipt;

(b) Prove the identity of the sender of the record and ensure that the electronic record has not been altered;

(c) Uniquely identify each record;

(d) Capture an electronic record for each transaction conducted;

(e) Maintain the integrity of electronic records as captured or created so that they can be accessed, displayed and managed as a unit;

(f) Retain electronic records in an accessible form for their legal minimum retention period;

(g) Search and retrieve electronic records in the normal course of business throughout their entire legal minimum retention period;

(h) Produce authentic copies of electronic records and supply them in useable formats, including hard copies, for business purposes and all public access purposes;

(i) Develop an approach to maintain the authenticity and integrity of electronically signed electronic records;

(j) Ensure that the electronic system performs in an accurate, reliable, and consistent manner in the normal course of business; and

(k) Limit system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(3) Electronic attendance records must contain all of the information necessary to reproduce the entire electronic record and associated signatures in a form that permits the person viewing or printing the entire electronic record to verify:

(a) The contents of the electronic record;

(b) The method used to sign the electronic record, if applicable;

(c) The person signing the electronic record; and

(d) The date when the signature was executed.

(4) As used in this section:

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature. An electronic signature is a paperless way to sign a document using an electronic sound, symbol, or process, attached to or logically associated with a record, and executed or adopted by a person with the intent to sign the record.

"Sign" includes signing by physical signature, if available, or electronic signature.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0139, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0139, filed 5/8/12, effective 6/8/12.]

WAC 170-290-0140 In-home/relative providers—Ineligibility. DSHS does not pay for the cost of child care provided by an in-home/relative provider if:

(1) The provider does not meet the requirements listed in WAC 170-290-0130, 170-290-0135, and 170-290-0138;

(2) The provider has been convicted of, or has charges pending for crimes on the DEL director's list in WAC 170-06-0120;

(3) DSHS has not received all background check results under WAC 170-290-0143 and 170-290-0150; or

(4) DSHS determines a consumer's provider is not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care, or the consumer's child may be at risk of harm by this provider, as indicated by information other than conviction information. When reviewing information about incidents, issues, reports, and findings DSHS will consider:

(a) Recency;

(b) Seriousness;

(c) Type;

(d) Frequency; and

(e) Relationship of the information obtained to the direct care of a child including, but not limited to, impacts to the child's environmental, physical, nutritional, emotional, cognitive, safety, and social needs.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0140, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0140, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0140, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0140, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0140, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0140, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0143 In-home/relative providers—Background checks—Required persons. (1) A background check must be completed for:

(a) All in-home/relative providers who apply to care for a WCCC consumer's child; and

(b) Any individual sixteen years of age or older who is residing with a provider when the provider cares for the child in the provider's own home where the child does not reside.

(2) A background check must be completed for individuals listed in subsection (1)(a) and (b) of this section at least every two years.

(3) Additional background checks must be completed for individuals listed in subsection (1)(a) and (b) of this section when:

(a) Any individual sixteen years of age or older is newly residing with a provider when the provider cares for the child in the provider's own home where the child does not reside;

(b) DSHS has a valid reason to check more frequently;

(c) An in-home/relative provider applies to provide care for a family, such as when:

(i) A thirty day break in service occurs to the current consumer;

(ii) There is a thirty day break in consumer eligibility; or

(iii) A provider is currently providing care and there are no prior background results for this provider.

(4) DSHS does not need to request a new background check for an individual in subsection (1)(a) or (b) if:

(a) DSHS has results that were received no more than ninety days prior to the current requested start date of care; and

(b) The results indicate there is no record.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0143, filed 4/15/16, effective 5/16/16; WSR 14-03-021, § 170-290-0143, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0143, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 388-290-0143, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0143, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0143, filed 6/27/02, effective 7/1/02.]

WAC 170-290-0145 In-home/relative providers—Background checks—Reasons and notification. (1) DSHS requires background checks to:

(a) Help safeguard the health, safety, and well-being of children;

(b) Reduce the possible risk of harm from persons who have been convicted or have charges pending of certain crimes having access to WCCC children; and

(c) Help consumers make informed decisions about individuals who have access to their children.

(2) DSHS notifies the WCCC consumer, after receiving the results of the background checks, if the consumer's chosen provider is an eligible provider under the WCCC rules.

(3) DSHS also notifies the consumer of the following results from the completed background checks:

(a) No background information is found given current sources of information;

(b) Background information is found, but the information will not disqualify the individual being checked; or

(c) Background information is found that disqualifies the individual being checked.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0145, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0145, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0145, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0145, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0145, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0150 In-home/relative providers—Background checks—Included information and sources. (1) DSHS obtains background information, at a minimum, from the Washington state patrol under chapter 10.97 RCW and RCW 43.43.830 through 43.43.837 via the background check central unit (BCCU).

(2) The background information includes, at a minimum, criminal convictions and pending charges. Additional sources may include:

(a) Child/adult protective service case information;

(b) Civil judgments, determinations, or disciplinary board final decisions of abuse or neglect;

(c) Other states and federally recognized Indian tribes;

(d) The department of corrections and the courts;

(e) The individual being checked, if that individual self-discloses information; and

(f) Law enforcement records of convictions and pending charges in other states or locations if reports from credible community sources indicate a need to investigate another state's records.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0150, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0150, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0150, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0150, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0150, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0150, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0155 In-home/relative providers—Background checks—Subsequent steps. After DSHS receives the background information, DSHS:

(1) Compares the background information with convictions of, or charges pending for crimes on the DEL director's list in WAC 170-06-0120;

(2) Reviews the background information using the following rules:

(a) DSHS gives the same weight to a pending charge for a crime as a conviction;

(b) If the conviction has been renamed, DSHS gives the same weight as the previous named conviction. For example, larceny is now called theft;

(c) DSHS gives convictions whose titles are preceded with the word "attempted" the same weight as those titles without the word "attempted"; and

(d) DSHS does not consider the crime a conviction for the purposes of WCCC when:

(i) It has been pardoned; or

(ii) A court of law acts to expunge, dismiss, or vacate the conviction record.

(3) Notifies the consumer whether or not the provider has been disqualified for WCCC;

(4) Allows the consumer to decide character and suitability of the provider when an individual is not automatically disqualified due to the background information from the record of arrests and prosecutions (RAP) sheet or other infor-

mation available to DSHS, except as provided under WAC 170-290-0165(1); and

(5) Denies or stops payment when the background information disqualifies the individual being checked.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0155, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0155, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0155, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0155, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.-085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0155, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0155, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0155, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0160 In-home/relative providers—Background checks—Disqualified providers. (1) DSHS permanently disqualifies the person as an in-home/relative provider for WCCC if:

(a) The provider or an individual listed in WAC 170-290-0143(2) has a background containing a permanently disqualifying conviction for crimes on the DEL director's list in WAC 170-06-0120(1); or

(b) Care takes place in the provider's home where the child does not reside and the provider knowingly gives DSHS incorrect or misleading information or withholds information as to whether an individual sixteen years of age or over living with the provider is a registered sex offender.

(2) If the conditions in WAC 170-290-0167 (1)(a) and (b) are met, the disqualifying background of an individual sixteen years of age or over living with the provider may not permanently disqualify the provider. This subsection does not apply to subsection (1)(b) of this section.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-03-021, § 170-290-0160, filed 1/7/14, effective 2/7/14; WSR 12-11-025, § 170-290-0160, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0160, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0160, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0160, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0160, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0160, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0165 In-home/relative providers—Background checks—Other disqualifying information. (1) DSHS can disqualify a consumer's in-home/relative provider if the individual being checked has a background containing information other than conviction information that DSHS determines:

(a) Makes the individual not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care; or

(b) Puts the consumer's child at risk for harm.

(2) If an individual being checked has a background containing a five-year disqualifying conviction for crimes on the DEL director's list in WAC 170-06-0120(2), the consumer's provider is disqualified as an in-home/relative provider for WCCC for five years after the conviction date.

(3) If an individual being checked has:

(a) A conviction listed in subsection (2) of this section, and it has been more than five years; or

(b) Any conviction other than those crimes on the DEL director's list in WAC 170-06-0120, DSHS allows the consumer to determine the provider's character, suitability, and competence by reviewing important information such as the:

(i) Amount of time that has passed since the conviction;

(ii) Seriousness of the crime that led to the conviction;

(iii) Individual's age at the time of conviction;

(iv) Individual's behavior since the conviction;

(v) Number and types of convictions in the individual's background; and

(vi) Individual's verification, if any, of successful completion of all court-ordered programs and restitution.

(4) If conditions in WAC 170-290-0167 (1)(a) and (b) are met, the disqualifying background of an individual sixteen years of age or over living with the provider may not disqualify the provider.

[Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0165, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0165, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0165, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0165, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0165, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0167 In-home/relative providers—Background checks—Disqualified person living with the provider. (1) If a consumer's in-home/relative provider is disqualified based only on the disqualifying background of a person living with the provider, then:

(a) Child care is allowed only in the child's home away from the disqualified individual, regardless of whether or not the provider meets the other qualifications listed in WAC 170-290-0130; and

(b) The consumer and provider sign an agreement with DSHS stating that:

(i) Care will occur only in the child's home; and

(ii) There is no contact between the child and disqualified person during child care hours.

(2) The consumer may also choose to select a licensed child care center or family child care home provider, or submit an application for a different in-home/relative provider.

(3) If DSHS becomes aware that the consumer and provider are not meeting the conditions in subsection (1)(a) and (b) of this section:

(a) DSHS may terminate payments without notice as provided under WAC 170-290-0115; and

(b) The consumer may be subject to an overpayment under WAC 170-290-0271.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0167, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0167, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0167, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-

134, § 388-290-0167, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0167, filed 6/27/02, effective 7/1/02.]

Subsidy Rates and Fees

WAC 170-290-0180 WCCC subsidy rates. State child care subsidy rates in part II of this chapter are subject to legislative change.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0180, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0180, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0180, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0180, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0180, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0180, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0190 WCCC benefit calculations. (1) The amount of care a consumer may receive is determined by DSHS at application or reapplication. The consumer does not need to be in approved activities or a reported activity schedule, except at application or reapplication. Once the care is authorized, the amount will not be reduced during the eligibility period unless:

(a) The consumer requests the reduction;

(b) The care is for a school-aged child as described in subsection (3) of this section; and

(c) Incorrect information was given at application or reapplication according to WAC 170-290-0030.

(2) To determine the amount of weekly hours of care needed, DSHS will review:

(a) The consumer's participation in approved activities per WAC 170-290-0040, 170-290-0045, 170-290-0050, and 170-290-0055;

(b) The number of hours the child attends school, including home school, and reduce the amount of care;

(c) In a two parent household, the days and times the activities overlap, and only authorize care during those times;

(d) The parent, in a two parent household, who is not able to care for the child, as defined in WAC 170-290-0020, and exclude the activity requirements; and

(e) When a consumer requests and verifies the need for increased care, DSHS will increase the care for the remainder of the eligibility period.

(3) **Determining full-time care for a family using licensed providers:**

(a) Twenty-three full-day units per month will be authorized for one hundred ten hours of activity or more each month when the child needs care five or more hours per day;

(b) Thirty half-day units per month will be authorized for one hundred ten hours of activity or more each month when the child needs care less than five hours per day;

(c) Thirty half-day units per month will be authorized during the school year for a school-aged child who needs care less than five hours per day;

(d) Forty-six half-day units will be authorized during the months of July and August for a school-aged child who needs five or more hours of care;

(e) Twenty-three full-day units will be authorized during the school year for a school-aged child who needs care five or more hours per day;

(f) Supervisor approval is required for additional days of care that exceeds twenty-three full days or thirty half days; and

(g) Care cannot exceed sixteen hours per day, per child.

(4) **Determining full-time care for a family using in-home/relative providers (family, friend and neighbors).**

(a) Two hundred thirty hours of care will be authorized for one hundred ten hours of activity or more each month when the child needs care five or more hours per day;

(b) One hundred fifteen hours of care will be authorized for one hundred ten hours of activity or more each month when the child needs care less than five hours per day;

(c) One hundred fifteen hours of care will be authorized during the school year for a school-aged child who needs care less than five hours per day and the provider will be authorized contingency hours each month, up to a maximum of two hundred thirty hours;

(d) Two hundred thirty hours of care will be authorized during the school year for a school-aged child who needs care five or more hours in a day;

(e) Supervisor approval is required for hours of care that exceed two hundred thirty hours; and

(f) Care cannot exceed sixteen hours per day, per child.

(5) **Determining part-time care for a family using licensed providers and the activity is less than one hundred ten hours per month.**

(a) A full-day unit will be authorized for each day of care that exceeds five hours;

(b) A half-day unit will be authorized for each day of care that is less than five hours; and

(c) A half-day unit will be authorized for each day of care for a school-aged child, not to exceed thirty half days.

(6) **Determining part-time care for a family using in-home/relative providers (family, friend and neighbors).**

(a) Under the provisions of subsection (2) of this section, DSHS will authorize the number of hours of care needed per month when the activity is less than one hundred ten hours per month; and

(b) When the provider claims contingency hours, the total number of authorized hours and contingency hours claimed cannot exceed two hundred thirty hours per month.

(7) DSHS determines the allocation of hours or units for families with multiple providers based upon the information received from the parent.

(8) DSHS may authorize more than the state rate and up to the provider's private pay rate if:

(a) The parent is a WorkFirst participant; and

(b) Appropriate child care, at the state rate, is not available within a reasonable distance from the approved activity site. "Appropriate" means licensed or certified child care under WAC 170-290-0125, or an approved in-home/relative provider under WAC 170-290-0130. "Reasonable distance" is determined by comparing distances other local families must travel to access appropriate child care.

(9) Other fees DSHS may authorize to a provider are:

(a) Registration fees;

(b) Field trip fees;

(c) Nonstandard hours bonus;

(d) Overtime care to a licensed provider who has a written policy to charge all families, when care is expected to exceed ten hours in a day; and

(e) Special needs rates for a child.

(10) In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits cannot receive those benefits for their own children during the hours in which they provide subsidized child care.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-057, § 170-290-0190, filed 11/9/17, effective 12/10/17; WSR 17-18-009, § 170-290-0190, filed 8/24/17, effective 9/24/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0190, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0190, filed 4/15/16, effective 5/16/16; WSR 13-22-040, § 170-290-0190, filed 10/31/13, effective 12/1/13. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0190, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0190, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0190, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0190, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0190, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0190, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0190, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0190, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0200 Daily child care rates—Licensed or certified child care centers and DEL contracted seasonal day camps. (1) **Base rate.** DSHS pays the lesser of the following to a licensed or certified child care center or DEL contracted seasonal day camp:

(a) The provider's private pay rate for that child; or

(b) The maximum child care subsidy daily rate for that child as listed in the following table:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	$34.03	$28.62	$27.03	$25.46
	Half-Day	$17.02	$14.31	$13.52	$12.73
Spokane County	Full-Day	$34.81	$29.28	$27.67	$26.05
	Half-Day	$17.41	$14.64	$13.84	$13.03
Region 2	Full-Day	$34.39	$28.68	$26.61	$23.53
	Half-Day	$17.20	$14.34	$13.31	$11.77
Region 3	Full-Day	$45.50	$37.93	$32.78	$31.82
	Half-Day	$22.75	$18.97	$16.39	$15.91
Region 4	Full-Day	$52.94	$44.20	$37.10	$33.41
	Half-Day	$26.47	$22.10	$18.55	$16.71
Region 5	Full-Day	$38.82	$33.41	$29.40	$26.12
	Half-Day	$19.41	$16.71	$14.70	$13.06
Region 6	Full-Day	$38.18	$32.78	$28.62	$28.01
	Half-Day	$19.09	$16.39	$14.31	$14.01

(Chart effective 09/01/17)

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) The child care center WAC 170-295-0010 and 170-295-0050 allows providers to care for children from one month up to and including the day before their thirteenth birthday. The provider must obtain a child-specific and time-limited exception from their child care licensor to provide care for a child outside the age listed on the center's license. If the provider has an exception to care for a child who has reached the child's thirteenth birthday, the payment rate is the same as subsection (1) of this section, and the five through twelve year age range column is used for comparison.

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception and the child must meet the special needs requirement according to WAC 170-290-0220.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1. WSR 17-21-077, § 170-290-0200, filed 10/16/17, effective 11/16/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0200, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0200, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0200, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0200, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0200, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0200, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0200, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0200, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0200, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0200, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0200, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0200, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0200, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0200, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0205 Daily child care rates—Licensed or certified family home child care providers. (1) **Base rate.** DSHS pays the lesser of the following to a licensed or certified family home child care provider:

(a) The provider's private pay rate for that child; or

(b) The maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	$29.62	$29.62	$25.76	$23.78	$21.14
	Half-Day	$14.81	$14.81	$12.88	$11.89	$10.57
Spokane County	Full-Day	$30.32	$30.32	$26.36	$24.32	$21.60
	Half-Day	$15.16	$15.16	$13.18	$12.16	$10.80
Region 2	Full-Day	$30.66	$30.66	$26.66	$24.44	$22.46
	Half-Day	$15.33	$15.33	$13.33	$12.22	$11.23
Region 3	Full-Day	$41.98	$41.98	$35.54	$35.54	$28.80
	Half-Day	$20.99	$20.99	$17.77	$17.77	$14.40
Region 4	Full-Day	$53.30	$53.30	$44.42	$39.98	$31.68
	Half-Day	$26.65	$26.65	$22.21	$19.99	$15.84
Region 5	Full-Day	$36.34	$36.34	$31.60	$26.66	$22.46
	Half-Day	$18.17	$18.17	$15.80	$13.33	$11.23
Region 6	Full-Day	$32.68	$32.68	$28.42	$26.66	$25.10
	Half-Day	$16.34	$16.34	$14.21	$13.33	$12.55

(Chart effective until ratification of the 2017-19 collective bargaining agreement with SEIU 925, or July 1, 2017, whichever occurs later.)

		Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	$30.21	$30.21	$26.28	$24.26	$21.56
	Half-Day	$15.11	$15.11	$13.14	$12.13	$10.78
Spokane County	Full-Day	$30.93	$30.93	$26.89	$24.81	$22.03
	Half-Day	$15.47	$15.47	$13.45	$12.41	$11.02
Region 2	Full-Day	$31.27	$31.27	$27.19	$24.93	$22.91
	Half-Day	$15.64	$15.64	$13.60	$12.47	$11.46
Region 3	Full-Day	$42.82	$42.82	$36.25	$36.25	$29.38
	Half-Day	$21.41	$21.41	$18.13	$18.13	$14.69
Region 4	Full-Day	$54.37	$54.37	$45.31	$40.78	$32.31
	Half-Day	$27.19	$27.19	$22.66	$20.39	$16.16
Region 5	Full-Day	$37.07	$37.07	$32.23	$27.19	$22.91
	Half-Day	$18.54	$18.54	$16.12	$13.60	$11.46
Region 6	Full-Day	$33.33	$33.33	$28.99	$27.19	$25.60
	Half-Day	$16.67	$16.67	$14.50	$13.60	$12.80

(Chart effective upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, or July 1, 2017, whichever occurs later.)

(2) The family home child care WAC 170-296A-0010 and 170-296A-5550 allows providers to care for children from birth up to and including the day before their thirteenth birthday.

(3) If the family home provider cares for a child who is thirteen years of age or older, the provider must follow WAC 170-296A-0050 and 170-296A-5625 and the child must meet the special needs requirement according to WAC 170-290-0220.

(4) DSHS pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (5) of this section). Refer to subsection (1) and the five through twelve year age range column for comparisons.

(5) DSHS cannot pay family home child care providers to provide care for children in their care if the provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's legal guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0205, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0205, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0205, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0205, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0205, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0205, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0205, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0205, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0205, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0205, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0205, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0205, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0205, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0205, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0205, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0210 Tiered reimbursement and quality improvement awards. (1) Starting September 1, 2013, providers receiving payment under the WCCC program will receive a two percent increase in the subsidy rate, calculated on the base rate, for enrolling in level 2 in the early achievers program. Providers must complete level 2, advance to level 3 within thirty months, and maintain a level 3 rating in order to maintain this increase.

(2) Quality improvement awards, as described by chapter 43.215 RCW, are reserved for early achievers participating providers offering programs to an enrollment population consisting of at least five percent of nonschool age children receiving a state subsidy.

(a) Qualifying state subsidy programs include working connections child care (WCCC), seasonal child care (SCC), children's administration (CA) child care programs, homeless child care program (HCCP), ECLIPSE and medicare child care programs. Other qualifying programs may include those supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations.

(i) Participants providing homeless child care program, ECLIPSE, or medicaid services must present DEL with information indicating that services were provided under these programs.

(ii) Participants providing subsidized child care supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations must present DEL with information indicating that services were provided under these programs.

(b) Percent subsidy calculations are derived from a monthly average of the number of children receiving state subsidy divided by the monthly average licensed capacity of a specific provider over a twelve-month period.

(i) The twelve-month period utilized for the above calculation will include the twelve months prior to the formal release of a facility's early achievers rating.

(ii) Facilities must have provided care at least one day in a given month for that month to be utilized in the above calculation.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0210, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-113, § 170-290-0210, filed 10/22/13, effective 11/22/13.]

WAC 170-290-0220 Special needs rates—Qualification and required documentation. (1) **Qualification.** To qualify for a special needs rate in addition to the base rate, the consumer must request a special needs review for the child. The child must either:

(a) Be thirteen up to nineteen years of age and be under court supervision; or

(b) Be less than nineteen years of age and have a verified physical, mental, emotional, or behavioral condition that requires a higher level of care needed in the child care setting.

(2) **Required documentation.** The documentation must:

(a) Support the severity of the condition and level of care required to meet that child's need;

(b) Describe the child's additional needs above the daily routine care required under chapter 170-295, 170-296A, or 170-297 WAC, for child care providers who are licensed or certified, or WAC 170-290-0130 and 170-290-0138 for child care providers who provide in-home/relative care;

(c) Address relevant areas, such as ambulatory assistance, feeding, hygiene assistance, communication, or behavior as applicable and as needed by the child;

(d) Include completed DEL special needs request forms from both the consumer and the provider; and

(e) Have the child's condition and need for higher level of care verified by a qualified individual who is not employed by the child care facility nor a relative of the provider or the child's family, and is either a:

(i) Health, mental health, education or social service professional with at least a master's degree; or

(ii) Registered nurse.

New verification is not required at review or due to a change in provider, if the child's condition has been verified to be life-long and not improving;

(f) Include one or more of the following completed forms from a person listed in (e) of this subsection:

(i) Medical or psychological reports from a mental health professional;

(ii) Medical reports or statements from a medical health profession;

(iii) Individualized education plan (IEP);

(iv) Individual health plan (IHP);

(v) Individual family service plan (IFSP);

(vi) Basic health records from the health care provider; or

(vii) Comprehensive assessments from a mental health professional.

(g) For one-on-one care, the name of the person providing the care.

(3) **Special needs review.**

(a) DSHS processes all Level 1 special needs cases for children under thirteen within thirty calendar days from the date of the special needs request.

(b) DEL and DSHS jointly review Level 2 special needs cases for children under thirteen.

(c) DEL and DSHS jointly review all special needs requests for children thirteen years of age through nineteen years of age.

(d) All requests for Levels 1 and 2 special needs rates are decided within fifteen consecutive days of the initial request. The fifteen-day time limit begins on the day after the date that the consumer and provider provide all of the required verification for that case as provided in this section.

(e) The provider will be notified of the approval or denial of a Level 2 special needs rate request within fourteen calendar days of the decision.

(4) **Purpose of special needs rate.** 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. The special needs rate is for care provided in addition to the daily routine care required under chapter 170-295, 170-296A, or 170-297 WAC, for child care providers who are licensed or certified, or WAC 170-290-0130 and 170-290-0138 for child care providers who provide in-home/relative care.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-18-051, § 170-290-0220, filed 8/31/17, effective 10/1/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0220, filed 4/15/16, effective 5/16/16; WSR 14-03-060, § 170-290-0220, filed 1/13/14, effective 2/13/14; WSR 12-11-025, § 170-290-0220, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0220, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0220, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0220, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0220, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0225 Special needs rates—Licensed or certified child care facilities and seasonal day camps. (1) In addition to the base rate for licensed or certified child care facilities and seasonal day camps listed in WAC 170-290-0200, DSHS may authorize the following additional special needs daily rates which are reasonable and verifiable as provided in WAC 170-290-0220:

(a) **Level 1.** The daily rate listed in the table below:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	$7.30	$6.14	$5.80	$5.45
	Half-Day	$3.65	$3.07	$2.90	$2.73
Region 2	Full-Day	$7.36	$6.15	$5.70	$5.05
	Half-Day	$3.68	$3.08	$2.85	$2.52
Region 3	Full-Day	$9.75	$8.13	$7.02	$6.82
	Half-Day	$4.88	$4.06	$3.51	$3.41
Region 4	Full-Day	$11.35	$9.48	$7.95	$7.16
	Half-Day	$5.67	$4.74	$3.98	$3.58
Region 5	Full-Day	$8.32	$7.16	$6.30	$5.59
	Half-Day	$4.16	$3.58	$3.15	$2.80
Region 6	Full-Day	$8.18	$7.02	$6.14	$6.00
	Half-Day	$4.09	$3.51	$3.07	$3.00

(i) Centers in Clark County are paid Region 3 rates;

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates;

(b) **Level 2.** A rate greater than Level 1, not to exceed $15.89 per hour.

(2) If a provider is requesting one-on-one supervision or direct care for the child with special needs the person providing the one-on-one care must:

(a) Be at least eighteen years of age;

(b) Meet the requirements for being an assistant under chapter 170-295 WAC; and

(c) Maintain daily records of one-on-one care provided, to include the name of the employee providing the care.

(3) If the provider has an exception to care for a child who is age thirteen years or older and has special needs according to WAC 170-290-0220, DSHS authorizes the special needs payment rate as described in subsection (1) of this section using the five through twelve year age range for comparison.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0225, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0225, filed 5/30/14, effective 6/30/14; WSR 14-03-060, § 170-290-0225, filed 1/13/14, effective 2/13/14. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0225, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0225, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0225, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0225, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0225, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0225, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0225, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0230 Special needs rates—Licensed or certified family home child care providers. (1) In addition to the base rate for licensed or certified family home child care providers listed in WAC 170-290-0205, DSHS may authorize the following additional special needs daily rates which are reasonable and verifiable as provided in WAC 170-290-0220:

(a) **Level 1.** The daily rate listed in the table below:

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	$6.00	$5.40	$5.40	$4.80
	Half-Day	$3.00	$2.70	$2.70	$2.40
Region 2	Full-Day	$6.00	$5.70	$5.10	$5.10
	Half-Day	$3.00	$2.85	$2.55	$2.55
Region 3	Full-Day	$8.70	$7.50	$6.60	$6.00
	Half-Day	$4.35	$3.75	$3.30	$3.00
Region 4	Full-Day	$9.00	$8.90	$7.50	$7.20
	Half-Day	$4.50	$4.45	$3.75	$3.60
Region 5	Full-Day	$6.60	$6.00	$5.70	$5.10
	Half-Day	$3.30	$3.00	$2.85	$2.55
Region 6	Full-Day	$6.60	$6.00	$6.00	$5.70
	Half-Day	$3.30	$3.00	$3.00	$2.85

(b) **Level 2.** A rate greater than Level 1, not to exceed $15.89 per hour.

(2) If the provider has an exception to care for a child who:

(a) Is age thirteen years or older; and

(b) Has special needs according to WAC 170-290-0220, DSHS authorizes the special needs payment rate as described in subsection (1) of this section using the five through twelve year age range for comparison.

(3) If a provider is requesting one-on-one supervision/direct care for the child with special needs, the person providing the one-on-one care must:

(a) Be at least eighteen years of age;

(b) Meet the requirements for being an assistant under chapter 170-296A WAC; and

(c) Maintain daily records of one-on-one care provided, to include the name of the employee providing the care.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0230, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0230, filed 5/30/14, effective 6/30/14; WSR 14-03-060, § 170-290-0230, filed 1/13/14, effective 2/13/14. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0230, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0230, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0230, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0230, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0230, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0230, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0230, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0235 Special needs rates—In-home/relative providers. (1) In addition to the highest base rate as provided in WAC 170-290-0240(1), the state may authorize the following additional special needs rate:

(a) **Level 1.** Sixty-two cents per hour; or

(b) **Level 2.** A rate greater than Level 1, but not to exceed $9.41 per hour.

(2) If other children in the home are also authorized for in-home/relative care with the same provider, under WAC 170-290-0240:

(a) The child who needs the greatest number of hours of care will be authorized the greater base rate; and

(b) Each additional child in the family will be authorized the lower base rate.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0235, filed 4/15/16, effective 5/16/16; WSR 14-03-060, § 170-290-0235, filed 1/13/14, effective 2/13/14; WSR 12-11-025, § 170-290-0235, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0235, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0235, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0235, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0235, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0240 Child care subsidy rates—In-home/relative providers. (1) **Base rate.** When a consumer employs an in-home/relative provider, DSHS pays the lesser of the following to an eligible in-home/relative provider for child care:

(a) The provider's private pay rate for that child; or

(b) The maximum child care subsidy rate of two dollars and forty-seven cents per hour for the child who needs the greatest number of hours of care and two dollars and forty-four cents per hour for the care of each additional child in the family. Beginning July 1, 2017, or upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, whichever occurs later, the maximum child care subsidy rate and the rate for each additional child in the family increase to two dollars and fifty cents per hour.

(2) DSHS may pay above the maximum hourly rate for children who have special needs under WAC 170-290-0235.

(3) DSHS makes the WCCC payment directly to a consumer's eligible provider.

(4) When applicable, DSHS pays the employer's share of the following:

(a) Social Security and medicare taxes (FICA) up to the wage limit;

(b) Federal Unemployment Taxes (FUTA); and

(c) State unemployment taxes (SUTA).

(5) If an in-home/relative provider receives less than the wage base limit per family in a calendar year, DSHS refunds all withheld taxes to the provider.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0240, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0240, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-24-070, § 170-290-0240, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0240, filed 9/29/14, effective 10/30/14; WSR 13-21-113, § 170-290-0240, filed 10/22/13, effective 11/22/13. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0240, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0240, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0240, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0240, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0240, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0240, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0245 Registration fees. (1) DSHS may pay licensed or certified child care providers and DEL contracted seasonal day camps a registration fee when:

(a) A child is first enrolled by the consumer for child care with a provider;

(b) A consumer enrolls their child with a new child care provider during their eligibility period; or

(c) A child has more than a sixty-day break in child care services with the same provider, and it is the provider's policy to charge all parents this fee when there is a break in service.

(2) A registration fee will be paid only once per calendar year for children who are cared for by the same provider, even if the provider receives subsidy payments under different subsidy programs during this time period for the enrolled children, unless there is a break of sixty days or more as provided in subsection (1)(c) of this section.

[Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0245, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0245, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0245, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0245, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0245, filed 12/19/01, effective 1/19/02.]

WAC 170-290-0247 Field trip/quality enhancement fees. (1) DSHS pays licensed or certified family home child care providers a monthly field trip/quality enhancement fee up to thirty dollars per child or the provider's actual cost for the field trip, whichever is less, only if the fee is required of all parents whose children are in the provider's care. DEL-licensed or certified child care centers and school-age centers are not eligible to receive the field trip/quality enhancement fee.

(2) The field trip/quality enhancement fee is to cover the provider's actual expenses for:

(a) Admission;

(b) Enrichment programs and/or ongoing lessons;

(c) Public transportation or mileage reimbursement at the state office of financial management rate for the use of a private vehicle;

(d) The cost of hiring a nonemployee to provide an activity at the child care site in-house field trip activity; and

(e) The purchase or development of a prekindergarten curriculum.

(3) The field trip/quality enhancement fee shall not cover fees or admission costs for adults on field trips, or food purchased on field trips.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0247, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0247, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0247, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0247, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0247, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0249 Nonstandard hours bonus. (1) A consumer's provider may receive a nonstandard hours bonus (NSHB) payment of seventy-five dollars per child per month for care provided if:

(a) The provider is licensed or certified;

(b) The provider provides at least thirty hours of nonstandard hours care during one month; and

(c) The total cost of the NSHB to the state does not exceed the amount appropriated for this purpose by the legislature for the current state fiscal year.

(2) Nonstandard hours are defined as:

(a) Before 6 a.m. or after 6 p.m.;

(b) Any hours on Saturdays and Sundays; and

(c) Any hours on legal holidays, as defined in RCW 1.16.050.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0249, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0249, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0250 Eligible provider capacity and payment. (1) DSHS may pay:

(a) Licensed and certified providers for authorized care up to the provider's licensed capacity as determined under WAC 170-297-5625, 170-295-0080, or 170-296A-5700, as appropriate; and

(b) In-home/relative providers for authorized care up to a maximum of six eligible children as provided in WAC 170-290-0138.

(2) Licensed providers may not bill the state for more than the number of children they have in their licensed capacity and who are authorized to receive child care subsidies.

(3) A violation of subsection (2) of this section may:

(a) Result in the immediate suspension of the provider's subsidy payments; and

(b) Establish a provider overpayment as provided in WAC 170-290-0268.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0250, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0250, filed 5/8/12, effective 6/8/12.]

Payment Discrepancies

WAC 170-290-0266 Payment discrepancies—Generally. (1) Payment discrepancies include both underpayments and overpayments.

(2) For consumers not covered under WAC 170-290-0267 through 170-290-0275, payment discrepancies are subject to chapter 388-410 WAC.

(3) For providers covered under the collective bargaining agreement, all other payment discrepancy issues are covered under WAC 170-290-0275 and 170-290-0277.

(4) For all providers, payment discrepancies resulting from program violations or suspected fraud are covered under WAC 170-290-0277 and 170-290-0279.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0266, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0266, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0266, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0267 Payment discrepancies—Provider underpayments. (1) Underpayments to a provider occur if DSHS pays less than the amount the provider is eligible to receive.

(2) Underpayment requests will only be considered by DSHS if the provider submitted the original invoice for payment to DSHS no later than twelve months after the date of service.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0267, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0267, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0268 Payment discrepancies—Provider overpayments. (1) An overpayment occurs when a provider receives payment that is more than the provider is eligible to receive. Provider overpayments are established when that provider:

(a) Bills and receives payment for services not provided;

(b) Bills without attendance records that support their billing;

(c) Bills and receives payment for more than they are eligible to bill;

(d) Routinely provides care in a location other than what was approved at the time of authorization;

(e) With respect to license-exempt in-home/relative providers, commonly known as "family, friends, and neighbor" providers, bills the state for more than six children at one time during the same hours of care; or

(f) With respect to licensed or certified providers:

(i) Bills the state for more than the number of children they have in their licensed capacity; or

(ii) Is caring for a WCCC child outside their licensed allowable age range without a DEL-approved exception; or

(g) With respect to certified providers caring for children in a state bordering Washington:

(i) Is determined not to be in compliance with their state's licensing regulations; or

(ii) Fails to notify DSHS within ten days of any suspension, revocation, or change to their license.

(2) DEL or DSHS will request documentation from a provider when preparing to establish an overpayment. The provider has twenty-eight consecutive calendar days from the date of the written request to supply any requested documentation.

(3) A provider is required to repay any payments which they were not eligible to receive.

(4) Provider overpayments defined in subsection (1) of this section are deemed as program violations as described in WAC 170-290-0277.

(5) A provider is required to repay any overpayment made through a departmental error.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0268, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0268, filed 5/31/17, effective 7/1/17; WSR 12-11-025, § 170-290-0268, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0268, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0269 Payment discrepancies—Consumer underpayments. If a copayment amount determined by DSHS for a consumer results in an underpayment, the consumer may request reimbursement within three years of the date of child care service, if the consumer:

(1) Meets all WCCC eligibility requirements during the time the consumer is claiming an underpayment; and

(2) Verifies all copayments made by the consumer to the provider during the time for which the consumer is claiming an underpayment.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0269, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0269, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0271 Payment discrepancies—Consumer. (1) DSHS establishes overpayments for past or current consumers when the consumer:

(a) Received benefits in an amount greater than the consumer was eligible to receive;

(b) Is determined eligible at application or reapplication based on the consumer's participation in an approved activity and used benefits, but never participated in said activity;

(c) Failed to report changes under the requirements of WAC 170-290-0031 to DSHS which result in an error in determining eligibility, amount of care authorized, or copayment;

(d) Used a provider who did not meet the eligibility requirements under WAC 170-290-0125;

(e) Received benefits for a child who was not eligible per WAC 170-290-0005, 170-290-0015 or 170-290-0020; or

(f) Failed to return, by the sixtieth day, the requested income verification of new employment as provided in WAC 170-290-0012.

(2) DEL or DSHS may request documentation from a consumer when preparing to establish an overpayment. The consumer has fourteen consecutive calendar days to supply any requested documentation.

(3) Consumers are required to repay any benefits paid by DSHS that they were not eligible to receive.

(4) If an overpayment was made through departmental error, the consumer is still required to repay that amount.

(5) If a consumer is not eligible under WAC 170-290-0030 through 170-290-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment, including any absent days.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0271, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0271, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0271, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0271, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0271, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0271, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0271, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0271, filed 3/29/04 and 4/7/04, effective 5/28/04.]

WAC 170-290-0275 Payment discrepancies—Providers. (1) This section applies to all child care providers.

(2) For in-home/relative and licensed family home child care providers, disputes regarding underpayments are grievable.

(3) Payment discrepancies may be corrected based on time frames for payment. Correction of payment discrepancies depends on the following circumstances:

(a) Providers must submit a billing invoice for payment within twelve months of the date of service. Any invoice submitted more than twelve months from date of service will not be processed.

(b) If the billing invoice for payment is made within the twelve-month period, the time limits for correcting payment errors are:

(i) Two years back if the error is on rates paid by age or region, unless the error is discovered by a federal audit, in which case the provider has up to twenty-four months after the date of service to ask for a corrected payment; or

(ii) Three years back if the error was for any other reason, including an error discovered by a federal audit, in which case the provider has up to three years after the date of service to ask for a corrected payment.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0275, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0275, filed 10/28/09, effective 12/1/09.]

PROGRAM VIOLATIONS AND SUSPECTED FRAUD

WAC 170-290-0277 Provider program violations and suspected fraud. Eligible child care providers described in WAC 170-290-0125 must comply with all provider responsibilities listed in WAC 170-290-0034. Failure to comply causing a provider overpayment will result in a program violation finding and may cause the agency to impose sanctions.

(1) Administrative errors are payment discrepancies which result from a departmental mistake. Provider overpayments caused by administrative error still require repayment of ineligible amounts. Administrative errors will not result in a finding of a program violation.

(2) An unintentional program violation is an overpayment resulting from a provider's error and not caused with willful knowledge.

(a) An unintentional program violation can include a provider's unfamiliarity with program rules and requirements.

(b) Any unintentional provider error resulting in an overpayment will result in department consultation with the provider.

(c) The department tracks all unintentional program violations in order to identify program improvement areas.

(d) Unintentional program violations require provider repayment of ineligible funds.

(3) An intentional program violation is an overpayment caused by a provider's willful failure to comply with program rules.

(a) Any repeated misrepresentation of invoices or other information submitted to the department or failure to submit documentation upon request is an intentional program violation.

(b) If a provider has been consulted by the department for billing concerns and overpayment but then continues to have overpayment findings, then the department will impose sanctions as listed in WAC 170-290-0279.

(c) Overpayments caused by intentional program violations require provider repayment of ineligible funds.

(d) Beginning March 1, 2018, all intentional program violations will be cited by the department, and providers with more than three instances of intentional program violations will be subject to review for program ineligibility.

(i) The department has discretion to impose additional sanctions if a provider has more than three instances of intentional program violations.

(ii) As per WAC 170-290-0280 and 170-290-0285, a provider can dispute the department's finding of program ineligibility.

(4) Suspected fraud is a departmental determination resulting in referral to the office of fraud and accountability (OFA) at the department of social and health services (DSHS).

(a) Program fraud is defined in RCW 74.04.004. Program staff at the department of early learning and DSHS do not criminally investigate fraud. OFA conducts criminal investigations and pursues prosecution of program fraud.

(b) Departmental program staff will identify instances of suspected fraud when facts available to the department indicate the provider willfully violated program rules. This includes repeated instances of misrepresentation.

(c) Program staff will not inform the provider when suspected fraud is referred to OFA.

(d) Providers convicted for program fraud are permanently barred from future participation in the program as a child care provider or consumer.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0277, filed 11/7/17, effective 12/8/17.]

WAC 170-290-0279 Program violation sanctions. (1) The department will inform and consult child care providers when intentional and unintentional program violations result in provider overpayments.

(2) Sanctions are imposed to ensure providers comply with program rules and to mitigate repeat violations which result in overpayments. Provider sanctions may include:

(a) Submission of corrected information;

(b) Review of child care program rules and publications; or

(c) Any other provider action which conveys the provider's compliance with program rules.

(3) Providers with at least three intentional program violations will be subject to review for child care subsidy program ineligibility. See WAC 170-290-0277 (3)(d).

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0279, filed 11/7/17, effective 12/8/17.]

Administrative Hearings - WCCC

WAC 170-290-0280 Right to request an administrative hearing. (1) WCCC consumers have a right to request a hearing under chapter 388-02 WAC on any action affecting WCCC benefits.

(2) Child care providers may request hearings under chapter 388-02 WAC only for WCCC overpayments. A provider's burden of proof is a preponderance of the evidence.

(3) To request a hearing, a consumer or provider:

(a) Contacts the DSHS office which sent them the notice; or

(b) Writes to the office of administrative hearings, P.O. Box 42489, Olympia, WA 98504-2489; and

(c) Makes the request for a hearing within:

(i) Ninety days of the date a decision is received for consumers; or

(ii) Twenty-eight days of the date a decision is received for providers.

(4) The office of administrative hearings administrative law judge enters initial or final orders as provided in WAC 388-02-0217. Initial orders may be appealed to a DSHS review judge under chapter 388-02 WAC.

(5) To request a hearing under the seasonal child care program, see WAC 170-290-3860 and 170-290-3865.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0280, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0280, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0280, filed 10/28/09, effective 12/1/09.]

WAC 170-290-0285 Receipt of WCCC benefits pending the outcome of an administrative hearing. (1) A consumer may receive WCCC benefits pending the outcome of a hearing if he or she requests the hearing:

(a) On or before the effective date of an action; or

(b) No more than ten days after DSHS sends the consumer a notice of adverse action.

As used in this section, "adverse action" means an action to reduce or terminate a consumer's WCCC benefits.

(2) If a consumer loses a hearing, any WCCC benefit that a consumer uses between the date of the adverse action and the date of the hearing decision is an overpayment to the consumer.

(3) A consumer may not receive WCCC benefits pending the outcome of a hearing if he or she requests payment to a provider who is not eligible under WAC 170-290-0125.

(4) A consumer may receive WCCC benefits for another eligible provider, pending the outcome of the hearing.

[Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0285, filed 10/28/09, effective 12/1/09.]

Wait List for Child Care Programs

WAC 170-290-2210 Eligibility. (1) If the applicant or reapplicant meets one of the qualifiers of the priority list and otherwise meets all eligibility requirements of Part II or III of this chapter, the applicant or reapplicant will not be placed on the wait list and will be eligible to receive WCCC subsidies. The priority list includes:

(a) Families applying for or receiving TANF;

(b) Families receiving TANF and working to cure a sanction;

(c) Foster children;

(d) Families that include a child with special needs;

(e) Families with teen parents (under age twenty-two) who are not living with a parent or guardian, and who are attending a high school full-time that has an on-site child care center;

(f) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from DSHS in the past six months and has received a referral for child care as part of the family's case management; and

(g) Reapplicants who received subsidies within the last thirty days and:

(i) Have reapplied for subsidies; and

(ii) Have household income of two hundred percent federal poverty level or below.

(2) As provided in WAC 170-290-0001, WCCC is administered to the extent of available funds. If available funds are insufficient to allow all priority groups to not be placed on the wait list and be eligible to receive WCCC subsidies, only the highest ranked groups that can be served within available funds will be prioritized. The priority groups are ranked in the order listed in subsection (1) of this section, highest to lowest.

(3) If funds are not available, an applicant or reapplicant not belonging to a group on the priority list will have their name placed on the wait list upon approval of eligibility. The name will be placed on the wait list based on the date of the application or reapplication and served as funds become available.

(4) If the applicant or reapplicant remains on the wait list for twelve months or longer, a new eligibility determination will be required when subsidy child care becomes available.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-22-101, § 170-290-2210, filed 10/30/17, effective 11/30/17; WSR 17-09-042, § 170-290-2210, filed 4/14/17, effective 5/15/17.]

WAC 170-290-2220 Benefits start. (1) DSHS notifies the consumer that subsidy child care is available by sending written notice.

(2) If otherwise eligible, the consumer's twelve-month eligibility period begins on the date the consumer is removed from the wait list.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-2220, filed 4/14/17, effective 5/15/17.]

WAC 170-290-2230 Withdrawal from and reinstatement to the wait list. (1) The consumer will be withdrawn from the wait list when the consumer does not return the requested income verification of new employment by the sixtieth day per WAC 170-290-0012.

(2) The consumer must reapply for eligibility per WAC 170-290-2210, if the required information is received after the end of the advance notice period.

(3) If the consumer is withdrawn from the wait list for not returning information and the consumer provides the requested information during the ten-day advance notice period and remains eligible for child care:

(a) DSHS may reinstate the consumer to the wait list; and

(b) DSHS may reinstate the consumer on the wait list using the same application date prior to the withdrawal from the wait list.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-2230, filed 4/14/17, effective 5/15/17.]

WAC 170-290-2240 Provider payments. (1) The consumer chooses an eligible provider under WAC 170-290-0125 and the provider cares for the children during an eligibility period.

(2) Provider payment begin date is:

(a) The date the family comes off the wait list when an eligible provider is already providing care;

(b) The date an eligible provider begins to provide care after the family comes off the wait list; or

(c) The date a provider becomes an eligible provider, when providing care before the provider is eligible and the family comes off the wait list.

(3) DSHS will send an authorization letter to the consumer and provider stating the payment begin date.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-2240, filed 4/14/17, effective 5/15/17.]

Early Head Start-Child Care Partnership Slots

WAC 170-290-2401 Eligible consumers. (1) To be an eligible parent, the person applying must meet the requirements under WAC 170-290-0005, 170-290-0015 and 170-290-0020.

(2) To be an eligible child, the child must meet the requirements under WAC 170-290-0005, 170-290-0015 and 170-290-0020. Verification of citizenship and immigration status is not required for a child participating in the early head start-child care partnership slots program.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2401, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2410 Application for early head start-child care partnership slots. (1) Working connections child care (WCCC) benefits for an eligible consumer may begin when the following conditions are met:

(a) The consumer has completed the required WCCC application and verification process as described under WAC 170-290-0012 within thirty days of the date DSHS received the consumer's application;

(b) The consumer is working or participating in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055;

(c) The consumer needs child care for work or approved activities within at least thirty days of the date of application for benefits;

(d) The consumer is participating in the early head start program; and

(e) The consumer's eligible provider (under WAC 170-290-0125) is caring for his or her children.

(2) If a consumer fails to turn in all information within thirty days from his or her application date, the consumer must restart the application process.

(3) The consumer's application date is whichever is earlier:

(a) The date the consumer's application is entered into DSHS' automated system; or

(b) The date the consumer's application is date stamped as received.

(4) Partnership-slot consumers have priority with the enactment of a wait list.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2410, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2420 Copay for early head start-child care partnership slots. (1) If the consumer's family countable monthly income falls within the range below, then the copayment is:

If a Consumer's Income Is:	Then the Consumer's Copayment Is:
(a) At or below 82% of the federal poverty guidelines (FPG).	$15
(b) Above 82% of the FPG up to 137.5% of the FPG.	$65
(c) Above 137.5% of the FPG through 200% of the FPG.	The dollar amount equal to subtracting 137.5% of the FPG from countable income, multiplying by 50%, then adding $65.00
(d) Above 200% of the FPG, a consumer is not eligible for WCCC benefits.	

(2) DSHS does not prorate the copayment when a consumer uses care for part of a month.

(3) The copayment is per family, not per provider or child. If the consumer has a child receiving working connections child care (WCCC) and another child receiving partnership-slot child care, the consumer chooses which provider will receive the copayment.

(4) The consumer pays the minimum copayment when he or she is a minor parent, and:

(a) Receives temporary assistance for needy families (TANF); or

(b) Is part of the parent's or relative's TANF assistance unit.

(5) The consumer pays the copayment directly to the child care provider or arranges for a third party to pay the copayment directly to the provider.

(6) In cases of overdue or past due copayments, the consumer, as a condition of maintaining eligibility, must do one or more of the following:

(a) Pay past or overdue copayments.

(b) Give DSHS a written agreement between the provider and consumer to verify that copayment arrangements include one or more of the following:

(i) An installment payment plan;

(ii) A collection agency payment plan;

(iii) In-kind services in lieu of paying the copayment; or

(iv) Forgiveness of the copayment from the provider; or

(c) Provide proof that the consumer has attempted to pay a copayment to a licensed provider who is no longer in business. "Proof" includes, but is not limited to, a return receipt that was signed for and not responded to, or a returned document that was not picked up.

(7) The provider collects copayments directly from the consumer or the consumer's third-party payor, and report to DSHS if the consumer has not paid a copayment within the previous sixty days.

(8) The FPG is updated every year on April 1st. The WCCC eligibility level is updated at the same time every year to remain current with the FPG.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2420, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2426 Eligibility period for early head start-child care partnership slots. (1) A consumer who meets all of the requirements of partnership-slot eligibility may receive partnership-slot subsidies for a twelve month certification period.

(2) The period begins when:

(a) The child participates in early head start with an eligible provider;

(b) The consumer completes the application and verification process.

(3) A consumer's eligibility may end sooner if:

(a) The consumer no longer wishes to participate in working connections child care (WCCC);

(b) The child no longer participates in early head start programs; or

(c) DSHS terminates the consumer's eligibility when:

(i) The consumer does not comply with the copayment requirements of WAC 170-290-0030 (3) and (4);

(ii) The consumer does not cooperate with the child care subsidy audit process or with the DSHS office of fraud and accountability (OFA).

(4) A consumer may be eligible for WCCC again beginning on the date that the consumer:

(a) Complies with the copayment requirements of WAC 170-290-0030 (3) and (4); and

(b) Cooperates with the child care subsidy audit process or with the DSHS OFA.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2426, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2430 Eligible early head start-child care partnership slots providers. To receive payment a consumer's child care provider must:

(1) Be a licensed, certified, or DEL-contracted provider.

(a) Licensed providers are licensed as required by chapter 43.215 RCW and chapter 170-295, 170-296A, or 170-297 WAC.

(b) Certified providers are exempt from licensing but certified by DEL, such as:

(i) Tribal child care facilities that meet the requirements of tribal law;

(ii) Child care facilities on a military installation; and

(iii) Child care facilities operated on public school property by a school district.

(c) DEL-contracted seasonal day camp has a contract with DEL to provide subsidized child care.

(d) Meet early head start-child care partnership slots provider requirements.

(2) Keep complete and accurate daily attendance records for children in their care, and allow access to DEL to inspect attendance records during all hours in which authorized child care is provided as follows:

(a) Current attendance records (including records from the previous twelve months) must be available immediately for review upon request by DEL.

(b) Attendance records older than twelve months to five years old must be provided to DSHS or DEL within two weeks of the date of a written request from either department. Beginning July 1, 2017, or upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, whichever occurs later, the records must be provided within twenty-eight consecutive calendar days of the date of a written request from either department.

(c) Failure to make available attendance records as provided in this subsection may:

(i) Result in the immediate suspension of the provider's subsidy payments; and

(ii) Establish a provider overpayment.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-2430, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2430, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2435 Subsidy payments for early head start-child care partnership slots providers. (1) DSHS will not authorize registration fees, field trip fees, or a nonstandard hours bonus.

(2) Providers who accept child care subsidies must invoice the state no later than one calendar year after the actual date of service.

(3) Providers who accept child care subsidies under the early head start-child care partnership slots receive payment rates as outlined in the partnership slot provider agreement.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2435, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2440 Early achievers payments for partnership slots providers. To receive subsidy payment and be eligible for early head start-child care partnership slots a new provider must:

(1) Effective January 1, 2016, enroll in early achievers within thirty days of the start date of the partnership agreement;

(2) Rate at a level three or higher within eighteen months of enrollment in early achievers;

(3) If the provider rates lower than a level three, complete remedial activities with the department and rate at a level three or higher within six months of the beginning of the remedial activities.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2440, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2445 Reapplication for early head start-child care partnership slots. (1) If a consumer wants to receive child care benefits for another eligibility period, they must reapply for working connections child care (WCCC) benefits before the end of the current eligibility period. To determine if a consumer remains eligible, DSHS:

(a) Requests reapplication information before the end date of the consumer's current WCCC eligibility period; and

(b) Verifies the requested information for completeness and accuracy.

(2) A consumer may be eligible for benefits for a new eligibility period if:

(a) DSHS receives the consumer's reapplication information no later than the last day of the current eligibility period;

(b) The consumer's provider is eligible for payment under WAC 170-290-0125;

(c) The consumer participates in the early head start program; and

(d) The consumer remains eligible for WCCC.

(3) If DSHS determines that a consumer is eligible for WCCC benefits based on his or her reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.

(4) When a consumer submits a reapplication after the last day of his or her current eligibility period, the consumer's benefits begin:

(a) On the date that the consumer's reapplication is date-stamped as received in DSHS' community service office or entered into the DSHS automated system, whichever date is earlier;

(b) When the consumer participates in the early head start program; and

(c) An eligible WCCC provider cares for the consumer's child.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2445, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2450 Deenrollment process for early head start-child care partnership slots providers. (1) The partnership-slot provider may receive payment for up to thirty consecutive calendar days of vacancy.

(2) If the child does not attend by the fifteenth calendar day from the first day of absence, the provider must notify DSHS.

(3) DSHS will send a ten calendar day notice to the consumer that the child will be deenrolled and the authorization for the partnership-slot payment closed.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2450, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2455 Payment discrepancies for early head start-child care partnership slots consumers. (1) DSHS establishes overpayments for past or current consumers when the consumer:

(a) Received benefits when he or she was not eligible;

(b) Used care for an unapproved activity or for children not in the WCCC household;

(c) Failed to report information to DSHS resulting in an error in determining eligibility, amount of care authorized, or copayment;

(d) Used a provider that was not eligible per WAC 170-290-0125; or

(e) Received benefits for a child who was not eligible per WAC 170-290-0015 or 170-290-0020.

(2) DEL or DSHS may request documentation from a consumer when preparing to establish an overpayment. The consumer has fourteen consecutive calendar days to supply any requested documentation.

(3) Consumers are required to repay any benefits paid by DSHS that they were not eligible to receive.

(4) If an overpayment was made through departmental error, the consumer is still required to repay that amount.

(5) If a consumer is not eligible under WAC 170-290-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment, including any absent days.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2455, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2460 Payment discrepancies for early head start-child care partnership slots providers. (1) An overpayment occurs when a provider receives payment that is more than the provider is eligible to receive. Provider overpayments are established when a provider:

(a) Bills and receives payment for services not provided;

(b) Bills without attendance records that support their billing;

(c) Bills and receives payment for more than they are eligible to bill;

(d) Bills the state for more than the number of children they have in their licensed capacity;

(e) Is caring for a WCCC child outside their licensed allowable age range without a DEL-approved exception;

(f) Fails to notify DSHS within ten days of any suspension, revocation, or change to their license;

(g) Receives payment for a slot for which they were not eligible to bill:

(i) Payment for a slot left vacant over thirty consecutive days;

(ii) Duplicated payments for a contracted slot and WCCC units for care of the same child.

(2) DEL or DSHS may request documentation from a provider when preparing to establish an overpayment. The provider has fourteen consecutive calendar days to supply any requested documentation. Beginning July 1, 2017, or upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, whichever occurs later, the records must be supplied within twenty-eight consecutive calendar days of the date of a written request from either department.

(3) Providers are required to repay any payments that they were not eligible to receive.

(4) If an overpayment was made through departmental error, the provider is still required to repay that amount.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-2460, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2460, filed 11/25/15, effective 12/26/15.]

WAC 170-290-2465 Administrative hearings for early head start-child care partnership slots. (1) Consumers have a right to request a hearing under chapter 388-02 WAC on any action affecting benefits except for mass changes resulting from a change in policy or law.

(2) Early head start-child care partnership slots providers may request hearings under chapter 388-02 WAC only for overpayments.

(3) To request a hearing, a consumer or partnership-slot provider:

(a) Contacts the DSHS office which sent them the notice; or

(b) Writes to the Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504-2489; and

(c) Makes the request for a hearing within:

(i) Ninety days of the date a decision is received for consumers;

(ii) Twenty-eight days of the date a decision is received for providers.

(4) The office of administrative hearings administrative law judge enters initial or final orders as provided in WAC 388-02-0217. Initial orders may be appealed to a DSHS review judge under chapter 388-02 WAC.

(5) A consumer may receive benefits pending the outcome of a hearing if he or she requests the hearing:

(a) On or before the effective date of an action; or

(b) No more than ten days after DSHS sends the consumer a notice of adverse action. As used in this section, "adverse action" means an action to reduce or terminate a consumer's benefits.

(6) If a consumer loses a hearing, any benefit that a consumer uses between the date of the adverse action and the date of the hearing decision is an overpayment to the consumer.

(7) A consumer may not receive benefits pending the outcome of a hearing if he or she requests payment to a provider who is not eligible under WAC 170-290-0125.

(8) A consumer may receive benefits for another eligible provider, pending the outcome of the hearing.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2465, filed 11/25/15, effective 12/26/15.]

PART III. SEASONAL CHILD CARE

Introduction

WAC 170-290-3501 Program funding. The seasonal child care (SCC) program is subject to available funds. As used in this chapter, "subject to available funds" includes one or more of the following:

(1) Limiting or closing enrollment;

(2) Establishing a priority list for new enrollees subject to applicable state and federal law; or

(3) Creating and maintaining a waiting list.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3501, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3501, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3506 Wait list for seasonal child care. The wait list for seasonal child care is determined as provided in WAC 170-290-2210 through 170-290-2240.

[Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-3506, filed 4/14/17, effective 5/15/17.]

Eligibility Requirements

WAC 170-290-3520 Eligibility. (1) To be eligible for SCC the person applying for benefits must:

(a) Not currently be receiving temporary aid for needy families (TANF);

(b) Live in one of the following Washington state counties: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, Skagit, Walla Walla, Whatcom, or Yakima;

(c) At application and reapplication, have parental control of one or more children;

(d) Be the child's:

(i) Parent, either biological or adopted;

(ii) Stepparent;

(iii) Legal guardian as verified by a legal or court document;

(iv) Adult sibling or step-sibling;

(v) Aunt;

(vi) Uncle;

(vii) Niece or nephew;

(viii) Grandparent; or

(ix) Any of the above relatives in (v), (vi), or (viii) of this subsection, with the prefix "great," such as great-aunt.

(e) At application and reapplication, participate in an approved activity under WAC 170-290-3555;

(f) Have countable income at or below the maximum eligibility limit described in WAC 170-290-0005. The consumer's eligibility shall end if the consumer's countable income is greater than eighty-five percent of the state median income or if resources exceed one million dollars;

(g) Complete the application for child care and DSHS verification process, regardless of other program benefits or services received; and

(h) Meet eligibility requirements for SCC described under part III of this chapter.

(2) **Children.** To be eligible for SCC, the child receiving SCC must:

(a) Belong to one of the following groups as defined in WAC 388-424-0001:

(i) A U.S. citizen;

(ii) A U.S. national;

(iii) A qualified alien; or

(iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005; and

(b) Live in Washington state and be:

(i) Less than thirteen years of age; or

(ii) Less than nineteen years of age and:

(A) Have a verified special need according to WAC 170-290-0220; or

(B) Be under court supervision.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3520, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3520, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3520, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3520, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3530 Verifying consumers' and providers' information. DSHS verifies a consumer's information as provided in WAC 170-290-0012 and 170-290-0014.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3530, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3530, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3530, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3530, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3540 Eligibility—Family size. DSHS determines a consumer's family size as provided in WAC 170-290-0015.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3540, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3540, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3550 Eligibility—Special circumstances. (1) A consumer may be eligible for the SCC program when the consumer is a parent in a two-parent family and both parents currently work in seasonally available agricultural related work.

(2) A consumer may be eligible for SCC if the consumer is a parent in a two-parent family and one parent is not able or available as defined in WAC 170-290-0003 to provide care for the children while the other parent is currently working or participating in approved seasonally agricultural related work.

(3) If a consumer claims one parent is not able to care for the children, the consumer must provide written documentation from an acceptable medical source (see WAC 388-449-0010) that states the:

(a) Reason the parent is not able to care for the children; and

(b) Expected duration and severity of the condition that keeps the parent from caring for the children.

(4) Single-parent family. A consumer is not eligible for SCC benefits when the consumer is the only parent in the family and will be away from the home for more than thirty days in a row.

(5) When a consumer's monthly copayment is higher than the state maximum rate including any special needs payments for all of the consumer's children in care under WAC 170-290-0005:

(a) The consumer's eligibility period may continue; and

(b) DSHS will not authorize payment to the provider until the copayment becomes lower than the state maximum rate including any special needs payments for all of the consumer's children in care under WAC 170-290-0005.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3550, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3550, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3550, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3550, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3555 Eligibility—Approved activities. (1) A consumer may be eligible for SCC program subsidies for up to sixteen hours per day for the time the consumer is involved in seasonally available agricultural related work in Washington state.

(2) When the consumer is part of a two-parent family, both parents must be employed as described in subsection (1) of this section.

(3) All children in the consumer's household under WAC 170-290-0015 are eligible for the twelve-month eligibility period.

(4) The twelve-month eligibility period begins:

(a) When benefits begin under WAC 170-290-0095; or

(b) Upon reapplication under WAC 170-290-0109.

(5) DSHS may authorize care for:

(a) Travel time only between the child care location and the employment location; or

(b) Sleep time, up to eight hours per day when needed, if the consumer works nights and sleeps days.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3555, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3555, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3555, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3555, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3558 Resources. DSHS verifies a consumer's resource as provided in WAC 170-290-0022.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3558, filed 9/21/16, effective 10/22/16.]

Rights and Responsibilities

WAC 170-290-3560 Consumers' rights. When a consumer applies for or receives SCC program subsidies, the consumer has the right to:

(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;

(2) Have the consumer's application accepted and acted upon within thirty days;

(3) Be informed, in writing, of the consumer's legal rights and responsibilities related to the SCC subsidy program;

(4) Have the consumer's information shared with other agencies only when required by federal or state regulations;

(5) Be allowed to choose a licensed or certified child care provider as long as the provider meets requirements in WAC 170-290-3750;

(6) Receive a written notice at least ten days before changes are made to lower or stop benefits except as stated in WAC 170-290-3730;

(7) Ask for an administrative hearing if the consumer does not agree with a decision per WAC 170-290-3860;

(8) Ask to speak to a supervisor or administrator at DSHS to review a decision or action affecting the consumer's

benefits without affecting the consumer's right to an administrative hearing;

(9) Have interpreter or translator services provided by DSHS within a reasonable amount of time and at no cost to the consumer;

(10) Refuse to speak to a fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA) when they ask to come into your home.

(a) This refusal will not affect eligibility for SCC program subsidies.

(b) If the consumer refuses to cooperate with the investigator at a later date, it could affect the consumer's SCC program subsidies.

(11) Access the consumer's child at all times while the child is in child care;

(12) Terminate child care without cause and without notice to the provider. Notice must be given to DSHS within five days of termination;

(13) Not be charged by the consumer's licensed or certified provider, or be made to pay, for the difference between the child care provider's private rate and the state maximum child care subsidy rate, when the provider's private rate for child care is higher than the maximum state rate; and

(14) Not be charged by the consumer's licensed or certified provider, or be made to pay for:

(a) The difference between the provider's registration fee and the state's maximum registration fee when the provider's registration fee is higher;

(b) Any day when the consumer's child is absent;

(c) Vacation days when the provider chooses to close;

(d) A higher amount than the state allows for field trips;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care when the provider stops caring for the consumer's children.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3560, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3560, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3560, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3560, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3565 Consumers' responsibilities. (1) When a person applies for or receives SCC program subsidies, the applicant or consumer must, as a condition of receiving those subsidies:

(a) Give DSHS correct and current information so that DSHS can determine the consumer's eligibility and authorize child care payments correctly;

(b) Choose a licensed or certified child care provider who meets requirements of WAC 170-292-3750;

(c) Pay the provider for child care services when the consumer requests additional child care outside of the current authorization;

(d) Pay the provider for optional child care programs for the child that the consumer requests. The provider must have a written policy in place charging all families for these optional child care programs;

(e) Document their child's attendance in child care by having the consumer or other person authorized by the consumer to take the child to or from child care:

(i) If the provider uses a paper attendance record, sign the child in on arrival and sign the child out at departure, using their full signature and writing the time of arrival and departure; or

(ii) Record the child's attendance using an electronic system if used by the provider;

(f) Provide the information requested by the fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA). If the consumer refuses to provide the information requested within fourteen days, it could affect the consumer's benefits;

(g) Cooperate (provide the information requested) with the child care subsidy audit process.

(i) A consumer becomes ineligible for SCC benefits upon a determination of noncooperation and remains ineligible until he or she meets child care subsidy audit requirements.

(ii) The consumer may become eligible again when he or she meets SCC requirements in Part III of this chapter and cooperates.

(iii) Care can begin on or after the date the consumer cooperated and meets SCC requirements in Part III of this chapter.

(h) Ensure that their children who receive subsidized child care outside of their own home are current on all immunizations required under WAC 246-105-030, except when the parent or guardian provides:

(i) A department of health (DOH) medical exemption form signed by a health care professional; or

(ii) A DOH form or similar statement signed by the child's parent or guardian expressing a religious, philosophical or personal objection to immunization;

(i) Pay the copayment directly to the child care provider or arrange for a third party to pay the copayment directly to the provider; and

(j) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late.

(2) In cases of overdue or past due copayments, the consumer, as a condition of maintaining eligibility, must do one of the following:

(a) Pay past or overdue copayments;

(b) Give DSHS a written agreement between the provider and consumer to verify that copayment arrangements include one or more of the following:

(i) An installment payment plan;

(ii) A collection agency payment plan;

(iii) In-kind services in lieu of paying the copayment; or

(iv) Forgiveness of the copayment from the provider; or

(c) Provide proof that the consumer has attempted to pay a copayment to a licensed provider who is no longer in business or a license-exempt provider who is no longer providing child care. "Proof" includes, but is not limited to, a signed return receipt for correspondence not responded to, or a returned document that was not picked up.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3565, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3565, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3565, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3565, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.-

070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3565, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3566 Subsidized child care providers' responsibilities. Licensed or certified child care providers who accept SCC subsidies must do the following:

(1) Comply with all of the DEL child care licensing or certification requirements as provided in chapter 170-295, 170-296A, or 170-297 WAC;

(2) Report pending charges or convictions to DSHS as provided in chapter 170-295, 170-296A, or 170-297 WAC;

(3) Keep complete and accurate daily attendance records for children in their care and allow access to DEL to inspect attendance records during all hours in which authorized child care is provided as follows:

(a) Current attendance records including records from the previous twelve months, must be available immediately for review upon request by DEL.

(b) Attendance records older than twelve months to five years old must be provided to DSHS or DEL within two weeks of the date of a written request from either department. Beginning July 1, 2017, or upon ratification of the 2017-19 collective bargaining agreement with SEIU 925, whichever occurs later, the records must be provided within twenty-eight consecutive calendar days of the date of a written request from either department.

(c) Failure to make attendance records available as provided in this subsection may:

(i) Result in the immediate suspension of the provider's subsidy payments; and

(ii) Establish a provider overpayment as provided in WAC 170-290-0268;

(4) Allow consumers access to their child at all times while the child is in care;

(5) Collect copayments directly from the consumer or the consumer's third-party payor, and report to DSHS if the consumer has not paid a copayment to the provider within the previous sixty days;

(6) Follow billing procedures as described in the most recent version of "*Child Care Subsidies: A Guide for Licensed and Certified Family Home Child Care Providers*"; "*Child Care Subsidies: A Guide for Licensed and Certified Child Care Centers,*" including billing only for actual units of child care under WCCC billing guidelines;

(7) Not claim a payment in any month in which a child has not attended at least one day in that month;

(8) Invoice the state no later than one calendar year after the actual date of service;

(9) Not charge subsidized families for:

(a) The difference between the provider's customary rate and the maximum allowed state rate;

(b) Registration fees in excess of what is paid by subsidy program rules;

(c) Absent days on days in which the child is not scheduled and authorized for care;

(d) Handling fees to process consumer copayments, child care services payments, or paperwork;

(e) Fees for materials, supplies, or equipment required to meet licensing rules and regulations; or

(f) Child care or fees related to subsidy billing invoices that are in dispute between the provider and the state; and

(10) For providers who care for children in states bordering Washington, verify that they are currently complying with their state's licensing regulations, and notify DSHS within ten days of any suspension, revocation, or changes to their license.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-3566, filed 5/31/17, effective 7/1/17; WSR 16-09-059, § 170-290-3566, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3566, filed 5/8/12, effective 6/8/12.]

WAC 170-290-3570 Notification of changes. (1) When a consumer applies for or receives SCC program subsidies, the consumer must:

(a) Notify DSHS, within five days, of any change in providers;

(b) Notify DSHS, within ten days, when the consumer's countable income increases and the change would cause the consumer's countable income to exceed eighty-five percent state median income as provided in WAC 170-290-0005;

(c) Notify DSHS, within ten days, when the consumer's countable resources exceed one million dollars as provided in WAC 170-290-3558;

(d) Notify DSHS, within ten days, when the consumer's home address or telephone number changes; and

(e) Notify the consumer's provider, within ten days, when DSHS changes the consumer's child care authorization.

(2) When a consumer receives SCC benefits, he or she may notify DSHS when:

(a) The number of child care hours the consumer needs changes (more or less hours);

(b) Household income decreases, which may lower the copayment;

(c) Household size such as any family member moving in or out of the consumer's home, which may lower the copayment; or

(d) The consumer's legal obligation to pay child support changes.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3570, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3570, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3570, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3570, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3580 Failure to report changes. (1) If a consumer fails to report any changes as required in WAC 170-290-3570 within the stated time frames, DSHS may establish an overpayment to the consumer per WAC 170-290-3850, the consumer may have to pay additional costs, such as a higher copayment, or DSHS may terminate benefits.

(2) If an overpayment occurs, the consumer may receive an overpayment for what the provider has correctly billed, including absent days (see publication "*Child Care Subsidies: A Guide for Licensed and Certified Child Care Centers*" and "*Child Care Subsidies: A Guide for Licensed and Certified Family Home Child Care Providers*").

(3) If a consumer receives an overpayment for failure to report changes or failure to provide required verification, they will be required to repay any overpayment as provided in WAC 170-290-0271.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3580, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3580, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3580, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3580, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.-070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3580, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3590 DSHS's responsibilities to consumers. DSHS must:

(1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;

(2) Complete applications for SCC program subsidies based on information the consumer provides, and determine a consumer's eligibility within thirty days from the date the consumer applied;

(3) Accept a variety of forms of verification and may not specify the type of documentation required;

(4) Authorize payments only to a licensed or certified child care provider the consumer chooses who meets the requirements in WAC 170-290-3750;

(5) At application and reapplication, authorize payments when no adult in a consumer's family (under WAC 170-290-3540) is able or available to care for the consumer's children as defined in WAC 170-290-0003;

(6) Inform a consumer of:

(a) The consumer's copayment amount as determined in WAC 170-290-3620 and defined in WAC 170-290-0075;

(b) The consumer's rights and responsibilities under the SCC program when he or she applies or reapplies;

(c) The types of child care providers the SCC program will pay;

(d) The community resources that can help the consumer select child care when needed;

(e) Other options for child care subsidies, if the consumer does not qualify for SCC program subsidies; and

(f) The consumer's rights to an administrative hearing;

(7) Provide prompt child care authorizations to a consumer's child care provider;

(8) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:

(a) SCC eligibility;

(b) Copayment; or

(c) Providers; and

(9) Provide an interpreter or translator service at no cost to the consumer to explain information related to the SCC program.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3590, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3590, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3590, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3590, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.-070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3590, filed 10/28/09, effective 12/1/09.]

Income and Copayment Calculations

WAC 170-290-3610 Countable income. DSHS counts income as money a consumer earns or receives from:

(1) Wages and commissions earned from employment;

(2) Unemployment compensation;

(3) The following child support payment amounts:

(a) For applicants or consumers who are not receiving DSHS division of child support services, the amount as shown on a current court or administrative order;

(b) For applicants or consumers who are receiving DSHS division of child support services, the amount as verified by the DSHS division of child support;

(c) For applicants or consumers who have an informal verbal or written child support agreement, the amount verified by a written agreement signed by the noncustodial parent (NCP); or

(d) For applicants or consumers who cannot provide a written agreement signed by the NCP, the amount received for child support verified by a written statement from the consumer that documents why they cannot provide the statement from the NCP;

(4) Supplemental security income (SSI);

(5) Other Social Security payments, such as Social Security Administration (SSA) and Social Security disability insurance (SSDI);

(6) Refugee assistance payments;

(7) Payments from the Veterans' Administration;

(8) Pensions or retirement income;

(9) Payments from labor and industries (L&I), or disability payments;

(10) Lump sums as money a consumer receives from a one-time payment such as back child support, an inheritance, or gambling winnings;

(11) Other types of income not listed in WAC 170-290-3630; and

(12) Gross wages from employment or self-employment income as defined in WAC 170-290-0003. Gross wages include any wages that are taxable.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3610, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3610, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3610, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3610, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3620 Calculation of income. For the SCC program, DSHS calculates a consumer's income in the same manner as provided in WAC 170-290-0065.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3620, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3620, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3630 Excluded income and deductions. (1) DSHS does not count the following income types when determining a consumer's income eligibility and copayment:

(a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;

(b) Savings accounts;

(c) Money received from sale of real property, such as a house, or personal property, such as a car;

(d) Reimbursements, such as tax refunds;

(e) Earned income credits;

(f) Diversion cash assistance;

(g) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(h) Capital gains;

(i) Basic Food program benefits;

(j) Income earned by children as described in WAC 170-290-3540;

(k) Benefits received by children of Vietnam War veterans who are diagnosed with any form or manifestation of spina bifida except spina bifida occulta;

(l) Adoption support assistance and foster care payments; and

(m) Government economic stimulus payments.

(2) DSHS deducts the amount a consumer pays for child support under court order, division of child support administrative order, or tribal government order, from the consumer's other countable income when determining eligibility and copayment for the SCC program.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3630, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3630, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3630, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3640 Determining income eligibility and copayment. (1) For the SCC program, DSHS determines a consumer's family's income eligibility and copayment by:

(a) The consumer's family size as defined under WAC 170-290-3540;

(b) The consumer's average monthly income as calculated under WAC 170-290-3620; and

(c) The consumer's family's average monthly income as compared to the federal poverty guidelines (FPG).

(2) At application and reapplication, if a consumer's family's income is above the maximum eligibility limit as provided in WAC 170-290-0005, the consumer's family is not eligible for the SCC program.

(3) The FPG is updated every year. The SCC eligibility level is updated at the same time every year to remain current with the FPG.

(4) SCC shall assign a copayment amount based on the family's countable income. The consumer pays the copayment directly to the provider.

(5) SCC does not prorate the copayment.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3640, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3640, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3640, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3640, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3650 Change in copayment. (1) A consumer's SCC program copayment could change when:

(a) DEL makes a mass change in subsidy benefits due to a change in law or program funding;

(b) The consumer's family size increases and causes the copayment to decrease;

(c) DSHS makes an error in the consumer's copayment computation;

(d) The consumer did not report all income, activity and household information at the time of application and reapplication; or

(e) The consumer is approved for a new eligibility period.

(2) If a consumer's copayment changes during the eligibility period, the change is effective on the first day of the month immediately following the date the copayment change was made.

(3) DSHS does not prorate the copayment.

(4) DSHS does not increase a consumer's copayment during the current eligibility period when countable income remains at or below the maximum eligibility limit as provided in WAC 170-290-0005.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3650, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3650, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3650, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3650, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3660 Eligibility period. (1) A consumer who meets all of the requirements of part III of this chapter is eligible to receive SCC subsidies for twelve months before having to redetermine eligibility. The twelve-month eligibility period applies only if enrollments in the SCC program are capped as provided in WAC 170-290-0001(1) and 170-290-3501. Regardless of the length of eligibility, consumers are still required to report changes of circumstances to DSHS as provided in WAC 170-290-3570.

(2) A consumer's eligibility may be for less than twelve months if requested by the consumer.

(3) A consumer's eligibility may end sooner than twelve months if:

(a) The consumer no longer wishes to participate in SCC; or

(b) DSHS terminates the consumer's eligibility as stated in WAC 170-290-3855.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3660, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-3660, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3660, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3660, filed 10/28/09, effective 12/1/09.]

Start Dates and Eligibility Period

WAC 170-290-3665 When SCC program subsidies start. (1) SCC benefits for an eligible consumer may begin when the following conditions are met:

(a) The consumer has completed the required SCC application and verification process as described under WAC 170-290-0012 and 170-290-0014 within thirty days of the date DSHS received the consumer's application for SCC benefits, except in the case of new employment. In that case, under WAC 170-290-0012, the consumer must provide third-party verification within sixty days of application or reapplication;

(b) The consumer is working or participating in an approved activity under WAC 170-290-3555 at application and reapplication; and

(c) The consumer needs child care for work or approved activities within at least thirty days of the date of application for SCC benefits.

(2) If a consumer fails to turn in all information within thirty days from the application date, the consumer must restart the application process, except in the case of new employment. In that case, under WAC 170-290-0012, the consumer must provide third-party verification within sixty days of application or reapplication.

(3) The consumer's application date is whichever is earlier:

(a) The date the consumer's application is entered into DSHS's automated system; or

(b) The date the consumer's application is date stamped as received.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3665, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3665, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3665, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3665, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3675 When provider payments start. The provider is eligible to receive payment when both the following circumstances are met:

(1) The consumer has chosen the eligible provider (under WAC 170-290-0125) and the provider is caring for the children during an eligibility period; and

(2) DSHS notifies the provider that the consumer is eligible.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3675, filed 4/15/16, effective 5/16/16.]

WAC 170-290-3690 Denial of benefits—Date of redetermining eligibility. (1) DSHS sends a consumer a denial letter when the consumer has applied for child care and the consumer:

(a) Is not eligible due to the consumer's:

(i) Family composition;

(ii) Income; or

(iii) Activity; or

(b) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-3530.

(2) If a consumer turns in information or otherwise meets eligibility requirements after the denial letter is sent, the consumer's benefits begin according to WAC 170-290-3665.

(3) WCCC eligibility will be determined when a consumer is denied for SCC program subsidies.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3690, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3690, filed 10/28/09, effective 12/1/09.]

Notice

WAC 170-290-3720 Notice of payment changes. DSHS provides SCC consumers with at least ten days written notice of changes to payments related to the reduction, or termination of benefits, in child care arrangements, except as noted in WAC 170-290-3730.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3720, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3720, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3720, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3730 When notice of payment changes is not required. DSHS does not give a consumer notice if the consumer:

(1) Tells DSHS that the consumer no longer wants SCC; or

(2) Has not informed DSHS of the consumer new mailing address.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3730, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3730, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3730, filed 10/28/09, effective 12/1/09.]

Eligible Providers and Rates

WAC 170-290-3750 Eligible child care providers. To receive payment under the SCC program, a consumer's child care provider must be:

(1) Currently licensed as required by chapter 43.215 RCW and 170-295, 170-296A, or 170-297 WAC;

(2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. The SCC program pays the lesser of the following to qualified child care facilities in bordering states:

(a) The provider's private pay rate for that child; or

(b) The state maximum child care subsidy rate for the DSHS region where the child resides; or

(3) Exempt from licensing but certified by DEL, such as:

(a) Tribal child care facilities that meet the requirements of tribal law;

(b) Child care facilities on a military installation; and

(c) Child care facilities operated on public school property by a school district.

(4) New child care providers, as defined in WAC 170-290-0003, who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who received a subsidy payment for nonschool age child care on or after July 1, 2016, and received no such payments during the period July 1, 2015, through June 30, 2016, must:

(a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(i) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and

(ii) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.

(b) Adhere to the provisions for participation as outlined in the most recent version of the *Early Achievers Operating Guidelines*. Failure to adhere to these guidelines may result in

a provider's loss of eligibility to receive state subsidy payments nonschool age child care;

(c) Complete level 2 activities in the early achievers program within twelve months of enrollment. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(d) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If an eligible provider fails to rate at a level 3 or higher within thirty months of enrollment in the early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher within six months of beginning remedial activities. A provider who fails to receive a rating within thirty months of enrollment or fails to rate at a level 3 or higher within six months of beginning remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and

(e) Maintain an up to date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.

(5) Existing child care providers who are subject to licensure or are certified to receive state subsidy as required by chapter 43.215 RCW and as described by chapter 170-295, 170-296A, or 170-297 WAC, who have received a subsidy payment for a nonschool age child in the period July 1, 2015, through June 30, 2016, must:

(a) Enroll in the early achievers program by August 1, 2016. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(i) Out-of-state providers that provide care for children receiving Washington state child care subsidies are neither required nor eligible to participate in early achievers; and

(ii) Out-of-state providers are not eligible to receive quality improvement awards, tiered reimbursement, or other awards and incentives associated with participation in early achievers.

(b) Complete level 2 activities in the early achievers program by August 1, 2017. A provider who fails to meet this requirement will lose eligibility to receive state subsidy payments for nonschool age child care;

(c) Rate at a level 3 or higher in the early achievers program by December 31, 2019;

(d) If an existing provider fails to rate at a level 3 or higher by December 31, 2019, in the early achievers program, the provider must complete remedial activities with the department and rate at a level 3 or higher by June 30, 2020. A provider who fails to receive a rating by December 31, 2019, or fails to rate at a level 3 or higher by June 30, 2020, after completing remedial activities will lose eligibility to receive state subsidy payments for nonschool age child care; and

(e) Maintain an up to date rating by renewing their facility rating every three years and maintaining a rating level 3 or higher. If a provider fails to renew their facility rating or maintain a rating level 3 or higher, they will lose eligibility to receive state subsidy payments nonschool age child care.

(6) If a child care provider serving nonschool age children, as defined in WAC 170-290-0003, and receiving state subsidy payments for nonschool age child care has successfully completed all level 2 activities and is waiting to be rated, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3750, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3750, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3750, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3750, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3760 SCC subsidy rates. State child care subsidy rates are subject to legislative change.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3760, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3760, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3760, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3770 Authorized SCC payments. The SCC program may authorize payments to licensed or certified child care providers for:

(1) Basic child care either full-day or half-day, at rates listed in the chart in WAC 170-290-0200 and 170-290-0205:

(a) A full day of child care when a consumer's children need care for five to ten hours per day;

(b) A half day of child care when a consumer's children need care for less than five hours per day;

(c) Full-time care when the consumer participates in one hundred ten hours or more of approved activities per calendar month based on the consumer's approved activity schedule. Full-time care means twenty-three full day units if the child needs five or more hours of care per day or thirty half-day units if the child needs fewer than five hours of care per day;

(d) Beginning September 1, 2016, for school-aged children, DSHS will authorize and pay for child care as follows:

(i) DSHS will automatically increase half-day authorizations to full-day authorizations beginning the month of June when the child needs full-day care; and

(ii) DSHS will automatically decrease full-day authorizations to half-day authorizations beginning the month of September unless the child continues to need full-day care during the school year, until the following June. DSHS will send the consumer notification of the decrease as stated in WAC 170-290-0025. If the consumer's schedule has changed and the child continues to need full-day care during the school year, the consumer must request the increase and verify the need for full-day care.

(2) A registration fee, according to WAC 170-290-0245;

(3) Subsidy rates for five-year old children according to WAC 170-290-0185;

(4) The field trip/quality enhancement fees in WAC 170-290-0247;

(5) The nonstandard hours bonus in WAC 170-290-0249; and

(6) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 170-290-0220, 170-290-0225, and 170-290-0230.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3770, filed 9/21/16, effective 10/22/16. Statutory Authority:

RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3770, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3770, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3770, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3790 When additional SCC subsidy payments are authorized. DSHS may authorize additional child care when:

(1) Needed to accommodate a family's work schedule;

(2) Verification of work schedule is presented; and

(3) More than ten hours of care is needed per day (up to a maximum of sixteen hours a day) and the provider's written policy is to charge all families for these hours of care in excess of ten hours per day.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3790, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3790, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3790, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3800 Eligible provider capacity and payment. (1) DSHS may pay licensed and certified providers for authorized care up to the provider's licensed capacity as determined under WAC 170-297-5625, 170-295-0080, or 170-296A-5700, as appropriate.

(2) Licensed providers may not bill the state for more than the number of children they have in their licensed capacity and who are authorized to receive child care subsidies.

(3) A violation of subsection (2) of this section may:

(a) Result in the immediate suspension of the provider's subsidy payments; and

(b) Establish a provider overpayment as provided in WAC 170-290-0268.

(4) As used in this section, "capacity" has the same meaning as defined in WAC 170-297-0010, 170-295-0010, and 170-296A-0010.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3800, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3800, filed 5/8/12, effective 6/8/12.]

Review Process

WAC 170-290-3840 New eligibility period. (1) If a consumer wants to receive SCC program subsidies for another eligibility period, he or she must reapply for SCC benefits before the end of the current eligibility period. To determine if a consumer is eligible, DSHS:

(a) Requests reapplication information before the end date of the consumer's current SCC eligibility period; and

(b) Verifies the requested information for completeness and accuracy.

(2) A consumer may be eligible for SCC program subsidies for a new eligibility period if:

(a) DSHS receives the consumer's reapplication information no later than the last day of the current eligibility period;

(b) The consumer's provider is eligible for payment under WAC 170-290-3670 and 170-290-3750; and

(c) The consumer meets all SCC eligibility requirements.

(3) Effective October 1, 2016, if a consumer's household has countable income greater than two hundred percent of the federal poverty guidelines (FPG) but less than two hundred twenty percent of the FPG, the consumer may be eligible for a three-month eligibility period called income phase-out. In determining eligibility for the income phase-out period, the following rules apply:

(a) All countable income must be between two hundred and two hundred twenty percent of the FPG. If the countable income exceeds two hundred twenty percent of the FPG, DSHS denies the reapplication;

(b) DSHS applies all other eligibility criteria for a reapplication, with the exception of income as described above;

(c) There is no break between the twelve-month eligibility period and the income phase-out period;

(d) DSHS calculates the consumer's copayment at two hundred percent of the FPG of countable household income;

(e) DSHS certifies the consumer for a three-month eligibility period;

(f) The consumer will need to reapply for a new twelve-month certification period if the consumer's household income falls below two hundred percent of the FPG during or at the end of the three-month income phase-out period; and

(g) The consumer will not be eligible for a second, back-to-back income phase-out period if the countable income of the consumer's household remains between two hundred and two hundred twenty percent of the FPG at the end of the first three-month income phase-out period.

(4) If DSHS determines that a consumer is eligible for SCC program subsidies based on the consumer's reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.

(5) If a consumer fails to contact DSHS on or before the end date of the consumer's current SCC eligibility period to request SCC program subsidies, he or she must reapply according to WAC 170-290-3665.

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3840, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3840, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3840, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3840, filed 10/28/09, effective 12/1/09.]

Payment Discrepancies

WAC 170-290-3850 Payment discrepancies generally. Child care subsidy payment discrepancies are described in WAC 170-290-0266 through 170-290-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for twelve months after the date of services.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3850, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3850, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3855 Termination of and redetermining eligibility for SCC program subsidies. (1) A consumer's continued eligibility for SCC benefits stops when the consumer:

(a) Does not complete the requested application or reapplication before the deadline provided in WAC 170-290-3665 and 170-290-3840;

(b) At application and reapplication, is not participating in an approved activity as defined in WAC 170-290-3555;

(c) Does not meet other SCC eligibility requirements related to family size, income and resources as provided in WAC 170-290-3558;

(d) Does not return the requested income verification of new employment by the sixtieth day as provided in WAC 170-290-0012;

(e) Does not comply with the copayment requirements of WAC 170-290-3565; or

(f) Refuses to cooperate with the child care subsidy audit process or the DSHS office of fraud and accountability (OFA).

(2) A consumer might be eligible for SCC program subsidies again beginning on the date that the consumer:

(a) Meets all SCC program eligibility requirements;

(b) Complies with the copayment requirements of WAC 170-290-3565; and

(c) Cooperates with the child care subsidy audit process or with the DSHS office of fraud and accountability (OFA).

[Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3855, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3855, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3855, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3855, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.-070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3855, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3857 Program violations and suspected fraud. WAC 170-290-0277 and 170-290-0279 apply to the seasonal child care program.

[Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-3857, filed 11/7/17, effective 12/8/17.]

Administrative Hearings—SCC

WAC 170-290-3860 Right to request an administrative hearing. SCC consumers and licensed or certified child care providers must follow WAC 170-290-0280 to request a hearing.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3860, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3860, filed 10/28/09, effective 12/1/09.]

WAC 170-290-3865 Receipt of SCC program subsidies pending the outcome of an administrative hearing. A consumer may receive SCC program subsidies while waiting for the outcome of a hearing as provided in WAC 170-290-0285.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3865, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3865, filed 10/28/09, effective 12/1/09.]