

**Chapter 110-15 WAC**  
**WORKING CONNECTIONS AND SEASONAL CHILD CARE SUBSIDY PROGRAMS**  
(Formerly: Chapter 170-290 WAC)

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**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

110-15-0014 Verifying information for a provider's payment. [WSR 18-14-078, recodified as § 110-15-0014, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0022 Eligibility—Resources. [WSR 18-14-078, recodified as § 110-15-0022, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0032 Failure to report changes. [WSR 18-14-078, recodified as § 110-15-0032, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0055 Receipt of benefits during fourteen-day wait period. [WSR 18-14-078, recodified as § 110-15-0055, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0115 Notice of payment changes. [WSR 18-14-078, recodified as § 110-15-0115, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0130 In-home/relative providers—Eligibility. [WSR 18-14-078, recodified as § 110-15-0130, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-12-058, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-0135 In-home/relative providers—Information provided to DSHS. [WSR 18-14-078, recodified as § 110-15-0135, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0138 In-home/relative providers—Responsibilities. [WSR 18-14-078, recodified as § 110-15-0138, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0139 In-home/relative providers—Electronic attendance records—Records retention. [WSR 18-14-078, recodified as § 110-15-0139, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0140 In-home/relative providers—Ineligibility. [WSR 18-14-078, recodified as § 110-15-0140, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0143 In-home/relative providers—Background checks—Required persons. [WSR 18-14-078, recodified as § 110-15-0143, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0145 In-home/relative providers—Background checks—Reasons and notification. [WSR 18-14-078, recodified as § 110-15-0145, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0150 In-home/relative providers—Background checks—Included information and sources. [WSR 18-14-078, recodified as § 110-15-0150, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0155 In-home/relative providers—Background checks—Subsequent steps. [WSR 18-14-078, recodified as § 110-15-0155, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0160 In-home/relative providers—Background checks—Disqualified providers. [WSR 18-14-078, recodified as § 110-15-0160, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0165 In-home/relative providers—Background checks—Other disqualifying information. [WSR 18-14-078, recodified as § 110-15-0165, filed 6/29/18, effective 7/1/18. 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.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0167 In-home/relative providers—Background checks—Disqualified person living with the provider. [WSR 18-14-078, recodified as § 110-15-0167, filed 6/29/18, effective 7/1/18. 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,

## PART I INTRODUCTION

**WAC 110-15-0001 Purpose and intent.** (1) This chapter establishes the minimum requirements for eligible families to receive subsidized child care benefits through the working connections child care (WCCC) and seasonal child care (SCC) programs. This chapter also establishes the minimum requirements for providers that request approval to receive subsidy payments for the care of children who are eligible for WCCC or SCC benefits. WCCC and SCC are administered by DSHS in accordance with applicable state and federal law and to the extent of available funds.

Effective July 1, 2019, DCYF will be administering the WCCC and SCC programs.

(2) The purpose of WCCC is to:

(a) Help eligible consumers pay for child care so the consumer can work, attend training, or enroll in educational programs; and

(b) Promote stability, quality, and continuity of care and education programming for children who participate in the WCCC program.

(3) The purpose of SCC is to:

(a) Help eligible consumers pay for licensed child care while they are seasonally employed in agriculturally related work; and

(b) Promote stability, quality, and continuity of care and education programming for children who participate in the SCC program.

(4) No provision of this section shall be interpreted contrary to RCW 43.216.295.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0001, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0001, filed 6/29/18, effective 7/1/18. 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 110-15-0002 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.

[WSR 18-14-078, recodified as § 110-15-0002, filed 6/29/18, effective 7/1/18. 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 110-15-0003 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.

**"Administrative error"** means an error made by DCYF or DSHS through no fault of the consumer or provider.

**"Approved activity"** means an activity that a consumer is required to participate in at application and reapplication to be eligible to collect benefits.

**"Authorization"** means the transaction created by DSHS which allows the provider 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 110-15-0040, 110-15-0045, or 110-15-0050 during the time child care is needed.

**"Benefit"** means a regular payment made by a government agency on behalf of a person eligible 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 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 eligible to receive:

- (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 each month toward the cost of child care, whether provided under a voucher or contract.

**"Days"** means calendar days unless otherwise specified.

**"DCYF"** means the department of children, youth, and families.

**"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.

**"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, symbol, or process executed by a person with the intent to sign the record.

**"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 U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S. 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 without a fixed, regular, and adequate nighttime residence.

**"In-home/relative provider"** or **"family, friends, and neighbors (FFN) provider"** means an individual who is exempt from child care licensing standards and is approved for working connections child care (WCCC) payment under WAC 110-15-0125.

**"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.

**"Living in the household"** means people who reside at the same physical address.

**"Lump-sum payment"** means a single payment that is not anticipated to continue.

**"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.



**"Overpayment"** means a payment or benefits received by a provider or consumer that exceeds the amount the provider or consumer is approved for or eligible to receive.

**"Parental control"** means a child is living with a biological or adoptive parent, stepparent, legal guardian verifiable by a legal or court document, adult sibling or step-sibling, nephew or niece, aunt, great-aunt, uncle, great-uncle, grandparent or great-grandparent, or an approved in loco parentis custodian responsible for exercising day-to-day care and control of the child.

**"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 a failure to adhere to program requirements, which results in an overpayment.

**"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.

**"Second tier eligibility"** means an increased income limit for eligible families who reapply before the end of their current eligibility period.

**"Self-employment"** means engaging in any legal income generating activity that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S., 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.

**"Sign"** means placing a name or legal mark on a document by physically writing or using an electronic signature.

**"State median income"** means an annual income figure representing the point at which there are as many families earning more than that amount as there are earning less than that amount. The Census Bureau publishes median family income figures for each state each year, depending on family size.

**"TANF"** means temporary assistance for needy families, a cash assistance program administered by DSHS.

**"Technical assistance"** means a strategy that is focused on the resolution of a specific concern or need. This may be in writing or by phone call.

**"To the extent of available funds"** means one or more of the following:

- (a) Limited or closed enrollment;
- (b) Subject to a priority list for new enrollees pursuant to applicable state and federal law and as described in WAC 110-15-2210; or

(c) Subject to a waiting list.

**"Unintentional"** means not done willfully or on purpose.

**"Waiting list"** means a list of applicants or reapplicants eligible to receive subsidy benefits when funding becomes available.

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

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0003, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0003, filed 6/29/18, effective 7/1/18. 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 110-15-0005 Eligibility.** (1) **Consumer.** At application and reapplication, to be eligible for WCCC, the consumer must:

- (a) Have parental control of one or more eligible children;
- (b) Live in the state of Washington;
- (c) Participate in an approved activity or meet the eligibility special circumstances requirements under WAC 110-15-0020;
- (d) Have countable income at or below two hundred percent of the federal poverty guidelines (FPG) and have resources under one million dollars per WAC 110-15-0022; and
- (e) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed.

(2) **Children.** To be eligible for WCCC, a 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) Legally reside in Washington state, which will be determined by applying the criteria of WAC 388-424-0001 or 388-468-0005; and

- (c) Be less than thirteen years of age on the first day of eligibility; or
- (d) Be less than nineteen years of age, and:
- (i) Have a verified special need, according to WAC 110-15-0020; or
- (ii) Be under court supervision.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0005, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0005, filed 6/29/18, effective 7/1/18. 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 110-15-0012 Verifying consumers' information.** (1) DSHS may require the consumer to provide verification of child care subsidy eligibility if DSHS is unable to verify it through agency records or systems. The information and verification provided to DSHS from the consumer must:

- (a) Clearly relate to the request made by DSHS;
  - (b) Be from a reliable source;
  - (c) Be accurate and complete; and
  - (d) If DSHS has reasonable cause to believe the information and verification the consumer provides is unreliable, inaccurate, incomplete, or inconsistent, DSHS may:
    - (i) Ask the consumer to provide additional verification that may include a statement from a person who lives outside of the consumer's residence who knows the consumer's circumstances;
    - (ii) 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 110-15-0025; or
    - (iii) Deny the application, request for reduced copay, or request for additional child care.
- (2) Gross income of consumers with more than ninety days of employment must be employer-verified. If the consumer has less than ninety days of employment, the consumer must provide verification from the employer within sixty days from the approval date.
- (3) DSHS may only request verification for changes during the family's eligibility period that reduce a copayment or increase the

authorized amount of care, if agency records or systems cannot provide verification.

(4) If DSHS is unable to verify household composition of a single-parent household through agency records, the single-parent consumer must provide the name and address of the child's other parent, or declare, under penalty of perjury:

(a) That the other parent's identity and address are unknown to the consumer; or

(b) That providing this information will likely result in serious physical or emotional harm to the single-parent consumer or another person residing with the single-parent consumer; and

(c) Whether the other parent is present or absent in the household.

(5) DSHS will pay for requested verification that requires payment; however, this does not include payment for a self-employed consumer's state business registration or license, which is a cost of doing business.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0012, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0012, filed 6/29/18, effective 7/1/18. 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 110-15-0015 Determining family size.** (1) DCYF determines a consumer's family size as follows:

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

(b) For unmarried parents who have at least one mutual child, DCYF 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 households, the unmarried parents and their respective children living in the household;

(d) For married parents, DCYF 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, DCYF 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 110-15-0005;

(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 110-15-0005, DCYF 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, DCYF 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, DCYF counts the consumer, the absent parent, and the children. WAC 110-15-0020 and all other family and household 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, DCYF counts only the consumer and children residing in the United States and all other family and household rules in this section apply;

(j) An incarcerated parent is not part of the household count for determining income and eligibility. DCYF 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, DCYF counts the parent and child as their own household.

(2) When the household consists of the consumer's own child and another child identified in subsection (1)(f) of this section, the household may be combined into one household or kept as distinct households for the benefit of the consumer.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0015, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0015, filed 6/29/18, effective 7/1/18. 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 110-15-0020 Eligibility—Special circumstances.** (1) A legal guardian or individual acting in loco parentis may be eligible for WCCC benefits based on participation in approved activities without

consideration of the legal guardian's or individual's acting in loco parentis spouse or live-in partner's availability to provide care if the spouse or live-in partner is not named on the permanent custody order.

(a) Eligibility will be determined under this subsection based on the following:

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

(ii) The child's need for care;

(iii) The child's income; and

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

(b) 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 if the consumer is a parent in a two-parent family and one parent is not able or available as defined in WAC 110-15-0003 to provide care for the children while the other parent is working or participating in approved activities.

(b) If a consumer claims one parent is not able to care for the children due to a medical condition, the consumer must provide written documentation from an acceptable medical source, as defined in 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.

(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 consumer whose application for TANF has not yet been approved, may be authorized for WCCC benefits for fourteen days pending establishment of an individual responsibility plan (IRP) with an approved activity. The fourteen days counts as part of the twelve-month eligibility period.

(5) A consumer who has an established IRP under WAC 110-15-0040 may be approved for WCCC benefits fourteen days before the start date of the activity. The fourteen days counts as part of the twelve-month eligibility period.

(6) A consumer who is waiting to enter into an approved activity under WAC 110-15-0045 may be approved for WCCC benefits fourteen days before the start date of the activity. The fourteen days counts as part of the twelve-month eligibility period.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0020, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0020, filed 6/29/18, effective 7/1/18. 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 110-15-0021 Eligibility—Exclusions.** At application and re-application:

(1) A consumer is not eligible for WCCC benefits for any child who receives care from a licensed family home child care in which the consumer works.

(2) A consumer is not eligible for WCCC benefits for a child who receives care from a child care center in a classroom in which the consumer provides direct care.

(3) 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 consecutive days.

(4) A consumer who is also an in-home/relative child care provider is not eligible to receive WCCC benefits for the consumer's own children for the same hours the consumer receives WCCC payments to care for other children.

(5) A consumer who is also a child care provider and receives TANF benefits on behalf of a child is not eligible to receive WCCC payments for the same child.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0021, filed 3/26/19, effective 4/26/19.]

**WAC 110-15-0023 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.

[WSR 18-14-078, recodified as § 110-15-0023, filed 6/29/18, effective 7/1/18. 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.]

**WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services.**

(1) Families with children who have received child protective services as defined and used by chapters 26.44 and 74.13 RCW, child welfare services as defined and used by chapter 74.13 RCW, or services through a family assessment response, as defined and used by chapter 26.44 RCW in the six months previous to application or reapplication for working connections child care (WCCC) benefits are eligible for WCCC benefits for a twelve-month period if, in addition the:

(a) Consumer is a Washington resident;

(b) Family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(c) Child or children are residing with a biological parent or guardian.

(2) Families eligible for WCCC under this section will:

(a) Have no copayment;

(b) Be authorized for full-time child care regardless of participation in an approved activity; and

(c) Be eligible to have benefits paid only to a licensed, certified, or contracted child care provider that meets the requirements in WAC 110-15-0125.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0024, filed 5/31/19, effective 7/1/19.]

## **Rights and Responsibilities**

**WAC 110-15-0025 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.

[WSR 18-14-078, recodified as § 110-15-0025, filed 6/29/18, effective 7/1/18. 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 110-15-0030 Consumers' responsibilities.** When a person applies for or receives WCCC benefits, as a condition of receiving those benefits, the applicant or consumer must:

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

(2) Choose a provider who meets the requirements of WAC 110-15-0125;

(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) If the consumer or a third-party acting on behalf of the consumer fails to make a copayment when due, the consumer must do one or more of the following:

(a) Pay the child care provider the past due copayments;

(b) Provide DSHS with a signed copy of a payment agreement between the consumer and child care provider that includes, but is not limited to, the following information:

(i) A description of the agreed payment plan;

(ii) If applicable, a description of any collection agency action that may be taken by the provider if the consumer fails to comply with the agreed payment plan;

(iii) If applicable, a description of in-kind services in lieu of paying the copayment; and

(iv) If applicable, payment forgiveness from the provider.

(c) Provide DSHS proof that the consumer attempted to make a copayment to the provider, but the licensed provider is no longer in business or the license-exempt in-home/relative provider no longer provides child care. "Proof" includes, but is not limited to, a return receipt associated with a payment that was mailed to the provider that indicates the mailed payment was signed for but not picked up, or a returned, previously mailed payment that was not signed for or accepted.

(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 makes a late copayment or picks up the child late;

(8) Cooperate (provide the information requested) with the child care subsidy audit process. If the consumer does not provide the information requested:

(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.

(9) 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 may affect the consumer's benefits;

(10) Document the child's attendance in child care, or have a person authorized by the consumer to document the child's attendance, by:

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

(b) Electronically recording the child's attendance as instructed, if an electronic system is used by the provider.

(11) Ensure that the consumer's 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.

(12) Ensure that care is provided in the correct home as required by WAC 110-16-0015(3) 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;

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

(14) Provide other information and resources as necessary for the consumer's in-home/relative provider to be in compliance with the requirements of chapter 110-16 WAC including, but not limited to, WAC 110-16-0030 and 110-16-0035.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0030, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0030, filed 6/29/18, effective 7/1/18. 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 110-15-0031 Notification of changes.** (1) Consumers applying for or receiving WCCC benefits must:

- (a) Notify DSHS within five days of:
    - (i) Starting care with a provider; or
    - (ii) Any change in providers.
  - (b) Notify DSHS, within ten days, of:
    - (i) Changes of the address or telephone number of the consumer's in-home/relative provider;
    - (ii) Changes of the consumer's home address or telephone number;
    - (iii) Changes that increase the number of hours of authorized care;
    - (iv) When the consumer's countable income increases and exceeds eighty-five percent of state median income; or
    - (v) When the consumer's countable resources exceed one million dollars.
  - (c) The effective date of the change is:
    - (i) The date of the change when the consumer reports timely and provides required verification within the requested time frame;
    - (ii) The date the change is reported when the consumer does not report timely and provides required verification within the requested time frame; or
    - (iii) The date the verification is received when it is not returned within the requested time frame.
  - (d) When required changes are timely reported, an overpayment will not be established.
  - (e) When required changes are not timely reported, an overpayment may be established as provided in WAC 110-15-0271.
- (2) When a consumer reports a change that will decrease their co-payment, the date of change for the copayment is described in WAC 110-15-0085.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0031, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0031, filed 6/29/18, effective 7/1/18. 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. Statuto-

ry 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 110-15-0034 Providers' responsibilities.** Child care providers who accept child care subsidies must do the following:

(1) Licensed or certified child care providers who accept child care subsidies must comply with all child care licensing or certification requirements contained in this chapter, chapter 43.216 RCW and chapters 110-06, 110-300, 110-300A, 110-300B, and 110-305 WAC.

(2) In-home/relative child care providers must comply with the requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(3) In-home/relative child care providers must not submit an invoice for more than six children for the same hours of care.

(4) All child care providers must use DCYF's electronic attendance recordkeeping system or a DCYF-approved electronic attendance recordkeeping system as required by WAC 110-15-0126. Providers must limit attendance system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(a) Providers using DCYF's electronic recordkeeping system must submit monthly attendance records prior to claiming payment. Providers using a DCYF-approved electronic recordkeeping system must finalize attendance records prior to claiming payment.

(b) Providers must not edit attendance records after making a claim for payment.

(5) All child care providers must complete and maintain accurate daily attendance records. If requested by DCYF or DSHS, the provider must provide to the requesting agency the following records:

(a) Attendance records must be provided to DCYF or DSHS within twenty-eight calendar days of the date of a written request from either department.

(b) Pursuant to WAC 110-15-0268, the attendance records delivered to DCYF or DSHS may be used to determine whether a provider overpayment has been made and may result in the establishment of an overpayment and in an immediate suspension of the provider's subsidy payment.

(6) All child care providers must maintain and provide receipts for billed field trip/quality enhancement fees as follows. If requested by DCYF or DSHS, the provider must provide the following receipts for billed field trip/quality enhancement fees:

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

(b) Receipts from one to five years old must be provided within twenty-eight days of the date of a written request from either department.

(7) All child care providers must collect copayments directly from the consumer or the consumer's third-party payor, and report to DCYF if the consumer has not paid a copayment to the provider within the previous sixty days.

(8) All child care providers must follow the billing procedures required by DCYF.

(9) Child care providers who accept child care subsidies must not:

(a) Claim a payment in any month a child has not attended at least one day within the authorization period in that month; however, in the event a ten-day notice terminating a provider's authorization extends into the following month, the provider may claim a payment for any remaining days of the ten calendar day notice in that following month;

(b) Claim an invoice for payment later than six months after the month of service, or the date of the invoice, whichever is later; or

(c) Charge consumers the difference between the provider's customary rate and the maximum allowed state rate.

(10) Licensed and certified providers must not charge consumers for:

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

(b) Days for which the child is scheduled and authorized for care but absent;

(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.

(11) Providers who care for children in states bordering Washington state must verify they are in compliance with their state's licensing regulations and notify DCYF within ten days of any suspension, revocation, or changes to their license.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0034, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0034, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0034, filed 6/29/18, effective 7/1/18. 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 110-15-0035 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 110-15-0095). Under WAC 110-15-0012, 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 110-15-0125;

- (4) Authorize payments only to child care providers who allow a consumer to access his or her children whenever they are in care;
- (5) Authorize payment when no adult in a consumer's family (under WAC 110-15-0015) is able or available (under WAC 110-15-0003) to care for the consumer's children at application and reapplication;
- (6) 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 110-15-0120(5).
- (7) 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.
- (8) Provide prompt child care payments to a consumer's child care provider;
- (9) Provide an interpreter or translator service within a reasonable amount of time and at no cost to the consumer;
- (10) Provide consumers with at least ten days written notice for changes to WCCC eligibility, provider payments, or when DSHS requires a change in child care arrangements.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0035, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0035, filed 6/29/18, effective 7/1/18. 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 110-15-0040 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 fol-



lowing 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.

[WSR 18-14-078, recodified as § 110-15-0040, filed 6/29/18, effective 7/1/18. 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 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst.** Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for approved activities as described below.

(1) **Applicants and consumers who are:**

(a) Employed;

(b) Self-employed; or

(c) Participating in the supplemental nutrition assistance program employment & training services (SNAP E&T) 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.

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

(a) An applicant or consumer who is under twenty-two years of age:

(i) May be eligible for WCCC benefits for high school (HS) or general educational development (GED) program without a minimum number of employment hours.

(ii) May be eligible for WCCC benefits for up to thirty-six months during the consumer's lifetime for participation in vocational

education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment or an average of sixteen or more hours per week in a paid federal or state work study program. 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.

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

(i) May be eligible for WCCC benefits up to twenty-four months during the consumer's lifetime for participation in high school/general education development, adult basic education (ABE) or English as a second language (ESL). The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program.

(ii) May be eligible for WCCC benefits up to thirty-six months during the consumer's lifetime for participation in vocational education. The consumer must work either an average of twenty or more hours per week of unsubsidized employment, or an average of sixteen or more hours per week in a paid federal or state work study program. 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.

(c) An applicant or consumer may be eligible for WCCC benefits up to ten hours per week for study time for approved classes.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0045, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0045, filed 6/29/18, effective 7/1/18. 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 110-15-0050 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) **Home-based business.** Child care must 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 as determined by the following:

(a) The consumer must have an approved self-employment plan in the consumer's individual responsibility plan as outlined in chapter 388-310 WAC;

(b) The number of hours 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 for a new business that has yet reported taxable income; and

(v) Federal self-employment tax or state tax reporting forms for the most current reporting year for an established business.

(b) At application and reapplication, the number of WCCC hours a self-employed consumer is eligible to receive during the first six consecutive months of a new business 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 these starting-business WCCC benefits only once during the consumer's lifetime.

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

(i) Dividing the consumer's net monthly self-employment income, after allowable expenses or the standard one hundred dollar deduction,

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 hours 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, WAC 110-15-0012 applies to determining eligibility.

(e) Self-employment income is calculated by subtracting either a standard one hundred dollar deduction or allowable business expenses from the consumer's gross monthly self-employment income.

The following expenses are not allowable:

(i) Federal, state, and local income taxes;

(ii) Money set aside for retirement purposes;

(iii) Personal work-related expenses (including travel to and from work);

(iv) Net losses from previous periods;

(v) Depreciation; or

(vi) Any amount greater than the payment from a boarder for lodging and meals.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0050, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0050, filed 6/29/18, effective 7/1/18. 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.]

### **Income and Copayment Calculations**

**WAC 110-15-0060 Countable income.** DSHS counts income as money an applicant or consumer earns or receives him or herself, 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) Child support received;

- (3) Supplemental security income (SSI);
- (4) Social Security income;
- (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 43.216.137;
- (8) Other types of income not listed in WAC 110-15-0070;
- (9) Taxable income from VISTA, AmeriCorps, and Washington Service Corps programs;
- (10) Taxable gross wages from employment or self-employment;
- (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 110-15-0065(2);
  - (c) Property does not include small personal items such as furniture, clothes, and jewelry.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0060, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0060, filed 6/29/18, effective 7/1/18. 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 110-15-0065 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 110-15-0060 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 dividing the income by the same number of months, weeks or pay periods.

(ii) If the past wages are no longer reflective of the current income, DSHS may accept the employer's statement of current, anticipated wages for future income determination.

(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 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0065, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0065, filed 6/29/18, effective 7/1/18. 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 110-15-0070 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.

[WSR 18-14-078, recodified as § 110-15-0070, filed 6/29/18, effective 7/1/18. 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 110-15-0075 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.

[WSR 18-14-078, recodified as § 110-15-0075, filed 6/29/18, effective 7/1/18. 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 110-15-0082 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.

[WSR 18-14-078, recodified as § 110-15-0082, filed 6/29/18, effective 7/1/18. 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 chap-



ter 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 110-15-0085 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 110-15-0090;
  - (f) DCYF or DSHS makes a system-level 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 after a change is reported and required verification is timely received.
- (3) Copayment changes are effective on the first day of the month following the month the verification is received when the required verification is not timely received.
- (4) A consumer's copayment will not be increased during a current eligibility period.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0085, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0085, filed 6/29/18, effective 7/1/18. 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 110-15-0090 Minimum copayment.** (1) The consumer is eligible for the minimum copayment when:

- (a) The consumer has countable monthly income at or below eighty-two percent of the federal poverty guidelines;
  - (b) The consumer is a minor parent and receives TANF; or
  - (c) The consumer is a minor parent and is part of the consumer's parent's or consumer's relative's TANF assistance unit.
- (2) The consumer is eligible for the minimum copayment beginning the first month that DCYF pays for WCCC child care services and the first full calendar month thereafter for:
- (a) A consumer's first approved application; and
  - (b) A consumer's approved application following a break of at least one calendar month of eligibility.
- (3) If the consumer meets the conditions described in subsection (2) of this section, the consumer pays the minimum copayment beginning the first month that DCYF pays for WCCC child care services and the first full calendar month thereafter, even if the consumer's copayment for later months calculated under the provisions of WAC 110-15-0075 exceeds the cost of care.
- (4) DCYF does not prorate the copayment.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0090, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0090, filed 6/29/18, effective 7/1/18. 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 110-15-0095 When WCCC benefits start.** (1) WCCC benefits for an eligible consumer begin when the following conditions are met:

(a) The consumer has completed the required WCCC application and verification process within thirty days of the date DSHS received the consumer's application for WCCC benefits; and

(b) The consumer is working or participating in an approved activity.

(2) If a consumer fails to complete the initial application within thirty days from the application date, the consumer must restart the application process.

(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 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0095, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0095, filed 6/29/18, effective 7/1/18. 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 110-15-0106 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 110-15-0125) 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 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0106, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0106, filed 6/29/18, effective 7/1/18. 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 110-15-0107 Denial of benefits—Date of redetermining eligibility.** (1) DSHS sends a denial letter when the consumer has applied for child care and the consumer:

- (a) Withdraws the request;
  - (b) Is not eligible due to the consumer's:
    - (i) Family composition;
    - (ii) Income;
    - (iii) Outstanding unpaid copayment; or
    - (iv) Approved activity; or
  - (c) Did not provide information required to determine the consumer's eligibility under WAC 110-15-0012 within thirty days.
- (2) If a consumer provides information or otherwise meets eligibility requirements after DSHS sends the consumer a denial letter, DSHS will determine when the consumer's benefits may begin, as provided in WAC 110-15-0095.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0107, filed 3/26/19, effective

4/26/19. WSR 18-14-078, recodified as § 110-15-0107, filed 6/29/18, effective 7/1/18. 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 110-15-0109 Reapplication.** (1) To request WCCC benefits be continued uninterrupted beyond the consumer's current eligibility period, the consumer must reapply for WCCC benefits with DSHS on or before the end of the current eligibility period.

(2) Determination of the consumer's eligibility to receive uninterrupted WCCC benefits beyond the consumer's current eligibility period will be made pursuant to the eligibility rules contained in this chapter.

(3) A consumer who reapplies on or before the end date of the current WCCC eligibility period may receive continued uninterrupted benefits through second tier eligibility if the consumer's household has countable income greater than two hundred percent but less than two hundred twenty percent of the federal poverty guidelines (FPG).

(a) If the countable income is equal to or greater than two hundred twenty percent FPG, the reapplication will be denied.

(b) The copayment for a second tier eligible consumer will be determined at two hundred percent of the FPG of countable household income.

(4) If a consumer submits a reapplication after the last day of the current eligibility period and meets all WCCC eligibility requirements, the consumer's benefits will begin:

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

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

(c) The consumer's child is receiving care from an approved provider.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0109, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0109, filed 6/29/18, effective 7/1/18. 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 110-15-0110 Termination of and redetermining eligibility for benefits.** (1) A consumer's eligibility for WCCC benefits is terminated if the consumer fails to:

- (a) Comply with the requirements of WAC 110-15-0030;
- (b) Complete the WorkFirst orientation process when approved for TANF; or
- (c) Cooperate with the child care subsidy audit process and investigations involving the DSHS office of fraud and accountability (OFA).

(2) A consumer's eligibility for WCCC benefits is terminated if the consumer:

- (a) Has or anticipates sustained countable income at or above eighty-five percent of the state median income (SMI); or
- (b) Has resources that exceed one million dollars.

(3) A consumer whose eligibility for WCCC benefits has been terminated may be eligible to receive WCCC benefits again, beginning on the date the consumer:

- (a) Meets all WCCC eligibility requirements;
- (b) Complies with the copayment requirements contained in WAC 110-15-0030; and
- (c) Cooperates with the child care subsidy audit process and the DSHS office of fraud and accountability (OFA).

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0110, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0110, filed 6/29/18, effective 7/1/18. 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 110-15-0120 When notice of payment changes is not required.** DCYF does not give a consumer written notice of changes to WCCC eligibility or provider payments when:

- (1) The consumer tells DCYF that he or she no longer wants WCCC;
- (2) The consumer has not informed DCYF of his or her new mailing address; or
- (3) DCYF has determined that children have been exposed to a serious health or safety risk.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0120, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0120, filed 6/29/18, effective 7/1/18. Statutory Au-

thority: 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 110-15-0125 Approved child care providers.** (1) In-home/relative providers. To be approved to receive benefits under the WCCC program, an in-home/relative provider must comply with the applicable requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(2) Licensed providers.

(a) To be approved to receive payment under the WCCC program, a licensed provider must comply with the requirements of this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, 110-300A, 110-300B, and 110-305 WAC.

(b) A provider who cares for a child who is a Washington resident in a state that borders Washington must:

(i) Be licensed to provide care in the bordering state;

(ii) Comply with the bordering state's licensing regulations;

(iii) Comply with the electronic attendance requirements contained in WAC 110-15-0126.

(c) The lesser of the following will be paid to a qualified, licensed child care provider in a state that borders Washington:

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

(ii) The DCYF maximum WCCC subsidy daily rate for the DCYF region where the child resides.

(d) A licensed provider in a state that borders Washington that receives WCCC subsidy payment to care for a child who is a Washington resident is not required or eligible to participate in the early achievers program or to receive quality improvement awards, tiered reimbursements, or other awards and incentives associated with the early achievers program.

(3) Certified providers. To be approved to receive payment under the WCCC program, a certified provider must comply with the certification requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, 110-300A, 110-300B, and 110-305 WAC. Certified providers include:

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

(b) Child care facilities on a military installation;

(c) Child care facilities operated on public school property by a school district; and

(d) Seasonal day camps that contract with DCYF to provide subsidized child care.

(4) Early achievers program requirements for licensed and certified child care providers that receive their first WCCC payment on or after July 1, 2016:

(a) A licensed or certified child care provider that first receives a WCCC subsidy payment on or after July 1, 2016, for providing nonschool age child care must complete the following activities to be eligible to receive additional WCCC payments:

(i) Enroll in the early achievers program within thirty days of receiving the first WCCC subsidy payment. A licensed or certified provider that fails to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

(ii) Complete level 2 activities in the early achievers program within twelve months of enrollment. A licensed or certified provider that fails to meet this requirement will lose DCYF approval to receive DCYF subsidy payments for providing nonschool age child care;

(iii) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. A licensed or certified provider that fails to meet this requirement within thirty months of enrollment in the early achievers program, must complete remedial activities with DCYF and rate at a level 3 or higher within six months of beginning remedial activities. A licensed or certified provider that fails to rate at a level 3 or higher within six months of beginning remedial activities will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care; and

(iv) Renew their facility rating every three years and maintain a rating level 3 or higher. If a licensed or certified provider fails to renew their facility rating or maintain a rating level 3 or higher, the licensed or certified provider will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must comply with the provisions for participation as outlined in the early achievers operating guidelines. Failure to comply with these guidelines may result in a licensed or certified provider's loss of DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(5) Early achievers program requirements for licensed and certified child care providers that received a WCCC payment on or between July 1, 2015, and June 30, 2016:

(a) A licensed or certified child care provider that received a WCCC subsidy payment on or between July 1, 2015, and June 30, 2016, for providing nonschool age child care, must complete the following activities to be eligible to receive additional WCCC subsidy payments:

(i) Enroll in the early achievers program by August 1, 2016. A licensed or certified provider that fails to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

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

(iii) Rate at a level 3 or higher in the early achievers program by December 31, 2019. A licensed or certified provider that fails to meet this requirement by December 31, 2019, must complete remedial activities with DCYF and rate at a level 3 or higher by June 30, 2020. A licensed or certified provider that 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 DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must renew their facility rating every three years and maintain a rating level 3 or higher. If a licensed or certified provider fails to renew their facility rating or maintain a rating level 3 or higher, licensed or certified providers will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(6) If a licensed or certified child care provider receiving WCCC subsidy payment for providing nonschool age has successfully completed all level 2 activities and is waiting to be rated, the licensed or certified provider may continue to receive WCCC subsidy payments pending the successful completion of the level 3 rating activity.

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

[Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0125, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0125, filed 6/29/18, effective 7/1/18. 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 110-15-0126 Electronic attendance records.** (1) Within ninety days of initial approval to receive WCCC or SCC benefits, providers must adopt the department's electronic attendance recordkeeping system or a department-approved electronic attendance recordkeeping system to record a child's attendance. Ninety days following approval, providers not using an approved electronic attendance system will no longer receive WCCC or SCC payments.

(2) The electronic attendance recordkeeping system must:

(a) Record an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar authentication by the parent or designee when signing the child in and out of the provider's care;

(b) Ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against alterations of the electronic records;

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

(d) Prove the identity of the sender of the record;

(e) Uniquely identify each record;

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

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



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

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

(j) Produce authentic copies of electronic records and supply them in usable formats for business purposes and all public access purposes;

(k) 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:

(i) The contents of the electronic record;

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

(iii) The person signing the electronic record; and

(iv) The date when the signature was executed.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0126, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0126, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 18-12-064, § 170-290-0126, filed 6/1/18, effective 7/2/18.]

### **Subsidy Rates and Fees**

**WAC 110-15-0180 WCCC subsidy rates.** State child care subsidy rates in part II of this chapter are subject to legislative change.

[WSR 18-14-078, recodified as § 110-15-0180, filed 6/29/18, effective 7/1/18. 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 110-15-0190 WCCC benefit calculations.** (1) The amount of care a consumer may receive is determined by DSHS 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; or

(c) Incorrect information was given at application or reapplication.

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

(a) The consumer's participation in approved activities and the number of hours the child attends school, including home school, which will reduce the amount of care needed.

(b) In a two parent household, the days and times approved activities overlap, and only authorize care during those overlapping times. The consumer is eligible for full-time care if overlapping care totals one hundred ten hours in one month.

(c) DSHS will not consider the schedule of a parent in a two parent household who is not able to care for the child.

(3) Full-time care for a family using licensed providers is authorized when the consumer participates in approved activities at least one hundred ten hours per month:

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

(b) Thirty half-day units per month will be authorized when the child needs care less than five hours per day;

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

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

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

(4) Full-time care for a family using in-home/relative providers (family, friends and neighbors) is authorized when the consumer participates in approved activities at least one hundred ten hours per month:

(a) Two hundred thirty hours of care will be authorized when the child needs care five or more hours per day;

(b) One hundred fifteen hours of care will be authorized 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 for 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 per month; and

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

(5) When 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) When determining part-time care for a family using in-home/relative providers:

(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) 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 110-15-0125, or an approved in-home/relative provider under WAC 110-16-0010. "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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0190, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0190, filed 6/29/18, effective 7/1/18. 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 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps.** (1) **Base rate.** DCYF pays the lesser of the following to a licensed or certified child care center or DCYF 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	\$35.29	\$32.44	\$30.53	\$29.41
	Half-Day	\$17.65	\$16.22	\$15.27	\$14.71
Spokane County	Full-Day	\$45.45	\$38.77	\$35.69	\$27.90
	Half-Day	\$22.73	\$19.39	\$17.85	\$13.95
Region 2	Full-Day	\$39.44	\$31.67	\$30.56	\$23.84
	Half-Day	\$19.72	\$15.84	\$15.28	\$11.92
Region 3	Full-Day	\$58.64	\$49.47	\$42.59	\$31.82
	Half-Day	\$29.32	\$24.74	\$21.30	\$15.91
Region 4	Full-Day	\$71.76	\$60.14	\$55.57	\$33.41
	Half-Day	\$35.88	\$30.07	\$27.79	\$16.71
Region 5	Full-Day	\$48.86	\$42.51	\$37.88	\$26.12
	Half-Day	\$24.43	\$21.26	\$18.94	\$13.06
Region 6	Full-Day	\$46.39	\$40.82	\$35.56	\$28.01
	Half-Day	\$23.20	\$20.41	\$17.78	\$14.01

(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 110-300A-0010 and 110-300A-0050 allows providers to care for children from one month up to and including the end of their eligibility period after their thirteenth birthday. The provider must obtain a child-specific and time-limited exception from their child care licenser 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 exceeded 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. WAC 110-300A-0010 and 110-300A-0050 are superseded by WAC 110-300-0005 and 110-300-0356, respectively, effective August 1, 2019.

(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. The child must meet the special needs requirement according to WAC 110-15-0220 when thirteen or older at application or reapplication.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0200, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0200, filed 6/29/18, effective 7/1/18. 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, ef-

fective 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 110-15-0205 Daily child care rates—Licensed or certified family home child care providers.** (1) **Base rate.** DCYF 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 effective July 1, 2019:

		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	\$31.25	\$31.25	\$26.79	\$25.89	\$22.32
	Half-Day	\$15.63	\$15.63	\$13.39	\$12.95	\$11.16
Spokane County	Full-Day	\$32.59	\$32.59	\$27.68	\$26.79	\$26.79
	Half-Day	\$16.29	\$16.29	\$13.84	\$13.39	\$13.39
Region 2	Full-Day	\$32.14	\$32.14	\$29.46	\$26.79	\$25.00
	Half-Day	\$16.07	\$16.07	\$14.73	\$13.39	\$12.50
Region 3	Full-Day	\$42.86	\$42.86	\$37.50	\$36.25	\$29.38
	Half-Day	\$21.43	\$21.43	\$18.75	\$18.13	\$14.69
Region 4	Full-Day	\$54.37	\$54.37	\$48.70	\$41.07	\$32.31
	Half-Day	\$27.19	\$27.19	\$24.35	\$20.54	\$16.16
Region 5	Full-Day	\$37.07	\$37.07	\$34.90	\$31.25	\$26.79
	Half-Day	\$18.54	\$18.54	\$17.45	\$15.63	\$13.39
Region 6	Full-Day	\$33.93	\$33.93	\$31.25	\$28.41	\$25.89
	Half-Day	\$16.96	\$16.96	\$15.63	\$14.20	\$12.95

- (c) The maximum child care subsidy daily rate for that child as listed in the following table beginning July 1, 2020:

		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	\$33.13	\$33.13	\$28.39	\$27.45	\$23.66
	Half-Day	\$16.56	\$16.56	\$14.20	\$13.72	\$11.83
Spokane County	Full-Day	\$34.54	\$34.54	\$29.34	\$28.39	\$28.39
	Half-Day	\$17.27	\$17.27	\$14.67	\$14.20	\$14.20
Region 2	Full-Day	\$34.07	\$34.07	\$31.23	\$28.39	\$26.50
	Half-Day	\$17.04	\$17.04	\$15.62	\$14.20	\$13.25
Region 3	Full-Day	\$45.43	\$45.43	\$39.75	\$38.43	\$31.14
	Half-Day	\$22.71	\$22.71	\$19.88	\$19.21	\$15.57
Region 4	Full-Day	\$57.63	\$57.63	\$51.62	\$43.54	\$34.25
	Half-Day	\$28.82	\$28.82	\$25.81	\$21.77	\$17.13

		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 5	Full-Day	\$39.29	\$39.29	\$37.00	\$33.13	\$28.39
	Half-Day	\$19.65	\$19.65	\$18.50	\$16.56	\$14.20
Region 6	Full-Day	\$35.96	\$35.96	\$33.13	\$30.11	\$27.45
	Half-Day	\$17.98	\$17.98	\$16.56	\$15.06	\$13.72

(2) Effective July 1, 2019, the half-day rate is increased for family home providers in all regions and for all ages to a partial-day rate that is seventy-five percent of the full-day rate when:

(a) The family home provider provides child care services for the child during a morning session and an afternoon session. A morning session shall begin at any time after 12:00 a.m. and end before 12:00 p.m. An afternoon session shall begin at any time after 12:00 p.m. and end before 12:00 a.m.;

(b) The family home provider is not entitled to payment at the full-day rate; and

(c) In no event shall a child care provider be entitled to two partial-day rates totaling one hundred fifty percent of the daily rate.

(3) The family home child care WAC 110-300B-0010 and 110-300B-5550 allow providers to care for children from birth up to and including the end of their eligibility period after their thirteenth birthday. WAC 110-300B-0010 and 110-300B-5550 are superseded by WAC 110-300-0005 and 110-300-0355, respectively, effective August 1, 2019.

(4) If the family home provider cares for a child who is thirteen years of age or older, the provider must follow WAC 110-300B-0050 and 110-300B-5625. A child who is thirteen years of age or older at application must meet the special needs requirement according to WAC 110-15-0220. 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. WAC 110-300B-0050 and 110-300B-5625 are superseded by WAC 110-300-0300 and 110-300-0355, respectively, effective August 1, 2019.

(5) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (6) of this section).

(6) DCYF 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 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0205, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0205, filed 6/29/18, effective 7/1/18. 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 110-15-0210 Tiered reimbursement and quality improvement awards.** (1) Providers receiving payment under the WCCC program will receive a tiered reimbursement as outlined in the "*Early Achievers Operating Guidelines*."

(2) Quality improvement awards, as described by chapter 43.216 RCW, are reserved for early achievers participating providers offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy for licensed family homes and at least five percent of nonschool age children receiving subsidy for licensed centers.

(a) Qualifying state subsidy programs include working connections child care (WCCC), seasonal child care (SCC), DCYF child welfare child care programs, homeless child care program (HCCP), ECLIPSE and medic-aid 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 DCYF 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 DCYF 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 qualifying 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 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0210, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0210, filed 6/29/18, effective 7/1/18. 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 110-15-0220 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.

[WSR 18-14-078, recodified as § 110-15-0220, filed 6/29/18, effective 7/1/18. 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 110-15-0225 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

		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 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.

[WSR 18-14-078, recodified as § 110-15-0225, filed 6/29/18, effective 7/1/18. 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 110-15-0230 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.

[WSR 18-14-078, recodified as § 110-15-0230, filed 6/29/18, effective 7/1/18. 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 110-15-0235 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.

[WSR 18-14-078, recodified as § 110-15-0235, filed 6/29/18, effective 7/1/18. 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 110-15-0240 Child care subsidy rates—In-home/relative providers.**

(1) **Base rate.** When a consumer employs an in-home/relative provider, DCYF 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 fifty-five cents per hour per child. Beginning July 1, 2020, the maximum child care subsidy rate is two dollars and sixty-five cents per hour per child.

(2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.

(3) DCYF makes the WCCC payment directly to a consumer's eligible provider.

(4) When applicable, DCYF 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, DCYF refunds all withheld taxes to the provider.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0240, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0240, filed 6/29/18, effective 7/1/18. Statutory Au-

thority: 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 110-15-0245 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.

[WSR 18-14-078, recodified as § 110-15-0245, filed 6/29/18, effective 7/1/18. 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 110-15-0247 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.

[WSR 18-14-078, recodified as § 110-15-0247, filed 6/29/18, effective 7/1/18. 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 110-15-0249 Nonstandard hours bonus.** (1) A consumer's provider may receive a nonstandard hours bonus (NSHB) payment 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.

(3) NSHB amounts are:

- (a) Seventy-six dollars and fifty cents for family homes; and
- (b) Seventy-five dollars for centers.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0249, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0249, filed 6/29/18, effective 7/1/18. 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 110-15-0250 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 110-300B-5700, 110-300A-0080, or 110-305-5625, as appropriate; and

(b) In-home/relative providers for authorized care up to a maximum of six eligible children.

(2) A provider authorized to receive subsidy payment must submit an invoice only for children who have been authorized by DSHS to receive subsidy benefits. In addition, a provider must not submit an invoice for a number of children that exceeds the provider's licensed capacity.

(3) Failure to comply with the requirements of subsection (2) of this section may:

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

(b) Result in the establishment of a provider overpayment as provided in WAC 110-15-0268.

[Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0250, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0250, filed 6/29/18, effective 7/1/18. 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 110-15-0266 Payment discrepancies—Generally. (1)** Payment discrepancies include both underpayments and overpayments.

(2) For consumers not covered under WAC 110-15-0267 through 110-15-0275, 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 110-15-0275 and 110-15-0277.

(4) For all providers, payment discrepancies resulting from program violations or suspected fraud are covered under WAC 110-15-0277 and 110-15-0278.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0266, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0266, filed 6/29/18, effective 7/1/18. 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 110-15-0267 Payment discrepancies—Provider underpayments.**

(1) Underpayments to a provider occur if DCYF 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 DCYF no later than six months after the date of service.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0267, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0267, filed 6/29/18, effective 7/1/18. 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 110-15-0268 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 the billing. Beginning July 1, 2018, attendance must be recorded using DCYF's electronic attendance system or a DCYF-approved electronic attendance system. Any other format for recording attendance will not be considered valid support for a provider billing and may result in an overpayment;

(c) Bills and receives payment for more than the provider is 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, bills the state for more than six children at one time for 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 in the provider's licensed capacity; or

(ii) Is caring for a child receiving WCCC benefits outside the provider's licensed allowable age range without a DCYF-approved exception; or

(g) With respect to certified providers caring for children in a state bordering Washington:

(i) Is determined to not be in compliance with the state's licensing regulations; or

(ii) Fails to notify DSHS within ten days of any suspension, revocation, or change to the provider's license.

(2) DCYF or DSHS will request documentation from a provider when preparing to establish an overpayment. The provider must provide requested information within twenty-eight consecutive calendar days from the date of the written request.

(3) A provider must repay any payments that the provider was not eligible to receive.

(4) A provider must repay any overpayment, even if the overpayment is the result of a DCYF or DSHS error in issuing payment the provider was not eligible to receive.



[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0268, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0268, filed 6/29/18, effective 7/1/18. 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 110-15-0269 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.

[WSR 18-14-078, recodified as § 110-15-0269, filed 6/29/18, effective 7/1/18. 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 110-15-0271 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) Received benefits or services based on the eligibility criteria of the consumer's participation in an approved activity, but the consumer did not participate in the activity;
- (c) Failed to report information accurately under the requirements of this chapter, which resulted in an error in determining eligibility, amount of care authorized, or copayment;
- (d) Received benefits for a child who was not eligible under WAC 110-15-0005, 110-15-0015, or 110-15-0020; or
- (e) Failed to return, by the sixtieth day, the requested income verification of new employment as provided in WAC 110-15-0012.

(2) DCYF or DSHS may request documentation from a consumer when preparing to establish an overpayment. The consumer has fourteen consecutive calendar days to provide any requested documentation.

(3) Consumers must repay any benefits paid by DSHS that they were not eligible to receive.

(4) A consumer must repay any overpayment, even if the overpayment is a result of a DCYF or DSHS error in issuing payment the consumer was not eligible to receive.

(5) If a consumer is not eligible under WAC 110-15-0030 through 110-15-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0271, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0271, filed 6/29/18, effective 7/1/18. 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 110-15-0275 Payment discrepancies—Providers.** (1) This section applies to all child care providers.

(2) Providers must submit a billing invoice for payment within six months of the date child care services are provided. Any invoice submitted more than six months from date child care services are provided will not be processed.

(3) For purposes of correcting payment errors based on correctly submitted invoices under the provisions of subsection (2) of this section, the following time limits apply:

(a) For underpayments:

(i) Two years back from the date the payment was issued if the error was based on rates paid by age or region, except as provided in (a)(iii) of this subsection; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; and

(iii) Three years back from the date the payment was issued for any underpayment identified by a federal or state audit.

(b) For overpayments:

(i) Two years back from the date payment was issued if the error was based on rates paid by age or region, except as provided in (b)(iii) of this subsection; and DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within two years of the date the payment was issued; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued; and

(iii) Three years back from the date the payment was issued for any overpayment identified by a federal or state audit; DSHS or DCYF

must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued.

(4) For in-home/relative and family home child care providers, disputes regarding underpayments may be addressed through the grievance process provided for in the collective bargaining agreement.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0275, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0275, filed 6/29/18, effective 7/1/18. 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 110-15-0277 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.

[WSR 18-14-078, recodified as § 110-15-0277, filed 6/29/18, effective 7/1/18. 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 110-15-0278 Consumer program violation.** A consumer who has been convicted of fraud to obtain child care subsidy benefits will be disqualified from receiving child care subsidy program benefits for five years.

"Conviction" or "convicted" means a finding by a state or federal court that an individual is guilty of a criminal offense that involves the commission of fraud to obtain child care subsidy payments or benefits. A guilty finding includes an adjudication of guilt, a verdict of guilt, and acceptance of a plea of guilty. A guilty finding constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0278, filed 5/31/19, effective 7/1/19.]

**WAC 110-15-0279 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).

[WSR 18-14-078, recodified as § 110-15-0279, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd

### **Administrative Hearings—WCCC**

**WAC 110-15-0280 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.

[WSR 18-14-078, recodified as § 110-15-0280, filed 6/29/18, effective 7/1/18. 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 110-15-0285 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.

[WSR 18-14-078, recodified as § 110-15-0285, filed 6/29/18, effective 7/1/18. 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 110-15-2210 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.

[WSR 18-14-078, recodified as § 110-15-2210, filed 6/29/18, effective 7/1/18. 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 110-15-2220 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.

[WSR 18-14-078, recodified as § 110-15-2220, filed 6/29/18, effective 7/1/18. 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 110-15-2230 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.

[WSR 18-14-078, recodified as § 110-15-2230, filed 6/29/18, effective 7/1/18. 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 110-15-2240 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.

[WSR 18-14-078, recodified as § 110-15-2240, filed 6/29/18, effective 7/1/18. 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 110-15-2401 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.

[WSR 18-14-078, recodified as § 110-15-2401, filed 6/29/18, effective 7/1/18. 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 110-15-2410 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.

[WSR 18-14-078, recodified as § 110-15-2410, filed 6/29/18, effective 7/1/18. 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 110-15-2420 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:

<b>If a Consumer's Income Is:</b>	<b>Then the Consumer's Copayment Is:</b>
(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



If a Consumer's Income Is:	Then the Consumer's Copayment Is:
(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.

[WSR 18-14-078, recodified as § 110-15-2420, filed 6/29/18, effective 7/1/18. 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 110-15-2426 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.

[WSR 18-14-078, recodified as § 110-15-2426, filed 6/29/18, effective 7/1/18. 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 110-15-2430 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.

[WSR 18-14-078, recodified as § 110-15-2430, filed 6/29/18, effective 7/1/18. 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 110-15-2435 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.

[WSR 18-14-078, recodified as § 110-15-2435, filed 6/29/18, effective 7/1/18. 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 110-15-2440 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.

[WSR 18-14-078, recodified as § 110-15-2440, filed 6/29/18, effective 7/1/18. 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 110-15-2445 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.

[WSR 18-14-078, recodified as § 110-15-2445, filed 6/29/18, effective 7/1/18. 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 110-15-2450 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.

[WSR 18-14-078, recodified as § 110-15-2450, filed 6/29/18, effective 7/1/18. 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 110-15-2455 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.

[WSR 18-14-078, recodified as § 110-15-2455, filed 6/29/18, effective 7/1/18. 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 110-15-2460 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.

[WSR 18-14-078, recodified as § 110-15-2460, filed 6/29/18, effective 7/1/18. 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 110-15-2465 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.

[WSR 18-14-078, recodified as § 110-15-2465, filed 6/29/18, effective 7/1/18. 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 110-15-3501 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.

[WSR 18-14-078, recodified as § 110-15-3501, filed 6/29/18, effective 7/1/18. 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 110-15-3506 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.

[WSR 18-14-078, recodified as § 110-15-3506, filed 6/29/18, effective 7/1/18. 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 110-15-3520 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.

[WSR 18-14-078, recodified as § 110-15-3520, filed 6/29/18, effective 7/1/18. 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 110-15-3530 Verifying consumers' and providers' information.** DSHS verifies a consumer's information as provided in WAC 110-15-0012.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-3530, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-3530, filed 6/29/18, effective 7/1/18. 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 110-15-3540 Eligibility—Family size.** DSHS determines a consumer's family size as provided in WAC 170-290-0015.

[WSR 18-14-078, recodified as § 110-15-3540, filed 6/29/18, effective 7/1/18. 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 110-15-3550 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.

[WSR 18-14-078, recodified as § 110-15-3550, filed 6/29/18, effective 7/1/18. 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 110-15-3555 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.

[WSR 18-14-078, recodified as § 110-15-3555, filed 6/29/18, effective 7/1/18. 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 110-15-3558 Resources.** DSHS verifies a consumer's resource as provided in WAC 170-290-0022.

[WSR 18-14-078, recodified as § 110-15-3558, filed 6/29/18, effective 7/1/18. 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 110-15-3560 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.

[WSR 18-14-078, recodified as § 110-15-3560, filed 6/29/18, effective 7/1/18. 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 110-15-3565 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.

[WSR 18-14-078, recodified as § 110-15-3565, filed 6/29/18, effective 7/1/18. 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 110-15-3566 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 DCYF child care licensing or certification requirements as provided in chapters 110-300, 110-300A, 110-300B, and 110-305 WAC; and

(2) Comply with WAC 110-15-0034.

(3) Providers who care for children in states bordering Washington, must 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 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-3566, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-3566, filed 6/29/18, effective 7/1/18. 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 110-15-3570 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.

[WSR 18-14-078, recodified as § 110-15-3570, filed 6/29/18, effective 7/1/18. 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 110-15-3580 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.

[WSR 18-14-078, recodified as § 110-15-3580, filed 6/29/18, effective 7/1/18. 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 110-15-3590 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.

[WSR 18-14-078, recodified as § 110-15-3590, filed 6/29/18, effective 7/1/18. 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 110-15-3610 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.

[WSR 18-14-078, recodified as § 110-15-3610, filed 6/29/18, effective 7/1/18. 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 110-15-3620 Calculation of income.** For the SCC program, DSHS calculates a consumer's income in the same manner as provided in WAC 170-290-0065.

[WSR 18-14-078, recodified as § 110-15-3620, filed 6/29/18, effective 7/1/18. 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 110-15-3630 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;
  - (1) 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.

[WSR 18-14-078, recodified as § 110-15-3630, filed 6/29/18, effective 7/1/18. 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 110-15-3640 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.

[WSR 18-14-078, recodified as § 110-15-3640, filed 6/29/18, effective 7/1/18. 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



**WAC 110-15-3650 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.

[WSR 18-14-078, recodified as § 110-15-3650, filed 6/29/18, effective 7/1/18. 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 110-15-3660 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.

[WSR 18-14-078, recodified as § 110-15-3660, filed 6/29/18, effective 7/1/18. 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

### **Start Dates and Eligibility Period**

**WAC 110-15-3665 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 110-15-0012 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 110-15-0012, 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 110-15-3555 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 110-15-0012, 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 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-3665, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-3665, filed 6/29/18, effective 7/1/18. 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 110-15-3675 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.

[WSR 18-14-078, recodified as § 110-15-3675, filed 6/29/18, effective 7/1/18. 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 110-15-3690 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.

[WSR 18-14-078, recodified as § 110-15-3690, filed 6/29/18, effective 7/1/18. 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 110-15-3720 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.

[WSR 18-14-078, recodified as § 110-15-3720, filed 6/29/18, effective 7/1/18. 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 110-15-3730 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.

[WSR 18-14-078, recodified as § 110-15-3730, filed 6/29/18, effective 7/1/18. 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 110-15-3750 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.

[WSR 18-14-078, recodified as § 110-15-3750, filed 6/29/18, effective 7/1/18. 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 110-15-3760 SCC subsidy rates.** State child care subsidy rates are subject to legislative change.

[WSR 18-14-078, recodified as § 110-15-3760, filed 6/29/18, effective 7/1/18. 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 110-15-3770 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.

[WSR 18-14-078, recodified as § 110-15-3770, filed 6/29/18, effective 7/1/18. 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 110-15-3790 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.

[WSR 18-14-078, recodified as § 110-15-3790, filed 6/29/18, effective 7/1/18. 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 110-15-3800 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.

[WSR 18-14-078, recodified as § 110-15-3800, filed 6/29/18, effective 7/1/18. 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 110-15-3840 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.

[WSR 18-14-078, recodified as § 110-15-3840, filed 6/29/18, effective 7/1/18. 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 110-15-3850 Payment discrepancies generally.** Child care subsidy payment discrepancies are described in WAC 110-15-0266 through 110-15-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for six months after the date of services.



[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-3850, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-3850, filed 6/29/18, effective 7/1/18. 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 110-15-3855 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).

[WSR 18-14-078, recodified as § 110-15-3855, filed 6/29/18, effective 7/1/18. 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 110-15-3857 Program violations and suspected fraud.** WAC 110-15-0277 and 110-15-0278 apply to the seasonal child care program.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-3857, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-3857, filed 6/29/18, effective 7/1/18. 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 110-15-3860 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.

[WSR 18-14-078, recodified as § 110-15-3860, filed 6/29/18, effective 7/1/18. 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 110-15-3865 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.

[WSR 18-14-078, recodified as § 110-15-3865, filed 6/29/18, effective 7/1/18. 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.]

**WAC 110-15-4500 What are the types of child care subsidies?** This chapter relates to the following subsidies in children's administration (CA):

- (1) Child protective services child care;
- (2) Child welfare services child care; and
- (3) Employed foster parent child care.

[WSR 19-14-078, recodified as § 110-15-4500, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-108, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-108, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4505 Definitions.** The following definitions apply throughout this chapter.

**"Child"** means a person twelve years of age or younger or a person under nineteen years of age who is physically, mentally, or emotionally incapable of self-care as verified by a licensed medical practitioner or masters level or above mental health professional.

**"In-home/relative child care provider"** means a provider who meets the requirement in WAC 170-290-0130 through 170-290-0167.

**"Parent"** means a biological or adoptive parent of a child or an individual who have an established parent-child relationship under RCW

26.26.101, unless the legal rights of that person have been terminated or paternity has been disestablished.

[WSR 19-14-078, recodified as § 110-15-4505, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-110, filed 6/7/18, effective 7/8/18. WSR 99-15-076, recodified as § 388-165-110, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. WSR 98-22-008, § 388-15-170, filed 10/22/98, effective 11/22/98. Statutory Authority: RCW 74.12.340 and 45 C.F.R. Part 98.41 Child Care and Development Block Grant. WSR 93-10-021 (Order 3535), § 388-15-170, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.12.340 and 45 C.F.R. 98.20, 98.30, 98.43 and 98.45; and 45 C.F.R. 257.21, 257.30, 257.31 and 257.41. WSR 92-11-062 (Order 3393), § 388-15-170, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. WSR 88-24-023 (Order 2732), § 388-15-170, filed 12/2/88; WSR 86-12-051 (Order 2387), § 388-15-170, filed 6/3/86; WSR 86-03-078 (Order 2333), § 388-15-170, filed 1/22/86; WSR 83-02-028 (Order 1931), § 388-15-170, filed 12/29/82. Statutory Authority: RCW 43.20A.550. WSR 82-14-048 (Order 1839), § 388-15-170, filed 6/30/82. Statutory Authority: RCW 74.08.090. WSR 82-01-051 (Order 1735), § 388-15-170, filed 12/16/81; WSR 81-10-034 (Order 1650), § 388-15-170, filed 4/29/81; WSR 80-15-010 (Order 1552), § 388-15-170, filed 10/6/80. Statutory Authority: RCW 43.20A.550. WSR 78-04-004 (Order 1276), § 388-15-170, filed 3/2/78; Order 1238, § 388-15-170, filed 8/31/77; Order 1204, § 388-15-170, filed 4/1/77; Order 1147, § 388-15-170, filed 8/26/76; Order 1124, § 388-15-170, filed 6/9/76; Order 1120, § 388-15-170, filed 5/13/76; Order 1088, § 388-15-170, filed 1/19/76.]

**WAC 110-15-4510 Child care for child protective services (CPS) and child welfare services (CWS).** The department may purchase CPS/CWS child care within available funds for children of families in need of support as part of a CPS/CWS case plan. This service is short-term and time-limited. Social workers must determine if other resources are available to meet this need before authorizing payment by the department.

[WSR 19-14-078, recodified as § 110-15-4510, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0030, filed 6/29/18, effective 7/1/18. WSR 99-15-076, recodified as § 388-165-140, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. WSR 98-22-008, § 388-15-175, filed 10/22/98, effective 11/22/98.]

**WAC 110-15-4515 When are DSHS child care subsidy rates in this chapter effective?** (1) DSHS child care subsidy rates in this chapter are effective on or after November 1, 1999 when a family:

- (a) Has a change that requires their authorization to be updated;
- (b) Is newly authorized to receive child care subsidies; or
- (c) Is reauthorized to continue receiving child care subsidies.

(2) DSHS child care subsidy rates are authorized at the provider's usual rate or the DSHS maximum child care subsidy rate, whichever is less.

[WSR 19-14-078, recodified as § 110-15-4515, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-179, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4520 What are the maximum child care subsidy rates CA pays for child care in a licensed or certified child care center?** CA maximum child care subsidy rates for licensed child care centers can be found in WAC 170-290-0200.

[WSR 19-14-078, recodified as § 110-15-4520, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-180, filed 6/7/18, effective 7/8/18; WSR 13-08-064, § 388-165-180, filed 4/1/13, effective 5/2/13; WSR 99-22-011, § 388-165-180, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4525 What are the maximum child care subsidy rates CA pays for child care in a licensed or certified family home child care?** CA maximum child care subsidy rates for licensed or certified family home child care can be found in WAC 170-290-0205.

[WSR 19-14-078, recodified as § 110-15-4525, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-185, filed 6/7/18, effective 7/8/18; WSR 13-08-064, § 388-165-185, filed 4/1/13, effective 5/2/13; WSR 99-22-011, § 388-165-185, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4530 When can CA pay more than the maximum CA child care subsidy rate?** CA pays additional subsidies to a licensed or certified family child care home or center when:

(1) Care is for nonstandard hours under WAC 388-165-195 and 388-165-200;

(2) A child has a documented special needs under WAC 388-165-210, 388-165-215, or 388-165-220;

(3) Care is not available at the CA rate and the provider's usual rate is authorized;

(4) The provider is participating in the state's early achievers program and receives tiered reimbursement and state funds are available; or

(5) A child registration fee is applicable under WAC 170-290-0245.

To the extent that funds are available, CA may pay additional subsidies to licensed or certified family home child care for field trip and quality enhancement fees under WAC 170-290-0245.

[WSR 19-14-078, recodified as § 110-15-4530, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050,

74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-190, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-190, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4535 What is nonstandard hour child care?** CA authorizes nonstandard hours child care when the licensed or certified family home child care or center provider provides at least thirty hours of care per month that are:

- (1) Before 6:00 a.m. or after 6:00 p.m. Monday through Friday; or
- (2) Anytime on a Saturday, Sunday, or legal holiday as defined in RCW 1.16.050.

[WSR 19-14-078, recodified as § 110-15-4535, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-195, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-195, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4540 How does CA pay for nonstandard hour child care?** CA authorizes the nonstandard hour bonus to licensed or certified child care providers as specified in WAC 170-290-0249.

[WSR 19-14-078, recodified as § 110-15-4540, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-200, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-200, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4545 How does DSHS determine that a child qualifies for a special needs rate?** To qualify for the DSHS child care programs special needs subsidy rate the child must:

- (1) Be under nineteen years old;
- (2) Have a verified physical, mental, emotional, or behavioral condition that requires a higher level of care; and
- (3) Have their condition and need for higher level of care verified by a health, mental health, or education professional with at least a master's degree.

[WSR 19-14-078, recodified as § 110-15-4545, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-210, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4550 What is the CA child care subsidy rate for children with special needs in a licensed or certified child care center?** For children with documented special needs, CA pays child care subsidies to licensed or certified child care centers as described in WAC 388-165-180. In addition, CA pays the lesser of:

- (1) The actual cost of providing the special needs care; or
- (2) The applicable rate listed in WAC 170-290-0225 (1)(a) or (b).

[WSR 19-14-078, recodified as § 110-15-4550, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-215, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-215, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4555 What is the CA child care subsidy rate for children with special needs in a licensed or certified family home child care?** For children with documented special needs, CA pays child care subsidies to licensed or certified family child care homes as described in WAC 388-165-185. In addition, CA pays the lesser of:

- (1) The actual cost of providing special needs care; or
- (2) The applicable rate listed in WAC 170-290-0230 (1)(a) or (b).

[WSR 19-14-078, recodified as § 110-15-4555, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-220, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-220, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4560 What is the CA in-home/relative child care rate for children with special needs?** For children with documented special needs, CA may authorize payment to in-home/relative child care providers in accordance with the applicable special needs rate listed in WAC 170-290-0235.

[WSR 19-14-078, recodified as § 110-15-4560, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-225, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-225, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4565 What is the maximum child care subsidy rate CA pays for in-home/relative child care?** CA pays the cost of child care directly to the provider as the rate specified in WAC 170-290-0240.

[WSR 19-14-078, recodified as § 110-15-4565, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-230, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-230, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4570 In-home/relative child care.** (1) When the parent(s) chooses in-home/relative child care, the parent(s) will give the in-home/relative child care provider's name and address to the department and make the following assurances at the time child care is authorized:

- (a) The in-home/relative provider is:

- (i) Eighteen years of age or older;
  - (ii) Of sufficient physical, emotional, and mental health to meet the needs of the child in care. If requested by the department, the parent(s) must provide written evidence that the in-home child care provider of the parent's choice is of sufficient physical, emotional, and mental health to be a safe child care provider;
  - (iii) Able to work with the child without using corporal punishment or psychological abuse;
  - (iv) Able to accept and follow instructions;
  - (v) Able to maintain personal cleanliness; and
  - (vi) Prompt and regular in job attendance.
- (b) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;
- (c) The home where care is provided is safe for the care of the child; and
- (d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the child.
- (2) The in-home/relative child care provider's primary function while on duty is to provide child care. The in-home/relative child care provider will have the following responsibilities:
- (a) Provide constant care and supervision of the child for whom the provider is responsible throughout the arranged time of care in accordance with the needs of the child; and
  - (b) Provide developmentally appropriate activities for the child who is under the in-home/relative child care provider's care.
- (3) The department provides the parent(s) with information about basic health practices, prevention and control of infectious diseases, immunizations, and building and physical premises safety relevant to the care of the child.

[WSR 19-14-078, recodified as § 110-15-4570, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0150, filed 6/29/18, effective 7/1/18. WSR 99-15-076, recodified as § 388-165-235, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. WSR 98-22-008, § 388-15-176, filed 10/22/98, effective 11/22/98.]

- WAC 110-15-4575 What is the responsibility of DSHS regarding child care subsidies for in-home/relative child care?**
- (1) On all payments DSHS makes toward the cost of in-home/relative child care, DSHS pays the employer's share of:
- (a) Social Security taxes;
  - (b) Medicare taxes;
  - (c) Federal Unemployment Taxes (FUTA); and
  - (d) State unemployment taxes (SUTA) when applicable.
- (2) On all payments DSHS makes toward the cost of in-home/relative child care DSHS withholds the following taxes:
- (a) Social security taxes up to the wage base limit; and
  - (b) Medicare taxes.
- (3) If an in-home/relative child care provider receives less than one thousand one hundred dollars per family in a calendar year, DSHS refunds all withheld taxes to the provider.

[WSR 19-14-078, recodified as § 110-15-4575, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-245, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4580 When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?** DSHS will pay toward the cost of child care provided in the relative's home by the following adult relative of the child:

- (1) Siblings and stepsiblings living outside the child's home;
- (2) Grandparents;
- (3) Aunts;
- (4) Uncles;
- (5) First cousins;
- (6) Great grandparents;
- (7) Great aunts;
- (8) Great uncles; and
- (9) Extended family members as determined by law or custom of the Indian child's tribe.

[WSR 19-14-078, recodified as § 110-15-4580, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0170, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-250, filed 10/22/99, effective 11/22/99.]