

WSR 24-10-060
EMERGENCY RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed April 26, 2024, 1:23 p.m., effective April 26, 2024, 1:23 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department of children, youth, and families (DCYF) early learning division is expanding eligibility to people working in licensed child care centers and licensed family homes, specialty and therapeutic court participants, and undocumented children. This rule making will also establish eligibility for families with a parent participating in a state-registered apprenticeship with income less than 85 percent of the state median income who, within the last year, were approved for working connections child care. This emergency has been in effect since December 29, 2023, and was originally filed under WSR 24-02-064.

Citation of Rules Affected by this Order: Amending WAC 110-15-0005, 110-15-0015, 110-15-0024, 110-15-0045, and 110-15-0075.

Statutory Authority for Adoption: 2SSB 5225, 2SHB 1525; chapter 43.216 RCW.

Other Authority: Not applicable.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The new eligibility categories are necessary for the preservation of public health, safety, and general welfare through:

Increasing the number of vulnerable children eligible for child care where they will receive supervision, nurturing and care; allowing child care employees to use subsidy for their own children; and providing undocumented children subsidized child care with state dollars.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 5, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 26, 2024.

Brenda Villarreal
Rules Coordinator

OTS-5105.2

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0005 Eligibility. (1) **Consumers.** At the time of application and reapplication, to be eligible for WCCC, consumers 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, 110-15-0023, or 110-15-0024;
- ~~(d) ((Have countable income at or below 60 percent of the SMI at initial application or at or below 65 percent of the SMI at reapplication;~~
- ~~(e))~~ Not have assets that exceed \$1,000,000; ~~((and~~
- ~~(f))~~ (e) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed; and
- (f) One of the following:
 - (i) Have countable income at or below 60 percent of the state median income (SMI) at initial application or at or below 65 percent of the SMI at reapplication;
 - (ii) Within the first 12 months of a state-registered apprenticeship program, have a household annual income adjusted for family size that does not exceed 75 percent of the SMI; or
 - (iii) Be employed by a licensed or certified child care provider as confirmed or verified in the agency's electronic workforce registry and have a household annual income adjusted for family size that does not exceed 85 percent of the SMI.

(2) Parents currently attending high school or who are age 21 years or younger and completing a high school equivalency certificate are eligible for WCCC if their income does not exceed 85 percent of the SMI at the time of application.

(3) **Children.** To be eligible for WCCC, children 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
- ~~((e))~~ (b) At the time of eligibility determination or redetermination, be less than age 13 years ~~((of age on the first day of eligibility)); or~~
- ~~((d))~~ (c) Be less than age 19 years ~~((of age)), and:~~
 - (i) Have a verified special need, according to WAC 110-15-0020;

or

- (ii) Be under court supervision.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

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) ~~For unmarried parents who have no mutual children ((are counted as separate WCCC households)),~~ DCYF counts the unmarried parents and their respective children, although living in the same household, as separate WCCC households;

(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))~~ 110-15-0003, DCYF counts only the children and only the children's income is counted;

~~((g))~~ (f) 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))~~ (g) 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))~~ (h) For a parent who is out of the country and waiting for legal reentry ~~((in to))~~ into 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))~~ (i) 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))~~ (j) 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))~~ (e) of this section, the household may be combined into one household or kept as distinct households for the benefit of the consumer.

AMENDATORY SECTION (Amending WSR 23-23-082, filed 11/13/23, effective 12/14/23)

WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services, or referred during specialty or therapeutic court proceedings.
(1) Families with children ~~((who have received))~~ are eligible for WCCC

benefits for a 12-month period if the consumer is a Washington state resident and the child or children are living with a biological parent or guardian and:

(a) In the six months prior to application or reapplication for WCCC benefits, the family received:

(i) Child protective services as defined and used by chapters 26.44 and 74.13 RCW((~~r~~));

(ii) Child welfare services as defined and used by chapter 74.13 RCW((~~r~~)); or

(iii) 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 12-month period if, in addition the:

(a) Consumer is a Washington state 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); and

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

(c) The child's or children's parent or guardian:

(i) Is participating in a specialty or therapeutic court or is listed as a victim in a case in a specialty or therapeutic court; and

(ii) Was referred for child care as part of the specialty court or therapeutic court proceedings.

(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 provider that meets the requirements in WAC 110-15-0125.

(3) "Specialty court" and "therapeutic court," for the purpose of this section, are defined by RCW 2.30.020.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. (1) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities:

(a) Employment;

(b) Self-employment;

(c) Supplemental nutrition assistance program employment and training (SNAP E&T); or

(d) The following education programs:

(i) High school or working towards a high school equivalency certificate for consumers under age 22 years (~~(of age)~~);

(ii) Part-time enrollment in a vocational education, adult basic education (ABE), high school equivalency certificate for consumers age 22 years (~~(of age)~~) and older, or English as a second language (ESL) program combined with an average of 20 or more employment hours per week or 16 more work-study hours per week; or

- (iii) For full-time students of a community, technical, or tribal college, enrollment in:
 - (A) A vocational education program that leads to a degree or certificate in a specific occupation;
 - (B) An associate degree program; or
 - (C) A registered apprenticeship program.
- (iv) "Full-time student" for the purpose of this subsection means a consumer attends a community, technical, or tribal college and meets its definition of full-time student.
- (e) Applicants and consumers who meet the requirements of ~~((e))~~ (d) of this subsection are eligible to receive subsidy payment for up to 10 hours per week of study time for approved classes.
- (2) Applicants and consumers who are eligible for WCCC benefits under the terms of this section are eligible to receive subsidy payment for:
 - (a) Transportation time between the child care location and the consumer's place of employment or approved activity; and
 - (b) Up to eight hours of sleep time before or after a night shift.

AMENDATORY SECTION (Amending WSR 23-12-038, filed 5/30/23, effective 7/1/23)

WAC 110-15-0075 Determining income eligibility and copayment amounts. (1) DCYF takes the following steps to determine consumers' eligibility and copayments, when care is provided under a WCCC voucher or contract:

- (a) Determine their family size as described in WAC 110-15-0015; and
- (b) Determine their countable income as described in WAC 110-15-0065.

(2) DCYF calculates consumers' copayments as follows:

If the household's income is:	Then the household's maximum monthly copayment is:
At or below 20 percent of the SMI	Waived
Above 20 percent and at or below 36 percent of the SMI	\$65
Above 36 percent and at or below 50 percent of the SMI	\$90
Above 50 percent and at or below 60 percent of the SMI	\$165
At reapplication, above 60 percent and at or below 65 percent of the SMI	\$215
<u>An applicant between 60 percent and 75 percent of the SMI for families participating in a state-registered apprenticeship</u>	<u>\$215</u>

(3) DCYF does not prorate copayments when consumers use care for only part of a month.

(4) ~~((For parents))~~ DCYF waives copayments for eligible consumers who are one or more of the following:

(a) Age 21 years or younger who attend high school or are working towards completing a high school equivalency certificate (~~(, copayments are not required)~~);

(b) Employed by a licensed or certified child care provider as confirmed or verified in the agency's electronic workforce registry;

(c) Eligible under WAC 110-15-0023; or

(d) Eligible under WAC 110-15-0024.