

# Chapter 388-165 WAC

## CHILDREN'S ADMINISTRATION CHILD CARE SUBSIDY PROGRAMS

### WAC

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| 388-165-250 | When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?                         |             |   |

**Reviser's note:** Chapter 388-165 (Consolidated emergency assistance program—Social services (CEAP-SS)) was repealed by WSR 98-01-125, filed 12/18/98. WSR 99-15-076, filed 7/20/99 reactivated and renamed this chapter.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 388-165-005 | Purpose. [Statutory Authority: RCW 74.08.090, 74.04.-660, 74.04.050 and 45 C.F.R. 233.120 Title IV-A Section 406(e). WSR 95-11-048 (Order 3850), § 388-165-005, filed 5/10/95, effective 6/10/95.] Repealed by WSR 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.090 and 1997 c 409 § 209.               | 388-165-100 | Payment limitations. [Statutory Authority: RCW 74.08.-090, 74.04.660, 74.04.050 and 45 C.F.R. 233.120 Title IV-A Section 406(e). WSR 95-11-048 (Order 3850), § 388-165-100, filed 5/10/95, effective 6/10/95.] Repealed by WSR 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.  |
| 388-165-010 | General provisions. [Statutory Authority: RCW 74.08.-090, 74.04.660, 74.04.050 and 45 C.F.R. 233.120 Title IV-A Section 406(e). WSR 95-11-048 (Order 3850), § 388-165-010, filed 5/10/95, effective 6/10/95.] Repealed by WSR 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209.   | 388-165-130 | Subsidized child care for seasonal workers. [WSR 99-19-087, recodified as § 388-165-130, filed 9/17/99, effective 9/17/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. WSR 98-22-008, § 388-15-174, filed 10/22/98, effective 11/22/98.] Repealed by WSR 03-14-109, filed 6/30/03, effective 8/1/03. Statutory Authority: RCW 74.12.340 and chapter 74.15 RCW. |
| 388-165-020 | Application procedure. [Statutory Authority: RCW 74.08.090, 74.04.660, 74.04.050 and 45 C.F.R. 233.120 Title IV-A Section 406(e). WSR 95-11-048 (Order 3850), § 388-165-020, filed 5/10/95, effective 6/10/95.] Repealed by WSR 98-01-125, filed 12/18/97, effective 1/18/98. Statutory Authority: RCW 34.05.210, 74.08.-090 and 1997 c 409 § 209. |             |  |
| 388-165-030 | Application form. [Statutory Authority: RCW 74.08.-090, 74.04.660, 74.04.050 and 45 C.F.R. 233.120 Title   |             |  |

**WAC 388-165-108 What are the types of child care subsidies?** This chapter relates to the following programs:  
(1) Seasonal child care;

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

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-108, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-110 Definitions.** The following definitions apply to WAC 388-15-171, 388-15-174, 388-15-175 and 388-15-176.

**"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.

**"Copayment"** means the amount of money the family is responsible to pay the child care provider toward the cost of child care each month.

**"Income"** means the gross earned income minus the average payroll and income tax paid at that income level, plus any unearned income.

**"In-home/relative child care provider"** see definition for **"in-home/relative provider"** under WAC 388-290-020.

**"Parent"** see definition for **"parent"** under WAC 388-290-020.

**"Teen parent"** means a parent twenty-one years of age or younger.

[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 388-165-120 Subsidized child care for teen parents.** (1) The department may authorize teen parent child care within available funds for parents who:

- (a) Are twenty-one years of age or younger;
- (b) Are enrolled in an approved secondary education or general equivalency diploma (GED) program;
- (c) Are not receiving a temporary assistance for needy families (TANF) grant; and
- (d) Have an income at or below one hundred seventy-five percent of the federal poverty level (FPL).

(2) All teen parents contribute to the cost of child care by making a monthly copayment to the child care provider which is:

- (a) Determined by the teen parent's income; and

(b) Calculated by using the rules under WAC 388-290-090 (2)(a), (b), and (c)(i) and (ii).

(3) The department funds child care only during the portion of the day when the child's parent(s) is unable to provide necessary care and supervision due to the parents participation in DSHS approved activities.

[WSR 99-15-076, recodified as § 388-165-120, 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, § 388-15-171, filed 10/22/98, effective 11/22/98.]

**WAC 388-165-140 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 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 388-165-179 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.

[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 388-165-180 What are the maximum child care subsidy rates DSHS pays for child care in a licensed or certified child care center?** DSHS maximum child care subsidy rates for licensed child care centers are located on the Washington state child care resource & referral network website at: <http://wa.childcareaware.org>.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. 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 388-165-185 What are the maximum child care subsidy rates DSHS pays for child care in a licensed or certified family child care home?** DSHS maximum child care subsidy rates for licensed or certified family child care homes are located on the Washington state child care resource & referral network website at: <http://wa.childcareaware.org>.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. 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 388-165-190 When can DSHS pay in addition to the maximum DSHS child care subsidy rate?** DSHS pays additional subsidies to a licensed or certified family child care home or center when:

- (1) Care is for nonstandard hours (see WAC 388-165-195 and 388-165-200);
- (2) The infant bonus is authorized (see WAC 388-165-205);
- (3) A child has a documented special need(s) (see WAC 388-165-210, 388-165-215, or 388-165-220); or
- (4) Care is not available at the DSHS rate and the provider's usual rate is authorized.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-190, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-195 What is nonstandard hour child care?** DSHS authorizes nonstandard hour child care when fifteen or more hours of care are needed per month, that are:

- (1) Before 6:00 a.m. or after 6:00 p.m. Monday through Friday; and/or
- (2) Anytime on Saturday or Sunday.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-195, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-200 How does DSHS pay for nonstandard hour child care?** DSHS authorizes the nonstandard hour bonus to licensed or certified child care providers, DSHS pays:

- (1) The DSHS maximum child care subsidy rate as listed in WAC 388-165-180 or 388-165-185 or the provider's usual rate for that child, whichever is less; and
- (2) The monthly nonstandard hour bonus as listed in the table below.

| Monthly Nonstandard Hour Bonus |          |
|--------------------------------|----------|
| Region 1                       | \$74.00  |
| Region 2                       | \$73.00  |
| Region 3                       | \$91.00  |
| Region 4                       | \$108.00 |
| Region 5                       | \$80.00  |
| Region 6                       | \$83.00  |

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-200, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-205 Does DSHS pay a bonus for infants who receive child care subsidies?** DSHS child care subsidy programs pay a two hundred and fifty dollar infant bonus directly to the licensed or certified family child care home or center if:

- (1) The child care facility has not already received a bonus for that infant;
- (2) The infant was first enrolled in the child care facility after August 30, 1998;
- (3) The infant is less than one year old; and
- (4) The provider cares for the infant a total of five or more days before the child's first birthday.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-205, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-210 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.

[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 388-165-215 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified child care center?** DSHS pays child care subsidies for a child with special needs to licensed or certified child care centers as described in WAC 388-165-180 and whichever of the following is greater:

- (1) The provider's documented additional cost associated with the care of that child with special needs; or
- (2) The rate listed in the table below.

**Licensed Child Care Centers Special Needs Rate**

|          |          | Infants<br>(Birth - 11<br>mos.) | Toddlers<br>(12 - 29<br>mos.) | Preschool<br>(30 mos. - 5<br>years) | School-age<br>(5 - 12<br>years) |
|----------|----------|---------------------------------|-------------------------------|-------------------------------------|---------------------------------|
| Region 1 | Full-Day | \$6.82                          | \$5.96                        | \$5.40                              | \$5.01                          |
|          | Half-Day | \$3.41                          | \$2.98                        | \$2.70                              | \$2.51                          |
| Region 2 | Full-Day | \$6.95                          | \$6.14                        | \$5.33                              | \$5.05                          |
|          | Half-Day | \$3.48                          | \$3.07                        | \$2.66                              | \$2.52                          |
| Region 3 | Full-Day | \$9.05                          | \$7.80                        | \$6.60                              | \$5.93                          |
|          | Half-Day | \$4.53                          | \$3.90                        | \$3.30                              | \$2.97                          |
| Region 4 | Full-Day | \$11.34                         | \$8.86                        | \$7.84                              | \$7.02                          |
|          | Half-Day | \$5.67                          | \$4.43                        | \$3.92                              | \$3.51                          |
| Region 5 | Full-Day | \$7.75                          | \$6.65                        | \$5.84                              | \$5.25                          |
|          | Half-Day | \$3.87                          | \$3.33                        | \$2.92                              | \$2.63                          |
| Region 6 | Full-Day | \$7.68                          | \$6.82                        | \$6.00                              | \$6.00                          |
|          | Half-Day | \$3.84                          | \$3.41                        | \$3.00                              | \$3.00                          |

- (3) The maximum rate paid for a five year old child is:
  - (a) The preschool rate for a child who has not entered kindergarten; or
  - (b) The school-age rate for a child who has entered kindergarten.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-215, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-220 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified family child care home?** DSHS pays child care subsidies for a child with special needs to licensed or certified family child care homes as described in WAC 388-165-195 and whichever of the following is greater:

- (1) The provider's documented additional cost associated with the care of that child with special needs; or
- (2) The rate listed in the table below.

**Licensed Family Child Care Homes Special Needs Bonus**

|          |          | Infants<br>(Birth - 11<br>mos.) | Toddlers<br>(12 - 29<br>mos.) | Preschool<br>(30 mos. - 5<br>years) | School-age<br>(5 - 12<br>years) |
|----------|----------|---------------------------------|-------------------------------|-------------------------------------|---------------------------------|
| Region 1 | Full-Day | \$5.70                          | \$5.28                        | \$5.10                              | \$4.50                          |
|          | Half-Day | \$2.85                          | \$2.64                        | \$2.55                              | \$2.25                          |
| Region 2 | Full-Day | \$5.40                          | \$5.40                        | \$4.80                              | \$4.50                          |
|          | Half-Day | \$2.70                          | \$2.70                        | \$2.40                              | \$2.25                          |
| Region 3 | Full-Day | \$8.40                          | \$7.20                        | \$6.60                              | \$6.00                          |
|          | Half-Day | \$4.20                          | \$3.60                        | \$3.30                              | \$3.00                          |
| Region 4 | Full-Day | \$9.00                          | \$8.18                        | \$7.50                              | \$6.75                          |
|          | Half-Day | \$4.50                          | \$4.09                        | \$3.75                              | \$3.38                          |
| Region 5 | Full-Day | \$6.30                          | \$6.00                        | \$5.70                              | \$5.10                          |
|          | Half-Day | \$3.15                          | \$3.00                        | \$2.85                              | \$2.55                          |
| Region 6 | Full-Day | \$6.15                          | \$6.00                        | \$5.40                              | \$5.10                          |
|          | Half-Day | \$3.08                          | \$3.00                        | \$2.70                              | \$2.55                          |

(3) The maximum rate paid for a five year old child is:

(a) The preschool rate for a child who has not entered kindergarten; or

(b) The school-age rate for a child who has entered kindergarten.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-220, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-225 What is the DSHS in-home/relative child care rate for children with special need?** DSHS subsidy programs pay in-home/relative child care providers for care of a child with special needs (as described in WAC 388-15-185) two dollars per hour plus whichever is greater of the following:

(1) Sixty-two cents per hour; or

(2) The provider's documented additional cost associated with the care for that child with special needs.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-225, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-230 What is the maximum child care subsidy rate DSHS pays for in-home/relative child care?**

(1) The DSHS child care subsidy programs pay toward the cost of child care directly to the parent, who is the employer. DSHS pays whichever of the following that is less:

(a) Two dollars and six cents per hours for the child who needs the greatest amount of care and one dollar and three cents per hour for the care of each additional child in the family; or

(b) The provider's usual rate for that care.

(2) DSHS may pay above the maximum rate for children who have special needs as stated in WAC 388-165-225.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-230, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-235 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 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 388-165-240 What are the parent/guardian payment responsibilities when they choose in-home/relative child care?** The parent is the employer of the in-home/relative provider. The parent:

(1) Pays the provider the entire amount that DSHS gives them toward the cost of care;

(2) Pays the provider the amount that was authorized for a copayment;

(3) Requires the in-home/relative provider to sign a receipt when they receive payment;

(4) Keeps the receipts for DSHS to review at the next eligibility determination; and

(5) Keeps accurate attendance records.

[Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-240, filed 10/22/99, effective 11/22/99.]

**WAC 388-165-245 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.

[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 388-165-250 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.

[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.]