

Chapter 110-20 WAC

CHILDREN'S ADMINISTRATION CHILD CARE SUBSIDIES

(Formerly chapter 388-165 WAC)

WAC

110-20-0010	What are the types of child care subsidies?
110-20-0020	Definitions.
110-20-0030	Child care for child protective services (CPS) and child welfare services (CWS).
110-20-0040	When are DSHS child care subsidy rates in this chapter effective?
110-20-0050	What are the maximum child care subsidy rates CA pays for child care in a licensed or certified child care center?
110-20-0060	What are the maximum child care subsidy rates CA pays for child care in a licensed or certified family home child care?
110-20-0070	When can CA pay more than the maximum CA child care subsidy rate?
110-20-0080	What is nonstandard hour child care?
110-20-0090	How does CA pay for nonstandard hour child care?
110-20-0100	How does DSHS determine that a child qualifies for a special needs rate?
110-20-0110	What is the CA child care subsidy rate for children with special needs in a licensed or certified child care center?
110-20-0120	What is the CA child care subsidy rate for children with special needs in a licensed or certified family home child care?
110-20-0130	What is the CA in-home/relative child care rate for children with special needs?
110-20-0140	What is the maximum child care subsidy rate CA pays for in-home/relative child care?
110-20-0150	In-home/relative child care.
110-20-0160	What is the responsibility of DSHS regarding child care subsidies for in-home/relative child care?
110-20-0170	When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?

WAC 110-20-0010 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 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 110-20-0020 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 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 110-20-0030 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 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 110-20-0040 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 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 110-20-0050 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 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 110-20-0060 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 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 110-20-0070 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 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 110-20-0080 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 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.]

[Ch. 110-20 WAC p. 2]

WAC 110-20-0090 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 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 110-20-0100 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 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 110-20-0110 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 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 110-20-0120 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 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 110-20-0130 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 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.]

(6/29/18)

WAC 110-20-0140 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 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 110-20-0150 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 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 110-20-0160 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 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 110-20-0170 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 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.]