

WSR 21-11-115
EXPEDITED RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed May 19, 2021, 11:41 a.m.]

Title of Rule and Other Identifying Information: WAC 110-15-4500 What are the types of child care subsidies?, 110-15-4505 Definitions, 110-15-4510 Child care for child protective services (CPS) and child welfare services (CWS), 110-15-4515 When are DSHS child care subsidy rates in this chapter effective?, 110-15-4520 What are the maximum child care subsidy rates CA pays for child care in a licensed or certified child care center?, 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?, 110-15-4530 When can CA pay more than the maximum child care subsidy rate?, 110-15-4535 What is nonstandard hour child care?, 110-15-4545 How does DSHS determine that a child qualifies for a special needs rate?, 110-15-4550 What is the CA child care subsidy rate for children with special needs in a licensed or certified child care center?, 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?, 110-15-4560 What is the CA in-home/relative child care rate for children with special needs?, WAC 110-15-4565 What is the maximum child care subsidy rate CA pays for in-home/relative child care?, 110-15-4575 What is the responsibility of DCYF regarding child care subsidies for in-home/relative child care?, and 110-15-4580 When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Remove redundancies from chapter 110-15 WAC by repealing WAC 110-15-4515, 110-15-4535, and 110-15-4545. Replace references to department of social and health services (DSHS) children's administration and department of children, youth, and families (DCYF) references through the rest of the proposals.

Reasons Supporting Proposal: Effective July 1, 2018, DCYF assumed the programs and functions of the former DSHS children's administration and the department of early learning. Certain sections, including the proposals, were decodified from Title 388 WAC and recodified to Title 110 WAC. The proposed amendments make technical corrections necessary following the recodification and the proposed repealers remove redundancies in chapter 110-15 WAC.

Statutory Authority for Adoption: RCW 43.216.065.

Statute Being Implemented: RCW 74.13.031 (9) and (14).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DCYF, governmental.

Name of Agency Personnel Responsible for Drafting: Toni Sebastian, 206-361-4686; Implementation and Enforcement: DCYF, statewide.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

This notice meets the following criteria to use the expedited repeal process for these rules:

Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Expedited rule making is appropriate for these rule changes because the proposed amendments are limited to internal government operations that are not subject to violation by a person and the proposed repealers will remove redundancies in chapter 110-15 WAC.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, DCYF, P.O. Box 40975, phone 360-902-7903, email dcyf.rulescoordinator@dcyf.wa.gov, AND RECEIVED BY August 2, 2021.

May 19, 2021
Brenda Villarreal
Rules Coordinator

OTS-2077.3

PART IV. CHILD PROTECTIVE AND CHILD WELFARE SERVICES CHILD CARE SUBSIDIES

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4500 What ((are the)) types of child care subsidies are available to child welfare program participants? ((This chapter relates to the following subsidies in children's administration (CA)) DCYF may purchase:

- (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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4505 Child and parent—Definitions. The following definitions apply (~~(throughout this chapter)~~) to WAC 110-15-4500 through 110-15-4580.

"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~~) has 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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4510 Child care for child protective services (CPS) and child welfare services (CWS). (~~The department~~) DCYF may purchase (~~(CPS/CWS)~~) child care within available funds for children of families in need of support as part of a (~~(CPS/CWS)~~) CPS or 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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4520 What are the maximum child care subsidy rates ((CA)) DCYF 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)) 110-15-0200.

[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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4525 What are the maximum child care subsidy rates ((CA)) DCYF 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)) 110-15-0205.

[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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4530 When can ((CA)) DCYF pay more than the maximum ((CA)) child care subsidy rate? ((CA)) DCYF 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)) as defined in WAC 110-15-0249;

(2) A child has a documented special need((s)) under WAC ((388-165-210, 388-165-215, or 388-165-220)) 110-15-0220;

(3) Care is not available at the ((CA)) DCYF 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)) 110-15-0245.

To the extent that funds are available, ((CA)) DCYF may pay additional subsidies to licensed or certified family home child care for field trip and quality enhancement fees under WAC ((170-290-0245)) 110-15-0247.

[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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

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

[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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4550 What is the ((CA)) DCYF 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)) DCYF pays the base rate authorized in WAC 110-15-0200 and the lesser of:

(1) The actual cost of providing the special needs care; or

(2) The applicable rate listed in WAC ((170-290-0225)) 110-15-0225 (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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4555 What is the ((CA)) DCYF 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)) DCYF pays ~~((child care subsidies to licensed or certified family child care homes as described in WAC 388-165-185. In addition, CA pays))~~ the base rate authorized in WAC 110-15-0205 and the lesser of:

- (1) The actual cost of providing special needs care; or
- (2) The applicable rate listed in WAC ~~((170-290-0230))~~ 110-15-0230 (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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4560 What is the ((CA)) DCYF 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))~~ DCYF pays the base rate authorized in WAC 110-15-0240 and the applicable special needs rate listed in WAC ~~((170-290-0235))~~ 110-15-0235.

[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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

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

[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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4575 What is the responsibility of ((DSHS)) DCYF regarding child care subsidies for in-home/relative child care? (1) On all payments ((DSHS)) DCYF makes toward the cost of in-home/relative child care, ((DSHS)) DCYF 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)) DCYF makes toward the cost of in-home/relative child care ((DSHS)) DCYF 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))~~ the per family threshold allowed by Internal Revenue Service Publication 926, Household Employer's Tax Guide, in a calendar year, ((DSHS)) DCYF 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.]

AMENDATORY SECTION (Amending WSR 19-14-078, filed 7/1/19, effective 7/1/19)

WAC 110-15-4580 When can ((DSHS)) DCYF pay toward the cost of in-home/relative child care provided outside the child's home?

((DSHS)) DCYF 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.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 110-15-4515 When are DSHS child care subsidy rates in this chapter effective?
- WAC 110-15-4535 What is nonstandard hour child care?
- WAC 110-15-4545 How does DSHS determine that a child qualifies for a special needs rate?