



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

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FILED

DATE: November 27, 2018
TIME: 9:51 AM

WSR 18-24-014

Agency: Department of Children, Youth, and Families

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 17-11-107 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR _____; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) Working connections and seasonal child care subsidy programs:

New WACs 110-15-0021 Eligibility Exclusions

Amended WACs 110-15-0001 Purpose and intent; 110-15-0003 Definitions; 110-15-0005 Eligibility; 110-15-0012 Verifying consumer's information; 110-15-0020 Eligibility-special circumstances; 110-15-0030 Consumers' responsibilities; 110-15-0031 Notification of changes; 110-15-0035 DSHS's responsibilities to consumers; 110-15-0045 Approved activities for applicants and consumers not participating in Workfirst; 110-15-0050 Additional requirements for self-employed WCCC consumers; 110-15-0060 Countable income; 110-15-0065 Calculation of income; 110-15-0085 Change in copayment; 110-15-0090 Minimum copayment; 110-15-0095 When WCCC benefits start; 110-15-0106 When provider payments start; 110-15-0107 Denial of benefits – Date of redetermining eligibility; 110-15-0109 Reapplication; 110-15-0110 Termination of and redetermining eligibility for benefits; 110-15-0126 Electronic attendance records; 110-15-0190 WCCC benefit calculations; 110-15-0268 Payment discrepancies – provider overpayments; 110-15-0271 Payment discrepancies – consumer; 110-15-0275 Payment discrepancies – providers; 110-15-3530 Verifying consumers' and providers' information; 110-15-3566 Subsidized child care providers' responsibilities; and 110-15-3665 When SCC program subsidies start;

Repealers WACs 110-15-0014 Verifying information for a provider's payment; 110-15-0022 Eligibility resources; 110-15-0032 Failure to report changes; 110-15-0055 Receipt of benefits during fourteen-day wait period; and 110-15-0115 Notice of payment changes;

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 9, 2019	1:00	1110 Jefferson St. SE, St. Helens Conference Room, Olympia, WA 98504	

Date of intended adoption: February 15, 2019 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: DCYF Rules Coordinator
Address: P. O. Box 40975
Email: dcyf.rulescoordinator@dcyf.wa.gov
Fax: (360) 902-7903
Other: Submit comments online at <https://del.wa.gov/PolicyProposalComment/Detail.aspx>
By (date) January 9, 2019

Assistance for persons with disabilities:

Contact DCYF Rules Coordinator
Phone: (360) 902-7903
Fax: (360) 902-7903
TTY:
Email: dcyfrulescoordinator@dcyf.wa.gov
Other:
By (date) January 2, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: 1) Implement the federal requirement of second tier eligibility; 2) improve readability of the chapter by simplifying language and ensuring terms are used consistently throughout the chapter, better clarifying responsibilities of program participants, DCYF, and DSHS, and better organizing the chapter to align with the ordered functions of applying for, authorizing, and receiving benefits; and 3) make housekeeping updates after the creation of DCYF and the decodification of chapter 43.215 RCW and title 170 WAC and recodification to chapter 43.216 RCW and title 110 WAC.

Reasons supporting proposal: 1) In order to promote and support family economic stability, 45 CFR § 98.21(b) requires states, like Washington, who have established family income eligibility at less than 85% of the state median income to provide flexibility at reapplication to accommodate modest increases in family income that reasonably allows the family to continue accessing child care services without unnecessary disruption. 2) The proposed amendments promote increased compliance by making the rules easier to read and understand. Additionally, stakeholder accessibility is enhanced by the proposed reorganization through the improved ability to locate specific requirements.

Statutory authority for adoption: RCWs 43.216.055 and 43.216.065

Statute being implemented: RCWs 43.216.135 through 43.216.143

Is rule necessary because of a:

Federal Law?	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: 42 U.S.C. 9858, et seq.

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Children, Youth, and Families

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jason Ramynke	Olympia, Washington	(360) 688-0911
Implementation:	DCYF/DSHS	statewide	
Enforcement:	DCYF/DSHS	statewide	

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

No: Please explain: A cost benefit analysis is not required under RCW 34.05.328. DCYF is not among the agencies listed as required to comply with RCW 34.05.328(5)(i). DCYF does not voluntarily make that section applicable to the adoption off the proposed rules.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030.

Explanation of exemptions, if necessary: The proposed rules primarily impact individuals. The proposals that do impact small businesses (child care providers) do not impose new requirements with a cost. They are limited to clarifying time limits for responding to requests for records to support invoices and time limits for correcting underpayments and overpayments.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: November 26, 2018

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:



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 ~~((as))~~. 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 ((under)) in accordance with applicable state and federal law((,)) and to the extent of available funds. ((WCCC administered through the early childhood education and assistance program (ECEAP) shall follow ECEAP performance standards and contracts. As used in chapter 170-290 WAC, "to the extent of available funds" includes one or more of the following:

(a) ~~Limiting or closing enrollment;~~
(b) ~~Establishing a priority list for new enrollees subject to applicable state and federal law. The priority list includes families participating in early head start child care partnership slots; families with children with special needs; teen parents; homeless families according to the McKinney-Vento Act; families receiving TANF; TANF families curing a sanction; and families that received WCCC/SCC within thirty days of application; or~~

(c) Creating and maintaining a waiting list.)) Effective July 1, 2019, DCYF will be administering the WCCC and SCC programs.

(2) The purpose of WCCC ~~((, as provided in part II of this chapter,))~~ is to:

(a) ~~((Assist)) Help~~ eligible ~~((families in obtaining))~~ consumers pay for child care ~~((subsidies for approvable activities that enable them to))~~ so the consumer can work, attend training, or enroll in educational programs; and

(b) ~~((Consider the health and safety of children while they are in care and receiving child care subsidies.))~~ Promote stability, quality, and continuity of care and education programming for children who participate in the WCCC program.

(3) The purpose of SCC ~~((, as provided in part III of this chapter,))~~ is to:

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

(b) ~~((Consider the health and safety of children while they are in care and receiving child care subsidies.))~~ 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 ~~((43.215.250))~~ 43.216.295.

(5) Early childhood education and assistance program (ECEAP)-certified providers receiving WCCC funds must follow ECEAP performance standards and contracts.

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 (~~the ability~~) 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, 110-15-0050, or 110-15-0055~~) 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 (~~to~~) on behalf of a person (~~qualified~~) 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 (~~by the department~~) 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 (~~receiving~~) 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 (~~, each month~~).

"Days" means calendar days unless otherwise specified.

(~~"DEL" means the department of early learning.~~) **"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 (~~United States~~) U.S. Tax

Code or that would be taxable with or without a treaty between an Indian Nation and the ((United States)) 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 (~~"license-exempt provider," referred to in the collective bargaining agreement as)~~ **"family, friends, and neighbors (FFN) provider"** (~~or "FFN provider," means a provider who meets the requirements in WAC 170-290-0130 through 170-290-0167)~~) 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.

(~~"Intentional" means the likelihood of willfulness or done on purpose.~~

~~"New child care provider" means a licensed or certified provider who did not receive a state subsidy payment between July 1, 2015, and June 30, 2016.)~~ **"Living in the household"** means people who either sleep, prepare meals, or use sanitation facilities at a residence with one distinct physical address. This definition excludes recreational vehicles, sections of housing with inaccessible rooms, or separate living quarters with one distinct 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.

(~~"Phase out period" means a three-month eligibility period a consumer may be eligible for at reapplication when the consumer's household income is greater than two hundred percent of the federal poverty guidelines (FPG) but less than two hundred twenty percent of the FPG.)~~) **"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 ~~((an act contrary to program rules and regulations and includes))~~ 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 ~~((United States))~~ U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the ~~((United States))~~ 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.

~~((**Suspected fraud** means evidence supporting a finding of fraud. Suspected fraud can result in a criminal investigation by law enforcement.))~~ "**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 ~~((but))~~ when funding ~~((is not))~~ becomes available.

"**WCCC**" means the working connections child care program, ~~((which is))~~ a child care subsidy program described in part II of this chapter

that assists eligible families ((in obtaining subsidy)) to pay for child care.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0005 Eligibility. (1) **Consumer.** At application and reapplication, to be eligible for WCCC, the ((applicant or reappli-
eant)) consumer must:

- (a) Have parental control of one or more eligible children;
- (b) Live in the state of Washington;
- (c) ((Be the child's:
 - (i) Parent, either biological or adopted;
 - (ii) Stepparent;
 - (iii) Legal guardian verified by a legal or court document;
 - (iv) Adult sibling or step-sibling;
 - (v) Nephew or niece;
 - (vi) Aunt;
 - (vii) Uncle;
 - (viii) Grandparent;
 - (ix) Any of the relatives in (c)(vi), (vii), or (viii) of this subsection with the prefix "great," such as great-aunt; or
 - (x) An approved in loco parentis custodian responsible for exer-
cising day-to-day care and control of the child and who is not related to the child as described above;))
- (d) Participate in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or have been approved per WAC 170-290-0055;
- (e) Comply with any)) Participate in an approved activity or meet the eligibility special circumstances ((that might affect WCCC eligi-
bility under WAC 170-290-0020)) requirements under WAC 110-15-0020;
- ((f)) (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 ((170-290-0022;
- (g) The consumer's eligibility shall end if the consumer's count-
able income is greater than eighty-five percent of the state median income or if resources exceed one million dollars;
- (h) Complete the WCCC application and DSHS verification process provided in WAC 170-290-0012 regardless of other program benefits or services received;
- (i) Effective March 1, 2018, certify under penalty of perjury, the applicant's or reapplicant's status as:
 - (i) Married;
 - (ii) Unmarried and living with the parent of any child in the household; or
 - (iii) Single parent not living with the parent of any child in the household.
- (j) Meet eligibility requirements for WCCC described in Part II of this chapter.) 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, ((the)) 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) ~~((Live))~~ Legally reside in Washington state, ~~((and be: (i)))~~ 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
- ~~((ii))~~ (d) Be less than nineteen years of age, and:
- ~~((A))~~ (i) Have a verified special need, according ((WAC 170-290-0220)) to WAC 110-15-0020; or
- ~~((B))~~ (ii) Be under court supervision.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0012 Verifying consumers' information. (1) When a consumer ~~((initially))~~ applies or reapplies for benefits, DSHS ~~((requires))~~ may require the consumer to provide verification of child care subsidy eligibility if ~~((the department))~~ DSHS is unable to verify it through agency records or systems ~~((-~~

~~(2) During the consumer's eligibility period, DSHS will request verification for changes that may affect the consumer's benefit amount or eligibility when the department is unable to verify through agency records or systems if:~~

- ~~(a) The consumer reports a change;~~
- ~~(b) DSHS discovers the consumer's circumstances have changed; or~~
- ~~(c) The information DSHS has is questionable or outdated.~~

~~(3) DSHS notifies the consumer when verification is required.~~

~~(4) DSHS may accept verification to support the consumer's statement of circumstances. The verification the consumer gives DSHS must:~~

- ~~(a) Clearly relate to what the consumer is trying to provide;~~
- ~~(b) Be from a reliable source; and~~
- ~~(c) Be accurate, complete, and consistent.~~

~~(5) When the consumer gives DSHS questionable verification DSHS will:~~

~~(a))~~ 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; and
- (c) Be accurate and complete.

(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 ((DSHS with more)) additional verification ((or provide a collateral contact (a "collateral contact" is)) that may include a statement from ((someone)) a person who lives outside of the consumer's residence ((that)) who knows the consumer's ((situation)); or

~~(b))~~ 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 ((170-290-0025.

~~(6) At the time of application, reapplication, or when changes are reported, DSHS will verify the following:~~

~~(a) The consumer's Washington residency;~~

~~(b) That the consumer has parental control of an eligible child per WAC 170-290-0005;~~

~~(c) The consumer's household composition:~~

~~(i) DSHS will compare the consumer's statement of household composition against records for that consumer under TANF, food assistance, medical assistance, and child support services;~~

~~(ii) If the consumer's statement of household composition is questionable when compared against records for that consumer under TANF, food assistance, medical assistance, and child support services, DSHS may take the action described in subsection (5) of this section; and~~

~~(iii) Effective March 1, 2018, if the consumer is the only parent named on the benefits application and DSHS is unable to verify household composition in agency records under TANF, food assistance, medical assistance, or child support services, then the consumer must:~~

~~(A) Provide the name and address of the other parent, or indicate, under penalty of perjury, that the other parent's identity and address are unknown to the applicant or that providing this information will likely result in serious physical or emotional harm to the consumer or anyone residing with the consumer; and~~

~~(B) Indicate under penalty of perjury whether the parent is present or absent in the household;~~

~~(d) Whether the consumer is participating in an approved activity, including the consumer's income and schedule from the approved activity;~~

~~(e) Whether the consumer complies with applicable eligibility rules in WAC 170-290-0020;~~

~~(f) Other income and countable resources under WAC 170-290-0005;~~

~~(g) If any other parent, as determined in WAC 170-290-0015, is in the household, the same information in (a) through (g) of this subsection is verified for that parent; and~~

~~(h) The citizenship or alien status of a child receiving child care subsidies.~~

~~(7) If DSHS requires verification from a consumer that costs money, DSHS must pay for the consumer's reasonable costs.~~

~~(8) DSHS does not pay for) 110-15-0025; or~~

~~(iii) Deny the application.~~

(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.

~~((9) If a consumer does not provide all of the verification requested within thirty days from the application date, DSHS will determine the consumer's eligibility based on the information already available to DSHS. DSHS shall deny the application or reapplication if the available information does not confirm eligibility.))~~

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0020 Eligibility—Special circumstances. (1) ~~((At application, reapplication and change reporting:~~

~~(a) A consumer is not eligible for WCCC benefits for the consumer's children when child care is provided at the same location where the consumer works.~~

~~(b)) A legal guardian ((under WAC 170-290-0005)) or individual acting in loco parentis may ((receive)) be eligible for WCCC benefits ((for)) based on participation in approved activities without ((the)) consideration of the legal guardian's or individual's acting in loco parentis spouse or live-in partner's availability to provide care ((being considered unless)) if the spouse or live-in partner is ((also)) not named on the permanent custody order.~~

~~((i)) (a) Eligibility ((for WCCC benefits is)) will be determined under subsection (1) of this section based on the following:~~

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

~~((B)) (ii) The child's need for care;~~

~~((C)) (iii) The child's income ((eligibility)); and~~

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

~~((ii)) (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.~~

~~((c) An in loco parentis custodian may be eligible for WCCC benefits when he or she cares for an eligible child in the absence of the child's legal guardian or biological, adoptive or stepparents.~~

~~(i) An in loco parentis custodian who is not related to the child as described in WAC 170-290-0005(1) may be eligible for WCCC benefits if he or she:~~

~~(A) Has a written, signed agreement between the parent and the caregiver assuming custodial responsibility; or~~

~~(B) Receives a TANF grant on behalf of the eligible child.~~

~~(ii) Eligibility for WCCC benefits is based on:~~

~~(A) The consumer's work schedule;~~

~~(B) The child's need for care;~~

~~(C) The child's income eligibility; and~~

~~(D) Family size based on number of children under in loco parentis and needing care.~~

~~(iii) 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 while working in a child care center if the consumer does not provide direct care in the same classroom to the consumer's children during work hours.~~

~~(b) A consumer is not eligible for WCCC benefits while working in a family home child care where the consumer's children are also receiving subsidized child care.~~

~~(c) 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.~~

~~(d)) 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 ((170-290-0003)) 110-15-0003 to provide care for the children while the other parent is working or participating in approved activities.~~

~~((e)) (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 ((see)), 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.~~

~~((f) 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 days in a row.)~~

(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 child care provider who receives TANF benefits on behalf of a dependent child may not bill the state for subsidized child care for that same child.

~~(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.) 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.

NEW SECTION

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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

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 (~~(, as a condition of receiving those benefits)~~):

(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 (~~(170-290-0125)~~) 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) (~~((In cases of overdue or past due copayments, the consumer, as a condition of maintaining eligibility,))~~) 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 (~~(or overdue)~~) due copayments;

(b) (~~((Give))~~) Provide DSHS with a (~~((written))~~) signed copy of a payment agreement between the consumer and child care provider (~~((and consumer to verify that copayment arrangements include one or more of))~~) that includes, but is not limited to, the following information:

(i) (~~((An installment))~~) 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; (~~or~~) and

(iv) If applicable, payment forgiveness (~~of the copayment~~) from the provider(~~or~~).

(c) Provide DSHS proof that the consumer (~~has~~) attempted to (~~pay~~) make a copayment to (~~a licensed~~) the provider (~~who~~), but the licensed provider is no longer in business or (~~a~~) the license-exempt in-home/relative provider (~~who is~~) no longer (~~providing~~) 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 (~~and not responded to~~) but not picked up, or a returned (~~document~~), previously mailed payment that was not (~~picked up~~) 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 (~~pays~~) makes a late copayment (~~late~~) or picks up the child late;

(8) (~~Ensure that care is provided in the correct home per WAC 170-290-0130 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;~~

~~(9))~~ 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.

~~(10))~~ (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 (~~could~~) may affect the consumer's benefits;

~~(11))~~ (10) Document (~~their~~) the child's attendance in child care by (~~having~~) the consumer or other person authorized by the consumer (~~to take the child to or from the child care~~):

(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(~~, 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

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

~~((12) Provide the in-home/relative provider the names, addresses, and telephone numbers of persons who are authorized to pick up the child from care; and~~

~~(13))~~ (11) Ensure that ((their)) 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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0031 Notification of changes. (1) When a consumer applies for or receives WCCC benefits, he or she must:

~~(a) ((Report to DSHS, within twenty-four hours, any pending charges or conviction information the consumer learns about his or her in-home/relative provider;~~

~~(b) Report to DSHS, within twenty-four hours, any pending charges or conviction information the consumer learns about anyone sixteen years of age or older who lives with the provider when care occurs outside of the child's home;~~

~~(c))~~ Notify DSHS((7)) within five days((7)) of:

(i) Starting care with a provider; or

(ii) Any change in providers;

~~((d))~~ (b) Notify DSHS, within ten days, of:

(i) Changes of the address ((and)) or telephone number of the consumer's in-home/relative provider;

~~((e) Notify DSHS, within ten days,))~~ (ii) Changes of the consumer's home address or telephone number;

(iii) When the consumer's countable income increases and exceeds eighty-five percent of state median income ((as provided in WAC 170-290-0005;

~~(f) Notify DSHS, within ten days,))~~; or

(iv) When the consumer's countable resources exceed one million dollars ((as provided in WAC 170-290-0005;

~~(g) Notify the consumer's provider, within ten days, when DSHS changes the consumer's child care authorization; and~~

~~(h) Notify DSHS, within ten days, when the consumer's home address or telephone number changes).~~

(2) When a consumer receives WCCC benefits, he or she may notify DSHS when:

(a) The number of child care hours the consumer needs increases;

(b) The household income changes ~~(, which)~~ in a way that may lower the consumer's copayment ~~((under WAC 170-290-0085));~~

(c) The household size increases, which may lower the copayment; or

(d) The consumer's legal obligation to pay child support increases, which may lower the copayment.

(3) ~~((Effective dates of changes are as follows:~~

~~(a) Copayment changes are effective as provided in WAC 170-290-0085;~~

~~(b) Changes under subsection (1)(c) and (d) of this section are effective:~~

~~(i) The date of change, if reported within five days; or~~

~~(ii) The date the change was reported, if not reported within five days.~~

~~(c) Changes to consumer information described in WAC 170-290-0012 are effective:~~

~~(i) The date the change was reported, if reported within ten days from the date of change or if received within ten days from the date of request for verification; or~~

~~(ii) The date verification is received, if verification is not received within ten days from the date the change is reported or if not received within ten days from the request of verification.)~~ When a change is timely reported, the effective date of the change will be the date the change occurred. When required changes are timely reported, an overpayment will not be established.

(4) When a change is not timely reported, the effective date of the change will be the date the change was reported. When required changes are not timely reported, an overpayment may be established as provided in WAC 110-15-0271.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

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 ~~((170-290-0095))~~ 110-15-0095). Under WAC ~~((170-290-0012-(5)(e)(ii))~~ 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 ~~((170-290-0125))~~ 110-15-0125;

(4) ~~((Review a consumer's chosen in-home/relative provider's background check results;~~

~~(5))~~ Authorize payments only to child care providers who allow a consumer to access his or her children whenever they are in care;

~~((6))~~ (5) Authorize payment when no adult in a consumer's family (under WAC ~~((170-290-0015))~~ 110-15-0015) is able or available (under WAC ~~((170-290-0003))~~ 110-15-0003) to care for the consumer's children at application and reapplication;

~~((7))~~ (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 ~~((170-290-0120(5)))~~ 110-15-0120(5).

~~((8))~~ (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.

~~((9))~~ (8) Provide prompt child care payments to a consumer's child care provider;

~~((10))~~ (9) Provide an interpreter or translator service within a reasonable amount of time and at no cost to the consumer;

~~((11) Ensure that Social Security cards, driver's licenses, or other government-issued identification for in-home/relative providers are valid and verified; and~~

~~(12) For providers who care for children in states bordering Washington, verify that they are currently complying with their state's licensing regulations.)~~ (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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst. ~~((1) General requirements for employment, self-employment, or Supplemental Nutrition Assistance Program employment and training (SNAP E&T) programs.~~ An applicant or consumer 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, when he or she is:

~~(a) Employed under WAC 170-290-0003;~~

~~(b) Self-employed under WAC 170-290-0003; or~~) Applicants and consumers not participating in WorkFirst activities may be eligible for WCCC benefits for approved activities as described below.

(1) Applicants or consumers who are:

(a) Employed;

(b) Self-employed; or

(c) Participating in the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) program ~~((under chapter 388-444 WAC.~~

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

~~(a) An applicant or consumer who is under twenty-two years of age)) 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) Applicants or consumers participating in approved education activities, including classroom time, labs, online courses, and unpaid internships required by a vocational education program, may be eligible for WCCC benefits as follows:

(a) Attending high school (~~((HS))~~) or participating in a general educational development (GED) program (~~((without a minimum number of employment hours))~~) with no required hours of employment is an approved activity for applicants or consumers under twenty-two years of age. However, the employment requirements and benefits limits of (b) through (e) of this subsection apply to applicants or consumers under twenty years of age who participate in the vocational or other education activities listed in those subsections.

(b) (~~An applicant or consumer who is~~) Attending school may be an approved activity for applicants or consumers twenty-two years of age or older(~~(+~~

~~(i) May be eligible to receive general education and training benefits under this subsection. The consumer must work either:~~

~~(A)) if, in addition to attending school, including participating in any of the activities in (c) through (e) of this subsection, an applicant or consumer works an average of twenty or more hours per week of unsubsidized employment(~~(+~~~~

~~(B)) or an average of sixteen or more hours per week in a paid federal or state work study program(~~(+~~~~

~~(ii) Is limited to up to twenty-four months of WCCC benefits during the consumer's lifetime for).~~

(c) When eligibility is based on the approved activity of attending school through participation in:

~~((A)) (i) Adult basic education (ABE);~~

~~((B)) (ii) English as a second language (ESL); or~~

~~((C)) (iii) High school/general educational development (GED) completion(~~(+~~~~

~~(iii) Is).~~

(d) WCCC benefits are limited to up to (~~(thirty-six months of WCCC benefits))~~ twenty-four months during the consumer's lifetime (~~((for))~~); when eligibility is based on the approved activity of attending school through participation in vocational education, WCCC benefits are limited to up to thirty-six months during the consumer's lifetime. 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)) (i) Public (~~(and)~~) or private technical college or school;~~

~~((B)) (ii) Community college; or~~

~~((C)) (iii) Tribal college(~~(+~~~~

~~(iv) Is).~~

(e) WCCC benefits for study time for approved classes are limited to (~~(up to))~~ ten hours per week (~~((of WCCC benefits for study time for approved classes. Approved classes include classroom, labs, online class and unpaid internships required by the vocational educational program))~~).

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 (~~may~~) 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 (~~(for up to sixteen hours in a twenty-four-hour period.)~~) as determined by the following:

(a) The consumer must have an approved self-employment plan in the consumer's (~~(IRP under WAC 388-310-1700)~~) individual responsibility plan as outlined in chapter 388-310 WAC;

(b) The (~~amount~~) 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(~~(r)~~) 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(~~(r, if starting)~~) for a new business that has yet reported taxable income; and

(v) (~~(For established businesses, either)~~) Federal self-employment tax or state tax reporting forms for the most current reporting year (~~(or a profit and loss statement)~~) 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 (~~(starting)~~) a new (~~(self-employment)~~) business(~~(r, the number of hours a consumer is eligible to receive)~~) 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 (~~(this provision)~~) these starting-business WCCC benefits only once during the con-

sumer's lifetime ((and must use the benefit provided by this provision within the consumer's authorization period)).

(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 ((for six consecutive months)) as provided in (b) of this subsection by:

(i) Dividing the consumer's ((gross)) 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((~~r~~)) 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, ((then WAC 170-290-0012)) 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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0060 Countable income. DSHS counts income as money an applicant or consumer earns or receives ((themselves)) 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) ((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 noneustodial parent (NCP);~~

~~(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)) received.

(3) Supplemental security income (SSI);

(4) ~~((Other)) Social Security ((payments, such as SSA and SSDI))~~ 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 ~~((43.215.1351))~~ 43.216.137;

(8) Other types of income not listed in WAC ~~((170-290-0070))~~ 110-15-0070;

(9) Taxable income from VISTA ((volunteers)), AmeriCorps, and Washington Service Corps ((WSC) if the income is taxed:

~~(a) Verify if AmeriCorps has child care services available.~~

~~(b) If the consumer is using the AmeriCorps child care services, they are not eligible for WCCC.)~~ programs;

(10) Taxable gross wages from employment or self-employment ((as defined in WAC 170-290-0003. Gross wages includes any wages that are taxable));

(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 ~~((170-290-0065(2)))~~ 110-15-0065(2);

(c) Property does not include small personal items such as furniture, clothes, and jewelry.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

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 anticipated income listed in WAC ~~((170-290-0060))~~ 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 ~~((-ii))~~ dividing the income by the same number of months, weeks or pay periods ~~((-i-))~~.

(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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

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 ((170-290-0090)) 110-15-0090;

(f) ((DEL)) DCYF or DSHS makes a ((mass)) 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 ((immediately following the date the copayment change was made.

~~(3) DSHS does not increase))~~ after a change is reported and required verification is received within the required time frame. If the required verification is received after the requested time frame, the new copayment will be effective on the first day of the month that follows the month the verification was received.

(3) A consumer's copayment will not be increased during ((the)) a current eligibility period ((when countable income remains at or below the maximum eligibility limit as provided in WAC 170-290-0005.

~~(4) DSHS does not prorate the copayment)).~~

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0090 Minimum copayment. (1) A consumer is eligible for the minimum copayment (~~is paid~~) when the consumer has countable monthly income at or below eighty-two percent of the federal poverty guidelines.

(2) (~~First application. The consumer pays~~) The minimum copayment (~~at first application for WCCC when benefits are paid. The consumer pays the minimum copayment:~~

~~(a))~~ will apply for two months after initial application beginning in the month that DSHS pays (~~for~~) WCCC child care (~~services;~~ and

~~(b) The first full calendar month thereafter.~~

~~(3) Reapplication. The consumer pays~~) benefits.

(3) Following the first two months of minimum copayments, the copayment may increase to the amount determined at application.

(4) The minimum copayment may apply for two months at reapplication for WCCC after a break of at least thirty days in the consumer's approved activities, as long as the break in activities occurred within ninety days leading up to the reapplication date. The (~~consumer pays the~~) two-month minimum copayment (~~(~~

~~(a) Beginning~~) will begin in the month that DSHS pays (~~for~~) WCCC (~~services;~~ and

~~(b))~~ child care benefits and continue for the first full calendar month thereafter.

(~~(4))~~ (5) The (~~consumer pays the~~) minimum copayment applies throughout the eligibility period when (~~he or she~~) the consumer is a minor parent, and:

(a) Receives TANF; or

(b) Is part of the minor parent's parent or relative's TANF assistance unit.

(~~(5) DSHS does not prorate the copayment.~~)

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0095 When WCCC benefits start. (1) 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 for WCCC benefits (~~(, except in the case of new employment or new non-TANF activities. In those cases, under WAC 170-290-0012 and 170-290-0014, the consumer must provide third-party verification within sixty days of DSHS approving the application or reapplication))~~); and

(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; and~~

~~(c) The consumer needs child care for approved activities within at least thirty days of the date of application for WCCC benefits~~)).

(2) If a consumer fails to (~~turn in all information~~) complete the initial application within thirty days from the application date, the consumer must restart the application process (~~, except in the case of new employment or new non-TANF activities. In those cases, under WAC 170-290-0012 and 170-290-0014, the consumer must provide third-party verification within sixty days of DSHS approving the application or reapplication~~).

(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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

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 (~~170-290-0125~~) 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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0107 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:

(~~1~~) (a) Withdraws the request;

(~~2~~) (b) Is not eligible due to the consumer's:

(~~a~~) (i) Family composition;

(~~b~~) (ii) Income; (~~or~~

~~e~~) (iii) Outstanding unpaid copayment; or

(iv) Approved activity (~~-~~

~~3~~)); or

(c) Did not provide information required to determine the consumer's eligibility (~~according to WAC 170-290-0012~~) under WAC 110-15-0012 within thirty days (~~of~~

~~4~~)).

(2) If a consumer (~~turns in~~) provides information or otherwise meets eligibility requirements after DSHS sends the consumer a denial letter, DSHS (~~determines~~) will determine when the consumer's benefits may begin (~~date~~), as provided in WAC (~~170-290-0095~~) 110-15-0095.

WAC 110-15-0109 Reapplication. (1) ~~((If a consumer wants to receive))~~ To request WCCC benefits be continued uninterrupted ~~((child care benefits for another))~~ 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. ~~((To determine if a consumer is eligible, DSHS:~~

~~(a) Requests reapplication information))~~

(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 ((consumer's)) current WCCC eligibility period((; and

~~(b) Verifies the requested information for completeness and accuracy.~~

~~(2) A consumer may be eligible for WCCC 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; and~~

~~(c) The consumer meets all WCCC eligibility requirements.~~

~~(3) Effective October 1, 2016, if a)) may receive continued uninterrupted benefits through second tier eligibility if the 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)) federal poverty guidelines (FPG).~~

~~(a) If the countable income is equal to or greater than ((two hundred percent of the FPG and less than)) two hundred twenty percent ((of the FPG. If the countable income is equal to or greater than 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 equal to or greater than two hundred percent of the FPG and less than 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 WCCC benefits based on reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.~~

~~(5) When)) 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 ((that)) the consumer's reapplication is entered into DSHS's automated system or the date the consumer's reapplication is date-stamped as received ((in DSHS's community service office or entered into the DSHS automated system)) 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 ((being cared for by an eligible WCCC)) receiving care from an approved provider.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0110 Termination of and redetermining eligibility for benefits. (1) ~~((DSHS stops))~~ A consumer's eligibility for WCCC benefits ((when)) is terminated if the consumer ((does not)) fails to:

(a) Comply with the ((copayment)) requirements of WAC ((170-290-0030 (3) and (4))) 110-15-030;

(b) ((Complete the requested application or reapplication before the deadline noted in WAC 170-290-0109 (2) (a));

(c) Enter the approved activity at the end of the fourteen-day wait period;

(d)) Complete the WorkFirst orientation process when approved for TANF((+)

(e) Return the requested income verification of new employment by the sixtieth day as provided in WAC 170-290-0012; or

(f)) ; and

(c) Cooperate with the child care subsidy audit process ((or with)) 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 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 ((may be eligible)) whose eligibility for WCCC benefits has been terminated may be eligible to receive WCCC benefits again, beginning on the date ((that)) the consumer:

(a) Meets all WCCC eligibility requirements;

(b) Complies with the copayment requirements ((of WAC 170-290-0030 (3) and (4))) contained in WAC 110-15-0030; and

(c) Cooperates with the child care subsidy audit process ((or with)) and the DSHS office of fraud and accountability (OFA).

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0126 Electronic attendance records. (1) Within ninety days of initial approval to receive WCCC or SCC benefits, providers must ((use)) 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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0190 WCCC benefit calculations. (1) The amount of care a consumer may receive is determined by DSHS at application or reapplication. ~~((The consumer does not need to be in approved activities or a reported activity schedule, except 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; ~~((and))~~ or

(c) Incorrect information was given at application or reapplication ~~((according to WAC 170-290-0030))~~.

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

(a) The consumer's participation in approved activities ~~((per WAC 170-290-0040, 170-290-0045, 170-290-0050, and 170-290-0055;~~
~~(b-))~~ and the number of hours the child attends school, including home school, ~~((and reduce the amount of care;~~
~~(e-))~~ which will reduce the amount of care needed.

(b) In a two parent household, the days and times ~~((the))~~ ap-
proved activities overlap, and only authorize care during those over-
lapping times ~~((+~~
~~(d) The))~~. The consumer is eligible for full-time care if over-
lapping 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((, as de-
defined in WAC 170-290-0020, and exclude the activity requirements; and
~~(e) When a consumer requests and verifies the need for increased~~
~~care, DSHS will increase the care for the remainder of the eligibility~~
~~period).~~

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

(a) Twenty-three full-day units per month will be authorized
~~((for one hundred ten hours of activity or more each month))~~ when the
child needs care five or more hours per day;

(b) Thirty half-day units per month will be authorized ~~((for one~~
~~hundred ten hours of activity or more each month))~~ when the child
needs care less than five hours per day;

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

~~((e) Twenty-three full-day units will be authorized during the~~
~~school year for a school-aged child who needs care five or more hours~~
~~per day;~~
~~(f-))~~ (d) Supervisor approval is required for additional days of
care that exceeds twenty-three full days or thirty half days per
month; and
~~((g-))~~ (e) Care cannot exceed sixteen hours per day, per child.

(4) ~~((Determining))~~ 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 ~~((for one~~
~~hundred ten hours of activity or more each month))~~ when the child
needs care five or more hours per day;

(b) One hundred fifteen hours of care will be authorized ~~((for~~
~~one hundred ten hours of activity or more each month))~~ 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 (~~((family, friend and neighbors).))~~):

(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) (~~((When the provider claims contingency hours,))~~) 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 ((170-290-0125)) 110-15-0125, or an approved in-home/relative provider under WAC ((170-290-0130)) 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.

~~((10) In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits cannot receive those benefits for their own children during the hours in which they provide subsidized child care.))~~

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 ~~((their))~~ 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 ~~((they are))~~ 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, ~~((commonly known as "family, friends, and neighbor" providers,))~~ bills the state for more than six children at one time ~~((during))~~ 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 ~~((they have))~~ in ~~((their))~~ the provider's licensed capacity; or

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

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

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

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

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

(3) A provider ~~((is required to))~~ must repay any payments ~~((which they were))~~ that the provider was not eligible to receive.

(4) ~~((Provider overpayments defined in subsection (1) of this section are deemed as program violations as described in WAC 170-290-0277.~~

~~((5))~~ A provider ~~((is required to))~~ must repay any overpayment ~~((made through a departmental error)),~~ even if the overpayment is the result of a DCYF or DSHS error in issuing payment the provider was not eligible to receive.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

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) ~~((Is determined eligible at application or reapplication based on))~~ Received benefits or services based on the eligibility criteria of the consumer's participation in an approved activity ((and used benefits, but never participated in said)), but the consumer did not participate in the activity;

(c) Failed to report ~~((changes))~~ information accurately under the requirements of ~~((WAC 170-290-0031 to DSHS))~~ of this chapter, which ((result)) resulted in an error in determining eligibility, amount of care authorized, or copayment;

(d) ~~((Used a provider who did not meet the eligibility requirements under WAC 170-290-0125;~~

~~(e))~~ Received benefits for a child who was not eligible ~~((per WAC 170-290-0005, 170-290-0015 or 170-290-0020))~~ under WAC 110-15-0005, 110-15-0015, or 110-15-0020; or

~~((f))~~ (e) Failed to return, by the sixtieth day, the requested income verification of new employment as provided in WAC ((170-290-0012)) 110-15-0012.

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

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

(4) ~~((If an))~~ A consumer must repay any overpayment, even if the overpayment ((was made through departmental)) is a result of a DCYF or DSHS error((, the consumer is still required to repay that amount)) in issuing payment the consumer was not eligible to receive.

(5) If a consumer is not eligible under WAC ~~((170-290-0030 through 170-290-0032))~~ 110-15-0030 through 110-15-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment~~((, including any absent days)).~~

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0275 Payment discrepancies—Providers. (1) This section applies to all child care providers.

(2) ~~((For in-home/relative and licensed family home child care providers, disputes regarding underpayments are grievable.~~

~~(3) Payment discrepancies may be corrected based on time frames for payment. Correction of payment discrepancies depends on the following circumstances:~~

~~(a))~~ Providers must submit a billing invoice for payment within twelve months of the date ~~((of service))~~ child care services are pro-

vided. Any invoice submitted more than twelve months from date ((of service)) child care services are provided will not be processed.

((b) If the billing invoice for payment is made within the twelve-month period, the time limits for correcting payment errors are)) (3) For purposes of correction of a payment error based on a billing invoice that has been submitted as required by subsection (2) of this section, the following time limits apply for the period of child care services for which corrections can be made.

(a) For underpayments:

(i) Two years back from the date payment was issued if the error ((is)) was based on rates paid by age or region, ((unless the error is discovered by a federal audit, in which case the provider has up to twenty-four months after the date of service to ask for a corrected payment)) except as provided in (a)(iii) of this subsection; or

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

(iii) Three years back from the date payment was issued for any underpayment identified by a federal or state audit((, in which case the provider has up to three years after the date of service to ask for a corrected payment)).

(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 overpayment was issued; and

(iii) Three years back from the date 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 procedure in the collective bargaining agreement.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3530 Verifying consumers' and providers' information.

DSHS verifies a consumer's information as provided in WAC ((170-290-0012 and 170-290-0014)) 110-15-0012.

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 ((DEL)) DCYF child care licensing or certification requirements as provided in chapters ((170-295, 170-296A, or 170-297)) 110-300, 110-300A, 110-300B, and 110-305 WAC; and

(2) ((Report pending charges or convictions to DSHS as provided in chapter 170-295, 170-296A, or 170-297 WAC;

(3) ~~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 attendance records available as provided in this subsection may:

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

(ii) Establish a provider overpayment as provided in WAC 170-290-0268;

(4) Allow consumers access to their child at all times while the child is in care;

(5) Collect copayments directly from the consumer or the consumer's third-party payor, and report to DSHS if the consumer has not paid a copayment to the provider within the previous sixty days;

(6) Follow billing procedures as described in the most recent version of "*Child Care Subsidies: A Guide for Licensed and Certified Family Home Child Care Providers*"; "*Child Care Subsidies: A Guide for Licensed and Certified Child Care Centers*," including billing only for actual units of child care under WCCC billing guidelines;

(7) Not claim a payment in any month in which a child has not attended at least one day in that month;

(8) Invoice the state no later than one calendar year after the actual date of service;

(9) Not charge subsidized families for:

(a) The difference between the provider's customary rate and the maximum allowed state rate;

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

(c) Absent days on days in which the child is not scheduled and authorized for care;

(d) Handling fees to process consumer copayments, child care services payments, or paperwork;

~~(e) Fees for materials, supplies, or equipment required to meet licensing rules and regulations; or~~

~~(f) Child care or fees related to subsidy billing invoices that are in dispute between the provider and the state; and~~

~~(10) For)) 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.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

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 (~~(170-290-0012 and 170-290-0014)~~) 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 (~~(170-290-0012)~~) 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 (~~(170-290-3555)~~) 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 (~~(170-290-0012)~~) 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 110-15-0014	Verifying information for a provider's payment.
WAC 110-15-0022	Eligibility—Resources.
WAC 110-15-0032	Failure to report changes.
WAC 110-15-0055	Receipt of benefits during fourteen-day wait period.

WAC 110-15-0115

Notice of payment changes.