

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

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

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

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

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

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

"**Child**" means a person twelve years of age or younger or a person under nineteen years of age who is physically, mentally, or emotionally incapable of self-care as verified by a licensed medical practitioner or masters level or above mental health professional.

~~((**"In-home/relative child care provider"** means a provider who meets the requirement in WAC 170-290-0130 through 170-290-0167.))~~

"**Parent**" means a biological or adoptive parent of a child or an individual who ((have)) has an established parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated or paternity has been disestablished.

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

**WAC 110-15-4510** Child care for child protective services (CPS) and child welfare services (CWS). ((The department)) DCYF may purchase ((CPS/CWS)) child care within available funds for children of families in need of support as part of a ((CPS/CWS)) CPS or CWS case plan. This service is short-term and time-limited. Social workers must determine if other resources are available to meet this need before authorizing payment by the department.

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

**WAC 110-15-4520 What are the maximum child care subsidy rates ((CA)) DCYF pays for child care in a licensed or certified child care center?** ((CA)) Maximum child care subsidy rates for licensed child care centers can be found in WAC ((170-290-0200)) 110-15-0200.

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

**WAC 110-15-4525 What are the maximum child care subsidy rates ((CA)) DCYF pays for child care in a licensed or certified family home child care?** ((CA)) Maximum child care subsidy rates for licensed or certified family home child care can be found in WAC ((170-290-0205)) 110-15-0205.

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

**WAC 110-15-4530 When can ((CA)) DCYF pay more than the maximum ((CA)) child care subsidy rate?** ((CA)) DCYF pays additional subsidies to a licensed or certified family child care home or center when:

(1) Care is for nonstandard hours (~~under WAC 388-165-195 and 388-165-200~~) as defined in WAC 110-15-0249;

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

(3) Care is not available at the ((CA)) DCYF rate and the provider's usual rate is authorized;

(4) The provider is participating in the state's early achievers program and receives tiered reimbursement and state funds are available; or

(5) A child registration fee is applicable under WAC ((170-290-0245)) 110-15-0245.

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

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

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

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

**WAC 110-15-4550 What is the ((CA)) DCYF child care subsidy rate for children with special needs in a licensed or certified child care center?** For children with documented special needs, ~~((CA pays child care subsidies to licensed or certified child care centers as described in WAC 388-165-180. In addition, CA))~~ DCYF pays the base rate authorized in WAC 110-15-0200 and the lesser of:

- (1) The actual cost of providing the special needs care; or
- (2) The applicable rate listed in WAC ~~((170-290-0225))~~ 110-15-0225 (1) (a) or (b).

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

**WAC 110-15-4555 What is the ((CA)) DCYF child care subsidy rate for children with special needs in a licensed or certified family home child care?** For children with documented special needs, ~~((CA)) DCYF pays ((child care subsidies to licensed or certified family child care homes as described in WAC 388-165-185. In addition, CA pays))~~ the base rate authorized in WAC 110-15-0205 and the lesser of:

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

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

**WAC 110-15-4560 What is the ((CA)) DCYF in-home/relative child care rate for children with special needs?** For children with documented special needs, ~~((CA may authorize payment to in-home/relative child care providers in accordance with))~~ DCYF pays the base rate authorized in WAC 110-15-0240 and the applicable special needs rate listed in WAC ~~((170-290-0235))~~ 110-15-0235.

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

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

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

**WAC 110-15-4575 What is the responsibility of ((DSHS)) DCYF regarding child care subsidies for in-home/relative child care?** (1) On all payments ((DSHS)) DCYF makes toward the cost of in-home/relative child care, ((DSHS)) DCYF pays the employer's share of:

- (a) Social Security taxes;
- (b) Medicare taxes;
- (c) Federal Unemployment Taxes (FUTA); and
- (d) State unemployment taxes (SUTA) when applicable.

(2) On all payments ((DSHS)) DCYF makes toward the cost of in-home/relative child care ((DSHS)) DCYF withholds the following taxes:

- (a) Social security taxes up to the wage base limit; and
- (b) Medicare taxes.

(3) If an in-home/relative child care provider receives less than ((one thousand one hundred dollars)) the per family threshold allowed by Internal Revenue Service Publication 926, Household Employer's Tax Guide, in a calendar year, ((DSHS)) DCYF refunds all withheld taxes to the provider.

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

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

- (1) Siblings and stepsiblings living outside the child's home;
- (2) Grandparents;
- (3) Aunts;
- (4) Uncles;
- (5) First cousins;
- (6) Great grandparents;
- (7) Great aunts;
- (8) Great uncles; and
- (9) Extended family members as determined by law or custom of the Indian child's tribe.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 19, 2021

TIME: 11:41 AM

WSR 21-11-115

**Agency:** Department of Children, Youth, and Families

**Title of rule and other identifying information:** (describe subject) WAC 110-15-4500 What are the types of child care subsidies?; 110-15-4505 Definitions; 110-15-4510 Child care for child protective services (CPS) and child welfare services (CWS); 110-15-4515 When are DSHS child care subsidy rates in this chapter effective?; 110-15-4520 What are the maximum child care subsidy rates CA pays for child care in a licensed or certified child care center? 110-15-4525 What are the maximum child care subsidy rates CA pays for child care in a licensed or certified family home child care?; 110-15-4530 When can CA pay more than the maximum child care subsidy rate?; 110-15-4535 What is nonstandard hour child care?; 110-15-4545 How does DSHS determine that a child qualifies for a special needs rate?; 110-15-4550 What is the CA child care subsidy rate for children with special needs in a licensed or certified child care center?; 110-15-4555 What is the CA child care subsidy rate for children with special needs in a licensed or certified family home child care?; 110-15-4560 What is the CA in-home/relative child care rate for children with special needs?; WAC 110-15-4565 What is the maximum child care subsidy rate CA pays for in-home/relative child care? 110-15-4575 What is the responsibility of DCYF regarding child care subsidies for in-home/relative child care?; and 110-15-4580 When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Remove redundancies from chapter 110-15 WAC by repealing WAC 110-15-4515, 110-15-4535, and 110-15-4545. Replace references to Department of Social and Health Services and Children's Administration Department of Children, Youth, and Families references through the rest of the proposals.

**Reasons supporting proposal:** Effective July 1, 2018, the Department of Children, Youth, and Families assumed the programs and functions of the former Department of Social & Health Services Children's Administration and the Department of Early Learning. Certain sections, including the proposals, were decodified from Title 388 WAC and recodified to Title 110 WAC. The proposed amendments make technical corrections necessary following the recodification and the proposed repealers remove redundancies in chapter 110-15 WAC.

**Statutory authority for adoption:** RCWs 43.216.065

**Statute being implemented:** RCW 74.13.031(9) and (14)

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input 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:

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

Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Toni Sebastian		(206) 361-4686

Implementation:	DCYF	statewide
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Enforcement: DCYF statewide

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

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** Expedited rule-making is appropriate for these rule changes because the proposed amendments are limited to internal government operations that are not subject to violation by a person and the proposed repealers will remove redundancies in the Chapter 110-15 WAC.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Rules Coordinator  
Agency: Department of Children, Youth, and Families  
Address: P. O. Box 40975  
Phone: 360) 902-7903  
Fax:  
Email: dcyf.rulescoordinator@dcyf.wa.gov  
Other:

**AND RECEIVED BY** (date) August 2, 2021

**Date:** May 19, 2021

**Name:** Brenda Villarreal

**Title:** DCYF Rules Coordinator

**Signature:**

