

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? |



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 31, 2021

TIME: 3:15 PM

WSR 21-18-110

Agency: Department of Children, Youth, and Families

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: Update chapter 110-15 WAC to explain when and for whom the department provides child care, the child care rates that may be paid, and the tax liability for payments to family, friend, and neighbor child care providers.

Citation of rules affected by this order:

New:

Repealed: WAC 110-15-4515, 110-15-4535, and 110-15-4545

Amended: WACs 110-15-4500, 110-15-4505, 110-15-4510, 110-15-4520, 110-15-4525, 110-15-4530, 110-15-4540, 110-15-4550, 110-15-4555, 110-15-4560, 110-15-4565, 110-15-4575, and 110-15-4580

Suspended:

Statutory authority for adoption: RCW 74.12.340

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-11-115 on May 19, 2021 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>13</u>	Repealed	<u>3</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>13</u>	Repealed	<u>3</u>
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: August 31, 2021

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

