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7. Day Care Home Register DSHS 10-97(X)
8. Child Care Agreement DSHS 10-96(X)
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10. Day Care Home Provider: Self Evaluation DSHS 15-89(X)
11. Family Day Care Home License DSHS 10-29(X)
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1. In-home Caretaker Information - DSHS 15-85(X)
2. Report of Child Care - DSHS 6-59(X)
3. Social Service Application - DSHS 14-139(X)
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CHAPTER 50 - DAY CARE SERVICES FOR CHILDREN

50.02 LEGAL BASE FOR DSHS DAY CARE PROGRAMS

1. Chapter 74.15 RCW mandates the licensing of day care facilities by DSHS.

2. Chapter 74.13 RCW requires that DSHS provide child welfare services, including day care.

3. RCW 74.12.340 anthorizes the provision of day care by the Department provided that families participate in the costs of such care according to their financial ability to do so. (Currently no parental participation under Title XX State Service Plan, October 1, 1975 to June 30, 1976.)

4. Title XX of the Social Security Act and related rules provide for federal financial participation in the Department's day care program and specifies the goals and conditions for such participation.

50.04 GOALS AND PURPOSES OF DAY CARE SERVICES FOR CHILDREN

1. Achieving or maintaining economic self support to prevent, reduce or eliminate dependency.

2. Preventing or remedying neglect, abuse or exploitation of children.

50.06 DEFINITION AND CONTENT OF DAY CARE SERVICES

Day care is the provision of care and protection to children from infancy through age 14 on a regular basis during a portion of the 24-hour day when parents are unable to provide direct care and supervision to their children because of employment or training for employment or because of special needs of the parent or child, such as emergency health needs of the parent or as part of child(ren's) protective services plan.

The Department's day care program includes:

1. The development, adoption and promulgation of standards for child care.

2. Promoting the development of (recruitment), licensing, providing consultation to and monitoring day care facilities (family day care homes, mini-day care centers and day care centers) (See Sec. 50.20) and approval of in-home care providers (See Sec. 50.42).

3. Monitoring day care facilities according to Federal Interagency Day Care Requirements when the department contracts with and makes payment to the facility with federal funds.

4. Developmemt, approval and periodic review of the suitability of child care plans for children eligible for state-supported day care and the determination of eligibility for such support. (See Sec. 50.50).

5. The issuance of purchase of service contracts and the purchase of day care for eligible children from licensed day care facilities with whom the Department has contracts and from approved in-home care providers. See Section 50.50 (D).

6. Provision of Migrant Day Care Services (See Sec. 50.38).

7. Provision of WIN related day care services (See Sec. 50.40).

8. Provision of counseling and information concerning day care and referral to licensed day care facilities and to other appropriate community services; e.g., health facility, for all persons (regardless of financial status) requesting such service. (See Sec. 50.12).

50.10 THE LICENSING FUNCTION - PURPOSE

The licensing statute enumerates the purposes of licensing as follows (RCW 74.15.010):

1. To safeguard the well-being of children, expectant mothers and adult retarded persons receiving care away from their own homes;

2. To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care: (Day care is included as part of foster care in RCW 74.15.010).

3. To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups.

4. To provide consultation to agencies caring for children, expectant mothers or adult retarded persons in order to help them to improve their methods of and facilities for care;

5. To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and adult retarded persons.

50.12 LICENSING OF DAY CARE FACIITIES-ALLOCATION OF RESPONSIBILITIES

Chapter 74.15 RCW requires the licensing of day care facilities by DSHS. Separate minimum licensing requirements have been adopted for family day care homes (WAC 388-75-203 and ff), mini-day care centers (the equivalent of the federal category "Group Day Care Home" WAC-388-75-253 and ff) and day care centers (WAC 388-75-303 and ff).

The Services to Child Care Agencies Unit (State Office) is responsible, in consulation with a child welfare and day care advisory committee, and with the advice and assistance of persons representative of the various type of agencies to be licensed, for the development of minimum licensing requirements applicable to each category of agency to be licensed. The Services to Child Care Agencies Unit is also responsible for licensing day care centers for the care of 13 or more children and mini-centers for the care of 12 or fewer children in facilities other then the family abode of the person in whose care a child is placed.

ESSO's are responsible for licensing family day care homes (generally for the care of no more than 6 children) and mini-day care centers which provide day care for from 7 to 12 children in the family abode of the person in whose care the child is placed.

ESSO will refer inquiries for licensing of day care centers and mini-centers to be operated in facilities other than applicant's family abode to the Services to Child Care Agencies Unit. The ESSO will also inform the Services to Child Care Unit about complaints which they receive concerning child care practices or other adverse conditions in facilities licensed by the latter unit. If investigation indicates that conditions exist or existed which constitute reportable child abuse or neglect, the Unit will consult with the appropriate ESSO office's Child Protective Services Unit to determine the best course of action.

ESSO will provide counseling and referral services to all parents who are in need of child day care, upon request for a suitable licensed day care facility (WAC 388-15-170).

50.20 LICENSING OF FAMILY DAY CARE HOMES AND MINI-DAY CARE CENTERS BY ESSO

1. Recruitment of Licensing Day Care Facilities.

   ESSO shall periodically in accord with experienced need engage in advertising the necessity of day care facilities being licensed and the need for day care facilties in particular geographic areas to serve the children of both the clients of the Department and the public at large. Recruitment methods shall include posting of notices in strategic places (e.g., shopping centers, churches, etc.), news releases to the public media, talks to and the enlistment of day care parents and other organizations interested in the developmental needs of children and the provision of adequate day care services. The licensing worker will follow-up on leads received of pesons who are or may be interested in providing day care services to children.

2. Inquiries-Orientation.

Inquiries (potential licensees) received by ESSOs, as a result of specific recruitment activities or otherwise, concerning the establishment and licensing of family day care homes and mini centers located in the family abode of the person who will be providing day care shall be directed to the ESSO day care licensing unit (or staff assigned the licensing function) in accord with established ESSO procedures. (See Sec. 50.12 regarding referrals to SO). The licensing unit shall provide the requested information and orientation or set a time and place at which inquirer may receive orientation individually or as part of a group, dependent upon the volume of inquiries received by ESSO.

a. Orientation: The purpose of orientation is to provide sufficient information to enable the applicant to have a basic understanding of the licensing law, state requirements, and when state payment is to be made, federal regulations (see 50.22); for the worker to assist the person in defining his/her interest and abilities in providing child care, to reach an understanding of what is mutually expected and agreed upon; for the worker to provide necessary forms and to clarify procedures.

b. Forms: To be used at the completion of Orientation for those wishing to continue with the licensing process:

(1) Application (DSHS 10-94(X)): given to the aplicant to complete return to the licensing worker.

(2) Minimum Licensing Requirements For Family Day Care Homes: WAC 388-75 to be given to the applicant for reference purposes.

(3) Family Day Care Home Study (DSHS 10-47(X): to be given to the applicant so that the applicant will have an understanding of the necessary areas covered during the home study process. The applicant will fill out as much information as applicable prior to the home visit on the Home Study form.

Providing the applicant with a copy of the Family Day Care Home Study form in advance will be a time saver to the licensing worker as well as a method for eliciting the applicant's cooperative involvement in the home study process.

(4) Licensing and Approval of Homes (DSHS 10-20(X): filled out by the worker showing application pending and sent to SO.

(5) Family Day Care Home Summary (DSHS 10-49(X)): worker completes as much information as available, to be used as a face sheet for the licensing record.

c. Procedure: Applicant's responsibility: to return completed and signed application with the following documents attached:

(1) T. B. report.

(2) Written statement of disciplinary policy

(3) If using private water, report of water test approval

(4) Applicant to instruct references: To have reference letters sent to ESSO (not as attached documents to the application, but important to be in the ESSO prior to the licensing worker making an appointment for a home visit).

If form reference letters are used by ESSO these form letters could be given to the applicant at the time of orientation to have their references complete and return.

If the application and above information is not returned by applicant within 30 days of receipt of application, the application will be considered withdrawn and applicant may reapply, if interested, at a later date.

3. Home Study:

Purpose: For the worker to evaluate the applicant and family's interest in providing day care services to children; applicant's capabilities; the physical aspects of the home, according to the state minimum licensing requirements.

While the worker's primary responsibility is to determine the applicant's abilty to meet the licensing requirements, this does not preclude the worker's helping the applicant meet the requirements, or to assist the person in withdrawing the application without loss of self worth.

a. Home Visit: To be made by appointment.

b. Forms: Used in the home study process:

(1) Family Day Care Home Study (DSHS 10-47(X): The applicant was given this form after Orientation. The applicant and worker will review the form together. The worker will complete Section V and VI, Evaluation and Recommendation, and share the information with the applicant. The completed form will be retained by the worker for the case record.

(2) Requirement/Agreement (DSHS 10-47A (X)): This form will be reviewed by the worker and the applicant if the home is to be licensed, and signed by both. The original is given to the applicant/provider and the copy retained by worker for the case file.

(3) Day Care Home Register (DSHS 10-97(X)): If home is to be licensed, a supply of these forms will be given to the provider, to be completed by the parent at the time that the child is accepted for day care. The provider will maintain a register on each child accepted for care.

(4) Child Care Agreement (DSHS 10-96(X)): This is not a mandatory form, but provided as a service to the day care provider and the parent as part of good business practice. A supply is given to the provider. The agreement is signed by the parent and the provider and a copy maintained by each party. The parent is asked to send the third copy to the ESSO if the department is paying for child care.

(5) Family Day Care Contract (DSHS 9-311(X)): Provider will sign the contract in triplicate with the worker signing for the department if the provider wishes to care for children whose day care will be paid for by the state. The worker will process the contact according to instructions in Manual G Chapter 99.

(6) Summary of Federal Interagency Requirements to be given to the provider who is interested in caring for children whose care is paid for by the state.

(7) Day Care Home Provider: Self Evaluation (DSHS 15-89(X)): When the home is approved for a license this form is left with the provider. Self evaluation is required by federal rates for all day care facilities where department makes payment (FIDCR). Self evaluations are to be completed yearly.

When the home study has been completed, the licensing worker will make the decision to license the home. All decisions not to license the home will be reviewed with the supervisor and appropriate action taken (see 50.28).

4. Issuing the License.

Purpose: an overall evaluation and documentation of facts, providing evidence of applicant's meeting state licensing requirements.

Forms: License (DSHS 10-29(X)): This is sent with letter confirming approval of license for the day care provider to provide day care for a specified number of children, for a specified age group, from the ESSO for a two year period. License number on the form will be the provider's ESSO case number.

Licensing and Approval of Homes (DSHS 10-20(X)): To be completed by the licensing worker, giving date when the home is licensed. The form will be sent to S.O. and copy retained in the case record.

No provisional license will be issued to a Family day care home.

50.22 LICENSING MINI-DAY CARE CENTERS

ESSO staff are responsible for licensing mini-day care centers if it is in a family residence.

If the mini-day care center is in a facility other than the family residence, the state child care licensing staff will be responsible for the licensing of the facility.

The same procedure for licensing of a mini-day care center by the service worker when applicable will be followed as for licensing of a family day care homes. See Manual G, Section 50.20 - 50.22.

In addition the following will be applicable:

1. No mini-day care center will be licensed for more than 12 children.

2. Whenever more than 6 children, any of whom are under two and one-half years of age, or whenever ten children are being cared for, at least two staff members will be present.

3. Provider shall have completed at least two years of satisfactory service in day care or have equivalent amount of training, or experience other than own family, in caring for preschool aged children.

4. Whenever preschool aged children are cared for, a staff member who has completed a basic Red Cross first aid course or its equivalent shall be present at all times.

5. Fire Safety - The mini-day care center shall comply with appropriate safety rules and regulations adopted by the State Fire Marshal (WAC 388-75-283).

6. The hot water supply shall not exceed 110 degrees F at bathing and washing facilities used by children.

7. Health approval: Prior to issuing a license, the department shall have on file a certificate of compliance that the licensee has met the requirements adopted to promote the health of children in day care (WAC 388-75-036).

Requests for State Fire Marshal and health inspection of homes shall be made on form DSHS 10-37 and directed to the Family Day Care Specialist for routing to the State Fire Marshal's office and to DSHS Office of Planning and Health Facilities. Following the inspection, the SO and LO licensing

worker will receive a copy of the reports with the mini-day care center receiving the original.

NOTE: When Mini Day Care Center is issued a license either for two years or provisional (not to exceed 6 months) a copy of the license will be sent to SO (Family Day Care Specialist) and one copy to DSHS Office of Planning and Health Facilities, Olympia, MS 3-1. When Mini Day Care Centers are closed, notify SO Family Day Care Program Specialist.

NEW: The ESSO worker may issue a provisional license to a Mini-Day Care Center provided that the Fire Marshal has approved the home and Health has recommended granting a provisional license; provided that the ESSO licensing worker approves the provisional license which is time limited to enable the provider time to correct necessary deficiencies. A provisional license shall not exceed six months duration.

The above only refers to mini-day care centers.
Family day care homes may not be issued a provisional license (WAC 388-75-051).

50.24 LICENSED FAMILY DAY CARE HOMES AND MINI DAY CARE CENTERS PROVIDING STATE PAID CHILD CARE

1. Special Requirements:

   a. Must have a contract with DSHS (DSHS 9-311(X)).

   b. Must meet the Federal Interagency Day Care Requirements which are in addition to what is already included in the state Family Day Care Minimum Licensing Requirements.

      (1) Family Day Care: Number of children in the home including own children.

         (a) May serve no more than six children, ages three to fourteen.

         (b) May serve no more than five children when any child is under three and no more than two children under the age of two.

      (2) Mini Day Care Center: Mini Day Care Centers meet group day care home FIDCR standards: May serve no more than twelve children:

         Staff-ratio: 0-6 weeks - one adult to one infant
         6 weeks - three years - one adult to four children
         3 years - six years - one adult to five children
         6 years - 14 years - one adult to twelve children

(3) Maintain adequate health record on each child: children are to have physical and dental exam prior to or shortly after entering day care. This is the parent's responsibility and is available to AFDC recipients through medical coupons under the Early Periodic Screening, Diagnosis and Treatment program (EPSDT). Day care providers may need to encourage parents to use this resource for their children.

(4) Provider must be aware of the hazards of infections and accidents; how such hazards can be minimized - recommend completion of First Aid course.

(5) Training: The department must provide or arrange for the provision of orientation to the Federal Interagency Day Care Requirements for day care providers.

The State Office Family Day Care Program Specialist will take responsibility for setting up training programs in conjunction with ESSO licensing workers' recognition of providers' training needs for improving day care services to children.

The ESSO licensing workers will provide on-going supervision of the day care home as part of their monitoring responsibilities (see Evaluation).

(6) Parent involvement: opportunities must be provided the parent to discuss the child's adjustment in the day care home with the provider.

(7) Evaluation:

(a) Providers are to be periodically evaluated by the department in regard to maintaining the FIDCR.

(b) Providers are to complete a yearly self-evaluation of their day care program. (Day Care Home Provider: Self Evaluation DSHS 15-89(X))

2. Procedures:

a. Contracts: The day care licensing worker will furnish three contract forms to be signed by the provider and the worker. The signed contracts will be sent to the Contract Management Section for signature of the Contracting Officer where the contract will be filed, one copy returned to the provider, and one copy returned to ESSO and maintained in the licensing record.

NOTE: The provider(s) must sign the contract exactly as his or her name(s) appears on the license. The effective dates on the contract can not exceed the dates on the

license. When the copy of the contract is returned from the S.O. with Contracting Officer's signature and contract number, the licensing worker will maintain a list of the contract homes with their respective license and contract numbers to have available for the child care planner who will need to verify contract licensed homes in order to approve child care payments.

b. Billing procedure: At the time of licensing or when the worker makes a review visit, if the provider plans to care for children whose day care services are to be paid for by the state, the licensing worker will give the provider Billing Instructions For Family Day Care Homes rev. 10/75 and explain the procedure for completing voucher, purpose of Award letters, importance of the attendance record, attaching the attendance record to the voucher when the provider bills for payment the last day of each month.

50.26 SERVICES TO FAMILY DAY CARE HOMES AFTER LICENSING

1. Periodic Contact With Licensed Family Day Care Homes.

Purpose: To assure through visits that the day care provider continues to meet standards; for the worker to assist the provider in maintaining standards when indicated; to offer consultation for finding improved ways of meeting the developmental needs of children.

a. Each licensed home caring for children will be visited at least every six months by the worker which will be at a time when the day care provider may be observed with children.

b. Homes that are known not to be caring for children and have no definite plan to continue to care for children shall be placed on inactive list and requested to contact the department when they resume caring for children.

c. Home visits will be recorded on Family Day Care Home Review Visit, form DSHS 10-48, according to form instructions in Manual G, Chapter 99. Any postlicensing contacts will be recorded in the postlicensing activities section of the Day Care Home Summary, form DSHS 10-49.

2. Consultation to the Provider and Appropriate Community Referral Information will be Provided by the Worker for:

a. Meeting special needs of a child in care, such as a hyperactive child, a child with a physical, mental or emotional impairment, an enuretic child, etc. (This refers only to improving day care provider's understanding of how best to help the child while in

day care. Any direct referral of a child to a community resource will be initiated by the parent.)

b. Working with "problem parents" who do not pay on time, are late picking up their children, or whose children are very irregular in attendance, etc.

c. Business aspects of day care: setting fees, obtaining insurance, maintaining records, etc.

d. Additional training in such areas as child development: referrals, child care payments, Children's Protective Services, etc.

e. Use of appropriate services within the department: referrals, child care payments, and children's protective services, etc.

3. Special Recources Available to the ESSO:

a. SO Family Day Care Specialist for consultation on specific problems and/or program development.

b. The Attorney General's office for assistance in legal matters. The Attorney General can be especially helpful in advising staff as to need and type of facutal documentation for Fair Hearings.

50.28 DENIAL OR REVOCATION OF LICENSE FOR FAMILY DAY CARE HOME, MINI-DAY CARE CENTER OR DAY CARE CENTER:

If the facility does not meet licensing requirements, deficiencies will be discussed with the applicant or licensee and opportunities for correction provided. If the person remains unable to conform with the minimum licensing requirements, they should be encouraged to withdraw the application or surrender the license voluntarily. If correction of a deficiency will take longer than 90 days following date of application, applicant should withdraw application and reapply after the deficiency has been corrected.

If emergency action is deemed necessary to protect the children's health, safety or welfare, immediate suspension of a license may be ordered by the department pending proceedings for revocation or other action.

Upon decision to deny, suspend, revoke or not renew a license, the applicant or licensee will be informed in writing by certified mail of the reasons for the intended action. The letter will be signed by the local administrator or his designee after review of the case and assurance that the evidence is sound and based on factual observations of staff or witnesses willing to testify at a hearing should a hearing occur.

The letter of denial, suspension or revocation shall:

1. State that the department proposes to deny the application for license or proposes to suspend, revoke, or not renew a license for a day care facility under authority of Chapter 74.15 RCW.

2. Specify the reasons the action is taken and cite by WAC number the particular licensing requirements which have been violated or not met.

3. State that if no written request by certified mail is made for a hearing in accordance with RCW 74.15.130 within thirty days of receipt of this notice, the license shall be deemed denied, suspended, revoked or not renewed, as the case may be.

   a. In the case of an applicant not currently licensed, children may not be received, or retained in care until such time as the facility is properly licensed.

   b. In the case of revocation of a current license, care must be terminated by the end of thirty days unless a hearing is requested, in which case care must be terminated immediately following the hearing if such hearing sustains the department's action.

   c. In the case of summary (immediate) suspension, the licensing worker may deem such action necessary to protect the children's health, safety or welfare. When emergency action is indicated, the licensing worker will assist the provider in making other plans for the children in care such as contacting the parents and offering referral services to the parents to other appropriate licensed day care facilities.

      Suspension must be time limited and only used when there is evidence of potential danger to children in day care.

      A letter verifying the suspension, documenting the facts and stipulating time limit for correction of deficiencies or license to be revoked, will be signed by the administrator and sent by certified mail to the provider.

50.30 RENEWAL OF LICENSE

The ESSO or S.O. (for day care centers) will mail to each licensed day care facility, 90 days prior to expiration date of their license, notification, including an aplication and request for new T.B. report. Responsibility for requesting renewal of the license rests with the licensee.

If an application for renewal is on file prior to the expiration date, the license remains in effect until the department acts. If the application for renewal is not returned to the appropriate office by the expiration date and no children are in care in the facility, it will be considered that the facility is not interested in renewal and the home will be closed. If children continue to be cared for in the facility after the license has expired and no application for renewal is on file, procedure under Section 50.32 will be followed.

For a Family Day Care Home:

When an application has been filed and results of tuberculosis tests received, the worker will complete a relicensing home study using DSHS 10-48, Family Day Care Home Review Visit, and a new Family Day Care Home Summary, DSHS 10-49. A new Family Home Requirements/Agreement, DSHS 10-47A, will also be completed.

If a day care family has moved, the same procedure will be followed as in renewing a license with the exception of requiring a T.B. test if satisfactory T.B. report is within the past year. This includes a licensing application showing the new address, a new Family Day Care Home Summary and physical setting discribed on the Family Day Care Home Review Visit Form, issuance of a new license issued for a two-year period and completing a new DSHS 10-20 form to be sent to the SO.

50.32 NONLICENSED FACILITIES OR VIOLATIONS OF LICENSING REQUIREMENTS

1. Nonlicensed Facilities Reported to the ESSO as Providing Child Care:

   If the complaint pertains to a family day care home, the ESSO will contact homes allegedly providing child care to ascertain if child care is being given, inform the family of the law requiring licensing and invite the provider to an office interview or group orientation meeting, enclosing in the letter a copy of the minimum licensing requirements and an application. Time limit for response will be specified. If the provider insists in caring for children without a license, the service worker will make all reasonable effort to secure a signed application. When the family will not apply, the worker will write a letter to be signed by the administrator, giving the family 14 days in which to submit the application or be referred to the Attorney General for further action. Once the referral is made then it will be the responsibility of the Attorney General to take whatever action is needed.

2. Violations of Licensing Requirements by a Family Day Care Home:

   a. If any violation of licensing requirements exist, including more children in care than licensed for, the worker will discuss the deficiencies and try to obtain conformance within a reasonable period of time, not to exceed 30 days.

   b. If the licensee does not remedy the deficiency, a letter signed by the administrator will be sent certified mail, informing the licensee of the violation specifying WAC rule and the agency's intent to revoke the license. The letter will notify the licensee of the right to a fair hearing if they do not agree with the decision.

50.34 COMPLAINTS INVOLVING DAY CARE FACILITIES

1. Complaints of Child Abuse: A parent may allege abuse of the child by a day care provider, or, a day care provider may allege abuse of a child by a parent. Such complaints will be referred in accordance with CPS procedures. For Day Care Centers. See Section 50.12(4).

2. Complaints about the day care facility, other than child abuse, are to be referred to the appropriate licensing worker.

   a. The worker will follow-up on the complaint within five working days; obtain factual information from the person issuing the complaint and contact collaterals, if indicated.

   b. The worker will discuss the complaint with the day care provider and if the complaint is valid, assist the provider in correcting the situation, if possible.

   c. The worker will report back to the person who made the complaint of the action taken and record the complaint and disposition on the Family Day Care Review Visit form.

50.36 TERMINATION OF DAY CARE LICENSE

Purpose: To terminate a license in a professional manner so that it is clearly understood that the licensee (day care provider) will no longer provide child care.

Closure: The licensing worker will advise the day care provider to return the license to the ESSO when termination is prior to the expiration date of the license.

1. Termination may be requested by the day care provider: When the provider ceases to provide child care and returns his/her license. It is important to know the reason inasmuch as the loss of a quality day care facility is a community loss when there are children in need of care.

2. Termination due to DSHS request: When there is an agency request for voluntary closure and return of license there must be a readiness to act promptly and responsibly according to procedures outlined in Sections 50.28, 50.32.

Procedure For Family Day Care Homes: Day Care licensing worker will request return of the license when provider advises worker that she is no longer providing day care, will document closure on DSHS 10-20 and route to SO; will send confirmation letter to provider of termination, expressing agency's gratitude for the past services rendered to children, when appropriate.

If provider has contract with DSHS for providing day care services, worker will advise Contract Management Section of termination.

50.37 REGION VII - DAY CARE SERVICES ON FIVE INDIAN RESERVATIONS

1. Purpose: To provide expanded eligibility to residents living within the specified geographic areas of the Colville, Tulalip, Makah, Quinault and Quileute Indian reservations which comprise Region VII.

2. Eligibility Requirements: Individuals residing on the Colville, Tulalip, Makah, Quinault or the Quileute Indian reservations whose gross income is equal to or below 80% of the state's medium income adjusted to family size are eligible for day care services provided that they otherwise meet General Day Care Services eligibility criteria. (See 50.50 (1) (A) (3))

3. Provision of Services

   a. SO Child Care Agency Unit Will:

      (1) Recruit, license, and evalute day care facilities.

      (2) Provide on-going supervision and consultation to the licensed facilities.

   b. ESSO Service Worker Will:

      (1) Establish day care service eligibility.

      (2) Approve appropriate child care plan. (See 50.50 2)

      (3) Complete the necessary forms. (See 50.50 (1) (g), 50.54)

50.38 MIGRANT DAY CARE

1. Definition:

Migrant day care services provide care to children from infancy through age 14 of migrant or seasonal agricultural workers during a portion of the twenty-four hour day. When parents are unable to provide direct care and supervision to their children because of employment or training for employment or because of special needs of the parent or child, such as emergency health needs of the parent or as part of a child(ren's) protective services plan. Such care is purchased from either licensed day care centers or family day care homes. Migrant day care is generally short-term, depending on the length of crop harvest, processing, cultivating or other farm related activity.

2. Goals:

a. Achieving or maintaining ecomonmic self support to prevent, reduce, or eliminate dependency. To insure the availability of day care services for children of migrant and seasonal farm workers during the months that parents are working at agriculturally related jobs, thereby enabling the parent(s) to continue working.

b. Preventing or remedying neglect by providing day care services to enable children to be in a safe, healthy environment while parents work.

3. Services:

a. SO Child Care Agency Unit will:

(1) Recruit, license and evaluate migrant day care facilities.

(2) Provide on-going supervision and consultation to the licensed facilities.

b. The migrant centers will provide day care services including arranging for medical and dental care, social services and information and referral of families to appropriate community resources.

4. Eligibility Criteria:

The migrant day care center which has a contract with DSHS will determine service eligibility for the parents who have applied for child care with the migrant day care center.

Persons eligible for migrant day care services are those whose gross family income does not exceed 35% of the state median gross income adjusted for family size, based on their annual gross income during the previous 12 month period.

INCOME TABLES FOR 35% GROSS MEDIAN INCOME

Number in Family	Monthly Income	Annual Income
2	$278	$3,340
3	343	4,126
4	409	4,912
5	479	5,698
6	540	6,484

5. Availability of Migrant Day Care Services:

Under Title XX, services are only provided in Regions I and II for the period from October 1, 1975 through June 30, 1976.

50.40 WIN CHILD CARE

A parent may be referred in the WIN program only when an appropriate child care plan is tentatively available for all children needing such care. The service worker shall plan with the parent the kind of care most suitable for the family. The decision is based on the location of the work or training facility, the hours of care needed, the age of the child(ren), the opportunity for educational stimulation of the child, etc. The child care plan is finalized when acutal WIN assignment is made. Where the training plan and child care plan cannot be coordinated the ESSO may determine the recipient inappropriate for referral. Referral will then be withdrawn.

A payment plan for the child care shall be part of planning with the family. See 50.52 Payment Standards, 50.54 Award Letters, 50.56 Vendor Payments. After the initial child care plan is established, a service worker shall periodically reevaluate the child care plan with each family.

Planning for child referred under the WIN program to a day care facility will include an evaluation of the medical and dental needs of the child. A child entering a day care facility for the first time is to be examined by a physician within ten days from placement. The examination fee when paid by the department will be actual cost up to $18 per child.

A comprehensive medical examination of a child within ten days prior to entry into a day care facility would not need to be repeated following entry if the information is available for follow-up.

Treatment necessary for conditions discovered by the health evaluation will be secured under the regular medical program. (See Chapter 78.).

WIN child care may continue for 30 days after job entry although the client may be terminated from AFDC grant. Usual circumstances should dictate services to be provided only for this 30-day period. However, at the option of the appraisal team, support servcies, including child care, may be authorized for 30, 60, or 90 days.

CETA is considered subsidized employment and, therefore, all types of support services to a recipient assigned to CETA must be available as long as the recipient is in the WIN program.

50.42 IN-HOME CARE

A service worker must determine that caretaker meets in-home standards in a face to face interview, preferable with parent and caretaker seen together.

Standards for in-home care (WAC 388-16-213).

1. In-home care is the care and supervision of children in their own home by a relative or unrelated person during part of the 24 hour day while the parent is not available.

2. When the parent requests in-home care, the service worker must determine that the caretaker meets the in-home care standards.

3. Use of in-home care is appropriate when:

   a. There is a qualified caretaker available and this type of care is the parent's choice.

   b. The number of children in the home is sufficient to make in-home care preferable.

   c. A child's physical or emotional condition makes it necessary for the child to remain at home.

4. When in-home care is the approved day care plan for the parent who is eligible for day care services, the caretaker must meet the following qualifications:

   a. Qualifications of in-home caretaker:

      (1) Be 18 years of age or older

      (2) Be free of communicable disease, including tuberculosis as shown by tests within the year and recertified every two years

      (3) Be of sufficient physical, emotional and mental health to meet the needs of the children in care

      (4) Subject to the discretion of the worker, provide written evidence from a medical authority that the caretaker is in sufficient health to care for children

      (5) Produce written references indicating that the caretaker is capable of caring for the children of the ages for whom the person will be responsible

(6) Be able to work with children without recourse to physical punishment or psychological abuse

(7) Be able to accept and follow instructions

(8) Maintain personal cleanliness, be prompt and regular in job attendance

b. Responsiblities of in-home caretaker:

(1) Consider the person's primary function that of child care

(2) Provide constant care and supervision of the children throughout the time that the caretaker is on duty in accordance with the children's needs

(3) Provide appropriate activities for the children

5. Forms:

a. In-home Caretaker Information (DSHS 15-85 (X)): The worker will complete the necessary information with the in-home provider and the parent in duplicate, with one copy given to the caretaker and one retained in the parent's case record.

b. Report of Child Care (DSHS 6-59 (X)): The worker will clarify with the parent that the parent is responsible for payment to the in-home caretaker and to interpret the procedure for the use of the form (see 50.56, Sec. 3).

50.50 DAY CARE SERVICES TO CHILDREN FOR WHOM THE STATE PROVIDES PAYMENT

Purpose: To enable the parent to be employed or be in an approved training program which is directed toward employment (not to exceed two years); to prevent or remedy neglect, abuse or exploitation of children.

1. Service Eligibility: The ESSO service worker will establish service eligibility (except for migrant centers - see 50.38).

a. As part of an approved case plan for social services, employment or approved training, child care may be purchased for children of families who are:

(1) Receiving AFDC grant assistance: worker will verify with financial section that client is receiving AFDC.

(2) Whose gross income is equal to or below AFDC grant standard: parent must present wage stub or other proof of income to the service worker.

(3) Receiving Child Protective Services. If the parent is on AFDC or income is at or below grant standards they are eligible for day care services under Title XX. If parent's income exceeds the grant standard, day care services will be provided which is funded under the state's children service program.

NOTE: Approved child care plan for social services other than employment or approved training will be restricted to the following situations:

Day care provided a mentally or physically handicapped child to enable him to live in the community and avoid institutionalization.

Day care provided to children in protective service to avoid full-time placement and/or in connection with other services being provided to the family.

Day care provided to children as a support service to the parent who is looking for work, keeping medical or mental health appointments or meeting an emergency situation. Such service shall only be provided on a short-term basis as defined in a contract agreement.

Approved Training: ESSO Training Committee may approve up to 24 continuous months of vocational training (see WAC 388-57-028):

Regular attendance at a high school if the course leads to a diploma or GED certificate.

Regular attendance in a course of vocational training designed towards gainful employment.

Regular attendance in an ongoing training program under recognized sponsorship, such as college vocational courses, OEO, MDTA, apprenticeships, etc. (See WAC 388-22-030 (73)).

b. Noneligible clients for child care services: When the service worker has reviewed service eligibility for child care with the client and finds that client does not meet eligibility criteria, client will be sent a denial letter, Notification of Social Service Action DSHS 14-145(X), indicating the reason that child day care service has been denied.

c. Current AFDC grant standard for day care services in all regions:

Family size:	2	3	4	5	6	
Grant standard:	$260	$315	$370	$425	$480	(per month)

For those persons eligible for day care services under Title XX, effective October 1, 1975, there will be no parent participation toward the payment of child care in a day care facility.

Exception: For those parents receiving day care services as of September 30, 1975 will continue to be eligible as long as need exists (without interruption) through March 31, 1976 or until their service eligibility has been redetermined by the service worker:

(1) Those receiving day care services as former or potential AFDC recipients

(2) Those receiving day care services in designated target areas

(3) Those receiving day care services under Purchase of Service contracts

d. Day care plans and service eligibility shall be reviewed every six months.

e. Day care services may only be purchased from a licensed day care home or center who have a contract with DSHS or for in-home care when the in-home caretaker meets approved standards (see 50.42).

For family day care homes and mini-day care centers in family homes, the licensing worker will maintain a list of contract homes with their respective license and contract numbers to be available for the child care planner.

For Day Care Centers, the regional office receives copies of all Day Care Center contracts and will be responsible for providing ESSOs with this information.

f. Service eligibility will be determined on an individual basis according to department standards for day care services to children (50.50-2).

g. Forms: to be used in completing service eligibility and routed to ESSO Service Program clerk.

(1) Social Service Application (DSHS 14-139(X))

(2) Primary Recipient (DSHS 14-140(X)): The parent is the Primary Recipient for day care services if employed or in an approved training program; the child is the Primary Recipient if day care services are for other approved service need such as CPS or health problem of the parent when the parent is not available to care for the child.

(3) Social Service Record (DSHS 14-141(X))

(4) Notification of Social Service Action, DSHS 14-145(X).

For filling out forms, see instructions in in Manual G, Ch. 99.

2. Service Interview: Once service eligibility is established, the service worker will help the parent to develop an appropriate child care plan.

The following items are covered in a service interview:

a. Why is child care necessary? Exploration of goals - short term - long term

b. What is the estimated length of time care will be needed?

c. Will there be a need for part-time or full-time care?

d. How realistic is the parent's employment or training and her expected income as related to the cost of child care?

e. What are the specific needs of the child/ren in this particular family:

(1) Number of children involved

(2) Any need for special educational help: slow learner or gifted; need for stimulation; help with special interests?

(3) Are there outstanding abilities or handicaps of the child?

(4) Age(s) of the child/ren and age related interests.

(5) The child's social and affectional needs: tendency toward dependency; a greater need for expanded experiences or protection from an over-stimulating environment.

3. Guidelines for Child Care Plans.

a. Differences among various types of care: the service worker should clarify the main differences among various types of care to help the parent make an appropriate decision:

(1) Care by a relative is always the first consideration for child care if it is mutually agreeable, if the home is physically suitable and family relationships are good. The relative must meet the same standards as in-home providers if state payment for child care is involved whether care is being provided in the relative's home or in the child's home.

See 50.52 - 3. regarding payment for relatives.

(2) In-Home Care is considered best suited for the infant, for a family with several children, or for evening or night-time care and offers young children the security of remaining in their own home.

(3) Family Day Care: This type of care is provided in a family home, licensed to care for children, providing a home-like atmosphere. Limited to a small number of children, the program is informal, can provide an opportunity for peer friendships and a mother substitute relationship.

(4) Mini-Day Care Center is considered to be extended family care either in a family day care home or in a separate facility for 7 to 12 children.

(5) Day Care Center - for 12 or more children: This type of care is particularly suitable for the 3 to 6 year old who is in the stage of exploring his surroundings and who needs the stimulation of peer groups as well as adult guidance and supervision.

b. Special Areas of Information to Review With the Parent.

(1) Providers of care: if the family has already selected a caretaker, the service worker will ascertain that the person or facility meets department requirements, that the facility is licensed and has a contract with DSHS, that the in-home caretaker meets in-home care standards (see Sec. 50.42), if a relative is to be paid by the department, meets the in-home care standards and is prevented from accepting or continuing in employment (50.52 3.)

(2) Early and Periodic Screening, Diagnosis and Treatment (EPSDT)

Service worker will inform the parent who is eligible for child care about the department's EPSDT program as a preventive health service which they should take advantage of for their children. Medical coupons issued by the department entitles the parent to take the child to any doctor or health clinic of their choice who has a contract with the department to provide EPSDT services.

(3) Parent - Caretaker Agreement

The service worker explains the need for an understanding about child care expectations between the parent and the provider; agreement about hours of care, discipline methods, nutritional snacks and meals served, medical emergencies,

immunization record, play opportunities, transportation approval, and arrangement for naps (if appropriate).

The service worker will explain to the parent:

(a) Child Care Agreement (DSHS 10-96(X)): agreement between the provider and the parent with each retaining a copy. The parent will send a third copy to the ESSO to be retained in the parent's case record

(b) Registration (DSHS 10-97(X)): The day care provider has parent fill out registration when the child is accepted for care so that the provider will have all the necessary information pertaining to the child available in the event of an emergency as well as to have a better understanding of the child's needs while in day care.

(4) Federal Interagency Day Care Requirements

The service worker explains to the parent that licensed day care facilities must meet the FIDCR nondiscrimination rule and the recourse parents have to file a complaint if discrimination is practiced by the facility:

Parent's recourse against discrimination: report by letter to the ESSO citing the discrimination (according to FIDCR, services are provided without discrimination on the basis of race, color, or national origin). The ESSO will respond according to complaint procedure, section 50.32, for family day care homes, or, section 50.34, for day care centers.

(5) Verification that the day care facility has a contract with DSHS.

The service worker will check the list of contract day care facilities to assure that the facility chosen by the parent is an approved facility for state paid child care who have a contract with DSHS (see Sec. 54.52 4.).

50.52 PAYMENT STANDARDS FOR DAY CARE FACILITIES AND FOR IN-HOME CARE

The rate of payment for child care shall be based on the standards in this section provided that the department's maximum payment shall not exceed $285 per family per month.

1. The rate of payment for out-of-home day care services shall be the normal amount charged by the facility up to a maximum of $5.70 per day (81 cents per hour if computed on an hourly basis) per child. However,

when more than one child in the same family is in a family day care home, the following maxima apply:

First child: $5.70 per day (81 cents per hour), Second child: $5.17 per day (74 cents per hour), Third child and additional children: $4.62 per day (66 cents per hour) per child.

a. The rate for payment of part time care (less than 7 hours) shall be determined on an hourly basis (1/7 of facility's daily rate rounded to the nearest penny) with the total daily rate not to exceed the above maximums. The amount payable is the hourly rate times the number of hours computed to the nearest quarter hour (15 minutes).

b. The day care facility may set it's "going rate" at a lower scale. The department, in accordance with the award letter, will pay the rate per day or per hour per child set by the vendor, but, not to exceed the maximum stated above.

c. For day care centers, a flat rate for all children regardless of the number of children in the same family will be paid which does not exceed the maximum. This includes mini-day care centers in the family abode.

2. Payment for In-Home Care shall be the normal amount charged by the caretaker but shall not exceed $.81 per hour for care of three or less children in the family, or, $1.07 per hour for care of four or more children in the family. Hours of care will not exceed nine hours with the exception of travel time going to and from work for the parent.

Number of children in the family refers to the number of children under the age of 14 for whom the caretaker is responsible eventhough some of children may be in school during school hours.

3. Payment for child care by a relative: Unless the performance of child care services by a close relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: brother, sister, son-in-law, daughter-in-law, father, mother, mother-in-law, stepparent, stepchild, father-in-law, son and daughter.

If the relative meets the above criteria and is approved to provide child care it will be considered as in-home care whether care is provided in the child's home or in the home of the relative. See 50.42, standards for in-home care and 50.42-5 for appropriate forms to be used. Payment for child care in a relative's home can only be made to the parent who in turn is responsible for paying the relative, the same as for an in-home care provider. See 50.52-5.

4. A vendor payment will be made only to a family day care home or day care center who have a contract with DSHS to provide day care services.

5. For in-home care, the parent will receive payment for the in-home caretaker and will be responsible for paying for the child care services. In the event of default, and the parent does not pay the caretaker for which the parent has received payment from the department, the service worker will reevaluate the appropriateness of the child care plan with the parent.

6. Child care is paid on a postpayment basis and authorized only once each month.

50.54 AWARD LETTERS

1. Content of Award Letters: The service worker will complete the Award letter from the information obtained from the Social Service forms DSHS 14-139(X), DSHS 14-140(X), DSHS 14-141(X) prior to routing the Social Service forms to the ESSO Service Program clerk.

2. Service Worker will be responsible for sending:

   a. Award/Modification letter DSHS 10-77(X) when:

      (1) Child care plan has been approved

      (2) A change in child care plan has been approved.

   b. Termination letter DSHS 10-79(X), when child care plan has been terminated.

3. For In-Home Care Only: The service worker will provide information to the parent regarding the OASDI tax:

   a. If total amount of wages paid to the in-home care provider for child care exceeds $50 in any quarter, the parent will withhold the amount of Social Security tax from the provider's wages equal to the amount of the parent's contribution which has been reembursed to the parent by the state.

   b. The service worker will give a copy of the IRS information bulletin, an IRS payment form (IRS 942) and the Service Payment Award Letter (DSHS 7-29(X)) to the parent, explaining the parent's procedure for reporting the provider's withholding tax and quarterly payment of the tax to IRS.

4. Routing of Award Letters:

   a. Service worker will send original to the parent, copy to the day care provider, retain one copy for the parent's case record and send one copy to ESSO account clerk.

b. This procedure will be the same for vendor payments to day care facilities and for in-home care providers.

50.56 VENDOR PAYMENTS AND PAYMENTS FOR IN-HOME CARE

1. ESSO account clerk will be responsible for setting up vendor payment system.

2. For day care facilities, the account clerk will check voucher with the attendance record and the award/modification letter (DSHS 10-77(X)).

3. For In-Home Care, the account clerk will check Award/Modification letter (DSHS 10-77(X) with Report of Child Care (DSHS 6-59(X)) which is returned each month by the parent for in-home care payment. Following the first month's billing , the in-home care provider must sign the receipt or Report of Child Care form showing that she has received payment for the previous month's child care services.

   The account clerk will complete the Certification of Special Payments Form DSHS 19-03(X) for processing the in-home care payment.

   OASDI Tax: If total amount of payments to the caretaker exceed $50 in any quarter the employer's share of the OASDI tax must be added to the amount authorized for in-home care by the account clerk who will complete Service Payment Award letter (DSHS 7-29(X)) which provides OASDI information, and send to the parent.

4. If there is a discrepancy between the award letter and voucher or Report of Child Care, the account clerk will refer the discrepancy to the service worker for clarification.

5. The account clerk will transfer the information provided by the service worker in the award letter in the "For DSHS use only" section to the appropriate account code provided in the "Chart of Accounts Manual" to DSHS 19-03(X) for in-home care or to the invoice voucher (DSHS 6-71) for Day Care facilities.

6. Account clerk will approve payment and send appropriate vouchers with account codes and transmittal number to SO.

50.58 CONTINUING DAY CARE SERVICES

1. Child care remains open for services. The service worker retains responsibility for follow-up services once a child care plan has been approved.

a. Service to the parent

Although the parent retains responsibility for the choice of child care plan after the parent's and child's needs have been explored, the worker will assist the parent when change of child care plan is indicated or parent requests service.

b. Six month's review

(1) Review of service eligibility

(2) Review of service need: child's adjustment, parent's employment or training, continuing exploration of goals in meeting the parent's and child's needs.

2. Coordinating Services

The service worker will be responsible for coordinating services between the child, parent, day care provider, day care licensing worker, clerical support and accounting sevices.

50.60 TERMINATION OF DAY CARE SERVICES

1. Parent to advise worker when terminating child care, or Financial advises worker when parent's AFDC is terminated.

2. Worker discusses reasons for termination with the parent and so documents on Social Service Record (DSHS 14-141(X)) and routes form to the ESSO Service Program clerk and notifies the ESSO account clerk of the termination.

Worker will send parent a termination letter with a copy to the day care provider and a copy to the ESSO account clerk.

Termination letter shall be sent immediately following termination of service in order to advise the parent and day care provider in writing of the action taken. According to the day care contract DSHS 9-311(X) the department is responsible to pay for day care services provided until the provider receives written notice of any change or termination of the service.

Effective date of change or termination shall be three days following change or termination of service to allow mailing time for the parent and provider to receive the termination letter.