# Chapter 110-15 WAC
# WORKING CONNECTIONS AND SEASONAL CHILD CARE SUBSIDY PROGRAMS

(Formerly: Chapter 170-290 WAC)

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**WAC**


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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

110-15-0014 Verifying information for a provider's payment. [WSR 18-14-078, recodified as § 110-15-0014, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0014, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0014, filed 4/15/16, effective 5/16/16.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0022 Eligibility—Resources. [WSR 18-14-078, recodified as § 110-15-0022, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0022, filed 9/21/16, effective 10/22/16.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0032 Failure to report changes. [WSR 18-14-078, recodified as § 110-15-0032, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0032, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0032, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0032, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2010 c 273. WSR 11-01-090, § 170-290-0032, filed 12/14/10, effective 1/14/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0032, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0032, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0032, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0032, filed 3/29/04 and 4/7/04, effective 5/28/04.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0055 Receipt of benefits during fourteen-day wait period. [WSR 18-14-078, recodified as § 110-15-0055, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0055, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0055, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0055, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0055, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0055, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0055, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0055, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0055, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0090 Minimum copayment. [Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0090, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0090, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0090, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0090, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0090, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0090, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0090, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0090, filed 12/19/01, effective 1/19/02.] Repealed by WSR 22-05-007, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-0115 Notice of payment changes. [WSR 18-14-078, recodified as § 110-15-0115, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215

RCW. WSR 16-09-059, § 170-290-0115, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0115, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0115, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0115, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-08-020, filed 3/26/19, effective 4/26/19. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq.

110-15-0130 In-home/relative providers—Eligibility. [WSR 18-14-078, recodified as § 110-15-0130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0130, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0130, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-039, § 170-290-0130, filed 11/20/15, effective 12/21/15. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0130, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0130, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0130, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0130, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0130, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0130, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0130, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-12-058, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-0135 In-home/relative providers—Information provided to DSHS. [WSR 18-14-078, recodified as § 110-15-0135, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0135, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-039, § 170-290-0135, filed 11/20/15, effective 12/21/15. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0135, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0135, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0135, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0135, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0135, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0135, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0135, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0138 In-home/relative providers—Responsibilities. [WSR 18-14-078, recodified as § 110-15-0138, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0138, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0138, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-039, § 170-290-0138, filed 11/20/15, effective 12/21/15. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0138, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0138, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0138, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0138, filed 10/31/05, effective 12/1/05.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0139 In-home/relative providers—Electronic attendance records—Records retention. [WSR 18-14-078, recodified as § 110-15-0139, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0139, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0139, filed 5/8/12, effective 6/8/12.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0140 In-home/relative providers—Ineligibility. [WSR 18-14-078, recodified as § 110-15-0140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0140, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0140, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0140, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0140, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0140, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0140, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0143 In-home/relative providers—Background checks—Required persons. [WSR 18-14-078, recodified as § 110-15-0143, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW

43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0143, filed 4/15/16, effective 5/16/16; WSR 14-03-021, § 170-290-0143, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0143, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 388-290-0143, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0143, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0143, filed 6/27/02, effective 7/1/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0145 In-home/relative providers—Background checks—Reasons and notification. [WSR 18-14-078, recodified as § 110-15-0145, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0145, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0145, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0145, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0145, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0145, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0150 In-home/relative providers—Background checks—Included information and sources. [WSR 18-14-078, recodified as § 110-15-0150, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0150, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0150, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0150, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0150, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0150, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0150, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0155 In-home/relative providers—Background checks—Subsequent steps. [WSR 18-14-078, recodified as § 110-15-0155, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0155, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0155, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0155, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0155, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0155, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0155, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0155, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0160 In-home/relative providers—Background checks—Disqualified providers. [WSR 18-14-078, recodified as § 110-15-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-03-021, § 170-290-0160, filed 1/7/14, effective 2/7/14; WSR 12-11-025, § 170-290-0160, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0160, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0160, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0160, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0160, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0160, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0165 In-home/relative providers—Background checks—Other disqualifying information. [WSR 18-14-078, recodified as § 110-15-0165, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0165, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0165, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0165, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0165, filed 6/27/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0165, filed 12/19/01, effective 1/19/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-0167 In-home/relative providers—Background checks—Disqualified person living with the provider. [WSR 18-14-078, recodified as § 110-15-0167, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0167, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, §

170-290-0167, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0167, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0167, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-066, § 388-290-0167, filed 6/27/02, effective 7/1/02.] Repealed by WSR 19-01-111, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

110-15-2401 Eligible consumers. [WSR 18-14-078, recodified as § 110-15-2401, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2401, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2410 Application for early head start-child care partnership slots. [WSR 18-14-078, recodified as § 110-15-2410, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2410, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2420 Copay for early head start-child care partnership slots. [WSR 18-14-078, recodified as § 110-15-2420, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2420, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2426 Eligibility period for early head start-child care partnership slots. [WSR 18-14-078, recodified as § 110-15-2426, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2426, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2430 Eligible early head start-child care partnership slots providers. [WSR 18-14-078, recodified as § 110-15-2430, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-2430, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2430, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2435 Subsidy payments for early head start-child care partnership slots providers. [WSR 18-14-078, recodified as § 110-15-2435, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2435, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2440 Early achievers payments for partnership slots providers. [WSR 18-14-078, recodified as § 110-15-2440, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2440, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2445 Reapplication for early head start-child care partnership slots. [WSR 18-14-078, recodified as § 110-15-2445, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2445, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2450 Deenrollment process for early head start-child care partnership slots providers. [WSR 18-14-078, recodified as § 110-15-2450, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2450, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2455 Payment discrepancies for early head start-child care partnership slots consumers. [WSR 18-14-078, recodified as § 110-15-2455, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2455, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2460 Payment discrepancies for early head start-child care partnership slots providers. [WSR 18-14-078, recodified as § 110-15-2460, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-2460, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2460, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-2465 Administrative hearings for early head start-child care partnership slots. [WSR 18-14-078, recodified as § 110-15-2465, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-070, § 170-290-2465, filed 11/25/15, effective 12/26/15.] Repealed by WSR 20-08-076, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055 and 43.216.065.

110-15-4515 When are DSHS child care subsidy rates in this chapter effective? [WSR 19-14-078, recodified as § 110-15-4515, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-179, filed 10/22/99, effective 11/22/99.] Repealed by WSR 21-18-110, filed 8/31/21, effective 10/1/21. Statutory Authority: RCW 74.12.340.

110-15-4535 What is nonstandard hour child care? [WSR 19-14-078, recodified as § 110-15-4535, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0080, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-195, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-195, filed 10/22/99, effective 11/22/99.] Repealed by WSR 21-18-110, filed 8/31/21, effective 10/1/21. Statutory Authority: RCW 74.12.340.

110-15-4545 How does DSHS determine that a child qualifies for a special needs rate? [WSR 19-14-078, recodified as § 110-15-4545, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0100, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-210, filed 10/22/99, effective 11/22/99.] Repealed by WSR 21-18-110, filed 8/31/21, effective 10/1/21. Statutory Authority: RCW 74.12.340.

## PART I
## INTRODUCTION

**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. 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 in accordance with applicable state and federal law and to the extent of available funds.

Effective July 1, 2019, DCYF will be administering the WCCC and SCC programs.

(2) The purpose of WCCC is to:

(a) Help eligible consumers pay for child care so the consumer can work, attend training, or enroll in educational programs; and

(b) Promote stability, quality, and continuity of care and education programming for children who participate in the WCCC program.

(3) The purpose of SCC is to:

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

(b) 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 43.216.295.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0001, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0001, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0001, filed 4/15/16, effective 5/16/16; WSR 15-01-033, § 170-290-0001, filed 12/8/14, effective 1/8/15. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0001, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0001, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0001, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0001, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0001, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0002 Scope of agency responsibilities.** DEL is designated as the lead agency for child care and development funds (CCDF) and oversees expenditure of CCDF funds.

(1) The responsibilities of the department of early learning (DEL) include, but are not limited to:

(a) Determining child care subsidy policy for the WCCC and SCC programs;

(b) Determining thresholds for eligibility and copayment amounts and establishing rights and responsibilities; and

(c) Serving as the designated representative for the state to implement the collective bargaining agreement under RCW 41.56.028 for in-home/relative providers as defined in WAC 170-290-0003(13), and for all licensed family homes.

(2) The responsibilities of the department of social and health services (DSHS) include, but are not limited to:

(a) Service delivery for the WCCC and SCC programs, including determining who is eligible for WCCC and SCC benefits; and

(b) Authorizing payments for these programs, and managing payments made to providers that receive WCCC and SCC subsidies.

(3) This allocation between DEL and DSHS is pursuant to section 501(2), chapter 265, Laws of 2006 (2SHB 2964), in which the legislature transferred all of the powers, duties, and functions relating to the WCCC program from DSHS to DEL, except for eligibility staffing and eligibility payment functions, which remain in DSHS.

[WSR 18-14-078, recodified as § 110-15-0002, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0002, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-0002, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0002, filed 10/28/09, effective 12/1/09.]

**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 the department 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 the department which allows the provider 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, or 110-15-0050 during the time child care is needed.

**"Benefit"** means a regular payment made by a government agency on behalf of a person 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 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 eligible to receive:

(a) Working connections child care (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.

**"Days"** means calendar days unless otherwise specified.

**"Department of children, youth, and families (DCYF)"** or **"department"** means the Washington state 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.

**"Eligibility period"** means the months for which households are eligible to receive WCCC or SCC program subsidies.

**"Employment"** or **"work"** means engaging in any legal, income generating activity that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S. This includes unsubsidized employment, as verified by the department, 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 themselves or another person. See RCW 74.04.004.

**"Full-time student"** means a consumer who attends a community, technical, or tribal college and meets its definition of full-time student.

**"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 **"family, friends, and neighbors (FFN) provider"** means an individual who is exempt from child care licensing standards and is approved for 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.

**"Infant"** means a child from birth to 11 months.

**"Living in the household"** means people who reside at the same physical address.

**"Lump-sum payment"** means a single payment that is not anticipated to continue.

**"Newly eligible consumer"** means a consumer that has at least one full calendar month break in benefit eligibility.

**"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.

**"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 30 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 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.

**"School age child"** means a child who is between five years of age through 12 years of age and who is attending public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

**"Seasonal child care program (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.

**"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 a legal, income-generating activity earned directly from an individual's trade or business that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S.

**"Sign"** means placing a name or legal mark on a document by physically writing or using an electronic signature.

**"Specialty court"** means the same as defined in RCW 2.30.020.

**"State median income (SMI)"** 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 Cen-

sus 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.

**"Therapeutic court"** means the same as defined in RCW 2.30.020.

**"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 when funding becomes available.

**"Working connections child care (WCCC)"** means the working connections child care program, a child care subsidy program described in part II of this chapter that assists eligible families to pay for child care.

[Statutory Authority: 2023 c 222, 2023 c 294, and chapter 43.216 RCW. WSR 24-17-059, § 110-15-0003, filed 8/15/24, effective 9/15/24. Statutory Authority: RCW 43.216.579. WSR 22-12-072, § 110-15-0003, filed 5/27/22, effective 7/1/22. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0003, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0003, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0003, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0003, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-013, § 170-290-0003, filed 5/26/17, effective 6/26/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0003, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0003, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0003, filed 5/30/14, effective 6/30/14; WSR 12-11-025, § 170-290-0003, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-0003, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0003, filed 10/28/09, effective 12/1/09.]

## PART II
## WORKING CONNECTIONS CHILD CARE

### Eligibility Requirements

**WAC 110-15-0005 Eligibility.** (1) Consumers at the time of application and reapplication must meet the following requirements to be eligible for WCCC:

(a) Have parental control of one or more eligible children;

(b) Live in Washington state;

(c) Participate in an approved activity or meet the eligibility special circumstances requirements under WAC 110-15-0020, 110-15-0023, or 110-15-0024;

(d) Not have assets that exceed $1,000,000;

(e) Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed; and

(f) Have one of the following:

(i) Countable income at or below:

(A) Sixty percent of the SMI at initial application; or

(B) Sixty-five percent of the SMI at reapplication;

(ii) A household annual income adjusted for family size that does not exceed 75 percent of the SMI within the first 12 months of a state-registered apprenticeship program; or

(iii) Have a household annual income adjusted for family size that does not exceed 85 percent of the SMI and confirmed or verified in the department's electronic workforce registry to be employed by:

(A) A licensed or certified child care provider;

(B) An early childhood education and assistance program;

(C) A birth to three early childhood education and assistance program;

(D) A head start program;

(E) An early head start program; or

(F) A successor federal program.

(2) Parents currently attending high school or who are age 21 or younger and completing a high school equivalency certificate are eligible for WCCC if their income does not exceed 85 percent of the SMI at the time of application.

(3) Children must meet the following requirements to be eligible for WCCC:

(a) Reside in Washington state; and

(b) Be less than age:

(i) Thirteen on the first day of eligibility; or

(ii) Nineteen and:

(A) Have a verified special need, as outlined in WAC 110-15-0020; or

(B) Be under court supervision.

[Statutory Authority: Chapter 34.05 RCW, RCW 43.216.020, 43.216.065, 2024 c 225 s 1, and 2024 c 282 s 4. WSR 24-20-130, s 110-15-0005, filed 10/1/24, effective 11/1/24. Statutory Authority: 2023 c 222, 2023 c 294, and chapter 43.216 RCW. WSR 24-17-059, § 110-15-0005, filed 8/15/24, effective 9/15/24. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0005, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0005, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0005, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0005, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0005, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0005, filed 4/15/16, effective 5/16/16. Statutory Authority:

Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0005, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0005, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0005, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0005, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0005, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0005, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0012 Verifying consumers' information.** (1) DSHS may require the consumer to provide verification of child care subsidy eligibility if DSHS is unable to verify it through agency records or systems. 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;

(c) Be accurate and complete; and

(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 additional verification that may include a statement from a person who lives outside of the consumer's residence who knows the consumer's 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 110-15-0025; or

(iii) Deny the application, request for reduced copay, or request for additional child care.

(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 con-

sumer's state business registration or license, which is a cost of doing business.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0012, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0012, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0012, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-0012, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0012, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0012, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0012, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0012, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0012, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0012, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0012, filed 3/29/04 and 4/7/04, effective 5/28/04.]

**WAC 110-15-0015 Determining family size.** (1) The department determines a consumer's family size for:

(a) Single parents, including a minor parent living independently, by counting the consumer and the consumer's children;

(b) Unmarried parents who have:

(i) At least one mutual child, by counting both parents and all of their children living in the household;

(ii) No mutual children, by counting the unmarried parents and their respective children when living in the same household as separate WCCC households;

(c) Married parents, by counting both parents and all of their children living in the household;

(d) The following individuals by counting only the children and only the children's income:

(i) Legal guardians verified by a legal or court document;

(ii) Adult siblings, step-siblings, nephews, nieces, aunts, uncles, grandparents, any of these relatives with the prefix "great," such as a "great-nephew"; or

(iii) In loco parentis custodians who are not related to the child as defined in WAC 110-15-0003;

(e) Parents who are out of the household because of employer requirements, such as training or military service, and expected to return to the household, by counting the consumer, the absent parent, and the children;

(f) Parents who are voluntarily out of the household for reasons other than requirements of the employer, such as unapproved schooling and visiting family members, and is expected to return to the household, by counting the consumer, the absent parent, and the children;

(g) Parents who are out of the country and waiting for legal reentry into the United States, by counting only the consumer and children residing in the United States;

(h) Incarcerated parents who are not part of the household by counting them when determining income and eligibility; and

(i) Incarcerated parents residing at a Washington state correctional facility whose children live with them at the facility, by counting them and their child as their own household.

(2) When households consist of the consumer's own children and other children identified in subsection (1)(d) of this section, the household may be:

(a) Combined into one household; or

(b) Kept as distinct households for the benefit of the consumer.

[Statutory Authority: 2023 c 222, 2023 c 294, and chapter 43.216 RCW. WSR 24-17-059, § 110-15-0015, filed 8/15/24, effective 9/15/24. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0015, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0015, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0015, filed 11/3/17, effective 12/4/17. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0015, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0015, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0015, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0015, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0015, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0015, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0020 Eligibility—Special circumstances.** (1) A legal guardian or individual acting in loco parentis may be eligible for WCCC benefits based on participation in approved activities without consideration of the legal guardian's or individual's acting in loco parentis spouse or live-in partner's availability to provide care if the spouse or live-in partner is not named on the permanent custody order.

(a) Eligibility will be determined under this subsection based on the following:

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

(ii) The child's need for care;

(iii) The child's income; and

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

(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.

(2) **At application and reapplication:**

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

(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, 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.

(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 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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0020, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-0020, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0020, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0020, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0020, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0020, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.260, chapter 74.08A RCW. WSR 06-10-035, § 388-290-0020, filed 4/27/06, effective 6/1/06. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0020, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0020, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0020, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0020, filed 12/19/01, effective 1/19/02.]

**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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0021, filed 3/26/19, effective 4/26/19.]

**WAC 110-15-0023 Homeless grace period (HGP).** (1) A homeless grace period (HGP) is established as described in this section.

(2) A family experiencing homelessness at the time the consumer applies for child care subsidy is eligible for HGP under this section when:

(a) They meet all eligibility requirements described in WAC 110-15-0005, except for WAC 110-15-0005 (1)(d) and (f); and

(b) Their household income is under 85 percent of the state median income (SMI).

(3) Consumers approved by DCYF for HGP are eligible to receive:

(a) A 12-month certification period;

(b) A copayment waiver; and

(c) An authorization for full-time care as described in WAC 110-15-0190.

(4) Consumers approved under HGP are not subject to overpayment unless the consumer obtained benefits by failing to report accurate information that resulted in an error in determining the consumer's eligibility for HGP.

[Statutory Authority: Chapters 43.215 and 43.216 RCW. WSR 23-23-082, § 110-15-0023, filed 11/13/23, effective 12/14/23. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-15-161, § 110-15-0023, filed 7/22/20, effective 8/22/20. WSR 18-14-078, recodified as § 110-15-0023, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-013, § 170-290-0023, filed 5/26/17, effective 6/26/17.]

**WAC 110-15-0024 Categorical eligibility.** (1) Families with children are eligible for WCCC benefits for a 12-month period if the consumer is a Washington state resident and their children are living with a biological parent or guardian and:

(a) In the six months prior to application or reapplication for WCCC benefits, the family received:

(i) Child protective services (CPS) as defined and used by chapters 26.44 and 74.13 RCW; or

(ii) Child welfare services as defined and used by chapter 74.13 RCW; or

(iii) Services through a family assessment response, as defined and used by chapter 26.44 RCW; and

(iv) The family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; or

(b) The children's parent or guardian:

(i) Is participating in or is listed as a victim in a case in a specialty or therapeutic court as defined by RCW 2.30.020; and

(ii) Was referred for child care as part of the specialty court or therapeutic court proceedings.

(2) Families eligible for WCCC under this section will:

(a) Have no copayment;

(b) Be authorized for full-time child care regardless of participation in an approved activity; and

(c) Be eligible to have benefits paid only to a provider that meets the requirements in WAC 110-15-0125.

[Statutory Authority: 2023 c 222, 2023 c 294, and chapter 43.216 RCW. WSR 24-17-059, § 110-15-0024, filed 8/15/24, effective 9/15/24. Statutory Authority: Chapters 43.215 and 43.216 RCW. WSR 23-23-082, § 110-15-0024, filed 11/13/23, effective 12/14/23. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0024, filed 5/31/19, effective 7/1/19.]

## Rights and Responsibilities

**WAC 110-15-0025 Consumers' rights.** When consumers apply for or receive WCCC benefits, they have the right to:

(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Have WCCC eligibility determined within 30 days from the application date per WAC 110-15-0095;

(3) Be informed, in writing, of their legal rights and responsibilities related to WCCC benefits;

(4) Receive a written notice at least 10 days before DCYF makes changes to lower or stop benefits except as stated in WAC 110-15-0115;

(5) Ask for an administrative hearing under WAC 110-15-0280 if they disagree with DCYF about a decision;

(6) Ask a supervisor or administrator to review a decision or action affecting their benefits without affecting their right to an administrative hearing;

(7) Have an interpreter or translator service provided by DCYF within a reasonable amount of time and at no cost to them;

(8) Choose a provider as long as the provider meets the requirements in WAC 110-15-0125;

(9) Ask the fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA) to come back at another time. Consumers do not have to let an investigator into their homes. These requests will not affect their eligibility for benefits. Consum-

ers' refusal to provide information to an OFA investigators request could affect their eligibility for benefits;

(10) Access their children at all times while the children are in child care;

(11) Terminate child care without cause and without notice to providers. Notice must be given to DCYF within five days of termination;

(12) Not be charged by the consumer's licensed, certified, or license-exempt provider, or be made to pay for the difference between the provider's private rate and the state maximum rate, when the provider's private rate for child care is higher than the maximum state rate;

(13) Not be charged by their licensed or certified providers, or otherwise be made to pay for:

(a) The difference between providers' registration fees and the state's maximum registration fee, when the providers' registration fees are higher;

(b) Any day when their children are absent;

(c) Vacation days when their providers' choose to close;

(d) A higher amount than the state allows for field trips. If the consumers request, and providers have a written policy in place, consumers may voluntarily pay the difference between the amount that the state allows and the actual cost of the field trip;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care, when their providers stop caring for their children.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0025, filed 2/3/22, effective 3/6/22. WSR 18-14-078, recodified as § 110-15-0025, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0025, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0025, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0025, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0025, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0025, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0025, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0025, filed 12/19/01, effective 1/19/02.]

**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:

(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 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) 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 due copayments;

(b) Provide DSHS with a signed copy of a payment agreement between the consumer and child care provider that includes, but is not limited to, the following information:

(i) 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; and

(iv) If applicable, payment forgiveness from the provider.

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

(8) 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.

(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 may affect the consumer's benefits;

(10) Document the child's attendance in child care, or have a person authorized by the consumer to document the child's attendance, by:

(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; or

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

(11) Ensure that 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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0030, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0030, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-017, § 170-290-0030, filed 4/7/17, effective 5/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0030, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0030, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0030, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0030, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0030, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0030, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0030, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0030, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0031 Notification of changes.** (1) Consumers applying for or receiving WCCC benefits must:

(a) Notify DCYF within five days of:

(i) Starting care with a provider; or

(ii) Any change in providers, including changes in providers' locations.

(b) Notify DCYF within 10 days of:

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

(ii) Changes of the consumer's home address or telephone number;

(iii) Changes that increase the number of hours of authorized care; or

(iv) When the consumer's countable income increases and exceeds 85 percent of SMI.

(c) The effective date of the change is:

(i) The date of the change when the consumer reports timely and provides required verification within the requested time frame;

(ii) The date the change is reported when the consumer does not report timely and provides required verification within the requested time frame; or

(iii) The date the verification is received when it is not returned within the requested time frame.

(d) When required changes are timely reported, an overpayment will not be established.

(e) When required changes are not timely reported, an overpayment may be established as provided in WAC 110-15-0271.

(2) When a consumer reports a change that will decrease their copayment, the date of change for the copayment is described in WAC 110-15-0085.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0031, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0031, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0031, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0031, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0031, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0031, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0031, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, chapter 43.215 RCW, and 2010 c 273. WSR 11-01-090, § 170-290-0031, filed 12/14/10, effective 1/14/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0031, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0031, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0031, filed 3/29/04 and 4/7/04, effective 5/28/04.]

**WAC 110-15-0034 Providers' responsibilities.** Child care providers who accept child care subsidies must do the following:

(1) Licensed or certified child care providers who accept child care subsidies must comply with all child care licensing or certification requirements contained in this chapter, chapter 43.216 RCW and chapters 110-06, 110-300, 110-300D, 110-300E, and 110-301 WAC.

(2) In-home/relative child care providers must comply with the requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(3) In-home/relative child care providers must not submit an invoice for more than six children for the same hours of care.

(4) All child care providers must use DCYF's electronic attendance recordkeeping system or a DCYF-approved electronic attendance recordkeeping system as required by WAC 110-15-0126. Providers must limit attendance system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(a) Providers using DCYF's electronic recordkeeping system must submit monthly attendance records prior to claiming payment. Providers

using a DCYF-approved electronic recordkeeping system must finalize attendance records prior to claiming payment.

(b) Providers must not edit attendance records after making a claim for payment.

(5) All child care providers must complete and maintain accurate daily attendance records. If requested by DCYF or the state auditor, the provider must provide to the requesting agency the following records:

(a) Attendance records must be provided to DCYF within 45 calendar days of the date of a written request from either department; and

(b) Attendance records must be provided to the state auditor's office within 30 calendar days from the date of a written request.

(6) Pursuant to WAC 110-15-0268, the attendance records delivered to DCYF may be used to determine whether a provider overpayment has been made and may result in the establishment of an overpayment and in an immediate suspension of the provider's subsidy payment.

(7) All child care providers must maintain and provide receipts for billed field trip/quality enhancement fees as follows. If requested by DCYF, the provider must provide the following receipts for billed field trip/quality enhancement fees:

(a) Receipts from the previous 12 months must be available immediately for review upon request by DCYF;

(b) Receipts from one to five years old must be provided within 28 days of the date of a written request from either department.

(8) All child care providers must:

(a) Retain all records required by this chapter for a minimum of five years;

(b) Provide to the department records from the previous 12 months immediately upon the department's written request; and

(c) Provide to the department any records between 12 months and five years old within two weeks of the department's written request.

(9) All child care providers must collect copayments directly from the consumer or the consumer's third-party payor, and report to DCYF if the consumer has not paid a copayment to the provider within the previous 60 days.

(10) All child care providers must follow the billing procedures required by DCYF.

(11) Child care providers who accept child care subsidies must not:

(a) Claim a payment in any month a child has not attended at least one day within the authorization period in that month; however, in the event a 10-day notice terminating a provider's authorization extends into the following month, the provider may claim a payment for any remaining days of the 10 calendar day notice in that following month; or

(b) Claim an invoice for payment later than three months after the month of service, or the date of the invoice, whichever is later.

(12) Licensed and certified providers must not charge consumers for:

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

(b) Days for which the child is scheduled and authorized for care but absent;

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

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

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

(13) Providers who care for children in states bordering Washington state must verify they are in compliance with their state's licensing regulations and notify DCYF within 10 days of any suspension, revocation, or changes to their license.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0034, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-0034, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0034, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0034, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0034, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0034, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0034, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0034, filed 5/8/12, effective 6/8/12.]

**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 110-15-0095). Under WAC 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 110-15-0125;

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

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

(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 110-15-0120(5).

(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.

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

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

(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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0035, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0035, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-0035, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0035, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0035, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0035, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0035, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0035, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0035, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0035, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0035, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0036 Billing requirements.** (1) Licensed providers may claim child care subsidy or fee payments as described in this subsection.

(a) Authorized units of care.

(i) A half-day unit of care is equal to less than five hours of care per day that is authorized and provided by a child care center.

(ii) A full-day unit of care is between five and 10 hours of care per day that is authorized and provided by a child care center.

(iii) A monthly unit of care authorized and provided by a family home child care.

(b) For children who need overtime care for more than 10 hours of care per day, DCYF will pay for any additional care at the maximum state child care subsidy rate, up to 16 hours if:

(i) The child was in care during any day covered by the child care authorization; or

(ii) The child was scheduled for at least one day of overtime care; and

(iii) The center has a written policy to charge private paying families a higher rate to care for children more than 10 hours in a day.

(c) Providers may claim absent days for the 10-day period after DCYF notifies them of unplanned terminations of eligibility regardless of attendance if the child was authorized and scheduled for care and attended at least one day within the authorization period in the month the absence occurs.

(d) DCYF will pay for the following holidays, if claimed on the actual holiday or within the calendar year the holiday occurs:

(i) New Year's Day, January 1;

(ii) Martin Luther King Jr. Day, third Monday in January;
(iii) Presidents Day, third Monday in February;
(iv) Memorial Day, last Monday in May;
(v) Juneteenth, June 19;
(vi) Independence Day, July 4;
(vii) Labor Day, first Monday in September;
(viii) Veterans Day, November 11;
(ix) Thanksgiving Thursday, the fourth Thursday in November;
(x) Native American Heritage Day, the fourth Friday in November; and
(xi) Christmas Day, December 25.

(e) Providers may claim payments for a maximum of five professional training days each year.

(f) Pursuant to WAC 110-15-0247 and subject to available funding, DCYF will pay up to $30.00 per child for a field trip or quality enhancement fee. In addition to the requirements described in WAC 110-15-0247, to be eligible to receive the field trip or quality enhancement fees, providers must maintain a written policy that allows the provider to charge private-paying families the fees described in this subsection.

(g) Providers may claim payment for a maximum $50 registration fee per year as described in WAC 110-15-0245. In addition to the requirements described in WAC 110-15-0245, to be eligible to receive the registration fee, providers must maintain a written policy that allows them to charge private-paying families the fee described in this subsection.

(h) Providers may claim payment for a special needs rate that is paid in addition to the state child care daily rate and is invoiced for the number of hours of care scheduled.

(2) Providers may not claim subsidy payments for days the provider is closed for reasons unrelated to professional training days or holidays as described in this section.

(3) Providers may charge families who receive subsidy payments for services not covered under the WCCC program. Providers are authorized to charge families for services not covered under the WCCC program only they maintain written policies that allow them to charge private-paying families for the same services. Services covered under this subsection include the following:

(a) Additional child care for personal reasons, such as personal appointments not covered under the authorization.

(b) Optional programs not covered by the field trip or quality enhancement fee.

(c) A field trip or quality enhancement that exceeds the $30 maximum reimbursed by child care subsidy programs.

(d) Optional meal programs offered to families who do not provide lunch for their child.

(e) Transportation to and from school or activities.

(f) Late pick-up of the child after operating hours.

(g) Late fee for child care copayment.

(h) Nonsufficient funds (NSF) fees charged by the bank when bank funds are not available.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0036, filed 2/3/22, effective 3/6/22.]

## Approved Activities

**WAC 110-15-0040 Approved activities for applicants and consumers participating in WorkFirst.** (1) Applicants and consumers who participate in WorkFirst activities may be eligible for WCCC benefits for the following approved activities in their individual responsibility plans (IRPs), for up to a maximum of sixteen hours per day, including:

(a) An approved WorkFirst activity under WAC 388-310-0200, with the following exception: 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. These consumers may be eligible for other approved activities in their IRPs;

(b) Employment as defined in WAC 110-15-0003;

(c) Self-employment as defined in WAC 110-15-0003 and as described in the consumer's current WorkFirst IRP;

(d) Travel time between the child care location and the consumer's place of employment or approved activity;

(e) Up to ten hours per week of study time for approved classes;

(f) Up to eight hours of sleep time before or after a night shift; and

(g) Any activity approved by tribal TANF.

(2) WorkFirst consumers participating in approved activities for at least one hundred ten hours per month as described in WAC 110-15-0190 are considered to have a schedule of Monday through Friday, 8:00 a.m. to 5:00 p.m., except when:

(a) The consumer's IRP specifies a different schedule; or

(b) Verified differently by the consumer.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 21-09-030, § 110-15-0040, filed 4/12/21, effective 5/13/21. WSR 18-14-078, recodified as § 110-15-0040, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0040, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0040, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0040, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0040, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0040, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0040, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0040, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0040, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0045 Approved activities for applicants and consumers not participating in WorkFirst.** Applicants and consumers:

(1) Not participating in WorkFirst activities may be eligible for WCCC benefits for the following approved activities:

(a) Employment;
(b) Self-employment;
(c) Supplemental nutrition assistance program employment and training (SNAP E&T);
(d) Have a child enrolled in:
(i) A birth to three early childhood education and assistance program; or
(ii) An early head start program; or
(e) The following education programs:
(i) High school or working towards a high school equivalency certificate for consumers under age 22;
(ii) Part-time enrollment in a:
(A) Vocational education;
(B) Adult basic education (ABE);
(C) High school equivalency certificate for consumers age 22 and older; or
(D) English as a second language (ESL) program combined with an average of:
(I) Twenty or more employment hours per week;
(II) Sixteen or more work-study hours per week; or
(iii) For full-time students of a community, technical, or tribal college, enrollment in:
(A) A vocational education program that leads to a degree or certificate in a specific occupation;
(B) An associate degree program; or
(C) A registered apprenticeship program.
(2) Who meet the requirements of subsection (1)(d) of this section are eligible to receive subsidy payment for up to 10 hours per week of study time for approved classes.
(3) Who are eligible for WCCC benefits under the terms of this section are eligible to receive subsidy payment for:
(a) Transportation time between the child care location and the consumer's place of employment or approved activity; and
(b) Up to eight hours of sleep time before or after a night shift.

[Statutory Authority: Chapter 34.05 RCW, RCW 43.216.020, 43.216.065, 2024 c 225 s 1, and 2024 c 282 s 4. WSR 24-20-130, s 110-15-0045, filed 10/1/24, effective 11/1/24. Statutory Authority: 2023 c 222, 2023 c 294, and chapter 43.216 RCW. WSR 24-17-059, § 110-15-0045, filed 8/15/24, effective 9/15/24. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0045, filed 2/3/22, effective 3/6/22; WSR 21-09-030, § 110-15-0045, filed 4/12/21, effective 5/13/21. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0045, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0045, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0045, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0045, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0045, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0045, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0045, filed 10/28/09, effective 12/1/09. WSR

08-08-047, recodified as § 170-290-0045, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0045, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0045, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0045, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0045, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0050 Additional requirements for self-employed WCCC consumers.** Eligible self-employed WCCC consumers may be eligible, pursuant to WAC 110-15-0190, for up to 16 hours per day of child care for approved self-employment, education, training, and travel hours.

(1) To be considered self-employed, WCCC consumers must:

(a) Earn income directly from the consumers' own trades or businesses, and not from wages paid by employers;

(b) Be responsible to pay the consumers' own self-employment Social Security, applicable state business and occupation taxes, and federal withholding taxes; and

(c) Participate directly in the production of goods or delivery of services that generate the consumers' incomes.

(2) Income received from corporations:

(a) Consumers who only receive income from their ownership or part ownership in a corporation are not considered self-employed. DCYF counts income or payment received from their corporation as unearned income.

(b) DCYF authorizes child care hours based on wages or self-employment income reported on tax documents.

(3) Authorized child care for children of consumers operating home-based businesses must not occur in the consumers' homes.

(4) Consumers receiving TANF who are also self-employed may be eligible for WCCC benefits if:

(a) They have approved self-employment plans in the consumers' individual responsibility plans as outlined in chapter 388-310 WAC;

(b) The number of activity hours of child care benefits consumers receive for self-employment is equal to the number of hours in the consumers' approved plans; and

(c) Income from self-employment while the consumers are receiving TANF is determined by WAC 388-450-0085.

(5) Self-employed consumers not receiving TANF.

(a) Consumers who do not receive TANF cash assistance and request WCCC benefits for self-employment must provide DCYF with:

(i) Statements of the days, hours, and locations of the consumers' work activity;

(ii) For new businesses that are not required to report taxable income, the projected profit and loss statements or statements of anticipated income after expenses;

(iii) For established businesses, state or federal self-employment tax returns or state tax transcripts and forms, including all schedules, for the most current reporting year; and

(iv) Projected profit and loss statements with supporting verifications if self-employment income is expected to be lower than recorded on provided federal or state tax documents.

(b) Consumers with new businesses that do not have federal or state tax documents may be required to provide verification of Washington state tribal, county, or city business or occupation licenses.

(6) Determining approved activity hours for new businesses.

(a) DCYF considers "new businesses" to be businesses that have not had a required federal tax filing.

(b) At application and reapplication, DCYF determines the number of activity hours consumers are eligible to receive based on schedules the consumers provide.

(c) Consumers may be eligible to receive these new-business WCCC benefits only once during consumers' lifetimes.

(7) Determining approved activity hours for existing businesses.

(a) DCYF considers "existing businesses" to be businesses that have been established long enough to file a quarterly state tax return or annual federal tax return, whichever occurs first.

(b) At application and reapplication, DCYF determines the number of activity hours consumers are eligible to receive by:

(i) Dividing consumers' net monthly self-employment incomes by the federal or state minimum wage, whichever is lower, to determine the average monthly hours approved for self-employment activity; and

(ii) Adding any additional approved employment, education, training, or travel hours to the total approved self-employment activity hours.

(8) Self-employment income calculation:

(a) For existing businesses, DCYF:

(i) Counts the net income reported on the federal tax return; or

(ii) Uses the state tax return and may:

(A) Subtract the documented business expenses from the reported gross income; or

(B) Subtracts a $100 deduction per month from consumers' gross monthly self-employment income.

(b) For existing businesses that have income reductions not reflected on their provided federal or state tax filings, DCYF subtracts the documented business expenses from the reported gross income on the projected profit and loss statements to estimate the monthly income after expenses.

(c) For new businesses, DCYF uses the consumers' projected hours dedicated to their self-employment activity multiplied by federal minimum wage or projected profit and loss statements to estimate their monthly incomes.

(d) DCYF may ask for additional information to verify income or expenses.

(9) Both parents or guardians in two-parent or guardian families must separately meet the eligibility requirements for child care.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0050, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0050, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0050, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0050, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0050, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and

2006 c 265 § 501. WSR 11-18-001, § 170-290-0050, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0050, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0050, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0050, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0050, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0050, filed 12/19/01, effective 1/19/02.]

## Income and Copayment Calculations

**WAC 110-15-0060 Countable income.** DSHS counts income as money an applicant or consumer earns or receives 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) Child support received;

(3) Supplemental security income (SSI);

(4) Social Security 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 43.216.137;

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

(9) Taxable income from VISTA, AmeriCorps, and Washington Service Corps programs;

(10) Taxable gross wages from employment or self-employment;

(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 110-15-0065(2);

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

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0060, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0060, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0060, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR

12-11-025, § 170-290-0060, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0060, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0060, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0060, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0060, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0060, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0065 Calculation of income.** The department uses a consumer's countable income when determining income eligibility and copayment. A consumer's countable income is the sum of all their income listed in WAC 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, the department must 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 dividing the income by the same number of months, weeks or pay periods; or

(ii) Accepting the employer's statement of current or anticipated wages for future income determination if the past wages are no longer reflective of the current income; or

(b) Use the best available estimate of the consumer's WCCC household's current income when the consumer begins new employment and has less than three months of wages as:

(i) Verified by the consumer's employer; or

(ii) 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 60 calendar days of the department's 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) The department must:

(i) Calculate a monthly amount by dividing the lump sum payment by 12; and

(ii) Add the monthly amount to the consumer's expected average monthly income for the:

(A) Month it was received; and

(B) Remaining months of the current eligibility period; and

(b) To remain eligible for WCCC the consumer must meet WCCC income guidelines after the lump sum payment is applied.

(3) Active recipients of the supplemental nutrition assistance program are income eligible.

[Statutory Authority: Chapter 34.05 RCW, RCW 43.216.020, 43.216.065, 2024 c 225 s 1, and 2024 c 282 s 4. WSR 24-20-130, s 110-15-0065, filed 10/1/24, effective 11/1/24. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0065, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as §

110-15-0065, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0065, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0065, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0065, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0065, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0065, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0065, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0070 Excluded income and deductions.** (1) DSHS does not count the following income types when determining a consumer's income eligibility and copayment:

(a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;

(b) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(c) Adoption support assistance and foster care payments;

(d) Reimbursements, such as an income tax refund;

(e) Diversion cash assistance;

(f) Military housing and food allowance;

(g) The TANF grant 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;

(h) Payments to the consumer from the consumer's employer for benefits such as medical plans;

(i) Earned income of a WCCC family member defined under WAC 170-290-0015(2);

(j) Income of consumers described in WAC 170-290-0005 (1)(c)(iii) through (x);

(k) Earned income from a minor child who DSHS counts as part of the consumer's WCCC household; and

(l) Benefits received by children of Vietnam War veterans who are diagnosed with any forms or manifestations of spina bifida except spina bifida occulta.

(2) DSHS deducts the amount a consumer pays for child support under court order, division of child support administrative order, or tribal government order, from the consumer's other countable income when determining eligibility and copayment for the WCCC voucher or contract programs.

[WSR 18-14-078, recodified as § 110-15-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0070, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0070, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0070, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0070, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0070, filed

3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0070, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0070, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0075 Determining income eligibility and copayment amounts.** (1) The department determines consumers' eligibility and co-payments, when care is provided under a WCCC voucher or contract, by:

(a) Family size as described in WAC 110-15-0015; and

(b) Countable income as described in WAC 110-15-0065.

(2) The department calculates consumers' copayments as follows:

| If the household's income is: | Then the household's maximum monthly copayment is: |
|---|---|
| At or below 20 percent of the SMI | Waived |
| Above 20 percent and at or below 36 percent of the SMI | $65 |
| Above 36 percent and at or below 50 percent of the SMI | $90 |
| Above 50 percent and at or below 60 percent of the SMI | $165 |
| At reapplication, above 60 percent and at or below 65 percent of the SMI | $215 |
| An applicant between 60 percent and 75 percent of the SMI for families participating in a state-registered apprenticeship | $215 |

(3) Active recipients of the supplemental nutrition assistance program are income eligible and the copayment will be determined using the income standards in subsection (2) of this section.

(4) The department does not prorate copayments when consumers use care for only part of a month.

(5) The department waives copayments for eligible consumers who meet one or more of the following:

(a) Age 21 years or younger who attend high school or are working towards completing a high school equivalency certificate;

(b) Employed by, as confirmed or verified in the department's electronic workforce registry:

(i) A licensed or certified child care provider;

(ii) An early childhood education and assistance program;

(iii) A birth to three early childhood education and assistance program;

(iv) A head start program;

(v) An early head start program; or

(vi) A successor federal program;

(c) Eligibility under:

(i) WAC 110-15-0023; or

(ii) WAC 110-15-0024.

[Statutory Authority: Chapter 34.05 RCW, RCW 43.216.020, 43.216.065, 2024 c 225 s 1, and 2024 c 282 s 4. WSR 24-20-130, s 110-15-0075, filed 10/1/24, effective 11/1/24. Statutory Authority: 2023 c 222, 2023 c 294, and chapter 43.216 RCW. WSR 24-17-059, § 110-15-0075, filed 8/15/24, effective 9/15/24. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 23-12-038, § 110-15-0075, filed 5/30/23, effective 7/1/23; WSR 22-05-007, § 110-15-0075, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 21-01-180, § 110-15-0075, filed 12/21/20, effective 1/21/21. WSR 18-14-078, recodified as § 110-15-0075, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0075, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0075, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0075, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0075, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0075, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0075, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-067, § 388-290-0075, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0075, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0082 Eligibility period.** (1) A consumer who meets all of the requirements of part II of this chapter is eligible to receive WCCC subsidies for twelve months. The twelve-month eligibility period in this subsection applies only if enrollments in the WCCC program are capped as provided in WAC 170-290-0001(1).

(2) Regardless of the length of eligibility, consumers are still required to report changes of circumstances to DSHS as provided in WAC 170-290-0031.

(3) All children in the consumer's household under WAC 170-290-0015 are eligible for the twelve-month eligibility period.

(4) The twelve-month eligibility period begins:

(a) When the benefits begin under WAC 170-290-0095; or

(b) Upon reapplication under WAC 170-290-0109.

(5) A consumer's eligibility may be for less than twelve months if:

(a) Requested by the consumer; or

(b) DSHS terminates the consumer's eligibility as stated in WAC 170-290-0110.

[WSR 18-14-078, recodified as § 110-15-0082, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-0082, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0082, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0082, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42,

2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0082, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2010 c 273, chapter 43.215 RCW, and 2006 c 265. WSR 10-15-063 and 10-16-128, § 170-290-0082, filed 7/15/10 and 8/3/10, effective 9/1/10. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0082, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0082, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0082, filed 3/29/04 and 4/7/04, effective 5/28/04.]

**WAC 110-15-0085 Change in copayment.** (1) Consumers' copayments may change when:

(a) Their monthly income decreases;

(b) Their family size increases and causes the copayment to decrease;

(c) DCYF makes an error in their copayment computation;

(d) They did not report all income, activity and household information at the time of application, reapplication, or when reporting a change in circumstances;

(e) They are no longer eligible for the minimum copayment;

(f) DCYF makes a system-level change in benefits due to a change in law or program funding; or

(g) They are approved for a new eligibility period.

(2) Copayment changes are effective on the first day of the month after a change is reported and required verification is timely received.

(3) Copayment changes are effective on the first day of the month following the month the verification is received when the required verification is not timely received.

(4) A consumer's copayment will not be increased during a current eligibility period.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0085, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0085, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0085, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0085, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0085, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0085, filed 5/8/12, effective 6/8/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0085, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0085, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0085, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0085, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-067, § 388-290-0085, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts

98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0085, filed 12/19/01, effective 1/19/02.]

## Start Dates and Eligibility Period

**WAC 110-15-0095 When WCCC benefits start.** (1) WCCC benefits for eligible consumers begin when the following conditions are met:

(a) They have completed the required WCCC application and verification process within 30 days of the date DCYF received their application for WCCC benefits; and

(b) For newly eligible consumers, when their children are authorized to receive child care with eligible providers.

(2) Initial authorization eligibility periods are for 12 months.

(3) Consumers who fail to complete the initial application within 30 days from the application date must restart the application process.

(4) Newly eligible consumers who do not begin child care during their 12-month authorization periods must restart the application process.

(5) Consumers' application dates are the earlier of:

(a) The date their application is entered into DCYF's automated system; or

(b) The date their application is date stamped as received.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0095, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0095, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0095, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0095, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0095, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0095, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0095, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0095, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0095, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0095, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0095, filed 12/19/01, effective 1/19/02.]

**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 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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0106, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0106, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0106, filed 4/15/16, effective 5/16/16.]

**WAC 110-15-0107 Denial of benefits—Date of redetermining eligibility.** (1) DSHS sends a denial letter when the consumer has applied for child care and the consumer:

(a) Withdraws the request;

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

(i) Family composition;

(ii) Income;

(iii) Outstanding unpaid copayment; or

(iv) Approved activity; or

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

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

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0107, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0107, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0107, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0107, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0107, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0107, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0107, filed 3/29/04 and 4/7/04, effective 5/28/04.]

**WAC 110-15-0109 Reapplication.** (1) For WCCC benefits to be continued without interruption into the new eligibility period, consumers must reapply for WCCC benefits on or before the end date of their current eligibility period.

(2) Determination of consumers' eligibility to receive uninterrupted WCCC benefits beyond their current eligibility period will be made pursuant to the eligibility rules contained in this chapter.

(3) Consumers who reapply on or before the end date of their current WCCC eligibility period may receive continued uninterrupted benefits through second tier eligibility if their household's countable monthly income is greater than 60 percent but less than or equal to 65 percent of the SMI.

If their household's total countable monthly income is greater than 65 percent of the SMI, the reapplication will be denied.

(4) For consumers who submit a reapplication after the last day of the current eligibility period and meet all WCCC eligibility requirements, benefits will begin:

(a) On the date their reapplication is entered into DCYF's automated system or the date their reapplication is date stamped as received by DCYF, whichever date is earlier;

(b) When they are working or participating in an approved activity; and

(c) Their children are receiving care from an approved provider.

(5) Newly eligible households must begin care within 12 months of the eligibility determination date. Households that do not begin care within 12 months must reapply in order to qualify for WCCC benefits.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0109, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0109, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0109, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0109, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0109, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0109, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0109, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-0110 Termination of and redetermining eligibility for benefits.** (1) Consumers' eligibility for WCCC benefits is terminated if they fail to:

(a) Comply with the requirements of WAC 110-15-0030;

(b) Complete the WorkFirst orientation process when approved for TANF; or

(c) Cooperate with the child care subsidy audit process and investigations involving the DSHS office of fraud and accountability (OFA).

(2) Consumers' eligibility for WCCC benefits is terminated if they have or anticipate sustained countable income at or above 85 percent of the SMI.

(3) Consumers whose eligibility for WCCC benefits has been terminated may be eligible to receive WCCC benefits again, beginning on the date they:

(a) Meet all WCCC eligibility requirements;

(b) Comply with the copayment requirements contained in WAC 110-15-0030; and

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

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0110, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0110, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0110, filed 9/21/16, effective 10/22/16. Statutory Authority:

RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0110, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0110, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0110, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0110, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0110, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0110, filed 12/19/01, effective 1/19/02.]

## Notice

**WAC 110-15-0120 When notice of payment changes is not required.** DCYF does not give a consumer written notice of changes to WCCC eligibility or provider payments when:

(1) The consumer tells DCYF that he or she no longer wants WCCC;

(2) The consumer has not informed DCYF of his or her new mailing address; or

(3) DCYF has determined that children have been exposed to a serious health or safety risk.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0120, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0120, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0120, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0120, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0120, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0120, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0120, filed 12/19/01, effective 1/19/02.]

## Eligible Child Care Providers

**WAC 110-15-0125 Approved child care providers.** (1) In-home/relative providers. To be approved to receive benefits under the WCCC program, in-home/relative providers must comply with the applicable requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(2) Licensed providers.

(a) To be approved to receive payment under the WCCC program, licensed providers must comply with the requirements of this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, 110-300E, and 110-301 WAC.

(b) Providers who care for children who are Washington residents in states that border Washington must:

(i) Be licensed to provide care in the bordering state;

(ii) Comply with the bordering state's licensing and background check regulations as required under 45 C.F.R. 98.42 and 45 C.F.R. 98.43;

(A) DCYF must be able to verify that the licensing state's background check requirements are comparable to Washington state; or

(B) Receive the background check results, including child abuse and neglect histories, for all individuals who have, or may have, unsupervised access to children in care.

(iii) Comply with the electronic attendance requirements contained in WAC 110-15-0126.

(c) Providers in states that border Washington who care for children who are Washington residents will be paid WCCC subsidy rates listed in WAC 110-15-0200 or 110-15-0205 for the DCYF regions in which the children reside.

(d) Licensed providers in states that border Washington that receives WCCC subsidy payment to care for children who are Washington residents are not required or eligible to participate in the early achievers program or to receive quality improvement awards, tiered reimbursements, or other awards and incentives associated with the early achievers program.

(3) Certified providers. To be approved to receive payment under the WCCC program, certified providers must comply with the certification requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06, 110-300, 110-300E, and 110-301 WAC. Certified providers include:

(a) Tribal child care facilities that meet the requirements of tribal law;

(b) Child care facilities on a military installation;

(c) Child care facilities operated on public school property by a school district;

(d) Seasonal day camps that contract with DCYF to provide subsidized child care; and

(e) Outdoor nature-based programs.

(4) Early achievers program requirements for licensed and certified child care providers that receive their first WCCC payment on or after July 1, 2016:

(a) Licensed or certified child care providers that first receive WCCC subsidy payments on or after July 1, 2016, for providing nonschool age child care must complete the following activities to be eligible to receive additional WCCC payments:

(i) Enroll in the early achievers program within 30 days of receiving the first WCCC subsidy payment. Licensed or certified providers that fail to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

(ii) Complete level 2 activities in the early achievers program within 12 months of enrollment. Licensed or certified providers that fail to meet this requirement will lose DCYF approval to receive DCYF subsidy payments for providing nonschool age child care;

(iii) Rate at a level 3 or higher in the early achievers program within 30 months of enrollment. Licensed or certified providers that fail to meet this requirement within 30 months of enrollment in the early achievers program must complete remedial activities with DCYF and rate at a level 3 or higher within six months of beginning remedial activities. Licensed or certified providers that fail to rate at

a level 3 or higher within six months of beginning remedial activities will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care; and

(iv) Renew their facility rating every three years and maintain a rating level 3 or higher. If licensed or certified providers fail to renew their facility ratings or maintain a rating level 3 or higher, the licensed or certified providers will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must comply with the provisions for participation as outlined in the early achievers operating guidelines. Failure to comply with these guidelines may result in a licensed or certified provider's loss of DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(5) Early achievers program requirements for licensed and certified child care providers that received a WCCC payment on or between July 1, 2015, and June 30, 2016:

(a) Licensed or certified child care providers that received WCCC subsidy payments on or between July 1, 2015, and June 30, 2016, for providing nonschool age child care, must complete the following activities to be eligible to receive additional WCCC subsidy payments:

(i) Enroll in the early achievers program by August 1, 2016. Licensed or certified providers that fail to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care;

(ii) Complete level 2 activities in the early achievers program by August 1, 2017. Providers who failed to meet this requirement will lose DCYF approval to receive WCCC subsidy payments for nonschool age child care; and

(iii) Rate at a level 3 or higher in the early achievers program by December 31, 2019. Licensed or certified providers that fail to meet this requirement by December 31, 2019, must complete remedial activities with DCYF and rate at a level 3 or higher by June 30, 2020. Licensed or certified providers that fail to receive a rating by December 31, 2019, or fails to rate at a level 3 or higher by June 30, 2020, after completing remedial activities will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(b) Licensed and certified providers must renew their facility rating every three years and maintain a rating level 3 or higher. If licensed or certified providers fail to renew their facility rating or maintain a rating level 3 or higher, licensed or certified providers will lose DCYF approval to receive WCCC subsidy payments for providing nonschool age child care.

(6) If licensed or certified child care providers receiving WCCC subsidy payment for providing nonschool age has successfully completed all level 2 activities and is waiting to be rated, they may continue to receive WCCC subsidy payments pending the successful completion of the level 3 rating activity.

(7) DCYF-contracted seasonal day camps have a contract with DCYF to provide subsidized child care.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0125, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0125, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0125, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0125, filed 9/21/16, effec-

tive 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0125, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 43.43.832(6), 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0125, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0125, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0125, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0125, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0125, filed 12/19/01, effective 1/19/02.]

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

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0126, filed 3/26/19, effective

4/26/19. WSR 18-14-078, recodified as § 110-15-0126, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 18-12-064, § 170-290-0126, filed 6/1/18, effective 7/2/18.]

## Subsidy Rates and Fees

**WAC 110-15-0180 WCCC subsidy rates.** State child care subsidy rates in part II of this chapter are subject to legislative change.

[WSR 18-14-078, recodified as § 110-15-0180, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0180, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0180, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0180, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0180, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0180, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0180, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0190 WCCC benefit calculations.** (1) DCYF determines the amount of care consumers may receive at application or reapplication. Once the care is authorized, the amount will not be reduced during the eligibility period unless:

(a) Consumers request reductions;

(b) The care is for school-aged children;

(c) The authorization was for additional care needed for less than the entire length of the authorization period;

(d) The care was authorized by child protective services (CPS) or child welfare services (CWS) and is part of children's case plans under WAC 110-15-4510; or

(e) Incorrect information was given at application or reapplication.

(2) For parents age 21 years or younger who are attending high school or working towards completing a high school equivalency certificate, DCYF will authorize care based only on their student activity schedules.

(3) To determine the amount of weekly hours of care needed, DCYF reviews the child care scheduled with providers, and:

(a) Consumers' participation in approved activities and the number of hours their children attend school, including home school, which will reduce the amount of care needed; or

(b) The days and times that approved activities overlap in a two parent or guardian household, and only authorize care during those overlapping times. Consumers are eligible for full-time care if overlapping care totals 110 hours in one month.

(c) Parents or guardians in two parent or guardian households who are not able to care for their children under WAC 110-15-0020 are considered by DCYF to be unavailable for care, regardless of their schedules.

(3) Licensed or certified center child care is authorized as follows:

(a) Full-time care is authorized when consumers participate in approved activities at least 110 hours per month.

(b) Twenty-three full-day units per month will be authorized when children are in care five or more hours per day.

(c) Thirty half-day units per month will be authorized when children are in care less than five hours per day.

(d) Forty-six half-day units per month will be authorized during the months of June, July, and August for school-aged children who are in care for five or more hours per day.

(4) Licensed family home child care is authorized as the following monthly units of care:

(a) **Full-time monthly unit** of care, equal to 22 full day units, is authorized when:

(i) WCCC or SCC consumers participate in approved activities at least 110 hours per month or full-time care is determined to be appropriate and included in a CPS or CWS case plan; and

(ii) Their children have scheduled care with a single provider at least 110 hours per month.

(b) **Part-time monthly unit** of care, equal to the actual anticipated full- and half-day units of care needed averaged over a 12-month period, is authorized when the care scheduled with providers is less than 110 hours per month.

(c) **Full-time partial-day monthly unit** is authorized when school-age children attend care in a licensed family home and meets the criteria in subsection (5) of this section.

(d) **Part-time partial-day monthly unit** is authorized when school-age children attend care in a licensed family home before and after school and do not meet the criteria for a full-time partial-day monthly unit.

(5) **Additional monthly units** of care may be authorized when:

(a) Consumers request an authorization for additional care;

(b) The need for care is verified;

(c) The care is needed to supplement an existing monthly unit for unexpected care needed for an approved activity limited to the time frame needed, not to exceed three months;

(d) For actual anticipated overtime when the overtime is included when determining eligibility for child care; or

(e) For sleep time.

(6) Full-time partial-day monthly unit. A single partial-day monthly unit equal to 17 partial days and five full days is authorized for school-age children attending a licensed family home child care when consumers have at least 110 hours of approved activity per month, and their children are:

(a) Authorized for care with only one provider;

(b) Scheduled for care of 110 hours or more in July and August;

(c) In care less than five hours on a typical school day; and

(d) Need care before and after school.

(7) When determining part-time care for families using licensed providers when their activity or amount of care needed is less than 110 hours per month:

(a) A full-day unit is calculated for each day of care of at least five hours;

(b) A half-day unit will be calculated for each day of care that is less than five hours; and

(c) A partial-day unit is calculated for each day of care in a licensed family home when:

(i) Their children are in care before and after school; and

(ii) The total care for the day is less than five hours.

(8) Full-time care for families using in-home/relative providers is authorized when consumers participate in approved activities at least 110 hours per month:

(a) Two hundred thirty hours of care are authorized when their children are in care five or more hours per day;

(b) One hundred fifteen hours of care is authorized when their children are in care less than five hours per day;

(c) One hundred fifteen hours of care is authorized during the school year for school-aged children who are in care less than five hours per day and their providers are authorized for contingency hours each month, up to a maximum of 230 hours;

(d) Two hundred thirty hours of care is authorized during the school year for school-aged children who are in care five or more hours in a day; and

(e) Supervisor approval is required for hours of care that exceed 230 hours per month.

(9) Care cannot exceed 16 hours per day, per child.

(10) When determining part-time care for families using in-home/relative providers:

(a) Under the provisions of subsection (2) of this section, DCYF authorizes the number of hours of care needed per month when the activity is less than 110 hours per month; and

(b) The total number of authorized hours and contingency hours claimed cannot exceed 230 hours per month.

(11) DCYF determines the allocation of hours or units for families with multiple providers based upon the information received from the parents or guardians.

(12) DCYF may authorize more than the state rate and up to the provider's private pay rate if:

(a) The parent or guardian 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 110-15-0125, or an approved in-home/relative provider under WAC 110-16-0010. "Reasonable distance" is determined by comparing distances other local families must travel to access appropriate child care.

(13) Other fees DCYF may authorize to a provider are:

(a) Registration fees;

(b) Field trip fees;

(c) Nonstandard hours bonus;

(d) Overtime care to licensed providers when care is expected to exceed 10 hours in a day when consumers are eligible and authorized; and

(e) Special needs rates for a child.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0190, filed 2/3/22, effective 3/6/22; WSR 20-08-077, § 110-15-0190, filed 3/26/20, effective 4/26/20. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0190, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0190, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-057, § 170-290-0190, filed 11/9/17, effective 12/10/17; WSR 17-18-009, §

170-290-0190, filed 8/24/17, effective 9/24/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0190, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0190, filed 4/15/16, effective 5/16/16; WSR 13-22-040, § 170-290-0190, filed 10/31/13, effective 12/1/13. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0190, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0190, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0190, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.12.340. WSR 06-12-094, § 388-290-0190, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0190, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0190, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0190, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0190, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps.** (1) **Base rate.** Effective July 1, 2023, the child care subsidy rates paid to licensed or certified child care centers or DCYF contracted seasonal day camps are:

| | | Infants (Birth - 11 mos.) | Toddlers (12 - 29 mos.) | Preschool (30 mos. - 6 yrs not attending kindergarten or school) | School-age (5 - 12 yrs attending kindergarten or school) |
|---|---|---|---|---|---|
| Region 1 | Full-Day | $62.05 | $56.14 | $53.18 | $53.36 |
| | Half-Day | $31.03 | $28.07 | $26.59 | $26.68 |
| Spokane County | Full-Day | $68.54 | $56.59 | $52.14 | $49.00 |
| | Half-Day | $34.27 | $28.30 | $26.07 | $24.50 |
| Region 2 | Full-Day | $59.09 | $49.09 | $44.77 | $32.73 |
| | Half-Day | $29.55 | $24.55 | $22.39 | $16.37 |
| Region 3 | Full-Day | $88.58 | $80.36 | $72.50 | $65.45 |
| | Half-Day | $44.29 | $40.18 | $36.25 | $32.73 |
| Region 4 | Full-Day | $113.64 | $101.59 | $85.68 | $90.64 |
| | Half-Day | $56.82 | $50.80 | $42.84 | $45.32 |
| Region 5 | Full-Day | $72.56 | $64.00 | $55.77 | $54.18 |
| | Half-Day | $36.28 | $32.00 | $27.89 | $27.09 |
| Region 6 | Full-Day | $77.00 | $67.50 | $57.73 | $50.23 |
| | Half-Day | $38.50 | $33.75 | $28.87 | $25.12 |

(a) Centers in Clark County are paid Region 3 rates.

(b) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) WAC 110-300-0005 and 110-300-0356 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.

(3) Providers must obtain child-specific and time-limited exceptions from DCYF to provide care for children outside the age listed on the center's license.

(4) If providers are granted an exception to care for a child who is 13 years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through 12 year age range column is used for comparison; and

(b) The children must meet the special needs requirement described in WAC 110-15-0220.

[Statutory Authority: RCW 74.04.050 and 2021 c 199. WSR 23-23-084, § 110-15-0200, filed 11/13/23, effective 12/14/23. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-16-081, § 110-15-0200, filed 8/1/22, effective 9/1/22; WSR 22-05-007, § 110-15-0200, filed 2/3/22, effective 3/6/22; WSR 20-15-161, § 110-15-0200, filed 7/22/20, effective 8/22/20; WSR 19-12-058, § 110-15-0200, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0200, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1. WSR 17-21-077, § 170-290-0200, filed 10/16/17, effective 11/16/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0200, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0200, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0200, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0200, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0200, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0200, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0200, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0200, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0200, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0200, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0200, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0200, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0200, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0200, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers.** (1) **Monthly unit.** DCYF authorizes care as monthly units as described in WAC 110-15-0190, the calculation of which is based on the full-day, partial-day, and half-day rates in subsection (2) of this section.

(2) Effective July 1, 2023, DCYF calculates licensed or certified family home providers' monthly units based on the following child care subsidy rates:

| | | Infants (Birth - 11 mos.) | Enhanced Toddlers (12 - 17 mos.) | Toddlers (18 - 29 mos.) | Preschool (30 mos. - 6 yrs not attending kindergarten or school) | School-age (5 - 12 yrs attending kindergarten or school) |
|---|---|---|---|---|---|---|
| Region 1 | Full-Day | $49.23 | $49.23 | $47.09 | $40.00 | $36.59 |
| | Half-Day | $24.62 | $24.62 | $23.55 | $20.00 | $18.30 |
| | Partial-Day | $36.92 | $36.92 | $35.32 | $30.00 | $27.44 |
| Spokane County | Full-Day | $48.00 | $48.00 | $48.00 | $45.00 | $45.00 |
| | Half-Day | $24.00 | $24.00 | $24.00 | $22.50 | $22.50 |
| | Partial-Day | $36.00 | $36.00 | $36.00 | $33.75 | $33.75 |
| Region 2 | Full-Day | $66.00 | $66.00 | $59.09 | $48.00 | $40.00 |
| | Half-Day | $33.00 | $33.00 | $29.55 | $24.00 | $20.00 |
| | Partial-Day | $49.50 | $49.50 | $44.32 | $36.00 | $30.00 |
| Region 3 | Full-Day | $65.00 | $65.00 | $59.09 | $54.18 | $49.23 |
| | Half-Day | $32.50 | $32.50 | $29.55 | $27.09 | $24.62 |
| | Partial-Day | $48.75 | $48.75 | $44.32 | $40.64 | $36.92 |
| Region 4 | Full-Day | $81.82 | $81.82 | $75.00 | $68.95 | $60.00 |
| | Half-Day | $40.91 | $40.91 | $37.50 | $34.48 | $30.00 |
| | Partial-Day | $61.37 | $61.37 | $56.25 | $51.71 | $45.00 |
| Region 5 | Full-Day | $59.09 | $59.09 | $59.09 | $49.23 | $44.32 |
| | Half-Day | $29.55 | $29.55 | $29.55 | $24.62 | $22.16 |
| | Partial-Day | $44.32 | $44.32 | $44.32 | $36.92 | $33.24 |
| Region 6 | Full-Day | $59.09 | $59.09 | $55.00 | $53.00 | $45.00 |
| | Half-Day | $29.55 | $29.55 | $27.50 | $26.50 | $22.50 |
| | Partial-Day | $44.32 | $44.32 | $41.25 | $39.75 | $33.75 |

(3) The monthly unit for family home providers in all regions and for all ages will include a partial-day rate that is 75 percent of the full-day rate when:

(a) Providers provide child care services for a child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;

(b) The child is absent from care in order to attend school or preschool; and

(c) Family home providers are not entitled to payment at the full-day rate.

(4) Monthly units for school age children will be adjusted for the months of July and August based on the consumers' approved activities and the children's schedules for care during the summer.

(5) School age children will be authorized for 22 full days in July and August when:

(a) They are authorized for a full-time, full-time partial-day, monthly unit; or

(b) They are authorized for a part-time, part-time partial-day, monthly unit;

(c) Are scheduled for child care with a single provider at least 110 hours per month; and

(d) The consumer participates in an approved activity at least 110 hours per month.

(6) Monthly units will be prorated for partial months of authorization.

(7) The monthly unit amount is averaged over all months of authorized care. Supplemental payments will not be made for calendar months with more than the average number of care days.

(8) Supplemental authorization for payment may be requested by consumers for unexpected hours of care needed for allowable activities or changes in their schedules.

(9) WAC 110-300-0005 and 110-300-0355 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.

(10) Providers must obtain a child-specific and time-limited exception from DCYF to provide care for children outside the age listed on their licenses.

(11) For providers who are granted an exception to care for a child who is 13 years of age or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section and the five through 12 year age range column is used for comparison; and

(b) The child must meet the special needs requirement as described in WAC 110-15-0220.

(12) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (13) of this section).

(13) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

[Statutory Authority: RCW 74.04.050 and 2021 c 199. WSR 23-23-084, § 110-15-0205, filed 11/13/23, effective 12/14/23. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0205, filed 2/3/22, effective 3/6/22; WSR 20-15-161, § 110-15-0205, filed 7/22/20, effective 8/22/20; WSR 20-08-077, § 110-15-0205, filed 3/26/20, effective 4/26/20; WSR 19-12-058, § 110-15-0205, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0205, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0205, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0205, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0205, filed 4/15/16, effective 5/16/16; WSR 14-24-070, § 170-290-0205, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0205, filed 9/29/14, effective 10/30/14; WSR 14-12-050, § 170-290-0205, filed 5/30/14, effective 6/30/14; WSR 13-21-113, § 170-290-0205, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0205, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0205, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0205, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0205, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2005 c 518 § 207(3). WSR 05-20-051, § 388-290-0205, filed 9/30/05, effective 11/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0205, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0205, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0205, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0210 Tiered reimbursement, quality improvement awards, and dual language enhancements.** (1) Providers receiving payment under the WCCC program will receive a tiered reimbursement as outlined in the *Early Achievers Operating Guidelines*, available on DCYF's website.

(2) Quality improvement awards, as described by chapter 43.216 RCW, are reserved for early achievers participating providers offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy for licensed family homes and at least five percent of nonschool age children receiving subsidy for licensed centers.

(a) Qualifying state subsidy programs include working connections child care (WCCC), seasonal child care (SCC), DCYF child welfare child care programs, homeless child care program (HCCP), ECLIPSE and medicaid child care programs. Other qualifying programs may include those supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations.

(i) Participants providing HCCP, ECLIPSE, or medicaid services must present DCYF with information indicating that services were provided under these programs.

(ii) Participants providing subsidized child care supported by municipalities, colleges or universities, local school districts, or federally recognized tribal organizations must present DCYF with information indicating that services were provided under these programs.

(b) Percent subsidy calculations are derived from a monthly average of the number of children receiving qualifying subsidy divided by the monthly average licensed capacity of a specific provider over a 12-month period.

(i) The 12-month period utilized for the above calculation will include the 12 months prior to the formal release of a facility's early achievers rating.

(ii) Facilities must have provided care at least one day in a given month for that month to be utilized in the above calculation.

(3) Eligible providers may receive a dual language enhancement.

(a) For purposes of this subsection, "eligible providers" means providers who:

(i) Accept WCCC, SCC, or CWCC payments;

(ii) Are enrolled in the early achievers program; and

(iii) Meet the requirements for the dual language designation standard described in the *Early Achievers Operating Guidelines*, available on DCYF's website.

(b) Dual language enhancements must be spent on professional development training, the purchase of dual language and culturally appropriate curricula and accompanying training programs, instructional materials, increased wages for individual staff who provide bilingual instruction, or other related expenses.

[Statutory Authority: RCW 43.216.592. WSR 23-02-068, § 110-15-0210, filed 1/4/23, effective 2/4/23. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0210, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-0210, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-113, § 170-290-0210, filed 10/22/13, effective 11/22/13.]

**WAC 110-15-0211 Trauma-informed care supports.** (1) Subject to available funds, DCYF will provide trauma-informed care support to aid eligible providers. For the purposes of this section, "eligible providers" means:

(a) An employee or owner of a licensed or certified child care center or outdoor nature-based program that accepts WCCC or SCC payments;

(b) An employee or owner of a licensed family home child care provider that accepts WCCC or SCC payments;

(c) A contractor or provider of the early childhood education and assistance program or birth to three early childhood education and assistance program;

(d) A license-exempt family, friends, and neighbors (FFN) provider accepting subsidy; or

(e) An early achievers coach.

(2) Trauma-informed care supports may be used by eligible providers for the following purposes:

(a) Additional compensation for individual staff who have a DCYF-approved infant and early childhood mental health credential or other DCYF-approved child development specialty credential;

(b) The purchase of screening tools, assessment materials, and relevant training associated with the use of such screening tools and assessment materials;

(c) Trauma-informed professional development and training;

(d) Supportive services for children with complex needs that are offered as fee-for-service within local communities; or

(e) Other expenses related to trauma-informed care.

[Statutory Authority: RCW 43.216.590. WSR 23-12-039, § 110-15-0211, filed 5/30/23, effective 6/30/23.]

**WAC 110-15-0215 Infant enhanced rate.** Licensed and certified child care providers accepting state subsidy may receive an infant enhancement payment of $300 per month for each infant who is enrolled in their child care and attends at least one day per month.

[Statutory Authority: Chapter 34.05 RCW, RCW 43.216.020, 43.216.065, and 2024 c 376. WSR 24-22-096, s 110-15-0215, filed 11/1/24, effective 12/2/24. Statutory Authority: RCW 43.216.579. WSR 22-12-072, § 110-15-0215, filed 5/27/22, effective 7/1/22.]

**WAC 110-15-0220 Special needs rates—Qualification and required documentation.** (1) **Qualification.** To qualify for a special needs rate in addition to the base rate, the consumer must request a special needs review for the child. The child must either:

(a) Be thirteen up to nineteen years of age and be under court supervision; or

(b) Be less than nineteen years of age and have a verified physical, mental, emotional, or behavioral condition that requires a higher level of care needed in the child care setting.

(2) **Required documentation.** The documentation must:

(a) Support the severity of the condition and level of care required to meet that child's need;

(b) Describe the child's additional needs above the daily routine care required under chapter 170-295, 170-296A, or 170-297 WAC, for child care providers who are licensed or certified, or WAC 170-290-0130 and 170-290-0138 for child care providers who provide in-home/relative care;

(c) Address relevant areas, such as ambulatory assistance, feeding, hygiene assistance, communication, or behavior as applicable and as needed by the child;

(d) Include completed DEL special needs request forms from both the consumer and the provider; and

(e) Have the child's condition and need for higher level of care verified by a qualified individual who is not employed by the child care facility nor a relative of the provider or the child's family, and is either a:

(i) Health, mental health, education or social service professional with at least a master's degree; or

(ii) Registered nurse.

New verification is not required at review or due to a change in provider, if the child's condition has been verified to be life-long and not improving;

(f) Include one or more of the following completed forms from a person listed in (e) of this subsection:

(i) Medical or psychological reports from a mental health professional;

(ii) Medical reports or statements from a medical health profession;

(iii) Individualized education plan (IEP);

(iv) Individual health plan (IHP);

(v) Individual family service plan (IFSP);

(vi) Basic health records from the health care provider; or

(vii) Comprehensive assessments from a mental health professional.

(g) For one-on-one care, the name of the person providing the care.

(3) **Special needs review.**

(a) DSHS processes all Level 1 special needs cases for children under thirteen within thirty calendar days from the date of the special needs request.

(b) DEL and DSHS jointly review Level 2 special needs cases for children under thirteen.

(c) DEL and DSHS jointly review all special needs requests for children thirteen years of age through nineteen years of age.

(d) All requests for Levels 1 and 2 special needs rates are decided within fifteen consecutive days of the initial request. The fifteen-day time limit begins on the day after the date that the consumer and provider provide all of the required verification for that case as provided in this section.

(e) The provider will be notified of the approval or denial of a Level 2 special needs rate request within fourteen calendar days of the decision.

(4) **Purpose of special needs rate.** WCCC does not pay for the provider's training needs to care for a specific child or for the child's equipment needs while in the child care setting. The special needs rate is for care provided in addition to the daily routine care required under chapter 170-295, 170-296A, or 170-297 WAC, for child care providers who are licensed or certified, or WAC 170-290-0130 and

170-290-0138 for child care providers who provide in-home/relative care.

[WSR 18-14-078, recodified as § 110-15-0220, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-18-051, § 170-290-0220, filed 8/31/17, effective 10/1/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0220, filed 4/15/16, effective 5/16/16; WSR 14-03-060, § 170-290-0220, filed 1/13/14, effective 2/13/14; WSR 12-11-025, § 170-290-0220, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0220, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0220, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0220, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0220, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0225 Special needs rates—Licensed or certified child care centers and seasonal day camps.** (1) In addition to the base rate for licensed or certified child care centers and seasonal day camps listed in WAC 110-15-0200, DCYF may authorize the following additional special needs daily rates which are reasonable and verifiable as provided in WAC 110-15-0220:

(a) **Level 1.** The daily rate listed in the table below:

| | | Infants (Birth - 11 mos.) | Toddlers (12 - 29 mos.) | Preschool (30 mos. - 6 yrs not attending kindergarten or school) | School-age (5 - 12 yrs attending kindergarten or school) |
|---|---|---|---|---|---|
| Region 1 | Full-Day | $7.30 | $6.14 | $5.80 | $5.45 |
| | Half-Day | $3.65 | $3.07 | $2.90 | $2.73 |
| Region 2 | Full-Day | $7.36 | $6.15 | $5.70 | $5.05 |
| | Half-Day | $3.68 | $3.08 | $2.85 | $2.52 |
| Region 3 | Full-Day | $9.75 | $8.13 | $7.02 | $6.82 |
| | Half-Day | $4.88 | $4.06 | $3.51 | $3.41 |
| Region 4 | Full-Day | $11.35 | $9.48 | $7.95 | $7.16 |
| | Half-Day | $5.67 | $4.74 | $3.98 | $3.58 |
| Region 5 | Full-Day | $8.32 | $7.16 | $6.30 | $5.59 |
| | Half-Day | $4.16 | $3.58 | $3.15 | $2.80 |
| Region 6 | Full-Day | $8.18 | $7.02 | $6.14 | $6.00 |
| | Half-Day | $4.09 | $3.51 | $3.07 | $3.00 |

(i) Centers in Clark County are paid Region 3 rates;

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates;

(b) **Level 2.** A rate greater than Level 1, not to exceed $15.89 per hour.

(2) If a provider is requesting one-on-one supervision or direct care for the child with special needs the person providing the one-on-one care must:

(a) Be at least 18 years of age;

(b) Meet the requirements for being an assistant under chapter 110-300 WAC; and

(c) Maintain daily records of one-on-one care provided, to include the name of the employee providing the care.

(3) If the provider has an exception to care for a child who is age 13 years or older and has special needs according to WAC 110-15-0220, DCYF authorizes the special needs payment rate as described in subsection (1) of this section using the five through 12 year age range for comparison.

[Statutory Authority: RCW 43.216.579. WSR 22-12-072, § 110-15-0225, filed 5/27/22, effective 7/1/22. WSR 18-14-078, recodified as § 110-15-0225, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0225, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0225, filed 5/30/14, effective 6/30/14; WSR 14-03-060, § 170-290-0225, filed 1/13/14, effective 2/13/14. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0225, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0225, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0225, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0225, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0225, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0225, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0225, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0230 Special needs rates—Licensed or certified family home child care providers.** (1) In addition to the base rate for licensed or certified family home child care providers listed in WAC 170-290-0205, DSHS may authorize the following additional special needs daily rates which are reasonable and verifiable as provided in WAC 170-290-0220:

(a) **Level 1.** The daily rate listed in the table below:

| | | Infants (Birth - 11 mos.) | Toddlers (12 - 29 mos.) | Preschool (30 mos. - 6 yrs not attending kindergarten or school) | School-age (5 - 12 yrs attending kindergarten or school) |
|---|---|---|---|---|---|
| Region 1 | Full-Day | $6.00 | $5.40 | $5.40 | $4.80 |
| | Half-Day | $3.00 | $2.70 | $2.70 | $2.40 |
| Region 2 | Full-Day | $6.00 | $5.70 | $5.10 | $5.10 |
| | Half-Day | $3.00 | $2.85 | $2.55 | $2.55 |
| Region 3 | Full-Day | $8.70 | $7.50 | $6.60 | $6.00 |
| | Half-Day | $4.35 | $3.75 | $3.30 | $3.00 |
| Region 4 | Full-Day | $9.00 | $8.90 | $7.50 | $7.20 |
| | Half-Day | $4.50 | $4.45 | $3.75 | $3.60 |
| Region 5 | Full-Day | $6.60 | $6.00 | $5.70 | $5.10 |
| | Half-Day | $3.30 | $3.00 | $2.85 | $2.55 |
| Region 6 | Full-Day | $6.60 | $6.00 | $6.00 | $5.70 |
| | Half-Day | $3.30 | $3.00 | $3.00 | $2.85 |

(b) **Level 2.** A rate greater than Level 1, not to exceed $15.89 per hour.

(2) If the provider has an exception to care for a child who:

(a) Is age thirteen years or older; and

(b) Has special needs according to WAC 170-290-0220, DSHS authorizes the special needs payment rate as described in subsection (1) of this section using the five through twelve year age range for comparison.

(3) If a provider is requesting one-on-one supervision/direct care for the child with special needs, the person providing the one-on-one care must:

(a) Be at least eighteen years of age;

(b) Meet the requirements for being an assistant under chapter 170-296A WAC; and

(c) Maintain daily records of one-on-one care provided, to include the name of the employee providing the care.

[WSR 18-14-078, recodified as § 110-15-0230, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0230, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0230, filed 5/30/14, effective 6/30/14; WSR 14-03-060, § 170-290-0230, filed 1/13/14, effective 2/13/14. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0230, filed 10/5/12, effective 11/5/12. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0230, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0230, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0230, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0230, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0230, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0230, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0235 Special needs rates—In-home/relative providers.** (1) In addition to the highest base rate as provided in WAC 170-290-0240(1), the state may authorize the following additional special needs rate:

(a) **Level 1.** Sixty-two cents per hour; or

(b) **Level 2.** A rate greater than Level 1, but not to exceed $9.41 per hour.

(2) If other children in the home are also authorized for in-home/relative care with the same provider, under WAC 170-290-0240:

(a) The child who needs the greatest number of hours of care will be authorized the greater base rate; and

(b) Each additional child in the family will be authorized the lower base rate.

[WSR 18-14-078, recodified as § 110-15-0235, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0235, filed 4/15/16, effective 5/16/16; WSR 14-03-060, § 170-290-0235, filed 1/13/14, effective 2/13/14; WSR 12-11-025, § 170-290-0235, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0235, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0235, filed

3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0235, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0235, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0240 Child care subsidy rates—In-home/relative providers.** (1) **Base rate.** When consumers employ in-home/relative providers, DCYF pays $3.85 per hour per child. Beginning July 1, 2024, the maximum child care subsidy rate is $4.00 per hour per child.

(2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.

(3) DCYF makes the WCCC payment directly to consumers' eligible providers.

(4) When applicable, DCYF pays the employer's share of the following:

(a) Social Security and medicare taxes (FICA) up to the wage limit;

(b) Federal Unemployment Taxes (FUTA); and

(c) State unemployment taxes (SUTA).

(5) For in-home/relative providers who receive less than the wage base limit per family in a calendar year, DCYF refunds all withheld taxes to them.

[Statutory Authority: RCW 74.04.050 and 2021 c 199. WSR 23-23-084, § 110-15-0240, filed 11/13/23, effective 12/14/23. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0240, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-0240, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0240, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0240, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0240, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 14-24-070, § 170-290-0240, filed 11/26/14, effective 1/1/15; WSR 14-20-088, § 170-290-0240, filed 9/29/14, effective 10/30/14; WSR 13-21-113, § 170-290-0240, filed 10/22/13, effective 11/22/13. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-0240, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0240, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0240, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0240, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0240, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0240, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0245 Registration fees.** (1) DSHS may pay licensed or certified child care providers and DEL contracted seasonal day camps a registration fee when:

(a) A child is first enrolled by the consumer for child care with a provider;

(b) A consumer enrolls their child with a new child care provider during their eligibility period; or

(c) A child has more than a sixty-day break in child care services with the same provider, and it is the provider's policy to charge all parents this fee when there is a break in service.

(2) A registration fee will be paid only once per calendar year for children who are cared for by the same provider, even if the provider receives subsidy payments under different subsidy programs during this time period for the enrolled children, unless there is a break of sixty days or more as provided in subsection (1)(c) of this section.

[WSR 18-14-078, recodified as § 110-15-0245, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0245, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0245, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0245, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-12-069, § 388-290-0245, filed 5/31/02, effective 7/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0245, filed 12/19/01, effective 1/19/02.]

**WAC 110-15-0247 Field trip/quality enhancement fees.** (1) As funding allows, DCYF pays licensed or certified family home child care providers and in-home/relative providers a monthly field trip/quality enhancement fee up to $30 per child or the providers' actual cost for the field trip, if the fee is required of all parents and guardians whose children are in their care. DCYF-licensed or certified child care centers and school-age centers are not eligible to receive the field trip/quality enhancement fee.

(2) The field trip/quality enhancement fee is to cover the providers' actual expenses for:

(a) Admission;

(b) Enrichment programs and/or ongoing lessons;

(c) Public transportation or mileage reimbursement at the state office of financial management rate for the use of a private vehicle;

(d) The cost of hiring a nonemployee to provide an activity at the child care site in-house field trip activity; and

(e) The purchase or development of a prekindergarten curriculum.

(3) The field trip/quality enhancement fee will not cover fees or admission costs for adults on field trips, or food purchased on field trips.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0247, filed 2/3/22, effective 3/6/22. WSR 18-14-078, recodified as § 110-15-0247, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0247, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0247, filed 8/24/11, effective 9/24/11. Statutory Authority:

RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0247, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0247, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0247, filed 3/29/04 and 4/7/04, effective 5/28/04.]

**WAC 110-15-0249 Nonstandard hours bonus.** (1) Consumers' providers may receive a nonstandard hours bonus (NSHB) payment per child per month for care provided if:

(a) The providers are licensed or certified;

(b) They provide at least 30 hours of nonstandard hours care during one month; and

(c) The total cost of the state's NSHB payments do not exceed the amount appropriated for this purpose by the legislature for the current fiscal year.

(2) Nonstandard hours are defined as:

(a) Before 6 a.m. or after 6 p.m.;

(b) Any hours on Saturdays and Sundays; and

(c) Any hours on legal holidays, as defined in RCW 1.16.050.

(3) NSHB amounts are:

(a) $150 for family homes; and

(b) $150 for centers.

[Statutory Authority: Chapter 34.05 RCW, RCW 43.216.020, 43.216.065, and 2024 c 376. WSR 24-22-096, s 110-15-0249, filed 11/1/24, effective 12/2/24. Statutory Authority: RCW 74.04.050. WSR 23-23-083, § 110-15-0249, filed 11/13/23, effective 12/14/23. Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0249, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-0249, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0249, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0249, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0249, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-0250 Eligible provider capacity and payment.** (1) DSHS may pay:

(a) Licensed and certified providers for authorized care up to the provider's licensed capacity as determined under WAC 110-300B-5700, 110-300A-0080, or 110-305-5625, as appropriate; and

(b) In-home/relative providers for authorized care up to a maximum of six eligible children.

(2) A provider authorized to receive subsidy payment must submit an invoice only for children who have been authorized by DSHS to receive subsidy benefits. In addition, a provider must not submit an invoice for a number of children that exceeds the provider's licensed capacity.

(3) Failure to comply with the requirements of subsection (2) of this section may:

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

(b) Result in the establishment of a provider overpayment as provided in WAC 110-15-0268.

[Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0250, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0250, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0250, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0250, filed 5/8/12, effective 6/8/12.]

## Payment Discrepancies

**WAC 110-15-0266 Payment discrepancies—Generally.** (1) Payment discrepancies include both underpayments and overpayments.

(2) For consumers not covered under WAC 110-15-0267 through 110-15-0275, payment discrepancies are subject to chapter 388-410 WAC.

(3) For providers covered under the collective bargaining agreement, all other payment discrepancy issues are covered under WAC 110-15-0275 and 110-15-0277.

(4) For all providers, payment discrepancies resulting from program violations or suspected fraud are covered under WAC 110-15-0277 and 110-15-0278.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0266, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0266, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0266, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0266, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0266, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-0267 Payment discrepancies—Provider underpayments.** (1) Underpayments to providers occur when DCYF pays less than the amount providers are eligible to receive.

(2) Underpayment requests will only be considered by DCYF if providers submit their original invoice for payment to DCYF no later than three months after the date of service.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0267, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-0267, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0267, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0267, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0267, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-0268 Payment discrepancies—Provider overpayments.** (1) An overpayment occurs when providers receive payments that are

more than providers are eligible to receive. Provider overpayments may be established when providers:

(a) Bill and receive payments for services not provided;

(b) Bill without attendance records that support 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 provider billings and may result in overpayments;

(c) Bill and receive payments for more than they are eligible to bill;

(d) Routinely provide care in locations other than what was approved at the time of authorization;

(e) With respect to license-exempt in-home/relative providers, they bill the state for more than six children at one time for the same hours of care; or

(f) With respect to licensed or certified providers, they:

(i) Bill the state for more than the number of children in the provider's licensed capacity; or

(ii) Are caring for children receiving WCCC benefits outside the providers' licensed allowable age range without a DCYF-approved exception; or

(g) With respect to certified providers caring for children in states bordering Washington, they:

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

(ii) Fail to notify DCYF within 10 days of any suspension, revocation, or change to the provider's license.

(2) DCYF will request documentation from providers when preparing to establish an overpayment. Providers must provide requested information within 45 calendar days from the date of the written request.

(3) Providers may be required to repay any payments that they were not eligible to receive.

(4) Providers may be required to repay overpayments they received, even if they were the result of a DCYF error in issuing payment a provider was not eligible to receive.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0268, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0268, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0268, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0268, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0268, filed 5/31/17, effective 7/1/17; WSR 12-11-025, § 170-290-0268, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0268, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-0269 Payment discrepancies—Consumer underpayments.** If a copayment amount determined by DSHS for a consumer results in an underpayment, the consumer may request reimbursement within three years of the date of child care service, if the consumer:

(1) Meets all WCCC eligibility requirements during the time the consumer is claiming an underpayment; and

(2) Verifies all copayments made by the consumer to the provider during the time for which the consumer is claiming an underpayment.

[WSR 18-14-078, recodified as § 110-15-0269, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0269, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0269, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-0271 Payment discrepancies—Consumer.** (1) DCYF 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) Received benefits or services based on the eligibility criteria of the consumer's participation in an approved activity, but the consumer did not participate in the activity;

(c) Failed to report information accurately under the requirements of this chapter, which resulted in an error in determining eligibility, amount of care authorized, or copayment;

(d) Received benefits for a child who was not eligible under WAC 110-15-0005, 110-15-0015, or 110-15-0020; or

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

(2) DCYF or DSHS may request documentation from a consumer when preparing to establish an overpayment. The consumer has 14 consecutive calendar days to provide any requested documentation.

(3) Consumers may be required to repay any overpayments they received, including overpayments resulting from DCYF or DSHS error and benefits paid by DSHS or DCYF they were not eligible to receive.

(4) If a consumer is not eligible under WAC 110-15-0030 through 110-15-0032 and the provider has billed correctly, the consumer is responsible for the entire overpayment.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0271, filed 2/3/22, effective 3/6/22. Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0271, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0271, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0271, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0271, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0271, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0271, filed 5/8/12, effective 6/8/12. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0271, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0271, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, and 74.13.085. WSR 05-22-078, § 388-290-0271, filed 10/31/05, effective 12/1/05. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st

sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0271, filed 3/29/04 and 4/7/04, effective 5/28/04.]

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

(2) Providers must submit a billing invoice for payment within three months of the date child care services are provided. Any invoice submitted more than three months from date child care services are provided will not be processed.

(3) For purposes of correcting payment errors based on correctly submitted invoices under the provisions of subsection (2) of this section, the following time limits apply:

(a) For underpayments:

(i) Two years back from the date the payment was issued if the error was based on rates paid by age or region, except as provided in (a)(iii) of this subsection; 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; and

(iii) Three years back from the date the payment was issued for any underpayment identified by a federal or state audit.

(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 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 payment was issued; and

(iii) Three years back from the date the payment was issued for any overpayment identified by a federal or state audit; 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 process provided for in the collective bargaining agreement.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0275, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-0275, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-0275, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0275, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0275, filed 10/28/09, effective 12/1/09.]

## PROGRAM VIOLATIONS AND SUSPECTED FRAUD

**WAC 110-15-0277 Provider program violations and suspected fraud.** Eligible child care providers described in WAC 170-290-0125 must comply with all provider responsibilities listed in WAC 170-290-0034. Failure to comply causing a provider overpayment will result in a program violation finding and may cause the agency to impose sanctions.

(1) Administrative errors are payment discrepancies which result from a departmental mistake. Provider overpayments caused by administrative error still require repayment of ineligible amounts. Administrative errors will not result in a finding of a program violation.

(2) An unintentional program violation is an overpayment resulting from a provider's error and not caused with willful knowledge.

(a) An unintentional program violation can include a provider's unfamiliarity with program rules and requirements.

(b) Any unintentional provider error resulting in an overpayment will result in department consultation with the provider.

(c) The department tracks all unintentional program violations in order to identify program improvement areas.

(d) Unintentional program violations require provider repayment of ineligible funds.

(3) An intentional program violation is an overpayment caused by a provider's willful failure to comply with program rules.

(a) Any repeated misrepresentation of invoices or other information submitted to the department or failure to submit documentation upon request is an intentional program violation.

(b) If a provider has been consulted by the department for billing concerns and overpayment but then continues to have overpayment findings, then the department will impose sanctions as listed in WAC 170-290-0279.

(c) Overpayments caused by intentional program violations require provider repayment of ineligible funds.

(d) Beginning March 1, 2018, all intentional program violations will be cited by the department, and providers with more than three instances of intentional program violations will be subject to review for program ineligibility.

(i) The department has discretion to impose additional sanctions if a provider has more than three instances of intentional program violations.

(ii) As per WAC 170-290-0280 and 170-290-0285, a provider can dispute the department's finding of program ineligibility.

(4) Suspected fraud is a departmental determination resulting in referral to the office of fraud and accountability (OFA) at the department of social and health services (DSHS).

(a) Program fraud is defined in RCW 74.04.004. Program staff at the department of early learning and DSHS do not criminally investigate fraud. OFA conducts criminal investigations and pursues prosecution of program fraud.

(b) Departmental program staff will identify instances of suspected fraud when facts available to the department indicate the provider willfully violated program rules. This includes repeated instances of misrepresentation.

(c) Program staff will not inform the provider when suspected fraud is referred to OFA.

(d) Providers convicted for program fraud are permanently barred from future participation in the program as a child care provider or consumer.

[WSR 18-14-078, recodified as § 110-15-0277, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0277, filed 11/7/17, effective 12/8/17.]

**WAC 110-15-0278 Consumer program violation.** A consumer who has been convicted of fraud to obtain child care subsidy benefits will be disqualified from receiving child care subsidy program benefits for five years.

"Conviction" or "convicted" means a finding by a state or federal court that an individual is guilty of a criminal offense that involves the commission of fraud to obtain child care subsidy payments or benefits. A guilty finding includes an adjudication of guilt, a verdict of guilt, and acceptance of a plea of guilty. A guilty finding constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-0278, filed 5/31/19, effective 7/1/19.]

**WAC 110-15-0279 Program violation sanctions.** (1) The department will inform and consult child care providers when intentional and unintentional program violations result in provider overpayments.

(2) Sanctions are imposed to ensure providers comply with program rules and to mitigate repeat violations which result in overpayments. Provider sanctions may include:

(a) Submission of corrected information;

(b) Review of child care program rules and publications; or

(c) Any other provider action which conveys the provider's compliance with program rules.

(3) Providers with at least three intentional program violations will be subject to review for child care subsidy program ineligibility. See WAC 170-290-0277 (3)(d).

[WSR 18-14-078, recodified as § 110-15-0279, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0279, filed 11/7/17, effective 12/8/17.]

## Administrative Hearings—WCCC

**WAC 110-15-0280 Right to request an administrative hearing.** (1) **Consumers:** Consumers who disagree with DCYF's decisions affecting their WCCC benefits have administrative hearing rights under chapter 110-03 WAC.

(a) Consumers' requests for hearing:

(i) May be made by contacting DCYF in-person, by telephone, or by serving DCYF with written requests that are also filed with the office of administrative hearings (OAH) as described in WAC 110-03-0060 and 110-03-0080.

(ii) Must include the information and documents described in WAC 110-03-0050(2), if requests are made in writing.

(iii) Must be made within 90 calendar days of the date the consumers received the decisions being appealed, unless good cause for a late request can be established under chapter 110-03 WAC.

(b) After completing the administrative hearings, OAH issues initial orders pursuant to WAC 110-03-0460 and 110-03-0480. Consumers who disagree with initial orders may request reviews as provided in WAC 110-03-0510 through 110-03-0550.

(c) When consumers request reviews of the initial orders, review judges issue final orders after considering the requests for review, initial orders, and hearing records. Consumers who disagree with final orders may request reconsiderations as provided in WAC 110-03-0570 through 110-03-0580 or seek judicial reviews as described in WAC 110-03-0590.

(2) **Providers:** Child care providers who disagree with WCCC overpayment decisions may request administrative hearings pursuant to RCW 43.20B.675.

(a) To request administrative hearings, child care providers must:

(i) Make their hearing requests in writing and include the information and documents described in RCW 43.20B.675(3) including, but not limited to, copies of the overpayment notices and statements explaining why they believe the overpayment notices are incorrect; and

(ii) Serve the hearing requests on the Department of Social and Health Services, Office of Financial Recovery, P.O. Box 9501, Olympia, WA 98507-9501, using certified mail return receipt requested or other manner that provides proof of receipt within 28 calendar days of the date they received the overpayment notices being appealed.

(b) After completing the administrative hearings, OAH will issue final orders. Child care providers who disagree with final orders may request reconsideration. Providers may also seek judicial review of final orders.

[Statutory Authority: RCW 74.08.080 and 74.09.741. WSR 23-12-037, § 110-15-0280, filed 5/30/23, effective 7/1/23. Statutory Authority: RCW 34.05.229 and 43.216.065. WSR 22-01-076, § 110-15-0280, filed 12/10/21, effective 1/10/22. WSR 18-14-078, recodified as § 110-15-0280, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0280, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0280, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0280, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-0285 Receipt of WCCC benefits pending the outcome of an administrative hearing.** (1) A consumer may receive WCCC benefits pending the outcome of a hearing if he or she requests the hearing:

(a) On or before the effective date of an action; or

(b) No more than ten days after DSHS sends the consumer a notice of adverse action.

As used in this section, "adverse action" means an action to reduce or terminate a consumer's WCCC benefits.

(2) If a consumer loses a hearing, any WCCC benefit that a consumer uses between the date of the adverse action and the date of the hearing decision is an overpayment to the consumer.

(3) A consumer may not receive WCCC benefits pending the outcome of a hearing if he or she requests payment to a provider who is not eligible under WAC 170-290-0125.

(4) A consumer may receive WCCC benefits for another eligible provider, pending the outcome of the hearing.

[WSR 18-14-078, recodified as § 110-15-0285, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0285, filed 10/28/09, effective 12/1/09.]

## Waitlist for Child Care Programs

**WAC 110-15-2210 Eligibility.** (1) If applicants or reapplicants meet one of the qualifiers of the priority list and otherwise meet all eligibility requirements of Part II or III of this chapter, they will not be placed on the waitlist and will be eligible to receive WCCC subsidies. The priority list includes:

(a) Families applying for or receiving TANF;

(b) Families receiving TANF and working to cure a sanction;

(c) Foster children;

(d) Families that include a child with special needs;

(e) Families with teen parents (under age 22) who are not living with a parent or guardian, and who are attending a high school full-time that has an on-site child care center;

(f) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from DCYF in the past six months and has received a referral for child care as part of the family's case management; and

(g) Reapplicants who received subsidies within the last 30 days and:

(i) Have reapplied for subsidies; and

(ii) Have household income of 60 percent of the SMI or below.

(2) As provided in WAC 110-15-0001, WCCC is administered to the extent of available funds. If available funds are insufficient to allow all priority groups to not be placed on the waitlist and be eligible to receive WCCC subsidies, only the highest ranked groups that can be served within available funds will be prioritized. The priority groups are ranked in the order listed in subsection (1) of this section, highest to lowest.

(3) If funds are not available, applicants and reapplicants not belonging to a group on the priority list will have their names placed on the waitlist upon approval of eligibility. Names will be placed on the waitlist based on their application or reapplication dates and served as funds become available.

(4) For applicants and reapplicants who remain on the waitlist for 12 months or longer, new eligibility determinations will be required when subsidy child care becomes available.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-2210, filed 2/3/22, effective 3/6/22. WSR 18-14-078, recodified

as § 110-15-2210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-22-101, § 170-290-2210, filed 10/30/17, effective 11/30/17; WSR 17-09-042, § 170-290-2210, filed 4/14/17, effective 5/15/17.]

**WAC 110-15-2220 Benefits start.** (1) DSHS notifies the consumer that subsidy child care is available by sending written notice.

(2) If otherwise eligible, the consumer's twelve-month eligibility period begins on the date the consumer is removed from the waitlist.

[WSR 18-14-078, recodified as § 110-15-2220, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-2220, filed 4/14/17, effective 5/15/17.]

**WAC 110-15-2230 Withdrawal from and reinstatement to the waitlist.** (1) The consumer will be withdrawn from the waitlist when the consumer does not return the requested income verification of new employment by the sixtieth day per WAC 170-290-0012.

(2) The consumer must reapply for eligibility per WAC 170-290-2210, if the required information is received after the end of the advance notice period.

(3) If the consumer is withdrawn from the waitlist for not returning information and the consumer provides the requested information during the ten-day advance notice period and remains eligible for child care:

(a) DSHS may reinstate the consumer to the waitlist; and

(b) DSHS may reinstate the consumer on the waitlist using the same application date prior to the withdrawal from the waitlist.

[WSR 18-14-078, recodified as § 110-15-2230, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-2230, filed 4/14/17, effective 5/15/17.]

**WAC 110-15-2240 Provider payments.** (1) The consumer chooses an eligible provider under WAC 170-290-0125 and the provider cares for the children during an eligibility period.

(2) Provider payment begin date is:

(a) The date the family comes off the waitlist when an eligible provider is already providing care;

(b) The date an eligible provider begins to provide care after the family comes off the waitlist; or

(c) The date a provider becomes an eligible provider, when providing care before the provider is eligible and the family comes off the waitlist.

(3) DSHS will send an authorization letter to the consumer and provider stating the payment begin date.

[WSR 18-14-078, recodified as § 110-15-2240, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-2240, filed 4/14/17, effective 5/15/17.]

**PART III**

## SEASONAL CHILD CARE

### Introduction

**WAC 110-15-3501 Program funding.** The seasonal child care (SCC) program is subject to available funds. As used in this chapter, "subject to available funds" includes one or more of the following:

(1) Limiting or closing enrollment;

(2) Establishing a priority list for new enrollees subject to applicable state and federal law; or

(3) Creating and maintaining a waiting list.

[WSR 18-14-078, recodified as § 110-15-3501, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3501, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3501, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3506 Waitlist for seasonal child care.** The waitlist for seasonal child care is determined as provided in WAC 170-290-2210 through 170-290-2240.

[WSR 18-14-078, recodified as § 110-15-3506, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-09-042, § 170-290-3506, filed 4/14/17, effective 5/15/17.]

### Eligibility Requirements

**WAC 110-15-3520 Eligibility.** (1) To be eligible for SCC the person applying for benefits must:

(a) Not currently be receiving temporary aid for needy families (TANF);

(b) Live in one of the following Washington state counties: Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Okanogan, Skagit, Walla Walla, Whatcom, or Yakima;

(c) At application and reapplication, have parental control of one or more children;

(d) Be the child's:

(i) Parent, either biological or adopted;

(ii) Stepparent;

(iii) Legal guardian as verified by a legal or court document;

(iv) Adult sibling or step-sibling;

(v) Aunt;

(vi) Uncle;

(vii) Niece or nephew;

(viii) Grandparent; or

(ix) Any of the above relatives in (v), (vi), or (viii) of this subsection, with the prefix "great," such as great-aunt.

(e) At application and reapplication, participate in an approved activity under WAC 170-290-3555;

(f) Have countable income at or below the maximum eligibility limit described in WAC 170-290-0005. The consumer's eligibility shall end if the consumer's countable income is greater than eighty-five percent of the state median income or if resources exceed one million dollars;

(g) Complete the application for child care and DSHS verification process, regardless of other program benefits or services received; and

(h) Meet eligibility requirements for SCC described under part III of this chapter.

(2) **Children.** To be eligible for SCC, the child receiving SCC 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; and

(b) Live in Washington state and be:

(i) Less than thirteen years of age; or

(ii) Less than nineteen years of age and:

(A) Have a verified special need according to WAC 170-290-0220; or

(B) Be under court supervision.

[WSR 18-14-078, recodified as § 110-15-3520, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3520, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3520, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3520, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3520, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3530 Verifying consumers' and providers' information.** DSHS verifies a consumer's information as provided in WAC 110-15-0012.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-3530, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-3530, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3530, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3530, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3530, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3530, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3540 Eligibility—Family size.** DSHS determines a consumer's family size as provided in WAC 170-290-0015.

[WSR 18-14-078, recodified as § 110-15-3540, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3540, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3540, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3550 Eligibility—Special circumstances.** (1) A consumer may be eligible for the SCC program when the consumer is a parent in a two-parent family and both parents currently work in seasonally available agricultural related work.

(2) A consumer may be eligible for SCC 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 to provide care for the children while the other parent is currently working or participating in approved seasonally agricultural related work.

(3) If a consumer claims one parent is not able to care for the children, the consumer must provide written documentation from an acceptable medical source (see WAC 388-449-0010) that states the:

(a) Reason the parent is not able to care for the children; and

(b) Expected duration and severity of the condition that keeps the parent from caring for the children.

(4) Single-parent family. A consumer is not eligible for SCC 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.

(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.

[WSR 18-14-078, recodified as § 110-15-3550, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3550, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3550, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3550, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3550, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3555 Eligibility—Approved activities.** (1) A consumer may be eligible for SCC program subsidies for up to sixteen hours per day for the time the consumer is involved in seasonally available agricultural related work in Washington state.

(2) When the consumer is part of a two-parent family, both parents must be employed as described in subsection (1) of this section.

(3) All children in the consumer's household under WAC 170-290-0015 are eligible for the twelve-month eligibility period.

(4) The twelve-month eligibility period begins:

(a) When benefits begin under WAC 170-290-0095; or

(b) Upon reapplication under WAC 170-290-0109.

(5) DSHS may authorize care for:

(a) Travel time only between the child care location and the employment location; or

(b) Sleep time, up to eight hours per day when needed, if the consumer works nights and sleeps days.

[WSR 18-14-078, recodified as § 110-15-3555, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3555, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3555, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3555, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3555, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3558 Resources.** DSHS verifies a consumer's resource as provided in WAC 170-290-0022.

[WSR 18-14-078, recodified as § 110-15-3558, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3558, filed 9/21/16, effective 10/22/16.]

## Rights and Responsibilities

**WAC 110-15-3560 Consumers' rights.** When a consumer applies for or receives SCC program subsidies, the consumer has the right to:

(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;

(2) Have the consumer's application accepted and acted upon within thirty days;

(3) Be informed, in writing, of the consumer's legal rights and responsibilities related to the SCC subsidy program;

(4) Have the consumer's information shared with other agencies only when required by federal or state regulations;

(5) Be allowed to choose a licensed or certified child care provider as long as the provider meets requirements in WAC 170-290-3750;

(6) Receive a written notice at least ten days before changes are made to lower or stop benefits except as stated in WAC 170-290-3730;

(7) Ask for an administrative hearing if the consumer does not agree with a decision per WAC 170-290-3860;

(8) Ask to speak to a supervisor or administrator at DSHS to review a decision or action affecting the consumer's benefits without affecting the consumer's right to an administrative hearing;

(9) Have interpreter or translator services provided by DSHS within a reasonable amount of time and at no cost to the consumer;

(10) Refuse to speak to a fraud early detection (FRED) investigator from the DSHS office of fraud and accountability (OFA) when they ask to come into your home.

(a) This refusal will not affect eligibility for SCC program subsidies.

(b) If the consumer refuses to cooperate with the investigator at a later date, it could affect the consumer's SCC program subsidies.

(11) Access the consumer's child at all times while the child is in child care;

(12) Terminate child care without cause and without notice to the provider. Notice must be given to DSHS within five days of termination;

(13) Not be charged by the consumer's licensed or certified provider, or be made to pay, for the difference between the child care provider's private rate and the state maximum child care subsidy rate, when the provider's private rate for child care is higher than the maximum state rate; and

(14) Not be charged by the consumer's licensed or certified provider, or be made to pay for:

(a) The difference between the provider's registration fee and the state's maximum registration fee when the provider's registration fee is higher;

(b) Any day when the consumer's child is absent;

(c) Vacation days when the provider chooses to close;

(d) A higher amount than the state allows for field trips;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care when the provider stops caring for the consumer's children.

[WSR 18-14-078, recodified as § 110-15-3560, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3560, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3560, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3560, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3560, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3565 Consumers' responsibilities.** (1) When a person applies for or receives SCC program subsidies, the applicant or consumer must, as a condition of receiving those subsidies:

(a) Give DSHS correct and current information so that DSHS can determine the consumer's eligibility and authorize child care payments correctly;

(b) Choose a licensed or certified child care provider who meets requirements of WAC 170-292-3750;

(c) Pay the provider for child care services when the consumer requests additional child care outside of the current authorization;

(d) Pay the provider for optional child care programs for the child that the consumer requests. The provider must have a written policy in place charging all families for these optional child care programs;

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

(i) 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

(ii) Record the child's attendance using an electronic system if used by the provider;

(f) 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 affect the consumer's benefits;

(g) Cooperate (provide the information requested) with the child care subsidy audit process.

(i) A consumer becomes ineligible for SCC benefits upon a determination of noncooperation and remains ineligible until he or she meets child care subsidy audit requirements.

(ii) The consumer may become eligible again when he or she meets SCC requirements in Part III of this chapter and cooperates.

(iii) Care can begin on or after the date the consumer cooperated and meets SCC requirements in Part III of this chapter.

(h) Ensure that their children who receive subsidized 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:

(i) A department of health (DOH) medical exemption form signed by a health care professional; or

(ii) A DOH form or similar statement signed by the child's parent or guardian expressing a religious, philosophical or personal objection to immunization;

(i) Pay the copayment directly to the child care provider or arrange for a third party to pay the copayment directly to the provider; and

(j) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late.

(2) In cases of overdue or past due copayments, the consumer, as a condition of maintaining eligibility, must do one of the following:

(a) Pay past or overdue copayments;

(b) Give DSHS a written agreement between the provider and consumer to verify that copayment arrangements include one or more of the following:

(i) An installment payment plan;

(ii) A collection agency payment plan;

(iii) In-kind services in lieu of paying the copayment; or

(iv) Forgiveness of the copayment from the provider; or

(c) Provide proof that the consumer has attempted to pay a copayment to a licensed provider who is no longer in business or a license-exempt provider who is no longer providing child care. "Proof" includes, but is not limited to, a signed return receipt for correspondence not responded to, or a returned document that was not picked up.

[WSR 18-14-078, recodified as § 110-15-3565, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3565, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3565, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3565, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3565, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3565, filed 10/28/09, effective 12/1/09.]

**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 DCYF child care licensing or certification requirements as provided in chapters 110-300, 110-300A, 110-300B, and 110-305 WAC; and

(2) 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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-3566, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-3566, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-3566, filed 5/31/17, effective 7/1/17; WSR 16-09-059, § 170-290-3566, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3566, filed 5/8/12, effective 6/8/12.]

**WAC 110-15-3570 Notification of changes.** (1) When consumers apply for or receive SCC program subsidies, they must:

(a) Notify DCYF, within five days, of any change in providers;

(b) Notify DCYF, within 10 days, when their countable income increases and the change would cause their countable income to exceed 85 percent state median income as provided in WAC 110-15-0005;

(c) Notify DCYF, within 10 days, when their home address or telephone number changes; and

(d) Notify their providers within 10 days of when DCYF changes their child care authorization.

(2) When consumers receive SCC benefits, they may notify DCYF when:

(a) The number of child care hours they need changes;

(b) Their household income decreases, which may lower their copayment;

(c) Their household size changes, such as if family members move in or out of their home, which may lower their copayment; or

(d) Their legal obligation to pay child support changes.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-3570, filed 2/3/22, effective 3/6/22. WSR 18-14-078, recodified as § 110-15-3570, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3570, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3570, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3570, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3570, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3580 Failure to report changes.** (1) If a consumer fails to report any changes as required in WAC 170-290-3570 within the stated time frames, DSHS may establish an overpayment to the consumer

per WAC 170-290-3850, the consumer may have to pay additional costs, such as a higher copayment, or DSHS may terminate benefits.

(2) If an overpayment occurs, the consumer may receive an overpayment for what the provider has correctly billed, including absent days (see publication "*Child Care Subsidies: A Guide for Licensed and Certified Child Care Centers*" and "*Child Care Subsidies: A Guide for Licensed and Certified Family Home Child Care Providers*").

(3) If a consumer receives an overpayment for failure to report changes or failure to provide required verification, they will be required to repay any overpayment as provided in WAC 170-290-0271.

[WSR 18-14-078, recodified as § 110-15-3580, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3580, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3580, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3580, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3580, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3580, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3590 DSHS's responsibilities to consumers.** DSHS must:

(1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;

(2) Complete applications for SCC program subsidies based on information the consumer provides, and determine a consumer's eligibility within thirty days from the date the consumer applied;

(3) Accept a variety of forms of verification and may not specify the type of documentation required;

(4) Authorize payments only to a licensed or certified child care provider the consumer chooses who meets the requirements in WAC 170-290-3750;

(5) At application and reapplication, authorize payments when no adult in a consumer's family (under WAC 170-290-3540) is able or available to care for the consumer's children as defined in WAC 170-290-0003;

(6) Inform a consumer of:

(a) The consumer's copayment amount as determined in WAC 170-290-3620 and defined in WAC 170-290-0075;

(b) The consumer's rights and responsibilities under the SCC program when he or she applies or reapplies;

(c) The types of child care providers the SCC program will pay;

(d) The community resources that can help the consumer select child care when needed;

(e) Other options for child care subsidies, if the consumer does not qualify for SCC program subsidies; and

(f) The consumer's rights to an administrative hearing;

(7) Provide prompt child care authorizations to a consumer's child care provider;

(8) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:

(a) SCC eligibility;

(b) Copayment; or

(c) Providers; and

(9) Provide an interpreter or translator service at no cost to the consumer to explain information related to the SCC program.

[WSR 18-14-078, recodified as § 110-15-3590, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3590, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3590, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3590, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3590, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3590, filed 10/28/09, effective 12/1/09.]

## Income and Copayment Calculations

**WAC 110-15-3610 Countable income.** DSHS counts income as money a consumer earns or receives from:

(1) Wages and commissions earned from employment;

(2) Unemployment compensation;

(3) 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 noncustodial parent (NCP); or

(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;

(4) Supplemental security income (SSI);

(5) Other Social Security payments, such as Social Security Administration (SSA) and Social Security disability insurance (SSDI);

(6) Refugee assistance payments;

(7) Payments from the Veterans' Administration;

(8) Pensions or retirement income;

(9) Payments from labor and industries (L&I), or disability payments;

(10) Lump sums as money a consumer receives from a one-time payment such as back child support, an inheritance, or gambling winnings;

(11) Other types of income not listed in WAC 170-290-3630; and

(12) Gross wages from employment or self-employment income as defined in WAC 170-290-0003. Gross wages include any wages that are taxable.

[WSR 18-14-078, recodified as § 110-15-3610, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3610, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3610, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3610, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265,

and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3610, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3620 Calculation of income.** For the SCC program, DSHS calculates a consumer's income in the same manner as provided in WAC 170-290-0065.

[WSR 18-14-078, recodified as § 110-15-3620, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3620, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3620, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3630 Excluded income and deductions.** (1) DSHS does not count the following income types when determining a consumer's income eligibility and copayment:

(a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;

(b) Savings accounts;

(c) Money received from sale of real property, such as a house, or personal property, such as a car;

(d) Reimbursements, such as tax refunds;

(e) Earned income credits;

(f) Diversion cash assistance;

(g) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(h) Capital gains;

(i) Basic Food program benefits;

(j) Income earned by children as described in WAC 170-290-3540;

(k) Benefits received by children of Vietnam War veterans who are diagnosed with any form or manifestation of spina bifida except spina bifida occulta;

(l) Adoption support assistance and foster care payments; and

(m) Government economic stimulus payments.

(2) DSHS deducts the amount a consumer pays for child support under court order, division of child support administrative order, or tribal government order, from the consumer's other countable income when determining eligibility and copayment for the SCC program.

[WSR 18-14-078, recodified as § 110-15-3630, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3630, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3630, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3630, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3640 Determining income eligibility and copayment.** (1) For the SCC program, DCYF determines consumers' family income eligibility and copayment by:

(a) Their family size as defined under WAC 110-15-3540;

(b) Their average monthly income as calculated under WAC 110-15-3620; and

(c) Their family's average monthly income as compared to the SMI.

(2) At application and reapplication, consumers are not eligible for the SCC program when their family income is above the maximum eligibility limit as provided in WAC 110-15-0005.

(3) SCC will assign a copayment amount based on families' countable income. Consumers pay the copayment directly to their child care providers.

(4) SCC does not prorate copayments.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-3640, filed 2/3/22, effective 3/6/22. WSR 18-14-078, recodified as § 110-15-3640, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3640, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3640, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3640, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3640, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3650 Change in copayment.** (1) A consumer's SCC program copayment could change when:

(a) DEL makes a mass change in subsidy benefits due to a change in law or program funding;

(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 and reapplication; or

(e) The consumer is approved for a new eligibility period.

(2) If a consumer's copayment changes during the eligibility period, the change is effective on the first day of the month immediately following the date the copayment change was made.

(3) DSHS does not prorate the copayment.

(4) DSHS does not increase a consumer's copayment during the current eligibility period when countable income remains at or below the maximum eligibility limit as provided in WAC 170-290-0005.

[WSR 18-14-078, recodified as § 110-15-3650, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3650, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3650, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3650, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3650, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3660 Eligibility period.** (1) A consumer who meets all of the requirements of part III of this chapter is eligible to receive SCC subsidies for twelve months before having to redetermine eligibility. The twelve-month eligibility period applies only if enrollments in the SCC program are capped as provided in WAC 170-290-0001(1)

and 170-290-3501. Regardless of the length of eligibility, consumers are still required to report changes of circumstances to DSHS as provided in WAC 170-290-3570.

(2) A consumer's eligibility may be for less than twelve months if requested by the consumer.

(3) A consumer's eligibility may end sooner than twelve months if:

(a) The consumer no longer wishes to participate in SCC; or

(b) DSHS terminates the consumer's eligibility as stated in WAC 170-290-3855.

[WSR 18-14-078, recodified as § 110-15-3660, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3660, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.070, 43.215.060 and chapter 43.215 RCW. WSR 12-11-025, § 170-290-3660, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3660, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3660, filed 10/28/09, effective 12/1/09.]

## Start Dates and Eligibility Period

**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 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 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 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 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.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-3665, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-3665, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3665, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3665, filed 4/15/16, effective

5/16/16; WSR 11-12-078, § 170-290-3665, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3665, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3675 When provider payments start.** The provider is eligible to receive payment when both the following circumstances are met:

(1) The consumer has chosen the eligible provider (under WAC 170-290-0125) and the provider is caring for the children during an eligibility period; and

(2) DSHS notifies the provider that the consumer is eligible.

[WSR 18-14-078, recodified as § 110-15-3675, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3675, filed 4/15/16, effective 5/16/16.]

**WAC 110-15-3690 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:

(a) Is not eligible due to the consumer's:

(i) Family composition;

(ii) Income; or

(iii) Activity; or

(b) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-3530.

(2) If a consumer turns in information or otherwise meets eligibility requirements after the denial letter is sent, the consumer's benefits begin according to WAC 170-290-3665.

(3) WCCC eligibility will be determined when a consumer is denied for SCC program subsidies.

[WSR 18-14-078, recodified as § 110-15-3690, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3690, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3690, filed 10/28/09, effective 12/1/09.]

## Notice

**WAC 110-15-3720 Notice of payment changes.** DSHS provides SCC consumers with at least ten days written notice of changes to payments related to the reduction, or termination of benefits, in child care arrangements, except as noted in WAC 170-290-3730.

[WSR 18-14-078, recodified as § 110-15-3720, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3720, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3720, filed 5/31/11, effective 7/1/11.

Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3720, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3730 When notice of payment changes is not required.** DSHS does not give a consumer notice if the consumer:

(1) Tells DSHS that the consumer no longer wants SCC; or

(2) Has not informed DSHS of the consumer new mailing address.

[WSR 18-14-078, recodified as § 110-15-3730, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3730, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3730, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3730, filed 10/28/09, effective 12/1/09.]

## Eligible Providers and Rates

**WAC 110-15-3750 Eligible child care providers.** To receive payment under the SCC program, consumers' child care providers must comply with the eligibility requirements described in WAC 110-15-0125.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-3750, filed 2/3/22, effective 3/6/22. WSR 18-14-078, recodified as § 110-15-3750, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3750, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3750, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3750, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3750, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3760 SCC subsidy rates.** State child care subsidy rates are subject to legislative change.

[WSR 18-14-078, recodified as § 110-15-3760, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3760, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3760, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3760, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3770 Authorized SCC payments.** The SCC program may authorize payments to licensed or certified child care providers as described in WAC 110-15-0190, 110-15-0200, 110-15-0205, and 110-15-0215.

[Statutory Authority: RCW 43.216.579. WSR 22-12-072, § 110-15-3770, filed 5/27/22, effective 7/1/22. Statutory Authority: RCW 43.216.055

and 43.216.065. WSR 22-05-007, § 110-15-3770, filed 2/3/22, effective 3/6/22; WSR 20-08-077, § 110-15-3770, filed 3/26/20, effective 4/26/20. WSR 18-14-078, recodified as § 110-15-3770, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3770, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3770, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3770, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3770, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3790 When additional SCC subsidy payments are authorized.** DSHS may authorize additional child care when:

(1) Needed to accommodate a family's work schedule;

(2) Verification of work schedule is presented; and

(3) More than ten hours of care is needed per day (up to a maximum of sixteen hours a day) and the provider's written policy is to charge all families for these hours of care in excess of ten hours per day.

[WSR 18-14-078, recodified as § 110-15-3790, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3790, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3790, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3790, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3800 Eligible provider capacity and payment.** (1) DSHS may pay licensed and certified providers for authorized care up to the provider's licensed capacity as determined under WAC 170-297-5625, 170-295-0080, or 170-296A-5700, as appropriate.

(2) Licensed providers may not bill the state for more than the number of children they have in their licensed capacity and who are authorized to receive child care subsidies.

(3) A violation of subsection (2) of this section may:

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

(b) Establish a provider overpayment as provided in WAC 170-290-0268.

(4) As used in this section, "capacity" has the same meaning as defined in WAC 170-297-0010, 170-295-0010, and 170-296A-0010.

[WSR 18-14-078, recodified as § 110-15-3800, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3800, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3800, filed 5/8/12, effective 6/8/12.]

## Review Process

**WAC 110-15-3840 New eligibility period.** (1) To request SCC benefits be continued uninterrupted beyond consumer current eligibility periods, they must reapply to DCYF on or before the end date of their current eligibility periods.

(2) Determination of consumers' eligibility to receive uninterrupted SCC benefits beyond their eligibility periods will be made pursuant to the eligibility rules contained in this chapter.

(3) Consumers who reapply on or before the end date of their current eligibility periods may receive continued, uninterrupted benefits through second tier eligibility if their household has countable income greater than 60 percent but less than or equal to 65 percent of the SMI. If their countable monthly income is greater than 65 percent of the SMI, their reapplications will be denied.

(4) If consumers submit reapplications after the last day their current eligibility periods end and meet eligibility requirements, their consumer benefits will begin:

(a) On the date their reapplications are entered into DCYF's automated system or the date their reapplications are date-stamped as received by DCYF, whichever date is earlier;

(b) When they are working or participating in approved activities; and

(c) Their children are receiving care from approved providers under WAC 110-15-3750.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-3840, filed 2/3/22, effective 3/6/22. WSR 18-14-078, recodified as § 110-15-3840, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3840, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3840, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3840, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3840, filed 10/28/09, effective 12/1/09.]

## Payment Discrepancies

**WAC 110-15-3850 Payment discrepancies generally.** Child care subsidy payment discrepancies are described in WAC 110-15-0266 through 110-15-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for three months after the date of services.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-3850, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-3850, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-3850, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3850, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3850, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3855 Termination of and redetermining eligibility for SCC program subsidies.** (1) A consumer's continued eligibility for SCC benefits stops when the consumer:

(a) Does not complete the requested application or reapplication before the deadline provided in WAC 170-290-3665 and 170-290-3840;

(b) At application and reapplication, is not participating in an approved activity as defined in WAC 170-290-3555;

(c) Does not meet other SCC eligibility requirements related to family size, income and resources as provided in WAC 170-290-3558;

(d) Does not return the requested income verification of new employment by the sixtieth day as provided in WAC 170-290-0012;

(e) Does not comply with the copayment requirements of WAC 170-290-3565; or

(f) Refuses to cooperate with the child care subsidy audit process or the DSHS office of fraud and accountability (OFA).

(2) A consumer might be eligible for SCC program subsidies again beginning on the date that the consumer:

(a) Meets all SCC program eligibility requirements;

(b) Complies with the copayment requirements of WAC 170-290-3565; and

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

[WSR 18-14-078, recodified as § 110-15-3855, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 16-19-107, § 170-290-3855, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3855, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-3855, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-3855, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3855, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3857 Program violations and suspected fraud.** WAC 110-15-0277 and 110-15-0278 apply to the seasonal child care program.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 19-12-058, § 110-15-3857, filed 5/31/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-15-3857, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-3857, filed 11/7/17, effective 12/8/17.]

## Administrative Hearings—SCC

**WAC 110-15-3860 Right to request an administrative hearing.** SCC consumers and licensed or certified child care providers must follow WAC 170-290-0280 to request a hearing.

[WSR 18-14-078, recodified as § 110-15-3860, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3860, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265,

and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3860, filed 10/28/09, effective 12/1/09.]

**WAC 110-15-3865 Receipt of SCC program subsidies pending the outcome of an administrative hearing.** A consumer may receive SCC program subsidies while waiting for the outcome of a hearing as provided in WAC 170-290-0285.

[WSR 18-14-078, recodified as § 110-15-3865, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 11-12-078, § 170-290-3865, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3865, filed 10/28/09, effective 12/1/09.]

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

**WAC 110-15-4500 What types of child care subsidies are available to child welfare program participants?** DCYF may purchase:

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4500, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4500, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0010, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-108, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-108, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4505 Child and parent—Definitions.** The following definitions apply 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.

**"Parent"** means a biological or adoptive parent of a child or an individual who 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.

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4505, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4505, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0020, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-110, filed 6/7/18, effective 7/8/18. WSR 99-15-076, recodified as § 388-165-110, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. WSR 98-22-008, § 388-15-170, filed 10/22/98, effective

11/22/98. Statutory Authority: RCW 74.12.340 and 45 C.F.R. Part 98.41 Child Care and Development Block Grant. WSR 93-10-021 (Order 3535), § 388-15-170, filed 4/28/93, effective 5/29/93. Statutory Authority: RCW 74.12.340 and 45 C.F.R. 98.20, 98.30, 98.43 and 98.45; and 45 C.F.R. 257.21, 257.30, 257.31 and 257.41. WSR 92-11-062 (Order 3393), § 388-15-170, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.08.090. WSR 88-24-023 (Order 2732), § 388-15-170, filed 12/2/88; WSR 86-12-051 (Order 2387), § 388-15-170, filed 6/3/86; WSR 86-03-078 (Order 2333), § 388-15-170, filed 1/22/86; WSR 83-02-028 (Order 1931), § 388-15-170, filed 12/29/82. Statutory Authority: RCW 43.20A.550. WSR 82-14-048 (Order 1839), § 388-15-170, filed 6/30/82. Statutory Authority: RCW 74.08.090. WSR 82-01-051 (Order 1735), § 388-15-170, filed 12/16/81; WSR 81-10-034 (Order 1650), § 388-15-170, filed 4/29/81; WSR 80-15-010 (Order 1552), § 388-15-170, filed 10/6/80. Statutory Authority: RCW 43.20A.550. WSR 78-04-004 (Order 1276), § 388-15-170, filed 3/2/78; Order 1238, § 388-15-170, filed 8/31/77; Order 1204, § 388-15-170, filed 4/1/77; Order 1147, § 388-15-170, filed 8/26/76; Order 1124, § 388-15-170, filed 6/9/76; Order 1120, § 388-15-170, filed 5/13/76; Order 1088, § 388-15-170, filed 1/19/76.]

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4510, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4510, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0030, filed 6/29/18, effective 7/1/18. WSR 99-15-076, recodified as § 388-165-140, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. WSR 98-22-008, § 388-15-175, filed 10/22/98, effective 11/22/98.]

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4520, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4520, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0050, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-180, filed 6/7/18, effective 7/8/18; WSR 13-08-064, § 388-165-180, filed 4/1/13, effective 5/2/13; WSR 99-22-011, § 388-165-180, filed 10/22/99, effective 11/22/99.]

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4525, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4525, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0060, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-185, filed 6/7/18, effective 7/8/18; WSR 13-08-064, § 388-165-185, filed 4/1/13, effective 5/2/13; WSR 99-22-011, § 388-165-185, filed 10/22/99, effective 11/22/99.]

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

(1) Care is for nonstandard hours as defined in WAC 110-15-0249;

(2) A child has a documented special need under WAC 110-15-0220;

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

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4530, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4530, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0070, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-190, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-190, filed 10/22/99, effective 11/22/99.]

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4540, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4540, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0090, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-200, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-200, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4550 What is the DCYF child care subsidy rate for children with special needs in a licensed or certified child care center?** For children with documented special needs, 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 110-15-0225 (1)(a) or (b).

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4550, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as §

110-15-4550, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0110, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-215, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-215, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4555 What is the 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, DCYF 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 110-15-0230 (1)(a) or (b).

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4555, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4555, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-220, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-220, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4560 What is the DCYF in-home/relative child care rate for children with special needs?** For children with documented special needs, DCYF pays the base rate authorized in WAC 110-15-0240 and the applicable special needs rate listed in WAC 110-15-0235.

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4560, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4560, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0130, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-225, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-225, filed 10/22/99, effective 11/22/99.]

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4565, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4565, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0140, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090. WSR 18-13-012, § 388-165-230, filed 6/7/18, effective 7/8/18; WSR 99-22-011, § 388-165-230, filed 10/22/99, effective 11/22/99.]

**WAC 110-15-4570 In-home/relative child care.** (1) When the parent(s) chooses in-home/relative child care, the parent(s) will give the in-home/relative child care provider's name and address to the department and make the following assurances at the time child care is authorized:

(a) The in-home/relative provider is:

(i) Eighteen years of age or older;

(ii) Of sufficient physical, emotional, and mental health to meet the needs of the child in care. If requested by the department, the parent(s) must provide written evidence that the in-home child care provider of the parent's choice is of sufficient physical, emotional, and mental health to be a safe child care provider;

(iii) Able to work with the child without using corporal punishment or psychological abuse;

(iv) Able to accept and follow instructions;

(v) Able to maintain personal cleanliness; and

(vi) Prompt and regular in job attendance.

(b) The child is current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;

(c) The home where care is provided is safe for the care of the child; and

(d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the child.

(2) The in-home/relative child care provider's primary function while on duty is to provide child care. The in-home/relative child care provider will have the following responsibilities:

(a) Provide constant care and supervision of the child for whom the provider is responsible throughout the arranged time of care in accordance with the needs of the child; and

(b) Provide developmentally appropriate activities for the child who is under the in-home/relative child care provider's care.

(3) The department provides the parent(s) with information about basic health practices, prevention and control of infectious diseases, immunizations, and building and physical premises safety relevant to the care of the child.

[WSR 19-14-078, recodified as § 110-15-4570, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0150, filed 6/29/18, effective 7/1/18. WSR 99-15-076, recodified as § 388-165-235, filed 7/20/99, effective 7/20/99. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090 and 74.13.0903. WSR 98-22-008, § 388-15-176, filed 10/22/98, effective 11/22/98.]

**WAC 110-15-4575 What is the responsibility of DCYF regarding child care subsidies for in-home/relative child care?** (1) On all payments DCYF makes toward the cost of in-home/relative child care, 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 DCYF makes toward the cost of in-home/relative child care 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 the per family threshold allowed by *Internal Revenue Service Publica-*

*tion 926, Household Employer's Tax Guide*, in a calendar year, DCYF refunds all withheld taxes to the provider.

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4575, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4575, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0160, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-245, filed 10/22/99, effective 11/22/99.]

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

[Statutory Authority: RCW 74.12.340. WSR 21-18-110, § 110-15-4580, filed 8/31/21, effective 10/1/21. WSR 19-14-078, recodified as § 110-15-4580, filed 7/1/19, effective 7/1/19. WSR 18-14-078, recodified as § 110-20-0170, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 74.12.340, 74.04.050, 74.04.055 and 74.08.090. WSR 99-22-011, § 388-165-250, filed 10/22/99, effective 11/22/99.]