

Chapter

# 10

CHILD CARE

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Policies & Procedures

Workforce Solutions  
Rural Capital Area

Revised October 2011

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# Child Care

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## CHILD CARE

### 10.001 Workforce Solutions Rural Capital Area Child Care Committee

The Child Care Committee shall be comprised of appointed Board members. The Committee shall meet at least twice per year and as deemed necessary by the Committee and/or Board staff.

### 10.002 WSRCA Child Care Services Advisory Committee

WSRCA may ask members of the community-at-large to participate as an advisory committee for family and child care issues. Participants shall be chosen from other agencies such as Department of Family and Protective Services, Protective & Regulatory Services, Child Care Licensing, Head Start, Even Start, advocacy and adult Learning centers, parents, providers, child care staff, faith-based organizations and others.

### 10.003 Coordination with Other Child Care Entities

The WSRCA will coordinate with other federal, state, and local child care and early childhood development programs and state entities responsible for public health, training and employment services, and public education.

### 10.004 Coordination of Funds with TANF

Contractor Child Care and Workfirst (TANF/Choices) staff will be housed together in the Texas Workforce Centers to ensure the coordination of child care funds with TANF services and Choices funds.

### 10.005 Integration of Services under the Workforce Development Act (WIA)

Contractor Child Care and WIA staff will be housed in the Texas Workforce Centers of Texas. Child care staff and WIA case managers will work together to enroll WIA participants who are eligible into CCMS.

### 10.006 Priorities for Child Care Services

Choices, Transitional, Workforce Orientation Applicant, and FSE&T families will receive first priority for services. The WSRCA child care priorities will then include, when funds are

available, children who need to receive protective services child care, children of a qualified veteran, children of a foster youth, children of teen parents, and children with disabilities. Child care services for clients in priority categories will be extended to those families who require full year care, not to include former DFPS children needing protective services related child care, whose care is limited to six months.

After the enrollment of these priority categories, priority for enrollment from the waiting list will be sibling's of children currently in care, and Workforce Investment Act children who meet the CCMS eligibility guidelines. The remaining enrollment is from the waiting list, on a first come, first serve basis as determined by the percentage of the county poverty share and the amount of child care funds expended in the county.

If there are no families on the wait list in a county where the percentage of poverty share is less than the percentage of direct child care funds expended, the CCMS contractor will go to the next county in line.

WSRCA maintains a wait list for child care services for parents who meet basic child care services eligibility. Parents must keep their information current.

Parents must wait at least 30 calendar days from prior end of service date to reapply for child care services.

### 10.007 Quality Activities

The WSRCA will review the child care budget annually to determine if child care funds are available for quality improvements. Quality activities may include but not limited to differential payment for Texas Rising Star Providers, resource room services, technical assistance, facility resources, college tuition and training.

### 10.008 Local Matching Funds

Annually, the Child Care Committee will recommend to the Board a strategy for soliciting community partners for local match funds and the amount of funds that may be expended for quality improvements after ensuring that sufficient funds are directed toward direct child care to meet the units of service performance measure.

### 10.009 Record of Parental Complaints

The WSRCA will maintain data on substantial parent complaints at the Board's administrative office.

### 10.010 General Eligibility Requirements

For a child to be eligible for child care services through the Rural Capital CCMS:

1. The child must be under 13 years of age unless the child qualifies as a child with disabilities and reside in the Rural Capital Area

2. The child's family must:
  - a. Have a total household gross income that does not exceed 85% of the state median income for a family of the same size
  - b. State the number in household
  - c. Participate in training, education or employment activities a minimum of 25 hours a week (post-secondary education each credit hour counts as 3 hours of education activity per week)
  - d. Reside in the Rural Capital Area

For eligibility requirements for children of teen parents, see policy 10.040.

## 10.011 Parent Fees

Parent fees for child care services will be based on family household size and family gross income on a sliding scale of amount of family members and income ranges, and further adjusted only by the number of children in care and for before/after school care. Parent Share of Cost will be zero for households whose income is less than the sliding parent share of cost rate.

## 10.012 Attendance

The WSRCA's contractor will terminate a child's enrollment for excessive absences if an absence of five consecutive days without parental notice to the provider or contractor occurs, or if an absence of thirty days occurs in a one year period. An exception to this provision is allowed for extended court ordered visits that require the child's absence. The enrollment of the child will continue according to the court ordered visitation schedule decreed by the court.

An absence extension of no more than 30 days may be granted by the WSRCA if two-thirds or more of the child's absences are due to substantiated illnesses or other extenuating circumstances that were beyond the control of the parent.

The provider must notify the contractor staff of any child's absence of three consecutive days of scheduled care. Providers are required to review the CCAA portal at a minimum of every other day (every two days). The provider will receive payment on CCAA swiped days and CCAA non-swiped (Z) days.

The parent will be allowed a combination of 30 days of non-swipe (Z) days and absences, combined in one year, starting from the last enrollment date. Child care services will end for parents reaching the 30 days of non-swipe (Z) days and absences.

## 10.013 Time Limit for Educational Activities

Child care will be provided for:

1. A maximum of twenty four months of technical training after high school, a GED or a high school certificate of completion
2. The award of an Under-Graduate degree, not to exceed forty eight months
3. Up to forty eight months for an associate degree in a high demand occupation if the parents are attending school part-time due to full-time or part-time employment

The clock for the forty eight months of child care may start over if during the family's recertification, changes have occurred that interrupted their training and prevented them from attending the educational activity on a continuous basis.

Under special circumstances, the length of time that child care can be provided may be extended upon approval of the WSRCA Executive Director.

Parents will be considered to have successfully completed their educational or training activity if at the end of the time limits, a degree, certification, diploma, or license is obtained.

## 10.014 Eligibility Requirements for Children with Disabilities

A child qualifies as a child with disabilities if they are physically or mentally incapable of caring for themselves. Children with disabilities are eligible for child care services if residing with parents:

1. Whose household income, after deducting the cost of the child's ongoing medical expenses, does not exceed 85% of the state median income for a family of that size.
2. Child care is required for the child's parents to participate in a combination of training, education or employment for a minimum of 25 hours per week. Each parent, or caretaker, or other adult considered in the household must have participation hours of at least 25 hours per week. For parents enrolled in post-secondary education each credit hour will count as three hours education activity per week.

Child care services are extended to children with disabilities who are 13 to 19 years of age, provided that the general eligibility requirements are met

## 10.015 Listed Providers

The WSRCA authorizes the use of providers "listed" with the Texas Department of Family and Protective Services (TDFPS) as an eligible provider of relative self-arranged care.

## 10.016 Units of Service

Payments for services will be based on a full day unit of service, defined as six to twelve hours of care provided within a 24 hour period, or a part day unit of service defined as less than six hours of care provided within a 24 hour period.

## 10.017 Provider Reimbursement Rates

The WSRCA will establish maximum reimbursement rates that provide equal access to child care in the Rural Capital Area in a manner consistent with state and federal statues and regulations governing child care. The rates will be based on local factors and the most recent market rate survey provided by the Texas Workforce Commission.

The maximum reimbursement rates will include a graduated reimbursement rate for Texas Rising Star Providers and Texas Early Education Model Providers. The minimum reimbursement rate for Texas Rising Star Providers will be at least five percent greater than the maximum rate established for non-Texas Rising Star Providers for the same category of care. The minimum reimbursement rate for Texas Early Education Model and Texas School Ready Providers will be equal to the Texas Rising Star level three rate.

Providers will be reimbursed at the Board's maximum rate or the provider's published rate, whichever is lower. Providers will accept only the assessed parent fee and the reimbursement for payment of child care services.

Providers may be paid an inclusion assistance rate, if necessary, to assist in the care of a child with disabilities. The inclusion assistance rate is a rate up to 190% of the provider's reimbursement rate for a child of that same age, and is to provide for additional staff to assist in the care of the child with disabilities. A professional who is familiar with assessing the needs of children with disabilities must certify the need for the inclusion assistance rate.

#### 10.018 Payment to Providers when a Parent Fails to Make Co-Pay

Effective September 1, 2004, providers are responsible for collecting parent fees. When providers are unable to collect from parents within the first three business days of the month, the provider must notify the CCMS contractor. CCMS contractor will notify the parent in writing that child care will be terminated in 15 days for non-payment of parent fees.

#### 10.019 Payment to Providers

CCMS MOU's may only be entered into with those facilities that are in good standing with Child Care Licensing. Payments to providers will be made as long as the terms of the MOU are met, and payments will only be made via electronic funds transfer (EFT).

#### 10.020 Qualifications to Provide Unregulated Relative Self Arranged Care

If chosen by the parent, the following relatives who are at least 18 years of age are eligible to provide relative self-arranged care:

1. Child's grandparents
2. Child's great-grandparents
3. Child's aunt
4. Child's uncle
5. Adult sibling of the child

The provider must not be listed on the Texas Sex Offender Registry. This will be checked annually.

The provider must be listed with the Texas Department of Family and Protective Services, effective November 1, 2011.

All eligible self-arranged child care providers must not be residing in the same household as the eligible child, unless an exception is allowed.

Reimbursement for child care services provided by relative self-arranged providers will be for days children are actually in attendance.

A relative providing self-arranged child care will not be reimbursed for more than 6 children in care.

Payment to all unregulated relative self-arranged providers will be made on a monthly basis.

### 10.021 Transportation Fees

Child care providers who choose to transport children must include their transportation fee in their regular fee schedule. No additional transportation fees will be paid.

### 10.022 Timely Provider Billing

All providers, contracted or self-arranged, must submit original bills to RC CCMS within 20 days of the last day of their billing cycle.

### 10.023 Child Care During Temporary Interruption in Employment, Education or Job Training Activities

Clients who have been determined eligible and have an interruption in employment, education or job training activities, may receive:

1. 4 week job search – for each case, within a Federal fiscal year
2. 60 day disability – for each case, one (1) time within 12 month period. An additional 30 day period may be granted in the event of a documented temporary medical incapacitation, with child care being suspended during that 30 day period.
3. Continuing child care services when the temporary interruption is due to: illness of the parent or child, reduction in business hours, jury duty, brief breaks such as holidays, school breaks, and breaks between the end of the last summer session and the beginning of the fall session. These interruptions must be documented.

Child care may be suspended for up to 90 calendar days from the documented effective date of temporary interruption of activities. Examples of these interruptions might be for employees such as teachers and teachers' aides, and for students and teen parents during school breaks like spring breaks, Christmas holidays, and summer breaks.

Exceptions to the above will be approved by WSRCA Executive Director.

## 10.024 Fraud, Waste, Theft and Abuse

Refer to the Financial Policy Section FP-01.021 for the WSRCA policy regarding fraud, waste, theft and abuse.

## 10.025 Reapplication for Provider Status after Termination of the CCMS Provider MOU

If a CCMS Provider MOU has been terminated for violation of the terms of the Provider MOU, the Provider shall wait for a period of up to one year after the termination of the MOU before reapplying.

## 10.026 Discontinuation of Care

Children may only be removed from care for:

1. Failing to adhere to Board eligibility requirements and policies
2. If funding will not support the increase in priority clients, such as Choices and Transitional child care recipients, while maintaining the same level on Income Eligible child care enrollments.

The WSRCA and the Child Care Contractor will monitor expenditures on a continual basis so that first priority clients will have funding. When funding is no longer available, Income Eligible clients will receive 30 days written notification prior to termination of child care services. The Child Care Contractor will provide information on other child care services in the community the family may be eligible for.

Teen parents participating in high school and children with disabilities will still receive income eligible priority and will be the last clients to be terminated.

Terminations will be considered first on a client basis and then family considerations. This rule does not apply to the whole family but is child specific. Termination of clients will be chosen on the following criteria:

1. Not in a priority group
2. Age of child (older children terminated first)
3. Income base of parent (higher income terminated first)

Clients terminated for not complying with the WSRCA eligibility requirements or policies will be provided with 15 day notice prior to termination.

## 10.027 Promoting Consumer Education

The WSRCA will ensure that the Child Care Contractor makes available to all parents deemed eligible for child care services through the Rural Capital CCMS program a consumer guide to child care providers who have Provider MOU with Rural Capital CCMS. The guide shall include the following information:

1. Name, address, telephone number of each child care provider
2. Whether the provider is licensed or registered with the Department of Family and Protective Services (DFPS)
3. Has met the Texas Rising Star criteria
4. The requirements to be licensed or registered with DFPS
5. A description of the types of facilities or homes
6. Telephone number and web-site address for DFPS
7. Information on how to choose quality child care

## 10.028 Eligibility Verification

The WSRCA Child Care Contractor will re-determine a family's eligibility for child care at a minimum of every twelve months or at any time there is a change in family income or other information that could affect eligibility to receive child care services. If CCMS contractor discovers any changes in family eligibility not reported within the 10 day period, a written notification will be sent to the parent stating child care will be terminated in 15 days. The Contractor may re-determine eligibility on a shorter frequency for families participating in a training or educational component.

## 10.029 Board Review

The WSRCA will conduct a review for any parent, provider or a Board's Contractor against whom an adverse action has been taken. A request for review shall be submitted in writing and delivered to the Board within 15 days of the date of written notification of adverse action. The request shall contain:

1. A concise statement of the disputed adverse action
2. A recommended resolution
3. Any supporting documentation the requester deems relevant to the dispute

On receipt of a request for review the Board shall coordinate a review by appropriate Board staff. Additional information may be requested from the Board's contractor, provider or parents. The information shall be provided within 15 days of the request. Within 30 days of the date the request for review is received or of the date that additional requested information is received by the reviewing Board staff member, the Board shall send the Board's contractor, provider or parent written notification of the results of the review.

## 10.030 Provider MOU Violations

The WSRCA's Child Care Contractor will terminate the MOU with any provider who is not in good standing with the terms of the MOU. The Child Care Contractor, in response to an MOU violation, may:

1. Temporarily withhold payments
2. Recoup funds

## 10.031 Recovery of Overpayment

The WSRCA will attempt recovery of all overpayments to a provider or unregulated relative self-arranged caretaker. Recovery of overpayment will be managed in accordance with Texas Workforce Commission policies and procedures in the Commission guidelines.

The WSRCA Contractor will include the WSRCA in all correspondence with the provider.

## 10.032 Reasonable Distance for Choices Participants

For individuals who use cars or public transportation to travel to child care and work, child care is not available within a reasonable distance if the total time it takes to travel from home to child care and from child care to work is either:

1. More than 1 hour
2. More than twice the time it takes to make the trip by car (for those who travel by some other means of transportation), whichever is shorter

For individuals who walk to child care and work, child care should be considered available within a reasonable distance if the total trip from home to child care and child care to work is no longer than the average commute time for the county. To determine the average commute time the WSRCA will use statistics from the U.S. Census data or other appropriate data.

In measuring whether child care is a reasonable distance the Workforce Solutions Rural Capital Area will consider the actual time it would take the particular individual to make these trips, given the means of transportation used, and the days and times that the individual will be traveling.

To be reasonable transportation to and from child care must be affordable.

## 10.033 Child Care Needs and Resources Assessment

The WSRCA's Child Care Contractor will conduct annually an assessment of the child care needs and resources in the Rural Capital Area identifying areas where resources are insufficient for meeting the needs of Rural Capital CCMS families.

## 10.034 Provider Memorandum of Understanding (MOU)

Provider MOUs are agreements between the Rural Capital CCMS Contractor and the providers of child care, which:

1. Are in writing and signed by the provider and the Rural Capital CCMS program designee before child care services are rendered
2. Specify the roles and responsibilities of the parties

The Provider MOU must include notices, statements, and terms that detail provider obligations for complying with federal and state statutes and regulations relating to child care including, but not limited to, statements to ensure that discrimination is prohibited as referenced in 45 Code of

Federal Regulations §§98.20, 98.46, and 98.47, as may be amended, Title VI of the Civil Rights Act of 1964 (Public Law 88-352), Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), The Americans with Disabilities Act of 1990 (Public Law 101-336), the Health and Safety Code Section 85.113 (relating to workplace and confidentiality guidelines regarding AIDS and HIV), Title 40, Chapter 73 of the Texas Administrative Code, and all amendments to each, and all requirements imposed by the regulations issued pursuant to these acts.

Failure by the Rural Capital CCMS program to maintain a Provider MOU may result in disallowed costs by the Rural Capital Board and the Texas Workforce Commission.

### 10.035 Eligibility Documentation

The Rural Capital Area CCMS contractor is responsible for all eligibility documentation.

### 10.036 Provider Holidays

Child Care Providers who enter into a Provider Agreement with the Rural Capital CCMS and do not participate in the Texas Rising Star program will be allowed to bill for up to nine days when the facility is closed and no children are in care. These nine days must be documented in the Provider Agreement. Prior approval from Rural Capital CCMS must be obtained prior to changing a date listed in the Provider Agreement.

CCMS Providers who participate in the Texas Rising Star Program are allowed to bill the following additional days when the facility is closed and no children are in care. These days may be used for staff development.

1. 3 Star Texas Rising Star Providers are allowed up to an additional 2 days
2. Fully Certified or 4 Star Providers are allowed up to an additional 3 days
3. Texas Early Education Model and Texas School Ready Providers are allowed up to an additional 2 days

All Providers are required to notify parents at time of enrollment of the days that their facility will be closed for either holidays or staff development days. Providers are required to notify the parents at least two weeks prior to the date the facility will be closed. If parents need child care on the days the Child Care Provider is closed the parent is responsible for arranging and paying for those days. For these unpaid days, if the provider is closed for three days or more, the contractor may transfer the children to another facility.

### 10.037 Parent Responsibility Agreement

At initial eligibility the parent or caretaker of a child receiving child care services through the Rural Capital CCMS program must adhere to the parent responsibility agreement as part of the child care enrollment process, unless the parent is receiving Temporary Assistance to Families with Dependent Children (TANF) or is receiving services through DFPS Child Protective Services division.

The parent responsibility agreement requires that:

1. Each parent shall cooperate with the Title IV-D agency, if necessary, to establish paternity of the parent's children and to enforce child support on an on-going basis
2. Each parent shall not use, sell, or possess marijuana or a controlled substance in violation of Health and Safety Code, Chapter 481, or abuse alcohol
3. Each child in the family younger than 18 years of age attend school regularly, unless the child has a high school diploma or a high school equivalency certificate or is specifically exempted from school attendance by Education Code, §25.086

As part of the eligibility requirements, the parent must provide proof of establishment of paternity for each child in the household that would be receiving child care services at initial eligibility or must demonstrate cooperation with the Texas Attorney General's office within 60 days of the initial eligibility determination. Proof of establishment of paternity may include either a certified copy of the birth certificate naming both parents or other court documents that sets forth paternity and/or child support. Proof of cooperation with the Texas Attorney General's (A.G.) office may include any documentation that shows a case has been opened with the Attorney General's Child Support division.

A parent's refusal to sign the Parent Responsibility Agreement or demonstrate cooperation in establishing paternity and enforcement of child support will be grounds for denial of child care services.

If a parent declares the receipt of child support, that amount will be included in the calculation of income however receipt of child support does not negate the requirement to provide proof of establishment of paternity.

The parent is not required to comply with the establishment of paternity or enforcement of child support if one or more of the below situations exist:

1. The paternity of the child cannot be established after a reasonable effort to do so;
2. The child is a product of an incestuous relationship or rape;
3. The parent of the child is a victim of domestic violence;
4. Adoption proceedings for the child are pending;
5. The parent of the child has been working with an agency for three months or less to decide whether to place the child for adoption;
6. The child may be physically or emotionally harmed by cooperation; or
7. The parent may be physically or emotionally harmed by cooperation, to the extent of impairing the parent's ability to care for the child.

In these cases "Good Cause" will be noted on the Parent Responsibility Agreement at the initial eligibility determination and at each eligibility re-determination thereafter.

It is the policy of WSRCA that a CCMS sponsored child may transfer from one child care arrangement to another child care arrangement two times within a fiscal year unless there are extenuating circumstances to warrant additional transfers. Parents are encouraged to give two weeks notice to the provider if allowed by the funding source and circumstances.

## 10.038 Parent Responsibility Agreement Sanctions

Failure of a parent to comply with any section of the parent responsibility agreement noted in WSRCA Policy 10.037 will be grounds for denial or termination of child care services with 15 days written notice.

## 10.039 Eligibility Requirements for Children Living At Low Incomes

Children living at low incomes are eligible for child care if:

1. The family's household income does not exceed 85% of the state median income for a family of that size.
2. Child care is required for the child's parents to participate in a combination of training, education or employment for a minimum of 25 hours per week. Each parent, or caretaker or other adult considered in the household must have participation hours of at least 25 hours a week. For parents enrolled in post-secondary education each credit hour will count as three hours of education activity per week. For parents enrolled in GED training, each classroom hour will count as three hours of educational activity per week. The remaining participation hours per week would be met by employment, or by training in a structured classroom environment.

## 10.040 Eligibility Requirements For Children Of Teen Parents

A child of a teen may be eligible for child care if:

1. The teen parent's family income does not exceed 85% of the state median income for a family of that size
2. The teen needs child care to complete high school or the equivalent

The teen parent's family income is based solely on the teen parent's income and size of the teen's family.

## 10.041 Evaluation Of Parent's Needs For Child Care

When evaluating the need for child care for parents who meet the eligibility requirements for children living at low incomes the Rural Capital CCMS contractor must consider if:

1. There are other sources of child care available
2. The parent needs the child care in order to participate in training, education or employment activities

The Rural Capital CCMS contractor authorizes child care for the number of hours needed to support the parent's participation in employment, education or training activities.

## 10.042 Children Receiving or Needing Protective Services

The WSRCA will ensure that determinations of eligibility for children needing protective services are performed by the Department of Family and Protective Services (DFPS). Child care continues as long as authorized and funded by the DFPS.

In closed DFPS cases where child care is no longer funded by DFPS, the following procedures shall apply:

### **Former DFPS Children Needing Protective Services Related Child Care**

Regardless of whether the family meets the income eligibility requirements of the WSRCA or is working, or in an educational or training activity, if the DFPS determines on a case-by-case basis that the child continues to need protective services and child care is integral to that need, then the WSRCA shall continue the child care by using other funds, including funds received through TWC, for the child care slot for up to six months after the DFPS case is closed. At the time of the determination, DFPS staff will be advised that discretion must be used to ensure that the determination for continued child care is absolutely necessary as the child care must be funded by WSRCA.

### **Former DFPS Children Not Needing Protective Services Related Child Care**

If the family meets income eligibility requirements of the WSRCA and if the DFPS does not state on a case-by-case basis that the child continues to need protective services or child care is not integral to that need, then the WSRCA may provide child care subject to the availability of funds. To receive child care under this DFPS determination, the parent must be working, or in a training or educational activity.

## 10.043 Update of Parent Information

Parent fees for child care services will be based on family household size and family gross income on a sliding scale of amount of family members and income ranges, and further adjusted only by the number of children in care and for before/after school care. Parent Share of Cost will be zero for households whose income is less than the sliding parent share of cost rate.

## 10.044 Annual Review of Provider Reimbursement Rates

Annually, the Executive Director will review the provider reimbursement rates for child care to determine if a rate adjustment is needed and feasible.

## 10.045 Utilization of the Child Care Automated Attendance (CCAA) System

Parents and providers must utilize the CCAA system to record the attendance of child(ren).

## 10.046 Self-Employment Eligibility for Child Care Services

In addition to the regular eligibility documents required to be considered for child care services, self-employed parents must furnish a tax identification number and verification of three months of self-employment. The income verification cannot show a negative income over a period of six months.