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**IDAPA 15
TITLE 15
Chapter 14**

**15.15.14 - IDAHO CHILD CARE PROGRAM
FOR CHILD CARE AND DEVELOPMENT BLOCK GRANT FAMILIES**

000. LEGAL AUTHORITY.

The Idaho Office for Children, Office of the Governor, pursuant to 45 CFR parts 98 and 99, Final Rule, U.S. Department of Health and Human Services Block Grant, Section 5082 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, and Article 4, Section 5 of the Idaho Constitution and Idaho Code Section 67-802, did adopt the following rules for the administration of the Child Care and Development Block Grant. (10-28-93)

001. TITLE AND SCOPE.

These rules are known and will be cited as Idaho Office for Children Rules Governing the "Idaho Child Care Program (ICCP), Child Care and Development Block Grant," Title 15, Chapter 14. These rules provide standards for determining eligibility and issuing child care reimbursement. (6-5-92)

002. POLICY.

It is the policy of the Idaho Office for Children, to serve the citizens of Idaho and to distribute funds in accordance with acceptable standards. The Idaho Office for Children and the Idaho Department of Health and Welfare, for the purposes of providing a single child care program, have combined several programs thereby creating the Idaho Child Care Program (ICCP). Recipients of ICCP child care services will include JOBS (AFDC recipient); Non-JOBS (AFDC - Receives AFDC, has other W&T plan); Transitional Child Care (has been on AFDC, now working); At Risk (working but earns less than seventy-five percent (75%) of state median income, children under thirteen (13) years); Child Care and Development Block Grant (working, attending training or educational classes, but earns less than seventy-five percent (75%) of state median income, children under thirteen (13) years); Special Needs (working and meets income guidelines under "at risk" or block grant but has special need child(ren) thirteen (13) years or older); Preventive Services (requests special services as a result of court order or prosecutor approved plan under child protection act.) (10-28-93)

003. PURPOSE.

The purpose of the Idaho Child Care Program (ICCP) is to increase the availability, affordability and quality of child care services. (6-5-92)

004. DEFINITIONS.

The following definitions apply to this chapter: (6-5-92)

01. At-Risk Child Care. Child care reimbursement for employed families not receiving AFDC benefits. These families would be at risk of becoming eligible for AFDC if they did not receive child care reimbursement. (6-5-92)
02. Caretaker. The person legally responsible for the care of a child. This person is usually a relative. (6-5-92)
03. Child Care and Development Block Grant. Child care services to families who are working, seeking work, attending education or training programs, or whose child receives or needs to receive preventive services; whose income does not exceed seventy-five percent (75%) of the state median for a family of the same size, and who need care for a child under the age of thirteen (13) years, or a child who has special needs and is under the age of eighteen (18) years, or if enrolled in school, the age of nineteen (19) years. (10-28-93)
04. Child Support Income. Any payment made by an absent parent designated to be used for the children. (6-5-92)
05. Common Child. A child, related by blood to both parents in the home. (6-5-92)
06. Department. The Idaho Department of Health and Welfare. (6-5-92)
07. Earned Income. Income received by a person as wages, tips, or self-employment income. (6-5-92)

08. Eligible Alien. A legal alien, admitted to the United States for permanent residence, or persons lawfully living in the United States. (6-5-92)
09. Employment. A job paying wages or salary, including work paid by commission, or in-kind compensation. Full or part-time participation in a VISTA program is also considered employment. (10-1-94)T
10. Family. Persons residing in the same household, related by blood, marriage, adoption, or guardianship, or acting as parents. (6-5-92)
11. Foster Care. Parental care provided for a child by a family arranged by a private or public agency. (6-5-92)
12. Fraud. Obtaining or attempting to obtain ICCP services for which one is not eligible or in an amount to which not entitled by means of a willfully false statement or representation, or other fraudulent device. (10-28-93)
13. Idaho Child Care Program. The Idaho Office for Children and the Idaho Department of Health and Welfare, for the purposes of providing a single child care program, have combined the Child Care and Development Block Grant, At-Risk Child Care Program, and Title IV-A (Non-JOBS) Child care, thereby creating the Idaho Child Care Program. (10-28-93)
14. Job Training and Education Program. A program recognized as job training or education program. Programs include in high school, junior college, college, general equivalency diploma (GED), technical school, and vocational programs. To qualify, the program must prepare the trainee for employment. (10-28-93)
15. Loan. Debt having an enforceable repayment schedule. (10-28-93)
16. Local Market Rate for Child Care. Reimbursement of child care set at the seventy-fifth (75th) percentile of the range of costs for child care in a specific area. The rate is adjusted for the age of the child, a child's special needs, and the type of child care facility. The local market rate establishes the maximum amount reimbursable through ICCP. (10-28-93)
17. Mediation. Process to resolve disputes between providers of child care services and parents or caretakers of children receiving child care. (10-28-93)
18. Non-Recurring Lump Sum Income. Income received by a family in a single payment, not expected to be available to the family again. (10-28-93)
19. Office. The Idaho Office for Children, Office of the Governor. (10-28-93)
20. Prospective Income. Income a family expects to receive within a given time. This can be earned or unearned income. (10-28-93)
21. Preventive Services. Child care required to permit the family to receive services needed to reduce or eliminate the need for protective intervention. Children placed in foster care are not eligible for preventive services. (10-28-93)
22. Provider. An individual, organization, agency, or other entity providing child care. (10-28-93)
23. Resources. Money or items that can be converted to money that can be used for family care. (10-28-93)
24. Satisfactory Progress. A standard of progress which a participant must meet in an educational or training program. Standards are established by each individual program and must include both qualitative and quantitative measures of progress. (10-28-93)
25. Special Needs. Any child with physical, mental, emotional, behavioral disabilities, or

developmental delays covered by state statutes or an individual education plan or an Individualized Family Service Plan. (10-28-93)

26. Unearned Income. Income from other than employment or self-employment. Unearned income includes retirements, interest, and rental income. (10-28-93)

005. ABBREVIATIONS.

The following abbreviations apply to this chapter: (6-5-92)

- 01. AFDC. Aid to Families with Dependent Children. (6-5-92)
- 02. GED. General Equivalency Diploma. (6-5-92)
- 03. ICCP. Idaho Child Care Program. (6-5-92)
- 04. IOC. Idaho Office for Children (6-5-92)
- 05. JOBS. Job Opportunities and Basic Skills Program. (6-5-92)
- 06. SSI. Supplemental Security Income. (6-5-92)
- 07. TCC. Transitional Child Care. (6-5-92)

006. -- 049. (RESERVED).

050. APPLICATION.

Families must complete and sign a written (6-5-92)

051. APPLICATION DATE.

The application date is the date the family brings the application form to the ICCP office or a Department field office. When the application is mailed, the application date is the postmark date. If the postmark date is not legible, the application date is two (2) days prior to the date received. (6-5-92)

052. EFFECTIVE DATE.

The first day of the month of application is the effective date for child care reimbursement. Families are not entitled to child care benefits for any month preceding the month of application. When a waiting list has been implemented by the Idaho Child Care Program, the application will be effective on the first day of the month the application is removed from the waiting list and processed for eligibility. (10-1-94)T

053. TIME LIMIT FOR APPLICATION PROCESSING.

Each application must be processed within thirty (30) calendar days, unless prevented by events beyond ICCP's control. The time limit is counted from the application date to the date the notice of eligibility determination is mailed to the family. The time limit may be extended fifteen (15) calendar days if additional time is required to obtain required verifications. The time limit must not be used as a waiting period for acting on an application. The time limit must not be used as the basis for denial of an application. (10-28-93)

054. APPLICATION PROCESSING ACTIONS.

An application for ICCP services must be processed in one (1) of the following manners: (6-5-92)

- 01. Approval. When an application is approved, a Notice of Decision must be mailed to the family. The Notice of Decision must advise the family of their approval for child care reimbursement. (6-5-92)
- 02. Denial. A family must be denied when determined ineligible for ICCP benefits. The family must be sent a notice of decision giving an explanation of the reason for ineligibility and the rule citation for the decision. The family must be sent an explanation of the right to appeal the decision. (10-28-93)
- 03. Withdrawal. A family may withdraw its application, either orally or in writing. The family may

withdraw the application at any time before an eligibility decision is made. A Notice of Decision must be mailed to the family advising them of the application denial due to withdrawal. An application abandoned due to the family's failure to keep a scheduled appointment or contact ICCP will be considered voluntarily withdrawn. An abandoned application must be denied thirty (30) days following the application date. (6-5-92)

055. REQUIRED VERIFICATION.

Verification is the use of third-party data or proof to establish the accuracy of information contained in the application and claims for child care reimbursement. Each family applying for ICCP benefits must furnish verification to establish eligibility for reimbursement. At the time of application the family must receive a written list of the verification they will need to provide to ICCP. The family must be allowed ten (10) calendar days to provide verification. The family must be advised they may contact the ICCP office before the deadline if they are unable to obtain the required verification and request an extension of the deadline. The family must be advised failure to provide the verification will result in benefit denial. ICCP has the right to independently confirm information on the application or on a child care claim form. See Subsections 055.01 through 055.10 for types of verification. (7-1-93)

01. Social Security Numbers. Social Security numbers are required for participation in the ICCP program. The Social Security numbers must be verified. (6-5-92)

02. Employment. Verification of all employment must be supplied. (6-5-92)

03. Income. Verification of all income, earned or unearned, must be supplied. (6-5-92)

04. Citizenship and Alien Status. A declaration of citizenship must be completed to participate in the ICCP program. Verification of alien status must be provided for persons who are not citizens. Verification of alien status must be provided if there is a reason to question citizenship. (6-5-92)

05. Verification of Age and Relationship. A birth certificate or other proof of age must be provided to verify the age and relationship of family members. (6-5-92)

06. Under Court Order. Verification a child is under court supervision must be provided by a court order. The period the court order covers is critical to determine ICCP eligibility. (6-5-92)

07. Disability. Disability of a child thirteen (13) years old or older is verified by a physician, nurse practitioner licensed psychologist, social worker, special education teacher, or speech therapist finding the child physically or mentally not capable of self care. (7-1-93)

08. Training or Education. Verification a person is involved in training or education activity must be provided by a statement from the school. (6-5-92)

09. Child Care. Verification of the child care situation must be provided, including the name and address of the provider and the cost of care. (6-5-92)

10. Residency. Verification of residency must be provided by utility bills, landlords, or rent receipts, house payments, or other sources. (6-5-92)

056. EXTENSION OF VERIFICATION DEADLINE.

If the family is unable to get the required verification within the time limits, they may request an extension to ICCP. The family must make the request before the time limit expires. The extension must be granted by ICCP if the family shows reasonable cause for the delay. The family must be given the new deadline for providing verification. The extended deadline for providing required verification cannot exceed 45 calendar days from the date of application. The family must be advised failure to provide the verification will result in ICCP benefit denial. (7-1-93)

057. FAMILY RIGHTS.

The family has rights protected by Federal and State laws and Department rules. ICCP must inform families of their rights during the application process and eligibility reviews. (6-5-92)

01. Right to Apply. Any person has the right to apply for any type of public aid. Applications must be

in writing on the forms provided by ICCP. (6-5-92)

02. Right to Hearing. Any family can request a fair hearing to contest an ICCP decision in accordance with Idaho Department of Health and Welfare Rules and Regulations Section 05.03.000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (6-5-92)

03. Civil Rights. ICCP workers must respect the rights of the families under the U.S. and Idaho Constitutions, the Social Security Act, Title IV of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and all other relevant parts of Federal and State laws. (6-5-92)

04. Parental Choice. Parents or caretakers must be permitted to choose among all types of available child care. (6-5-92)

05. Access to Child Care Premises. Child care providers, providing services to families reimbursed by ICCP, must allow parents or caretakers unlimited access to their children and to persons giving care. Access to children is not allowed if prohibited by court order. (6-5-92)

058. ACKNOWLEDGING RIGHTS.

Each family must formally acknowledge understanding the rights and reporting requirements for ICCP. (6-5-92)

059. -- 099. (RESERVED).

100. DEFINITION OF NON-FINANCIAL CRITERIA.

Non-financial criteria are conditions of eligibility, other than income, that must be met by the family before ICCP benefits can be allowed. (6-5-92)

101. RESIDENCY.

The family must be voluntarily living in the State of Idaho, and have no immediate intention of leaving. A person who has "no immediate intention of leaving" is one who does not plan to leave Idaho before a determination of eligibility can be completed. The length of time a person has lived in Idaho does not have a bearing on residency for ICCP benefits. (6-5-92)

102. CITIZENSHIP AND ALIENAGE.

At least one (1) child must meet the citizenship and alienage requirements for the family to be considered for ICCP services. The child must be a citizen or national of the United States, or an eligible alien to receive ICCP services. The family must provide verification of citizenship, national status, or alien status. Each adult must sign a declaration, under penalty of perjury, attesting to his citizenship, national status, or alien status. The parent, legal guardian, or caretaker must sign a declaration, under penalty of perjury, attesting to the citizenship, national status, or alien status of children under eighteen (18) years of age. (6-5-92)

01. Eligible Aliens. Eligible aliens are legal aliens, admitted to the United States for permanent residence, or persons lawfully living in the United States. (6-5-92)

02. Ineligible Legal Aliens. Legal aliens who are admitted for temporary residence under Section 245a of the Immigration and Nationality Act, and Legal aliens admitted as a Special Agricultural Worker (SAW) under the Section 210a of the Immigration and Nationality Act, are not eligible for ICCP benefits. (6-5-92)

03. Verifying Immigration Status. Immigration status claimed by an alien applicant must be verified. (6-5-92)

103. FAMILY COMPOSITION.

Unmarried partners whose common child lives in the home must be included in the family. Persons living in the home who are claimed as tax dependents must be included in the family. The family may not choose to exclude any person from the family who meets the family criteria. No person may be a member of more than one (1) family unit in any month. A parent and child living with other relatives are a separate family for ICCP Block Grant benefits. For purposes of determining a family's eligibility for ICCP benefits, the family will include any of the following who reside within the household: (6-5-92)

01. Parent. Persons legally responsible for child(ren) because of birth, adoption or legal guardianship. (6-5-92)
02. Step-Parent. A person married to the child's parent who has no biological or adoptive relationship. (6-5-92)
03. Unmarried Partner. Persons not married to each other but whose common child lives in the home. (6-5-92)
04. Non-Parent Caretaker. Adult caretaker, other than a parent, who is related by blood or marriage, including grandparents, great-grandparents, brother, sister, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin. Relatives by marriage would include step-siblings. (6-5-92)
05. Child(ren). All children under eighteen (18) if they are related to the parent or caretaker as specified above. Children over eighteen (18) if claimed as tax-dependent by the child's caretaker or parent. (6-5-92)
06. Tax Dependent. Other persons living in the home who are claimed a tax dependent by the child's caretaker. (6-5-92)
07. Foster Child. A child placed for foster care by a private or public agency. (10-28-93)

104. ELIGIBLE FAMILY.

A family must have at least one (1) eligible child. A family is eligible for ICCP if neither parent is available to care for the children because of employment, education, training, or incapacity as documented in a statement by a physician. A family must meet ICCP eligibility requirements. (10-1-94)T

105. ELIGIBLE CHILD.

A child is eligible to have the cost of his child care reimbursed if he meets the conditions: (10-28-93)

01. Family Member. The child must be a member of an eligible family. (6-5-92)
02. Under Age Thirteen (13). The child whose care is being reimbursed must be under the age of thirteen (13). If the child is over age thirteen (13), he must meet one (1) of the special criteria listed below. (6-5-92)
03. Physically or Mentally Disabled Over Age Thirteen (13) and Under Age Eighteen (18). A child may be eligible to receive child care benefits until the month of his eighteenth (18th) birthday if he is physically or mentally not capable of self-care, as verified by a physician, licensed psychologist, a nurse practitioner, or a licensed or certified psychologist, social worker, special education teacher, or speech therapist; or by receiving Supplemental Security Income (SSI). A child may be eligible to receive child care benefits until the month of his nineteenth (19th) birthday, if he is a full-time student and is expected to complete his secondary school no later than the month of his nineteenth (19th) birthday. (10-28-93)
04. Under Court Supervision Over Age Thirteen (13) and Under Age Eighteen (18). A child may be eligible to receive child care benefits until the month of his eighteenth (18th) birthday if he is under court supervision. A child is considered under court supervision when named in a legal order issued by the court. The court order in combination with one (1) of the following documents verifies the need for child care. (6-5-92)
 - a. A probation contract (agreement) with County or State Youth Rehabilitation that specified the child requires constant supervision. (6-5-92)
 - b. A child protection, juvenile justice, or mental health case plan states the child requires constant care. (6-5-92)
05. Over Age Eighteen (18). A child may be eligible to receive child care benefits until the month of his nineteenth (19th) birthday, if he is a full-time student and is expected to complete his secondary school no later than the month of his nineteenth (19th) birthday. (6-5-92)

106. -- 107. (RESERVED).

108. CHILD CARE AND DEVELOPMENT BLOCK GRANT REQUIREMENTS.

To be eligible for Block Grant child care services, a family must meet the requirements listed below in addition to income limits. (6-5-92)

01. Child Care Needed for Employment. Child care must be needed for the caretaker to accept or maintain employment. (10-28-93)

02. Child Care Needed for Training or Education. Child care must be needed so the caretaker can attend full time, an education or training program. An educational program is defined as a job training or education program, including high school, junior college, college, GED, technical school, and vocational programs. Satisfactory progress must be maintained in order to continue to receive benefits. (10-1-94)T

03. Child Needs Preventive Services. Child care is needed to permit families to participate in treatment services (such as individual or family therapy, substance abuse treatment, or parenting classes); or child care is needed as a respite for families. Families must be referred through the Department of Health and Welfare. Children in foster care are not eligible for preventive services. (10-28-93)

04. Child Care Needed for Job Seeking. Child care is needed so that the caretaker can seek employment. Child care reimbursement for job seeking will be limited to a maximum of thirty (30) hours within any twelve (12) month period. (10-28-93)

109. -- 149. (RESERVED).

150. RESOURCES.

Resources are not counted in determining ICCP eligibility. Resources include vehicles, and real property with a cash value available to the family upon disposition. (10-1-94)T

151. APPLICATION FOR OTHER CHILD CARE BENEFITS.

A family must apply for all other financial and child care benefits potentially available to them. The family must prove it has applied. If child care is available as an employee benefit, it must be used before receiving benefits from ICCP. If the family has been awarded financial assistance which includes amounts designated for child care, the amount for child care will be prorated over the duration of time for which the assistance is granted. The prorated amount will be reduced from the billed amount for child care. (6-5-92)

152. OTHER CHILD CARE BENEFITS ARE LESS THAN ICCP LIMIT.

If the payment by another available service is less than actual child care costs, the family may be eligible to have ICCP benefits applied to the child care balance. (6-5-92)

153. TRANSITIONAL CHILD CARE (TCC) RECIPIENTS.

A family eligible for TCC benefits is not eligible for ICCP benefits, except that the family is eligible for ICCP benefits needed to attend training or education. A family eligible for but not receiving TCC benefits, or who has failed to comply with TCC program requirements, is not eligible for ICCP benefits until the twelve (12) month eligibility period for TCC expires. (6-5-92)

154. CONCURRENT CHILD CARE BENEFITS.

A family may receive child care benefits from more than one (1) ICCP component. A child may receive benefits from only one (1) ICCP component during a month. (6-5-92)

155. DETERMINATION OF ICCP BENEFITS.

ICCP must determine which ICCP component applies to a family's situation. (6-5-92)

01. Applicable ICCP Component. Determination of the applicable ICCP component will be based on the following hierarchy of programs: (6-5-92)

- a. Earned income disregards for employed AFDC recipients. (6-5-92)
 - b. Job Opportunities and Basic Skills (JOBS) Program: Title IV-A Child Care Services. (6-5-92)
 - c. Title IV-A (Non-JOBS) Child Care Services. (6-5-92)
 - d. Transitional Child Care Services. (6-5-92)
 - e. At-Risk Child Care Program. (6-5-92)
 - f. Child Care and Development Block Grant. (6-5-92)
02. AFDC Earned Income Disregards. Child care eligible for AFDC earned income disregards cannot be supplemented by any other ICCP component. (6-5-92)
03. Highest Level Services. The family will receive services from the program highest in the program hierarchy for which it is eligible; except that if the children in the family are eligible for different programs, services will be provided according to the hierarchy on behalf of each child. (6-5-92)
04. Availability of Funds. If funding for a program is insufficient to serve a child eligible for that program, the child will be eligible and served through the next program in the hierarchy for which the child meets eligibility requirements. (10-28-93)
05. Child Care Expenditures Exceed Funds. If child care expenditures exceed available funds in all ICCP programs, the following actions may be taken: (10-1-94)T
- a. Applications will not be registered and a waiting list implemented until additional funding is available or secured. (10-1-94)T
 - b. Adjustments may be made to the family's co-payment responsibility. (10-1-94)T
 - c. Program income eligibility may be adjusted. (10-1-94)T

156. -- 199. (RESERVED).

200. INCOME LIMIT.

A family's income must be less than the established limits for a family of the same size. Limits are based on the latest available per capita income using formulas established by Federal Regulation.

FAMILY SIZE	MAXIMUM INCOME
2	\$1,449
3	\$1,790
4	\$2,131
5	\$2,472
6	\$2,813
7	\$2,876
8	\$2,940
9	\$3,004
10 or Above	\$3,068

201. COUNTABLE INCOME. (10-28-93)

All income available to the family must be counted unless specifically excluded. Gross income for all members of the family must be considered. (10-28-93)

01. Annual Redetermination of Income. Income must be re-established at least every twelve (12) months. (10-28-93)

02. Family Income Changes. A family must report when its income for a three (3) month period changes. (10-28-93)

202. EXCLUDED INCOME.

Income listed in the following is not counted as family income. (6-5-92)

01. First Three Hundred Dollars (\$300) is Child's Income. The first three hundred dollars (\$300) per month of income earned by a child under age eighteen (18) is not counted as family income. The exclusion is not allowed for a minor parent whose child is receiving ICCP benefits. (6-5-92)

02. Persons Not in Family. Income from persons in the household who are not included in the family as defined in Section 103 is excluded. (6-5-92)

03. Income Received for Person Not Residing in Household. Income received on behalf of a person not living in the home is excluded. (6-5-92)

04. Education Funds. Educational grants and loans are not counted as income. (6-5-92)

05. Assistance. Assistance to meet a specific need from other organizations and agencies is not counted as income except that Idaho Housing Agency or Housing and Urban Development payments in excess of the cost of housing will be included as income. (6-5-92)

06. Lump Sum Income. Non-recurring or lump-sum income is not counted as income if: (6-5-92)

a. Income was used to pay medical bills resulting from accident or injury. (6-5-92)

b. Income was used to pay funeral or burial costs. (6-5-92)

c. When the amount of lump-sum income exceeds the established limits for ICCP, the family will be ineligible to receive benefits. The period of ineligibility will be computed by dividing the lump-sum payment into the maximum qualifying income for that family. In no case shall the period of ineligibility exceed twelve (12) months. (6-5-92)

07. Loans. Loans with written, signed repayment agreements are not counted as income. (6-5-92)

08. Foster Care Payments. Foster care payments are excluded as income. (6-5-92)

09. VISTA Volunteers. Living allowances and stipends paid to VISTA volunteers under P.L. 93-113, Title IV, Section 404(g) are excluded as income. (6-5-92)

10. Income Tax Refunds/Earned Income Tax Credits. Income tax refunds and earned income tax credits are excluded as income. (10-28-93)

11. Travel Reimbursements. Reimbursements from employers for work related travel are excluded from income. (10-28-93)

12. Income for Families Receiving Preventive Services. Income for families receiving preventive services only will be excluded when the referral to ICCP certifies that the lack of child care is a substantial barrier to successful treatment. If a family is participating in other activities for which the family receives ICCP benefits,

income will not be excluded. (10-28-93)

203. SELF-EMPLOYMENT INCOME.

Self-employment income is counted as family income. Gross income, less fifty percent (50%) for business expenses, is counted as family income. If the person has been self-employed for more than one (1) year, income and expenses must be averaged over the past twelve (12) months. If the person has been self-employed for less than one (1) year, income and expenses must be averaged over the period the business has been in operation. (10-28-93)

204. -- 249. (RESERVED).

250. CHILD CARE PROVIDER LICENSING.

All providers of child care being reimbursed by ICCP must be licensed and must comply with applicable State Day Care licensing requirements under Title 39, Chapter 11, Idaho Code, with local licensing ordinances, or with tribal law. If both state statutes and local ordinances apply to a provider, the provider must comply with the stricter requirement. A provider operating outside Idaho, must comply with the licensing laws of his state or locality. (6-5-92)

251. HEALTH AND SAFETY REQUIREMENTS.

All providers must submit a self-declaration that they comply with following health and safety requirements. Providers must provide the declaration on the form provided by ICCP. Compliance with these standards does not exempt a provider from complying with stricter health and safety standards under state law, tribal law, local ordinance, or other applicable law. The requirements set forth in the following do not apply to a child care provider who is eighteen (18) years of age or older who provides child care services only to eligible children who are, by marriage, blood relationship, or court decree the grandchild, niece, or nephew of such provider. (6-5-92)

01. Age of Provider. All child care providers providing ICCP services must be eighteen (18) years old or older. A person sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider eighteen (18) years old or older. (10-28-93)

02. Child Staff Ratios. The child staff ratio for children birth to twelve (12) months will be one adult to six (6) children. The child staff ratio for children thirteen (13) months to thirty (30) months will be one adult to six (6) children. For children thirty (30) months and older, the child staff ratio will be one adult to twelve (12) children. (5-1-94)

03. Sanitary Food Preparation. Food for use in child care facilities must be prepared and served in a sanitary manner. Utensils and food preparation surfaces must be cleaned and sanitized before using to prevent contamination. (7-13-93)

04. Food Storage. All food served in child care facilities must be stored to protect it from potential contamination. (7-13-93)

05. Hazardous Substances. Medicines, cleaning supplies, and other hazardous substances must be stored out of the reach of children. (7-13-93)

06. Emergency Communication. A telephone or some type of emergency communication system is required. (7-13-93)

07. Policies and Procedures. Providers must provide written policies and procedures which include payment collection policies, discipline policies, medication policies, and evacuation policies, when they turn in the self-declaration form. (7-13-93)

08. Provider Reading. Providers must read information provided to them by the Office on control of infectious diseases, immunizations, and other health and safety issues. (7-13-93)

09. Immunization. Providers must discuss immunization status with parents of any child in their care. Providers must ask parents to show proof that immunizations are current, pursuant to Section 39-118, Idaho Code. Children must have immunizations for a family to get ICCP benefits. A parent objecting to immunizations for

medical or religious reasons may be exempted from the requirement under state law. (7-13-93)

10. **Smoke Detectors, Fire Extinguisher and Exits.** A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguisher and fire exits must be available on the premises. (7-13-93)

11. **Child Activities.** Appropriate play and educational materials to help stimulate child development must be accessible to the children on a daily basis on the premises. (7-13-93)

12. **Handwashing.** Each provider will wash his hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toilet facilities, after nose wiping, and after administering first aid. (7-13-93)

13. **CPR/First Aid.** Providers will insure that at least one (1) adult on the premises has certification in pediatric rescue breathing and first aid treatment from a licensed health professional. (7-13-93)

14. **Health of Provider.** Each provider must certify that he/she does not have any physical or psychological condition that might pose a threat to the safety of a child in his/her care. (7-13-93)

15. **Lower Ratio Reimbursement.** Child care providers who voluntarily elect to provide infant care at a one adult to four (4) ratio may be reimbursed at a higher rate based on the local market rate, federal regulation and/or subject to the availability of funds. (5-1-94)

252. CHILD CARE PROVIDER REGISTRATION.

All providers exempt from complying with state statute, tribal law and any local ordinance, must register with ICCP before any child care reimbursement is paid. (6-5-92)

253. VENDOR LISTING FOR CHILD CARE PROVIDER.

All providers must be entered in the ICCP vendor system before the family is eligible for reimbursement. (6-5-92)

254. -- 255. (RESERVED).

256. CONVICTION OR WITHHELD JUDGMENT.

Child care providers must not have been convicted or received a withheld judgment, for any of the following crimes: homicide, kidnapping, arson, assault and battery, or sexual abuse of a child. Providers must not have been the subject of a valid complaint of child abuse or neglect. A self-declaration must be signed by each provider, attesting he has not been convicted or received a withheld judgment for any of the above listed crimes, including but not limited to the following: a sex crime as defined in Chapter 66, Title 18, Idaho Code, or any similar provision in another jurisdiction; rape as defined in Chapter 61, Title 18, Idaho Code, or any similar provision in another jurisdiction; injuring a child as defined in section 18-1501, Idaho Code, or any similar provision in another jurisdiction; selling or bartering a child as defined in section 18-1511, Idaho Code, or any similar provision in another jurisdiction; sexually abusing a child as defined in section 18-1506, Idaho Code, or any similar provision in another jurisdiction; sexually exploiting a child as defined in section 18-1507, Idaho Code, or any similar provision in another jurisdiction. (6-5-92)

257. PURVIEW OF CHILD PROTECTION ACT OR JUVENILE JUSTICE REFORM ACT.

A provider must not, through stipulation or adjudication, be under the purview of the Child Protection Act, Section 16-1600, Idaho Code, or the Juvenile Justice Reform Act, Section 16-1800, Idaho Code. Any provider who has a valid child protection complaint cannot be an eligible provider for ICCP. A person may provide verification that he has complied with the requirements of the treatment plan and is no longer under the purview of the Child Protection Act or the Juvenile Justice Reform Act. (10-1-94)T

258. -- 299. (RESERVED).

300. CHILD CARE CLAIMS.

Families must submit ICCP benefit claims on forms provided by ICCP. Reimbursement for the cost of the type of care selected by the parent or caretaker will be allowed as long as providers meet ICCP requirements. (6-5-92)

301. REIMBURSABLE CHILD CARE COSTS.

Child care must be reasonably related to the hours of training, education, or employment. A parent, guardian or member of the family as defined in Section 103 may not be reimbursed for providing child care to that child. Care provided to an eligible child by a licensed or registered provider is reimbursable. Fees for registering a child in a child care facility are reimbursable. The fees charged must be charged to all enrolled in the facility. Fees must not exceed usual and customary charges. Registration fees are separate from local market rates or statewide limits. (6-5-92)

302. CHILD CARE PAYMENT VERIFICATION.

The provider must verify on the reimbursement claim form that payment has been made by the family for the child care, or satisfactory arrangements to pay the provider have been made. Only claims containing verification of payment or satisfactory arrangements made for such payment must be paid. (6-5-92)

303. CLAIM REQUIREMENTS.

Claims must include monthly income and child care expenses. The claim must be received by ICCP no later than the last day of the month following the month child care was provided. Claims received later will not be allowed for payment. A claim must be filled out completely and must include the provider's signature to be accepted by ICCP. ICCP cases must be closed after three (3) consecutive months without reimbursement. (10-28-93)

304. DISAPPROVING ICCP CLAIM.

A child care claim will not be paid if any condition listed below exists. (6-5-92)

01. Claim Not Timely. The claim was not submitted by the end of the third month, following the month child care was provided. (6-5-92)
02. Provider Not Paid. The provider has not been paid for the child care and satisfactory arrangements have not been made to pay the care. (6-5-92)
03. Income Exceeds Limit. The income reported by the family exceeds program limits. (6-5-92)
04. Child Care Provider Not Licensed or Registered. The provider of the child care does not meet requirements. (6-5-92)
05. Work or Training Stopped. The child's caretaker(s) are no longer participating in the work, training, or education which qualified the family for ICCP benefits. (6-5-92)
06. Child Not Eligible. The child is no longer eligible. (6-5-92)
07. Provider Signature. The provider has not signed the claim form. (10-28-93)
08. Repayment Default. The family has failed to repay an overpayment according to the signed repayment schedule. (10-28-93)

305. AMOUNT OF PAYMENT.

ICCP reimbursements will be based on the following: (6-5-92)

01. Payment Rate. Payment will be based on the lower of the actual cost of child care, the local market rate, or the statewide limit. (6-5-92)
 - a. The local market rate will be set at the seventy-fifth (75) percentile of the range of child care charges for that type of care. The rates will be established from a survey of providers of child care. The survey will obtain rate information by type of child care, by age of child, whether full or part time, and whether the provider has a special rate for children with special needs. (10-28-93)
 - b. The local market rate is set by the location of the child care facility in Idaho. (10-28-93)
 - c. If the child care facility is not in Idaho, the local market rate used is the rate of the Idaho area where the family lives. (10-28-93)

d. The rate survey will be conducted at least every two years, and will be used to establish new rates for child care payments. (10-28-93)

e. The statewide rate will be established at the level of highest of the regional rates for that age group and type of care. (10-28-93)

f. In regions without a special needs rate, the state special needs rate will apply. (10-28-93)

02. Usual and Customary Rates. Rates charged by the child care provider must not exceed usual and customary rates charged to all families. (6-5-92)

03. In-Home Care. Care provided in the home of the child will be reimbursed for four (4) or more eligible children or under special circumstances. Reimbursement will be made according to the requirements of the Fair Labor Standard Act (29 U.S.C. 206a) and other applicable state and federal requirements. (10-1-94)T

04. Fixed Rate Charges. When it is usual and customary for a provider to charge a fixed rate for child care, ICCP reimbursement will be based on the fixed rate. Fixed rates must be pro-rated based on hourly caretaker activity if attendance is not full-time. (10-1-94)T

05. Two-Party Warrants. ICCP reimbursement checks will be issued to eligible families by means of a warrant which requires endorsement by both the caretaker and the provider. One-party warrants will be issued only in the following circumstances: (10-28-93)

a. When a provider is no longer in the area and verifies or the caretaker can verify that the provider has been paid for child care, a one-party warrant can be issued to the caretaker. (10-28-93)

b. When the family has left the area, the family can request that a one-party warrant be issued to the provider. (10-28-93)

c. When the family has left the area and cannot be located, the provider may provide verification that child care payment has not been made, and a one-party check may be issued to the provider. (10-28-93)

d. When a family is suspected of fraud, and the provider has been designated to be payee for the family. (10-28-93)

e. No check will be issued unless the family has filed a child care claim. (10-28-93)

306. CALCULATE REIMBURSEMENT.

Calculation of the allowable reimbursement for child care is made based on the following: (6-5-92)

01. STEP 1: Determine the actual cost of child care. (6-5-92)

02. STEP 2: Determine any child care reimbursed by a grant or loan from another source. (6-5-92)

03. STEP 3: If child care reimbursed by another source is for more than one (1) month, compute the monthly rate. (6-5-92)

04. STEP 4: Subtract reimbursed child care from the actual cost of care. (6-5-92)

05. STEP 5: Determine the local market rate. (6-5-92)

06. STEP 6: Determine the lower of the local market rate or the difference in Step 3. The lower is the reimbursed rate. (6-5-92)

07. STEP 7: Determine the percentage the family must pay for child care from the sliding fee schedule. (6-5-92)

08. STEP 8: Determine the allowable rate less the amount calculated using the sliding fee schedule. This is the allowable ICCP reimbursement. (6-5-92)

307. SLIDING FEE SCHEDULES.

Eligible families must pay part of child care costs. If a family's monthly income is at or less than one hundred percent (100%) of the poverty rate, the requirement that the family pay part of the child care costs may be waived. (10-1-94)T

01. Poverty Rates. Poverty rates will be the established rates published annually in federal regulations. The monthly rate will be calculated by dividing the yearly rate by twelve (12). (10-28-93)

02. Sliding Fee Schedules. A sliding fee schedule will be established annually. The amount required from the family will increase incrementally as the family's income increases. (10-28-93)

03. Calculating Family Payment. Families must pay directly to the provider of child care. Family income for the month the child care is provided will be applied to the sliding fee schedule to calculate the family share of child care costs. The ICCP reimbursement will be the allowable rate less the amount calculated using the sliding fee schedule. (10-28-93)

308. REDETERMINATION.

Eligibility must be redetermined at least every twelve (12) months. The average monthly income will be re-established at the time of the redetermination. Continued residence in Idaho must be verified. Eligibility will also be redetermined when a claim is submitted or the family's circumstances change. The family must provide verification needed to continue eligibility for ICCP benefits. Failure to provide verification will make the family ineligible for benefits. (10-28-93)

309. COMPLAINT PROCEDURE.

ICCP must accept and respond to complaints registered about the quality of child care in day care facilities. The disposition of all complaints must be recorded and a register of complaints maintained for public examination. (6-5-92)

310. PARENT OR CARETAKER AND PROVIDER MEDIATION.

ICCP must initiate a mediation request by a parent, caretaker, or provider within ten (10) days. Mediation must be completed within thirty (30) days following a request by a parent, caretaker, or provider. ICCP must be closed after unsuccessful mediation of a provider payment dispute. (6-5-92)

311. DUE PROCESS.

Families receiving ICCP services are entitled to the due process protection in Idaho Department of Health and Welfare Rules and Regulations, Title 5, Chapter 3, "Rules Governing Contested Cases and Declaratory Rulings." (6-5-92)

312. OVERPAYMENTS AND RECOVERY.

Overpayments may occur for child care services as the result of agency error, or family or provider error, or fraud as established by a judicial or administrative determination as described in Section 56-227, Idaho Code. Overpayment recovery must be attempted in all cases involving families currently receiving ICCP benefits. Overpayment recovery must be attempted in all cases of fraud. Overpayment recovery must be pursued in cases where the overpayment is thirty-five dollars (\$35), or more. ICCP staff must determine overpayments. Overpayments must be repaid to ICCP by one of the methods below: (10-28-93)

01. Full Payment. The family pays the full amount of the overpayment to ICCP. (6-5-92)

02. Repayment. The family repays the amount of the overpayment over a period of time not to exceed one (1) year. The amount of the payments are determined on a repayment schedule arranged with and signed by the family. (10-28-93)

a. The family will continue to be eligible for ICCP benefits as long as they are in compliance with the

repayment schedule. (10-28-93)

b. If the family fails to repay according to the signed overpayment schedule, the family will become liable to repay the entire amount. (10-28-93)

c. Any family in default on repayment will not be eligible for ICCP benefits. (10-28-93)

d. If a family fails to make repayment for three (3) consecutive months, ICCP will pursue recovery of funds through legal action. (10-28-93)

03. Family Not Eligible for Future ICCP Payments. If a family is not eligible for future ICCP payments, the family must make satisfactory arrangements to repay the money directly to ICCP. (6-5-92)

313. FRAUD.

Criminal prosecution will be sought when ICCP benefits suspected to have been obtained fraudulently exceed five hundred (\$500) dollars or when the fraudulent activity has occurred over a period of three months. (10-28-93)

01. Continued Eligibility for ICCP Benefits. A family's ICCP benefits may be held while the suspected fraud is under investigation or prior to the completion of litigation. (10-1-94)T

a. The family must identify a payee to receive the ICCP reimbursement and insure that the provider is paid. If the provider is not suspected to be involved in the fraudulent activity, the provider may be selected as the payee. (10-28-93)

b. If the provider is involved in the suspected fraud, the payee cannot be the provider. (10-28-93)

02. Disqualification from ICCP Eligibility. If a family is adjudicated guilty of fraud, the family shall be ineligible for ICCP benefits for a period of one (1) year. (10-1-94)T

03. Provider Disqualification. If a provider is adjudicated guilty of fraud, ICCP eligible families will not be entitled to claim reimbursement for child care from that provider for a period of one (1) year. (10-1-94)T

314. UNDERPAYMENTS.

A supplemental payment must be made to a family entitled to a larger reimbursement than paid. (6-5-92)

315. UNDELIVERABLE PAYMENTS.

Warrants (payments) issued, which cannot be delivered to the family, must be returned to ICCP. ICCP must attempt to locate the family. If the family can be located, the check must be sent to them. If the family cannot be located, the warrant must be cancelled. A warrant that is reported to be lost or stolen will be reissued following established Idaho procedures. (6-5-92)

316. FUNDING RESTRICTIONS.

If a funding shortfall is projected, ICCP must take actions to reduce ICCP payments. (6-5-92)

317. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules and Regulations, Title 5, Chapter 3, Section 05.03.300, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (6-5-92)

997. INCLUSIVE GENDER AND NUMBER.

Gender, masculine, feminine, or neuter, and number, singular or plural, as used in these rules, will include all others, as the context requires. (6-5-92)

998. CONFIDENTIALITY.

Information received by ICCP from families is subject to the provisions of Idaho Department of Health and Welfare Rules and Regulations, Title 5, Chapter 1, "Rules Governing Protection and Disclosure of Department Records." The

current address of a family can be furnished to a state or local law enforcement official upon written request, providing the official furnishes ICCP with the family's names and Social Security account numbers. The official must provide verification the person is a convicted or indicted fugitive felon; or a fugitive warrant has been issued for the person. The official must provide verification the location or apprehension of the person is within the scope of the official's duties, and the request for an address is made in the proper exercise of those duties. (6-5-92)

999. SEVERABILITY.

The rules of the Idaho Office for Children, Office of the Governor, Title 15, Chapter 14, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (6-5-92)