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**IDAPA 16**  
**TITLE 06**  
**Chapter 12**

**16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)**

**000. LEGAL AUTHORITY.**

The Idaho Department of Health and Welfare, according to Sections 56-201 through 56-233, Idaho Code, did adopt the following rules for the administration of public assistance programs. (7-1-97)

**001. TITLE AND SCOPE.**

01. Title. These rules shall be cited in full as Idaho Department of Health and Welfare Rules, IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program (ICCP)." (7-1-97)

02. Scope. These rules provide standards for determining eligibility and issuing child care reimbursement. A reference to AFDC in these rules applies to the Temporary Assistance for Families in Idaho (TAFI) program. (7-1-97)T

**002. (RESERVED).**

**003. ADMINISTRATIVE PROVISIONS.**

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Section 300, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (7-1-97)

**004. CONFIDENTIALITY.**

Information received by ICCP from families is subject to the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "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 numbers. The official shall provide verification the person is a convicted or indicted fugitive felon; or a fugitive warrant has been issued for the person. The official shall provide verification that 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. (7-1-97)

**005. DEFINITIONS.**

The following definitions apply to this chapter: (7-1-97)

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. (7-1-97)

02. Caretaker. The person legally responsible for the care of a child. This person is usually a relative. (7-1-97)

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. (7-1-97)

04. Child Support Income. Any payment made by an absent parent designated to be used for the children. (7-1-97)

05. Common Child. A child, related by blood to both parents in the home. (7-1-97)

06. Department. The Idaho Department of Health and Welfare. (7-1-97)

07. Earned Income. Income received by a person as wages, tips, or self-employment income. (7-1-97)

08. Eligible Alien. A legal alien, admitted to the United States for permanent residence, or persons

lawfully living in the United States. (7-1-97)

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. (7-1-97)

10. Family. Persons residing in the same household, related by blood, marriage, adoption, or guardianship, or acting as parents. (7-1-97)

11. Foster Care. Parental care provided for a child by a family arranged by a private or public agency. (7-1-97)

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. (7-1-97)

13. Idaho Child Care Program. The Idaho Child Care Program consists of the Child Care and Development Block Grant, At-Risk Child Care Program, and Title IV-A (Non-JOBS) Child Care. (7-1-97)

14. Job Training and Education Program. A program recognized as a job training or education program. Programs include high school, junior college, community college, college, general equivalency diploma (GED), technical school, and vocational programs. To qualify, the program shall prepare the trainee for employment. (7-1-97)

15. Loan. Debt having an enforceable repayment schedule. (7-1-97)

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. (7-1-97)

17. Mediation. Process to resolve disputes between providers of child care services and parents or caretakers of children receiving child care. (7-1-97)

18. NON-JOBS (Title IV-A) Child Care. Child care for families receiving AFDC benefits who are attending approved education or training programs, but who are not participating in the Job Opportunities and Basic Skills (JOBS) program. (7-1-97)

19. Non-Recurring Lump Sum Income. Income received by a family in a single payment, not expected to be available to the family again. (7-1-97)

20. Preventive Services. Child care to permit the family to receive services to reduce or eliminate the need for protective intervention. Children placed in foster care are not eligible for preventive services. (7-1-97)

21. Prospective Income. Income a family expects to receive within a given time. This can be earned or unearned income. (7-1-97)

22. Provider. An individual, organization, agency, or other entity providing child care. (7-1-97)

23. Resources. Money or items that can be converted to money that can be used for family care. (7-1-97)

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. (7-1-97)

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. (7-1-97)

26. Unearned Income. Income other than employment or self-employment. Unearned income includes retirements, interest, and rental income. Money received when a resource is liquidated is unearned income during the month received. (7-1-97)

**006. ABBREVIATIONS.**

The following abbreviations apply to this chapter: (7-1-97)

01. AFDC. Aid to Families with Dependent Children. (7-1-97)

02. GED. General Equivalency Diploma. (7-1-97)

03. ICCP. Idaho Child Care Program. (7-1-97)

04. JOBS. Job Opportunities and Basic Skills Program. (7-1-97)

05. SSI. Supplemental Security Income. (7-1-97)

06. PRC. Personal Responsibility Contract. (7-1-97)T

07. TAFI. Temporary Assistance for Families in Idaho. (7-1-97)T

**007. --049. (RESERVED).**

**050. APPLICATION.**

Families shall complete and sign a written application for ICCP services. (7-1-97)

**051. APPLICATION DATE.**

The application date shall be 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 shall be the postmark date. If the postmark date is not legible, the application date shall be two (2) days prior to the date received. (7-1-97)

**052. EFFECTIVE DATE.**

The first day of the month of application shall be 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 ICCP, the application shall be effective on the first day of the month the application is removed from the waiting list and processed for eligibility. (7-1-97)

**053. TIME LIMIT FOR APPLICATION PROCESSING.**

Each application shall be processed within five (5) working days after both the application and required verifications are complete. An additional five (5) working days shall be allowed during times when the volume of applications exceed one-hundred fifty percent (150%) of the average. The time limit shall be counted from the date the last of the required verifications has been received by ICCP to the date the notice of eligibility determination is mailed to the family. The time limit is not a waiting period for acting on an application. The time limit is not the basis for denial of an application. (7-1-97)

**054. APPLICATION PROCESSING ACTIONS.**

An application for ICCP services shall be processed in one (1) of the following manners: (7-1-97)

01. Approval. When an application is approved, a Notice of Decision shall be mailed to the family. The Notice of Decision shall advise the family of their approval for child care reimbursement. (7-1-97)

02. Denial. A family shall be denied when determined ineligible for ICCP benefits. The family shall be sent a Notice of Decision giving an explanation of the reason for ineligibility and the rule citation for the decision. The family shall be sent an explanation of the right to appeal the decision. (7-1-97)

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 shall 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 shall be considered voluntarily withdrawn. An abandoned application shall be denied thirty (30) days following the application date. (7-1-97)

**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 shall furnish verification to establish eligibility for reimbursement. At the time of application the family shall receive a written list of the verification they need to provide to ICCP. The family shall be allowed ten (10) calendar days to provide verification. The family shall 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 shall be advised failure to provide the verification shall 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 055.09 for types of verification. (7-1-97)

01. Social Security Numbers. Social Security numbers are required for participation in the ICCP program. The Social Security numbers must be verified.. (7-1-97)

02. Employment. Verification of all employment shall be supplied. (7-1-97)

03. Income. Verification of all income, earned or unearned, shall be supplied. (7-1-97)

04. Citizenship and Alien Status. A declaration of citizenship shall be completed for each member of a family applying for ICCP benefits. Each adult shall sign a declaration, under penalty of perjury, attesting to his citizenship, national status, or alien status. The parent, legal guardian, or caretaker shall sign a declaration, under penalty of perjury, attesting to the citizenship, national status, or alien status of children under eighteen (18) years of age. Verification of alien status shall be provided for persons who are not citizens. (7-1-97)

05. Verification of Age and Relationship. A birth certificate or other proof of age shall be provided to verify the age and relationship of family members. (7-1-97)

06. Under Court Order. Verification a child is under court supervision shall be provided by a court order. Eligibility shall not extend beyond the term of the court order. (7-1-97)

07. Disability. Disability of a child thirteen (13) years old or older shall be verified by a physician, nurse practitioner, licensed psychologist, social worker, special education teacher, or speech therapist who determines the child physically or mentally incapable of self care. (7-1-97)

08. Training or Education. Verification a person is involved in training or education activity shall be provided by a statement from the school. (7-1-97)

09. Residency. Verification of residency shall be provided by utility bills, landlords, rent receipts, house payments, or other sources. (7-1-97)

10. Cost of Child Care. Verification of the cost of child care shall be provided by the child care provider. (7-1-97)T

**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 shall be granted by ICCP if the family shows reasonable cause for the delay. The family shall be given the new deadline for providing verification. The extended deadline for providing required verification cannot exceed forty-five (45) calendar days from the date of application. The family shall be advised that failure to provide the verification will result in ICCP benefit denial. (7-1-97)

**057. FAMILY RIGHTS.**

The family has rights protected by federal and state laws and Department rules. ICCP shall inform families of the following rights during the application process and eligibility reviews. (7-1-97)

01. Right to Apply. Any person has the right to apply for any type of public aid. Applications shall be in writing on the forms provided by ICCP. (7-1-97)

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, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings." (7-1-97)

03. Civil Rights. ICCP workers shall 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. (7-1-97)

04. Parental Choice. Parents or caretakers shall be permitted to choose among all types of available child care. (7-1-97)

05. Access to Child Care Premises. Child care providers, serving families reimbursed by ICCP, shall allow parents or caretakers unlimited access to their children and to persons giving care. Access to children shall not be required if prohibited by court order. (7-1-97)

**058. ACKNOWLEDGING RIGHTS.**

Each family shall formally acknowledge understanding the rights and reporting requirements for ICCP. (7-1-97)

**059. -- 099. (RESERVED).**

**100. 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. (7-1-97)

**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. (7-1-97)

**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 alien eligible to receive ICCP services. (7-1-97)

01. Eligible Aliens. Eligible aliens are legal aliens, admitted to the United States for permanent residence, or persons lawfully living in the United States. (7-1-97)

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 Section 210a of the Immigration and Nationality Act, are not eligible for ICCP benefits. (7-1-97)

03. Verifying Immigration Status. Immigration status claimed by an alien applicant shall be verified. (7-1-97)

**103. FAMILY COMPOSITION.**

Unmarried partners whose common child lives in the home shall be included in the family. Persons living in the home who are claimed as tax dependents shall be included in the family. For purposes of determining a family's eligibility for Title IV-A (Non-JOBS) Child Care benefits, the family shall be defined as those persons who are included in the budget unit used to determine eligibility for AFDC benefits. 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. For purposes of determining a family's eligibility for ICCP benefits, the family will include any of the following who reside within the household: (7-1-97)

01. Parent. Persons legally responsible for child(ren) because of birth, adoption or legal guardianship. (7-1-97)
02. Step-Parent. A person married to the child's parent who has no biological or adoptive relationship. (7-1-97)
03. Unmarried Partner. Persons not married to each other but whose common child lives in the home. (7-1-97)
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. (7-1-97)
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 dependent by the child's caretaker or parent. (7-1-97)
06. Dependent. Other persons living in the home who are claimed as dependent for tax purposes by the child's caretaker. (7-1-97)
07. Foster Child. A child placed for foster care by a private or public agency. (7-1-97)

**104. ELIGIBLE FAMILY.**

A family shall 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 shall meet ICCP eligibility requirements. (7-1-97)

**105. ELIGIBLE CHILD.**

A child shall be eligible to have the cost of his child care reimbursed if he meets the conditions below: (7-1-97)

01. Family Member. The child shall be a member of an eligible family. (7-1-97)
02. Under Age Thirteen (13). The child whose care is being reimbursed shall be under the age of thirteen (13). If the child is over age thirteen (13), he shall meet one (1) of the special criteria listed below: (7-1-97)
  - a. A child shall be eligible to receive child care benefits until the month of his eighteen (18th) birthday if he is physically or mentally incapable 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). (7-1-97)
  - b. A child shall 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. (7-1-97)
    - i. A probation contract (agreement) with County or State Youth Rehabilitation that specifies the child requires constant supervision. (7-1-97)
    - ii. A child protection, juvenile justice, or mental health case plan which states the child requires constant care. (7-1-97)
03. Over Age Eighteen (18). A child who qualifies under Subsections 105.02.a or 105.02.b shall 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. (7-1-97)



**106. -- 107. (RESERVED).**

**108. ELIGIBILITY ACTIVITIES FOR CHILD CARE.**

To be eligible for child care services, a family shall meet the requirements listed below in addition to income limits.  
(7-1-97)T

01. Child Care Needed for Employment. Child care shall be needed for the caretaker to accept or maintain employment.  
(7-1-97)

02. Child Care Needed for Training or Education. Child care shall be needed so the caretaker can attend, full time, an education or training program. Attendance shall meet the institution's definition of full time attendance. Persons with baccalaureate degrees or who are attending post-baccalaureate classes will not qualify for ICCP. Satisfactory progress shall be maintained in order to continue to receive benefits.  
(7-1-97)

03. Child Care Needed for 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. Case managers shall provide verification of continued need, at least every three (3) months, for the family to continue to be eligible for reimbursement. Children in foster care are not eligible for preventive services.  
(7-1-97)

04. Child Care Needed for Job Seeking. Child care is needed so that the caretaker can seek employment.  
(7-1-97)T

05. Child Care Needed for Activities Negotiated Between the Department and Participant. Child care is needed so that the caretaker can complete activities negotiated between the Department and the participant for the family.  
(7-1-97)T

06. Interim Child Care ICCP Payment. If child care arrangements would be lost, child care may be reimbursed:  
(7-1-97)T

a. If employment is scheduled to begin within two (2) weeks, up to two (2) weeks of child care may be reimbursed.  
(7-1-97)T

b. During a break in employment of one (1) month or less, up to one (1) month of child care may be reimbursed.  
(7-1-97)T

**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.  
(7-1-97)

**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 shall 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 shall be reduced from the billed amount for child care.  
(7-1-97)

**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 shall be eligible to have ICCP benefits applied to the child care balance.  
(7-1-97)

**153. -- 154. (RESERVED).**

**155. CHILD CARE EXPENDITURES EXCEED FUNDS.**

If child care expenditures exceed available funds in the ICCP program, applications will not be determined and a waiting list shall be implemented until additional funding is available or secured. (7-1-97)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. Income limits are established in Section 307. (7-1-97)

**201. COUNTABLE INCOME.**

All income available to the family shall be counted unless specifically excluded. Gross income for all members of the family shall be considered. (7-1-97)

**202. EXCLUDED INCOME.**

Income listed in the following is not counted as family income. (7-1-97)

01. First Three Hundred Dollars (\$300) of Income Earned by a Child. 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. (7-1-97)

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. (7-1-97)

03. Income Received for Person Not Residing in Household. Income received on behalf of a person not living in the home is excluded. (7-1-97)

04. Education Funds. Educational grants actually used to pay for educational expenses, including tuition, fees, books, child care, transportation, and required supplies or equipment shall be excluded from income. (7-1-97)

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 shall be included as income. (7-1-97)

06. Lump Sum Income. Non-recurring or lump-sum income is not counted as income if: (7-1-97)

a. Income was used to pay medical bills resulting from accident or injury. (7-1-97)

b. Income was used to pay funeral or burial costs. (7-1-97)

c. When the amount of lump-sum income exceeds the established limits for ICCP, the family shall 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. (7-1-97)

07. Loans. Loans with written, signed repayment agreements are not counted as income. (7-1-97)

08. Foster Care Payments. Foster care payments are excluded as income. (7-1-97)

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. (7-1-97)

10. Income Tax Refunds/Earned Income Tax Credits. Income tax refunds and earned income tax credits are excluded as income. (7-1-97)

11. Travel Reimbursements. Reimbursements from employers for work related travel are excluded

from income.

(7-1-97)

**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 shall be averaged over the past twelve (12) months. If the person has been self-employed for less than one (1) year, income and expenses shall be averaged over the period the business has been in operation.

(7-1-97)

**204. -- 249. (RESERVED).**

**250. CHILD CARE PROVIDER LICENSING.**

All providers of child care being reimbursed by ICCP shall be licensed or shall 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 shall comply with the stricter requirement. A provider operating outside Idaho, shall comply with the licensing laws of his state or locality.

(7-1-97)

**251. HEALTH AND SAFETY REQUIREMENTS.**

All providers shall submit a self-declaration that they comply with the following health and safety requirements. Providers shall 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.

(7-1-97)

01. Age of Provider. All child care providers providing ICCP services shall 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.

(7-1-97)

02. Sanitary Food Preparation. Food for use in child care facilities shall be prepared and served in a sanitary manner. Utensils and food preparation surfaces shall be cleaned and sanitized before using to prevent contamination.

(7-1-97)

03. Food Storage. All food served in child care facilities shall be stored to protect it from potential contamination.

(7-1-97)

04. Hazardous Substances. Medicines, cleaning supplies, and other hazardous substances shall be stored out of the reach of children.

(7-1-97)

05. Emergency Communication. A telephone or some type of emergency communication system is required.

(7-1-97)

06. Policies and Procedures. Providers shall 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.

(7-1-97)

07. Provider Reading. Providers shall read information provided to them on control of infectious diseases, immunizations, and other health and safety issues.

(7-1-97)

08. Immunization. Providers shall discuss immunization status with caretakers of any child in their care. Providers shall ask caretakers to show proof that immunizations are current, pursuant to Section 39-1118, Idaho Code. A caretaker objecting to immunizations for medical or religious reasons may be exempted from the requirement under state law.

(7-1-97)

09. Smoke Detectors, Fire Extinguisher and Exits. A properly installed and operational smoke detector shall be on the premises where child care occurs. Adequate fire extinguishers and fire exits shall be available on the premises.

(7-1-97)

10. Child Activities. Appropriate play and educational materials to help stimulate child development shall be accessible to the children on a daily basis on the premises. (7-1-97)

11. Handwashing. Each provider shall 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. (7-1-97)

12. CPR/First Aid. Providers shall insure that at least one (1) adult on the premises has current certification in pediatric rescue breathing and first aid treatment from a certified instructor. (7-1-97)

13. Health of Provider. Each provider shall 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. (7-1-97)

**252. CHILD CARE PROVIDER REGISTRATION.**

All providers exempt from complying with state statute, tribal law and any local ordinance, shall register with ICCP before any child care reimbursement is paid. (7-1-97)

**253. VENDOR LISTING FOR CHILD CARE PROVIDER.**

All providers shall be entered in the ICCP vendor system before the family is eligible for reimbursement. (7-1-97)

**254. (RESERVED).**

**255. CONVICTION OR WITHHELD JUDGMENT.**

Child care providers shall 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. A self-declaration shall be signed by each provider, attesting he has not been convicted or received a withheld judgment for any of the above listed crimes, including 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. (7-1-97)

**256. PURVIEW OF CHILD PROTECTION ACT OR JUVENILE JUSTICE REFORM ACT.**

A provider shall not, through stipulation or adjudication, be under the purview of the Child Protection Act, Section 16-1600, Idaho Code, or the Juvenile Corrections Act, Section 20-501 through 20-547, Idaho Code. Any provider who has an adjudicated valid child protection complaint cannot be an eligible provider for ICCP. (7-1-97)

**257. PARENT OR CARETAKER ACCESS TO CHILD CARE PREMISES.**

Child care providers serving families reimbursed by ICCP shall allow parents or caretakers unlimited access to their children and to persons giving care. Access to children shall not be required if prohibited by court order. (7-1-97)

**258. -- 299. (RESERVED).**

**300. CHILD CARE CLAIMS.**

Families shall submit ICCP benefit claims on forms provided by ICCP. Reimbursement for the cost of the type of care selected by the parent or caretaker shall be allowed as long as providers meet ICCP requirements. (7-1-97)

**301. REIMBURSABLE CHILD CARE COSTS.**

Care provided to an eligible child by a licensed or ICCP registered provider is reimbursable. (7-1-97)

01. Reimbursement for Training, Education, Employment or Preventive Service Hours. Child care shall be reasonably related to the hours of training, education, employment or preventive service. (7-1-97)

02. Family Member not Reimbursable. A parent, guardian or member of the family as defined in

Section 103 may not be reimbursed for providing child care to that child. (7-1-97)

03. Person Living at Same Address not Reimbursable. Child care provided by any person living at the same address as the family shall not be reimbursed by ICCP. (7-1-97)

04. One-Time Registration Fees. One-time 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 shall not exceed usual and customary charges. Registration fees are separate from local market rates or statewide limits. (7-1-97)

**302. REPORTING REQUIREMENTS.**

Families applying for or receiving ICCP benefits shall report a change within ten (10) days of the date the family knows of the change. The changes listed in Subsections 302.01 through 302.05 must be reported. (7-1-97)T

01. Cost of Child Care. The family shall report when the cost of child care changes. (7-1-97)T

02. Provider. The family shall report when a child is taken to another child care provider. (7-1-97)T

03. Activity. The family shall report when child care is needed for another activity reason. (7-1-97)T

04. Income. The family shall report when the source or amount of income changes. (7-1-97)T

05. Change of Address. The family shall report when there is a change of address. (7-1-97)T

**303. (RESERVED).**

**304. DISAPPROVING ICCP CLAIM.**

A child care claim shall not be paid if any condition listed below exists. (7-1-97)

01. Provider Not Paid. The provider has not been paid for the child care and satisfactory arrangements have not been made to pay the care. (7-1-97)

02. Income Exceeds Limit. The verified income of the family exceeds program limits. (7-1-97)

03. Child Care Provider Not Licensed or Registered. The provider of the child care does not meet requirements. (7-1-97)

04. Work or Training Stopped. The child's caretaker(s) are no longer participating in work, training, or education which qualify the family for ICCP benefits. (7-1-97)

05. Child Not Eligible. The child is no longer eligible. (7-1-97)

06. Repayment Default. The family has failed to repay an overpayment according to the signed repayment schedule. (7-1-97)

**305. AMOUNT OF PAYMENT.**

ICCP reimbursements shall be based on the following: (7-1-97)

01. Payment Rate. Payment shall be based on the lower of the actual cost of child care, the local market rate, or the statewide limit. (7-1-97)

a. The local market rate shall be set at the seventy-fifth (75) percentile of the range of child care charges for that type of care. The rates shall 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. (7-1-97)

b. The local market rate is set by the location of the child care facility in Idaho. (7-1-97)

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. (7-1-97)

d. The rate survey shall be conducted at least every two (2) years, and shall be used to establish new rates for child care payments. (7-1-97)

e. The statewide rate shall be established at the highest level of the regional rates for that age group and type of care. (7-1-97)

f. In regions without a special needs rate, the state special needs rate shall apply. (7-1-97)

02. Usual and Customary Rates. Rates charged by the child care provider shall not exceed usual and customary rates charged to all families. (7-1-97)

03. In-Home Care. Parents are responsible to pay persons providing care in the child's home the minimum wage, as required by the Fair Labor Standards Act (29 U.S.C. 206a) and other applicable state and federal requirements. Reimbursement by ICCP shall not exceed the lower of amount of the hourly wage or actual cost of care. Care provided in the home of the child shall be reimbursed only when four (4) or more children are eligible for reimbursement. Fewer than four (4) children shall receive reimbursement for in-home care only when one (1) of the following special circumstances is met: (7-1-97)

a. Parents' or caretakers' activity occurs during times when out-of-home care is not available; or (7-1-97)

b. The family lives in an area where out-of-home care is not available; or (7-1-97)

c. A child has a verified illness or disability which would place the child or other children in an out-of-home facility at risk. (7-1-97)

04. Two-Party Warrants. ICCP reimbursement checks shall be issued to eligible families by means of a warrant which requires endorsement by both the caretaker and the provider. One-party warrants shall be issued only in the following circumstances: (7-1-97)

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. (7-1-97)

b. When the family has left the area, the family can request that a one-party warrant be issued to the provider. (7-1-97)

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. (7-1-97)

d. When a family is suspected of fraud, and the provider has been designated to be payee for the family. (7-1-97)

**306. CALCULATE REIMBURSEMENT.**

Calculation of the allowable reimbursement for child care is made based on the following: (7-1-97)

01. STEP 1: Determine the cost of child care. (7-1-97)T

02. STEP 2: Determine any child care reimbursed by a grant or loan from another source. (7-1-97)

03. STEP 3: If child care reimbursed by another source is for more than one (1) month, compute the monthly rate. (7-1-97)

04. STEP 4: Subtract reimbursed child care from the cost of care. (7-1-97)T

05. STEP 5: Determine the local market rate. (7-1-97)
06. STEP 6: Determine the lower of the local market rate or the difference in Step 3. The lower is the reimbursed rate. (7-1-97)
07. STEP 7: Determine the percentage the family must pay for child care from the sliding fee schedule, listed in Table 307. (7-1-97)
08. STEP 8: Determine the allowable rate less the amount calculated using the sliding fee schedule, listed in Table 307. This is the allowable ICCP reimbursement. (7-1-97)

**307. SLIDING FEE SCHEDULES.**

Eligible families, except TAFI families participating in non-employment TAFI activities, shall pay part of their child care costs. (7-1-97)T

01. Poverty Rates. Poverty rates shall be the established rates published annually in federal regulations. The monthly rate shall be calculated by dividing the yearly rate by twelve (12). (7-1-97)
02. Sliding Fee Schedules. A sliding fee schedule shall be established annually. The amount required from the family shall increase incrementally as the family's income increases. (7-1-97)
03. Calculating Family Payment. Families shall pay directly to the provider of child care. Family income for the month the child care is provided shall be applied to the sliding fee schedule to calculate the family share of child care costs. The ICCP reimbursement shall be the allowable rate less the amount calculated using the sliding fee schedule. The sliding fee schedule is listed in Table 307. (7-1-97)
04. Maximum Income and Sliding Fee Schedules:

<b>TABLE 307.04 FAMILY CO-PAYMENT REQUIREMENTS</b>									
<b>ICCP SLIDING FEE SCHEDULE EFFECTIVE 9-1-97</b>									
<b>FAMILY SIZE</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>MONTHLY INCOME</b>	<b>PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY</b>								
\$0 - \$499	1%	1%	1%	1%	1%	1%	1%	1%	1%
\$500 - \$599	5%	1%	1%	1%	1%	1%	1%	1%	1%
\$600 - \$699	5%	5%	1%	1%	1%	1%	1%	1%	1%
\$700 - \$799	5%	5%	5%	1%	1%	1%	1%	1%	1%
\$800 - \$899	15%	5%	5%	5%	1%	1%	1%	1%	1%
\$900 - \$999	15%	5%	5%	5%	5%	1%	1%	1%	1%
\$1,000 - \$1,099	<b>+15%</b>	5%	5%	5%	5%	1%	1%	1%	1%
\$1,100 - \$1,199	30%	15%	5%	5%	5%	5%	1%	1%	1%
\$1,200 - \$1,299	30%	15%	5%	5%	5%	5%	5%	1%	1%
\$1,300 - \$1,399	60%	<b>+15%</b>	15%	5%	5%	5%	5%	5%	1%
\$1,400 - \$1,499	100%	30%	15%	5%	5%	5%	5%	5%	1%
\$1,500 - \$1,599	100%	30%	<b>+15%</b>	15%	5%	5%	5%	5%	5%

TABLE 307.04 FAMILY CO-PAYMENT REQUIREMENTS									
ICCP SLIDING FEE SCHEDULE EFFECTIVE 9-1-97									
FAMILY SIZE	2	3	4	5	6	7	8	9	10
MONTHLY INCOME	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
\$1,600 - \$1,699	100%	60%	30%	15%	5%	5%	5%	5%	5%
\$1,700 - \$1,799	100%	100%	30%	+15%	15%	5%	5%	5%	5%
\$1,800 - \$1,899	100%	100%	30%	15%	15%	5%	5%	5%	5%
\$1,900 - \$1,999	100%	100%	30%	30%	+15%	5%	5%	5%	5%
\$2,000 - \$2,099	100%	100%	60%	30%	15%	15%	5%	5%	5%
\$2,100 - \$2,199	100%	100%	100%	30%	15%	15%	5%	5%	5%
\$2,200 - \$2,299	100%	100%	100%	30%	15%	+15%	15%	5%	5%
\$2,300 - \$2,399	100%	100%	100%	60%	30%	15%	15%	5%	5%
\$2,400 - \$2,499	100%	100%	100%	100%	30%	15%	+15%	15%	5%
\$2,500 - \$2,599	100%	100%	100%	100%	30%	15%	15%	15%	5%
\$2,600 - \$2,699	100%	100%	100%	100%	60%	30%	15%	+15%	15%
\$2,700 - \$2,799	100%	100%	100%	100%	100%	30%	15%	15%	15%
\$2,800 - \$2,899	100%	100%	100%	100%	100%	30%	15%	15%	+15%
\$2,900 - \$2,999	100%	100%	100%	100%	100%	30%	30%	15%	15%
\$3,000 - \$3,099	100%	100%	100%	100%	100%	60%	30%	15%	15%
\$3,100 - \$3,199	100%	100%	100%	100%	100%	100%	30%	30%	15%
\$3,200 - \$3,299	100%	100%	100%	100%	100%	100%	30%	30%	15%
\$3,300 - \$3,399	100%	100%	100%	100%	100%	100%	60%	30%	15%
\$3,400 - \$3,499	100%	100%	100%	100%	100%	100%	100%	30%	30%
\$3,500 - \$3,599	100%	100%	100%	100%	100%	100%	100%	30%	30%
\$3,600 - \$3,699	100%	100%	100%	100%	100%	100%	100%	30%	30%
\$3,700 - \$3,799	100%	100%	100%	100%	100%	100%	100%	60%	30%
\$3,800 - \$3,899	100%	100%	100%	100%	100%	100%	100%	100%	30%
\$3,900 - \$3,999	100%	100%	100%	100%	100%	100%	100%	100%	30%
\$4,000 - \$4,099	100%	100%	100%	100%	100%	100%	100%	100%	60%
\$4,100 - \$4,199	100%	100%	100%	100%	100%	100%	100%	100%	100%

*Maximum income for ICCP benefits:	+ Monthly Poverty Level:
• \$1,326 for household of 2	+ \$884 for household of 2



• \$1,667 for household of 3	+ \$1,111 for household of 3
• \$2,007 for household of 4	+ \$1,338 for household of 4
• \$2,346 for household of 5	+ \$1,564 for household of 5
• \$2,687 for household of 6	+ \$1,791 for household of 6
• \$3,027 for household of 7	+ \$2,018 for household of 7
• \$3,366 for household of 8	+ \$2,244 for household of 8
• \$3,706 for household of 9	+ \$2,471 for household of 9
• \$4,047 for household of 10	+ \$2,698 for household of 10

MAXIMUM INCOME (OR ELIGIBILITY FOR PAYMENT) BASED ON ONE HUNDRED FIFTY PERCENT (150%) OF POVERTY (1997 POVERTY TABLES). (9-1-97)T

**308. REDETERMINATION.**

Eligibility shall be redetermined at least every twelve (12) months. Continued residence in Idaho shall be verified. Eligibility shall also be redetermined when a claim is submitted or the family's circumstances change. The family shall provide verification needed to continue eligibility for ICCP benefits. Failure to provide verification shall make the family ineligible for benefits. (7-1-97)

**309. COMPLAINT PROCEDURE.**

ICCP shall accept and respond to complaints registered about the quality of child care in day care facilities. The disposition of all complaints shall be recorded and a register of complaints maintained for public examination. (7-1-97)

**310. PARENT OR CARETAKER AND PROVIDER MEDIATION.**

ICCP shall initiate mediation within ten (10) days following a request by a parent, caretaker, or provider. Mediation shall be completed within thirty (30) days. ICCP shall be closed after unsuccessful mediation of a provider payment dispute. (7-1-97)

**311. DUE PROCESS.**

Families receiving ICCP services are entitled to the due process protection in Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings." (7-1-97)

**312. OVERPAYMENTS AND RECOVERY.**

Overpayments may occur for child care services as the result of agency error, family or provider error, or fraud as established by a judicial or administrative determination as described in Section 56-227, Idaho Code. Overpayment recovery shall be attempted in all cases involving families currently receiving ICCP benefits. Overpayment recovery shall be attempted in all cases of fraud. Overpayment recovery shall be pursued in cases where the overpayment is thirty-five dollars (\$35), or more. ICCP staff shall determine overpayments. Overpayments shall be repaid to ICCP by one (1) of the methods below: (7-1-97)

01. Full Payment. The family pays the full amount of the overpayment to ICCP. (7-1-97)

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. (7-1-97)

a. The family shall continue to be eligible for ICCP benefits as long as they are in compliance with the repayment schedule. (7-1-97)

b. If the family fails to repay according to the signed overpayment schedule, the family shall become liable to repay the entire amount. (7-1-97)

c. Any family in default on repayment shall not be eligible for ICCP benefits. (7-1-97)

d. If a family fails to make repayment for three (3) consecutive months, ICCP shall pursue recovery of funds through legal action. (7-1-97)

**313. FRAUD.**

01. 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. (7-1-97)

02. Provider Disqualification. If a provider is adjudicated guilty of fraud, the provider shall not be a qualified provider for ICCP for a period of one (1) year. (7-1-97)

**314. UNDERPAYMENTS.**

A supplemental payment shall be made to a family entitled to a larger reimbursement than paid. (7-1-97)

**315. UNDELIVERABLE PAYMENTS.**

Warrants (payments) issued, which cannot be delivered to the family, shall be returned to ICCP. ICCP shall attempt to locate the family. If the family can be located, the check shall be sent to them. If the family cannot be located, the warrant shall be cancelled. A warrant that is reported to be lost or stolen shall be reissued. (7-1-97)

**316. FUNDING RESTRICTIONS.**

If a funding shortfall is projected, ICCP shall take actions to reduce ICCP payments. (7-1-97)

**317. -- 999. (RESERVED).**