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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, is authorized to adopt the following rules for the administration of public assistance programs. (7-1-99)

001. TITLE AND SCOPE.

01. Title. These rules are known and will be cited as IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program (ICCP)". (7-1-99)

02. Scope. These rules provide standards for determining eligibility and issuing child care payments. (7-1-99)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for these rules. (7-1-99)

003. ADMINISTRATIVE APPEALS.

Appeals are governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Section 300, et seq., "Rules Governing Contested Cases Proceedings and Declaratory Rulings". (7-1-99)

004. DEFINITIONS.

The following definitions apply to this chapter: (7-1-99)

01. Caretaker. The person responsible for the care of a child. (7-1-99)

02. Child Day Care. Care provided by an individual, other than a parent, for less than twenty-four (24) hours in a day. (5-3-03)

03. Child Support Income. Any payment made by an absent parent designated to be used for the children. (7-1-99)

04. Child(ren). All children under eighteen (18), if they are related to the parent or caretaker as specified above. Children over eighteen (18) or older, if claimed on tax returns as a dependent by the child's caretaker relative or parent. (7-1-99)

05. Department. The Idaho Department of Health and Welfare. (7-1-99)

06. Earned Income. Gross income received by a person as wages, tips, or self-employment income before deductions for taxes or any other purposes. (7-1-99)

07. 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. (7-1-99)

08. Foster Care. Twenty-four (24) hour parental care provided for a child by a family, arranged through a private or public agency. (7-1-99)

09. Foster Child. A child placed for twenty-four (24) hour care by a private or public agency. (7-1-99)

10. 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. (7-1-99)

- 11. Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-99)
- 12. In Loco Parentis.** Assuming care and custody of a child by an individual not related to the child. (7-1-99)
- 13. 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 must prepare the trainee for employment. (7-1-99)
- 14. Loan.** Debt having a signed repayment agreement. (7-1-99)
- 15. Local Market Rate for Child Care.** Payment of child care set at the seventy-fifth percentile of the range of costs for child care in a specific area. The rate is adjusted for the age of the child, the region, and the type of child care facility. The local market rate establishes the maximum amount payable by ICCP. (7-1-99)
- 16. Mediation.** Process to resolve disputes between providers of child care services and parents or caretakers of children receiving child care. (7-1-99)
- 17. Minor Parent.** Parent under the age of eighteen (18). The minor parent is not considered a child for the purpose of determining eligibility for child care assistance. (7-1-99)
- 18. Related Caretaker.** An adult caretaker, other than a parent, related to the child by blood or marriage. This includes grandparents, great-grandparents, brothers, sisters, aunts, uncles, nephews, nieces, or first cousins. Relatives by marriage also include step-siblings. (5-3-03)
- 19. Non-Recurring Lump Sum Income.** Income received by a family in a single payment, not expected to be available to the family again. (7-1-99)
- 20. Non-Related Caretaker.** A person who is not related to an eligible child, who is acting in loco parentis. (7-1-99)
- 21. Parent or Guardian.** Persons legally responsible for child(ren) because of birth, adoption or legal guardianship. (7-1-99)
- 22. Prospective Income.** Income a family expects to receive within a given time. This can be earned or unearned income. (7-1-99)
- 23. Provider.** An individual, organization, agency, or other entity providing child care. (7-1-99)
- 24. Preventive Services.** Services needed to reduce or eliminate the need for protective intervention. (5-3-03)
- 25. Resources.** Money or items that can be converted to money that can be used for family care. (7-1-99)
- 26. 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. (7-1-99)
- 27. Special Needs.** Any child with physical, mental, emotional, behavioral disabilities, or developmental delays identified on an Individual Education Plan (IEP) or an Individualized Family Service Plan. (5-3-03)
- 28. Step-Parent.** A person married to the child's parent who has no biological or adoptive relationship to the child. (7-1-99)

29. Unearned Income. Income other than employment or self-employment. Unearned income includes retirement and interest. Money received when a resource is liquidated is unearned income during the month in which it is received. (5-3-03)

30. Unmarried Parents. Individuals not married to each other, but whose common child lives in the home. (5-3-03)

31. Very Low Income. Family income less than one hundred fifty percent (150%) of the Federal Poverty Limit. (5-3-03)

32. Working. An individual is considered working when he has a job paying wages or salary, including work paying commission or in-kind compensation. (5-3-03)

005. ABBREVIATIONS.

The following abbreviations apply to this chapter: (7-1-99)

01. GED. General Equivalency Diploma. (7-1-99)

02. ICCP. Idaho Child Care Program. (7-1-99)

03. PRC. Personal Responsibility Contract. (7-1-99)

04. SSI. Supplemental Security Income. (7-1-99)

05. TAFI. Temporary Assistance for Families in Idaho. (7-1-99)

006. -- 049. (RESERVED).

050. APPLICATION.

A written application must be completed and signed by the caretaker and received by the Department. The date of the application is the date received by the Department. The caretaker shall be notified, in writing, of the approval or denial of the application and the right to appeal, if applicable. (7-1-99)

051. EFFECTIVE DATE.

An eligible caretaker shall receive child care payments from the first day of the month of application. (7-1-99)

052. -- 056. (RESERVED).

057. PARENTAL CHOICE.

Eligible parents or caretakers may choose among all types of available child care. (7-1-99)

058. -- 099. (RESERVED).

100. ELIGIBILITY FOR CHILD CARE ASSISTANCE.

Families must meet the following conditions of eligibility and provide verification requested by the Department before child care assistance is provided. (7-1-99)

101. RESIDENCY.

The family must live in the state of Idaho, and have no immediate intention of leaving. (7-1-99)

102. CITIZENSHIP AND ALIENAGE.

At least one (1) child must meet the citizenship and alienage requirements for the family to be eligible for child care assistance. Any child eligible for payment must be a citizen or an alien admitted to the United States for permanent residence, or lawfully living in the United States. (7-1-99)

103. (RESERVED).

104. FAMILY COMPOSITION.

A family is a group of individuals living in a common residence, whose combined income is considered in determining eligibility and payment amount. Each individual meeting the family criteria in Subsections 104.01 through 104.06 of these rules must be included in the family size. No individual may be considered a member of more than one (1) family in the same month. (5-3-03)

- 01. Married Spouses.** Married spouses living together in a common residence are considered a family. (5-3-03)
- 02. Unmarried Parents.** Unmarried parents living together in a common residence are considered a family. (5-3-03)
- 03. Tax Dependents.** Individuals claimed as tax dependents, living in the home, are considered members of the family. (5-3-03)
- 04. Minor Parent.** A minor parent and child are considered a separate family when they apply for ICCP, even if they live with other relatives. (5-3-03)
- 05. Non-Related Caretaker.** When parents make a formal or informal agreement for another individual to care for their child, the non-related caretaker is eligible to apply for benefits. The caretaker must meet all eligibility requirements. (5-3-03)
- 06. Adult Relatives.** Adult relatives who are not parents of a common child, who reside together are considered separate families. Unrelated families living in a common residence are considered separate families. (5-3-03)

105. ELIGIBLE CHILD.

A family must have at least one (1) eligible child. A child is eligible under the conditions listed in Subsections 105.01 through 105.04. (7-1-99)

- 01. Immunizations.** Eligible pre-school children must obtain immunizations according to the Department's schedule of immunizations, unless there is a religious or other exemption, or immunization would endanger the life or health of a child. Child care payments can continue during a reasonable period necessary to comply with immunization standards. Immunization records must be reviewed annually. (7-1-99)
- 02. Under Age Thirteen.** A child whose care is being paid must be under the age of thirteen (13); or (7-1-99)
- 03. Age Thirteen Through Eighteen.** A child age thirteen (13) or older must meet one (1) of the criteria listed in Subsections 105.03.a. through 105.03.b. (7-1-99)
 - a.** Children may receive child care benefits until the month of their eighteenth birthday if they are physically or mentally incapable of self-care, as verified by a professional third party. (7-1-99)
 - b.** Children may receive child care benefits until the month of their eighteenth birthday if a court order, probation contract, child protection or mental health case plan requires constant supervision. (7-1-99)
- 04. Age Eighteen and Over.** Children who qualify under Subsection 106.03 may receive child care benefits until the month of their nineteenth birthday if they are full-time students and are expected to complete secondary school no later than the month of their nineteenth birthday. (7-1-99)

106. -- 107. (RESERVED).

108. QUALIFYING ACTIVITIES FOR CHILD CARE.

To be eligible for child care payments, a parent must need child care for one (1) of the following reasons: (4-11-06)

01. Child Care Needed for Employment. The parent must need child care to seek, accept, or maintain employment. (4-11-06)

a. An unemployed parent can use the search for work as the activity qualifying them for child care assistance for a total of no more than three (3) months during a calendar year. However, when work search activities are required by the Department, the parent is not subject to this three (3) month limit. (4-11-06)

b. For any of these three (3) months in which the parent claims to be looking for work, eighty (80) hours of work search will be counted as the qualifying activity for child care. These activity hours are used as a factor in determining the amount of child care assistance. The actual amount of payment is based on Section 305 of these rules. (4-11-06)

c. When work search is the qualifying activity, it can not be combined with any other qualifying activity listed under Section 108 of these rules. (4-11-06)

02. Child Care Needed for Training or Education. The parent must need child care to attend an education or training program. Persons with baccalaureate degrees or who are attending post-baccalaureate classes do not qualify for child care assistance. Satisfactory progress in the program must be maintained in order to continue to receive benefits. (4-11-06)

03. Child Care Needed for Preventive Services. The parent must need child care to access preventive services. Preventive services permit families to participate in treatment services designed to reduce or eliminate the need for out-of-home placement of a child by the Department. The Department must verify the continued need for preventive services at least every three (3) months. (4-11-06)

04. Activities Negotiated Between the Department and Parent. The parent must need child care to complete Personal Responsibility Contract activities negotiated between the Department and the parent. (4-11-06)

109. INCAPACITATED PARENT.

An incapacitated parent, unable to adequately care for the children in a two (2) parent family, is not required to have qualifying activities, as long as the other parent is participating in qualifying activities. (7-1-99)

110. INTERIM CHILD CARE PAYMENT.

If child care arrangements would otherwise be lost, child care may be paid under conditions listed in Subsections 110.01 and 110.02. Relative providers are not eligible for interim child care payments. (5-3-03)

01. Employment to Begin. If employment or education is scheduled to begin within two (2) weeks. (7-1-99)

02. Break in Employment. During a break in employment or education of one (1) month or less. (7-1-99)

111. -- 199. (RESERVED).

200. INCOME LIMIT.

A family's income must be less than the published OMB guidelines for one hundred fifty percent (150%) of poverty for a family of the same size. (7-1-99)

201. COUNTABLE INCOME.

All gross earned and unearned income is counted in determining eligibility and payment amount, unless specifically excluded by rule. (7-1-99)

202. EXCLUDED INCOME.

The following is not counted as family income. (7-1-99)

01. Earned Income of a Dependent Child. Income earned by a dependent child under age eighteen (18) is not counted unless the child is a parent. (7-1-99)

02. Income Received for Person Not Residing With the Family. Income received on behalf of a person not living in the home is excluded. (7-1-99)

03. Education Funds. All educational funds including grants, scholarships, an Americorps Education Award, and federal and state work study income. (7-1-99)

04. Assistance. Assistance to meet a specific need from other organizations and agencies is not counted as income. (7-1-99)

05. Lump Sum Income. Non-recurring or lump-sum income is excluded as income if used to pay medical bills resulting from accident or injury, or used to pay funeral or burial costs. When lump-sum income, minus exclusions, exceeds the maximum income listed in the Sliding Fee Schedule, the family is not eligible to receive benefits. The period of ineligibility is computed by dividing the lump-sum payment into the maximum qualifying income for that family. In no case will the period of ineligibility exceed twelve (12) months. (5-3-03)

06. Loans. Loans with written, signed repayment agreements are not counted as income. (7-1-99)

07. TAFI and AABD Benefits. TAFI and AABD benefits are excluded. (7-1-99)

08. Foster Care Payments. Foster care payments are excluded as income. (7-1-99)

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. (7-1-99)

10. Income Tax Refunds/Earned Income Tax Credits. Income tax refunds and earned income tax credits even if received with their wages are excluded as income. (7-1-99)

11. Travel Reimbursements. Reimbursements from employers for work related travel are excluded from income. (7-1-99)

12. Tribal Income. Income received from a tribe for any purpose other than direct wages are excluded from income. (7-1-99)

13. Foster Parents Income. Income may be excluded based on need, on a case by case basis, for foster parents when determining eligibility and sliding fee scale amounts for children in the custody of the Department. Income is counted when determining eligibility and sliding fee scale amounts for the foster parent's biological child(ren). (7-1-99)

14. Adoption Assistance. Adoption assistance payments are excluded from income. (5-3-03)

15. Child Support Payments. Court ordered child support payments made by the participant are excluded from income. Both the legal obligation to pay child support and the actual amount paid must be verified. (7-1-99)

203. SELF-EMPLOYMENT INCOME.

Income from self-employment is earned income. The family may choose one (1) of the calculation methods in Subsections 203.01 and 203.02 of these rules to determine income. Annualize the income if the participant has been self-employed for more than one (1) year. Average the income over the period of time the business has been operating, if the participant has been self-employed for less than one (1) year. (5-3-03)

01. Gross Self-Employment Income. Gross self-employment income, less fifty percent (50%) for business expenses, is counted as family income. If the participant's current income from his business is different than past income, anticipate self-employment income and expenses. (5-3-03)

02. Net Self-Employment Income. Net self-employment income is calculated from gross income. Subtract these allowable expenses: (5-3-03)

- a. The cost of labor paid to individuals not in the home. (5-3-03)
- b. The cost of business inventory. (5-3-03)
- c. The cost of material. (5-3-03)
- d. The cost for rent and utilities, advertising, shipping and legal fees. (5-3-03)
- e. The cost of seed and fertilizer. (5-3-03)
- f. Interest paid to purchase income-producing property, including real estate. (5-3-03)
- g. Insurance premiums. (5-3-03)
- h. Taxes paid on income-producing property. (5-3-03)
- i. Transportation, when a vehicle is an integral part of business activity. (5-3-03)

204. -- 249. (RESERVED).

250. CHILD CARE PROVIDER LICENSING.

All providers of child care receiving a Department subsidy must be licensed or must comply with applicable State Day Care licensing requirements under Title 39, Chapter 11, Idaho Code, with local licensing ordinances, or with tribal ordinances. If both state statutes and 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. (7-1-99)

251. HEALTH AND SAFETY REQUIREMENTS.

All providers must submit a written statement that they comply with the health and safety requirements listed in Subsections 251.01 through 251.10 of these rules. The provider must agree to a health and safety inspection. 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. (5-3-03)

01. Age of Provider. All child care providers providing services must be eighteen (18) years old or older. Persons sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider who is at least eighteen (18) years old. (7-1-99)

02. 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. (7-1-99)

03. Food Storage. All food served in child care facilities must be stored to protect it from potential contamination. (7-1-99)

04. Hazardous Substances. Medicines, cleaning supplies, and other hazardous substances must be stored out of the reach of children. (7-1-99)

05. Emergency Communication. A telephone or some type of emergency communication system is required. (7-1-99)

06. Smoke Detectors, Fire Extinguisher and Exits. A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguishers and fire exits must be available on the premises. (7-1-99)

07. Hand Washing. Each provider shall wash his hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toileting, after nose wiping, and after administering first aid. (7-1-99)

08. CPR/First Aid. Providers shall insure that at all times children are present at least one (1) adult on the premises has current certification in pediatric rescue breathing and first aid treatment from a certified instructor. (7-1-99)

09. 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. (7-1-99)

10. Child Abuse. Providers must report suspected child abuse to the appropriate authority. (7-1-99)

252. CHILD CARE PROVIDER AGREEMENT.

All providers shall sign and comply with a Provider Agreement made with the Department. (5-3-03)

253. -- 254. (RESERVED).

255. CONVICTION OR WITHHELD JUDGMENT.

Child care providers must certify that they have not been convicted or received a withheld judgment, for any of the following crimes: homicide, kidnaping, arson, assault and battery, or sexual abuse of a child. 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 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. (7-1-99)

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

Providers must certify that they are not, through stipulation or adjudication, 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. (7-1-99)

257. PARENT OR CARETAKER ACCESS TO CHILD CARE PREMISES.

Providers serving families who receive a child care subsidy shall allow parents or caretakers unlimited access to their children and to persons giving care, except that access to children will not be required if prohibited by court order. (7-1-99)

258. -- 269. (RESERVED).

270. ALLOWABLE CHILD CARE COSTS.

Care provided to an eligible child by an eligible provider is payable subject to the following conditions: (7-1-99)

01. Payment for Employment, Seeking Employment, Training, Education, or Preventive Service Hours. Child care must be reasonably related to the hours of the qualifying activities. Travel time is included in determining qualifying activities. (7-1-99)

02. Family Member or Guardian Not Payable. A parent, step-parent, or unmarried parent must not be paid for providing child care to his child. A guardian must not be paid for providing child care for a child for whom he has guardianship. (5-3-03)

03. Provider Living at Same Address. Child care by a child's grandparent, great-grandparent, aunt, uncle, or adult sibling living at the same address as the family will not be paid unless a condition in Subsections 270.03.a. through 270.03.c. of these rules is met. (5-3-03)

a. The parents' or caretakers' qualifying activity occurs when out-of-home care is not available. (5-3-03)

b. The family lives in an area where out-of-home care is not available. (5-3-03)

c. A child has a verified illness or disability. The illness or disability would place the child at risk in an out-of-home facility, or place the other children in the facility at risk. (5-3-03)

04. One-Time Registration Fees. One-time fees for registering a child in a child care facility are payable, if the fee is charged to all who enroll in the facility. Fees may not exceed usual and customary rates charged to all families. Registration fees are separate from local market rates. (5-3-03)

271. REPORTING REQUIREMENTS FOR FAMILIES.

Families applying for or receiving child care benefits shall report within ten (10) days the changes listed in Subsections 271.01 through 271.05 of these rules. (5-3-03)

01. Provider Charges. The rates charged for child care services changes. (7-1-99)

02. Provider. A child stops attending a child care, or is taken to another child care provider. (5-3-03)

03. Activity. Hours or nature of qualifying activity changes. (5-3-03)

04. Income. The number of hours worked or a permanent change in rate of pay. Any permanent change in monthly income of twenty-five dollars (\$25) or more. (5-3-03)

05. Change of Address. There is a change of address for either the participant or the provider. (7-1-99)

272. REPORTING REQUIREMENTS FOR PROVIDERS.

Child care providers shall report within ten (10) days the changes listed in Subsections 272.01 through 272.05 of these rules. (5-3-03)

01. Change in Provider Charges. The provider changes the rates for child care services. (5-3-03)

02. Child Stops Attending Care. A child stops attending child care, or is taken to another child care provider. (5-3-03)

03. Change of Provider Address. There is a change in the location where child care is provided. (5-3-03)

04. Change in Who Lives in Home. Individuals providing child care in their home must report when someone moves into the home. (5-3-03)

05. Intent Not to Renew License. The provider intends to not renew his license, or other required certifications. (5-3-03)

273. -- 299. (RESERVED).

300. CALCULATING A FULL MONTH'S INCOME USING ACTUAL AND PROJECTED INCOME.

Calculate the monthly income using actual income already received during the month and income expected to be received in the month. The household and the Department must agree this is a reasonable estimate of that month's income. (5-3-03)

01. Full Month's Income Expected from an Ongoing Source. If no changes are expected, use the actual income received in the past thirty (30) days to project a full month's income. If changes are expected, project the income for the month with the new information. (5-3-03)

02. Full Month's Income Not Expected from an Ongoing Source. If a full month's income is not expected from an ongoing source, count the income expected for the month. If the actual amount is known, use the actual income. If the actual income is unknown, project the expected income for that month. (5-3-03)

03. Full Month's Income Not Expected from a New Source. If income is from a new source and a full month's income is not expected, count the actual income expected for the month. Do not convert the new source of income to a monthly amount. If the actual income is unknown, project the expected income for that month. (5-3-03)

04. Income from Terminated Source. If income is from a terminated source, and no additional income is expected in a future month, count the actual income received during the month. Do not convert income to a monthly amount if a full month's income from the terminated source is not expected. (5-3-03)

05. Seasonal Income. If income changes seasonally, consider the household's income from the last season and any pay changes to project the month's income. (5-3-03)

06. Fluctuating Income. When income fluctuates each pay period and the rate of pay remains the same, average the income from the past thirty (30) days to determine the average pay period amount. Convert the average pay period amount to a full month's income. (5-3-03)

07. Income Paid as Salary. Count income paid as salary at the expected monthly salary rate. Do not count salary at an hourly rate. (5-3-03)

301. (RESERVED).

302. CONVERTING INCOME OR EXPENSES TO A MONTHLY AMOUNT.

If a full month's income is expected, but income is received more often than monthly, convert the income to a monthly amount. If a full month's expense is expected, but is billed more often than monthly, convert the expense to a monthly amount. Use the appropriate formula in Subsections 302.01 through 302.03 of these rules. (5-3-03)

01. Weekly Amount. Multiply a weekly amount by four point three (4.3). (5-3-03)

02. Bi-Weekly Amount. Multiply a bi-weekly amount by two point fifteen (2.15). (5-3-03)

03. Semi-Monthly Amount. Multiply a semi-monthly amount by two (2). (5-3-03)

303. -- 304. (RESERVED).

305. AMOUNT OF PAYMENT.

Child Care payments will be based on Subsections 305.01 through 305.04 of these rules. (5-3-03)

01. Payment Rate. Payment will be based on the lower of the billed cost of child care, or the local market rate. (5-3-03)

a. The local market rate will be set at the seventy-fifth 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. (7-1-99)

b. Each Region has a separate local market rate. Payment rates will be determined by the location of the child care facility. (7-1-99)

c. If the child care facility is not in Idaho, the local market rate will be the rate where the family lives. (7-1-99)

d. The rate survey will be conducted at least every two (2) years. (7-1-99)

02. Usual and Customary Rates. Rates charged by the child care provider must not exceed usual and customary rates charged to all families. (7-1-99)

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. Department payments must not exceed the lower of the hourly Federal minimum wage or actual cost of care. Care provided in the home of the child will be paid only when three (3) or more children are eligible and receiving payments. Fewer than three (3) children will receive payment for in-home care only when one (1) of the following special circumstances is met: (5-3-03)

- a. Parents' or caretakers' activity occurs during times when out-of-home care is not available. (5-3-03)
- b. The family lives in an area where out-of-home care is not available. (5-3-03)
- 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. (7-1-99)

04. Payments. Payments will be issued directly to eligible providers. A warrant may be issued to a parent only when the parent provides proof the provider was paid in full, and no longer provides child care for the family. (5-3-03)

306. (RESERVED).

307. SLIDING FEE SCHEDULES.

Eligible families, except TAFI families participating in non-employment TAFI activities, must pay part of their child care costs. (7-1-99)

01. Poverty Rates. Poverty rates will be the established rates published annually in the Federal Register. The monthly rate will be calculated by dividing the yearly rate by twelve (12). (7-1-99)

02. Calculating Family Payment. Families must pay the provider for child care services. Family income for the month of the child care will determine the family share of child care costs. The payment made by the Department will be the allowable local market rate, less the amount calculated using the sliding fee schedule listed in Table 307.03. (3-16-04)

03. Maximum Income And Sliding Fee Schedules:

FAMILY CO-PAYMENT REQUIREMENTS - ICCP SLIDING FEE SCHEDULE									
FAMILY SIZE	2	3	4	5	6	7	8	9	10
MONTHLY INCOME	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
\$0 - \$499	7%	7%	7%	7%	7%	7%	7%	7%	7%
\$500 - \$599	11%	7%	7%	7%	7%	7%	7%	7%	7%
\$600 - \$699	11%	11%	7%	7%	7%	7%	7%	7%	7%
\$700 - \$799	11%	11%	11%	7%	7%	7%	7%	7%	7%
\$800 - \$899	21%	11%	11%	11%	7%	7%	7%	7%	7%
\$900 - \$999	21%	11%	11%	11%	11%	7%	7%	7%	7%
\$1,000 - \$1,099	21%	11%	11%	11%	11%	7%	7%	7%	7%
\$1,100 - \$1,199	36%	21%	11%	11%	11%	11%	7%	7%	7%
\$1,200 - \$1,299	36%	21%	11%	11%	11%	11%	11%	7%	7%
\$1,300 - \$1,356	66%	21%	21%	11%	11%	11%	11%	7%	7%

FAMILY CO-PAYMENT REQUIREMENTS - ICCP SLIDING FEE SCHEDULE									
FAMILY SIZE	2	3	4	5	6	7	8	9	10
MONTHLY INCOME	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
\$1,357 - \$1,399	100%	21%	21%	11%	11%	11%	11%	7%	7%
\$1,400 - \$1,499	100%	36%	21%	11%	11%	11%	11%	11%	7%
\$1,500 - \$1,599	100%	36%	21%	21%	11%	11%	11%	11%	11%
\$1,600 - \$1,699	100%	66%	36%	21%	11%	11%	11%	11%	11%
\$1,700 - \$1,706	100%	66%	36%	21%	21%	11%	11%	11%	11%
\$1,707 - \$1,799	100%	100%	36%	21%	21%	11%	11%	11%	11%
\$1,800 - \$1,899	100%	100%	36%	21%	21%	11%	11%	11%	11%
\$1,900 - \$1,999	100%	100%	36%	36%	21%	11%	11%	11%	11%
\$2,000 - \$2,056	100%	100%	66%	36%	21%	21%	11%	11%	11%
\$2,057 - \$2,099	100%	100%	100%	36%	21%	21%	11%	11%	11%
\$2,100 - \$2,199	100%	100%	100%	36%	21%	21%	11%	11%	11%
\$2,200 - \$2,299	100%	100%	100%	36%	21%	21%	21%	11%	11%
\$2,300 - \$2,399	100%	100%	100%	66%	36%	21%	21%	11%	11%
\$2,400 - \$2,406	100%	100%	100%	66%	36%	21%	21%	21%	11%
\$2,407 - \$2,499	100%	100%	100%	100%	36%	21%	21%	21%	11%
\$2,500 - \$2,599	100%	100%	100%	100%	36%	21%	21%	21%	11%
\$2,600 - \$2,699	100%	100%	100%	100%	66%	36%	21%	21%	21%
\$2,700 - \$2,756	100%	100%	100%	100%	66%	36%	21%	21%	21%
\$2,757 - \$2,799	100%	100%	100%	100%	100%	36%	21%	21%	21%
\$2,800 - \$2,899	100%	100%	100%	100%	100%	36%	21%	21%	21%
\$2,900 - \$2,999	100%	100%	100%	100%	100%	36%	36%	21%	21%
\$3,000 - \$3,099	100%	100%	100%	100%	100%	66%	36%	21%	21%
\$3,100 - \$3,106	100%	100%	100%	100%	100%	66%	36%	21%	21%
\$3,107 - \$3,199	100%	100%	100%	100%	100%	100%	36%	21%	21%
\$3,200 - \$3,299	100%	100%	100%	100%	100%	100%	36%	36%	21%
\$3,300 - \$3,399	100%	100%	100%	100%	100%	100%	66%	36%	21%
\$3,400 - \$3,456	100%	100%	100%	100%	100%	100%	66%	36%	21%
\$3,457 - \$3,499	100%	100%	100%	100%	100%	100%	100%	36%	21%
\$3,500 - \$3,599	100%	100%	100%	100%	100%	100%	100%	36%	36%
\$3,600 - \$3,699	100%	100%	100%	100%	100%	100%	100%	36%	36%
\$3,700 - \$3,799	100%	100%	100%	100%	100%	100%	100%	66%	36%

FAMILY CO-PAYMENT REQUIREMENTS - ICCP SLIDING FEE SCHEDULE									
FAMILY SIZE	2	3	4	5	6	7	8	9	10
MONTHLY INCOME	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
\$3,800 - \$3,806	100%	100%	100%	100%	100%	100%	100%	66%	36%
\$3,807 - \$3,899	100%	100%	100%	100%	100%	100%	100%	100%	36%
\$3,900 - \$3,999	100%	100%	100%	100%	100%	100%	100%	100%	36%
\$4,000 - \$4,099	100%	100%	100%	100%	100%	100%	100%	100%	66%
\$4,100 - \$4,156	100%	100%	100%	100%	100%	100%	100%	100%	66%
\$4,157 - \$4,299	100%	100%	100%	100%	100%	100%	100%	100%	100%
* Maximum income for ICCP benefits: \$1,356 for household of 2 \$1,706 for household of 3 \$2,056 for household of 4 \$2,406 for household of 5 \$2,756 for household of 6 \$3,106 for household of 7 \$3,456 for household of 8 \$3,806 for household of 9 \$4,156 for household of 10									

*Maximum Income (or Eligibility for Payment) Based on 150% of Poverty (1998 Poverty Tables). (3-16-04)

308. ACTION ON CHANGES.

Action on reported changes must be taken as listed in Subsections 308.01 through 308.03 of these rules. (5-3-03)

01. Change in Income or Hours of Activity. If a change in income or hours of qualified activity is reported, and results in a decrease in the subsidy amount, the change becomes effective the month following the month the change is reported. (5-3-03)

02. Change in Income or Hours of Activity and Billed Amount. If changes in the income or hours of qualified activity, and the billed amount of child care, are reported and result in a decrease in the subsidy amount, the change can be made effective in the current month. (5-3-03)

03. Changes Resulting in an Increase. Changes resulting in an increase in the subsidy amount must be acted on for the current month. (5-3-03)

309. REDETERMINATION.

Eligibility must be redetermined in all cases as listed in Subsections 309.01 through 309.03 of these rules. (5-3-03)

01. Work Search. Eligibility for individuals participating in work search must be redetermined every thirty (30) days. (5-3-03)

02. Preventive Services. Eligibility for cases where child care is needed for preventive services must be redetermined every three (3) months. (5-3-03)

03. All Other Cases. Eligibility for all other cases must be redetermined at least every six (6) months. (5-3-03)

310. COMPLAINT PROCEDURE.

The Department shall maintain a record of substantiated parental complaints. Information regarding substantiated parental complaints shall be made available to the public on request, in accordance with the Idaho Public Records Act. (7-1-99)

311. (RESERVED).

312. OVERPAYMENTS AND RECOVERY.

Overpayments may occur for child care services as the result of agency error, family or provider error, Intentional Program Violations (IPV), or fraud as established by a judicial or administrative determination as described in Section 56-227, Idaho Code. Recovery of overpayments based on agency error may be pursued from parents or providers where the overpayment is one hundred dollars (\$100), or more. Overpayments due to IPV or fraud must be recovered in full. The Department will determine overpayments. (5-3-03)

01. Providers Must Repay. Providers must repay overpayments resulting from their failure to report changes within time limits. Repayment schedules will be negotiated with the Department. Failure to comply with the negotiated repayment agreement will result in disqualification of the provider. Disqualification will continue until repayment is made or a new repayment agreement is negotiated. (5-3-03)

02. Parents Must Repay. Parents must repay overpayments resulting from their failure to report changes within time limits. Repayment schedules will be negotiated with the Department. Failure to comply with the negotiated repayment agreement will result in disqualification of the family. Disqualification will continue until repayment is made or a new repayment agreement is negotiated. (5-3-03)

313. INTENTIONAL PROGRAM VIOLATIONS (IPV).

An IPV is an intentionally false or misleading action or statement as defined in Subsections 313.01 through 313.03 of these rules. An IPV will be established when a family member or the child care provider admits the IPV in writing and waives the right to an administrative hearing, or when determined by an administrative hearing, a court decision, or through deferred adjudication. Deferred adjudication exists when the court defers a determination of guilt because the accused family member or child care provider meets the terms of a court order or an agreement with the prosecutor. (5-3-03)

01. False Statement. An individual makes a false statement to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (5-3-03)

02. Misleading Statement. An individual makes a misleading statement to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (5-3-03)

03. Misrepresentation of Facts. An individual misrepresents facts to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (5-3-03)

04. Concealing Facts. An individual conceals or withholds facts to participate in the Idaho Child Care Program. (5-3-03)

314. PENALTIES FOR AN IPV.

When the Department makes an IPV determination, the entire family, or the child care provider, is ineligible for the period of time listed in Subsections 314.01 through 314.03 of these rules. (5-3-03)

01. First Offense. Twelve (12) months for the first IPV or fraud offense, or the length of time specified by the court. (5-3-03)

02. Second Offense. Twenty-four (24) months for the second IPV or fraud offense, or the length of time specified by the court. (5-3-03)

03. Third Offense. Permanent disqualification for the third or subsequent IPV or fraud offense, or the length of time specified by the court. (5-3-03)

315. UNDERPAYMENT.

Supplemental payment shall be made to a family entitled to an additional payment. (5-3-03)

316. FUNDING RESTRICTIONS.

If a funding shortfall is projected, the Department shall take action to ensure the program operates within financial resources. (5-3-03)

317. CONFIDENTIALITY.

Information received by ICCP from families is subject to the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Use and Disclosure of Department Records". (7-1-99)

318. -- 999. (RESERVED).

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