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**IDAPA 16  
TITLE 06  
CHAPTER 12**

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

**000. LEGAL AUTHORITY.**

Under Section 56-202, Idaho Code, the Director of the Department of Health and Welfare is authorized to promulgate, adopt, and enforce rules for the administration of public assistance programs. (4-2-08)

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter of rules is IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program (ICCP)." (4-2-08)

**02. Scope.** These rules provide the requirements for determining participant and provider eligibility for the Idaho Child Care Program (ICCP) and issuing child care benefit payments. (4-2-08)

**002. WRITTEN INTERPRETATIONS.**

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

**003. ADMINISTRATIVE APPEALS.**

**01. Administrative Appeals.** All administrative appeals are governed by provisions of IDAPA 16.05.03, "Rules Governing Contested Cases Proceedings and Declaratory Rulings." (4-2-08)

**02. Complaint Procedure.** The Department will maintain a record of substantiated child protection complaints against child care providers. Information regarding such substantiated child protection complaints is available in accordance with the Section 006 of these rules. (4-2-08)

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference in this chapter of rules. (4-2-08)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEB SITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (4-2-08)

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (4-2-08)

**03. Street Address.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-2-08)

**04. Telephone.** The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (4-2-08)

**05. Internet Web Site.** The Department's internet web site is found at <http://www.healthandwelfare.idaho.gov>. (4-2-08)

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.**

Any use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (4-2-08)

**007. -- 009. (RESERVED).**

**010. DEFINITIONS AND ABBREVIATIONS -- A THROUGH L.**

The following definitions and abbreviations apply to this chapter: (4-2-08)

- 01. AABD.** Aid to the Aged, Blind, and Disabled. (4-2-08)
- 02. Child.** Any person under age eighteen (18) under the care of a parent, or a person eighteen (18) years of age or older who is claimed on tax returns as a dependent. (4-2-08)
- 03. Child Care.** Care, control, supervision, or maintenance of a child provided for compensation by an individual, other than a parent, for less than twenty-four (24) hours in a day. (4-2-08)
- 04. Department.** The Idaho Department of Health and Welfare. (7-1-99)
- 05. Earned Income.** Income received by a person as wages, tips, or self-employment income before deductions for taxes or any other purposes. (4-2-08)
- 06. Employment.** A job paying wages or salary at federal or state minimum wage, whichever is applicable, including work paid by commission or in-kind compensation. Full or part-time participation in a VISTA or AmeriCorps program is also employment. (4-2-08)
- 07. Foster Care.** The twenty-four (24) hour substitute care of children provided in a foster home by persons who may or may not be related to a child. Foster care is provided in lieu of parental care and is arranged through a private or public agency. (4-2-08)
- 08. Foster Child.** A child placed for twenty-four (24) hour substitute care by a private or public agency. (4-2-08)
- 09. Foster Home.** The private home of an individual or family licensed or approved as meeting the standards for foster care and providing twenty-four (24) hour substitute care to six (6) or fewer children. (4-2-08)
- 10. Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-99)
- 11. In Loco Parentis.** Acting “in loco parentis” means a person who acts in place of a parent, assuming care and custody of a child by a formal or informal agreement with the child's parent. (4-2-08)
- 12. Job Training and Education Program.** A program designed to provide job training or education. Programs may include high school, junior college, community college, college or university, general equivalency diploma (GED), technical school, and vocational programs. To qualify as a Job Training and Education Program, the program must prepare the trainee for employment. (4-2-08)
- 13. Licensed Practitioner of the Healing Arts.** A licensed physician, physician assistant, nurse practitioner, or clinical nurse specialist. (4-2-08)

**011. DEFINITIONS AND ABBREVIATIONS -- M THROUGH Z.**

The following definitions and abbreviations apply to this chapter of rules: (4-2-08)

- 01. Minor Parent.** A parent under the age of eighteen (18). (4-2-08)
- 02. 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)
- 03. Parent.** A person responsible for a child because of birth, adoption, step-parent, or guardianship; or a person acting in loco parentis. (4-2-08)
- 04. Preventive Services.** Services needed to reduce or eliminate the need for protective intervention. Preventive services permit families to participate in activities designed to reduce or eliminate the need for out-of-home placement of a child by the Department. (4-2-08)

- 05. Prospective Income.** Income a family expects to receive within a given time. This can be earned or unearned income. (7-1-99)
- 06. Provider.** An individual, organization, agency, or other entity providing child care. (7-1-99)
- 07. Relative Provider.** Grandparent, great-grandparent, aunt, uncle, or adult sibling by blood or current marriage who provides child care. (4-2-08)
- 08. SSI.** Supplemental Security Income. (4-2-08)
- 09. 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 (IFSP). (4-2-08)
- 10. TAFI.** Temporary Assistance for Families in Idaho. (4-2-08)
- 11. Unearned Income.** Unearned income includes retirement, interest child support, and any income received from a source other than employment or self-employment. (4-2-08)
- 012. -- 099. (RESERVED).**

## **THE APPLICATION AND ELIGIBILITY DETERMINATION PROCESS**

**(Sections 100 through 199)**

### **100. APPLICATION AND INCOME LIMITS FOR CHILD CARE BENEFITS.**

Child care benefits are payments from the Department to child care providers on behalf of eligible families. An application for assistance for child care benefits must be completed, signed by the applicant, and received by the Department. The date of the application is the date it is received by the Department. The applicant must be notified in writing of the approval or denial of the application and of the right to appeal, if applicable. In order to receive ICCP assistance the applicant must not exceed the gross income limits described in Subsections 100.01 and 100.02 of this rule: (4-2-08)

- 01. Maximum Income Limits for ICCP Benefits.** The maximum income limit for eligibility for payment of ICCP benefits is based on one hundred thirty-five percent (135%) of the 2007 federal poverty guidelines. Maximum income limits by family size are as follows: (4-2-08)
- a.** One thousand five hundred forty dollars (\$1,540) for a household of two (2); (4-2-08)
  - b.** One thousand nine hundred thirty-two dollars (\$1,932) for a household of three (3); (4-2-08)
  - c.** Two thousand three hundred twenty-three dollars (\$2,323) for a household of four (4); (4-2-08)
  - d.** Two thousand seven hundred fifteen dollars (\$2,715) for a household of five (5); (4-2-08)
  - e.** Three thousand one hundred six dollars (\$3,106) for a household of six (6); (4-2-08)
  - f.** Three thousand four hundred ninety-eight dollars (\$3,498) for a household of seven (7); (4-2-08)
  - g.** Three thousand eight hundred eighty-nine dollars (\$3,889) for a household of eight (8); (4-2-08)
  - h.** Four thousand two hundred eighty-one dollars (\$4,281) for a household of nine: and (4-2-08)

- i.** Four thousand six hundred seventy-two dollars (\$4,672) for a household of 10. (4-2-08)
- 02. Additional Household Member.** Three hundred ninety-two dollars (\$392) is added to the maximum income limit for each additional family member. (4-2-08)
- 101. PARENTAL CHOICE OF CHILD CARE PROVIDER.**  
Eligible parents may choose among the following types of child care providers available under ICCP: (4-2-08)

  - 01. Child Care Center.** A child care center cares for thirteen (13) or more children. (4-2-08)
  - 02. Group Child Care.** Group child care is for seven (7) to twelve (12) children. (4-2-08)
  - 03. Family Child Care.** Family child care is for six (6) or fewer children. (4-2-08)
  - 04. Relative Child Care.** Relative child care is for six (6) or fewer related children. (4-2-08)
  - 05. In-Home Child Care.** In-home child care is provided by a relative or non-relative in the home of the child. Eligibility for in-home child care is determined in accordance with Section 400 of these rules. (4-2-08)
- 102. RESIDENCY.**  
The family must live in the state of Idaho, and have no immediate intention of leaving. (4-2-08)
- 103. COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT.**  
If a minor child has a non-custodial parent, the biological or adoptive parent, or other individual who lives with the child and exercises parental control, must cooperate in establishing paternity for the child and obtaining child support. (3-26-08)

  - 01. Providing All Information.** “Cooperation” includes providing all information to identify and locate the non-custodial parent. At a minimum, the first and last name of the non-custodial parent and at least two (2) of the following pieces of information must be provided. (3-26-08)

    - a.** Birth date; (3-26-08)
    - b.** Social Security Number; (3-26-08)
    - c.** Current address; (3-26-08)
    - d.** Current phone number; (3-26-08)
    - e.** Current employer; (3-26-08)
    - f.** Make, model, and license number of any motor vehicle owned by the non-custodial parent; and (3-26-08)
    - g.** Name, phone numbers and addresses of the parents of the non-custodial parent. (3-26-08)
  - 02. Established Case for Custodial Parent.** After Child Support Services (CSS) has established a case for a custodial parent, all child support payments must be sent directly to CSS. If the custodial parent receives child support directly from the non-custodial parent, the custodial parent must forward the payment to CSS for receipting. (3-26-08)
  - 03. Failure to Cooperate.** (3-26-08)

    - a.** Failure to cooperate includes failure to complete the non-custodial or alleged parent information or filiation affidavit as requested, failure to sign the limited power of attorney, or evidence of failure to cooperate provided by CSS. (3-26-08)

**b.** When a parent or individual fails to cooperate in establishing paternity and obtaining support, the family is not eligible to participate in the Idaho Child Care Program. (3-26-08)

**04. Exemptions From Cooperation Requirement.** The parent or individual will not be required to provide information about the non-custodial or alleged parent or otherwise cooperate in establishing paternity or obtaining support if good cause for not cooperating exists. Good cause for failure to cooperate must be provided. (3-26-08)

**a.** Good cause for failure to cooperate in obtaining support is: (3-26-08)

**i.** Proof the child was conceived as a result of incest or forcible rape; (3-26-08)

**ii.** Proof the non-custodial parent may inflict physical or emotional harm to the children, the custodial parent or individual exercising parental control. This must be supported by medical evidence, police reports, or as a last resort, an affidavit from a knowledgeable source; and (3-26-08)

**iii.** Substantial and credible proof is provided indicating the custodial parent cannot provide the minimum information regarding the non-custodial parent. (3-26-08)

**b.** A parent or individual claiming good cause for failure to cooperate must submit a notarized statement to the Department identifying the child for whom the exemption is claimed. The statement must list the reasons for the good cause claim. (3-26-08)

**c.** The cooperation requirement will be waived if good cause exists. No further action will be taken to establish paternity or obtain support. If good cause does not exist the parent will be notified that he is not eligible to receive Idaho Child Care program benefits, until child support cooperation as been obtained. (3-26-08)

#### **104. FAMILY COMPOSITION.**

A family is a group of individuals living in a common residence, whose combined income is considered in determining eligibility and the child care benefit amount. No individual may be considered a member of more than one (1) family in the same month. The following individuals are included in determining the family composition: (4-2-08)

**01. Married Parents.** Married parents living together in a common residence. (4-2-08)

**02. Unmarried Parents.** Unmarried parents who live in the same home and who have a child in common living with them. (4-2-08)

**03. Dependents.** Individuals who are claimed as dependents for tax purposes. (4-2-08)

**04. Minor Parent.** A minor parent and child are considered a separate family when they apply for child care benefits, even if they live with other relatives. (4-2-08)

**05. Individual Acting In Loco Parentis.** An individual acting in loco parentis who is eligible to apply for child care benefits. (4-2-08)

#### **105. ELIGIBLE CHILD.**

A family can only receive child care benefits for eligible children. A child is eligible for child care benefits under the following conditions: (4-2-08)

**01. Immunizations Requirements.** A child must be immunized in accordance with IDAPA 16.02.11, "Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho." Child care benefits can continue during a reasonable period necessary for the child to be immunized. Parents must provide evidence that the child has been immunized unless the child is attending school. (4-2-08)

**02. Citizenship or Alien Status Requirement.** A child must be one (1) of the following: (4-2-08)

- a. A citizen; (4-2-08)
- b. Living lawfully in the United States. (4-2-08)
- 03. Child's Age Requirement.** A child must be under thirteen (13) years of age, with the following exceptions: (4-2-08)
  - a. A child thirteen (13) years of age or older may be eligible for child care benefits if he meets one (1) or more of the following criteria: (4-2-08)
    - i. A child is eligible for child care benefits until the month of his eighteenth birthday if he is physically or mentally incapable of self-care, as verified by a licensed mental health professional or licensed practitioner of the healing arts. (4-2-08)
    - ii. A child may be eligible for child care benefits until the month of his eighteenth birthday if a court order, probation order, child protection, or mental health case plan requires constant supervision. (4-2-08)
  - b. A child who is eligible under Subsection 105.03.a. may receive child care benefits until the month of his nineteenth birthday if he is a full-time student and is expected to complete secondary school no later than the month of his nineteenth birthday. (4-2-08)
- 106. INCAPACITATED PARENT.**  
An incapacitated parent, unable to adequately care for the children in a two (2) parent family, is not required to have any qualifying activities as listed under Section 200 of these rules, as long as the other parent is participating in qualifying activities. A single parent family in which the parent is incapacitated is not eligible for ICCP. A parent with a disability does not automatically qualify as an incapacitated parent. (4-2-08)

**107. -- 199. (RESERVED).**

## **QUALIFYING ACTIVITIES AND REPORTING REQUIREMENTS**

**(Sections 200 through 299)**

### **200. QUALIFYING ACTIVITIES FOR CHILD CARE BENEFITS.**

To be eligible for child care benefits, a family must need child care because they are engaged in one (1) of the qualifying activities listed in Subsections 200.01 through 200.05 of this rule. (5-1-08)T

- 01. Employment.** The parent is currently employed. (4-2-08)
- 02. Self-Employment.** The parent is currently self-employed in a business that is a sole proprietorship. A sole proprietorship is a business owned by one (1) person. Restrictions apply for self-employment as follows: (5-1-08)T
  - a. For the first six (6) months of benefit assistance, actual activity hours are used to determine benefit assistance for a parent who is self-employed. (5-1-08)T
  - b. After receiving six (6) months of benefit assistance, the number of self-employment activity hours that will be used to calculate benefits can be limited for a parent who is self-employed. To calculate the activity hours allowed for ICCP benefit assistance, the gross monthly self-employment income is divided by the current federal minimum hourly wage to determine the number of self-employment activity hours allowed. The lesser of the calculated activity hours or actual activity hours will be used to determine the benefit assistance. (5-1-08)T
- 03. Training or Education.** The parent is attending an accredited education or training program. The following restrictions apply to training or education activities: (4-2-08)



- a. On-line classes cannot be counted as a qualifying activity for child care. (4-2-08)
  - b. Persons with baccalaureate degrees or who are attending post-baccalaureate classes do not qualify for child care benefits. (4-2-08)
  - c. More than forty (40) months of post-secondary education has been used as a qualifying activity. (4-2-08)
- 04. Preventive Services.** The parent is receiving preventive services as defined in Section 011 of these rules. The Department will verify the continued need for preventive services at least every three (3) months. (4-2-08)
- 05. Personal Responsibility Contract (PRC).** The parent is completing Personal Responsibility Contract (PRC) activities negotiated between the Department and the parent as described in IDAPA 16.03.08, "Rules Governing Temporary Assistance for Families (TAFI) in Idaho." (4-2-08)

**201. REPORTING REQUIREMENTS FOR FAMILIES.**

- 01. Changes That Must Be Reported Within Ten Days.** A family who applies for or receives child care benefits must report the following changes within ten (10) days of the change: (4-2-08)
- a. Anyone entering or leaving the household. (4-2-08)
  - b. Change in the rates charged for child care services; (4-2-08)
  - c. Change in the hours or nature of any qualifying activity; (4-2-08)
  - d. Change in the number of hours worked; (4-2-08)
  - e. A permanent change in rate of pay; (4-2-08)
  - f. Any other permanent change in monthly income, either earned or unearned; and (4-2-08)
  - g. A change of address for either the participant or the child care provider. (4-2-08)
- 02. Changing Providers.** (4-2-08)
- a. **Changing Providers During the Month.** A parent must notify ICCP by the twenty-fifth of the month of his intent to change providers for the next month of service. (4-2-08)
  - b. **Changing Providers Without Providing Notice.** A parent who chooses to change providers without providing notice to the Department and who does not have good cause for failing to report the change, is responsible to pay the new provider for the next month of service. (4-2-08)

**202. -- 299. (RESERVED).**

**FINANCIAL CRITERIA FOR ICCP ELIGIBILITY**

**(Sections 300 through 399)**

**300. INCOME LIMIT.**

A family's income must be less than the published 2007 federal poverty guidelines for one hundred thirty-five percent (135%) of poverty for a family of the same size. The federal poverty guidelines are available on the U.S. Health and Human Services web site at <http://aspe.hhs.gov/poverty/index.shtml>. (4-2-08)

**301. COUNTABLE INCOME.**

All gross earned and unearned income is counted in determining eligibility and the child care benefit amount, unless specifically excluded under Section 302 of these rules. (5-1-08)T

**302. EXCLUDED INCOME.**

The following sources of income are not counted as family income. (4-2-08)

**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 who is seeking or receiving child care benefits. (4-2-08)

**02. Income Received for Person Not Residing With the Family.** Income received on behalf of a person who is not living in the home. (4-2-08)

**03. Educational Funds.** All educational funds including grants, scholarships, an AmeriCorps Education Award, and federal and state work-study income. (4-2-08)

**04. Assistance.** Assistance to meet a specific need from other organizations and agencies. (4-2-08)

**05. Lump Sum Income.** Non-recurring or lump sum income is excluded as income if it is 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 current income limits for a family of the same size, the family is not eligible to receive child care benefits. The period of ineligibility is computed by dividing the lump sum payment by the family's monthly income limit. In no case will the period of ineligibility exceed twelve (12) months. (4-2-08)

**06. Loans.** Loans with written, signed repayment agreements. (4-2-08)

**07. TAFI and AABD Benefits.** TAFI and AABD benefits. (4-2-08)

**08. Foster Care Payments.** Foster care payments. (4-2-08)

**09. AmeriCorps/VISTA Volunteers.** Living allowances, wages and stipends paid to AmeriCorps or VISTA volunteers under 42 U.C.S. 5044, P.L. 93-113, Title IV, Section 404(g) are excluded as income. (4-2-08)

**10. Income Tax Refunds and Earned Income Tax Credits.** Income tax refunds and earned income tax credits are excluded as income. (4-2-08)

**11. Travel Reimbursements.** Reimbursements from employers for work-related travel. (4-2-08)

**12. Tribal Income.** Income received from a tribe for any purpose other than direct wages. (4-2-08)

**13. Foster Parents' Income.** Income of licensed foster parents is excluded when determining eligibility for a foster child. Income is counted when determining eligibility for the foster parent's own child(ren). (4-2-08)

**14. Adoption Assistance.** Adoption assistance payments are excluded from income. (4-2-08)

**15. Child Support Payments.** Court-ordered child support payments made by the parent(s) who receive the child care benefits are deducted from income used to determine eligibility. Both the legal obligation to pay child support and the actual amount paid must be verified. (4-2-08)

**303. AVERAGING SELF-EMPLOYMENT INCOME.**

**01. Annual Self-Employment Income.** When self-employment income is considered annual support by the household, the Department averages the self-employment income over a twelve (12) month period, even if: (5-1-08)T

- a. The income is received over a shorter period of time than twelve (12) months; and (5-1-08)T
- b. The household receives income from other sources in addition to self-employment. (5-1-08)T

**02. Seasonal Self-Employment Income.** A seasonally self-employed individual receives income from self-employment during part of the year. When self-employment income is considered seasonal, the Department averages self-employment income for only the part of the year the income is intended to cover. (5-1-08)T

**304. CALCULATION OF SELF-EMPLOYMENT INCOME.**

The Department calculates self-employment income by adding monthly income to capital gains and subtracting a deduction for expenses as determined in Subsection 304.03 of this rule. (5-1-08)T

**01. How Monthly Income is Determined.** If no income fluctuations are expected, the average monthly income amount is projected for the certification period. If past income does not reflect expected future income, a proportionate adjustment is made to the expected monthly income. (5-1-08)T

**02. Capital Gains Income.** Capital gains include profit from the sale or transfer of capital assets used in self-employment. The Department calculates capital gains using the federal income tax method. If the household expects to receive any capital gains income from self-employment assets during the certification period, this amount is added to the monthly income as determined in Subsection 304.01 of this rule to determine the gross monthly income. (5-1-08)T

**03. Self-Employment Expense Deduction.** The Department uses the standard self-employment deduction in Subsection 304.03.a. of this rule, unless the applicant claims that his actual allowable expenses exceed the standard deduction and provides proof of the expenses described in Subsection 304.03.b. of this rule. (5-1-08)T

a. The self-employment standard deduction is determined by subtracting fifty percent (50%) of the gross monthly self-employment income as determined in Subsections 303.01 and 303.02 of this rule; or (5-1-08)T

b. The self-employment actual expense deduction is determined by subtracting the actual allowable expenses from the gross monthly self-employment income. The following items are not allowable expenses and may not be subtracted from the gross monthly self-employment income: (5-1-08)T

- i. Net losses from previous tax years; (5-1-08)T
- ii. Federal, state, and local income taxes; (5-1-08)T
- iii. Money set aside for retirement; (5-1-08)T
- iv. Work-related personal expenses such as transportation to and from work; and (5-1-08)T
- v. Depreciation. (5-1-08)T

**305. -- 399. (RESERVED).**

**IN-HOME CARE REQUIREMENTS**

**(Sections 400 through 499)**

**400. REQUIREMENTS FOR IN-HOME CARE UNDER ICCP.**

Parents must contact the Department to request approval of in-home child care. Only parents who have qualified activities outside their home will be considered for in-home care approval. The Department limits the approval of all in-home child care under ICCP to the following circumstances: (4-2-08)

**01. Three or More Children in the Home.** There are three (3) or more children in the home who are eligible for ICCP and require child care. (4-2-08)

**02. Fewer Than Three Children in the Home.** If there are fewer than three (3) children in the home who are eligible for ICCP and require child care, in-home care will be approved by the Department only when one (1) of the following special circumstances are met: (4-2-08)

**a.** Parents' qualifying activity occurs during times when out-of-home care is not available. If child care is needed during any period when out-of home care is not available, in-home care will be approved for the entire time care is needed. A family is not expected to change between out-of-home and in-home care. (4-2-08)

**b.** The family lives in an area where out-of-home care is not available. (4-2-08)

**c.** A child has a verified illness or disability that would place the child or other children in an out-of-home facility at risk. (4-2-08)

**401. -- 499. (RESERVED).**

### **PAYMENT INFORMATION**

**(Sections 500 through 599)**

#### **500. ALLOWABLE CHILD CARE COSTS.**

Care provided to an eligible child by an eligible child care provider is payable subject to the following conditions: (4-2-08)

**01. Payment for Employment, Training, Education, or Preventive Service Hours.** Child care must be reasonably related to the hours of the parent's qualifying activities. Travel time is included in determining qualifying activities. (4-2-08)

**02. Family Member or Guardian Not Payable.** A parent, step-parent, or unmarried parent will not be paid for providing child care to his child. A guardian will not be paid for providing child care to his ward. Absent parents, or anyone living in the absent parent's home are not eligible to receive ICCP payment.. (4-2-08)

**03. One-Time Registration Fees.** One-time fees for registering a child in a child care facility are payable above the local market rate, 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. (4-2-08)

**04. Local Market Rates (LMR) for Child Care.** The local market rates are the maximum monthly amounts that ICCP will pay for any given category of child care in a geographic area designated by the Department. The local market rates for child care are established based on a comprehensive survey of child care providers. Using information gathered in the survey, including the age of child, the type of child care, and the designated area where the provider does business, a local market rate is specified for each category of child care. The rate survey is conducted biannually. However, due to budgetary considerations, the Department may opt not to update the rate structure following a survey. (4-2-08)

#### **501. AMOUNT OF PAYMENT.**

Child Care payments will be based on Subsections 501.01 through 501.04 of these rules. (4-2-08)

**01. Payment Rate.** Payment will be based on the lower of the billed cost of child care, or the local market rate. (4-2-08)

**a.** The local market rate is determined from a survey of providers' child care charges which is conducted every two years. The local market rate is set at the seventy-fifth percentile and updated as the budget allows. (4-2-08)

**b.** Each Region has a separate local market rate. Payment rates will be determined by the location of the child care facility. (4-2-08)

**c.** If the child care facility is not in Idaho, the local market rate will be the rate where the family lives. (4-2-08)

**d.** The rate survey will be conducted at least every two (2) years. (4-2-08)

**02. Usual and Customary Rates.** Rates charged by the child care provider must not exceed the usual and customary rates charged to all families. (4-2-08)

**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. (4-2-08)

**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. (4-2-08)

**502. SLIDING FEE SCHEDULES.**

Eligible families, except TAFI families participating in non-employment TAFI activities, must pay part of their child care costs. (4-2-08)

**01. Poverty Rates.** Poverty rates will be one hundred thirty-five percent (135%) of the 2007 federal poverty guidelines published in the Federal Register. The monthly rate will be calculated by dividing the yearly rate by twelve (12). (4-2-08)

**02. Calculating Family Payment.** Families must pay the provider their share of costs for child care services which include the families' co-payments and any charges not paid by the Department. Family income and activity 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 or billed costs, whichever is lower, less the co-payment listed in the following table: (4-2-08)

**03. ICCP Sliding Fee Schedule.**

ICCP SLIDING FEE SCHEDULE									
Family Size	2	3	4	5	6	7	8	9	10
Percent Co-pay	MONTHLY INCOME LIMITS								
7%	\$499	\$599	\$699	\$799	\$899	\$1,099	\$1,199	\$1,399	\$1,499
11%	\$799	\$1,099	\$1,299	\$1,499	\$1,699	\$1,999	\$2,199	\$2,399	\$2,599
16%	\$949	\$1,249	\$1,449	\$1,699	\$1,999	\$2,299	\$2,549	\$2,799	\$3,049
21%	\$1,099	\$1,399	\$1,599	\$1,899	\$2,299	\$2,599	\$2,899	\$3,199	\$3,499
26%	\$1,165	\$1,465	\$1,731	\$2,031	\$2,399	\$2,731	\$3,031	\$3,365	\$3,665
31%	\$1,231	\$1,531	\$1,863	\$2,163	\$2,499	\$2,863	\$3,163	\$3,531	\$3,831
36%	\$1,299	\$1,599	\$1,999	\$2,299	\$2,599	\$2,999	\$3,299	\$3,699	\$3,999

<b>ICCP SLIDING FEE SCHEDULE</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>Percent Co-pay</b>	<b>MONTHLY INCOME LIMITS</b>								
41%	\$1,308	\$1,616	\$2,008	\$2,316	\$2,625	\$3,016	\$3,325	\$3,716	\$4,025
46%	\$1,317	\$1,633	\$2,017	\$2,333	\$2,651	\$3,033	\$3,351	\$3,733	\$4,051
51%	\$1,326	\$1,650	\$2,026	\$2,350	\$2,677	\$3,050	\$3,377	\$3,750	\$4,077
56%	\$1,335	\$1,667	\$2,035	\$2,367	\$2,703	\$3,067	\$3,403	\$3,767	\$4,103
61%	\$1,344	\$1,684	\$2,044	\$2,384	\$2,729	\$3,084	\$3,429	\$3,784	\$4,129
66%	\$1,356	\$1,706	\$2,056	\$2,406	\$2,756	\$3,106	\$3,456	\$3,806	\$4,156
71%	\$1,386	\$1,743	\$2,100	\$2,457	\$2,814	\$3,171	\$3,528	\$3,885	\$4,242
76%	\$1,416	\$1,780	\$2,144	\$2,508	\$2,872	\$3,236	\$3,600	\$3,964	\$4,328
81%	\$1,446	\$1,817	\$2,188	\$2,559	\$2,930	\$3,301	\$3,672	\$4,043	\$4,414
86%	\$1,476	\$1,854	\$2,232	\$2,610	\$2,988	\$3,366	\$3,744	\$4,122	\$4,500
91%	\$1,506	\$1,891	\$2,276	\$2,661	\$3,046	\$3,431	\$3,816	\$4,201	\$4,586
96%	\$1,540	\$1,932	\$2,323	\$2,715	\$3,106	\$3,498	\$3,889	\$4,281	\$4,672

(4-2-08)

**503. NON-WORKING STUDENT CO-PAYMENT REQUIREMENTS.**

A post-secondary student who does not work will be required to pay a thirty-one percent (31%) co-payment. A post-secondary student who works at least ten (10) hours per week will have a co-payment based on his total family income. A student who is finishing high school, taking English as a second language or GED courses will be excluded from the requirement to pay a thirty-one percent (31%) co-payment and will instead have a co-payment based only on his income. (3-26-08)

**504. INTERIM CHILD CARE PAYMENT.**

A family that uses a relative provider is not eligible for interim child care payments. If child care arrangements would otherwise be lost, child care may be paid under the following conditions: (4-2-08)

**01. Break in Employment or Education.** During a break in employment or education of one (1) month or less. (4-2-08)

**02. Children Temporarily Out of the Home.** While children are temporarily away from the home for a period of one (1) month or less. (4-2-08)

**505. -- 599. (RESERVED).**

**CHANGE REPORTING REQUIREMENTS FOR THOSE  
RECEIVING CHILD CARE BENEFITS**

**(Sections 600 through 699)**

**600. DEPARTMENT ACTION ON CHANGES.**

The Department must take action on the following reported changes: (4-2-08)

**01. Change in Income or Hours of Activity.** If a change in income or hours of qualifying activity results in a decrease in the amount of the child care benefit, the Department will make the change effective the month following the month the change is reported. (4-2-08)

**02. Change in Billed Amount.** If the billed amount of child care results in a decrease in the amount of the child care benefit, the Department will make the changes effective in the month the changes were reported. (4-2-08)

**03. Change Resulting in an Increase.** If a change results in an increase in the amount of the child care benefit, the Department will make the change effective in the month the changes were reported. (4-2-08)

**601. REDETERMINATION OF ELIGIBILITY FOR CHILD CARE BENEFITS.**

The Department must redetermine eligibility for child care benefits at least every six (6) months. Eligibility must be redetermined more often than every six (6) months for the following qualifying activities: (4-2-08)

**01. Preventive Services.** The Department must redetermine eligibility every three (3) months for each family in which child care is needed for preventive services. (4-2-08)

**02. Education Activities.** The Department must redetermine eligibility at the end of each semester or term for parents engaged in educational activities. (4-2-08)

**602. -- 699. (RESERVED).**

**PAYMENT ADJUSTMENTS AND PENALTIES**

**(Sections 700 through 704)**

**700. UNDERPAYMENT OF CHILD CARE BENEFITS.**

When the Department has underpaid a family's child care benefits, a supplemental payment will be made. (4-2-08)

**701. OVERPAYMENTS AND RECOVERY.**

An overpayment for child care services may occur as the result of Department, 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 an overpayment based on Department error may be collected from parents or providers when the overpayment is one hundred dollars (\$100), or more. An overpayment due to family or provider error, IPV or fraud must be recovered in full. (4-2-08)

**01. Provider Repayment Requirement.** A provider must repay any overpayment resulting from the provider's failure to report changes within ten (10) days as required under Section 808 of these rules. A provider may negotiate a repayment schedule with the Department. Failure to comply with the negotiated repayment agreement will result in loss of eligibility to receive ICCP payments. Ineligibility will continue until the provider repays the overpayment or a new repayment agreement is negotiated with the Department. (4-2-08)

**02. Parental Repayment Requirement.** A parent must repay any overpayment resulting from the parent's failure to report changes within ten (10) days as required in Section 201 of these rules. The parent may negotiate a repayment schedule with the Department. Failure to comply with the negotiated repayment agreement will result in loss of the family's eligibility to receive child care benefits. Ineligibility will continue until the parent repays the overpayment or a new repayment agreement is negotiated with the Department. (4-2-08)

**702. INTENTIONAL PROGRAM VIOLATIONS (IPV).**

An IPV is an intentionally false or misleading action or statement as identified below in Subsections 702.01 through

702.08 of this rule. An IPV is 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. (4-2-08)

**01. False Statement.** An individual makes a false statement to the Department, either orally or in writing, in order to participate in the Idaho Child Care Program. (4-2-08)

**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. (4-2-08)

**03. Misrepresentation of Fact.** An individual misrepresents one (1) or more facts to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (4-2-08)

**04. Concealing Fact.** An individual conceals or withholds one (1) or more facts to participate in the Idaho Child Care Program. (4-2-08)

**05. Non-Compliance With Rules and Regulations.** An individual fails repeatedly or substantially to comply with this chapter of rules. (4-2-08)

**06. Violation of Provider Agreement.** An individual knowingly violates any term of his provider agreement. (4-2-08)

**07. Failure to Repay.** An individual has failed to repay, or was a managing employee or had an ownership or control interest in any entity that has failed to repay, any overpayments or claims previously found to have been obtained contrary to statute, rule, regulation, or provider agreement. (4-2-08)

**08. Failure to Meet Qualifications.** A provider fails to meet the qualifications specifically required by this chapter of rules or by any applicable licensing board. (4-2-08)

**703. PENALTIES FOR AN IPV.**

When the Department determines an IPV was committed, the party who committed the IPV loses eligibility for ICCP. If an individual has committed an IPV, the entire family is ineligible for child care benefits. If a child care provider has committed an IPV, the provider is ineligible to receive payments. The period of ineligibility for each offense, for both participants and providers, is as follows: (4-2-08)

**01. First Offense.** Twelve (12) months, for the first IPV or fraud offense, or the length of time specified by the court. (4-2-08)

**02. Second Offense.** Twenty-four (24) months for the second IPV or fraud offense, or the length of time specified by the court. (4-2-08)

**03. Third Offense.** Permanent ineligibility for the third or subsequent IPV or fraud offense, or the length of time specified by the court. (4-2-08)

**704. FUNDING RESTRICTIONS.**

If a funding shortfall is projected, the Department may reduce child care benefits to ensure that ICCP operates within its financial resources. (4-2-08)

**705. -- 799. (RESERVED).**



**PROVIDER ELIGIBILITY**

**(Sections 800 through 808)**

**800. CHILD CARE PROVIDER LICENSING.**

All providers of child care who receive a Department subsidy must be licensed or must comply with: applicable State Day Care licensing requirements in Title 39, Chapter 11, Idaho Code; these rules; local licensing ordinances; or tribal ordinances. If both state requirements 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. (4-2-08)

**801. LIMIT ON PROVIDER PAYMENT.**

ICCP will not pay for in-home child care if the provider lives at the same address as the child, unless the child care provider is a relative who is not acting "in loco parentis." A roommate, significant other, cousin, or any other individual that lives in the same home as the child will not be paid for providing child care. (4-2-08)

**802. HEALTH AND SAFETY REQUIREMENTS.**

All providers must submit a written statement that they comply with the health and safety requirements listed in Subsections 802.01 through 802.10 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. (4-2-08)

**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. (4-2-08)

**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. (4-2-08)

**03. Food Storage.** All food served in child care facilities must be stored to protect it from potential contamination. (4-2-08)

**04. Hazardous Substances.** Medicines, cleaning supplies, and other hazardous substances must be stored out of the reach of children. (4-2-08)

**05. Emergency Communication.** A telephone or some type of emergency communication system is required. (4-2-08)

**06. Smoke Detectors, Fire Extinguishers, 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. (4-2-08)

**07. Hand Washing.** Each provider must 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. (4-2-08)

**08. CPR/First Aid.** Providers must 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. (4-2-08)

**09. Health of Provider.** Each provider must certify that he does not have a communicable disease or any physical or psychological condition that might pose a threat to the safety of a child in his care. (4-2-08)

**10. Child Abuse.** Providers must report suspected child abuse to the appropriate authority. (4-2-08)

**803. TEMPORARY REGISTRATION OF AN ICCP PENDING COMPLETION OF THE HEALTH DISTRICT INSPECTION.**

The Department may issue a temporary registration to an ICCP provider applicant pending completion of the necessary Health District inspection and CPR/First Aid Certification. All temporary ICCP registration will be issued under the following conditions: (4-2-08)

**01. Length of Temporary Registration.** A temporary registration will be issued for a period of time not to exceed ninety (90) days, unless otherwise extended by the Department. (4-2-08)

**02. Applicants Must Sign a Provider Agreement.** All ICCP provider applicants must sign the ICCP provider agreement prior to issuance of a temporary registration. (4-2-08)

**804. CHILD CARE PROVIDER AGREEMENT.**  
All providers must sign and comply with a provider agreement. (4-2-08)

**805. CONVICTION OR WITHHELD JUDGMENT.**  
A child care provider must sign a self-declaration attesting he has not been convicted or received a withheld judgement for any of the following crimes: homicide; kidnaping; arson; assault and battery; sexual abuse of a child; a sex crime as defined in Chapter 66, Title 18, Idaho Code; rape as defined in Chapter 61, Title 18, Idaho Code; injuring a child as defined in Section 18-1501, Idaho Code; selling or bartering a child as defined in Section 18-1511, Idaho Code; sexually abusing a child as defined in Section 18-1506, Idaho Code; sexually exploiting a child as defined in Section 18-1507, Idaho Code; or any similar provision in another jurisdiction. (4-2-08)

**806. PURVIEW OF CHILD PROTECTIVE ACT OR JUVENILE JUSTICE REFORM ACT.**  
Providers must certify that they are not, through stipulation or adjudication, under the purview of the Child Protective Act, Section 16-1600, Idaho Code, or the Juvenile Corrections Act, Section 20-501 through 20-547, Idaho Code. Any person who has a substantiated child protection complaint cannot be a provider. (4-2-08)

**807. 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. (4-2-08)

**808. REPORTING REQUIREMENTS FOR PROVIDERS.**  
A child care provider must report any of the following changes within ten (10) days: (4-2-08)

**01. Change in Provider Charges.** The provider changes any rate for child care services. (4-2-08)

**02. Child Stops Attending Care.** A child covered under ICCP stops attending child care, or is taken to another child care provider. (4-2-08)

**03. Change of Provider Address.** The provider changes the location where child care is provided. (4-2-08)

**04. Change in Who Lives in Home.** An individual who provides child care in his home must report when any other person moves into the home. (4-2-08)

**05. Intent Not to Renew License.** The provider intends not to renew his license, or other required certifications. (4-2-08)

**809. -- 999. (RESERVED).**

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