

Table of Contents

16.06.12 - Rules Governing the Idaho Child Care Program (ICCP)

000. Legal Authority.	3
001. Title And Scope.	3
002. Written Interpretations.	3
003. Administrative Appeals.	3
004. Incorporation By Reference.	3
005. Office -- Office Hours -- Mailing Address -- Street Address -- Telephone Number -- Internet Web Site.	3
006. Confidentiality Of Records And Public Records Requests.	3
007. (Reserved)	3
008. Audit, Investigation And Enforcement.	3
009. Criminal History And Background Check Requirements.	4
010. Definitions And Abbreviations -- A Through L.	4
011. Definitions And Abbreviations -- M Through Z.	6
012. -- 049. (Reserved)	6
050. ICCP Application For Benefits.	6
051. Signatures.	7
052. -- 069. (Reserved)	7
070. Income Limits.	7
071. Countable Income.	7
072. Excluded Income.	7
073. Averaging Self-Employment Income.	8
074. Calculation Of Self-Employment Income.	8
075. Projecting Monthly Income.	9
076. Converting Income To A Monthly Amount.	9
077. -- 099. (Reserved)	10
NON-FINANCIAL CRITERIA	
100. (Reserved)	10
101. Parental Choice Of Child Care Provider.	10
102. Residency.	10
103. Cooperation In Establishment Of Paternity And Obtaining Support.	10
104. Family Composition.	11
105. Eligible Child.	12
106. Incapacitated Parent.	12
107. -- 199. (Reserved)	12
QUALIFYING ACTIVITIES	
200. Qualifying Activities For Child Care Benefits.	12
201. Projecting Qualifying Activity Hours.	13
202. -- 399. (Reserved)	13
400. Requirements For In-Home Care Under ICCP.	13
401. -- 499. (Reserved)	14

PAYMENT INFORMATION

500. Allowable Child Care Costs.	14
501. Amount Of Payment.	14
502. Sliding Fee Schedules.	15
503. Student Co-Payment Requirements.	15
504. Interim Child Care Payment.	15
505. -- 599. (Reserved)	15
CHANGE REPORTING REQUIREMENTS FOR THOSE RECEIVING CHILD CARE BENEFITS	
600. Change Reporting Requirements.	16
601. Required Action On Reported Changes.	16
602. Redetermination Of Eligibility For Child Care Benefits.	16
603. -- 699. (Reserved)	16
PAYMENT ADJUSTMENTS AND PENALTIES	
700. Underpayment Of Child Care Benefits.	16
701. Recoupment Of Overpayments.	16
702. Intentional Program Violations (IPV).	17
703. Penalties For An IPV.	17
704. Denial Of Payment.	17
705. Funding Restrictions.	18
706. -- 749. (Reserved)	18
ENFORCEMENT REMEDIES	
750. Termination Of Provider Status.	18
751. Refusal To Enter Into An Agreement.	18
752. Provider Notification.	19
753. Notice To State Licensing Authorities.	19
754. -- 799. (Reserved)	19
PROVIDER ELIGIBILITY	
800. Child Care Provider Licensing.	19
801. Limit On Provider Payment.	19
802. Health And Safety Requirements.	19
803. Temporary Registration Of An ICCP Provider Applicant.	20
804. Child Care Provider Agreement.	20
805. Criminal History And Background Check Requirement.	20
806. Purview Of Child Protective Act Or Juvenile Justice Reform Act.	20
807. Parent Or Caretaker Access To Child Care Premises.	21
808. Reporting Requirements For Providers.	21
809. (Reserved)	21
810. Documentation Of Services And Access To Records.	21
811. -- 999. (Reserved)	21

**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 website 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. (RESERVED)

008. AUDIT, INVESTIGATION AND ENFORCEMENT.

In addition to any actions specified in these rules, the Department may audit, investigate and take enforcement action under the provisions of IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse or Misconduct." (7-1-09)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Compliance with Department Criminal History and Background Check. Criminal history and background checks are required for ICCP providers. Providers who are required to have a criminal history check must comply with IDAPA 16.05.06, "Criminal History and Background Checks." (4-9-09)

02. ICCP Provider is Approved. The ICCP provider must have completed a criminal history and background check, and received a clearance, prior to becoming an ICCP provider. (4-9-09)

03. Availability to Work or Provide Service. (4-9-09)

a. The employer or provider, at its discretion, may allow an individual to provide care or services on a provisional basis once the application for a criminal history and background check is completed and notarized, and the employer has reviewed the application for any disqualifying crimes or relevant records. The employer determines whether the individual could pose a health and safety risk to the vulnerable participants it serves. The individual is not allowed to provide care or services when the employer determines the individual has disclosed a disqualifying crime or relevant records. (4-9-09)

b. Those individuals licensed or certified by the Department are not available to provide services or receive licensure or certification until the criminal history and background check is completed and a clearance issued by the Department. (4-9-09)

c. Individuals living in the home who have direct contact with children are allowed contact after the criminal history application and self-disclosure is completed as provided in Section 56-1004A, Idaho Code, except when they have disclosed a disqualifying crime listed in IDAPA 16.05.06, "Criminal History and Background Checks." (4-9-09)

04. Applicants, Providers, and Other Individuals Subject to Criminal History Check Requirements. The following applicants, providers and other individuals listed below must receive a criminal history and background check: (4-9-09)

a. Child care center employees and volunteers who have direct contact with children; (4-9-09)

b. Group child care employees and volunteers who have direct contact with children; (4-9-09)

c. Family child care provider and any individual age thirteen (13) or older living in the home who have direct contact with children; (4-9-09)

d. Relative child care provider and any individual age thirteen (13) or older living in the home who have direct contact with children; and (4-9-09)

e. In-home child care provider. (4-9-09)

05. Criminal History and Background Check at Any Time. The Department can require a criminal history and background check at any time on any individual providing child care to an ICCP eligible child. (4-9-09)

06. Additional Criminal Convictions. Once an individual has received a criminal history clearance, any additional criminal convictions must be reported by the child care provider to the Department when the provider learns of the conviction. (4-9-09)

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. Abuse or Abusive.** Provider practices that are inconsistent with sound fiscal, business, or child care practices and result in an unnecessary cost to the Idaho Child Care Program, in reimbursement that is not necessary, or that fail to meet professional recognized standards for child care, or result in physical harm, pain, or mental anguish to children. (7-1-09)
- 03. 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)
- 04. 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)
- 05. Claim.** Any request or demand for payment, or document submitted to initiate payment, for items or services provided under the Idaho Child Care Program. (7-1-09)
- 06. Department.** The Idaho Department of Health and Welfare or its designee. (7-1-09)
- 07. 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)
- 08. 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)
- 09. Foster Care.** The twenty-four (24) hour substitute care of children provided in a state licensed 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. (4-4-13)
- 10. Foster Child.** A child placed for twenty-four (24) hour substitute care by a private or public agency. (4-2-08)
- 11. Foster Home.** The private home of an individual or family licensed by the state and providing twenty-four (24) hour substitute care to six (6) or fewer children. (4-4-13)
- 12. Fraud or Fraudulent.** An intentional deception or misrepresentation made by a person with knowledge that the deception could result in some unauthorized benefit to himself or some other person. (7-1-09)
- 13. Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-99)
- 14. 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)
- 15. Intentional Program Violation (IPV).** An intentional false or misleading action, omission, or statement made in order to qualify as a provider or recipient in the Idaho Child Care program or to receive program benefits or reimbursement. (7-1-09)
- 16. 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)
- 17. Knowingly, Known, or With Knowledge.** With respect to information or an action about which a person has actual knowledge of the information or action; acts in deliberate ignorance of the truth or falsity of the information or the correctness or incorrectness of the action; or acts in reckless disregard of the truth or falsity of the information or the correctness or incorrectness of the action. (7-1-09)

18. 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. Managing Employee. A general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of an organization or entity. (7-1-09)

02. Minor Parent. A parent under the age of eighteen (18). (4-2-08)

03. 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)

04. 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)

05. 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)

06. Prospective Income. Income a family expects to receive within a given time. This can be earned or unearned income. (7-1-99)

07. Provider. An individual, organization, agency, or other entity providing child care. (7-1-99)

08. Relative Provider. Grandparent, great-grandparent, aunt, uncle, or adult sibling by blood or current marriage who provides child care. (4-2-08)

09. SSI. Supplemental Security Income. (4-2-08)

10. 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)

11. TAFI. Temporary Assistance for Families in Idaho. (4-2-08)

12. 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. -- 049. (RESERVED)

APPLICATION REQUIREMENTS
(Sections 050 through 069)

050. ICCP APPLICATION FOR BENEFITS.
A family applying for child care benefits must submit a completed and signed application to the Department. (5-1-11)

01. Application Received. The Department will date stamp the application on the day the application is received. The applicant has thirty (30) days from the date the application is received by the Department to complete the application process by providing all required verifications. (5-1-11)

02. New Application Required. A new application is required if all requested verification is not provided within thirty (30) days from the date the application was received by the Department. The time limit can be

extended by the Department for events beyond the Department's control. (5-1-11)

03. Notification. The Department will act on applications for child care benefits within thirty (30) days of receipt. The applicant will be notified in writing of the approval or denial of the application and of the applicant's right to appeal. (5-1-11)

051. SIGNATURES.

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (3-29-12)

052. -- 069. (RESERVED)

FINANCIAL CRITERIA FOR ICCP ELIGIBILITY
(Sections 070 through 099)

070. INCOME LIMITS.

A family's income must be less than the published Federal Poverty Guidelines for one hundred thirty percent (130%) of poverty for a family of the same size. The Federal Poverty Guidelines (FPG) are available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. (4-4-13)

071. COUNTABLE INCOME.

All gross earned and unearned income is counted in determining eligibility and the child care benefit amount, unless specifically excluded under Section 072 of these rules. (5-1-11)

072. 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. (4-4-13)

08. Foster Care Payments. (4-4-13)

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)

16. Temporary Census Income. All wages paid by the Census Bureau for temporary employment related to U.S. Census activities are excluded for a time period not to exceed six (6) months during the regularly scheduled ten-year U.S. Census. (4-7-11)

17. Office of Refugee Resettlement Assistance. (4-4-13)

18. Workforce Investment Act Benefits. (4-4-13)

073. 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: (5-8-09)

a. The income is received over a shorter period of time than twelve (12) months; and (5-8-09)

b. The household receives income from other sources in addition to self-employment. (5-8-09)

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. (5-8-09)

074. 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 074.03 of this rule. (5-1-11)

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. (5-8-09)

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 074.01 of this rule to determine the gross monthly income. (5-1-11)

03. Self-Employment Expense Deduction. The Department uses the standard self-employment deduction in Subsection 074.03.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 074.03.b. of this rule. (5-1-11)

a. The self-employment standard deduction is determined by subtracting fifty percent (50%) of the

gross monthly self-employment income as determined in Subsections 074.01 and 074.02 of this rule; or (5-1-11)

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: (5-8-09)

- i. Net losses from previous tax years; (5-8-09)
- ii. Federal, state, and local income taxes; (5-8-09)
- iii. Money set aside for retirement; (5-8-09)
- iv. Work-related personal expenses such as transportation to and from work; and (5-8-09)
- v. Depreciation. (5-8-09)

075. PROJECTING MONTHLY INCOME.

Income is projected for each month. Past income may be used to project future income. Changes expected during the certification period must be considered. Criteria for projecting monthly income is listed below: (5-1-11)

01. Income Already Received. Count income already received by the household during the month. If the actual amount of income from any pay period is known, use the actual pay period amounts to determine the total month's income. Convert the actual income to a monthly amount if a full month's income has been received or is expected to be received. If no changes are expected, use the known actual pay period amounts for the past thirty (30) days to project future income. (5-1-11)

02. Anticipated Income. Count income the household and the Department believe the household will get during the remainder of the certification period. If the income has not changed and no changes are anticipated, use the income received in the past thirty (30) days as one indicator of anticipated income. If changes in income have occurred or are anticipated, past income cannot be used as an indicator of anticipated income. If income changes and income received in the past thirty (30) days does not reflect anticipated income, the Department can use the household income received over a longer period to anticipate income. If income changes seasonally, the Department can use the household income from the last season, comparable to the certification period, to anticipate income. (5-1-11)

a. Full Month's Income. If income will be received for all regular pay dates in the month, it is considered a full month of income. (5-1-11)

b. If income will not be received for all regular pay dates in the month, it is not considered a full month of income and it is not converted. (5-1-11)

c. Income Paid on Salary. Income received on salary, rather than an hourly wage, is counted at the expected monthly salary rate. (5-1-11)

d. Income Paid at Hourly Rate. Compute anticipated income paid on an hourly basis by multiplying the hourly pay by the expected number of hours the client will work in the pay period. Convert the pay period amount to a monthly amount. (5-1-11)

e. 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 monthly amount. (5-1-11)

076. CONVERTING INCOME TO A MONTHLY AMOUNT.

If a full month's income is expected, but is received on other than a monthly basis, convert the income to a monthly amount using one of the formulas below: (5-1-11)

01. Weekly Amount. Multiply weekly amounts by four point three (4.3). (5-1-11)

02. **Bi-Weekly Amount.** Multiply bi-weekly amounts by two point one five (2.15). (5-1-11)
03. **Semi-Monthly Amount.** Multiply semi-monthly amounts by two (2). (5-1-11)
04. **Salary Amount.** Use the exact monthly income if it is expected for each month of the certification period. (5-1-11)
077. -- 099. **(RESERVED)**

NON-FINANCIAL CRITERIA
(Sections 100 Through 199)

100. (RESERVED)

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, includes biological, adoptive, step-parent, and foster parent. (5-1-11)

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 Daycare 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. of this rule 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. (5-1-11)

04. Child Custody. A child may move from one (1) parent's home to the other parent's home on a regular basis. The child may be a member of either household, but not both households. If the parents cannot agree on the child's household for the child care benefit, the child is included in the household with primary custody. Primary custody is determined by where the child is expected to spend fifty-one percent (51%) or more of the nights during a benefit period. When only one (1) parent applies for ICCP benefits, the child may be included in that parent's household even though they do not have primary physical custody of the child. (10-1-13)T

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
(Sections 200 through 299)

200. QUALIFYING ACTIVITIES FOR CHILD CARE BENEFITS.

To be eligible for child care benefits, each parent included in the household 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. (5-1-11)

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:

(5-8-09)

a. For the first six (6) months of self-employment benefits, actual activity hours are used. (5-1-11)

b. After receiving six (6) months of self-employment child care benefits, the number of activity hours will be limited. To calculate the activity hours, the gross monthly self-employment income is divided by the current federal minimum wage. The qualifying activity hours are the lesser of the calculated activity hours or actual activity hours. (5-1-11)

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) or Other Negotiated Agreement. The parent is completing Personal Responsibility Contract (PRC) or other self-sufficiency activities negotiated between the Department and the parent. (4-4-13)

201. PROJECTING QUALIFYING ACTIVITY HOURS.

01. Activity Hours. Activity hours are projected for each month to determine if payment is made on a full-time or part-time basis. Past activity hours may be used to project future activity hours if the employer and number of hours worked are the same and are expected to remain the same throughout the certification period. Hours for each qualifying activity must be projected individually and converted to a monthly amount. (4-4-13)

01. Weekly Hours. Multiply weekly amounts by four point three (4.3). (5-1-11)

02. Bi-weekly Hours. Multiplying bi-weekly amounts by two point one five (2.15). (5-1-11)

03. Semi-Monthly Hours. Multiplying semi-monthly amounts by two (2). (5-1-11)

04. Monthly Hours. Use the exact monthly hours if it is expected for each month of the certification period. (5-1-11)

202. -- 399. (RESERVED)

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 ICCP eligible children in the home who are not in school at any time during the day and require child care. (5-1-11)

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. (5-1-11)

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 this rule. (4-2-08)

01. Payment Rate. Payment will be based on the lower of the provider's usual and customary rates or the local market rate. (7-1-09)

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 for child care to persons not entitled to receive benefits under ICCP. (7-1-09)

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. Providers are responsible for ensuring families pay the determined child care costs and may not waive or defer these costs. (7-1-09)

01. Poverty Rates. Poverty rates will be one hundred thirty percent (130%) of the Federal Poverty Guidelines (FPG) available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. The monthly rate will be calculated by dividing the yearly rate by twelve (12). (4-4-13)

02. Calculating Family Payment. 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. (4-4-13)

503. STUDENT CO-PAYMENT REQUIREMENTS.

01. Post-Secondary Student. (11-1-13)T

a. A post-secondary student working less than ten (10) hours per week will be required to pay a co-payment. (11-1-13)T

b. A post-secondary student who works ten (10) hours or more per week will have a co-payment based on family income. (11-1-13)T

02. High School or GED Student. A student who is in high school, or who is taking GED courses will have a co-payment based on family income. (11-1-13)T

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. CHANGE REPORTING REQUIREMENTS.

A family who receives child care benefits must report the following permanent changes by the tenth day of the month following the month in which the change occurred. (4-4-13)

01. Change in Eligible Activity Hours. (4-4-13)

02. Change in Your Permanent Address. (5-1-11)

03. Change in Household Composition. (4-4-13)

04. Change in Income. When the household's total gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Guideline (FPG) for the household size. (4-4-13)

05. Change in Child Care Provider. (5-1-11)

601. REQUIRED ACTION ON REPORTED CHANGES.

The Department will take the actions listed below on changes that are reported within the time frame listed in Section 600 of these rules. (5-1-11)

01. Change in Income or Hours of Activity. (5-1-11)

a. 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)

b. 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 change was reported. (5-1-11)

02. Change in Billed Amount. If the billed amount of child care changes, the Department will make the change effective for the month the change is reported. (5-1-11)

602. 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 every three (3) months for each family in which child care is needed for preventive services. (4-4-13)

603. -- 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. RECOUPMENT OF OVERPAYMENTS.

01. Recoupment of Overpayments. The Department may recoup or recover the amount paid for child care services from a provider. Interest will accrue on these overpayments at the statutory rate set under Section 28-22-104, Idaho Code, from the date of the final determination of the amount owed for services. Recoupment of an overpayment based on Department error may be collected from parents or providers when the overpayment is one hundred dollars (\$100), or more. Interest will not accrue on overpayments made due to Department error. An overpayment due to family or provider error, IPV or fraud must be recovered in full. (7-1-09)

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 600 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. (5-1-11)

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. DENIAL OF PAYMENT.

The Department may deny payment for the reasons described in Subsections 704.01 through 704.04 of this rule. (7-1-09)

01. Services Not Provided. Any or all claims for child care services it determines were not provided. (7-1-09)

02. Services Not Documented. Child care services not documented by the provider as required in Subsection 810.01 of these rules. (7-1-09)

03. Contrary to Rules or Provider Agreement. Child care services provided contrary to these rules or the provider agreement. (7-1-09)

04. Failure to Provide Immediate Access to Records. The Department may deny payment when the provider does not allow immediate access to records as provided in Subsection 810.02 of these rules. (7-1-09)

705. 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)

706. -- 749. (RESERVED)

ENFORCEMENT REMEDIES
(Sections 750 through 799)

750. TERMINATION OF PROVIDER STATUS.

Under Section 56-209h, Idaho Code, the Department may terminate the provider agreement of, or otherwise deny provider status for a period up to five (5) years from the date the Department's action becomes final to any individual or entity providing ICCP. (7-1-09)

01. Submits an Incorrect Claim. Submits a claim with knowledge that the claim is incorrect. (7-1-09)

02. Fraudulent Claim. Submits a fraudulent claim. (7-1-09)

03. Knowingly Makes a False Statement. Knowingly makes a false statement or representation of material facts in any document required to be maintained or submitted to the Department. (7-1-09)

04. Immediate Access to Documentation. Fails to provide, upon written request by the Department, immediate access to documentation required to be maintained. (7-1-09)

05. Non-Compliance With Rules and Regulations. Fails repeatedly or substantially to comply with the rules and regulations governing Idaho child care payments. (7-1-09)

06. Violation of Material Term or Condition. Knowingly violates any material term or condition of the provider agreement. (7-1-09)

07. Failure to Repay. 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. (7-1-09)

08. Fraudulent or Abusive Conduct. Has been found, or was a managing employee in any entity which has been found, to have engaged in fraudulent conduct or abusive conduct in connection with the delivery of child care services. (7-1-09)

09. Failure to Meet Qualifications. Fails to meet the qualifications specifically required by rule or by any applicable licensing entity. (7-1-09)

751. REFUSAL TO ENTER INTO AN AGREEMENT.

The Department may refuse to enter into a provider agreement for the reasons described in Subsections 751.01 through 751.06 of this rule. (7-1-09)

01. Convicted of a Felony. The provider has been convicted of a felony relating to their involvement in a public assistance program or of a crime listed in Section 805 of these rules. (7-1-09)

02. Committed an Offense or Act Not in Best Interest of Child Care Participants. The provider has committed an offense or act which the Department determines is inconsistent with the best interests of ICCP participants. (7-1-09)

03. Failed to Repay. The provider has failed to repay the Department monies which had been previously determined to have been owed to the Department. (7-1-09)

04. Investigation Pending. The provider has a pending investigation for program fraud or abuse. (7-1-09)

05. Terminated Provider Agreement. The provider was the managing employee, officer, or owner of an entity whose provider agreement was terminated under Section 750 of these rules. (7-1-09)

06. Excluded Individuals. The provider has a current exclusion from participation in federal programs by the Office of Inspector General List of Excluded Individuals and Entities. (7-1-09)

752. PROVIDER NOTIFICATION.

When the Department determines actions defined in Sections 701 through 705, 750, and 751 of these rules are appropriate, it will send written notice of the decision to the provider or person. The notice will state the basis for the action, the length of the action, the effect of the action on that person's ability to provide services under state and federal programs, and the person's appeal rights. (7-1-09)

753. NOTICE TO STATE LICENSING AUTHORITIES.

The Department will promptly notify all appropriate licensing authorities having responsibility for licensing of a Department action, and the facts and circumstances of that action. The Department may request certain actions be taken and that the Department be informed of actions taken. (7-1-09)

754. -- 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 Daycare 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 comply with the health and safety requirements listed in Subsections 802.01 through 802.10 of this rule. 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. (7-1-09)

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 PROVIDER APPLICANT.

The Department may issue a temporary registration to an ICCP provider applicant pending completion of the necessary health and safety inspections, CPR/First Aid Certification, and Department criminal history and background check. A temporary ICCP registration may be issued under the following conditions: (4-9-09)

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)

03. Self-Disclosure. Individuals age thirteen (13) or older who have direct contact with or provide direct care to children receiving ICCP benefits, must self-disclose all arrests and convictions pending satisfactory completion of the criminal history and background check. If a disqualifying crime as described in IDAPA 16.05.06, "Criminal History and Background Checks," is disclosed, a temporary registration will not be issued. (4-9-09)

804. CHILD CARE PROVIDER AGREEMENT.

All providers must sign and comply with a provider agreement. (4-2-08)

805. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENT.

Applicants, providers, employees, volunteers, and individuals age thirteen (13) or older who have direct contact with or provide care to children eligible for ICCP benefits must comply with the requirements and receive clearance as provided in IDAPA 16.05.06, "Criminal History and Background Checks." (4-9-09)

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. (RESERVED)

810. DOCUMENTATION OF SERVICES AND ACCESS TO RECORDS.

01. Documentation of Services. Providers must generate documentation at the time of service sufficient to support the reimbursement for child care services. Documentation must be legible and must be retained for a period of three (3) years from the date the child care was provided. Documentation to support child care services includes: (7-1-09)

- a.** Records of attendance; (7-1-09)
- b.** Immunization records, conditional admittance form, or exemption form according to IDAPA 16.02.11, "Immunization Requirements for Children Attending Licensed Daycare Facilities in Idaho." (4-4-13)
- c.** Billing records and receipts; (7-1-09)
- d.** Policies regarding sign-in procedures, and others as applicable; and (7-1-09)
- e.** Sign-in records, electronic or manual, or the Child and Adult Food Care Program records. (7-1-09)

02. Immediate Access to Records. Providers must grant to the Department and its agents, immediate access to records for review and copying during normal business hours. These records are defined in Subsection 810.01 of this rule. (7-1-09)

03. Copying Records. The Department and its authorized agents may copy any record as defined in Subsection 810.01 of this rule. The Department may request in writing to have copies of records supplied by the provider. The requested copies must be furnished within twenty (20) working days after the date of the written request, unless an extension of time is granted by the Department for good cause. Failure to timely provide requested copies will be a refusal to provide access to records. (7-1-09)

04. Removal of Records From Provider's Premises. The Department and its authorized agents may remove from the provider's premises copies of any records defined in Subsection 810.01 of this rule. (7-1-09)

811. -- 999. (RESERVED)

Subject Index

- A**
- Allowable Child Care Costs 14
 - Family Member or Guardian Not Payable 14
 - Local Market Rates (LMR) for Child Care 14
 - One-Time Registration Fees 14
 - Payment for Employment, Training, Education, or Preventive Service Hours 14
 - Amount Of Payment 14
 - In-Home Care 15
 - Payment Rate 14
 - Payments 15
 - Usual & Customary Rates 15
 - Application Requirements 6
 - Averaging Self-Employment Income 8
 - Annual Self-Employment Income 8
 - Seasonal Self-Employment Income 8
- C**
- Calculation Of Self-Employment Income 8
 - Capital Gains Income 8
 - How Monthly Income is Determined 8
 - Self-Employment Expense Deduction 8
 - Change Reporting Requirements 16
 - Change Reporting Requirements for Those Receiving Child Care Benefits 15
 - Child Care Provider Agreement 20
 - Child Care Provider Licensing 19
 - Converting Income To A Monthly Amount 9
 - Bi-Weekly Amount 10
 - Salary Amount 10
 - Semi-Monthly Amount 10
 - Weekly Amount 9
 - Cooperation In Establishment Of Paternity & Obtaining Support 10
 - Established Case for Custodial Parent 11
 - Exemptions From Cooperation Requirement 11
 - Failure To Cooperate 11
 - Providing all Information 10
 - Countable Income 7
 - Criminal History & Background Check Requirements 4
 - Additional Criminal Convictions 4
 - Applicants, Providers, & Other
- D**
- Definitions & Abbreviations M Through Z 6
 - Managing Employee 6
 - Minor Parent 6
 - Non-Recurring Lump Sum Income 6
 - Parent 6
 - Preventive Services 6
 - Prospective Income 6
 - Provider 6
 - Relative Provider 6
 - Special Needs 6
 - SSI 6
 - TAFI 6
 - Unearned Income 6
 - Definitions & Abbreviations -- A Through L 4
 - AABD 4
 - Abuse or Abusive 5
 - Child 5
 - Child Care 5
 - Claim 5
 - Department 5
 - Earned Income 5
 - Employment 5
 - Foster Care 5
 - Foster Child 5
 - Foster Home 5
 - Fraud or Fraudulent 5
 - Good Cause 5
 - In Loco Parentis 5
 - Intentional Program Violation (IPV) 5
 - Job Training & Education Program 5
 - Knowingly, Known, or With Knowledge 5
 - Licensed Practitioner of the Healing Arts 6
 - Denial Of Payment 17
 - Contrary to Rules or Provider Agreement 18
 - Failure to Provide Immediate Access to Records 18
 - Services Not Documented 18
 - Services Not Provided 17
 - Documentation Of Services & Access
 - Individuals Subject to Criminal History Check Requirements 4
 - Availability to Work or Provide Service 4
 - Compliance With Department Criminal History Check 4
 - Criminal History & Background Check at Any Time 4
 - ICCP Provider is Approved 4
- E**
- Eligible Child 12
 - Child Custody 12
 - Child's Age Requirement 12
 - Citizenship or Alien Status Requirement 12
 - Immunizations Requirements 12
 - Excluded Income 7
 - Adoption Assistance 8
 - AmeriCorps/VISTA Volunteers 7
 - Assistance 7
 - Child Support Payments 8
 - Earned Income of a Dependent Child 7
 - Educational Funds 7
 - Foster Care Payments 7
 - Foster Parents' Income 8
 - Income Received for Person Not Residing With the Family 7
 - Income Tax Refunds & Earned Income Tax Credits 7
 - Loans 7
 - Lump Sum Income 7
 - Office of Refugee Resettlement Assistance 8
 - TAFI & AABD Benefits 7
 - Temporary Census Income 8
 - Travel Reimbursements 8
 - Tribal Income 8
 - Workforce Investment Act Benefits 8
- F**
- Family Composition 11
 - Dependents 11
 - Individual Acting In Loco Parentis 11
 - Married Parents 11
 - Minor Parent 11
 - Unmarried Parents 11
 - Financial Criteria for ICCP Eligibility 7
 - Fraudulent Claim 18
 - Funding Restrictions 18
- H**
- Health & Safety Requirements 19
 - Age of Provider 19
 - Child Abuse 20
 - CPR/First Aid 20
 - To Records 21
 - Copying Records 21
 - Documentation of Services 21
 - Immediate Access to Records 21
 - Removal of Records From Provider's Premises 21

- Emergency Communication 20
 Food Storage 20
 Hand Washing 20
 Hazardous Substances 20
 Health of Provider 20
 Sanitary Food Preparation 19
 Smoke Detectors, Fire Extinguishers, & Exits 20
- I**
 ICCP Application For Benefits 6
 Application Received 6
 New Application Required 6
 Notification 7
 Incapacitated Parent 12
 Income Limits 7
 Intentional Program Violations (IPV) 17
 Concealing Fact 17
 Failure to Meet Qualifications 17
 Failure to Repay 17
 False Statement 17
 Misleading Statement 17
 Misrepresentation of Fact 17
 Non-Compliance With Rules & Regulations 17
 Violation of Provider Agreement 17
 Interim Child Care Payment 15
 Break in Employment or Education 15
 Children Temporarily Out of the Home 15
- L**
 Limit On Provider Payment 19
- N**
 Non-Financial Criteria 10
 Notice To State Licensing Authorities 19
- P**
 Parent Or Caretaker Access To Child Care Premises 21
 Parental Choice Of Child Care Provider 10
 Child Care Center 10
 Family Child Care 10
 Group Child Care 10
 In-Home Child Care 10
 Relative Child Care 10
 Payment Adjustments & Penalties 16
 Payment Information 14
 Penalties For An IPV 17
 First Offense 17
 Second Offense 17
 Third Offense 17
- Projecting Monthly Income 9
 Anticipated Income 9
 Income Already Received 9
 Projecting Qualifying Activity Hours 13
 Provider Eligibility 19
 Provider Notification 19
 Purview Of Child Protection Act Or Juvenile Justice Reform Act 20
- Q**
 Qualifying Activities & Reporting Requirements 12
 Qualifying Activities For Child Care Benefits 12
 Employment 12
 Personal Responsibility Contract (PRC) or Other Negotiated Agreement 13
 Preventive Services 13
 Self-Employment 13
 Training or Education 13
- R**
 Recoupment Of Overpayments 16
 Parental Repayment Requirement 16
 Recoupment of Overpayments 16
 Redetermination Of Eligibility For Child Care Benefits 16
 Refusal To Enter Into An Agreement 18
 Committed an Offense or Act Not in Best Interest of a Child Care Participants 19
 Convicted of a Felony 18
 Excluded Individuals 19
 Failed to Repay 19
 Investigation Pending 19
 Terminated Provider Agreement 19
 Reporting Requirements For Providers 21
 Change in Provider Charges 21
 Change in Who Lives in Home 21
 Change of Provider Address 21
 Child Stops Attending Care 21
 Intent Not to Renew License 21
 Required Action On Reported Changes 16
 Change in Billed Amount 16
 Change in Income or Hours of Activity 16
 Requirements For In-Home Care Under ICCP 13
 Fewer Than Three Children in the Home 13
 Three or More Children in the Home 13
 Residency 10
- S**
 Signatures 7
 Sliding Fee Schedules 15
 Calculating Family Payment 15
 Poverty Rates 15
 Student Co-Payment Requirements 15
 High School or GED Student 15
 Post-Secondary Student 15
- T**
 Temporary Registration Of An ICCP Provider Applicant 20
 Applicants Must Sign A Provider Agreement 20
 Length of Temporary Registration 20
 Self-Disclosure 20
 Termination Of Provider Status 18
 Failure to Meet Qualifications 18
 Failure to Repay 18
 Fraudulent or Abusive Conduct 18
 Immediate Access to Documentation 18
 Knowingly Makes a False Statement 18
 Non-Compliance With Rules & Regulations 18
 Submits an Incorrect Claim 18
 Violation of Material Term or Condition 18
- U**
 Underpayment Of Child Care Benefits 16