

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0020 Eligibility – Special circumstances.

(1) A legal guardian or individual acting in loco parentis may be eligible for WCCC benefits based on participation in approved activities without consideration of the legal guardian's or individual's acting in loco parentis spouse or live-in partner's availability to provide care if the spouse or live-in partner is not named on the permanent custody order.

(a) Eligibility will be determined under this subsection based on the following:

- (i) The consumer's work or approved activities schedule;
- (ii) The child's need for care;
- (iii) The child's income; and
- (iv) Family size based on the number of children under guardianship and needing care.

(b) The consumer's spouse or live-in partner is not eligible to receive subsidized child care payments as a child care provider for the child.

(2) At application and reapplication:

(a) A consumer may be eligible for WCCC benefits if the consumer is a parent in a two-parent family and one parent is not able or available as defined in WAC 110-15-0003 to provide care for the children while the other parent is working or participating in approved activities.

(b) If a consumer claims one parent is not able to care for the children due to a medical condition, the consumer must provide written documentation from an acceptable medical source, as defined in WAC 388-449-0010, that states the:

- (i) Reason the parent is not able to care for the children;
- (ii) Expected duration and severity of the condition that keeps the parent from caring for the children; and
- (iii) Treatment plan if the parent is expected to improve enough to be able to care for the children. The parent must provide evidence from a medical professional showing he or she is cooperating with treatment and is still not able to care for the children.

(3) A consumer may be eligible for WCCC if the consumer is participating in an approved activity needed to remove a sanction penalty or to reopen the consumer's WorkFirst case.

(4) A consumer whose application for TANF has not yet been approved, may be authorized for WCCC benefits for fourteen days pending establishment of an individual responsibility plan (IRP) with an approved activity. The fourteen days counts as part of the twelve-month eligibility period.

(5) A consumer who has an established IRP under WAC 110-15-0040 may be approved for WCCC benefits fourteen days before the start date of the activity. The fourteen days counts as part of the twelve-month eligibility period.

(6) A consumer who is waiting to enter into an approved activity under WAC 110-15-0045 may be approved for WCCC benefits fourteen days before the start date of the activity. The fourteen days counts as part of the twelve-month eligibility period.

(7) Consumers who apply for an eligibility redetermination whose current certification period ends in March, April, May, or June 2020 may be considered to have an approved activity if their previously approved activity is no longer available because

of the COVID-19 pandemic and the State of Emergency declared by the Governor in Proclamation 20-05, currently in effect as of the date of the filing of this emergency rule.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0109 Reapplication.

(1) To request WCCC benefits be continued uninterrupted beyond the consumer's current eligibility period, the consumer must reapply for WCCC benefits with ~~((DSHS))~~ DCYF on or before the end of the current eligibility period.

(2) Determination of the consumer's eligibility to receive uninterrupted WCCC benefits beyond the consumer's current eligibility period will be made pursuant to the eligibility rules contained in this chapter.

(3) A consumer who reapplies on or before the end date of the current WCCC eligibility period may receive continued uninterrupted benefits through second tier eligibility if the consumer's household has countable income greater than two hundred percent but less than two hundred twenty percent of the federal poverty guidelines (FPG).

(a) If the countable income is equal to or greater than two hundred twenty percent FPG, the reapplication will be denied.

(b) The copayment for a second tier eligible consumer will be determined at two hundred percent of the FPG of countable household income.

(4) If a consumer submits a reapplication after the last day of the current eligibility period and meets all WCCC eligibility requirements, the consumer's benefits will begin as described in subsection (4)(a) or subsection (4)(b)k whichever date is earlier:

(a) On the date the consumer's reapplication is entered into ~~((DSHS's))~~ DCYF's automated system or the date the consumer's reapplication is date-stamped as received by ~~((DSHS))~~ DCYF, whichever date is earlier;

(b) ~~((When))~~ the consumer is ~~((working or))~~ participating in an approved activity; and

(c) The date the consumer's child is receiving care from an approved provider.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0190 WCCC benefit calculations.

(1) The amount of care a consumer may receive is determined by ~~((DSHS))~~ DCYF at application or reapplication. Once the care is authorized, the amount will not be reduced during the eligibility period unless:

(a) The consumer requests the reduction;

(b) The care is for a school-aged child as described in subsection (3) of this section; or

(c) Incorrect information was given at application or reapplication.

(2) To determine the amount of weekly hours of care needed, ~~((DSHS))~~ DCYF reviews:

(a) The consumer's participation in approved activities and the number of hours the child attends school, including home school, which will reduce the amount of care needed.

(b) In a two parent household, the days and times approved activities overlap, and only authorize care during those overlapping times. The consumer is eligible for full-time care if overlapping care totals one hundred ten hours in one month.

(c) ~~((DSHS))~~ DCYF will not consider the schedule of a parent in a two parent household who is not able to care for the child.

(3) Full-time care for a family using licensed providers is authorized when the consumer participates in approved activities at least one hundred ten hours per month:

(a) Twenty-three full-day units per month will be authorized when the child ~~((needs))~~ is in care five or more hours per day;

(b) Thirty half-day units per month will be authorized when the child ~~((needs))~~ is in care less than five hours per day;

(c) Forty-six half-day units per month will be authorized during the months of April, May, June, July, and August for a school-aged child who ~~((needs))~~ is in care for five or more hours ~~((of care;))~~ per day.

(4) Partial-day monthly unit. A single partial-day monthly unit per month will be authorized for a school-age child attending a licensed family home child care when the child is:

(a) Authorized for care with only one provider;

(b) Eligible for full-time authorization, but is in care less than five hours on a typical school day; and

(c) Expected to need care before and after school.

(d) Only one monthly unit may be authorized per child per month.

~~((4))~~ (5) Supervisor approval is required for additional days of care that exceeds twenty-three full days ~~((or)),~~ thirty half days, or one partial-day monthly unit per month;
~~((and~~

~~(e) Care cannot exceed sixteen hours per day, per child.~~

~~(4))~~

(6) Full-time care for a family using in-home/relative providers (family, friends and neighbors) is authorized when the consumer participates in approved activities at least one hundred ten hours per month:

(a) Two hundred thirty hours of care will be authorized when the child ~~((needs))~~ is in care five or more hours per day;

(b) One hundred fifteen hours of care will be authorized when the child ~~((needs))~~ is in care less than five hours per day;

(c) One hundred fifteen hours of care will be authorized during the school year for a school-aged child who ~~((needs))~~ is in care less than five hours per day and the provider will be authorized for contingency hours each month, up to a maximum of two hundred thirty hours;

(d) Two hundred thirty hours of care will be authorized during the school year for a school-aged child who ~~((needs))~~ is in care five or more hours in a day; and

(e) Supervisor approval is required for hours of care that exceed two hundred thirty hours per month(~~(; and~~
~~(f))~~).

(7) Care cannot exceed sixteen hours per day, per child.

~~((5))~~ (8) When determining part-time care for a family using licensed providers and the activity is less than one hundred ten hours per month:

(a) A full-day unit will be authorized for each day of care that exceeds five hours;

(b) A half-day unit will be authorized for each day of care that is less than five hours; and

(c) A half-day unit will be authorized for each day of care for a school-aged child, not to exceed thirty half days.

~~((6))~~ (9) When determining part-time care for a family using in-home/relative providers:

(a) Under the provisions of subsection (2) of this section, ~~((DSHS))~~ DCYF will authorize the number of hours of care needed per month when the activity is less than one hundred ten hours per month; and

(b) The total number of authorized hours and contingency hours claimed cannot exceed two hundred thirty hours per month.

~~((7-DSHS))~~ (10) DCYF determines the allocation of hours or units for families with multiple providers based upon the information received from the parent.

~~((8-DSHS))~~ (11) DCYF may authorize more than the state rate and up to the provider's private pay rate if:

(a) The parent is a WorkFirst participant; and

(b) Appropriate child care, at the state rate, is not available within a reasonable distance from the approved activity site. "Appropriate" means licensed or certified child care under WAC 110-15-0125, or an approved in-home/relative provider under WAC 110-16-0010. "Reasonable distance" is determined by comparing distances other local families must travel to access appropriate child care.

~~((9))~~ (12) Other fees ~~((DSHS))~~ DCYF may authorize to a provider are:

(a) Registration fees;

(b) Field trip fees;

(c) Nonstandard hours bonus;

(d) Overtime care to a licensed provider who has a written policy to charge all families, when care is expected to exceed ten hours in a day; and

(e) Special needs rates for a child.

(13) Subject to the conditions described in WAC 110-15-0020(7), a consumer with a certification period ending in March, April, May, or June 2020, who reapplies and is approved, may be authorized care at the same level as the prior authorization.



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 09, 2020

TIME: 3:31 PM

WSR 20-13-032

Agency: Department of Children, Youth, and Families

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: For Working Connections and Seasonal Child Care: Extend certification periods for 12 months for families whose certification periods end in March, April, May, or June 2020, and whose approved activity was lost due to the COVID-19 pandemic and Proclamation of the Governor 20-05.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 110-15-0020, 0109, and 110-15-0190
- Suspended:

Statutory authority for adoption: RCW 43.216.055 and 43.216.065

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Governor Jay Inslee issued proclamation 20-05 declaring a state of emergency in all counties in the state of Washington as a result of the outbreak of COVID-19. The Governor's proclamation directed state agencies to do everything reasonably possible to respond to and recover from the COVID-19 outbreak. As of March 11, 2020, the World Health Organization has classified COVID-19 as a pandemic. The effects of its extreme risk of person-to-person transmission throughout Washington state significantly impact the life and health of our people, as well as our economy, and pose particular challenges to the availability of quality early learning and child care services for families with low incomes. These emergency amendments to WAC 110-15-0020, 110-15-0109, and 110-15-0190 address these challenges by removing subsidy eligibility barriers.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended 3 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: June 9, 2020

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

