

Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Dept. of Health & Welfare:

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

(Docket #16-0612-1002).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by
the co-chairmen or by two (2) or more members of the subcommittee giving oral or written
notice to Research and Legislation no later than fourteen (14) days after receipt of the rules'
analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no
later than 10-29-10. If a meeting is called, the subcommittee must hold the meeting within forty-
two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a
meeting on the enclosed rules is 11-30-10.

The germane joint subcommittee may request a statement of economic impact with
respect to a proposed rule by notifying Research and Legislation. There is no time limit on
requesting this statement, and it may be requested whether or not a meeting on the proposed rule
is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the
address or FAX number indicated on the memorandum attached.



Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Research & Legislation Staff - Paige Alan Parker **PAP**

DATE: October 12, 2010

SUBJECT: Department of Health and Welfare - IDAPA 16.06.12 - Rules Governing The Idaho Child Care Program (ICCP)(Docket No. 16-0612-1002)(Proposed)

By proposed rule Docket No. 16-0612-1002 (hereinafter, "proposed rule"), the Department of Health and Welfare seeks to amend IDAPA chapter 16.06.12, dealing with Rules Governing the Idaho Child Care Program (ICCP). The purpose, according to the Department, is to make these rules more effective and user friendly by reorganization, removal of repetitive requirements and clarification of the income and qualifying activity calculation. In addition, application time frames are being clearly defined in order to streamline eligibility requirements.

According to the Department, the proposed rule is authorized pursuant to section 56-202, Idaho Code. Section 56-202(b), Idaho Code, provides the Department with broad rulemaking authority to carry out Idaho's public assistance law.

According to the Department, there will be no fiscal impact to the General Fund. The Department states that negotiated rulemaking was not conducted because the changes clarify existing language, reorganize the current rule and remove repetitive requirements. The Department has scheduled a public hearing in Boise on October 21, 2010. All written comments must be delivered to the Department on or before October 27, 2010.

ANALYSIS

Sections on income limits, countable income, excluded income, averaging self-employment income and calculation of self-employment income have been renumbered without substantive change.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The application requirements that are in existing section 100 are moved to new section 050, with additions and modifications. Under the proposed rule, 30 day time limits are provided for the applicant to complete the application process by providing all required verification (subject to extension), with a new application required if this information is not timely provided, and for Department action on the child care benefits.

New section 070 now is devoted to income limits. The proposed rule clarifies that the family's income must be less than the published 2007 federal poverty guidelines of 135% based on family size. Existing section 300 that is repetitious of this information is deleted.

New sections 075, 076 and 201 address projecting monthly income, converting income to a monthly amount and projecting qualifying activity hours. These new sections do not have parallels in the existing rule.

Regarding monthly income projection, past income may be used to project future income. Criteria for projecting monthly income are: income already received during the month (converted to monthly income as prescribed); and anticipated income, adjusted as prescribed. Section 075. If income is received on other than a monthly basis, conversion to monthly income is pursuant to the formulas prescribed in the rule. Section 075.

Activity is projected for each month, with past activity used to project future activity if the employer and number of hours worked remain constant. Students must submit a new class schedule at the beginning of the semester or if the schedule changes. Hours for each qualifying activity must be projected individually and converted to a monthly amount. Conversions to monthly hours are provided. Section 201.

The proposed rule clarifies that married parents living together in a common residence include biological, adoptive, step-parent and foster parent. Section 104.01. An eligible child includes a child subject to joint custody. Under such circumstance, the child may be a member of either household, but not both households. Absent agreement by the parents, the child is included in the household of the first eligible parent to apply. Section 105.04.

To be eligible for child care benefits, each parent included in the household must need child care because the parent is engaged in a qualifying activity. The process for determining self-employment activities is clarified, but not substantively changed. Section 200.

The change reporting requirements are modified and moved to new section 600. The specified permanent changes must be reported within ten days of the date the change occurs. Not included as reportable items in this new section are change in the: rates charged for child care services; nature of any qualifying activity; number of hours worked; earned monthly income; and address of the child care provider. The requirement for advanced notice of a change in provider and the penalty for failure to provide that advanced notice are not carried forward into the proposed rule. Rather than reporting anyone entering or leaving the household, the proposed rule requires reporting of changes in the number of household members. Compare existing section 201 with new section 600.

The eligibility for in-home care of three or more children is limited to children who are not in school at any time during the day. Section 400.01. Travel time no longer will be included in determining qualifying activities pursuant to section 500.01. The proposed rule deletes the requirement that 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. Section 502.02.

The proposed rule deletes the statement that providers are responsible for reporting changes which may affect child care benefits. Renumbered section 601. The Department will make the changes effective for the month the change is reported if the billed amount of child care changes, rather than results in a decrease in the amount of child care benefit, as provided in existing section 600. Section 601.02.

SUMMARY

The Department's proposed rule changes appear to be authorized under section 56-202(b), Idaho Code.

cc: Department of Health and Welfare: Tamara Prisock & Rosie Andueza

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)

DOCKET NO. 16-0612-1002

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 56-202, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 21, 2010 at 6:30 p.m.

**Region IV Health and Welfare Office
1720 Westgate Drive
Suite D Conference Room
Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Child Care rules are being amended to be more effective and user friendly for Idahoans to access the program. These rules have been reorganized, repetitive requirements have been removed, and clarification has been added for how income and qualifying activity is calculated. Application time frames are being clearly defined in order to streamline eligibility determinations.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact to state general funds for this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is clarifying existing language, reorganization of the current rule, and removing repetitive requirements.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rosie Andueza at (208) 334-5553.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 24th day of August, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036

phone: (208) 334-5564
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 16-0612-1002

012. -- ~~099~~49. (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. ()

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. ()

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. ()

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. ()

051. -- 069. (RESERVED).

FINANCIAL CRITERIA FOR ICCP ELIGIBILITY
(Sections 070 through 099)

[Codified Section 100 has been moved and renumbered to proposed Section 070]

~~**1070. 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: 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>. (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)

[Codified Section 301 has been moved and renumbered to proposed Section 071]

3071. COUNTABLE INCOME.

All gross earned and unearned income is counted in determining eligibility and the child care benefit amount, unless specifically excluded under Section ~~3072~~ of these rules. (~~5-8-09~~) ()

[Codified Section 302 has been moved and renumbered to proposed Section 072]

3072. 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)
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. (1-1-10)T

[Codified Section 303 has been moved and renumbered to proposed Section 073]

~~307~~3. 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)

[Codified Section 304 has been moved and renumbered to proposed Section 074]

~~307~~4. 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 ~~307~~4.03 of this rule. (~~5-8-09~~)()

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 ~~307~~4.01 of this rule to determine the gross monthly income. (~~5-8-09~~)()
03. **Self-Employment Expense Deduction.** The Department uses the standard self-employment deduction in Subsection ~~307~~4.03.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 ~~307~~4.03.b. of this rule. (~~5-8-09~~)()
- a. The self-employment standard deduction is determined by subtracting fifty percent (50%) of the

gross monthly self-employment income as determined in Subsections ~~303074~~.01 and ~~303074~~.02 of this rule; or
(5-8-09)()

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: ()

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. ()

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. ()

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. ()

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. ()

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

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. ()

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. ()

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: ()

- 01. Weekly Amount.** Multiply weekly amounts by four point three (4.3). ()
- 02. Bi-Weekly Amount.** Multiply bi-weekly amounts by two point one five (2.15). ()
- 03. Semi-Monthly Amount.** Multiply semi-monthly amounts by two (2). ()
- 04. Salary Amount.** Use the exact monthly income if it is expected for each month of the certification period. ()
- 077. -- 099. (RESERVED).**

NON-FINANCIAL CRITERIA
(Sections 100 Through 199)

[Codified Section 100 has been moved and renumbered to proposed Section 070]

100. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

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. (~~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 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. ~~(4-2-08)~~()

04. Joint 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 case, the child is included in the household of the first parent to apply who is both income and activity eligible. ()

(BREAK IN CONTINUITY OF SECTIONS)

QUALIFYING ACTIVITIES
(Sections 200 through 299)

200. QUALIFYING ACTIVITIES FOR CHILD CARE BENEFITS.

To be eligible for child care benefits, a family 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. ~~(5-8-09)~~()

- 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 assistance, actual activity hours are used ~~to determine benefit assistance for a parent who is self-employed.~~ ~~(5-8-09)~~()
- b. After receiving six (6) months of self-employment child care benefits assistance, the number of self-employment activity hours ~~that will be used to calculate benefits can~~ will 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 qualifying activity hours are the lesser of the calculated activity hours or actual activity hours ~~will be used to determine the benefit assistance.~~ ~~(5-8-09)~~()
- 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)~~

201. PROJECTING QUALIFYING ACTIVITY HOURS.

01. Activity Hours. Activity is projected for each month. Past activity may be used to project future activity if the employer and number of hours worked are the same and are expected to remain the same throughout the certification period. For students, a new class schedule must be submitted at the beginning of each semester or change in schedule. Hours for each qualifying activity must be projected individually and converted to a monthly amount. ()

01. Weekly Hours. Multiply weekly amounts by four point three (4.3). ()

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

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

~~04.~~ **Monthly Hours.** Use the exact monthly hours if it is expected for each month of the certification period. ()

202. -- ~~2399.~~ (RESERVED).

~~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)

[Codified Sections 301 through 304 have been moved and renumbered to proposed Sections 071 through 074, respectively]

~~305. -- 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 *eligible for ICCP not in school at any time during the day* 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)

(BREAK IN CONTINUITY OF SECTIONS)

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-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
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
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

ICCP SLIDING FEE SCHEDULE									
Family Size	2	3	4	5	6	7	8	9	10
Percent Co-pay	MONTHLY INCOME LIMITS								
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)

(BREAK IN CONTINUITY OF SECTIONS)

600. CHANGE REPORTING REQUIREMENTS.

A family who applies for or receives child care benefits must report the following permanent changes within ten (10) days of the date the change occurs. ()

- 01. Change in Activity Hours. ()
- 02. Change in Rate of Pay. ()
- 03. Change in Your Permanent Address. ()
- 04. Change in Number of Household Members. ()
- 05. Change in Unearned Income. ()
- 06. Change in Child Care Provider. ()

601. RESPONSIBILITY TO REQUIRED ACTION ON REPORTED CHANGES.

~~Providers and those eligible for child care assistance are responsible for reporting changes which may affect child care benefits.~~ The Department will take the actions listed below on changes that are reported within the time frame listed in Section 600 of these rules. (7-1-09)()

- 01. **Change in Income or Hours of Activity.** ()

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. ()

02. Change in Billed Amount. If the billed amount of child care ~~results in a decrease in the amount of the child care benefit~~ changes, the Department will make the changes effective ~~in for~~ in for the month the changes ~~were is~~ 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)

(BREAK IN CONTINUITY OF SECTIONS)

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 ~~207~~ 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. (4-2-08)()