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RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

Code of Rhode Island Rules

CENTER FOR CHILDREN AND FAMILIES

Individual and Family Support Services

SECTION 0850 (FORMERLY 0818.0 AND 0820.0)

STARTING RIGHT

CHILD CARE ASSISTANCE PROGRAM

(EFFECTIVE JUNE 17, 2001)

R.I.G.L. 42-12-23

PART I. General Provisions: Preamble -- Starting Right Child Care Assistance Program

(CCAP) — 0850.01. The Rhode Island Family Independence Act of 1997, recognized the importance of access to affordable child care for families making the transition from welfare to economic self-sufficiency. Since then, Rhode Island has become one of the few states in the nation to establish that all families trying to balance the responsibilities of work and family are entitled to affordable, quality child care services. The Starting Right Initiative, adopted in 1998, reaffirmed and extended this commitment to include expanding access to developmentally appropriate, early childhood education and support services programs for young children at-risk and their families. The Rhode Island Department of Human Services (DHS) administers the child care programs and the initiatives established to serve these purposes under the auspices of Starting Right.

A. Scope and Purpose of the Starting Right Child Care Assistance Program – 0850.01.02.

R.I.G.L. 42-12-23 designates the Department of Human Services as the agency responsible for State programs subsidizing child care services provided to Family Independence Program (FIP) beneficiaries and income eligible working families. The Child Care Assistance Program (CCAP) was established by DHS as part of a broader effort to redesign the State's existing child care subsidy programs (i.e., FIP, low income child care (LICC), and special purpose programs) to further the goals of Starting Right. Accordingly, the purpose of the Child Care Assistance Program is to: (1) Create an integrated system of child care assistance programs that ensures the seamless delivery of services to eligible children from one week ~~birth~~ up to sixteen (16) or nineteen (19) years of age, depending on the program requirements;

- (2) Assist families in obtaining child care assistance by standardizing the CCAP eligibility requirements, streamlining enrollment and payment procedures, and expanding the range of child care providers approved to participate in the program;
- (3) Ensure that all children participating in the CCAP receive age appropriate and safe child care;
- (4) Facilitate the development of a network of child care facilities and providers capable of delivering early education and enhanced child care services to young children from income eligible families; and
- (5) Respond to the diverse needs of children and families by supporting the development of a diverse array of high quality and affordable program models and services.

B. Definitions – 0850.01.03. For the purposes of this administrative rule, the following definitions apply unless otherwise noted.

“Adolescent Self-Sufficiency Collaborative or ASSC” means the State program that provides assistance to teen-age parents engaged in approved education and training programs.

“Approved child care provider” means an individual or program that: (1) has met the requirements established by the Department of Human Services to participate in the CCAP; and (2) entered into a signed and valid agreement with the department specifying the terms and conditions for enrolling eligible children and receiving payment for CCAP allowable child care expenses.

“Central Provider Directory” means the information source maintained by the department about all the child care providers in the State that have met the requirements to be approved to participate in the CCAP and receive payment for authorized child care expenses.

“Child Care Assistance Program or CCAP ” means the program administered by the Rhode Island Department of Human Services that provides financial assistance for authorized child care services rendered to eligible children by approved child care providers. The CCAP consolidates DHS’s child care subsidy programs for FIP beneficiaries, income eligible working families (formerly known as the Low Income Child Care Program), teens participating in the ASSC, and special approval cases.

“DHS or department” means the Rhode Island Department of Human Services.

“DHS Code of Administrative Rules and Regulations or DHS Code” means the compendium of rules and policies governing the programs administered by the department. The DHS Code was formerly referred to as the DHS Policy Manual.

“Eligible Child” means a child that meets the requirements to receive authorized child care services from a CCAP approved child care provider. A foster child who is eligible for child care services provided through the Rhode Island Department of Children, Youth and Families (DCYF) shall not be deemed an eligible child for the purposes of the CCAP.

“Family Independence Program or FIP” means the State program, authorized by R.I.G.L. 40-5.1 et. seq., that provides cash assistance and support to families who meet certain requirements. FIP beneficiaries are categorically eligible for fully-subsidized CCAP services if they meet the requirements established in Sections 0850.02.02.- 0850.02.04.

“Office of Child Care” means the unit within DHS responsible for administering the CCAP, approving child care providers participating in the program, and maintaining the CCAP Central Provider Directory.

PART II. Eligibility and Authorization of Services -- 0850.02. Families with incomes at or below 225 percent of the federal poverty level (FPL) who meet the requirements for the Starting Right Child Care Assistance Program are eligible to receive full or partial payment for child care expenses when delivered by a CCAP approved child care provider. There are two avenues for qualifying for payment of child care expenses through the CCAP: categorical eligibility and income eligibility. Family Independence Program (FIP) beneficiaries, including Adolescent Self-Sufficiency Collaborative (ASSC) participants, who meet all the general requirements established in this rule, are categorically eligible to receive CCAP authorized child care services. Working

families and ASSC participants who are not FIP beneficiaries may be income eligible for the CCAP if they meet the requirements set forth in Section 0850.02.05

A. Definitions – 0850.02.01. For the purposes of this section, the following definitions apply:

Allowable child care expense means the total cost of CCAP authorized child care services paid by DHS to an approved provider, after deducting the amount the family is required to pay the provider as its share of the cost (or family share) for authorized services.

Applicant child(ren) means the dependent child(ren) in the financial unit for whom CCAP authorized child care services are being requested.

Application date means the date that a signed application for CCAP is stamped as received by a DHS office.

Authorized child care services means the child care a CCAP eligible child is approved to use in a given time period based on the department's assessment of the family's need for services. CCAP authorized child care is categorized as full-time (FT), three-quarter time (3QT), half-time (HT), quarter-time (QT), before school (hereinafter referred to as AM care), after school (hereinafter referred to as PM care), and summer/school vacations (S/SV).

Categorically eligible means that eligibility for the CCAP has been conferred, by either State law or DHS policy, based on receipt of, or participation in, a particular public benefit/program. Both FIP cash assistance and ASSC program participants receiving FIP cash assistance are categorically eligible for the CCAP if they have met all other general requirements and established a need for services.

CCAP automated enrollment system means the DHS system through which an approved provider shall enroll eligible children.

Certification period means the actual period of time that an eligible child may obtain CCAP authorized child care services. A certification period shall not exceed twelve (12) months in duration.

Child Care Assistance Unit or CCAU means the operational unit within the Rhode Island Department of Human Services that determines eligibility, the need for services, and the periods of authorized child care services for income eligible working families and ASSC participants who do not receive FIP cash assistance.

Dependent child means any child who is under the age of eighteen (18) years, or nineteen (19) years if an individual with a documented disability, who is not emancipated legally by a court of appropriate jurisdiction.

Excluded income means certain money, goods or services that are not considered countable for the purposes of determining whether a family meets the requirements for CCAP income eligibility. Excluded income includes, but is not limited to, the following:

- C The value of U.S. Department of Agriculture donated foods;
- C Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- C Any grant or loan for an undergraduate student for educational purposes made or insured under any programs administered by the U.S. Commissioner of Education;
- C Payments distributed per capita to, or held in trust for, members of any Indian tribe under Public law 92-254, Public Law 93-134 or Public Law 94-540;
- C Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;
- C Payments for supportive services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973;

- C The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Fund Act, as amended, (Public Law 92-433 and Public Law 93-150);
- C Payments of Experimental Housing Allowance Program made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;
- C Receipts distributed to members of certain Indian tribes which are referred to in Section 5 of Public Law 94-114 that became effective October 17, 1975;
- C Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act, Public Law 93-203;
- C Foster care payments made by the Rhode Island Department for Children, Youth and Families;
- C The value of food stamp benefits;
- C The value of government rent or housing subsidies;
- C Income from college work study programs;
- C The earned income of a dependent child who is included in the financial unit;
- C A transportation allowance paid under the auspices of a work or training program, such as Job Search, or a WIA program;
- C In accordance with PL 100-485, the refund of taxes under the earned income tax credit (EITC), or the advance payment of the EITC;
- C Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;
- C Monies received under the federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income Related Work Expenses (IRWE) program;
- C The income of the parents with whom a teen parent(s) resides;
- C Section 8 Utility Payment; and
- C Veterans Aid and Attendant Allowances

Family share means the amount a family is expected to contribute in co-payments to the cost of child care services.

Financial unit means the dependent children, including both applicant and non-applicant child(ren), and the parent(s) and the legal spouse(s) of the parent(s) who live with them in the same household. The financial unit may also include applicant children that DHS has determined, upon verification, to be a relative of acceptable degree to the parent(s) requesting CCAP authorized services. The financial unit determines family size for the purposes of determining income.

FIP unit means the operational arm of the Rhode Island Department of Human Services responsible for determining whether categorically eligible FIP beneficiaries, including those who are also ASSC participants, meet the CCAP general and need for services requirements. The FIP Unit also determines CCAP eligibility for families making the transition off FIP cash assistance.

Income means any money, goods or services available to the financial unit used to calculate eligibility for the CCAP. For the purposes of the CCAP, countable income includes, but is not limited to, any of the following:

- C Monetary compensation for services, including gross wages, salary, commissions, and any work-based fees, stipends, tips or bonuses;
- C Adjusted gross income from self-employment;
- C Social Security Benefits (RSDI);
- € Security Income (SSI);
- C Dividends or interest on savings or bonds;
- C Income from estates or trusts;
- C Adjusted Gross Rental Income;
- C Adjusted Gross Room and Board Income;
- C Public assistance or FIP cash assistance payments;
- C Unemployment Compensation;
- C Temporary Disability Insurance (TDI);
- C Workers' Compensation;
- C Government civilian employee or military retirement;
- C Cash payouts for waiving employer sponsored health insurance;
- C Private pensions or annuities;
- C Adoption subsidies;
- C Alimony;

- C Child support payments;
- C Regular contributions from persons not living in the household;
- € Royalties;
- C Strike Benefits;
- C Trade Readjustment Allowance;
- C VA Compensation Payments;
- C VA Educational Benefits;
- C Spousal/Dependent Allowances;
- C Military Allotments;
- C In-Kind Assistance; and
- C Alien Sponsor Income.

Income eligible means that CCAP eligibility is determined on the basis of income, within the limits prescribed in State law, as well as certain general requirements and the need for services.

Infant means a child from at least one (1) up to, and inclusive of, eighteen (18) months of age.

Initial eligibility date (or Care Start Date) means the actual first date that CCAP authorized child care services, rendered to an eligible child by an approved provider, can be paid by DHS.

Non-applicant child means any dependent child living in the household up to age eighteen (18), who is not included in the family's request for CCAP authorized child care services.

One parent home means a family in which there is only one parent living in the household with financial responsibility for the eligible child(ren).

Parent means any person in the household who is legally and financially responsible for the routine care of the applicant child(ren) including, but not limited to, providing income, resources or other forms of support. A person seeking CCAP authorized services for a dependent child is considered to be a parent for CCAP eligibility purposes if so deemed for any other Department of Human

Services program(s). The term parent is used broadly in this rule to refer to biological, adoptive, or stepparents, as well as legal guardians or caretaker relatives of an acceptable degree under the FIP rules of relationship as defined in Section 0806.15 of the DHS Code.

Pre-school Age Child means a child from age three (3) up to entry into the first grade of a public or private elementary school program. A child who will reach age seven (7) on or after September 1 in a given school year shall not be considered a pre-school age child under any circumstances.

School Age Child means a child up to the age of sixteen (16), enrolled in at least the first grade in a public or private school program. Certain children with special needs may be categorized as school age up to the age of nineteen (19) and qualify for CCAP child care services.

Short-term Special Approval or SSACC means CCAP child care authorized for an otherwise ineligible child or parent as a result of a documented serious health condition or related circumstance in the family that creates an immediate need to initiate or continue CCAP authorized child care services on a temporary basis, as provided in Section 0850.02.06 of this rule.

Toddler means a child over the age of eighteen (18) months, up to the age of three (3) years.

Two-parent home means a family in which the two parents live in the same legal household as, and share financial responsibility for, the applicant child/children.

Youth means a child from the age of thirteen (13) up to age sixteen (16).

B. General Eligibility - 0850.02.02 – For a child to be eligible to participate in the Child Care Assistance Program, the family applying for CCAP services shall meet the general requirements set forth in this section as well as the specific requirements pertaining to categorical and income eligibility.

(1) Base Eligibility Requirements. To be eligible for the CCAP, all applicants must provide the documentation to show the following requirements have been met:

a. Age of applicant child(ren). The child to receive CCAP services shall be over one (1) week old and below the age of sixteen (16) years unless the following circumstances apply:

i. The child is sixteen (16) up to nineteen (19) years old and has a documented physical or mental disability which makes the child incapable of self-care; or

ii. The child is under age sixteen (16) and would be considered a dependent child for the purposes of FIP except for the receipt of Supplemental Security Income, or foster care services under Title IV-E. This subrule applies only in those instances in which child care is necessary for a parent to accept or retain employment or to participate in a FIP approved education or training program.

b. Relationship. The applicant child(ren) must live in the home of the parent requesting CCAP services. The relationship between the adult applying for CCAP services and each applicant child must meet the broad definition of parent as set forth in this rule.

(2) Categorical Eligibility. The Rhode Island Family Independence Act (FIA) extends eligibility for the CCAP to Family Independence Program (FIP) cash assistance beneficiaries who meet the need for services (i.e. engaged in an approved education or employment related activity that necessitates child care services) and other criteria established in Section D – 0850.02.04 – of this rule.

(3) Income Eligibility. A family seeking income eligibility for the CCAP shall provide the documentation required by DHS indicating that the following requirements have been met:

a. Income. Countable income of the financial unit shall not exceed 225 percent of the Federal Poverty Level (FPL). To assist in determining income eligibility, a Social Security Number (SSN) must be provided for any member of the financial unit. An SSN for all other members of the household may be provided on a voluntary basis. Proof that a request for an SSN has been made will be accepted as documentation, but only for the initial determination of eligibility. At the time of recertification for authorized services, a permanent SSN shall be required for all members of the financial unit. In accordance with applicable federal and state laws, SSN will be used only to assist in verifying income and the need for services.

b. Residency. As defined in DHS Code Section 0106, the applicant parent(s) and any applicant children in the financial unit shall be documented legal residents of the State of Rhode Island.

c. **Citizenship.** The applicant shall be either a citizen of the United States or a non-citizen lawfully entitled to reside in the United States, as specified in Section 0104 of the DHS Code. The citizenship status of the parent(s) shall not be a bar to participation in the program.

d. **Need for Services.** The parents of the applicant child(ren) shall be employed and unavailable to provide routine care for the child(ren) while working in accordance with the criteria established subsection 0850.0205 of this rule.

(4) Limitations and Exclusions. Both categorical and income eligibility for CCAP services are subject to the following limitations and exclusions:

a. **One CCAP Household Per Applicant Child.** CCAP services shall only be authorized for one household per applicant child during any given certification period.

i. In general, the CCAP household is the parent's home which serves as the principal place of residence of the applicant child – i.e. where the child lives the majority of the time. This rule applies whenever an applicant child's parents live in separate households or have an acceptable need for services independently of, or in tandem with, one another. A household other than the child's principal place of residence may only be considered a CCAP household if:

(a) The parent in the household where the child lives the majority of the time does not qualify, or have a need for CCAP services; and

(b) The parent in the household where the child lives less than a majority of the time applies and meets the requirements for CCAP authorized services.

ii. If the parents of an applicant child live in different households, but share legal custody and physical possession of a child due to a court order/agreement, then neither parent's household may be the child's principal place of residence. When both parents apply separately for the same child, only one household shall be considered a CCAP household when determining authorized services. In such instances, the department shall request the documentation from the applicant parents required to make a factual determination as to which is the CCAP household.

b. **Self-Employment as a Child Care Provider.** Any parent whose income is derived solely from self-employment as a child care provider shall not be eligible for CCAP authorized services. However, a parent who is self-employed as a child care provider on a part time basis may be eligible to receive CCAP authorized services for an eligible child for a period of time while

working in some other capacity or participating in a FIP-approved activity, if all requirements established in this rule are met.

C. Application Process for Determining Eligibility - 0850.02.03 – The application for CCAP consists of the required application or request for CCAP services form, the documentation necessary to verify eligibility and establish the need for services, and/or the most current information available on the applicant from other DHS program sources. Families seeking eligibility for the Child Care Assistance Program shall apply to DHS in accordance with the following:

(1) *Application Requirements.* The parent shall make application for the CCAP by submitting a signed FIP request for services or CCAP application form, along with the documentation required to verify eligibility and the need for services. In a two-parent home, both parents must sign the application. Both the type of form and the documentation that must be submitted vary, depending on whether the family qualifies to apply for the CCAP on the basis of categorical or income eligibility. Specific information about the appropriate forms and sources of verification required are contained in the CCAP application packet and made available, upon request, by contacting any DHS office.

(2) *Point of Application.* FIP beneficiaries, including those who are ASSC participants and families making the transition off cash assistance, shall make CCAP application through their social caseworker in their local FIP office. All other ASSC participants and working families shall make application to a Child Care Assistance Unit (CCAU) representative.

(3) *Application Date.* The date a signed application or request for services form is date stamped as received by DHS is the application date

(4) *Application Period.* The application period is the period when eligibility for the CCAP is determined by DHS staff. The period begins on the application date and extends for thirty (30) days. An application is considered incomplete until DHS has all the information and documentation required to make an eligibility determination. Once an application is complete, every effort will be made to determine eligibility in the most expeditious manner possible. An application that remains incomplete on the last day of the application period shall be denied unless DHS is responsible for the delay in processing the application.

(5) *Application Review.* Department representatives shall first review applications for completeness. If a determination of eligibility cannot be made in conjunction with this initial review, a letter or letters shall be sent to the family applying for the CCAP containing one or more of the following as appropriate:

- a. A statement acknowledging receipt of the appropriate application form and indicating the application date -- that is, the date the signed form was date-stamped as received by DHS;

- b. The unique CCAP certificate number assigned to the family. This is the identification number that shall be used by approved child care providers when enrolling eligible children for CCAP authorized child care services;

- c. The names of the children in the family for whom child care assistance is being requested; and

- d. A statement indicating that the applicant may request services from an approved child care provider pending final determination of eligibility by DHS. The statement shall include a disclaimer indicating that:

- i. DHS shall only make payment for allowable child care expenses when rendered by a CCAP approved provider;

- ii. An approved child care provider is not required to accept a child during the period when an application is pending. If a child is accepted, the provider must enroll the child either prior to or during the first week of care; and

- iii. DHS shall not guarantee payment for any child care expenses incurred while an application is pending. A family requesting to enroll a child for services prior to the final determination of eligibility shall disclose to the approved child care provider that their application for child care assistance is pending and that no payment shall be made by DHS for any child care expenses if the application is denied.

- e. If necessary, a list of any missing information or documentation required to determine eligibility, the appropriate DHS location to send the information to, and a deadline for submitting any information requested. This list shall identify:

- i. Any missing documents necessary to verify that the family meets the requirements for categorical or income eligibility;

- ii. Any information required to assess the need for services that is incomplete or cannot be verified through another DHS program source; and

iii. For FIP beneficiaries, the list shall specify if any components of an employment plan have not been completed or approved prior to the submission of the application for child care assistance.

(6) *Determining the Basis for Eligibility.* Upon determining that the general requirements for the CCAP have been met, FIP Unit or CCAU representatives shall assess the scope of CCAP services to be authorized on the basis of the criteria for categorical or income eligibility, as specified in sections 0850.02.04 and 0850.02.05 of this rule, respectively.

(7) *Initial Eligibility Date.* The date DHS determines to be the earliest date a family can begin receiving CCAP authorized child care services is the initial eligibility, or care start date. This date may or may not be the same as the application date.

a. The certification period for CCAP authorized services shall begin on the initial eligibility date and shall continue for a period not to exceed twelve (12) months.

b. Any child care services utilized prior to the initial eligibility shall be deemed unauthorized and shall not be considered allowable child care expenses for the purposes of making CCAP payments.

(8) *Application Restrictions.* Applicants shall provide complete and accurate information and all documentation required for verification listed on the CCAP application or request for services form. Submitting false or inaccurate information for the purposes of obtaining CCAP eligibility shall result in denial of the application

a. Non-cooperation. Failure to provide the documentation required to verify any eligibility requirement, including the source of income or need for services is acceptable grounds for a delay in the processing of an application. If such failure continues beyond the thirty (30) day application period, the application shall be deemed incomplete and denied on the basis of non-cooperation.

b. Limits. CCAP eligibility determinations shall be based on the application, including any required forms and documentation submitted by the applicant and/or available from other DHS program sources. The application is valid until eligibility is determined DHS within the prescribed application period of thirty (30) days, unless the application is withdrawn voluntarily. After thirty (30) days, submission of a new application may be required.

i. If CCAP eligibility is denied, the application is invalid after the thirty (30) day appeal period expires.

ii. If CCAP eligibility is approved, the application is presumed valid from the application date to the end date of the certification period unless there is a change in the family's status or circumstances that might in any way affect CCAP eligibility

c. Duty to Report. Applicant and recipient parents shall report to DHS any changes in the information or documentation included in, or submitted in conjunction with, the CCAP application related to the general requirements (0850.02.02) or criteria for categorical (0850.02.04) or income eligibility (0850.02.05) within ten (10) days from the date the change occurs. The duty to report begins on the application date and remains in effect while the application is valid. Failure to report changes in a timely manner may be grounds for denying eligibility to an applicant or discontinuing authorized services for CCAP beneficiaries. The responsibility to report changes to DHS, within specific time limits, is established in greater detail in Section 0850.02.09 of this rule.

(9) *Periodic Redetermination.* The eligibility of CCAP beneficiaries shall be redetermined on a periodic basis through either recertification or case review. Families shall be notified in writing of the date their eligibility shall be redetermined, no later than the first day of the last month of the family's certification period. Income eligible families and FIP families who have employment as their approved activity, shall be sent a renewal form prior to the end of the current certification period. In order for CCAP authorized child care services to continue without interruption, the completed and signed form must be submitted to DHS by the renewal date specified. The frequency and nature of recertification varies in accordance with the basis for eligibility.

a. Categorically eligible families are subject to a case review that assesses compliance with applicable FIP program requirements. Authorization periods shall not to exceed twelve (12) months in one (1) certification period.

b. Income eligible families are subject to recertification every six (6) months, or more frequently, depending on the period of CCAP authorized services.

c. Change of CCAP application type from one program to another (example FIP to Income Eligible) within a certification period may result in a new authorization period in accordance with CCAP rules for the new program under which eligibility is determined.

(10) *Notice of Approval, Notice of Denial, Right to Appeal and Hearing.* Applicants for the CCAP shall receive adequate notice of DHS eligibility determinations and the right to appeal. DHS shall also provide timely and adequate notice of any adverse decisions terminating or reducing benefits.

As indicated in Section 0850.02.08, DHS also sends a letter confirming enrollment of an eligible child by an approved child care provider. Notices and correspondence sent by DHS related to CCAP eligibility and enrollment are specified in full in Section 0850.02.09.

D. CCAP Criteria For Categorical Eligibility – 0850.02.04 FIP beneficiaries who fulfill the general requirements stated in section 0850.02.02, shall meet the following criteria to be eligible for the CCAP:

(1) *Need for Services*. CCAP authorized services shall only be approved for FIP beneficiaries who have an acceptable need for services related to fulfilling program requirements.

a. General Criteria: FIP Eligible. The following shall constitute an acceptable need for services for FIP eligible families:

i. Approved Plan. The parent(s) or caretaker relative shall have an approved, signed and current employment plan on file and shall need CCAP authorized child care services during periods of time when engaged in one or more of the component activities required to comply with that plan.

ii. Activity Requirements. FIP families receiving CCAP services shall meet the employment plan component activity requirements outlined in Section 0812.05.05, 0812.05.10, and 0812.05.25 of the DHS Code. Such component activities include those specified therein, as well as any combination of education and work-related activities contained in an employment plan approved by a FIP caseworker. Volunteer activities or time spent in any capacity in which no wages are earned, paid, or expected, shall not count toward the hours required to meet an acceptable need for services unless expressly approved as a component of an employment plan.

iii. Two Parent Home. In a two-parent home, both parents shall have signed and approved current employment as is specified in Section 0812.05.25 of the DHS Code.

b. Program-Specific Criteria: ASSC Participants. To have an acceptable need for services, ASSC participants who are FIP cash assistance beneficiaries shall meet the following program-specific criteria:

i. Age and Completion of High School. ASSC parents shall be under twenty (20) years of age and not yet in possession of a high school diploma or equivalency.

ii. Activity Requirements. The parent shall be actively working with the Adolescent Self Sufficiency Collaborative (ASSC) and participating in an approved education activity, as specified

in a current FIP Employment Plan. The applicant child must be living with the ASSC participant and the need for child care services must be directly related either working or obtaining a high school education.

iii. Period of Authorization. The period of authorization for CCAP services will coincide with the end date for the parent's component school program.

iv. Teen Parent Under the Age of Sixteen (16). A teen parent who is under age sixteen (16) may not obtain authorized CCAP child care services on their own, unless documentation of emancipation exists. CCAP child care services extended to a teen parent under the age of sixteen (16) shall be authorized under a parent or legal guardian of the teen parent and may also include that teen parent as a child care recipient.

(2) Limitations. CCAP child care services shall not be authorized for an otherwise categorically eligible family under the following circumstances:

- a. In a one-parent home, the parent has failed to complete or comply with a FIP employment plan;
- b. One of the parents in a two-parent home does not have an approved employment plan;
- c. One of the parents in a two-parent home is statutorily barred from receiving FIP and is not working;
- d. The parent of the eligible child is a self-employed child care provider and is requesting CCAP payment for care provided to the child during the hours when employed in that capacity. This limitation shall not apply if the parent is an employee of a child care provider;
- e. A parent of the eligible child is providing the child care, irrespective of whether the parent lives in the same legal residence as the eligible child(ren);
- f. A person living in the same legal residence of the eligible child(ren) is providing the child care; or;
- g. There is an active sanction in place.

(3) *Exceptions.* The following exceptions apply to the general and program-specific criteria for categorical eligibility set forth in this section:

- a. FIP beneficiaries whose FIP cash assistance is scheduled to close, and who are requesting child care assistance due to employment, will have their CCAP eligibility determined using income eligibility rules.

b. CCAP services may be authorized if one of the parents in a two-parent home does not have an approved employment plan when the family provides written verification from a licensed health care practitioner, program or facility, qualified to make such a determination, indicating that the parent without an approved employment plan cannot provide appropriate, routine care of the child due to a neuro-physiological, psychological or emotional disorder, physical impairment, or serious health condition. Requests for an exception shall be made on forms approved by the department and submitted along with the required medical documentation for review and approval by a FIP Unit supervisor. Any health information requested or obtained for the purposes of this section shall be subject to the privacy protections established in state law and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

E. CCAP Criteria for Income Eligibility – 0850.02.05. ASSC participants not receiving FIP cash assistance and working families who meet the general requirements in section 0850.02.02 and the following criteria may be CCAP income eligible:

(1) *Financial Determination.* The countable income of the financial unit shall be at or below 225 percent of the federal poverty level, based on family size. The income of self-employed families shall be calculated as outlined in Section 0824.20.10 of the DHS Code.

(2) *Family Cost Sharing Requirement.* Eligible families with countable income above 100% of the FPL shall pay a share of the expense for the child care services authorized in section 0850.02.07. The family shall be assessed a share of the cost for authorized services (formerly referred to as co-payment) based on a percentage of the gross countable income for families at each level. The family share and income guidelines are set in accordance with the CCAP Cost-Sharing Payment Rate Table located in Part V of this rule.

a. The family share shall be determined without regard to the number of eligible children who are enrolled or the total of services utilized. The family share shall be assigned to the first or youngest eligible child enrolled in care -- that is, the eligible child who receives authorized services paid at the highest rate. The family share shall only be distributed among providers when the total amount of the co-payment assigned exceeds the rate paid for the first, or youngest, eligible child enrolled. The income levels and percentage range of family shares are as follows:

FAMILY SHARE/CO-PAYMENT

<u>FAMILY SHARE LEVEL</u>	<u>INCOME RELATIVE TO THE FEDERAL POVERTY LEVEL</u>	<u>FAMILY SHARE AMOUNT</u>
<u>Level 0</u>	<u>Less than or equal to 100%</u>	<u>No Family Share</u>
<u>Level 1</u>	<u>Above 100% up to and including 125%</u>	<u>1% of Countable Gross Income</u>
<u>Level 2</u>	<u>Above 125% up to and including 150%</u>	<u>4% of Countable Gross Income</u>
<u>Level 3</u>	<u>Above 150% up to and including 185%</u>	<u>8% of Countable Gross Income</u>
<u>Level 4</u>	<u>Above 185% up to and including 200%</u>	<u>12% of Countable Gross Income</u>
<u>Level 5</u>	<u>Above 200% up to and including 225%</u>	<u>14% of Countable Gross Income</u>

(Refer to complete Cost Sharing Table in Section 0850.05)

b. A family's share of the cost for child care services approved for CCAP payment shall be recalculated any time that the family submits a new application and supporting documentation, or reports a change to DHS that may affect eligibility prior to the end of the family's certification period. DHS shall recalculate the family's share of the cost for CCAP authorized services anytime there are changes in the family's income or size of the financial unit.

c. The Notice of Approval for child care assistance shall indicate whether a family is required to pay a share of the cost for authorized child services based on countable income. The Approval Notice shall indicate to the family the exact amount of their family share and the calculations used to determine that amount. The family shall also be informed of the amount of their family share and which provider(s) to pay in the Confirmation of Enrollment letter.

(3) *Need for Services.* To be authorized for income-based CCAP child care services, the parent(s) shall have an acceptable need for services related to employment or participation in an approved educational program.

a. General Criteria: Income Eligible: For there to be an acceptable need for services in a two-parent home, each parent shall be employed a minimum of an average of twenty (20) hours per week in a month and require CCAP child care services during periods of time when working. In addition, the parents shall each earn, per hour, an average of the greater of either the state or federal minimum wage. For there to be an acceptable need for services in a one-parent home, the parent living in the household shall be employed a minimum of an average of twenty (20) hours per week

in a month, earn per hour an average of the greater of either the state or federal minimum wage, and require CCAP child care services during periods of time when working.

b. Program-Specific Criteria: ASSC Participants. To obtain CCAP authorized services, non-FIP teens applying for income eligibility shall meet the applicable general criteria as well as the following program-specific criteria:

i. The applicant parent shall be an ASSC participant, under twenty (20) years of age, and without a high school degree or its equivalent.

ii. The applicant ASSC parent shall be employed, attending school or participating in education related activities, or engaged in some combination thereof for a minimum of twenty (20) hour per week, on average, in a month. CCAP child care services for ASSC participants who meet this requirement may be authorized for a period of up to twelve (12) months, with the end date set to correspond to completion date of the educational activity – e.g., date high school diploma or GED is received.

iii. Teen Parent Under the Age of Sixteen (16). A teen parent who is under age sixteen (16) may not have a child care case in their own name, unless documentation of emancipation exists. Child care services extended to a teen parent under the age of sixteen (16) shall list the case in the name of the parent or legal guardian of the teen parent and may also include that teen parent as a child care recipient.

(4) Limitations. The need for child care services shall be related to the periods of time in which no parent is available to provide care for the child as a result of employment and/or education commitments (for ASSC participants. In addition, CCAP child care services shall not be authorized for an otherwise income eligible child under the following circumstances:

a. A parent of the eligible child is a self-employed as a child care provider, and is requesting payment for care provided to the child during the hours they are employed in that capacity. This limitation shall not apply if the parent is an employee of a child care provider;

b. A parent is providing the child care, irrespective of whether the parent lives in the same household as the eligible child(ren);

c. A person living in the same legal residence of the eligible child(ren) is providing the child care;

d. The applicant parent's sole source of income is derived from rental and/or room and board income, and the need for services is based on activities related to obtaining or collecting that

income. Such activities shall not be considered employment for the purposes of this section and, as such, shall not count toward the minimum number of hours of work required to establish a need for CCAP authorized child care services; or

e. The applicant parent's need for services is based in part or in whole on time spent working as a volunteer, or in any similar capacity in which no wages are earned, paid, or expected. Unpaid work of this kind also shall not count toward the minimum number of work hours required for CCAP income eligibility.

(5) *Exceptions.* In certain circumstance, families unable to meet the need for services requirements may qualify for an exception that allows authorization of CCAP services. The exceptions are as follows:

a. One parent in a two-parent family has a documented disability that states that parent is unable to care for the child. Exceptions may be granted if the family provides written verification to a department representative from a qualified licensed health care practitioner, program or facility indicating that the parent cannot provide appropriate care of the child due to a neuro-physiological, psychological or emotional disorder, physical impairment, or serious health condition. Requests for an exception shall be made on forms approved by DHS, and submitted along with the required medical documentation for review and approval by a CCAU representative. Any health information requested or obtained for the purposes of this section shall be subject to the privacy protections established in state law and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

b. Parents with disabilities. Employed parents determined to have disabilities may be exempt from meeting the minimum number of hours of work and the minimum wage requirements required to establish a need for services set forth in this subsection. An exemption shall not be granted until an assessment by an appropriate entity or provider of the parent's condition is complete, a final determination of disability is made, and the documentation verifying the parent's disability is submitted to DHS. Final decisions on whether an exemption is warranted shall be made by a CCAU supervisor. Notice of the decision shall be provided to the parent requesting the exemption in accordance with the requirements of Section 0850.02.09 of this rule.

c. Short Term, Employer Authorized Absences. Short-term, employer authorized, absences from work for family/medical leave, vacations, or annual or personal leave are considered to be within

the parameters of employment and will not adversely affect the scope of eligibility or ability to utilize CCAP authorized care, as long as the parent retains “employee” status during such absences.

In addition, the following criteria must be met:

- i. The parent’s absence from work does not exceed twenty-one (21) consecutive days in a certification period. Absences that extend beyond these time limits must be reported in accordance with Section 0850.02.09(3) and may result in a change in the scope of CCAP authorized services. CCAP payment for parent absences from work shall not exceed two (2) weeks as outlined in Section 0850.02.07 of this rule.
 - ii. There is an expectation on the part of both the parent and the employer that the parent will return to work once the authorized absence or period of leave is over.
- d. Job Loss/Temporary Unemployment. An eligibility grace period may be granted in cases when a parent of a child receiving CCAP authorized services is unable to meet the minimum number of work hours required to maintain a need for CCAP services due to temporary unemployment as a result of job loss or the transition between jobs.

The eligibility grace period shall not exceed twenty-one (21) consecutive days in a certification period from the date the period of temporary unemployment begins. The grace period shall not be extended or renewed. A parent who does not report a change in employment in accordance with the requirements established in 0850.02.09(3) shall not be granted a CCAP eligibility grace period unless good cause for the failure to report is shown. The department reserves the discretion to require a temporarily unemployed parent to submit any documentation deemed necessary to verify that continuation of CCAP eligibility during the grace period is warranted. New applicants do not qualify to request a CCAP eligibility grace period.

F. Criteria for CCAP for Short-term Special Approval Child Care Assistance (SSACC) –

0850.02.06. In a limited range of circumstances, families who are unable to receive CCAP categorical or income eligibility criteria related to employment plan or work requirements may be approved for Short Term Special Approval (SSACC) child care assistance. SSACC may be approved for instances when there is documented evidence indicating that either the child (child-based SSACC) or the parent (parent-based SSACC) has a serious health condition that constitutes a temporary “special” need for services based on the inability of the parent to provide the necessary

level or kind of child care. When applying for SSACC services, the available countable income of the financial unit shall be used in determining an applicant's eligibility. Determinations of requests for child-based SSACC shall be made, on a case-by-case basis, by the appropriate FIP or CCAU supervisor. The criteria for approval of SSACC for income and categorically eligible CCAP families differ, as specified below:

(1) SSACC Criteria for Income Eligible Families. When the requirements of this subsection have been met, SSACC may be approved for otherwise income eligible families who no longer meet the need for services requirement established in section 0850.02.02 due to a change in the employment status of the parent(s). As such, requests for SSACC shall only be considered for income eligible families who have been receiving authorized CCAP services and have, or are in jeopardy of losing them because of the change in the need for services.

a. Child Based. For approval of child-based SSACC in an income eligible family, there must be documented evidence that, although the parent's employment no longer meets the need for services requirement, the continuation of authorized CCAP services is necessary for the health and well being of the eligible child. In the case of an ASSC family, it is understood that school attendance can replace the work hours needed for eligibility. The determination of whether a continuation of CCAP authorized care is warranted, and as such constitutes a special need for services, shall be based on a CEDARR (Comprehensive Evaluation, Diagnosis, Assessment, Referral and Re-evaluation) of the eligible child. Accordingly, child-based SSACC for an income eligible family shall only be approved when:

- i. There is a special need for services based on a CEDARR finding that the discontinuation of CCAP services will have a direct adverse effect on the eligible child's health and well-being; and
- ii. All other income eligibility requirements have been met.

b. Parent Based. For approval of parent-based SSACC in an income eligible family, there must be documented evidence from a qualified health care provider or practitioner that the health condition of the parent prohibits both employment and the routine child care activities necessary to maintain the health and safety of the child. The special need for services is the result of a change in the parent's health status that temporarily prevents the parent from meeting the work requirements in section 0850.02.05. A parent hospitalized as a result of an acute illness or condition, or bedridden while recovering from an illness or condition for a limited period may receive partial or full payment

of child care expenses until able to resume employment subject to the general restrictions of this subsection.

(2) SSACC Criteria for Categorically Eligible Families. SSACC may be approved for categorically eligible families who have not met their FIP employment plan requirements or who do not have a signed employment plan when the condition or health of the child or parent constitutes a special need for services.

a. Child Based. For approval of child-based SSACC for categorically eligible families, the special need for services must be established by either:

i. Documented evidence from a physician, qualified licensed health practitioner, program, facility or responsible government authority, that the child has a serious health condition that is not currently being treated or accommodated either because access to an appropriate program that meets the child's special needs has been denied or delayed, or is unavailable. Payment of child care expenses shall be provided under such circumstances while permanent placement in an appropriate program for the child is being arranged or located; or

ii. A CEDARR finding that the continuation of CCAP authorized services is necessary for the health and well being of the eligible child.

b. Parent Based. For approval of parent-based SSACC for categorically eligible families, documented evidence must be provided from a qualified licensed health care practitioner, program, facility or responsible government authority indicating:

i. The disorder or impairment of the parent poses a serious barrier to appropriate child care/rearing. Payment for CCAP authorized child care may be made while the parent is participating in an appropriate remediation or rehabilitation protocol, such as substance abuse treatment, parenting skills training, therapy or counseling, that will lead to the alleviation of the need for services and progress toward great self-sufficiency. In such cases, DHS may require the applicant to provide documentation of a family assessment, conducted by a qualified provider, when evaluating the need for SSACC services. However, in no instance shall DHS authorization of SSACC for a categorically eligible child include, or otherwise be based upon, an assessment of whether the parent can successfully complete the remediation/rehabilitation protocol; or

ii. The health condition of the parent both prohibits employment or participation in a FIP employment plan and routine child care activities necessary to maintain the health and safety of the

child. A parent hospitalized as a result of an acute illness or condition, or bedridden while recovering from an illness or condition for a limited period, may be eligible to receive partial or full payment of child care expenses until able to resume employment, subject to the general restrictions of this subsection.

(3) *Limitations.* The scope of SSACC shall be limited as follows:

- a. SSACC shall not be authorized for more than full-time in any twenty-four (24) hour period as defined in section 0850.02.07;
- b. SSACC authorized services shall be approved, upon initial request, for up to three (3) months, and may only be approved for an additional three (3) months period in any twelve (12) month period, if the family provides documentation to DHS indicating that:
 - i. The parent's condition will improve during the additional time to the extent necessary for the parent to return to work or participate in their FIP employment plan, once the extension is over; or
 - ii. The child's permanent placement in a long-term treatment or special needs program cannot be arranged without additional time.
- c. In no case shall child-based SSACC serve as an adjunct to or a substitute for services, administered by other government agencies or their designees that provide long-term treatment or otherwise address the special needs of a child. Similarly, authorization of parent-based SSACC is not based on an assessment of whether the successful remediation/rehabilitation can be achieved and shall not be portrayed as such for any purpose. Accordingly, authorization of SSACC under the requirements set forth in this section shall not be construed to or in any way mitigate, or otherwise address, the underlying cause -- e.g., impairment, serious health condition, etc. -- creating the need for services.

(4) *Notices, Rights, and Responsibilities.* Families applying for SSACC are accorded the same right to timely and adequate notice, to appeal DHS decisions and to be informed of application and enrollment status applicable to all other CCAP applicants/beneficiaries set forth in Section I. Except as the special need for services requirements for the SSACC established in this section apply, the responsibilities of DHS, approved providers, and the families of an eligible child related to application, enrollment and payment of allowable child care expenses shall also be the same as those specified for the CCAP.

G. Authorization of Child Care Services – 0850.02.07. Upon determining that a family is either categorically or income eligible for the CCAP, the FIP or CCAU representative shall make an assessment of the scope of authorized child care required to meet a family's need for services.

(1) *Assessment of Need for Services.* The authorization for CCAP child care services is based on an assessment of the following factors related to the need for services:

a. The number of hours each day per week that the parent(s) of an eligible child is employed or engaged in a FIP or ASSC approved activity that requires child care services. One (1) hour per day of child care may be added to the daily total to cover travel time from the child care location ~~earr~~ to place of employment/approved activity and return. Additional travel time may be allowed if there is a documented need, related directly to meeting work or employment plan commitments.

b. In cases where the parent is requesting CCAP services under either subsection 0850.02.04 or, 0850.02.05, or the SSACC, the allowable child care expense is based on total number of hours each day per week that a parent is not available to provide routine child care for the child. Documentation provided by the parent that verifies the work schedule or approved activities establishing the need for services shall be used in assessing the total amount of child care services authorized.

(2) *Scope of CCAP Authorized Child Care Services.* Upon completing the assessment of a family's need for services, the FIP or CCAU representative determines the scope of CCAP child care services appropriate for each eligible child in the family. CCAP child care services are then authorized as follows:

- a. Full-time (FT) child care, for thirty (30) or more hours per week;
- b. Three-quarter time (3QT) child care from twenty (20) up to thirty (30) hours per week.
- c. Half-time (HT) child care, from ten (10) up to twenty (20) hours per week;
- d. Quarter time (QT) child care, for less than ten (10) hours per week;
- e. Before school (AM) child care, for school age children whose parents work between the hours of 5 a.m. and 7 p.m., Monday through Friday;
- f. After school (PM) child care, for school age children whose parents work between the hours of 5 a.m. and 7 p.m., Monday through Friday; and
- g. Summer/School Vacation (S/SV) child care, for school age children whose parents work between the hours of 5 a.m. and 7 p.m., during summer and scheduled school vacations.

(3) *Limitations.* Authorized child care shall be utilized within the following parameters:

a. Certification Period. The department authorizes CCAP child care for a specific period of time that begins on the initial eligibility date, and continues until the next scheduled date, as specified in 0850.02.03, unless it has been predetermined by the FIP or CCAU representative that the family's need for services can be met by authorizing CCAP child care for a shorter period of time.

b. Need for Services. CCAP authorized child care corresponds to, and is generally expected to be utilized during, the hours when a family has a need for services as defined in Section 0850.02.02 of these rules.

c. Multiple Providers. An eligible child may receive CCAP authorized services from multiple providers if necessary for a family to meet a need for services due to split shifts or non-traditional employment schedules, but only in instances in which the hours of authorized child care rendered by each provider do not overlap. In no case, shall DHS pay more than one provider for the same hours of child care services authorized for a particular eligible child.

d. School Hours. CCAP services shall not be authorized for school age children during hours when school is in session.

e. Payment. Payment for CCAP authorized services shall only be made when rendered by child care providers approved by DHS, who meet the requirements established in section 0850.03.02, of this rule.

f. Age Restrictions. Eligible school age children age thirteen (13) and over shall only be authorized for after school and summer/school vacation child care services rendered by a DHS approved licensed or certified provider. Before school care shall not be authorized for eligible school age children age thirteen (13) and over unless a child has a documented disability that requires the child to have adult supervision. Non-certified approved providers shall not receive CCAP payment for care provided to children age thirteen (13) or over unless the child has a documented disability as specified in this subrule.

g. Authorized Absence. An eligible child, enrolled with an approved provider, shall not be absent for more than two (2) full weeks of authorized child care in a given twelve (12) month period, unless granted a good cause exemption by DHS as a result of a serious health condition or unusual family circumstance. Parents shall make requests for good cause exemptions, in writing, to the unit of DHS that determined eligibility for the CCAP. Timely notice, including a statement of appeal

rights, shall be sent to the family by DHS explaining the basis for granting or denying the request for an exemption to the two week limit on absences from authorized CCAP child care.

- i. Once the two (2) week limit has been reached, no payment shall be made for periods of authorized child care in which the eligible child is not in attendance unless a good cause exemption has been granted.
- ii. The department reserves the right to consider repeated extended absences of an eligible child when making recertifications of CCAP eligibility.

H. Enrollment for CCAP Authorized Child Care Services – 0850.02.08. Through the enrollment process, the family of an eligible child and the CCAP approved child care provider of choice make the arrangements necessary for the delivery of CCAP authorized services, in accordance with the requirements established by the department for payment of allowable child care expenses. The child care provider is required to transmit the pertinent information about these arrangements to DHS using the CCAP automated enrollment system. All CCAP approved providers shall have access to the CCAP automated enrollment system and are required to enroll all eligible children through that system as a condition of receiving payment for CCAP authorized child care services. Enrollment responsibilities for CCAP authorized services are delineated as follows:

(1) *DHS Responsibilities.* DHS is responsible for providing the families of eligible children with the following documentation necessary to complete and confirm enrollment:

- a. **CCAP Certificate Number.** DHS shall issue each family applying for child care assistance a CCAP certificate number, to serve as a unique identifier for the purpose of enrolling an eligible child for authorized services and establishing a basis for payment to a CCAP approved provider. Both the letter acknowledging that an application for the CCAP is pending, and a certificate (Certificate of CCAP Approval) appended to the notice approving CCAP eligibility shall display prominently a family's CCAP certificate number. In order to enroll an eligible child the family is required to present the CCAP approved provider of choice with the certificate number to verify either that application for CCAP services has been made or eligibility for services has been approved. The approved provider uses the certificate number to enroll the family for authorized

services via DHS's secure CCAP automated enrollment system. Enrollment must be completed before or during the first week that CCAP authorized services are provided.

b. CPD. The CPD contains the names of all child care providers that have applied for and met the minimum requirements to be approved to participate in the CCAP. A family choosing to use a non-certified provider, or a DCYF licensed or certified provider that is not listed in the CPD, shall be provided with information explaining DHS approval requirements as specified in Part III of this rule. Types of approved providers are defined in section 0850.03.01.

c. Confirmation of Enrollment. Once the enrollment process has been completed, a letter shall be sent from the department to both the family and provider that confirms enrollment of the child(ren) and indicates the assignment of the family's share of the cost for authorized services, if any. DHS also sends a letter confirming enrollment when there is a change in approved providers. In addition, a written letter discontinuing services is sent by DHS to the previous provider, and copied to the family, in such cases as well.

d. Authorization for Payment. DHS shall initiate the process for authorizing payment to a provider for allowable child care expenses upon receipt of the notification that an eligible child has been enrolled in accordance with subsection (3), as specified below. DHS reserves the right to deny payment for services to providers who fail to enroll eligible children within the first week that an eligible, or potentially eligible, child begins care with that provider.

(2) *Responsibilities of the Family.* To initiate the process of enrolling an eligible child for CCAP authorized child care services, the family of the child shall contact a CCAP approved provider and present the Certificate of Approval for CCAP services or, their CCAP certificate number.

a. Enrollment During The Pending Period. As indicated in section 0850.02.03(5) e., some approved child care providers may be willing to enroll a child, using the CCAP certificate number, while their application is still pending and before the final determination of eligibility. The certificate number may first be issued to the family in the pending letter, which acknowledges that the application has been received and is pending further review. If no pending letter is sent and the application is approved, the certificate number is issued to the family in the Notice of Approval. In such instances, the following conditions apply:

i. If the application for CCAP child care services is subsequently denied by the department, no payment shall be made for any child care services rendered during the period when the application was pending and before the final determination of eligibility.

ii. If a family does not give their DHS certificate number to a provider, the provider may hold the family liable for payment for any child care services used.

b. Providing Information to Approved Providers. CCAP Approved Providers. The family of the child shall present the CCAP certificate number to an approved provider when making arrangements for authorized child care services. The family shall also provide any information required for CCAP web or telephone enrollment requested by the provider.

c. Enrollment with Multiple CCAP Approved Providers. DHS shall not make payment to more than one approved provider for any one hour or set period (e.g., before school care) of CCAP authorized child care services. A family choosing to enroll a child for authorized services with multiple providers shall advise each provider accordingly when making arrangements for child care. The CCAP automated enrollment system prevents enrollment of, and payment for, services to an eligible child during overlapping hours. No more than one (1) provider shall be authorized to provide full time services to an eligible child for a specific period of care.

d. Changing Providers. The family of an eligible child may choose to change approved child care providers at any time while authorized for CCAP child care services. However, DHS is permitted to make payment to only one approved provider for a particular hour or set period of CCAP authorized child care once the week begins. Accordingly, families are best served when changes in providers are arranged to take effect at the start of the week (Sunday). To the extent time and circumstances allow, notification of the change should be made by the parent to any providers involved. In general, however, to change approved child care providers a family is required to present the CCAP certificate number to the new provider of choice and make the arrangements necessary for authorized child care services. Enrollment information sent to DHS by the new approved provider through the CCAP automated enrollment system shall automatically disenroll the eligible child from, and thereafter prohibit payment for, child care services rendered by the child's previous care provider. Families may change approved providers at anytime during the CCAP eligibility period.

e. Services in Excess of CCAP Authorized Child Care. A family may choose to enroll an eligible child for services in excess of the CCAP period authorized. No CCAP payment shall be made for any unauthorized hours of child care even with an approved provider.

(3) *Responsibilities of CCAP Approved Providers.* It shall be the responsibility of the CCAP approved provider selected by the family of an eligible child to officially enroll a child for authorized services before or during the first week that CCAP authorized services are provided. Only child care providers who have been approved and entered into a signed and valid DHS-Approved Provider Agreement, have access to the DHS CCAP automated enrollment system. Both DHS approval and access to the CCAP automated enrollment system are necessary preconditions for provider participation in the CCAP. (See section 0850.03 of this rule for requirements for approval.)

a. Provider Enrollment Procedures. The approved child care provider collects the information necessary to officially enroll a child for the CCAP services in the process of making arrangement for child care with the child's parent(s). Such information includes: the CCAP certificate number; the child's full name and date of birth; and, the start and, if known, end dates for the authorized services requested. The enrollment process varies somewhat depending on whether the application for the CCAP is under review and eligibility is pending or eligibility has been approved as follows:

i. Eligibility pending. The approved provider shall use the CCAP certificate number issued by DHS in the letter acknowledging receipt of the application, as specified in section 0850.02.03(6), when enrolling a child whose eligibility for authorized services is pending. The enrollment process is not completed unless and until CCAP eligibility has been approved. Any provider that has not been approved by DHS shall not initiate enrollment of a child for the purposes of seeking CCAP payment, irrespective of whether a final determination of eligibility has been made. If the application for CCAP services is subsequently approved, payment for any CCAP authorized services rendered while the application is pending shall be made by DHS to the approved provider as long as the child was appropriately enrolled. Upon receipt of payment from DHS, the approved provider shall refund the family for any allowable child care expenses paid by the family during the period in which the application was pending. The approved provider shall not apply any refund due the family to cost-sharing obligations the family may incur for CCAP authorized services that may be rendered at a later date, unless expressly requested, in writing, by the eligible child's family.

ii. Eligibility approved. An approved provider enrolls a child using the DHS CCAP automated enrollment system. The enrollment process is complete when DHS receives notification from the provider via DHS's CCAP automated enrollment system. DHS sends a letter confirming enrollment to the family and provider. The letter shall serve as notification to the approved provider that DHS has accepted the eligible child's enrollment. The approved provider may begin to bill DHS for allowable child care expenses.

b. Dis-enrolling Children. The approved provider shall dis-enroll a child immediately upon receiving notice that an eligible child shall not be using services any longer, for any reason. Upon receiving notification from the family of an eligible child that alternative child care arrangements have been made, the eligible child shall be disenrolled, as appropriate, and the relevant information sent to DHS via the CCAP automated enrollment system. Failure of the parent to properly notify a provider of the child's disenrollment, shall not constitute grounds for continued payment.

c. Provider Capacity. CCAP approved child care providers shall monitor enrollment patterns to ensure that the number of children receiving services at any one time remains within the provider's authorized maximum capacity -- that is, the total number of children in a provider's care -- both CCAP eligible and non-eligible children.

i. The Rhode Island Department of Children, Youth and Families (DCYF) establishes the maximum capacity for all state regulated child care centers, and family child care homes in the applicable standards for licensure and certification. CCAP approved providers subject to DCYF regulations shall not be permitted to enroll an eligible child through the DHS CCAP automated enrollment system when at full capacity.

ii. Approved non-certified providers, though not directly regulated by DCYF, are prohibited by the State from caring for more than three (3) unrelated children or up to six (6) children related to the provider at any one time without obtaining DCYF certification as a family child care home. Any children of the non-certified provider are excluded from the count until enrollment reaches the limit of three (3) unrelated children. The children of the non-certified provider who are under six (6) years of age count toward the maximum limit of six (6) related children. DHS shall not make payment for an eligible child once the maximum number of unrelated children allowed for a non-certified provider has been reached.

iii. Approved child care providers cannot retroactively enroll an eligible child. Approved providers must enroll both eligible and pending children before or during the first week that care is delivered if DHS payment is anticipated.

I. Information Requirements: Notices, Rights and Duties – 0850.02.09. To ensure that the CCAP is administered in the fairest and most effective and efficient manner possible, the following requirements have been established:

(1) *Notices.* Applicants for the Child Care Assistance Program shall receive timely and adequate notice from DHS of eligibility determinations. The department shall also provide timely and adequate notice of any adverse decisions that terminate or reduce benefits.

a. *Notice of Approval.* Upon determining that an applicant meets the general requirements for the CCAP in section 0850.02.02 and the criteria for either categorical (0850.02.04) or income (0850.02.05) eligibility, Notice of Approval shall be sent by DHS informing the family of the eligibility start and end dates and the scope of services authorized. The notice shall also indicate whether an income eligible family is required to pay a share of the cost for CCAP authorized services and the amount of that family share in accordance with the table included in Part IV of this rule. In addition, the Notice of Approval shall state that any eligible children in the family shall only be enrolled for CCAP authorized child care services by a CCAP approved provider, who has a signed and valid DHS-CCAP Approved Provider Agreement and is listed, accordingly, in the Central Provider Directory (CPD). Notices of approval are also sent when there are additional children in the family approved for the CCAP. An approval notice may include, as an attachment or separate enclosure, any information about the CCAP that DHS deems necessary and appropriate to assist families in making arrangements to enroll an eligible child for authorized services.

b. *Notice of Adverse Actions.* DHS shall send timely and adequate notice of any decisions that adversely affect a family's CCAP eligibility or the scope of authorized services. All notices of adverse action shall contain: (1) the reason for the proposed action and citation of the applicable rule herein; (2) a statement indicating that the family may discuss the pending action with the appropriate FIP or CCAU representative and, if further review is deemed necessary, schedule an Adjustment Conference to discuss the action further with the designated supervisor; and (3) an explanation of the family's right to request a hearing within thirty (30) days of the date of the

notice. Notices in this category include those indicating denial or discontinuation of eligibility; change in CCAP authorized services; and of CCAP case closure.

- i. The notice of denial shall be sent by DHS to a family when a department representative determines that a case, or an applicant in a case, is ineligible for the CCAP.
- ii. The notice of eligibility discontinuation shall be sent when a decision made by the department results in the termination of CCAP eligibility for a particular child or the family as a whole.
- iii. A notice of change in authorized services shall be sent to a family in situations in which a DHS decision results in change in the scope of authorized services or the family share obligation that reduces the level of CCAP benefits or otherwise adversely affects the family.

(a) When a change in the family's eligibility or need for services results in a reduction, suspension, or discontinuance of DHS payment to the provider, a notice of adverse action shall be sent to the family at least ten (10) days prior to the effective date. Not all changes in the scope of CCAP authorized services are considered adverse actions, however. Notice is also sent, for example, when change in family income results in a decrease in the family's cost-sharing obligation.

(b) To the extent feasible, DHS shall delay the effective date for increases in a family's cost-sharing obligation for a period of at least ten (10) days from the date of the notice of change in authorized services.

c. *Notice of Eligibility Redetermination.* Eligibility for the CCAP shall be redetermined by DHS on a periodic basis in accordance with the applicable program requirements if the recipient is categorically eligible; or at no more than six (6) month intervals if the recipient is income eligible. DHS shall provide families with notice, in writing, of the date of the recertification and by no later than the first day of the last month of the current eligibility period. The Notice shall indicate that the family must make re-application for CCAP eligibility by submitting the appropriate signed form and any documentation required for the purposes of verifying eligibility or the need for services, as indicated in section 0850.02.03(1)-(3). Once the eligibility recertification process has been completed, DHS sends either a Notice of Approval or Denial or a Notice of Adverse Action as specified in this subsection.

(2) *Rights.* In conjunction with notices informing applicants/beneficiaries of initial eligibility determinations, adverse actions, and recertifications, DHS shall inform the family of the right to appeal and request a hearing. The Notice of Approval shall include information pertaining to the

right to appeal the eligibility date, the amount or type of authorized services, the family's cost-sharing obligations, and any other matters related to the scope of CCAP benefits approved. Notice of adverse actions shall include information pertaining to the right to appeal DHS's decision (e.g., denial, discontinuation, change in authorized services), the scope of its impact, and the basis on which the decision was made. Appeals shall be sent to the office or unit of the department that made the determination of eligibility or decision resulting in an adverse action.

(3) *Duties.* Both DHS and the family of the eligible child have a duty to provide certain kinds of information, as follows:

a. *DHS: Confirmation of enrollment.* It is the duty of DHS to provide the family of an eligible child with written Confirmation of Enrollment for CCAP authorized services. Accordingly, upon receiving notification of enrollment of an eligible child from an approved provider, DHS shall send a parent written confirmation of an eligible child's enrollment for authorized services by the provider. The Confirmation of Enrollment shall specify the approved provider who enrolled the eligible child and, as such, who shall receive payment, if any is required, from DHS for CCAP authorized child care services. Any cost-sharing obligations for an income eligible family shall also be specified in the Approval Notice and the Confirmation of Enrollment.

b. *Applicant: Reporting requirements.* It is the duty of the parent of the applicant child to report to DHS any changes in: address, household composition, income, employers, employment commitments and any related approved activities, citizenship, health status (if SSACC eligible), and any other matters related to the general requirements and criteria for CCAP categorical or income eligibility, the authorization of services, and the payment of allowable child care expenses relating to the requirements and criteria included in Section 0850.02.02-0850.02.06. Changes should be reported, in writing, to the unit of the department responsible for determining CCAP eligibility; telephone contact to any unit of DHS is sufficient to initiate the reporting process if the change does not affect the eligibility requirements in section 0850.02.02 of this rule – e.g., a change in address. Failure to report such changes to DHS within ten (10) days from the date the change takes effect shall be construed as non-cooperation and shall be ground for the denial or discontinuation of services. In addition, FIP cash beneficiaries shall report absences of a dependent child, expected to exceed thirty (30) days, within five (5) days of the date the parent becomes aware of the child's anticipated absence.

i. When information provided to DHS in conjunction with the duty to report requires a change in CCAP authorized services, the following apply:

(a) If the resulting change in CCAP authorized services does not adversely affect the family, implementation will begin, in most circumstances, on the first Sunday following the date the report was made to DHS;

(b) If the resulting change in CCAP services has an adverse impact on the family, notice of the change shall be provided by DHS to the family at least ten (10) days prior to the implementation date.

ii. Any change in the amount of income by any member of the financial unit must be reported to DHS within ten (10) days of the date the change takes effect. Upon receipt of the report, CCAP eligibility shall be recalculated based on the reported change in income.

(a) For income eligible families, changes in the amount of gross monthly income of twenty-five (\$25) dollars or less need not be reported until the next certification period. This exception accommodates occasional bonuses, overtime and seasonal changes in employment.

(b) Changes in sources of income and in household composition must also be reported within ten (10) days of the date the change takes effect.

PART III. The CCAP Central Provider Directory (CPD) – 0850.03. The Department of Human Services shall only make payment for CCAP authorized child care services when rendered by DHS CCAP approved child care providers. To obtain approval, child care providers shall meet the minimum requirements set forth in this section, including entering into a signed and notarized agreement with DHS. Providers that have obtained approved status are listed in the CCAP Central Provider Directory (CPD). The Office of Child Care established the CPD to serve as the single point of entry for all providers seeking approval to participate in the CCAP, receive payment for authorized child care, and gain access to DHS subsidized health insurance coverage and other programs administered by DHS. Once officially entered into the CPD, and after attending the mandatory training conducted by the Office of Child Care (OCC), the approved child care provider is granted access to the DHS CCAP automated enrollment system. Reimbursement for child care services shall not begin until the mandatory training has been completed by the provider. The Office of Child Care is responsible for maintaining the CPD.

A. Definitions - 0850.03.01. For the purposes of this section, the terms below have the following meaning:

Approved Non-certified Child Care Provider means any individual rendering child care in the home of the child or the provider, who has been successfully screened by the department in accordance with the requirements of section 0850.03.03 of these rules and determined to be eligible to participate in the CCAP, listed in the CPD, and receive payment for authorized child care expenses. Non-certified providers are not required under applicable State laws (R.I.G.L.42-72.1 et.seq.) to obtain licensure or a certificate of registration from the Rhode Island Department of Children, Youth and Families, but must meet the capacity requirements as specified in 0850.02.08 (3) (c) (ii).

Approved Nursery School means a program for preschool age children approved by the Rhode Island Department of Education.

CCAP Approved Provider Introductory Training means the mandatory training session(s) conducted by the Office of Child Care (OCC) and required as a condition of reimbursement.

Center-based Child Care Program means a facility operated on a regular basis which receives children, not of common parentage, and provides non-residential care in a location separate from the children's parents during the day.

Child Care Facility means any facility that provides child care, including a center-based program or family child care home, that is licensed or certified by the Rhode Island Department of Children, Youth and Families (DCYF). The term includes facilities that have programs such as: nursery school, preschool, pre-kindergarten, child play school, before or after school care, or child development center and applies to the total child care operation, including the physical setting, administration, staff, equipment, program, and care of children.

Department of Children, Youth and Families or DCYF means the Rhode Island State agency with statutory responsibility for regulating child care providers. DCYF licenses child care centers and group family child care homes and certifies family child care homes.

Family Child Care Home means a child care program located in the provider's home residence in which child care services are offered at the same time to four (4) or more children unrelated to the child care provider. Family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation. R.I.G.L.42-72.1-4 requires family child care home providers to obtain a certification from DCYF.

Group Family Child Care Home means a child care program located in the provider's home residence that provides care during all or part of the day to at least nine (9) and no more than twelve (12) children at the same time. R.I.G.L.42-72.1 requires group family child care home providers to obtain licensure from DCYF.

Successfully Screened Provider means that there is no disqualifying information or evidence of criminal activity in the background clearances and criminal record checks of the individual seeking CCAP approved non-certified provider status and any of the adults living in the provider's household. Child care providers seeking CCAP approved status who have a valid DCYF license or certificate to operate, in good-standing are presumed to be successfully screened in accordance with the R.I.G.L. 40-13.2-1 et.seq.

Summer Camp means a DHS approved program serving eligible school age children during periods when school is out-of-session. Summer camps must meet applicable State laws and regulations pertaining to child health and safety and any other applicable DHS requirements, though employees are not subject to the DCYF screening process.

B. CPD Approved Providers -- 0805.03.02. The CCAP Central Provider standardizes the process for approving child care providers to participate in the CCAP and provide a central source

of timely and accurate information about, and for, CCAP approved providers. The process for gaining entry to the CPD, and attaining CCAP approved status, varies depending on type of child care provider.

(1) *Categories of CPD Approved Providers.* In general, access to the CPD shall be limited to the following categories of child care providers:

a. DCYF Licensed and Certified Child Care Providers. Child care providers regulated by, and operating in accordance with, the standards established by the Rhode Island Department of Children Youth and Families (DCYF) appropriate to the child care setting. Providers in this category include licensed center-based child care programs, group family child care homes and certified family child care homes, and summer programs operated by licensed centers where children spend at least part of their day at the regulated facility and DCYF center standards are maintained during the entire day;

b. Non-certified Child Care Providers. Individuals who are not required by law to obtain DCYF licensure or certification, but are legally authorized to participate in the CCAP. Providers in this category have been successfully screened by DHS as specified in section 0850.03.03 of this rule; and

c. Non-certified Centers (also referred to as Summer Camps). This category is reserved for child care providers that are in compliance with the child care health and safety standards and/or program requirements established by the Department of Health (DOH) as well as any other pertinent and appropriate State agencies, and approved by DHS as meeting the CCAP program requirements. Summer camps, by definition, may not operate for more than twelve (12) weeks per year.

d. Nursery Schools. Programs certified by the Rhode Island Department of Education (DOE) to operate half (1/2) day pre-school programs and approved by DHS as meeting the CCAP program requirements.

(2) *Scope of CCAP Approval.* For the purposes of the CCAP, “approved” means that the child care provider has met the requirements to enroll eligible children through the DHS CCAP automated enrollment system, receive payment for allowable child care expenses, and participate in certain DHS programs. Although these requirements reflect the minimum standards for safe and healthful child care, CCAP approved status is not, and shall in no way be construed as, related to the quality

of services rendered by the child care provider. DHS will not pay providers for services rendered prior to the week that the CPD receives their application to be a CCAP approved provider.

C. CPD Application for Approval Process – 0850.03.03. Child care providers who fall into the categories defined in Section 0850.03.01 of these rules, may apply for entry into the CPD. In the event that the family of an eligible child selects a child care provider that is not listed as approved in the CPD, the provider must contact the Office of Child Care, to request the appropriate CPD application forms and related information about obtaining CCAP approved provider status. The process for gaining access to the CPD includes both general and category specific application requirements, as outlined below.

(1) *General Access Requirements.* All child care providers seeking access to the CPD and CCAP approved status shall meet the following general requirements:

a. Applications shall be made on forms approved by the department. The application may vary in length and type, depending on the category of provider. Completed and signed applications, along with any required documentation, shall be submitted for review to the Office of Child Care.

b. Providers shall agree to the terms and conditions set by DHS for: enrolling eligible children; complying with maximum capacity limits; transmitting documentation of authorized services rendered; the rate and method of payment of allowable child care expenses; ensuring the safety and well-being of children in their care; and filing timely reports to DHS about changes in enrollment, licensure or certification status, capacity or any other such matters as deemed necessary to maintain the CPD and authorize payment for services. The specific terms and conditions of the DHS-Approved Provider Agreement are located in section 0850.03.05;

c. Providers shall be successfully screened through a background clearance and criminal record check in accordance with the category specific requirements established in subrule (2) of this subsection;

d. Providers shall be U.S. citizens or submit documentation of a legal immigration status that includes the appropriate authorization to work in the child care, or a related, industry. DHS is prohibited from making payment to, and therefore will not approve, non-citizen providers who do not have proof of such authorization;

e. Meet any category specific requirements set forth in this subsection.

(2) *Category Specific Access Requirements.* In addition to the general access requirements, child care providers shall meet the following category specific requirements in accordance with R.I.G.L. 40-5.1-17(b):

a. DCYF Licensed and Certified Child Care Providers. To be eligible to be CCAP approved, a child care provider operating under the jurisdiction of DCYF shall provide documentation of a valid State of Rhode Island license or certificate to operate, deemed by DCYF to be in good-standing, and meet any additional requirements specified by DHS. Individuals operating, or employed by, child care centers and family homes regulated by DCYF are subject to screening -- including both a background clearance and criminal records checks -- as part of the process of obtaining and maintaining licensure or certification. Accordingly, a valid license or certificate in good standing is considered evidence of successful screening for the purposes of this section. For continued eligibility, all licensed providers are required to submit a schedule of their rates for non-assisted or non-subsidized families. If a provider's license lapses or otherwise become invalid, DHS will move to close their approved status. Providers shall submit a new application to be re-instated as a CCAP approved provider.

b. Non-certified Child Care Providers. To be eligible for CCAP approval, a non-certified provider shall:

i. Submit a completed and signed CPD/CCAP application packet including a signed Health and Safety Certification Form in which the provider attests to being free of any physical, mental and/or emotional condition(s) with the potential to endanger children or impede the ability to care for children. If an applicant is receiving disability related income and/or supportive health care services, or has been hospitalized for a chronic condition for one (1) day or more in the last year, a treating physician must submit either medical documentation on the appropriate DHS form, or a signed letter, indicating that the applicant is capable of providing safe and appropriate care for children. Additionally, the application shall contain the following:

- (a) A W-9 Form completed and signed by the provider;
- (b) Proof that the applicant is at least twenty-one (21) years old as verified by a birth certificate or other legal document that contains an applicant's date of birth;
- (c) A valid social security number or proof that the applicant is a United States citizen or a non-citizen who is lawfully entitled to reside and work in the United States

(d) Proof of the applicant's Rhode Island residency and of a stable address. A post office box is not an acceptable form of proof of Rhode Island residency, though it may serve as an applicant's official mailing address. As used in this subrule, a stable address means that the applicant intends to maintain one principal place of residence once approved and CPD status is granted. For the purposes of CCAP, a stable address is necessary to ensure prompt enrollment of eligible children and payment for authorized services as well as the safety and security of the child care environment. A signed and dated mortgage, lease or rental agreement in which the applicant, or the parent or spouse of the applicant, is a legally responsible party shall be considered acceptable proof of a stable address. A person who lives in a residence as a boarder is not considered to have a stable address and, as such, does not meet the requirements of this section.

c. At least thirty (30) days prior to the actual date of a planned move, an approved non-certified provider must submit to the Office of Child Care (OCC), the information necessary to verify the address of, and the intent to maintain, a new principal place of residence. The provider shall also report any changes in household composition that occur in tandem with, or as a result of, the change in residence.

d. An approved provider who makes multiple changes in the principal place of residence during the two (2) year period of CPD status is not considered to have a stable address. Accordingly, CPD status of such providers is subject to review by the Office of Child Care and possible discontinuation of certified provider status.

e. Proof that there is a working telephone accessible at all time at the applicant's residence as verified through a current phone bill. A cell phone number is acceptable, provided that documentation is provided showing that the phone is attached to the provider's residence;

f. Information on the applicant, and all adult members of the applicant household, including social security numbers and dates of birth; and

g. A self-declaration specifying how many children will be rendered services, including any related children. Non-certified providers are limited to caring for three (3) unrelated children, or six (6) children if an acceptable degree of relationship to the provider can be proven. The provider's children under six (6) years of age shall be included in the maximum number of six (6) related children. In instances in which the eligible children are related to the provider, legal documentation must be submitted to the CPD verifying that the provider has a relationship of acceptable degree to

the eligible child(ren). For the purposes of the CCAP, a relationship of acceptable degree is an eligible child's aunt, uncle, grandparent, great grandparent, great aunt, great uncle, or adult sibling age twenty-one (21) or older. The Central Provider Directory (CPD) shall accept as verification of the provider's relationship the legal documents specified in Section 0806.15.05 of the FIP administrative rules. Information about the required legal documentation shall be made available to the provider by the CPD upon request.

h. Be successfully screened, along with all members of the provider's household, at the time approved status is initially requested, and at two year intervals thereafter. The screening process entails a background clearance performed through DCYF's Rhode Island Children's Information System (RICHIST) Unit, and a criminal record check (also referred to as a background criminal investigation or BCI) conducted by the Rhode Island Attorney General's Office. To be successfully screened, the following criteria shall be met:

i. DCYF/RICHIST clearances. There shall be no disqualifying information, and no record of substantiated involvement in an investigation that may result in disqualification, as defined in the applicable DCYF policy (700.0105 and 900.0045), in the RICHIST background clearances of the provider and members of the provider's household. Any changes in the composition of the household must be reported immediately. Background checks on the entire household shall be conducted anytime there is a change in the composition of the approved provider's household.

ii. BCI Record Check. There shall be no evidence of criminal activity in the BCI record check of the provider and members of the provider's household. For the purposes of this section, evidence of criminal activity is defined as a conviction or plea of *nolo contendere* in a pending criminal matter or the fact that the individual has outstanding or pending charges, related to any of the following:

Types of Criminal Activity

Offenses Against the Person:

- Murder
- Voluntary manslaughter
- Involuntary manslaughter
- Kidnapping
- Kidnapping with intent to extort
- First-degree sexual assault
- Second degree sexual assault
- Third degree sexual assault

- Assault by spouse
- Assault with intent to commit specified felonies
- Felony assault
- Domestic assault
- First-degree child abuse
- Second-degree child abuse

Offenses Against the Family:

- Incest
- Child snatching
- Exploitation for commercial or immoral purposes

Public Indecency:

- Transportation for indecent purposes:
- Harboring
- Prostitution
- Pandering
- Deriving support or maintenance from prostitution
- Circulation of obscene publications and shows
- Sale or exhibition to minors of indecent publications, pictures, or articles
- Child nudity in publication

Drug offenses:

- Any offense constituting a felony which is enumerated in R. I. General Law 21-28-81.01 et seq., the Uniform Controlled Substances Act.

iii. Office of Child Care Review. The Office of Child Care reserves the discretion to deny approval of an application in circumstances when the evidence in the criminal record of a member of the household indicates a pattern of behavior that poses a risk to the safety and/or well-being of the eligible children to receive care. Such a determination shall only be made subsequent to a comprehensive review of the information provided through the clearances and background checks required in this section, as well as any related official documents pertaining to the criminal record of the applicant or household member that may become available.

D. Determination and Maintenance of CPD Approved Provider Status – 0850.03.04. The Office of Child Care shall review a child care provider's application, complete the screening process, where appropriate, and make a determination of the CPD's provider status in no more than thirty (30) days from the date the appropriate signed application form and any required documentation are date-stamped as received by DHS.

(1) *CCAP Approved Status Granted.* Upon determining that a child care provider has met the general and category specific requirements, DHS shall enter the provider into the CPD once the signed DHS-Approved Provider Agreement has been received and the mandatory provider training

offered through the OCC has been completed. The department shall notify the provider in writing accordingly.

(2) *Application Denied.* Applicants who do not meet the general and category specific requirements shall be denied CCAP approved status. The department shall send notice to the child care provider indicating the reasons for denial and providing the right to request a hearing and appeal the decision. Any provider who has been denied on two occasions must wait a period of twelve (12) months before re-applying to be a CCAP approved child care provider.

(3) *Application Pending.* DHS shall not make payment for child care services rendered during the period while the application for approved status is pending.

(4) *Approved Status Discontinued.* The department shall reserve the right to remove a child care provider from the CPD and discontinue approved status upon obtaining evidence that the provider has met any of the criterion outlined in Section 0850.03.06 (2) of these rules. Notice of Discontinuation of CCAP approved status shall be sent to the provider and include the reasons for the discontinuation and the right to appeal DHS's decision. DHS shall also notify the families of any eligible children affected by discontinuation of the provider's approved status.

(5) *Renewal.* All CCAP approved providers, and listed accordingly in the CPD. Non-Certified Providers are listed in the CPD for two (2) years and Licensed/Certified Providers for a period of five (5) years. After this period of time, a provider must be re-approved and present appropriate documentation to the CPD to remain active. Notice shall be sent to approved providers indicating the dates and requirements for renewal of CPD status at least thirty (30) days prior to the end date of their period of approval.

E. Health Care Assistance Program for CCAP Approved Providers (HCAP) – 0850.03.05.

CPD approved providers are eligible to receive premium assistance for health insurance coverage, or coverage through a RIte Care plan in certain circumstances. Any health information requested or obtained for the purposes of this section shall be subject to the privacy protections established in state law and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(1) *Eligibility Requirements.* CCAP health care assistance eligibility requirements vary by category of provider, as follows:

a. CCAP Approved Center-based Child Care Programs. For CPD licensed center to be eligible for health care premium assistance, an application for health care assistance shall be submitted to the Office of Child Care which includes documentation indicating that at least 40 percent of the center's average census for the last six (6) months consisted of CCAP eligible children. CPD centers that meet this criterion, shall be eligible to receive up to \$85 per month in premium assistance for any employee who allocates at least 75 percent of their time working at the center to the direct delivery of child care services. An employee covered by another health coverage plan (i.e., family coverage through a spouse) is ineligible for CCAP premium assistance. The provider who holds the license to operate the center shall contribute an amount to the cost for an employee's health coverage that is equal to, or greater than, the amount contributed by DHS. Premium assistance payments shall be made to the approved provider in the method, and at intervals, deemed appropriate by the department. Eligibility for CCAP premium assistance shall be granted for a reviewed on at least a semi-annual basis. A center that provides employees with health insurance coverage may be eligible to participate in Rite Share, the State's premium assistance program. Centers interested in pursuing the Rite Share option should contact DHS's Center for Children and Family Health for further information.

b. CCAP Approved Family Home Providers. A CPD certified family provider who has been paid at least \$1800 within a six (6) month period for CCAP allowable child care expenses may be eligible for coverage under a Rite Care health plan. Rite Care coverage shall be available to the provider and all minor children, if they have no other medical coverage available to them.

(2) *Application Requirements.* An approved provider must submit an application for CCAP Health Care Assistance to DHS. DHS reviews applications quarterly based on evaluations of capacity and enrollment figures. New applicants for health care assistance, and any providers requesting recertification, shall be sent a notice of approval or denial that contains the capacity/enrollment figures used to determine eligibility.

F. DHS-CCAP Approved Provider Agreement – 0850.03.06. All CPD approved child care providers shall sign an agreement with DHS that establishes the respective responsibilities and obligations of both the department and the provider and the grounds for discontinuation of approval as specified in this subsection. The signature on the agreement with DHS shall be notarized or

witnessed by a member of the staff of the OCC. No payment shall be made for allowable child care expenses until the department receives an original copy of the DHS-CCAP Approved Provider Agreement, signed and dated by the child care provider.

(1) *Terms and Conditions for Payment.* The department shall state in the provider agreement the rate per eligible child enrolled that will be paid and the payment interval to be used. The department shall also indicate the method that approved providers shall request and receive payment for allowable child care expenses.

(2) *Discontinuation of Approved Status.* In certain circumstances, the department may determine that an approved provider is no longer qualified to provide authorized CCAP services and, as a result, approved status should be discontinued. In such case, the department shall cease payment for any CCAP services rendered by the provider, access to the DHS CCAP automated enrollment system is denied, and any health care assistance is terminated. Accordingly, the provider agreement shall include:

a. Grounds for Discontinuation. The department reserves the right to discontinue DHS approved status for providers for any of the following reasons:

i. Failing to meet the terms and conditions established in the DHS-CCAP Approved Provider Agreement;

ii. Engaging in fraudulent or other unlawful acts: in obtaining or seeking to obtain CCAP approved status; in providing or receiving payment for CCAP; in obtaining or seeking to obtain benefits from other DHS; in utilizing the CCAP automated enrollment system; or while acting as an agent of, or participant, in any other state or federally-funded program;

iii. Failing to maintain DCYF licensure or certification or otherwise failing to comply with DCYF regulations or the standards and regulations established by another federal or State government entity applicable to the setting in which the child care is provided;

iv. Knowingly providing inaccurate information about the provider, adult members in the provider's household, the number of children in the provider's care and/or their relationship to the provider, or in any other way providing misleading information for the purposes of obtaining or maintaining access to the CPD and related services;

v. Failing to protect the confidentiality of information related to CCAP beneficiaries; or

vi. Endangering the health or safety of any child in the provider's care;

vii. Failing to report criminal convictions or the imposition of civil penalties. An approved provider shall report to DHS any criminal conviction or civil penalties imposed for such acts on: the provider, an employee of the provider engaged directly in the provision of child care; or, if a non-certified provider, an adult member of the provider's household. Failure to make such reports within ten (10) days from the date the conviction/penalty is imposed shall be grounds for discontinuation of approved status;

viii. Failing to report any changes in their provider status, living arrangements, addition of new household members, or other vital information to the OCC within ten (10) days of the change;

ix. Caring for more children than allowed under this rule or applicable state laws and regulations;

x. Caring for a child who lives in the same household as the provider; and

xi. Failing to attend the mandatory CCAP Provider Introductory Training;

b. **Corrective Action Option.** The department reserves the right to offer a CCAP approved provider subject to discontinuation the opportunity to take corrective action prior to the date CPD withdrawal is to take effect. In such cases, the Office of Child Care shall send a notice to the approved provider that shall clearly state the type of corrective action required, the date it is to be completed, and the method for evaluating whether the deficiency has been corrected. Corrective actions shall be permitted in only those cases in which the department determines that the health, safety and welfare of eligible children and the fundamental purposes of the CCAP will not be jeopardized while the remedy is being implemented.

(3) CPD Confidentiality. Both the CPD and web enrollment raise certain confidentiality issues that have been addressed by the department as follows:

a. **Confidentiality Statement.** Approved providers and the families of eligible children shall be notified at the time of application that, as CPD providers and CCAP beneficiaries, certain personal information may be accessed on the DHS web site by department personnel, approved providers and contracted agents of DHS. A confidentiality statement shall be signed by both providers and parents, prior to participating in the CCAP, indicating that they are aware of, and understand, the limits on confidentiality associated with the methods DHS employs to gather and disseminate information through the CCAP automated enrollment system and the purposes for such information will be accessed and used.

b. **Technological Protections.** DHS shall utilize the most advanced technological methods available to ensure the confidentiality of information contained in the CPD and through web enrollment pertaining to CCAP beneficiaries and approved providers.

Part IV. CCAP Payment to Approved Providers – 0850.04. To ensure that payment for CCAP authorized child care expenses is made in the most timely and efficient manner possible, the department has established requirements related to attendance and the payment of allowable child care expenses.

A. CCAP Attendance – 0850.04.01. Payment shall only be made for CCAP authorized child care services during periods in which the approved provider is open or available to provide services. To determine the allowable child care expense, certain information related to attendance is required by DHS, as follows:

(1) *Attendance Reports.* An approved provider shall:

- a. Submit accurate attendance reports to DHS for each eligible child in the manner, and for the time periods, prescribed by in the DHS-CCAP Approved Provider Agreement; and
- b. Maintain signed, daily attendance records for each eligible child, on-site, for a minimum of three (3) years.

(2) *Allowed Absences.* When a child is enrolled with a licensed or certified provider, DHS shall make payment for up to two (2) weeks of CCAP authorized child care services during which an eligible child is absent and the parent authorizes payment. Documentation of the parent's authorization must be attached to the attendance report for the period in which the absence occurred. No payment shall be made for periods of CCAP authorized services when the eligible child is not in attendance once the two (2) week limit has been reached, without the approval of department.

(3) *Conditions of Care.* Presence at the Care Site – During periods when eligible children are receiving services, the provider or a DHS approved substitute caregiver must be present at all times. The DHS approved substitute caregiver must be listed on the provider's application for CPD status. In no case should the approved provider listed on the application be absent for more than three (3) hours in any one (1) week period.

(4) *Other Employment.* If a provider has other employment, the total hours the provider is permitted to work and maintain CPD status, is sixteen (16) hours in a twenty-four (24) hour period.

The sixteen (16) hour work limit applies to all forms of employment combined, including the hours spent providing CCAP services as well as while working at any other job(s) or traveling to and from other employment.

(5) *Minimum Attendance*. For CCAP payment to be made, an eligible child enrolled with an approved licensed or certified provider shall attend at least some portion of their CCAP authorized enrollment each week --e.g., part of scheduled day. Non-certified providers receive DHS payment only for services rendered. No payment is made to non-certified providers when an eligible child is not receiving care.

B. CCAP Payment – 0850.04.02. When making payment for allowable child care expenses, the following shall apply:

(1) *Method*. Payment of allowable child care expenses shall be made in accordance with terms and conditions established in the DHS-CCAP provider agreement.

(2) *Billing Periods*. An approved provider shall request payment for allowable child care expenses in the twelve (12) month period that begins on the date the authorized services were rendered. In no case shall DHS make payment for any child care services rendered more than one (1) year prior to the date the approved provider requests payment.

(3) *Restrictions and Limitations*. There shall be no more than one (1) CCAP approved provider eligible to receive payment from DHS for allowable child care expenses rendered at a specific site or location at any one time. In the case of non-certified child care providers, no more than one (1) person living in the household where CCAP child care services are provided shall be permitted to obtain or retain active “approved status” at any one time. Approved providers shall not be paid for child care services rendered to children who live in their households.

PART V: CCAP Tables and Resources - 0850.05

A. CCAP Eligibility Levels by Family Size and Gross Countable Income -- 0850.05.01.

**CCAP ELIGIBILITY AND COST-SHARING LEVELS
BY GROSS INCOME ADJUSTED FOR FAMILY SIZE (REV. 7/04)**

Level	Standard	% Gross Countable Income Applied as Co-payment	Family Size 2	Family Size 3	Family Size 4	Family Size 5
0	$\leq 100\%FPL$	0	Up to \$12,490	Up to \$15,670	Up to \$18,850	Up to \$22,030
1	$>100\%FPL - 125\%FPL$	1%	\$12, 491 – 15,613	\$15,671 – 19,588	\$18,851 – 23,563	\$22,031 – 27,538
2	$>125\%FPL - 150\%FPL$	4%	\$15,614 – 18,735	\$19,589 – 23,505	\$23,564 – 28,275	\$27,539 - 33,045
3	$>150\% FPL - 185\% FPL$	8%	\$18,736 – 23,107	\$23,506 - 28,990	\$28,276– 34,873	\$33,046 - 40,756
4	$>185\%FPL - 200\%FPL$	12%	\$23,108 – 24,980	\$28,991 – 31,340	\$34,874 – 37,700	\$40,757 – 44,060
5	$>200\%FPL - 225\%FPL$	14%	\$24,981 - 28,103	\$31,341 – 35,258	\$37,701 – 42,413	\$44,061 – 49,568

**CCAP ELIGIBILITY AND COST-SHARING LEVELS
BY GROSS INCOME ADJUSTED FOR FAMILY SIZE (REV. 7/04)**

Level	Standard	% Gross Countable Income Applied as Co-payment	Family Size 6	Family Size 7	Family Size 8
0	≤ 100%FPL	0	Up to \$25,210	Up to \$28,390	Up to \$31,570
1	>100%FPL – 125%FPL	1%	\$25,211 – 31,513	\$28,391 – 35,488	\$31,571 – 39,463
2	>125%FPL – 150%FPL	4%	\$31,514 – 37,815	\$35,489 – 42,585	\$39,464 – 47,355
3	>150% FPL – 185% FPL	8%	\$37,816 – 46,639	\$42,586 – 52,522	\$47,356 – 58,405
4	>185%FPL – 200%FPL	12%	\$46,640 – 50,420	\$52,523 – 56,780	\$58,406 – 63,140
5	>200%FPL – 225%FPL	14%	\$50,421 – 56,723	\$56,781 – 63,878	\$63,141 – 71,033

**CCAP ELIGIBILITY AND COST-SHARING LEVELS
BY GROSS INCOME ADJUSTED FOR FAMILY SIZE (REV. 7/04)**

Level	Standard	% Gross Countable Income Applied as Co-payment	Family Size 9	Family Size 10	Family Size 11
0	≤ 100%FPL	0	Up to \$34,750	Up to \$37,930	Up to \$41,110
1	>100%FPL – 125%FPL	1%	\$34,751 – 43,438	\$37,931 – 47,413	\$41,111 – 51,388
2	>125%FPL – 150%FPL	4%	\$43,439 – 52,125	\$47,414 – 56,895	\$51,389 – 61,665
3	>150% FPL – 185% FPL	8%	\$52,126– 64,288	\$56,896– 70,171	\$61,666– 76,054
4	>185%FPL – 200%FPL	12%	\$64,289 – 69,500	\$70,172 – 75,860	\$76,055 – 82,220
5	>200%FPL – 225%FPL	14%	\$69,501 – 78,188	\$75,861 – 85,343	\$82,221 – 92,498

**CCAP ELIGIBILITY AND COST-SHARING LEVELS
BY GROSS INCOME ADJUSTED FOR FAMILY SIZE (REV. 7/04)**

Level	% Gross Countable Income Applied as Co-payment	Family Size 12	Family Size 13	Family Size 14	Family Size 15
0	0	Up to \$44,290	Up to 47,470	Up to \$50,650	Up to \$53,830
1	1%	\$44,291 – 55,363	\$47,471 – 59,338	\$50,651 – 63,313	\$53,831 – 67,288
2	4%	\$55,364 – 66,435	\$59,339 – 71,205	\$63,314 – 75,975	\$67,289 – 80,745
3	8%	\$66,436 – 81,937	\$71,206 – 87,820	\$75,976 – 93,703	\$80,746 – 99,586
4	12%	\$81,938 – 88,580	\$87,821 – 94,940	\$93,704 – 101,300	\$99,587 – 107,660
5	14%	\$88,581 – 99,653	\$94,941 – 106,808	\$101,301 – 113,963	\$107,661 – 121,118

Note: The percent of income assigned at each level is applied against the gross countable family income calculated in determining eligibility for each family. The system divides that percent of income by fifty-two (52) weeks to assign the co-payment the family is expected to pay each week. The co-payment is assigned to the youngest child enrolled in care. DHS subtracts the assigned family co-payment from the full rate for that child when making payment to a provider. If the co-payment exceeds the rate paid for one child, the remainder of the family's share is assigned to the next oldest child enrolled. If family income or family size changes, the family co-payment is re-calculated. The family is expected to make the same weekly co-payment to the designated provider regardless of the number of children or the amount of time the children are enrolled.

Part V: CCAP Tables and Resources - Section 0850.05

B. CCAP Approved Provider Rates

RI Department of Children, Youth, and Families (DCYF) Regulated Providers

INFANT/TODDLER Care Children 1 week <i>up to</i> 3 years of age				
Time Authorized & Enrolled \Rightarrow Provider Type \Downarrow	Full Time (FT)	Three Quarter Time (3 QT)	Half Time (HT)	Quarter Time (QT)
DCYF Licensed Centers	\$182	\$137	\$91	\$45
DCYF Certified Family Child Care Homes	\$150	\$112	\$75	\$37
PRESCHOOL Care Children 3 years <i>up to</i> entry to 1 st grade				
Time Authorized & Enrolled \Rightarrow Provider Type \Downarrow	Full Time (FT)	Three Quarter Time (3 QT)	Half Time (HT)	Quarter Time (QT)
DCYF Licensed Centers	\$150	\$112	\$75	\$37
DCYF Certified Family Child Care Homes	\$150	\$112	\$75	\$37

RI Department of Children, Youth, and Families (DCYF) Regulated Providers

<p style="text-align: center;">SCHOOL AGE Care Children 1st grade <i>up to</i> 13 years of age YOUTH Care Youth 13 <i>up to</i> 16 years of age <i>only DCYF Regulated provider types may be paid for YOUTH Care</i></p>						
Time Authorized & Enrolled ⇨ Provider Type ⇩	Full Time (FT) Summer/School Vacations (S/SV)	Three Quarter Time (3 QT)	Half Time (HT)	Quarter Time (QT)	Before School (AM)	After School (PM)
DCYF Licensed Centers	\$135	\$101	\$67	\$33	\$50	\$85
DCYF Certified Family Child Care Homes	\$135	\$101	\$67	\$33	\$55	\$80

Legal Non-certified Providers

INFANT/TODDLER Care Children 1 week <i>up to</i> 3 years of age				
Time Authorized & Enrolled \Rightarrow Care Type \Downarrow	Full Time (FT)	Three Quarter Time (3 QT)	Half Time (HT)	Quarter Time (QT)
Non-certified (NC) in Provider's Home	\$81	\$60	\$40	\$20
Non-certified (NC) in Child's Home	\$74	\$55	\$37	\$18

PRESCHOOL Care Children 3 years <i>up to</i> entry to 1 st grade				
Time Authorized & Enrolled \Rightarrow Care Type \Downarrow	Full Time (FT)	Three Quarter Time (3 QT)	Half Time (HT)	Quarter Time (QT)
Non-certified (NC) in Provider's Home	\$54	\$40	\$27	\$13
Non-certified (NC) in Child's Home	\$50	\$37	\$25	\$12

Legal Non-certified Providers

SCHOOL AGE Care Children 1 st grade <i>up to</i> 13 years of age <u>Non-certified provider types may NOT be paid for YOUTH Care</u>						
Time Authorized & Enrolled ⇨ Provider Type ⇩	Full Time (FT) Summer/School Vacations (S/SV)	Three Quarter Time (3 QT)	Half Time (HT)	Quarter Time (QT)	Before School (AM)	After School (PM)
Non-certified (NC) in Provider's Home	\$53	\$39	\$26	\$13	\$18	\$26
Non-certified (NC) in Child's Home	\$49	\$36	\$24	\$12	\$17	\$24
Summer Camps (SC)	\$43	These programs approved ONLY for FT care for School Age children during ten weeks of summer vacation. Other rate categories do not apply.				