

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 400-28, Child Care Assistance Program (CCAP).

Par. 2. **Effective Date** – Changes included in this manual letter are effective July 1, 2016 for new applications unless otherwise indicated. For ongoing cases the changes are effective at next review.

(Items that include a change in policy are indicated. All other items are corrections or clarifications.)

Administrative Requirements 400-28-15

1. The following sections have been repealed:
 - 400-28-15-05 – Confidentiality. Confidentiality information is contained in the 448-01 Administrative Procedures manual.

Household Composition 400-28-35

2. 400-28-30 – Eligible Children. This section has been moved to Household Composition 400-28-35 and has been renumbered to 400-28-35-02. Policy has been changed to allow a child who turns 13 during the certificate period to remain eligible for CCAP through the remainder of the certificate period. The child who turned age 13 will become ineligible at the next review.

Eligible Children 400-28-35-02

An eligible child in the family or household is a child who needs child care and who:

1. Is under age 13.

A child who is age 12 in the month of application or review and turns 13 during the certificate period, will remain eligible through the certificate period. If the child turns age 13 in the month of application or review, the child is ineligible.

Example

Household was approved for child care with a certificate starting in April. At the time of approval the child was age 12. On June 9th, the child turned 13. The child remains eligible for CCAP for the remainder of the certificate period.

2. Is at least age 13, but under age 19, and who is physically or mentally incapable of caring for themselves as verified in writing by a physician or a licensed /certified psychologist.
3. Is at least age 13, but under age 19, and is in need of supervised care as specified in a court order.

A child is considered "under age 13 or 19" through the month of the child's 13th or 19th birthday.

Foster care children are not eligible for the Child Care Assistance Program (CCAP) as the Foster Care program provides for this service.

All eligibility information must be provided for each child for whom CCAP benefits are being requested. Any child for whom all information is not provided is not eligible for CCAP. However, that child is included in the household size and their unearned income is considered. If at a later date the requested needed verifications is are provided for the child, the child's eligibility for CCAP begins the month the verifications are received and all other eligibility criteria is met.

Allowable Activities 400-28-55

3. 400-28-55-05 – Allowable Activities. Parental leave has been added as an allowable activity in ongoing cases after initial eligibility has been established. Parental leave includes maternity, paternity and adoptive leave. If a household applies or submits a review and states their only activity is parental leave, the application or review must be denied. If the household states they have an education, training, or work activity and also parental leave, only the education, training or work activity can be approved for child care. Up to 8 consecutive weeks of parental leave are allowed. The level of care must continue at the same level that was established prior to the caretaker taking parental leave.

Allowable Activities 400-28-55-05

Caretakers must be participating in an allowable activity to be eligible for assistance under the Child Care Assistance Program (CCAP).

The following are allowable CCAP activities **at application and review**:

1. Work – Work is an activity in which an individual is engaged through employment or self-employment. Work must entail personal involvement and effort on the part of the applicant or recipient. ~~Self-employment is also considered work.~~

The following are allowable work activities:

- Paid employment
- Paid work studies, internships or assistantships (this includes when an individual is in a non-allowable postsecondary education program).
- Self-employment

Note: Child care providers must be licensed, self-declared or registered by a tribe in order to be considered an allowable activity. Approved relative providers are not considered to be in an allowable activity.

~~2. Job Search – Job search is not an allowable activity at the time of application or review. Job search hours can only be allowed in ongoing cases after a case has been approved for work, education or training.~~

~~In households with two caretakers, if one caretaker is in an allowable activity (work, education or training) and the other caretaker only has job search as an activity, the application or review must be denied.~~

Exception: Job search hours are allowable at the time of application or review for households that are also in receipt of Diversion, TANF or Transition. Job search hours must be listed on the most recent JOBS employability plan.

Example 1: Mom applies for CCAP on May 5th listing her only allowable activity as job search. The application must be denied as job search is not an allowable activity at time of application.

Example 2: Mom applies for CCAP on June 16th and had a job at the time of application. The case is approved based on mom's work schedule. Mom reports on September 13th that she lost her job and is now job searching. Child care can be allowed for the time mom searches for a job.

Example 3: Dad applies for CCAP on October 2nd listing his allowable activities as education and job search. The application can be approved for education hours only, as job search is not an allowable activity at time of application.

~~Child care for job search is allowed for eight weeks in a calendar year. When a household includes two caretakers, each caretaker is eligible for eight weeks of job search per calendar year. Job Search hours are limited to 20 hours per week. No additional hours are allowed for travel and breaks.~~

Exception: ~~TANF recipients must follow the JOBS program guidelines, therefore, the 20 hours per week limitation and 8 weeks within a calendar year limitation does not apply to TANF recipients who are participating in the JOBS program and their JOBS employment plan includes 'Job Search'.~~

~~The caretaker(s) must provide a written and signed statement with the dates, time and the job search activity they were participating in (example: submitting the date and time they were submitting applications, interviews). If this is not provided with the Child Care Billing Report form, the hours are not considered allowable.~~

- ~~3.~~ **2.** Education or Training - Child care relating to an allowable education or training activity.

Allowable postsecondary education includes:

- Certificate
- Associate's degree
- Bachelor's degree

NOTE: ~~The program has been expanded to allow eligible child care costs to be paid for an individual who is pursuing a Bachelor's degree. Allowing for a Bachelor's degree as an allowable activity resulted from, and is contingent upon, the continuance of adequate program funding.~~

CCAP may pay eligible child care costs for individuals pursuing a certificate, Associate's degree or Bachelor's degree provided the individual has not already earned a Bachelor's degree.

NOTE: Payment of postsecondary educational related child care costs incurred by an individual who already has earned a Bachelor's degree is prohibited. See policy in 400-28-60, Non-Allowable Activities.

Required activities related to the pursuit of a post-secondary degree (student teaching, internships, etc.) may be considered allowable activities. ~~Students, at any post-secondary level, whose plans include post-graduate study may have eligible child care costs paid by the program for only those education activities related to the pursuit of that certificate, Associate's degree or Bachelor's degree.~~

If an individual has already earned a certificate or Associate's degree, eligible child care costs are allowed if the individual is continuing to pursue another allowable education activity and has not earned a Bachelor's degree.

Attending high school or alternative high school or pursuing a GED is an allowable activity even if the individual is not participating in Crossroads.

Traditional high school "attendance" is defined by the Department of Public Instruction (DPI) as:

- Full-time - 4 or more classes
- Part-time - less than 4 classes
- Attendance in an alternative high school setting for full-time/part-time as identified by the school

GED may be full time/part-time.

If a high school diploma or GED is not required to receive a certificate, it is considered training and is not considered postsecondary education.

Example: A Certified Nurse Assistant (CNA) certificate is **NOT** considered postsecondary education as a high school diploma is not required to receive a CNA certificate.

Allowable Training includes but is not limited to:

- Basic remedial education
- Training designed to assist an individual to achieve basic literacy
- Training needed to secure or retain employment which includes skills and technology training
- Vocational Training (trade school or career school)
- Individuals who are participating in classes for English as a second language
- Internet Classes – Child care related to completing on-line computer classes that meets the allowable education or training requirements is an allowable activity.
- Vocational Rehabilitation education plans must follow CCAP education requirements.

~~If caretaker fails to provide necessary verification of an allowable activity at the time of application, six month review, or when adding a new household member (waived co-pay to co-pay) the month the information is provided is the month the activity is added to the certificate.~~

The following are allowable CCAP activities **after initial eligibility** has been established:

1. Job Search - Job search is not an allowable activity at the time of application or review. Job search hours can only be allowed in ongoing cases after a case has been approved for work, education or training.

In households with two caretakers, if one caretaker is in an allowable activity (work, education or training) and the other caretaker only has job search as an activity, the application or review must be denied.

Exception:

Job search hours are allowable at the time of application or review for households that are also in receipt of Diversion, TANF or Transition. Job search hours must be listed on the most recent JOBS employability plan.

Example 1:

Mom applies for CCAP on May 5th listing her only allowable activity as job search. The application must be denied as job search is not an allowable activity at time of application.

Example 2:

Mom applies for CCAP on June 16th and had a job at the time of application. The case is approved based on mom's work schedule. Mom reports on September 13th that she lost her job and is now job searching. Child care can be allowed for the time mom searches for a job.

Example 3:

Dad applies for CCAP on October 2nd listing his allowable activities as education and job search. The application can be approved for education hours only, as job search is not an allowable activity at time of application.

Child care for job search is allowed for eight weeks in a calendar year. When a household includes two caretakers,

each caretaker is eligible for eight weeks of job search per calendar year. Job Search hours are limited to 20 hours per week. No additional hours are allowed for travel and breaks.

Exception:

TANF recipients must follow the JOBS program guidelines, therefore, the 20 hours per week limitation and 8 weeks within a calendar year limitation does not apply to TANF recipients who are participating in the JOBS program and their JOBS employment plan includes 'Job Search'.

The caretaker(s) must provide a written and signed statement with the dates, time and the job search activity they were participating in (example: submitting the date and time they were submitting applications, interviews). If this is not provided with the Child Care Billing Report form, the hours are not considered allowable.

2. Parental Leave – Parental Leave includes maternity, paternity and adoption leave. Parental leave is not an allowable activity at the time of application or review. Leave hours can only be allowed in ongoing cases after a case has been approved for work, education or training. The caretaker must intend to return to their employment, education or training.

In households with two caretakers, if one caretaker is in an allowable activity (work, education or training) and the other caretaker only has paternity leave as an activity, the application or review must be denied.

Example 1:

Mom applies for CCAP on May 5th listing her only allowable activity as parental leave. The

application must be denied as parental leave is not an allowable activity at time of application.

Example 2:

Mom applies for CCAP on June 16th and had a job at the time of application. The case is approved based on mom's work schedule. Mom reports on September 13th that she is now on parental leave. Child care can be allowed for the time mom takes for parental leave.

When an ongoing household includes two caretakers, each caretaker is eligible for eight weeks of parental leave.

Child care for parental leave is allowed for eight weeks in a calendar year. The level of care must continue at the same level that was established before the caretaker went onto parental leave. No additional hours are allowed for travel and breaks.

Financial Eligibility Requirements 400-28-65

4. The following sections have been added:
 - Countable Assets 400-28-65-07
 - Asset Exclusions 400-28-65-09
5. 400-28-65-05 – Assets. Policy has been changed due to new federal requirements signed into law due to the Child Care and Development Block Grant Act of 2014. The new law requires that all eligible children

live with a family whose family assets do not exceed \$1,000,000. The applicant may self-certify at the time of application that the family's assets do not exceed the asset limit.

Assets 400-28-65-05

~~CCAP does not consider assets to determine eligibility.~~

Federal law requires that a family's assets do not exceed \$1,000,000. The applicant or other household members may self-certify at the time of application or review that the household's assets do not exceed the asset limit.

If the household self-certifies that total assets are less than the asset limit, and it is not questionable, no further action needs to be taken.

If the household indicates that the household's assets exceed the asset limit or if the household self-certifies assets are less than the asset limit but the assets are questionable, refer to Countable Assets 400-28-65-07 and Asset Exclusions 400-28-65-09 to determine which assets are countable.

6. 400-28-65-07 – Countable Assets. Policy has been added regarding what types of assets are countable for CCAP due to federal law changes requiring CCAP eligible families have assets less than \$1,000,000.

Countable Assets 400-28-65-07

In determining the assets of a household, the following must be included and documented in detail.

Assets of Crossroads, Diversion, TANF or Transition households are not counted but must be documented and verified if questionable.

Liquid Assets

Types of liquid assets include but are not limited to the following:

- Cash on hand.
- Money in checking or savings accounts.
- Stocks or bonds.
- Lump sum payments (counted as assets in the month in which they are received unless excluded by Federal law).

To arrive at the countable cash value for any account or plan that applies penalties for early withdrawals, subtract the amount of the penalty (if any) from the value of the account or plan.

If the account or plan has been used as collateral or if a lien has been placed on the account or plan, only the equity value available is counted.

Money in a checking or savings account must not be counted as income and as an asset in the same month. Workers must exclude any current month's income deposited in a checking or savings account.

If a check has been written and sent to the payee, even if it has not yet been cashed, the money is not available for other purposes and is deducted from the account balance. The check register is used as verification of outstanding checks.

Many benefit programs deposit an individual's monthly benefit onto a debit card. Any balance remaining on these debit cards is considered a liquid asset beginning the month following the month it was deposited on the card and counted as income.

EXAMPLES:

- **Unemployment Insurance Benefits (UIB)**
- **Child Support Benefits**
- **Workforce Safety and Insurance (WSI)**
- **Social Security Administration Benefit (SSA)**

Non-Liquid Assets

Types of non-liquid assets include but are not limited to the following:

- Personal property
- Buildings
- Land
- Recreational properties
- The value of a Contract for Payment

The value of a contract in which payments are current is equal to the total of all outstanding payments of principal required to be made by the contract, unless evidence is furnished that establishes a lower value.

The value of a contract in which payments are not current is an amount equal to the current fair market value of the property subject to the contract. If the contract is not secured by property, the value of the contract is the total of all outstanding payments of principal and past due interest required to be made by the contract.

In situations where the contractual right to receive money payments is not collectable and is not secured, the debt has no collectable value, and thus no countable asset value. An applicant or recipient can establish that a note has no collectable value if:

- a. The debtor is judgment proof. A debtor is judgment proof when money judgments have been secured, an execution has been served against the debtor which has been returned as wholly unsatisfied, and the debtors affidavit and claims for exemptions exempt all of the debtors property; or
- b. The applicant or recipient verifies the debt is uncollectible due to a statute of limitations. A satisfactory verification includes an attorney's letter identifying the statute and facts that make a debt uncollectible due to a statute of limitations.

The value of non-exempt assets is the equity value. The equity value is the fair market value less the amount owed.

7. 400-28-65-09 – Asset Exclusions. Policy has been added regarding what types of assets are excluded for CCAP due to federal law changes requiring CCAP eligible families have assets less than \$1,000,000.

Asset Exclusions 400-28-65-09

The following list is all of the assets that are excluded for all household members includes, but is not limited to:

1. Assets having cash value which are not accessible to the household.

Examples:

- **Property in probate.**
- **Inheritances not yet received.**
- **Real property which the household is making a good faith effort to sell at a reasonable price and which has not been sold.**

If questionable the worker must verify that the real

property is for sale and that the household has not declined a reasonable offer. Verification could include collateral contact or documentation, such as an advertisement for public sale in a newspaper of general circulation or a listing with a real estate broker.

2. Assets of Crossroads, Diversion, TANF or Transition households are not counted but must be documented and verified if questionable.
3. The home and surrounding property that is not separated by property owned by others. Roads running through the property will not affect the property exemption.

The home and surrounding property remain exempt when temporarily unoccupied because of employment, training for future employment, illness, or un-inhabitability caused by casualty or natural disaster, if the household intends to return.

Households not currently owning a home but who own or are purchasing property on which they intend to build or are building a permanent home, receive exclusion for that value.

4. Real property that is being farmed, produces rent, or is otherwise operated as a business by the applicant household is NOT counted in the determination of assets. The real property must be producing income commensurate with prevailing rental or leasing rates in the community. However, the income produced by this real property is included under the income limitations for eligibility.

Payments received from mineral leases are included as income. Bonus payments on mineral leases (usually a one-time payment) are also to be added to the annual income.

5. Household or personal goods (i.e. furniture, appliances, jewelry, clothing, antiques, collections, etc.).
6. All vehicles of all household members.

7. All assets of all children in the household.
8. Any funds designated for educational costs.
9. The cash value of life insurance policies.
10. A loan from any source with written documentation or verification that the loan is subject to repayment.
11. All tax-preferred retirement accounts. These include but are not limited to:
 - State Retirement
 - Teacher's Retirement
 - 457 plans
 - 401(k) plans
 - Federal employee thrift savings plans
 - 403(b) plans
 - 501(c)(18) plans
 - Keogh plans
 - Individual Retirement Accounts (IRA's)
 - Simplified Employer Pension Plans (SEPs)

If withdrawn, they become an available asset in the month received.

6. Any funds in a trust or transferred to a trust, and the income produced by that trust if it is not available to the household.
7. Assets that are excluded by express provision of federal statute for American Indians or Alaska Natives. Usually a law will specify payments to members of a tribe or band, and the law will apply to the members enrolled in the tribe or band wherever they live. The individuals should have documentation showing where the payments originate. These payments include, but are not limited to the following:
 - a. Indian per capita payments distributed from judgment awards and trust funds up to \$2,000 per person per payment. Amounts in excess of \$2,000 are considered a countable asset.
 - b. Interests of Indians in trust or restricted lands.
 - c. Up to \$2,000 per year of Individual Indian Monies (IIM) received by individual Indians which is derived from leases or other uses of individually owned trust or restricted lands.

Exception:

The \$2000 exemption does not apply to inheritance, bonuses, and other income that is not derived from leases, trust or restricted land.

Client statement is acceptable verification of the amount in an IIM account unless:

1. The amount is more than \$2000 for the year;
2. The client's statement is questionable;
3. The IIM account includes countable income such as inheritance, bonuses, and other income that is not derived from leases, trust or restricted land.

Budgeting for the Child Care Assistance Program 400-28-75

8. The following sections have been repealed:

- 400-28-75-05 Determining Income for the Month Prior to the Month of Application
- 400-28-75-15 Determining Prospective Income at Application
- 400-28-75-20 Determining Prospective Income at 6 Month Review
- 400-28-75-20-05 Determining Countable Income When Review Form is Received Timely
- 400-28-75-20-10 Determining Countable Income When Review Form is Received After Case Closure
- 400-28-75-25 Determining Prospective Income for Persons Added or Removed
- 400-28-75-30 Determining Prospective Income When Changing from Waived Co-pay to Co-pay
- 400-28-75-35 Determining Prospective Income When Changing from Co-pay to Waived Co-pay.
- 400-28-75-40 Rounding
- 400-28-75-45 Income Levels

9. 400-28-75-10. Prospecting Income for the Certification Period. Changed 'certification' to 'certificate' in the section title. Incorporated policy from repealed sections 400-28-75-05, Determining Income for the Month Prior to the Month of Application; 400-28-75-15, Determining Prospective Income at Application; 400-28-75-20 Determining Prospective Income at 6 Month Review; 400-28-75-20-05 Determining Countable Income When Review Form is Received Timely; 400-28-75-20-10, Determining Countable income When Review Form is Received After Case Closure; 400-28-75-25, Determining Prospective Income for Persons Added or Removed; 400-28-75-35 Determining Prospective Income When Changing from Waived Co-pay to Co-pay and 400-28-75-40 Rounding.

Prospecting Income for the Certification ~~Certificate~~ Period 400-28-75-10

Gross income, **either earned or unearned**, must be determined prospectively because as eligibility is determined for a specific certification certificate period. ~~The gross income used to issue the certificate must be reflective of the gross income for the period of time the certification period covers.~~

Income from the following timeframes must be verified and documented at application or review:

- Income from the month prior to the application or review, and
- Income from the month of application or review through the date the application or review is received by the county social service office.

If income from the specified timeframes is **NOT** reflective of anticipated income for the certificate period, the household must verify their anticipated monthly income.

Example 1:

A household applies for CCAP on November 18th. The household reports that they had a job end in October and received their last check from that job on November 5th. The household also reports that they started a new job November 10th. Income from the terminated job from October is not considered when prospecting income. Anticipated income from their new job that started in November would be used.

Example 2:

A household applies for CCAP on June 4th. Paystubs from May indicate that the household worked an additional 10 hours of overtime each week in May. The household verifies that they will no longer receive overtime in June or July. The income from overtime hours in May is not used when prospecting income for the certificate period.

If the household requests assistance for the month prior to the application month, actual income, including terminated sources, received in that month must be verified and used. Income is NOT prospected for the prior month.

Example:

A household applies for CCAP on June 4th and requests assistance with May child care costs from May. In May the household worked an additional 10 hours of overtime each week. All regular and overtime income would be considered and used for the month of May.

Adding or Removing a Household Member

When adding a household member during the certificate period, all gross income and deductions of that individual is considered and used starting the month the household member joins the household. The new household member must verify income from the following timeframes:

- Income from the month prior to joining the household, and
- Income from the month of joining the household.

When removing a household member during the certificate period, all gross income and deductions of that individual are removed effective the month the household member leaves the household.

Waived Co-Pay

Ongoing CCAP cases that were in receipt of Crossroads, Diversion, TANF or Transition, but are no longer participating in one of those programs, must have their income prospected for the remainder of the certificate period. Income from the following timeframes must be verified and documented:

- Income from the month prior to the case closure, and
- Income from the month of case closure.

If income from the specified timeframes is **NOT** reflective of anticipated income for the certificate period, the household must verify their anticipated monthly income.

Ongoing CCAP cases that become eligible for Crossroads, Diversion, TANF or Transition must have their income removed from the CCAP case effective the month of eligibility of one of those programs.

Prospected income amounts are rounded down to the nearest dollar.

~~If during a certification period, income must be updated for the final month of the certification period, the income that is used must be from the final month or the month prior to the final month as the gross income must be reflective for the period of time the certification period covers.~~

~~Each source of non-exempt income received by the household must be considered separately to determine what the prospective income from that source will be.~~

~~Determining prospective income includes converting earned and unearned income.~~

Exception: ~~Child Support income is not converted.~~

10. 400-28-75-50. When Income and Allowable Income Deductions are Verified and Changed. Policy has been changed to allow changes in income during the certificate period when there is a decrease in income that would result in a decreased co-payment.

When Income and Allowable Income Deductions are Verified and Changed 400-28-75-50

Verification of gross income and allowable income deductions for all household members is required at application, 6-month review, or

when a case changes from Waived Co-pay (Crossroads, Diversion, TANF or Transition) to Co-pay.

In an ongoing case, changes in gross income or allowable income deductions for existing household members are not acted upon, except in the following situations: ~~unless the household's monthly gross income less the monthly amount the household is paying for court ordered child support or spousal support exceeds the highest income level for its household size (Refer to 400-28-75-45, Income Levels and 400-28-125-05, Mandatory Changes).~~

- There is a reduction in income that results in a decreased co-payment, or
- The household's monthly gross income, minus allowable deductions, exceeds the highest income level for the household size. In these situations, the case must be closed due to excess income.

Note: If the household does not anticipate that the income will continue to exceed the income limit for the household size, the household must provide verification of anticipated income and deductions.

When adding a household member, only the new household member must verify their gross income and allowable deductions. No changes in income or deductions are made for existing household members, unless one of the situations listed above applies.

~~In an ongoing case if the household's countable income exceeds the highest income limit for its household size and the increase in income is anticipated to continue, a closing notice for excess income must be sent to close the case at the end of the month the closing notice is sent.~~

~~If in an ongoing case if the household's countable income exceeds the highest income limit for its household size and the household does not anticipate the income will continue to exceed the highest income limit, the household must provide verification of all of the future month income and allowable expenses, the total amount of which must be less than the appropriate income limit in order for future month eligibility to be established.~~

~~When adding a household member, only the household member who is being added must verify their gross income and allowable income deductions. No change in income or deductions are made to the income and deductions of the already existing household members, unless the addition of a household member causes the household to exceed the highest income limit for its household size. (Refer to policy at 400-28-75-45, Income Levels and 400-28-125-05, Mandatory Changes.)~~

~~When removing a person, the gross income and allowable income deductions of the person being removed are deleted for the same month the individual is being removed from the case. No change in income or deductions are made to the income and deductions of the already existing household members unless removing a household member causes the household to exceed the highest income limit for its household size. (Refer to policy at 400-28-75-45, Income Levels and 400-28-125-05, Mandatory Changes.)~~

~~When a case goes from Co-pay to Waived Co-pay, the gross income and allowable income deductions of all household members are not counted and must be removed from the Child Care Assistance Program payment system. (Refer to [400-28-75-35](#), Determining Prospective Income When Changing from Co-pay to Waived Co-pay.)~~

~~When a case goes from Waived Co-pay to Co-pay, refer to [400-28-75-30](#), Determining Prospective Income When Changing from Waived Co-pay to Co-pay.~~

Calculation of Allowable Child Care Hours and Level of Care 400-28-80

11. The title of this section has been changed to Allowable Child Care Hours and Level of Care.
12. The following sections have been repealed:
 - 400-28-80-05 Overview
 - 400-28-80-15 Travel Time and Lunch Break Calculations
 - 400-28-80-20 Night Shift Work
 - 400-28-80-30 Crossroad Hours Calculation
 - 400-28-80-35 TANF Hours Calculation
 - 400-28-80-40 Diversion Hours Calculation
 - 400-28-80-45 Co-Pay Families Hours Calculation
13. 400-28-80-10. Calculating Allowable Child Care hours. Renamed section to 'Calculating a Caretaker's Allowable Child Care Hours'. Incorporated policy from repealed section 400-28-80-15, Travel Time and Lunch Break Calculations and 400-28-80-20 Night Shift Work.

Calculating a Caretaker's Allowable Child Care Hours 400-28-80-10

When calculating a household's child care need, the hours allowed must be based on the individual caretaker's allowable activity schedule compared to the schedule of the child, when applicable.

In two-caretaker households, the allowable child care hours must be the least amount of hours needed when the two schedules are compared.

Example:

Mom works 40 hours a week. Dad works 30 hours a week. The maximum allowable child care hours are 30 hours per week.

To calculate any type of activity hours, activity schedules from the following timeframes must be verified and documented at application or review:

- Activity hours from the month prior to the application or review month, and
- Activity hours from the month of application or review through the date the application or review is received by the county social service office.

If the activity schedules from the specified timeframes are **NOT** reflective of anticipated allowable hours for the certificate period, the household must verify their anticipated activity schedule for all activities.

Note: If an employer verifies a range of work hours, the higher number of work hours verified will be used as the allowable activity hours for the caretaker.

Job search and parental leave hours are not used when calculating the level of care as these are not considered allowable activities at the time of application or review.

To calculate allowable hours for Diversion, TANF or Transition cases, refer to 400-28-45, Eligibility for TANF Families.

Travel and Break Time

Travel and break time must be allowed for caretakers who are participating in work, education or training. For these activities, the calculated allowable activity hours must be multiplied by 25%. The additional time must be added to the allowable activity hours. Total

allowable hours must be rounded up.

Example:

A caretaker has 17 allowable activity hours per week. 17 hours is multiplied by 25%, which equals an additional 4.25 hours per week. Total allowable hours are now 21.25 hours per week, which is rounded up to 22 hours per week.

In certain situations, the caretaker's travel time may exceed the 25% calculation; additional time may be allowed. The reason and needed time for travel must be documented.

Night Shift Work

Caretakers who work night shifts must be allowed sleep time. Up to 6 hours of sleep time after each shift must be allowed.

Example:

Caretaker works night shifts Tuesdays, Wednesdays and Thursdays from 6:00 p.m. to 6:00 a.m. When determining the allowable child care hours, the caretaker must be allowed an additional 6 hours for each day of work. A total of 18 hours must be allowed per week.

The following methods must be used to determine the weekly allowable activity hours of the caretaker's activity:

1. ~~Work Hours Calculation~~

Employment

Weekly work hours are determined by using verified paystubs, employer's statements, etc.

To calculate the number of weekly work hours when paid

biweekly, semimonthly, monthly or irregularly. , the following methods are used: add the total number of verified work hours for a month and divide by 4.

Example:

A household applies February 12th and verifies that they are paid biweekly. The household received a check on January 22nd with a total of 72 hours worked. Another check was received on February 5th with a total of 70 hours worked. Total monthly hours add up to 142, which is divided by 4 to average the total weekly hours. Average weekly hours are 35.5 before the allowance of travel and break time.

To calculate the number of weekly work hours when paid **weekly** add the total number of verified work hours and divide by the number of checks used to verify the hours.

Example:

A household applies February 12th and verifies that they are paid weekly. The household verifies that they received a check on January 8th, January 15th, January 22nd, January 29th, and February 5th. The total hours from all paystubs adds up to 176 hours, which is then divided by 5. Average weekly hours are 35.2 before the allowance of travel and break time.

- ~~For individuals who are paid weekly, the total number of work hours shown on all pay stubs received in the month are divided by the number of pay stubs in the month to arrive at the average weekly hours worked.~~
- ~~For individuals who are paid bi-weekly, the total number of work hours shown on the pay stubs received in the month are divided by the number of pay stubs received in that month to arrive at~~

~~the average number of work hours per pay period. The pay period total hours are then divided by 2 to arrive at the average weekly hours worked.~~

- ~~• For individuals who are paid semi-monthly, the total number of work hours shown on both pay stubs received in the month are divided by the number of pay stubs received in that month to arrive at the average number of work hours per pay period. The pay period total hours are then divided by 2 to arrive at the average weekly hours worked.~~
- ~~• For individuals who are paid monthly, the total number of work hours shown on the pay check received in the month are divided by 4 to arrive at the average, weekly hours worked.~~
- For individuals who are paid on an irregular basis, the total number of work hours shown on the paystub(s) received in the month are divided by 4 to arrive at the average weekly hours worked. (e.g. Individuals who work on call, as needed, etc.)

~~If an employer verifies a range of work hours, the higher number of work hours verified will be used as the allowable activity hours for the caretaker.~~

~~**Note:** The pay stubs, employer statement, work schedule, etc., that was used to determine the income eligibility must be the same paystubs, employer statement, work schedule, etc., that is used to determine allowable activity hours.~~

For individuals who are self-employed, the individual must provide a schedule completed by the individual, listing the hours the individual will participate in their self-employment activity for the month of application and the month prior to the month of application. The total monthly hours are divided by 4 to determine the weekly hours.

2. Student Hours Calculation

Education and Training

Students enrolled in GED, high school or postsecondary education or training which is not based on credit hours must have their allowable activity hours determined by the time they attend their education or training activity.

Example:

Caretaker attends high school Monday through Friday from 8 a.m. to 3 p.m. based on the verified school schedule. Total allowable activity hours of 37.5, before travel and break time calculation, will be allowed.

Students enrolled in postsecondary education which is based on credit hours must have their allowable activity hours determined by multiplying the verified credit hours by 2.

Note: Students who are enrolled in accelerated degree programs must also have their allowable activity hours determined by the time they attend class, not by the number of credit hours.

~~The number of credit hours a student is enrolled must be verified by a class schedule. Each credit will be multiplied by 2 and the total will represent the number of hours per week the student is considered engaged in an education activity.~~

Example: A student's class schedule verifies 12 credit hours. Multiplying each credit by 2 results in 24 hours per week as the student's allowable child care hours, before the travel and break time calculation. ~~The student is allowed travel time and lunch break time. 24 allowable hours x 25% for travel and lunch break equals 6 hours. 24 hours plus 6 travel and break time hours equals 30 hours. 30 hours per week may be used for both class attendance and study time. However, the class attendance and claimed study time cannot exceed~~

~~the number of hours that have been determined.~~

~~Students who attend classes that are NOT based on credit hours or are enrolled in an accelerated degree program must have their hours verified based on a class schedule that lists the hours the individual is required to attend class.~~

Example: ~~An individual is attending Beauty School and attends class from 8:30 am to 5:00 pm Monday through Thursday and from 8:00 am to 12:00 pm on Friday, based on their class schedule. The student is allowed 38 hours per week of allowable activity hours.~~

Example: ~~A student enrolled in an accelerated degree program attends class from 8:00 am to 12:00 pm Monday through Thursday for 8 weeks based on the class schedule. The total allowable class hours per week is 16 hours. The student is allowed travel time and lunch break time. 16 allowable hours x 25% for travel and lunch break equals 20 hours per week that may be used for both class attendance and study time. However, the class attendance and claimed study time cannot exceed the number of hours that have been determined.~~

If a student applies for CCAP during a break in school attendance, verification of the anticipated school schedule must be used to determine the allowable activity hours.

~~Hours can be allowed for a caretaker in education who has a break of less than a full calendar month between terms, if the provider charges for time during the break.~~

Example: ~~An individual was in education from August through early December and will return to school in January. The provider continues to charge the individual during the break. The same level of care should continue during the semester break so~~

~~as to not disrupt the family's child care availability.~~

~~For online classes, two (2) hours will count for each credit hour per week a student is enrolled in an allowable education activity. an individual participating in an online class must provide a schedule listing the hours the individual will participate in the online classes.~~

~~Allowable hours for students who are attending high school or GED must be verified by a class schedule.~~

~~3. Job Search Hours~~

~~Job search hours are included in the calculation of allowable child care hours for Diversion, TANF and Transition cases only as these cases are allowed job search hours at time of application and review.~~

~~For Diversion cases, up to 20 hours per week for 8 weeks can be allowed for job search. The caretaker must provide a written statement stating the hours and times they participated in job search.~~

~~For TANF and Transition cases, allowable hours are based on what is listed on the employability plan.~~

~~No additional hours are allowed for travel and breaks in any situation.~~

~~Hours that cannot be used to calculate allowable hours for the Level of Care include:~~

- ~~• The provider is absent for any reason (e.g. such as medical, holiday, vacation, temporary illness)~~

- ~~The caretaker(s) is absent from the allowable activity for any reason (e.g. such as medical, holiday, vacation, maternity leave, temporary illness)~~

~~Exceptions:~~

- ~~If the absence meets the criteria in Section 400-28-80-25, Absent Days for Illness section of this manual~~
- ~~If the hours for a college student meets the criteria in Section 400-28-80-10~~

14. 400-28-80-10-05. Calculating a Child's Allowable Child Care Hours. Added new policy section for policy on how to calculate a child's allowable child care hours. Policy from repealed sections 400-28-05-10-05 Child Not in School and 400-28-85-10-10 School Age Child were combined to create this new section.

Calculating a Child's Allowable Child Care Hours

A child's allowable child care hours are based on the child's schedule and the caretaker's allowable child care hours.

Non-School Age Child

Children who do not attend any type of schooling during the day must have their allowable child care hours based on the time the child needs care as determined by the caretaker's allowable child care hours.

School Age Child

Children that attend school (including any type of preschool or head start where the school hours are considered separate from the child care hours) must have their allowable child care hours based on the time before and after school in which they need care.

All school age children receive an additional 9 hours of care per week (36 hours per month) to accommodate any days there is no school.

Example 1:

A child attends elementary school Monday through Friday for 8 hours a day. The child needs child care 1 hour before school and 3 hours after school and does not need child care on the weekends. The child needs a total of 20 hours per week. The child is then allowed an additional 9 hours per week, for a total of 29 allowable hours per week.

Example 2:

A child is enrolled in a facility that provides both child care and preschool services. Child care is provided from 8 a.m. to 10 a.m. and again from 1 p.m. to 5 p.m. From 10 a.m. to 1 p.m. the child is attending the preschool setting. The hours from 10 – 1 are not considered allowable child care hours. A total of 6 child care hours would be allowed per day. The child is then allowed an additional 9 hours per week, for a total of 39 allowable hours per week.

A copy of the child's most recent school schedule or calendar must be provided as verification. If an application or review is received during a summer month, verification for the upcoming school year must be provided, however, it must not be used to determine the child's allowable child care hours.

Note: It is the responsibility of the caretaker to report when additional child care hours are needed.

Example:

Review is received June 5th. The child's summer break is from the beginning of June to the end of August. The child will be attending child care full-time over the summer, based on the caretaker's schedule. Verification of the child's upcoming school schedule or calendar must be provided, however school hours will not be considered in the calculation of allowable child care hours for the month of review.

15. 400-28-80-50. Determining the Level of Care. Added new policy section for policy on how to determine the level of care. Policy from repealed section 400-28-85-10, Determining the Level of Care was incorporated into this new section.

Determining the Level of Care 400-28-80-50

The level of care is used to determine if a child needs full-time, part-time or hourly child care and is based on the calculation of allowable child care hours of the caretaker and the child.

The Level of Care must be determined in the following situations:

- application
- review
- increaseing monthly child care hours
- adding a child to the certificate
- adding a household member who is participating in an allowable activity
- changing or adding a provider

A child may have more than one provider. The level of Care must be determined for each provider based on the number of hours the child needs care while the caretaker(s) is participating in an allowable activity.

To determine the Level of Care:

- Determine the allowable child care hours of each caretaker based on policy at 400-28-80-10, Calculation of Allowable Child Care Hours.

- Determine the child's allowable child care hours based on the policy at 400-28-80-10-05.
- Compare the caretaker's allowable hours to the child's allowable hours, the lesser of the hours when all schedules are compared will determine the level of care.

Example 1:

Household consists of one caretaker and one child. It is determined that the caretaker has 35 allowable activity hours per week. The child is determined to have a need of only 16 hours of care a week. 16 hours will be used to determine the level of care.

Example 2:

Household consists of two-caretakers and one school age child. Total allowable hours of the first caretaker are 22 per week. Total allowable hours of the second caretaker are 35 per week. The child attends school Monday through Friday and will be in child care after school for 3 hours per day (15 hours per week). An additional 9 hours per week are allowed for all school age children. The child's need is determined to be 24 hours per week. After comparing all schedules, it is determined that 22 hours per week will be allowed. This is because CCAP allows for the least amount of hours needed when determining the level of care.

Once this information is determined:

- If the weekly hours calculated for a child average 25 or more per week, the child falls into the full time Level of Care.
- If the weekly hours calculated for a child average from 14 to less than 25 hours per week, the child falls into part-time Level of Care.

- If the weekly hours calculated for a child average less than 14 hours per week, the child falls into hourly Level of Care.

Once a level of care is established for a child:

- The level of care is not decreased for the remaining certificate period regardless if the caretaker has a decrease in hours which would result in the child needing a lower Level of Care. ~~from what they were initially approved for on the certificate.~~
- The level of care can be increased during the certificate period when the caretaker has an increase in allowable activity hours.
- ~~If the child has an increase in needed hours during the certificate due to increased hours of activity for a caretaker(s), the increase is made if the Level of Care needed increases for a child, or the child's needs increase from hourly to part time, hourly to full time, or part time to full time.~~

Level of Care 400-28-85

16. The following sections have been repealed:

- 400-28-85-05 Overview
- 400-28-85-10 Determining the Level of Care
- 400-28-85-10-05 Child Not in School
- 400-28-85-10-10 School Age Child

State Rates, Payment, and Family Share 400-28-100

17. 400-28-100-25. Third Party Payments. Policy has been clarified to state that in situations in which a household's child care costs are being paid directly to a provider by a third party, the portion of the child care bill paid by the third party is not considered for payment

when paying the child care bill. Only the portion the caretaker is responsible for will be considered for payment.

Third Party Payments 400-28-100-25

When a third party pays a portion of the child care bill directly to a provider for a ~~family~~ household, only the portion the caretaker is responsible for can be considered for payment.

When a third party pays the entire child care bill directly to a provider for a household, none of the costs can be considered for payment. Since child care cannot pay any of the costs, the household is ineligible for the Child Care Assistance Program (CCAP).

Note: If a third party pays a portion of the child care bill and the payments are given to the caretaker instead of being paid directly to the provider, the amount of payment must be considered as income.

Regardless of who is making the third party payment, verification of the portion the third party is paying must be obtained.

If the caretaker reports that the third party has not paid or refuses to pay the child care, the caretaker must verify ~~demonstrate~~ the third party is not paying.

An absent parent cannot receive Child Care Assistance Program benefits to pay their court ordered share of child care if the child is not residing with the absent parent.

Child Care Assistance Program Certificate 400-28-120

18. 400-28-120-35. Updating Certificates. Policy has been changed due to new federal requirements signed into law due to the Child Care and

Development Block Grant Act of 2014. The new law requires that a child who turns 13 during the certificate period remains eligible through the remainder of the certificate period. The child who turned aged 13 will become ineligible at the next review.

Updating Certificates 400-28-120-35

When a certificate is issued, the certificate is not changed unless an eligibility criteria to change a certificate is met.

~~Eligibility criteria to make a change to a certificate are the results of a change (mandatory, non-mandatory and known information to the agency) which affects the eligibility information contained on the certificate.~~

A certificate must be updated for the following reasons; however, there may be additional reasons not included that may require the certificate to be updated:

- When there is a change in ~~household size which affects the~~ Child Care Assistance unit household size.
 - Someone moves into the household
 - Someone moves out of the household
- Change in allowable activity
 - Start or end of job search
 - Start of work activity (not previously in any work activity)
 - End of work activity (no longer in any work activity)
 - Start or end of school which includes:
 - A postsecondary student completes an associate degree, postsecondary diploma, certificate of completion or any other vocational training course or if the caretaker(s) changes to another course of study.

- Start or end of TANF, Diversion or Crossroads
- Increase in monthly child care hours for a child if the increase in hours increased the Level of Care the child needs.

Note: Decreases in the Level of Care are not made during the certificate period.

- Changes in provider(s) or addition of provider(s)
- When a provider is no longer being used by the family or the provider is no longer a qualified provider.
- When a child is no longer eligible for the Child Care Assistance Program including but not limited to:
 - ~~turns age 13~~
 - if age 13 and under 19 and verified care no longer exists
 - enters Foster Care
 - no longer needs care
- State residency
- When a case changes from [Waived Co-pay](#) to [Co-pay](#), the certificate must be updated for the month following the month the TANF, Diversion or Crossroads case closes.
- When a case changes from Co-pay to Waived Co-pay, the certificate must be updated effective the month the case is approved for TANF, Diversion or Crossroads.

- When an [Intentional Program Violation](#) disqualification penalty is imposed the certificate must be closed effective the month the individual is disqualified.

Exception: Individuals who apply for or are receiving assistance through a federal or state funded program and require child care in order to participate in that federal or state funded program are eligible to receive child care through CCAP in a month they are subject to an IPV disqualification. Individuals that apply for or are receiving TANF, Transition, Diversion, or Crossroads are eligible to receive child care during an IPV disqualification period providing all other factors of eligibility are met.

If a certificate must be closed, the caretaker is sent a copy of the updated certificate and the provider(s) is sent a copy of the certificate with the information that applies to the child(ren) for whom the provider(s) has been approved to provide care.

If a certificate is updated and there are multiple providers for the family, an updated certificate is only sent to the provider whose certificate has been updated. A certificate is not mailed to a provider if there is no change to their certificate.

Verification of Child Care Costs 400-28-130

19. 400-28-130-10 – Time Frame for Submitting SFN 616 'Child Care Billing Report' Forms. The time frame for submitting billing forms has been changed from 6 months to 2 months following the month the child care services were provided.

Time Frame for Submitting SFN 616 'Child Care Billing Report' Forms 400-28-130-10

Billing report forms must be submitted during the ~~6~~ 2 months period following the month child care services were provided. ~~If the billing report form is received after the 6 month period, the payment cannot be made.~~ Payment will not be made for billing forms received after the two month period.

Example:

If child care is incurred for the service month of May, the last day the form can be submitted is up to the close of the last business day in ~~November~~ July, to be considered as received within the ~~6~~ 2 month time frame.

If a form is received after the ~~6~~ 2 month time period, the family must be notified that payment cannot be made because the billing report form was received after the ~~6~~ 2 month time limit. The family must be notified in writing the payment cannot be made