## IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

### Division of Welfare

### 16.06.12 – Idaho Child Care Program (ICCP)

**Who does this rule apply to**?
*For individuals seeking child care assistance under the Idaho Child Care Program (ICCP).*

**What is the purpose of this rule**?
*These rules provide the requirements for determining participant and provider eligibility for the Idaho Child Care Program (ICCP) and issuing child care benefit payments.*

**What is the legal authority for the agency to promulgate this rule**?
*This rule implements the following statute passed by the Idaho Legislature:*

Public Assistance and Welfare -
- Section 56-202, Idaho Code – Public Assistance Law: Duties of the Director of State Department of Health and Welfare

**Where can I find information on Administrative Appeals**?
*Administrative appeals and contested cases are governed by the provisions of the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code, and IDAPA 62.01.01, "Idaho Rules of Administrative Procedure." The Department will maintain a record of substantiated complaints against child care providers. Information regarding such substantiated complaints is available in accordance with the Idaho Public Records Act, Chapter 1, Title 74, Idaho Code.*

**How do I request public records**?
*Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."*

**Who do I contact for more information on this rule**?

Idaho Department of Health and Welfare
Division of Welfare – Idaho Child Care Program (ICCP)
450 West State Street
Boise, ID 83702

P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5815 or 1-877-456-1233
Fax: (208) 334-5817
Email: SRProgramRules@dhw.idaho.gov
Webpage:
https://healthandwelfare.idaho.gov/Children/ChildCareAssistance/tabid/292/Default.aspx

***This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.***

# Table of Contents

**16.06.12 – Idaho Child Care Program (ICCP)**

000. Legal Authority. ..... 4
001. Title And Scope. ..... 4
002. -- 007. (Reserved) ..... 4
008. Audit, Investigation And Enforcement. ..... 4
009. Criminal History And Background Check Requirements. ..... 4
010. Definitions And Abbreviations -- A Through L. ..... 5
011. Definitions And Abbreviations -- M Through Z. ..... 6
012. -- 049. (Reserved) ..... 7

**APPLICATION REQUIREMENTS**

050. ICCP Application For Benefits. ..... 7
051. Signatures. ..... 7
052. -- 069. (Reserved) ..... 7

**FINANCIAL CRITERIA FOR ICCP ELIGIBILITY**

070. Income Limits. ..... 7
071. Countable Income. ..... 7
072. Excluded Income. ..... 7
073. Income Deductions. ..... 8
074. Averaging Self-Employment Income. ..... 8
075. Calculation Of Self-Employment Income. ..... 9
076. Projecting Monthly Income. ..... 9
077. Converting Income To A Monthly Amount. ..... 10
078. Asset Cap. ..... 10
079. -- 099. (Reserved) ..... 10

**NON-FINANCIAL CRITERIA**

100. (Reserved) ..... 10
101. Parental Choice Of Child Care Provider. ..... 10
102. Residency. ..... 10
103. Cooperation In Establishment Of Paternity And Obtaining Support. ..... 11
104. Family Composition. ..... 11
105. Eligible Child. ..... 12
106. Incapacitated Parent. ..... 12
107. -- 199. (Reserved) ..... 12

**QUALIFYING ACTIVITIES**

200. Qualifying Activities For Child Care Benefits. ..... 13
201. Projecting Qualifying Activity Hours. ..... 13
202. Cessation Of Qualifying Activities. ..... 13
203. -- 399. (Reserved) ..... 14
400. Requirements For In-Home Care Under ICCP. ..... 14
401. In-Home Care Health And Safety Requirements. ..... 14
402. -- 499. (Reserved) ..... 14

**PAYMENT INFORMATION**
500. Allowable Child Care Costs. ..... 14
501. Non-Allowable Child Care Costs. ..... 14
502. Amount Of Payment. ..... 15
503. Copayments. ..... 15
504. Student Co-Payment Requirements. ..... 15
505. Interim Child Care Payment. ..... 16
506. -- 599. (Reserved) ..... 16
**CHANGE REPORTING REQUIREMENTS FOR THOSE RECEIVING CHILD CARE BENEFITS**
600. Change Reporting Requirements. ..... 16
601. (Reserved) ..... 16
602. Redetermination Of Eligibility For Child Care Benefits. ..... 16
603. -- 699. (Reserved) ..... 16
**PAYMENT ADJUSTMENTS AND PENALTIES**
700. Underpayment Of Child Care Benefits. ..... 16
701. Recoupment Of Overpayments. ..... 16
702. Intentional Program Violations (IPV). ..... 17
703. Penalties For An IPV. ..... 17
704. Denial Of Payment. ..... 17
705. Funding Restrictions. ..... 18
706. -- 749. (Reserved) ..... 18
**ENFORCEMENT REMEDIES**
750. Termination Of Provider Status. ..... 18
751. Refusal To Enter Into An Agreement. ..... 18
752. Provider Notification. ..... 19
753. Notice To State Licensing Authorities. ..... 19
754. -- 799. (Reserved) ..... 19
**PROVIDER ELIGIBILITY**
800. Child Care Provider Licensing. ..... 19
801. Health And Safety Training. ..... 19
802. Health And Safety Requirements. ..... 20
803. Child Care Provider Training Requirements. ..... 21
804. Child Care Provider Agreement. ..... 21
805. Criminal History And Background Check Requirement. ..... 21
806. Purview Of Child Protective Act Or Juvenile Justice Reform Act. ..... 21
807. Parent Or Caretaker Access To Child Care Premises. ..... 22
808. Reporting Requirements For Providers. ..... 22
809. Consumer Education Information. ..... 22
810. Documentation Of Services And Access To Records. ..... 22
811. -- 999. (Reserved) ..... 23

**000. LEGAL AUTHORITY.**
Under Section 56-202, Idaho Code, the Director of the Department of Health and Welfare is authorized to promulgate, adopt, and enforce rules for the administration of public assistance programs. (3-17-22)

**001. TITLE AND SCOPE.**

**01. Title**. These rules are titled IDAPA 16.06.12, "Idaho Child Care Program (ICCP)." (3-17-22)

**02. Scope**. These rules provide the requirements for determining participant and provider eligibility for the Idaho Child Care Program (ICCP) and issuing child care benefit payments. (3-17-22)

**002. -- 007. (RESERVED)**

**008. AUDIT, INVESTIGATION AND ENFORCEMENT.**
In addition to any actions specified in these rules, the Department may audit, investigate and take enforcement action under the provisions of IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse or Misconduct." (3-17-22)

**009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.**

**01. Compliance with Department Criminal History and Background Check**. Criminal history and background checks are required for ICCP providers. Providers who are required to have a criminal history check must comply with IDAPA 16.05.06, "Criminal History and Background Checks." (3-17-22)

**02. ICCP Provider is Approved**. The ICCP provider must have completed a criminal history and background check, and received a clearance, prior to becoming an ICCP provider. (3-17-22)

**03. Availability to Work or Provide Service**. (3-17-22)

**a.** Those individuals licensed or certified by the Department are not available to provide services or receive licensure or certification until the criminal history and background check is completed and a clearance issued by the Department. (3-17-22)

**b.** Individuals living in the home who have direct contact with children are allowed contact after the criminal history application and self-disclosure is completed as provided in Tittle 56, Chapter 27, Idaho Code, except when they have disclosed a disqualifying crime listed in IDAPA 16.05.06, "Criminal History and Background Checks." (3-17-22)

**04. Applicants, Providers, and Other Individuals Subject to Criminal History Check Requirements**. The following applicants, providers, and other individuals listed below must submit evidence to the Department that the following individuals have successfully completed and received a Department criminal history and background check clearance: (3-17-22)

**a.** All child care centers, group, family, relative, and in-home providers, including owners, operators, and staff, who have direct contact with children; (3-17-22)

**b.** All individuals thirteen (13) years of age or older who have direct contact with children; and (3-17-22)

**c.** All individuals thirteen (13) years of age or older who are regularly on the premises. (3-17-22)

**05. Renewal of Criminal History and Background Check Requirement**. Applicants, providers, employees, volunteers, and individuals thirteen (13) years of age or older who have direct contact with or provide care to children eligible for ICCP benefits must comply with these requirements and receive a clearance as provided in IDAPA 16.05.06, "Criminal History and Background Checks," every five (5) years. (3-17-22)

**06. Criminal History and Background Check at Any Time**. The Department can require a criminal history and background check at any time on any individual providing child care to an ICCP eligible child. (3-17-22)

**07. Additional Criminal Convictions**. Once an individual has received a criminal history clearance, any additional criminal convictions must be reported by the child care provider to the Department when the provider

learns of the conviction. (3-17-22)

**010. DEFINITIONS AND ABBREVIATIONS -- A THROUGH L.**
The following definitions and abbreviations apply to this chapter: (3-17-22)

**01.** **AABD**. Aid to the Aged, Blind, and Disabled. (3-17-22)

**02.** **Abuse or Abusive**. Provider practices that are inconsistent with sound fiscal, business, or child care practices and result in an unnecessary cost to the Idaho Child Care Program, in reimbursement that is not necessary, or that fail to meet professional recognized standards for child care, or result in physical harm, pain, or mental anguish to children. (3-17-22)

**03.** **Child**. Any person under age eighteen (18) who is under the care of a parent, relative, or someone acting in loco parentis. (3-17-22)

**04.** **Child Care**. Care, control, supervision, or maintenance of a child provided for compensation by an individual, other than a parent, for less than twenty-four (24) hours in a day. (3-17-22)

**05.** **Claim**. Any request or demand for payment, or document submitted to initiate payment, for items or services provided under the Idaho Child Care Program. (3-17-22)

**06.** **Department**. The Idaho Department of Health and Welfare or its designee. (3-17-22)

**07.** **Earned Income**. Income received by a person as wages, tips, or self-employment income before deductions for taxes or any other purposes. (3-17-22)

**08.** **Employment**. A job paying wages or salary at federal or state minimum wage, whichever is applicable, including work paid by commission or in-kind compensation. Full or part-time participation in a VISTA or AmeriCorps program is also employment. (3-17-22)

**09.** **Foster Care**. The twenty-four (24) hour substitute care of children in the legal custody of the state of Idaho provided in a state licensed foster home by persons who may or may not be related to a child. Foster care is provided in lieu of parental care and is arranged through a private or public agency. (3-17-22)

**10.** **Foster Child**. A child in the legal custody of the state of Idaho placed for twenty-four (24) hour substitute care by a private or public agency. (3-17-22)

**11.** **Foster Home**. The private home of an individual or family licensed under the state of Idaho and providing twenty-four (24) hour substitute care to six (6) or fewer children. (3-17-22)

**12.** **Fraud or Fraudulent**. An intentional deception or misrepresentation made by a person with knowledge that the deception could result in some unauthorized benefit to himself or some other person. (3-17-22)

**13.** **Good Cause**. The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (3-17-22)

**14.** **In Loco Parentis**. Acting "in loco parentis" means a person who acts in place of a parent, assuming care and custody of a child by legal guardianship. (3-17-22)

**15.** **Intentional Program Violation (IPV)**. An intentional false or misleading action, omission, or statement made in order to qualify as a provider or recipient in the Idaho Child Care program or to receive program benefits or reimbursement. (3-17-22)

**16.** **Job Training and Education Program**. A program designed to provide job training or education. Programs may include high school, junior college, community college, college or university, general equivalency diploma (GED), technical school, and vocational programs. To qualify as a Job Training and Education Program, the program must prepare the trainee for employment. (3-17-22)

**17.** **Infant/Toddler**. A child less than forty-eight (48) months of age. (3-17-22)

**18.** **Incapacitated Parent**. A parent who is determined by a licensed practitioner of the healing arts to be unfit, incapable, or significantly limited in their ability to provide adequate care for their child or ward. (3-17-22)

**19.** **Knowingly, Known, or With Knowledge**. With respect to information or an action about which a person has actual knowledge of the information or action; acts in deliberate ignorance of the truth or falsity of the information or the correctness or incorrectness of the action; or acts in reckless disregard of the truth or falsity of the information or the correctness or incorrectness of the action. (3-17-22)

**20.** **Legal Guardian**. A court-appointed individual who acts as the primary caretaker of a child or minor. (3-17-22)

**21.** **Licensed Practitioner of the Healing Arts**. A licensed physician, physician assistant, nurse practitioner, or clinical nurse specialist. (3-17-22)

**011. DEFINITIONS AND ABBREVIATIONS -- M THROUGH Z.**
The following definitions and abbreviations apply to this chapter of rules: (3-17-22)

**01.** **Managing Employee**. A general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of an organization or entity. (3-17-22)

**02.** **Minor Parent**. A parent under the age of eighteen (18). (3-17-22)

**03.** **Non-Recurring Lump Sum Income**. Income received by a family in a single payment, not expected to be available to the family again. (3-17-22)

**04.** **Parent**. A person responsible for a child because of birth, adoption, marriage, legal guardianship, foster care; or a person acting in loco parentis. (3-17-22)

**05.** **Preventive Services**. Services needed to reduce or eliminate the need for protective intervention. Preventive services permit families to participate in activities designed to reduce or eliminate the need for out-of-home placement of a child by the Department. (3-17-22)

**06.** **Prospective Income**. Income a family expects to receive within a given time. This can be earned or unearned income. (3-17-22)

**07.** **Provider**. An individual, organization, agency, or other entity providing child care. (3-17-22)

**08.** **Relative Provider**. Grandparent, great-grandparent, aunt, uncle, or adult sibling by blood or current marriage who provides child care. (3-17-22)

**09.** **SSI**. Supplemental Security Income. (3-17-22)

**10.** **Special Needs**. Any child with physical, mental, emotional, behavioral disabilities, or developmental delays identified on an Individual Education Plan (IEP) or an Individualized Family Service Plan (IFSP). (3-17-22)

**11.** **State Median Income (SMI)**. State Median Income Estimates in the Code of Federal Regulations are available on the U.S. Government Publishing Office website at https://www.gpo.gov/fdsys. (3-17-22)

**12.** **TAFI**. Temporary Assistance for Families in Idaho. (3-17-22)

**13.** **Unearned Income**. Unearned income includes retirement, interest child support, and any income received from a source other than employment or self-employment. (3-17-22)

**012. -- 049. (RESERVED)**

## APPLICATION REQUIREMENTS
## (Sections 050-069)

**050. ICCP APPLICATION FOR BENEFITS.**
A family applying for child care benefits must submit a completed and signed application to the Department. (3-17-22)

**01. Application Received**. The Department will date stamp the application on the day the application is received. The applicant has thirty (30) days from the date the application is received by the Department to complete the application process by providing all required verifications. (3-17-22)

**02. New Application Required**. A new application is required if all requested verification is not provided within thirty (30) days from the date the application was received by the Department. The time limit can be extended by the Department for events beyond the Department's control. (3-17-22)

**03. Notification**. The Department will act on applications for child care benefits within thirty (30) days of receipt. The applicant will be notified in writing of the approval or denial of the application and of the applicant's right to appeal. (3-17-22)

**051. SIGNATURES.**
An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (3-17-22)

**052. -- 069. (RESERVED)**

## FINANCIAL CRITERIA FOR ICCP ELIGIBILITY
## (Sections 070-099)

**070. INCOME LIMITS.**
To be eligible for child care assistance, a family's countable income must meet the following using the published Federal Poverty Guidelines (FPG) available on the U.S. Health and Human Services website at http://aspe.hhs.gov/poverty. (4-6-23)

**01. Income at Application**. When applying, a family's income cannot exceed one hundred seventy-five percent(175%) of FPG for a family of the same size. (4-6-23)

**02. Income During Eligibility Period**. During the eligibility period, when a family's countable income exceeds eighty-five percent (85%) of the State Median Income (SMI) for a family of the same size, the family becomes ineligible for child care assistance. (3-17-22)

**03. Income at Redetermination**. At redetermination, if a family's income exceeds one hundred seventy-five percent (175%) of FPG for a family of the same size, the family may be eligible to receive a graduated phase out of child care assistance. (4-6-23)

**071. COUNTABLE INCOME.**
All gross earned and unearned income is counted in determining eligibility and the child care benefit amount, unless specifically excluded under Section 072 of these rules. (3-17-22)

**072. EXCLUDED INCOME.**
The following sources of income are not counted as family income. (3-17-22)

**01. Earned Income of a Dependent Child**. Income earned by a dependent child under age eighteen (18) is not counted, unless the child is a parent who is seeking or receiving child care benefits. (3-17-22)

**02. Income Received for Person Not Residing With the Family**. Income received on behalf of a person who is not living in the home. (3-17-22)

**03. Educational Funds**. All educational funds including grants, scholarships, an AmeriCorps Education Award, and federal and state work-study income. (3-17-22)

**04. Assistance**. Assistance to meet a specific need from other organizations and agencies. (3-17-22)

**05. Lump Sum Income**. Non-recurring lump sum income is excluded. (3-17-22)

**06. Loans**. A loan is money received that is to be repaid. (3-17-22)

**07. TAFI and AABD Benefits**. (3-17-22)

**08. Foster Care Payments**. (3-17-22)

**09. AmeriCorps/VISTA Volunteers**. Living allowances, wages and stipends paid to AmeriCorps or VISTA volunteers under 42 U.C.S. 5044, P.L. 93-113, Title IV, Section 404(g) are excluded as income. (3-17-22)

**10. Income Tax Refunds and Earned Income Tax Credits**. Income tax refunds and earned income tax credits are excluded as income. (3-17-22)

**11. Travel Reimbursements**. Reimbursements from employers for work-related travel. (3-17-22)

**12. Tribal Income**. Income received from a tribe for any purpose other than direct wages. (3-17-22)

**13. Foster Parents' Income**. Income of licensed foster parents is excluded when determining eligibility for a foster child. Income is counted when determining eligibility for the foster parent's own child(ren). (3-17-22)

**14. Adoption Assistance**. Adoption assistance payments are excluded from income. (3-17-22)

**15. Temporary Census Income**. All wages paid by the Census Bureau for temporary employment related to U.S. Census activities are excluded for a time period not to exceed six (6) months during the regularly scheduled ten-year U.S. Census. (3-17-22)

**16. Office of Refugee Resettlement Assistance**. (3-17-22)

**17. Workforce Investment Act (WIA) Benefits or Workforce Innovation and Opportunity Act (WIOA) Benefits**. (3-17-22)

**073. INCOME DEDUCTIONS.**

Court-ordered child support payments made by a parent who receives child care benefits are deducted from income when determining eligibility. The actual amount paid and the amount of the legal obligation for child support must be verified. (3-17-22)

**074. AVERAGING SELF-EMPLOYMENT INCOME.**

**01. Annual Self-Employment Income**. When self-employment income is considered annual support by the household, the Department averages the self-employment income over a twelve-month (12) period, even if: (3-17-22)

**a.** The income is received over a shorter period of time than twelve (12) months; and (3-17-22)

**b.** The household receives income from other sources in addition to self-employment. (3-17-22)

**02. Seasonal Self-Employment Income**. A seasonally self-employed individual receives income from self-employment during part of the year. When self-employment income is considered seasonal, the Department averages self-employment income for only the part of the year the income is intended to cover. (3-17-22)

**075. CALCULATION OF SELF-EMPLOYMENT INCOME.**
The Department calculates self-employment income by adding monthly income to capital gains and subtracting a deduction for expenses as determined in Subsection 075.03 of this rule. (3-17-22)

**01. How Monthly Income is Determined**. If no income fluctuations are expected, the average monthly income amount is projected for the certification period. If past income does not reflect expected future income, a proportionate adjustment is made to the expected monthly income. (3-17-22)

**02. Capital Gains Income**. Capital gains include profit from the sale or transfer of capital assets used in self-employment. The Department calculates capital gains using the federal income tax method. If the household expects to receive any capital gains income from self-employment assets during the certification period, this amount is added to the monthly income as determined in Subsection 075.01 of this rule to determine the gross monthly income. (3-17-22)

**03. Self-Employment Expense Deduction**. The Department uses the standard self-employment deduction in Subsection 075.03.a. of this rule, unless the applicant claims that their actual allowable expenses exceed the standard deduction and provides proof of the expenses described in Subsection 075.03.b. of this rule. (3-17-22)

**a.** The self-employment standard deduction is determined by subtracting fifty percent (50%) of the gross monthly self-employment income as determined in Subsections 075.01 and 075.02 of this rule; or (3-17-22)

**b.** The self-employment actual expense deduction is determined by subtracting the actual allowable expenses from the gross monthly self-employment income. The following items are not allowable expenses and may not be subtracted from the gross monthly self-employment income: (3-17-22)

i. Net losses from previous tax years; (3-17-22)

ii. Federal, state, and local income taxes; (3-17-22)

iii. Money set aside for retirement; (3-17-22)

iv. Work-related personal expenses such as transportation to and from work; and (3-17-22)

v. Depreciation. (3-17-22)

**076. PROJECTING MONTHLY INCOME.**
Income is projected for each month. Past income may be used to project future income. Changes expected during the certification period will be considered. Criteria for projecting monthly income is listed below: (3-17-22)

**01. Income Already Received**. Count income already received by the household during the month. If the actual amount of income from any pay period is known, use the actual pay period amounts to determine the total month's income. Convert the actual income to a monthly amount if a full month's income has been received or is expected to be received. If no changes are expected, use the known actual pay period amounts for the past thirty (30) days to project future income. (3-17-22)

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

(3-17-22)

**a.** Full Month's Income. If income will be received for all regular pay dates in the month, it is considered a full month of income. (3-17-22)

**b.** If income will not be received for all regular pay dates in the month, it is not considered a full month of income and it is not converted. (3-17-22)

**c.** Income Paid on Salary. Income received on salary, rather than an hourly wage, is counted at the expected monthly salary rate. (3-17-22)

**d.** Income Paid at Hourly Rate. Compute anticipated income paid on an hourly basis by multiplying the hourly pay by the expected number of hours the client will work in the pay period. Convert the pay period amount to a monthly amount. (3-17-22)

**e.** Fluctuating Income. When income fluctuates each pay period and the rate of pay remains the same, average the income from the past thirty (30) days to determine the average pay period amount. Convert the average pay period amount to a monthly amount. (3-17-22)

**077. CONVERTING INCOME TO A MONTHLY AMOUNT.**
If a full month's income is expected, but is received on other than a monthly basis, convert the income to a monthly amount using one of the formulas below: (3-17-22)

**01.** **Weekly Amount**. Multiply weekly amounts by four point three (4.3). (3-17-22)

**02.** **Bi-Weekly Amount**. Multiply bi-weekly amounts by two point one five (2.15). (3-17-22)

**03.** **Semi-Monthly Amount**. Multiply semi-monthly amounts by two (2). (3-17-22)

**04.** **Monthly Amount**. Use the exact monthly income if it is expected for each month of the certification period. (3-17-22)

**078. ASSET CAP.**
A family must not be in possession of assets exceeding one million dollars ($1,000,000). (3-17-22)

**079. -- 099. (RESERVED)**

## NON-FINANCIAL CRITERIA
## (Sections 100-199)

**100. (RESERVED)**

**101. PARENTAL CHOICE OF CHILD CARE PROVIDER.**
Eligible parents may choose among the following types of child care providers available under ICCP: (3-17-22)

**01.** **Child Care Center**. A child care center cares for thirteen (13) or more children. (3-17-22)

**02.** **Group Child Care**. Group child care is for seven (7) to twelve (12) children. (3-17-22)

**03.** **Family Child Care**. Family child care is for six (6) or fewer children. (3-17-22)

**04.** **Relative Child Care**. Relative child care is for six (6) or fewer related children. (3-17-22)

**05.** **In-Home Child Care**. In-home child care is provided by a relative or non-relative in the home of the child. Eligibility for in-home child care is determined in accordance with Section 400 of these rules. (3-17-22)

**102. RESIDENCY.**

The family must live in the state of Idaho, and have no immediate intention of leaving. (3-17-22)

**103. COOPERATION IN ESTABLISHMENT OF PATERNITY AND OBTAINING SUPPORT.**
A natural or adoptive parent, or other individual who lives with and exercises parental control over a minor child who has an absent parent, must cooperate in establishing paternity for the child and obtaining child support at application and redetermination. (4-6-23)

**01. Providing All Information**. "Cooperation" includes providing all information to identify and locate the non-custodial parent, unless good cause for non-cooperation exists. (3-17-22)

**02. Established Case for Custodial Parent**. After Child Support Services (CSS) has established a case for a custodial parent, all child support payments must be sent directly to CSS. If the custodial parent receives child support directly from the non-custodial parent, the custodial parent must forward the payment to CSS for receipting. (4-6-23)

**03. Failure to Cooperate**. (3-17-22)

**a.** This includes failure to complete the non-custodial or alleged parent information or filiation affidavit as requested, failure to sign the limited power of attorney, or evidence of failure to cooperate provided by CSS. (4-6-23)

**b.** When a parent or individual fails to cooperate the family is not eligible to participate in the Idaho Child Care Program. (4-6-23)

**04. Cooperation Exemptions**. The parent or individual will not be required to provide information about the non-custodial or alleged parent or otherwise cooperate in establishing paternity or obtaining support if good cause for not cooperating exists. Good cause for failure to cooperate must be provided. (4-6-23)

**a.** Good cause for failure to cooperate in obtaining support is: (3-17-22)

i. Proof the child was conceived because of incest or forcible rape; (4-6-23)

ii. Proof the non-custodial parent may inflict physical or emotional harm to the children, the custodial parent, or individual exercising parental control. This must be supported by medical evidence, police reports, or as a last resort, an affidavit from a knowledgeable source; and (4-6-23)

iii. Substantial and credible proof is provided indicating the custodial parent cannot provide the minimum information regarding the non-custodial parent. (3-17-22)

**b.** A parent or individual claiming good cause for failure to cooperate must submit a notarized statement to the Department identifying the child for whom the exemption is claimed and the reasons for the good cause claim. (4-6-23)

**c.** The cooperation requirement will be waived if good cause exists. No further action will be taken to establish paternity or obtain support. If good cause does not exist, the parent will be notified that they are not eligible to receive ICCP benefits, until child support cooperation has been obtained. (4-6-23)

**104. FAMILY COMPOSITION.**
A family is a group of individuals living in a common residence, whose combined income is considered in determining eligibility and the child care benefit amount. No individual may be considered a member of more than one (1) family in the same month. The following individuals are included in determining the family composition: (3-17-22)

**01. Married Parents**. Married parents living together in a common residence, includes biological, adoptive, step-parent, guardian, and foster parent. (3-17-22)

**02. Unmarried Parents**. Unmarried parents who live in the same home and who have a child in

common living with them. (3-17-22)

**03. Dependents**. Individuals who are dependents of a parent, guardian, or caretaker relative and living in the home at the primary residence. (3-17-22)

**04. Minor Parent**. A minor parent and child are considered a separate family when they apply for child care benefits, even if they live with other relatives. (3-17-22)

**05. Individual Acting In Loco Parentis**. An individual acting in loco parentis who is eligible to apply for child care benefits, and the child's natural or adoptive parents are not living in the home. (3-17-22)

**06. Citizenship or Alien Status Requirement**. Family members who are not citizens or living lawfully in the United States will not be counted in the family size. The income of those non-counted family members will be counted when determining the household's income according to Sections 070 through 099 of these rules. (3-17-22)

**105. ELIGIBLE CHILD.**

A family can only receive child care benefits for eligible children. A child is eligible for child care benefits under the following conditions: (3-17-22)

**01. Immunizations Requirements**. A child must be immunized in accordance with Chapter 11, Title 39, Idaho Code. Child care benefits can continue during a reasonable period necessary for the child to be immunized. Parents must provide evidence that the child has been immunized unless the child is attending school. (3-17-22)

**02. Citizenship or Alien Status Requirement**. A child must be one (1) of the following: (3-17-22)

**a.** A citizen; (3-17-22)

**b.** Living lawfully in the United States. (3-17-22)

**03. Child's Age Requirement**. A child must be under thirteen (13) years of age to be eligible for child care benefits, unless they meet one (1) or more of the following criteria: (3-17-22)

**a.** A child is eligible for child care benefits until the month of their nineteenth birthday if they are physically or mentally incapable of self-care, as verified by a licensed mental health professional or licensed practitioner of the healing arts. (3-17-22)

**b.** A child may be eligible for child care benefits until the month of their nineteenth birthday if a court order, probation order, child protection, or mental health case plan requires constant supervision. (3-17-22)

**04. Child Custody**. A child may move from one (1) parent's home to the other parent's home on a regular basis. The child may be a member of either household, but not both households. If the parents cannot agree on the child's household for the child care benefit, the child is included in the household with primary custody. Primary custody is determined by where the child is expected to spend fifty-one percent (51%) or more of the nights during a benefit period. When only one (1) parent applies for ICCP benefits, the child may be included in that parent's household even though they do not have primary physical custody of the child. (3-17-22)

**106. INCAPACITATED PARENT.**

An incapacitated parent, unable to adequately care for the children in a two (2) parent family, is not required to have any qualifying activities as listed under Section 200 of these rules, as long as the other parent is participating in qualifying activities. A single parent family in which the parent is incapacitated is not eligible for ICCP. A parent with a disability does not automatically qualify as an incapacitated parent. (3-17-22)

**107. -- 199. (RESERVED)**

## QUALIFYING ACTIVITIES
## (Sections 200-299)

### 200. QUALIFYING ACTIVITIES FOR CHILD CARE BENEFITS.

To be eligible for child care benefits, each parent included in the household must need child care because they are engaged in one (1) of the qualifying activities listed in Subsections 200.01 through 200.05 of this rule. (3-17-22)

**01. Employment**. The parent is currently employed. (3-17-22)

**02. Self-Employment**. The parent is currently self-employed in a business that is a sole proprietorship. A sole proprietorship is a business owned by one (1) person. Restrictions apply for self-employment as follows: (3-17-22)

**a.** For the first twelve (12) months of self-employment benefits, actual activity hours are used. (3-17-22)

**b.** At month thirteen (13), the number of activity hours will be limited. To calculate the activity hours, the net monthly self-employment income is divided by the current federal minimum wage. The qualifying activity hours are the lesser of the calculated activity hours or actual activity hours. (3-17-22)

**03. Training or Education**. The parent is attending an accredited education or training program. The following restrictions apply to training or education activities: (3-17-22)

**a.** On-line classes cannot be counted as a qualifying activity for child care. (3-17-22)

**b.** Persons who are attending post-baccalaureate classes with no other qualifying activity, do not qualify for child care benefits. (3-17-22)

**c.** More than forty-eight (48) months of post-secondary education has been used as a qualifying activity. (3-17-22)

**04. Preventive Services**. The parent is receiving preventive services as defined in Section 011 of these rules. The Department will verify the continued need for preventive services at least every three (3) months. (3-17-22)

**05. Personal Responsibility Contract (PRC) or Other Negotiated Agreement**. The parent is completing Personal Responsibility Contract (PRC) or other self-sufficiency activities negotiated between the Department and the parent. (3-17-22)

### 201. PROJECTING QUALIFYING ACTIVITY HOURS.

**01. Activity Hours**. Activity hours are projected for each month to determine if payment is made on a full-time or part-time basis. Past activity hours may be used to project future activity hours if the employer and number of hours worked are the same and are expected to remain the same throughout the certification period. Hours for each qualifying activity must be projected individually and converted to a monthly amount. (3-17-22)

**01. Weekly Hours**. Multiply weekly amounts by four point three (4.3). (3-17-22)

**02. Bi-weekly Hours**. Multiplying bi-weekly amounts by two point one five (2.15). (3-17-22)

**03. Semi-Monthly Hours**. Multiplying semi-monthly amounts by two (2). (3-17-22)

**04. Monthly Hours**. Use the exact monthly hours if it is expected for each month of the certification period. (3-17-22)

### 202. CESSATION OF QUALIFYING ACTIVITIES.

An eligible family who loses or ceases its qualifying activity, may continue to receive assistance for up to three (3) months to engage in a job search and resume work, or resume attendance at a job training or educational program.

(3-17-22)

**203. -- 399. (RESERVED)**

**400. REQUIREMENTS FOR IN-HOME CARE UNDER ICCP.**
Parents must contact the Department to request approval of in-home child care. Only parents who have qualified activities outside their home will be considered for in-home care approval. The Department limits the approval of all in-home child care under ICCP to the following circumstances: (3-17-22)

**01. Three or More Children in the Home**. There are three (3) or more ICCP eligible children in the home who are not in school at any time during the day and require child care. (3-17-22)

**02. Fewer Than Three Children in the Home**. If there are fewer than three (3) children in the home who are eligible for ICCP and require child care, in-home care will be approved by the Department only when one (1) of the following special circumstances are met: (3-17-22)

**a.** Parents' qualifying activity occurs during times when out-of-home care is not available. If child care is needed during any period when out-of home care is not available, in-home care will be approved for the entire time care is needed. A family is not expected to change between out-of-home and in-home care. (3-17-22)

**b.** The family lives in an area where out-of-home care is not available. (3-17-22)

**c.** A child has a verified illness or disability that would place the child or other children in an out-of-home facility at risk. (3-17-22)

**401. IN-HOME CARE HEALTH AND SAFETY REQUIREMENTS.**
**Annually e**ach in-home care provider is responsible to ensure that health and safety requirements are met for children being cared for in the children's own home, as defined in Section 802 of these rules. (3-17-22)

**402. -- 499. (RESERVED)**

**PAYMENT INFORMATION**
**(Sections 500-599)**

**500. ALLOWABLE CHILD CARE COSTS.**
Care provided to an eligible child by an eligible child care provider is payable subject to the following conditions: (3-17-22)

**01. Payment for Employment, Training, Education, or Preventive Service Hours**. Child care must be reasonably related to the hours of the parent's qualifying activities. (3-17-22)

**02. One-Time Registration Fees**. One-time fees for registering a child in a child care facility are payable above the local market rate, if the fee is charged to all who enroll in the facility. Reimbursement can not exceed two hundred fifty dollars ($250) and must be usual and customary rates charged to all families. Registration fees are separate from local market rates. (3-17-22)

**501. NON-ALLOWABLE CHILD CARE COSTS.**
Care provided to an eligible child is not payable under the following conditions: (3-17-22)

**01. Family Member or Guardian Providing Child Care**. A parent, step-parent, or guardian will not be paid for providing child care to their own child or ward. (3-17-22)

**02. Provider Living at Same Address as Child**. ICCP will not pay for in-home child care if the provider lives at the same address as the child. (3-17-22)

**03. School Tuition, Academic Credit, or Tutoring**. ICCP payments will not be made for school tuition, academic credit, or tutoring for school age children; this includes: (3-17-22)

**a.** Any services provided to such students during the regular school day, including kindergarten; (3-17-22)

**b.** Any services for which such students receive academic credit toward graduation; or (3-17-22)

**c.** Any instructional services which supplant or duplicate the academic program of any public or private school. (3-17-22)

**502. AMOUNT OF PAYMENT.**
Child care payments will be based on Subsections 502.01 through 502.04 of this rule. (3-17-22)

**01. Payment Rate**. Payment will be based on the lower of the provider's usual and customary rates or the Local Market Rate (LMR). (3-17-22)

**a.** The local market rates for child care are the maximum monthly amounts that ICCP will pay for any given category of child care in a geographic area designated by the Department. The local market rates for child care are established based on a comprehensive survey of child care providers. Using information gathered in the survey, including the age of child, the type of child care, and the designated area where the provider does business, a local market rate is specified for each category of child care. The rate survey is conducted triennially. (3-17-22)

**b.** Payment rates will be determined by the location of the child care facility. (3-17-22)

**c.** If the child care facility is not in Idaho, the local market rate will be the rate where the family lives. (3-17-22)

**02. Usual and Customary Rates**. Rates charged by the child care provider must not exceed the usual and customary rates charged for child care to persons not entitled to receive benefits under ICCP. (3-17-22)

**03. In-Home Care**. Parents are responsible to pay persons providing care in the child's home the minimum wage, as required by the Fair Labor Standards Act (29 U.S.C. 206a) and other applicable state and federal requirements. (3-17-22)

**04. Payments**. Payments will be issued directly to eligible providers. (3-17-22)

**503. COPAYMENTS.**
Eligible families, except TAFI families participating in non-employment TAFI activities and guardians of foster children, must pay part of their child care costs. (4-6-23)

**01. Provider Responsibility**. Providers are responsible for ensuring families pay the determined child care costs and must not waive these costs. (4-6-23)

**02. Family Payment**. Family income and activity for the month of the child care will determine the family share of child care costs. The payment made by the Department will be the allowable local market rate or billed costs, whichever is lower, less the co-payment. (4-6-23)

**504. STUDENT CO-PAYMENT REQUIREMENTS.**

**01. Post-Secondary Student**. (3-17-22)

**a.** A post-secondary student who works less than ten (10) hours per week will be required to pay a co-payment. (3-17-22)

**b.** A post-secondary student who works ten (10) hours or more per week will have a co-payment based on family income. (3-17-22)

**02. High School or GED Student**. A student who is in high school, or who is taking GED courses will

have a co-payment based on family income. (3-17-22)

**505. INTERIM CHILD CARE PAYMENT.**
If child care arrangements would otherwise be lost, child care may be paid when a child temporarily stops attending child care for no longer than (1) calendar month and plans to return. (3-17-22)

**506. -- 599. (RESERVED)**

## CHANGE REPORTING REQUIREMENTS FOR THOSE RECEIVING CHILD CARE BENEFITS (Sections 600 - 699)

**600. CHANGE REPORTING REQUIREMENTS.**
A family who receives child care benefits must report the following permanent changes by the tenth day of the month following the month in which the change occurred. (3-17-22)

**01. Change in Permanent Address**. (3-17-22)

**02. Change in Household Composition**. (3-17-22)

**03. Change in Income**. When the household's total gross income for family of the same size exceeds any of the following: (3-17-22)

**a.** One hundred and thirty percent (130%) of the Federal Poverty Guidelines (FPG); (3-17-22)

**b.** Eighty-five percent (85%) of the State Median Income (SMI); or (3-17-22)

**c.** The graduated phase-out income limit as defined in the Idaho Child Care State Plan. (3-17-22)

**04. Change in Child Care Provider**. (3-17-22)

**601. (RESERVED)**

**602. REDETERMINATION OF ELIGIBILITY FOR CHILD CARE BENEFITS.**

**01. Redetermination**. The Department will redetermine eligibility for child care benefits at least every twelve (12) months. (3-17-22)

**02. Graduated Phase Out**. At redetermination, if a household's income exceeds one hundred seventy-five percent (175%) of FPG for a family of the same size eligible children may receive a graduated phase out benefit that is limited to twelve (12) months following the completion of a redetermination under the Idaho Child Care State Plan. (4-6-23)

**603. -- 699. (RESERVED)**

## PAYMENT ADJUSTMENTS AND PENALTIES (Sections 700-704)

**700. UNDERPAYMENT OF CHILD CARE BENEFITS.**
When the Department has underpaid a family's child care benefits, a supplemental payment will be made. (3-17-22)

**701. RECOUPMENT OF OVERPAYMENTS.**
The Department may recoup or recover the amount paid for child care services from a provider or a parent. Interest will accrue on these overpayments at the statutory rate set under Section 28-22-104, Idaho Code, from the date of the final determination of the amount owed for services. Interest will not accrue on overpayments made due to Department error. An overpayment due to family, agency, or provider error, IPV or fraud must be recovered in full. A parent or provider may negotiate a repayment schedule with the Department. (3-17-22)

**702. INTENTIONAL PROGRAM VIOLATIONS (IPV).**
An IPV is an intentionally false or misleading action or statement as identified below in Subsections 702.01 through 702.08 of this rule. An IPV is established when a family member or the child care provider admits the IPV in writing and waives the right to an administrative hearing, or when determined by an administrative hearing, a court decision, or through deferred adjudication. Deferred adjudication exists when the court defers a determination of guilt because the accused family member or child care provider meets the terms of a court order or an agreement with the prosecutor. (3-17-22)

**01. False Statement**. An individual makes a false statement to the Department, either orally or in writing, in order to participate in the Idaho Child Care Program. (3-17-22)

**02. Misleading Statement**. An individual makes a misleading statement to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (3-17-22)

**03. Misrepresentation of Fact**. An individual misrepresents one (1) or more facts to the Department, either orally or in writing, to participate in the Idaho Child Care Program. (3-17-22)

**04. Concealing Fact**. An individual conceals or withholds one (1) or more facts to participate in the Idaho Child Care Program. (3-17-22)

**05. Non-Compliance With Rules and Regulations**. An individual fails repeatedly or substantially to comply with this chapter of rules. (3-17-22)

**06. Violation of Provider Agreement**. An individual knowingly violates any term of their provider agreement. (3-17-22)

**07. Failure to Meet Qualifications**. A provider fails to meet the qualifications specifically required by this chapter of rules or by any applicable licensing board. (3-17-22)

**703. PENALTIES FOR AN IPV.**
When the Department determines an IPV was committed, the party who committed the IPV loses eligibility for ICCP. If an individual has committed an IPV, the entire family is ineligible for child care benefits. If a child care provider has committed an IPV, the provider is ineligible to receive payments. The period of ineligibility for each offense, for both participants and providers, is as follows: (3-17-22)

**01. First Offense**. Twelve (12) months, for the first IPV or fraud offense, or the length of time specified by the court. (3-17-22)

**02. Second Offense**. Twenty-four (24) months for the second IPV or fraud offense, or the length of time specified by the court. (3-17-22)

**03. Third Offense**. Permanent ineligibility for the third or subsequent IPV or fraud offense, or the length of time specified by the court. (3-17-22)

**704. DENIAL OF PAYMENT.**
The Department may deny payment for the reasons described in Subsections 704.01 through 704.05 of this rule. (3-17-22)

**01. Services Not Provided**. Any or all claims for child care services it determines were not provided. (3-17-22)

**02. Services Not Documented**. Child care services not documented by the provider as required in Subsection 810.01 of these rules. (3-17-22)

**03. Contrary to Rules or Provider Agreement**. Child care services provided contrary to these rules or the provider agreement. (3-17-22)

**04. Failure to Provide Immediate Access to Records**. The Department may deny payment when the provider does not allow immediate access to records as provided in Subsection 810.02 of these rules. (3-17-22)

**05. Paying for Attendance**. Payment will be denied if an eligible provider pays directly or indirectly, overtly or covertly, for a child to attend the provider's child care facility. (3-17-22)

**705. FUNDING RESTRICTIONS.**
If a funding shortfall is projected, the Department may reduce child care benefits to ensure that ICCP operates within its financial resources. (3-17-22)

**706. -- 749. (RESERVED)**

**ENFORCEMENT REMEDIES**
**(Sections 750-799)**

**750. TERMINATION OF PROVIDER STATUS.**
Under Section 56-209h, Idaho Code, the Department may terminate the provider agreement of, or otherwise deny provider status for a period up to five (5) years from the date the Department's action becomes final to any individual or entity providing ICCP. (3-17-22)

**01. Submits an Incorrect Claim**. Submits a claim with knowledge that the claim is incorrect. (3-17-22)

**02. Fraudulent Claim**. Submits a fraudulent claim. (3-17-22)

**03. Knowingly Makes a False Statement**. Knowingly makes a false statement or representation of material facts in any document required to be maintained or submitted to the Department. (3-17-22)

**04. Immediate Access to Documentation**. Fails to provide, upon written request by the Department, immediate access to documentation required to be maintained. (3-17-22)

**05. Non-Compliance With Rules and Regulations**. Fails repeatedly or substantially to comply with the rules and regulations governing Idaho child care payments. (3-17-22)

**06. Violation of Material Term or Condition**. Knowingly violates any material term or condition of the provider agreement. (3-17-22)

**07. Failure to Repay**. Has failed to repay, or was a managing employee or had an ownership or control interest in any entity that has failed to repay, any overpayments or claims previously found to have been obtained contrary to statute, rule, regulation, or provider agreement. (3-17-22)

**08. Fraudulent or Abusive Conduct**. Has been found, or was a managing employee in any entity which has been found, to have engaged in fraudulent conduct or abusive conduct. (3-17-22)

**09. Failure to Meet Qualifications**. Fails to meet the qualifications specifically required by rule or by any applicable licensing entity. (3-17-22)

**751. REFUSAL TO ENTER INTO AN AGREEMENT.**
The Department may refuse to enter into a provider agreement for the reasons described in Subsections 751.01 through 751.06 of this rule. (3-17-22)

**01. Convicted of a Felony**. The provider has been convicted of a felony or is under investigation for the commission of a felony. (3-17-22)

**02. Committed an Offense or Act Not in Best Interest of Child Care Participants**. The provider has committed an offense or act which the Department determines is inconsistent with the best interests of ICCP

participants. (3-17-22)

**03. Failed to Repay**. The provider has failed to repay the Department monies which had been previously determined to have been owed to the Department. (3-17-22)

**04. Investigation Pending**. The provider has a pending investigation for program fraud or abuse. (3-17-22)

**05. Terminated Provider Agreement**. The provider was the managing employee, officer, owner, or spouse, partner, or relative of an owner of an entity, whose provider agreement was terminated under Section 750 of these rules. (3-17-22)

**06. Excluded Individuals**. The provider has a current exclusion from participation in federal programs by the Office of Inspector General List of Excluded Individuals and Entities. (3-17-22)

**752. PROVIDER NOTIFICATION.**
When the Department determines actions defined in Sections 701 through 705, 750, and 751 of these rules are appropriate, it will send written notice of the decision to the provider or person. The notice will state the basis for the action, the length of the action, the effect of the action on that person's ability to provide services under state and federal programs, and the person's appeal rights. (3-17-22)

**753. NOTICE TO STATE LICENSING AUTHORITIES.**
The Department will promptly notify all appropriate licensing authorities having responsibility for licensing of a Department action, and the facts and circumstances of that action. The Department may request certain actions be taken and that the Department be informed of actions taken. (3-17-22)

**754. -- 799. (RESERVED)**

## PROVIDER ELIGIBILITY
## (Sections 800-808)

**800. CHILD CARE PROVIDER LICENSING.**
All providers of child care who receive a Department subsidy must be licensed or must comply with: applicable State Daycare licensing requirements in Title 39, Chapter 11, Idaho Code; these rules; local licensing ordinances; or tribal ordinances. If both state requirements and ordinances apply to a provider, the provider must comply with the stricter requirement. A provider operating outside Idaho must comply with the licensing laws of their state or locality. (3-17-22)

**801. HEALTH AND SAFETY TRAINING.**
All child care providers must complete a series of health and safety trainings during an orientation period of not more than ninety (90) days, in addition to ongoing annual training that address each of the following topics: (3-17-22)

**01. Infectious Diseases**. The prevention and control of infectious diseases (including immunization). (3-17-22)

**02. Sudden Infant Death Syndrome**. The prevention of sudden infant death syndrome and use of safe sleeping practices. (3-17-22)

**03. Medication**. The administration of medication, consistent with standards for parental consent. (3-17-22)

**04. Allergic Reactions**. The prevention of and response to emergencies due to food and allergic reactions. (3-17-22)

**05. Environmental Safety**. Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic. (3-17-22)

**06. Child Abuse Prevention**. Prevention of shaken baby syndrome**,** abusive head trauma, child maltreatment, and recognition and reporting of child abuse and neglect. (3-17-22)

**07. Emergency Preparedness**. Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event. (3-17-22)

**08. Hazardous Substances**. Proper handling, storage, and disposal of medicines, cleaning supplies, and other hazardous substances, including biocontaminants. (3-17-22)

**09. Transportation**. Appropriate precautions in transporting children, including the use of child safety restraints and seat belts. (3-17-22)

**10. Child Development**. Address major domains such as cognitive, social, emotional, physical development, and approaches to learning. (3-17-22)

**802. HEALTH AND SAFETY REQUIREMENTS.**
All providers must comply with the health and safety requirements under this rule. All providers must agree to an annual, unannounced health and safety inspection, except for in-home child care under Section 401 of these rules. Compliance with these standards does not exempt a provider from complying with stricter health and safety standards under state law, tribal law, local ordinance, or other applicable law. (4-6-23)

**01. Age of Provider**. All child care providers providing services must be eighteen (18) years old or older. Persons sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider who is at least eighteen (18) years old. (3-17-22)

**02. Sanitary Food Preparation**. Food for use in child care facilities must be prepared and served in a sanitary manner. Utensils and food preparation surfaces must be cleaned and sanitized before using to prevent contamination. (3-17-22)

**03. Food Storage**. All food served in child care facilities must be stored to protect it from potential contamination. (3-17-22)

**04. Hazardous Substances**. Medicines, cleaning supplies, and other hazardous substances must be handled safely and stored out of the reach of children. Biocontaminants must be disposed of appropriately. (3-17-22)

**05. Emergency Communication**. A telephone or some type of emergency communication system is required. (3-17-22)

**06. Smoke Detectors, Fire Extinguishers, and Exits**. A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguishers and fire exits must be available on the premises. (3-17-22)

**07. Hand Washing**. Each provider must wash their hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toileting, after nose wiping, and after administering first aid. (4-6-23)

**08. CPR/First Aid**. All providers must have current certification in pediatric rescue breathing (CPR) and pediatric first aid treatment from a certified instructor. (3-17-22)

**09. Health of Provider**. Each provider must certify that they do not have a communicable disease or any physical or psychological condition that might pose a threat to the safety of a child in their care. (4-6-23)

**10. Child Abuse**. Providers must report suspected child abuse to the appropriate authority. (3-17-22)

**11. Transportation**. Providers who transport children as part of their child care operations must operate safely and legally, using child safety restraints and seat belts as required by state and local statutes. (3-17-22)

**12. Disaster and Emergency Planning**. Providers must have documented plans for emergencies resulting from a natural disaster, or man-caused event that include: (4-6-23)

**a.** Procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers and children with disabilities or chronic medical conditions. (4-6-23)

**b.** Procedures for staff and volunteer emergency preparedness training and practice drills. (3-17-22)

**c.** Guidelines for the continuation of child care services in the period following the emergency or disaster. (3-17-22)

**13. Environmental Safety**. Building and physical premises must be safe, including identification of and protection from hazards that can cause bodily injury including electrical hazards, bodies of water, and vehicular traffic. (3-17-22)

**14. Safe Sleep**. Providers must place newborn infants to twelve (12) months in a safe sleep environment. Safe sleep practices include alone, on their backs, and in a Consumer Product Safety Commission (CPSC) certified crib. (4-6-23)

**15. Behavior Management and Discipline**. Methods of behavior management and discipline for children must be positive, consistent, and based on each child's needs, stage of development, and behavior. Discipline is to promote self-control, self-esteem, and independence. Providers must certify that they will not harm, shake, or abuse children, and that children in their care will not experience maltreatment under 45 CFR 98.41. (4-6-23)

**803. CHILD CARE PROVIDER TRAINING REQUIREMENTS.**
Each child care provider must receive and ensure that each staff member who provides child care receives and completes twelve (12) hours of ongoing training every twelve (12) months after the staff member's date of hire. (3-17-22)

**01. Training Contents**. Training must be related to continuing education in child development, teaching and curriculum, health and safety, and business practices. Pediatric rescue breathing (CPR) and pediatric first aid treatment training will not count towards the required twelve (12) hours of annual training. (3-17-22)

**02. Documented Training**. It is the responsibility of the child care provider to ensure that each staff member who provides child care has completed twelve (12) hours of training each year. The training must be documented in the staff member's record. (3-17-22)

**03. Staff Training Records**. Each child care provider is responsible for maintaining documentation of staff's training and must produce this documentation when the provider agreement is renewed annually. (3-17-22)

**804. CHILD CARE PROVIDER AGREEMENT.**

**01. Compliance**. All providers must sign and comply with a provider agreement. (3-17-22)

**02. Provide Direct Care**. Except for Child Care Centers described in Subsection 101.01 of these rules, the individual who signs the provider agreement must provide the majority of direct care to the children in that child care facility. (3-17-22)

**805. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENT.**
Applicants, providers, employees, volunteers, and all other individuals age thirteen (13) or older who have direct contact with or provide care to children eligible for ICCP benefits must comply with the requirements and receive clearance as provided in IDAPA 16.05.06, “Criminal History and Background Checks,” every five (5) years. (3-17-22)

**806. PURVIEW OF CHILD PROTECTIVE ACT OR JUVENILE JUSTICE REFORM ACT.**

Providers must certify that they are not, through stipulation or adjudication, under the purview of the Child Protective Act, Section 16-1600, Idaho Code, or the Juvenile Corrections Act, Section 20-501 through 20-547, Idaho Code. Any person who has a substantiated child protection complaint cannot be a provider. (3-17-22)

**807. PARENT OR CARETAKER ACCESS TO CHILD CARE PREMISES.**
Providers serving families who receive a child care subsidy must allow parents or caretakers unlimited access to their children and to persons giving care, except that access to children will not be required if prohibited by court order. (3-17-22)

**808. REPORTING REQUIREMENTS FOR PROVIDERS.**
A child care provider must report any of the following changes within ten (10) days: (3-17-22)

**01. Change in Provider Charges**. The provider changes any rate for child care services. (3-17-22)

**02. Child Stops Attending Care**. A child covered under ICCP stops attending child care, or is taken to another child care provider. (3-17-22)

**03. Change of Provider Address**. The provider changes the location where child care is provided. (3-17-22)

**04. Change in Who Lives in Home**. An individual who provides child care in their home must report when any other person moves into the home. (3-17-22)

**05. Intent Not to Renew License**. The provider intends not to renew their license, or other required certifications. (3-17-22)

**06. Death or Serious Injury**. Providers must report when a child sustains a serious injury or dies while at the location of, or as a result of participating in child care. (3-17-22)

**809. CONSUMER EDUCATION INFORMATION.**
The Department will make public by electronic means, in an easily accessible format: (3-17-22)

**01. Monitoring and Inspection Reports**. The results of all child care monitoring and inspection reports. (3-17-22)

**02. Substantiated Complaints**. Substantiated complaints about failure to comply with child care laws, rules, and policies, that include information on the date of such an inspection, and where applicable, information on corrective action taken. (3-17-22)

**03. Death and Serious Injury**. The total number of deaths, serious injuries, and instances of substantiated child abuse that occurred in child care settings each year. (3-17-22)

**810. DOCUMENTATION OF SERVICES AND ACCESS TO RECORDS.**

**01. Documentation of Services**. Providers must generate documentation at the time of service sufficient to support the reimbursement for child care services. Documentation must be legible and retained for a period of three (3) years from the date the child care was provided. Documentation to support child care services includes: (3-17-22)

**a.** Records of attendance, including signatures of a parent or guardian; (3-17-22)

**b.** Immunization records, conditional admittance form, or exemption form according to IDAPA 16.02.11, "Immunization Requirements for Licensed Daycare Facility Attendees." (3-17-22)

**c.** Billing records and receipts; (3-17-22)

**d.** Policies regarding sign-in procedures, and others as applicable; and (3-17-22)

**e.** Sign-in records, electronic or manual, or the Child and Adult Food Care Program records. (3-17-22)

**02. Immediate Access to Records**. Providers must grant to the Department and its agents, immediate access to records for review and copying during normal business hours. These records are defined in Subsection 810.01 of this rule. (3-17-22)

**03. Copying Records**. The Department and its authorized agents may copy any record as defined in Subsection 810.01 of this rule. The Department may request in writing to have copies of records supplied by the provider. The requested copies must be furnished within twenty (20) working days after the date of the written request, unless an extension of time is granted by the Department for good cause. Failure to timely provide requested copies will be a refusal to provide access to records. (3-17-22)

**04. Removal of Records From Provider's Premises**. The Department and its authorized agents may remove from the provider's premises copies of any records defined in Subsection 810.01 of this rule. (3-17-22)

**811. -- 999. (RESERVED)**