Child Care Subsidy Program
Guidance Manual

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

Division of Child Care and Early Childhood Development

Virginia Child Care

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Section 1. Child Care Subsidy Overview

1.1. Definitions

"Absence" means a day for which child care services have been authorized, and a child is expected to be in attendance, but is not.

"Administrative delay" means the local department is unable to take action on an application within the 30-day application-processing period due to circumstances beyond their control.

"Administrative Disqualification Hearing" (ADH) means an impartial review by a state hearing officer of a recipient's actions involving an alleged intentional program violation for the purpose of determining if the individual did or did not commit an intentional program violation.

"Appellant" means any applicant or recipient of child care services, or child care vendor who provides child care services who has requested an appeal, or on whose behalf an appeal request has been made.

"Applicant" means a person who has applied for child care services and the disposition of the application has not yet been determined.

"Application date" means the date the signed application is received by the local department. For applications received through CommonHelp after office hours, on weekends or on holidays, the application date is considered to be the next business day. Applications not received through CommonHelp must be date stamped upon receipt.

"Approved" is a case status that means case eligibility has been established.

"Approved activity" means the parent's full-time or part-time employment, the parent's education or training leading to employment, the children's need for child protective services, or the VIEW/SNAPET assigned activity.

"Assets" means resources owned by a person or company regarded as having value and available to meet debts and commitments.

"Assigned activity" for VIEW means participation in, but not limited to, job search, employment (subsidized or unsubsidized), Community Work Experience, on-the-job training, job skills training, job readiness training, education, internships, or a practicum in conjunction with work. A list of core work activities is found in Chapter 1000 of the TANF manual. For SNAPET this means participation in a component listed on the SNAPET Plan of Participation.

"Authorization" means a payment for child care services has been approved and funds

have been encumbered.

"Authorization status" means the stage of an authorization in the Virginia Case Management System, such as Authorized, Discontinued, Suspended or Waiting List.

"Authorized payment" means that a family has been found eligible to receive child care services, a Purchase of Services Order has been initiated and signed by all parties, and payment may be made to the vendor for child care provided.

"Background checks" means the checks for barrier crimes and offenses required under Article 3, Chapter 17 or Title 63.2 of the Code of Virginia (§§ 63.2-1719 et seq.), including the sworn statement or affirmation as is required under Article 3, the Criminal History Record Check, and the Central Registry Child Protective Services check.

"Case status" means the status of a case in the Virginia Case Management System, such as Approved, Pending, Denied or Closed.

"Case management services" means services that include, but are not limited to, application, assessment, eligibility determination, notices of action, consumer education and/or service planning.

"CCECD website" means the intranet web page for the Division of Child Care and Early Childhood Development at: https://fusion.dss.virginia.gov/ccecd/.

"CCDF" means Child Care and Development Fund, the federal block grant for child care authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and reauthorized by the Child Care and Development Block Grant Act of 2014.

"Certified preschools" means preschool or nursery school programs operated by private schools that are accredited by a statewide accrediting organization (or another accrediting organization recognized by the Board of Education) and are certified by the Virginia Department of Social Services, Division of Licensing Programs.

"Child Care Communication form" means the form used to request information from or to disseminate information to child care applicants/recipients for which the Child Care Notice of Action is inappropriate.

"Child care services" means those activities that assist eligible low-income families in the arrangement for and/or purchase of authorized child care for children for care that is less than a 24-hour day. It also means activities that promote parental choice, that provide consumer education to help parents make informed choices about child care, that enhance health and safety standards established by the state, and that increase and enhance child care and early childhood development

resources in the community.

"Child care subsidy" means authorized payments to vendors to assist eligible families with the cost of child care.

"Child Care Subsidy Program" means the Department's program that assists income eligible families with the cost of child care, including the TANF, SNAPET, Head Start-Wrap-Around, Fee and Transitional program categories.

"Child care worker" means the worker designated by a local department of social services who provides case management services to applicants for and recipients of the Child Care Subsidy Program.

"Child day center" means a child day program offered to two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child experiencing homelessness" means a child who lacks a fixed, regular, and adequate nighttime residence and includes:

1. A child who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar settings;
2. A child who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as doubled-up);
3. A child who is living in a motel, hotel, trailer park, or camping grounds due to lack of alternative adequate accommodations;
4. A child who is living in congregate, temporary, emergency or transitional shelters;
5. A child who is abandoned in a hospital;
6. A child who is living in a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and
7. A child who is a migratory child as defined in §1309 of the Elementary and Secondary Education Act of 1965, P.L. 89-10 (20 USC § 6399) who qualifies as homeless because he is living in circumstances described above.

"Child protective services" (CPS) means the identification of, receipt of, and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and

providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child with special needs or disability" means: (i) a child with a disability as defined in § 602 of the Individuals with Disabilities Education Act (20 USC 1401); (ii) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act (20 USC § 1431 et seq.); and (iii) a child who is less than 13 years of age and who is eligible for services under § 504 of the Rehabilitation Act of 1973 (29 USC 794); and (iv) a child with a documented developmental disability, intellectual disability, emotional disturbance, sensory or motor impairment, or significant chronic illness who requires special health surveillance or specialized programs, interventions, technologies, or facilities.

"Closed" is a case status that means authorization has been terminated and the case is no longer eligible to receive child care services beyond the Notice of Action period.

"CommonHelp" means the website through which applicants can screen for potential program eligibility, complete their child care application, and submit a child care application.

"Conditional eligibility" means that eligibility has been approved for a period not to exceed 90 days to allow families with a child experiencing homelessness additional time to obtain required documentation needed to complete a final eligibility determination.

"Cooperate with DCSE" means that an applicant or recipient must apply for child support services and participate and provide information, as requested by DCSE, to locate a non-custodial parent, establish paternity, to establish or modify a child support order, or enforce a child support order.

"Copayment" means the amount paid to the provider by the parent to contribute toward the cost of child care. Such amount shall be established by the department in accordance with the current Child Care and Development Fund Plan for Virginia, approved by the U.S. Department of Health and Human Services. Copayments do not include charges above the maximum reimbursable rate, or charges for registration, activities or transportation.

"Current VIEW Activity and Service Plan or SNAPET Plan of Participation" means the form which covers the period of child care service delivery and which serves as the application for services for SNAPET and TANF recipients of Child Care Subsidy.

"Denial" is a case action used, but not limited to, when an applicant or recipient is found ineligible, when an application is filed in error or voluntarily withdrawn by an

applicant, when an applicant moves from the locality, fails to complete the application process or submits a duplicate application prior to an eligibility determination being made.

"Department" means the Virginia Department of Social Services.

"Dependent care income disregard" means a certain amount of earned income used to pay for child care, which is not taken into consideration when determining eligibility for TANF benefits.

"Disqualification" means the time period that recipients of child care or vendors are barred from participating in the Child Care Subsidy Program due to a finding of fraud, intentional program violation**,** or due to failure to repay an overpayment according to the repayment schedule entered into with the local department.

"Diversionary assistance" means a one-time lump sum payment to an individual or third party vendor to prevent long-term receipt of TANF.

"Division of Child Care and Early Childhood Development" (CCECD) is the division that administers the Child Care Subsidy Program and Virginia Quality, the state's quality rating and improvement system. It supports quality child care and a well-trained child care work force through training opportunities, and it houses the Head Start Collaboration office.

"Early Head Start" means a family-focused child development program serving children from birth to three years of age under Section 645A of the Head Start Act.

"Education leading to employment" means the pursuit of basic remedial instruction to achieve a basic literacy level, instruction in English as a second language, preparation for GED or Adult Education, the completion of high school, associate degree or certificate, work at the college level or bachelor degree from a college or university if the course of instruction is limited to a curriculum directly related to the fulfillment of an individual's educational goal to obtain useful employment in a recognized profession or occupation.

"Electronic Child Care" (VaECC) means the automated system used to record attendance at child care vendors.

"Eligibility period" means the minimum 12-month period an eligible recipient may receive services before eligibility is redetermined, despite any change in residency within the State or any eligible child turning 13 years of age.

"Eligible" means that the family has met all of the criteria to be approved for receipt of child care services.

"Emancipated minor" means a juvenile under the age of 18, but above the age of 16

who has been declared emancipated by a juvenile and domestic relations district court according to the Code of Virginia §§ 16.1-331-334.1.

"Ethnicity" is defined by the Department of Health and Human Services as Hispanic or non-Hispanic.

"Exit eligibility limit" means the maximum gross countable income amount that a family can receive to be considered income eligible at redetermination.

"Family" means any individual, adult or adults and children related by blood, marriage, adoption, or an expression of kinship who function as a family unit.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed. (*Code of Virginia* §63.2-100).

"Family day system" means an organization that approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services. Currently, "Infant/Toddler Family Day Care" serving Northern Virginia is the only licensed family day system in the state.

"Federally regulated vendor" means a vendor regulated by the federal government, such as child care vendors operated by the Department of Defense on military bases.

"Federal poverty guidelines" means the income levels by family size, determined by the U.S. Department of Health and Human Services, used as guidelines in determining at what level families in the country are living in poverty.

"Fee" means a charge for a service and may include, but is not limited to, copayments,

charges above the Maximum Reimbursable Rate (MRR), or charges for registration, activities or transportation.

"Fee Child Care" means the program category that provides child care subsidy to eligible low-income, non-TANF families from the Child Care Development Fund.

"File clearance" is the process initiated by the Child Care Worker that allows VaCMS to check SPIDeR for basic information to determine if an applicant/recipient is known to any other systems which also publish to SPIDeR.

"Finding of child care fraud" means the disposition of child care fraud by a state hearing officer or a court of appropriate jurisdiction.

"Fiscal year" means the local department financial calendar that begins in June of each calendar year and runs through May of the following calendar year.

"Fraud" means the knowing employment of deception or suppression of truth in order to receive services or payments one is not entitled to receive.

"Full-time employment" means regularly scheduled activities that engage a participant in employment for 30 or more hours per week.

"FUSION" means the Department's intra-agency website.

"Good cause" means a valid reason as determined by the local department why (i) a parent in a two-parent household cannot provide the needed child care or (ii) why a parent will not be required to register with the Division of Child Support Enforcement.

"Graduated phase-out" means the period of time for child care subsidy and services to continue as determined by the local department at redetermination for recipients whose income exceeds the initial eligibility limit but is below the exit eligibility limit.

"Head Start" means the comprehensive federal child development programs that serve children from birth through age five, pregnant women, and their families (as established by the Head Start Act (42 USC § 9840)).

"Head Start Wrap-Around" means the program category that pays for additional hours beyond those provided by Head Start/Early Head Start in order to provide full day/full year child care services for Head Start/Early Head Start enrolled children.

"Improper payment" means any payment that should not have been made or that was made in an incorrect amount. Incorrect amounts include overpayments and underpayments. Overpayments and underpayments may include inappropriate denial of payment or services, any payment made to an ineligible party, any

payments made for ineligible services, duplicate payments or payments for services not rendered.

"In loco parentis" means the adult(s) with whom a child is living who has assumed responsibility for the day-to-day care and supervision of the child.

"Income eligible" means that eligibility for child care subsidy is based on income and family size.

"In-home" means child care provided in the home of the child and parent when all the children in care reside in the home and the vendor does not live in the home.

"Initial eligibility limit" means the maximum gross countable income amount that a family can receive to be considered income eligible at initial application.

"Intake" is the process of obtaining and of recording the information necessary to determine if a family is eligible to receive child care services.

"Intentional program violation" (IPV) means any action by an individual for the purpose of establishing or maintaining the family's eligibility for assistance under the Child Care Subsidy Program or for increasing or preventing a reduction in the amount of the assistance by intentionally giving a false or misleading statement or misrepresentation, concealment or withholding of facts or any act intended to mislead, misrepresent, conceal or withhold facts or propound a falsity.

"Interactive voice response" (IVR) is the means by which recipients record attendance using the vendor's telephone.

"Job search" means (for VIEW) a structured, time-limited period during which the participant is required to search for and/or obtain employment.

"LEARNFARE" means child care services provided to a TANF minor parent to enable them to attend school in compliance with compulsory school attendance laws.

"Level 1 Vendor" means a child care provider that is not licensed by the Department or is not approved (i) by a licensed family day system, (ii) under a local ordinance in accordance with §§ 15.2-741 and 15.2-914 of the Code of Virginia, or (iii) by the federal government.

"Level 2 Vendor" means a child care provider that is licensed by the Department or is approved (i) by a licensed family day system, (ii) under local ordinance in accordance with §§ 15.2-741 and 15.2-914 of the Code of Virginia, or (iii) by the federal government.

"Local department" means the department of social services of any county or city in the Commonwealth of Virginia.

"Local government-approved recreation program" means a program of recreational activities offered by local governments, staffed by local government employees, attended by school-age children, and subject to safety and supervisory standards established by local governments.

"Local ordinance-approved provider" means a child care program approved under local ordinance according to §§ 15.2-741 and 15.2-914 of the *Code of Virginia*. Currently, three localities (Fairfax, Alexandria, and Arlington) approve providers under local ordinance.

"Maximum Reimbursable Rate" (MRR) means the maximum rate paid for child care services through the Child Care Subsidy Program that is established by the Department and set out in the state Child Care and Development Fund plan filed with the United States Department of Health and Human Services.

"Noncustodial parent" means the parent who does not have primary care, custody, or control of the child, and has the responsibility to pay child support. Also referred to as the obligor. The legal definition in Virginia's child support law is: "a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker."

"Non-fraud overpayment" means an overpayment that is the result of a local department error, or an inadvertent household or vendor error.

"Notice of Action" (NOA) is the form mailed to applicant/recipients providing information related to eligibility, copayment or the amount of services authorized.

"On-the-job training" means training that is provided by an employer during the routine performance of a job.

"Parent" means the adult (18 years or older) or emancipated minor, as defined in § 16.1-334 of the *Code of Virginia*, who acts as the primary caretaker or guardian of a child. A parent may be by blood, marriage or adoption and also means a legal guardian, or person cohabiting with the natural or adoptive parent of a minor child, or other person standing in loco parentis.

"Participant" means a TANF or TANF-UP recipient who is participating in the VIEW program**,** or SNAP recipient who is participating in the SNAPET program.

"Part-time employment" means any regularly scheduled activity that engages an applicant/recipient in employment for a minimum of eight hours but fewer than 30 hours per week.

"Person cohabitating" means an arrangement in which two people who are not married live together in an emotional or intimate relationship on a long-term or permanent basis.

"Pending" is the case status that means that the eligibility determination is in process.

"Point of Service" (POS) is the swipe card device installed at the vendor which recipients use to record attendance in VaECC and which vendors can use to access information about attendance.

"Provider" means a person, entity, or organization providing a child care program.

"Purchase of Service Order" (POSO) is the form sent to the vendor and the parent to authorize the delivery of services to a recipient.

"Recipient" means a person who has been authorized to receive child care subsidy services as a parent.

"Registration" means the recording of the receipt of an application or Waiting List screening in VaCMS.

"Reinstate" is a case action taken to approve a previously closed case.

"Relative vendor" means a child care vendor related to the parent or child by blood, marriage or adoption.

"Religiously exempt center" means a child day center operated by or conducted under the auspices of a religious institution exempt from licensure.

"Resource and referral" means services that provide assistance to parents in choosing child care; it may include assessment of the family's child care needs, collection and maintenance of information about their needs in the community and efforts to increase the supply and to improve quality of child care.

"Sanction" means to reduce or suspend a participant's TANF grant and/or SNAP allotment for noncompliance with regulations or statutes.

"Satisfactory progress" means that the participant in any educational or training activity is meeting, on a periodically measured basis of less than one year, such as a term, semester or quarter, a consistent standard of progress based on written policy developed by the educational institution or training agency.

"Screening date" means the date on which a family requests to be screened for the Waiting List. This date determines a family's position on the Waiting List.

"Self-employment" means a business, farming, or commercial enterprise in which the individual receives income earned by his own efforts, including his active engagement in management of property.

"Service period" means the segment of the month for which attendance may be

reported and the vendor may receive payment. Each month is divided into two segments, the 1st through the 15th and the 16th through the final day of the month.

"Service plan" means the written, mutually agreed upon activities and responsibilities between the local department and the parent in the provision of child care services.

"Subsidy Vendor Agreement System" (SVAS) means the automated system used to track and record the signed Vendor Agreement for Subsidy vendors.

"Supplemental Nutrition Assistance Program Employment and Training" (SNAPET) is a multi-component employment and training program that provides job search, job search training, education, training, and work experience to certain SNAP recipients.

"Suspended" is an authorization status that means that the authorization for child care is on hold for up to 90 days with payments and services discontinued at the request of the recipient because there is no need for care.

"Sworn Statement or Affirmation for Child Day Programs" (032-05-0160-10-eng (05/17)) means the statement signed by a child care vendor disclosing whether or not he has ever been the subject of a founded case of child abuse or neglect or convicted of a crime or is the subject of pending action within Virginia or any equivalent offense outside the Commonwealth.

"System Partnering In a Demographic Repository" (SPIDeR) is a web-based system which facilitates communication between applications (systems).

"TANF assistance unit" means a household composed of an individual or individuals who meet all categorical requirements and conditions of eligibility for TANF.

"TANF-capped child" means a child who the TANF worker has determined to be ineligible for inclusion in the TANF Assistance Unit because the child was born more than 10 full months after the mother's initial TANF payment was issued.

"TANF-UP program" means the program that provides aid to dependent children who are deprived of parental support or care by reason of the unemployment of the parents.

"Temporarily absent from the home" means a member of the family unit who is away from the family residence for reasons of employment, education, training, hospitalization, shared custody, military deployment, or other temporary absences and who is expected to return as a member of the household.

"Temporary Assistance for Needy Families" (TANF) means the program administered

by the Department through which a relative can receive monthly cash assistance for the support of eligible children.

"Temporary change" means (i) any time-limited absence from work for an employed parent due to reasons such as need to care for an immediate family member or an illness, (ii) any interruption in work for a seasonal worker who is not working between regular work seasons, (iii) any student holiday or break for a parent participating in training or education, (iv) any reduction in work, training or education hours, as long as the parent is still working or attending training or education, and (v) any other cessation of work or training/education program that does not exceed the recipient's eligibility period.

"Training leading to employment" means the development of specific work attitudes, behaviors, or skills leading to job readiness as well as the development of specific technical or vocational skills that lead to employment in a recognized occupation and results in other than a baccalaureate or advanced degree.

"Transitional Child Care" means the Child Care Subsidy Program category which provides child care subsidy to eligible former TANF recipients after the TANF case closes.

"Unit price" means the cost of care for each child. It includes the maximum reimbursable rate specific to: vendor level and type, part day or full day care, age of child, and locality.

"Unlicensed vendor" means any child care vendor who is not state licensed, Department of Defense approved, licensed family day system approved, local ordinance approved, voluntarily registered, religiously exempt, or a certified preschool and is not required to be regulated.

"USDA Child and Adult Care Food Program" means the United States Department of Agriculture program that reimburses participating, eligible child care vendors for nutritious meals and snacks served to children in care.

"Vendor" means a legally operating child care provider who is approved by the Department to participate in the Child Care Subsidy Program. Multiple facilities/sites operated by the same person, entity or organization are considered separate vendors.

"Vendor agreement" means the agreement between the Department and a child care vendor that must be entered into and signed before child care payments under the Child Care Subsidy Program can be authorized.

"Vendor portal" means the website on which vendors can inquire about certain information stored in VaECC relating only to them.

"Verifiable act of compliance" means (for VIEW) the beginning of, continuance in, or completion of an assigned activity during a VIEW sanction, as specified in the TANF Manual, Chapter 1000, Section 21, Compliance.

"Verification checklist" is the form provided to applicant/recipients detailing information the applicant/recipient must provide in order to process an application or a redetermination.

"Virginia Initiative for Education and Work" (VIEW) is the program of employment opportunities to assist individuals receiving Temporary Assistance for Needy Families, in attaining the goal of self-sufficiency as implemented in the Commonwealth of Virginia.

"Virginia Case Management System" (VaCMS) is the system of record into which all child care transactions and data related to the Child Care Subsidy Program are entered.

"Voluntarily registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

Any person who maintains a family day home serving fewer than five children, exclusive of the provider's own children and any children who reside in the home, may apply for voluntary registration. (§§ 63.2-100 and 63.2-1704 of the Code of Virginia)

"Waiting list" means a roster of those families who are potentially eligible for child care services, but for whom there are not funds available to authorize services.

"Waiting list screening" means the process of registering and recording basic case information so that an applicant or recipient can be determined to meet the minimal eligibility requirements for receipt of child care services in order to be placed on the Waiting List.

"Withdrawal" is a reason for manual case closure, such as applicants who do not wish to complete the application process.

1.2. Program Introduction

A. Goals

Child care services are child-centered, family-focused services that support the family goals of economic self-sufficiency and child development by providing for the supervision, protection and well-being of the child while the parent is participating in an approved activity. The purpose of the Child Care and Development Fund is to increase the availability, affordability, and quality of child care services.

Toward this end, guidance and service strategies are designed to meet the following goals:

1. To provide low-income families with the financial resources to find and afford quality child care.
2. To ensure that the child care program contributes to the broader objective of self-sufficiency.
3. To provide child care to children with parents who are trying to achieve independence from public assistance.
4. To promote parental choice in the selection of child care.
5. To empower working parents to make their own decisions regarding the child care that best suits their family's needs.
6. To provide consumer education to help parents make informed choices about child care.
7. To ensure that subsidy dollars are provided to the neediest families.
8. To enhance the quality and increase the supply of child care for all families.
9. To improve the coordination among child care programs and early childhood development programs.
10. To design a flexible program that provides for the changing needs of recipient families and engage families in their children's development and learning.
11. To provide uninterrupted services to families and providers, to the extent of available funding, to support parental education, training, and employment and continuity of care that minimizes disruptions to children's learning and development.

B. Families and Children to Be Served

Child care services are provided for children who are under 13 years of age and who reside with a parent or person standing *in loco parentis* who is working or attending a job training or educational program. Services may also be provided for families who are receiving child protective services and for children up to 18 years of age who are physically or mentally incapable of caring for themselves or subject to court

supervision. Child care services are not to be purchased for children who are eligible to attend public school during that portion of a day when appropriate public education is available, unless there are valid and documented reasons why the children must be out of school.

C. Legal Base

The Child Care and Development Block Grant Act of 2014 (Public Law 113-186), as implemented in regulation at 45 CFR Part 98.

Code of Virginia, Sections 63.2-217, 63.2-319, 63.2-510, 63.2-611, 63.2-616, 63.2-1725.

Food Stamp Act of 1977, as amended.

D. Community Coordination

Local departments must coordinate child care services with existing child care resource and referral agencies, early childhood education programs, schools, private for-profit and non-profit child care vendors, and other groups in the community involved in child care and early childhood development. This will be done in order to ensure understanding of the department's program, to enhance parental choice, to increase the availability and quality of child care services, and to maximize coordination of child care services in the community.

E. 801 Report

The Child Care and Development Block Grant Act of 2014 requires that states collect, on a monthly basis, case-level data concerning families and children receiving child care subsidy in the ACF- 801 Report. Data required to be collected and reported to the U.S. Department of Health and Human Services, Office of Child Care include demographics, family income and copayments, and the type of vendor.

F. Training Requirements for Child Care Workers and Supervisors

The Virginia Administrative Code (22VAC40-665-115) requires that local department staff with responsibilities for implementing the Child Care Subsidy Program shall complete guidance training and other training as required by the Department.

Child care classroom, webinar and online courses are designed to strengthen the skills of all Child Care Workers. Additional training resources are located on the CCECD website and the Virginia Learning Center (VLC). The class schedules and registration are available through the VLC.

First month training requirement

The following on-line courses are required to be completed within the first month of employment or designation to manage or supervise the Child Care Subsidy Program:

1. CCS 1010 (Modules 1-8) – Phase I, New Worker Training
2. VDSS – DCSE4100e – Introduction to the Division of Child Support Enforcement (For Non-DCSE Staff)
3. VACMSC 2070 – Supervising Child Care in VaCMS (required only for Supervisors)

First two (2) months training requirement

The following instructor led courses are required to be completed within the first two months of employment or designation to manage or supervise the Child Care Subsidy Program:

1. CCDW 3000 – Eligibility Determination
2. CCDW 3010 – Authorizations
3. CCDW 3020 – Case Management
4. CCDW 5050 – Understanding the Vendor Management Process

First three (3) months training requirement

The following instructor led courses are required to be completed within the first three months of employment or designation to manage or supervise the Child Care Subsidy Program:

1. VACMS 1000 – 3 day basics training
2. CCDC 9000 – Virginia Electronic Child Care

First nine (9) months training requirement

The following instructor led courses are required to be completed within the first nine months of employment or designation to manage or supervise the Child Care Subsidy Program:

1. CCDC 1020 – Know How I Grow and Early Childhood Development
2. CCDC 5000 – Quality Child Care – Helping Parents Make Informed Choices
3. CCDC 1018 – Reducing Errors in Child Care Case Management

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Section 2. Child Care Subsidy Program Categories

2.1 TANF Child Care Subsidy

A. Eligibility Criteria

Child care subsidy and services are made available to recipients of TANF (VIEW and non-VIEW) who meet the non-financial eligibility requirements, found in section 3.3 of this guidance. Recipients of TANF (VIEW and non-VIEW) are considered income eligible for child care subsidy and services without a determination of the family's income eligibility.

Local departments must establish and implement communication strategies to ensure timely notification of Child Care Workers regarding TANF case closure and reinstatement.

B. Supporting an Approved Activity

Child care is provided to support an approved activity of a TANF recipient including:

1. Full-time and part-time employment;
2. Education or training leading to employment as long as participants show they are making satisfactory progress, to the extent of available funding; and

NOTE: *Payment for child care services for the attainment of post baccalaureate education or training must not be authorized in VaCMS. This includes any education or training beyond or in addition to a bachelor's degree. Local departments may choose to authorize child care for families in this circumstance only if local-only funding is used.*

3. Child care subsidy may be paid for a child whose family is receiving child protective services (CPS), in cases open through the family assessment track, through the investigation track, or as CPS ongoing.

Child care can be provided to support an assigned activity for VIEW participants. A current copy of the VIEW Activity and Service Plan must be in the case record to document the need for care. "Current" means that the VIEW forms cover the period of child care service delivery.

EXCEPTION: If the VIEW Activity and Service Plan has not been received by the time eligibility must be determined, the Child Care Worker can contact the VIEW worker to confirm the need for child care services. This contact must be

documented in the case narrative section of VaCMS and may serve as documentation until the appropriate form is received. The form must be received and made a part of the case record within two weeks of the telephone verification.

TANF recipients who are exempt from VIEW participation may receive child care services to support an approved activity listed above. The services shall be authorized from the TANF Working (non-VIEW) or TANF Education/Training (non-VIEW) budget lines.

If a TANF (non-VIEW) applicant/recipient is both working and in education/training, the Child Care Worker shall authorize payment for the child care from the TANF Working budget line.

C. Dependent Care Disregard for TANF Recipients

TANF recipients may choose to take the dependent care earned income disregard for child care expenses. If they choose this option, no child care case may be opened because the TANF recipients will be handling their child care payments on their own with funds from their assistance grant.

However, TANF recipients may receive subsidy and claim the TANF disregard for child care expenses incurred that are above the subsidy payment when an employed TANF/VIEW participant pays the difference in the MRR and the amount charged by the vendor.

D. TANF Child Care for Additional Children

Child care subsidy and services are also made available for needed child care for:

1. A TANF-capped child;
2. A child who receives Supplemental Security Income (SSI), if the parent is on the TANF grant and if the child would have been in the public assistance unit were it not for the receipt of SSI;
3. Children who are not in the TANF Assistance Unit but who are financially dependent upon the parent who is in the TANF Assistance Unit; and
4. Children of a parent who is an emancipated minor in a TANF public assistance unit to enable the minor parent to attend school in compliance with compulsory school attendance laws (LEARNFARE).

E. VIEW Sanction

A VIEW participant who has been sanctioned may receive child care subsidy if such subsidy is necessary to maintain employment or to perform a verifiable act of compliance. The verifiable act of compliance determination is made by the VIEW

worker and communicated to the Child Care Worker. The VIEW worker determines the reason for the sanction, the need for child care and when the sanction ends. Written verification of the sanction from the VIEW worker is preferable via the VIEW communication form. If a communication form is not available, the Child Care Worker must record the determination of the VIEW worker in the case narrative to substantiate provision of child care during a VIEW sanction.

F. VIEW Participant in a Non-Active Component

A VIEW participant, who has been placed in a non-active status due to a family crisis beyond his or her own control, may continue to receive child care subsidy in order to assist them in returning to an active status. This determination is made by the VIEW worker and communicated to the child care worker. The VIEW worker determines the reason for non-active status, assigns the participant to non-active status, determines the need for child care and determines the end of the non-active status. Written verification from the VIEW worker is preferable via the VIEW communication form. If a communication form is not available, the Child Care Worker must record the determination of the VIEW worker in the case narrative to substantiate provision of child care during a VIEW non-active status.

***NOTE**: Payment continues to be authorized using the VIEW child care budget line (BL871). See Child Care Program Budget Lines (Appendix C) and Child Care Program Cost Code Descriptions (Appendix D).*

2.2 Supplemental Nutrition Assistance Program Employment and Training (SNAPET) Child Care

A. Eligibility Criteria

Child care subsidy and services are made available to children of parents in Virginia's SNAPET program if:

1. The family meets the non-financial eligibility requirements in section 3.3 of this guidance; and
2. The family meets the income eligibility requirements in section 3.5 of this guidance.

B. Supporting Approved Activity

Child care is provided to support the parent's participation in the assigned SNAPET component listed on the SNAPET Plan of Participation. A current copy of the Plan of Participation must be in the child care file to document the need for care as determined by the SNAPET worker. Current means that the plan covers the period of child care service delivery.

<u>EXCEPTION</u>: If the appropriate application has not been received at the time authorization must be determined, the Child Care Worker can contact the SNAPET worker to confirm the need for child care services. This contact must be documented in the case narrative section of VaCMS and may serve as documentation until the appropriate form is received. The form must be received and made a part of the case record within two weeks of the telephone verification.

2.3 TANF Transitional Child Care

A. Eligibility Criteria

Child care subsidy and services are made available to income eligible former TANF recipients for up to 12 consecutive months following TANF case closure if:

1. The family meets the non-financial eligibility requirements in section 3.3 of this guidance;
2. The TANF case is closed; and
3. The family meets the income eligibility requirements in section 3.5 of this guidance.

If a VIEW participant is determined to be ineligible for Transitional Child Care due to income exceeding 85% of state median income, the local department may provide child care subsidy for three months immediately following the TANF case closure. VIEW funds (budget line 872), not CCDF funds, are to be used for payment and no copayment is assessed. The recipient will not have to pay a copayment but can be required by the vendor to pay any amount over the MRR. These services will not be paid for out of VaCMS.

The VIEW worker is responsible for determining if the former participant meets the VIEW requirements to receive these child care subsidies. The Child Care Worker is responsible for assuring that all other applicable child care guidance is followed, including, but not limited to non-financial eligibility requirements, vendor requirements, MRR (Appendices F and G), etc.

Such authorized payments count against the 12-month Transitional period if the former VIEW participant is income eligible for Transitional Child Care after this 90-day period. If the former participant is determined to be income eligible for the remainder of the 12-month Transitional period, a copayment is assessed according to section 2.7 of this guidance.

Eligibility for and authorization of Transitional Child Care must be evaluated in VaCMS prior to approval. Changes must be made to the appropriate sections of VaCMS and eligibility must be run under the category of Transitional child care. A NOA must be sent to the recipient.

B. Supporting Approved Activity

Child care is provided to support an approved activity including:

1. For former recipients of TANF (VIEW or non-VIEW), full-time or part-time employment of parents.

2. For former VIEW participants, enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license, as long as participants show they are making satisfactory progress.

   Programs meeting these requirements may be found at the following:

   State Council of Higher Education for Virginia
   http://www.schev.edu/index/students-and-parents/explore/virginia-institutions.

   Child Care Workers shall refer to the Education Research Guide available on FUSION for guidance on researching programs meeting approved requirements.

3. For former VIEW participants, training as approved and monitored by the VIEW worker as part of VIEW Transitional Employment and Training.

C. Child Care for Children Not in TANF Assistance Unit

Transitional Child Care services include needed child care for children who were not in the TANF assistance unit but who are dependent upon the parent, including:

1. TANF-capped child;
2. A child who receives Supplemental Security Income (SSI), if the parent was on the TANF grant and if the child would have been in the public assistance unit were it not for the receipt of SSI;
3. Children who were not in the TANF Assistance Unit but who are financially dependent upon the parent who was in the TANF Assistance Unit.

D. Notice of Transitional Child Care

The local department must inform the former TANF recipient that Transitional Child Care is available. An automated letter is generated by VaCMS and is sent by the local department to each parent whose TANF case is closed. The letter informs the parent of potential eligibility for Transitional child care.

E. Transitional Eligibility Period

The Transitional eligibility period for former TANF recipients starts on the first day of the month following closure of the TANF case and ends 12 months later. In situations where notification from the TANF program does not permit the timely change in program category, the case may remain in the TANF program category for

one month to give the local department time to set up Transitional services. This does not change the transitional period. VaCMS validates that the Transitional period is not greater than 12 months from the begin date.

End of the Transitional Period

Thirty days before the end of the Transitional period, the Child Care Worker will receive an alert in VaCMS. The Child Care Worker must run eligibility **no earlier than** 30 days before the Transitional end date under the Fee or applicable program category.

F. Copayments

All families receiving Transitional Child Care are required to pay a copayment of 5% to 10% of their gross monthly income, based on family size and income. If a recipient's TANF case closes prior to the end of an eligibility period, no copayment will be assessed until their next scheduled redetermination.

G. Funding

If parents meet the eligibility criteria for Transitional Child Care, Transitional funding must be used except in situations where notification of the TANF case closure does not permit payment to be authorized in a timely manner. In these situations TANF/Working funding may be used for one month to give the local department time to set up Transitional funding. This does not change the transitional period.

If there is a delay between the last TANF payment and closure of the TANF case and the family is income eligible, authorized child care subsidy payments are made using TANF child care funds (budget line 871) until the TANF case is closed. Such authorized payments do not count against the 12-month Transitional period.

H. Diversionary Assistance

Receipt of diversionary assistance does not qualify an individual for Transitional Child Care.

2.4 Head Start Wrap-Around Child Care

A. Eligibility Criteria

This program category is used for extended day and extended year child care beyond times covered by federally funded Head Start core hours. References to Head Start include Early Head Start and home-based Head Start.

Head Start Wrap-Around child care subsidy and services are made available to families with Head Start-enrolled children if:

1. The family meets the non-financial requirements in section 3.3 this guidance; and
2. The family meets the income eligibility requirements in section 3.5 this guidance.

Child Care Subsidy and services are made available to families with a child participating in an Early Head Start – Child Care Partnership Grant program through the 87802 funding category. Local departments are to submit a budget request for the funding needed to provide services for children eligible to use this funding category.

B. Supporting Approved Activity

Child care is provided to support an approved activity for parents of Head Start-enrolled children including:

1. Full-time and part-time employment;
2. Education or training leading to employment as long as participants show they are making satisfactory progress. Verification of satisfactory progress could include a grade report, a letter from the education/training program indicating satisfactory progress or a progress report from the education/training program;

NOTE: Payment for child care for the attainment of post baccalaureate education or training must not be authorized in VaCMS. This includes any education or training beyond or in addition to a bachelor's degree. Local departments may choose to authorize child care for families in this circumstance only if local-only funding is used.

3. Child care subsidy may be paid for a child whose family is receiving child protective services (CPS) in cases open through the family assessment track, through the investigation track, or open as CPS ongoing.

C. Verification of Enrollment

Verification of a child's enrollment in Head Start is required in order to receive Head Start Wrap-Around Child Care. Confirmation by telephone from the program in which the child is enrolled is sufficient verification. Documentation of the confirmation of enrollment must be recorded in VaCMS.

D. Authorization for Siblings

If a local department has a Waiting List for Fee Child Care, Head Start Wrap-Around funds may be used to pay for child care for eligible siblings of an enrolled Head Start/Early Head Start child.

If there is no local department waiting list, child care for the siblings of the enrolled Head Start child will be authorized from Fee Child Care, budget line 883. Once services are authorized for the non-Head Start siblings from budget line 883, the authorization cannot be moved to Head Start Wrap-Around funds (budget line 878) when the local department has a waiting list.

E. Authorization during the Summer

Head Start Wrap-Around funds (budget line 878) may be used for child care subsidy for families with a child enrolled in a Head Start/Early Head Start program for the summer prior to attendance in a part-year Head Start/Early Head Start program and for the summer following the end of a part-year Head Start/Early Head Start program.

F. Copayments

A copayment is assessed for families in this category of care if the family income is greater than 100% of the federal poverty level. VaCMS will perform copayment calculations. If the family income is at or below 100% of the federal poverty level and all children in the family who are receiving a subsidy are enrolled in Head Start, no copayment will be assessed. If non-Head Start siblings are also receiving a subsidy, a copayment will be assessed regardless of income. If the child's enrollment in Head Start ends prior to the end of the eligibility period, and no copayment was previously assessed, a copayment will not be assessed until their next scheduled redetermination. If a copayment was previously assessed, there will be no increase in copayment until the next scheduled redetermination.

G. Waiting List

If Head Start Wrap-Around (BL878) funds are not immediately available to provide services, Head Start families may be placed on the waiting list in VaCMS. Enrollment in a Head Start program is not one of the priorities for placement on the waiting list. The Child Care Worker shall follow the waiting list screening procedures outlined in section 2.8 of this guidance. When screening a Head Start family for placement on the waiting list, the Child Care Worker will select the eligibility program category of Head Start, if all the children on the case are enrolled in Head Start. A waiting list authorization must then be completed for the Head Start children on the case and Head Start Wrap-Around (BL878) shall be selected as the funding category. Once the waiting list authorization is completed with the Head Start funding category selected, the children will appear on the Waiting List Management screen in VaCMS with the appropriate Head Start indicator reflected. This will allow for easy identification of Head Start families that may be served if additional Head Start Wrap-Around (BL878) funds become available.

Head Start families may be served with Fee program (BL883) funds if requests for Wrap-Around care exceed the local department's BL878 allocation and the local department does not have a waiting list for the Fee program.

2.5 Fee Child Care Program

A. Eligibility Criteria

Fee Child Care subsidy and services are made available to children in eligible low income families to the extent of available funding if:

1. The family meets the non-financial requirements in section 3.3 of this guidance; and
2. The family meets the income eligibility requirements in section 3.5 of this guidance.

Child Care Subsidy and services are made available to children in eligible families that are residing in homeless and domestic violence shelters through the 88305-funding category, if the family is not eligible under another program category, such as TANF, Transitional or Head Start. Local departments are to submit a budget request for the funding needed to provide services for children eligible to use this funding category. Services shall be made available to the extent of available funding. Payment for services shall be made from the 88305-funding category for as long as the family resides in a shelter or until the next redetermination, if the family is no longer residing in a shelter.

B. Supporting Approved Activity

Child care is provided to support an approved activity including:

1. Full-time and part-time employment;
2. Education or training leading to employment as long as the student can verify and document that they are making satisfactory progress by providing, but not limited to, a progress report, a statement from the institution/program, or a grade report; and

NOTE: Payment for child care for the attainment of post baccalaureate education or training must not be authorized in VaCMS. This includes any education or training beyond or in addition to a bachelor's degree. Local departments may choose to authorize child care for families in this circumstance only if local-only funding is used.

3. Child care subsidy may be paid for children whose family is receiving Child protective services (CPS) in cases open through the family assessment track, through the investigation track, or as CPS ongoing.

C. Subsidy-Capped Child

At the option of the local department, a child born to a family 10 months or more after the initial date of authorization for Fee Child Care, may receive Fee Child Care or be placed on the agency Waiting List. The local department must have written procedures as to which option is utilized. The local department's Regional Consultant must approve the procedures prior to submission to the local board of social services. A copy of the local board approval must be sent to the Regional Consultant.

D. Child Care for Children in Foster Care

Foster care funding sources, not the Child Care and Development Fund nor the programs outlined in this chapter, are to be used for payment for child care for children in foster care.

> *<u>EXCEPTION:</u> If a local department maintains custody of a child, but the child is in the physical custody of his parent(s) and the parent(s) needs child care in order to maintain employment or to attend an approved education/ training program, the parent(s) may apply for Fee Child Care in the locality in which they reside. If a person standing in loco parentis was the primary caretaker prior to a child's placement in foster care, that person may apply for child care assistance when the child is returned to the home.*

If a parent is an emancipated minor and has a child who receives TANF benefits, application can be made for TANF child care funds. If the child does not receive TANF benefits, application can be made for Fee Child Care.

If the local department has a Fee Child Care waiting list, funding for child care may be available through the Children's Services Act funding.

2.6 72 Month Limit

A. Introduction

A family's receipt of Fee Child Care is limited to a maximum of 72 months (six years). The 72-month period is a cumulative period of time, which reflects each month for which attendance is received for the Fee funding, even if it is a partial month. The 72 months do not have to be consecutive.

The time limit follows individual adults, based on their unique VaCMS Client ID number. The amount of time applied to the case clock is based on the included adult with the higher number of months, regardless of which adult is listed as head of household.

At the time any adult on the case has received 72 months of subsidy service, all members of the family unit, including minor parents of children, included on the case become ineligible. The 72-month clock will follow the adults regardless of the case number or locality in which subsidy payments are authorized.

NOTE: *A minor parent included in a family unit with a child receiving assistance, upon turning 18 years of age would be eligible for subsidy services as the adult on a new case. Any months an individual receives assistance as a minor child do not count towards the 72-month limit. This excludes emancipated minors who would be considered adults prior to their 18th birthday.*

Relationship to Five-Year Limit

VaCMS will count months of subsidy service for all open cases. If a local department had previously implemented a five-year limit on receipt of Fee Child Care Subsidy, those limits no longer apply. All families received a new 72 month period effective April 1, 2016. If a family was previously disqualified from receipt of subsidy due to a local department's five-year limit, they are eligible to reapply for the program as of April 1, 2016. The local department is not required to notify families who have previously been disqualified of their renewed eligibility.

Examples

Ms. Jones and Mr. Smith have a child care case in which they are both included adults.

Prior to their combined case being opened, both previously had child care cases, Ms. Jones received 12 months of service and Mr. Smith received 40 months of service after the implementation of the 72-month limit.

When their combined case is opened, their case clock will reflect Mr. Smith's 40 months of service.

If, at the end of 12 months Ms. Jones and Mr. Smith are no longer included in the same household, Ms. Jones's individual case would show 24 months while Mr. Smith's case would show 52 months.

If Ms. Jones and Mr. Smith remain in the same household, when Mr. Smith's clock reached 72 months the case would be closed, regardless of the amount of time Ms. Jones has left on her clock.

If, after the case clock has expired, and Ms. Jones has a 17-year-old daughter with a child, the daughter would remain ineligible for services until her 18th birthday. When the daughter turns 18, she can apply for services on her own; she would then receive her own 72 months of services in the Fee Program.

B. Notifications

Any time an NOA is generated for a Fee case it will reflect the number of service months used on the case.

At 60 months, the system will generate form Notice of 72-Month Limit for Receipt of Fee Child Care Subsidy (032-12-0042-00-eng (12/15)) which the Child Care Worker will send to the recipient informing them that they have 12 months of subsidy service left before they will no longer be eligible for services.

120 days before the end of the 72 months, the system will generate a second "Notice of 72-Month Limit for Receipt of Fee Child Care Subsidy" form (032-12-0042-00-eng (12/15)) to let the recipient know that their eligibility for Fee child care will end and the date it is projected to end.

30 days prior to case closure, VaCMS will generate a third Notice of 72-Month Limit for Receipt of Fee Child Care Subsidy (032-12-0042-00-eng (12/15)). VaCMS will automatically schedule the case for closure and generate an NOA along with the Notice. The Child Care Worker will certify the case closure and mail the closure NOA. The system will automatically discontinue any authorizations. The Child Care Worker must generate the termination POSO, and mail it to the vendor and the recipient.

C. Fee Clock Adjustments

The Fee Clock Management under the Payments module in VaCMS may be used to update/correct an individual's 72-month clock in VaCMS as needed due to system or worker error. Only Child Care Supervisors or workers with the Adjustment role in VaCMS will be allowed to access the Fee Clock Management. When making adjustments to an individual's 72-month clock, the supervisor or worker must be sure to review the Attendance Detail in VaCMS or ECC for the service month(s) before adding/editing monthly records.

Some examples of an appropriate adjustment reason include, but are not limited to, services authorized from the TANF budget line that should have been authorized from Fee, attendance was not recorded for the service month but payment was made through a manual adjustment, or services were authorized from the Fee budget line that should have been authorized from Transitional. When in the "Edit Mode," supervisors or workers with adjustment roles will be able to add or edit monthly records corresponding to the 72-month clock. When adjustments are made, the worker must enter details/documentation for the reason of the adjustment in the comments field.

2.7 Waiting List

It may become necessary to place a family on a local department Waiting List due to lack of funds. Prior receipt of TANF or Head Start Wrap-Around services are not reasons for preferential placement on a Waiting List.

Assignment to the Waiting List begins with an application for child care assistance or the submission of a Waiting List Screening form. Applications may be submitted through CommonHelp or by hard copy. The Waiting List Screening form is available for download from the CCECD website at: CCECD Forms.

A signature is required to process either the application or Waiting List Screening form. An electronic signature is acceptable for applications, which come through CommonHelp. This electronic signature indicates that the applicant gives permission for placement on the Waiting List if there are insufficient funds to approve a case.

A. Screening

If funds are not immediately available to provide services, the family must be screened in VaCMS prior to being placed on the Waiting List. Verification of eligibility criteria is not required to screen a family for the Waiting List. The family's declaration regarding eligibility criteria, such as, but not limited to, employment, income, and ages of children, is acceptable.

When an application is submitted and the Child Care Worker determines there are no funds to serve the family who would otherwise be eligible, the family is placed on the Waiting List. The application is registered in VaCMS and processed using the "Waitlist" case action. Once the Waiting List screening is completed in VaCMS, the application will be denied due to lack of funds, with the appropriate NOA generated and mailed to the applicant.

The screening process to assign an applicant to the Waiting List does not have to be face to face. Contact must be made with the applicant/recipient if the screening information is incomplete.

When a Waiting List Screening Form is being registered instead of an application, Child Care Workers must indicate that a Waiting List screening is being registered rather than a complete application.

When the Child Care Worker selects the case action of "Waitlist", VaCMS queues a shortened set of screens to collect the minimum amount of information necessary to determine if the family qualifies to be placed on the Waiting List. Once a request is registered as a Waiting List screening, Intake for the Waiting List occurs. If the family is potentially eligible, the Child Care Worker will certify the Waitlist eligibility

results. VaCMS will create a Waitlist authorization for each eligible child on the case. The authorization created by VaCMS will default to five full days of care per week, unless the Child Care Worker selects part days of care needed during the Waiting List screening. The Waitlist authorizations can be edited as needed. In addition, the Child Care Worker can update the Waitlist case details as needed by entering the case number on the Case Action screen and selecting "Continue with previously selected action."

Once a family is placed on the Waiting List, VaCMS calculates the anticipated cost of care for the family to receive services through the end of the current fiscal year. Therefore, the local department can determine how many families can be served from the Waiting List at any given time. VaCMS accurately reflects the amount of funds available to serve families on the Waiting List in real time.

B. Placement on Waiting List

If the Waiting List screening indicates the family may be eligible for assistance, they are placed on the Waiting List unless the family declines placement. All families must be put on the Waiting List using the Waiting List screening process.

If a family is receiving child care assistance and funding is no longer available to pay for the care authorized, the case must be closed at the end of the 12 month eligibility period, and a Waiting List screening registration completed. This family is a priority group for the Waiting List and the original application date associated with the closed case is the screening date for the Waiting List.

C. Priority on the Waiting List

Families are placed on the Waiting List by Waiting List priority and Waiting List screening/application date. There are six priority groups, which will be grouped together and placed at the beginning of the Waiting List. Within the priority group, families will be ordered based on application/screening date. The priority groups are:

1. A family unit which includes a child who has special needs for whom services are requested;
2. Family with a child experiencing homelessness;
3. Family involved in CPS or Foster Care Prevention;
4. Family that includes a minor parent under the age of 18 and in high school, whose child will be receiving subsidy services.
5. Emancipated teen parent younger than 18 and in high school; and
6. Case discontinued due to lack of funds.

D. Updating Waiting List

Each local department must update its Waiting List at least quarterly within the months of January, April, July, and October. The local department must obtain updated family information to assess the family's continued interest in being on the Waiting List, their potential eligibility, as well as current address and telephone number. VaCMS will generate the Waiting List Update form (032-12-0132-00-eng (08/17)) 45 days prior to the end of the quarterly update month. The Waiting List Update form will be centrally printed unless the local department chooses to print the form locally. The family must complete the update and sign and return the form before the end of the update month. The local department is to use this opportunity to purge those families who no longer need child care, do not meet eligibility requirements, or do not respond to the local department's request. Families are not required to verify information to remain on the Waiting List. Families with a waiting list screening date less than 90 days from the current update month will have their information updated during the next quarterly update.

Updated family information may be obtained by the Waiting List Update form, letter, telephone call, email, or in-person. The local department must not require a face-to-face interview to update a family's Waiting List status. Once the update information is received, the Child Care Worker must make any changes to the family's waiting list screening information and enter the Wait List Update date on the Waiting List Management Details screen in VaCMS.

A report is available at any time for Child Care Workers to see families who have been on the Waiting List for 90 days or more. The Waiting List Details Report is also available on-demand to assist the local department in managing and updating its Waiting List.

E. Notification after Waiting List Screening

A NOA must be sent to the applicant once assignment to the Waiting List is determined in the following circumstances:

1. When an application is received, it must be processed. If there are no funds available to serve the family, the family will be added to the Waiting List. The application must be denied and an NOA must be sent to the family. The family will be advised to contact the Child Care Worker who signs the NOA if they do not want to be placed on the Waiting List.
2. When a Waiting List Screening form is processed and the family is found to be ineligible, a NOA must be sent informing the family they are not eligible for assistance.
3. When a Waiting List Screening form is processed and the family will be placed on the Waiting List, a Waitlist Communication Form (NOA) must be

sent to inform the family they have been added to the Waiting List. The Wait List Communication Form provides the family the opportunity to decline their placement on the Waiting List.

F. Family's Right to Apply for Services

Families must be advised that they have the right to apply for services rather than be screened for the Waiting List. If they apply and are determined to be eligible for child care assistance but funds are not available to serve them immediately, they are to be placed on the Waiting List. The Child Care Notice of Action to deny the application must advise the applicant that they are being placed on the Waiting List and why. Families must be given the opportunity to decline placement on the Waiting List.

G. Minors on the Waiting List

A minor who was placed on the Waiting List prior to implementation of this guidance will not be allowed to apply for assistance as head of household. When funds become available and the case is scheduled to be removed from the Waiting List the minor's parent/guardian should apply in the minor's stead. When requesting updated information from a family on the Waiting List with a minor as head of household, the information of the minor's parent or guardian should be requested by sending a Waiting List Screening form. The minor's original Waiting List screening/application date should be used when registering the minor's parent/guardian's screening.

H. Removal from the Waiting List

When updating the Waiting List, the local department shall purge those families who (i) do not respond to the request for updated information; (ii) do not meet eligibility requirements; or (iii) are no longer in need of child care services.

When the local department determines that funds are available to serve a family on the Waiting List, the local department shall contact the family either by phone, mail, or email to request that an application for services be submitted. The local department shall allow 10 calendar days from the date of the request for the family to respond to the request and submit an application. If the family does not respond to the request and no application is received, the local department should purge the family from their Waiting List at that time.

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Section 3. Case Management

3.1. Confidentiality

A. Legal Basis

Federal Privacy Act of 1974

The Federal Privacy Act requires that applicant/recipient information be kept confidential. The local department may not release information about the applicant/recipient without their written consent except for purposes directly connected with the administration of social service programs or by court order.

Information from all federal agencies must be kept confidential. Local departments may not release information to any outside source, except as required for purposes of program administration.

Virginia Freedom of Information Act

The legal base for this guidance is § 63.2-104 of the *Code of Virginia*, the Virginia Freedom of information Act (§ 2.2-3700 et seq. of the *Code of Virginia*), the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 of the *Code of Virginia*, § 32.1-127.1:03 of the *Code of Virginia* and by regulation (22VAC40-910) promulgated by the State Board of Social Services.

B. Release of Information to a Non-Government Agency

The Confidentiality Form (032-01-0040-03-eng) must be completed by the applicant/recipient prior to the release of case information to an outside agency other than an agency of federal, state, or local government.

C. Written Permission for Release of Information

With certain exceptions, the applicant/recipient must give written permission before information may be obtained from other sources or given to an individual or agency. The Consent to Exchange Information (032-01-0005-02-eng) should be used.

NOTE: *The title of this form is "Authorization to Use and Exchange Information" when it is accessed under forms by a link on SPARK FUSION.*

Local, state, or federal law enforcement officials may request information to investigate an alleged violation of the child care program by submitting a written request to the local department. The written request must include:

1. The identity of the individual requesting the information and the authority to do so;
2. The violation being investigated; and
3. The identity of the person on whom the information is requested.

D. Release of Information without Written Permission

Based on the applicant/recipient's signature on the Child Care Application and Redetermination form, information related to the child care case may be given out or obtained without separate permission from the applicant/recipient in order to carry out the administration of the program.

If the release of information does not involve program administration, no information about a person should be released by Child Care Workers without written consent of the applicant/recipient. This includes information about applicants and current and former recipients and information regarding individuals with no affiliation with the program.

E. Applicant/Recipient Access to Records

Applicant/recipients, or their representative, may read information about themselves contained in their own case records except for behavioral health reports when the physician who wrote them recommends against it.

F. Penalty for the Unauthorized Release of Confidential Information

The disclosure, directly or indirectly, of confidential information contained in a case record by any officer, agency, or employee of the local department will be considered a Class 1 misdemeanor.

G. Ownership of Records

All information contained in the local department's records is the property of the local department. Employees of the local department must protect and preserve such information from dissemination except as necessary for the administration of the program.

Original records are not to be removed from the premises by individuals other than authorized staff of the state or the local department, except by court order. The local department may destroy records pursuant to record retention schedules.

H. Sending Confidential Information through E-mail

Confidential information is not to be sent through email unless it is encrypted. This includes applicant/recipient specific information. It is never acceptable to send applicant/recipient information such as, but not limited to, name, address, or social security number, through e-mail unless it is encrypted. All e-mail communication about applicant/recipients must use identifiers such as case numbers and/or client ID's. Local departments should work with local security personnel and Central Office security personnel to resolve any encryption or security issues.

I. Non-Discrimination

Local departments must ensure that child care services are delivered without discrimination.

J. Correcting Inaccurate Information

Local departments must provide means for inaccurate information to be corrected.

K. Inquiring Applicant/Recipient Information in VaCMS

Child Care Workers may perform client inquiries only if such inquiries are directly related to case management.

3.2. Application and Assessment

A. Application Form

Parents who request child care services must sign a Child Care Subsidy Service Application and Redetermination form (032-25-0147-04-eng (07/18)) (Child Care Application) and cooperate with an assessment by the local department. The date of application is the date on which the signed application is received by the local department. The date of application must be entered in VaCMS when registering the application. For applications submitted through CommonHelp, an electronic signature is acceptable. Applications submitted through CommonHelp do not need to be signed by the child care worker or scanned into DMIS.

If an application submitted through CommonHelp is received outside of business hours, the date of receipt is the next business day. If the application is not received through CommonHelp, the local department must date stamp the application.

When a child resides with both parents during some portion of the month through a shared-custody arrangement, either formal or informal, and both parents need child care assistance, each parent must apply for the period of time the child resides in his/her home.

B. Submission of Application

The Child Care Application may be submitted in person at a local department, by mail, by FAX or through CommonHelp. If the applicant submits a duplicate application, the second application must be denied and a NOA sent to that effect. If an applicant submits an application to the wrong local department, a denial NOA must be sent informing the applicant to which local department they must apply.

If there is a change in the applicant's status before the application has been processed that would affect their program category eligibility, no new application is needed for the change in program category. If the child care application is pending, and the applicant moves prior to the application being processed, the Child Care Worker must deny the application with the reason of "moved from locality" and inform the applicant to apply in the new locality in which they are residing.

The application must be acted on by the local department within 30 calendar days of receipt. This 30-day processing period covers the day following the date of receipt to the date eligibility is determined. Once eligibility is determined, a NOA must be sent to the applicant to inform them if the application has been approved or denied. When the 30th calendar day following receipt of the application falls on a weekend or holiday, the Child Care Worker must provide a decision on the application on the last working day prior to the 30th day.

The processing of an application may go beyond the 30-day processing standard only if an initial interview has been conducted and one of the exceptions listed below applies:

1. The applicant has limitations that hinder him from securing verifications. In this instance, the Child Care Worker must assist the applicant in securing the required verifications. The beginning date of eligibility will be the date of approval of the application.
2. If a local department administrative delay occurs, and the applicant was otherwise eligible, the beginning date of eligibility will be no later than the 30th calendar day following the application date.

If action is not taken within the 30-day processing period, the Child Care Worker must document the case record in VaCMS to explain the cause for delay. The applicant must be sent a NOA on the 30th day to notify them of the status of their application, the reason for delay, and their right to appeal.

If required verifications are not received by the 30th day, and the applicant has been provided a minimum of 10 days to provide all required verifications, the Child Care Worker must take action to deny the application and certify the eligibility results on the 30th day.

At no time should the application remain pending beyond 60 days after the application receipt date.

If the application was approved, the NOA must indicate the date the application was approved. If the application is denied, the NOA must indicate the reason for denial. Reasons for denying an application include:

1. Applicant under the age of 18 and not emancipated;
2. Applied in wrong locality;
3. Assets/resources exceed $1million in value;
4. Deceased;
5. Discontinuation of employment or other approved or assigned activity;
6. Does not meet financial eligibility requirements;
7. Duplicate application;
8. Failed to complete application process;
9. Failure to provide information needed to determine eligibility;
10. Failure to make satisfactory arrangements to pay back fees owed;
11. Failure to respond to agency request;
12. Failure to select an approved vendor;
13. Filed in error;
14. Fraud or intentional program violation;

15. Lack of funds;
16. Moved from locality;
17. Need for Child Care no longer exists;
18. Non-compliance with the repayment agreement;
19. Noncooperation with the Division of Child Support Enforcement;
20. No eligible children in the household;
21. Parent voluntarily withdrew application; and
22. Unable to locate.

C. Intake

Intake is the process of obtaining and recording the information necessary to determine if a family is eligible to be authorized for receipt of child care services. Receipt of required verification and documentation must be recorded in VaCMS.

A face-to-face interview with the applicant is required at the time of initial application. A face-to-face interview is not required at redetermination. The interview shall be used to obtain verification and to secure information necessary to complete the application/redetermination process. During the interview, the Child Care Application and the Notice of Cooperation and Good Cause form (if applicable) must be reviewed with the applicant. A copy of the signature page and the Responsibilities, Change Reporting, and Penalties section of the application, and the Notice of Cooperation and Good Cause must be given to the recipient.

The Child Care Application must be reviewed with the applicant to ensure they understand their responsibilities and the changes that must be reported. The applicant and the Child Care Worker must sign the Child Care Application and Notice of Cooperation and Good Cause form. The signed original Child Care Application must be scanned into DMIS. Applications submitted through CommonHelp do not need to be signed or scanned into DMIS.

The Child Care Application may be generated within VaCMS by transmitting from a button on the eligibility screen after running eligibility and certifying the results.

At the initial interview, the Child Care Worker must review the Child Care Application with the applicant to confirm the correctness of the information. The Child Care Worker must review household members' relationships to determine who is to be included in the family unit. Information must be revised as necessary during this initial assessment process. Any changes made to the Child Care Application by the Child Care Worker must be distinguishable and include the date the change was made as well as the applicant's initials.

At the end of the Intake process, information has been gathered and verified, and eligibility can be determined. Information recorded during the intake process will include, but is not limited to:

1. Financial information;
2. Non-financial information;
3. Residence/Address;
4. Household status;
5. Alias names;
6. Education;
7. Immunizations; and
8. Other state benefits.

Local departments must explain to applicants for child care:

1. How eligibility is determined;
2. The importance of providing accurate and thorough information;
3. The rights and responsibilities of applicants;
4. The reporting requirements;
5. The characteristics of a quality child care program and the resources available to help parents make informed decisions about child care services;
6. The resources available on the child care website at: www.childcareva.com;
7. Information about the child care provider selected by the parent, including health and safety requirements met by the provider, any licensing requirements met by the provider, date the provider was last inspected, any history of violations of these requirements, and any voluntary quality standards met by the provider. This information may be obtained at: www.childcareva.com; and
8. The VaECC operations, to include the parent's responsibility to use their swipe card, and demonstration of how to record their child's attendance.

Families of a child experiencing homelessness that cannot provide the required documentation needed to determine eligibility at the time of application may be conditionally approved for services. The family shall be given 90 days to provide the documentation needed to determine eligibility. The Child Care Worker shall assist the family in obtaining the required documentation. Such documentation may include, but not be limited to, verification of immunizations, verification of child's citizenship, or verification of income. The Child Care Worker will select, Not Verified, as the verification source in VaCMS. The Child Care Worker will receive a task/reminder in VaCMS on the 45th day if the verification source has not been updated in VaCMS. Once all the required documentation is received, the Child Care Worker must complete an eligibility determination in VaCMS to determine if the family remains eligible and continue eligibility for the reminder of that 12-month period. If the required documentation is not received by the 90th day, the Child Care Worker must take action to close the case; however, services received during the

90-day period is not considered an error or improper payment. The 90 days of conditional eligibility does not extend the recipient's eligibility period.

D. Assessment of Needs

The family's need for child care must be assessed at the time of application and redetermination. Details of the assessment and service planning must be documented on the Service Plan in VaCMS.

Family assessments must be strength based. The goal of the initial face-to-face interview and subsequent family contacts is to assess as much family information as possible so that the family has a clear understanding of their strengths. By helping families discern their family strengths, the Child Care Worker can begin engaging families for success in moving toward self-sufficiency and personal accountability. Families need to understand the importance of things such as:

1. Engaging absent parents in the lives of their children, when appropriate.
2. Collaborating with Fatherhood Initiatives.
3. Choosing the child care setting that is the best fit for their children.
4. Choosing the child care setting that best suits their children's needs and that will provide children with longevity in the child care setting.
5. Defining family relationships especially in the family decision making process.
6. Understanding the importance of safety and stability, which have a direct impact on the well-being of their children.
7. Knowing how to support family members, including children, to know themselves best and to treat each family member with respect.

The strength based assessment approach helps families understand that success can be achieved through an integrated approach, which includes themselves and the Child Care Worker. Families need to understand such things as:

1. The resources available to them through social services. Families must be informed of the full range of services offered by the local department. If the family identifies other needs, an assessment of those needs must be recorded.
2. Where they can go for community services. The ability to seek out community services independently helps in the development of self-sufficiency.
3. How establishing paternity through the Division of Child Support Enforcement can improve the lives of their children. For instance, they may be eligible for Social Security benefits in the event the parent dies.
4. Where to find contact and general information about any Head Start, Virginia Preschool Initiative or local preschool programs.

E. Opening a Case

A case must be opened in VaCMS for all applicants who are determined eligible for child care services, and appropriate case management procedures defined in this guidance must be followed. An application or waiting list screening is assigned a case number when intake case action is initiated.

F. Electronic Correspondence

Applicants/recipients will be able to enter the Preferred Method of Correspondence (PMOC) as email or text message at application or redetermination. The PMOC is optional for the applicant/recipient but must be entered in VaCMS based on what they provide on the Child Care Application or through CommonHelp.

If an electronic PMOC is selected (text or email), the applicant/recipient will need to case associate and validate the PMOC in CommonHelp using a verification code before any correspondence is available in CommonHelp. Notices will continue to be mailed through U.S. Mail until the applicant/recipient has validated the email address or cell number and service provider.

Once the PMOC is successfully validated as text or email, subsequent correspondence will be displayed in View Pending Forms in VaCMS as having a mode of Text or Email so the Child Care Worker will know the correspondence does not need to be printed or mailed. Correspondence having the mode listed as Text or Email will be moved to View Form History by an overnight batch and the applicant/recipient will receive an electronic notice via the PMOC (email or text) notifying them that the correspondence is available in CommonHelp. Applicants/recipients will not be able to view forms via text or email. The applicant/recipient will receive instructions via text or email that forms are available to view/print in CommonHelp.

Changes in PMOC can be completed at application, redetermination and upon request once per calendar year.

Child Care Workers will record the PMOC under the Correspondence Information Section in VaCMS. Child Care Workers can change/update the PMOC in VaCMS on the Update PMOC page in RDE or the Household Information page in Data Collection. If the Child Care Worker enters a different PMOC (cell number or email) from the validated cell number or email, the PMOC will default to U.S. Mail, the Notice of Change in PMOC will be generated during the nightly batch and the applicant/recipient will need to validate the updated information in CommonHelp.

3.3. Non-Financial Eligibility Requirements

Child care services are provided to children residing with an eligible family that meets the following criteria:

A. Need for Child Care/Good Cause

Families served must have an established need for child care subsidy to support employment, education/training, and an approved or assigned VIEW or SNAPET activity or to support receipt of CPS.

Parents, who work from home, shall be considered employed and shall meet the need for child care requirement.

In two-parent households, there must be good cause why either parent cannot provide the needed child care before authorization for child care will be initiated. This documentation must be recorded in VaCMS.

B. Identity of Applicant

The applicant must provide verification of their identity at the time of application. The applicant's identity may be verified through readily available documentary evidence, including DMV inquiries through SPIDeR, or through a collateral contact, if no other source is available. Acceptable verification includes, but is not limited to, a driver's license, work or school ID, ID for health benefits/ assistance or social services program, a voter registration card, wage stubs, a Social Security card issued by the Social Security Administration (SSA), or a birth certificate. The Child Care Worker must accept any document that reasonably establishes the applicant's identity. The source of verification used must be documented in VaCMS and shall be scanned into DMIS under permanent verifications, with the exception of verification obtained from DMV inquiries through SPIDeR. Verification obtained through DMV must be recorded in VaCMS in the case page level comments.

C. Citizen/Qualified Alien

Children served must be citizens of the United States or qualified aliens. The Child Care Worker must deny child care subsidy if the child's citizenship or alien status cannot be verified. The legal basis for these procedures is set forth in Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended. The procedures are found in Federal Register notice 62 FR 61344 (November 17, 1997).

***NOTE**: The following requirements do not apply to current TANF recipients. Their citizenship or alien status has been determined in order for them to receive TANF. If it is indicated in VaCMS that the child is a current or former TANF recipient, there is no need to view proof of citizenship. Former TANF recipients must have their alien/immigration status verified at each redetermination.*

The case file must contain documentation of the child's former receipt of TANF. A VaCMS inquiry or print out of a SPIDeR inquiry can serve as documentation.

In the case of a newborn (child up to 90 days old), the proof-of-birth letter furnished by the hospital to the parent is sufficient documentation to approve and authorize child care. The hospital letter must indicate the child's birth in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands.

There is no requirement to verify the citizenship or alien status of a parent or person acting in loco parentis who is applying for a child, and verification must not be requested for these individuals.

D. Documentation of U.S. Citizenship

If the child is a U.S. citizen, the source of verification used must be documented in VaCMS and must be scanned into DMIS under permanent verifications. If the child's citizenship was previously verified using one of the documents listed below and scanned into DMIS under permanent verifications, the Child Care Worker shall use the source of verification provided and shall not require additional verification. The Child Care Worker may use the following documents to verify the child is a U.S. citizen:

1. A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands, (unless the child was born to foreign diplomats residing in such a jurisdiction);
2. United States passport;
3. FS-240 form issued by the Department of State to U.S. citizens to verify the birth abroad of a U.S. citizen;

4. FS-545 Certificate of Birth issued by a Foreign Service post or DS-1350 Certification of Report of Birth. Copies are available from the Department of State;
5. Form N-560 or N-561, Certificate of Citizenship;
6. Form N-550 or N-570, Certificate of Naturalization;
7. Statement provided by a U.S. consular official certifying that the individual is a U.S. citizen (This statement is given to an individual born outside the United States who derives citizenship through a parent but does not have an FS-240, FS-545, or DS-1350); or
8. Form I-872 (or prior versions), American Indian Card with a classification code "KIC" and a statement on the back identifying the bearer as a U.S. citizen (issued by the Department of Homeland Security to U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
9. Foreign-born children adopted by a U. S. Citizen. A foreign-born child who has been adopted by a U.S. citizen does not automatically acquire citizenship. If the applicant cannot provide evidence of the child's citizenship, have them contact the local U.S. Citizenship and Immigration Service office for a determination of U.S. citizenship.

E. Documentation for Qualified Aliens

The agency must verify that a child falls into one of the qualified alien statuses if they are not a U.S. citizen. The status of qualified aliens must be verified at each redetermination unless they are admitted for permanent residence. If a child's alien/immigration status changes or the child becomes a U.S. citizen, his eligibility must be evaluated in VaCMS under the new status. The methods of verifying the status are listed below. The source of verification used must be documented in VaCMS and shall be scanned into DMIS under permanent verifications.

<u>An Alien Lawfully Admitted for Permanent Residence</u>

Accept the following documentation to establish the child is an alien lawfully admitted for permanent residence:

1. Form I-551 (Alien Registration Receipt Card, commonly known as a "green card"); or
2. An unexpired Temporary I-551 stamp in foreign passport or on a Form I-94.

<u>An Asylee</u>

Accept the following documentation to establish the child is an asylee:

1. Form I-94 annotated with stamp showing grant of asylum under section 208 of the Immigration and Nationality Act (INA);

2. Form I-688B (Employment Authorization Card) annotated "274a.12(a)(5)";
3. Form I-766 (Employment Authorization Document) annotated "A5";
4. Grant letter from the Asylum Office of the U.S. Citizenship and Immigration Service; or,
5. Order of an immigration judge granting asylum.

A Refugee

Accept the following documentation to establish the child's status as a Refugee:

1. Form I-94 annotated with stamp showing admission under § 207 of the INA;
2. Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)";
3. Form I-766 (Employment Authorization Document) annotated "A3."; or
4. Form I-571 (Refugee Travel Document).

An Alien Paroled Into the U.S. for a Least One Year

Accept the following documentation to establish that the child is an alien paroled into the U.S. for at least one year:

1. Form I-94 with stamp showing admission for at least one year under § 212(d)(5) of the INA.
2. The requirement cannot be met by combined periods of admission that total one year.

An Alien Whose Deportation or Removal Was Withheld

Accept the following documentation to establish that the child is an alien whose deportation or removal was withheld:

1. Form I-688B (Employment Authorization Card) annotated "274a.12(a)(10)";
2. Form I-766 (Employment Authorization Document) annotated "A10"; or,
3. An Order from an immigration judge showing deportation withheld under § 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under § 241(b) (3) of the INA.

An Alien Granted Conditional Entry

Accept the following documentation to establish the child is an alien granted conditional entry into the U.S.:

1. Form I-94 with stamp showing admission under § 203(a)(7) of the INA;
2. Form I-688B (Employment Authorization Card) annotated "274a.12(a)(3)"; or,
3. Form I-766 (Employment Authorization Document) annotated "A3."

A Cuban/Haitian Entrant

Accept the following documentation to establish that the child is a Cuban/Haitian entrant:

1. Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") with the code CU6, CU7, or CH6;
2. An unexpired temporary I-551 stamp in foreign passport or on Form I-94 with the code CU6 or CU7; or,
3. Form I-94 with a stamp showing parole as “Cuba/Haitian Entrant” under Section 212(d) (5) of the INA.

An Alien Declared as a Battered Alien or Alien Subjected to Extreme Cruelty

Accept a U.S. Citizenship and Immigration Service petition and supporting documentation to establish the child has been declared a battered alien or an alien subjected to extreme cruelty.

A Nonimmigrant

Accept a Form I-94 with stamp showing authorized admission as nonimmigrant to establish that the child is a nonimmigrant.

F. Residence

Families served must reside in the locality where application for child care subsidy and services is made. The applicant must provide verification of residency. The source used to verify residency must be indicated in VaCMS in the Household Address Verification dropdown menu. This documentation may be, but is not limited to, a lease, a driver’s license, a landlord’s written statement or utility bills. If the verification source used in VaCMS is “Other Document Source”, the worker must indicate the document used to verify residency in the page level comments. Residency must be verified at initial application or when the recipient reports a change in residency at redetermination. The source of verification used must be documented in VaCMS and shall be scanned into DMIS.

The local department’s physical address and mailing address may be entered in VaCMS for families who are experiencing homelessness and, therefore, lack a fixed and regular residence. If the family does not have a mailing address and the local department’s address is used, the local department must develop a plan and arrangements for the recipient to receive all correspondence. The local department must document such arrangements in the case narrative. For families experiencing homelessness, the Child Care Worker must change the drop down selection for the question “Is the Primary Applicant Homeless?” to yes when entering the address

information onto the household address screen in VaCMS.

G. Age of Children

Children served must be under age 13 or under the age of 18 if they are physically or mentally incapable of caring for themselves or subject to court supervision. Children turning 13 years of age during the eligibility period will remain eligible through the end of the recipient's current eligibility period.

When care for children older than age 13 is required, the Child Care Worker should record the source of documentation used to verify the child's need in the case narrative section of VaCMS. A copy of the court order or the documentation used to verify the child's special needs must be maintained in the case record.

H. Age of Parent/Guardian

An applicant for child care services must be at least 18 years of age. If a minor child has been emancipated from their parents and is requesting services for their child, services may be approved, if they meet all other eligibility criteria. Verification of emancipation is required prior to approval of the case; the status may be verified by viewing the court order granting emancipation or the Emancipated Minor ID Card issued by the Virginia Department of Motor Vehicles. The verification source should be recorded in the page level comments of VaCMS.

***NOTE**: Because the parent/guardian of a minor parent is legally responsible for the minor parent but not their child, the income of the parent/guardian of a minor parent will be counted as an in loco parentis head of household. Both the adult and the minor parent must be participating in an approved activity.*

<u>Grandfathered Services</u>

Minor parents receiving services as of April 1, 2016 will continue receiving services as heads of household on their cases. If these minor parents continue to meet all other eligibility requirements at redetermination, their cases must not be closed. A minor parent whose case is closed for any reason is not eligible to reapply as head of household until they reach 18 years of age or become an emancipated minor. Until these minor parents reach 18 years of age, if they are enrolled in the Fee Program, the time spent receiving child care subsidy as head of household will not count towards their 72-month limit on Fee Child Care.

I. School Attendance

Child care must not be purchased for children who are eligible to attend public kindergarten or for older children during that portion of a day when appropriate public education is available, unless there are valid and documented reasons the children must be out of school.

J. Immunization Requirements for Children

All children receiving services under the CCDF must be immunized according to requirements of the State Board of Health before child care services can be authorized. The Virginia Immunization Information System (VIIS) is available to assist Child Care Workers in verifying a child's immunizations. When the VIIS has returned no results, or when the applicant/recipient disagrees with the VIIS results, the Child Care Worker shall use the current form required by the Virginia Department of Health, ("School Entrance Health Form" MCH-213G, Rev 03/14), a physician's form, the Department of Social Services Childhood Immunization Certification form (032-03-0960-03-eng) or other Health Department documentation. The source of verification used must be documented in VaCMS and shall be scanned into DMIS, if applicable.

Initial Documentation

Parents must provide documentation of immunizations at the time of application or redetermination for child care subsidy and services unless the child is exempt from this requirement. Documentation must include the date the immunizations were received and must be signed by a physician, his/her designee, or an official of a local health department. Copies of this verification must be maintained by the Child Care Worker to assist in verifying that children continue to be age-appropriately immunized.

Exemptions from Immunization Requirement

Documentation of immunization is not required for any child:

1. Whose parent submits an affidavit to the vendor, on the "Certificate of Religious Exemption" (CRE) stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices;
2. Whose physician or a local health department states on the "Childhood Immunization Certification" form that one or more of the required immunizations may be permanently or temporarily detrimental to the child's health. If temporary, the statement must include an estimated date for when immunizations can be safely administered;
3. Who receives TANF, if the child's immunizations have been verified by TANF, and for as long as that TANF eligibility continues. Children not on the TANF

grant are required to provide proof of immunization prior to authorization for child care services unless another exemption exists;

4. Who is currently enrolled in Head Start/Early Head Start, for as long as that enrollment continues;
5. Whose vendor is a state licensed child day center, a licensed family day system-approved family day home, a licensed or voluntarily registered family day home, or a religiously exempted child day center. Immunization documentation requirements for these children are waived as of the date of a signed purchase order with a state licensed center or licensed, system-approved, or voluntarily registered family day home and for as long as the child is cared for by this vendor or another state licensed center or licensed, system-approved, or voluntarily registered family day home;
6. Who attends a public school in Virginia or a private school that is accredited by the Virginia Department of Education; or
7. Who is placed with a local ordinance-approved vendor.

Child Experiencing Homelessness

Families of a child experiencing homelessness that cannot provide documentation of their child's immunizations at the time of application may be conditionally approved for services for a period not to exceed 90 days. The Child Care Worker will select, Not Verified, as the verification source in VaCMS. The Child Care Worker will receive a task/reminder in VaCMS on the 45th day if the verification source has not been updated in VaCMS.

Immunization Form

The current form required by the Virginia Department of Health ("School Entrance Health Form" MCH-213G, Rev 03/14) may be downloaded from the Virginia Department of Health website. The Certificate of Religious Exemption Form (CRE-1) may also be downloaded from the Virginia Department of Health website. Instructions for both forms can be found at the Virginia Department of Health website. The Childhood Immunization Certification form (032-03-0960-03-eng) may be downloaded from the CCECD website.

Subsequent Documentation

Parents must provide documentation of additional immunizations once every six months for children under the age of two years, once between each child's fourth and sixth birthday, and as indicated by a physician or designee.

K. Children of Owners/Operators of Family Day Home

An owner or operator of a family day home is not eligible to receive a child care

subsidy payment for their own child, if that child will be cared for in the home of the owner or operator.

3.4. Cooperation with the Division of Child Support Enforcement (DCSE)

As a condition of eligibility, all non-TANF applicants/recipients of the Child Care Subsidy Program must cooperate with DCSE and the local department of social services in the establishment of paternity and collection of support payments, unless one of the non-referral reasons in subsection I is met, or good cause for refusing to do so is determined to exist when:

1. Identifying and locating the absent parent of a child for whom child care services are requested;
2. Establishing the paternity of a child born out of wedlock for whom child care services are requested; or
3. Obtaining support payments for a child for whom child care services are requested.

A. Referral to DCSE

Applicants/recipients must complete a Child Support Enforcement Services Application (032-11-0200-21-eng (08/17)) (DCSE Application), which is available on

FUSION and the VDSS public website. The Child Care Worker shall provide the DCSE Application to the applicant prior to, or at the time of the interview. At the time of the interview, the Child Care Worker must assist with completion of the form if needed.

Each child for whom assistance is requested and approved should be referred to DCSE; referrals should also be made for any siblings of a child for whom assistance is requested or approved with the same noncustodial parent. For each noncustodial parent, a separate DCSE Application should be completed and a separate entry made onto the DCSE Referral Screen in VaCMS.

If the DCSE Application is not completed at the time of the interview, the Child Care Worker must inform the applicant of their requirement to complete the DCSE Application prior to case approval. If the applicant/recipient does not provide the completed DCSE Application within the 30 days processing period, after receipt of the Child Care Application, the Child Care Worker must take action to deny the Child Care Application due to noncooperation with DCSE.

After the case is approved and the eligibility results are certified, the Child Care Worker shall complete the Referral to DCSE form (032-12-0036-01-eng (03/17)). This form must be submitted with the signed DCSE Application to the local DCSE office, unless the applicant/recipient has claimed good cause for not cooperating

with DCSE. In such a case, the referral would be held until the good cause determination has been completed. The Referral to DCSE form, DCSE Application, and any additional information collected shall be sent to the local DCSE office within 10 days of the case approval. The Referral and Application shall be sent together by courier, mail, or fax. A copy of the Referral to DCSE form must be scanned into DMIS.

When a child is added to an existing case or a parent leaves the household, the DCSE Application must be completed with the next redetermination. All identifying information regarding the absent parent must be provided to DCSE. The completed DCSE Application and Referral to DCSE form must be sent to the local DCSE office. This information must also be entered on the DCSE Referral screen in VaCMS.

All information regarding interactions with DCSE should be recorded in the case narrative section of VaCMS. When a referral is made, the Referral to DCSE form shall be scanned into DMIS. The date the referral form and signed DCSE Application are sent to the local DCSE office must be documented on the DCSE Referral Screen and in the VaCMS case narrative. The Child Care Worker will not need to keep a copy of the DCSE Application in the child care case record; however, copies of any additional documents that have been sent must be kept in the child care case record.

B. Minor Parents

When a guardian of a minor parent receives child care for the minor's child, the minor parent is required to meet the cooperation requirements outlined in this guidance and provide information about the noncustodial/absent parent of the child to the same extent as if they were receiving child care services in their own right; however, the minor parent is not considered to be absent and will not be referred to DCSE.

C. Recipients of TANF Child Care

Recipients of TANF Child Care are considered to be cooperating with DCSE. If child care services are requested for a TANF-capped child, a referral to DCSE must be completed for that child. A referral to DCSE must also be completed at redetermination when a recipient's TANF case is closed and a request for Transitional or Fee child care services is made.

For any cases in which there is funding from both the TANF budget line and any other budget line, the child receiving services in the non-TANF budget line must be referred to DCSE if they have a different noncustodial parent than the children included on the TANF grant.

If a child care recipient's TANF case is closed due to non-cooperation with DCSE, their child care case should be closed at the next scheduled redetermination with the closure reason, Non-cooperation with DCSE-TANF. The applicant/recipient must follow the rules of subsection H, unless their TANF case has been reinstated.

Local departments must establish and implement communication strategies to ensure timely notification of TANF case closure and reinstatement to Child Care Workers.

D. Notice of Cooperation and Good Cause

At the time of application or redetermination, each applicant/recipient must be advised of their right to explain all reasons for refusing to cooperate in establishing paternity or securing support. The Child Care Worker must explain the provisions in the Notice of Cooperation and Good Cause form (032-12-0126-00-eng (03/17)) to the applicant/recipient during their initial or redetermination interview. The applicant/recipient and Child Care Worker must sign the form indicating for each noncustodial parent whether or not the applicant/recipient claims good cause for refusing to cooperate. Details about an applicant/recipient claiming good cause can be found in subsections J-O. This form is required for non-TANF applicants/recipients of the Child Care Subsidy Program who must cooperate with DCSE and the local department of social services in the establishment of paternity and collection of support payments.

A signed copy of the Notice of Cooperation and Good Cause form must be filed in the case record and a copy given to the applicant/recipient. Because the notice outlines the rights and responsibilities of the applicant/recipient, the Child Care Worker must review each condition with the applicant/recipient to ensure complete understanding. A recipient's claim of good cause must be reassessed at each subsequent redetermination. If the applicant/recipient wishes to change the claim after signing the Notice of Cooperation and Good Cause form, they must complete and sign another form indicating the change of claim. Otherwise, only one Notice of Cooperation and Good Cause form is necessary per case record unless the case is closed and another application is made subsequently.

If there are multiple noncustodial parents and the applicant/recipient wishes to make different claims for each of the absent parents, the applicant/recipient must indicate for each noncustodial parent listed whether or not good cause is being claimed.

E. Cooperation at Application or Redetermination

At the initial application interview or redetermination an applicant/recipient must provide identifying information on the non-custodial parent of the children for whom subsidy assistance is requested and their siblings with the same absent parent. If

this information is not provided, it will result in the denial of the initial application or closure of the case. This information is to be provided on the DCSE Application. This form shall be printed from FUSION or the VDSS public website and completed by the parent during their initial interview or as part of their redetermination packet.

For each noncustodial parent referred to DCSE, including the legal father if the mother was married at the time of the child's birth, a separate DCSE Application should be used and the applicant/recipient must provide, under penalty of perjury, at a minimum, the first and last name of the absent parent and three of the following pieces of identifying information:

1. Social Security number;
2. Race;
3. Date of birth;
4. Place of birth;
5. Telephone number;
6. Address;
7. Schools attended;
8. Occupation;
9. Employer;
10. Driver's license number;
11. Make and model of motor vehicle;
12. Motor vehicle license plate number;
13. Places of social contact;
14. Banking institutions utilized;
15. Names, addresses, or telephone numbers of parents, friends, or relatives; or
16. Other information that the agency determines is likely to lead to the establishment of paternity.

If the applicant/recipient is not certain of paternity she must identify all individuals who may be the father.

1. The applicant/recipient must designate the man most likely to be the father. Information regarding this man should be entered on the DCSE Application.
2. Up to four other men may be listed on the List of Putative Fathers Form. The first name included on this list should be the name of the man who is most likely to be the father. These names will be forwarded to DCSE. The DCSE worker will be responsible for obtaining any necessary information on these men. *Note: DCSE will provide genetic testing for up to five potential fathers at its expense. After five potential fathers have been tested, the parent must assume full responsibility for additional testing. If the parent fails or refuses to pay for further genetic testing, this will be considered to be noncooperation.*
3. If an applicant/recipient has named only one putative father, and subsequent genetic testing determines that this individual is not the father, DCSE must

give the applicant an opportunity to provide other names of putative fathers. The applicant is considered to be cooperating with the identification requirement if they provide the name of another individual(s) who may be the father.

4. A mother who was married at the time of the child's birth, but names someone other than her husband as the child's father, must refer both men to DCSE. The man to whom she was married at the time of the child's birth is the legal father and is considered the child's father until a court has determined that he is not. If the court has excluded the husband as the father, DCSE can proceed to determine the paternity status of the man named by the mother.
5. If the genetic testing determines that an individual named is not the father and the applicant/recipient maintains there are no other men who could be the father, the applicant/recipient must be advised by DCSE of her right to meet with the DCSE worker and have her case reviewed. DCSE will review the case and offer the applicant/recipient an opportunity to view the photograph of the individual tested. If the individual in the photograph is not the man named by the applicant/recipient, DCSE will initiate action to administer another test to the appropriate parties. If the individual in the photograph is the man named by the applicant/recipient, DCSE may refer the matter to the court if the applicant/recipient insists that he is the father. During that time, the applicant will be considered to be cooperating.

Cooperation at Redetermination

At the time of redetermination, the Child Care Worker shall verify the recipient's cooperation with DCSE by an APECS inquiry through SPIDeR. The recipient will be considered cooperating with DCSE if there is an open DCSE case reflected in APECS or good cause for not cooperating has been determined. If the child support case type in APECS is "open arrears only," the recipient will need to complete a DCSE Application and a referral to DCSE will be required. This inquiry shall be documented in the VaCMS case narrative or the Child Care Worker will place a copy of the SPIDeR inquiry in the case record. If the Child Care Worker determines, or the recipient indicates that their DCSE case was closed by DCSE due to a reason such as, but not limited to, unable to locate the noncustodial parent, or the noncustodial parent is incarcerated, the recipient must provide a copy of their Notice of Action issued by DCSE to determine their cooperation. The reason for DCSE case closure must be reviewed with the recipient at each redetermination to determine if the reason for case closure has changed and if a new referral to DCSE is warranted. This determination must be documented in the VaCMS case narrative.

If an open DCSE case exists, no additional action will be required by the Child Care Worker.
If the recipient does not have an open DCSE case, or is found to not be cooperating with DCSE, or the Child Care Worker has received notification from DCSE that the recipient is not cooperating, the Child Care Worker shall take action to close the

case due to noncooperation with DCSE following the guidance in subsection H. If the recipient provides verification to the Child Care Worker that they are cooperating with DCSE, before the effective date of the case closure, the Child Care Worker shall take action to reinstate the case and complete the redetermination.

If a referral to DCSE is required at redetermination, the Child Care Worker must mail the DCSE Application along with the redetermination packet and notify the recipient that failure to complete and return the completed DCSE Application will result in denial of their redetermination application and closure of their case. The Child Care Worker may use the Child Care Communication form to request this information from the recipient. After the redetermination is approved and the eligibility results are certified, the Child Care Worker shall complete the Referral to DCSE form (032-12-0036-01-eng (03/17)). The Referral to DCSE form, DCSE Application, and any additional information collected shall be sent to the local DCSE office within 10 days of the case approval, unless the recipient has claimed good cause for not cooperating with DCSE.

If the recipient fails to provide the completed DCSE Application with the redetermination packet, the Child Care Worker shall take action to close the case due to noncooperation with DCSE following the guidance in subsection H.

Child Care Workers must be aware that if there is a family violence indicator, the DCSE case data will not be available in SPIDeR for the Child Care Worker to verify cooperation with DCSE or child support payments received by the child care recipient. Therefore, the recipient must provide a copy of their payment history or other documentation to verify their cooperation with DCSE. Child care recipients should be advised that they may register for access to the MyChildSupport portal at https://mychildsupport.dss.virginia.gov to obtain their payment history.

A new DCSE Application and/or Referral to DCSE form is not needed at redetermination for individuals who were previously referred and are considered cooperating.

F. Existing Support Orders or DCSE Case

If a support order already exists, the Child Care Worker will collect the court name, court order number, and effective date of the order. This information should be collected on the Child Care Referral to DCSE Form and shall be forwarded to DCSE along with the completed DCSE Application. If the order was established in another state, DCSE has interstate agreements to facilitate the transfer of the order to the Commonwealth of Virginia. If a Child Support Order is present, and the noncustodial parent is paying per the terms of the existing support order, no referral to DCSE will be required. This can be a court order or administrative support order through DCSE.

If the applicant/recipient has an existing, open DCSE case, which can be verified by an APECS inquiry through SPIDeR, the DCSE Application will not be required. The Child Care Worker shall submit the Referral to DCSE form with the existing case number to DCSE without collecting additional absent parent information.

G. Attesting to the Lack of Information

If the applicant/recipient is unable to provide absent parent information, they must be given the opportunity to sign the Attesting to the Lack of Information (ATL) form (032-12-0043-00-eng (12/15)). If the applicant/recipient attests to the lack of information under penalty of perjury, cooperation exists even though identifying information required in this guidance is not provided. If the applicant/recipient completes the ATL form, a referral to DCSE is not required. A separate ATL form must be completed for each noncustodial parent. The applicant/recipient will be considered to be not cooperating if she states that she is unable to provide the name and other identifying information for a noncustodial parent but also refuses or fails to sign the ATL.

At the time of each redetermination, the Child Care Worker is to ask the recipient to provide information on the noncustodial parent. If the applicant/recipient continues to be unable to provide the name and at least three pieces of identifying information on an absent parent, the Child Care Worker must have the recipient complete a new ATL.

H. Denial or Closure Due to Noncooperation

Failure to cooperate with DCSE will result in either the denial of the initial application or closure of the case at redetermination. If the Child Care Worker is notified of a recipient's noncooperation prior to their next redetermination, the Child Care Worker will not take action on the case until the annual redetermination is completed. If a recipient's TANF case is closed due to noncooperation, the Child Care Worker shall follow the guidance in subsection C to close the case. When there is a finding of noncooperation, the case shall be scheduled for closure with the closure reason "Noncooperation with the Division of Child Support Enforcement." If the recipient provides verification to the Child Care Worker that they are cooperating with DCSE, before the effective date of the case closure, the Child Care Worker shall take action to reinstate the case.

Verification of cooperation may include, but is not limited to, an APECS inquiry through SPIDeR to verify the current DCSE case status, a copy of the applicant/recipient's DCSE payment history, a copy of the DCSE Application date stamped by the DCSE District Office, or communication with the local DCSE office.

Noncooperation exists in the following circumstances:

1. Failure to complete the Child Support Enforcement Services Application and provide the identifying information, including the first and last name of the noncustodial parent or of all individuals who may be the absent parent of the children, and at a minimum three additional informational items to identify the parent;
2. Failure to respond to two consecutive requests from DCSE to provide information;
3. Failure to keep two consecutive scheduled appointments (other than genetic testing and court appearance) without contacting DCSE to reschedule them;
4. Failure to appear in court for a scheduled paternity, establishment of support, or enforcement hearing without contacting DCSE to reschedule;
5. Failure to attend a scheduled appointment for genetic testing without contacting DCSE to reschedule;
6. Failure to provide the name of another individual to DCSE who may be the father after the only man named as the putative father is excluded;
7. The putative fathers listed on the List of Putative Fathers are excluded from paternity as a result of genetic testing;
8. Failure or refusal to pay for further genetic testing after DCSE has paid for the first five potential fathers to be tested; or
9. Otherwise fails to comply with the requirements set forth by DCSE.

Reopening a Closed Case

If an applicant has a case which was previously closed due to noncooperation with DCSE, that applicant must provide proof to the Child Care Worker that they are cooperating before a new application can be approved.

If the applicant has previously been approved for good cause, the applicant should be given the opportunity to claim good cause for not cooperating. The Child Care Worker in consultation with the supervisor should make the determination whether the existing evidence from the previous claim of good cause is sufficient. If the evidence is deemed sufficient, the case should be processed following the guidance in subsections J through O.

NOTE: *An applicant/recipient statement is not sufficient proof of cooperation without written documentation from the court or DCSE.*

I. Reasons for Not Referring a Case to DCSE

There are several reasons a Child Care Worker will not refer a case to DCSE. If any of these reasons exist at the time eligibility is run, the case will not be forwarded to DCSE. This information should be recorded on the DCSE Referral Screen. The reasons not to refer include:

1. There is no absent parent;
2. The child was conceived by artificial insemination;
3. The noncustodial parent is deceased;
4. The child was adopted by a single parent;
5. The noncustodial parent's rights were terminated by the courts;
6. There is a claim of good cause;
7. The applicant/recipient signs the Attesting to Lack of Information form;
8. There is an existing child support order (as outlined in subsection F);
9. The parents share legal, joint physical custody of the child;
10. The noncustodial parent is incarcerated and paternity has been established;
11. The noncustodial parent is institutionalized, or has a total and permanent disability, and paternity has been established; or
12. The noncustodial parent receives SSI.

NOTE: *If a parent claims that the absent parent is deceased, the Child Care Worker should take the applicant/recipient statement as fact. All other reasons require verification.*

J. Good Cause for Noncooperation with DCSE

If an applicant/recipient believes that cooperation with DCSE would be harmful to the child or themselves, they may claim good cause for not cooperating. The applicant/recipient must provide evidence to support the claim to be exempted from the requirements for cooperation. If the claim is substantiated, no referral will be made to DCSE.

The local department may determine that cooperation would be harmful to the child if one or more of the following circumstances exist:

1. The local department believes that the applicant/recipient's cooperation may result in:
   i. Physical or emotional harm to the child; or,
   ii. Physical or emotional harm to the caretaker which would impair ability to care for the child.

2. The local department believes that proceeding to establish paternity or to secure support would be detrimental to the child because one of the following circumstances exists:
   i. The child was conceived as a result of forcible rape or incest;
   ii. Legal proceedings for the adoption of the child are pending; or,
   iii. The caretaker, assisted by a public or licensed private adoption agency, is deciding whether to keep or to relinquish adoption of the child for whom child care is requested.

NOTE: *If a parent informs the local department that they have previously claimed good cause with the local TANF worker or DCSE and provides verification of the good cause being approved, the child care worker does not have to reevaluate the evidence and the applicant is considered cooperating. This must be documented fully in the case narrative section of VaCMS.*

The local department must advise the applicant/recipient that if a finding is made that no good cause exists, cooperation will be required in order to receive or continue services. Each applicant/recipient who claims to have good cause for not cooperating must provide acceptable evidence, or sufficient information to permit an investigation to determine if good cause exists.

The applicant/recipient must make the claim of good cause at their initial or redetermination interview on the Notice of Cooperation and Good Cause form. The applicant/recipient has 10 days from the day they make the claim of good cause to provide supporting evidence or the agency will determine that good cause does not exist. The agency must base the determination of good cause on evidence provided by the applicant/recipient or obtained through an investigation by the agency.

K. Children of Minor Parents

When a minor parent is receiving child care assistance for her child in the unit with her parent, the good cause provision may also apply to the minor parent. The minor parent must sign a separate Notice of Cooperation and Good Cause.

L. Time Frame for Determining Good Cause

The Child Care Worker must attempt to make the final determination of the existence of good cause for refusing to cooperate within the normal eligibility determination/redetermination period. The applicant/recipient will have 10 days from the date they claim good cause on the Notice of Cooperation and Good Cause to provide proof of the claim or the agency will determine that good cause does not

exist. The Child Care Worker can track the 10 days by setting a manual task and reminder in VaCMS.

If the Child Care Worker does not receive the required documentation during the normal eligibility/redetermination period, and the applicant/recipient has been given 10 days to provide the required documentation, they must deny or discontinue assistance.

If good cause is determined to exist or the parent provides the absent parent information within the 10 day window given on the Notice of Good Cause Determination form described in subsection N, services may be approved.

M. Evidence for Good Cause

The Child Care Worker, in consultation with their supervisor, will make the final determination of good cause based on the evidence submitted by the applicant/recipient. The local department must make the determination of good cause based on the evidence provided. The following are examples of acceptable evidence to substantiate a claim of good cause:

Incest or Forcible Rape

Birth certificates or court, medical, criminal, child protective services, social services, or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape.

Adoption

Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction or a public or licensed private adoption agency is currently assisting the applicant/recipient to place the child for adoption and such discussions have not gone on for more than three months. The agency must obtain a written statement from the adoption agency.

Physical Harm

Court, medical, criminal, child protective services, social services, psychological and law enforcement records, sworn statements from individuals other than the applicant/recipient with knowledge of the circumstances which provide the basis for the good cause claim, or a written statement from a domestic violence services program or sexual assault crisis center professional indicating that the putative father or noncustodial parent might inflict physical or emotional harm on the child or caretaker.

Emotional Harm

A determination that good cause exists due to the emotional harm factor may only be based upon documentation by a medical professional of an emotional state that would substantially affect the individual's functioning if the agency required cooperation with support enforcement. Medical records which indicate the emotional health history and present emotional status of the caretaker or the child for whom support would be sought may substantiate good cause. Additionally, written statements from a psychiatrist, psychologist or other licensed professional which indicate the diagnosis or prognosis of the caretaker or the child may be used for this purpose.

NOTE: *While the applicant/recipient has the responsibility to provide the agency with the required documentary evidence the agency must, upon request, assist the applicant/recipient in obtaining the required evidence.*

N. Advising the Applicant/Recipient of the Good Cause Determination

Based on the evidence gathered, the Child Care Worker in consultation with their supervisor must evaluate whether the evidence substantiates the claim of Good Cause. The Child Care Worker will document in the case record explaining the approval or denial of the good cause claim. If the agency has determined that the applicant/recipient has good cause, the Child Care Worker will note this in VaCMS and no referral will be made to DCSE.

On every claim of good cause, the Child Care Worker will make the final determination that good cause does or does not exist. The final determination regarding good cause must be documented in the case record, specifying the agency's findings and the basis for the decision. This action should be documented in the case narrative section of VaCMS.

The agency must advise each applicant/recipient who claims good cause for not cooperating of the final determination using the Notice of Good Cause Determination form. If the good cause claim is approved, the Approved-Notice of Good Cause Determination form (032-12-0040-00-eng (12/15)) must be sent to the applicant/recipient.

If it is determined that good cause does not exist, the Denied-Notice of Good Cause Determination form (032-12-0039-00-eng (12/15)) must be mailed to the applicant/recipient along with the DCSE Application. This notice informs the applicant/recipient that they have 10 days to provide absent parent information or their case will be denied. The applicant/recipient must provide the required absent parent information on the DCSE Application to complete the referral to DCSE. If,

after 10 days, no information has been provided to the Child Care Worker about the absent parent, the case should be denied or closed with the reason Noncooperation with DCSE. A NOA should be generated and mailed to the applicant/recipient. After the recipient has been given 10 days to cooperate in providing information on the absent parent and the case has been scheduled for closure due to denial of good cause, the case must not be reinstated. The recipient will have to reapply for services.

O. Referral to DCSE When the Applicant/Recipient has Claimed Good Cause

In situations where the applicant/recipient has claimed good cause and the applicant/recipient has previously received TANF or DCSE services, the Child Care Worker must complete the Good Cause Communication Form, (032-12-0035-00-eng (12/15)) available on the CCECD website, and send it to the appropriate DCSE district office.

NOTE: *If the information is questionable as to whether the applicant/recipient has previously received public assistance or DCSE services, the form must be completed and sent to the DCSE district office.*

P. Fair Hearings Related to DCSE

Appeal procedures are applicable to this section of guidance and, upon notification of an applicant/recipient's decision to appeal the local department must notify the appropriate DCSE district office. The Division of Child Support Enforcement will have the opportunity to participate in any hearings that result from an appeal of any action required by this section.

All information regarding interactions with DCSE must be recorded in VaCMS case narrative. A case record with copies of the related forms must also be maintained. Any emails received from DCSE regarding an applicant\recipient's cooperation must be printed and kept in the case record.

NOTE: *Detailed information is maintained in the DCSE case record to document noncooperation and must be made available, upon request, if the action resulting from the noncooperation finding is appealed. If the action is appealed, the Child Care Worker must contact the DCSE worker to inform him that an appeal has been filed and to request the supporting documentation required to be included in the appeal summary. The DCSE worker will attend the hearing or participate in the*

telephonic hearing to testify as to the applicant/recipient's failure to cooperate.

Q. Documenting the DCSE Referral in VaCMS

After the Immunizations screen in VaCMS, the Child Care Worker will be prompted as to whether there is an exemption reason for not referring the case to DCSE. A referral should be made in all situations unless the case is either:

1. A TANF case with all included children on TANF grant,
2. A case in which both parents of all children are in the household, or
3. A non-TANF case exempt until next redetermination.

If an exemption reason is selected, VaCMS will bypass the DCSE referral Information Screen. For each absent parent referred, the Child Care Worker must include a separate record on the DCSE Referral Screen.

When a referral to DCSE is made, copies of all forms sent must be kept in the case record and the date the information was mailed must be documented on the DSCE Referral Screen in VaCMS.

If an applicant/recipient claims good cause or meets one of the non-referral reasons in subsection I, the Child Care Worker must document this on the DCSE Referral Screen in VaCMS. The Child Care Worker must select the correct good cause reason and verification source, or choose “Pending Good Cause Verification”. If “Pending Good Cause Verification” is selected, the Child Care Worker should set a manual task and reminder in VaCMS to track receipt of the good cause verification within 10 days of the applicant/recipient’s claim of good cause.

When the appropriate verification is received the Child Care Worker must document and update the good cause verification source in VaCMS.

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3.5. Income and Assets Eligibility Requirements

A. State Income Eligibility Scale

The income eligibility scale established by the Department must be used for determining financial eligibility for the Transitional, Fee, SNAPET, and Head Start Wrap-Around child care programs. See State Income Eligibility Scale for Child Care – Appendix A.

B. Metropolitan Statistical Area Groupings

Localities are grouped by local median income with some adjustments made for actual cost of care. In using the State Income Eligibility Scale, VaCMS will determine into which group the local department falls.

C. Determining Family Unit

The applicant is considered the head of the household. If the applicant in a two parent household leaves the household, a new application must be processed to determine eligibility for the new family unit. If determined to be eligible, this family must not be placed on the Waiting List.

The following individuals living in the household must be included in the family unit and shall be entered as household members in VaCMS:

1. Parents including:
   i. Biological parents including the father of a child born out-of-wedlock, if paternity can be established;
   ii. Adoptive parents;
   iii. Stepparent;
   iv. Legal guardian(s);
   v. Adult(s) standing in loco parentis for children under age 18; and
   vi. Persons cohabiting with the natural or adoptive parent of a child under age 18.
2. All the parents' children under age 18.
3. Spouses of an adult standing in loco parentis shall also be included in the family unit.
4. A household member who is temporarily absent from the home shall be included in the family unit for determining eligibility.
5. A parent who is temporarily absent from the home shall be included in the family unit unless the absence period is expected to exceed 60 consecutive days. A parent who is absent from the home due to active duty in the military services is considered part of the family unit and is not subject to the 60 consecutive day time limit and will be counted as a household member even if

they are expected to be out of the household for more than 60 days.

D. Determining Income Eligibility

VaCMS will determine income eligibility by measuring the family unit's countable gross monthly income and family size against the percentage of the federal poverty guidelines for their locality listed in Appendix A.

Families whose countable gross monthly income for their family size is at or below the percentage of the federal poverty guidelines for their locality are income eligible for child care subsidy.

EXCEPTION: If the applicant or current recipient is an individual who is not financially responsible for the child under Virginia law, income eligibility is determined in VaCMS by measuring the family unit's countable gross monthly income and family size against 250% of the federal poverty guidelines. Biological parents (including the father of a child born out-of-wedlock, if paternity can be established), adoptive parents, stepparents, and a person cohabiting with a natural or adoptive parent are financially responsible for the child under Virginia law.

If at redetermination a recipient family's countable income exceeds the initial income eligibility limit, they shall be considered income eligible until their countable income meets or exceeds the exit eligibility limit of 85% of the state median income. See State Income Eligibility Scale for Child Care – Appendix A. If the recipient family's countable income exceeds the initial income eligibility limit but is below the exit eligibility limit, they will be considered to be in graduated phase-out. See section 3.13. B. regarding co-payment changes during graduated phase-out.

E. Countable Income

Income is considered countable if it is not on the list of disregarded incomes or deductions.

In determining income eligibility, VaCMS will include all gross earned and unearned income received by the family unit and entered into the system by the Child Care Worker except certain types of disregarded income, deductions and payments listed in subsections F and G below.

Verification of Income

VaCMS will allow for the recording of verification of income. The parent must assist in obtaining the verification. If pay stubs are the type of verification, the most recent pay stubs available must be used. On-line pay stubs or letters from employers are acceptable. In order to establish income eligibility, verification of all income received or anticipated to be received monthly by the family unit is required at the time of application/redetermination. For initial applications and reapplications, the income generally to be counted is the income verified for the calendar month prior to the month of application. For redeterminations, the income generally to be counted is the income verified for the month prior to the month of redetermination. The reason for using pay stubs or income verifications received over two months prior to the month of application must be documented in VaCMS. Accept an applicant/recipient's written statement that there is no income unless there is reason to doubt the statement. When verification is required, the local department must notify the applicant/recipient of the necessary verification and allow the applicant/recipient 10 days to provide the required verification.

Indirect Payments

When an applicant or recipient appears to be working but is not paid directly, the Child Care Worker must determine whether there is an identifiable amount that must be considered as income. Such arrangements must be evaluated using the following criteria:

If the applicant/recipient performs services but receives no pay directly, and there is an identifiable amount of income that could be paid directly to the applicant/recipient, count the identifiable amount as income.

If the applicant/recipient performs services but is not paid directly, and there is no identifiable amount of income that could be paid to the applicant/recipient, no income is counted.

Example

An applicant/recipient works for an employer and, in lieu of wages paid directly to the applicant/recipient; the employer pays an expense on behalf of the applicant/recipient. In this situation, there is an identifiable wage and, even though it is not paid to the applicant/recipient, it must be counted as earned income.

Self-Employment

If the applicant/recipient indicates that they are self-employed, they must provide documentation to show they are legitimately engaged in self-employment, preferably tax return information. The proof could include, but is not limited to, income tax records or other proof of earnings, a business license, or rent receipts for office space. The applicant/recipient must earn at least minimum wage for actual hours worked, based on gross income. If the applicant/recipient has been self-employed for less than a year, they must provide proof of earnings equivalent to minimum wage for actual hours worked at the time of their next scheduled redetermination. If they are unable to provide such proof of earnings, they will no longer be eligible for child care subsidy.

VaCMS will count net income from self-employment, farm, or non-farm. The Child Care Worker should not count the value of goods consumed by the family.

Profit, or net income, from self-employment is the total income received, less the business expenses directly related to producing the goods or services and without which the goods or services could not be produced. The applicant/recipient must provide verification of their business expenses as documented on their federal tax return. If the applicant/recipient has been self-employed for less than a year, they may use business receipts or other sources to provide proof of business expenses until their next scheduled redetermination. If the applicant/recipient cannot provide documentation of their business expenses, the individual's gross income shall be used.

If an individual who was self-employed incorporates their business, either by himself or with another individual, he/she is no longer considered self-employed. His/her wages or salary will be paid by the corporation and will be considered regular earned income, not self-employment income. Limited liability companies (LLC) are not incorporated so the income may be considered as self-employment.

If obtaining verification of business expenses will delay the eligibility determination, the local department must advise the applicant/recipient that the family's eligibility and copayment amount may be determined without providing a deduction for these costs. If these costs or a portion of them cannot be verified within 30 days of the date of application, the local department must determine the family's eligibility without providing a deduction for the unverified portion. The applicant/recipient must be given at least 10 days to provide the verification.

Averaging of Self-Employment Income

1. Self-employment income which represents a household's annual support must be averaged over a 12-month period, even if the income is received in a shorter period of time. For example, income from a farmer's crop that represents the farmer's annual support must be averaged over a 12-month period, even though the income is received in a shorter period. In addition, self-employment income that represents a household's annual support must be averaged even if the household has income from other sources.

2. Self-employment income that does not represent a household's annual support must be averaged over the period of time the income is intended to cover. This type of seasonal self-employment includes vendors who receive their income in the summer or during the tourist season and supplement it through another source during the rest of the year.

3. Households with newly formed enterprises that have been in existence less than a year must have their self-employment income averaged over the amount of time the business has been in operation, and the monthly amount projected for the coming year.

Contract Income

Contract earnings are defined as wages guaranteed by a contract. This does not include work on an hourly or piecework basis or self-employment. A guaranteed wage is one which is received by an individual employed on a contractual basis and paid over a period of time. Earnings of this nature will be prorated according to the procedures outlined in subsection I of this section.

Child Support

Child support is considered income belonging to the child and shall be entered in VaCMS as unearned income for the child for whom the support is being received. If child support is received for multiple children with the same absent parent, the total amount of support received shall be divided by the number of children and the amount entered in VaCMS for each child.

F. Disregarded Income

The following types of income received by any member of the family unit shall be disregarded in determining income eligibility and copayment amounts for Transitional, Head Start Wrap-Around, SNAPET, and Fee Child Care subsidies:

1. Supplemental Security Income;
2. TANF benefits;
3. Transitional payments of $50.00 per month to former VIEW participants;

4. Diversionary Assistance payments;
5. General Relief benefits;
6. Value of SNAP benefits;
7. Value of USDA donated food;
8. Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;
9. Value of supplemental food assistance under the Child Nutrition Act of 1966 and lunches provided under National School Lunch Act;
10. Earnings of a child under the age of 18 years;
11. Earned income tax credit (EITC);
12. All lump sum payments;
13. Any scholarships, loans, or grants for education except any portion specified for child care, if any portion of educational benefits are set-aside for child care, this should be entered in VaCMS as “Other” unearned income and noted in the page level comments;
14. Payment to AmeriCorps volunteers;
15. Tax refunds;
16. Monetary gifts for identifiable one time occasions or normal annual occasions;
17. Vendor payments made by non-financially responsible persons, unless this payment is made in lieu of wages;
18. Loans and other money borrowed;
19. Money received from sale of property such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property in which case the net proceeds would be counted as income from self-employment);
20. Earnings of less than $25.00 a month;
21. Capital gains;
22. Withdrawals of bank deposits;
23. GI Bill benefits;
24. Reimbursement, such as for mileage;
25. Foreign government restitution payments to Holocaust survivors;
26. Payments from the Agent Orange Settlement Fund or any other fund established for settlement of Agent Orange product liability litigation;
27. Monetary benefits provided to the children of Vietnam Veterans as described in 38 U.S.C. 1823 (c); and
28. Earnings from temporary census taker positions.

G. Disregarded deductions or payments are:

1. Garnisheed wages – those wages not received as a result of garnishment;
2. Basic Allowance for Housing (BAH) for military personnel if the individual is living on base and the entire BAH is deducted on the leave and earning statement;
3. Clothing Maintenance Allowance for military; and

4. Child support paid to another household (verification could be by written statements from the other parent/household or cancelled checks).

H. Converting Income to a Monthly Amount

VaCMS will convert recorded income to a monthly amount by multiplying weekly income by 4.3, bi-weekly income by 2.15 or semi-monthly income by 2. The Child Care Worker must ensure that bi-weekly or semi-monthly income is entered correctly in VaCMS. Income received every two weeks, such as every other Friday, will be recorded as bi-weekly. Income received twice per month, such as on the 15th and final day of the month, will be recorded as semi-monthly. When earned income is verified by and documented with pay stubs, the calculations outlined above are used. The Child Care Worker must identify any income documented by the applicant/recipient that is not used in the calculation and the reason for disregarding it in VaCMS.

Example

The recipient provides four pay stubs. One of the pay stubs covers a period of time when the employer was closed so the recipient either was not paid or the pay stub reflected a reduced pay amount. This pay stub is not indicative of the applicant/recipient's usual income. Therefore, the Child Care Worker only uses the three pay stubs which are indicative of the applicant/recipient's usual income in the income calculation. The Child Care Worker must record, in the page level comments on the pay details screen, why all four pay stubs were not used.

I. Income Averaging

The following methods are to be used to anticipate the family unit's countable income when the prior month's income does not reflect the income anticipated to be received on an ongoing basis:

1. The Child Care Worker shall take into account the income already received by the family unit during the application process and any anticipated income the family unit and local department are reasonably certain will be received during the eligibility period. The Child Care Worker shall use the converted monthly income which has been received by the family unit, unless the income is for a partial month.

2. If income fluctuates so much that the prior calendar month cannot by itself provide an accurate indication of anticipated income, a longer period of past time may be used if it will provide a more accurate indication of fluctuations in future income. If income is ongoing, anticipate by averaging income from the past pay periods.

a. The Child Care Worker shall select a projection period in VaCMS to average the income received in any number of pay periods immediately prior to application/redetermination, sufficient to take the fluctuations into consideration. The Child Care Worker should select only the pay periods that will yield the most realistic estimate of income to be received. Usually, the monthly gross income received in the three (3) months immediately prior to application/redetermination is sufficient.

b. For child support, farm income or seasonal employment, it may be necessary to average income over a period of up to 12 months.

3. Guaranteed salaries paid under contract will be prorated over the period of the contract even though the employee elects to receive such payments in fewer months than are covered by the contract. When the contract earnings will be received monthly over a period longer than that of the contract, the earnings must be prorated over the number of months the income is anticipated to be received.

Example

A contract period is September 2017 – August 2018 (12 months). The individual chooses to receive the contract income over a 10-month period. The contract amount is divided by the contract period of 12 months to arrive at the monthly gross income.

A contract period is November 2017 – June 2018 (8 months). The individual chooses to receive the contract income over the period of 12 months. The contract amount is divided by the 12 months to arrive at the monthly gross income.

J. Temporary Increases

Temporary increases in income will not affect the applicant/recipient's eligibility or co-payment amount, including monthly fluctuations, which when taken in isolation, may incorrectly indicate that an applicant/recipient's income exceeds the income eligibility limit or 85% of state median income. Temporary increases in income shall not be included in the income calculation. These types of temporary increases may include, but are not limited to, sporadic overtime pay, commissions, bonus pay, and recognition pay, not indicative of a permanent increase in income, or income that is not expected to be received on a regular ongoing basis. Income that is included as part of the applicant/recipient's annual wages/salary, such as holiday pay, sick leave, or annual leave would not be disregarded. The Child Care Worker must document why any type of income was excluded from the calculation for determining income eligibility and the family's co-payment amount.

K. Asset/Resource Limit

The applicant/recipient must certify that their family assets/resources do not exceed $1 million in value. This requirement can be met solely through self-certification on the Child Care Subsidy Service Application and Redetermination form. Assets/resources may include, but are not limited to: money in accounts, stocks or bonds, lump sum payments, cash on hand, or funds in a trust.

The Child Care Worker must accept the applicant/recipient's declaration and must not require verification or documentation of the family's assets/resources. The Child Care Worker will document the applicant/recipient's certification on the resources screen in VaCMS.

3.6 Copayments

A. Copayment Scale

The Department establishes copayment scales. All families receiving child care services are required to pay a copayment of 5% to 10% of their gross monthly income, based on family size and income, according to the sliding copayment scale in Appendix B, except:

1. TANF recipients;
2. Participants in the SNAPET program whose countable gross monthly income is at or below 100% of the monthly federal poverty guidelines; and
3. Families in the Head Start Wrap-Around category whose countable gross monthly income is at or below 100% of the monthly federal poverty guidelines if all the children receiving a subsidy are enrolled in a Head Start/Early Head Start program. Families that include non-Head Start children in care are required to pay a copayment.

VaCMS will calculate family copayment amounts. The copayment will begin the first full month of authorized child care and the full copayment must be assessed for the last month, whether it is a full month or a partial month, of authorized child care. The effective begin date of the copayment is recorded on the POSO, a copy of which the recipient receives.

VaCMS will apply the total family copayment to the first child whose authorization is created. Child Care Workers have the option to split copayments among different children attending different vendors as long as the total family copayment is applied. When there is a case change that warrants a change in the copayment amount the Child Care Worker must take appropriate action to validate and update the copayment amount on the authorization(s).

The family copayment may be increased only at redetermination or if the recipient family is in graduated phase-out. The Child Care Worker must act on changes reported by the recipient that would reduce the family's copayment during the eligibility period.

If more than one child from a family goes to the same vendor, VaCMS will assign the copayment to the first child authorized. If payment for the children's attendance is less than the amount of the copayment, no payment will be made by the system. The co-payment made by the parent to the provider will cover the cost of care. The family copayment is assigned to the vendor authorized at the first of the month. If the family changes vendors during the month, the copayment is assigned to the new vendor the first of the following month. The copayment is not pro-rated nor split between the two vendors during the month the change occurred.

When parents share custody of a child and both parents receive child care services, there will be two separate cases with a family copayment assigned to each family, even if the child is authorized with the same vendor. When an authorization is removed from a suspended status, the copayment is assigned immediately. The copayment is not pro-rated nor assigned the first of the following month. The family copayment amount is shown on the POSO as of the effective beginning date of the reinstatement.

B. Countable Income

In determining copayments, income that will be used includes all earned and unearned income received by the family unit except certain types of disregarded income listed in subsections 3.5., F and G of this guidance.

Initiation of and changes to copayments must be made effective at the beginning of the month following the month the copayment is initiated or the change is effective. The copayment will be effective at the beginning of the month following the 10-day period of notification of the NOA.

The reduction of a recipient's copayment is not considered an adverse action and may be implemented as soon as the beginning of the month after which the change occurs regardless of the NOA period.

C. Assistance with Copayments

Local departments have the option of assisting parents with the payment of the child care copayment using local-only funds. Local policy for the subsidy of parent copayments must be approved by the Regional Consultant and the local board of social services and recorded in the minutes. Local policy governing subsidy for parent copayments must be applied uniformly.

3.7. Service Plan

A Child Care Subsidy Program Service Plan (032-12-0129-01-eng (01/18)) must be completed for every child care case. The Child Care Service Plan must be signed and dated by the recipient and the Child Care Worker. A copy must be given to the recipient.

If parents are active in VIEW, the VIEW Activity and Service Plan (032-02-0302-10-eng (7/11)) will serve as the service plan. If the parents are SNAPET participants, the SNAPET Plan of Participation (032-02-0075-05 (1/12)) will serve as the service plan. Once a client is no longer a VIEW or SNAPET participant, a Child Care Service Plan must be completed and eligibility determined prior to authorization of Transitional or Fee Child Care.

During the development of the service plan, the Child Care Worker must discuss with the parent the responsibilities outlined in 3.8 and also discuss the agency and vendor responsibilities. Service plans must be updated at least annually as part of redetermination. The Child Care Worker must review the service plan with the recipient during their redetermination interview and make updates to the service plan in VaCMS as needed. The updated service plan does not need to be signed by the recipient; their original signature will continue to meet the signature requirement. The local department will mail the updated service plan to the recipient after the eligibility redetermination has been completed.

The Service Plan provides a place to record service planning and consumer education information, the family's needs assessment, and parent activity schedule. The Service Plan can be printed by transmitting from a button on the service plan page of VaCMS or by manually generating the form from the left navigation of VaCMS.

3.8. Consumer Education

Local departments must advise families who receive child care subsidy that they have full parental choice of all legally operating child care vendors who meet the vendor requirements of the subsidy program. Vendors who fail to meet all vendor requirements are not eligible to receive subsidy payments.

Appropriate consumer education must be provided by the local department to applicants and recipients to assist them in gaining needed information about child care services and resources including:

1. The Head Start program, the Virginia Preschool Initiative for At-Risk Four-Year-Old Children, and programs that offer scholarships or services based on a sliding fee scale, including YMCA/YWCA programs, church programs and local not-for profit programs. Parents should be referred to the Child Care website www.childcareva.com for more information about these programs;
2. The 2-1-1 helpline;
3. The Departments public website at www.dss.virginia.gov;
4. Information about developmental screenings;
5. Additional programs and resources for which they may be eligible; and
6. The availability of CommonHelp.

This information may be found on the Family Resources Reference Guide available on the CCECD website under Consumer Education Resources.

Local departments must also provide information about VaECC operations, the availability of vendors and how to identify and monitor quality child care including:

1. Where to access the compliance history of child care providers;
2. Where to report complaints about child care providers;
3. The pamphlet “Choosing Quality Child Care Guide”; and
4. The characteristics that affect program quality:
    i. Staff qualifications and training;
    ii. Staff/child rations;
    iii. Appropriate child development curriculum;
    iv. Group size;
    v. Provisions for health, safety and nutrition;
    vi. Evaluation procedures;
    vii. Parental involvement; and
    viii. Other recognized components of quality care include stability of care, shared values and approaches to child rearing, staff-child interactions, and physical, emotional, and social environment.

Compliance with all regulatory standards is no guarantee of a quality child care program, given the varying meaning of quality to different individuals. As a result, parents are responsible for ensuring that their children's care meets their family's criteria for quality care.

If applicants/recipients do not have the ability to access the consumer education resources noted above, the local department must provide a copy of any of the required information to the applicant/recipient upon request.

Local departments are also strongly encouraged to provide applicants with the link to the Quality Child Care Video prior to their initial eligibility interview. A link to the video can be sent to up to ten applicants at a time via email, or access information can be provided by including a link to the VDSS public website with written correspondence. Access through an electronic mail distribution form is located on the CCECD website at: High Quality Child Care Email.

Local departments may refer to the Consumer Education Checklist available on FUSION under Consumer Education Resources to assure that all required consumer education is provided. Consumer education information will be recorded on the Child Care Service Plan or in the VaCMS case narrative.

3.9. Parental Responsibilities

Local departments must inform parents of the following responsibilities:

A. Responsibility to Report Changes

Parents must be informed of their responsibility to report changes specified on the Child Care Application and Notice of Action to the local department within 10 calendar days after they occur.

Parents must also be informed that failure to report changes specified on the Child Care Application may result in an overpayment and that parents are required to repay child care costs for which they are not eligible.

The Child Care Worker must review the Responsibilities, Change Reporting, and Penalties section of the Child Care Application with applicants and provide clarification as needed. A copy of this section must be given to the applicant.

Changes that need to be reported during the eligibility period include:

1. Changes to the family's gross monthly income that would cause the total amount to exceed 85% of state median income for a family of its size;
2. Changes in household members or head of household;
3. Change of address; and
4. Change of vendor.

Changes that the recipient may voluntarily report during the eligibility period include:

1. Change in education/training activity (including class days/hours and curriculum);
2. Change in the number of hours children need child care;
3. Change in employment (including schedule, employer and/or income); and
4. Any other reduction in household income.

The Notice of Action form generated by VaCMS will also provide the change reporting requirements and the maximum monthly income level for the family.

B. Responsibility to Cooperate in Eligibility Determination Process

It is the parent's responsibility to cooperate fully in the assessment and eligibility determination process including providing documentation of immunization and, absent good cause, providing information to the Division of Child Support Enforcement.

C. Responsibility for Use of Child Care

It is the parent's responsibility to choose a vendor and to monitor the care. Parents must use childcare only for activities that have been approved. It is the responsibility of the parent to use their VaECC Swipe Card to track attendance hours for their child. Parents who do not use their swipe card may be responsible for paying for the unrecorded attendance and the case may be closed at redetermination. Parents are also required to report to the local department if their VaECC card is lost, stolen, or damaged.

It is the responsibility of the local department to ensure that every recipient of child care subsidy services is trained on how to use the POS device and their VaECC swipe card. Local departments must demonstrate how to use the POS device and explain to the recipient how to activate their swipe card when it arrives in the mail.

D. Responsibility to Pay Fees

It is the parent's responsibility to pay all fees owed directly to the vendor. Parental failure to pay copayment or charges above the MRR may result in case closure at redetermination if the vendor reports it. The responsibility to collect any additional fees (e.g., non-covered registration fees, activity fees, early termination fees, etc.) is a business arrangement between the recipient and the vendor and is not a reason for case closure.

E. Responsibility to Vendors

Parents have the following responsibilities to vendors:

1. To track attendance hours for their child by using either their VaECC Swipe Card or the IVR System, parents must not share their VaECC Swipe Card with their selected vendor;
2. To deliver the child to the child care setting clean and well;
3. To pick the child up promptly at the agreed upon time;
4. To inform the vendor when the child will not be coming due to illness;
5. To pick up the child during the day if the child becomes ill; and
6. If transportation is being provided, to get the child safely and promptly to the pick-up site and to meet the child promptly at the discharge point.

F. Responsibility to Repay Overpayments

It is the parent's responsibility to repay fraud-related overpayments or non-fraud overpayments according to the repayment schedule entered into with the local department. Parental failure to repay overpayments may result in denial of application or case closure at redetermination.

G. Responsibility to Respond to Correspondence

The parent must be told to respond to all agency correspondence within specified timeframes.

3.10. Local Department Contacts/Responsibilities

An interview with the applicant/recipient is required at the initial eligibility determination and each redetermination of eligibility. The interview shall be used to obtain verification, provide service planning, and to secure information necessary to complete the application/redetermination process. During the interview, the Child Care Application and the Notice of Cooperation and Good Cause form (if applicable) must be reviewed with the applicant. The applicant and the Child Care Worker must sign the Child Care Application and Notice of Cooperation and Good Cause. A copy of the signature page and the Responsibilities, Change Reporting, and Penalties section of the application, and the Notice of Cooperation and Good Cause must be given to the recipient. Applications submitted through CommonHelp do not need to be signed by the child care worker or scanned into DMIS.

The interview completed as part of the initial application process must be face-to-face. Subsequent interviews may be completed in-person or by phone, but shall not unduly disrupt a recipient's work or school schedule. A face-to-face interview cannot be required at redetermination.

A. Required Verifications

The following information must be verified as part of the eligibility determination process and recorded:

1. All countable income; income for the last 30-day period must be verified. If income verification for the last 30-day period is not available or is not reflective of the recipient's income, the Child Care Worker must document in VaCMS why and explain what income verification was used and why;
2. Parent's employment or documentation of good cause for a parent not providing care in a two-parent household;
3. Enrollment in an education/training program, if this is the reason child care is needed. Enrollment can be verified by, but is not limited to, a grade report, a copy of the recipient's class schedule, a letter from the education/training program or a progress report from the education/training program;
4. If the applicant is a VIEW participant and the education/training is an approved VIEW activity, verification of enrollment in education/training is the responsibility of the VIEW Worker and does not have to be re-verified for child care. The Child Care Worker must document in VaCMS that the verification was performed by the VIEW worker. At redetermination, the Child Care Worker must document in VaCMS that the verification was performed by the VIEW worker;
5. For former VIEW participants receiving Transitional Child Care, verification of enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the

State Council of Higher Education for Virginia is the responsibility of the Child Care Worker. The Child Care Worker is responsible for maintaining and documenting verification that the program meets these requirements.

6. Head Start enrollment, if any child receiving a subsidy is enrolled in Head Start;
7. Special needs/disability of any child for whom subsidy payment is above the MRR;
8. Prior receipt of TANF;
9. Immunizations for children, if applicable;
10. Residence;
11. Identity of the applicant/recipient (at initial eligibility only);
12. Citizenship/legal residency of children (at initial eligibility unless admitted only for temporary legal residency); and
13. Other information necessary to determine eligibility and verify need.

B. Required Documentation

Local departments must ensure that case records are maintained accurately in VaCMS in accordance with case management guidance in this chapter. Any required documentation or verification not provided for in VaCMS must be kept in hard copy in the case file or in a scanned file according to departmental guidelines. Documentation must be provided in the case narrative if not included elsewhere in the case record or in the supporting verification.

When documenting verification sources in VaCMS, anytime “Other (Document Source)” is selected as the verification source, the type of verification used should be documented in the page level comments.

The following documentation is required and must be recorded in VaCMS for initial eligibility determination:

<u>Child Care Forms:</u>

Child Care forms are generated from VaCMS and are assigned a correspondence ID number by VaCMS. When a form is provided to the recipient, the Child Care Worker must record the correspondence ID number and date sent to the recipient in the case narrative as verification the recipient was provided the form in person, by mail, or electronic notification.

1. Child Care Subsidy Service Application and Redetermination Form.
2. Child Care Service Plan (or current VIEW Activity and Service Plan or SNAPET Plan of Participation).
3. Child Care Notice of Action Form.
4. Child Care Communication Form (if applicable).

Child Care – Child Support Enforcement Forms:

These forms are used for communications regarding the Division of Child Support Enforcement. These forms are available on FUSION under CCECD Forms:

1. Child Care Notice of Cooperation and Good Cause (032-02-0126-00-eng (03/17)).
2. Referral to the Division of Child Support Enforcement (032-12-0036-01-eng (03/17)).
3. Attesting to the Lack of Information (032-12-0043-00-eng (12/15)).
4. List of Putative Fathers (032-12-0041-00-eng (12/15)).
5. Good Cause Determination Letter (032-12-0040-00-eng (12/15)).
6. Good Cause Communication Form (032-12-0035-00-eng (12/15)).

C. Document Management Imaging System (DMIS) Scanning

The purpose of DMIS is to reduce paper and make workflows more efficient. It is recommended that paper documents be retained for a minimum of 3 days; however, the length of time that paper documents are retained will be at the discretion of the local department. Local departments remain responsible for all documentation requirements set out in this guidance. Documents shall be scanned and indexed using the Client ID unless the document is program specific, such as the Child Care Application, Child Care Service Plan, Waiting List Screening, etc., which should be scanned and indexed by case number. Child Care Workers shall refer to the Documents Required to be Scanned for DMIS available on FUSION for additional guidance on document type and subtype.

The following documents shall be scanned for all Child Care Cases:

1. Any manual forms sent to the household, not generated by VaCMS;
2. Applicant Identity Verification;
3. Child Care Case Record Transfer Form;
4. Childhood Immunization Certification Form, or other immunization verification form;
5. Citizenship/Legal Resident Verification for the child;
6. Pay Stubs/Employment Forms;
7. Referral to DCSE Form;
8. Residency Verification;
9. Self-employment Income Verification;
10. Signed Notice of Cooperation and Good Cause, if applicable;
11. Signed Paper Application;
12. Signed Paper Redetermination Application;
13. Signed Purchase of Services Order;
14. Signed Service Plan, to include VIEW/SNAPET Activity and Service Plans;

15. Waiting List Screening;
16. Waiting List Update;
17. School Enrollment/Satisfactory Participation; and
18. Education/Training Program Verification for former VIEW participants receiving Transitional Child Care.

Forms used in IPV process

1. Notice of Disqualification for IPV;
2. Notice of Intentional Program Violation;
3. Signed ADH Waivers, ADH Decisions, Advanced Notice of ADH, Referral for ADH;
4. Signed Repayment Agreements.

D. Reported Changes

Local departments must act on all reported changes as soon as possible but no later than 30 days after receiving such a report. Applicants/recipients shall be required to report only those changes outlined in section 3.9.

Recipients must be afforded the opportunity to voluntarily report changes on an ongoing basis. During the recipient's eligibility period, the local department shall record any reported changes in VaCMS, but action will not be taken that would reduce the recipient's authorized child care services or increase their copayment unless:

1. The recipient family's income exceeds 85 percent of state median income;
2. The recipient is no longer a resident of Virginia;
3. The recipient is found to have committed an intentional program violation/fraud;
4. The recipient was conditionally approved due to homelessness;
5. The recipient voluntarily withdraws their child from care or requests that their case be closed; or
6. The family is in graduated phase-out.

If a recipient voluntarily requests a change to their child's authorization schedule that would require less care, the local department shall adjust the child's authorization accordingly.

When a change is reported, the Child Care Worker must determine if the change impacts current or continuing eligibility and if a recalculation of copayment and/or a change in the amount of services authorized is necessary. The local department must act on information provided by the family that would reduce the family's copayment or increase the amount of child care services authorized. When the

applicant/recipient reports a reduction in income, the change must be verified prior to the Child Care Worker taking action in VaCMS to enter the change in income. Copayments shall only be increased at redetermination, or if the recipient family is in graduated phase-out.

When adding a person to an ongoing case, the date of application/program request for adding a required member of the family unit will be the date it is reported that the individual is in the household. If a child is added to an ongoing case, the new child's eligibility must be determined prior to approval. This change shall not impact any existing child's eligibility or change the recipient's current eligibility period.

Revisions to the Child Care Application, the service plan and notations in the child care case narrative must be made accordingly. This is not a redetermination. Regardless of any changes made to the case during the 12 months of eligibility, the full annual redetermination must be conducted.

For reported changes, the Child Care Worker must update the appropriate screens in VaCMS and send the recipient a NOA, if applicable. This action must be recorded in VaCMS, including the correspondence ID number and date. The Child Care Worker must evaluate, when a change is reported, whether or not a change to the authorization is necessary including the need for a new POSO. If a termination POSO and/or a new POSO must be generated, a completed copy of each must be sent to the recipient and vendor. The POSO conveys to the recipient the copayment amount and the amount of care authorized.

E. Case Transfers

When a recipient of child care services moves from one locality to live in another locality within the state during their eligibility period, the recipient is entitled to receive continued assistance without a break in services. To assure the continuation of assistance, the following procedures must be used:

1. If the move is the result of the family seeking temporary shelter/housing in another locality within the Commonwealth and the family intends to return to the original locality, the original locality shall keep the case for up to two calendar months. If the recipient family has not returned to the original locality after the second month of services has been provided, the case must be transferred in accordance with the procedures outlined below. In making a determination as to whether the original locality should keep the case for the two months, the local department should work with the recipient and consider the distance of the move and any hardships that would be encountered by the recipient family in reporting changes, etc.

2. If the move is permanent (i.e., the recipient family does not intend to return to the original locality or if the local department determines that the case should

be transferred during a temporary move), the locality from which the recipient has moved (the transferring locality) must, within five working days of notification, complete a desk review and forward the child care case record along with a Child Care Case Record Transfer Form (032-25-0148-00-eng (07/18)) to the receiving locality. The case record must contain all verifications and other documentation substantiating eligibility; this includes the scanning of all required documents in DMIS. The transferring locality must transfer the case in VaCMS and forward the entire case file to the receiving locality. If the transferring locality wishes to maintain a partial or entire case file, they must copy the portion that they wish to keep, and forward all of the original case file contents to the receiving locality.

The child care case record must be sent by certified mail, or by the courier service which is under contract with the Department, or delivered personally to the receiving locality.

NOTE: *If the transferring locality uses an electronic case record system, the transferring locality may send a compact disk of the case information to the receiving locality.*

If the child care application is pending, and the applicant moves prior to the application being processed, the original local department must deny the application with the reason of “moved from locality” and inform the applicant to apply in the new locality in which they are residing.

Transferring Locality Responsibility

The transferring locality must complete a desk review to assure the correctness of the case and authorizations. The desk review entails updating the case in VaCMS to reflect all changes known or reported prior to the recipient’s move. As part of the review, the Child Care Worker will verify the accuracy of the Fee 72-month clock, if applicable. The desk review also entails making sure that all redeterminations have been completed. If the case is overdue for redetermination, the transferring locality must complete the redetermination prior to transferring the case. The transferring locality must make any needed changes/updates to the authorizations to include updating or discontinuing any existing authorization and creating a new one, if a new vendor has been selected.

The transferring locality must send the recipient a Notice of Case Transfer (032-25-0149-00-eng (07/18)) providing notice that their case has been transferred and listing the name, address, and telephone number for the receiving locality.

The transferring locality must forward the child care case record along with a Child Care Case Record Transfer Form to the receiving locality.

Receiving Locality Responsibility

The receiving locality is responsible for completing a desk review within five working days of receiving the case and acknowledging receipt to the transferring locality using the Child Care Case Record Transfer form. A copy of the completed and signed Child Care Case Record Transfer Form must be scanned into DMIS.

The desk review entails updating the case in VaCMS to reflect any changes known or reported after the recipient's move. The receiving locality must also complete the review to assure the correctness of the case and to make any needed updates/changes to the authorizations. The Child Care Worker must generate, sign and mail the new POSO for the services authorized in the new locality.

If funding is not available in the receiving locality to cover the full costs associated with the transfer-in case, the local department will initially be allowed to over encumber funds to ensure the continued provision of services until the local department can fully transition the case into their caseloads. In instances where local departments have caseloads that cannot be continued within fiscal year allocations due to transfer-in cases, the local department may request additional funding following the procedures outlined in section 3.19. If transfer in cases result in over encumbrance, no new cases can be opened until expenditures are reduced to within the local department's fiscal year allocation.

3.11. Forms Used In Service Planning

A. Required Child Care Forms

The Child Care Service Application and Redetermination Form (032-25-0147-04-eng (07/18)) is used for all applicants for child care services to provide documentation of eligibility requirements for subsidy services and assessment of need. This information must be completed at initial application, at redetermination, or when a case must be screened under a new category.

The Child Care Service Plan (032-12-0129-01-eng (01/18)) provides a place to record service planning and consumer education information. This information must be completed/updated as part of the eligibility determination/redetermination process and before authorization for child care services can be initiated. The initial Child Care Service Plan must be signed and dated by the recipient and the Child Care Worker. A copy must be given to the recipient. A more detailed description of the form and its uses is found in section 3.6 of this guidance.

The Child Care Notice of Cooperation and Good Cause Form (032-12-0126-00-eng (03/17)) is used to advise an applicant/recipient of their right to claim good cause for refusing to cooperate with DCSE and to verify whether good cause was claimed. This information must be reviewed with applicants/recipients and completed at initial application or redetermination. This form is required for non-TANF applicants/recipients of the Child Care Subsidy Program who must cooperate with DCSE and the local department of social services in the establishment of paternity and collection of support payments.

The Child Care Notice of Action Form is used to notify applicants and recipients of case actions which affect eligibility for child care, copayment amounts or the amount of service authorized. A more detailed description of the form and its uses is found in section 3.11 of this guidance.

B. Optional Child Care Forms

The Child Care Communication Form (032-05-0518-02-eng) is used to notify applicant for or recipient of child care subsidy of a change in their application/case that does not affect eligibility, copayment or the amount of services authorized.

The Emergency Medical Authorization Card (032-02-0510-05-eng) is used for family day care or in-home care, regulated or unregulated. This card is used by the parent to give the vendor of family or in-home care authority to obtain emergency medical care for a child when the parent or another designated person cannot be located. It should be documented in the record if the card was given to parents.

3.12. Notice of Action (NOA)

A. Due Process

Every time a case action affecting eligibility, copayment or the amount of services authorized is taken a NOA must be sent. Such notice must include the reason for the action and the notice of appeal rights and procedures, including the right to a fair hearing if the applicant or recipient is aggrieved by the local department's action or failure to act on an application. The NOA may be sent for more than one reason.

The local department must generate the NOA in enough time before the date the action is to become effective (14 days is suggested) to ensure that the applicant/recipient has a 10 day notice.

A copy of the NOA will be generated from and retained in VaCMS each time Eligibility is certified.

The Child Care Worker must evaluate whether the case action for which the NOA is sent affects the case authorization. If so, a revised POSO must be generated in VaCMS, signed, and a completed copy must be sent to the recipient and vendor. The POSO conveys to the recipient the amount of their copayment and the amount of child care authorized.

If a NOA is sent to close a case and the recipient takes no steps to comply, the case is closed. If the recipient complies with the action stated as the reason for case closure within the 10-day NOA period, another NOA is not necessary unless another change occurs.

The NOA is not to be used to request information from a recipient. The Child Care Communication Form is used for that purpose.

***NOTE**: Never send a copy of the applicant/recipient's NOA to the Vendor.*

B. Child Care Communication Form

The Child Care Communication form must not be used for matters that affect eligibility, such as copayments or the amount of services authorized.

Example

It would not be appropriate to use the NOA to request income verification. However, if the applicant/recipient does not provide the requested income verification, it would then be appropriate to send the NOA.

C. Changes

If the local department proposes to change an authorization for child care subsidy such as to reduce child care subsidy or to increase the amount of the copayment, a NOA must be generated to send to the parent at least 10 days (14 days is suggested) in advance of the date the action is to become effective. Information concerning the details of the change should be recorded in the comments section of the form.

Changes which involve a reduction in services must be made effective as of the first of a month. The change must be made effective at the beginning of the month following the month the change is reported or at the beginning of the month following the 10-day period of notification of the NOA.

A copy of the completed POSO reflecting this change must be mailed to the recipient. If administratively possible, the POSO and the NOA should be sent to the recipient at the same time. The completed POSO shows the final copayment amount and the authorized amount of care. The correspondence ID numbers and date must be recorded in the case narrative.

VaCMS will generate the NOA and make it a part of the case record. The local department will complete it and mail it.

3.13. Eligibility Period

The eligibility period for TANF (non-VIEW), transitional child care, Fee Program, and Head Start begins with the effective date of the approval of the child care application. The eligibility period for VIEW and SNAPET participants begins with the date of application/referral from the VIEW or SNAPET program. The exceptions to the effective date of the eligibility period described in section 3.2 may apply. Eligibility will be redetermined, as described in section 3.15, in the final month of the eligibility period.

Recipients will be eligible for child care subsidy and services for a minimum of 12 months before eligibility is redetermined unless:

1. The recipient family's countable income exceeds 85% of state median income;
2. There is a finding that the recipient committed fraud or intentional program violation;
3. The recipient is no longer a resident of Virginia;
4. The recipient requests that their case be closed; or
5. The recipient is a family of a child experiencing homelessness that was conditionally approved because they could not provide the required documentation. If the documentation is provided to the local department within 90 days of case approval, the recipient may remain eligible for the remainder of the 12-month eligibility period. If documentation is not provided to the local department within 90 days, or the recipient is determined ineligible after full documentation is provided, the child care case will be closed with the appropriate advance notice of action provided to the recipient.

Recipients of TANF, Head Start, or SNAPET child care subsidy who subsequently become eligible for Transitional or Fee child care within their 12-month period of eligibility shall have their eligibility program category changed without an increase to any existing copayment amount. Any changes made to the eligibility program category shall not extend the current eligibility period. When there is a change in the eligibility program category, the Child Care Worker must take appropriate action to update the program funding category on any existing authorization(s) and validate the copayment amount on the authorization(s).

A. Changes During Eligibility Period

Once eligibility has been approved, recipients will retain eligibility despite any change in residency within the State. Refer to section 3.10 regarding case transfers. Recipients will also retain eligibility despite any eligible child turning 13 or 18 (child with special needs) years of age during the eligibility period.

During the eligibility period, the child shall be considered eligible and shall receive services at least at the same level, regardless of: (i) a change in family income, if that family income does not exceed 85% of state median income or (ii) any

temporary change or a cessation of work or attendance at a training or education program. During the recipient's eligibility period, the local department shall record any reported changes in VaCMS, but action will not be taken that would reduce the recipient's authorized child care services or increase their copayment. Refer to section 3.10 regarding reported changes.

B. Copayment Changes

During the eligibility period, the Child Care Worker must act on any changes reported by the recipient that would reduce the family's copayment amount, or increase the amount of services received. Copayments may be increased during the eligibility period only if the recipient family is in graduated phase- out. Reported reductions in income must be verified prior to the Child Care Worker taking action in VaCMS to record the change in income. The Child Care Worker must take appropriate action to validate or update the copayment amount on any existing authorization(s).

C. Determining New Eligibility Period

An eligibility redetermination is required at the end of the current eligibility period. After the eligibility redetermination has been completed and if the recipient is determined eligible for a new eligibility period, the new eligibility period will begin the date following the end of the previous eligibility period.

Recipients reaching the end of their 72 month limit, or with a child turning 13 or 18 (child with special needs) years of age within 23 months of the current eligibility determination, shall have their final eligibility period extended beyond the 12 months. The recipient's eligibility period will be extended to coincide with the month the 72-month limit is reached or the month the child turns 13 or 18 years of age.

3.14. Authorization

Once a child is determined eligible for child care services, the amount of services the child requires must be recorded in VaCMS and approved. The authorization process allows the Child Care Worker to approve the receipt of child care services for a specific amount from a specific vendor.

Prior to initiating a new authorization with an unlicensed vendor, the Child Care Worker must review in VaCMS or EPPIC the current authorizations for the vendor to ensure that the additional authorization(s) would not cause the vendor to exceed the threshold for licensure.

Authorization for child care and the completion of the Child Care POSO are the responsibility of the local Child Care Worker. Calculations are performed by VaCMS based on the information entered by the Child Care Worker. A POSO must be initiated by the local Child Care Worker and approved, to complete the authorization of child care services.

The POSO serves as the contract for payment between the state and the vendor. It is used to communicate authorization information to both the vendor and the family. The POSO is generated from VaCMS for the local department to print, sign and mail to the vendor. The signed POSO must be scanned into DMIS.

The vendor must be informed to return the signed POSO within 10 calendar days from mailing by the local department. If the vendor does not return the signed POSO within the 10 days, the vendor's provision of services and acceptance of payment from the Department will constitute their acceptance of the POSO.

The recipient must receive a copy of the completed POSO; the copayment and authorized amount of care appear on the POSO. The POSO with the signature of the local department representatives may be sent to the recipient without the vendor's signature.

The following information is recorded during the authorization process:

1. The child care vendor;
2. Whether the special needs rate is authorized or if in home care is provided;
3. The funding program for the services authorized;
4. The authorized copayment;
5. The child care schedule; and
6. The registration fee.

When a case is closed and/or an authorization is discontinued before the POSO termination date, a termination POSO must be generated and sent to the vendor and the recipient. The vendor does not need to return a signed termination POSO.

A. Age Range Definitions

In applying the appropriate MRR, the local department must use age range definitions used by the Division of Licensing Programs (DOLP) for child day centers.

The age range definitions used by Licensing for child day centers are:

1. Infants - children from birth up to 16 months;
2. Toddlers - children from 16 months up to 24 months;
3. Preschool - children from 24 months up to the age of eligibility to attend public school (five years by September 30). Children turning five after September 30 are considered preschool until they start school the following year; and
4. School age - children eligible to attend public school, age five or older by September 30 of that same year. Children turning five after September 30 are considered preschool until they start school the following year.

NOTE: *In VaCMS the school age rate is effective starting the first Monday in September for all children who turn age 5 before September 30th. If the child turns age 5 after September 30th, the school age rate will be effective starting the first Monday in September of the following year.*

B. Costs of Care

The total cost of care including special programs and transportation provided by the vendor, must not exceed the MRR for the type of care for the age of the child. Transportation costs cannot be paid as a separate cost. The type of care and the cost of care is identified and entered on the POSO as one child care cost. Child care subsidy funds may not be used to pay vendor activity fees.

C. Annual Registration Fee

A single annual registration fee per child will be paid to Level 2 Vendors only if the vendor charges this as a separate fee to the general public.

Child care subsidy funds may be used to pay up to $100 for the annual child registration fee per fiscal year (June1 – May 31). If the requirement for payment of another registration fee is beyond the control of the recipient or due to extenuating circumstances, such as a vendor closing or the family moving, payment may be made. This decision must be documented in the case record. The vendor's decision to charge an additional registration fee is not an extenuating circumstance.

D. Authorized Payment Amount

Reimbursement to vendors for the care of a child will be authorized for a full day or part day of care using the daily unit of service. The total reimbursement for the day must not exceed the MRR.

Transportation time needed for the parent to travel from the vendor to the site of their approved activity and from the activity to the vendor will be included in determining the amount of care needed.

The total number of days that may be authorized for a parent who works from home will not exceed the number that is needed for work only.

The maximum number of hours that may be authorized and/or purchased per week is 60. A "week" is the seven-day period from 12:00 a.m. Sunday to 11:59 p.m. Saturday.

> *<u>EXCEPTION</u>: If a recipient's employment requires them to work more than 60 hours some weeks, such as a corrections officer or firefighter, but the average amount of care for the week does not exceed 60 hours, payment may be made.*

Example

A parent works 80 hours a week for two weeks and 40 hours a week for the other two weeks. That amounts to 240 hours for the month. Dividing 240 hours a month by 4.0 weeks equals 60 hours a week.

<u>Care During Classes</u>

For parents enrolled in an approved education/training program, a full day of care may be authorized to coincide with the hours and days a class is scheduled. This

will allow additional time needed for the parent to study or to participate in labs or activities associated with their education or training.

When parents are involved in educational web-based or correspondence learning from accredited universities or colleges and are enrolled in at least two courses with a minimum of six credit hours, child care can be approved if all the following circumstances exists:

1. The class is offered at a regularly scheduled time only or the parent must leave the home to have access to a computer. Web-based classes that the parent may take at any time do not fit this criteria;
2. The classes are offered only outside traditional public school hours for parents of school aged children or the child is not enrolled in and attending Head Start/Early Head Start or a preschool program which does not require the parent to pay; and
3. There is not another parent in the home available to take care of the child.

The number of hours of care needed per week for online courses would be the number of credit hours assigned by the learning institution for the class. Documentation of online course work would include, but not be limited to, a printout of the recipient's class schedule and documentation from the learning institution.

E. Sibling Discounts

If the vendor offers a sibling discount that is only available to the general public if payments are made in advance, recipients would not be eligible for the discount as authorized payments are made by reimbursement.

F. Unit Price

The unit price for services will be based on a full day or a part day. The full day rate is used when care is needed to support an approved activity for five or more hours a day. The part day rate is used when care is needed for fewer than five hours for a day. The POSO generated in VaCMS is used to document the care authorized. The full day and part day rates will be used in any calculations.

If a Level 2 Vendor requires the general public to pay for the full day when only a partial day of care is needed and no part-day care is available within a 30-minute commute one way for the recipient, subsidy can be authorized for the full day. This applies to Level 2 Vendors only. The vendor's requirement for a full day of payment must be documented in the case record. Documentation could be a copy of the vendor's rate sheet.

G. Full Day and Part Day Rates

A full day rate is based on care for at least five hours up to 12 hours per day. A part-day rate is based on care needed up to four hours 59 minutes per day.

Payment for more than 12 hours per day must not be authorized except in extenuating circumstances in which the need for care due to the parents' work or school schedule can be documented in the case record. Additional part day units may need to be authorized for the hours of care over 12 in one day, unless the vendor's actual charges are less than the part day MRR. The average amount of care authorized for a week cannot exceed 60 hours.

If the parent's need for before and/or after school care is five or more hours per day, the local department will authorize full day care using the vendor's established rate converted to a daily rate not to exceed the full day MRR.

If part day care is needed and no child care vendor is available within a commute of a half an hour one way, full day care may be purchased for Level 2 Vendors. If part day care is available and the parent chooses to use full day care, the parent must pay the difference.

Examples

Extenuating Circumstances

1. The parent is required to work 24-hour shifts. More than 12 hours of care a day can be authorized up to 60 hours a week. If a firefighter works 60 hours per week in two 24-hour shifts and one 12-hour shift, 60 hours can be authorized for the week.

2. A parent works eight hours per day, attends school three hours per day, and drives two hours per day from the vendor to work and from school to the vendor. This adds up to 13 hours of care needed. Assuming that the vendor's rates are greater than the MRR, one full day unit and one part day unit would be authorized.

Part Day

Care is needed one hour before school and two hours after school. Three hours of care are needed. The part day rate would be authorized for the day not to exceed the MRR.

Full Day

Care is needed one hour and thirty minutes before school and three hours and thirty minutes after school. The full day rate would be authorized for the day as a total of five hours of care is needed.

H. Holidays

For Level 2 Vendors and for any certified preschool, voluntarily registered family day home, or religiously exempt child day center, the following 10 holidays will be paid even if the vendor is closed and unavailable to the parent, if the vendor charges the general public for those holidays.

1. New Year's Day
2. Martin Luther King, Jr. Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Day

The Department will not pay for any holiday when an unlicensed family day home or local government approved recreation program is closed and unavailable to parent, even if the vendor charges the general public for the day.

I. Absent Days

The Department will not reimburse any Level 1 Vendor for absent days.

An absent day means any day that a child is authorized to be in the vendor's care but is not in attendance, and child care would have been provided had the child been present.

The Department will pay Level 2 vendors for up to 36 absent days per child per fiscal year (June 1 – May 31). The total number of allowable absent days will be available upon case approval and at the beginning of each fiscal year thereafter.

3.15. Payments

A. Beginning Date of Service Payment

The beginning date of service payment for TANF (non-VIEW), transitional child care, Fee Program, and Head Start Wrap-Around participants is the date the applicant is determined eligible and a vendor approved by the Department, is selected.

The beginning date of service payment for VIEW or SNAPET participants may begin with the date of application/referral from the VIEW or SNAPET program if the applicant is determined eligible and a vendor approved by the Department, is selected.

If the eligibility determination is made more than 30 days after the signed application is received by the local department, payment may begin only on the date eligibility is actually determined, except in the case of administrative delay. Administrative delay means the local department is unable to take action on an application within the 30-day application-processing period due to circumstances beyond their control. Awaiting vendor approval is not an example of administrative delay.

B. Maximum Reimbursable Rates

The Department establishes Maximum Reimbursable Rates (MRR) for child care for all localities in the state by type of care. Local departments cannot establish their own MRR. The MRR is used to determine authorized payments. These rates are stored in VaCMS to perform authorization calculations. VaCMS will calculate the rates automatically based on the MRR information stored in the system.

Vendors will be paid up to the maximum reimbursable rate (less any required copayment) of the jurisdiction in which the vendor is located. The Department will not pay more than the established MRR. If the vendor wishes to collect the amount due over the MRR, the vendor will collect this directly from the parent of the child.

> *<u>EXCEPTION</u>: For children with special needs, payment of up to two times the MRR for the child's age is allowed when it is appropriate as determined by the local department in consultation with the parent, vendor, and appropriate professional. Details of this consultation must be recorded in the case record. The evaluation by an appropriate professional must be provided in writing.*

C. Child Placed at a Vendor with Rate above MRR

Parents who choose to place a child with a vendor with a rate above the MRR are responsible for payment of any additional amount, unless the local department

elects to pay the additional amount with local-only funds for all parents who must pay a charge above the MRR.

When agencies use local-only funds to subsidize the cost of care above the MRR, this local procedure must be approved by the local board of social services and recorded in the minutes, including the maximum allowable subsidy. A copy of this locally approved procedure must be kept on file at the local department and available for review by state monitors and/or auditors. Subsidy decisions must not be made on an individual case basis. Reimbursement cannot be requested by the local department for these expenses.

D. Direct Payment to Vendor

DSS will make payments for child care subsidy by means of direct payment to the vendor upon submission of time and attendance data recorded on Electronic Child Care (VaECC). This is the standard method of payment to be used.

Local departments must use the Child Care Purchase of Service Order form to authorize direct payment to vendors.

E. Payment for In-Home Care

Before authorizing payments for in-home care, local departments must assure that the definition of in-home child care is met. The cost for in-home care must not exceed the local MRR and must meet federal minimum wage requirements. The cost may be above the local MRR only for children with special needs, not to exceed two times the MRR. The local department must have the applicant/recipient sign the Authorization to Act as Agent on Customer's Behalf for In-Home Care (032-02-0150-00-eng), because for in-home care, FICA (Social Security and Medicare taxes) and unemployment taxes will be withheld and paid by the Department.

In-home care may be approved when the total child care cost does not exceed the local MRR and still allows authorized payment of at least the federal minimum wage as required by the Fair Labor Standards Act (FLSA) for Domestic Service. This law requires that employees be paid at a rate not less than the federal minimum wage for all hours worked and that hours worked over 40 be compensated at one and one-half times an employee's regular rate of pay. This law covers most domestic service workers. Fact sheets on the federal minimum wage and overtime provisions of the FLSA are available at www.dol.gov/whd/flsa/ Provide these guides to all people who employ in-home providers. In-home vendors must be paid at least federal minimum wage by the hour, not as a rate per child.

EXAMPLE: If a vendor cares for three children full time, they must be paid at least federal minimum wage for the number of hours per week for which care is needed. The amount paid to the vendor must not exceed the MRR per individual child. These calculations must be completed outside VaCMS.

In-home care providers are neither employed by the Virginia Department of Social Services nor by any local department of social services based solely on their provision of child care subsidy services.

To determine if federal minimum wage requirements for in-home care have been met; any copayment that is assessed should be included in the total payment amount when calculating minimum wage.

Any time In-home care is approved by the Child Care Worker, the Child Care Supervisor must review the case to ensure that the necessary selections have been made in VaCMS and the necessary paperwork has been completed in order to assure proper payment and withholdings. The Supervisor should document his review in the Case Narrative section of VaCMS.

When creating an authorization for In-Home care, the Child Care Worker must ensure that In-Home care is noted in the Authorization General Information section of VaCMS. It is only by selecting this option that the required taxes are withheld from these vendors.

F. Additional Payments

Payments will be made in the following instances for individuals participating in an approved activity for TANF, Transitional, Head Start Wrap-Around or Fee child care or in an assigned activity for VIEW or in an assigned SNAPET component:

1. For a vendor other than the primary vendor if the child is sick. A second POSO covering the same time period as the first is allowable. The details of this arrangement must be recorded in the case record in addition to the purchase information. All information must be clearly labeled.
2. For care while a parent sleeps in situations where the parent works non-traditional hours and must sleep for some of the hours while the children are awake. The total number of hours covered will not exceed the number that would have been needed for work only. The details of this arrangement must

be recorded in the case record in addition to the purchase information and clearly identifiable as such.

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3.16. Eligibility Redetermination

An eligibility redetermination is required at the end of the eligibility period, generally every 12 months. Recipients shall not have their eligibility for child care services redetermined prior to the end of their eligibility period. The 12-month cycle begins with the effective date of the child care case approval and is calculated in VaCMS. Eligibility redetermination means that all eligibility criteria must be evaluated and a contact must be made with the recipient. This contact may be in person or by phone and should not unduly disrupt a parent's work schedule. Local departments must offer recipients the option to participate in this interview by phone. Refer to the list under subsection **C** for criteria that must be evaluated.

The recipient's eligibility period and redetermination date will be extended if the recipient family will reach their 72-month limit, or the only child receiving services turns 13 or 18 years of age (child with special needs) within 23 months of the current eligibility determination. The recipient's final eligibility period/redetermination date will coincide with the month that the 72-month limit is reached or the month the child turns 13 or 18 years of age.

The redetermination process begins when the recipient is sent the Notice of Redetermination form (032-12-0131-00-eng (08/17)) and the Redetermination Application. The Notice of Redetermination provides notification to the recipient that Child Care Subsidy and Services is about to end and that a new application, interview, and verification of eligibility are required. The Redetermination Application provides the recipient with the information on file and the opportunity to update that with current information and a generic checklist of required verifications needed to complete their redetermination. VaCMS will generate and central print both the Notice of Redetermination and Redetermination Application 45 days before the redetermination is due. This will be considered the redetermination packet.

A Child Care Subsidy Service Redetermination Application must be completed and the Child Care Service Plan must be updated at redetermination. If the recipient is a participant in VIEW or SNAPET and there is a current Activity and Service Plan or Plan of Participation on file, these may serve as the service plan. Current means that the forms cover the period of child care service delivery. If the recipient does not return the signed redetermination application, or the Child Care Worker does not record the redetermination packet received date by the 15th day of the redetermination month, VaCMS will automatically close the Child Care case effective the first day of the month following the redetermination month and generate a NOA.

> *<u>EXCEPTION</u>: If the appropriate service plan has not been received at the time authorization must be determined, the Child Care Worker can contact the VIEW or SNAPET worker to confirm the need for child care services. This contact must be documented in the case record and may serve as documentation until the*

appropriate form is received. The form must be received and made a part of the case record within two weeks of the telephone verification.

A completed and signed redetermination application submitted by the first day of the redetermination month will be considered a timely application. The Child Care Worker must approve or deny the application by the last day of the redetermination month as long as the recipient has been given at least 10 days to provide all required verifications.

A. Redetermination Interview

An interview must be completed with the recipient as part of the redetermination. The interview may be conducted by phone or in person, but a face-to-face interview cannot be required at redetermination. During the redetermination interview, the Child Care Worker will enter the updated service plan details in VaCMS as discussed with the recipient. The updated service plan does not need to be signed by the recipient; their original signature will continue to meet the signature requirement. A copy of the updated service plan shall be mailed to the recipient after the eligibility redetermination is completed.

The recipient's rights and responsibilities must be reviewed and explained.

B. Changes Prior to Redetermination

If information is received prior to the date of the annual redetermination that affects eligibility, the local department must evaluate the information, record it in VaCMS and act on any need for change within 30 days of receipt of that information. This is not a redetermination. During the recipient's eligibility period, action will not be taken that would reduce the recipient's authorized child care services or increase their copayment unless:

i. the recipient family's income exceeds 85 percent of state median income;
ii. the recipient is no longer a resident of Virginia;
iii. the recipient is found to have committed an intentional program violation/fraud;
iv. the recipient was conditionally approved due to homelessness;
v. the recipient voluntarily withdraws their child from care or requests that their case be closed; or
vi. the family is in graduated phase-out.

Regardless of any changes made to the case during the 12 months of eligibility, the full annual redetermination must be conducted.

C. Documentation at Redetermination

Details of the redetermination must be recorded in VaCMS. This documentation must include, but is not limited to, verification of:

1. All income; earned income for the last 30-day period must be verified. If income verification for the last 30-day period is not available or is not reflective of the recipient's income, the Child Care Worker must document why and must explain what income verification was used and why.
2. Enrollment and satisfactory progress in an education/training program if this is the reason child care is needed. Examples of verification include:
    i. A copy of the recipient's class schedule;
    ii. A grade report;
    iii. A copy of enrollment information from the education/training program;
    iv. A letter from the education/training program indicating satisfactory progress; or
    v. A progress report from the education/training program may be used.

NOTE: *If the applicant is a VIEW participant and the education/training is an approved VIEW activity, verification of enrollment in education/training is the responsibility of the VIEW worker and does not have to be re-verified for child care. The Child Care Worker must document that the verification was performed by the VIEW worker.*

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3. Any change in residence from what was reported at initial application;
4. Head Start enrollment if any of the children receiving a subsidy are enrolled in Head Start;
5. Special needs of any child for whom authorization is above the MRR, unless the original documentation indicates a permanent condition; and
6. Cooperation with DCSE such as, but not limited to, a copy of the DCSE payment history, a printout of the APECS inquiry through SPIDeR, or statement from the local DCSE District Office.

D. Notice

An NOA must be sent to the recipient upon completion of the redetermination. All contacts must be recorded either on the screen designed to collect the information or on the case narrative.
If a recipient is determined ineligible at redetermination, an NOA must be sent to the recipient notifying the recipient of the case closure. If there are more than 14 days remaining in the eligibility period when the recipient is determined to be ineligible, the case shall be scheduled for closure at the end of the current eligibility period. If there are fewer than 14 days remaining in the eligibility period, the case shall be scheduled for closure at the end of the required notice of action period.

3.17. Suspension

A. Authorization Status

Authorized child care payments may be suspended for up to 90 days if a temporary interruption in child care is necessary, and the reason for the interruption can be resolved within 90 days. A child's authorization may only be suspended at the request of the recipient during the eligibility period. No payments are made during the suspension. The effective begin date of the suspension must be at least 10 days from the current date to allow for the advance notice.

A child care case for which authorization is temporarily suspended is not considered closed, and the family must not be placed on the Waiting List. During the suspension period, funds associated with the suspended case are encumbered. A NOA is generated when the authorization status goes to Suspended.

Examples

1. A parent who works for the school system is not actively working during the summer.
2. A parent whose place of employment is seasonally closed.
3. A mother is employed, but on temporary maternity leave.
4. The parent(s) remain in an approved activity, but a break in child care is needed due to child's illness.
5. The parent(s) remain in approved activity, but child goes to stay with a relative for a period of time not to exceed 90 days.

B. End of Suspension Period

A contact must occur and be recorded in the case narrative to assure that all relevant changes are known and recorded. When the suspension period ends, the authorization status is changed from Suspended to Authorized in VaCMS. An NOA must be sent to the recipient. Since the change in authorization status back to Authorized is not an adverse action, the change can take place without waiting for the 10-day notice period. A suspension would not be appropriate in an instance such as a college student who is taking longer than a 90 day break. A new POSO is required if the authorization is revised. A termination POSO must be sent to the vendor to let them know that the previous authorization was terminated.

3.18. Closure

A. Reasons for Case Closure

Recipients will be eligible for child care subsidy and services for a minimum of 12 months unless:

1. The recipient family's countable income regularly exceeds 85% of state median income;
2. There is a finding that the recipient committed an intentional program violation/fraud;
3. The recipient is no longer a resident of Virginia;
4. The recipient requests that their case be closed; or
5. The recipient is a family of a child experiencing homelessness that was conditionally approved because they could not provide required documentation. If documentation is not provided to the local department within 90 days of case approval, or the recipient is determined ineligible after full documentation is provided, the child care case will be closed.

If the only eligible child leaves or is removed from the household, the child care case will be closed.

Fee Child Care

Fee Child Care cases will be closed at the end of the eligibility period in which the recipient family reaches the 72-month eligibility limit as described in section 2.6 of this guidance.

Continuation of Services During Appeal

If the decision of the hearing officer upholds the local department's previous action to close the case, the local department may take action upon notification by the hearing officer to close the case immediately.

Reasons for Case Closure at Redetermination Include:

1. Appeal - agency decision upheld, for which the case can be closed immediately;
2. Assets/resources exceed $1 million in value;
3. At the parent's request;
4. Children no longer in home;
5. Closure due to Fraud 1, 2, or 3, if found by a state hearing officer to have committed an IPV;
6. Death of head of household;
7. Discontinuation of employment or other approved or assigned activity;

8. Disqualification;
9. Failure to make satisfactory arrangements to pay back fees owed to a child care vendor;
10. Failure to make satisfactory progress in education/training;
11. Failure to pay required fees to a child care vendor, if the vendor notifies the local department of the unpaid fees. The Child Care Worker must advise the vendor to submit the notification in writing;
12. Failure to provide necessary verifications/information needed to determine eligibility;
13. Failure to use VaECC Swipe Card to record child's attendance**;**
14. Fraud, if found guilty and/or convicted;
15. Lack of funds;
16. Need for child care no longer exists**;**
17. Non-compliance with the repayment agreement with the local department of social services;
18. Noncooperation with the Division of Child Support Enforcement;
19. The recipient is no longer a resident of Virginia;
20. The parent no longer meets the non-financial or financial eligibility requirements;
21. Unable to locate.

B. Documentation of Closure Reasons

Adequate documentation supporting the reasons for closure must be recorded. If the local department has insufficient funds to continue services, the recipient must be given the option of being added to the Waiting List. An NOA must be sent to notify the recipient of the intent to close a case or an authorization.

C. Planning and Assessment

Case closure should be planned by the local department jointly with the parent whenever possible. The local department must determine if continued services are needed and assist the family with appropriate referrals. The local department must discuss with the parent the importance of preparing the child in advance, if at all possible, for any change in child care. Planning and preparation of the child is especially important when care is terminated for school-age children who are moving from supervised child care into being alone for a portion of the day.

Once child care subsidy is no longer authorized, continuing social services and/or a referral to another service agency may be needed by the family. The local department must complete an assessment of need. Details of this planning and assessment must be recorded in the child care case narrative.

3.19. Financial Management

A. Monitoring Expenditures

Tracking expenditures in relation to allocations is the most effective method of managing annual allocations and continuing cases without interruption. The local department should regularly monitor encumbrances and expenditures in VaCMS to see how billed charges compare to funds encumbered for each case. As case changes occur, unused funds will be unencumbered in VaCMS to maximize the use of allocations.

VaCMS will track expenditures and project encumbrances for all child care cases. VaCMS will indicate the projected cost through the end of the fiscal year (June 1 – May 31) for families on the Waiting List. Current expenditure details and other statistical reports are available at any time in VaCMS. The local department does not need to wait until the end of a month to access this information.

B. Mandated Programs

Payment of child care subsidies for children in the following program is mandated:

Budget line 871: VIEW, Transitional, TANF Working, Learnfare and SNAPET.

See Child Care Programs Budget Lines (Appendix C) and Child Care Program Budget Lines' Descriptions (Appendix D).

C. Requesting Additional Funding

In instances where local departments have caseloads that cannot be continued within fiscal year allocations, local departments may request additional funding.

Requests must be submitted using the online VaCMS Locality Budget Request form (032-12-0003-00-eng) located on the CCECD website at https://fusion.dss.virginia.gov/ccecd/CCECD-Home/Fiscal.

Justifiable requests for additional funding in non-mandated budget lines will be approved to the extent of available funds.

D. Funds Recovery

The funds recovery process is designed to compare the authorized and encumbered units for a monthly service period to the actual attendance entered for that same service period. The funds recovery process runs on the evening of the 15th of the month and is run to recover unused funds for prior service periods. If any

encumbered attendance unit for a prior service month is not utilized, the encumbered amount for that unit will be reduced and that same amount is added to the available balance so it may be reused for a new authorization period if expenditures do not exceed the local department's budget provided by the VDSS Budget Office.

When the manual attendance is entered for a prior service period where funds have already been recovered, the days for which attendance is entered are encumbered again and the available balance is reduced accordingly. This can cause a negative available balance and no authorizations can be created until additional funds are recovered or allocated.

E. Reducing Caseloads

If additional funding is not provided for Fee Child Care or TANF Child Care for (non-VIEW) education and training, local departments should reduce cases through attrition, if possible, until the appropriate caseload and expenditure levels are attained. No new cases should be added during this time.

If caseloads cannot be reduced through attrition, local departments may close cases to reduce expenditures to funding levels. Cases may not be closed during a recipient's eligibility period to reduce expenditures. The local department may close cases due to lack of funds only at redetermination. Local departments must document their methodology for closing cases due to lack of funds and placement on the Waiting List. Decisions to close cases must be made uniformly. When the proper expenditure levels are attained, cases may be added to the caseload as other cases are closed. VaCMS tracks expenditures and encumbrances. Current information is available to local departments.

F. Funding Plan

For each active child care case, the Child Care Worker should develop a funding plan with a goal of providing continued child care for the family as they pursue self-sufficiency.

3.20. VaCMS and VaECC

A. Virginia Case Management System

The Virginia Case Management System (VaCMS) is the system of record for information related to child care cases funded through the CCDF grant. This guidance provides the framework around which VaCMS is designed. VaCMS provides for recording of all case information as well as most calculations that must be made.

All case management and authorization information is entered into VaCMS. VaCMS provides information about and tracking for child care case management, child care expenditures and encumbrances and child care accounts receivable.

VaCMS interfaces with Electronic Child Care (VaECC) to facilitate timely and accurate transmission of child care authorization, attendance and payment data.

The SPIDeR interface helps ensure data accuracy through the file clearance process in VaCMS. As new clients are added to VaCMS, SPIDeR provides a list of potential matching client information from within VaCMS and other state systems.

VaCMS client demographic information is also published to SPIDeR as clients and cases are added to or updated in VaCMS. Authorized SPIDeR users can query VaCMS for detailed client information.

B. Child Care Case Management in VaCMS

Case management activities must be recorded for all categories of child care cases. This information must be completed before an eligibility determination can be made and before authorization for child care services can be initiated.

C. Case Status

Case applications registered and approved in VaCMS are assigned certain case statuses. These are defined in VaCMS on the appropriate screen. These statuses include: approved, pending, denied, or closed.

A case is established and a status is assigned by VaCMS once intake is initiated for an application or Waiting List screening. Cases assigned to the Waiting List are in pending waiting list status.

D. Authorization Status

Once a case is determined eligible, an Authorization is established and a POSO is generated indicating the amount of care authorized. The Child Care Worker assigns the authorization status. Authorization statuses include: Authorized, Discontinued, Suspended or Waiting List.

E. Registration

Registration is the recording of the receipt of an application or waiting list screening form in VaCMS. The registration process consists of entering basic demographic information for the applicant and case members.

1. The Child Care Worker uses VaCMS to verify that the applicant is applying to the correct FIPS through a locality look up system. This feature uses geographical information system (GIS) technology.
2. The Child Care Worker uses VaCMS to complete file clearance to establish whether or not the applicant is known to VaCMS or to any other system published in SPIDeR. This process helps prevent duplicate records and multiple client ID numbers. Child Care Workers can see if the applicant or any family member is part of an active or closed child care case or application. The information is also published to SPIDeR to determine if the applicant is already known to the Department.

F. Electronic Child Care (VaECC)

VaECC is the system of record for attendance at child care vendors. VaECC interfaces with VaCMS to provide attendance by means of entering information into the Electronic Payment Processing and Information Control (EPICC) system. This information is recorded by use of a Point of Service (POS) device or by use of a telephone to engage Interactive Voice Recognition (IVR) or by manual entry.

VaECC provides information on attendance and payments, reducing the need for paper invoices. Calculation of payments to a vendor is done by VaCMS based on information from VaECC. Reported attendance will be accepted in VaECC only during the dates of the authorization on the POSO. If a recipient tries to use their VaECC card to claim child care outside of the authorization period or for an unauthorized time period, the transaction will be denied.

The parent will receive a VaECC swipe card after being approved for child care subsidy services. A secondary cardholder may be designated to receive a swipe card. Parents must be advised that they are not allowed to give their VaECC swipe card or personal identification number (PIN) to anyone, including their provider.

It is the responsibility of the local department to ensure that recipients of child care subsidy services are trained on how to use the POS device and their VaECC swipe card. Local departments must demonstrate how to use the POS device and explain to the recipient how to activate the VaECC swipe card when it arrives in the mail.

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Section 4. Appeals, Fraud & Improper Payments

4.1 Right to Appeals and Fair Hearings

Applicants and recipients of child care subsidy services have the right to appeal and receive a fair hearing on decisions made about their eligibility for and the authorization of child care including, but not limited to, case approval, the determination of an overpayment or the amount of the overpayment. Appeal instructions are included on the Child Care Application and on the NOA. An appeal may be requested orally or in writing to the Division of Appeals and Fair Hearings or to the local department. If an applicant/recipient makes an oral request to the local department, the Child Care Worker must assist the client by completing an appeal form and forwarding it to the Division of Appeals and Fair Hearings.

A. Notification of Right to Appeal

Every applicant for and recipient of child care subsidy services shall be informed in writing, at the time of application and at the time of any action, proposed or taken, affecting their services, of the circumstances under which they have a right to a fair hearing, of the method by which they may obtain a hearing, and of the right to be represented by others or to represent himself. At the time assistance is first requested, the Child Care Worker will provide the applicant with information about the program for which they are applying and fair hearing procedures. For recipients, this is accomplished when the recipient receives a written notice at the time of any action, proposed or taken, affecting their child care subsidy services.

B. Local Department Conference

In addition to requesting an appeal, the applicant/recipient may request a conference with the local department about the decision made on their child care subsidy services. The local department conference allows the agency the opportunity to explain why the action was taken on their child care case, and allows the applicant/recipient the opportunity to present any information when they disagree with the agency's decision. The local department conference may resolve many questions and/or disagreements without the need for a formal hearing. Applicant/recipients should be informed that requesting a local agency conference does not constitute an appeal request.

C. Fair Hearings

If the parent disputes the decision made by the local department on their child care case, they are entitled to a fair hearing. A fair hearing may be requested by an expressed indication by an applicant/recipient or by a person acting as their authorized representative, to the effect that he or she wishes the opportunity to present his or her case to a higher authority because of dissatisfaction with its treatment by a local department. An appeal may be requested orally or in writing.

The right to make such a request is not to be limited or interfered with in any way. If an applicant/recipient makes an oral request for a hearing, the local department must complete the procedures necessary to start the hearing process. The Appeal to the State Department of Social Services form (032-03-0024-10 (1/10)) must be made available to the applicant/recipient to facilitate appeal requests; however, completion of this form by the applicant/recipient is not required if a clear expression for a hearing has been made by some other method. Information and referral services must be provided to make applicants/recipients aware of any legal services available in the community that can provide legal representation at the hearing.

The freedom to appeal must not be prejudiced or limited in any way; local department emphasis must be on helping the applicant/recipient submit their request and on assisting in preparing their case, if necessary.

Although appeals to the State agency will normally be by use of the Appeal to the State Department of Social Services form, a written request to the State agency by an applicant/recipient, clearly indicating the wish to present his or her case to a higher authority will be considered a fair hearing request.

Continuation of Services

If a hearing request is received prior to the effective date of any proposed reduction or termination of services, and services had been previously authorized, payment for child care services may be continued in the original amount without interruption until a hearing decision is rendered. The applicant/recipient should make such a request to the local department along with their request for an appeal.

> *EXCEPTION: If services are continued during the appeals process, they may be terminated if (1) the eligibility period ends, (2) a change in circumstance affecting household eligibility occurs, or (3) a programmatic change occurs which impacts eligibility.*

Once the Appeals and Fair Hearings Office receives an appeal request, a Local Agency Validation Form is sent to the local department. This begins the validation process. The local department completes the bottom portion of the form indicating whether or not the appeal was filed within 30 days of the mailing date of the Notice of Action. Appeals filed within this time frame are considered valid. (The 30-day period ends on the 31st day following the date of the agency's Notice of Action.) The agency also completes the section on the form indicating whether or not the appeal was filed within the applicable time frame for continuation of benefits. (The agency also indicates on the form if action has been taken to continue benefits). The local department does not have to wait for the validation form to continue payment for services. Once the form is received, the local department has five days to send it back to the Appeals Office.

Upon notification by the hearing officer, the local department shall inform the recipient in writing that their child care subsidy services are being continued in the same amount pending the hearing decision unless there are subsequent changes in the recipient's situation.

If the decision of the hearing officer upholds the local department action, the recipient will be required to repay the sum of all services provided from the time of the appeal until case modification or closure.

Time Limits for Requesting Hearing

An appeal of any local department action must be made within the 30 days following the date of the local department's Notice of Action informing the applicant/recipient of the action taken on their application or case.

An appeal based on the failure of a local department to accept an application or to act within the specified time limit on the application or written request for a change in the amount, kind, or conditions of assistance must be made within 30 days following such failure to accept the application or to take timely action thereon.

The requirement of filing within the time limit is met if the request for appeal is received in the state or local department, or postmarked, by the end of the 31st day following the date of the local department's notice unless the applicant/recipient can provide proof that he or she was given fewer than 30 days to make a request for a hearing. Acceptability of the proof rests with the state hearing authority.

If more than 30 days have elapsed in filing the appeal, the state authority may, in the interests of justice, grant an extension of the time period.

The hearing officer will notify the recipient of the date and time for their hearing at the local department of social services or at a location agreeable to them and the agency. If the recipient needs transportation, the local department will provide it.

D. Decision on Appeals

The hearing officer, following the hearing, prepares a written report of the substance of the hearing embodying his findings, conclusions, decision, and appropriate recommendations. The decision of the hearing officer shall be rendered within 60 days following the date the appeal is received by the local department or the Department. An exception to this is when the hearing officer grants the claimant or his/her representative an extension, or otherwise occasions a delay, not to exceed 30 days.

Once the agency receives the decision from the hearing officer, the agency must take action on the case based on the decision received. The local agency must

ensure that administrative action to implement the hearing officer's decision is taken no later than 10 working days following the date of the decision. After corrective action is taken, the local department must notify the appellant and the hearing officer in writing that the local department has complied with the decision. This information must be recorded in VaCMS.

If the recipient did not request continuation of services during the appeal, and the decision of the hearing officer is in the recipient's favor, the local department must take appropriate action to correct any underpayments for services.

Local departments must send copies of all hearing decisions to their appropriate regional child care consultant.

For more information about the appeals process, see the Appeals and Fair Hearings Manual on FUSION at: http://spark.dss.virginia.gov/divisions/appeals/.

4.2 Fraud

The *Code of Virginia* (§ 63.2-522 & § 63.2-502) deems guilty of larceny any person who obtains assistance or benefits by means of a willful false statement or who knowingly fails to notify of a change in circumstances that could affect eligibility for assistance. Welfare fraud is larceny, and recipients deemed guilty of larceny, upon conviction, are subject to penalties as specified in the *Code of Virginia.* The Commonwealth's Attorney is responsible for deciding under which section of the *Code of Virginia* an applicant or recipient will be charged.

A. Intentional Program Violation (IPV)

An intentional program violation consists of any action by which an individual intentionally:

1. Made a false or misleading statement to the local department, orally or in writing, to obtain child care services to which the household is not entitled. An IPV may exist for an individual even if the local department denies the family's application;
2. Concealed information or withheld facts to obtain services to which the family is not entitled; or
3. Committed any act that constitutes a violation of the:
   i. Child Care Development Block Grant Act of 2014, as implemented in regulation at 45 CFR Parts 98 and 99.
   ii. Code of Virginia, Sections 63.2-217, 63.2-319, 63.2-502, 63.2-510, 63.2-522, 63.2-526, 63.2-611, 63.2-616, 63.2-620.

An IPV is also any action where an individual knowingly, willfully and with deceitful intent uses the VaECC system to cause payment for child care services to be fraudulently obtained.

Whoever obtains or attempts to obtain or aids or abets any individual in obtaining services by means of a willful statement or misrepresentation, by impersonation or other fraudulent device assistance from child care has committed an IPV.

When it is suspected that there has been deliberate misrepresentation of facts in order to receive child care subsidy, the local department must determine whether or not fraud was committed. There must be evidence that demonstrates that the household committed an IPV or fraud in order to refer the case to the Fraud Unit. Suspected instances of child care fraud must be referred to the fraud staff for investigation. Local departments must send copies of fraud investigation final reports to their appropriate Child Care Regional Consultant.

B. Forms used in IPV process

The forms listed below must be used in the IPV process. The forms and instructions for their use may be accessed from FUSION.

1. Notice of Intentional Program Violation (032-03-721-11)
2. Waiver of Administrative Disqualification Hearing (032-03-722-06)
3. Referral for Administrative Disqualification Hearing (032-03-725-05)
4. Advance Notice of Administrative Disqualification Hearing (032-03-724-08)
5. Administrative Disqualification Hearing Decision (032-03-723-10)
6. Notice of Disqualification for Intentional Program Violation (032-03-052-13)

4.3 Administrative Disqualification Hearing

A. Introduction to the ADH

An Administrative Disqualification Hearing (ADH) is an impartial review by a hearing officer of an individual's actions involving an alleged IPV to determine whether or not the individual committed an IPV.

In order to request an ADH, there must be clear and convincing evidence that demonstrates that an individual committed or intended to commit an IPV.

Examples of evidence include, but are not limited to, the following:

1. Written verification of unreported income received by the individual;
2. Verification that the individual was informed of the reporting requirements by their signature on the Child Care Service Application and Redetermination form; or
3. Documented contacts with the individual during the period the IPV is alleged to have occurred in which the individual failed to report information in response to local department queries about household circumstances.

NOTE: *The examples above do not have to be presented to document intentionality; however, it is likely that such deliberateness can only be shown through the presentation of more than one of these types of evidence.*

The local department must ensure that the evidence against the individual alleged to have committed the IPV is reviewed by either a supervisor or the Local Department Director for purposes of certifying that such evidence warrants the initiation of the ADH process.

A pending ADH does not affect the individual's right to receive child care subsidy. The individual alleged to have committed an IPV cannot be disqualified until a hearing officer finds the individual committed an IPV.

B. Child Care Worker Responsibility

It is the responsibility of the Child Care Worker to refer any case to the local fraud investigator in which there is evidence that an IPV has been committed. The Child Care Worker should use the Local Agency Fraud Referral form (032-29-0005-01-eng) or another agency approved form to refer the case to the Fraud Unit.

C. Fraud Investigator Responsibility

The Fraud Investigator must conduct an investigation of an allegation that an individual committed an IPV, regardless of the Child Care Program status. A determination as to whether an IPV has occurred must be based on careful consideration of the circumstances. A determination must be made that there has been a deliberate misrepresentation of information or facts given or a deliberate misrepresentation by omission on the part of the individual. Consideration should be given to: 1) whether the incorrect or unreported information was known to the individual and 2) whether the individual understood the eligibility and reporting requirements.

The Fraud Investigator is required to proceed against any individual where the evidence supports an IPV by referring the matter to the appropriate authorities for criminal action or initiating the ADH process.

NOTE: *The Fraud Investigator may refer a case for prosecution or initiate an ADH regardless of the current eligibility of the individual.*

An individual may be charged with an IPV even if the child care application was denied. An over-payment does not have to exist for there to be a determination of an IPV.

The local department must coordinate its actions with any corresponding action being taken against the individual under SNAP and/or TANF if the factual issues involved arise out of the same or related circumstances.

D. Notification of ADH

Prior to submitting the “Referral for Administrative Disqualification Hearing” to the State Hearing Authority, the local department Fraud Investigator must provide the forms, “Notification of Intentional Program Violation” and “Waiver of Administrative Disqualification Hearing” to the individual accused of committing the IPV. If an individual wishes to waive the ADH, form Waiver of Administrative Disqualification Hearing, must be returned to the local department within 10 days from the date notification is sent to the individual in order to avoid submission of the referral for an ADH. If a signed waiver is received, no ADH is conducted and the disqualification period is imposed in accordance with this guidance.
No further administrative appeal procedure exists after an individual waives his/her right to an ADH and a disqualification penalty has been imposed. The disqualification period cannot be changed by a subsequent fair hearing decision; however, the household member is entitled to seek relief in a court having

appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy by a court of appropriate jurisdiction. Allegations of coercion by the household member, household head, or legal representative to VDSS or the local department of social services will negate the waiver and the case must be referred for an ADH.

If no waiver to the ADH is received within 10 days, the local agency must submit the Referral for Administrative Disqualification Hearing to the Hearings Manager by the 15th day following the date notification was sent to the household. The additional five days allows for possible mail delivery delays. The form must include the following information:

1. Identifying information as requested at the top of the form;
2. Summary of the Allegation(s);
3. Summary of the Evidence; and
4. Copies of documents supporting the allegation.

To determine the appropriate disqualification period for the notification form, the local department must determine the number of prior disqualifications an individual may have. Information about prior disqualifications must be verified before deciding on the length of the penalty.

E. Scheduling the ADH

The hearing officer will schedule a date for the ADH and provide written notification to the individual suspected of an IPV at least 30 calendar days in advance of the date the ADH has been scheduled. The form, "Advance Notice of Administrative Disqualification Hearing" is used for this purpose. The hearing officer may also send a pamphlet that describes the ADH procedures with the advance notice. The ADH advance notice may be sent by first class mail, certified mail - return receipt requested, or by any other reliable method. If the notice is sent by first class mail, and it is subsequently returned as undeliverable, the hearing may still be held.

Once the ADH has been scheduled, the ADH is to be conducted and a decision made within 90 days of the date the individual is notified in writing that the ADH has been scheduled. A copy of the decision must be provided to the individual and the local department.

F. Time and Place of ADH

The time and place of the ADH must be arranged so that the hearing is accessible to the individual suspected of an IPV. The individual or a representative may request a postponement of the ADH if the request for postponement is made at least 10 days in advance of the date of the scheduled hearing. The ADH will not be postponed for more than 30 calendar days and the State Hearing Authority may limit the number of

postponements to one. When a hearing is postponed, the time limits for rendering and notifying the individual and the local department of the decision are extended for as many days as the hearing is postponed.

G. Attendance at the ADH

The ADH is attended by persons directly concerned with the issue. This normally means a representative of the local department and the individual alleged to have committed an IPV and/or the individual's representative. If space is limited, the hearing officer has the right to limit the number of persons in attendance.

H. Failure of Individual to Appear at the ADH

Unless proof of non-receipt of the ADH advance notice has been received, the requirement to notify the individual alleged to have committed the IPV has been met. The ADH must be held even if the individual or a representative subsequently cannot be located or fails to appear without good cause.

The individual has 10 days from the date of the scheduled ADH to present reasons other than non-receipt of the notice that show good cause for failure to appear at the hearing. Good cause reasons based on non-receipt of the notice must be presented within 30 calendar days of the scheduled hearing. Even though the individual is not represented, the hearing officer must carefully consider the evidence and determine if an IPV was committed based on clear and convincing evidence. If the individual is found to have committed an IPV, but a hearing officer later determines there was good cause for not appearing, the previous decision is no longer valid, and a new ADH must be conducted. The hearing officer who originally ruled on the case may conduct the new hearing. The good cause decision must be entered into the hearings record by the hearing officer.

I. Conduct of ADH

The hearing officer presides over the hearing and conducts the hearing informally. Technical rules of evidence are not required. The hearing may be conducted via a teleconference. The hearing may also be recorded.

J. Responsibilities of the Hearing Officer

1. Identify those present for the record.
2. Advise the individual or their representative that they may refuse to answer questions during the hearing.
3. Explain the purpose of the ADH, the ADH procedure, how and by whom a decision will be reached and communicated, and the option of either the local department or the individual to request a review of the hearing officer's

decision by the Commissioner. The Commissioner's review does not affect the ruling of the Hearing Officer.

4. Consider all relevant issues. Even if the individual is not present, the hearing officer must carefully consider the evidence and determine if an IPV was committed based on clear and convincing evidence.
5. Request, receive and make part of the record all evidence determined necessary to render a decision.
6. Regulate the conduct and course of the hearing consistent with due process to insure an orderly hearing.
7. Advise the local department to obtain a medical assessment at the local department's expense if the hearing officer considers it necessary.

K. Responsibilities of the Local Department

The local department's representative is responsible for presenting the local department's case in the ADH. The local department representative has the same rights as the individual as listed below.

L. Rights of the Individual

1. As the individual may not be familiar with the rules of order, it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the individual feel most at ease.
2. The individual or their representative may refuse to answer questions during the hearing.
3. The party alleged to have committed an IPV and/or their representative must be given adequate opportunity to do the following:

    i. Examine all documents and records to be used at the ADH at a reasonable time prior to the ADH as well as during the ADH. The contents of the case file, including the application form and documents of verification used by the local department to establish the alleged IPV, must be made available, provided that confidential information, such as the names of individuals who have disclosed information about the individual without their knowledge, or the nature and status of pending criminal prosecutions, is protected from release.
    ii. Present its case or have it presented by legal counsel or another person.
    iii. Bring witnesses.
    iv. Advance arguments without undue interference.
    v. Question or refute any testimony or evidence, including the opportunity to confront and to cross-examine witnesses.
    vi. Submit evidence to establish all pertinent facts and circumstances in the case.

If requested by the individual or their representative, the local department must provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the individual will not otherwise have an opportunity to contest or to challenge must not be introduced at the hearing or affect the hearing officer's decision.

M. Notification of Decision

The hearing officer is responsible for rendering a decision. The decision must be based on clear and convincing evidence from the hearing record, which is an official report of the hearing, including all papers and requests filed in the proceeding. The hearing officer must substantiate the decision by identifying supporting evidence and applicable guidance and regulations.

Following the ADH, the hearing officer must prepare a written report of the substance of the hearing that must include findings, conclusions, decision and appropriate recommendations. The decision must specify the reasons for the decision, identify the supporting evidence, identify pertinent child care guidance and regulations and respond to reasoned arguments made by the individual or their representative.

The hearing officer must notify the individual and the local department of the decision within 90 days of the date of the “Advance Notice of ADH.” The form "Administrative Disqualification Hearing Decision" must accompany the findings. The notice must inform the individual of their right to request review of the decision. If the individual is found guilty of an IPV, the decision must advise the individual that disqualification will occur.

The determination of an IPV by the hearing officer cannot be reversed by a subsequent fair hearing decision.

The individual is entitled to seek relief in a court of appropriate jurisdiction. The period of disqualification may be subject to stay by that court or by other injunctive remedy.

If the individual or their representative did not appear at the hearing, and the hearing officer determines that an IPV was committed, the hearing officer will delay notification of the decision until 10 days after the date of the hearing to allow the individual time to present good cause for failing to attend.

N. Implementation of the ADH Decision

Upon receipt of the notice of a decision from the hearing officer finding the individual committed an IPV, the Fraud Investigator must inform the individual of the disqualification by sending a "Notice of Disqualification Due to Intentional Program Violation." The notice must inform the individual of the reason for disqualification and the effective date of the disqualification. The individual who committed the IPV must be disqualified in accordance with the length of time specified in section 4.4. The local department must also provide an NOA to the individual detailing information concerning their case closure.

The period of disqualification must begin the first of the month following the date the “Waiver of Administrative Disqualification Hearing” was signed or the first of the month following the end of the NOA giving the 10 day notice.

If it is determined that the individual did not commit an IPV, no disqualification will be imposed and any overpayment must be handled as a non-fraud overpayment as outlined in this guidance.

4.4 Disqualifications

A. Disqualification Period

Applicant/recipients will be disqualified from participating in the child care subsidy program for three months upon the first finding of child care fraud, 12 months upon the second finding, and permanently upon the third finding, unless otherwise mandated by the court.

If an applicant/recipient is found to have committed fraud by the court, the Child Care Worker will use the closure reason of “Fraud” and record the disqualification period in the case narrative. When “Fraud” is selected as the closure reason, the local department must manually track the length of the disqualification based on the ruling of the court. Cases closed prior to the implementation date of this guidance must also continue to be tracked manually by local departments.

If an applicant/recipient is found to have committed fraud through the ADH process, the Child Care Worker should close the case using “Closure due to Fraud 1, 2, or 3.” When this option is selected, VaCMS will alert anyone who attempts to associate a case during the disqualification period of the disqualification. Local Departments must continue to manually track cases closed prior to the effective date of this guidance with the closure reason “Fraud.”

B. Failure to Enter into a Repayment Schedule

Applicant/recipients who fail to enter into a written repayment schedule with the local department for overpayment due to fraud or for non-fraud overpayment will be disqualified from participating in the child care subsidy program until entering into a written repayment schedule. However, if the parent files a valid appeal regarding the overpayment, the parent will not be required to enter into repayment schedule until the appeal decision is issued.

C. Failure to Make Payments

Applicant/recipients who fail to make three consecutive payments according to the written repayment schedule with the local department for overpayment due to fraud or for non-fraud overpayment will be disqualified from participating in the child care subsidy program, upon missing the third payment, until all delinquent payments are made. If a recipient agrees to make monthly payments, they are out of compliance the first month a payment is missed.
Upon payment of all delinquent payments according to the written repayment schedule, child care subsidy eligibility will resume for parents who are not otherwise disqualified.

4.5 Improper Payments

A. Overpayment Due To Fraud

Anyone who causes the local department to make an improper vendor payment by withholding required information or by providing false information will be required to repay the amount of the improper payment.

B. Non-Fraud Overpayment

In cases of non-fraud overpayment, the parent may continue to participate in the subsidy program as long as a repayment schedule is entered into with the local department and payments are made according to that schedule. All overpayments must be repaid to the state by the locality according to the procedures outlined in subsections F and G.

C. Overpayment Due To Local Department Error

If an overpayment related to eligibility for services or related to co-payment amount was made as a result of an error by the local department, the local department will not seek to recoup those funds from the parent or the vendor. All overpayments must be repaid to the state by the locality.

D. Overpayment Begin Date

The overpayment begins the month following the month the change occurred. The local department will determine the overpayment begin date and secure all verifications necessary to calculate the overpayment. Vendor payments issued and payment reductions delayed as a result of the advance notice period are not overpayments.

E. Outstanding Overpayments

Outstanding overpayments must be recovered prior to a former recipient being found eligible. The repayment schedule is to be based on the current situation of the individual. The allowable amount of recovery of the overpayment from the individual is limited to the total amount of the overpayments. When Child Care services are overpaid, only the adult(s) included in the family unit at the time the overpayment occurred will be responsible for repayment of the overpayment.

F. Repayment Agreement and Schedule

VaCMS provides a tracking system to ensure that repayments are established and satisfied. Recipients may be required to enter into a repayment agreement for

failure to pay required fees; failure to make satisfactory arrangements to pay back fees owed; discontinuation of employment or other approved or assigned activity; failure to report changes to non-financial or financial eligibility requirements; failure to make satisfactory progress in education/training; failure to provide necessary verifications/information; or failure to report changes specified on the Child Care Application and Notice of Action form.

The Child Care Worker or Fraud Worker shall provide the Child Care Repayment Agreement form (032-12-0130-00-eng (08/17)) to the recipient and request that they submit the completed form within 30 days. In establishing the repayment schedule for a parent, local departments cannot require monthly repayment amounts that exceed 5% of the family's gross monthly income.

Repayment will be in either a lump sum or according to a written repayment schedule between the responsible person and the local department. The Child Care Repayment Agreement form must be signed by the responsible person.

The local department must determine the correct amount of the payment the vendor should have received for those months the vendor actually received an overpayment. The overpayment is based on the actual circumstances of the case each month. If, due to a misunderstanding or inadvertent error on the part of the parent, a family failed to report a change in its circumstances within 10 days of the date the change became known to the parent, the first month of an overpayment will be the first month in which the change would have been effective had it been reported in a timely manner.

G. Collection of Improper Payments

There is a help wizard in VaCMS that can be used to guide users through these steps.

Improper payments collected by local departments of social services must not be sent to the Home Office; instead they must be deposited into local bank accounts according to established local procedures. Home Office staff will make adjusting entries in LASER, based on collection data entered in VaCMS by the LDSS. The adjusting entries made by Home Office staff will reduce local reimbursements in LASER by the amount collected using the appropriate LASER cost codes (88801, 88802, & 88901). This is the mechanism by which the state collects repayments of improper payment received by local departments of social services.
Local department of social services staff should not record any information into the new LASER cost codes.

<u>Pre-VaCMS/ECC Improper Payment Collections</u>

Local departments of social services should continue to enter improper payment collection details into LASER. A summary adjustment is entered to the appropriate budget line.

VaCMS/ECC Improper Payment Collections

The payment(s) that caused the overpayment must be identified in VaCMS and a subsequent manual adjustment(s) to that payment(s) must be made before the receivable owed to the Commonwealth can be established. Accounts receivable and collection data must be entered into VaCMS. A series of steps must be followed to set-up the receivable account and to properly record collection activity in VaCMS. To ensure adequate internal controls, one individual (Child Care Worker) identifies the payment, portion of the payment, or payments that caused the overpayment and then makes the manual adjustment(s) to reflect the amount of the overpayment. A second individual, (either a Local Adjustment Approver or Fiscal Manager) reviews the adjustment and then establishes the receivable in VaCMS. The same individual may not create the manual overpayment adjustment and establish the receivable in VaCMS.

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Section 5. Vendor Management

5.1 Vendor Management

Vendor Procedures are included herein so local Child Care Workers understand the vendor management processes. All child care vendors must sign a Vendor Agreement in order to receive payment. The Vendor Agreement is the contract between VDSS and the Vendor for the provision of child care services by the Vendor to child care recipients of local departments of social services who are eligible for child care assistance. Processing of the Vendor Agreement is part of the vendor coordination process handled by the state.

There are two Vendor Agreement templates. Each template relates to a specific type of child day program: child care centers or family day homes. The templates are as follows:

1. Child Care Center Vendor Agreement (032-12-0047-00-eng (10/16)). This Vendor Agreement is used for all licensed and unlicensed child day centers.

2. Family Day Home Vendor Agreement (032-12-0046-00-eng (10/16)). This Vendor Agreement is used for all licensed and unlicensed family day homes.

Vendor Agreements are generated in the Subsidy Vendor Agreement System (SVAS) and sent to the vendor via the vendor's email address.

A link to SVAS is sent to the vendor's email along with a temporary password and directions to change the password. This will allow the vendor to have secure access to all vendor agreements signed after 2016.

An electronically signed and dated Vendor Agreement must be received by the state before the vendor is approved in VaCMS.

1. The vendor's signature confirms his agreement to comply with the terms of the agreement, including payment processes, absences, and attendance tracking.

2. A new Vendor Agreement must be completed biennially; or more frequently if necessary due to amendments in the agreement; a change in licensure status; a change in ownership; or a change in facility address.

The Vendor Agreement must be approved and entered into VaCMS before a POSO can be issued. The POSO cannot have a begin date prior to the vendor's approval in VaCMS.

Child Care Workers may determine by a vendor inquiry in VaCMS if a provider is approved or needs to complete the approval process. If the provider is approved, VaCMS will have an "Open" facility status. This indicator serves as acceptable

documentation. Vendors must not be reimbursed for services rendered prior to approval.

NOTE: *All providers entered into the Division of Licensing Programs Help and Information Network (DOLPHIN) will automatically appear in VaCMS as "pending subsidy approval." The status of "pending subsidy approval" does not mean the vendor approval process has been initiated.*

5.2 Parental Choice

Families have full parental choice of child care vendors. However, authorized payments will be made to only those vendors who meet the vendor requirements of the subsidy program. Local departments must advise families about the availability of vendors and assist them in gaining needed information on how to identify and monitor quality child care and the characteristics that affect program quality.

Local departments must not establish policies that limit parental choice of vendors.

A. Relative Care

A child's relative may be paid as a child care vendor as long as the individual is neither a part of the public assistance unit nor legally responsible for the children needing care.

Example

An owner or operator of a family day home is not eligible to receive a child care subsidy payment for their own child when the child is in the home of the owner or operator.

B. Legally Operating Vendor

In order to maintain their eligibility, families must choose a child care vendor who meets the subsidy program requirements. All vendors who participate in the subsidy program must:

1. Be at least 18 years of age;
2. Be operating legally according to the *Code of Virginia*;
3. Obtain background checks as required by the regulations for their type of child care;
4. Complete the *Virginia Preservice Training for Child Care Staff* course and maintain current certification in first aid and cardiopulmonary resuscitation (CPR) as appropriate to the age of the children in care;
5. Maintain substantial compliance with the applicable *Subsidy Inspection Requirements* for the child day program; and
6. Have a current, signed and dated Vendor Agreement on file.

5.3 Regulatory Oversight of Vendors

Payment rates are made according to the vendor's level of regulatory oversight. There are two levels of vendors; Level 1 and Level 2.

There are two categories of Level 1 Vendors: Unlicensed and License-Exempt Regulated.

Level 1 Unlicensed Vendors are child care providers, including in-home providers, who are neither licensed nor registered; and local government-approved recreation programs.

Level 1 License-Exempt Regulated Vendors are child care providers who are voluntarily registered family day homes; religious-exempt child day centers; local school division programs staffed by local school division employees and subject to safety and supervisory standards established by the local school board and certified preschools.

Level 2 Vendors are child care providers who are licensed by the Virginia Department of Social Services, approved by a licensed family day system, or approved under local ordinance according to §§ 15.2-741 and 15.2-914 of the *Code of Virginia.* An exception has been made for the Langley Child Development Center operated by the NASA Exchange. This center is approved by the Department of Defense and may be used as a Level 2 Subsidy vendor.

NOTE: *Licensed and license-exempt regulated vendors are considered to be operating legally if the regulatory agency received a complete renewal application prior to expiration of their current license, certificate, permit, or exemption.*

A. Level 1, Unlicensed Vendors

<u>Unlicensed Family Day Home:</u>

A program that is not state licensed, licensed family day system approved, local ordinance approved, voluntarily registered, religious exempt, or a certified preschool and is operating at or below the threshold for licensure.

1. An unlicensed family day home can legally provide care for no more than four children, in addition to the provider's own children or children residing in the home, or no more than four children under the age of two, including the provider's own children or children residing in the home, at any one time.
2. Homes that exceed capacity are operating illegally.

In-Home Child Care:

In-home child care is provided in the home of the child and parent when all the children in care reside in the home and the vendor does not live in the home. This may be a live-in arrangement or an arrangement where the person provides care for part of the day. There are no licensing regulations for this type of care. The person may or may not have credentials or formal training in early childhood education. As the employer, the parent is responsible for finding someone who meets the family's needs.

The cost for in-home care must not exceed the local MRR. For in-home care, FICA (Social Security taxes) and unemployment taxes must be withheld and paid by the Department. In-home care may be approved when the total child care cost does not exceed the local MRR and still allows payment of at least the minimum wage as required by the Fair Labor Standards Act for Domestic Service.

Local Government Approved Recreation Program:

Section 63.2-1717 of the *Code of Virginia* allows a program of recreational activities offered by local governments, staffed by local government employees, attended by school-age children, and subject to safety and supervisory standards established by local governments to be exempt from licensure.

B. Level 1, License-Exempt Regulated Vendors

Certified Preschool:

Section 63.2-1717 of the *Code of Virginia* allows preschool programs operated by private schools that are accredited by a statewide accrediting organization (or another accrediting organization recognized by the Board of Education) to be exempt from licensure. In order for preschool and nursery school programs operated by accredited private schools to be certified, certain information must be filed with the Division of Licensing Programs (DOLP) before the beginning of the school year or calendar year. That information must be filed annually thereafter.

Local School Division Programs:

Section 63.2-1715 of the *Code of Virginia* allows a child day program offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division to be exempt from licensure. Such programs shall be subject to safety and supervisory standards established by the local school board.

Religious Exempt Child Care Center:

Child care centers operated by religious institutions may be exempt from licensure, per § 63.2-1716 of the *Code of Virginia*, if the religious institutions submit certain documents to DOLP prior to opening the child day center and then annually prior to the expiration date of their exemption.

Voluntarily Registered Family Day Home:

A family day home serving fewer than five children, exclusive of the provider's own children and any who reside in the home, that becomes state registered on a voluntary basis using approved standards.

C. Level 2 Vendors

Level 2 Vendors are child care providers who are licensed by the Virginia Department of Social Services, approved by a licensed family day system, or approved under local ordinance according to §§ 15.2-741 and 15.2-914 of the *Code of Virginia.* An exception has been made for the Langley Child Development Center operated by the NASA Exchange. This center is approved by the Department of Defense and may be used as a Level 2 Subsidy vendor.

Licensed and regulated vendors are considered to be operating legally if a complete renewal application was received prior to expiration of their current license, certificate, or permit.

5.4 Vendor Approval Process

Providers who are interested in becoming a Subsidy Program vendor should be directed to the VDSS public microsite at www.childcareva.com for information on the approval process.

1. The provider must complete and submit an application packet which includes**:** *Application for Enrollment to be a Provider of Subsidized Child Care*, W-9 form, and copy of their current rate sheet and license/permit/certificate/exemption letter, if applicable. These documents can be mailed to Virginia Department of Social Services, Child Care Subsidy Program, P.O. Box 1997, Richmond VA 23218-1997 or scanned documents may be emailed to: vendor.manager@dss.virginia.gov.

2. Once a complete application packet is received and reviewed, it will be assigned to the appropriate agency for processing:
   a. Level 1 providers will be assigned to Child Care Aware of Virginia (CCA-VA). CCA-VA will contact the provider to schedule participation in the next available Subsidy Orientation Session in their region. During the orientation session, the provider will receive and review a New Vendor Approval packet.
   b. Level 2 providers will be assigned to Home Office and will be provided with a New Vendor Approval Packet, which will be returned to the Child Care Subsidy Program at Home Office.

3. All applicants will be required to successfully complete the *Virginia Preservice Training for Child Care Staff* prior to submitting the packet. To access the training, providers should visit http://www.childcareva.com/ and click on Training and Professional Development under the Provider heading.

4. All applicants are required to undergo a subsidy monitoring inspection prior to approval. Subsidy inspections will be conducted by DOLP staff and will be conducted within 30 days of referral by Home Office Child Care Subsidy staff. For currently licensed family day homes and licensed child day centers, the most recent licensing inspection (conducted within the previous 6 months) will be used. Subsidy inspection results will be posted on the public website at: http://www.dss.virginia.gov/facility/search/cc.cgi.

5. Upon receipt of:
    a. A completed New Vendor Approval Packet;
    b. Documentation of completion of the *Virginia Preservice Training for Child Care Staff*; and
    c. The results of the subsidy monitoring inspection (if required), the application will be either approved or denied. Providers will be notified by letter or email of their approval or denial. Regional Consultants will be copied on the notification letter or email and will notify the applicable local departments.

6. All vendors will be monitored at least once annually. For the purposes of subsidy inspection annual is between November 1 of the current year and October 31 of the following year.

The Department will no longer approve out-of-state providers for participation in the Child Care Subsidy Program. The local department of social services shall not create any new authorization with an out-of-state vendor.

5.5 Receipt of Required Vendor Documentation

No payment may be made until all required documentation is received and approved.

Payment must not be made to licensed family day homes or child day centers prior to the effective date of their initial license. Payment must not be made to the following vendor types prior to the effective date of their initial registration, certification, or approval; they must meet all requirements for providers in these categories:

1. Voluntarily registered family day home;
2. Family day system-approved vendor;
3. Local ordinance-approved vendor;
4. Certified preschool;
5. Local school division program**;** and
6. Religiously exempt child day center.

5.6 Background Checks

All vendors; any employee; prospective employee; volunteers; agents involved in the day-to-day operation; all agents who are alone with, in control of, or supervising one or more children; and any other adult (18 years of age or older) living in a family day home must obtain satisfactory background checks.

Background checks include:

1. Fingerprint National Criminal History Record Check;
2. Virginia Central Registry Child Protective Services Check;
3. State Child Abuse and Neglect Registry Check from any other state in which the individual has resided in the preceding five years; and
4. Sworn Statement or Affirmation as to whether the individual has ever been:
    i. The subject of a founded complaint of child abuse or neglect; or
    ii. Convicted of a crime or is the subject of any pending criminal charges within the Commonwealth or any equivalent offense outside the Commonwealth.

The provisions for background checks for licensed and regulated child day programs are provided in §§ 63.2-1704, 63.2-1720.1, 63.2-1721.1, 63.2-1722, 63.2-1724, and 63.2-1727 of the *Code of Virginia*.

1. Level 2 Vendors are not required to provide documentation of background checks to the Department because the documents have been reviewed by the applicable regulatory agency.
2. Level 1, License-Exempt Regulated Vendors are not required to provide documentation of background checks to CCA-VA as the license-exempt vendors self-certify to the regulatory agency.

Background check requirements for child day centers or family day homes that are not licensed, registered, approved, or exempt from licensure and receive federal, state or local child care funds are provided in § 63.2-1725 of the *Code of Virginia*. Per *Code*, all Level 1, Unlicensed Vendors must obtain satisfactory background checks.

1. Child Care Aware - Virginia provides the vendor with directions for completing the applicable background check forms.
2. Once completed, vendors will receive notification from the VDSS Office of Background Investigation stating if the individual is "eligible" or "not eligible" for employment.
3. Background checks for vendors will remain valid for five years as long as the vendor provides continuous services under the child care subsidy program.
4. For any other individual required to have background checks according to § 63.2-1725, the background checks remain valid for five years as long as the individual maintains continuous employment, residence or volunteer status with that

vendor.

Any individual who begins employment, service, or residence in the home after the vendor coordinator's approval of the vendor for child care subsidy must provide the required background checks within 30 days of the individual's beginning date of employment, service, or residence in the home.

Authorized payment for child care must be denied if:

1. The Fingerprint National Criminal History Record Check shows that the person checked has been convicted of a barrier crime;
2. The Virginia Central Registry Child Protective Services Check reveals that the person checked is in the CPS Central Registry as "Founded"; or
3. The State Child Abuse and Neglect Registry Check reveals that the person checked has been convicted of a barrier crime in any other state in which the individual has resided in the preceding five years.

A complete listing of child care barrier crimes can be found in Appendix H.

5.7 Additional Vendor Requirements

A. Telephone

All vendors participating in the subsidy program must have a working telephone at each site where child care is provided.

B. Record Retention

Vendors must retain child care payment and attendance records for five years. These records must be made available to local, state, or federal staff upon request.

C. English Proficiency

There is no citizenship requirement for vendors. The vendor, and any caregivers who are left alone with children, shall be capable of communicating effectively both orally and in writing as applicable to the job responsibility and be capable of communicating with emergency personnel.

D. Maintain compliance with the Subsidy Inspection Requirements

Substantial compliance is defined as no frequent or multiple deficiencies or a significant event posing substantial threat to the health and safety of a child that involve supervision, compliance with ratios, or health and safety violations.

E. Employees of the Department

Employees of any division within the Department or a local department of social services cannot participate in the Child Care Subsidy Program as a vendor.

5.8 VaECC and Vendor Attendance Tracking

Parents and vendors must use the Virginia Electronic Child Care (VaECC) system to record time and attendance of children receiving subsidy. POS devices and instructions have been supplied to local departments so local Child Care Workers can help recipients and vendors understand the use of the swipe machines.

There are two ways to record time and attendance in VaECC, by using the Point of Service (POS) device or by using Interactive Voice Response (IVR) System. All Level 2 Vendors and Level 1, License-Exempt Regulated Vendors must require parents to utilize the POS device as their primary method for recording attendance. If problems are encountered with the POS device, parents must use the IVR system for recording attendance. All Level 1, Unlicensed Vendors have the option of using the POS device or using the IVR system as the primary method for recording attendance.

Only the parent or secondary cardholder may use the VaECC swipe card to record attendance. Vendors cannot use the card. Child care services may be terminated at the end of the authorization period if the VaECC card is given to an unauthorized user, including the child care vendor. Child Care Workers must advise parents of their requirement to use the VaECC card or IVR system to record their child's attendance.

A. Point of Service (POS) Device

A parent may track attendance using the POS Device by using their individual swipe card and PIN.

The vendor equipment necessary to use the POS device is a standard, analog landline or a high-speed internet connection. An electrical outlet is necessary to power the POS. The POS device and standard 6-foot cords and cables are provided to the vendor at no cost.

B. Interactive Voice Response (IVR) System

The Parent IVR and the Vendor IVR have separate functions and separate telephone numbers. A child's parent must use the Parent IVR, from the vendor's registered telephone number, to enter time and attendance information for children receiving subsidized child care services. The vendor equipment necessary to use the IVR system is a touch-tone telephone number registered with VDSS.

C. Manual Attendance

Manual attendance forms may only be used in the following situations:

1. VaECC Card: the parent has not yet been issued their VaECC swipe card.

Attendance can be recorded manually prior to the parent's receipt of their VaECC swipe card.

2. POS/IVR Problems: The POS device has not yet been installed; the POS/IVR system was not functioning for the parent to check in/out. In the event this occurs, the vendor must report the system or device malfunction to the Xerox Vendor Helpdesk at (877) 918-2776 within 24 hours.
3. Retroactive Authorization: If a local department of social services issues a POSO with an effective begin date that occurs in the past, authorized attendance recorded outside of the nine-day back swipe limit, defined as the current day plus previous eight days, may be reported manually.

NOTE: *If a vendor has a problem with the POS device, the IVR system should be the back-up for submitting attendance. Manual attendance should only be the used as a final option.*

All manual attendance must be submitted on the VaECC Vendor Attendance Report form (032-05-0546-B0-eng (12/12)). Manual attendance report forms must be received by VDSS within 60 days of the end of the service period that is being reported. Each month is divided into two service periods, the first period runs from the 1st through the 15th of the month and the second service period runs from the 16th through the last day of the month.

5.9 Complaints in the Child Care Setting

A. Child Abuse or Neglect

All complaints regarding possible child abuse or neglect occurring in a child care setting must be referred to the Child Protective Services (CPS) unit at the local department serving the area where the vendor is located. Information regarding the complaint must be shared with the agency responsible for licensure or approval.

In situations when parents select a vendor for whom there are child protective services concerns, local departments must weigh the vendor's right to confidentiality with the parent's right to be informed and the child protected. If parents have been informed and continue to place their child in an unsafe environment, a referral to CPS may be in order.

B. Other Complaints

All other complaints should be referred to the regulatory authority. In the case of licensed day care centers, licensed family day homes, voluntarily registered family day homes, certified preschools and religious exempt child day centers, the complaint would go to the Department's regional licensing office serving that area.

NOTE: *Complaints can also be made online at the VDSS website http://www.dss.virginia.gov/about/email_licensing_complaint.cgi*

All other complaints should be referred to the approval authority for the vendor.

5.10 Vendor Fraud, Repayment, Disqualification & Appeals

When it is suspected that there has been a deliberate misrepresentation of facts in order to receive payments, the local department must determine whether fraud was committed. There must be clear and convincing evidence that demonstrates that the vendor committed or intended to commit fraud.

Suspected instance of child care fraud must be referred to the local department's fraud staff for investigation. Local departments must send copies of fraud investigation final reports to their appropriate regional child care consultant and copy the Vendor Management Coordinator. If there is clear and convincing evidence that fraud has occurred, the case will be referred to the attorney for the Commonwealth to determine if the case will be prosecuted.

A. Overpayment Due to Fraud

In addition to any criminal punishment, anyone who causes the Department to make an improper vendor payment by withholding required information or by providing false information will be required to repay the amount of the improper payment.

Vendors will be permanently disqualified from participating in the child care subsidy program upon the first finding of child care fraud.

B. Non-Fraud Overpayment

In the case of non-fraud overpayment, the vendor will not be disqualified from participating in the subsidy program as long as a repayment schedule is entered into with the local department and payments are made according to that schedule.

Vendors who fail to enter into a written repayment schedule with the local department for non-fraud overpayment will be disqualified from participating in the child care subsidy program until entering into a written repayment schedule.

Vendors who fail to make a payment according to the written repayment schedule for non-fraud overpayments will be disqualified from participating in the child care subsidy program until all delinquent payments are made.

Upon payment of all delinquent payments according to the written repayment schedule, child care subsidy payment will resume for vendors who are otherwise eligible.

C. Appeals of VDSS Actions

Disputes between the vendor and VDSS regarding the payment for services rendered and decisions by VDSS to terminate the Vendor Agreement or to disqualify the vendor from future participation in the Program, may be appealed by the Vendor. The vendor must notify VDSS in writing that it is appealing the action by VDSS within 30 days of the date VDSS' action occurred. Upon receiving such notification, VDSS will hold an informal conference at which the vendor may provide such further information or present any additional facts for VDSS to reconsider its action. VDSS must render a decision after the conclusion of the informal conference and may or may not uphold its original action. The vendor may further appeal this decision and request a formal hearing to be presided over by a hearing officer pursuant to the Virginia Administrative Process Act (the "VAPA"; Va. Code § 2.2-4000 et seq.), who will recommend a decision to the Commissioner of the Virginia Department of Social Services. The vendor may seek court review of the Commissioner's decision pursuant to the VAPA. All formal hearings and court review of the Commissioner's decisions are governed by the VAPA. The vendor may waive the holding of the informal conference and request the formal hearing directly upon written notice to VDSS. This is the sole remedy for disputes under the Vendor Agreement and the parties thereby waive their right for judicial review in the courts of the Commonwealth of Virginia except as provided by the VAPA.

Section 6. APPENDICES

A. State Income Eligibility Scale for Child Care Subsidy
B. Family Copayment Scale for Child Care Subsidy
C. Child Care Program Budget Lines
D. Child Care Program Cost Code Descriptions
E. Maximum Reimbursable Rates Per Type Of Vendor
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J. Child Care Subsidy Service Application and Redetermination Form (032-25-0147-04-eng (07/18)) Instructions
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N. Child Care Notice of Redetermination Form (032-12-0131-00-eng (08/17) Instructions
O. Child Care Communication Form (032-05-0518-02-eng (07/18) Instructions
P. Child Care Verification Checklist (032-12-0127-00-eng (03/17) Instructions
Q. Childhood Immunization Certification (032-03-960-03-eng) Instructions
R. Child Care Notice of Cooperation and Good Cause Form (032-12-0126-00-eng (03/17) Instructions
S. Child Care Purchase of Service Order (032-05-0540-01-eng (07/12) Instructions
T. Child Care Repayment Agreement Form (032-12-0130-00-eng (08/17) Instructions
U. Child Care Case Record Transfer Form (032-25-0148-00-eng (07/18) Instructions
V. Child Care Notice of Case Transfer Form (032-25-0149-00-eng (07/18) Instructions
W. Metropolitan Statistical Area Groupings

Appendix A. **State Income Eligibility Scale for Child Care Subsidy**

Maximum Monthly Income Level
Effective **10/1/19**

Family Size	100% of Federal Poverty Guidelines	GROUP I 150% of Poverty	GROUP II 160% of Poverty	GROUP III 185% of Poverty	*250% of Poverty	Exit Limit 85% of State Median Income
1	$1,041	$1,562	$1,666	$1,926	$2,603	$3,701
2	$1,409	$2,114	$2,255	$2,607	$3,523	$4,839
3	$1,778	$2,667	$2,844	$3,289	$4,444	$5,978
4	$2,146	$3,219	$3,434	$3,970	$5,365	$7,117
5	$2,514	$3,772	$4,023	$4,652	$6,286	$8,255
6	$2,883	$4,324	$4,612	$5,333	$7,207	$9,394
7	$3,251	$4,877	$5,202	$6,015	$8,128	$9,608
8	$3,619	$5,429	$5,791	$6,696	$9,048	$9,821
9	$3,988	$5,982	$6,380	$7,377	$9,969	$10,035
10	$4,356	$6,534	$6,970	$8,059	$10,248	$10,248

Notes:
FFY 2020 State Median Income – Based on a 8/7/19 Information Memoranda, LIHEAP-IM-2019-02 - State Median Income Estimates for Optional Use in Federal Fiscal Year (FY) 2019
FFY 2020 Poverty Guidelines - HHS, Office of the Assistant Secretary for Planning and Evaluation, Effective January 11, 2019. For a household greater than 8 add $4,420 for each additional person.
*Eligibility is set at 250 percent of the Federal Poverty Guidelines for families residing in Fairfax and Alexandria. In all other localities, if the applicant or recipient is acting in loco parentis, eligibility is set at 250 percent of the Federal Poverty Guidelines (capped at 85% of SMI).
Maximum income levels are capped at 85% of state median income.

Appendix B. **Family Copayment Scale for Child Care Subsidy**

Child Care Subsidy Program Family Copayment Scale

Effective 10/01/2019

NUMBER OF HOUSEHOLD MEMBERS

Percent of Poverty	2	3	4	5	6	7	8	9[1]	10[1]	11[1]	12[1]	13[1]	14[1]	15[1,2]	Co-Payment Percentage
0 - 100%	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	5.0%
	$1,409	$1,778	$2,146	$2,514	$2,883	$3,251	$3,619	$3,988	$4,356	$4,724	$5,093	$5,461	$5,829	$6,198	
>100% -	$1,410	$1,779	$2,147	$2,515	$2,884	$3,252	$3,620	$3,989	$4,357	$4,725	$5,094	$5,462	$5,830	$6,199	6.0%
<=125%	$1,762	$2,222	$2,683	$3,143	$3,604	$4,064	$4,524	$4,985	$5,445	$5,906	$6,366	$6,827	$7,287	$7,747	
>125% -	$1,763	$2,223	$2,684	$3,144	$3,605	$4,065	$4,525	$4,986	$5,446	$5,907	$6,367	$6,828	$7,288	$7,748	7.0%
<=150%	$2,114	$2,667	$3,219	$3,772	$4,324	$4,877	$5,429	$5,982	$6,534	$7,087	$7,639	$8,192	$8,744	$9,297	
>150% -	$2,115	$2,668	$3,220	$3,773	$4,325	$4,878	$5,430	$5,983	$6,535	$7,088	$7,640	$8,193	$8,745	$9,298	8.0%
<=160%	$2,255	$2,844	$3,434	$4,023	$4,612	$5,202	$5,791	$6,380	$6,970	$7,559	$8,148	$8,738	$9,327	$9,916	
>160% -	$2,256	$2,845	$3,435	$4,024	$4,613	$5,203	$5,792	$6,381	$6,971	$7,560	$8,149	$8,739	$9,328	$9,917	9.0%
<=185%	$2,607	$3,289	$3,970	$4,652	$5,333	$6,015	$6,696	$7,377	$8,059	$8,740	$9,422	$10,103	$10,784	$11,316	
>185% -	$2,608	$3,290	$3,971	$4,653	$5,334	$6,016	$6,697	$7,378	$8,060	$8,741	$9,423	$10,104	$10,785	$11,316	10.0%
<=250%	$3,523	$4,444	$5,365	$6,286	$7,207	$8,128	$9,048	$9,969	$10,248	$10,462	$10,675	$10,889	$11,103	$11,316	
100% of Poverty*	$1,409	$1,778	$2,146	$2,514	$2,883	$3,251	$3,619	$3,988	$4,356	$4,724	$5,093	$5,461	$5,829	$6,198	
85% of SMI**	$4,839	$5,978	$7,117	$8,255	$9,394	$9,608	$9,821	$10,035	$10,248	$10,462	$10,675	$10,889	$11,103	$11,316	

[1] Income level not to exceed 85% of state median income or 250% of poverty. Income amounts shaded in red are at the income level for that household size.

[2] VaCMS is able to calculate copayments for up to a family of 20.

*** FFY 2020 Poverty Guidelines - HHS, Office of the Assistant Secretary for Planning and Evaluation, Effective January 11, 2019. For a household greater than 8 add $4,420 for each additional person.**

****FFY 2020 State Median Income: Based on a 8/7/19 Information Memoranda, LIHEAP-IM-2019-02 - State Median Income Estimates for Optional Use in Federal Fiscal Year (FY) 2019 LIHEAP and Mandatory Use in FY 2020 LIHEAP**

Appendix C. **Child Care Program Budget Lines**

COST CODE	COST CODE DESCRIPTION	BUDGET LINE	COPAYMENT	FEDERAL	STATE
87101	VIEW Working (all VIEW cases)	871	No	50%	50%
87102	VIEW Transitional (former VIEW)	871	Yes	50%	50%
87103	TANF Transitional (not a former VIEW case)	871	Yes	50%	50%
87104	TANF Working (non-VIEW)	871	No	50%	50%
87105	Learnfare	871	No	50%	50%
87106	SNAPET	871	Yes (if income is above federal poverty guidelines)	50%	50%
87107	**VIEW Transitional Education & Training (E & T) (former VIEW)**	**871**	**Yes**	**50%**	**50%**
87801	Head Start Wrap-Around	878	Yes (if income is above federal poverty guidelines or paying for siblings not enrolled in Head Start)	100%	-
87802	Early Head Start – Child Care Partnership Grant	878	Yes (if income is above federal poverty guidelines or paying for siblings not enrolled in Head Start)	100%	-
88302	Fee Program (100% Federal)	883	Yes	100%	-
88304	TANF Education/Training (non-VIEW)	883	No	100%	-
88305	Fee Program Homeless/Domestic Violence Shelter	883	Yes	100%	-

Appendix D. **Child Care Program Cost Code Descriptions**

Cost Code 87101	VIEW Working Child Care is mandated in the Code of Virginia and all justifiable requests for supplemental funding will be approved. TANF recipients enrolled in VIEW are eligible for child care to support an assigned activity. For VIEW Working Child Care there is no copayment.
Cost Code 87102	Parents may receive up to 12 months of child care subsidy to support employment (or training when approved by VIEW for Transitional Employment and Training) if they have received TANF (former VIEW case), the TANF case is closed, and they are found to be income eligible. This includes needed child care for children who are not on the assistance unit, but dependent on the parent. For Transitional Child Care there is a copayment of 5-10% of gross income.
Cost Code 87103	Parents may receive up to 12 months of Transitional Child Care subsidy to support employment if they have received TANF (not a former VIEW case), the TANF case is closed, and they are found to be income eligible. This includes needed child care for children who are not on the assistance unit, but dependent on the parent. For Transitional Child Care there is a copayment of 5-10% of gross income.
Cost Code 87104	TANF Working Child Care subsidy assists (VIEW exempt) working families receiving TANF benefits. If there is a need for child care and all eligibility requirements are met, recipients of TANF are eligible for needed child care to support employment. For TANF Working Child Care there is no copayment.
Cost Code 87105	LEARNFARE Child Care is for children of a minor/teen parent in a TANF public assistance unit to enable them to attend school and comply with compulsory school attendance laws. Priority will be given for child care subsidy to teen parents engaged in completing high school. This assumes the parent of the minor teen cannot provide care because of work, education/training, disability, or another hardship exemption. For LEARNFARE Child Care there is no copayment.
Cost Code 87106	SNAP Child Care is considered a federally mandated service. This type of child care subsidy is available for children of recipients of Virginia's Supplemental Nutrition Assistance Program Employment and Training (SNAPET) program while participating in an activity approved by a SNAPET worker. For SNAPET Child Care, there is no copayment if the family's income is at or below 100% of the federal poverty guidelines.
Cost Code 87107	**Former VIEW participants may receive up to 12 months of Transitional Child Care services immediately following TANF case closure to support parents enrolled in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia. Transitional child care services include needed child care for children who were not part of the TANF assistance unit, but who are dependent on the parent. For Transitional Child Care E & T there is a co-payment of 5 – 10% of gross income.**
Cost Code 87801	Funding for the Head Start Wraparound program is earmarked in the Appropriations Act. Head Start Wrap-Around Child Care services are

	available only to the extent of appropriated funding. This is a child care subsidy program that pays for additional hours beyond those provided by Head Start in order to provide full day/full year child care services for Head Start enrolled children. There is no copayment for families with income at or below the federal poverty guidelines if all children are enrolled in Head Start. Families must be found to be income eligible and must pay a copayment of 5-10% of their gross income if their income exceeds the federal poverty guidelines or if the siblings of a Head Start enrolled child also need child care subsidy.
Cost Code 87802	Funding for eligible children participating in an Early Head Start – Child Care Partnership Grant program. Local departments should submit budget requests for children who are eligible to use this program funding. Early Head Start Partnership Grant funds are available only to the extent of appropriated funding. There is no copayment for families with income at or below the federal poverty guidelines if all children are enrolled in Head Start.
Cost Code 88302	Fee Child Care program provides child care subsidies to income eligible recipients who are employed, in approved education/training activities, or in need of protective services. For Fee Child Care there is a copayment of 5-10% of gross income. Fee child care is not mandated by the *Code of Virginia*.
Cost Code 88304	The TANF Education and Training Child Care program provides child care services for TANF families in education or training. For TANF Education and Training Child Care there is no copayment.
Cost Code 88305	Fee Child Care program that provides child care subsidies to eligible recipients who are employed, in approved education/training activities, or in need of protective services and are residing in homeless and domestic violence shelters. Local departments shall submit budget requests for children that are eligible to use this program funding. For Fee Child Care there is a copayment of 5-10% of gross income. Fee child care is not mandated by the *Code of Virginia*.

Appendix E. **Maximum Reimbursable Rates per Type of Vendor**

LEVEL 1 MAXIMUM REIMBURSABLE RATE	LEVEL 2 MAXIMUM REIMBURSABLE RATE
Unlicensed and Unregulated Vendors including In-Home Vendors (In-Home Vendors are paid minimum wage not to exceed Level 1 MRR for # of children in care)	Licensed Family Day Homes
Local Government-Approved Recreation Programs	Licensed Child Day Centers (including Short-Term Child Day Centers)
Local School Division Programs (if unlicensed)	
Religiously-Exempt Child Day Centers	Local Ordinance Approved Vendors (that meet or exceed *Standards for Licensed Family Day Homes)**
Voluntarily Registered Family Day Homes	Licensed Family Day System-Approved Family Day Homes
Certified Preschools	Child Care Centers run by the United States Department of Defense

* Localities that approve providers by local ordinances (in accordance §§ 15.2-741 and 15.2-914 of the *Code of Virginia)* must have guidelines that meet or exceed the *Standards for Licensed Family Day Homes* to pay at Level 2 MRR.

Appendix F. **Level 1 Maximum Reimbursable Rates**

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
CENTRAL
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Amelia	007	17	16	13	13	12	11	9	9
Buckingham	029	17	16	13	13	12	11	9	9
Caroline	033	26	25	15	15	18	18	11	11
Charles City	036	20	19	16	17	14	13	11	12
Chesterfield/ Colonial Heights	041	28	27	23	22	20	19	16	15
Cumberland	049	17	16	12	12	12	11	8	8
Essex	057	18	18	16	16	13	13	11	11
Fluvanna	065	29	25	21	20	20	18	15	14
Goochland	075	25	24	19	19	18	17	13	13
Hanover	085	27	25	20	19	19	18	14	13
Henrico	087	31	28	23	21	22	20	16	15
Hopewell	670	20	20	16	15	14	14	11	11
King & Queen	097	21	21	15	16	15	15	11	11
King William	101	20	20	17	16	14	14	12	11
Lancaster	103	21	21	17	17	15	15	12	12
Lunenburg	111	17	16	13	13	12	11	9	9
Middlesex	119	21	19	19	19	15	13	13	13
New Kent	127	21	21	18	17	15	15	13	12
Northumberland	133	21	21	16	17	15	15	11	12
Nottoway	135	17	16	15	13	12	11	11	9
Petersburg	730	18	19	17	15	13	13	12	11
Powhatan	145	23	21	18	17	16	15	13	12
Prince Edward	147	18	16	16	16	13	11	11	11
Richmond	760	26	26	20	19	18	18	14	13
Richmond Co.	159	21	21	17	17	15	15	12	12
Westmoreland	193	24	22	18	17	17	15	13	12

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
CENTRAL
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Amelia	007	20	18	17	17	14	13	12	12
Buckingham	029	12	12	12	10	8	8	8	7
Caroline	033	17	16	14	13	12	11	10	9
Charles City	036	16	16	14	14	11	11	10	10
Chesterfield/ Colonial Heights	041	21	20	19	17	15	14	13	12
Cumberland	049	14	14	13	13	10	10	9	9
Essex	057	16	14	14	14	11	10	10	10
Fluvanna	065	20	19	20	18	14	13	14	13
Goochland	075	19	18	15	15	13	13	11	11
Hanover	085	20	20	17	16	14	14	12	11
Henrico	087	22	20	20	17	15	14	14	12
Hopewell	670	16	16	14	14	11	11	10	10
King & Queen	097	16	16	14	14	11	11	10	10
King William	101	16	15	14	14	11	11	10	10
Lancaster	103	16	16	14	14	11	11	10	10
Lunenburg	111	16	17	13	12	11	12	9	8
Middlesex	119	16	16	15	15	11	11	11	11
New Kent	127	17	17	15	15	12	12	11	11
Northumberland	133	16	16	14	14	11	11	10	10
Nottoway	135	12	12	14	12	8	8	10	8
Petersburg	730	17	16	15	13	12	11	11	9
Powhatan	145	17	17	15	14	12	12	11	10
Prince Edward	147	14	13	13	12	10	9	9	8
Richmond	760	18	18	15	14	13	13	11	10
Richmond Co.	159	16	16	14	14	11	11	10	10
Westmoreland	193	16	14	13	14	11	10	9	10

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
EASTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Accomack	001	17	16	15	13	12	11	11	9
Brunswick	025	13	13	10	10	9	9	7	7
Chesapeake	550	27	25	20	18	19	18	14	13
Dinwiddie	053	21	21	15	15	15	15	11	11
Franklin City	620	22	21	16	16	15	15	11	11
Gloucester	073	20	21	17	18	14	15	12	13
Greensville/ Emporia	081	21	21	13	13	15	15	9	9
Hampton	650	25	21	18	16	18	15	13	11
Isle Of Wight	093	22	20	15	13	15	14	11	9
James City	095	25	25	22	19	18	18	15	13
Mathews	115	17	15	15	12	12	11	11	8
Newport News	700	24	24	20	17	17	17	14	12
Norfolk	710	25	24	20	18	18	17	14	13
Northampton	131	17	14	14	13	12	10	10	9
Portsmouth	740	26	19	17	17	18	13	12	12
Prince George	149	23	20	19	17	16	14	13	12
Southampton	175	19	15	13	11	13	11	9	8
Suffolk	800	22	20	17	16	15	14	12	11
Surry	181	21	21	18	16	15	15	13	11
Sussex	183	21	21	12	12	15	15	8	8
Virginia Beach	810	28	26	21	20	20	18	15	14
Williamsburg	830	27	27	23	21	19	19	16	15
York/ Poquoson	199	24	23	18	18	17	16	13	13

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
EASTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Accomack	001	14	14	14	13	10	10	10	9
Brunswick	025	15	14	13	13	11	10	9	9
Chesapeake	550	18	17	17	15	13	12	12	11
Dinwiddie	053	16	16	14	14	11	11	10	10
Franklin City	620	15	14	14	20	11	10	10	14
Gloucester	073	16	16	14	13	11	11	10	9
Greensville/ Emporia	081	18	13	12	12	13	9	8	8
Hampton	650	17	17	15	15	12	12	11	11
Isle Of Wight	093	16	15	15	15	11	11	11	11
James City	095	20	20	17	17	14	14	12	12
Mathews	115	16	16	15	14	11	11	11	10
Newport News	700	17	16	14	15	12	11	10	11
Norfolk	710	18	16	15	14	13	11	11	10
Northampton	131	15	15	15	15	11	11	11	11
Portsmouth	740	15	15	14	13	11	11	10	9
Prince George	149	16	16	14	13	11	11	10	9
Southampton	175	16	14	14	14	11	10	10	10
Suffolk	800	16	15	15	15	11	11	11	11
Surry	181	16	15	12	12	11	11	8	8
Sussex	183	15	15	14	14	11	11	10	10
Virginia Beach	810	19	17	16	15	13	12	11	11
Williamsburg	830	20	17	17	16	14	12	12	11
York/ Poquoson	199	18	16	16	15	13	11	11	11

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
NORTHERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Alexandria	510	38	36	29	29	27	25	20	20
Arlington	013	40	40	34	33	28	28	24	23
Clarke	043	22	19	15	16	15	13	11	11
Culpeper	047	18	18	15	15	13	13	11	11
Fairfax Co./ City & Falls Church	059	38	37	33	30	27	26	23	21
Fauquier	061	27	26	20	20	19	18	14	14
Frederick/ Winchester	069	18	17	16	15	13	12	11	11
Fredericksburg	630	27	26	20	19	19	18	14	13
Greene	079	22	20	15	15	15	14	11	11
King George	099	25	24	17	16	18	17	12	13
Loudoun	107	36	34	28	27	25	24	20	19
Louisa	109	22	20	21	18	15	14	15	13
Madison	113	19	19	16	16	13	13	11	11
Manassas	683	33	30	26	23	23	21	18	16
Manassas Park	685	38	36	27	20	27	25	19	14
Orange	137	21	21	18	17	15	15	13	12
Page	139	22	20	17	16	15	14	12	11
Prince William	153	31	31	26	25	22	22	18	18
Rappahannock	157	23	23	20	20	16	16	14	14
Rockingham/ Harrisonburg	165	24	23	19	19	17	16	13	13
Shenandoah	171	15	15	14	14	11	11	10	10
Spotsylvania	177	26	25	20	20	18	18	14	14
Stafford	179	26	26	22	20	18	18	15	14
Warren	187	20	17	15	15	14	12	11	11

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
NORTHERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Alexandria	510	28	28	27	26	20	20	19	18
Arlington	013	29	30	28	29	20	21	20	20
Clarke	043	18	16	16	16	13	11	11	11
Culpeper	047	16	15	16	16	11	11	11	11
Fairfax Co./ City & Falls Church	059	31	30	29	27	22	21	20	19
Fauquier	061	22	23	20	19	15	16	14	13
Frederick/ Winchester	069	18	17	16	16	13	12	11	11
Fredericksburg	630	19	17	17	17	13	12	12	12
Greene	079	20	18	18	16	14	13	13	11
King George	099	20	18	18	17	14	13	13	12
Loudoun	107	30	30	28	26	21	21	20	18
Louisa	109	15	15	15	15	11	11	11	11
Madison	113	15	13	13	12	11	9	9	8
Manassas	683	29	26	25	25	20	18	18	18
Manassas Park	685	27	26	24	22	19	18	17	15
Orange	137	18	18	16	22	13	13	11	15
Page	139	12	11	11	11	8	8	8	8
Prince William	153	27	26	23	20	19	18	16	14
Rappahannock	157	21	18	18	17	15	13	13	12
Rockingham/ Harrisonburg	165	18	16	15	15	13	11	11	11
Shenandoah	171	15	14	13	12	11	10	9	8
Spotsylvania	177	21	16	16	16	15	11	11	11
Stafford	179	23	21	19	20	16	15	13	14
Warren	187	19	18	17	17	13	13	12	12

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
PIEDMONT
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Albemarle/ Charlottesville	003	29	29	23	23	20	20	16	16
Alleghany/ Covington	005	21	18	18	17	15	13	13	12
Amherst	009	17	17	12	12	12	12	8	8
Appomattox	011	17	14	12	13	12	10	8	9
Augusta/ Staunton/ Waynesboro	015	23	21	18	18	16	15	13	13
Bath	017	22	20	16	13	15	14	11	9
Bedford Co./ City	019	19	19	14	14	13	13	10	10
Botetourt	023	21	20	15	14	15	14	11	10
Campbell	031	17	13	13	13	12	9	9	9
Charlotte	037	17	16	13	13	12	11	9	9
Craig	045	18	14	14	14	13	10	10	10
Danville	590	20	18	13	13	14	13	9	9
Franklin Co.	067	22	17	14	12	15	12	10	8
Halifax/ South Boston	083	17	16	13	13	12	11	9	9
Henry/ Martinsville	089	20	18	13	12	14	13	9	8
Highland	091	22	20	17	16	15	14	12	11
Lynchburg	680	18	17	14	13	13	12	10	9
Mecklenburg	117	16	16	14	13	11	11	10	9
Nelson	125	22	17	15	17	15	12	11	12
Pittsylvania	143	14	14	13	13	10	10	9	9
Roanoke	770	25	23	18	17	18	16	13	12
Roanoke Co.	161	29	29	22	20	20	20	15	14
Rockbridge/ Buena Vista/ Lexington	163	22	19	19	15	15	13	13	11

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
PIEDMONT
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Albemarle/ Charlottesville	003	22	22	20	20	15	15	14	14
Alleghany/ Covington/ Clifton Forge	005	16	16	15	15	11	11	11	11
Amherst	009	12	12	12	12	8	8	8	8
Appomattox	011	16	15	14	14	11	11	10	10
Augusta/ Staunton/ Waynesboro	015	17	16	16	16	12	11	11	11
Bath	017	18	16	16	15	13	11	11	11
Bedford Co./ City	019	18	16	15	13	13	11	11	9
Botetourt	023	16	16	16	13	11	11	11	9
Campbell	031	14	13	12	12	10	9	8	8
Charlotte	037	14	14	13	13	10	10	9	9
Craig	045	15	13	13	12	11	9	9	8
Danville	590	12	12	10	10	8	8	7	7
Franklin Co.	067	15	14	14	13	11	10	10	9
Halifax/ South Boston	083	16	15	15	13	11	11	11	9
Henry/ Martinsville	089	13	12	12	12	9	8	8	8
Highland	091	15	13	12	12	11	9	8	8
Lynchburg	680	17	18	16	13	12	13	11	9
Mecklenburg	117	15	13	13	13	11	9	9	9
Nelson	125	12	16	16	15	8	11	11	11
Pittsylvania	143	11	11	11	11	8	8	8	8
Roanoke City	770	17	16	15	14	12	11	11	10
Roanoke Co.	161	16	16	16	15	11	11	11	11
Rockbridge/ Buena Vista/ Lexington	163	20	20	18	18	14	14	13	13

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
WESTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Bland	021	16	16	14	15	11	11	10	11
Bristol	520	19	19	16	15	13	13	11	11
Buchanan	027	16	16	14	15	11	11	10	11
Carroll	035	14	14	12	12	10	10	8	9
Dickenson	051	16	16	14	15	11	11	10	11
Floyd	063	20	18	14	14	14	13	10	10
Galax	640	15	15	13	13	11	11	9	9
Giles	071	16	16	15	15	11	11	11	11
Grayson	077	16	16	13	13	11	11	9	9
Lee	105	16	15	15	15	11	11	11	11
Montgomery	121	21	21	18	16	15	15	13	11
Patrick	141	15	13	13	13	11	9	9	9
Pulaski	155	20	18	15	13	14	13	11	9
Radford	750	20	19	15	14	14	13	11	10
Russell	167	14	14	13	13	10	10	9	9
Scott	169	14	14	13	14	10	10	9	10
Smyth	173	16	13	12	12	11	9	8	8
Tazewell	185	15	14	13	14	11	10	9	10
Washington	191	17	18	15	15	12	13	11	11
Wise/ Norton	195	16	16	13	13	11	11	9	9
Wythe	197	17	16	13	13	12	11	9	9

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 1
Effective 06/01/2010
WESTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	**FIPS**	**Infant**	**Toddler**	**Pre-School**	**School Age**	**Infant**	**Toddler**	**Pre-School**	**School Age**
Bland	021	13	12	12	11	9	8	8	8
Bristol	520	13	13	13	13	9	9	9	9
Buchanan	027	18	18	18	18	13	13	13	13
Carroll	035	12	12	10	10	8	8	7	7
Dickenson	051	16	16	15	14	11	11	11	10
Floyd	063	11	12	11	10	8	8	8	7
Galax	640	12	12	12	11	8	8	8	8
Giles	071	14	12	12	12	10	8	8	8
Grayson	077	12	12	10	9	8	8	7	6
Lee	105	14	14	15	11	10	10	11	8
Montgomery	121	17	17	15	14	12	12	11	10
Patrick	141	10	10	10	10	7	7	7	7
Pulaski	155	12	12	12	12	8	8	8	8
Radford	750	20	15	14	11	14	11	10	8
Russell	167	12	12	12	12	8	8	8	8
Scott	169	14	14	14	14	10	10	10	12
Smyth	173	11	11	11	11	8	8	8	8
Tazewell	185	15	15	12	12	11	11	8	8
Washington	191	16	13	12	12	11	9	8	8
Wise/ Norton	195	14	13	12	12	10	9	8	8
Wythe	197	12	13	13	13	8	9	9	9

Appendix G. **Level 2 Maximum Reimbursable Rates**

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
CENTRAL
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Amelia	007	28	26	23	23	20	18	16	16
Buckingham	029	28	26	23	23	20	18	16	16
Caroline	033	38	30	27	30	27	21	19	21
Charles City	036	35	33	29	25	25	23	20	18
Chesterfield	041	56	56	45	40	39	39	32	28
Cumberland	049	28	26	23	23	20	18	16	16
Essex	057	35	33	29	25	25	23	20	18
Fluvanna	065	34	33	30	26	24	23	21	18
Goochland	075	56	52	42	37	39	36	29	26
Hanover	085	50	47	41	38	35	33	29	27
Henrico	087	60	52	46	36	42	36	32	29
Hopewell	670	35	33	29	25	25	23	20	18
King & Queen	097	35	33	29	25	25	23	20	18
King William	101	35	33	29	25	25	23	20	18
Lancaster	103	35	33	29	25	25	23	20	18
Lunenburg	111	28	26	23	23	20	18	16	16
Middlesex	119	35	33	29	25	25	23	20	18
New Kent	127	38	36	32	27	27	25	22	19
Northumberland	133	35	33	29	25	25	23	20	18
Nottoway	135	28	26	23	23	20	18	16	16
Petersburg	730	31	27	25	24	22	19	18	17
Powhatan	145	46	45	33	27	32	31	23	19
Prince Edward	147	28	26	23	23	20	18	16	16
Richmond	760	58	49	40	30	41	34	28	22
Richmond Co.	159	35	33	29	25	25	23	20	18
Westmoreland	193	35	33	29	25	25	23	20	18

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
CENTRAL
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Amelia	007	30	25	18	17	21	18	13	17
Buckingham	029	30	25	18	17	21	18	13	17
Caroline	033	28	25	25	25	20	18	18	18
Charles City	036	30	27	25	23	21	19	18	20
Chesterfield	041	35	33	29	25	25	23	20	22
Cumberland	049	30	25	18	17	21	18	13	17
Essex	057	30	27	25	23	21	19	18	20
Fluvanna	065	28	26	25	25	20	18	18	22
Goochland	075	35	32	29	25	25	22	20	22
Hanover	085	35	32	29	25	25	22	20	22
Henrico	087	36	33	30	25	25	23	21	25
Hopewell	670	30	27	25	23	21	19	18	20
King & Queen	097	30	27	25	23	21	19	18	20
King William	101	30	27	25	23	21	19	18	20
Lancaster	103	30	27	25	23	21	19	18	20
Lunenburg	111	30	25	18	17	21	18	13	17
Middlesex	119	30	27	25	23	21	19	18	20
New Kent	127	30	27	25	23	21	19	18	20
Northumberland	133	30	27	25	23	21	19	18	20
Nottoway	135	30	25	18	17	21	18	13	17
Petersburg	730	35	20	29	25	25	14	20	22
Powhatan	145	35	32	29	25	25	22	20	22
Prince Edward	147	30	25	18	17	21	18	13	17
Richmond	760	29	27	25	20	20	19	18	18
Richmond Co.	159	30	27	25	23	21	19	18	20
Westmoreland	193	30	27	25	23	21	19	18	20

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
EASTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Accomack	001	36	34	24	22	25	24	17	22
Brunswick	025	28	26	23	23	20	18	16	16
Chesapeake	550	57	46	37	33	40	32	26	24
Dinwiddie	053	35	33	29	25	25	23	20	18
Franklin	620	36	34	31	29	25	24	22	22
Gloucester	073	35	33	32	27	25	23	22	20
Greensville	081	35	33	29	25	25	23	20	18
Hampton	650	43	38	35	28	30	27	25	23
Isle Of Wight	093	36	34	30	26	25	24	21	18
James City	095	47	47	41	31	33	33	28	21
Mathews	115	35	33	29	25	25	23	20	18
Newport News	700	44	38	33	28	31	27	23	24
Norfolk	710	42	38	34	29	29	27	24	25
Northampton	131	36	34	31	29	25	24	22	22
Portsmouth	740	49	41	33	30	34	29	23	22
Prince George	149	35	33	29	25	25	23	20	18
Southampton	175	36	34	31	29	25	24	22	22
Suffolk	800	45	40	36	30	32	28	25	24
Surry	181	35	33	29	25	25	23	20	18
Sussex	183	35	33	29	25	25	23	20	18
Virginia Beach	810	51	49	43	34	35	34	30	28
Williamsburg	830	47	44	38	32	33	31	27	25
York	199	44	42	40	33	31	30	28	23

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
EASTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Accomack	001	20	18	17	18	14	13	12	17
Brunswick	025	30	25	18	17	21	18	13	17
Chesapeake	550	36	31	30	28	25	21	21	24
Dinwiddie	053	30	27	25	23	21	19	18	20
Franklin	620	29	25	25	20	20	18	18	20
Gloucester	073	30	27	25	23	21	19	18	20
Greensville	081	30	27	25	23	21	19	18	20
Hampton	650	30	28	26	28	21	20	18	20
Isle Of Wight	093	29	25	25	20	20	18	18	20
James City	095	34	30	30	26	24	21	21	21
Mathews	115	30	27	25	23	21	19	18	20
Newport News	700	33	30	29	25	23	21	20	22
Norfolk	710	34	30	27	25	24	21	19	25
Northampton	131	25	20	20	25	18	14	14	18
Portsmouth	740	33	30	27	25	23	21	19	20
Prince George	149	30	27	25	23	21	19	18	20
Southampton	175	29	25	25	20	20	18	18	20
Suffolk	800	36	33	30	20	20	18	18	20
Surry	181	30	27	25	23	21	19	18	20
Sussex	183	30	27	25	23	21	19	18	20
Virginia Beach	810	35	34	32	28	25	24	22	20
Williamsburg	830	34	30	30	26	24	21	21	21
York	199	34	30	30	26	24	21	21	21

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
NORTHERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Alexandria	510	88	81	71	68	62	57	50	48
Arlington	013	98	96	85	70	68	67	60	49
Clarke	043	43	40	35	33	30	28	24	23
Culpeper	047	45	43	39	35	32	30	27	25
Fairfax Co.	059	82	78	70	61	57	55	49	43
Fauquier	061	60	57	39	36	42	40	27	25
Frederick	069	41	38	34	28	29	27	24	24
Fredericksburg	630	45	43	39	35	32	30	27	25
Greene	079	32	33	30	26	22	23	21	18
King George	099	38	37	32	30	27	26	22	21
Loudoun	107	81	75	68	59	56	53	48	41
Louisa	109	32	33	30	26	22	23	21	18
Madison	113	45	43	39	35	32	30	27	25
Manassas	683	57	55	50	40	40	39	35	30
Manassas Park	685	81	77	69	60	57	54	48	42
Orange	137	45	43	35	30	32	30	24	23
Page	139	32	33	30	26	22	23	21	18
Prince William	153	67	65	58	50	47	45	40	35
Rappahannock	157	45	43	39	35	32	30	27	25
Rockingham/ Harrisonburg	165	36	35	33	30	25	25	23	21
Shenandoah	171	32	30	30	26	22	21	21	18
Spotsylvania	177	46	42	39	37	32	30	27	29
Stafford	179	50	48	44	34	35	33	31	26
Warren	187	30	30	28	25	21	21	20	18
Winchester	840	41	38	34	28	29	27	24	24

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
NORTHERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Alexandria	510	60	52	50	50	42	36	35	40
Arlington	013	70	70	70	63	49	49	49	60
Clarke	043	32	30	27	26	22	21	19	25
Culpeper	047	36	35	32	29	25	25	22	20
Fairfax Co.	059	55	52	50	45	39	36	35	36
Fauquier	061	42	40	38	31	29	28	27	21
Frederick	069	32	30	27	26	22	21	19	25
Fredericksburg	630	36	35	32	29	25	25	22	20
Greene	079	28	25	25	25	20	18	18	22
King George	099	36	35	32	29	25	25	22	20
Loudoun	107	52	50	50	50	36	35	35	40
Louisa	109	28	25	25	25	20	18	18	22
Madison	113	36	35	32	29	25	25	22	20
Manassas	683	55	52	50	45	39	36	35	36
Manassas Park	685	55	52	50	45	39	36	35	36
Orange	137	30	30	28	25	21	21	20	18
Page	139	28	25	25	25	20	18	18	22
Prince William	153	45	40	40	35	32	28	28	26
Rappahannock	157	36	35	32	29	25	25	22	20
Rockingham/ Harrisonburg	165	35	34	31	27	25	24	22	25
Shenandoah	171	28	24	24	20	20	17	17	22
Spotsylvania	177	36	35	32	29	25	25	22	20
Stafford	179	40	36	35	31	28	25	25	25
Warren	187	28	25	25	25	20	18	18	22
Winchester	840	32	30	27	26	22	21	19	25

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
PIEDMONT
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Albemarle	003	55	52	45	45	38	36	32	32
Alleghany/Covington	005	30	28	24	24	21	20	17	17
Amherst	009	28	26	23	23	20	18	16	16
Appomattox	011	28	26	22	20	20	18	15	14
Augusta/Staunton/ Waynesboro	015	36	34	31	30	25	24	22	22
Bath	017	32	33	30	26	22	23	21	18
Bedford Co.	019	43	40	25	21	30	28	18	20
Botetourt	023	30	28	25	30	21	20	18	21
Campbell	031	28	25	22	22	20	18	15	20
Charlotte	037	28	26	23	23	20	18	16	16
Charlottesville	540	55	52	45	45	38	36	32	32
Craig	045	30	28	24	24	21	20	17	17
Danville	590	29	27	25	24	20	19	18	18
Franklin Co.	067	30	28	24	24	21	20	17	17
Halifax	083	28	26	23	23	20	18	16	16
Henry/Martinsville	089	26	23	19	19	18	16	13	14
Highland	091	32	33	30	26	22	23	21	18
Lynchburg	680	31	29	26	24	21	20	18	17
Mecklenburg	117	28	26	20	20	20	18	14	15
Nelson	125	32	33	30	29	22	23	21	20
Pittsylvania	143	30	25	23	21	21	18	16	15
Roanoke	770	44	40	31	28	31	28	21	20
Roanoke Co.	161	44	41	34	29	31	29	24	20
Rockbridge	163	33	33	30	27	23	23	21	19

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
PIEDMONT
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Albemarle	003	30	30	30	27	21	21	21	25
Alleghany/Covington	005	27	22	22	20	19	15	15	15
Amherst	009	30	25	18	17	21	18	13	17
Appomattox	011	30	25	18	17	21	18	13	17
Augusta/Staunton/ Waynesboro	015	32	30	27	26	22	21	19	25
Bath	017	28	25	25	25	20	18	18	22
Bedford Co.	019	32	30	27	26	22	21	19	25
Botetourt	023	27	22	22	20	19	15	15	15
Campbell	031	32	30	27	26	22	21	19	25
Charlotte	037	30	25	18	17	21	18	13	17
Charlottesville	540	30	30	30	27	21	21	21	25
Craig	045	27	22	22	20	19	15	15	15
Danville	590	27	22	22	15	19	15	15	15
Franklin Co.	067	30	28	27	26	21	20	19	18
Halifax	083	30	25	18	17	21	18	13	17
Henry/Martinsville	089	27	22	22	20	19	15	15	15
Highland	091	28	25	25	25	20	18	18	22
Lynchburg	680	32	30	27	26	22	21	19	25
Mecklenburg	117	30	25	18	17	21	18	13	17
Nelson	125	28	25	25	25	20	18	18	22
Pittsylvania	143	27	22	22	20	19	15	15	15
Roanoke	770	32	30	27	26	22	21	19	25
Roanoke Co.	161	32	30	27	26	22	21	19	25
Rockbridge	163	28	25	25	25	20	18	18	22

CENTER CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
WESTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Bland	021	25	24	22	21	18	17	15	15
Bristol	520	28	24	22	20	19	17	15	14
Buchanan	027	25	24	22	21	18	17	15	15
Carroll	035	25	24	22	21	18	17	15	15
Dickenson	051	25	24	22	21	18	17	15	15
Floyd	063	30	28	24	24	21	20	17	17
Galax	640	25	24	23	21	18	17	17	15
Giles	071	30	28	24	24	21	20	17	17
Grayson	077	25	24	22	21	18	17	15	15
Lee	105	25	24	22	21	18	17	15	15
Montgomery	121	39	38	35	33	27	27	25	23
Norton	720	25	24	26	21	18	17	18	15
Patrick	141	30	28	24	24	21	20	17	17
Pulaski	155	30	28	24	24	21	20	17	17
Radford	750	30	28	24	24	21	20	17	17
Russell	167	25	24	22	21	18	17	15	15
Scott	169	25	24	22	21	18	17	15	15
Smyth	173	25	24	22	21	18	17	15	15
Tazewell	185	25	20	20	16	18	14	14	14
Washington	191	25	24	24	22	18	17	17	16
Wise	195	25	24	26	21	18	17	18	15
Wythe	197	25	24	20	21	18	17	14	15

FAMILY CHILD CARE MAXIMUM REIMBURSABLE RATES – LEVEL 2
Effective 06/01/2018
WESTERN
Full Day, Part Day Rate

		Full Day				Part Day			
Locality	FIPS	Infant	Toddler	Pre-School	School Age	Infant	Toddler	Pre-School	School Age
Bland	021	20	20	20	20	14	14	14	14
Bristol	520	20	20	20	20	14	14	14	14
Buchanan	027	20	20	20	20	14	14	14	14
Carroll	035	20	20	20	20	14	14	14	14
Dickenson	051	20	20	20	20	14	14	14	14
Floyd	063	27	22	22	20	19	15	15	15
Galax	640	20	20	20	20	14	14	14	14
Giles	071	27	22	22	20	19	15	15	15
Grayson	077	20	20	20	20	14	14	14	14
Lee	105	20	20	20	20	14	14	14	14
Montgomery	121	32	30	24	20	22	21	17	25
Norton	720	20	20	20	20	14	14	14	14
Patrick	141	27	22	22	20	19	15	15	15
Pulaski	155	27	22	22	20	19	15	15	15
Radford	750	27	22	22	20	19	15	15	15
Russell	167	20	20	20	20	14	14	14	14
Scott	169	20	20	20	20	14	14	14	14
Smyth	173	20	20	20	20	14	14	14	14
Tazewell	185	20	20	20	20	14	14	14	14
Washington	191	20	20	20	20	14	14	14	14
Wise	195	20	20	20	20	14	14	14	14
Wythe	197	20	20	20	20	14	14	14	14

Appendix H. Barrier Crimes for Child Day Programs

Revised July 2017

Including:
-Licensed Child Day Centers
-Religiously Exempt Child Day Centers
-Certified Preschools
-Licensed Family Day Homes
-Voluntarily Registered Family Day Homes
-Licensed Family Day Systems
-Licensed System-Approved Family Day Homes
-The Following if Receiving Federal, State, or Local Child Care Funds:
- Local ordinance – approved family day homes
- Programs of recreational activities offered by local governments
- Unregulated family day homes (including in-home care)

Va Code Ann. §§ 19.2-392.02, 63.2-1717(E)(7); 63.2-1719; 63.2-1720.1; 63.2-1721.1; 63.2-1725

Child Day Programs cannot hire anyone who has:

- A conviction for an offense in the entire barrier crime definition in Code § 19.2-392.02. Convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.

- A founded complaint of child abuse or neglect within or outside the Commonwealth.

- Any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of conviction.

The list of barrier crimes is broken into six clauses. All six clauses apply to Child Day Programs.

"Barrier crime" under Code § 19.2-392.02, Clause (i) includes:

Any FELONY violation of:

OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Violation of a Protective Order	16.1-253.2
Criminal Street Gang Participation	18.2-46.2
Criminal Street Gang - Recruitment of Persons for Criminal Street Gang	18.2-46.3
Criminal Street Gang - Third or subsequent conviction of criminal street gang crimes	18.2-46.3:1
Criminal Street Gang – Enhanced punishment for gang activity taking place in a gang-free zone	18.2-46.3:3
Stalking	18.2-60.3

OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Violation of a Protective Order	18.2-60.4
Violation of a Protective Order	18.2-60.4
Discharging Firearms or Missiles Within or at Building or Dwelling House	18.2-279
Willfully Discharging Firearms in Public Places	18.2-280
Setting Spring Gun or Other Deadly Weapon	18.2-281
Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance	18.2-282
Brandishing a machete or other bladed weapon with intent to intimidate	18.2-282.1
Shooting from vehicles so as to endanger persons	18.2-286.1
Wearing of body armor while committing a crime	18.2-287.2
Prostitution; commercial sexual conduct; commercial exploitation of a minor	18.2-346
Rioting	18.2-405
Unlawful assembly	18.2-406

Any violation of:

OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Murder or Manslaughter – Murder, Capital	18.2-31
Murder or Manslaughter – Murder, First or Second Degree	18.2-32
Murder or Manslaughter – Murder of a Pregnant Woman	18.2-32.1
Murder or Manslaughter – Killing a Fetus	18.2-32.2
Murder or Manslaughter – Felony Homicide	18.2-33
Murder or Manslaughter – Voluntary Manslaughter	18.2-35
Murder or Manslaughter – Involuntary Manslaughter	18.2-36
Murder or Manslaughter – Involuntary manslaughter; Driving a Vehicle While Under the Influence	18.2-36.1
Murder or Manslaughter – Involuntary Manslaughter; Operating a Water Craft While Under the Influence	18.2-36.2
Assaults and Bodily Wounding - Malicious Wounding by Mob	18.2-41
Assault or battery by mob	18.2-42
Terrorism - Committing, conspiring and aiding and abetting acts of terrorism	18.2-46.5
Terrorism - Possession, manufacture, distribution, etc. of weapon of terrorism or hoax device	18.2-46.6
Terrorism -Act of bioterrorism against agricultural crops or animals	18.2-46.7
Abduction (Kidnapping)	18.2-47 A or 18.2-47 B
Abduction for Immoral Purpose	18.2-48
Abduction - Threatening, attempting or assisting in abduction	18.2-49
Enticing another into a dwelling house with intent to commit certain felonies	18.2-50.3
Assaults and Bodily Wounding - Shooting, Stabbing, etc., With Intent to Maim, Kill, etc	18.2-51
Assaults and Bodily Wounding - Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Services Providers	18.2-51.1

OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Assaults and Bodily Wounding - Aggravated Malicious Wounding	18.2-51.2
Assaults and Bodily Wounding - Reckless Endangerment of Others by Throwing Objects from Places Higher than One Story	18.2-51.3
Assaults and Bodily Wounding - Maiming, etc., of another resulting from driving while intoxicated	18.2-51.4
Assaults and Bodily Wounding - Maiming, etc., of another resulting from operating a watercraft while intoxicated	18.2-51.5
Assaults and Bodily Wounding - Strangulation of another	18.2-51.6
Assaults and Bodily Wounding - Malicious Bodily Injury by Means of any Caustic Substance or Agent or Use of any Explosive or Fire	18.2-52
Assaults and Bodily Wounding - Possession of Infectious Biological Substances or Radiological Agents	18.2-52.1
Assaults and Bodily Wounding - Shooting, etc., in Committing or Attempting a Felony	18.2-53
Assaults and Bodily Wounding - Use or Display of Firearm in Committing Felony	18.2-53.1
Assaults and Bodily Wounding - Attempts to Poison	18.2-54.1
Assaults and Bodily Wounding - Adulteration of Food, Drink, Drugs, Cosmetics, etc	18.2-54.2
Assaults and Bodily Wounding - Bodily Injuries Caused by Prisoners, State Juvenile Probationers and State and Local Adult Probationers or Adult Parolees	18.2-55
Assaults and Bodily Wounding - Hazing of Youth Gang Members	18.2-55.1
Assaults and Bodily Wounding - Hazing of a Student at Any School, College, or University	18.2-56
Assaults and Bodily Wounding - Reckless Handling of Firearms; Reckless Handling While Hunting	18.2-56.1
Assaults and Bodily Wounding - Allowing access to firearms by children	18.2-56.2
Assault and Battery (Exception: A child day center may hire for compensated employment persons who have been convicted of not more than 1 misdemeanor offense under § 18.2-57, or a substantially similar offense under another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor. § 63.2-1720.1)	18.2-57
Assaults and Bodily Wounding - Pointing Laser at Law-Enforcement Officer	18.2-57.01
Assaults and Bodily Wounding - Disarming a Law-Enforcement or Correctional Officer	18.2-57.02
Assaults and Bodily Wounding - Assault and Battery Against a Family or Household Member	18.2-57.2
Robbery	18.2-58
Carjacking	18.2-58.1
Extortion by Threat	18.2-59
Threats of Death or Bodily Injury	18.2-60
Threatening the Governor or his immediate family	18.2-60.1
Sexual Assault - Rape	18.2-61
Sexual Assault - Carnal Knowledge of Child Between 13 and 15 Years of Age	18.2-63

OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Sexual Assault - Carnal Knowledge of Certain Minors	18.2-64.1
Sexual Assault - Carnal Knowledge of an Inmate, Parolee, Probationer, Detainee, or Pretrial or Post-Trial Offender	18.2-64.2
Sexual Assault –Forcible Sodomy	18.2-67.1
Sexual Assault –Object Sexual Penetration	18.2-67.2
Sexual Assault - Aggravated Sexual Battery	18.2-67.3
Sexual Assault –Sexual battery	18.2-67.4
Sexual Assault –Infected Sexual Battery	18.2-67.4:1
Sexual Assault –Sexual abuse of a child under 15 years of age	18.2-67.4:2
Sexual Assault –Attempted Aggravated Sexual Battery	18.2-67.5
Sexual Assault – Attempted Forcible Sodomy	18.2-67.5
Sexual Assault – Attempted Object Sexual Penetration	18.2-67.5
Sexual Assault - Attempted Rape	18.2-67.5
Sexual Assault – Attempted Sexual Battery	18.2-67.5
Sexual Assault – Repeat offender (felony conviction after prior misdemeanor convictions of sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5.C, a violation of § 18.2-371 involving consensual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus with a child, indecent exposure of himself or procuring another to expose himself in violation of § 18.2-387, or a violation of § 18.2-130)	18.2-67.5:1
Sexual Assault – Repeat offender (maximum sentence for offense based on prior sexual assault convictions)	18.2-67.5:2
Sexual Assault – Repeat offender (life imprisonment for offense based on prior sexual assault convictions)	18.2-67.5:3
Arson - Burning or Destroying Dwelling House, etc.	18.2-77
Arson -Burning or Destroying Meeting House, etc.	18.2-79
Arson -Burning or Destroying Any Other Building or Structure	18.2-80
Arson -Burning or Destroying Personal Property, Standing Grain, etc.	18.2-81
Arson -Burning Building or Structure While in Such Building or Structure With Intent to Commit Felony	18.2-82
Arson -Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, etc.	18.2-83
Arson -Causing, Inciting, etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, etc.	18.2-84
Arson -Manufacture, Possession, Use, etc., of Fire Bombs or Explosive Materials or Devices	18.2-85
Arson -Setting Fire to Woods, Fences, Grass, etc.	18.2-86
Arson -Setting Woods, etc., on Fire Intentionally Whereby Another is Damaged or Jeopardized	18.2-87
Arson -Setting Off Chemical Bombs Capable of Producing Smoke in Certain Public Buildings	18.2-87.1
Arson -Carelessly Damaging Property by Fire	18.2-88
Use of Machine Gun for Crime of Violence	18.2-289
Aggressive Use of a Machine Gun	18.2-290
Possession or Use of Sawed-off Shotgun or Rifle	18.2-300

OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Possession of Firearms While in Possession of Certain Controlled Substances	18.2-308.4
Failing to Secure Medical Attention for Injured Child	18.2-314
Pandering	18.2-355
Receiving money for procuring person	18.2-356
Receiving money from earnings of prostitute	18.2-357
Commercial sex trafficking	18.2-357.1
Crimes Against Nature Involving Children (involving family member)	18.2-361 B
Incest	18.2-366
Abuse and Neglect of Incapacitated Adults	18.2-369
Taking Indecent Liberties with Children	18.2-370
Taking Indecent Liberties with Child (by person in custodial or supervisory position to child)	18.2-370.1
Sex offenses prohibiting proximity to children	18.2-370.2
Sex offenses prohibiting residing in proximity to children	18.2-370.3
Sex offenses prohibiting working on school property	18.2-370.4
Sex offenses prohibiting entry onto school or other property	18.2-370.5
Penetration of mouth of child with lascivious intent	18.2-370.6
Abuse and Neglect of Children	18.2-371.1
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Possession, Etc., of Obscene Items (included because of 18.2-379)	18.2-374
Employing or Permitting a Minor to Assist in – Production, Publication, Sale, Financing Etc., of Child Pornography	18.2-374.1
Employing or Permitting a Minor to Assist in – Possession, Reproduction, Distribution, Solicitation, and Facilitation of Child Pornography	18.2-374.1:1
Employing or Permitting a Minor to Assist in – Use of Communications Systems to Facilitate Certain Offenses Involving Children	18.2-374.3
Employing or Permitting a Minor to Assist in – Display of Child Pornography or Grooming Video or Materials to a Child	18.2-374.4
Employing or Permitting a Minor to Assist in – Advertising, Etc., Obscene Items, Exhibitions, or Performances (included because of 18.2-379)	18.2-376
Employing or Permitting a Minor to Assist in – Obscene Exhibitions and Performances (included because of 18.2-379)	18.2-375
Employing or Permitting a Minor to Assist in – Coercing Acceptance of Obscene Articles or Publications (included because of 18.2-379)	18.2-378
Employing or Permitting a Minor to Assist in an Act Constituting an Offense Under Article 5 (18.2-372 et seq.) of Chapter 8 of Title 18.2	18.2-379
Employing or Permitting a Minor to Assist in – Creation of an Image of Another	18.2-386.1
Employing or Permitting a Minor to Assist in – Unlawful Dissemination or Sale of Images of Another	18.2-386.2
Employing or Permitting a Minor to Assist in – Indecent Exposure (included because of 18.2-379)	18.2-387
Employing or Permitting a Minor to Assist in – Obscene Sexual Display (included because of 18.2-379)	18.2-387.1
Conspiracy or incitement to riot	18.2-408
Commission of certain offenses in county, city or town declared by Governor	18.2-413

OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
to be in state of riot or insurrection	
Injury to property or persons by persons unlawfully or riotously assembled	18.2-414
Burning cross on property of another or public place with intent to intimidate	18.2-423
Burning object on property of another or a highway or other public place with intent to intimidate	18.2-423.01
Placing swastika on certain property with intent to intimidate	18.2-423.1
Displaying noose on property of another or a highway or other public place with intent to intimidate	18.2-423.2
Unlawful Paramilitary Activity	18.2-433.2
Providing false information or failing to provide sex offender registration information	18.2-472.1
Delivery of Drugs to Prisoners	18.2-474.1
Escape from jail	18.2-477
Escapes from juvenile facility	18.2-477.1
Commission of felony while in juvenile facility or detention home	18.2-477.2
Escape from jail or custody by force or violence without setting fire to jail	18.2-478
Escape without force or violence or setting fire to jail	18.2-479
Escape by setting fire to jail	18.2-480
Treason	18.2-481
Advocacy of change in government by force, violence or other unlawful means. [“coup” or “coup d’etat”]	18.2-484
Conspiring to incite one race to insurrection against another race	18.2-485
Escape by persons committed to facility for sexually violent predators	37.2-917
Commission of felony while in jail	53.1-203

"Barrier crime" under Code § 19.2-392.02, Clause (ii) includes:

Type of Violation	OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Any	Burglary	18.2-89
Any	Burglary - Entering Dwelling House, etc., with Intent to Commit Murder, Rape, Robbery or Arson	18.2-90
Any	Burglary - Entering Dwelling House, etc., with Intent to Commit Larceny, Assault and Battery or Other Felony	18.2-91
Any	Burglary - Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor	18.2-92
Any	Burglary -Entering Bank, Armed, with Intent to Commit Larceny	18.2-93
Any	Burglary - Possession of Burglarious Tools, etc.	18.2-94

"Barrier crime" under Code § 19.2-392.02, Clause (iii) is:

Any FELONY violation of:

Type of Violation	OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION

Felony	Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance	18.2-248
Felony	Possession or Distribution of Drugs – Transporting Controlled Substances into the Commonwealth	18.2-248.01
Felony	Possession or Distribution of Drugs – Allowing a Minor or Incapacitated Person to be Present During Manufacture or Attempted Manufacture of Methamphetamine	18.2-248.02
Felony	Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine	18.2-248.03
Felony	Possession or Distribution of Drugs – Sale, Gift, Distribution, or Possession with Intent to Sell, Give, or Distribute Marijuana	18.2-248.1
Felony	Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid	18.2-248.5
Felony	Possession or Distribution of Drugs – Possession and Distribution of Flunitrazepam	18.2-251.2
Felony	Possession or Distribution of Drugs – Manufacturing, Selling, Giving, Distributing, or Possessing with the Intent to Distribute the Substances Gamma-Butyrolactone or 1, 4- Butanediol When Intended for Human Consumption	18.2-251.3
Felony	Possession or Distribution of Drugs – Distributing Certain Drugs to Persons under 18	18.2-255
Felony	Possession or Distribution of Drugs – Sale or Manufacture of Drugs On or Near Certain Properties	18.2-255.2
Felony	Possession or Distribution of Drugs – Certain Premises Deemed Common Nuisance	18.2-258
Felony	Possession or Distribution of Drugs – Maintaining a Fortified Drug House	18.2-258.02
Felony	Possession or Distribution of Drugs – Obtaining Drugs, Procuring Administration of Controlled Substances, Etc., by Fraud, Deceit, or Forgery	18.2-258.1
Felony	Possession or Distribution of Drugs – Assisting Individuals in Unlawfully Procuring Prescription Drugs	18.2-258.2

"Barrier crime" under Code § 19.2-392.02, Clause (iv) is:

Any FELONY violation of:

Type of Violation	OFFENSE Or Substantially Similar Offense Under the Laws of Another Jurisdiction	VA CODE SECTION
Felony	Possession or Distribution of Drugs – Possession of Controlled Substances	18.2-250

"Barrier crime" under Code § 19.2-392.02, Clause (v) is:

- Any offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; Offenses that require registration can be found at http://sex-offender.vsp.virginia.gov/sor/statutes.html.
- Any substantially similar offense under the laws of another jurisdiction; or
- Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of §18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

   If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. “Sexually violent offense” means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, §18.2-370.1, or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2- 67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent

offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration…

"Barrier crime" under Code § 19.2-392.02, Clause (vi) is:

Any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.

Appendix I. **Forms Used in the Child Care Subsidy Program**

The forms utilized in the Child Care Subsidy Program are identified below. Forms can be accessed through FUSION at: CCECD Forms or at http://spark.dss.virginia.gov/divisions/dgs/warehouse.cgi.

FORM NAME	FORM NUMBER
Appeal to State Department of Social Services	032-03-0024-10-eng (01/10)
Child Care Case Record Transfer Form	032-25-0148-00-eng (07/18)
Child Care Subsidy Program Communication Form	032-05-0518-02-eng (07/18)
Child Care Subsidy Program Notice of Action	032-12-0128-01-eng (07/18)
Child Care Notice of Case Transfer Form	032-25-0149-00-eng (07/18)
Child Care Notice of Redetermination	032-12-0131-00-eng (08/17)
Child Care Purchase of Services Order (POSO)	032-05-0540-02-eng
Child Care Repayment Agreement	032-12-0130-00-eng (08/17)
Child Care Subsidy Program Service Plan	032-12-0129-01-eng (01/18)
Child Care Subsidy Service Application and Redetermination Form	032-25-0147-04-eng (07/18)
Child Care Vendor Demographics	032-05-0548-00-eng (09/11)
Child Care Verification Checklist	032-12-0127-00-eng (03/17)
Child Care Waiting List Screening Form	032-05-0547-02-eng (03/17)
Child Care Waiting List Update Form	032-12-0132-00-eng (08/17)
Child's Emergency Medical Authorization	032-02-057/2 (10/02)
Childhood Immunization Certification TANF and Child Care Subsidy	032-03-0960-03-eng (11/03)
(DCSE) Child Care Attesting to the Lack of Information Form	032-12-0043-00-eng (12/15)
(DCSE) Child Care Good Cause Communication Form	032-12-0035-00-eng (12/15)
(DCSE) Child Care List of Putative Fathers	032-12-0041-00-eng (12/15)
(DCSE) Child Care Notice of Cooperation and	032-12-0126-00-eng (03/17)

Good Cause

(DCSE) Notice of Good Cause Determination Approved	032-12-0040-00-eng (12/15)
(DCSE) Notice of Good Cause Determination Denied	032-12-0039-00-eng (12/15)
(DCSE) Referral to Division of Child Support Enforcement	032-12-0036-01-eng (03/17)
Health and Safety Checklist for Unregulated Providers	032-02-001/2 (10/02)
Sworn Statement or Affirmation for Child Day Programs	032-05-0160-10-eng (05/17)
Va-ECC Vendor Attendance Report	032-05-0546-B0-eng (12/12)
VaCMS Locality Budget Request	032-12-0003-00-eng

Forms Used in IPV Process

Administrative Disqualification Hearing Decision	032-03-723-10-eng (05/16)
Advance Notice of Administrative Disqualification Hearing	032-03-724-08-eng (05/16)
Notice of Disqualification for Intentional Program Violation	032-03-052-13-eng (05/16)
Notice of Intentional Program Violation	032-03-721-11-eng (04/16)
Referral for Administrative Disqualification Hearing	032-03-725-05-eng (05/16)
Waiver of Administrative Disqualification Hearing	032-03-0722-03-eng (05/16)

Vendor Agreements

The forms used for providers interested in becoming an approved vendor of subsidized child care can be accessed at: ChildCareVA

Child Care Subsidy Program Child Care Center Vendor Agreement	032-12-0047-01-eng (01/17)
Child Care Subsidy Program Family Day Home Vendor Agreement	032-12-0046-00-eng (10/16)

Appendix J. Child Care Subsidy Service Application and Redetermination Form Instructions

NUMBER – 032-25-0147-**04**-eng **(07/18)**

PURPOSE OF FORM – To record all eligibility related information provided by an applicant for child care subsidy payments in the VaCMS. To be completed by the applicant at application, at redetermination or when a case becomes a transitional case. Form may be completed by the applicant in CommonHelp or submitted in writing to the local department. Information must be recorded in the VaCMS.

USE OF FORM – To provide a record of new applications, redeterminations, the beginning of a transitional case and changes reported by an applicant that would affect their eligibility for child care subsidy in the VaCMS. For reported changes, the worker must record the change(s) in the VaCMS. The revised information will be stored in the VaCMS.

The form is available on the Child Care and Development website and the VDSS public website. Printed copies may be distributed at the local department, or the form can be printed from the VDSS public website by the applicant. Applicants may also apply online through CommonHelp.

COPIES – The information will be stored in the VaCMS. The Responsibilities, Change Reporting, and Penalties section and the signature page of the form, signed by the applicant and the worker, must be given to the applicant. The signed application must be scanned into DMIS for the case record.

INSTRUCTIONS FOR PREPARING THE FORM – This form is to be completed by an applicant for child care services. It is the responsibility of the worker to discuss all information with the applicant to ensure accuracy. It is the responsibility of the worker to evaluate all information provided by the applicant and to verify eligibility requirements. If the worker changes information completed by the applicant, both the worker and the applicant must initial the change and indicate the date the change was made.

General Information about the form:

Applicant's Rights	Outlines for applicants their responsibilities related to their application for child care subsidy or their continued eligibility for child care subsidy. Outlines the steps an applicant for or recipient of child care services must take to appeal an agency decision.

Instructions for Completing the Application	Outlines for applicants the instructions for completion of the application for child care subsidy.
Box for Office Use Only	Provides space for the worker to record local department and case specific information. Forms submitted to the local department must be date stamped.
Section 1	The applicant must provide their contact and demographic information. The applicant must provide information regarding receipt of prior benefits or services.
Section 2	The applicant must provide general information about all members of their household.
Section 3	The applicant must provide general information about any parent not living in the home.
Section 4	The applicant must provide information on the child(ren) for whom assistance is being requested.
Section 5	The applicant must provide employment or education/training information.
Section 6	The applicant must certify that family assets/resources do not exceed $1M. The applicant must provide the income sources and the dollar amounts for <u>all</u> household members.
Section 7	Outlines the applicant's responsibilities and change reporting requirements as well as the penalties associated with an intentional program violation.
Section 8	Consent to exchange information. Captures the applicant's consent to share case information with other state agencies to provide efficient and coordinated services as needed.

Section 9	Acknowledgement of applicant's responsibilities. Provides guidance for the worker and the applicant to discuss the application process, the information provided by the applicant and the responsibilities of the worker and the applicant. Provides space for the applicant and the worker to sign indicating that all required information has been submitted or requested and that the applicant understands and agrees to their requirements and responsibilities.
Provider Information	Captures the name, address, and phone number of the Child Care Provider (if selected).
ECC Card	The applicant must indicate if a new or additional ECC card is needed.
Checklist	Provides a checklist for the applicant that includes required verifications that may be needed to process their application for Child Care Subsidy.

Appendix K. **Child Care Waiting List Screening Form Instructions**

NUMBER – 032-05-0547-02-eng (03/17)

PURPOSE OF FORM – To screen customers for placement on a child care Waiting List.

USE OF FORM – The local department worker will use the information on this form to screen applicants onto the Waiting List. Once this screening for the Waiting List is complete in the VaCMS, the worker will add the family to the Waiting List.

COPIES/DISPOSITION – Two. File the original in the case record and give a copy to the applicant.

Appendix L. **Child Care Waiting List Update Form Instructions**

NUMBER – 032-12-0132-00-eng (08/00)

PURPOSE OF FORM – To request updated household information from an applicant currently placed on the local department of social services waiting list for Child Care Subsidy and Services.

USE OF FORM –To obtain current household demographic and income information from an applicant that is needed to complete a quarterly waiting list update.

COPIES – Copy is saved in the VaCMS for the case record.

INSTRUCTIONS FOR PREPARING THE FORM – A Child Care Waiting List Update form is used to gather updated applicant information related to their waiting list screening. This form is used by the Child Care Worker to update the applicant's waiting list information quarterly and to determine the applicant's continued need, eligibility, and desire to be placed on the local department's waiting list. The Child Care Worker must fill in the amount of the family's gross monthly income that would cause the total amount to exceed the maximum monthly income level allowed for a family of its size in the locality where the child care services have been requested.

This form is available in VaCMS and generated 45 days prior to the end of the quarterly update month. The form is centrally printed and sent to the applicant.

The form must be completed and signed by the applicant and returned to the local department of social services prior to the end of the update month.

Appendix M. Child Care Subsidy Program Notice of Action Form Instructions

NUMBER – 032-12-0128-**01**-eng **(07/18)**

PURPOSE OF FORM – The purpose of this form is to inform applicants or recipients of child care subsidy and services of the action and the date of the action to be taken on their child care case.

USE OF FORM – To give the applicant/recipient of child care subsidy a ten-day notice before an action is taken. More than one action may be indicated on a single NOA. This form is generated from the VaCMS to be printed by the worker and sent to the applicant. The Correspondence ID # of the form and the mailing date must be recorded in the case narrative to verify the form was mailed to the applicant/recipient.

COPIES – One copy will be stored in the VaCMS, and one copy must be mailed to the applicant/recipient.

INSTRUCTIONS FOR PREPARING THE FORM – A NOA completed in and generated from the VACMS must be sent 10 days in advance of the action when a case action affecting eligibility, copayment or the amount of services authorized is taken. A copy of the applicant's NOA must never be sent to a Vendor.

Information will be preprinted on the form that is generated from the VaCMS.

The back of the form provides information on the fair hearings and appeal process.

Appendix N. Child Care Notice of Redetermination Form Instructions

FORM NUMBER – 032-12-0131-00-eng (08/17)

PURPOSE OF FORM – The purpose of this form is to inform recipients of child care subsidy and services of the need to renew their eligibility for Child Care Subsidy and Services and that services will end if a redetermination application is not filed or if the application indicates the recipient is no longer eligible.

USE OF FORM – The form notifies the recipient that a redetermination application must be filed to continue eligibility for Child Care Subsidy and Services. If the redetermination application is not completed, Child Care Services will be interrupted and/or discontinued.

COPIES – The original will be mailed to the recipient. A copy of the notice must be filed in the case record.

INSTRUCTIONS FOR PREPARING THE FORM – The Child Care Worker will complete the form and enter the date services will end as well as the date the redetermination application must be returned by (First day of redetermination month). The form must be sent with the Redetermination Application and at least 10 days in advance of the end of the redetermination month.

Information will be preprinted on the form that is generated from VaCMS.

The last page of the form provides information on the fair hearings and appeal process.

Appendix O. Child Care Subsidy Program Communication Form Instructions

NUMBER – 032-05-0518-**02**-eng **(07/18)**

PURPOSE OF FORM – To notify applicant for/recipient of child care subsidy of a change in their application/case which does not affect eligibility, copayment or the amount of services authorized or to request information from the applicant/recipient.

USE OF FORM – To communicate information to the applicant/recipient of an action to be taken or to request information.

COPIES – One copy for the applicant/recipient. Copy is saved in the VaCMS for the case record.

INSTRUCTIONS FOR PREPARING THE FORM – A Child Care Communication form is used to communicate to an applicant or recipient information related to their child care case that does not affect eligibility, copayment or the amount of services authorized. This form is intended for the applicant/recipient and should not be sent to anyone else.

The VaCMS will pre-fill the identifying information for the applicant/recipient the worker contact information.

The bottom of the form provides space for the worker to type in the information to be communicated.

This form is available in the VaCMS. Completing this form in the VaCMS automatically saves a copy of the form in the case record. The form is printed and sent to the applicant/recipient. The Correspondence ID# and mailing date must be recorded in the case narrative.

The last page of the form provides information on the fair hearings and appeal process.

Appendix P. **Child Care Verification Checklist Instructions**

NUMBER – 032-12-0127-00-eng (03/17)

PURPOSE OF FORM – To notify applicant/recipient as to information they must provide in order for determination/redetermination of eligibility.

USE OF FORM – To provide applicant/recipient with a list of items to be submitted in order to verify and to document required documentation for eligibility to be determined.

COPIES – One copy for the case record. One copy must be sent to the applicant/recipient.

INSTRUCTIONS FOR PREPARING THE FORM – Any time a requirement for determination of eligibility needs to be verified or to be documented, a verification checklist should be provided to the applicant/recipient.

This form will be included in the redetermination package sent to the recipient.

A copy must be generated to send to the applicant/recipient. The worker will complete the form after printing it. A copy must be kept in the case record. The worker must record in the case narrative that the form was provided to the applicant/recipient as documentation.

Appendix Q. **Childhood Immunization Certification Instructions**

NUMBER – 032-03-0960-03-eng

PURPOSE OF FORM – The completed form provides verification necessary to determine compliance with immunization requirements.

USE OF FORM – The form must be given to applicants/recipients to use to supply verification that a child has received required immunizations. The form must be completed by a physician or local health department personnel.

COPIES – One per child. File completed form in the case record.

INSTRUCTIONS FOR PREPARING THE FORM – The worker must complete the case/agency information section at the top of the form and the child's name, social security number, and date of birth in the section completed by the doctor/provider.

Appendix R. Child Care Notice of Cooperation and Good Cause Form Instructions

NUMBER – 032-12-0126-00-eng (03/17)

PURPOSE OF FORM – (1) To advise an applicant/recipient of his/her right to claim good cause for refusing to cooperate with the Division of Child Support Enforcement Programs; and (2) to verify whether good cause was claimed.

USE OF FORM – To be reviewed with applicants/recipients who must cooperate with the Division of Child Support Enforcement Programs.

NUMBER OF COPIES – Two.

DISPOSITION OF FORM – File the original in the case record and give a copy to the applicant/recipient.

INSTRUCTIONS FOR COMPLETING THE FORM – The worker explains the form. The applicant/recipient indicates for each absent parent listed whether or not good cause is being claimed. The applicant/recipient signs and dates the form after explanation by the worker. The worker signs and dates the form to document that a copy was given to the applicant/recipient.

Appendix S. **Child Care Purchase of Service Orders Instructions**

NUMBER - 032-05-0540-02-eng (07/12)

(Please refer to the Finance Guidelines Manual for Local Departments of Social Services Section 5.20 – Purchase of Service for specific Purchase of Service guidance)

PURPOSE OF FORM – This form is used to order services from child care vendors (vendor). If the vendor accepts a Purchase of Service Order (POSO), it enters into a contract for a specific purchase. This form is also used for early termination of an existing POSO. A revised POSO must be mailed to the vendor any time the information on the POSO needs revision, as revisions change the terms of the contract.

USE OF FORM – This form is prepared by the child care case worker (worker) by entering information into the VaCMS and the fiscal officer, or the director's designee, as noted, and sent to the primary vendor. The form is never sent directly to a subcontractor.

COPIES – This form is generated from the VaCMS. The worker must print two copies, one copy for the vendor and a copy for the parent. It should be printed as a two-sided form if possible; the front is the POSO and the back is the authorized vendor invoice schedule.

DISPOSITION – The form is pre-filled according to the information entered by the child care worker into the VaCMS. The worker prints two copies of the form and sends them to the fiscal officer (refer to Section 5.2 of Finance Guidelines mentioned above) for approval, additional completion, and signature. If approved, the forms with original signatures are sent back to the worker. If not approved, the forms will be returned to the worker by the fiscal officer, unsigned. The worker will terminate or revise the POSO as needed.

One copy with original signatures is sent to the child care vendor. If accepted by the vendor, the copy with all original signatures must be returned to the local department. If not accepted by or signed by the vendor, the worker will terminate the POSO.

A copy must be sent to the parent. Signatures on this copy do not need to be original. This copy of the POSO is notification to the parent how many units of care have been authorized, the effective date of the POSO, the family copayment amount and the copayment effective begin date.

A new POSO must be sent to the vendor with the revised information if child care services continue.

INSTRUCTIONS FOR PREPARING THE FORM:

All information is pre-filled by the system.

CORRESPONDENCE ID – This is the POSO number and is prefilled by the system.

SIGNATURE OF FISCAL WORKER OR DIRECTOR DESIGNEE – The fiscal worker must co-authorize the purchase by signing here. "The decision to delegate the fiscal signatory responsibilities to an employee other than the fiscal officer would be made by the LDSS Director. The Director would be responsible for ensuring the designee has the fiscal knowledge required to sign as the authorizing agent while maintaining the appropriate segregation of duties." (Finance Guidelines Manual for Local Departments of Social Services Section 5.20 – Purchase of Service-Vendor Process, Section 3, Purchase of Service Order, Page 5) If the designee selected by the Director is the Child Care Supervisor, the supervisor should sign both the fiscal officer and supervisor signature lines.

Appendix T. **Child Care Repayment Agreement Form Instructions**

FORM NUMBER – 032-12-0130-00-eng (08/17)

PURPOSE OF FORM – The purpose of this form is to inform applicants or recipients of child care subsidy and services of any improper payment for services and to capture the applicant/recipient's agreement for repayment of any improper payment.

USE OF FORM – The form is used to capture the agreed upon terms for repayment of any improper payment made for Child Care Services. This form is generated from the intranet and shall be printed by the worker and sent to the applicant/recipient. The date the form was mailed must be recorded in the case narrative to verify the form was mailed to the applicant/recipient.

COPIES – The original will be stored in the case record, and one copy must be given to the applicant/recipient.

INSTRUCTIONS FOR PREPARING THE FORM – The Child Care Worker must indicate the service months included in the improper payment and the total amount of the improper payment that must be repaid.

The last page of the form provides information on the fair hearings and appeal process.

Appendix U. **Child Care Case Record Transfer Form Instructions**

FORM NUMBER – 032-25-0148-00-eng (07/18)

PURPOSE OF FORM – To communicate between local departments of social services when transferring responsibility for a case for Child Care Services from one agency to another. The form also serves as confirmation to acknowledge receipt of the case record.

USE OF FORM – The Child Care Worker in the transferring agency must complete the names and addresses of the affected agencies and appropriate parts in Section I of the form. The worker must prepare the case record for transfer to the new locality and send the form and case record to the receiving agency.

COPIES – The transferring agency must keep a copy of the completed form.

Upon receipt of the case record, the receiving agency must complete Section II of the form and scan the signed/completed form, indexed by case number.

INSTRUCTIONS FOR PREPARING THE FORM – Complete the form with identifying information of the case and with the names and addresses of the agency from which the case is being transferred and the agency to which the case is being transferred. Complete Section I to identify the type of assistance, redetermination date, and current authorized services for the household. Add additional comments as needed. A representative of the transferring agency must sign the form.

A representative of the receiving local agency must complete Section II of the form to acknowledge the receipt of the case record.

Appendix V. **Child Care Notice of Case Transfer Form Instructions**

FORM NUMBER – 032-25-0149-00-eng (07/18)

PURPOSE OF FORM – The purpose of this form is to inform recipients of child care services of the transfer of their child care case to a new local department of social services.

USE OF FORM – To give the recipient of child care services notice when a case transfer action is taken. The Correspondence ID # of the form and the mailing date must be recorded in the case narrative to verify the form was mailed to the recipient.

COPIES – The original will be mailed to the recipient, and one copy must be scanned in the case record.

INSTRUCTIONS FOR PREPARING THE FORM – The Child Care Worker in the transferring agency must complete the form and include the address and phone number of the agency to which the case is being transferred.

Information will be preprinted on the form that is generated from VaCMS.

The last two pages of the form provide information on reporting changes, electronic correspondence, nondiscrimination, and the appeal/hearing process.

Appendix W. **Metropolitan Statistical Area Groupings**

FIPS	LOCALITY	INCOME CAP GROUP
001	Accomack	I
005	Alleghany	I
007	Amelia	I
009	Amherst	I
011	Appomattox	I
015	Augusta	I
017	Bath	I
019	Bedford County/City	I
021	Bland	I
023	Botetourt	I
520	Bristol	I
025	Brunswick	I
027	Buchanan	I
029	Buckingham	I
031	Campbell	I
033	Caroline	I
035	Carroll	I
037	Charlotte	I
580	Covington	I
045	Craig	I
049	Cumberland	I
590	Danville	I
051	Dickenson	I
057	Essex	I

FIPS	LOCALITY	INCOME CAP GROUP
063	Floyd	I
067	Franklin County	I
620	Franklin City	I
069	Frederick County	I
640	Galax	I
071	Giles	I
077	Grayson	I
081	Greensville/Emporia	I
083	Halifax	I
660	Harrisonburg	I
089	Henry	I
091	Highland	I
097	King & Queen	I
101	King William	I
103	Lancaster	I
105	Lee	I
109	Louisa	I
111	Lunenburg	I
680	Lynchburg	I
113	Madison	I
690	Martinsville	I
117	Mecklenburg	I
119	Middlesex	I
121	Montgomery	I
125	Nelson	I
131	Northampton	I
133	Northumberland	I

FIPS	LOCALITY	INCOME CAP GROUP
720	Norton	I
135	Nottoway	I
137	Orange	I
139	Page	I
141	Patrick	I
143	Pittsylvania	I
147	Prince Edward	I
155	Pulaski	I
750	Radford	I
157	Rappahannock	I
159	Richmond County	I
770	Roanoke	I
161	Roanoke County	I
163	Rockbridge/Buena Vista/Lexington	I
165	Rockingham	I
167	Russell	I
169	Scott	I
171	Shenandoah	I
173	Smyth	I
175	Southampton	I
790	Staunton	I
181	Surry	I
183	Sussex	I
185	Tazewell	I
191	Washington	I
820	Waynesboro	I

FIPS	LOCALITY	INCOME CAP GROUP
193	Westmoreland	I
840	Winchester	I
195	Wise	I
197	Wythe	I
003	Albemarle	II
036	Charles City	II
540	Charlottesville	II
041	Chesterfield/Colonial Heights	II
550	Chesapeake	II
053	Dinwiddie	II
065	Fluvanna	II
073	Gloucester	II
075	Goochland	II
079	Greene	II
650	Hampton	II
085	Hanover	II
087	Henrico	II
670	Hopewell	II
093	Isle of Wight	II
095	James City	II
115	Mathews	II
127	New Kent	II
700	Newport News	II
710	Norfolk	II
730	Petersburg	II
740	Portsmouth	II
145	Powhatan	II

FIPS	LOCALITY	INCOME CAP GROUP
149	Prince George	II
760	Richmond City	II
800	Suffolk	II
810	Virginia Beach	II
830	Williamsburg	II
199	York-Poquoson	II
510	*Alexandria	III
013	Arlington	III
043	Clarke	III
047	Culpeper	III
059	*Fairfax City/County	III
061	Fauquier	III
630	Fredericksburg	III
099	King George	III
107	Loudoun	III
683	Manassas City	III
685	Manassas Park	III
153	Prince William	III
177	Spotsylvania	III
179	Stafford	III
187	Warren	III

*Eligibility is set at 250 percent of the Federal Poverty Guidelines for families residing in Fairfax and Alexandria (capped at 85% of SMI).