1 (Table of Contents) removes obsolete pages for the At Home Infant Care (AHIC) program.

2 (Glossary) the definition of AHIC has been removed from the glossary.

6.21 (Family Copayment) the biweekly copayment schedules have new links added.

9.3 (Payment to Providers) adds updated information about provider payments.

9.6 (Payments to Families) adds new policy information about in-home child care.

11.12 (Provider Registration) adds the first aid and CPR training requirements for (LNL) providers.

11.21 (Provider Authorization) adds to the criteria for authorization to include a statement acknowledging that CCAP payments for care provided by someone who resides in the same household or occupy the same residence as the child(ren) are prohibited.

11.24 (Provider Reauthorization) adds First Aid and CPR training requirements and the additional training requirement at each reauthorization. The provider must provide proof of 8 hours of additional training. Only training listed in the Minnesota Center for Professional Development Registry (including those offered by the Child Resource and Referral agencies) meet the requirements for approvable training.

11.27 (In-home Child Care Provider Information) adds the new criteria for child care to be authorized in a child’s home.
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ADMINISTERING AGENCY:
A county social services agency or a public or non-profit agency designated by the county board to administer the child care fund.

Legal Authority:
Minnesota Rules 3400.0020, Subp. 4

ADMINISTRATIVE EXPENSES:
Costs associated with the administration of direct services covered by the child care fund. These include:

- Salaries, wages and related payroll expenses including those for direct personnel costs, expenses for general administration and supervision, secretarial, clerical, accounting and other support services.

- Travel, transportation and per diem or subsistence expenses.

- Materials and office supplies.

- Publication, telephone, postage, and photocopy costs.

- Others expenses directly attributable to the child care fund.

Legal Authority:
Minnesota Rules 3400.0020, Subp. 5

AGE OF CHILD:
Infant. See INFANT
Preschool. See PRESCHOOL
School Age. See SCHOOL AGE
Toddler. See TODDLER

ALLOCATION:
The share of the total state appropriation of child care funds that a county may earn and be reimbursed for in a calendar year. Department of Human Services (DHS) may increase a county’s allocation by redirecting unexpended or unencumbered funds, or when additional funds become available. DHS may decrease a county’s allocation proportionate to the reduction in the total allocation when funding decreases are implemented within a calendar year.

Legal Authority: Minnesota Rules 3400.0020, Subp. 8
APPLICANT:
All parents, stepparents, legal guardians or eligible relative caregivers who are members of the FAMILY and reside in the household that applies for child care assistance.

Legal Authority:
Minnesota Statutes 119B.011, Subd.2

AHIC:
See AT-HOME-INFANT-CHILD-CARE PROGRAM.

AT-HOME-INFANT-CHILD-CARE PROGRAM:
At-Home Infant Child Care (AHIC) Program is part of the Basic Sliding Fee Child Care Program. AHIC provides short term funding to replace part of a family’s income that is forgone when a parent chooses to stay home during all or part of his/her child’s first year of life. See §13 (At-Home Infant Child Care (AHIC) Program).

Legal Authority:
Minnesota Statutes 119B.035
Minnesota Rules 3400.0235

AT-RISK:
Environmental or familial factors that create barriers to a child’s optimal achievement. Factors include, but are not limited to, a federal or state disaster, limited English proficiency in a family, a history of abuse or neglect, family violence, homelessness, age of the mother, level of maternal education, mental illness, developmental disability, or parental chemical dependency or history of other substance abuse. See §9.54 (Special Needs).

Legal Authority:
Minnesota Rules 3400.0020, Subp.9a

AUTHORIZED PROVIDER:
A legal child care provider who has completed the county registration process and has been approved for child care assistance payments. See §11 (Providers).

AUTHORIZATION OF CARE:
The county determination of care needed and the payment associated with that care. The authorization is based on the family, activity, age of the child, and the provider
BASIC SLIDING FEE PROGRAM:
A sub-program of the Child Care Assistance Program for non-MFIP/DWP families with income below or equal to 47% of the State Median Income (SMI). See §4.3.12 (Basic Sliding Fee (BSF)).

BLOCKS OF TIME:
Payment made on a full-day or weekly basis. Payment can be made on a full-day basis when the child is in care for more than 5 hours per day. Payment can be made on a weekly basis when the child is in care for more than 35 hours per week. See §9.30 (Rate Authorization).

BSF:
See BASIC SLIDING FEE PROGRAM.

CALENDAR MONTH:
A period that begins with the 1st day of the month and ends with the last day of the month.

CCAP:
Child Care Assistance Program.

CCAP FAMILY:
See FAMILY.

CHILD:
A person 12 years old or younger, or age 13 or 14 who has a hearing impairment, visual disability, speech or language impairment, physical handicap, other health impairment, mental handicap, emotional/behavioral disorder, specific learning disability, autism, traumatic brain injury, multiple disabilities, or deaf/blind disability which requires special instruction and services.

Legal Authority:
Minnesota Statutes 119B.011, Subd. 4

CHILD CARE:
Care of a child by someone other than a parent, stepparent, legal guardian, eligible relative caregiver or their spouses in or outside the child’s own home.

Legal Authority:
Minnesota Statutes 119B.011, Subd. 5
CHILD CARE FUND PLAN:
The county and designated administering agency shall submit a biennial plan to the commissioner of DHS. The plan shall include information requested by the department to ensure compliance with the child care fund statutes and rules promulgated by the commissioner.

COPAYMENT FEE:
The amount the family must contribute as its share of child care costs. This amount is based on household income and size.

Legal Authority:
Minnesota Rules 3400.0020, Subp. 24

COUNTY BOARD:
The board of county commissioners in each county.

Legal Authority:
Minnesota Statutes 119B.011, Subd. 9

DISABILITY:
A functional limitation or health condition that interferes with a child’s ability to walk, talk, see, hear, breathe or learn in order to meet the conditions required for an increased rate. Refer to section on Special Needs Rates. See §9.54 (Special Needs).

Legal Authority:
Minnesota Rules 3400.0020 Subp. 17a

DWP:
Diversionary Work Program. See §4.3.3.15 (DWP Overview).

DOCUMENTATION:
A written statement or record, including an electronic record, that substantiates information provided by a person or an action taken by an agency.

Legal Authority:
Minnesota Rules 3400.0020, Subp. 18

EARNED INCOME:
See INCOME.
eDOCS:
A Web site that gives access to the Minnesota Department of Human Services (DHS) forms and documents in multiple languages.

EDUCATION PROGRAM (applies to Basic Sliding Fee):
Remedial or basic education or English as a second language instruction, a program leading to a general equivalency or high school diploma, post-secondary programs excluding post-baccalaureate programs, and other education and training needs as documented in an EDUCATION PLAN (EP). The EP must outline education and training needs of a participant, meet state and county requirements for education plans and meet the requirements of programs that provide federal reimbursement for child care services.

Legal Authority:
Minnesota Statutes 119B.011, Subd. 11

ELIGIBLE RELATIVE CAREGIVER:
An eligible relative caregiver is a person who is the caregiver of a child receiving an MFIP or DWP child only grant. The relative caregiver may or may not be receiving MFIP.

See §5.3 (Determining the CCAP Family), §5.9 (CCAP Family Composition Examples).

Legal Authority:
Minnesota Statute Section 256J.08
Minnesota Rule 3400.0020, Subp. 20

EMPLOYMENT PLAN (applies to MFIP/DWP):
An Employment Plan is developed by the job counselor and the participant which identifies the participant's most direct path to unsubsidized employment, lists the specific steps that the participant will take on that path, and includes a timetable for the completion of each step. The plan also identifies any subsequent steps that support long-term economic stability.

Legal Authority:
Minnesota Statutes, section 256J.49, Subd. 5

EXCLUDED TIME FACILITY:
A type of living arrangement which affects the determination of state residence and the county of financial responsibility. See 8.12 (Moving Between Counties).
FAMILY:
The Child Care Assistance Program (CCAP) defines a family as parents, step-parents, guardians and their spouses, or other eligible relative caregivers and their spouses, and their blood related dependent children and adoptive siblings under the age of 18 years living in the same home including children temporarily absent from the family in settings such as schools, foster care, and residential treatment facilities, or parents, step-parents, guardians and their spouses, or other relative caregivers and their spouses temporarily absent from the family in settings such as schools, military service, or rehabilitation programs. For information on how to determine CCAP Family, see §5.3 (Determining the CCAP Family).

FICA:

FULL CALENDAR MONTH:
From the first day of the month through the last day of the month.

HOUSEHOLD OF APPLICANT/PARTICIPANT/FAMILY:
The CCAP family as defined in §5.3 (Determining the CCAP Family).

HOUSEHOLD OF PROVIDER:
The provider and those people living with the provider or in the home during child care hours.

INCOME:
Earned or unearned income received by ALL FAMILY members, including public assistance cash benefits, at-home infant child care subsidy payments, and child support and maintenance distributed to or received by the family. See §6 (Income Eligibility).

INFANT:
Licensed Family Child Care:
A child is an infant up to 12 months of age.

Legal Non-Licensed Family Child Care:
Follow the Licensed Family Child Care definition.

Licensed Center Child Care:
A child is an infant up to 16 months of age. A child in center care may be considered to be an infant up to 18 months of age for purposes of staff ratios,
group size, and programming with agreement of parent, teacher, and director if this decision is in the best interest of the child.

License Exempt Centers:
   Follow the Licensed Center Child Care definition.

Legal Authority:
   Minnesota Statutes 245A.02, Subd.19
   Minnesota Rules 9503.0005

IN-HOME CARE:
   Care provided in the child’s own home.

LEGAL GUARDIAN:
   A person or an agency that has been appointed or accepted as guardian by a court of jurisdiction or tribal law.

Legal Authority:
   Minnesota Rules 3400.0020, Subp. 31b

MAXIS:
   Minnesota's statewide automated eligibility system for public assistance programs.

MEC²:
   Minnesota Electronic Child Care System.

MFIP:
   Minnesota Family Investment Program. See §4.3.3.3 (MFIP Overview).

MINOR PARENT:
   A parent who is less than 18 years of age.

OVERPAYMENT:
   The portion of a child care payment that is greater than the amount for which a participant or provider is eligible.

Legal Authority:
   Minnesota Rules 3400.0020, Subp. 33

PARENT:
   A child's natural, step, or adoptive mother or father.
PARTICIPANT:
A person with an active CCAP case. This includes suspended and reserved cases.

PRE-SCHOOL:
Licensed Family Child Care:
A child is a preschooler at 24 months of age up to being eligible to attend kindergarten within the next four months.

Legal Non-Licensed Family Child Care:
Follow the Licensed Family Child Care definition. *

Licensed Center Child Care:
A child is a preschooler at 33 months of age up to the age of being eligible to attend kindergarten within the next four months. A child in center care may be considered to be a preschooler at 31 months of age for purposes of staff ratios, group size, and programming with agreement of parent, teacher, and director if this decision is in the best interest of the child. *

Licensed Exempt Centers:
Follow the Licensed Center Child Care definition. *

*CCAP recommends that counties pay preschool rates for children until September 1st following the child’s 5th birthday, unless the parent informs the county that the child will not be starting school in September of that year. In this case, the child would be a preschooler until September 1st of the following year.

Legal Authority:
Minnesota Statutes 245A.02, Subd.19
Minnesota Rules 9503.0005

PROVIDER:
Individuals or centers licensed by a state or tribe, license-exempt centers, and legal non-licensed individuals providing legal child care services. For more information, see §11 (Providers).

Legal Authority: Minnesota Statutes 119B.011, Subd. 19

PROVIDER RATE:
The amount the provider charges for child care.
Legal Authority: Minnesota Rules 3400.0020, Subp. 35
PROVISIONAL AUTHORIZATION:
A temporary approval of a legal nonlicensed provider to provide care and receive
payment for the care of a specific child or children receiving child care assistance
when all the requested registration information/documentation, except the
background check, is available to the county. See §9.3 (Payments to Providers).

Legal Authority:
Minnesota Rules 3400.0110 Subp.2a and 2b.
Minnesota Statutes 119B.125 Subd.5

PROVISIONAL PAYMENT:
A temporary payment paid to a legal nonlicensed (LNL) provider based on a
provisional authorization. See §9.3 (Payments to Providers).

Legal Authority:
Minnesota Rules 3400.0110 Subp.2a and 2b
Minnesota Statutes 119B.125 Subd.5

RECOUPMENT OF OVERPAYMENTS:
The reduction of child care assistance payments to an eligible family or a child care
provider in order to correct an overpayment of child care assistance.

Legal Authority:
Minnesota Statutes 119B.011, Subd. 21

REDETERMINATION:
The process by which information is collected periodically by the county and used to
determine whether a recipient is eligible for continued assistance under the child care
fund. See §10 (Redetermination of Eligibility).

Legal Authority:
Minnesota Rules 3400.0020, Subp. 37

REGISTRATION:
The process used by a county to determine whether the provider selected by a family
applying for or receiving child care assistance to care for that family’s children meets
the necessary requirements for payment of CCAP for child care provided by that
provider.

Legal Authority:
Minnesota Rules 3400.0120, Subp. 2 Minnesota Statutes. 119B.011, Subd. 19A
**RESERVE :**  
The case remains active when the family is temporarily ineligible for assistance for a maximum of 90 days one academic semester/quarter, or until deactivated if a family has been receiving child care assistance but is temporarily ineligible due to increased income from active military service. Payments can not be made while a family is temporarily ineligible.

**RESIDENCE :**  
The primary place where the family lives as identified by the applicant or participant.

Legal Authority:  
Minnesota Rules 3400.0020, Subp. 38A.

**RSDI :**  
See RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE.

**RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE :**  
A program operated by the Social Security Administration that provides a monthly income to retired people, survivors or dependents of insured people, and people with disabilities.

**SCHOOL AGE :**  
Licensed Family Child Care:  
A child is school age when they are at least of sufficient age to attend the first day of kindergarten within the next four months through age 12 or age 14 if disabled.**

Legal Non-Licensed Family Child Care:  
Follow the Licensed Family Child Care definition.**

Licensed Center Child Care:  
A child is school age when they are at least of sufficient age to attend the first day of kindergarten within the next four months through age 12 or age 14 if disabled. **

License Exempt Centers:  
Follow the Licensed Center Child Care definition.**

**CCAP recommends that counties consider a child to be school age (for payment purposes) on September 1\textsuperscript{st} following the child’s 5\textsuperscript{th} birthday unless the parent
informs the county that the child will not be starting school in September of that year. In this case, the child would not be school age until September 1\textsuperscript{st} of the following year. If a child starts school before the child’s 5\textsuperscript{th} birthday, the child is considered school age on the day the child starts school.

Legal Authority:
Minnesota Statues 245A.02, Subd. 19
Minnesota Rules 9503.0005

SMI :
State Median Income.

SSI :
See SUPPLEMENTAL SECURITY INCOME.

STUDENT :
A person enrolled in an educational program as defined by the definition of EDUCATION PROGRAM. The following determines student status:

- A non-MFIP student is a full-time student if the student is enrolled in the minimum equivalent of 12 credits or 20 hours of classroom training per week.

- A non-MFIP student is a part-time student if the student is enrolled in a minimum equivalent of 6 credits or 10 hours of classroom training per week up to the minimum equivalent of full-time student status.

- An MFIP student is a student who is in compliance with the education or training requirements in the student’s Employment Plan.

Legal Authority:
Minnesota Rules 3400.0020, Subp. 40

SUPPLEMENTAL SECURITY INCOME :
A program operated by the Social Security Administration that provides monthly income to low income people who are AGED, BLIND, or have a DISABILITY.

SUSPENDED :
The family remains eligible up to 1 year if there are temporary breaks when child care assistance is not needed. See §8.9 (Suspending).
TEMPORARY ABSENCE:
A period of time a family member is physically absent from the family’s residence but still included in the household size as he/she intends to return to the residence. See §5.6 (CCAP Family – Temporary Absence).

Legal Authority:
Minnesota Rules 3400.0020, Subp. 40a

TODDLER:
Licensed Family Child Care:
A child is a toddler at 12 months of age up to 24 months of age.

Legal Non-Licensed Family Child Care:
Follow the Licensed Family Child Care definition.

Licensed Center Child Care:
A child is a toddler at 16 months of age up to 33 months of age. A child in center care may be considered to be a toddler up to 35 months of age for purposes of staff ratios, group size, and programming with agreement of parent, teacher, and director if this decision is in the best interest of the child.

License Exempt Centers:
Follow the Licensed Center Child Care definition.

Legal Authority:
Minnesota Statutes 245A.02, Subd. 19
Minnesota Rules 9503.0005

TRANSITION YEAR CHILD CARE:
Child care assistance used to support employment or job search for families who have received MFIP assistance or who were eligible to receive MFIP assistance after choosing to discontinue receipt of the cash portion of MFIP assistance or who have received DWP assistance for at least 3 of the last 6 months before losing eligibility for MFIP or DWP. Transition year child care is not available to families who have been disqualified from MFIP or DWP due to fraud.

Legal Authority:
Minnesota Statutes 119B.011, Subd. 20
TRANSITION YEAR EXTENSION CHILD CARE:
Child care assistance used to support employment or job search for families who have completed their transition year of child care assistance and who are eligible for, but on a waiting list for, basic sliding fee services, for the duration of time necessary for the families to be moved from the basic sliding fee waiting list into the basic sliding fee program.

Legal Authority:
Minnesota Statutes 119B.011, Subd. 20A

UNITARY RESIDENCE:
The 2-month period when a county remains financially responsible for child care assistance benefits after a participant moves from that one county to another county.
Child care assistance families are required to pay the family copayment fee. When a family fails to pay the required family copayment fee, the family is ineligible for child care assistance until:

- The fees are paid.
  OR
- The family reaches an agreement for payment with the provider and the county.
  AND
- The family continues to comply with the payment agreement.

The copayment amount is based on family size and annual income after allowable deductions. It is the provider’s obligation to collect or waive copayments.

Some providers apply the amount paid by the family to the oldest fees or to the amount that is more than the county maximum rate. In these cases, the provider considers the copayment not to have been paid and may indicate this on the billing voucher. Consider the family to have met their requirement if the family is able to document that an amount has been paid that is equal to or greater than their copayment.

If someone outside the family pays the copayment on behalf of the family, or the provider waives the copayment, the provider must keep a record of these transactions. Do not consider this as income for the family. Consider the family’s copayment requirement to have been met.

Copayments are graduated to provide movement of families to full payment of child care costs as their income increases.

During the 1st bi-weekly period of eligibility, prorate the copayment based on the number of calendar days left in the biweekly copayment period.

When family income increases, or the family receives a lump sum resulting in an increased copayment, provide a 15-day notice of adverse action to the family and provider. Make the increased copayment effective with the biweekly copayment period after the 15 day notice period.

For the Bi-Weekly Copayment Schedules, click on the applicable State Fiscal Year (SFY) time period:
FAMILY COPAYMENT

**BI-WEEKLY COPAYMENT SCHEDULES** effective October 3, 2011: DHS-6413

**BI-WEEKLY COPAYMENT SCHEDULES** effective October 4, 2010 through October 2, 2011: DHS Bulletin 10-68-14

**LEGAL AUTHORITY:**
- Minnesota Statutes 119B.12 Subd. 2
- Minnesota Rules 3400.0100
Make payments to child care providers, unless the provider cares for children in the children own home. Payment must be made directly to the family when care is provided in the child home. See §9.6 (Payments to Families) and §11.27 (In Home Child Care Information) for further information. CCAP prohibits child care assistance payments to be made to providers who reside in the same household or occupy the same residence as the child. This applies whether the provider is licensed or legal nonlicensed.

CCAP is unable to pay two providers for the same period of time.

Make payments in a way that allows the family to choose legal child care providers that best meet the needs of the family.

You must:
- Make payments at least monthly.
- Make payment no later than 30 days after receipt of the bill when the provider submits a bill for services within 10 days after the month of service.
- Give providers the forms necessary to bill for payment on or before the beginning of the billing cycle.
- Provide notice to both the family and provider of the payment amount, and how and when the payment will be made.
- Payments may be made after a licensed provider or legal nonlicensed (LNL) provider is authorized by the county, retroactive to the later of the date that, the family signed the application, see §4.12 (Date of Eligibility).
  OR
- The family began using the licensed provider or the legal nonlicensed provider. OR
  - If a provider provided care for a time period before receiving an authorization of care and/or a billing form for an eligible family, payment of child care assistance may only be made retroactively for a maximum of six months.

Providers must submit bills within 60 days of the last date of service on the bill. You may pay a bill submitted more than 60 days from the last date of service (but less than 1 year) if the provider shows good cause for the delay. Good cause is defined in your Child Care Fund Plan, and it must include county error. Do NOT pay a bill submitted more than a year after the last date of service on the bill.

Do NOT require participants to pay providers in advance of receiving payment from the child care fund as a condition for receiving child care assistance.

Licensed family child care providers and their employees and legal nonlicensed child care providers and their employees are NOT eligible to receive child care subsidies for their own children or children
in their family during the hours they are providing child care or being paid to provide child care. They are eligible to receive child care assistance subsidies for their children when they are engaged in other authorized activities, as long as the hours do not overlap with the hours they provide or are being paid for providing child care services. This includes the full 10 hours paid in a daily block when the child is in care for more than 5 hours.

You may stop payment issued to a provider or refuse to pay a bill submitted by the provider if:

- The provider admits to intentionally giving materially false information on the billing forms.
- OR
- Your agency finds by a preponderance of evidence that the provider intentionally gave materially false information on the billing forms.

Receipt of federal, state or local funds by a child care provider either directly or through a child care assistance recipient does NOT establish an employee-employer relationship between the provider and the county or state.

**PROVISIONAL PAYMENTS**

After a county receives a completed application from a legal nonlicensed (LNL) provider, the county may choose to issue provisional authorization and payments to the provider during the time needed to determine whether to give a final authorization to the provider. See §2 (Glossary) for the definition of provisional authorization and provisional payments. Check your county Child Care Fund Plan to see if your county has chosen this option.

If a provisionally authorized LNL provider does not receive final authorization by the county:

- Send notice to terminate provisional authorization and payment to the provider.
- AND
- Send a notice of adverse action to notify the family using the ineligible provider that they must choose a new provider to continue to receive child care assistance.

A provider failure to receive final authorization does not cause payments made during the provisional authorization to be overpayments.

**LEGAL AUTHORITY:**

Minnesota Statutes 119B.09 Subd. 8, 9, and 10
Minnesota Statutes 119B.13, Subd. 5 and 6
Minnesota Rules 3400.0110, Subd. 1 and 7
Minnesota Rules 3400.0185
Minnesota Statutes 119.125 Subd 5
Minnesota Rules 3400.0110 Subpart 2 and 2a
Minnesota Rules 3400.0120 Subpart 2
Minnesota Rules 3400.0140 Subpart 5a
PAYMENT TO PROVIDERS

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Make payments directly to the family when a provider cares for children in the children’s own home. This applies whether the provider is licensed or legal nonlicensed (LNL).

CCAP prohibits child care assistance to be paid to a provider that resides in the same household or occupies the same residence as the child.

CCAP only allows child care assistance for care authorized in the child’s home if the child’s parents have authorized activities outside of the home and if one or more of the following circumstances are met:

1. The parents’ qualifying activity occurs during times when out-of-home care is not available. If the child care is needed during any period when out-of-home care is not available, in-home care can be approved for the entire time care is needed AND

2. The family lives in an area where out-of-home care is not available OR

3. A child has a verified illness or disability that would place the child or other children in an out-of-home facility at risk or creates a headship for the child and the family to take the child out of the home to a child care home or center.

See §11.27 for in home child care request instructions.

If the provider is licensed at an address where the child does not live, but the provider provides care for a child in the child’s home, the provider is providing LNL care for that child and, for that care, should be paid up to the maximum LNL rate when the parent meets the above listed criteria for authorized activities and is approved by DHS.

When your county pays the parent(s) and he/she fails to pay the provider the family is ineligible for child care assistance until:

- The payment is made. OR
- The family reaches an agreement for payment with the provider and the county. AND
- The family continues to comply with the payment agreement.

Do NOT require the family to pay providers in advance of receiving payment from the child care fund as a condition for receiving these payments.

Monitor these payments to ensure funds are used for child care, following your county’s established process.
The family is responsible for meeting any employer-related requirements when the care is provided in the child’s home.

A 1099 form is issued by DHS to the in-home provider at the end of the year.


LEGAL AUTHORITY:
Minnesota Statutes 119B.09 Subd. 8, 9, 10 and 13
Minnesota Statutes 119B.13, Subd. 5 and 6
Minnesota Rules 3400.0110, Subp. 1 and 7 Minnesota Rules 3400.0040, subp. 6a
Call or e-mail your county technical liaison to determine your NSH maximum rate differential.

In using the NSH rate differential, consider the following:

- The differential is the difference between the maximum hourly rate and the NSH maximum rate. Differentials have been calculated for both licensed and legal non-licensed family child care providers.

- Apply the appropriate differential to care provided between the hours of 6 p.m. and 6 a.m. Monday through Thursday, and from 6 p.m. on Friday until 6 a.m. on Monday.

- If the billing includes both standard and NSH, add the differential only to the NSH of care.

- Your payment to a single provider may exceed the weekly rate if NSH are included.

**LEGAL AUTHORITY:**

Minnesota Statutes 119B.13
Minnesota Rules 3400.0130
Before you can approve payment to any provider, that provider must register with your county. Registration is the process you use to determine whether the provider chosen by a family meets the requirements necessary for payment of child care assistance.

Authorize the provider chosen by an applicant or a participant before making payment, see §11.9 (Legal Non-Licensed (LNL) Providers), §11.21 (Provider Authorization), §11.24 (Provider Reauthorization).

The county will send a provider registration and acknowledgement packet explaining the registration process, including a request for basic information regarding the provider, the provider’s payment policies, and the provider acknowledgment to all providers.

Use the following letters/notices for all provider types listed below. The templates of letters/notices are on eDocs.

Include the following attachments with all packets:

- Child Care Provider’s Responsibilities and Rights (DHS-4079).
- Notice of Privacy Practices for Child Care Providers (DHS-3985).
- Direct Deposit Form for the Minnesota Child Care Assistance Program (DHS-3552).
- Child Care Assistance Program Financial Tracking Form Instructions (DHS-5318).
- Request for Taxpayer Identification Number and Certification (IRS W-9). The IRS W-9 needs to be sent to providers when they are being authorized for the 1st time on MEC² or when being reactivated in the system. If the provider is currently authorized and active on MEC², a IRS W-9 form does not need to be included with the packet.

Send the appropriate Provider Registration and Acknowledgement form based on the provider type:

- CCAP Licensed Provider Registration and Acknowledgement (DHS-5190).
- CCAP Licensed Exempt Provider Registration and Acknowledgement (DHS-5191).
- CCAP LNL Provider Registration and Acknowledgement (DHS-5192).
• Child Care Assistance Program Authorization for Release of Background Study (DHS-5193) and Health and Safety Information and Immunization Information, in addition to the forms listed above, if a provider is a legal nonlicensed (LNL) provider.

• DHS-6419-ENG CCAP Training Requirements for legal nonlicensed family Providers, if a provider is a legal nonlicensed provider (LNL).

It is advisable to include the following:

• Your county’s payment policies.

• Absent Day Policy.

LEGAL AUTHORITY:
Minnesota Statutes 119B.125
Minnesota Statutes 119B.011, Subd. 19a
For the definition of Authorized Provider, see §2 (Glossary). You must authorize the provider chosen by an applicant or a participant before you can approve payment for care provided by that provider. The criteria for authorization of providers include:

- Requirements that the provider meets the definition of provider as outlined in §2 (Glossary).

- The provider signing a provider acknowledgment, which includes the following information (DHS-5192-ENG contains this information):
  - The provider's rate, charges for child absences and holidays, any notice days required before a child discontinues care, and any required registration or activity fees.
  - Documentation of the provider's license status and, if the provider is seeking the provider accreditation rate bonus, any accreditation or credential held by the provider.
  - Statement acknowledging that charging child care assistance participants more than families not receiving child care assistance for like services or wrongfully obtaining child care assistance may be a crime.
  - Statement acknowledging that parents must be given unlimited access to their children and to the provider caring for the children during all hours that the children are in the provider's care.
  - Statement acknowledging that the provider is responsible for notifying the county as provided in part Minnesota Rules 3400.0120, subpart 5, of child absence days and the end of care.
  - Statement acknowledging that the provider is responsible for immediately notifying the county of any changes to the information supplied by the provider in the provider's acknowledgment.
  - Statement acknowledging that the provider is a mandated reporter of maltreatment of minors under Minnesota Statutes, §626.556.
  - Statement acknowledging that when the county knows that a particular provider or child care arrangement is unsafe, the county may deny child care assistance payments to that provider.
  - Statement acknowledging that CCAP payments for child care provided by someone who resides in the same household or occupies the same residence as
All providers must register with the county. See §11.12 (Provider Registration).

There are additional requirements for authorization of Legal Non-Licensed Providers. See §11.9 (Legal Non-Licensed Providers). Also, see §11.12 (Provider Registration) for Child Care Assistance Program Authorization for Release of Background Study.

You must reauthorize the providers at least every 2 years. See §11.24 (Provider Reauthorization).

LEGAL AUTHORITY:
   Minnesota Statutes 119B.125
   Minnesota Rules 3400.0120
Providers must report all family changes that require reauthorization. When a Legal Non-licensed Provider (LNL) is authorized in more than one county at the time reauthorization is required, the county with the longest current authorization must complete the reauthorization process.

Reauthorize all providers at least every 2 years.

Upon initial authorization, legal nonlicensed (LNL) providers must provide documentation of First Aid and CPR training. The training must have current effective dates as of the date the reauthorization is approved and must have been provided by individuals approved to provide this training. Counties should align standards for acceptable training with standards used for approving licensed family child care provider First Aid and CPR training.

Upon each reauthorization after initial authorization, a provider must provide proof of 8 hours additional training. Only training listed in the Minnesota Center for Professional Development Registry (including those offered by the Child Care Resource and Referral agencies) meets the requirements for approvable training.

In addition, reauthorize Legal Non-Licensed providers (LNL) and require a background study on the provider and/or all household members 13 years and older when:

- A current household member becomes 13 years of age since last authorization.
- A person over age 13 or older joins the household since the last authorization.
- You believe a household member has a factor that prevents the provider from being authorized.

LEGAL AUTHORITY:
Minnesota Statutes 119B.125, subd. 1 & 2
CCAP will only allow child care assistance for care authorized in the child’s home if the child’s parents have authorized activities outside of the home and if one or more of the following circumstances are met:

1. The parents qualifying activity occurs during the times when out-of-home care is not available. If the child care is needed during any period when out-of-home care is not available, in-home care can be approved for the entire time care is needed AND

2. The family lives in an area where out-of-home care is not available OR

3. A child has a verified illness or disability that would place the child or other children in an out-of-home facility at risk or creates a headship for the child and the family to take the child out of the home to a child care home or center.

Only cases approved by DHS for an exception can be authorized. See Chapter 9.6 (payment to families) for further information.

The following provides labor law information for families who hire a child care provider to provide care for a child in the family’s home.

The U.S. Department of Labor, Wage and Hour Division, enforces the Fair Labor Standards Act of 1938, as amended (FLSA). 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. The federal-minimum wage and overtime provisions apply to any persons providing babysitting services in private homes for more than 20 hours a week, on a regular basis.

To ensure that all persons employed as child in-home care providers under the conditions described above receive the wages they are legally entitled to; The U.S. Department of Labor, Wage and Hour Division, is asking your assistance in distributing information to parents or guardians who may be receiving assistance under the Child Care Assistance, Foster Care Assistance, Child Welfare, or any other state funded program. The information provided alerts them to their legal obligations to pay minimum wage and overtime to such care providers.

Fact Sheets are available at [www.wagehour.dol.gov](http://www.wagehour.dol.gov) which summarizes minimum wage and overtime provisions of the FLSA. Provide these guides to all people who employ in-home providers.

Make copies of these sheets as needed or contact the U.S. Department of Labor, Wage and
Hour Division for additional copies.

LEGAL AUTHORITY:
- Minnesota Statutes 119B.011, subd. 19
- Minnesota Statutes 119B.09, subd. 5 and 13
- Minnesota Statutes 119B.125
- Minnesota Rules 3400.0035 Subp. 7-9