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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

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TITLE 392 CHILD CARE SUBSIDY PROGRAM

CHAPTER 1 BACKGROUND AND GENERAL INFORMATION

001. DEFINITIONS. For use within the Child Care Subsidy Program, the following definitions apply:

001.01 APPLICANT. An individual applying for child care subsidy benefits.

001.02 APPLICATION. The action by which the individual indicates the desire to receive assistance by submission of an application.

001.03 APPLICATION SIGNATURE. Applications may be signed in writing, telephonically, or by electronic signature.

001.04 CHILD CARE. The provision of care:

- (A) To children age 12 or younger unless there is a special need;
- (B) For on average of less than 12 hours per day;
- (C) For compensation, either indirect or direct;
- (D) On a regular basis; and
- (E) By a person other than the child(ren)'s parents or guardians.

001.04(A) Home schooling, education programs, and preschool are not considered child care.

001.05 CHILD CARE CENTER. A facility licensed to provide child care for 13 or more children.

001.06 CHILD CARE PROGRAM. A licensed child care center, a licensed family child care home I & II, a caretaker who provides care for a child in the child's home, a relative who provides care solely for a related child, or a license exempt child care home.

001.07 CHILD CARE PROVIDER. An individual or agency that has:

- (A) Applied and been approved as a participating provider for the Child Care Subsidy Program;
- (B) Become licensed, if required;
- (C) Been evaluated to ensure that applicable standards are met if no license is required;
- (D) Signed a child care provider enrollment form; and
- (E) Agreed to and signed any stipulations and documents required to be considered a participating provider.

001.08 CURRENT FAMILY. Those individuals and family members who are current recipients of an Aid to Dependent Children grant and those individuals whose needs were taken into account in determining the needs of Aid to Dependent Children recipients. This includes families where one or more members are not included in the Aid to Dependent Children unit because of receipt of Supplemental Security or Assistance to the Aged, Blind, or Disabled.

001.09 EARNED INCOME. Earned income is money received from wages, tips, salaries, commissions, self-employment, or items of need received in lieu of wages.

001.10 FAMILY CHILD CARE HOME I. A licensed child care operation in the provider's place of residence which serves at least four but no more than eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-aged children during non-school hours.

001.11 FAMILY CHILD CARE HOME II. A licensed child care operation either in the provider's place of residence or a site other than the residence, serving 12 or fewer children at any one time.

001.12 HOMELESSNESS. As defined by Subtitle VII-B of the McKinney-Vento Act.

001.13 INFANT. A child age six weeks to 18 months.

001.14 IN-HOME CHILD CARE. Care provided to a child in the child's own home.

001.15 IN-KIND INCOME. In-kind income is any non-monetary consideration received by an individual in place of income for services provided or as payment of an obligation and is not considered.

001.16 IRREGULAR INCOME. Irregular income is small, unpredictable income, earned or unearned, which varies in amount from month to month, not computable, or which is received at irregular intervals. This may be due to irregular employment, but even when an individual works regularly, the income may be irregular because of factors such as seasonal increases or decreases in employment and earnings.

001.17 INTENTIONAL PROGRAM VIOLATION. Any action by an individual to intentionally:

- (A) Make a false statement, either verbally or in writing, to obtain benefits to which the individual is not entitled;
- (B) Conceal information to obtain benefits to which the individual is not entitled; or
- (C) Alter one or more documents to obtain benefits to which the individual is not entitled.

001.18 LICENSE-EXEMPT FAMILY CHILD CARE HOME. A provider who is providing care in the provider's own home, serving a maximum of three children from different families, or six children from one family.

001.19 LOW INCOME FAMILY. A family unit whose income is within 100 percent of the Federal Poverty Level.

001.20 LOW INCOME SLIDING FEE FAMILY. A family whose income exceeds 100 percent of the Federal Poverty Level but is equal to or less than 130 percent of the Federal Poverty Level.

001.21 PRESCHOOLER. A child age 36 months to school-age.

001.22 PROVIDER IDENTIFICATION NUMBER. A nine-digit Federal Identification (FID) Number or a nine-digit Social Security Number (SSN).

001.23 RECIPIENT. An individual who has applied for and been approved to receive subsidy benefits for child care.

001.24 RELATIVE. Grandparent(s), great grandparent(s), step-grandparents, sibling(s) or step-siblings, aunt(s), and uncle(s).

001.25 SERVICE PROVIDER ENROLLMENT FORM. A legally binding document describing the service(s) to be provided, the agreed-upon unit(s), and the unit rate(s) for each provider. The responsibilities of the provider are stated in the enrollment form.

001.26 SCHOOL-AGED CHILD. A child who attends kindergarten or above.

001.27 SLIDING FEE. A monthly out of pocket expense based on a percentage of the household's gross income for all of the household's children enrolled in the subsidy program.

001.28 SPECIAL NEEDS CHILD. A child will be considered to be special needs if the child's independence, self-sufficiency, and safety is dependent on others and requires extra supervision, care, or assistance in the child care setting due to the following behavioral, emotional, or physical conditions:

- (A) The child has been diagnosed by a physician, physician assistants, nurse practitioners, licensed or certified psychologist, or licensed mental health practitioner, to have a behavioral or emotional disorder which deviates substantially from behavior appropriate to the child's age, or which significantly interferes with intellectual, social, or personal adjustment; or
- (B) A physical disability or health impairment that causes chronic or acute health problems, that has been diagnosed by a physician, physician assistant, or nurse practitioner practicing within his or her scope of practice.

001.29 TEMPORARY CHANGE. Is a change in need for child care service not exceeding three months.

001.30 TRANSITIONAL CHILD CARE FAMILY. A family whose income upon redetermination exceeds 130 percent of the Federal Poverty Level but is less than 185 percent of the Federal Poverty Level.

001.31 TODDLER. A child age 18 months to 36 months.

001.32 WITHOUT REGARD TO INCOME FAMILY. A family who requires emergency Child Protective Services or requires Child Protective Family Services.

002. INDIVIDUAL RIGHTS. Individuals applying for or receiving subsidy benefits have the following rights:

- (A) Anyone who wishes to request and apply for assistance must be given the opportunity to do so. No one may be denied the right to apply;
- (B) A hearing on any action or inaction with regard to an application, the amount of the assistance, or failure to act with reasonable promptness. The appeal must be filed in writing within 90 days of the action or inaction;
- (C) Have the individual's information treated confidentially;
- (D) Have the individual's civil rights upheld. No person may be subjected to discrimination on the grounds of his or her race, color, national origin, sex, age, disability, religion, or political belief; and
- (E) Have the program requirements, rights and responsibilities, and benefits fully explained.

003. INDIVIDUAL RESPONSIBILITIES. Individuals applying for or receiving subsidy benefits are required to:

- (A) Provide complete and accurate information. State and federal law provide penalties of a fine, imprisonment, or both for persons found guilty of obtaining assistance or services for which the individual is not eligible by making false statements or failing to report promptly any changes in his or her circumstances;
- (B) Complete an interview within 30 days of the date of application if notified that an interview is required;
- (C) Cooperate with the Department or auditors during an audit;
- (D) Pay the recipient's sliding fee to the provider;
- (E) If the individual does not cooperate with providing information or fails to comply with individual responsibilities, services for the children may be denied or terminated; and
- (F) While an individual is applying for or participating in the program, the Department may ask the individual to provide verification of the individual's circumstances or need for services. If the individual fails to provide requested information by the Department's deadline, the application may be denied or the services may be terminated.