

# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [55 PA. CODE CHS. 3040 AND 3041]

#### Subsidized Child Care Eligibility

The Department of Public Welfare (Department), under the authority of the Public Welfare Code (62 P. S. §§ 201—211, 401—493 and 701—703), deletes Chapter 3040 and adds Chapter 3041 (relating to subsidized child care eligibility) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 34 Pa.B. 5044 (September 11, 2004).

#### *Purpose of Final-Form Rulemaking*

The purpose of the final-form rulemaking is to help families of low income more easily obtain affordable, accessible and quality child care. The Department intends to create a fairer and more equitable child care system that supports families in their efforts to achieve and maintain financial self-sufficiency. The final-form rulemaking provides families increased and easier access to this Commonwealth's subsidized child care system and allows working families of low income who might not have qualified previously to become eligible for subsidized child care benefits.

The Department's goal is to develop a "user-friendly" child care system that is accessible to eligible families who need help finding and paying for quality child care that is responsive to their needs. The final-form rulemaking supports families and children by promoting the following goals:

(1) Healthy child development by increasing access to high quality child care for infants, toddlers, preschool and school-age children and by reducing administrative processes that may cause interruption in services or frequent change of provider.

(2) Family self-sufficiency by giving parents reliable child care so they can work or improve their skills and earning potential through education or training while working.

(3) Parent choice by providing parents with a broad range of child care options and empowering them to make their own decisions on the child care that best meets the needs of the child and the family.

Chapter 3041 replaces Chapter 3040 in its entirety.

#### *Affected Individuals and Organizations*

The final-form rulemaking affects children who receive subsidized child care, parents who apply for or receive subsidized child care, child care providers (providers) and eligibility agencies.

Children and parents are affected by the requirements in the final-form rulemaking that specify the eligibility conditions, verification and reporting requirements that they must meet to access subsidized child care. Providers are affected by the simplified requirements that apply to the families receiving child care services. Eligibility agencies are affected since the final-form rulemaking changes the process and requirements regarding the eligibility determination and redetermination procedures. Waiting lists may be increased since more children will be eligible for subsidized child care.

#### *Accomplishments and Benefits*

The final-form rulemaking benefits children and families of low income by allowing easier access to affordable, quality child care. Improvements include: simplifying the verification requirements to make it easier for families to apply and qualify for child care, recognizing that participation in education and training is an effective way to support job advancement and self-sufficiency and allowing families to make their own child support arrangements, rather than requiring pursuit of court-ordered child support as a prerequisite for receiving subsidized child care. A new provision supports continuity of quality child care for children in school-district sponsored prekindergarten programs that support families who need extended hours of care. Simplification of the final-form rulemaking makes the eligibility process easier to understand for parents and eligibility agencies.

#### *Fiscal Impact*

The final-form rulemaking will result in no additional costs to parents receiving subsidized child care, providers, eligibility agencies or local government. The Department's budget for Fiscal Year (FY) 2005-2006 includes \$10.25 million, which is a combination of \$8.635 million in Federal Child Care and Development Block Grant funds and \$1.615 million in the Child Care Services State Appropriation. The final-form rulemaking will result in the Department expanding access to serve an estimated 3,388 additional children annually. The final-form rulemaking allows children to be served by a subsidized child care program that is designed to be fair and equitable within the funding that is available.

#### *Paperwork Requirements*

The final-form rulemaking results in reduced paperwork and recordkeeping for parents and eligibility agencies. The final-form rulemaking reduces initial paperwork for parents by providing additional options for verification, including self-certification, self-declaration and collateral contacts. In addition, the Department will be implementing a new enhancement of the Child Care Management Information System (CCMIS), a computerized management system to be used by all eligibility agencies. The new enhancement of the CCMIS will reduce paperwork for parent and eligibility agencies. Written notices and most of the other forms that families must use for the eligibility determination process will be standardized and automated in the CCMIS.

#### *Public Comment*

The Department has worked closely with families who access the subsidized child care program, child development and community service advocates, providers, eligibility agencies and other interested stakeholders to listen and respond to the needs, concerns and suggestions of these groups. The final-form rulemaking is the result of an ongoing, inclusive process between the child care community and the Department.

Written comments, suggestions and objections regarding the proposed rulemaking were requested within a 30-day period following publication of proposed rulemaking. A total of 40 comment letters, including e-mail and faxes, were received by the Department in response to the proposed rulemaking. The Department received comments from every sector of the community that will be affected by the rulemaking, including families who

access subsidized child care, child development and community service advocates, eligibility agencies, one university and local government.

The comments submitted by the Pennsylvania Child Care Campaign (PCCC) included support for the rulemaking by 32 child development, provider and community service advocacy organizations, such as United Way agencies, Pennsylvania Association of Child Care Agencies, Community Legal Services, Community Justice Project, Pennsylvania Partnerships for Children and Success Against All Odds, that joined together to show their collective support. Although the letter from PCCC was one comment letter, the letter represents 45% of the commentators on this rulemaking.

#### *Discussion of Major Comments and Major Changes*

Following is a summary of the major comments received within the public comment period following publication of proposed rulemaking and the Department's response to the comments. A summary of the major changes from the proposed rulemaking is also included.

#### *General—Costs to eligibility agencies*

The Independent Regulatory Review Commission (IRRC) noted that the proposed rulemaking may increase the administrative duties of eligibility agencies and the costs of operating the subsidized child care program, based on recordkeeping and verification. Should administrative expenses increase, IRRC questioned how the eligibility agencies will be reimbursed.

#### *Response*

The simplification of the verification process will reduce paperwork and permit time now spent in administrative tasks to be redirected to support more focused counseling and time with families, such as assisting families with verification. In addition, the Department will be implementing a new enhancement of the CCMIS. The enhancement will automate additional steps of the eligibility determination process including producing written notices to families, producing automated forms for the redetermination process, making provisions to automatically track the dates for eligibility agencies when information is due from parents and calculating income for families.

#### *General—Funding*

Several commentators and IRRC questioned if additional funding is needed to serve the children currently enrolled in the subsidized child care program and how these costs will be funded.

#### *Response*

The Department is budgeting sufficient carry forward funds for FY 2005-2006 to serve the same number of children as served during the previous year.

#### *General—Promoting family self-sufficiency and impact on the waiting list*

Several commentators and IRRC questioned the goal of promoting family self-sufficiency and how access to care will increase if waiting lists are expanded.

#### *Response*

Allowing families to include education and training in their hours of work promotes self-sufficiency. Adults with higher levels of education have greater earning potential and long-term job security. This final-form rulemaking provides families with incentives to continue to make progress in achieving economic independence. The past practice of permitting families with income up to 200% of the Federal Poverty Income Guidelines (FPIG) to enter

the program and sustain participation up to 235% of the FPIG is continued. Once a participating family reaches 235% of the FPIG, the family is more able to cover the costs of purchasing child care.

The removal of access barriers, the simplification of the approach to eligibility and the focus on fairness allows families to more efficiently access subsidized child care so families can more appropriately focus on meeting and retaining employment, which promotes self-sufficiency.

The demand for subsidized child care has always exceeded the resources available because the Department strives to offer subsidy to meet the child care needs of as many working families as possible to allow families to maintain self-sufficiency. Although there may be an increase in the waiting list, the Department will continually realign resources to assure that all available funds are directed to families on the waiting list.

Some of the eligibility requirements that were implemented in prior years are restored to assure that more working families have the support of subsidized child care needed to maintain employment and reduce barriers that result in the loss of continuous care for the child. Child care is most effective when it is consistent and reliable.

The Department will manage the program to minimize the waiting list. For example, the Department makes monthly adjustments in the allocations for the funds for subsidized child care in order to minimize waiting and to move families as quickly as possible from eligibility into the subsidized child care program. The waiting list is likely to be smaller than in many other states. This Commonwealth has been able to continue to keep pace with demand. This Commonwealth's current waiting list is 3,247. Some examples of states with much larger waiting lists include California, 280,000; Georgia, 35,743; Florida, 46,315; Maryland, 14,412; Massachusetts, 16,077; New Jersey, 14,668; North Carolina, 24,576; and Texas, 26,518. New York establishes waiting lists by county and does not have a statewide total.

#### *General—Minimum wage*

Several commentators and IRRC questioned removing the minimum wage requirement from the current regulation. Four commentators, including PCCC, supported removing the minimum wage requirement.

#### *Response*

Minimum wage requirements for employees are enforced by the Department of Labor and Industry. Removing the minimum wage requirement eliminates a barrier to access for parents who are self-employed or who work on commission with fluctuating income.

#### *General—Child support*

Eleven commentators, including PCCC, supported excluding the child support requirement from the current regulation. Two commentators opposed removing the child support requirement, stating it causes parents to lose resources and releases noncustodial parents from financial responsibility.

#### *Response*

During the use and application of the current regulation, the Department received ongoing, numerous comments requesting that the Department take steps to remove the child support requirement. Mandatory child support cooperation was recognized as a substantial barrier to needy families accessing the subsidized child care program. Parents provided input about the disruption caused by the mandatory child support cooperation

in their access to voluntary support involving both economic and personal resources for their children. Research and analysis of this issue was completed. Under the final-form rulemaking, the eligibility agencies will provide information to parents regarding the benefits of child support in general and court-ordered child support in particular. Eligibility agencies will inquire about, promote and accept any voluntary child support arrangements.

*General—Caps on service*

Several commentators and IRRC suggested that removing the 50-hour per week cap on service during hours of work and 12-hour per week cap on service during hours of training from the current regulation will allow families currently enrolled in the subsidized child care program to qualify for more hours of care. Several commentators, including PCCC, supported the removal of the 50-hour per week and 12-hour per week caps on service from the current regulation.

*Response*

There are very few instances when families now use more than 50 hours per week of child care during hours of work and training. This change provides the flexibility needed to authorize subsidized child care under the extraordinary circumstance that a parent is consistently working or training for more than 50 hours per week.

**GENERAL PROVISIONS**

*§ 3041.3. Definitions—Caretaker*

Many commentators, including PCCC, supported the definition of “caretaker.” Two commentators oppose removing “legal custody” from the definition.

*Response*

The Department clarified the issue of legal custody by simplifying the definition to include an individual who has legal custody of the child, a foster parent, a grandparent, an aunt or an uncle who lives with and exercises care and control of a child.

*§ 3041.3. Definitions—Disability*

Several commentators, including PCCC, requested clarification of disability as used in this rulemaking.

*Response*

A definition of “disability” was added.

*§ 3041.3. Definitions—Eligibility redetermination*

One commentator opposed retaining the semiannual review and suggested that an annual review is sufficient.

*Response*

Every 6 months, determination of “assistance” is required by section 432.2(c) of the Public Welfare Code (62 P. S. § 432.2(c)). The definition of “assistance” in section 402 of the Public Welfare Code (62 P. S. § 402) includes “money and services,” which covers basically all assistance programs, including subsidized child care. The scope of the redetermination will be limited to key eligibility factors and a simplified process that the parent or caretaker should find less time-consuming than a full review of eligibility status.

*§ 3041.3. Definitions—Family*

Three commentators opposed excluding live-in companion from the definition of “family.” Two commentators, including PCCC, supported the exclusion of the income of a live-in companion from the description of family composition. One commentator suggested the definition of “family” should include permanent legal custodian. IRRC

questioned the use of biological or adoptive parent or stepparent and notes these terms differ from parent or caretaker used throughout the rulemaking. IRRC recommended the consistent use of parent.

*Response*

A live-in companion is not legally responsible for care of the child and therefore is not included in the definition of “family.” A permanent legal custodian who lives with the child and exercises care and control of the child meets the definition of “caretaker” and is therefore included in the definition of “family.” “Biological, adoptive, foster or stepparent” was deleted and “parent” was added for consistency in wording throughout the final-form rulemaking.

*§ 3041.3. Definitions—Fiscal year (redesignated as § 3041.85. Record retention)*

The definition was moved to § 3041.85 (relating to record retention) because the term appears only in this section.

*§ 3041.3. Definitions—Income*

IRRC requested clarification regarding earned and unearned income.

*Response*

This clarification was made.

*§ 3041.3. Definitions—Net profit from self-employment (redesignated as § 3041.65. Verification of income)*

The definition was moved to § 3041.65 (relating to verification of income) because the term appears only in this section.

*§ 3041.3. Definitions—Parent*

IRRC questioned the use of “biological” or “adoptive parent or stepparent” and noted these terms differ from parent or caretaker used throughout the rulemaking. IRRC recommended the consistent use of parent.

*Response*

Changes were made throughout the final-form rulemaking to reflect the consistent use of “parent” as defined.

*§ 3041.3. Definitions—Partial redetermination*

Clarification was made to explain that the partial redetermination occurs in between the scheduled 6-month redetermination dates.

*§ 3041.3. Definitions—Payment rate (redesignated as § 3041.102. Department’s payment)*

The definition was moved to § 3041.102 (relating to Department’s payment) because the term appears only in this section.

*§ 3041.3. Definitions—Prospective employment*

The definition was revised to include work instead of employment. The timeframe for prospective work was revised from 30 to 60 calendar days following loss of current employment.

*§ 3041.3. Definitions—Self-certification*

IRRC questioned whether families may obtain subsidized child care for which they are not eligible since self-certification does not require follow-up documentation. Several commentators, including PCCC, supported self-certification.

*Response*

The most critical factors to establish eligibility are income and work hours. The factors that a family may

self-certify are items the parent may have difficulty submitting to the eligibility agency and that are unlikely to change between redeterminations. It is burdensome for parents to provide documentation at each redetermination. Accepting the parent's word helps establish a partnership and mutual trust between the eligibility agency and the parent. The basic principle for self-certified factors is to reduce barriers for parents who access subsidized child care.

*§ 3041.3. Definitions—TANF—Temporary Assistance for Needy Families Program*

PCCC suggested that, for purposes of clarity, the definition of "TANF" include extended TANF.

*Response*

Extended TANF was added to the definition.

*§ 3041.12(b). Provision of subsidized child care*

Eighteen commentators requested that children who are under 15 years of age be permitted to receive subsidized child care.

*Response*

The upper age limit for receipt of subsidized child care cannot be changed. The age limit is dictated by Federal regulation that establishes the upper age limit at 13 years of age, unless the child has a special physical or mental limitation and needs child care.

Consistent with the Federal Child Care and Development Block Grant, subsidized child care will continue to be available to a child who is 13 years of age or older but under 19 years of age and who is incapable of caring for himself.

*§ 3041.12(c). Provision of subsidized child care*

PCCC suggested that the verification requirement appear in a separate verification section.

*Response*

The proposed requirement for documentation of a child's physical or mental inability to care for himself was relocated to § 3041.76 (relating to verification of a child's incapability of caring for himself).

*§ 3041.13(a). Parent choice*

The House Children and Youth Committee (House Committee) and two commentators questioned if this provision limits parent choice and prohibits a parent from sending a child to a faith-based or another child care facility that is operating without a certificate of compliance, but which is not exempt from certification in this Commonwealth.

The House Committee and one commentator stated that the requirement for nonprofit child care facilities to receive a certificate of compliance from the Department exceeds the Department's statutory authority.

One commentator stated that this provision is inconsistent with Federal law that promotes parent choice and recent Federal law changes regarding references to state licensing.

One commentator suggested that to permit the selection of child care in a family home serving one, two or three children that legally operates without Departmental regulation and certification is not consistent with the requirement to require selection of a certified child care center.

*Response*

Under current regulation, as well as under this final-form rulemaking, families may choose and use child care programs that are operated by religious schools and other faith-based entities. Parental selection and use of faith-based child care is permitted and encouraged in the Head Start expansion and the prekindergarten programs, as well as in all child care subsidy services. There is no restriction or regulation as to the religious, spiritual or programmatic nature of the child care program. Parent choice is fully afforded within the provisions of Pennsylvania's governing statutes and regulations.

The Department does not exceed its statutory authority in requiring a certificate of compliance for nonprofit child care centers. The Department requires that child care subsidy be provided in legally-operated child care facilities. In accordance with sections 901—922 and 1001—1080 of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1080) and § 20.21(a) (relating to application form), both profit and nonprofit child care facilities must be certified to operate in this Commonwealth. Given the health and safety risks in both profit and no-profit child care facilities, the same substantive regulations have applied to profit and nonprofit child care facilities in this Commonwealth since 1978. Furthermore, sections 901—922 of the Public Welfare Code do not exempt faith-based facilities, whether providing child care or any other type of health or human service. Of the 3,897 certified child care centers in this Commonwealth, there are 1,777 for-profit centers (46%) and 2,120 nonprofit centers (54%). Thus, the majority of certified child care centers in this Commonwealth are nonprofit centers. Of the 2,120 nonprofit child care centers, many are operated by faith-based organizations.

This provision is consistent with the Federal statutory requirements in 42 U.S.C.A. § 9858c(c)(2)(A), regarding parental choice. As previously stated, this final-form rulemaking permits families to choose a child care program that is legally operated by a faith-based entity. There is no restriction or regulation as to the religious, spiritual or programmatic nature of the child care program. The Federal statutory requirements in 42 U.S.C.A. § 9858c(c)(2)(E) and (F) in no way limit a state's right and responsibility to regulate child care facilities. Rather, the language prohibits a state from funding child care programs that are not certified in accordance with state law. This language clarifies that the authority for state regulation and certification is not under Federal jurisdiction, but a matter for the states to govern.

The decision to permit the choice of family care in a home serving one, two or three children is entirely consistent with the decision to prohibit the use of noncertified child care centers. In accordance with sections 1070—1080 of the Public Welfare Code (62 P. S. §§ 1070—1080), the General Assembly has explicitly expressed that family homes serving one, two or three children operate legally without a certificate of registration from the Department. There is no statutory exemption for nonprofit or faith-based child care centers. Selection of a child care facility that is specifically exempt from regulation and certification by the Department, including in-home care for one, two or three children, is permitted.

*§ 3041.14(a). Subsidy benefits*

One commentator requested that the terms "payments for child care" be replaced by "child care benefits." Three commentators, including PCCC, supported allowing subsidized child care for the parent during hours of travel time

and uninterrupted sleep time when the parent's shift ends between 12 a.m. and 9 a.m. One commentator opposed allowing subsidized child care during hours of uninterrupted sleep time.

*Response*

This section was revised to clarify that a family may receive child care benefits during the hours that the child needs care if the parent or caretaker is employed or attending education or training.

Subsidized child care may occur during travel time and uninterrupted sleep time that is necessary to retain work or attend education or training. This permits consistency with the TANF program, since families who formerly received TANF benefits may receive subsidized child care during hours of travel and uninterrupted sleep time.

*§ 3041.14(b). Subsidy benefits*

IRRC questioned the use of biological or adoptive parent or stepparent and notes these terms differ from parent or caretaker used throughout the rulemaking. IRRC recommended the consistent use of parent.

PCCC opposed including a live-in companion as an available caregiver because of lack of a legal relationship to the child.

Two commentators supported allowing subsidized child care in a two-parent family, if one of the parents has a disability or a need for treatment and cannot provide child care.

Five commentators requested clarification regarding the availability of a parent to care for the child and question if the intent is to subsidize a child in child protective services.

*Response*

Changes were made throughout the final-form rule-making to reflect the consistent use of "parent" as defined.

A live-in companion is considered a caretaker only when he is the parent of a child or has legal custody of a child.

The requirement allowing subsidized child care in a two-parent family, if one of the parents has a disability or a need for treatment and cannot provide child care was revised and relocated to § 3041.48(b) (relating to eligibility of households including a parent or caretaker with a disability).

The requirement regarding the availability of a parent to care for the child is deleted because the intent is not to subsidize a child in child protective services.

*§ 3041.16. Subsidy limitations*

IRRC suggested adding a cross-reference to proposed § 3041.71 (relating to verification of permanent inability to work).

One commentator opposed permitting 30 calendar days to select a provider when funding is available and suggested that the allowable time should be 20 days with a 10-day adverse action period.

*Response*

Proposed subsection (d) was revised and relocated at § 3041.48(b). Proposed subsection (f) was revised and relocated to subsection (e). A cross-reference was added to § 3041.48(a).

Under current regulation, parents have 30 days to select a provider. This has been effective and beneficial to parents.

*§ 3041.19. Absence*

Clarification was added regarding the days that do not count in the 10 consecutive day absence period because of a child's illness, injury or impairment that precludes a child from attending child care. The timeframe was clarified regarding termination of subsidized child care following the tenth consecutive absence of a child from care.

*§ 3041.20. Subsidy continuation during breaks in work, education or training*

Two commentators opposed permitting 60 calendar days of continued eligibility following the date a strike begins, the date of loss of work or graduation. Four commentators, including PCCC, supported allowing 60 calendar days.

Three commentators, including PCCC, supported expanding family leave from 56 to 84 days. IRRC suggested clarification that maternity leave is included in the allowable family leave.

One commentator requested clarification of the 30-day limitation regarding regular breaks and suggested that subsidized child care should continue during scheduled breaks other than summer breaks. Two commentators, including PCCC, supported continuation of subsidized child care during regularly scheduled breaks.

*Response*

Clarification was made to explain that eligibility, as well as payment, continues during the time periods specified.

Based on the importance of locating work that leads to self-sufficiency, the 60-day period was retained. This allows a reasonable time period for the parent to find work.

Clarification was made to explain that maternity leave is included in the allowable family leave.

The 30-day limitation is retained. Subsidized child care is suspended during regularly scheduled breaks that exceed 30 calendar days.

*§ 3041.21. Subsidy suspension*

Subsection (a)(6) was revised to clarify that subsidized child care is suspended when the parent needs to locate another provider because the current provider cannot meet the parent's child care needs.

Subsection (a)(8) was added to clarify that subsidized child care is suspended when a parent has a break in work, education or training that exceeds 30 calendar days, but is no more than 90 calendar days.

The requirement in subsection (b) was deleted. Subsection (c) was revised and relocated to subsection (b) to clarify that a child is not eligible for subsidy or payment when the child continues to be absent from care for a period exceeding 90 calendar days.

*§ 3041.22. Subsidy disruption*

IRRC questioned the reasonableness of basing disruption of subsidy solely on income level. PCCC suggested that the intent is to first disrupt care for children whose family's income is at the highest percentage of the FPIG.

*Response*

Subsection (b) was revised to clarify that when a child loses care due to the provider's loss of the Department's certification or registration or another reason that prevents the child's continued care at that facility, the child's subsidy is suspended, regardless of whether funding is immediately available, until the parent selects another provider and funding is available.

The language in subsection (c)(1) was amended to clarify that service will be disrupted first to families whose income is at the highest percentage of the FPIG.

*§ 3041.32. Income counted*

IRRC questioned the use of "biological or adoptive parents or stepparents" and notes these terms differ from parent or caretaker used throughout the rulemaking. IRRC recommended the consistent use of "parent."

One commentator, including PCCC, supported excluding the income of the live-in companion in calculating family income. Three commentators opposed excluding the income of the live-in companion. One commentator suggested that the stepparent deduction be applied to the income of a live-in companion.

*Response*

"Biological or foster or adoptive parents or stepparents" was deleted and "parent" was added for consistency in wording throughout the final-form rulemaking.

The live-in companion is not legally or financially responsible for the support of the child of the other parent and therefore the income of the live-in companion is excluded.

Clarification was added that the income of all children in the family should be counted, not just the income of the child receiving subsidy.

*§ 3041.33(5). Income adjustment*

One commentator suggested that the stepparent deduction apply to grandparents who must raise their grandchildren.

*Response*

The language and process regarding stepparent deduction was clarified. Grandparents are not included in the stepparent deduction to assure consistency for working families of low income and families who formerly received TANF.

*§ 3041.41. Financial eligibility*

One commentator opposed the requirement that entry level annual family income must be less than 200% of the FPIG at initial application, stating that a caretaker who leaves the program voluntarily after making more than 200% FPIG, but less than 235% FPIG, is unfairly penalized because the family would be ineligible upon accessing the program again. One commentator suggested increasing entry-level income eligibility from 200% of the FPIG to 235%.

*Response*

If a parent voluntarily leaves the subsidized child care program before the family income exceeds 235% of the FPIG, the parent will be informed by the eligibility agency that a subsequent application will be viewed as a new, initial application upon accessing the program again.

The upper income limit of 200% of the FPIG is retained. The child care community and advocates gener-

ally view the existing FPIG limit as a fair standard for eligibility, particularly in light of the nonentitlement status of the program.

*§ 3041.43(a). Work, education and training*

Six commentators oppose decreasing the work hour requirement from 25 to 20 hours per week. Ten commentators, including PCCC, support the reduction.

*Response*

The 20-hour work requirement reduces barriers to subsidized families because many employers offer employment of fewer than 25 hours per week to assure that the work is considered part-time. Many providers offer part-time child care to accommodate part-time work. The Department's goal is to accommodate persons who are working part-time.

*§ 3041.43(c). Work, education and training (redesignated as § 3041.43(3))*

Ten commentators, including PCCC, supported permitting 10 of the 20 hours to be spent in training. One commentator questioned whether a parent will be permitted to work for 10 hours and participate in training for 50 hours. The same commentator questioned whether there is a limit on the amount of time a parent is permitted to work for 10 hours and participate in training for 10 hours.

*Response*

A parent's circumstances and need for training change along with variables in the job market. Therefore, there is no limit on the total number of hours a parent is permitted to participate in training per week, providing the parent continues to work a minimum of 10 hours.

Subsection (c) was revised and relocated to paragraph (3) to clarify that the work requirement is met when a parent attends training and works at least 10 hours per week.

*§ 3041.43(d). Work, education and training (redesignated as § 3041.43(c))*

IRRC requested clarification regarding how long a parent may remain eligible for subsidized child care when the parent's normal work schedule reflects an average of, or fewer than, 20 hours per week. IRRC suggested the section is vague and may make it difficult for eligibility agencies to administer consistently and uniformly throughout this Commonwealth. IRRC requested clarification of temporary work slow-down and emergency.

*Response*

The language was clarified to reflect that a parent will remain eligible for subsidized child care if the parent is currently scheduled to work for an average of 20 hours per week. Temporary work slow-down was deleted from the final-form rulemaking and "emergency" was defined. The intent is to assure that only work closures or urgent situations within the family are reasons for not meeting the 20-hour work requirement.

*§ 3041.45. Anticipating income*

One commentator opposed waiving the co-payment for applicants who report prospective work, stating that the requirement does not encourage self-sufficiency.

One commentator opposed assessing co-payment based on anticipated income, stating that it results in additional work for the eligibility agencies because parents often change jobs.

*Response*

Subsection (a) was revised to clarify the parent must notify the eligibility agency of the actual amount of income no later than 10 calendar days after receiving the first income for work. Subsection (b) was relocated to § 3041.103(c) (relating to adjusted co-payment for prospective work) to clarify how the family co-payment is determined when a single parent who applies for subsidy and reports prospective work. Subsection (c) was relocated to § 3041.103(d) to clarify how the family co-payment is determined when a single parent who receives subsidy involuntarily loses work and reports prospective work.

Waiving the co-payment for parents who report prospective work benefits parents who are seeking work for the first time. The period of time the co-payment is waived is limited since a parent must notify the eligibility agency of the actual amount of income no later than 10 calendar days after receipt of the first income. In addition, this change assures consistency for families of low-income and families who formerly received TANF.

Anticipating income benefits parents who receive subsidized child care and change jobs. A co-payment assessed based on anticipated income is effective for a limited period of time since a parent must notify the eligibility agency of the actual amount of income no later than 10 calendar days after receipt of the first income. In addition, this change assures consistency for families of low-income and families who formerly received TANF.

*§ 3041.46(a)(2). Immunization*

PCCC requested deleting the requirement for documentation by a physician and suggested relocating this requirement in the section regarding verification.

*Response*

The language regarding a physician's documentation was deleted. The requirement was relocated at § 3041.63 (relating to self-certification). A parent is permitted to self-certify immunization as well as exemptions from immunization.

*§ 3041.46(c). Immunization (redesignated as § 3041.63. Self-certification)*

IRRC questioned if a child will be allowed to enter care without documentation of immunizations. IRRC suggested cross-referencing the applicable certification regulations regarding immunizations. PCCC suggested relocating this requirement in the section regarding verification.

*Response*

In accordance with §§ 3270.131, 3280.131 and 3290.131 (relating to health assessment), children in certified child care facilities must have updated immunizations within 60 days following enrollment. Therefore, self-certification by the parent for purposes of eligibility is sufficient. The intent of the requirement is to avoid duplication of paperwork that already exists at the certified facility. Cross-references to the certification requirements were added to § 3041.46(a) (relating to immunization). "Age-appropriate" was clarified to mean as recommended by the American Academy of Pediatrics. This subsection was relocated to § 3041.63(b).

*§ 3041.48. Eligibility of households including a parent or caretaker with a disability*

A section was added to clarify how the eligibility requirements for one- and two-parent families when a parent has a disability.

*§ 3041.51. Head Start expansion program*

Four commentators, including PCCC, supported the Head Start expansion program. One commentator suggested including Early Head Start. Three commentators opposed the Head Start expansion program, stating that parents with unlimited resources can access the program regardless of parent income. Several commentators questioned disregarding family income and uncontested eligibility with regard to maintaining income and calculating co-payment.

*Response*

A definition of "Head Start" was added to subsection (a). Early Head Start is excluded from the program because the intent of the Head Start Supplemental Assistance legislation was to limit the program to traditional Head Start children who are old enough for a preschool program on a school year calendar. Head Start includes at-risk children, 3 years of age or older but under 5 years of age.

The requirements of the Head Start expansion program are specified in the act of December 23, 2003 (P. L. 304, No. 48) (24 P. S. §§ 15-1501-D—15-1506-D), known as the Head Start Supplemental Assistance Program Law. The program assures that the child enrolled in Head Start is permitted to complete the program year and benefit from the quality services provided by Head Start. The objective is to assure that children who are enrolled in Head Start receive these same services, if needed by virtue of parental employment, during an expanded Head Start day. The Federal Head Start income guidelines set the core eligibility income standard at 100% of the FPIG with minor exceptions primarily designed to serve children with disabilities.

*§ 3041.51(b). Head Start expansion program*

Clarification was made to explain that a child who is enrolled in a Head Start program, whose parent needs extended hours or days of care beyond the hours or days provided by the Head Start program to work, is eligible for subsidy.

*§ 3041.51(d). Head Start expansion program*

One commentator disagreed with the provision in subsection (d) allowing other children in the family to be eligible for the Head Start expansion program.

*Response*

The provision allowing other children in the family to be automatically eligible for the Head Start expansion program was deleted.

Clarification was made to assure consistency with the employment requirements for other parents who access subsidized child care.

*§ 3041.51(e). Head Start expansion program*

One commentator questioned if the provision in subsection (e) limits parent choice.

*Response*

This provision does not limit parent choice. A parent may select a child care facility among those that are legally operating in this Commonwealth.

*§ 3041.51(f). Head Start expansion program*

Two commentators opposed permitting families to pay the lowest co-payment, regardless of family size and income.

*Response*

The language was amended to assure that co-payment is assessed based on family size and income. Clarification was added that the parent must report work loss within 10 days following the loss. Clarification was that a parent must report when a child is no longer enrolled in Head Start within 10 calendar days following the end of enrollment.

*§ 3041.51(h). Head Start expansion program*

Clarification was added to permit the family to remain in the program for 60 calendar days following the loss of work.

*§ 3041.51(i). Head Start expansion program*

Clarification was added to allow the parent or a reliable source confirmed by the eligibility agency to report the end of a child's Head Start enrollment, in addition to the Head Start program.

*§ 3041.52. Prekindergarten program*

Six commentators, including PCCC, support the prekindergarten program. Four commentators oppose the prekindergarten program, stating parents with unlimited resources may access this program regardless of parent income.

*Response*

The prekindergarten program has proven to be a successful school-readiness program. It is beneficial to parents and children to receive full-day continuation of the quality services that the child receives in the prekindergarten program.

*§ 3041.52(a). Prekindergarten program*

Two commentators questioned if this provision limits parent choice. The House Committee and one commentator stated the requirement for nonprofit child care centers to receive a certificate of compliance from the Department exceeds the Department's statutory authority. One commentator questioned if the requirement excludes in-home care. One commentator suggested that the requirement to select a licensed private academic school is not in accordance with the Private Academic Schools Act (act) (24 P. S. §§ 6701—6721) that exempts religious schools from licensure by the Department of Education.

*Response*

This requirement does not limit parent choice. A parent may select a child care center among those that are legally operating in this Commonwealth. The Department does not exceed its statutory authority in requiring a certificate of compliance for nonprofit child care centers. The Department requires that child care subsidy be provided in legally-operated child care centers. In accordance with sections 901—922 and 1001—1080 and the Public Welfare Code and § 20.21(a), both profit and nonprofit child care centers must be certified to operate in this Commonwealth.

This requirement excludes in-home care since such homes do not provide prekindergarten programs.

The requirement to select a licensed private academic school is not in violation of the act that exempts religious schools from licensure by the Department of Education. The Department acknowledges that in accordance with section 5 of the act, a bona fide religious school is exempt from licensure as a private academic school. However, for the same reason that a religious school for kindergarten

through grade 12 cannot be granted public funding, a religious prekindergarten program cannot be granted public funding.

*§ 3041.52(d). Prekindergarten program*

Clarification was added that the parent must report work loss within 10 days following the loss. Clarification was added that a parent must report when a child is no longer enrolled in prekindergarten within 10 calendar days following the end of enrollment. Additional clarifications were made to make this section comparable with § 3041.51 (relating to Head Start expansion program).

*§ 3041.52(g). Prekindergarten program*

Clarification was added to permit the family to remain in the program for 60 calendar days following the loss of work.

*§§ 3041.61—3041.71. Verification (redesignated as §§ 3041.61—3041.78. Self-certification and verification)*

Nine commentators, including PCCC, supported the simplification of verification requirements that make documentation easier for parents. One commentator suggested requiring verification of the child's age and the child's relationship to the parent from verification requirements.

*Response*

A child's age is self-certified in § 3041.63(b)(1).

Section 3041.63 and §§ 3041.72 and 3041.78 (relating to verification of family size and composition; and verification of care and control) were added to clarify acceptable verification.

With the addition of § 3041.63, several subsequent sections were renumbered as §§ 3041.64—3041.67. Proposed §§ 3041.67 and 3041.68 were deleted. Section 3041.68 (relating to verification of involuntary loss of work, education or training) was added. Proposed §§ 3041.70 and 3041.71 were combined into § 3041.70 (relating to verification of inability to work due to a disability). Sections §§ 3041.71—3041.78 were added.

*§ 3041.61. General verification requirements*

One commentator questioned the requirement that the eligibility agency must help the parent obtain verification, stating that the parent's responsibility to submit verification will become the responsibility of the eligibility agency.

*Response*

The parent is the primary source of verification. If a parent is unable to obtain verification, the eligibility agency should assist the parent in obtaining the verification necessary to establish or maintain eligibility.

Clarification was added in subsection (d) that the eligibility agency may not impose more strict verification requirements during initial determination or redetermination of eligibility for subsidized child care. Subsection (e) was deleted because the intent of the requirement is stated at § 3041.127(a) (relating to parent and caretaker report of change). Subsection (e) was added to clarify that the eligibility agency must obtain consent from the parent and the parent's spouse permitting the eligibility agency to obtain verification of eligibility information. Subsection (f) was revised and relocated to new subsection (i). Subsection (f) was added to clarify that the eligibility agency must retain a signed consent in the family's file. Subsection (g) was revised and relocated to new subsection (h). Subsection (g) was added to clarify the consent remains in effect for as long as the family receives

subsidy. Subsection (h) was deleted for clarity. Subsection (i) was revised and relocated to § 3041.64(b) (relating to self-declaration).

§ 3041.62. *Collateral contact*

Clarification was added to subsections (b) and (g) to clarify sources of collateral contact and to verify care and control of a child in a family headed by an aunt, uncle or grandparent.

§ 3041.63. *Self-declaration (redesignated at § 3041.64)*

This section was revised and relocated to § 3041.64. Changes were made to clarify the options of self-certification or self-declaration.

§ 3041.63. *Self-certification (new on final-form)*

This section was added to relocate and consolidate the eligibility requirements that a parent may self-certify for clarity and ease of use.

§ 3041.64. *Verification of income (redesignated at § 3041.65)*

Four commentators suggested using 4 weeks of pay stubs.

*Response*

The section was amended to use 4 weeks of pay stubs, which will result in more accurate computation for parents who are paid monthly, semimonthly or biweekly.

§ 3041.65. *Verification of residence (redesignated at § 3041.66)*

IRRC suggested that a parent self-declare residency status.

*Response*

The section was revised from allowing a parent to self-certify to requiring a parent to self-declare residency status.

§ 3041.67. *Verification of immunization (redesignated at § 3041.63(b)(3))*

This requirement was revised to allow a parent to self-certify a child's immunization status.

§ 3041.68. *Verification of citizenship (redesignated at § 3041.63(b)(2))*

This requirement was revised to allow a parent to self-certify a child's citizenship.

§ 3041.68. *Verification of involuntary loss of work, education or training (new on final-form)*

Section 3041.68 was added to clarify acceptable verification of involuntary loss of work, education or training.

§ 3041.70. *Verification of temporary inability to work (retitled as Verification of inability to work due to a disability)*

This section was revised to clarify acceptable verification of inability to work due to a disability.

§ 3041.71. *Verification of permanent inability to work (redesignated as § 3041.70)*

This section was combined with proposed § 3041.70, placing in one section all provisions for verification of inability to work due to a disability.

§ 3041.85. *Record retention*

Two commentators opposed increasing the record retention period from 4 years to 7 years, indicating that the

requirement increases the burden on eligibility agencies to obtain additional storage space. IRRC questioned the reason for the increase.

*Response*

The record retention requirement was reduced by 1 year. Records must be retained for 6 years from the end of the fiscal year in which the record was created or was last effective. This record retention requirement is necessary for compliance with Federal regulations implementing the Health Insurance Portability and Accountability Act of 1996, specifically 45 CFR 164.530(j) (relating to administrative requirements). This requirement is consistent with other Department requirements regarding retention of records.

The definition of "fiscal year" was relocated from § 3041.3 because the term appears only in this section.

§§ 3041.91—3041.94. *Domestic violence waivers*

Four commentators supported the provisions for families dealing with domestic violence. PCCC requested a new section regarding verification of domestic violence.

*Response*

Section 3041.75 (relating to verification of domestic violence) was added.

§ 3041.91. *General requirements (retitled as General domestic violence waiver requirements)*

Subsection (d) was deleted since it is duplicative of proposed subsection (f). Subsection (g) was deleted because it conflicts with the requirements in new subsection (e). Subsection (h) was deleted since it is not necessary to verify the reasons for granting a domestic violence waiver. A parent can provide a court order, a third party verification or a self-affirmation.

§ 3041.94. *Notice of waiver determination*

Subsection (a) was revised and language was added to clarify that, at the request of the parent, the eligibility agency must mail the notice to an alternate address or hand-deliver the notice to the parent.

§ 3041.101. *General co-payment requirements*

IRRC noted inconsistencies between subsection (e), which states that a co-payment is due on the first day of the family's first full service week, and § 3041.104(f) (relating to parent or caretaker co-payment requirements) which states that a co-payment is due on the first day of the service week.

*Response*

Subsection (e) was revised to clarify that the family co-payment is due on the first day of the service week and each week thereafter, regardless of the day the parent enrolls the child.

§ 3041.102. *Department's payment*

One commentator opposed a family being ineligible for care if the weekly payment to the provider is less than \$5, stating this may place an unnecessary burden on the eligible family to pay the extra amount or to choose another provider.

*Response*

The definition of "payment rate" was relocated from § 3041.3 for clarity because the term appears only in this section.

This provision is consistent with the current regulation and has proven to be effective and nonburdensome on the family.

*§ 3041.103. Adjusted co-payment for prospective work, education or training (retitled as Adjusted co-payment for prospective work)*

One commentator opposed the requirement that a partial redetermination must be conducted within 10 calendar days following notification and suggested that the time period should be extended until the parent has received 1 month to 6 weeks of pay.

*Response*

If the partial redetermination is delayed, a potential exists for an 8-week period in which the parent would not make a co-payment. Payment of a co-payment contributes to the cost of child care and is an essential element of the subsidized child care system.

Language was revised and added to subsection (c) from § 3041.45(a) (relating to anticipating income) to clarify how the family co-payment is determined when a single parent who applies for subsidy and reports prospective work. Language was revised and added to subsection (d) from § 3041.45(b) to clarify how the family co-payment is determined when a single parent who receives subsidy involuntarily loses work and reports prospective work.

*§ 3041.106. Eligibility agency responsibilities (retitled as Eligibility agency responsibilities regarding co-payment)*

One commentator suggested clarification that care will continue without interruption when a delinquent co-payment is paid by the date in the notice. One commentator opposed the requirement permitting a parent to reapply when delinquent co-payments have been satisfied in full.

*Response*

Subsection (c) was revised to clarify that service will be terminated following the report of a delinquent co-payment, unless the delinquent co-payment is paid by the date set forth on the written notice.

Enrollment will not be authorized until delinquent co-payments are paid, although the parent may reapply at any time.

Subsection (f) was added to clarify that the eligibility agency must provide a handbook explaining the rights and responsibilities of the subsidized child care program to each parent who applies for subsidized child care.

*§ 3041.108(a)(2). Co-payment for families headed by a parent*

One commentator opposed waiving a co-payment, stating that all families should pay the minimum co-payment in all circumstances.

*Response*

A parent who begins work does not have the resources to pay a co-payment until the parent receives his first pay.

*§ 3041.109. Co-payment for families headed by a caretaker*

One commentator supported the requirement. Two commentators stated there is an inequity with the requirement for families headed by a parent and that all co-payments must be assessed based on family size and income.

*Response*

This section has been revised. Co-payments for all families will be determined in accordance with Appendix B (relating to co-payment chart family co-payment scale).

*§ 3041.122(c). Initial determination of eligibility*

Clarification was added that a family is eligible retroactive to the date the family submitted a signed application if the eligibility agency has received all information necessary to complete the application and the verification provided by the parent establishes eligibility.

*§ 3041.123. Effective date of coverage*

One commentator opposed making eligibility and payment for child care retroactive to the date of the signed application, stating the date of the signed application does not indicate that the parent is working or is otherwise eligible on that date.

*Response*

The date the parent signed the application is the date that the parent certified a need for care and retroactive authorization is permissible only when the parent has submitted all information needed to establish eligibility.

*§ 3041.126. Face-to-face interview*

One commentator suggested permitting a family to claim an extension from the face-to-face timeframe requirement based on hardship and suggested increasing the time period to more than 30 days for all families.

*Response*

The majority of parents come to the eligibility agency within the initial 30-day time period. The provision for a 30-day extension benefits the limited number of parents who are unable to meet the time frame. Subsections (a) and (d) were revised to clarify the timeframes related to a face-to-face interview and the hardship extension for the face-to-face interview.

*§ 3041.127. Parent and caretaker report of change*

Subsection (a)(3) was deleted and clarification was added that a parent must report a change in the number of days or hours for which subsidy is needed.

*§ 3041.128. Review of changes*

The language was revised to clarify that when a parent reports a change that may result in a decrease in the family co-payment, the eligibility agency must review the change and complete a partial redetermination.

*§ 3041.129(a). Partial redetermination based on reported changes*

Clarification was added that a co-payment is not reassessed during a partial redetermination.

*§ 3041.130. Redetermination of eligibility*

The House Committee suggested a phase-out program when an applicant is no longer eligible for subsidized child care. The House Committee suggested that when a parent is determined ineligible for subsidized child care, eligibility would continue for another 6-month period with a decreasing co-payment that is phased-out over a period of time. This would provide a more user-friendly system that would support family self-sufficiency.

Several commentators, including PCCC, opposed the requirement for 6-month redeterminations of eligibility and stated that a 12-month redetermination process would reduce barriers and paperwork for parents.

*Response*

Although a phase-out program would be consistent with the policy framework underlying the final-form rule-making and would help to ease transition, a phase-out program would violate the CCDF guidelines, due to the Federal requirement to base the co-payment on family

size and income. The Department would be in violation of the established FPIG published in the Department's regulation. The FPIG is used to determine the family co-payment, based on Federal guidelines for family size and income. In addition, a phase-out as recommended would not benefit the family because the family should pay a higher co-payment to ease transition to the actual cost of care when the family is no longer eligible for subsidized child care. If the parent pays a lower co-payment, the parent would face a larger increase in child care costs once the parent no longer receives subsidized child care.

Determination of eligibility for "assistance" is required every 6 months in section 432.2(c) of the Public Welfare Code. The definition of "assistance" in section 402 of the Public Welfare Code includes "money and services," which includes subsidized child care. The scope of the semi-annual review will be limited to key eligibility factors and a simplified process that is less time-consuming than a full review of eligibility status.

*§ 3041.130(b). Redetermination of eligibility*

Paragraph (1)(vi) is deleted to assure confidentiality for a parent who reports domestic and other violence. The Department will not list the reasons for granting or denying a domestic violence waiver on a form that is prepopulated by the computerized eligibility system. Paragraph (3)(iv) is deleted for clarity because all parents are required in § 3041.127 to report a change in address within 10 calendar days following the date of the change.

*§ 3041.133. Waiting list*

One commentator opposed permitting the parent 30 calendar days to locate a provider and complete enrollment, saying that the period is too long and causes a hardship to families waiting to receive care.

*Response*

Thirty days is a reasonable period for a parent to locate care suitable to the family's needs, especially since a suitable facility may have a waiting list.

*§ 3041.141. General provisions (retitled as General former TANF families provisions)*

One commentator suggested an extension of the 183-day time limitation when TANF benefits end for a family that has a child in foster care placement, so that the family's status will not be jeopardized when the child returns to his natural family. The commentator suggested that priority status should be given to a family whose child returns to the natural family from foster care, to a parent in the adoptive process and to a caretaker in the process of obtaining permanent legal custody of a child.

*Response*

Subsection (a) was revised to clarify that a family that is no longer eligible for TANF or a family that voluntarily leaves TANF and meets the eligibility requirements may qualify for subsidy. Priority status may not be given to a family when a foster child returns to a former TANF family. However, new subsection (f) allows the child to receive child care service at any time without waiting because the child is part of the family unit.

*§ 3041.142. General requirements for former TANF families.*

The section was revised to clarify the conditions a family must meet during the 183-day period after eligibility for TANF ends or after the family voluntarily left TANF.

*§ 3041.143. Notification*

The section was revised to clarify the notification requirements for a family that formerly received TANF.

*§ 3041.144. Face-to-face interview for former TANF families*

The section was revised to clarify the timeframes related to a face-to-face interview and the hardship extension for the face-to-face interview for a family that formerly received TANF.

*§ 3041.145. Self-declaration and reporting (retitled as Verification and reporting)*

IRRC requested clarification of the verification requirements for a family who does not immediately transfer from TANF to the subsidized child care.

*Response*

When a family who formerly received TANF transfers to the subsidized child care program, the follow-up verification is unnecessary because extensive records are maintained by the TANF program. These records transfer to the eligibility agency. Therefore, the parent need only self-certify the information continues to be correct at the time of transfer.

Language was added to clarify the verification requirements for a family who formerly received TANF. The verification requirements differ depending upon when the family contacts the eligibility agency following the date TANF benefits end. A family that contacts the eligibility agency within 60 calendar days may self-certify verification requirements. A family that does not contact the eligibility agency within 60 calendar days must self-declare verification requirements to assure that information is current.

*§ 3041.150. Expiration of TANF benefits*

Clarification was made to explain that a parent or caretaker who has exhausted the 5-year limit on TANF cash assistance is eligible for 60 calendar days of subsidized child care to seek work.

*§ 3041.162. Notice of right to appeal*

Paragraph (6) was added stating the eligibility agency's responsibility to provide instructions about how to appeal.

*§ 3041.174. Parent or caretaker rights and responsibilities*

One commentator requested clarification regarding the parent's responsibility to reimburse the Department for the cost of subsidized child care if care continues during the appeal process and the hearing officer finds in the Department's favor. One commentator requested clarification to specify that the parent has 30 days to appeal.

*Response*

Clarification was added in subsection (a) that the parent has 30 days to file an appeal.

*§ 3041.183. Delaying recoupment*

The section was revised to clarify that recoupment is delayed until after a hearing decision if the family files an appeal of the overpayment decision.

*§ 3041.188(b)(1). Collection for a family whose child is no longer in care*

One commentator requested clarification that repayment may be in a single payment or under a payment plan agreed to by the parent and the Department.

*Response*

This change was made.

*Appendix A, Part II. Income Deductions*

One commentator requested the addition of a deduction on income for health insurance that is paid by the parent.

*Response*

A deduction for health insurance paid by the parent was not added. Deductions are not permitted in order to maintain conformity to other Departmental assistance programs.

*Appendix A, Part II(P). Income Exclusions*

One commentator suggested that the list of exclusions should include payments to permanent legal custodians in addition to the exclusion of foster care payments and adoption assistance payments by a county children and youth agency.

*Response*

This change was made.

*Appendix C. Stepparent Deduction Chart*

An appendix was added to clarify stepparent deduction and to assure consistency for working families of low income and families who formerly received TANF.

*Additional Changes*

In addition to the major changes previously discussed, the Department made several changes in preparation of the final-form rulemaking to correct typographical errors; reformat language for enhanced readability; revise language for improved clarity; retitle, reorganize and redesignate sections as appropriate and conform to the changes previously discussed.

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 7, 2005, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 5044, to IRRC and the Chairpersons of the House Committee and the Senate Public Health and Welfare Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.1) and (j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.1) and (j.2)), on April 26, 2005, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 27, 2005, and approved the final-form rulemaking.

*Findings*

The Department finds that:

(1) The public notice of intention to adopt the administrative regulations by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2

(2) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

*Order*

The Department, acting under the Public Welfare Code, orders that:

(a) The regulations of the Department, 55 Pa. Code, are amended by adding §§ 3041.1—3041.3, 3041.11—3041.22, 3041.31—3041.34, 3041.41—3041.48, 3041.51, 3041.52, 3041.61—3041.78, 3041.81—3041.86, 3041.91—3041.94, 3041.101—3041.109, 3041.121—3041.133, 3041.141—3041.150, 3041.161—3041.167, 3041.171—3041.176, 3041.181—3041.189 and Appendices A—C and by deleting §§ 3040.1, 3040.3, 3040.4, 3040.11, 3040.12, 3040.14—3040.17, 3040.19, 3040.20, 3040.28, 3040.29, 3040.31, 3040.32—3040.34, 3040.35—3040.38, 3040.40, 3040.51—3040.54, 3040.61—3040.64, 3040.71—3040.78, 3040.91—3040.94 and Appendices A—C to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.

(d) This order shall take effect July 1, 2005.

ESTELLE B. RICHMAN,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 3187 (May 28, 2005).)*

**Fiscal Note:** 14-489. (1) General Fund; (2) Implementing Year 2005-06 is \$1,615,000; (3) 1st Succeeding Year 2006-07 is \$1,615,000; 2nd Succeeding Year 2007-08 is \$1,615,000; 3rd Succeeding Year 2008-09 is \$1,615,000; 4th Succeeding Year 2009-10 is \$1,615,000; 5th Succeeding Year 2010-11 is \$1,615,000; (4) 2004-05 Program—\$60,877,000; 2003-04 Program—\$59,683,000; 2002-03 Program—\$59,683,000; (7) Child Care Services; (8) recommends adoption. Funds for 2005-06 are reflected in the proposed budget for the Department. In addition to the State funds described, \$8,635,000 in Federal Child Care and Development Block Grant funds will be used for this program in 2005-06.

**Annex A****TITLE 55. PUBLIC WELFARE****PART V. CHILDREN, YOUTH AND FAMILIES  
MANUAL****Subpart B. ELIGIBILITY FOR SERVICES****CHAPTER 3040. (Reserved).**

§ 3040.1. [Reserved].  
 § 3040.3. [Reserved].  
 § 3040.4. [Reserved].  
 § 3040.11. [Reserved].  
 § 3040.12. [Reserved].  
 §§ 3040.14—3040.17. [Reserved].  
 § 3040.19. [Reserved].  
 § 3040.20. [Reserved].  
 § 3040.28. [Reserved].  
 § 3040.29. [Reserved].  
 § 3040.31. [Reserved].  
 §§ 3040.32—3040.34. [Reserved].  
 §§ 3040.35—3040.38. [Reserved].  
 § 3040.40. [Reserved].  
 §§ 3040.51—3040.54. [Reserved].  
 §§ 3040.61—3040.64. [Reserved].  
 §§ 3040.71—3040.78. [Reserved].  
 §§ 3040.91—3040.94. [Reserved].

**CHAPTER 3041. SUBSIDIZED CHILD CARE ELIGIBILITY**

**GENERAL PROVISIONS**

- Sec.
- 3041.1. Purpose.
- 3041.2. Scope.
- 3041.3. Definitions.

**GENERAL REQUIREMENTS AND BENEFITS**

- 3041.11. Nondiscrimination.
- 3041.12. Provision of subsidized child care.
- 3041.13. Parent choice.
- 3041.14. Subsidy benefits.
- 3041.15. Payment of provider charges.
- 3041.16. Subsidy limitations.
- 3041.17. Prohibition of additional conditions and charges.
- 3041.18. Attendance.
- 3041.19. Absence.
- 3041.20. Subsidy continuation during breaks in work, education or training.
- 3041.21. Subsidy suspension.
- 3041.22. Subsidy disruption.

**DETERMINING FAMILY SIZE AND INCOME**

- 3041.31. Family size.
- 3041.32. Income counted.
- 3041.33. Income adjustment.
- 3041.34. Estimating income.

**ELIGIBILITY REQUIREMENTS**

- 3041.41. Financial eligibility.
- 3041.42. Residence.
- 3041.43. Work, education and training.
- 3041.44. Prospective work, education and training.
- 3041.45. Anticipating income.
- 3041.46. Immunization.
- 3041.47. Citizenship.
- 3041.48. Eligibility of households including a parent or caretaker with a disability.

**SPECIAL ELIGIBILITY PROGRAMS**

- 3041.51. Head Start expansion program.
- 3041.52. Prekindergarten program.

**SELF-CERTIFICATION AND VERIFICATION**

- 3041.61. General verification requirements.
- 3041.62. Collateral contact.
- 3041.63. Self-certification.
- 3041.64. Self-declaration.
- 3041.65. Verification of income.
- 3041.66. Verification of residence.
- 3041.67. Verification of work, education and training.
- 3041.68. Verification of involuntary loss of work, education or training.
- 3041.69. Verification of identity.
- 3041.70. Verification of inability to work due to a disability.
- 3041.71. Verification of reasons for subsidy continuation or suspension.
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**GENERAL PROVISIONS**

**§ 3041.1. Purpose.**

This chapter establishes the requirements for a family to receive subsidized child care. Subsidized child care is a nonentitlement benefit made available through limited Federal and State funds.

**§ 3041.2. Scope.**

This chapter applies to child care eligibility agencies, child care providers and parents and caretakers requesting or receiving subsidized child care.

**§ 3041.3. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Adjusted family income*—Gross countable family income, minus allowable deductions.

*Annual income*—The family's adjusted monthly income, multiplied by 12 months.

*Appeal*—A written or oral request by a parent, caretaker or individual acting on behalf of a parent or caretaker for a hearing under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings), indicating disagreement with a Departmental or eligibility agency action or failure to act that affects the family's eligibility for subsidized child care.

*Application*—A signed, dated request by a parent, caretaker or individual acting on behalf of a parent or caretaker for subsidized child care.

*CAO—County Assistance Office*—The local office of the Department responsible for the determination of eligibility and service delivery in the Cash Assistance, Food Stamp and Medical Assistance Programs.

*Caretaker*—An individual who has legal custody of the child, a foster parent, a grandparent, an aunt or an uncle who lives with and exercises care and control of a child.

*Child care*—Care in lieu of parental care for part of a 24-hour day.

*Collateral contact*—A form of verification in which the eligibility agency obtains information from a third party.

*Co-payment*—The weekly amount the family pays for subsidized child care.

*Department*—The Department of Public Welfare of the Commonwealth.

*Disability*—A physical or mental impairment that precludes a parent or caretaker from participating in work, education or training.

*Disqualification*—The prohibition against receipt of subsidized child care that results from fraud or an intentional program violation.

*Domestic and other violence (domestic violence)*—Includes one of the following:

(i) A physical act that results in, or threatens to result in, physical injury to the individual.

(ii) Mental abuse, including stalking, threats to kidnap, kill or otherwise harm people or property, threats to commit suicide, repeated use of degrading or coercive language, controlling access to food or sleep and controlling or withholding access to economic and social resources.

(iii) Sexual abuse.

(iv) Sexual activity involving a dependent child.

(v) Being forced as the caretaker or relative of a dependent child to engage in nonconsensual sexual acts or activities.

(vi) A threat of, or attempt at, physical or sexual abuse.

(vii) Neglect or deprivation of medical care.

*Education*—An elementary school, middle school, junior high or high school program including a general educational development program.

*Eligibility agency*—The entity designated by the Department with authority to purchase subsidized child care and determine a family's eligibility and co-payment.

*Eligibility determination*—A decision regarding whether a family qualifies for the subsidized child care program and a determination of the co-payment.

*Eligibility redetermination*—A semiannual review by the eligibility agency to determine if a family continues to qualify for subsidized child care, including a review of the co-payment.

*Employment*—Working for another individual or entity for income.

*FPIG—Federal Poverty Income Guidelines*—The income levels published annually in the *Federal Register* by the United States Department of Health and Human Services.

*Family*—The child or children for whom subsidized child care is requested and the following individuals who live with that child or children in the same household:

(i) A parent of the child.

(ii) A caretaker and a caretaker's spouse.

(iii) A biological, adoptive or foster child or stepchild of the parent or caretaker who is under 18 years of age and not emancipated by marriage or by the court.

(iv) An unrelated child under the care and control of the parent or caretaker, who is under 18 years of age and not emancipated by marriage or by the court.

(v) A child who is 18 years of age or older but under 22 years of age who is enrolled in a high school, a general educational development program or a post-secondary program leading to a degree, diploma or certificate and who is wholly or partially dependent upon the income of the parent or caretaker or spouse of the parent or caretaker.

*Fraud*—The intentional act of a parent or caretaker that results in obtaining, continuing or increasing child care subsidy for which the family is not eligible and that involves any of the following:

(i) A false or misleading statement.

(ii) The failure to disclose information.

*Income*—Includes the following:

(i) Earned income including gross wages from work, cash and in-kind payments received by an individual in exchange for services and income from self-employment.

(ii) Unearned income including cash and contributions received by an individual for which the individual does not provide a service.

(iii) Unearned benefits received periodically by an individual, such as unemployment compensation, worker's compensation or retirement benefits.

*Maximum child care allowance*—The payment ceilings set by the Department for child care services provided to families eligible for subsidized child care.

*Overpayment*—The receipt of subsidy for a child for which the family is or was not eligible or an amount in excess of the amount for which the family was eligible.

*Parent*—The biological or adoptive mother or father, stepmother or stepfather who exercises care and control of the child for whom subsidy is requested.

*Partial redetermination*—A review of eligibility that occurs before the next scheduled redetermination date and does not include a review of each eligibility factor.

*Prospective work, education or training*—Employment, education or training verified by the employer, school official or training official to begin no later than 30 calendar days following the date the parent or caretaker

signs and dates the application for subsidized child care or no later than 60 calendar days following the loss of current employment.

*Provider*—An organization or individual that directly delivers child care services.

*Published rate*—A provider's daily charge for a child who does not receive subsidized child care.

*Recoupment*—Recovery of an overpayment by increasing the co-payment or other payment arrangement.

*Self-certification*—A written statement provided by a parent or caretaker for the purpose of establishing selected factors of nonfinancial eligibility.

*Self-declaration*—A written statement provided by the parent or caretaker for the purpose of establishing financial or nonfinancial eligibility for a period of time not to exceed 30 calendar days.

*Self-employment*—Operating one's own business, trade or profession for profit.

*Subsidized child care*—Child care service paid for in part with State or Federal funds.

*Subsidy suspension*—A temporary lapse of subsidized child care that does not affect the family's eligibility status.

*TANF*—Temporary Assistance for Needy Families Program—

(i) A Federal nonentitlement program under sections 401—419 of the Social Security Act (42 U.S.C.A. §§ 601—619) that provides cash assistance to families including dependent children and an adult.

(ii) The term includes extended TANF benefits that are received beyond the 5-year TANF period.

*Training*—

(i) Instruction that provides the skills or qualifications necessary for a specific vocation or field of employment.

(ii) The term includes adult basic education, English as a second language, a 2-year or 4-year postsecondary degree program, an internship, clinical placement, apprenticeship, lab work and field work required by the training institution.

*Verification*—

(i) The process of confirming information needed to determine eligibility for subsidized child care.

(ii) The term includes documentary evidence or information obtained through collateral contacts, self-certification and self-declaration.

*Waiting list*—A record maintained by the eligibility agency of the names of families and their children determined eligible to receive subsidized child care, but for whom subsidy is not currently available.

*Work*—Employment or self-employment.

**GENERAL REQUIREMENTS AND BENEFITS**

**§ 3041.11. Nondiscrimination.**

(a) An eligibility agency may not discriminate against applicants for or recipients of Federal or State subsidized funds on the basis of age, race, sex, color, religious creed, national or ethnic origin, ancestry, sexual preference or physical or mental disability.

(b) An eligibility agency shall offer child care subsidy within the provisions of applicable civil rights laws and regulations, including the following:

(1) The Pennsylvania Human Relations Act (43 P. S. §§ 951—963).

(2) The Age Discrimination Act of 1975 (42 U.S.C.A. §§ 6101—6107).

(3) Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000d—2000d-4a).

(4) Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000e—2000e-15).

(5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794).

(6) The Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12210).

**§ 3041.12. Provision of subsidized child care.**

(a) Subsidized child care is provided for a child whose family meets financial and nonfinancial eligibility requirements.

(b) Subsidized child care is available to an otherwise eligible child who is under 13 years of age.

(c) Subsidized child care is available to an otherwise eligible child who is 13 years of age or older but under 19 years of age and who is incapable of caring for himself.

(d) A former TANF family is eligible for a child care subsidy under this chapter as specified in §§ 3041.141—3041.150 (relating to former TANF families).

(e) The Department, through the Department's contracts with the eligibility agency, will direct funding for various populations, including individuals who formerly received TANF benefits.

**§ 3041.13. Parent choice.**

(a) A family who is eligible for subsidized child care shall have the right to choose care from a provider who agrees to comply with the Department's standards for provider participation. Providers eligible to participate include:

(1) A child day care center certified under Chapter 3270 (relating to child day care centers).

(2) A group child day care home certified under Chapter 3280 (relating to group child day care homes).

(3) A family child day care home registered under Chapter 3290 (relating to family child day care homes).

(4) A provider specifically exempt from certification or registration under Chapters 3270, 3280 and 3290.

(b) A family eligible for Head Start expansion shall choose a child care provider as specified in § 3041.51 (relating to Head Start expansion program).

**§ 3041.14. Subsidy benefits.**

A subsidy-eligible family may receive child care during the hours that the child needs care if the parent or caretaker:

(1) Works or attends education or training, including travel between the parent's or caretaker's work, education or training and the child care facility.

(2) Requires uninterrupted sleep time because the work shift ends between the hours of 12 a.m. and 9 a.m.

**§ 3041.15. Payment of provider charges.**

(a) A provider participating in the subsidized child care program is eligible to receive payment from the eligibility agency for services provided to a subsidy-eligible child.

(b) The eligibility agency may not pay child care costs that exceed the maximum child care allowance less the family co-payment for the type of care the child received from the provider.

(c) If a parent or caretaker selects a provider whose published rate exceeds the Department's payment rate, the provider may charge the parent or caretaker the difference between these two amounts.

(d) The eligibility agency may not pay for any additional charge assessed by the provider, beyond the cost of child care.

(e) A change in a parent's or caretaker's need for child care and the resulting adjustment in the amount of payment to the provider shall begin on the date the parent or caretaker reports the change or on the date the change begins, whichever is later.

**§ 3041.16. Subsidy limitations.**

(a) A family in which a parent or caretaker is receiving funds from the TANF cash assistance program is not eligible for subsidized child care under this chapter.

(b) Subsidized child care may not be used as a substitute for a publicly funded educational program, such as kindergarten or a specialized treatment program.

(c) If a parent or caretaker is the operator of a child day care center, group child day care home or family child day care home as specified in Chapter 3270, Chapter 3280 or Chapter 3290 (relating to child day care centers; group child day care homes; and family child day care homes) or is the operator of a home that is exempt from certification or registration under section 1070 of the Public Welfare Code (62 P.S. § 1070), and if space is available to enroll the parent's or caretaker's child at the facility operated by the parent or caretaker, that child is not eligible to receive subsidized child care.

(d) Subsidized child care is provided for a child whose family is determined eligible, up to the limits of available subsidized child care funds.

(e) A parent or caretaker is ineligible for subsidized child care if he does not select an eligible child care provider and enroll the child within 30 calendar days following the date the eligibility agency notifies the parent or caretaker that funding is available or that the family's current child care provider is ineligible to participate in the subsidized child care program.

**§ 3041.17. Prohibition of additional conditions and charges.**

The eligibility agency may not:

(1) Impose eligibility conditions other than conditions listed in this chapter.

(2) Require the parent or caretaker to select a particular provider or combination of providers as a condition of eligibility.

**§ 3041.18. Attendance.**

(a) The days for which the parent or caretaker establishes a need for child care shall be specified in writing by the parent to the eligibility agency at the time the child is enrolled in subsidized child care.

(b) A child is expected to attend child care at the provider on all days for which the parent or caretaker established a need for child care as specified in § 3041.14 (relating to subsidy benefits), unless the provisions specified in § 3041.21 (relating to subsidy suspension) apply.

**§ 3041.19. Absence.**

(a) Upon notification from the provider that a child has been absent more than 10 consecutive days for which the child is scheduled to attend child care, not including days of a child's illness, injury or impairment that precludes a child from attending child care, or other reason as specified in § 3041.21 (relating to subsidy suspension), the eligibility agency shall send the parent or caretaker an adverse action notice terminating the child's eligibility and payment to the provider.

(b) The notice shall inform the parent or caretaker of the following:

(1) The parent or caretaker shall report to the eligibility agency the date of the child's return to care.

(2) Payment will not be terminated if the child returns to care by the date set forth on the notice.

(3) If the child does not return to care by the date set forth on the notice and there are no grounds for subsidy suspension, the child's subsidy will be terminated effective the date set forth on the notice.

**§ 3041.20. Subsidy continuation during breaks in work, education or training.**

A family's eligibility and payment for subsidized child care continues for and during the following:

(1) Sixty calendar days from the date of an involuntary loss of work, the date a strike begins or the date the parent graduates from or completes education or training.

(2) A total of 84 calendar days from the first day of family leave, including maternity leave, as defined under the Family and Medical Leave Act of 1993 (29 U.S.C.A. §§ 2601—2654), provided there is a need for child care.

(3) Regularly scheduled breaks in work or breaks in education or training, if the regularly scheduled break is less than 31 calendar days.

**§ 3041.21. Subsidy suspension.**

(a) If a child is unable to attend child care for more than 10 consecutive days for which the child is scheduled to attend care, subsidy shall be suspended for up to 90 calendar days in the following circumstances:

(1) The child is visiting the noncustodial parent or caretaker.

(2) The child is ill or hospitalized, preventing the child from participating in child care.

(3) The child is absent because of family illness or emergency.

(4) The child remains at home with his parent or caretaker during family leave.

(5) The provider is closed because of failure to meet certification or registration requirements.

(6) The parent or caretaker needs to locate another provider because the current provider cannot meet the parent's or caretaker's child care needs.

(7) The parent or caretaker is on maternity or family leave, as defined under the Family and Medical Leave Act of 1993 (29 U.S.C.A. §§ 2601—2654).

(8) A parent or caretaker has a break in work, education or training that exceeds 30 calendar days but does not continue beyond 90 calendar days.

(b) The child is no longer eligible for subsidy payment or service if the child continues to be absent following 90 calendar days of suspension.

**§ 3041.22. Subsidy disruption.**

(a) If child care is disrupted due to the provider's loss of the Department's certification or registration or another reason that prevents the child's continued care at that facility, the child is eligible for subsidy at another facility.

(b) If a child loses care as a result of circumstances specified in subsection (a), the child's subsidy is suspended until the parent or caretaker selects another provider and funding is available.

(c) Subsidy to a child may be disrupted if the eligibility agency cannot continue to subsidize the number of children enrolled in subsidized child care due to insufficient State or Federal funding.

(1) Subsidy for children whose family's income is at the highest percentage of the FPIG is disrupted first.

(2) A child whose subsidy is disrupted under this subsection shall be placed on the waiting list according to the date of the initial eligibility for subsidized child care.

**DETERMINING FAMILY SIZE AND INCOME**

**§ 3041.31. Family size.**

(a) Individuals included in the definition of family shall be included in determining family size.

(b) An individual applying as a parent and a caretaker may only be counted once.

(c) An individual may not be included in more than one family unless the individual is a child who is in a shared custody arrangement between two families and both families are seeking subsidized child care.

(d) A foster child may be counted as a family of one or may be included in a family as defined in this chapter.

**§ 3041.32. Income counted.**

Income of the following family members is counted to determine financial eligibility:

(1) The parent or caretaker of the child for whom subsidy is sought.

(2) A parent's or caretaker's spouse.

(3) Children, excluding a child's earned income.

**§ 3041.33. Income adjustment.**

To determine adjusted family income the eligibility agency shall:

(1) Determine gross income as specified in Appendix A, Part I (relating to income to be included, deducted and excluded in determining gross monthly income) for each family member listed in § 3041.32 (relating to income counted).

(2) Estimate monthly income from each income source in accordance with § 3041.34 (relating to estimating income).

(3) Convert weekly, biweekly, semimonthly and other pay periods to gross monthly amounts using the Conversion Table in Appendix A, Part I.

(4) Calculate the total gross monthly income.

(5) Determine the stepparent deduction as specified in Appendix C (relating to stepparent deduction chart).

(6) Determine other allowable deductions listed in Appendix A, Part II for each source of income.

(7) Determine adjusted family income by subtracting the total monthly deductions specified in paragraphs (5) and (6) from the total gross monthly income specified in paragraph (4).

(8) Multiply adjusted family income by 12 to determine annual family income.

**§ 3041.34. Estimating income.**

(a) For the purpose of determining adjusted family income, the eligibility agency shall use its best estimate of monthly income based upon circumstances at the time of application or redetermination as specified in Appendix A, Part I (relating to income to be included, deducted and excluded in determining gross monthly income) for the table used to convert weekly, biweekly, semimonthly and other pay periods to monthly amounts.

(b) For parents or caretakers who are working and have received pay at the time they apply for subsidized child care, income shall be estimated based upon verified, actual amounts already received by the family prior to application or redetermination or verification of anticipated income.

(c) When estimating income, the eligibility agency shall use the past 30 calendar days as an indicator of future amounts, unless:

(1) A change has occurred.

(2) A change is anticipated.

(3) An unusual circumstance existed that is not expected to recur, such as overtime not likely to continue.

(d) The eligibility agency shall adjust its estimate of monthly income to take into account recent or anticipated changes and unusual circumstances.

(e) When an applicant anticipates starting work within the next 30 days or has not yet received a first paycheck, income eligibility is established based on verified anticipated income.

**ELIGIBILITY REQUIREMENTS**

**§ 3041.41. Financial eligibility.**

(a) At initial application, annual family income may not exceed 200% of the FPIG.

(b) Following an initial determination of eligibility, a family shall remain financially eligible for subsidized child care as long as the annual income does not exceed 235% of the FPIG.

(c) The eligibility agency shall inform the parent or caretaker of the annual family income that will exceed 235% of the FPIG and cause the family to be ineligible for subsidized child care.

**§ 3041.42. Residence.**

(a) Family members shall be residents of this Commonwealth.

(b) The parent or caretaker shall apply in his county of residence. In counties where there is more than one eligibility agency for the county, the parent or caretaker shall apply to the eligibility agency that is responsible for the geographic area that includes the zip code of the family's residence.

**§ 3041.43. Work, education and training.**

(a) The parent or caretaker shall work at least 20 hours per week. The eligibility agency shall average a parent's or caretaker's work hours in cases where hours of work vary from week to week.

(b) The work-hour requirement specified in subsection (a) is met under the following circumstances:

(1) A parent or caretaker under 22 years of age and attending high school.

(2) A parent or caretaker under 18 years of age, does not have a high school or general educational development diploma, but is enrolled in and attending education on a full-time basis.

(3) A parent or caretaker attends training and works at least 10 hours per week. The time spent in training counts toward the 20 hour per week work requirement.

(c) A parent or caretaker who misses work, education or training shall remain eligible for subsidy if the parent or caretaker is currently scheduled to work or participate in education or training for an average of 20 hours or more per week and one of the following applies:

(1) The parent or caretaker has an illness or injury.

(2) The parent or caretaker has a medical appointment that cannot reasonably be scheduled at a time that does not conflict with work hours.

(3) The parent's or caretaker's employer is closed.

(4) The parent or caretaker verifies domestic violence.

(5) The parent or caretaker has an emergency, such as:

(i) Illness, injury or impairment of the child that precludes the child from attending child care.

(ii) Illness, injury or impairment of a family member that requires the parent or caretaker to miss work to provide care.

**§ 3041.44. Prospective work, education and training.**

(a) A family in which a parent or caretaker has prospective work, education or training may be eligible for subsidized child care if the following requirements are met:

(1) The work, education or training will begin no later than 30 calendar days following the date of application or no later than 60 calendar days following the loss of work for a parent or caretaker who is receiving subsidized child care.

(2) Verification of prospective work, education or training is provided as specified in § 3041.67 (relating to verification of work, education and training).

(b) Subsidy may not begin until the parent or caretaker begins work, education or training.

**§ 3041.45. Anticipating income.**

The parent or caretaker shall notify the eligibility agency of the actual amount of income no later than 10 calendar days after receiving the first income for work.

**§ 3041.46. Immunization.**

(a) A child receiving subsidized child care shall have received age-appropriate immunizations as recommended by the American Academy of Pediatrics. For facilities subject to certification by the Department, immunizations shall be provided as specified in §§ 3270.131, 3280.131 and 3290.131 (relating to health assessment). Exemption from the immunization requirement shall be granted by the eligibility agency if:

(1) A child's parent or caretaker objects to immunizations on religious grounds.

(2) A parent or caretaker indicates that a child's medical condition contraindicates immunization.

(b) If an otherwise eligible child does not have age-appropriate immunizations and is not exempt from immunization, the family shall be authorized for subsidy and the parent or caretaker shall be given 90 calendar days to obtain immunizations for the child and self-certify that the child has age-appropriate immunizations or that the child is exempt from the immunization requirement.

**§ 3041.47. Citizenship.**

A child receiving subsidized child care shall be a United States citizen or an alien lawfully admitted for permanent residence or otherwise lawfully and permanently residing in the United States.

**§ 3041.48. Eligibility of households including a parent or caretaker with a disability.**

(a) Following the determination of eligibility for subsidized child care, a single parent or caretaker who becomes disabled, is unable to continue work, education or training and is unable to care for the child is excused from the work, education and training requirements for up to a maximum of 183 calendar days. The disability must be verified as specified in § 3041.70 (relating to verification of inability to work due to a disability).

(b) A two-parent or caretaker family may be eligible for subsidized child care if one parent or caretaker is working and the other parent or caretaker is unable to work or participate in education or training and is unable to care for the child for whom subsidy is requested due to a disability or the need to attend treatment for the disability. The disability must be verified as specified in § 3041.70 at the time of application or at the time the parent or caretaker becomes disabled and at each subsequent redetermination.

**SPECIAL ELIGIBILITY PROGRAMS**

**§ 3041.51. Head Start expansion program.**

(a) Head Start is a Federally-funded program designed to prepare at-risk children, 3 years of age or older but under 5 years of age, for school success. A Head Start expansion program is a program that combines the Head Start program with the subsidized child care program.

(b) A child who is enrolled in a Head Start program, whose parent or caretaker needs extended hours or days of child care beyond the hours or days provided by the Head Start program to work, is eligible for subsidized child care under this section, if the parent or caretaker meets the eligibility requirements for subsidized child care as specified in subsection (f).

(c) The parent or caretaker shall obtain from the Head Start program and provide to the eligibility agency verification that the Head Start expansion program meets the Federal Head Start standards.

(d) If a child in the family as specified in § 3041.31 (relating to family size) is enrolled in the Head Start expansion program, the family co-payment is based on family size and income. If additional children in the family are enrolled in subsidized child care, the family co-payment is based on family size and income.

(e) If extended hours or days of care are provided beyond the Head Start program hours or days, the extended hours and days of care shall be provided by a facility that has a certificate of compliance or registration by the Department as a child day care facility.

(f) Upon program entry and continuation in the Head Start expansion program, a parent or caretaker shall meet the following conditions:

(1) Verification, at the time of application, of a minimum of 20 hours of work per week as specified in § 3041.43 (relating to work, education and training).

(2) Verification that extended hours and days of child care are needed to work as specified in subsection (b).

(3) Compliance with the waiting list conditions specified in § 3041.133 (relating to waiting list).

(4) Payment of the co-payment as specified in § 3041.101(a)—(e) (relating to general co-payment requirements).

(5) Report loss of work within 10 calendar days following the date work ended as specified in § 3041.127(b) (relating to parent and caretaker report of change).

(6) Report when a child is no longer enrolled in Head Start within 10 calendar days following the date the Head Start enrollment ended.

(g) Subsidy for a child receiving care under this section may be suspended during summer school breaks.

(h) A parent or caretaker whose child receives subsidized child care and is enrolled in a Head Start program is not required to report changes in circumstances during the period of the child's Head Start enrollment, unless the parent or caretaker loses work. If the parent or caretaker involuntarily loses work, the family remains eligible for the Head Start expansion program for up to 60 calendar days following the loss of work. If the parent or caretaker is unemployed for more than 60 calendar days, the family is ineligible for subsidized child care.

(i) The eligibility agency may not require a parent or caretaker whose child receives subsidized child care and is enrolled in a Head Start program to complete a partial redetermination or redetermination until the child's Head Start program, the parent or caretaker or a reliable source confirmed by the eligibility agency reports to the eligibility agency that the child is no longer enrolled in the Head Start program.

**§ 3041.52. Prekindergarten program.**

(a) A child who is 3 or 4 years of age and who is enrolled in a prekindergarten program operated by a school entity or a certified child day care center or licensed private academic school serving children 3 or 4 years of age operating under contract with a school entity, whose parent or caretaker needs extended hours or days of child care to work, is eligible for subsidized child care under this section, if the parent or caretaker meets the eligibility requirements for subsidized child care as specified in this section.

(b) The eligibility agency shall verify that the prekindergarten program is operated by a school entity or by a certified child day care center or licensed private academic school operating under contract with a school entity.

(c) If extended hours or days of care are provided beyond the prekindergarten program's hours or days, the extended hours and days of care shall be provided by a facility that has a certificate of compliance or registration by the Department as a child day care facility.

(d) Upon program entry and continuation in the prekindergarten program, a parent or caretaker shall meet the following conditions:

(1) Verification, at the time of application, of a minimum of 20 hours of work per week as specified in § 3041.43 (relating to work, education and training).

(2) Verification, at the time of application, of income eligibility for subsidized child care as specified in § 3041.41 (relating to financial eligibility).

(3) Verification that extended hours and days of child care are needed to work as specified in subsection (c).

(4) Compliance with the waiting list conditions specified in § 3041.133 (relating to waiting list).

(5) Payment of the co-payment as specified in § 3041.101 (relating to general co-payment requirements).

(6) Report loss of work within 10 calendar days following the date work ended as specified in § 3041.127 (relating to parent and caretaker report of change).

(7) Report when a child is no longer enrolled in a prekindergarten program within 10 calendar days following the date the prekindergarten enrollment ended.

(e) A parent or caretaker whose child participates in a prekindergarten program shall meet the conditions specified in this chapter, except as specified in subsections (f), (g) and (h).

(f) Subsidy for a child receiving care under this section may be suspended during summer school breaks.

(g) A parent or caretaker whose child receives subsidized child care and is enrolled in a prekindergarten program is not required to report changes in circumstances during the period of the child's prekindergarten enrollment, unless the parent or caretaker loses work. If the parent or caretaker involuntarily loses work, the family remains eligible for the prekindergarten program for up to 60 calendar days following the loss of work.

(h) The eligibility agency may not require a parent or caretaker whose child receives subsidized child care and is enrolled in a prekindergarten program to complete a partial redetermination or redetermination until the child's prekindergarten program, the parent or caretaker or a reliable source confirmed by the eligibility agency reports to the eligibility agency that the child is no longer enrolled in the prekindergarten program.

(i) A school entity is a public school, school district, intermediate unit or area vocational-technical school as defined in 22 Pa. Code § 49.1 (relating to definitions).

**SELF-CERTIFICATION AND VERIFICATION**

**§ 3041.61. General verification requirements.**

(a) The parent or caretaker shall be the primary source of verification in establishing and maintaining eligibility for subsidized child care.

(b) The eligibility agency shall inform each parent and caretaker that the eligibility agency is available to assist in obtaining verification that the parent or caretaker is unable to obtain.

(c) The eligibility agency shall assist parents and caretakers who request assistance in obtaining verification.

(d) The eligibility agency may not impose requirements for verification beyond the requirements of this chapter.

(e) At the time of application for subsidized child care, the eligibility agency shall obtain consent from the parent or caretaker and the parent's or caretaker's spouse permitting the eligibility agency to obtain verification of eligibility information.

(f) The eligibility agency shall retain the signed consent in the family's file.

(g) The consent shall remain in effect for as long as the family receives subsidy.

(h) The eligibility agency may not deny or terminate subsidy to a family when the parent or caretaker has cooperated in the verification process and needed verification is pending or cannot be obtained due to circumstances beyond the parent's or caretaker's control.

(i) The eligibility agency may not require a parent or caretaker to reverify information unless the eligibility agency has information that indicates the subsidy status of the family has changed.

**§ 3041.62. Collateral contact.**

(a) The eligibility agency shall make a collateral contact on behalf of the parent or caretaker if any of the following occurs:

(1) The parent or caretaker has made a reasonable effort to obtain documentary evidence without success.

(2) Documentary evidence is unavailable.

(3) The eligibility determination process must be expedited to avoid unnecessary hardship to the parent or caretaker or to ensure that the time frame for an eligibility determination is met.

(4) The verification provided by the parent or caretaker requires additional clarification.

(5) The eligibility agency suspects that the parent or caretaker is withholding information or has falsified the information given.

(b) The eligibility agency shall make a collateral contact in person, by consulting public records, by mail, electronic communication, facsimile or by telephone with a source of reliable information.

(c) Sources of reliable collateral contact information include the following:

(1) Public records, such as domestic relations or other courthouse records.

(2) An employer, a friend, a neighbor, a relative, a landlord, a government agency, a community social service agency or a child care provider.

(d) The eligibility agency shall obtain from the parent or caretaker a list of reliable sources of information who would serve as collateral contacts.

(e) The eligibility agency shall cooperate with a source who acts as a collateral contact.

(f) The eligibility agency may not contact an alleged abuser or former abuser in a domestic violence situation.

(g) Sources of reliable collateral contact information regarding verification of care and control in a family headed by an aunt, uncle or grandparent as specified in § 3041.78 (relating to verification of care and control) include one of the following who has knowledge of the circumstances:

(1) A school teacher or principal.

(2) A regulated child care provider.

(3) A health care professional.

(4) A social service worker or counselor.

(5) A religious professional.

(6) An attorney.

**§ 3041.63. Self-certification.**

(a) The eligibility agency shall inform the parent or caretaker in writing that self-certification is made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(b) The eligibility agency shall accept the statement of the parent or caretaker as sufficient proof of the following eligibility factors:

(1) Age of the child.

(2) Citizenship or immigration status.

(3) Immunization status or exemption from the immunization requirement.

(4) Days and hours for which the child needs care, as specified in § 3041.145 (relating to verification and reporting).

(5) Status of an individual who formerly received TANF, as specified in § 3041.145.

(6) Face-to-face time frame extension based on hardship, as specified in §§ 3041.126(d) and 3041.144(a) (relating to face-to-face interview; and face-to-face interview for former TANF families).

**§ 3041.64. Self-declaration.**

(a) If attempts to verify eligibility by documentary evidence or collateral contact are unsuccessful, the eligibility agency shall proceed without delay to determine the family's eligibility based upon a self-certification as specified in § 3041.63 (relating to self-certification) or by written self-declaration by the parent or caretaker.

(b) The eligibility agency shall instruct the parent or caretaker that a written self-declaration shall be made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(c) The eligibility agency shall accept a parent's or caretaker's self-declaration statement, unless evidence contradicts the statement.

(d) If a parent or caretaker uses self-declaration as verification, the eligibility agency shall require the parent or caretaker to provide another form of acceptable verification no later than 30 calendar days following the date the written self-declaration is accepted by the eligibility agency unless otherwise specified in this chapter.

**§ 3041.65. Verification of income.**

(a) Acceptable verification of earned income from employment includes one of the following:

(1) Pay stubs reflecting earnings for 4 weeks in the most recent 6-week period, the Department's Employment Verification form reflecting actual or anticipated earnings, the Internal Revenue Service form used for reporting tips, an employer statement of anticipated earnings and hours or other document that establishes the parent's or caretaker's earnings or anticipated earnings from employment.

(2) A collateral contact, as specified in § 3041.62 (relating to collateral contact).

(3) A written self-declaration by the parent or caretaker as specified in § 3041.64 (relating to self-declaration).

(b) Acceptable verification of income from self-employment includes one of the following:

(1) Tax returns, business records or other documents establishing profit from self-employment.

(2) A collateral contact, as specified in § 3041.62.

(3) A written self-declaration by a parent or caretaker of net profit from self-employment, reflecting gross earnings, less the cost of doing business, as specified in § 3041.64.

(c) Acceptable verification of unearned income includes one of the following:

(1) A copy of a current benefit check, an award letter that designates the amount of a grant or benefit, such as a letter from the Social Security Administration stating the amount of the Social Security benefit, a bank statement, a court order, or other document or database report that establishes the amount of unearned income.

(2) A collateral contact, as specified in § 3041.62.

(3) A written self-declaration by the parent or caretaker, as specified in § 3041.64.

(d) If a family receives or pays child support, the eligibility agency shall verify the amount of support received or paid by the family by requesting this information from the Department, whether the information is found in the Pennsylvania Child Support Enforcement System or in another source.

**§ 3041.66. Verification of residence.**

Acceptable verification of residence includes any of the following:

(1) Mail received by the parent or caretaker, a copy of a lease, utility bill, deed, driver's license, rental agreement or other document establishing residence.

(2) A collateral contact, as specified in § 3041.62 (relating to collateral contact).

(3) A written self-declaration, as specified in § 3041.64 (relating to self-declaration).

**§ 3041.67. Verification of work, education and training.**

Acceptable verification of hours of work, education, training or enrollment in education or training includes one of the following:

(1) A document provided by the parent or caretaker as verification of earned or anticipated earned income, provided this verification indicates or can be used to compute the number of hours the parent or caretaker worked, is normally scheduled to work or in cases when hours vary, the average number of hours worked.

(2) A copy of a work schedule signed by the employer.

(3) A copy of the class or training schedule from an education or training representative.

(4) Another document that establishes hours of work or anticipated hours of work, education or training.

(5) A collateral contact, as specified in § 3041.62 (relating to collateral contact).

(6) A written self-declaration by the parent or caretaker that indicates the parent or caretaker works or will work at least 20 hours per week, as specified in § 3041.64 (relating to self-declaration).

**§ 3041.68. Verification of involuntary loss of work, education or training.**

Acceptable verification of involuntary loss of work, education or training includes any of the following:

(1) A written statement from the employer or an education or training representative.

(2) A school record.

(3) A collateral contact, as specified in § 3041.62 (relating to collateral contact).

(4) A written self-declaration, as specified in § 3041.64 (relating to self-declaration).

**§ 3041.69. Verification of identity.**

Acceptable verification of identity includes one of the following:

(1) Employer identification card.

(2) Military photo-identification card.

(3) Passport.

(4) Other verifiable photo-identification.

(5) Driver's license with or without a photograph.

(6) State-issued birth certificate.

(7) Certificate of naturalization.

(8) Certificate of United States citizenship.

(9) Registration receipt card.

(10) Valid or expired Pennsylvania learner's permit.

(11) Social Security card.

(12) Marriage license, divorce decree or court order for a name change.

(13) Marriage record that contains the date of birth.

(14) Voter's registration card.

(15) A collateral contact as specified in § 3041.62 (relating to collateral contact).

(16) A written self-declaration by the parent or caretaker, as specified in § 3041.64 (relating to self-declaration).

**§ 3041.70. Verification of inability to work due to a disability.**

Acceptable verification of inability to work due to a disability includes:

(1) In a single or two-parent or caretaker family, verification of the parent's or caretaker's disability shall include an assessment by a physician or psychologist that states the following:

(i) The condition causing the inability to work or to participate in education or training.

(ii) The manner in which the condition causing the disability prevents the parent or caretaker from providing care for the child.

(iii) The date the parent or caretaker is expected to return to work or resume participation in education or training or the date the parent or caretaker will be able to care for the child.

(2) In a two-parent or caretaker family, if the parent or caretaker with a disability submits written verification of disability payments from Social Security, Supplemental Security Income (SSI), Worker's Compensation, 100% of Veterans Disability or 100% of another type of work-related disability, that verification shall serve as permanent verification of the parent's or caretaker's inability to work.

**§ 3041.71. Verification of reasons for subsidy continuation or suspension.**

Acceptable verification of reasons for subsidy continuation or suspension as specified in §§ 3041.20 and 3041.21

(relating to subsidy continuation during breaks in work, education or training; and subsidy suspension) includes one of the following:

- (1) The Department's form for verifying work, education or training.
- (2) A written statement from the employer or the education or training representative or school records.
- (3) A child support order.
- (4) A medical record or a written statement from a physician.
- (5) A collateral contact, as specified in § 3041.62 (relating to collateral contact).
- (6) A written self-declaration by the parent or caretaker, as specified in § 3041.64 (relating to self-declaration).

**§ 3041.72. Verification of family size and composition.**

Acceptable verification of family size and composition includes one of the following:

- (1) A birth certificate.
- (2) A custody order.
- (3) A medical record or a written statement from a physician.
- (4) A written statement from the parent indicating that the caretaker has care and control of the child for whom subsidized child care is requested.
- (5) A school record.
- (6) A collateral contact, as specified in § 3041.62 (relating to collateral contact).
- (7) A written self-declaration by the parent or caretaker, as specified in § 3041.64 (relating to self-declaration).

**§ 3041.73. Verification of transfer of TANF benefits.**

Acceptable verification of transfer of TANF benefits within the state or from another state is documentation by the eligibility agency that indicates the date TANF benefits ended within the State or in another State, as specified in § 3041.149(b) (relating to transfer from other states).

**§ 3041.74. Verification of expiration of TANF benefits.**

Acceptable verification of expiration of TANF benefits is documentation by the eligibility agency that indicates the date TANF benefits expired within the state or in another state, as specified in § 3041.150(b) (relating to expiration of TANF benefits).

**§ 3041.75. Verification of domestic violence.**

Acceptable verification of domestic violence is the Department's form, which provides for verification by documentary evidence, third party statement or self-certification.

**§ 3041.76. Verification of a child's incapability of caring for himself.**

Acceptable verification of a child's incapability of caring for himself as specified in § 3041.12(c) (relating to provision of subsidized child care) is documentation by a licensed physician or psychologist.

**§ 3041.77. Verification of maternity and family leave.**

Acceptable verification of family leave includes one of the following:

- (1) A birth certificate.
- (2) The Department's medical assessment form.
- (3) A written statement or other documentation completed by a licensed physician that describes the inability to work or participate in education or training and includes a date of anticipated return to work.
- (4) A written statement from the employer or an education or training representative.
- (5) A collateral contact, as specified in § 3041.62 (relating to collateral contact).
- (6) A written self-declaration by the parent or caretaker, as specified in § 3041.64 (relating to self-declaration).

**§ 3041.78. Verification of care and control.**

Acceptable verification of care and control in a family headed by an aunt, uncle or grandparent includes one of the following:

- (1) A school record.
- (2) A medical record.
- (3) A social service record.
- (4) A religious record.
- (5) A Domestic Relations Services support order.
- (6) A court order.
- (7) A rental or lease agreement.
- (8) A notarized written statement from the parent or caretaker.
- (9) A collateral contact, as specified in § 3041.62 (relating to collateral contact).
- (10) A written self-declaration by the parent or caretaker, as specified in § 3041.64 (relating to self-declaration).

**ELIGIBILITY AGENCY RESPONSIBILITIES**

**§ 3041.81. Eligibility agency.**

(a) The eligibility agency shall manage the subsidized child care program in part of a county, a single county or several counties.

(b) The eligibility agency may be either a prime contractor or a subcontractor designated in a prime contract.

**§ 3041.82. Eligibility determination.**

(a) The eligibility agency shall determine eligibility for subsidized child care as specified in this chapter.

(b) The eligibility agency may not impose eligibility conditions other than the conditions listed in this chapter.

(c) The eligibility agency may not require the parent or caretaker to select a particular provider or combination of providers as a condition of eligibility.

**§ 3041.83. Confidentiality.**

(a) The eligibility agency and its employees shall keep confidential the information in the family file and use that information only for purposes directly connected to the administration of their duties.

(b) Agents of the United States, the Commonwealth and the Department who are responsible for eligibility

review, evaluation or audit functions shall have access to, and the right to the use and disclosure of, information on applicants or recipients of subsidized child care. This use and disclosure is confined to the agent's responsibility to carry out review, evaluation or audit functions.

(c) Disclosure of information beyond the scope of review, evaluation or audit functions performed by the agents requires the parent's or caretaker's informed and written consent.

(d) Information in the family file may be disclosed to the local CAO when necessary to ensure that funds are authorized appropriately.

(e) The eligibility agency shall assure the confidentiality of an individual who files an appeal or complaint about a family's receipt of subsidized child care for a child.

**§ 3041.84. Family file.**

(a) An eligibility agency shall establish and maintain a separate file for the family of each parent or caretaker who applies for subsidized child care.

(b) The family file shall contain documents pertaining to eligibility determination, redetermination, subsidized child care authorization, co-payment agreements and copies of written notices required by this chapter.

(c) A parent or caretaker or an authorized representative has a right to examine the family file.

**§ 3041.85. Record retention.**

(a) An eligibility agency shall retain family files, completed application forms, written notices, books, records and other fiscal and administrative documents pertaining to subsidized child care.

(b) Records shall be maintained for at least 6 years from the end of the fiscal year in which subsidized child care has been provided or until an audit or litigation is resolved.

(c) The fiscal year is a period of time beginning July 1 of any calendar year and ending June 30 of the following calendar year.

**§ 3041.86. Child abuse reporting.**

The eligibility agency shall immediately report suspected child abuse in accordance with 23 Pa.C.S. §§ 6301—6385 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services).

**DOMESTIC VIOLENCE WAIVERS**

**§ 3041.91. General domestic violence waiver requirements.**

(a) The eligibility agency shall grant a domestic violence waiver to a parent or caretaker who is the victim of past or present domestic violence or the threat of domestic violence.

(b) A domestic violence waiver shall be granted if compliance with a requirement of this chapter would either make it more difficult for a family or household member to escape domestic violence or place a family or household member at risk of domestic violence.

(c) The following requirements of this chapter may not be waived:

(1) Age of the child as specified in § 3041.12(b) and (c) (relating to provision of subsidized child care).

(2) Income limits as specified in § 3041.41 (relating to financial eligibility).

(3) Pennsylvania residency as specified in § 3041.42 (relating to residence).

(4) The minimum number of hours of work, education or training as specified in § 3041.43 (relating to work, education and training), except for a parent or caretaker who meets the hours of work, education or training at the time of application. The parent or caretaker shall continue to participate in some but not all hours of work, education or training.

(d) A waiver of the verification of the amount of income as specified in § 3041.65 (relating to verification of income) may not exceed 60 days.

(e) Except as specified in subsection (c), the eligibility agency may grant a domestic violence waiver for a maximum of 183 days.

**§ 3041.92. Alternate address or telephone number.**

A parent or caretaker who is a victim of domestic violence may use an alternate address for receipt of mail or telephone number for receipt of telephone calls.

**§ 3041.93. Time frame for waiver determinations.**

The eligibility agency shall act on a parent's or caretaker's waiver request no later than 15 calendar days following the date the parent or caretaker requests the waiver.

**§ 3041.94. Notice of waiver determination.**

(a) The eligibility agency shall provide written notice to the parent or caretaker regarding the eligibility agency's determination to grant or deny a waiver request. At the request of the parent or caretaker, the notice shall be mailed to an alternate address or hand-delivered to the parent or caretaker.

(b) If the waiver is granted, the notice must include the following:

- (1) The basis for granting the waiver.
- (2) A statement that the eligibility agency will review the waiver circumstances every 183 days.

(c) If the waiver is denied, the notice must include the following:

- (1) The basis for the denial.
- (2) The right to appeal the decision and how to appeal as specified in §§ 3041.162 and 3041.171 (relating to notice of right to appeal; and appealable actions).

(3) The verification the parent or caretaker shall submit for the eligibility agency to grant the waiver and the time frames in which the parent or caretaker shall submit the verification.

(4) The evidence or information needed to substantiate the waiver request and the time frames in which the parent or caretaker shall provide the information.

**CO-PAYMENT AND PAYMENT BY THE DEPARTMENT**

**§ 3041.101. General co-payment requirements.**

(a) The eligibility agency shall determine the amount of the parent's or caretaker's co-payment during the eligibility process based on the parent's or caretaker's actual or verified anticipated income and family size.

(b) A co-payment is established at an initial determination of eligibility for subsidized child care and reestablished at each successive redetermination of eligibility.

(c) The co-payment covers each child in the family who is receiving subsidized child care.

(d) The co-payment includes each day of the week for which the family establishes a need for child care.

(e) The co-payment is due on the first day of the service week and each week thereafter regardless of the day the parent or caretaker enrolls the child.

**§ 3041.102. Department's payment.**

(a) The payment rate is the daily amount paid to a child care provider for services delivered to a child who is eligible for subsidized child care.

(b) If the co-payment does not exceed the payment rate for care, the difference between the payment rate and the weekly co-payment is the Department's payment for subsidized child care.

(c) If the Department's weekly payment to the provider is less than \$5, the family is not eligible for subsidized child care with that provider.

**§ 3041.103. Adjusted co-payment for prospective work.**

(a) Upon notification by the parent or caretaker of receipt of payment for employment, the eligibility agency shall:

(1) Complete a partial redetermination no later than 10 calendar days following notification.

(2) Adjust the family co-payment, if applicable, no later than 20 calendar days following the date the parent or caretaker reports the receipt of payment from employment.

(3) Provide notice to the parent or caretaker of the planned change in the co-payment.

(b) The parent or caretaker shall begin paying the adjusted co-payment starting the first day of the service week following the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

(c) A single parent or caretaker who applies for subsidized child care and who reports prospective work is not required to pay a co-payment until the parent or caretaker receives income from work.

(d) A single parent or caretaker who receives subsidy, has involuntarily lost work and reports prospective work, is assessed the minimum co-payment based on family size until the parent or caretaker receives income from work.

**§ 3041.104. Parent or caretaker co-payment requirements.**

(a) Except as provided in subsection (b), a parent or caretaker whose child is authorized for subsidy is required to pay a co-payment and an equivalent advance co-payment to the provider prior to enrollment in the subsidized child care program. Only the co-payment is due thereafter.

(b) A parent or caretaker who transfers from TANF shall pay a co-payment and an equivalent advance co-payment to the provider. The advance co-payment shall be paid by the time of the first redetermination.

(c) If the co-payment is decreased as the result of a redetermination or partial redetermination, the parent or caretaker will begin paying the reduced co-payment on the first day of the service week following the date of the redetermination or partial redetermination.

(d) If the co-payment is decreased as the result of a redetermination or partial redetermination, the provider will refund to the parent or caretaker the difference

between the current advance co-payment and the decreased co-payment on the first day of the service week following the redetermination or partial redetermination.

(e) If the co-payment is increased as the result of a redetermination or partial redetermination, the parent or caretaker shall begin paying the increased co-payment on the first service day of the week following the notification specified in § 3041.161(a) (relating to general notification requirements) advising the parent or caretaker of the co-payment increase. The parent or caretaker shall also pay an increased advance co-payment, which is the difference between the current and the increased co-payment.

(f) The co-payment is due on the first day of the service week and each week thereafter, regardless of the day the parent or caretaker enrolls the child.

(g) The advance co-payment is refunded upon termination of subsidy if the parent or caretaker has met applicable requirements in this chapter.

**§ 3041.105. Delinquent co-payment.**

(a) A co-payment is delinquent if it is not paid by the last day of the service week.

(b) On the day the provider reports the co-payment is delinquent, the eligibility agency shall notify the parent or caretaker in writing that action will be taken to terminate subsidy for the child.

(c) If a co-payment is delinquent, the first payment paid during a week is applied to the current week's co-payment. Subsequent payments during a week are applied to the delinquent co-payment.

**§ 3041.106. Eligibility agency responsibilities regarding co-payment.**

(a) The eligibility agency shall generate notices based on delinquent co-payments.

(b) The eligibility agency shall send the provider a copy of each notice issued to a parent or caretaker whose child is enrolled with the provider.

(c) When a co-payment is reported to the eligibility agency as delinquent, the eligibility agency shall mail a notice to the parent or caretaker, on a form provided by the Department. The notice must state that service will be terminated on a date set forth on the notice, which shall be the first day after 10 calendar days following the date of the written notice, unless the delinquent co-payment is paid by that date.

(d) A family whose subsidy is terminated for failure to make required co-payments may not be reauthorized for subsidy until all outstanding co-payments have been paid in full.

(e) The eligibility agency shall retain a copy of the termination notice.

(f) The eligibility agency shall distribute, to each parent or caretaker who applies for subsidized child care, a handbook of parent's rights and responsibilities in the subsidized child care program provided by the Department.

**§ 3041.107. Availability and use of the Federal Poverty Income Guidelines.**

(a) The FPIG are used to determine the income limits and co-payments for subsidized child care.

(b) Following annual publication of the FPIG, the Department will publish an updated co-payment chart in Appendix B (relating to co-payment chart family co-

payment scale based on the 2005 FPIGs) through a notice in the *Pennsylvania Bulletin*.

(c) Except for child care provided under § 3041.51 (relating to Head Start expansion program), the eligibility agency shall inform each parent or caretaker of the dollar amount that is equivalent to 235% of FPIG as specified in Appendix B and shall explain that 235% and the specific dollar figure are the highest annual income amount permitted to receive subsidized child care.

**§ 3041.108. Co-payment for families headed by a parent.**

(a) For families headed by a parent, the family co-payment shall be determined based on the following:

(1) The family size and family income, as specified in §§ 3041.31–3041.34 (relating to determining family size and income).

(2) The co-payment shall be at least \$5, unless waived as specified in §§ 3041.44(a) and 3041.91(c) (relating to prospective work, education and training; and general domestic violence waiver requirements).

(3) The family’s annual co-payment may not exceed 11% of the family’s annual income.

(4) If the family’s annual income is 100% of FPIG or less, the annual co-payment may not exceed 8% of the family’s annual income.

(b) The eligibility agency shall determine the co-payment by using the co-payment chart in Appendix B (relating to co-payment chart family co-payment scale based on the 2005 FPIGs). The co-payment is calculated in \$5 increments for each \$2,000 of annual income.

(c) If a family has only one child who is enrolled in school and who receives a total of fewer than 5 hours daily of before or after-school care, the family shall pay one-half the weekly co-payment specified in Appendix B.

(d) If the co-payments for 1 month are equal to or exceed the monthly payment for care, the family is not eligible for subsidized child care with that provider.

**§ 3041.109. Co-payment for families headed by a caretaker.**

(a) If a family is headed by a parent who is also the caretaker for another child for whom subsidy is requested, the eligibility agency shall determine the family co-payment as specified in § 3041.108(a) (relating to co-payment for families headed by a parent).

(b) If the co-payments for 1 month are equal to or exceed the monthly payment for care, the family is not eligible for subsidized child care with that provider.

**ELIGIBILITY DETERMINATION AND REDETERMINATION**

**§ 3041.121. Application.**

(a) The eligibility agency shall make applications for subsidized child care available to any person upon request.

(b) A signed application for subsidized child care under this chapter may be filed by a parent or caretaker on any day and at any time that the eligibility agency is open for business.

(c) A parent or caretaker may submit an application by mail, hand-delivery, facsimile or electronically.

**§ 3041.122. Initial determination of eligibility.**

(a) The eligibility agency shall stamp the date of receipt on the signed application on the same day the

eligibility agency receives the application by mail, hand-delivery, facsimile or electronically.

(b) The eligibility agency shall determine a family’s eligibility and authorize payment for subsidized child care no later than 10 calendar days following verification of all factors of eligibility. The eligibility agency may not delay a determination of eligibility beyond 30 calendar days following receipt of a signed application from the parent or caretaker.

(c) The eligibility agency shall determine a family eligible retroactive to the date the family submitted a signed application if the eligibility agency has received all information necessary to complete the application and the verification provided by the parent or caretaker establishes eligibility.

**§ 3041.123. Effective date of coverage.**

(a) If the eligibility agency determines a family eligible for subsidized child care and if funding is available, coverage of child care costs is retroactive to the date the family submitted a signed application.

(b) If the eligibility agency places a child on a waiting list following the determination of eligibility, coverage of child care costs must begin on the date funding is available.

**§ 3041.124. Notification of parent, caretaker and child care provider.**

(a) The eligibility agency shall notify the parent or caretaker of the family’s eligibility status within 30 calendar days of receiving a signed application.

(b) If the eligibility agency determines a family eligible for subsidized child care, the eligibility agency shall notify the family’s child care provider of the family’s eligibility status.

**§ 3041.125. Period of eligibility.**

A family receiving subsidy remains eligible until determined ineligible.

**§ 3041.126. Face-to-face interview.**

(a) If the eligibility agency determines a family eligible for subsidized child care and if funding is available, the parent or caretaker shall attend a face-to-face interview with the eligibility agency no later than 30 calendar days following the date the eligibility agency notifies the family of eligibility for subsidized child care.

(b) If the eligibility agency determines a family eligible for subsidized child care and if funding is not available at the time of the eligibility determination, the parent or caretaker shall attend a face-to-face interview with the eligibility agency no later than 30 calendar days following the date the first child from a family is enrolled in subsidized child care.

(c) The eligibility agency shall accommodate the parent’s or caretaker’s work hours in scheduling the interview.

(d) The eligibility agency may extend the 30-day time frame for the face-to-face interview if, on or before the 30th calendar day, the parent or caretaker claims hardship due to conflicts with the parent’s or caretaker’s working hours, transportation problems or illness of the parent or caretaker or another family member. At the time the parent or caretaker claims hardship, the eligibility agency may grant an additional 30 days from the date the hardship is claimed for the interview.

**§ 3041.127. Parent and caretaker report of change.**

(a) A parent or caretaker may report a change in circumstances whenever a change occurs.

(b) A parent or caretaker shall report the following changes to the eligibility agency no later than 10 calendar days following the date of the change:

- (1) Loss of work, including layoffs or strikes.
- (2) Decrease in the hours of work, education or training below an average of 20 hours per week.
- (3) A change in the number of days or hours for which subsidized child care is needed.
- (4) Onset of maternity, paternity or adoption leave and return to work following leave.
- (5) Onset of a disability and return to work following disability.
- (6) Change of address.
- (7) Change in family composition.

**§ 3041.128. Review of changes.**

If the parent or caretaker reports a change that may result in a decrease in the family co-payment, the eligibility agency shall review the change and complete a partial redetermination as specified in § 3041.129 (relating to partial redetermination based on reported changes).

**§ 3041.129. Partial redetermination based on reported changes.**

(a) The eligibility agency shall complete a partial redetermination of eligibility if the parent or caretaker reports a change as specified in § 3041.127 (relating to parent and caretaker report of change). A co-payment is not reassessed during a partial redetermination.

(b) The partial redetermination shall be completed by the eligibility agency no later than 10 calendar days from the date the parent or caretaker reports and verifies a change.

(c) The eligibility agency shall establish a new redetermination date to review eligibility if the information obtained during a partial redetermination indicates one of the following:

- (1) The family's financial or nonfinancial status is expected to change in a manner that affects eligibility or co-payment.
- (2) A parent or caretaker has a disability and the disability is anticipated to end prior to the family's redetermination date.
- (3) A parent's or caretaker's work is seasonal or temporary.
- (4) A parent's or caretaker's education ends prior to the family's redetermination date.
- (5) A parent or caretaker begins maternity, paternity or adoption leave or a parent's or caretaker's maternity, paternity or adoption leave changes or ends prior to the family's redetermination date.
- (6) A waiver of eligibility or verification requirement is granted due to domestic violence as specified in § 3041.91 (relating to general domestic violence waiver requirements).

(d) If a parent or caretaker reports a change in the factors affecting financial or nonfinancial eligibility that does not cause a change in the co-payment or in the eligibility determination, the eligibility agency is not required to complete a partial redetermination.

(e) The eligibility agency shall retain in the family file the information used in the partial redetermination.

(f) If the parent or caretaker reports a change that results in the family or a child in the family becoming ineligible for subsidy, the eligibility agency shall take the necessary steps to terminate the subsidy with proper notification to the family, under § 3041.165 (relating to notice of adverse action).

**§ 3041.130. Redetermination of eligibility.**

(a) The eligibility agency shall complete a redetermination of eligibility every 6 months and establish the family's next redetermination date.

(b) Prior to the redetermination, the eligibility agency shall do the following:

(1) Provide the parent or caretaker with the Department's form listing the following information last reported for each parent or caretaker or child in the family:

- (i) Earned income.
- (ii) Unearned income.
- (iii) Hours of work, education and training.
- (iv) Family composition.
- (v) Address.

(2) Request that the parent or caretaker verify the family's current earned income.

(3) Verify the following factors only if the parent or caretaker reports a change:

- (i) Unearned income.
- (ii) A decrease in hours of work, education or training to fewer than 20 hours per week.
- (iii) Family composition.

**§ 3041.131. Procedures for redetermination.**

(a) No earlier than 6 weeks prior to redetermination, the eligibility agency shall send the family a form that lists the factors that will be reviewed for the redetermination of eligibility and explain the verification that will be needed to complete the redetermination.

(b) If the parent or caretaker submits only some of the required verification elements prior to the redetermination, the eligibility agency shall request in writing that the parent or caretaker submit the additional verification no later than the family's redetermination date.

(c) The eligibility agency shall retain a copy of the notification in the family file.

(d) The eligibility agency shall send a written notice to the parent or caretaker regarding failure to provide required verification only after the family's redetermination date.

(e) The eligibility agency shall require the parent or caretaker to complete, sign and either mail, hand-deliver or fax the applicable form at each redetermination.

**§ 3041.132. Voluntary request to terminate subsidized child care.**

(a) A parent or caretaker may request the eligibility agency to terminate subsidy.

(b) Upon receipt of a request to terminate subsidy, the eligibility agency shall take steps to terminate the family's eligibility.

(c) The eligibility agency shall notify the parent or caretaker as specified in § 3041.166 (relating to notice confirming voluntary withdrawal).

**§ 3041.133. Waiting list.**

(a) If funds are not available to enroll a child following determination of the family's eligibility for subsidy, the eligibility agency shall place an eligible child on a waiting list on a first-come, first-served basis. Placement on the waiting list must be determined by the date and time eligibility for the child was determined.

(b) If a parent or caretaker requests subsidized child care for an additional child following the date the family was initially determined eligible for subsidized child care, the additional child shall be placed on the waiting list according to the date and time that the parent or caretaker requests care for the additional child.

(c) If a parent or caretaker does not select an eligible provider and enroll the child for child care no later than 30 calendar days following the date funding is available, the child will not be eligible for subsidy and will be removed from the waiting list.

(d) If a family was determined eligible and placed on the waiting list more than 6 months prior to the date that funding became available to enroll the child in subsidized child care, the eligibility agency shall complete a redetermination prior to enrollment and confirm that the family is eligible for subsidized child care.

**FORMER TANF FAMILIES**

**§ 3041.141. General former TANF families provisions.**

(a) A family that is no longer eligible for TANF cash assistance benefits or a family that voluntarily left TANF and meets the eligibility requirements specified in this chapter may qualify for subsidized child care.

(b) The eligibility agency shall review the information received from the CAO about a parent or caretaker who formerly received TANF benefits.

(c) The eligibility agency shall determine the date TANF benefits ended and establish the 183-day period after eligibility for TANF ends, within which the parent or caretaker may receive child care benefits.

(d) Eligibility shall begin the day following the date TANF benefits ended and shall continue for 183 consecutive days.

(e) The parent or caretaker may request child care benefits at any time during the 183-day period after eligibility for TANF ended.

(f) A child should not be placed on a waiting list if a former TANF parent or caretaker requests subsidized child care for a child any time prior to 184 calendar days after TANF benefits ended.

**§ 3041.142. General requirements for former TANF families.**

(a) During the 183-day period after eligibility for TANF benefits ended or after a family voluntarily left TANF, a parent or caretaker shall meet only the following conditions:

(1) The parent or caretaker shall meet the work requirements as specified in § 3041.43 (relating to work, education and training). The minimum work-hour requirement does not apply if the loss of TANF benefits was due to earnings from work in excess of the income limit for the TANF program.

(2) The parent's or caretaker's annual income may not exceed 235% of the FPIG.

(3) The parent or caretaker shall select an eligible child care provider as specified in § 3041.13(a) (relating to parent choice).

(4) The parent or caretaker shall make timely payment of the co-payment as specified in § 3041.101 (relating to general co-payment requirements).

(b) A former TANF parent or caretaker who is transferred to the eligibility agency by the CAO or who applies for subsidized child care during the 183-day period after eligibility for TANF ended as specified in subsection (a), should not be placed on a waiting list.

(c) On the 184th day after eligibility for TANF ended, the period of former TANF eligibility ends and the parent or caretaker shall meet the requirements of this chapter.

(d) No later than the 184th calendar day after TANF benefits ended, the eligibility agency shall complete a redetermination of eligibility and establish the family's next redetermination date.

**§ 3041.143. Notification.**

(a) If the eligibility agency determines that a parent or caretaker met the requirements in § 3041.142 (relating to general requirements for former TANF families) and was receiving child care on the date TANF benefits ended, the eligibility agency shall notify the parent or caretaker and the provider by letter of the following:

(1) The parent or caretaker is eligible for subsidized child care benefits on or before the 183-day period after TANF benefits ended, but will be subject to a redetermination of eligibility no later than the 184th day after TANF benefits ended.

(2) The parent or caretaker shall contact the eligibility agency to establish that the parent or caretaker continues to need child care.

(b) If the eligibility agency determines that a parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency shall notify the parent or caretaker by letter of the following:

(1) The parent or caretaker may be eligible for child care benefits.

(2) The parent or caretaker may contact the eligibility agency if child care is needed during the 183-day period after TANF benefits ended.

(3) Eligibility for subsidized child care is assured if the minimum requirements specified in § 3041.142 (a) (relating to general requirements for former TANF families) are met.

**§ 3041.144. Face-to-face interview for former TANF families.**

(a) When the parent or caretaker contacts the eligibility agency in response to the letter specified in § 3041.143(a) (relating to notification) and within 183 days after TANF benefits end, the eligibility agency shall inform the parent or caretaker of the requirement to attend a face-to-face interview with the eligibility agency. The face-to-face interview shall occur no later than 30 calendar days following the date of the letter unless on or before the 30th day, the parent or caretaker claims hardship. At the time the parent or caretaker claims

hardship, the eligibility agency may grant an additional 30 days from the date the hardship is claimed for the interview.

(b) When the parent or caretaker contacts the eligibility agency in response to the letter specified in § 3041.143(b), the eligibility agency shall schedule a face-to-face interview with the parent or caretaker. The eligibility agency may substitute a telephone contact for a face-to-face interview if a face-to-face interview cannot be scheduled without the parent or caretaker losing work time.

(c) To maintain continuous child care payment from the day following the date TANF benefits ended, the parent or caretaker shall attend a face-to-face interview or participate in a telephone contact with the eligibility agency as specified in § 3041.145 (relating to verification and reporting).

**§ 3041.145. Verification and reporting.**

At the time of the parent's or caretaker's face-to-face interview with the eligibility agency and within the 183-day period after TANF benefits end or at the time of telephone contact by the eligibility agency with the parent or caretaker, the eligibility agency shall:

(1) Require the parent or caretaker who contacts the eligibility agency within 60 calendar days following the date TANF benefits end to self-certify the following:

(i) The need for child care in order to work or attend education or training and the days and hours for which the child needs care.

(ii) The name of the employer, education or training.

(iii) The hours the parent or caretaker works or attends education or training.

(iv) The accuracy of the facts in the TANF transfer information regarding family address, size and income.

(v) Financial eligibility as specified in § 3041.142(a) (relating to general requirements for former TANF families).

(2) Require the parent or caretaker who does not contact the eligibility agency within 60 calendar days following the date TANF benefits end to self-declare the following:

(i) The need for child care in order to work or attend education or training and the days and hours for which the child needs care.

(ii) The name of the employer, education or training.

(iii) The hours the parent or caretaker works or attends education or training.

(iv) The accuracy of the facts in the TANF transfer information regarding family address, size and income.

(v) Financial eligibility as specified in § 3041.142(a).

(3) Advise the parent or caretaker to report the following:

(i) Loss of work.

(ii) Change in family composition.

(iii) Increase in monthly or annual gross family income.

(4) Advise the parent or caretaker that an eligibility determination or redetermination shall be completed by the eligibility agency.

(5) Collect information regarding the parent's or caretaker's choice of provider or help the parent or caretaker to locate an eligible provider.

**§ 3041.146. Failure to contact the eligibility agency.**

(a) If a parent or caretaker who was receiving child care on the date TANF benefits ended fails to contact the eligibility agency in response to the letter specified in § 3041.143(a) (relating to notification), the eligibility agency shall contact the parent or caretaker by telephone no later than 31 calendar days following the date of the letter.

(b) When the eligibility agency contacts the parent or caretaker as specified in subsection (a), the eligibility agency shall determine the following:

(1) The parent's or caretaker's choice to meet the contact requirement using a telephone contact or participating in a face-to-face interview.

(2) The parent's or caretaker's continuing need for child care.

(c) If the eligibility agency determines that the parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency may not authorize payment for child care benefits until the date the parent or caretaker contacts the eligibility agency and requests benefits.

(d) If a parent or caretaker who was receiving child care on the date TANF benefits ended does not attend a face-to-face interview as specified in § 3041.144(a) (relating to face-to-face interview for former TANF families), the eligibility agency shall contact the parent or caretaker by telephone no later than the day following the date the parent or caretaker failed to attend the face-to-face interview to determine the information specified in subsection (b).

**§ 3041.147. Payment authorization.**

(a) The eligibility agency shall review a request from a parent or caretaker to authorize child care payment at any time during the 183-day period after eligibility for TANF benefits ended.

(b) The eligibility agency shall authorize child care payment at any time during the 183-day period after eligibility for TANF ended.

(c) The eligibility agency may not pay child care costs that exceed the maximum child care allowance less the family co-payment for the type of care the child received from the provider.

**§ 3041.148. Retroactive payment.**

(a) If the eligibility agency authorizes payment for a parent or caretaker who was receiving child care on the date TANF benefits ended, the authorization shall be retroactive to the day following the date TANF benefits ended.

(b) If the eligibility agency determines that the parent or caretaker was not receiving child care or cannot determine whether the parent or caretaker was receiving child care on the date TANF benefits ended, the eligibility agency shall require the parent or caretaker to submit verification of child care costs incurred during the 183-day period after eligibility for TANF ended.

(c) The eligibility agency shall authorize payment for the parent or caretaker specified in section (b) retroactive to the date the parent or caretaker first incurred child care expenses.

(d) The eligibility agency shall inform the parent or caretaker that the parent or caretaker shall select an eligible provider within 30 calendar days as specified in

§ 3041.13 (relating to parent choice), if the parent or caretaker had selected an ineligible provider.

**§ 3041.149. Transfer from other states.**

(a) A parent or caretaker who received TANF program benefits in another state and applies for subsidized child care is eligible if the parent or caretaker meets the following conditions:

(1) The parent or caretaker applies within 183 days after TANF benefits ended.

(2) The parent or caretaker meets the requirements specified in § 3041.142 (relating to general requirements for former TANF families).

(b) The eligibility agency shall determine the date TANF benefits ended in the other state and establish eligibility for the 183-day period after eligibility for TANF ended as specified in § 3041.141 (relating to general former TANF families provisions).

**§ 3041.150. Expiration of TANF benefits.**

(a) A parent or caretaker who has exhausted the 5-year limit on TANF benefits is eligible for 60 calendar days of subsidized child care to seek work.

(b) The eligibility agency shall determine the date TANF benefits ended and establish the period of former TANF eligibility as specified in § 3041.141 (relating to general former TANF families provisions).

(c) The parent or caretaker may apply at any time during the 183-day period after eligibility for TANF ended.

(d) Notwithstanding subsection (a), the maximum period of eligibility under this section is 183 days.

**NOTIFICATION AND RIGHT TO APPEAL**

**§ 3041.161. General notification requirements.**

(a) The eligibility agency shall notify the parent or caretaker in writing no later than 10 calendar days prior to taking an action that affects the family's eligibility status for subsidized child care or a change in the amount of the family's subsidized child care benefit.

(b) Following the preparation of a written notice, the eligibility agency shall:

(1) Mail or hand-deliver within 1 working day of preparation, the original and one copy of the notice to the parent or caretaker.

(2) Notify the family's child care provider as soon as the family is determined eligible or ineligible for subsidized child care.

(3) Retain a copy of the notice in the family file as specified in § 3041.84 (relating to family file).

**§ 3041.162. Notice of right to appeal.**

The following information shall be included in the notice of the right to appeal:

(1) The statement regarding the parent's or caretaker's right to appeal.

(2) The time frame associated with filing a timely appeal as specified in §§ 3041.174(d) and 3041.176(b) (relating to parent or caretaker rights and responsibilities; and hearing procedures).

(3) The time frame associated with subsidy continuation as specified in § 3041.173 (relating to subsidy continuation during the appeal process).

(4) The consequence of filing an appeal untimely.

(5) The responsibility to repay if subsidy continues and the parent or caretaker does not win the appeal.

(6) Instructions regarding how to appeal.

**§ 3041.163. Notice of eligibility.**

(a) The notice of eligibility shall be on a form provided by the Department.

(b) If the eligibility agency determines a family eligible for subsidy upon initial application, at the time of redetermination or at a review of a reported change, the written notification shall include the following:

(1) The amount of the co-payment.

(2) The parent's or caretaker's responsibility to pay the co-payment as specified in § 3041.101(e) (relating to general co-payment requirements).

(3) The parent's or caretaker's responsibility to pay an equivalent advance co-payment.

(4) The parent's or caretaker's responsibility to report changes as specified in § 3041.127 (relating to parent and caretaker report of change).

(5) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(6) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3041.162 and 3041.171 (relating to notice of right to appeal; and appealable actions).

**§ 3041.164. Notice of ineligibility.**

(a) The notice of ineligibility must be on a form provided by the Department.

(b) If the eligibility agency determines a family ineligible for subsidy, the written notification shall include the following:

(1) The decision.

(2) The reason for the decision.

(3) A citation, and brief explanation in simple, nontechnical language, of the applicable section of this chapter or other applicable law that was the basis for the decision.

(4) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(5) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3041.162 and 3041.171 (relating to notice of right to appeal; and appealable actions).

**§ 3041.165. Notice of adverse action.**

(a) The eligibility agency shall send a notice to a parent or caretaker currently receiving subsidy when the eligibility agency proposes to terminate, suspend or disrupt subsidy payment or to increase the family co-payment.

(b) The eligibility agency shall prepare a notice of adverse action on a form provided by the Department.

(c) The notice of adverse action must include:

(1) The decision or proposed action.

(2) The date the action will occur.

(3) The reason for the decision or proposed action and information about how to become eligible.

(4) A citation, and brief explanation in simple, nontechnical language, of the applicable section of this chapter or other applicable law that is the basis for the decision or proposed action.

(5) The name, address and telephone number of the local legal services office where the parent or caretaker may obtain free legal representation.

(6) The right of the parent or caretaker to appeal the decision and how to appeal as specified in §§ 3041.162 and 3041.171 (relating to notice of right to appeal; and appealable actions).

**§ 3041.166. Notice confirming voluntary withdrawal.**

The eligibility agency shall, by written notice to the parent or caretaker, confirm the parent's or caretaker's voluntary withdrawal of a child from subsidized child care.

**§ 3041.167. Notice of overpayment.**

(a) The eligibility agency shall notify the parent or caretaker in writing of an overpayment.

(b) The notice of overpayment must include the following:

(1) The reason for the overpayment as specified in § 3041.181 (relating to overpayment).

(2) The period of the overpayment.

(3) The amount of the overpayment.

(4) An explanation of how the overpayment was calculated.

(5) The repayment methods as specified in § 3041.186 (relating to collection).

(6) The right of the parent or caretaker to appeal the decision on the overpayment and how to appeal as specified in §§ 3041.162 and 3041.171 (relating to notice of right to appeal; and appealable actions).

**APPEAL AND HEARING PROCEDURES**

**§ 3041.171. Appealable actions.**

A parent or caretaker has the right to appeal a Departmental or eligibility agency action or failure to act, including the following:

(1) Denial of subsidy.

(2) Termination of subsidy.

(3) Computation of the co-payment.

(4) Denial of a request for waiver of a requirement of this chapter based on domestic violence as specified in § 3041.91 (relating to general domestic violence waiver requirements).

(5) Failure of the eligibility agency to act upon a request for subsidy within the time limits specified in this chapter.

(6) Subsidy suspension, as specified in § 3041.21 (relating to subsidy suspension).

(7) Subsidy disruption, as specified in § 3041.22 (relating to subsidy disruption).

**§ 3041.172. Discontinuation of subsidy.**

Subsidy is not continued pending a hearing decision if the parent or caretaker appeals the disruption of subsidy when the eligibility agency lacks funding to continue subsidy to a child as specified in § 3041.22 (relating to subsidy disruption).

**§ 3041.173. Subsidy continuation during the appeal process.**

(a) Subsidy continues at the prior level until the appeal is heard and a final decision is made by the Department, if the parent or caretaker does both of the following:

(1) Files an appeal that is postmarked or received no later than 10 calendar days after the date of the written notice.

(2) Appeals for a reason other than disruption of subsidy or a lack of funding.

(b) If subsidy continues as specified in subsection (a), the parent or caretaker shall continue to make timely payment of the co-payment that was in effect prior to issuance of the notice of adverse action until a final decision is made by the Department, as specified in § 3041.101 (relating to general co-payment requirements).

(c) If subsidy continues during the appeal process and the hearing officer finds in favor of the eligibility agency or the Department, the parent or caretaker shall reimburse the Department for the amount of the subsidy or increase in subsidy paid for child care from the proposed effective date of the adverse action until the date subsidy is terminated or decreased, based on the final administrative action order.

**§ 3041.174. Parent or caretaker rights and responsibilities.**

(a) A parent or caretaker appealing an adverse action shall submit a written request to the eligibility agency in accordance with Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) within 30 days following notification. The parent or caretaker shall specify the reason for the appeal, the current address and a telephone number, if possible, where the parent or caretaker can be reached during the day.

(b) A parent or caretaker may orally appeal. The eligibility agency shall document the date of the oral appeal in the case file. The parent or caretaker shall confirm the oral appeal in writing to the eligibility agency no later than 7 calendar days following the date the parent or caretaker orally requested an appeal.

(c) A parent or caretaker may authorize an adult to represent him at the hearing.

(d) If the parent or caretaker wants subsidy to continue pending a hearing decision, subject to § 3041.173 (relating to subsidy continuation during the appeal process), the parent or caretaker shall submit a written appeal no later than 10 calendar days following the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

(e) If the parent or caretaker requests that subsidy continue pending a hearing decision, the parent or caretaker shall make timely payment of the co-payment that was in effect prior to issuance of the notice of adverse action until a final decision is made by the Department, as specified in § 3041.101 (relating to general co-payment requirements).

**§ 3041.175. Eligibility agency responsibilities regarding appeal.**

(a) If the parent or caretaker is unable to prepare a written appeal, the eligibility agency shall assist the parent or caretaker in preparing a written appeal. The parent or caretaker shall sign the appeal request.

(b) When the eligibility agency receives an appeal that is timely postmarked or delivered, the eligibility agency shall date-stamp the appeal, the envelope and the attachments with the date of receipt and retain copies of all original appeal information.

(c) The eligibility agency shall keep a copy and forward the original appeal along with the postmarked envelope to the Department's Bureau of Hearings and Appeals no later than 3 working days following the date the appeal is received by the eligibility agency.

(d) The eligibility agency may not take the proposed adverse action until 10 calendar days following the date the written notice is postmarked or hand-delivered to the parent or caretaker and then only if the parent or caretaker has not filed an appeal. Subsidy may be continued at the prior level only if the parent or caretaker meets the requirements in § 3041.173 (relating to subsidy continuation during the appeal process).

(e) The eligibility agency may take the proposed adverse action before 10 calendar days following the date a provider closes for financial difficulties or loss of certification or registration or if funding is not available to continue subsidized care to the child.

**§ 3041.176. Hearing procedures.**

(a) Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) applies to hearings that are held under this chapter, except as specifically superseded by this chapter.

(b) An appeal postmarked or received after 30 calendar days from the date the written notice is postmarked or hand-delivered to the parent or caretaker will be dismissed as untimely without a hearing, unless one of the provisions allowing for appeals after 30 calendar days applies as specified in § 275.3(b)(2) and (3) (relating to time limitations on right to appeal).

(c) The hearing may be conducted by a telephone conference call with the parties to the appeal, including the parent or caretaker, the authorized representative of the parent or caretaker, the eligibility agency, the Department and the hearing officer.

(d) The parent or caretaker has the right to request a face-to-face hearing instead of a telephone hearing. Face-to-face hearings will be held in locations specified by the Department.

(e) If a parent or caretaker does not withdraw an appeal, the eligibility agency or the Department, if appropriate, will take part in the scheduled hearing to justify the action to which the parent or caretaker objects.

(f) If the eligibility agency or the Department fails to appear at the hearing and the parent or caretaker appears, the parent's or caretaker's appeal will be sustained.

(g) If the parent or caretaker fails to appear for the hearing, regardless of whether the eligibility agency or the Department appears, the appeal is considered abandoned and the decision of the eligibility agency or the Department will be sustained.

(h) The Department will notify the eligibility agency and the parent or caretaker, in writing, when disposition of the appeal is made.

(i) The eligibility agency shall implement the final administrative action within the time limit ordered by the Department or on the first day child care is needed in the week following receipt of the final administrative action order.

**OVERPAYMENT AND DISQUALIFICATION**

**§ 3041.181. Overpayment.**

The parent or caretaker may not be required to repay an overpayment except for an overpayment resulting from one of the following:

- (1) Fraud.
- (2) Failure to comply with this chapter.
- (3) Subsidy continuation pending an appeal when the parent or caretaker did not win the appeal.

**§ 3041.182. Eligibility agency responsibilities regarding overpayment.**

(a) The eligibility agency shall inform a parent or caretaker who files an appeal and requests subsidy continuation pending appeal, that if the hearing decision is in favor of the eligibility agency or the Department, the parent or caretaker shall reimburse the amount of the overpayment unless the hearing officer determines a hardship.

(b) The eligibility agency shall pursue possible overpayments in active and closed cases, including those that were voluntarily closed.

(c) The following are the responsibilities of the eligibility agency when exploring possible overpayments:

- (1) Determination of whether the overpayment is the result of one of the conditions specified in § 3041.181 (relating to overpayment).
- (2) Written assurance that the methods of exploring overpayments are appropriate to the particular situation and to the different eligibility factors.
- (3) Assurance that the methods of exploring overpayments do not infringe on the civil liberties of individuals or interfere with the due process of law.
- (4) Investigation of a credible complaint that a parent or caretaker is erroneously receiving subsidized child care.
- (5) Identification and documentation of the causes of the overpayment.
- (6) Computation of the amount of the overpayment.
- (7) Referral of suspected fraud cases to the Office of Inspector General.

(8) Submission of an overpayment notice to the parent or caretaker as specified in § 3041.167 (relating to notice of overpayment).

**§ 3041.183. Delaying recoupment.**

Recoupment shall be delayed until after a hearing decision, if the family files an appeal of the overpayment decision no later than 10 calendar days after the date the written notice is postmarked or hand-delivered to the parent or caretaker by the eligibility agency.

**§ 3041.184. Notifying the Department.**

The eligibility agency shall notify the Department when recoupment stops before the overpayment is fully recouped.

**§ 3041.185. Repayment.**

The parent or caretaker shall repay the eligibility agency or Department the full amount of the overpayment.

**§ 3041.186. Collection.**

(a) The eligibility agency shall collect the total amount of the overpayment from a family whose child continues to receive subsidized child care when the eligibility agency identifies an overpayment.

(b) If the Department, eligibility agency or other entity identifies an overpayment subject to repayment as specified in § 3041.181 (relating to overpayment) related to a family whose child continues to receive subsidized child care, the eligibility agency shall:

(1) Notify the parent or caretaker by a letter that a repayment is required, the amount of the repayment and the following repayment options:

- (i) A one-time payment of the full amount owed.
- (ii) A one-time partial payment and an increase in the co-payment to be paid until repayment is complete.
- (iii) An increase in the co-payment until the repayment is complete.

(2) Automatically implement an increase to the co-payment until the repayment is complete when the parent or caretaker does not select an option as specified in paragraph (1) no later than 10 calendar days following the date of the letter.

(3) Notify the parent or caretaker by a second letter of failure to choose a repayment option as specified in paragraph (1), the amount of the increased co-payment and the number of weeks the increased co-payment will continue.

**§ 3041.187. Co-payment increase.**

(a) A co-payment increase for the purpose of collecting an overpayment may not exceed an amount greater than 5% of the family's gross monthly income. If the parent or caretaker indicates to the eligibility agency that an increase to 5% would cause hardship to the family, the family and the eligibility agency may agree to a lesser amount.

(b) A parent or caretaker may choose to increase the co-payment beyond the amount specified in subsection (a) to repay an overpayment in a shorter period of time.

(c) The eligibility agency shall issue a written notice of adverse action as specified in §§ 3041.161 and 3041.165 (relating to general notification requirements; and notice of adverse action) before implementation of an increase in the co-payment.

**§ 3041.188. Collection for a family whose child is no longer in care.**

(a) The eligibility agency shall collect the total amount of the overpayment from a family whose child is no longer receiving subsidized child care if the eligibility agency identifies an overpayment.

(b) If the Department, eligibility agency or other entity identifies an overpayment for a family whose child is no longer receiving subsidized child care, the eligibility agency shall:

(1) Notify the Department of the subsidy termination date, the amount of the overpayment recouped and the amount outstanding. The Department will notify the parent or caretaker by letter of the overpayment, the amount of the outstanding overpayment and that repayment is required in either a single payment or under a payment plan agreeable to the parent or caretaker and the eligibility agency. The letter must state that the parent or caretaker has 10 calendar days to respond to

the Department indicating agreement or disagreement and indicating the choice of a repayment method.

(2) Send a second letter that repeats the information contained in the letter specified in paragraph (1) when the Department notifies the eligibility agency that the parent or caretaker failed to respond. The second letter must also request a response from the parent or caretaker no later than 10 calendar days following the date of the letter.

(c) The Department may institute civil legal proceedings when the parent or caretaker fails to respond to the second letter.

**§ 3041.189. Disqualification.**

(a) The parent or caretaker is disqualified from participating in the subsidized child care program if one of the following applies:

(1) A Federal or State court finds the parent or caretaker guilty of fraud in applying for or receiving subsidized child care.

(2) A hearing officer determines that the parent or caretaker committed fraud pursuant to the procedures and standards in Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(3) The parent or caretaker signs a disqualification consent agreement as part of a court's deferred adjudication process.

(b) Upon disqualification under subsection (a), a parent or caretaker and eligible children in the parent's or caretaker's family shall be prohibited from participation in the subsidized child care program:

(1) For 6 months from the date of the first conviction, hearing decision or determination.

(2) For 12 months from the second conviction, hearing decision or determination.

(3) Permanently from the date of the third conviction, hearing decision or determination.

(c) A parent or caretaker may not be granted a hearing on a court conviction or administrative disqualification hearing decision that led to the disqualification.

**APPENDIX A****INCOME TO BE INCLUDED, DEDUCTED AND EXCLUDED IN DETERMINING GROSS MONTHLY INCOME****PART I. INCOME INCLUSIONS.**

Income from the following sources is included when determining total gross monthly income:

A. Money, wages or salary earned by a parent or caretaker before deductions for taxes, Social Security, savings bonds, pensions, union dues, health insurance and similar purposes, for work performed as an employee. This includes commissions, tips, piece-rate payments and cash bonuses. Income earned by an unemancipated minor is not included.

B. Armed forces pay which includes base pay plus cash, but does not include housing subsistence, allowances or the value of rent-free quarters.

C. Voluntary and court-ordered support received for any person in the family.

D. Net income from nonresident and real property, defined as gross receipts minus the expenses for continuing the income, such as depreciation charges, business

taxes (not personal income taxes), interest on mortgages, repairs and similar expenses.

E. Social Security benefits, Supplemental Security Income, survivors' benefits and permanent disability insurance payments made by the Social Security Administration before deductions of health insurance premiums.

F. Railroad retirement, disability or survivors' benefit payments made by the United States Government under the Railroad Retirement Act, before deductions of health insurance premiums.

G. State blind pension payments made by the Department.

H. Public assistance or welfare benefits or retirement benefits.

I. Private pensions and annuities, including retirement benefits paid to a retired person or his survivors by a former employer or a union, either directly or through an insurance company.

J. Government employee pensions paid by Federal, State, county or other governmental agencies to former employees, including members of the armed forces, or their survivors.

K. Unemployment compensation received from government unemployment insurance agencies or private companies during periods of unemployment and strike benefits received from union funds.

L. Workers' compensation received from private or public insurance companies.

M. Veterans' payments, defined as money paid periodically by the Veterans Administration (VA) to disabled members of the armed forces or to the survivors or dependents of deceased or disabled veterans, subsistence allowances paid to the survivors of deceased veterans and subsistence allowances paid to veterans for education and on-the-job training, as well as so-called "refunds" paid to ex-service persons as GI insurance premiums. For the disabled veteran in the Vocational Rehabilitation Program, the subsistence allowance and the veteran's disability allowance are counted as income.

N. Capital gains, profit from S-corporations and dividends, including dividends from stocks, bonds, mutual funds or from membership in an association.

O. Interest on savings and bonds.

P. Income from estates and trust funds.

Q. Net income from royalties.

R. Lump sum cash of more than \$100: inheritances, life insurance benefits; personal injury and other damage awards and settlements; retroactive benefits such as Retirement, Survivor's or Disability Insurance and delayed Unemployment, divorce settlements, gifts or Worker's Compensation.

S. Lump sum cash lottery winnings or cash prizes of more than \$100.

T. Profit from self-employment; total gross receipts minus costs of doing business. The costs of doing business include:

(1) Costs of maintaining a place of business such as rent, utilities, insurance on the business and its property and property taxes. Note: If a business is operated in a home, the costs of maintaining a place of business are only those costs identified for the part of the home used exclusively for the business.

(2) Interest on the purchase of income-producing equipment and property.

(3) Employee labor costs, such as wage, salaries, taxes, benefits, Unemployment Compensation or Worker's Compensation.

(4) Cost of goods sold, supplies and materials.

(5) Advertising costs.

(6) Accounting and legal fees.

(7) Professional licensing fees and union dues, if necessary to practice a profession or trade.

(8) Transportation costs necessary to produce income.

(9) Depreciation.

(10) Other deductions allowed by the Internal Revenue Service (IRS).

U. Net income from room rent or room and board: Gross income received minus \$10 per month for each room rented. Divide the remainder by 2. That number is the income inclusion.

*CONVERSION TABLE*

Convert weekly, biweekly, semi-monthly and other pay periods to gross monthly amounts using the following Conversion Table:

<b>Frequency of income</b>	<b>Conversion method</b>
Daily	Multiply the daily income by the number of workdays in a week, then multiply by 4.3.
Weekly	Multiply by 4.3.
Biweekly (every 2 weeks)	Divide by 2, then multiply by 4.3.
Semimonthly (twice a month)	Multiply by 2 for monthly gross income.
Monthly	Use the figure given.
Quarterly	Divide by 3.
Annually	Divide by 12.
Lump sum income	Divide by 12.

*PART II. INCOME DEDUCTIONS.*

The following are deducted when determining adjusted monthly income:

A. Voluntary or court-ordered support paid by the parent or caretaker or a family member to a present or former spouse not residing in the same household.

B. Voluntary or court-ordered child support paid by the parent or caretaker or family member to a person not residing in the same household.

C. A medical expense not reimbursed through medical insurance that exceeds 10% of the family gross monthly income. The medical expense must have been incurred within the 90-day period prior to the date the parent or caretaker notifies the eligibility agency of that expense and there must be an expectation that the expense will continue to be incurred for the 6 months following the outset of the expense. Medical expenses are based on the monthly expenses or monthly payment plan, or both. Medical expenses include bills for doctors, hospital costs, dental services, health care premiums, institutional care, medications, prosthetic devices, durable medical equipment or mental health services.

D. The stepparent deduction as shown in the Stepparent Deduction Chart in Appendix C.

*PART III. INCOME EXCLUSIONS.*

Income from the following sources is excluded in determining gross monthly income:

- A. Employment earnings of an individual who is an unemancipated minor.
- B. Tax refunds, including earned income tax credits.
- C. Withdrawals of bank, credit union or brokerage deposits.
- D. Money borrowed.
- E. Nonrecurring money (in amounts under \$100 per person per year) given as a gift, from any source.
- F. The value of benefits under the Food Stamp Act of 1977 (7 U.S.C.A. §§ 2011—2036).
- G. The value of foods donated from the United States Department of Agriculture.
- H. The value of supplemental foods assistance under the Child Nutrition Act of 1966 (42 U.S.C.A. §§ 1771—1791) and the special food service programs for children under that act.
- I. Loans and grants, such as scholarships, obtained and used for conditions that preclude their use for living costs.
- J. Any grant or loan to an undergraduate student for educational purposes, made or insured under any program administered under the Higher Education Act of 1965 (20 U.S.C.A. §§ 1001—1145-q).

K. Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C.A. §§ 4601—4655).

L. Any home produce used for household consumption.

M. Any payment made on behalf of an individual for household expenses, such as rent, food and utilities.

N. Payments to Volunteers in Service to America under the Domestic Volunteer Service Act of 1973 (42 U.S.C.A. §§ 4951—5085), which include Americorps income.

O. Earnings received by any youth under the Workforce Investment Act of 1998, as amended; Pub. L. 105—220, Aug. 7, 1998, 112 Stat. 939. (29 U.S.C. 2801 et seq.).

P. Any foster care payments by a foster care placement agency, including payments to permanent legal custodians.

Q. Stipends derived from the Foster Grandparent Programs under sections 211 and 212 of the Domestic Violence Service Act of 1973 (42 U.S.C.A. §§ 5011 and 5012).

R. Low Income Home Energy Assistance Program (LIHEAP) benefits and cash in-kind energy assistance provided by private agencies and utility companies.

S. Any adoption assistance payments by a county children and youth agency.

T. Income received from Federal student aid or participation in a Federal work-study program.

U. Payments made by the Veterans Administration to children of Vietnam veterans under The Benefits for Children of Vietnam Veterans Act (38 U.S.C. § 1823c).

**APPENDIX B**

**CO-PAYMENT CHART FAMILY CO-PAYMENT SCALE (BASED ON THE 2005 FPIGs)**

Weekly Co-pay	Family Size: 1 Annual Income	Family Size: 2 Annual Income	Family Size: 3 Annual Income
\$5.00	Less than: \$7,570	Less than: \$10,830	Less than: \$12,090
\$10.00	\$7,570.01 - \$9,570	\$10,830.01 - \$12,830	\$12,090.01 - \$14,090
\$15.00	\$9,570.01 - \$11,570	\$12,830.01 - \$14,830	\$14,090.01 - \$16,090
\$20.00	\$11,570.01 - \$13,570	\$14,830.01 - \$16,830	\$16,090.01 - \$18,090
\$25.00	\$13,570.01 - \$15,570	\$16,830.01 - \$18,830	\$18,090.01 - \$20,090
\$30.00	\$15,570.01 - \$17,570	\$18,830.01 - \$20,830	\$20,090.01 - \$22,090
\$35.00	\$17,570.01 - \$19,570	\$20,830.01 - \$22,830	\$22,090.01 - \$24,090
\$40.00	\$19,570.01 - \$21,570	\$22,830.01 - \$24,830	\$24,090.01 - \$26,090
\$45.00	\$21,570.01 - \$22,490	\$24,830.01 - \$26,830	\$26,090.01 - \$28,090
\$50.00		\$26,830.01 - \$28,830	\$28,090.01 - \$30,090
\$55.00		\$28,830.01 - \$30,151	\$30,090.01 - \$32,090
\$60.00			\$32,090.01 - \$34,090
\$65.00			\$34,090.01 - \$36,090
\$70.00			\$36,090.01 - \$37,812
	200% FPIG \$19,140	200% FPIG \$25,660	200% FPIG \$32,180

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Weekly Co-pay	Family Size: 4		Family Size: 5		Family Size: 6	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$13,350	Less than:	\$14,610	Less than:	\$15,870
\$10.00	\$13,350.01	\$15,350	\$14,610.01	\$16,610	\$15,870.01	\$17,870
\$15.00	\$15,350.01	\$17,350	\$16,610.01	\$18,610	\$17,870.01	\$19,870
\$20.00	\$17,350.01	\$19,350	\$18,610.01	\$20,610	\$19,870.01	\$21,870
\$25.00	\$19,350.01	\$21,350	\$20,610.01	\$22,610	\$21,870.01	\$23,870
\$30.00	\$21,350.01	\$23,350	\$22,610.01	\$24,610	\$23,870.01	\$25,870
\$35.00	\$23,350.01	\$25,350	\$24,610.01	\$26,610	\$25,870.01	\$27,870
\$40.00	\$25,350.01	\$27,350	\$26,610.01	\$28,610	\$27,870.01	\$29,870
\$45.00	\$27,350.01	\$29,350	\$28,610.01	\$30,610	\$29,870.01	\$31,870
\$50.00	\$29,350.01	\$31,350	\$30,610.01	\$32,610	\$31,870.01	\$33,870
\$55.00	\$31,350.01	\$33,350	\$32,610.01	\$34,610	\$33,870.01	\$35,870
\$60.00	\$33,350.01	\$35,350	\$34,610.01	\$36,610	\$35,870.01	\$37,870
\$65.00	\$35,350.01	\$37,350	\$36,610.01	\$38,610	\$37,870.01	\$39,870
\$70.00	\$37,350.01	\$39,350	\$38,610.01	\$40,610	\$39,870.01	\$41,870
\$75.00	\$39,350.01	\$41,350	\$40,610.01	\$42,610	\$41,870.01	\$43,870
\$80.00	\$41,350.01	\$43,350	\$42,610.01	\$44,610	\$43,870.01	\$45,870
\$85.00	\$43,350.01	\$45,350	\$44,610.01	\$46,610	\$45,870.01	\$47,870
\$90.00	\$45,350.01	\$45,473	\$46,610.01	\$48,610	\$47,870.01	\$49,870
\$95.00			\$48,610.01	\$50,610	\$49,870.01	\$51,870
\$100.00			\$50,610.01	\$52,610	\$51,870.01	\$53,870
\$105.00			\$52,610.01	\$53,134	\$53,870.01	\$55,870
\$110.00					\$55,870.01	\$57,870
\$115.00					\$57,870.01	\$59,870
\$120.00					\$59,870.01	\$60,795
	200% FPIG	\$38,700	200% FPIG	\$45,220	200% FPIG	\$51,740

Weekly Co-pay	Family Size: 7		Family Size: 8		Family Size: 9	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$17,130	Less than:	\$18,390	Less than:	\$19,650
\$10.00	\$17,130.01	\$19,130	\$18,390.01	\$20,390	\$19,650.01	\$21,650
\$15.00	\$19,130.01	\$21,130	\$20,390.01	\$22,390	\$21,650.01	\$23,650
\$20.00	\$21,130.01	\$23,130	\$22,390.01	\$24,390	\$23,650.01	\$25,650
\$25.00	\$23,130.01	\$25,130	\$24,390.01	\$26,390	\$25,650.01	\$27,650
\$30.00	\$25,130.01	\$27,130	\$26,390.01	\$28,390	\$27,650.01	\$29,650
\$35.00	\$27,130.01	\$29,130	\$28,390.01	\$30,390	\$29,650.01	\$31,650
\$40.00	\$29,130.01	\$31,130	\$30,390.01	\$32,390	\$31,650.01	\$33,650
\$45.00	\$31,130.01	\$33,130	\$32,390.01	\$34,390	\$33,650.01	\$35,650
\$50.00	\$33,130.01	\$35,130	\$34,390.01	\$36,390	\$35,650.01	\$37,650
\$55.00	\$35,130.01	\$37,130	\$36,390.01	\$38,390	\$37,650.01	\$39,650
\$60.00	\$37,130.01	\$39,130	\$38,390.01	\$40,390	\$39,650.01	\$41,650
\$65.00	\$39,130.01	\$41,130	\$40,390.01	\$42,390	\$41,650.01	\$43,650
\$70.00	\$41,130.01	\$43,130	\$42,390.01	\$44,390	\$43,650.01	\$45,650
\$75.00	\$43,130.01	\$45,130	\$44,390.01	\$46,390	\$45,650.01	\$47,650
\$80.00	\$45,130.01	\$47,130	\$46,390.01	\$48,390	\$47,650.01	\$49,650
\$85.00	\$47,130.01	\$49,130	\$48,390.01	\$50,390	\$49,650.01	\$51,650
\$90.00	\$49,130.01	\$51,130	\$50,390.01	\$52,390	\$51,650.01	\$53,650
\$95.00	\$51,130.01	\$53,130	\$52,390.01	\$54,390	\$53,650.01	\$55,650

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\$100.00	\$53,130.01	\$55,130	\$54,390.01	\$56,390	\$55,650.01	\$57,650
\$105.00	\$55,130.01	\$57,130	\$56,390.01	\$58,390	\$57,650.01	\$59,650
\$110.00	\$57,130.01	\$59,130	\$58,390.01	\$60,390	\$59,650.01	\$61,650
\$115.00	\$59,130.01	\$61,130	\$60,390.01	\$62,390	\$61,650.01	\$63,650
\$120.00	\$61,130.01	\$63,130	\$62,390.01	\$64,390	\$63,650.01	\$65,650
\$125.00	\$63,130.01	\$65,130	\$64,390.01	\$66,390	\$65,650.01	\$67,650
\$130.00	\$65,130.01	\$67,130	\$66,390.01	\$68,390	\$67,650.01	\$69,650
\$135.00	\$67,130.01	\$68,456	\$68,390.01	\$70,390	\$69,650.01	\$71,650
\$140.00			\$70,390.01	\$72,390	\$71,650.01	\$73,650
\$145.00			\$72,390.01	\$74,390	\$73,650.01	\$75,650
\$150.00			\$74,390.01	\$76,117	\$75,650.01	\$77,650
\$155.00					\$77,650.01	\$79,650
\$160.00					\$79,650.01	\$81,650
\$165.00					\$81,650.01	\$83,650
\$170.00					\$83,650.01	\$83,778
	200% FPIG	\$58,260	200% FPIG	\$64,780	200% FPIG	\$71,300

Weekly Co-pay	Family Size: 10 Annual Income	Family Size: 11 Annual Income	Family Size: 12 Annual Income
\$5.00	Less than: \$20,910	Less than: \$22,170	Less than: \$23,430
\$10.00	\$20,910.01	\$22,170.01	\$23,430.01
\$15.00	\$22,910.01	\$24,170.01	\$25,430.01
\$20.00	\$24,910.01	\$26,170.01	\$27,430.01
\$25.00	\$26,910.01	\$28,170.01	\$29,430.01
\$30.00	\$28,910.01	\$30,170.01	\$31,430.01
\$35.00	\$30,910.01	\$32,170.01	\$33,430.01
\$40.00	\$32,910.01	\$34,170.01	\$35,430.01
\$45.00	\$34,910.01	\$36,170.01	\$37,430.01
\$50.00	\$36,910.01	\$38,170.01	\$39,430.01
\$55.00	\$38,910.01	\$40,170.01	\$41,430.01
\$60.00	\$40,910.01	\$42,170.01	\$43,430.01
\$65.00	\$42,910.01	\$44,170.01	\$45,430.01
\$70.00	\$44,910.01	\$46,170.01	\$47,430.01
\$75.00	\$46,910.01	\$48,170.01	\$49,430.01
\$80.00	\$48,910.01	\$50,170.01	\$51,430.01
\$85.00	\$50,910.01	\$52,170.01	\$53,430.01
\$90.00	\$52,910.01	\$54,170.01	\$55,430.01
\$95.00	\$54,910.01	\$56,170.01	\$57,430.01
\$100.00	\$56,910.01	\$58,170.01	\$59,430.01
\$105.00	\$58,910.01	\$60,170.01	\$61,430.01
\$110.00	\$60,910.01	\$62,170.01	\$63,430.01
\$115.00	\$62,910.01	\$64,170.01	\$65,430.01
\$120.00	\$64,910.01	\$66,170.01	\$67,430.01
\$125.00	\$66,910.01	\$68,170.01	\$69,430.01
\$130.00	\$68,910.01	\$70,170.01	\$71,430.01
\$135.00	\$70,910.01	\$72,170.01	\$73,430.01
\$140.00	\$72,910.01	\$74,170.01	\$75,430.01
\$145.00	\$74,910.01	\$76,170.01	\$77,430.01
\$150.00	\$76,910.01	\$78,170.01	\$79,430.01

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\$155.00	\$78,910.01	\$80,910	\$80,170.01	\$82,170	\$81,430.01	\$83,430
\$160.00	\$80,910.01	\$82,910	\$82,170.01	\$84,170	\$83,430.01	\$85,430
\$165.00	\$82,910.01	\$84,910	\$84,170.01	\$86,170	\$85,430.01	\$87,430
\$170.00	\$84,910.01	\$86,910	\$86,170.01	\$88,170	\$87,430.01	\$89,430
\$175.00	\$86,910.01	\$88,910	\$88,170.01	\$90,170	\$89,430.01	\$91,430
\$180.00	\$88,910.01	\$90,910	\$90,170.01	\$92,170	\$91,430.01	\$93,430
\$185.00	\$90,910.01	\$91,439	\$92,170.01	\$94,170	\$93,430.01	\$95,430
\$190.00			\$94,170.01	\$96,170	\$95,430.01	\$97,430
\$195.00			\$96,170.01	\$98,170	\$97,430.01	\$99,430
\$200.00			\$98,170.01	\$99,100	\$99,430.01	\$101,430
\$205.00					\$101,430.01	\$103,430
\$210.00					\$103,430.01	\$105,430
\$215.00					\$105,430.01	\$106,761
	200% FPIG	\$77,820	200% FPIG	\$84,340	200% FPIG	\$90,860

Weekly Co-pay	Family Size: 13 Annual Income	Family Size: 14 Annual Income	Family Size: 15 Annual Income
\$5.00	Less than: \$24,690	Less than: \$25,950	Less than: \$27,210
\$10.00	\$24,690.01	\$25,950.01	\$27,210.01
\$15.00	\$26,690.01	\$27,950.01	\$29,210.01
\$20.00	\$28,690.01	\$29,950.01	\$31,210.01
\$25.00	\$30,690.01	\$31,950.01	\$33,210.01
\$30.00	\$32,690.01	\$33,950.01	\$35,210.01
\$35.00	\$34,690.01	\$35,950.01	\$37,210.01
\$40.00	\$36,690.01	\$37,950.01	\$39,210.01
\$45.00	\$38,690.01	\$39,950.01	\$41,210.01
\$50.00	\$40,690.01	\$41,950.01	\$43,210.01
\$55.00	\$42,690.01	\$43,950.01	\$45,210.01
\$60.00	\$44,690.01	\$45,950.01	\$47,210.01
\$65.00	\$46,690.01	\$47,950.01	\$49,210.01
\$70.00	\$48,690.01	\$49,950.01	\$51,210.01
\$75.00	\$50,690.01	\$51,950.01	\$53,210.01
\$80.00	\$52,690.01	\$53,950.01	\$55,210.01
\$85.00	\$54,690.01	\$55,950.01	\$57,210.01
\$90.00	\$56,690.01	\$57,950.01	\$59,210.01
\$95.00	\$58,690.01	\$59,950.01	\$61,210.01
\$100.00	\$60,690.01	\$61,950.01	\$63,210.01
\$105.00	\$62,690.01	\$63,950.01	\$65,210.01
\$110.00	\$64,690.01	\$65,950.01	\$67,210.01
\$115.00	\$66,690.01	\$67,950.01	\$69,210.01
\$120.00	\$68,690.01	\$69,950.01	\$71,210.01
\$125.00	\$70,690.01	\$71,950.01	\$73,210.01
\$130.00	\$72,690.01	\$73,950.01	\$75,210.01
\$135.00	\$74,690.01	\$75,950.01	\$77,210.01
\$140.00	\$76,690.01	\$77,950.01	\$79,210.01
\$145.00	\$78,690.01	\$79,950.01	\$81,210.01
\$150.00	\$80,690.01	\$81,950.01	\$83,210.01
\$155.00	\$82,690.01	\$83,950.01	\$85,210.01
\$160.00	\$84,690.01	\$85,950.01	\$87,210.01

RULES AND REGULATIONS

\$165.00	\$86,690.01	\$88,690	\$87,950.01	\$89,950	\$89,210.01	\$91,210
\$170.00	\$88,690.01	\$90,690	\$89,950.01	\$91,950	\$91,210.01	\$93,210
\$175.00	\$90,690.01	\$92,690	\$91,950.01	\$93,950	\$93,210.01	\$95,210
\$180.00	\$92,690.01	\$94,690	\$93,950.01	\$95,950	\$95,210.01	\$97,210
\$185.00	\$94,690.01	\$96,690	\$95,950.01	\$97,950	\$97,210.01	\$99,210
\$190.00	\$96,690.01	\$98,690	\$97,950.01	\$99,950	\$99,210.01	\$101,210
\$195.00	\$98,690.01	\$100,690	\$99,950.01	\$101,950	\$101,210.01	\$103,210
\$200.00	\$100,690.01	\$102,690	\$101,950.01	\$103,950	\$103,210.01	\$105,210
\$205.00	\$102,690.01	\$104,690	\$103,950.01	\$105,950	\$105,210.01	\$107,210
\$210.00	\$104,690.01	\$106,690	\$105,950.01	\$107,950	\$107,210.01	\$109,210
\$215.00	\$106,690.01	\$108,690	\$107,950.01	\$109,950	\$109,210.01	\$111,210
\$220.00	\$108,690.01	\$110,690	\$109,950.01	\$111,950	\$111,210.01	\$113,210
\$225.00	\$110,690.01	\$112,690	\$111,950.01	\$113,950	\$113,210.01	\$115,210
\$230.00	\$112,690.01	\$114,422	\$113,950.01	\$115,950	\$115,210.01	\$117,210
\$235.00			\$115,950.01	\$117,950	\$117,210.01	\$119,210
\$240.00			\$117,950.01	\$119,950	\$119,210.01	\$121,210
\$245.00			\$119,950.01	\$121,950	\$121,210.01	\$123,210
\$250.00			\$121,950.01	\$122,083	\$123,210.01	\$125,210
\$255.00					\$125,210.01	\$127,210
\$260.00					\$127,210.01	\$129,210
\$265.00					\$129,210.01	\$129,744
	200% FPIG	\$97,380	200% FPIG	\$103,900	200% FPIG	\$110,420

Weekly Co-pay	Family Size: 16 Annual Income	Family Size: 17 Annual Income	Family Size: 18 Annual Income
\$5.00	Less than: \$30,470	Less than: \$31,730	Less than: \$32,990
\$10.00	\$30,470.01	\$31,730.01	\$32,990.01
\$15.00	\$32,470.01	\$33,730.01	\$34,990.01
\$20.00	\$34,470.01	\$35,730.01	\$36,990.01
\$25.00	\$36,470.01	\$37,730.01	\$38,990.01
\$30.00	\$38,470.01	\$39,730.01	\$40,990.01
\$35.00	\$40,470.01	\$41,730.01	\$42,990.01
\$40.00	\$42,470.01	\$43,730.01	\$44,990.01
\$45.00	\$44,470.01	\$45,730.01	\$46,990.01
\$50.00	\$46,470.01	\$47,730.01	\$48,990.01
\$55.00	\$48,470.01	\$49,730.01	\$50,990.01
\$60.00	\$50,470.01	\$51,730.01	\$52,990.01
\$65.00	\$52,470.01	\$53,730.01	\$54,990.01
\$70.00	\$54,470.01	\$55,730.01	\$56,990.01
\$75.00	\$56,470.01	\$57,730.01	\$58,990.01
\$80.00	\$58,470.01	\$59,730.01	\$60,990.01
\$85.00	\$60,470.01	\$61,730.01	\$62,990.01
\$90.00	\$62,470.01	\$63,730.01	\$64,990.01
\$95.00	\$64,470.01	\$65,730.01	\$66,990.01
\$100.00	\$66,470.01	\$67,730.01	\$68,990.01
\$105.00	\$68,470.01	\$69,730.01	\$70,990.01
\$110.00	\$70,470.01	\$71,730.01	\$72,990.01
\$115.00	\$72,470.01	\$73,730.01	\$74,990.01
\$120.00	\$74,470.01	\$75,730.01	\$76,990.01

**RULES AND REGULATIONS**

**3529**

\$125.00	\$76,470.01	\$78,470	\$77,730.01	\$79,730	\$78,990.01	\$80,990
\$130.00	\$78,470.01	\$80,470	\$79,730.01	\$81,730	\$80,990.01	\$82,990
\$135.00	\$80,470.01	\$82,470	\$81,730.01	\$83,730	\$82,990.01	\$84,990
\$140.00	\$82,470.01	\$84,470	\$83,730.01	\$85,730	\$84,990.01	\$86,990
\$145.00	\$84,470.01	\$86,470	\$85,730.01	\$87,730	\$86,990.01	\$88,990
\$150.00	\$86,470.01	\$88,470	\$87,730.01	\$89,730	\$88,990.01	\$90,990
\$155.00	\$88,470.01	\$90,470	\$89,730.01	\$91,730	\$90,990.01	\$92,990
\$160.00	\$90,470.01	\$92,470	\$91,730.01	\$93,730	\$92,990.01	\$94,990
\$165.00	\$92,470.01	\$94,470	\$93,730.01	\$95,730	\$94,990.01	\$96,990
\$170.00	\$94,470.01	\$96,470	\$95,730.01	\$97,730	\$96,990.01	\$98,990
\$175.00	\$96,470.01	\$98,470	\$97,730.01	\$99,730	\$98,990.01	\$100,990
\$180.00	\$98,470.01	\$100,470	\$99,730.01	\$101,730	\$100,990.01	\$102,990
\$185.00	\$100,470.01	\$102,470	\$101,730.01	\$103,730	\$102,990.01	\$104,990
\$190.00	\$102,470.01	\$104,470	\$103,730.01	\$105,730	\$104,990.01	\$106,990
\$195.00	\$104,470.01	\$106,470	\$105,730.01	\$107,730	\$106,990.01	\$108,990
\$200.00	\$106,470.01	\$108,470	\$107,730.01	\$109,730	\$108,990.01	\$110,990
\$205.00	\$108,470.01	\$110,470	\$109,730.01	\$111,730	\$110,990.01	\$112,990
\$210.00	\$110,470.01	\$112,470	\$111,730.01	\$113,730	\$112,990.01	\$114,990
\$215.00	\$112,470.01	\$114,470	\$113,730.01	\$115,730	\$114,990.01	\$116,990
\$220.00	\$114,470.01	\$116,470	\$115,730.01	\$117,730	\$116,990.01	\$118,990
\$225.00	\$116,470.01	\$118,470	\$117,730.01	\$119,730	\$118,990.01	\$120,990
\$230.00	\$118,470.01	\$120,470	\$119,730.01	\$121,730	\$120,990.01	\$122,990
\$235.00	\$120,470.01	\$122,470	\$121,730.01	\$123,730	\$122,990.01	\$124,990
\$240.00	\$122,470.01	\$124,470	\$123,730.01	\$125,730	\$124,990.01	\$126,990
\$245.00	\$124,470.01	\$126,470	\$125,730.01	\$127,730	\$126,990.01	\$128,990
\$250.00	\$126,470.01	\$128,470	\$127,730.01	\$129,730	\$128,990.01	\$130,990
\$255.00	\$128,470.01	\$130,470	\$129,730.01	\$131,730	\$130,990.01	\$132,990
\$260.00	\$130,470.01	\$132,470	\$131,730.01	\$133,730	\$132,990.01	\$134,990
\$265.00	\$132,470.01	\$134,470	\$133,730.01	\$135,730	\$134,990.01	\$136,990
\$270.00	\$134,470.01	\$136,470	\$135,730.01	\$137,730	\$136,990.01	\$138,990
\$275.00	\$136,470.01	\$137,405	\$137,730.01	\$139,730	\$138,990.01	\$140,990
\$280.00			\$139,730.01	\$141,730	\$140,990.01	\$142,990
\$285.00			\$141,730.01	\$143,730	\$142,990.01	\$144,990
\$290.00			\$143,730.01	\$145,066	\$144,990.01	\$146,990
\$295.00					\$146,990.01	\$148,990
\$300.00					\$148,990.01	\$150,990
\$305.00					\$150,990.01	\$152,727
	200% FPIG	\$116,940	200% FPIG	\$123,460	200% FPIG	\$129,980

Weekly Co-pay	Family Size: 19 Annual Income	Family Size: 20 Annual Income	Family Size: 21 Annual Income
\$5.00	Less than: \$34,250	Less than: \$35,510	Less than: \$36,770
\$10.00	\$34,250.01	\$35,510.01	\$36,770.01
\$15.00	\$36,250.01	\$37,510.01	\$38,770.01
\$20.00	\$38,250.01	\$39,510.01	\$40,770.01
\$25.00	\$40,250.01	\$41,510.01	\$42,770.01
\$30.00	\$42,250.01	\$43,510.01	\$44,770.01
\$35.00	\$44,250.01	\$45,510.01	\$46,770.01
\$40.00	\$46,250.01	\$47,510.01	\$48,770.01

\$45.00	\$48,250.01	\$50,250	\$49,510.01	\$51,510	\$50,770.01	\$52,770
\$50.00	\$50,250.01	\$52,250	\$51,510.01	\$53,510	\$52,770.01	\$54,770
\$55.00	\$52,250.01	\$54,250	\$53,510.01	\$55,510	\$54,770.01	\$56,770
\$60.00	\$54,250.01	\$56,250	\$55,510.01	\$57,510	\$56,770.01	\$58,770
\$65.00	\$56,250.01	\$58,250	\$57,510.01	\$59,510	\$58,770.01	\$60,770
\$70.00	\$58,250.01	\$60,250	\$59,510.01	\$61,510	\$60,770.01	\$62,770
\$75.00	\$60,250.01	\$62,250	\$61,510.01	\$63,510	\$62,770.01	\$64,770
\$80.00	\$62,250.01	\$64,250	\$63,510.01	\$65,510	\$64,770.01	\$66,770
\$85.00	\$64,250.01	\$66,250	\$65,510.01	\$67,510	\$66,770.01	\$68,770
\$90.00	\$66,250.01	\$68,250	\$67,510.01	\$69,510	\$68,770.01	\$70,770
\$95.00	\$68,250.01	\$70,250	\$69,510.01	\$71,510	\$70,770.01	\$72,770
\$100.00	\$70,250.01	\$72,250	\$71,510.01	\$73,510	\$72,770.01	\$74,770
\$105.00	\$72,250.01	\$74,250	\$73,510.01	\$75,510	\$74,770.01	\$76,770
\$110.00	\$74,250.01	\$76,250	\$75,510.01	\$77,510	\$76,770.01	\$78,770
\$115.00	\$76,250.01	\$78,250	\$77,510.01	\$79,510	\$78,770.01	\$80,770
\$120.00	\$78,250.01	\$80,250	\$79,510.01	\$81,510	\$80,770.01	\$82,770
\$125.00	\$80,250.01	\$82,250	\$81,510.01	\$83,510	\$82,770.01	\$84,770
\$130.00	\$82,250.01	\$84,250	\$83,510.01	\$85,510	\$84,770.01	\$86,770
\$135.00	\$84,250.01	\$86,250	\$85,510.01	\$87,510	\$86,770.01	\$88,770
\$140.00	\$86,250.01	\$88,250	\$87,510.01	\$89,510	\$88,770.01	\$90,770
\$145.00	\$88,250.01	\$90,250	\$89,510.01	\$91,510	\$90,770.01	\$92,770
\$150.00	\$90,250.01	\$92,250	\$91,510.01	\$93,510	\$92,770.01	\$94,770
\$155.00	\$92,250.01	\$94,250	\$93,510.01	\$95,510	\$94,770.01	\$96,770
\$160.00	\$94,250.01	\$96,250	\$95,510.01	\$97,510	\$96,770.01	\$98,770
\$165.00	\$96,250.01	\$98,250	\$97,510.01	\$99,510	\$98,770.01	\$100,770
\$170.00	\$98,250.01	\$100,250	\$99,510.01	\$101,510	\$100,770.01	\$102,770
\$175.00	\$100,250.01	\$102,250	\$101,510.01	\$103,510	\$102,770.01	\$104,770
\$180.00	\$102,250.01	\$104,250	\$103,510.01	\$105,510	\$104,770.01	\$106,770
\$185.00	\$104,250.01	\$106,250	\$105,510.01	\$107,510	\$106,770.01	\$108,770
\$190.00	\$106,250.01	\$108,250	\$107,510.01	\$109,510	\$108,770.01	\$110,770
\$195.00	\$108,250.01	\$110,250	\$109,510.01	\$111,510	\$110,770.01	\$112,770
\$200.00	\$110,250.01	\$112,250	\$111,510.01	\$113,510	\$112,770.01	\$114,770
\$205.00	\$112,250.01	\$114,250	\$113,510.01	\$115,510	\$114,770.01	\$116,770
\$210.00	\$114,250.01	\$116,250	\$115,510.01	\$117,510	\$116,770.01	\$118,770
\$215.00	\$116,250.01	\$118,250	\$117,510.01	\$119,510	\$118,770.01	\$120,770
\$220.00	\$118,250.01	\$120,250	\$119,510.01	\$121,510	\$120,770.01	\$122,770
\$225.00	\$120,250.01	\$122,250	\$121,510.01	\$123,510	\$122,770.01	\$124,770
\$230.00	\$122,250.01	\$124,250	\$123,510.01	\$125,510	\$124,770.01	\$126,770
\$235.00	\$124,250.01	\$126,250	\$125,510.01	\$127,510	\$126,770.01	\$128,770
\$240.00	\$126,250.01	\$128,250	\$127,510.01	\$129,510	\$128,770.01	\$130,770
\$245.00	\$128,250.01	\$130,250	\$129,510.01	\$131,510	\$130,770.01	\$132,770
\$250.00	\$130,250.01	\$132,250	\$131,510.01	\$133,510	\$132,770.01	\$134,770
\$255.00	\$132,250.01	\$134,250	\$133,510.01	\$135,510	\$134,770.01	\$136,770
\$260.00	\$134,250.01	\$136,250	\$135,510.01	\$137,510	\$136,770.01	\$138,770
\$265.00	\$136,250.01	\$138,250	\$137,510.01	\$139,510	\$138,770.01	\$140,770
\$270.00	\$138,250.01	\$140,250	\$139,510.01	\$141,510	\$140,770.01	\$142,770
\$275.00	\$140,250.01	\$142,250	\$141,510.01	\$143,510	\$142,770.01	\$144,770
\$280.00	\$142,250.01	\$144,250	\$143,510.01	\$145,510	\$144,770.01	\$146,770
\$285.00	\$144,250.01	\$146,250	\$145,510.01	\$147,510	\$146,770.01	\$148,770

**RULES AND REGULATIONS**

**3531**

\$290.00	\$146,250.01	\$148,250	\$147,510.01	\$149,510	\$148,770.01	\$150,770
\$295.00	\$148,250.01	\$150,250	\$149,510.01	\$151,510	\$150,770.01	\$152,770
\$300.00	\$150,250.01	\$152,250	\$151,510.01	\$153,510	\$152,770.01	\$154,770
\$305.00	\$152,250.01	\$154,250	\$153,510.01	\$155,510	\$154,770.01	\$156,770
\$310.00	\$154,250.01	\$156,250	\$155,510.01	\$157,510	\$156,770.01	\$158,770
\$315.00	\$156,250.01	\$158,250	\$157,510.01	\$159,510	\$158,770.01	\$160,770
\$320.00	\$158,250.01	\$160,250	\$159,510.01	\$161,510	\$160,770.01	\$162,770
\$325.00	\$160,250.01	\$160,388	\$161,510.01	\$163,510	\$162,770.01	\$164,770
\$330.00			\$163,510.01	\$165,510	\$164,770.01	\$166,770
\$335.00			\$165,510.01	\$167,510	\$166,770.01	\$168,770
\$340.00			\$167,510.01	\$168,049	\$168,770.01	\$170,770
\$345.00					\$170,770.01	\$172,770
\$350.00					\$172,770.01	\$174,770
\$355.00					\$174,770.01	\$175,710
	200% FPIG	\$136,500	200% FPIG	\$143,020	200% FPIG	\$149,540

**APPENDIX C**

**STEPARENT DEDUCTION CHART**

<i>County of residence</i>	<i>Family composition/size</i>					
	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>Each additional person</i>
Adams, Allegheny, Berks, Blair, Bradford, Butler, Centre, Columbia, Crawford, Cumberland, Dauphin, Delaware, Erie, Lackawanna, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Philadelphia, Sullivan, Susquehanna, Union, Warren, Wayne, Westmoreland, Wyoming and York	\$461	\$587	\$724	\$859	\$976	\$121
Armstrong, Bedford, Cambria, Clarion, Clearfield, Fayette, Forest, Fulton, Greene, Huntingdon, Jefferson, Juniata, Northumberland, Schuylkill and Somerset	\$406	\$532	\$662	\$791	\$894	\$121
Beaver, Cameron, Carbon, Clinton, Elk, Franklin, Indiana, Lawrence, McKean, Mercer, Mifflin, Perry, Potter, Snyder, Tioga, Venango and Washington	\$444	\$573	\$698	\$829	\$943	\$121
Bucks, Chester, Lancaster, Montgomery and Pike	\$481	\$614	\$749	\$885	\$1001	\$121

[Pa.B. Doc. No. 05-1206. Filed for public inspection June 17, 2005, 9:00 a.m.]