

Statement of Scope

Department of Children and Families

Rule Number: Chapter DCF 201

Relating to: Child Care Subsidy Eligibility Redetermination

Rule Type: Emergency and Permanent

This statement of scope was approved by the governor on July 28, 2016.

1. Finding/nature of emergency (for emergency rules only)

Effective September 30, 2016, the Child Care Block Grant Act of 2014 requires states to continue a family's eligibility for the child care subsidy program for a minimum of 12 months before the family's eligibility is redetermined. An emergency rule is necessary to comply with this requirement of federal funding for the state's child care subsidy program.

2. Detailed description of the objective of the rule

Section DCF 201.04 (3) (b) provides that a child care administrative agency shall redetermine a parent's need for service and eligibility at least every 6 months. The emergency and proposed rules will change the minimum frequency of a redetermination of parent eligibility to at least every 12 months.

3. Detailed explanation of statutory authority for the rule

The department administers the child care subsidy program under s. 49.155, Stats. Section 49.155 (1m), Stats., specifies the eligibility criteria for the program, and s. 49.155 (1m) (d), Stats., allows the department to establish other eligibility criteria established by rule.

Section 227.11 (2) (a) (intro.), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute.

4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule

60 hours

5. List with description of all entities that may be affected by the rule

Child care administrative agencies and families who receive a child care subsidy under s. 49.155, Stats.

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:

The Child Care Development Fund (CCDF) is the primary federal funding source for programs that assist low-income families pay for child care while they are working or participating in education and training. The CCDF is authorized by the Child Care and Development Block Grant Act and Section 418 of the Social Security Act. It was reauthorized by the Child Care and Development Block Grant Act of 2014 for the first time since 1996 and is now authorized through 2020.

The Child Care and Development Block Grant Act of 2014 makes many substantive program changes, including a requirement that a state's plan for its child care subsidy program allow each child who receives assistance to be considered to meet all eligibility requirements and to receive assistance, for not less than 12 months before the state or designated local entity redetermines the eligibility of the child, regardless of a temporary change in the ongoing status of the child's parent as working or attending a job training or educational program or a change in family income for the child's family, if that family income does not exceed 85 percent of the state median income for a family of the same size. 42 USC 9858c (c)(2)(N)(i); Section 658E (c)(2)(N)(i) of the Child Care Development Block Grant Act

7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None or minimal

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7/15/16

Date submitted to Governor