TITLE 392
CHILD CARE SUBSIDY PROGRAM

CHAPTER 1-000 GENERAL BACKGROUND

1-001 Legal Basis

1-001.01 Federal Authority: The Child Care and Development Block Grant Act established the Child Care Subsidy Program as a block grant in 1992. In 1996 it was amended by the Personal Responsibility and Work Opportunity Reconciliation Act to give states more flexibility in addressing child care needs.

1-001.02 State Authority: In Neb. Rev. Stat. Section 43-2602, the Legislature stated its intent to develop a comprehensive child care system.

1-002 Purpose: The purpose of the Child Care Subsidy Program is to assist low income families with child care.

1-003 Definitions: For use within the Child Care Subsidy Program, the following definitions apply.

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

Application Signature: Applications may be signed in writing or by electronic signature.

Application Submission: Applications may be submitted in person, by mail, by fax or by electronic transmission.

Child Care: The provision of care:

1. To children age 12 or younger unless there is a special need;
2. For on the average of less than 12 hours per day;
3. For compensation, either indirect or direct;
4. On a regular basis; and
5. By a person other than their parents or guardians.

Home schooling and education programs are not considered child care.

Child Care Center: A facility licensed to provide child care for 13 or more children. For licensing regulations, see Title 391.

Child Care Provider: An individual or agency that has:

1. Requested and agreed to be approved as a service provider;
2. Become licensed, if required;
3. Been evaluated by resource development staff in relation to applicable standards if no license is required; and
4. Signed a service provider agreement.

Special Needs: Requirement for extra care because of an acute or chronic physical or mental condition. Acute special needs include temporary conditions that require special medical attention and isolation from other children, e.g., recovery from surgery, etc. Chronic special needs include long-standing medical or behavioral problems that require medical, behavioral or other services at all times, e.g., medically fragile, attention deficit, etc. To be considered a child with a special need, the child must have one or more of the following conditions which are not related to chronological age:

1. Emotional impairment: including behavioral impairment, requiring special equipment or assistance;
2. Developmental age level lower than chronological age and requires assistance via special supervision;
3. Movement impairment: requires assistance or unable to move;
4. Sensory impairment: requires special environmental modifications or assistance;
5. Speech impairment: requires special equipment or assistance;
6. Hygiene: requires assistance or special equipment;
7. Feeding: requires special equipment or assistance;
8. Toileting: requires assistance or special equipment;
9. Medical conditions: requires respiratory aids or special procedures;
10. Therapy required: physical, occupational, speech, or respiratory;
11. Medications: requires assistance or special procedures.

Childhood diseases such as measles, chicken pox, flu, etc., are not considered special needs.

Toddler: A child age 18 months to 3 years.

1-004 Client Rights: The client has the right to:

1. Apply. Anyone who wishes to request and/or apply for assistance must be given the opportunity to do so. No one may be denied the right to apply;
2. Reasonably prompt action on his/her application for assistance;
3. Notice of approval or denial of his/her application;
4. Appeal to the DHHS Director for a hearing on any action or inaction with regard to an application, the amount of the assistance, or failure to act with reasonable promptness. The appeal must be filed in writing within 90 days of the action or inaction;
5. Have his/her information treated confidentially.
6. Have his/her civil rights upheld. No person may be subjected to discrimination on the grounds of his/her race, color, national origin, sex, age, disability, religion, or political belief;
7. Have the program requirements, rights and responsibilities and benefits fully explained;
8. Be assisted in the application process by the person of his/her choice; and
9. Referral to other agencies.

1-005 Client Responsibilities: The client is required to:

1. Provide complete and accurate information. State and federal law provide penalties of a fine, imprisonment, or both for persons found guilty of obtaining assistance or services for which they are not eligible by making false statements or failing to report promptly any changes in their circumstances; and

2. Report a change in circumstances no later than ten days following the change. This includes information regarding:
   a. Change or receipt of a resource including cash on hand, stocks, bonds, money in a checking or savings account, or a motor vehicle;
   b. Changes in unit composition, such as the addition or loss of a unit member;
   c. Changes in residence;
   d. New employment;
   e. Termination of employment; and
   f. Changes in the amount of monthly income, including:
      (1) All changes in unearned income; and
      (2) Changes in the source of employment, in the wage rate and in employment status, i.e., reduced or increased hours of employment.