

10A NCAC 10 .0102 has been amended with changes as published in 30:15 NCR 1622-1623 as follows:

10A NCAC 10 .0102 DEFINITIONS

For the purpose of this Chapter, unless the context of the rule indicates a different meaning, the terms listed in this Rule are defined as follows: In addition to the terms defined in G.S. 110-86, the following definitions apply to the term used in this Chapter.

~~(1)~~ "Department" means the Department of Health and Human Services.

~~(2)~~ (1) "Director" means the Director of the Division of Child Development and Early Education.

~~(3)~~ (2) "Division" means the Division of Child Development and Early Education, Department of Health and Human Services, located at ~~349 Chapanoke Road, Suite 120,~~ 820 South Boylan Avenue, Raleigh, North Carolina 27603.

~~(4)~~(3) "Foster Parent" means anyone other than that child's parent(s) or legal custodian(s) who is providing full time care for a child who is in the custody of a North Carolina county department of social services.

~~(5)~~ (4) "Homeless Children" means the definition in section 725(2) of the McKinney-Vento Homeless Assistance Act, ~~[42 U.S.C. 11434a(2),]~~ 42 U.S.C. 11434a(2), which is hereby incorporated by reference and includes subsequent amendments and editions.

~~(4)~~~~(6)~~(5) "Local Purchasing Agency" means the local agency responsible for administering the state's subsidized child care program.

~~(5)~~~~(7)~~(6) "Owner" means any person with a five percent or greater equity interest in a child care center, or family child care home as defined in G.S. 110-86(3)b. ~~home, or nonlicensed child care home.~~

~~(6)~~(8)(7) "Private Agency" means a private, for profit or non-profit, non-governmental entity.

~~(7)~~~~(9)~~(8) "Provider" means the owner of a child care center, or family child care home. ~~home, or nonlicensed child care home.~~

~~(8)~~~~(10)~~(9) "Recipient" means the parent or responsible adult approved for subsidized child care services pursuant to Section .1000 of this Chapter.

~~(9)~~~~(11)~~ "Secretary" means the Secretary of the Department of Health and Human Services.

(10)~~(12)~~ "Subsidized Child Care Assistance Program" means the administrative, programmatic ~~programmatic,~~ and fiscal activities related to the use of public funds to pay for child care services for families.

History Note: Authority G.S. 143B-153(2a);

Eff. February 1, 1986;

Amended Eff. June 1, 2016; December 1, 2011; April 1, 2001; February 1, 1996.

10A NCAC 10 .0905 has been amended with changes in 30:15 NCR 1623-1624 as follows:

10A NCAC 10 .0905 SUPPORT TO EMPLOYMENT: TRAINING FOR EMPLOYMENT

(a) Child care services shall be provided to support employment of the child's parents or responsible adult. recipient.

(b) Child care services shall be provided to support training leading to employment of the child's parents or responsible adult. recipient.

(c) Where a parent or responsible adult recipient remains in the home and is capable of providing care for the child, child care services shall not be provided as a support for employment or training. Where the local purchasing agency determines it is determined that such parent the recipient is incapable of providing care for the child, and child care services shall be provided for the needs of the child and to maintain family stability. The the reasons for this determination shall be documented in the client record. record and may include the following:

(1) illness;

(2) disability;

(3) complications related to pregnancy;

(4) hospitalization;

(5) substance abuse treatment; or

(6) that the recipient is elderly and incapable of caring for the child.

(d) Child care services may be provided when parent or responsible adult recipient is engaged in gainful employment on either a full-time or part-time basis.

(e) Where the parent or responsible adult recipient is temporarily absent from work employment, training training, or educational program with arrangements to continue the same employment, [training] training, or educational program, child care services shall continue for at least 30 90 days. Where an absence from work work, [training] training, or educational program extends beyond 30 90 days, the agency responsible for determining eligibility the local purchasing agency shall determine on the basis of individual circumstances whether child care shall continue beyond that time period. Where child care is continued beyond 30 90 days, the reasons for such extension shall be documented in the client's record. record and may include the following:

(1) the recipient is on maternity leave and intends to return to work;

(2) the recipient has been temporarily laid off and the employer has indicated that employment will resume within a month; or

(3) the recipient works in a high demand field and is likely to find new employment within a month.

(f) Where a parent recipient is unemployed but is seeking employment, child care services shall be provided for at least 30 90 days if the parent recipient is already receiving subsidized child care services. services or the parent or responsible adult is enrolled in a job search activity as part of an approved employment/training plan. Continuation of the service may be extended if the agency determines such extension is warranted, provided the reason for the extension is documented in the client's record. record and may include the following:

(1) the likelihood of obtaining employment based upon prior job search activities;

(2) the recipient has a job interview scheduled in the near future; or

1 (3) the recipient is waiting to hear the results of a recent job interview.
2 (g) Where a ~~parent~~ recipient no longer attends a training or educational program, child care services shall continue
3 to be provided for at least 90 days after the recipient stops attending the training or educational program to permit the
4 recipient to seek employment or resume attendance at a training or educational program if the recipient is already
5 receiving subsidized child care services. Continuation of the service may be extended if the agency determines such
6 extension as warranted, provided the reason for the extension is documented in the client's ~~record~~ record and may
7 include the following:

8 (1) recommendations from teaching staff at educational institutions;

9 (2) the individual needs and abilities of the recipient;

10 (3) whether the recipient has developed career goals; or

11 (4) whether the recipient has developed a personal plan for completing training.

12 ~~(g)~~(h) For purposes of this Rule, training leading to employment shall include the following:

13 (1) continuation of high school within the school system;

14 (2) basic education or a high school education or its equivalent in community colleges or technical
15 institutes; and

16 (3) post secondary education or skills training, up to a maximum of two years enrollment.

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18 *History Note: Authority G.S. 143B-153;*

19 *Eff. July 1, 1983;*

20 *Amended Eff. June 1, 2016; April 1, 2001; March 1, 1996; July 1, 1990.*

1 10A NCAC 10 .1007 has been amended with changes as published in 30:15 NCR 1624 as follows:

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3 10A NCAC 10 .1007 **REQUIREMENTS FOR DETERMINATION AND**
4 **REDETERMINATION OF ELIGIBILITY**

5 (a) The Division shall establish the requirements for application and eligibility determination and redetermination for
6 child care services. Eligibility shall be determined initially in accordance with 10A NCAC 10 .0900 and .1000, and
7 annually thereafter unless a change occurs that impacts eligibility. Parents Recipients who are employed or in school
8 and whose income is at or below the federal income limit of 85 percent of State Median Income shall not have these
9 activities disrupted during the 12 month eligibility period.

10 (b) ~~[At redetermination, if it is determined]~~ If the Local Purchasing Agency, upon redetermination, determines that
11 the recipient family exceeds the State's income eligibility limits, the recipient family shall continue to receive
12 subsidized child care services for 90 days if their income is at or below the federal income limit of 85 percent of State
13 Median Income.

14 (c) Annual federal income limits are determined in accordance with the U.S. Federal Poverty Guidelines issued by
15 the U.S. Department of Health and Human Services, is incorporated by reference and includes subsequent amendments
16 and editions. A copy of these guidelines may be found at <http://aspe.hhs.gov/poverty/index.cfm>.

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18 *History Note:* *Authority G.S. 143B-153;*
19 *Eff. July 1, 1983;*
20 *Amended Eff. June 1, 2016; April 1, 2001.*