

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Services Commission

RULE CITATION: 10A NCAC 10 .0102

**DEADLINE FOR RECEIPT: Wednesday, May 11, 2016**

***NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 4, the clause "unless the context of the rule indicates a different meaning" is unclear and ambiguous. Consider a rewrite to clarify the purpose of this rule, such as follows:*

*In addition to the terms defined in G.S. [specify the governing statutory definitions for these rule, such as G.S. 131D], the following definitions apply to the term used in this Chapter:"*

*Update the history note to clarify what it is that this Rule applies to, as the current authority is limited to the creation of the Social Services Commission and their general rulemaking authority*

*Lines 12 thru 13, should the phrase "department of social services" not be capitalized? Please look at the usage of the term in the governing statute*

*Lines 14 thru 15, please incorporate in accordance with [G.S. 150B-21.6](#), by indicating that this information is being incorporated by reference and clarifying the effect of subsequent amendments*

*Lines 18 thru 19, and lines 21 thru 22, are the terms "child care center," "family care home," and "nonlicensed child care home" defined terms?*

*Line 26, add a comma after "programmatic"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel

Date submitted to agency: Tuesday, April 26, 2016

10A NCAC 10 .0102 has been amended 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:

- (1) "Department" means the Department of Health and Human Services.
- (2) "Director" means the Director of the Division of Child Development and Early Education.
- (3) "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) "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) "Homeless Children" means the definition in section 725(2) of the McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11434a(2)].
- ~~(4)(6)~~ "Local Purchasing Agency" means the local agency responsible for administering the state's subsidized child care program.
- ~~(5)(7)~~ "Owner" means any person with a five percent or greater equity interest in a child care center, family child care home, or nonlicensed child care home.
- ~~(6)(8)~~ "Private Agency" means a private, for profit or non-profit, non-governmental entity.
- ~~(7)(9)~~ "Provider" means the owner of a child care center, family child care home, or nonlicensed child care home.
- ~~(8)(10)~~ "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 Program" means the administrative, 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.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Services Commission

RULE CITATION: 10A NCAC 10 .0905

**DEADLINE FOR RECEIPT: Wednesday, May 11, 2016**

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Several times in this Rule, there are references to "determined" or "agency determines." Please clarify what is meant by these determinations, such as what is the agency considering: lines 8, 15, 21, and 25.*

*Lines 12 and 13, add a comma after "training"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Tuesday, April 26, 2016

10A NCAC 10 .0905 is has been amended 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.

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

(c) Where a parent or responsible adult 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 it is determined that such parent is incapable of providing care for the child, the reasons for this determination shall be documented in the client record.

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

(e) Where the parent or responsible adult is temporarily absent from ~~work~~ work, training or educational program with arrangements to continue the same employment, training or educational program, child care services shall continue for at least ~~30~~ 90 days. Where an absence from ~~work~~ work, training or educational program extends beyond ~~30~~ 90 days, the agency responsible for determining eligibility 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.

(f) Where a parent is unemployed but is seeking employment, child care services shall be provided for at least ~~30~~ 90 days if the parent 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.

(g) Where a parent no longer attends a training or educational program, child care services shall be provided for at least 90 days to seek employment or resume attendance at a training or educational program if the parent is already receiving subsidized child care services. Continuation of the service may be extended if the agency determines such extension as warranted, provided the reason for the extension is documented in the client's record.

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

- (1) continuation of high school within the school system;
- (2) basic education or a high school education or its equivalent in community colleges or technical institutes; and
- (3) post secondary education or skills training, up to a maximum of two years enrollment.

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

*Eff. July 1, 1983;*

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

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Services Commission

RULE CITATION: 10A NCAC 10 .1007

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Lines 8, 10, and 12 reference income limits. How is this known? If an outside authority is referenced to clarify the process, please incorporate in accordance with [G.S. 150B-21.6](#), by indicating that this information is being incorporated by reference and clarifying the effect of subsequent amendments*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Tuesday, April 26, 2016

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

2  
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 who are employed or in school and whose  
8 income is at or below the federal income limit of 85% of State Median Income shall not have these activities disrupted  
9 during the 12 month eligibility period.

10 (b) At redetermination, if it is determined that the family exceeds the State's income eligibility limits, the family shall  
11 continue to receive subsidized child care services for 90 days if their income is at or below the federal income limit  
12 of 85% of State Median Income.

13  
14 *History Note:     Authority G.S. 143B-153;*  
15 *Eff. July 1, 1983;*  
16 *Amended Eff. June 1, 2016; April 1, 2001.*