

13951, (eff 4-3-0-24)

Readopt with amendment He-C 6910, effective 10/28/2023 (Document #13799), to read as follows:

PART He-C 6910 EMPLOYMENT-RELATED NEW HAMPSHIRE CHILD CARE SCHOLARSHIP PROGRAM ELIGIBILITY

Statutory Authority: RSA 161:2, XII; RSA 161:4-a, III; RSA 167:83, I (b); and RSA 167:83, II (o)

He-C 6910.01 Purpose. The purpose of this part is for the department of health and human services (DHHS), through the division of economic stability (DES), to:

(a) Establish the eligibility criteria for DHHS's 12-month employment-related child care scholarship program, which enables families to prepare for, secure, or maintain employment, and to support healthy child development for those families who meet, and continue to meet, the eligibility requirements of He-C 6910; and

(b) Establish the payment amounts for the employment-related child care scholarship.

He-C 6910.02 Scope.

(a) This part shall apply to families in need of child care scholarship and who are receiving financial assistance from DHHS under the temporary assistance to needy families (TANF) program, as described in He-W 602.06, or whose monthly gross income is at or below 85% of state median income (SMI).

(b) The scholarship payments established pursuant to He-C 6910 shall be contingent upon the availability and continued appropriation of sufficient funds for this purpose, and in no event shall DHHS be liable for any payments hereunder in excess of such available appropriated funds.

He-C 6910.03 Definitions.

(a) "Applicant" means an individual who has a biological child, adoptive child, or is a foster parent, stepparent, legal guardian, or caretaker relative to a child, who applies for child care scholarship.

(b) "Assistance group" means the individuals who are residing in the same household, whose needs and income are considered and combined together when determining eligibility and the amount of financial assistance for child care scholarship.

(c) "Authorized service level" means full-time, half-time, or part-time service level based on the number of hours of child care per week needed for the parent to participate in an approved employment-related activity, plus commute time, pursuant to He-C 6910.07(m).

(d) "Caretaker relative" means a specified relative as defined in RSA 167:78, III, namely, "a specified relative, other than a parent, who provides care and parental control to a dependent child."

(e) "Child care" means the act of providing supervision, food, activity, and rest for a child, by someone other than the child's parent, caretaker relative, or legal guardian, for any portion of the day in preparing for, securing, or maintaining employment or employment-related education or training.

(f) "Child care scholarship" means payment to a provider of child care services on behalf of a family who meets all of the eligibility criteria in He-C 6910.

13951, (eff 4-3-0-24)

(g) “Child experiencing a disability or significant special need” means a child, under 18 years of age, who has a verified medical, physical, developmental, educational, or emotional disability or significant special need, as confirmed by He-C 6910.09(j), requiring additional funds for accommodation or classroom adaptation in the child care setting.

(h) “Children experiencing homelessness” means children who lack a fixed, regular, and adequate nighttime residence, as described in the McKinney-Vento Homeless Assistance Act of 1987, as reauthorized in 2015, which includes:

(1) Children who are:

- a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- b. Living in motels, hotels, manufactured housing communities, or camping grounds due to the lack of adequate alternative accommodations;
- c. Living in emergency or transitional shelters; or
- d. Abandoned in hospitals;

(2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar setting; or

(4) Migratory children as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1995 who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in (1)-(3) above.

(i) “Collateral Contact” means a conversation by telephone or email with an individual who can verify the applicant’s income and unearned income.

(j) “Commute time” means one hour for each day in a week during which the parent travels for active participation to and from an employment-related activity, as described in He-C 6910.07(f).

(k) “Continued assistance” means a period of continued eligibility for up to 92 calendar days following the termination of an approved employment-related activity as described in He-C 6910.07(f)(1), (3)-(6) to allow a parent to engage in another approved employment-related activity.

(l) “Cost share” means a DHHS-determined portion of the standard weekly rate charged as a fee to parents, for child care services provided, based on family size and income, pursuant to He-C 6910.18.

(m) “Department” or “DHHS” means the department of health and human services for the state of New Hampshire.

(n) “District office (DO)” means one of the New Hampshire regional offices where families can apply for child care scholarship provided by DHHS.

13951, (eff 4-3-0-24)

(o) “Eligibility period” means the time for which a family is determined eligible to receive child care scholarship.

(p) “Employment-related activities” means participation in an approved activity that is designed to assist parents to enter, re-enter, or remain in the workforce, as described in He-C 6910.07(f).

(q) “Enrolled child care provider” means a child care provider who has met the qualifications and requirements found in He-C 6914 and is authorized to receive payment from DHHS for child care services provided. The term includes the definition of “registered provider” as used in RSA 170-E:6-a, and “provider”.

(r) “Expedited child care” means an accelerated eligibility determination for child care scholarship, utilizing an enrolled child care provider as defined in (p) above, for any applicant who meets the definition of homelessness in section 725(2) of the McKinney-Vento Homeless Assistance Act of 1987, as reauthorized in 2015.

(s) “Family” means the children and adults who reside in the same household and who have a birth, foster, step, adoptive, legal guardianship, or caretaker relative relationship.

(t) “Family assistance program recipient” means an individual receiving financial assistance under the family assistance program, pursuant to RSA 167:84.

(u) “Family cap amount” means the maximum cost share amount for the eligibility period, determined at initial eligibility or at redetermination, pursuant to He-C 6910.18.

(v) “Federal poverty guidelines (FPG)” means poverty guidelines, published annually in the Federal Register by the secretary of the United States (US) department of health and human services, which are used as an eligibility criterion for community services block grant programs.

(w) “Foster parent” means an individual who has a license or permit for foster family care, pursuant to He-C 6446.

(x) “Fraud” means “fraud” as defined in RSA 167:58, IV.

(y) “Full-time” means the parent(s) participates in an approved employment-related activity, as described in He-C 6910.07(f), for greater than 30 hours per week.

(z) “Full-time override” means a system change from half-time, as defined in (aa) below, to full-time, as defined in (y) above, for eligible children 79 months of age or older whose parent(s) participates in an approved employment-related activity full-time, during school vacations, and summer vacation.

(aa) “Half-time” means the parent(s) participates in an approved employment-related activity, as described in He-C 6910.07(f), for greater than 15 hours and less than or equal to 30 hours per week.

(ab) “Job search” means a 92-calendar day period granted at initial eligibility or redetermination, during which a parent is actively seeking employment or another employment-related activity, as described in He-C 6910.07(f).

13951, (eff 4-3-0-24)

(ac) “Legal guardian” means an individual who is given legal authority by a court and charged with the duty to provide care, custody, and supervision of a child.

(ad) “Licensed” means the child care provider has been issued a child care license to operate by the commissioner of DHHS, in accordance with RSA 170-E, or has been issued a license to legally operate as a child care provider in accordance with the child care licensing requirements of a state neighboring New Hampshire.

(ae) “Licensed professional” means one of the following: attending physician, physician’s assistant, advance practice registered nurse, licensed mental health professional, licensed behavioral health professional, licensed alcohol and drug counselor, certified recovery support worker, or board certified psychologist.

(af) “License-exempt” means a child care provider is not required to be licensed, in accordance with RSA 170-E:3, I (a), (b), (c), (f), (g), and (h), or is not required to be licensed, but can legally operate as a child care provider in accordance with the regulations of a state neighboring New Hampshire.

(ag) “McKinney-Vento Homeless Assistance Act” means the McKinney-Vento Homeless Assistance Act, 42 USC 11301 (1987), as reauthorized in 2015.

(ah) “Monthly gross income” means total monthly monies received before taxes and other deductions are applied.

(ai) “NHEP participant” means an individual who is enrolled in the New Hampshire employment program (NHEP) work program and is receiving TANF financial assistance.

(aj) “New Hampshire employment program (NHEP)” means the program administered by DHHS, in accordance with RSA 167:78 through RSA 167:92.

(ak) “Notification” means a written, printed, or electronic document that advises:

(1) Families of:

- a. The results of eligibility determinations; and
- b. Other changes in child care scholarship; or

(2) Providers of:

- a. Changes to a family’s child care scholarship, as applicable;
- b. The maintenance of the provider’s enrollment status; and
- c. Other information related to the provider’s compliance with these rules.

(al) “Parent” means an individual who has a birth, adoptive, or stepparent relationship to a child, a foster parent as defined in (w) above, a legal guardian as defined in (ac) above, or a caretaker relative as defined in (d) above.

13951, (eff 4-3-0-24)

(am) “Parent with a disability” means a parent who is unable to participate in employment-related activities or unable to care for and supervise their child because of a verified physical or mental condition, disease, or a combination of these conditions.

(an) “Part-time” means the parent(s) participates in an approved employment-related activity, as described in He-C 6910.07(f), for one hour to less than or equal to 15 hours per week.

(ao) “Recipient” means a member of a family, who meets eligibility requirements for child care scholarship from DHHS, pursuant to He-C 6910.

(ap) “Redetermination” means an annually scheduled review of an assistance group’s eligibility for child care scholarship and includes verification of all aspects of eligibility, pursuant to He-C 6910.15.

(aq) “Satisfactory progress” means meeting the minimum standards set by an organization, an agency, or an educational or training facility, which measures the participant’s:

- (1) Proficiency level in an activity; and
- (2) Ability to complete the activity in a timely manner.

(ar) “Self-employed” means an individual who earns income directly from their own business, trade, or profession, rather than a specified salary or wages from an employer.

(as) “Standard weekly rate” means a DHHS-determined rate used to calculate child care scholarship payments to enrolled child care providers and cost share amounts for families.

(at) “State median income (SMI)” means an annual income figure calculated by the United States Census Bureau representing the point in which there are as many families earning more than a specific amount as there are earning less than that amount.

(au) “Temporary assistance to needy families (TANF)”, as defined in He-W 601.04, means the financial and medical assistance provided under the New Hampshire employment program (NHEP), family assistance program (FAP), families with older children (FWOC) program, and the interim disabled parent (IDP) program.

(av) “Termination” means the discontinuance of child care scholarship received by an assistance group when the conditions of eligibility for receipt of the assistance are no longer met.

(aw) “Waitlist” means a prioritized list of children determined eligible for child care scholarship who are waiting for funding to become available to receive child care scholarship.

He-C 6910.04 Application for Child Care Scholarship.

(a) All applicants requesting child care scholarship shall submit to the DO a signed and dated application for assistance, either on paper, via telephone, or electronically, in accordance with He-W 600.

(b) In addition to submitting a completed application as referenced in (a) above, the applicant shall provide the following information as verification as required pursuant to He-C 6910.09:

13951, (eff 4-3-0-24)

- (1) For each member of the assistance group:
 - a. Full name, including maiden name, if applicable, and any other names used previously;
 - b. Social security number, if the applicant chooses to provide it;
 - c. Current physical address and mailing address, if different; and
 - d. The total amount of gross income from all sources, or net income if self-employed, as described in He-C 6910.06;
 - (2) A description of the current household composition, such as whether the family lives independently, or with a relative(s) or others, is homeless, or if the child is a foster child;
 - (3) The telephone number(s) at which the applicant can be reached;
 - (4) The reason for requesting assistance at the time the application is made; and
 - (5) The date and US citizenship status of each child in the assistance group for whom the applicant is requesting child care scholarship.
- (c) The applicant shall participate in the verification and interview process described in He-W 636.01.
- (d) The applicant shall indicate at the time of application the current child care arrangements, if any, including:
- (1) The name of the provider;
 - (2) The cost of child care; and
 - (3) Whether the provider is licensed or license-exempt.
- (e) The application for child care scholarship shall be signed, dated, and submitted in accordance with RSA 167:8.
- (f) The applicant shall provide all verification required by He-C 6910.09 prior to being determined eligible for child care scholarship.
- (g) If the applicant provides all required verification pursuant to He-C 6910.09 within 30 days of the date the DO receives the application and meets the eligibility requirements, the applicant shall be eligible for child care scholarship for 12 months, as described in He-C 6910.10.
- (h) If the applicant does not provide all verification pursuant to He-C 6910.09 within 30 days of the date the DO receives the application, the child care scholarship application shall be denied and the applicant shall be required to submit a new application and participate in another interview, as described in He-W 636.01, in order to determine eligibility.

13951, (eff 4-3-0-24)

He-C 6910.05 Application for Expedited Child Care. An applicant experiencing homelessness as defined in the McKinney-Vento Homeless Assistance Act of 1987, as reauthorized in 2015, shall be eligible to receive expedited child care scholarship within 7 calendar days of the date that the DO receives the application if the applicant:

(a) Provides the DO with a completed application, including the parent's full legal name, mailing address or other means of contact, and the parent's dated signature;

(b) Specifies an enrolled child care provider currently enrolled with DHHS;

(c) Has not previously had expedited child care terminated due to failure to provide required verification, unless the applicant has, since the termination, provided all required verification and been determined eligible; and

(d) Is participating in an employment-related activity as described in He-C 6910.07(f).

He-C 6910.06 Financial Eligibility Requirements.

(a) To be financially eligible for child care scholarship, a family shall meet at least one of the requirements set forth in (1)–(4) below:

(1) Be receiving TANF financial assistance from DHHS, whether participating in NHEP in accordance with He-W 637.03, or exempt from participation in NHEP in accordance with He-W 637.04;

(2) Be receiving TANF-related medical assistance as described in RSA 167:82, VI;

(3) Be participating in NHEP and have applied for, but not yet been approved for, TANF financial assistance; or

(4) Meet the gross income limit described in (b) below.

(b) Families shall be determined income eligible for child care scholarship at application if their monthly gross income for the appropriate family size does not exceed 85% of SMI as calculated annually by the United States Census Bureau.

(c) All sources of gross income shall be counted when determining financial eligibility and family cost share for child care scholarship, except those specified below:

(1) The income of any grandparent, when 3 generations are living in one household;

(2) Child foster care payments;

(3) Adoption subsidies;

(4) Any educational assistance, student loans, or scholarships used to cover educational expenses, such as tuition and mandatory fees, books, and school-related travel;

13951, (eff 4-3-0-24)

- (5) The income of a caretaker relative or a legal guardian and the legal guardian's spouse, unless the caretaker relative or legal guardian is also applying for child care assistance for the legal guardian's own child, in which case the legal guardian's income and the income of the legal guardian's spouse shall count in the determination of eligibility for all of the children;
 - (6) Money received from AmeriCorps Volunteers in Service to America (VISTA);
 - (7) Earned income from a dependent child, as defined in He-W 601.03, who is a full-time student attending primary or secondary school, or equivalent, pursuant to RSA 167:80, IV(b);
 - (8) Supplemental Security Income (SSI), when the recipient of the SSI benefit is a dependent child, as defined in He-W 601.03; and
 - (9) TANF financial assistance payments.
- (d) For self-employment, countable income to determine eligibility shall be the net monthly income from the business activities, after deducting any incurred business expenses allowable by the US Internal Revenue Service (IRS).
- (e) Monthly gross income shall be determined in accordance with He-W 744.01, or in accordance with He-W 744.03 for fluctuating income.
- (f) Resources, as defined in He-W 601.07, including both personal and real property, shall not be counted when determining financial eligibility and family cost share for child care scholarship, unless the total countable resources exceed one million dollars in assets.
- (g) Fluctuating income shall be identified and calculated as:
- (1) Earned income that is averaged when it varies from month-to-month, such as when an individual works varying hours, overtime, or on a piece-work basis;
 - (2) Unearned income that is averaged when it varies from month-to-month, such as child support, alimony, disability payments, or other sources of unearned income due to changes in the frequency or amount of receipt; or
 - (3) Earned income that is annualized when:
 - a. The parent indicates that the current income does not reflect the total assistance group's income for the next 12-month period;
 - b. The assistance group's income varies from season to season, such as when an individual works different employment in the winter months than to the summer months; or
 - c. The parent is self-employed.
- (h) Countable income, pursuant to He-C 6910.06(d), shall be determined at the initial application and converted to a monthly amount by:

13951, (eff 4-3-0-24)

- (1) Averaging income using 4 current consecutive weeks, pursuant to He-W 744.03(e);
 - (2) Annualizing the earned income of the previous 12-month period when such income represents a best estimate of future income; or
 - (3) Annualizing the projected earnings of the applicant for the next 12-month period as verified according to He-C 6910.09(g).
- (i) Income that is annualized at initial application shall determine the family cap amount and shall not be recalculated during the 12-month eligibility period, except when the recipient verifies a permanent job loss.

He-C 6910.07 Non-Financial Eligibility Requirements.

(a) To be eligible for child care scholarship, the child shall be a member of the assistance group for which the applicant is seeking child care scholarship.

(b) Each child for whom child care scholarship is requested shall be:

- (1) A resident of the state of New Hampshire, except for children of migrant workers who are experiencing homelessness because they are living in circumstances as described in He-C 6910.03(h);
- (2) A US citizen or a non-citizen who meets the criteria for non-citizenship as described in He-C 6910.09(c)(2);
- (3) Less than 13 years of age, except when the child meets the criteria described in (e) below; and
- (4) Linked to only one enrolled provider.

(c) A child who turns 13 years of age during the assistance group's eligibility period shall remain eligible until the assistance group's next redetermination, at which time eligibility for the child shall end.

(d) A child who is 12 years of age at the time of application, but who turns 13 years of age prior to the eligibility period start date, as described in He-C 6910.10(f), shall not be eligible for child care scholarship.

(e) A child age 13 or older shall not be eligible for child care scholarship, except when the child is experiencing a verified disability or significant special need as defined in He-C 6910.03(g) and verified in accordance with He-C 6910.09(j)(3).

(f) Each applicant parent requesting child care scholarship shall be engaged in one or more of the following:

- (1) Employment where an applicant parent is receiving any form of earned income or in-kind compensation for their work;
- (2) Job search where an applicant parent is:

13951, (eff 4-3-0-24)

- a. In compliance with NHEP, pursuant to He-W 637.05;
- b. Registered with the New Hampshire department of employment security job match system;
- c. In compliance with New Hampshire's requirements for receipt of unemployment compensation benefits; or
- d. Actively seeking employment independently, as documented by the applicant parent on BCDHSC Form 2693 "New Hampshire Child Care Scholarship Program Job Search Activity Verification Form," (October 2023), pursuant to He-C 6910.09(q)(4).

(3) A training or educational program which is preparatory to employment, including an online training or educational program, subject to the limitations found in He-C 6910.13(d);

(4) A basic educational activity, as described in He-C 6910.13(f);

(5) One or more approved NHEP activities indicated on an NHEP employability plan, as described in He-W 637; or

(6) A mental health treatment program, a substance misuse treatment program, or both, as a recipient of NHEP or FAP financial assistance, pursuant to RSA 167:83, II(q).

(g) The job search in (f)(2) above, shall be authorized for up to 92 calendar days. If job search is the only activity the parent engages in prior to the end of the 92 calendar days, child care scholarship eligibility shall terminate after the 92nd day.

(h) Additional hours towards the family's service level shall be available to parents participating in an approved employment-related activity and seeking housing, who are without permanent housing as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act of 1987, as reauthorized in 2015, subject to the verification requirements of He-C 6910.09(w).

(i) To be eligible for child care scholarship when both parents reside with the child, the following shall apply:

(1) Both parents shall comply with (f) above; or

(2) One parent shall comply with (f) above and the other shall qualify as a parent with a disability in accordance with He-C 6910.09(k).

(j) Two adults residing in the same household, regardless of marital status, who share a common child, shall be counted as one assistance group, along with all other children who have a biological, foster, step, or adoptive relationship with each other and either adult.

(k) When an individual is a license-exempt in-home child care provider as defined in He-C 6917.03(k), the individual's own child shall not be eligible for child care scholarship if:

(1) The individual cares for their own child; or

13951, (eff 4-3-0-24)

(2) The individual's child is cared for by another license-exempt in-home child care provider as defined in He-C 6917.03(k).

(l) An individual who is a license-exempt in-home child care provider as defined in He-C 6917.03(k) shall be eligible to receive child care scholarship for the care of the individual's own child if the child attends any of the following types of child care programs:

(1) A licensed family day care home, as defined in RSA 170-E:2, IV(a);

(2) A licensed family group day care home, as defined in RSA 170-E:2, IV(b);

(3) A licensed group child day care center, as defined in RSA 170-E:2, IV(c); or

(4) A license-exempt facility-based program, as defined in He-C 6916.03(j), unless the child is under 6 years of age, pursuant to RSA 170-E:2, XI-a.

(m) A child's authorized service level shall be based on the number of hours per week child care is needed as determined by:

(1) The number of hours per week the parent is engaged in an approved employment-related activity; and

(2) The number of hours of commute time per week, equal to no more than one hour per day multiplied by the number of days per week that the parent is engaged in an employment-related activity.

(n) For employed parents, the numbers of hours per week shall be calculated by taking the highest amount of hours worked during any week for which the department averaged the parent's income, pursuant to He-C 6910.06(h)(1), and rounding up to the next whole number.

(o) For self-employed parents, the authorized service level shall be based on the number of hours per week child care is needed as determined by:

(1) The number of hours the parent reports for self-employment when the parent has been continuously self-employed for less than 2 years; or

(2) Calculating self-employment hours when the individual has been continuously self-employed for 2 years or more, as follows:

a. Dividing the monthly income as described in He-C 6910.06(d) by 4.33 weeks to establish weekly income, dividing this weekly income by the federal minimum wage, and rounding up to the next whole number in order to establish the average number of hours of self-employment per week; and

b. The number of hours of commute time per week equal to one hour per day multiplied by the number of days per week that the parent is participating in self-employment.

13951, (eff 4-3-0-24)

(p) The authorized service level shall be based on the calculation in (m), (n), and (o) above and applied as follows:

- (1) For full-time authorized service level, the number of hours shall be greater than 30 hours;
- (2) For half-time authorized service level, the number of hours shall be greater than 15 and less than or equal to 30; or
- (3) For part-time authorized service level, the number of hours shall be between one and less than or equal to 15 hours.

(q) For 2-parent households eligible to receive child care scholarship, the authorized service level shall be calculated based upon the lowest number of hours that either parent participates in an approved employment-related activity, as described in He-C 6910.07(f).

(r) Child care scholarship shall not be paid for a child under 6 years of age, when cared for in a license-exempt child care center program, pursuant to RSA 170-E:2, XI-a.

(s) A legal guardian or caretaker relative and the legal guardian or caretaker relative's spouse shall be required to be engaged in at least one activity described in (f)(1)-(6) above, or one individual shall comply with (f) above and the other individual shall qualify as a parent with a disability, in accordance with He-C 6910.09(k).

(t) An individual registered with a temporary employment agency shall be considered employed so long as the individual earns one payment within 10 calendar days of an employment assignment.

He-C 6910.08 Additional Requirements for Participants of NHEP.

(a) A parent who is participating in NHEP and in compliance with He-W 637 shall be eligible for child care scholarship.

(b) If the parent becomes noncompliant with the NHEP requirements, the parent shall be granted continued assistance for up to 92 calendar days, pursuant to He-C 6910.10(m).

(c) A parent participating in training and education as a part of their approved NHEP activities, pursuant to He-W 637.22, shall be eligible for child care scholarship for a total of 104 weeks in a lifetime.

(d) If the 104-week lifetime limit in (c) above is reached within the family's eligibility period, the family shall remain eligible under training or education until their next redetermination, at which time the parent(s) shall be required to engage in another approved employment-related activity besides training or education, as listed in He-C 6910.07(f)(1), (2), (4)-(6).

He-C 6910.09 Verification Requirements. In order for an application to be approved, the applicant shall provide DHHS with verification of eligibility requirements within 30 days of the application date as follows:

(a) The name of each member of the assistance group shall be verified by one or more of the following documents:

13951, (eff 4-3-0-24)

- (1) The individual's birth certificate;
- (2) The individual's marriage certificate;
- (3) The individual's divorce decree, if the name to be used is changed subsequent to a divorce;
- (4) The individual's driver's license or other identification which contains a picture of the individual; or
- (5) If the individual has had a legal name change, the court documentation showing the legal name of the individual and the date the name change took effect;

(b) The date and place of birth of each child in the assistance group for which the parent is requesting child care scholarship shall be verified by one or more of the following documents:

- (1) The child's birth certificate;
- (2) The child's baptismal certificate; or
- (3) The child's US passport;

(c) When a child was not born in the US but has either become a US citizen or been lawfully admitted to the US, the child's birth record and one or more of the following documents shall be submitted to verify date and place of birth and citizenship status:

- (1) The child's certificate of citizenship or naturalization; or
- (2) The following US Citizenship and Immigration Services (USCIS) forms or documentation:
 - a. USCIS Form I-551, Permanent Resident card;
 - b. USCIS Form I-327, Re-entry Permit;
 - c. USCIS Form I-94, Arrival Departure Record, stating that the child has been admitted to the US as a refugee under Section 207(c) of the Immigration and Nationality Act;
 - d. USCIS Form I-94, Arrival Departure Record, stating that the child has been admitted to the US as an asylee under Section 208 of the Immigration and Nationality Act; or
 - e. Documentation from USCIS that the child has lawful temporary or permanent resident status under Section 201 or 302 of the Immigration Reform and Control Act;

(d) The relationship of the parents in the assistance group to the child in the assistance group shall be verified by one or more of the following:

- (1) The child's birth certificate containing the names of the child's parents;
- (2) The parent's birth certificate;

13951, (eff 4-3-0-24)

- (3) A marriage certificate containing the names of the parties who were married, including any maiden or previous names used;
 - (4) Any additional birth, adoption, or marriage records necessary to show the relationship of the child to the parents in the assistance group;
 - (5) For a legal guardian, the court documentation indicating the relationship of the adult to the child as that of a legal guardian; or
 - (6) For a caretaker relative, one or more of the following documents:
 - a. A court order giving the caretaker relative the duty of care, custody, and supervision of the child;
 - b. A document showing power of attorney for the child by the caretaker relative with whom the child lives; or
 - c. A statement from the child's biological or adoptive parent that the caretaker relative is the individual who shall provide care and supervision for the child on the parent's behalf;
- (e) To verify a current address, any of the following verifications which show the address of the family shall be acceptable:
- (1) Rental receipts;
 - (2) Utility bills;
 - (3) A statement from the current landlord;
 - (4) An unexpired lease or rental agreement; or
 - (5) If the home is owned, the deed or mortgage statements;
- (f) Self-attestation shall be an acceptable form of verification for children of migrant workers experiencing homelessness because they are living in circumstances described in He-C 6910.03(h);
- (g) Monthly gross income of each member of the assistance group shall be verified in accordance with He-W 744.01 or He-W 744.03, or as follows:
- (1) For self-employment, the parent's entire IRS tax filing from the previous year if filed, or a complete profit and loss statement for the previous year, as described in He-C 6910.06(d);
 - (2) Any contributions of monies to the assistance group from any source, verified by a signed statement from the contributor, which indicates the amount, frequency, and expected end date of the contribution, as well as whether the contribution is considered to be a loan or a gift;

13951, (eff 4-3-0-24)

- (3) For earned income that fluctuates month-to-month according to He-C 6910.06(g)(1), pay stubs, a written statement from the employer stating the average monthly amount earned, or a collateral contact, as defined in He-C 6910.03, with the employer;
 - (4) For unearned income that fluctuates according to He-C 6910.06(g)(2), a written statement from the contributor, physical documentation, or a collateral contact with the contributor;
 - (5) For earned income that fluctuates season-to-season according to He-C 6910.06(g)(3)b., either the previous year's tax return and W-2, a statement from the employer, or a collateral contact with the employer; or
 - (6) For income that cannot be verified according to (1)-(5) above, and which is anticipated to fluctuate over the next 12-month period, verification shall consist of a statement from the employer identifying an estimate of future earnings during the upcoming 12-months;
- (h) The applicant shall attest that the assistance group's resources, including both personal and real property, do not exceed \$1,000,000 dollars in assets. No member of the assistance group shall have, nor shall the combined assets of the assistance group be, equal to or greater than \$1,000,000, pursuant to 45 CFR 98.20(a)(2)(ii);
- (i) To establish a link between the applicant child and the enrolled child care provider, the parent and the enrolled child care provider shall complete, sign and date, and submit to the DO Form 1863 "Child Care Provider Verification," (October 2023);
- (j) The following verification requirements shall apply for a child experiencing a disability or significant special need requiring additional funds for accommodations or classroom adaptation in the child care setting:
- (1) The parent shall authorize the release of information to DHHS by completing section III of Form 2690 "Verification for a Child Experiencing a Disability or Significant Special Need," (October 2023), and by signing and dating the form, affirming the following:

"By signing below, I authorize this verification to be released to the Department of Health and Human Services. I understand that the information will be held in the strictest of confidence and that it will be reviewed by, or shared with, authorized Department of Health and Human Services' staff involved in the authorization of Child Care and Development Fund Scholarships"; and
 - (2) The enrolled child care provider shall complete section I of Form 2690, "Verification for a Child Experiencing a Disability or Significant Special Need" (October 2023), including signing and dating the form, certifying the following:
 - a. "I certify that the child's disability or special need(s) is significant enough that the child requires additional funds for accommodation or classroom adaptation in the child care setting."; and
 - b. "I agree to submit an annual report to DHHS specifying how the monies were spent which include all DHHS requested information necessary for program monitoring";

13951, (eff 4-3-0-24)

(3) A licensed professional shall complete section II of Form 2690, “Verification for a Child Experiencing a Disability or Significant Special Need,” (October 2023), including signing and dating the form, certifying that one of the following is applicable:

a. “I certify that: I am the child’s attending physician, physician’s assistant, advance practice registered nurse, or licensed mental health professional and am providing ongoing treatment; the child’s disability or special need(s) is significant enough that the child requires additional support and/or accommodation in a child care setting; and, if the child is 13 through 17 years of age, the child’s condition limits the child’s ability to care for himself/herself or he/she would cause harm to himself/herself or others without supervision.”; or

b. “I certify that I am a SAU Special Education Director or Area Agency Director and I believe that the child’s disability or special need(s) is significant enough that the child requires additional support and/or accommodation in a child care setting.”.

(k) When a parent in a 2-parent household claims that the parent has a disability, acceptable verification shall be a signed and dated statement from an attending physician, physician assistant (PA), advanced practice registered nurse (APRN), or licensed mental health professional (LMHP) indicating:

- (1) The medical condition, disease, or disability of the adult;
- (2) The expected duration of the condition, disease, or disability; and
- (3) That the parent is unable to work and to care for and supervise the parent’s children because of the specified condition, disease, or disability;

(l) For parents who are NHEP participants and are also in an approved training or educational program, including an online training or educational program, acceptable verification shall be a signed and dated statement from the school or training organization indicating:

- (1) The parent is enrolled in the program;
- (2) The duration of the program;
- (3) The class schedule, including hours of class attendance; and
- (4) The program shall lead to a degree, license, or certificate at the bachelor’s level or lower in a specific field of employment;

(m) For parents who are not receiving TANF financial assistance, but who are in an approved training or educational program, as described in He-C 6910.13(d), including an online training or educational program, acceptable verification shall be a signed and dated statement from the school or training organization indicating:

- (1) The parent is enrolled in the program;
- (2) The duration of the program;

13951, (eff 4-3-0-24)

(3) The class schedule, including hours of class attendance; and

(4) The program shall lead to a degree, license, or certificate at the associate's level or lower in a specific field of employment;

(n) For parents receiving TANF financial assistance and not participating in the NHEP work program, as described in He-C 6910.13(e), acceptable verification of the training program or course of study, including an online training or educational program, shall be a signed and dated statement from the school or training organization indicating:

(1) The requirements in (m)(1), (2), and (3) above; and

(2) That the program shall lead to a degree, license, or certificate at the bachelor's level or lower in a specific field of employment;

(o) When a parent works at least 4 hours between 10:00 p.m. and 6:00 a.m., acceptable verification shall be a signed and dated statement from the parent's employer, or, if self-employed, a customer of the parent, stating the hours of the shift that the individual works each week;

(p) If at redetermination a parent is experiencing one of the circumstances in He-C 6910.10(n), the following verification shall be required:

(1) A signed and dated statement from the employer that the parent is still employed and will be able to return to work following the medical leave, seasonal break in employment, or other temporary absence in accordance with 45 CFR 98.21(a)(1)(ii);

(2) Proof of registration for the following semester, or a signed and dated statement from the institution where the parent attends the training or educational program, stating that the parent is still enrolled; or

(3) A signed and dated statement from the mental health or substance misuse treatment program indicating that the parent is on a temporary absence from the program, but is still considered to be enrolled, if the parent is an NHEP or FAP recipient;

(q) When a parent is participating in job search at initial application or at redetermination, acceptable verification shall be:

(1) Proof of receipt of unemployment compensation benefits;

(2) A personal summary page from the NH department of employment security's job match;

(3) The verifications described in He-W 637.03(g) for participants in the NHEP work program;
or

(4) A completed BCDHSC Form 2693 "New Hampshire Child Care Scholarship Program Job Search Activity Verification Form," (October 2023), if the parent is actively seeking employment independently;

13951, (eff 4-3-0-24)

(r) When a parent has a permanent job loss, acceptable verification shall be:

- (1) A signed and dated notice of termination from the employer;
- (2) Any other signed and dated verification from the employer that the parent is no longer employed; or
- (3) Collateral contact with the employer;

(s) The verification listed in (r) above shall include all of the following:

- (1) That the parent is no longer employed;
- (2) The last date the parent worked;
- (3) The date of termination;
- (4) The reason for termination;
- (5) The parent's final pay date; and
- (6) The parent's final 4 weeks' gross pay;

(t) In order for the assistance group's cost share to be recalculated during the eligibility period, the family shall verify any loss of employment or other income that results from the termination of the approved employment-related activities listed in He-C 6910.07(f);

(u) When a parent applying for expedited child care scholarship is experiencing homelessness as defined in the McKinney-Vento Homeless Assistance Act of 1987, as reauthorized in 2015, acceptable verification shall be a self-attestation from the parent that the family is experiencing homelessness;

(v) A parent may request additional hours towards their service level if they are participating in an employment-related activity as described in He-C 6910.07(f), experiencing homelessness, and seeking housing in the same week;

(w) When a parent meets the criteria in (v) above, acceptable verification for eligibility of additional hours towards their service level shall be a self-attestation stating that the parent is experiencing homelessness and documentation indicating how many hours per week the parent is seeking housing;

(x) For individuals who did not find an enrolled child care provider within 30 days when seeking child care through a child care resource and referral agency pursuant to He-C 6910.10(q)(1), acceptable verification shall be a letter from the child care resource and referral agency stating that the parent has been working with the referral agency staff and child care has not been identified for the specified child;

(y) When a child or parent has had an in-patient hospital stay within the past 30 days as described in He-C 6910.10(q)(2), acceptable verification of the in-patient hospital stay shall be the discharge statement, hospital record, or a statement from the attending physician;

13951, (eff 4-3-0-24)

(z) When a parent is engaged in an employment-related training or educational activity, as described in He-C 6910.07(f)(3), acceptable verification of satisfactory progress shall be a report card or signed and dated statement from the organization or agency, or the educational or training facility, indicating that the parent is making satisfactory progress as defined in He-C 6910.03(ap);

(aa) The following verification requirements shall apply to a parent receiving NHEP or FAP financial assistance while participating in a mental health or substance misuse treatment program:

(1) The parent shall certify participation in an approved mental health treatment program or substance misuse treatment program and authorize the release of information to DHHS by completing, signing, and dating section I of Form 2691 "Verification Individual Participation in a Mental Health or Substance Misuse Treatment Program," (October 2023) affirming the following:

a. "By signing this form, I authorize the release of this information to the Department of Health and Human Services (DHHS). I understand information will be held in strictest confidence and will be reviewed by, or shared with, authorized DHHS staff involved in determining eligibility for the New Hampshire Child Care Scholarship program"; and

(2) A licensed professional shall certify ongoing treatment is being provided by completing, signing, and dating section II of Form 2691 "Verification for Participation in a Mental Health or Substance Misuse Treatment Program," (October 2023).

(ab) When a parent requests a decrease in service level, pursuant to He-C 6910.16(b)(2), acceptable verification shall be a signed and dated statement from the parent.

He-C 6910.10 Eligibility Determination and Length of Time.

(a) When an application has been made in accordance with He-C 6910.04, and all required verification has been submitted, as described in He-C 6910.09, the DO staff shall make a determination of eligibility for child care scholarship.

(b) If at the time of the initial application interview all required verification has not been received by the DO, the DO staff shall notify the applicant of all outstanding verification.

(c) The notification in (b) above shall state that the applicant shall submit the required verification to the DO staff within 10 calendar days of the date of the notification, or the application shall be denied.

(d) An eligibility determination for child care scholarship shall be made:

(1) Within 30 calendar days of the date the application is received by the DO; or

(2) Within 7 calendar days of the date the application is received by the DO for expedited child care, as described in He-C 6910.05.

(e) Eligibility for expedited child care scholarship shall:

13951, (eff 4-3-0-24)

(1) Be applied toward the 12-month eligibility period if the applicant provides all required verification and is determined eligible within the 30-day application timeframe; or

(2) Terminate 30 calendar days after the application date if the applicant fails to provide all required verification within the 30-day application timeframe.

(f) The application date or the child care provider link date on Form 1863 “Child Care Provider Verification” (October 2023), whichever is later, shall be used to determine the:

(1) Effective date of the 12-month eligibility period; and

(2) Effective date of payment for child care scholarship.

(g) Non-financial eligibility for child care scholarship shall be determined by the DO as follows:

(1) Determine the composition of the assistance group, which shall include all of the following individuals residing in the same dwelling:

a. All children under 18 years of age who have a biological, foster, step, or adoptive relationship;

b. All individuals under 20 years of age who have a biological, foster, step, or adoptive relationship who are attending primary or secondary school or equivalent, pursuant to RSA 167:80, IV(b); and

c. Any adult who has a biological, foster, step, adoptive, caretaker relative, or legal guardianship relationship to any child in a. above;

(2) Determine that the applicant is either:

a. Engaged in one of the activities listed in He-C 6910.07(f); or

b. Meets the criteria for a parent with a disability as described in He-C 6910.09(k);

(3) Determine that both parents are engaged in at least one of the activities described in He-C 6910.07(f), if living together and are in the same assistance group; and

(4) Determine that the parent is eligible under He-C 6910.08, if the applicant parent is an NHEP participant.

(h) Financial eligibility for child care scholarship shall be determined by the DO, pursuant to He-C 6910.06(a) as follows:

(1) Determine the family size, which shall be the same number as members in the assistance group;

(2) Calculate the monthly gross income of the assistance group by adding together all assistance group members’ monthly gross earned and unearned income, except for:

13951, (eff 4-3-0-24)

a. Income specifically excluded in He-C 6910.06(c); and

b. Self-employment income, which shall be added as net income, as described in He-C 6910.06(d); and

(3) Compare the amount obtained in (2) above, using the appropriate family size as determined in (1) above, to the monthly gross income amount described in He-C 6910.06(b) as follows:

a. If the assistance group's total monthly gross income does not exceed the monthly gross income amount described in He-C 6910.06(b), then the family shall be determined financially eligible for child care scholarship; or

b. If the assistance group's total monthly gross income does exceed the monthly gross income amount described in He-C 6910.06(b) for the appropriate family size, the family shall be determined not financially eligible for child care scholarship and the application shall be denied.

(i) If the assistance group meets the non-financial and financial requirements described in (g) and (h) above and in He-C 6910.06 and He-C 6910.07, the application shall be approved and the family shall be eligible for child care scholarship.

(j) Notification shall be provided to the applicant as described in He-C 6910.12 as soon as an eligibility child care determination is made, but no later than 30 days from the date the application was received by the DO.

(k) Notification shall be provided to the applicant as described in He-C 6910.12 as soon as an expedited child care eligibility determination is made, but no later than 7 days from the date the application was received by the DO.

(l) The eligibility period for child care scholarship shall not exceed 12 months.

(m) A parent shall receive up to 92 calendar days of continued assistance when a parent experiences a permanent job loss, cessation of a training or educational program, or stops participating in a mental health or substance misuse treatment program. If the parent does not engage in one of the activities in He-C 6910.07(f)(1), (3)-(6) child care scholarship eligibility shall terminate at the end of 92 calendar days.

(n) A parent shall be considered employed, in a training or educational program, or participating in a mental health or substance misuse treatment program during the current 12-month eligibility period as long as the parent is:

(1) On a time-limited absence from work due to reasons such as an illness or the need to care for a family member;

(2) Experiencing a seasonal break in employment according to regular industry work seasons;

(3) On a student holiday or break from a training or educational activity;

13951, (eff 4-3-0-24)

(4) Experiencing any other reduction in work, training or education hours as long as the parent is still working or attending a training or educational program; or

(5) Any other temporary absence that does not exceed 3 months.

(o) A child shall be excluded from the payment for child care scholarship if payment was not made on the child's behalf for child care services rendered in the previous 60 days or if the child does not meet one of the following:

(1) The citizenship criteria of He-C 6910.07(b)(2);

(2) The age criteria of He-C 6910.07(b)(3) and He-C 6910.07(c); or

(3) A verified disability or significant special need criteria of He-C 6910.07(e).

(p) The family shall have 30 days from the date the application is received by the DO to arrange for child care with an enrolled child care provider and complete and return Form 1863 "Child Care Provider Verification," (October 2023) pursuant to He-C 6914.

(q) If the family fails to comply with (p) above, the child care application shall be denied, except when DHHS has authorized a one-time 30-day extension for one of the following circumstances:

(1) The family is unable to find child care within 30 days with assistance from a child care resource and referral agency;

(2) The parent or child has an in-patient hospital stay during the 30-day period;

(3) The information or data contained in Form 1863 "Child Care Provider Verification" (October 2023) was incorrect or no data has been entered by DHHS establishing a child care link;

(4) There was an error made by the DO in determining child care eligibility; or

(5) The family's chosen child care provider has completed the enrollment requirements in accordance with He-C 6914.04 within 30 days, but the provider enrollment determination has not been made according to He-C 6914.04.

(r) Prior to the end of the eligibility period, the family shall request a redetermination of eligibility in accordance with He-C 6910.15 in order to continue to receive child care scholarship.

(s) If the parent is no longer participating in any combination of the employment-related activities listed in He-C 6910.07(f)(1),(3)-(6), the parent shall be granted continued assistance for up to 92 calendar days. Child care eligibility shall terminate at the end of 92 calendar days if the parent does not reengage in one of the employment-related activities listed in He-C 6910.07(f)(1),(3)-(6).

(t) Continued assistance shall be granted when the parent reports the termination of employment, including self-employment, a training or educational program, or a mental health or substance misuse treatment program.

13951, (eff 4-3-0-24)

(u) Continued assistance shall not be granted when job search is terminated.

He-C 6910.11 Child Care Assistance Waitlist.

(a) When annual departmental cost projections reflect that available funds will be over-expended for the current fiscal year, a waitlist shall be established, consisting of all families determined eligible for child care scholarship, for the provision of additional child care scholarships.

(b) The following children shall be exempt from the waitlist in (a) above:

(1) Children whose parent applies for employment-related child care scholarship within 92 calendar days of the child's preventive or protective services closing;

(2) Children in families currently receiving TANF benefits or children whose parent applies for employment-related child care scholarship within 92 calendar days of the parent's TANF closing; and

(3) Children currently experiencing homelessness as defined in He-C 6910.03(h) or children whose parent applies for employment-related child care scholarship within 92 calendar days of finding housing after experiencing homelessness.

(c) DHHS shall not pay for child care services provided to a child while the child is on the waitlist.

(d) A family shall comply with all eligibility requirements and be determined eligible in accordance with He-C 6910.06, He-C 6910.07, He-C 6910.08, and He-C 6910.10 before being placed on the waitlist.

(e) A family whose child is on the waitlist shall be subject to redetermination of child care scholarship every 12 months.

(f) A family whose child is on the waitlist shall report and verify all changes required by He-C 6910.14.

(g) If a family fails to maintain eligibility status, the child shall be removed from the waitlist and child care scholarship eligibility shall be terminated.

(h) If a child has been removed from the waitlist, pursuant to (g) above, the family shall re-apply and be determined eligible for child care scholarship prior to the child being added back to the child care scholarship waitlist. The new eligibility period begin-date, according to He-C 6910.10(f), shall determine the child's position on the waitlist.

(i) The waitlist shall be prioritized into the following groups:

(1) The first priority group shall include:

a. Children in families whose monthly gross income is at or below 100% of FPG; and

b. Siblings of children who are members of a currently eligible assistance group with an enrolled child care provider who are actively receiving assistance; and

13951, (eff 4-3-0-24)

(2) The second priority group shall include all other children determined eligible for child care scholarship who do not meet the criteria of the first priority group in (1) above.

(j) Eligible children shall be added to the waitlist according to the eligibility period begin-date as described in He-C 6910.10(f).

(k) As funds become available, funds shall be released to offer child care scholarship to children on the waitlist in priority order, as follows:

(1) According to the begin-date of the family's eligibility period according to He-C 6910.10(f); and

(2) Alternating between:

a. Two children from the first priority group in (i)(1) above; and

b. One child from the second priority group in (i)(2) above.

(l) When child care scholarship becomes available to a child on the waitlist, the parent shall receive notification stating the following:

(1) The date that the child has been released from the waitlist;

(2) The date in (1) above shall be the date that funds are available for payment; and

(3) That no payment shall be made for child care services received prior to the date in (1) above.

He-C 6910.12 Notification to Applicants, Recipients, and Providers.

(a) A family shall receive notification whenever child care scholarship is denied, including the reason for the denial.

(b) A family and provider shall receive notification whenever child care scholarship is approved, increased, decreased, redetermined, terminated, when a child is added to or released from the waitlist, or when DHHS establishes or ends the link that controls payments between the child and provider.

(c) Notifications to families and providers shall contain the following information, as applicable:

(1) The reason for notification, including one or more of the following:

a. A child care scholarship approval;

b. A cost share increase or decrease;

c. A redetermination of eligibility;

d. A termination;

13951, (eff 4-3-0-24)

- e. An addition to the waitlist;
- f. A release from waitlist; or
- g. Information relative to whether the child's link to the child care provider is opening or closing;

(2) Decisions impacting ongoing eligibility, including one or more of the following:

- a. Initiation of job search; orb. Initiation of continued assistance;

(3) The eligibility period, for an approval or redetermination;

(4) The proposed effective date of the decrease in assistance or termination;

(5) Each eligible family member's name and DHHS recipient identification number, which is a uniquely assigned number for each member of the assistance group, if the family is determined eligible;

(6) The family cost share, based on the percent of the assistance group's monthly gross income and household size, pursuant to He-C 6910.18;

(7) The authorized service level, full-time, half-time, or part-time, for all eligible children;

(8) The right to appeal, in accordance with He-C 6910.19, if the family is aggrieved by the eligibility decision;

(9) The DHHS decision to seek recoupment of an overpayment made to the parent, the provider, or both; and

(10) That funds are now available and the child is released from the waitlist.

(d) Notifications to families in (b) above shall include the following additional information, as applicable:

(1) The maximum income limit for the family size;

(2) The total monthly gross income amount for the assistance group;

(3) The total monthly net income if self-employed; and

(4) The income computation used to determine the eligibility decision.

(e) Families shall receive courtesy letters related to ongoing eligibility as follows:

(1) At 72 days from the start of the job search or continued assistance, information relative to the 92-day limit on job search and continued assistance;

13951, (eff 4-3-0-24)

(2) At 30 days and at 60 days of non-billing from the provider, information relative to the termination of the provider's link between the child and the provider; and

(3) At 84 weeks when an employment-related training or educational program has been used, information relative to the lifetime limit of 104 weeks for employment-related training and educational activities.

(f) When a termination is the result of the parent's failure to complete the redetermination process, the family shall not receive notification in accordance with this section.

He-C 6910.13 Limitation of Child Care Scholarship in Certain Situations. Insofar as funding and resources allow, child care scholarship shall continue until the family's next redetermination if the family meets the program requirements of He-C 6910, except as follows:

(a) For families for which a job search activity is approved for one or more parents the following shall apply:

(1) The parent shall be allowed a maximum of 92 calendar days of child care scholarship in order to engage in job search or engage in job search and seek housing in the same week;

(2) Child care scholarship shall terminate at the end of 92 calendar days if the parent or parents in job search have not engaged in one of the activities in He-C 6910.07 (f),(1),(3)-(6);

(3) The parent shall engage in employment, an employment-related training or educational program, NHEP, basic education, or be participating in a mental health or substance misuse treatment program as a recipient of NHEP or FAP before a new job search period shall be granted as a new activity; or

(4) Six months shall lapse between job search activities;

(b) If both parents are engaged in a job search, but began their job searches on different dates, child care scholarship shall terminate upon the 92nd calendar day of the job search period that is reached first, if one or both parents have not engaged in one of the activities in He-C 6910.07(f), (1), (3)-(6) during the job search;

(c) A parent participating in NHEP shall be subject to the limitations identified in He-C 6910.08;

(d) A parent who is not receiving TANF financial assistance shall be eligible for child care scholarship during the training program or course of study when the training or educational program or course of study:

(1) Prepares the parent for employment;

(2) Leads to a degree or certificate in a specific field of employment;

(3) Does not exceed 104 weeks of child care scholarship payment in a lifetime, except that if the 104-week lifetime limit is reached during the eligibility period, the family shall remain eligible under training or education until the next redetermination, at which time each

13951, (eff 4-3-0-24)

parent will be required to engage in another approved activity, as listed in He-C 6910.07(f), (1), (2), (5), or (6);

(4) Is not a single course apart from a degree or certificate program; and

(5) The program leads to a degree or certificate at the associate's level or lower;

(e) For the parent receiving TANF financial assistance and not participating in the NHEP work program, the training or educational program:

(1) Shall comply with the requirements in (d)(1)- (4) above; and

(2) Could result in a degree or certificate at the associate's or bachelor's level;

(f) Families in which a parent is engaged in basic and alternative educational activities, which lead to a high school diploma or equivalent, or increase literacy levels, shall not be subject to the 104-week lifetime limit for training and educational programs, contingent upon the parent's ongoing satisfactory progress as defined in He-C 6910.03(aq) in one of the following programs:

(1) High school diploma program;

(2) High School Equivalency Testing (HiSET) program;

(3) Remedial or basic education program; or

(4) English as a second language program;

(g) Families who are participating in work-study or internship and are not receiving TANF financial assistance shall:

(1) Be considered to be employed; and

(2) Have any income received from the work-study or internship counted as part of the assistance group's monthly gross earned income in the determination of assistance, in accordance with He-C 6910.09(g);

(h) DHHS shall not pay child care scholarship when a parent is participating in a pre-requisite course in preparation for a post-secondary educational or training program, except in the case of a nursing program, in which case the prerequisite courses shall be limited to 2, and shall count towards the 104-week lifetime limit;

(i) If the provider's link with a specific child is terminated due to non-payment for the dates of child care services rendered within the past 60 days, DHHS shall send notification informing the parent of the termination of the provider's link between the child and the provider;

(j) When the provider has not billed for services rendered within the past 60 days, the provider shall contact BCDHSC before the provider's link with the child is reinstated; and

13951, (eff 4-3-0-24)

(k) If the provider fails to comply with (j) above, the provider's link between the child and the provider shall remain terminated.

He-C 6910.14 Reporting Changes During the 12-Month Eligibility Period.

(a) During any 12-month eligibility period, a parent shall report changes in any of the following circumstances to the DO staff within 10 calendar days of the date when the change occurs:

- (1) The assistance group's income increases to an amount exceeding 85% of the state median income (SMI);
- (2) There is a change in the child care provider who is providing child care services or a change in child care provider location;
- (3) A parent experiences a permanent loss or start of employment;
- (4) A parent begins or ends a training or educational program;
- (5) There is a change in the assistance group's household composition;
- (6) There is a change in the assistance group's assets such that the cumulative value is in excess of one million dollars;
- (7) A parent begins or ends participation in a mental health or substance misuse treatment program as a recipient of FAP or NHEP;
- (8) A parent of any child in the assistance group moves into the household;
- (9) An individual residing in the household becomes a parent of any child in the assistance group;
- (10) There is a change of physical or mailing address;
- (11) A parent adopts a child during the 12-month eligibility period; or
- (12) A parent registered with a temporary employment agency is no longer receiving payment.

(b) A parent shall be eligible for up to 92 days of continued assistance if the parent reports a permanent loss of their approved employment-related activity within 10 calendar days of the date of the loss, as listed in He-C 6910.07(f).

(c) If a parent fails to report the permanent loss of an employment-related activity, as described in (b) above, and reports the loss more than 92 calendar days after experiencing the loss, the DO shall consider the family to have received 92 calendar days of continued assistance and eligibility shall terminate unless the DO determines that the parent has engaged in another approved employment-related activity, as listed in He-C 6910.07(f).

13951, (eff 4-3-0-24)

(d) When a parent reports a change of the assistance group's household composition, as described in (a)(5), (8), (9), and (11) above, the change shall be verified in accordance with He-C 6910.09.

(e) If a parent, as described in (d) above, fails to provide the verification required by He-C 6910.09, the DO can no longer determine the assistance group's eligibility for child care scholarship and eligibility shall terminate.

(f) Within 10 calendar days of any reported change in circumstances as described in (a) above, DHHS shall:

(1) Review whether the assistance group continues to be eligible for child care scholarship in accordance with He-C 6910.09; and

(2) Send notification to the parent and provider if the reported change results in a decrease, increase, or termination of child care scholarship, as described in He-C 6910.12.

(g) Termination of eligibility that results from a change in family circumstances shall be effective 10 calendar days from the date of the notification, unless the parent requests a continuance of child care scholarship pending the outcome of an appeal in accordance with He-C 6910.19.

(h) Termination of child care scholarship eligibility that results from a change in assistance group income exceeding 85% of SMI shall be effective on the date DHHS processes the case.

(i) Pursuant to 45 CFR 98.21(e)(4), a family may voluntarily report any decrease in income during the 12-month eligibility period. In order to have the cost share recalculated for the remainder for the eligibility period, any decrease in income shall be verified by the DO in accordance with He-C 6910.09(r), (s), and (t).

(j) When a family reports a permanent move to another state, child care scholarship eligibility shall terminate on the date that the DO processes the case.

(k) If at any time a family reports that a new provider is providing child care services, the new provider shall be enrolled with DHHS in accordance with He-C 6914 before payment can be made to the provider, and a new Form 1863 "Child Care Provider Form" (October 2023) shall be submitted to the DO by the family, as described in He-C 6910.09(i).

(l) When a family reports a new provider as described in (k) above, Form 1863 "Child Care Provider Form" (October 2023) shall be submitted to the DO within 10 calendar days of the date the child began care with the new provider.

(m) If Form 1863 "Child Care Provider Form" (October 2023) is received by the DO more than 10 calendar days from the date the child began care with the new provider, the DO shall use the date the form was received as the provider link date and effective date to begin payment for child care scholarship.

13951, (eff 4-3-0-24)

He-C 6910.15 Redetermination of Eligibility.

(a) Eligibility for child care scholarship shall terminate at the end of the eligibility period unless the parent has requested and completed a redetermination, in accordance with He-W 606.100, no later than the last day of the prior year's application or redetermination month.

(b) The purpose of the redetermination shall be to verify and update the information and documentation provided on the application or at the most recent redetermination in an effort to determine current and ongoing child care scholarship eligibility.

(c) A redetermination shall be conducted in the same manner as an application, in accordance with He-C 6910.04, He-C 6910.06, and He-C 6910.09, except:

(1) Verification of information regarding assistance group members, such as name, address, birth information, and citizenship, shall not be required unless changes in assistance group composition or address have occurred since application, or since the most recent redetermination;

(2) Verification of current child care provider via Form 1863 "Child Care Provider Verification" (October 2023) shall not be required if the family is still utilizing the same provider and no information on the previously submitted form has changed; and

(3) For a child experiencing verified disability or significant special need, verification via Form 2690 "Verification for a Child Experiencing Significant Special Need" (October 2023) shall not be required if the condition is considered chronic and non-changing, as indicated by the attending physician, PA, APRN, or LMHP at the time of application, or when verification of the verified disability or significant special need was previously submitted.

(d) At the time of redetermination, the DO shall:

(1) Notify the family of any outstanding verification required to determine ongoing child care scholarship eligibility; and

(2) Notify the family that all outstanding verification shall be submitted to the DO staff within 10 calendar days of the date of the notification, or child care scholarship eligibility shall terminate on the last day of the family's redetermination month.

(e) If at redetermination the parent is experiencing a temporary absence from their approved employment-related activity, as described in He-C 6910.10(n), child care scholarship shall continue for an additional 12 months.

(f) If a parent is approved for continued assistance, in accordance with He-C 6910.10(s), in the final quarter of the 12-month eligibility period, the family shall complete the redetermination, and the 92-calendar day continued assistance shall take precedence over the new 12-month eligibility period.

(g) If a parent is approved for job search in the final quarter of the 12-month eligibility period, the family shall complete the redetermination and the 92-calendar day job search takes precedence over the new 12-month eligibility period.

13951, (eff 4-3-0-24)

(h) The redetermination shall be completed annually, regardless of whether a parent is experiencing one of the circumstances in He-C 6910.10(n).

(i) For any parent who fails to complete the redetermination process, child care scholarship shall terminate at the end of the 12-month eligibility period.

(j) If at redetermination the assistance group's income increases to an amount exceeding 85% of SMI, child care scholarship eligibility shall terminate.

(k) If at redetermination it is determined that the assistance group's income has changed since the application or most recent redetermination, the cost share and family cap amount shall be recalculated.

(l) The family shall receive notification regarding the redetermination of eligibility decision in accordance with He-C 6910.12.

(m) If it is determined that the family is no longer eligible, child care scholarship shall terminate on the date specified on the notification, unless continuation of child care scholarship is requested pending the outcome of an appeal, in accordance with He-C 6910.19.

(n) If a family requests a redetermination after the end of the family's eligibility period, the request shall be treated as a new application, in accordance with He-C 6910.04, and if found eligible, a new eligibility period shall begin on the date the application was received in the DO, and shall be subject to the waitlist pursuant to He-C 6910.11.

(o) The application date or the child care provider link date, whichever is more recent, shall be used to determine the effective date of the 12-month eligibility period and effective date of payment for child care.

He-C 6910.16 Service Level Determination for Child Care Scholarship Payments.

(a) The child care authorized service level shall be determined at initial eligibility and at redetermination and limited only to the hours that the parent is participating in one or more of the following activities:

- (1) Work;
- (2) Looking for work;
- (3) Seeking housing under the circumstances described in He-C 6910.07(h);
- (4) Training or attending class, including online training;
- (5) A work study program, subject to the limitations in He-C 6910.13(g) for non-TANF recipients;
- (6) An NHEP activity as described in He-W 637;
- (7) Duties for AmeriCorps VISTA;

13951, (eff 4-3-0-24)

(8) A mental health treatment program or substance misuse treatment program as a recipient of NHEP or FAP, pursuant to RSA 167:83, II(q);

(9) Commuting, equal to one hour per day in one or more approved employment-related activities, not to exceed one hour per day when those commutes are related to (1) through (8) above;

(10) Studying, not to exceed the number of classroom hours spent in a week, and only if billed within the same week as those classroom hours; or

(11) Resting, not to exceed the number of hours worked, if the parent works any 4 hours of the day from 10:00 p.m. to 6:00 a.m. and the child would otherwise be without care and supervision.

(b) The authorized service level shall remain unchanged during any 12-month eligibility period unless:

(1) The parent reports a change in employment-related activities that increases the authorized service level;

(2) The parent requests a decrease in service level; or

(3) A full-time override, as defined in He-C 6910.03(y), is in effect.

(c) The authorized service level shall remain the same as the authorized service level prior to the parent experiencing one of the circumstances in He-C 6910.10(n), unless the parent requests a decrease in service level.

(d) In a continued assistance period following the permanent loss of a job, end of a training or educational activity, or end of participation in a mental health or substance misuse treatment program, the authorized service level shall remain the same as the authorized service level prior to the start of continued assistance.

(e) Children 6 years of age or older whose parent(s) participates in an approved employment-related activity full-time, as defined in He-C 6910.03(x), shall be eligible for half-time service level, unless a full-time override is in effect during school vacations and summer vacation, as described in He-C 6910.03(y).

He-C 6910.17 Child Care Scholarship Standard Weekly Rate Methodology.

(a) The full-time child care scholarship standard weekly rates shall be established by utilizing a federally-required market rate survey (MRS) of New Hampshire licensed child care center and licensed family child care home rates, conducted every 3 years, pursuant to 45 CFR 98.45.

(b) Standard weekly rates shall be established by the most recent MRS for licensed child care centers and licensed family child care homes at the 75th percentile:

(c) The standard weekly rate for license-exempt in-home providers shall be established at 70% of the licensed family child care home standard weekly rate for each age category.

13951, (eff 4-3-0-24)

(d) The standard weekly rate for license-exempt child care centers shall be established at 50% of the licensed child care center standard weekly rate.

(e) Child care scholarship payment to the child care provider shall be the amount remaining after comparing the provider's charge for the service to the standard weekly rate, then subtracting the family's cost share from whichever is the lower rate.

(f) The standard weekly rate for licensed and license-exempt child care centers and licensed family child care homes and license-exempt in-home providers shall be proportioned from the full-time standard weekly rate for half-time and part-time child care.

(g) In addition to the standard weekly rates above, a supplemental payment of \$100.00 per week for full-time service level, \$75.00 per week for half-time service level, and \$50.00 per week for part-time service level shall be paid for a child experiencing a disability or significant special need subject to the verification described in He-C 6910.09(j).

(h) The supplemental payment in (g) above shall be effective the Monday following the approval date on Form 2690 "Verification for a Child Experiencing a Disability or Significant Special Need" (October 2023).

(i) When a child's age in months reaches the beginning of a new age category, that is, 0-17, 18-35, 36-78, or 79-155 months, for payment, the payment rate shall be changed effective the Monday following the change in age category.

He-C 6910.18 Cost Share Determination.

(a) A family's child care scholarship family cap amount and cost share shall be determined as a percent of the family's monthly gross income adjusted for family size shown. The family cost share is shown in Table 6910.1 below and as follows:

(1) Families whose monthly gross income is less than or equal to 100% of FPG described in He-C 6910.06(b) shall be eligible for step 1;

(2) Families whose monthly gross income is greater than 100% FPG and less than or equal to 138% of FPG as described in He-C 6910.06(b), shall be eligible for step 2;

(3) Families whose monthly gross income is greater than 138% FPG and less than or equal to 85% of SMI as described in He-C 6910.06(b) shall be eligible for step 3;

(b) The family cap amount and cost share shall be calculated by taking the assistance group's monthly gross income, adjusted for family size, multiplied by the cost share percent associated with the step assigned to the family from Table 6910.1 and divided by 4.33 weeks.

(c) The cost share during the current 12-month eligibility period shall increase or decrease according to changes in the family's income, but shall not exceed the family cap amount determined at initial eligibility or at the most recent redetermination.

13951, (eff 4-3-0-24)

(d) Cost share shall decrease as a result of any verified decrease in income during a 12-month eligibility period unless income was annualized at initial eligibility or redetermination.

(e) Changes in the monthly gross income limit used to calculate eligibility shall be effective on the first day of July following publication of the annual update of the federal poverty guidelines in the Federal Register.

Table 6910.19 Eligibility and Family Cost Share (Based on Family Income)

<u>Step</u>	<u>Federal Poverty Guidelines</u>	<u>Family Cost Share Assigned to Assistance Group</u>
1	≤ 100%	\$0/week
2	>100% but ≤138%	\$5/week
3	>138% FPG but ≤ 85% SMI	7.0% of family income

(f) The family cost share assigned to the family shall be divided equally among all eligible children enrolled with enrolled child care providers.

(g) The cost share per child shall be applicable to only one enrolled child care provider.

(h) The family shall identify one enrolled child care provider per child to be reimbursed by DHHS pursuant to He-C 6910.07(b)(4).

(i) If the family utilizes more than one child care provider per child:

(1) DHHS shall only pay for one enrolled child care provider per child; and

(2) The family shall be responsible for the total cost of care for all additional child care providers.

He-C 6910.19 Appeals.

(a) A family may appeal within 30 calendar days of the date on the notification of an eligibility decision to reduce, deny, or terminate child care scholarship, in accordance with He-C 200.

(b) If a family files an appeal, in accordance with He-C 200, within 15 calendar days of the date of the notification and requests continuation of child care scholarship, child care scholarship shall continue at the established payment rate until a decision is made regarding the appeal.

(c) If the decision on the appeal upholds the DHHS proposed action, then child care scholarship shall be denied, decreased, or terminated effective the date indicated on the original notification of the denial, decrease, or termination, except when the termination is a result of the parent’s failure to complete the redetermination process in accordance with He-C 6910.15, and in which case the effective date shall be the closure date identified on the notification of redetermination.

13951, (eff 4-3-0-24)

(d) If the family opted to continue to receive child care scholarship as provided under (b) above, any overpayment shall be repaid in accordance with He-C 6918.08.

(e) If the decision on the appeal does not uphold the DHHS proposed action:

(1) Eligibility shall be established as provided for in the appeal decision and eligibility shall be effective as described in He-C 6910.10 if the notification proposed a denial of the application; or

(2) The family shall continue to receive child care scholarship as provided for in the appeal decision, if the notification proposed a decrease or termination of child care scholarship.

He-C 6910.20 Waiver of Rules.

(a) A parent who requests a waiver of a requirement in He-C 6910 shall submit the request in writing to DHHS and include the following information:

(1) The parent's name, address, telephone number, and case number, if applicable;

(2) The specific reference to the section of the rule for which a waiver is being requested;

(3) An explanation of why a waiver is necessary and the length of time, not to exceed 92 calendar days, for which the waiver is being requested;

(4) A written plan to achieve compliance with the rule or an explanation on how the parent will satisfy the intent of the rule, if the waiver is granted; and

(5) The dated signature of the parent.

(b) A waiver shall be granted to the parent if:

(1) DHHS concludes that authorizing deviation from compliance with the rule from which the waiver is sought does not contradict the intent of the rule or conflict with statute; and

(2) The alternative proposed ensures that the object or intent of the rule will be accomplished.

(c) When a waiver is approved, the parent's subsequent compliance with the alternatives approved in the waiver shall be considered equivalent to complying with the rule from which the waiver was sought.

(d) DHHS shall not approve any request for a waiver of any of the provisions relevant to state or federal law or any rules of other state agencies which are referred to in this chapter.

(e) No provision or procedure prescribed by statute shall be waived.

(f) A waiver shall be granted in writing for the length of time requested in (a)(3) above, from the date the waiver was granted.

Appendix

13951, (eff 4-3-0-24)

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-C 6910.01	RSA 161:2, XII; RSA 167:83, I(b); RSA 167:83, II(o)
He-C 6910.02	RSA 167:77, V(e)
He-C 6910.03	RSA 161:2, XII; RSA 167:58, IV; RSA 167:83, I(b); RSA 167:83, II(o); RSA 167:84; RSA 170-E:3; RSA 170-E:6-a
He-C 6910.04	RSA 167:79, III(d)-(g); RSA 167:83, II(o)
He-C 6910.05	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:83, II(o)
He-C 6910.06	RSA 167:83, II(c) and (o)
He-C 6910.07	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o),(q)
He-C 6910.08	RSA 167:7, VI; RSA 167:85; RSA 167:88; RSA 167:90; RSA 167:91
He-C 6910.09	RSA 167:83, II(c) and (o); 45 CFR 98.20(a)(2)(ii)
He-C 6910.10	RSA 167:79, V(b); RSA 167:83, II, (c),(e),(m)
He-C 6910.11	RSA 167:83, II(b); RSA 167:83, III(h)
He-C 6910.12	RSA 161:2, XII; RSA 167:83, II
He-C 6910.13	RSA 167:83, II(o)
He-C 6910.14	RSA 167:83, II(c) and (o)
He-C 6910.15	RSA 161:2, XII; RSA 167:83, II
He-C 6910.16	RSA 161:2, XII; RSA 167:83, II
He-C 6910.17	RSA 167:83, II(o); 45 CFR 98.45
He-C 6910.18	RSA 161:2, XII; RSA 167:83, II(o); RSA 167:83, III(g); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:12
He-C 6910.19	RSA 167:83, II(a); RSA 541-A:31, I and II
He-C 6910.20	RSA 170-E:11, I(m)