

Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 187

HOUSE BILL 2262

AN ACT

AMENDING SECTIONS 46-803 AND 46-805, ARIZONA REVISED STATUTES; RELATING TO
CHILD CARE ASSISTANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 46-803, Arizona Revised Statutes, is amended to
3 read:
4 46-803. Eligibility for child care assistance
5 A. The department shall provide child care assistance to eligible
6 families who are attempting to achieve independence from the cash assistance
7 program and who need child care assistance in support of and as specified in
8 their personal responsibility agreement pursuant to chapters 1 and 2 of this
9 title.
10 B. The department shall provide child care assistance to eligible
11 families who are transitioning off of cash assistance due to increased
12 earnings or child support income in order to accept or maintain employment.
13 Eligible families must request this assistance within six months after the
14 cash assistance case closure. Child care assistance may be provided for up
15 to twenty-four months after the case closure and shall cease ~~whenever~~ AFTER A
16 TIME PERIOD SPECIFIED IN RULE BY THE DEPARTMENT ONCE the family income
17 exceeds one hundred sixty-five ~~per-cent~~ PERCENT of the federal poverty level
18 BUT REMAINS BELOW EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF THE
19 FAMILY INCOME EXCEEDS EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME, CHILD
20 CARE ASSISTANCE SHALL CEASE ON NOTIFICATION BY THE DEPARTMENT.
21 C. The department shall provide child care assistance to eligible
22 families who are diverted from cash assistance pursuant to section 46-298 in
23 order to obtain or maintain employment. Child care assistance may be
24 provided for up to twenty-four months after the case closure and shall cease
25 ~~whenever~~ AFTER A TIME PERIOD SPECIFIED IN RULE BY THE DEPARTMENT ONCE the
26 family income exceeds one hundred sixty-five ~~per-cent~~ PERCENT of the federal
27 poverty level BUT REMAINS BELOW EIGHTY-FIVE PERCENT OF THE STATE MEDIAN
28 INCOME. IF THE FAMILY INCOME EXCEEDS EIGHTY-FIVE PERCENT OF THE STATE MEDIAN
29 INCOME, CHILD CARE ASSISTANCE SHALL CEASE ON NOTIFICATION BY THE DEPARTMENT.
30 D. The department may provide child care assistance to support
31 eligible families with incomes of one hundred sixty-five ~~per-cent~~ PERCENT or
32 less of the federal poverty level AT THE TIME OF APPLICATION to accept or
33 maintain employment. CHILD CARE ASSISTANCE SHALL CEASE AFTER A TIME PERIOD
34 SPECIFIED IN RULE BY THE DEPARTMENT ONCE THE FAMILY INCOME EXCEEDS ONE
35 HUNDRED SIXTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL BUT REMAINS BELOW
36 EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF THE FAMILY INCOME EXCEEDS
37 EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME, CHILD CARE ASSISTANCE SHALL
38 CEASE ON NOTIFICATION BY THE DEPARTMENT. Priority for this child care
39 assistance shall be given to families with incomes of one hundred ~~per-cent~~
40 PERCENT or less of the federal poverty level.
41 E. The department may provide child care assistance to families
42 referred by the department of child safety and to children in foster care
43 pursuant to title 8, chapter 4 to support child protection.

1 F. The department may provide child care assistance to special
2 circumstance families whose incomes are one hundred sixty-five ~~per-cent~~
3 PERCENT or less of the federal poverty level AT THE TIME OF APPLICATION and
4 who are unable to provide child care for a portion of a twenty-four hour day
5 due to a crisis situation of domestic violence or homelessness, or a
6 physical, mental, emotional or medical condition, participation in a drug
7 treatment or drug rehabilitation program or court ordered community
8 restitution. CHILD CARE ASSISTANCE SHALL CEASE AFTER A TIME PERIOD SPECIFIED
9 IN RULE BY THE DEPARTMENT ONCE THE FAMILY INCOME EXCEEDS ONE HUNDRED
10 SIXTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL BUT REMAINS BELOW EIGHTY-FIVE
11 PERCENT OF THE STATE MEDIAN INCOME. IF THE FAMILY INCOME EXCEEDS EIGHTY-FIVE
12 PERCENT OF THE STATE MEDIAN INCOME, CHILD CARE ASSISTANCE SHALL CEASE ON
13 NOTIFICATION BY THE DEPARTMENT. Priority for this child care assistance
14 shall be given to families with incomes of one hundred ~~per-cent~~ PERCENT or
15 less of the federal poverty level.

16 G. In lieu of the employment activity required in subsection B, C or D
17 of this section, the department may allow eligible families with teenaged
18 custodial parents under twenty years of age to complete a high school diploma
19 or its equivalent or engage in remedial education activities reasonably
20 related to employment goals.

21 H. The department may provide supplemental child care assistance for
22 department approved education and training activities if the eligible parent,
23 legal guardian or caretaker relative is working at least a monthly average of
24 twenty hours per week and this education and training are reasonably related
25 to employment goals. The eligible parent, legal guardian or caretaker
26 relative must demonstrate satisfactory progress in the education or training
27 activity.

28 I. ~~Beginning March 12, 2003,~~ The department shall establish waiting
29 lists for child care assistance and prioritize child care assistance for
30 different eligibility categories in order to manage within appropriated and
31 available monies. Priority of children on the waiting list shall start with
32 those families at one hundred ~~per-cent~~ PERCENT of the federal poverty level
33 and continue with each successive ten ~~per-cent~~ PERCENT increase in the
34 federal poverty level until the maximum allowable federal poverty level of
35 one hundred sixty-five ~~per-cent~~ PERCENT. Priority shall be given regardless
36 of time spent on the waiting list.

37 J. The department shall establish criteria for denying, reducing or
38 terminating child care assistance that include:

39 1. Whether there is a parent, legal guardian or caretaker relative
40 available to care for the child.

41 2. Financial or programmatic eligibility changes or ineligibility.

42 3. Failure to cooperate with the requirements of the department to
43 determine or redetermine eligibility.

- 1 4. Hours of child care need that fall within the child's compulsory
2 academic school hours.
- 3 5. Reasonably accessible and available publicly funded early childhood
4 education programs.
- 5 6. Whether an otherwise eligible family has been sanctioned and cash
6 assistance has been terminated pursuant to chapter 2 of this title.
- 7 7. Other circumstances of a similar nature.
- 8 8. Whether sufficient monies exist for the assistance.
- 9 K. Families receiving child care assistance under subsection D or F of
10 this section are also subject to the following requirements for that child
11 care assistance:
- 12 1. Each child is limited to no more than sixty cumulative months of
13 child care assistance. The department may provide an extension if the family
14 can prove that the family is making efforts to improve skills and move
15 towards self-sufficiency.
- 16 2. Families are limited to no more than six children receiving child
17 care assistance.
- 18 3. Copayments shall be imposed for all children receiving child care
19 assistance. Copayments for each child may be higher for the first child in
20 child care than for additional children in child care.
- 21 L. The department shall review each case ~~at least~~ NO MORE THAN once a
22 year to evaluate eligibility for child care assistance.
- 23 M. The department shall report on December 31 and June 30 of each year
24 to the joint legislative budget committee the total number of families who
25 applied for child care assistance and the total number of families who were
26 denied assistance under this section because the parents, legal guardians or
27 caretaker relatives who applied for assistance were not citizens or legal
28 residents of the United States or were not otherwise lawfully present in the
29 United States.
- 30 N. This section shall be enforced without regard to race, religion,
31 gender, ethnicity or national origin.
- 32 O. The department shall refer all child care subsidy recipients to
33 child support enforcement and to local workforce services and provide
34 information on the earned income tax credit.
- 35 Sec. 2. Section 46-805, Arizona Revised Statutes, is amended to read:
36 46-805. Child care assistance: rates
- 37 A. The department shall establish payment rates for child care
38 assistance. Payment rates shall provide for equal access for eligible
39 families to comparable child care services provided to families who are not
40 eligible to receive child care assistance.
- 41 B. ~~Beginning on July 1, 1998,~~ Payment rates shall be identical in form
42 for all child care assistance.
- 43 C. The department may pay different levels of child care assistance
44 according to the category of child care provider, age of children, geographic

1 area, level of national accreditation OR ANOTHER STATE-APPROVED QUALITY
2 INDICATOR, varying child care costs for children with special needs or other
3 circumstances to meet the child care needs of eligible families.

4 D. The department shall establish a sliding fee scale and formula for
5 determining child care assistance based on:

6 1. Income and earnings of the family.

7 2. Family size.

8 3. Number of children receiving child care assistance.

9 4. Child support to other minor dependent children of the parent
10 living outside the family unit.

11 5. Income and earnings of a family member who is at least eighteen
12 years of age and who is residing in the home with a parent who is receiving
13 child care assistance, if the family member claims any member of a family
14 unit applying for assistance as a dependent on a federal or state income tax
15 return.

16 6. Income and earnings of a nonfamily member who is at least eighteen
17 years of age and who is residing in the home of and cohabiting with a parent
18 who is receiving child care assistance if the cohabiting nonfamily member
19 claims any member of a family unit applying for assistance as a dependent on
20 a federal or state income tax return.

21 7. Other factors of a similar nature.

22 E. All child care providers shall remain in good standing with
23 licensing and certification laws and adopted rules.

24 Sec. 3. Effective date

25 Sections 46-803 and 46-805, Arizona Revised Statutes, as amended by
26 this act, are effective from and after August 31, 2016.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House March 3, 20 16

Passed the Senate April 11, 2016

by the following vote: 54 Ayes,

by the following vote: 27 Ayes,

3 Nays, 3 Not Voting

2 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2262

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 7, 2016,
by the following vote: 38 Ayes,

17 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
7 day of May, 2016,

at 3:33 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

May, 2016,

at 9:15 o'clock A. M.

[Signature]
Governor of Arizona

H.B. 2262

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 12 day of May, 2016,

at 9:10 o'clock A. M.

[Signature]
Secretary of State