

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY SOCIAL SERVICES

[R08-210]

PREAMBLE

- 1. Sections Affected**
Appendix A
- Rulemaking Action**
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 41-1005(A)(26); 41-1954(A)(3); 46-134(A)(12); 46-805
Implementing statute: A.R.S. §§ 46-801 through 46-810
Statute authorizing the exemption: A.R.S. § 41-1005(A)(26)
- 3. The effective date of the rules:**
July 1, 2008. This date is consistent with statutory requirements regarding eligibility levels.
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth A. Broeker
Address: 1798 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

or

P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@azdes.gov
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
A.R.S. § 41-1005(A)(26) gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. § 46-805. This statute gives the Department the authority to establish payment rates for child care assistance and a sliding fee scale and formula for determining child care assistance. The Department is adopting a new Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule to adjust the eligibility limits for child care assistance (to reflect updated Federal Poverty Guidelines).
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of the study and other supporting material:**
Not applicable
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previ-**

Notices of Exempt Rulemaking

ous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(26), the Department did not prepare an economic impact statement.

10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):

Not applicable

11. A summary of the principle comments and the agency response to them:

Not applicable

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

ARTICLE 49. CHILD CARE ASSISTANCE

Section

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

ARTICLE 49. CHILD CARE ASSISTANCE

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE**

(EFFECTIVE JULY 1, 2007)

Family Size	FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 125% FPL*	FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0—724	725—851	852—1,149	1,150—1,234	1,235—1,320	1,321—1,405
2	0—970	971—1,141	1,142—1,541	1,542—1,655	1,656—1,769	1,770—1,883
3	0—1,217	1,218—1,431	1,432—1,932	1,933—2,075	2,076—2,219	2,220—2,362
4	0—1,463	1,464—1,721	1,722—2,324	2,325—2,496	2,497—2,668	2,669—2,840
5	0—1,710	1,711—2,011	2,012—2,715	2,716—2,916	2,917—3,118	3,119—3,319
6	0—1,956	1,957—2,301	2,302—3,107	3,108—3,337	3,338—3,567	3,568—3,797
7	0—2,203	2,204—2,591	2,592—3,498	3,499—3,757	3,758—4,017	4,018—4,276
8	0—2,449	2,450—2,881	2,882—3,890	3,891—4,178	4,179—4,466	4,467—4,754
9	0—2,696	2,697—3,171	3,172—4,281	4,282—4,598	4,599—4,916	4,917—5,233

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10	0 – 2,942	2,943 – 3,461	3,462 – 4,673	4,674 – 5,019	5,020 – 5,365	5,366 – 5,711
11	0 – 3,189	3,190 – 3,751	3,752 – 5,064	5,065 – 5,439	5,440 – 5,815	5,816 – 6,190
12	0 – 3,435	3,436 – 4,041	4,042 – 5,456	5,457 – 5,860	5,861 – 6,264	6,265 – 6,493**

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
2nd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50
3rd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50

For families receiving Transitional Child Care (TCC) there is no co-payment assigned beyond the 3rd child in the family.

4th child in care	full day = \$.25 part day = \$.10	full day = \$.50 part day = \$.25	full day = \$.75 part day = \$.35	full day = \$1.25 part day = \$.60	full day = \$1.75 part day = \$.85	full day = \$2.50 part day = \$1.25
5th child in care	full day = \$.25 part day = \$.10	full day = \$.50 part day = \$.25	full day = \$.75 part day = \$.35	full day = \$1.25 part day = \$.60	full day = \$1.75 part day = \$.85	full day = \$2.50 part day = \$1.25
6th child in care	full day = \$.25 part day = \$.10	full day = \$.50 part day = \$.25	full day = \$.75 part day = \$.35	full day = \$1.25 part day = \$.60	full day = \$1.75 part day = \$.85	full day = \$2.50 part day = \$1.25

Full day = Six or more hours; Part day = Less than six hours.

Families receiving Child Care Assistance based upon involvement with Child Protective Services/Foster Care, the Jobs Program, the Arizona Works Program or those who are receiving Cash Assistance (CA) and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the minimum required co-payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL) = US DHHS 2007 poverty guidelines.

** This amount is equal to the Federal Child Care & Development Fund statutory limit (for eligibility for child care assistance) of 85% of the state median income.

(EFFECTIVE JULY 1, 2008)

Family Size ↓	FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 – 737	738 – 867	868 – 1,171	1,172 – 1,258	1,259 – 1,344	1,345 – 1,431
2	0 – 992	993 – 1,167	1,168 – 1,576	1,577 – 1,693	1,694 – 1,809	1,810 – 1,926
3	0 – 1,247	1,248 – 1,467	1,468 – 1,981	1,982 – 2,128	2,129 – 2,274	2,275 – 2,421
4	0 – 1,502	1,503 – 1,767	1,768 – 2,386	2,387 – 2,563	2,564 – 2,739	2,740 – 2,916
5	0 – 1,757	1,758 – 2,067	2,068 – 2,791	2,792 – 2,998	2,999 – 3,204	3,205 – 3,411
6	0 – 2,012	2,013 – 2,367	2,368 – 3,196	3,197 – 3,433	3,434 – 3,669	3,670 – 3,906
7	0 – 2,267	2,268 – 2,667	2,668 – 3,601	3,602 – 3,868	3,869 – 4,134	4,135 – 4,401
8	0 – 2,522	2,523 – 2,967	2,968 – 4,006	4,007 – 4,303	4,304 – 4,599	4,600 – 4,896
9	0 – 2,777	2,778 – 3,267	3,268 – 4,411	4,412 – 4,738	4,739 – 5,064	5,065 – 5,391
10	0 – 3,032	3,033 – 3,567	3,568 – 4,816	4,817 – 5,173	5,174 – 5,529	5,530 – 5,886
11	0 – 3,287	3,288 – 3,867	3,868 – 5,221	5,222 – 5,608	5,609 – 5,994	5,995 – 6,381
12	0 – 3,542	3,543 – 4,167	4,168 – 5,626	5,627 – 6,043	6,044 – 6,459	6,460 – 6,876

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
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<u>2nd child in care</u>	<u>full day =\$.50</u> <u>part day=\$.25</u>	<u>full day=\$1.00</u> <u>part day=\$.50</u>	<u>full day =\$1.50</u> <u>part day =\$.75</u>	<u>full day =\$2.50</u> <u>part day =\$1.25</u>	<u>full day =\$3.50</u> <u>part day =\$1.75</u>	<u>full day =\$5.00</u> <u>part day =\$2.50</u>
<u>3rd child in care</u>	<u>full day=\$.50</u> <u>part day=\$.25</u>	<u>full day =\$1.00</u> <u>part day =\$.50</u>	<u>full day =\$1.50</u> <u>part day =\$.75</u>	<u>full day =\$2.50</u> <u>part day =\$1.25</u>	<u>full day =\$3.50</u> <u>part day =\$1.75</u>	<u>full day =\$5.00</u> <u>part day =\$2.50</u>

For families receiving Transitional Child Care (TCC) there is no co-payment assigned beyond the 3rd child in the family

<u>4th child in care</u>	<u>full day=\$.25</u> <u>part day=\$.10</u>	<u>full day =\$.50</u> <u>part day =\$.25</u>	<u>full day =\$.75</u> <u>part day =\$.35</u>	<u>full day =\$1.25</u> <u>part day =\$.60</u>	<u>full day =\$1.75</u> <u>part day =\$.85</u>	<u>full day =\$2.50</u> <u>part day =\$1.25</u>
<u>5th child in care</u>	<u>full day=\$.25</u> <u>part day=\$.10</u>	<u>full day =\$.50</u> <u>part day =\$.25</u>	<u>full day =\$.75</u> <u>part day =\$.35</u>	<u>full day =\$1.25</u> <u>part day =\$.60</u>	<u>full day =\$1.75</u> <u>part day =\$.85</u>	<u>full day =\$2.50</u> <u>part day =\$1.25</u>
<u>6th child in care</u>	<u>full day=\$.25</u> <u>part day=\$.10</u>	<u>full day =\$.50</u> <u>part day =\$.25</u>	<u>full day =\$.75</u> <u>part day =\$.35</u>	<u>full day =\$1.25</u> <u>part day =\$.60</u>	<u>full day =\$1.75</u> <u>part day =\$.85</u>	<u>full day =\$2.50</u> <u>part day =\$1.25</u>

Full day = Six or more hours; Part day = Less than six hours.

Families receiving Child Care Assistance based on Child Protective Services/Foster Care, the Jobs Program or those who are receiving Cash Assistance (CA) and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the minimum required co-payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL) =US DHHS 2008 poverty guidelines. The Arizona state statutory limit for child care assistance is 165% of the Federal Poverty Level.

The Federal Child Care & Development Fund's statutory limit (for eligibility for child care assistance) is 85% of the state median income.