



Rules of
Department of Social Services
Division 35—Children’s Division
Chapter 32—Child Care

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES
Division 35—Children's Division
Chapter 32—Child Care**

13 CSR 35-32.010 Basis of Payment

PURPOSE: This rule establishes that payment may be made to licensed and contracted facilities, state registered or certified facilities or individuals, relatives, organizational vendors for child care expenses; and designates the criteria used in making those payments for the division's child care programs including Income Maintenance/Income Eligible, Protective Services, Food Stamp Employment and Training Child Care programs, child care services required by the Code of Federal Regulations Section 45, Parts 98 and 99, known as the Child Care and Development Fund. This rule also establishes a system of priorities in program eligibility determination based on funding sources and defines state registration for child care providers as required under the guidelines of the Child Care and Development Fund. It defines minimum health and safety as required under the Child Care and Development Fund.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The Children's Division may make payment for child care which shall be based on appropriation for individuals who meet the following eligibility criteria:

(A) Recipients of Temporary Assistance (TA) who are employed or are in school or training for employment;

(B) Individuals who are employed, in school or training, or who have a disability or incapacity which renders them unable to care for a child, except with the provision of child care; and this disability or incapacity and need for child care due to this disability or incapacity has been confirmed by the attending physician. In determining the eligibility of these individuals, the Family Support Division shall use income guidelines;

(C) Individuals eligible under the guidelines of the Food Stamp Employment and Training Child Care Program (7 CFR, part 273). Part 273 is incorporated by reference in this rule, as published by the Food and Nutrition Service, Department of Agriculture, 3101 Park Center Dr #926POC, Alexandria, VA 22302 on January 1, 2007. This rule does not incorporate any subsequent amendments or additions to part 273;

(D) Individuals eligible under the guidelines of the Child Care and Development Fund (CCDF) (45 CFR, parts 98 and 99). Parts 98 and 99 are incorporated by reference in this rule, as published by the Food and Nutrition Service, Department of Agriculture, 3101 Park Center Dr #926POC, Alexandria, VA 22302 on January 1, 2007. This rule does not incorporate any subsequent amendments or additions to parts 98 and 99; and

(E) Individuals receiving Protective Services through the Children's Division.

(2) Limitations for Participation in Child Care which Relate to Subsections (1)(A), (B), and (D). Participation in up to two (2) training programs, or a maximum of two (2) years of training, is allowed when the end result is a professional or technical job skill leading toward employment in a specific field upon graduation. There is a one (1)-year time limit for the completion of General Equivalency Diploma (GED) certification. There is a four (4)-year time limit for those who attend regular high school classes. There is a four (4)-year time limit for those who attend college with the intent of receiving a college degree.

(3) Child care recipients eligible under subsections (1)(A)–(D), may pay a fee based on gross income and family unit size based on a child care sliding fee scale established by the division, which shall be based on appropriations. The sliding scale fee may be waived for children with special needs as established by the division. The maximum payment by the division shall be the applicable rate minus the applicable fee.

(4) Maximum payments by the division for infant care (birth to second birthday), preschool care (two (2) years to fifth birthday) and school-age care (five (5) years and over), shall not exceed the applicable rate as established by the division by geographic areas or the actual charges by the provider, whichever is less.

(5) Claimants eligible for child care under subsection (1)(A), (C), or (D), are to receive

benefits under those programs prior to general revenue being expended for child care under subsection (1)(B).

(6) State registration for a child provider as required under the Child Care and Development Fund (CCDF) Program will consist of providing information required for prompt payment, will allow for parental choice, and will be a simple and timely process that will allow for registration after parental selection of a provider.

(7) To meet the health and safety requirements of the Child Care and Development Fund (CCDF) the provider must sign a health and safety form certifying that s/he agrees to the following:

(A) That all local fire codes are met;

(B) That if no local fire codes are in place, the provider has a working smoke alarm, a working fire extinguisher, minimum classification 2A10BC for centers and 1A10BS for homes, and a posted emergency evacuation plan;

(C) Providers caring for ten (10) or more children will provide a copy of their annual immunization report to the Department of Health and Senior Services;

(D) Providers caring for fewer than ten (10) children will be informed regarding prevention and control of communicable diseases, and will refer parents to their family physician or local health department to obtain immunizations for children in need of an immunization. A parent will be required to cosign the health and safety form to verify that the requirement in subsection (7)(B) has been met.

AUTHORITY: section 207.020, RSMo 2000. Original rule filed June 15, 2007, effective Dec. 30, 2007.*

**Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993.*