

DEPARTMENT OF EARLY CHILDHOOD

Colorado Child Care Assistance Program

COLORADO CHILD CARE ASSISTANCE PROGRAM RULES AND REGULATIONS

8 CCR 1403-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

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3.111 LOW-INCOME CHILD CARE ELIGIBILITY

To be eligible for Low-Income Child Care assistance the following criteria shall be met:

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H. Low-Income Eligibility Guidelines

1. Adult caretaker(s) or teen parent(s) gross income must not exceed eighty-five percent (85%) of the state median income.
 - a. Entry eligibility shall be set by the Department at a level based on the self-sufficiency standard, not to be set below one hundred eighty-five percent (185%) of the federal poverty level.
 - b. Exit income eligibility must be eighty-five percent (85%) of the state median income.
2. Effective October 1, 2024~~3~~, monthly gross income levels, for one-hundred percent (100%) of the Federal Poverty Guideline (FPG), as well as eighty-five percent (85%) of State Median Income (SMI) for the corresponding household size are as follows:

Family Size	100% Federal Poverty Guideline (FPG)	85% State Median Income (SMI) (State and Federal Maximum Income Limit)
1	\$1,255.00 \$1,215.00	\$4,792.16 \$4,366.15
2	\$1,703.33 \$1,643.33	\$6,266.68 \$5,709.58
3	\$2,151.67 \$2,071.67	\$7,741.19 \$7,053.01
4	\$2,600.00 \$2,500.00	\$9,215.70 \$8,396.44
5	\$3,048.33 \$2,928.33	\$10,690.21 \$9,739.87
6	\$3,496.67 \$3,356.67	\$12,164.72 \$11,083.30
7	\$3,945.00 \$3,785.00	\$12,441.20 \$11,335.20
8	\$4,393.33 \$4,213.33	\$12,717.67 \$11,587.09
Each Additional person	\$448.33 \$428.33	\$276.47 \$251.89

3. Generally, the expected monthly income amount is based on the income received in the prior thirty (30) day period; except that, when the prior thirty (30) day period does not provide an accurate indication of anticipated income as referenced in the definition of

“Income Eligibility” in rule section 3.103(JJJ) or under circumstances as specified below, a different period of time may be applicable:

- a. For new or changed income, a period shorter than a month may be used to arrive at a projected monthly amount.
 - b. For contract employment in cases, such as in some school systems, where the employees derive their annual income in a period shorter than a year, the income shall be prorated over the term of the contract, provided that the income from the contract is not earned on an hourly or piecework basis.
 - c. For regularly received self-employment income, net earnings will usually be prorated and counted as received in a prior thirty (30) day period, except for farm income. For further information, see rule section 3.111(I)(3) on self-employment under countable earned income.
 - d. For all other cases where receipt of income is reasonably certain, but the monthly amount is expected to fluctuate, a period of up to twelve (12) months may be used to arrive at an average monthly amount.
 - e. For income from rental property to be considered as self-employment income, the adult caretaker(s) or teen parent(s) shall actively manage the property at least an average of twenty (20) hours per week. Income from rental property will be considered as unearned income if the adult caretaker(s) or teen parent(s) are not actively managing the property an average of at least twenty (20) hours per week. Rental income, as self-employment or as unearned income, may be averaged over a twelve (12) month period to determine monthly income. Income from jointly owned property shall be considered as a percentage at least equal to the percentage of ownership or, if receiving more than percentage of ownership, the actual amount received.
 - f. For cases where a change in the monthly income amount can be anticipated with reasonable certainty, such as with Social Security cost-of-living increases or other similar benefit increases, the expected amount shall be considered in arriving at countable monthly income for the month received.
 - g. Income inclusions and exclusions (rule sections 3.111(I) and (J)) shall be used in income calculations.
 - h. Irregular child support income, not including lump sum payments, may be averaged over a period of time up to twelve (12) months in order to calculate household income.
 - i. Non-recurring lump sum payments, including lump sum child support payments, may be included as income in the month received or averaged over a twelve (12) month period, whichever is most beneficial for the recipient.
4. Income Verification at Application and Re-determination
- a. Earned Income
 - 1) For ongoing employment, income received during the prior thirty (30) day period shall be used in determining eligibility unless, on a case-by-case basis, the prior thirty (30) day period does not provide an accurate indication of anticipated income, in which case, a county can require

verification of up to twelve (12) of the most recent months of income to determine a monthly average. The adult caretaker(s) or teen parent(s) may also provide verification of up to twelve (12) of the most recent months of income if they choose to do so if such verification more accurately reflects a household's current income level.

- 2) For employment that has begun or changed within the last sixty (60) days, a new employment verification letter may be used.
- 3) For self-employment income the adult caretaker or teen parent shall submit documentation listing his/her income and work-related expenses for the prior thirty (30) day period. On a case-by-case basis, if the prior thirty (30) day period does not provide an accurate indication of anticipated income, a county can require verification of up to twelve (12) of the most recent months of income and expenses to determine a monthly average. The adult caretaker(s) or teen parent(s) may also provide verification of up to twelve (12) of the most recent months of income and expenses if they choose to do so if such verification more accurately reflects a household's current income level. The county shall obtain verification of all expenses from the adult caretaker(s) or teen parent(s) or they will not be considered. The adult caretaker(s) or teen parent(s) shall submit documentation listing his/her income and work-related expenses to the county.

b. Unearned Income

Unearned income received during the prior thirty (30) day period shall be used in determining eligibility unless, on a case-by-case basis, the prior thirty (30) day period does not provide an accurate indication of anticipated income, in which case, a county can require verification of up to twelve (12) of the most recent months of income to determine a monthly average. The adult caretaker(s) or teen parent(s) may choose to also provide verification of up to twelve (12) of the most recent months of income if such verification more accurately reflects a household's current income level.

- c. Adult caretakers or teen parents shall self-declare that their liquid and non-liquid assets do not exceed one million dollars. If assets exceed one million dollars the household is ineligible for CCCAP.
- d. If written documentation is not available at time of eligibility determination, verbal verification from the employer or other person issuing the payment may be obtained. Counties shall document the verbal verification in the case file to include the date that the information was received, who provided the information, and a contact phone number.
- e. If income is not verified
 - 1) At application
 - a) If verifications are not returned within the fifteen (15) day noticing period the application will be denied.
 - b) If all verification has not been submitted within sixty (60) calendar-days of the application date then the county shall require a new application.

- 2) At re-determination, if all verifications are not received within the fifteen (15) day noticing period, the CCCAP case will be closed.

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CHILD CARE ASSISTANCE PROGRAM WAIT LISTS AND ENROLLMENT FREEZES

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3.124 PARENT FEES

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- P. Beginning July 1, 2021, through ~~September-June~~ September 30, 2025, the county must assess parent fees based upon a marginal rate increase of fourteen percent (14%) for every dollar of gross countable household income above one hundred percent (100%) of the federal poverty guidelines (FPG) outlined in rule section 3.111(H)(2).
 1. The county must assess a parent fee of one percent (1%) of gross income to eligible households with gross income that is at or below one hundred percent (100%) of the FPG.
 2. For eligible households with gross income that is above one hundred percent (100%) of the FPG, the county must assess a parent fee at one percent (1%) of their income plus a marginal rate increase of fourteen percent (14%) for every dollar of gross countable household income above one hundred percent (100%) of the FPG.
 3. An additional fifteen-dollar (\$15) fee shall be added to the parent fee for each additional child when households are requesting care for more than one (1) child and have income above one hundred percent (100%) of the FPG. If care is only requested for one (1) child, the additional fifteen-dollar (\$15) fee does not apply.

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CHILD CARE PROVIDERS

3.127 ELIGIBLE FACILITIES

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- B. Qualified Exempt Child Care Providers
 1. Qualified exempt child care provider: A non-licensed family child care home in which less than twenty-four (24) hour care is given at any one time that meets one of the following:
 - a. For a relative qualified exempt provider, any number of children directly related to the provider; or
 - b. For a qualified exempt provider that is not a relative of the children in care, no more than four (4) children in care, with no more than two (2) children under the age of two (2) years at any one time.
 - 1) if the provider's own children are in the provider's care, the provider's children count towards the maximum capacity of four (4).

- c. Pursuant to 45 CFR 98.41(a)(1)(i)(B)(1) ~~T~~the relationships for care outlined in (A)-(B) of this rule section include:
- 1) “Relative in-home care” means care provided by a relative in the child’s own home by a person who is eighteen (18) years of age or older and is related to the child through marriage, blood, court decree, or adoption and is a grandparent; great-grandparent; sibling (if living in a separate residence than the eligible child); aunt; and/or uncle, and does not meet the definition of “adult caretaker” or “teen parent”.
 - 2) “Relative out-of-home care” means care provided by a relative in another location by a person who is eighteen (18) years of age or older and is related to the child through marriage, blood, court decree, or adoption and is a grandparent; great-grandparent; sibling (if living in a separate residence than the eligible child); aunt; and/or uncle, and does not meet the definition of “adult caretaker” or “teen parent”.
 - 3) “Non-relative in-home care” means care provided by a person, who is not a relative to the children in care, in the child’s own home.
 - 4) “Non-relative out-of-home care” means care provided by a person, who is not a relative to the children in care, outside of the child’s home.

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Editor’s Notes

History

New rule emer. rule eff. 10/01/2022.

Entire rule readopted from 9 CCR 2503-9 eff. 01/14/2023.

Rules 3.103, 3.105.1, 3.105.2 A.-J, 3.105.4 A.-E, 3.111-3.113, 3.114.1 A.-B.4.e.8 emer. rules eff. 07/01/2023.

Rules 3.101 B, 3.102 C, 3.103, 3.105.1, 3.105.2, 3.105.4, 3.111-3.113, 3.114.1 eff. 08/14/2023.

Entire rule emer. rule eff. 10/01/2023.

Entire rule eff. 12/15/2023.