

3400.0035 APPLICATION PROCEDURE.

Subpart 1. **Information requests.** When a family asks for information about paying for child care, a CCAP agency must give the family information supplied by the commissioner about the following items:

- A. the child care assistance program and eligibility requirements;
- B. federal and state child and dependent care tax credits;
- C. federal earned income tax credits;
- D. Minnesota working family credits;
- E. early childhood family education, school readiness, and Head Start programs;
- F. early childhood screening;
- G. health care programs, including health care programs for children in Minnesota;
- H. child care resource and referral services;
- I. financial assistance for families, including early learning scholarships established by Minnesota Statutes, section 124D.165, and the postsecondary child care grant program established by Minnesota Statutes, section 136A.125; and
- J. other programs and services for young children and families.

Subp. 1a **Child care assistance requests.** When a family requests an application for child care assistance, a CCAP agency must give the family an application or provide information about how to submit an application electronically. When a family applies for child care assistance, a CCAP agency must give the family the information in subpart 1 and the following information:

- A. the eligibility requirements for the child care fund;
- B. the documentation necessary to confirm a family's eligibility;
- C. if a waiting list exists, the number of families on the waiting list or the estimated time that the applicant will spend on the waiting list before reaching the top of the list;
- D. the procedure for applying for child care assistance;
- E. the requirement to pay a copayment based on a family's size and income;
- F. how to choose a child care provider;
- G. a family's rights and responsibilities when choosing a child care provider;
- H. special needs rates;
- I. a family's responsibility for paying child care provider charges that exceed the maximum child care payment in addition to the copayment; and

J. the family's reporting responsibilities under part 3400.0040, subpart 4.

Subp. 1b. **Application for child care assistance.** A family must apply for child care assistance in the family's county of residence.

Subp. 2. **Accepting and processing applications.** A CCAP agency must accept all signed and dated applications for child care assistance that the CCAP agency receives. A CCAP agency must accept an application from an applicant who does not reside in a county served by the CCAP agency or who does not meet the Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves. If a CCAP agency receives an application from an applicant who does not reside in a county served by the CCAP agency or who does not meet the Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves, the agency must immediately forward the application to a CCAP agency that may serve the applicant's family based on the family's place of residence or forward to a Tribal CCAP agency if the applicant meets the Tribal CCAP agency's criteria for families that the Tribal CCAP agency serves.

Subp. 2a. **Application processing for family experiencing homelessness.** An applicant is not eligible for expedited application processing under Minnesota Statutes, section 119B.025, subdivision 1, paragraph (c), if less than six months have passed from the date that a CCAP agency approved a previous application using expedited application processing.

Subp. 3. **Informational release.**

A. When the CCAP agency determines that an applicant may be eligible for child care assistance but is unable to document the applicant's eligibility for the program, the CCAP agency must offer an applicant the opportunity to sign an informational release to permit the CCAP agency to verify whether an applicant qualifies for child care assistance.

B. A CCAP agency must obtain a signed informational release from a family to permit the CCAP agency to give the family's child care provider additional information that is not required by part 3400.0185, subparts 9, 11, and 13, and Minnesota Statutes, section 119B.13, subdivision 5.

C. The CCAP agency must give the applicant the information required by Minnesota Statutes, section 13.04, subdivision 2.

Subp. 4. [Repealed, 47 SR 391]

Subp. 5. [Repealed, 47 SR 391]

Subp. 6. [Repealed, 47 SR 391]

Subp. 7. **Selection of child care provider.** An applicant must select a child care provider and the child care provider must meet the criteria in part 3400.0120, subpart 1, before a CCAP agency authorizes a child to receive child care from the child care provider and issues payments to the child care provider from the child care fund. The same criteria applies if a parentally responsible individual selects a child care provider at a time other than at the time of application.

Subp. 8. **Selection of legal nonlicensed child care provider.** Before a CCAP agency authorizes child care with a legal nonlicensed child care provider, an applicant or participant who selects a legal nonlicensed child care provider must sign a document that contains:

- A. a description of the registration process for a legal nonlicensed child care provider;
- B. a description of the parentally responsible individual's rights and responsibilities when choosing a child care provider;
- C. an acknowledgment that the parentally responsible individual and the legal nonlicensed child care provider have reviewed the health and safety information provided during the registration process;
- D. an assurance that the parentally responsible individual will provide an immunization record for each of the parentally responsible individual's children to the legal nonlicensed child care provider within 30 days of the date that the CCAP agency authorizes child care to begin for each child and will give the legal nonlicensed child care provider the information necessary to update each child's immunization record;
- E. an acknowledgment that the legal nonlicensed child care provider does not share a home or residence with a child whose family is applying for or receiving child care assistance;
- F. an acknowledgment that the legal nonlicensed child care provider must complete training as outlined in part 3400.0120, subpart 6, and Minnesota Statutes, section 119B.125, subdivision 1b, before the CCAP agency authorizes the legal nonlicensed child care provider to provide child care for the child; and
- G. an acknowledgment that if the CCAP agency knows that the child care provider is unsafe or that the circumstances of the child care arrangement are unsafe, the CCAP agency may deny CCAP payments to the child care provider.

Subp. 9. **Selection of in-home child care provider.** A CCAP agency must inform an applicant or a participant who selects a child care provider to provide child care in the applicant's or participant's home that selecting an in-home child care provider creates an employer/employee relationship between the parent and the child care provider. If an applicant or participant selects an in-home child care provider, a CCAP agency must refer the applicant or participant to resources that are available for more information about the applicable legal rights and responsibilities.

Statutory Authority: *MS s 119B.02; 119B.04; 119B.06; 256.01*

History: *26 SR 253; 33 SR 695; 47 SR 391*

Published Electronically: *December 13, 2022*