

3400.0183 TERMINATION OF CHILD CARE ASSISTANCE.**Subpart 1. Conditions for termination of child care assistance.**

A. A county or Tribe may terminate child care assistance of a family receiving child care assistance when the county or Tribe receives: (1) a revised allocation from the child care fund that is smaller than the allocation stated in the notice sent to the county or Tribe under part 3400.0060, subpart 2; and (2) such short notice of a change in the county's or Tribe's allocation that the county or Tribe is unable to absorb the difference in the allocation. The county or Tribe must consult with and obtain approval from the commissioner before terminating child care assistance for a family under this subpart.

B. If the conditions described in item A occur and a county or Tribe terminates child care assistance for a family, the county or Tribe must give the family notice as required by part 3400.0185, subpart 12, and terminate assistance to each family in the order of the most recent approval date of eligibility at application, including first-time participants and participants who previously received child care assistance and experienced a break in service and reapplied. When funds become available, a county or Tribe must first determine the eligibility of families whose child care assistance was terminated due to insufficient funds before the county or Tribe approves the eligibility of new applicants.

Subp. 2. Conditions under which termination of child care assistance is required.

A. A CCAP agency must terminate a family's eligibility for child care assistance under the following conditions:

(1) when the family asks the CCAP agency to terminate the family's eligibility for child care assistance;

(2) when the family is no longer eligible to receive child care assistance under this chapter and Minnesota Statutes, chapter 119B; or

(3) when a member of the family has been disqualified from the child care assistance program under Minnesota Statutes, section 256.98, subdivision 8, paragraph (b).

B. During the 12-month eligibility period, a CCAP agency must terminate a family's eligibility for child care assistance under any of the following conditions:

(1) the family's income exceeds 85 percent of the state median income;

(2) the family's assets exceed \$1,000,000;

(3) the extended eligibility period ends and the parentally responsible individual has no authorized activity;

(4) the parentally responsible individual uses all available job search hours outside of an employment plan under Minnesota Statutes, section 119B.10, subdivision 1, and the parentally responsible individual has no authorized activity;

(5) the family does not pay a copayment;

(6) the family moves out of the state;

(7) there are no eligible children in the family's household;

(8) the only parentally responsible individual in the household has been temporarily absent for more than 60 days and the parentally responsible individual has no authorized activity or the extended eligibility period ends;

(9) the family's temporary ineligibility period expires; or

(10) the family's one-year suspension period expires.

C. At redetermination, a CCAP agency must terminate a family's eligibility for child care assistance under any of the following conditions:

(1) the family's income exceeds 67 percent of the state median income;

(2) the family's assets exceed \$1,000,000;

(3) the family is not in an authorized activity that meets any applicable minimum participation requirements;

(4) the family is not cooperating with child support;

(5) the CCAP agency has not received the family's redetermination form and all required eligibility verifications by the last day of the redetermination period;

(6) the family's temporary ineligibility period has expired;

(7) the family's one-year suspension period has expired; or

(8) the family's only child who is eligible for child care assistance is 13 years of age or older or 15 years of age or older when the child has a documented disability.

Subp. 3. [Repealed, 33 SR 695]

Subp. 4. [Repealed, 33 SR 695]

Subp. 5. **Effective date of disqualification period for families.** The effective date of a disqualification period for a family is the later of:

A. the date that the family member was found guilty of wrongfully obtaining or attempting to obtain child care assistance by a federal court or a state court, or an administrative disqualification hearing determination or waiver; through a disqualification consent agreement; as part of an approved diversion plan under Minnesota Statutes, section 401.065; or as part of a court-ordered stay with probationary or other conditions; or

B. the effective date of the child care assistance program termination notice.

Subp. 6. **Effective date of disqualification period for child care provider.** The effective date of a disqualification period for a child care provider is the later of:

A. the date that the child care provider was found guilty of an intentional program violation or wrongfully obtaining child care assistance by a federal court, a state court, or an administrative disqualification hearing determination or waiver; through a disqualification consent agreement; as part of an approved diversion plan under Minnesota Statutes, section 401.065; or as part of a court-ordered stay with probationary or other conditions; or

B. the effective date of the child care assistance program termination notice.

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

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

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