

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

GUIDANCE DOCUMENT

“This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Nebraska Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.”

Pursuant to
Neb. Rev. Stat. § 84-901.03

Child Care Subsidy

392 NAC Chapter 1: Background and General Information

392 NAC Chapter 1-001.12 HOMELESSNESS

Guidance: Children and youth who lack a fixed, regular and adequate nighttime residence are considered homeless.

392 NAC Chapter 1-001.13 INFANT

Guidance: Children under the age of six weeks are still eligible for child care if the child care provider is able to take a child under the age of six weeks.

392 NAC Chapter 1-001.19 LOW INCOME FAMILY

Guidance: Families in this category are not required to pay a family fee.

392 NAC Chapter 1-001.29 TEMPORARY CHANGE

Guidance: The Department will not limit temporary change to 3 months to comply with federal regulations 45 CFR 98.51. Eligibility shall continue until the end of the eligibility period if a temporary change in need for services occurs.

A temporary change is a change with an ongoing status of the child's parent as working or attending a job training or educational program. Examples of temporary change include but are not limited to:

- Time limited absences from work or training;
- Any student holiday or break for a parent participating in education;
- Sick Leave;
- Parental Leave;
- Reduction in hours;
- Other pauses in work or training; and,
- Any changes in residency within the State, Territory, or Tribal service area.



Child Care Subsidy

392 NAC Chapter 2: Elements of Eligibility

392 NAC Chapter 2-003.02 VERIFICATION

Guidance: Verification is due in 10 days from the date that the request is made to the applicant or recipient.

392 NAC Chapter 2-005.01 PERIODIC REDETERMINATION

Guidance: The Department will provide continuity of care to reduce disruptions in care for the 12-18 month eligibility period.

Guidance: An application may be received and considered valid up to 60 days prior to the end date of the eligibility period.

392 NAC Chapter 2-006 QUALIFICATION AS A FAMILY

Guidance: Legal guardianship is a result of a legal proceeding where the court/judge appoints someone to protect a child and act like a parent for the child. A notarized statement does not create legal guardianship. The household must provide verification of legal guardianship before child care can be approved for the specific child(ren).

392 NAC Chapter 2-009 RESIDENCE

Guidance: Foster Children/Children with Adoption or Guardianship Subsidy may receive Child Care Subsidies if they are residing in another state and their Foster/Subsidized Adoption/Subsidized Guardianship agreement is with the State of Nebraska.

392 NAC Chapter 2-010.01 INCOME VERIFICATION

Guidance: 30 consecutive days of income is required to determine income eligibility. If income is fluctuating, 90 days can be taken to determine eligibility upon request of the applicant or recipient.

392 NAC Chapter 2-010.01(A)

Guidance: When determining eligibility, the Department considers the following sources of income:

- (1) Supplemental Security Income (SSI);
- (2) Assistance to the Aged, Blind, or Disabled payment (AABD);
- (3) Gross wages/salary – total monthly earnings received for work as an employee, including wages, salary, armed forces pay, work study, commissions, tips, piece rate payments, and cash bonuses earned before deductions are made for taxes, bonds, pensions, union dues, and similar purposes;
- (4) Work study for a graduate student or a student working for a second degree;
- (5) In-kind income received in lieu of wages;
- (6) Income received under a Title I Workforce Investment Act (WIA) program for On the Job Training (OJT);
- (7) Retirement, Survivors, or Disabled Insurance (RSDI) benefits and Railroad Retirement payments before deductions for medical insurance;
- (8) Dividends (includes dividends from stockholdings or membership in associations);
- (9) Interest (averaged over the period earned for savings or bonds);
- (10) Estates;
- (11) Trust funds;

- (12) Rentals (net income from rental of a house, store, or other property);
- (13) Land lease income;
- (14) Gross payments from boarders or lodgers (if self-employed, see number 28);
- (15) Net royalties;
- (16) Retirement pensions (retirement or pension benefits paid to a retired person or his/her survivors by a former employer or by a union, either directly or through an insurance company);
- (17) Veteran's pensions (money paid by the Veteran's Administration to disabled members of the armed forces or to survivors of deceased veterans, subsistence allowances paid to veterans for education and on-the-job training, and "refunds" paid to ex-servicemen as G.I. insurance premiums);
- (18) Military allotments;
- (19) Picket or strike pay;
- (20) Contributions;
- (21) Lump sum payments, e.g., child support or RSDI;
- (22) Annuities or insurance;
- (23) Unemployment compensation (compensation received from government insurance agencies or private companies during periods of unemployment) and any strike benefits received from union funds;
- (24) Worker's compensation (compensation received from private or public insurance companies for injuries incurred at work);
- (25) Court-ordered child, spousal, and cash medical support;
- (26) Payment by an absent parent to the client for child care, rent, or house payment;
- (27) Net income from farm self-employment; and,
- (28) Net income from non-farm self-employment.

Guidance: If a non-legally responsible relative is receiving ADC as a relative payee for the child needing child care, the ADC grant is not counted as income in determining financial eligibility. All other income of the relative is considered. Non-legally responsible relatives who may receive Child Care Subsidy include grandparents, adult brothers and sisters, stepparents, stepbrothers and stepsisters, uncles, aunts, first and second cousins, adult nephews and nieces. These relatives may be half blood, related by adoption, or from a previous generation as denoted by prefixes of grand, great, great-great, or great-great-great.

392 NAC Chapter 2-011 CATEGORIES OF ELIGIBILITY BASED ON INCOME

Guidance: The total amount of the sliding fee assessed will be based on 7% of the household's gross income for all of their children enrolled in the subsidy program. It will not vary with the number of children in care, the amount of care they need, or the type of care they choose to use. The sliding fee must be paid each month to the provider before the provider bills the Department, it covers the first dollars of payment, regardless of when service begins or ends.

Guidance: If the recipient has a change in income during the eligibility period, the sliding fee can decrease and will remain that amount for the duration of the household's eligibility period. The sliding fee may continue to decrease following a change if applicable but the sliding fee cannot increase. Decreases in the sliding fee shall be implemented in the month following the month in which the change is reported and verified.

Guidance: A recipient who has not paid the sliding fee under any eligibility for child care may be ineligible for other fee-paying child care until the recipient has made a satisfactory arrangement with the provider for payment of the earlier fee. The recipient is required only to make arrangements with

the previous provider; s/he is not required to pay the fee in total before receiving other fee-paying child care. At redetermination, the Department verified that the recipient has made payments toward the back fee and may close the case if the back fee has not been paid.

392 NAC Chapter 2-011.01 TRANSITIONAL CHILD CARE FAMILY

Guidance: INITIAL ELIGIBILITY:

Beginning August 28th, 2021 a family's income must not be greater than 185% of the Federal Poverty Level (FPL) at initial application to be eligible for child care subsidy.

- (1) 0% FPL to 100% FPL = No sliding family fee
- (2) 100% FPL to 185% FPL = Sliding family fee
- (3) Over 185% FPL = Over income, not eligible

ON-GOING ELIGIBILITY:

- (1) Beginning August 28th, 2021, once a family is determined eligible and child care is authorized, if a family's income exceeds 200% FPL during their certification period, they will now continue to remain eligible for TCC through the rest of their certification period as long as their income is under 85% of the State Median Income (SMI).
 - (a) If their income exceeds 85% SMI, child care subsidy is closed and they are no longer eligible.



REDETERMINATION:

- (1) Beginning August 28th, 2021, at redetermination, if a family's income does not exceed 200% FPL, TCC is reauthorized for another 12 months (up to 18 if aligning with another program).
 - (a) There are no time limits for TCC, therefore at each redetermination the family will remain eligible for TCC as long as their income does not exceed 200% FPL and all other eligibility factors continue to be met.
 - (b) During this certification period, if the family's income exceeds 200% FPL, but remains under 85% SMI, they will remain eligible through the rest of their certification period.
 - (c) If income exceeds 85% SMI, then child care subsidy is closed and they are no longer eligible.

Beginning October 1st, 2023 the following FPL and SMI amounts will go into effect:

Household Size	100% Federal Poverty Level	185% Federal Poverty Level	200% Federal Poverty Level	85% State Median Income
2	\$1,644	\$3,041	\$3,287	\$4,926
3	\$2,072	\$3,833	\$4,144	\$6,085
4	\$2,500	\$4,625	\$5,000	\$7,244
5	\$2,929	\$5,418	\$5,857	\$8,404
6	\$3,357	\$6,210	\$6,714	\$9,563
7	\$3,785	\$7,003	\$7,570	\$9,780
8	\$4,214	\$7,795	\$8,427	\$9,997

392 NAC Chapter 2-013 NEED FOR SERVICE

Guidance: If at the end of the three-month job search period, if the parent is engaged in a qualifying need for service and is meeting all other eligibility requirements assistance will continue until the next redetermination period.

Guidance: For families experiencing homelessness, verification of homelessness is not required unless questionable.

Guidance: The Department will not limit the need for service of homelessness to 3 months to comply with federal regulations 45 CFR 98.21. Eligibility shall continue until the end of the eligibility period unless this need for service ends.

392 NAC Chapter 2-013.02 VOLUNTEER PROGRAMS

Guidance: The recipient is ineligible for Child Care if they are participating in Americorp full time and are eligible to receive Child Care through the Americorp program. If the recipient is not eligible for Child Care through the Americorp Child Care program then they are eligible to receive Child Care through the Child Care Subsidy Program.

392 NAC Chapter 2-013.04(A) VERIFICATION OF ENROLLMENT

Guidance: Authorizations will not begin until this verification has been received.

392 NAC Chapter 2-013.05(B) EMPLOYEE OF A CHILD CARE FACILITY

Guidance: The Department will accept the declaration that the recipient is not working in the same room as the child unless questionable. If questionable, the Department will request documentation to verify the recipient is not working in the same room as the child.

392 NAC Chapter 2-013.06 QUALIFYING FOR CHILD CARE NEEDED FOR TRAVEL TIME

Guidance: If a recipient is an employee of a child care facility that the recipient's children are attending they are not eligible for travel time.



Child Care Subsidy

392 NAC Chapter 3: Authorization and Notice

392 NAC Chapter 3-001.03(A) PROVIDER NOT ENROLLED

Guidance: Provider enrollment is defined as having completed the following:

- Central Registry Check Paperwork;
- Pediatrics First Aid/CPR Training;
- Prepare to Care Training; and,
- Fingerprinting Background Checks.

392 NAC Chapter 3-002. RESPONSIBILITY TO CONTACT THE DEPARTMENT

Guidance: Recipients have the option to voluntarily report changes on an ongoing basis. The Department will act on these changes in the eligibility period if these verified changes will benefit the recipient.

392 NAC Chapter 3-004. RATE UNIT AUTHORIZATIONS

Guidance: July 1, 2023 Child Care Subsidy Provider Rates (rates table)

2023 Child Care Subsidy Rates									
Partial Rate: Up to 4 hours and 59 minutes									
Daily Rate: 5 hours through 9 hours and 59 minutes									
Daily Rate plus a Partial Rate: 10 hours through 18 hours									
	Infant		Toddler		Preschool		School Age		
	Partial Rate	Day Rate	Partial Rate	Day Rate	Partial Rate	Day Rate	Partial Rate	Day Rate	
Lancaster, Dakota, Douglas, Sarpy Counties									
Licensed Family Child Care Homes I and II	\$30.50	\$35.50	\$30.00	\$35.00	\$30.00	\$35.00	\$30.00	\$33.00	
Accredited/Step 3	\$32.05	\$37.30	\$31.50	\$36.75	\$31.50	\$36.75	\$31.50	\$34.65	
Step 4	\$33.65	\$39.15	\$33.10	\$38.60	\$33.10	\$38.60	\$33.10	\$36.40	
Step 5	\$35.35	\$41.10	\$34.75	\$40.55	\$34.75	\$40.55	\$34.75	\$38.25	
Licensed Child Care Centers									
Accredited/Step 3	\$46.75	\$58.25	\$41.00	\$51.50	\$34.50	\$46.51	\$36.00	\$40.00	
Step 4	\$49.10	\$61.20	\$43.05	\$54.10	\$36.25	\$48.85	\$37.80	\$42.00	
Step 5	\$51.55	\$64.25	\$45.25	\$56.80	\$38.05	\$51.30	\$39.70	\$44.10	
Step 5	\$54.15	\$67.45	\$47.50	\$59.65	\$39.95	\$53.85	\$41.70	\$46.35	
License Exempt Family Child Care Homes									
Lancaster/Douglas/Sarpy/Dakota Counties	\$9.90	\$16.50	\$9.90	\$16.50	\$9.90	\$16.50	\$9.90	\$16.50	
All Other Counties									
Licensed Family Child Care Homes I and II	\$25.00	\$30.25	\$25.00	\$30.00	\$25.00	\$30.00	\$25.00	\$30.00	
Accredited /Step 3	\$26.25	\$31.80	\$26.25	\$31.50	\$26.25	\$31.50	\$26.25	\$31.50	
Step 4	\$27.60	\$33.40	\$27.60	\$33.10	\$27.60	\$33.10	\$27.60	\$33.10	
Step 5	\$28.95	\$35.05	\$28.95	\$34.75	\$28.95	\$34.75	\$28.95	\$34.75	
Licensed Child Care Centers									
Accredited/Step 3	\$28.95	\$36.80	\$27.90	\$35.00	\$24.00	\$34.30	\$24.75	\$35.75	
Step 4	\$30.40	\$38.65	\$29.30	\$36.75	\$25.20	\$36.05	\$26.00	\$37.55	
Step 5	\$31.95	\$40.60	\$30.80	\$38.60	\$26.50	\$37.85	\$27.30	\$39.45	
Step 5	\$33.55	\$42.65	\$32.30	\$40.55	\$27.80	\$39.75	\$28.70	\$41.40	
License Exempt Family Child Care Homes									
Lancaster/Douglas/Sarpy/Dakota Counties	\$8.80	\$14.90	\$8.80	\$14.90	\$8.80	\$14.90	\$8.80	\$14.90	

All Counties	
License Exempt Family In-Home Provider	The basic in-home rate is \$10.50 an hour.
Transportation	\$5.00 per occurrence
Summer Activity Fees	\$50.00 per child (Toddler, Preschool, School Age; applies during June, July, August)
Accreditation	5% increase of the base rate
Step Up to Quality	5% increase of the base rate

392 NAC Chapter 3-004.01 PROVIDER RATES

Guidance: Except for foster children and children receiving guardianship or adoption subsidy, the provider is not allowed to charge the parent or caretaker the difference between the Department's reimbursement and the provider's private pay rate. A foster parent or subsidized adoptive parent or guardian may make arrangements with a provider to supplement the Department's reimbursement.

392 NAC Chapter 3-004.01(A)(i) PAYMENT FOR ABSENCES

Guidance: The provider will need to enter an "A" on attendance calendars to indicate that an absent day was billed.

Guidance: The provider may not bill absent days if the child is no longer attending that Child Care.

Guidance: Absent days must be billed as 1 day unit per occurrence up to the maximum of 5 occurrences per month.

392 NAC Chapter 3-004.01(B) ACCREDITED RATES

Guidance: Providers who are accredited through the National Association for Education of Young Children (NAEYC), National Association for Family Child Care (NAFCC), National Early Childhood Program Accreditation (NECPA), Council of Accreditation (COA), Cognia, National Lutheran School Accreditation (NLSA), American Montessori Society (AMS) or previously approved programs are eligible for subsidy accredited maximums.

392 NAC Chapter 3-004.01(C) PAYMENT EXCEPTION FOR FOSTER CHILDREN AND ADOPTION OR GUARDIANSHIP CHILDREN

Guidance: If the child is not attending the minimum of 30 hours per week due to visits with biological parents or other Child Welfare related services but the foster/guardianship/adoptive parent is authorized for care over 30 hours per week, the provider may still bill based on enrollment.

392 NAC Chapter 3-004.02 BILLING UNITS

Guidance:

Partial Day: Up to 4 hours, 59 minutes per day	Full Day: 5 – 9 hours, 59 minutes per day	Full Day & Partial Day: 10 – 18 hours per day*
0 – 4 hours 59 minutes = 1 partial day	5 – 9 hours 59 minutes = 1 full day	10 – 18 hours = 1 full day + 1 partial day*
*Providers that care for a child 10 or more hours a day will be able to bill 1 full day AND 1 partial day unit.		

392 NAC Chapter 3-004.03 REGISTRATION FEES

Guidance: Maximum initial and annual Registration Fee for Child Care Centers is \$25. The maximum initial and annual Registration Fee for Family Child Care Home I & II is \$15.

392 NAC Chapter 3-004.04 ACTIVITY FEES

Guidance: The maximum activity fee for licensed child care providers is \$50 per month, per child, with a maximum of \$150 per year.

392 NAC Chapter 3-004.04(A) LIMITATIONS

Guidance: Summer months include June, July and August.

Guidance: Activity Fees should be billed as an occurrence monthly for June, July and August.

392 NAC Chapter 3-004.06 SPECIAL NEEDS CHILD CARE RATE EXCEPTIONS

Guidance: The increased payment rate will not exceed 25% of normal provider rates unless the Department has determined a previous higher rate due to specialized services or the provider is an in-home provider.

Guidance: For in-home providers only, the special needs rate will not exceed an additional 25% for each special needs child.

392 NAC Chapter 3-004.06(A) FACTORS TO BE CONSIDERED

Guidance: The provider should include details for specialized services that are beyond normal care.

392 NAC Chapter 3-004.08 TRANSPORTATION TO AND FROM HOME

Guidance: License-exempt and in-home providers will not be authorized for transportation services.



Child Care Subsidy

392 NAC Chapter 4: Provider Enrollment

392 NAC Chapter 4-001 GENERAL STANDARDS

Guidance: Social Security Number or Federal Identification Number must be up to date and valid.

Guidance: The Department defines an environment that promotes the safety and well-being of the children in care to include the following:

- Have a sufficient number of safe, age-appropriate play materials available for the child care child(ren)'s use;
- Have first aid supplies available, but inaccessible to children. Supplies are to include a fever thermometer, soap, band aids, gauze, tape, and scissors;
- Provide and use clean and comfortable napping and sleeping arrangements for the children in care;
- Ensure children will always be supervised;
- Arrange with another person, age 19 or older, to substitute for the caregiver in an emergency;
- Notify parents/guardians of child(ren) in care when care will/has been provided by a substitute caregiver;
- Have an operable telephone available for use within the home;
- During the hours of operation, the home must be open to announced and unannounced visits by parents of all children for whom care is being provided. Parents must always have access to their children at all times their children are in care; and,
- Discuss with the parent/guardian hours of care, care for ill children (if provided), disciplinary practices, meals, snacks, napping schedules, and toilet training practices (if applicable) before care is provided.

Guidance: The Department may request Form CFS-59 to be completed by a Physician in order to verify the provider has the physical, mental, and emotional capacity to provide care for children.

Guidance: If the Department becomes aware that a provider is unable to provide care for themselves then the Department has the discretion to close or deny the provider agreement due to the provider not demonstrating the physical, mental and emotional capacity to provide care for children.

392 NAC Chapter 4-002. PROVIDER ENROLLMENT STANDARDS

Guidance: Providers must submit claims electronically unless otherwise noted by the Department. Submitted claims will be paid within 5 business days.

Guidance: A provider should notify their Resource Development Worker if the child(ren) does not attend child care for more than three consecutive days when the child's absence is not reported to the provider.

Guidance: Smoking includes vaping or the use of E-Cigarettes.

Guidance: Inspection of the facility may involve a full walk-through of the building where care is provided to allow program administration to monitor for health and safety requirements. Refusal to allow a full walk-through inspection may result in denial of the provider enrollment. .

392 NAC Chapter 4-002.01 PROVIDER AGE QUALIFICATIONS

Guidance: This is specific to those enrolled with DHHS as a Subsidy provider.

392 NAC Chapter 4-002.02 SOCIAL SECURITY TAX WITHHOLDING

Guidance: Tax and 1099 questions should be directed to DHHS.TaxData@nebraska.gov.

392 NAC Chapter 4-002.03(A)(i) BACKGROUND CHECKS

Guidance: A background check will only be completed on the facility owner if they are residing in the state of Nebraska.

392 NAC Chapter 4-002.03(A)(ii) SPECIAL CRIMINAL HISTORY

Guidance: For assault convictions, the department will consider a misdemeanor assault conviction as a disqualification only if the date of conviction occurred in the past five years from the date of provider application.

Guidance: For assault animal cruelty convictions, the Department will consider an animal cruelty conviction for abuse or neglect only if the date of conviction occurred in the past five years from the date of the provider's application.

Guidance: An infraction is not to be considered as a conviction.

392 NAC Chapter 4-002.04(A) WEEKLY LIMIT

Guidance: If an In-Home Provider is providing care over 40 hours per week they are eligible for Over Time based on the hours of care that the Child Care recipient is eligible to receive each week.

392 NAC Chapter 4-004. PROVIDER STANDARDS

Guidance: The Department interprets the control of infectious diseases to include proper vaccinations for household pets susceptible to rabies.

Guidance: To ensure the provider follows the Five Rights when dispensing medication, the Department expects the provider will receive written instructions from the parent/guardian before dispensing medication.

Guidance: The Department interprets building and physical premises safety to include the following components:

- Have operable utilities, i.e., electricity, heat, water;
- Firearms, furnace and water heater are kept inaccessible to children;
- Maintain the home to be free from fire hazards such as exposed wiring, storage of combustibles near a fire source (furnace, water heater, stove), and blocked exits;
- Develop an emergency procedure to reach children should they become locked into an area of the home;
- Maintain an outdoor play area free of safety hazards;
- Ensure the home has operable smoke and carbon monoxide detectors, maintained according to manufacturer's recommendations, which are located on each level of the home used to provide care;
- Ensure a fire extinguisher is on site and not expired;
- Ensure children are not exposed to extreme temperatures;
- Ensure children are protected from streets, alleyways, parking lots and garages; and,
- Ensure children do not have unsupervised access to bodies of water.

Guidance: Providers must be trained in recognizing and immediately reporting any signs of child abuse or neglect, including shaken baby syndrome.

Guidance: All License Exempt providers will be provided with an Emergency Preparedness

Workbook and must have it completed before signing their provider agreement. Response planning and accommodations for children with medical conditions should be included in these workbooks.

Guidance: Hazardous materials includes bio-contaminants.

392 NAC Chapter 4-005. STAFF TRAINING REQUIREMENTS

Guidance: All Pre-service Orientation Training must be completed prior to enrollment as outlined in Form CC-9B, Child Care Provider Subsidy Enrollment.

Guidance: The pre-service orientation training outlined in this regulation is Nebraska's Prepare to Care and Lincoln/Lancaster County Health Department. Providers located outside of the State of Nebraska can submit copies of their state's pre-service orientation training certificate(s) and documentation showing the topics covered to prove equivalence.

Guidance: Pre-service orientation training must be completed prior to initial Provider Enrollment and when there is a break of at least 12 months in a provider's subsidy contract.

Guidance: Staff is defined as an individual who works with children providing direct care and/or who may have unsupervised access to children in a licensed child care facility or license exempt home. This includes, but is not limited to: owners, directors, assistant directors, teachers, aides, substitutes, volunteers, cooks, bus drivers, or caregivers.

Guidance: Accommodations may be made for staff who fall under the Americans with Disabilities Act (ADA). Documentation may be requested.

392 NAC Chapter 4-005.01 LICENSED EXEMPT AND FAMILY IN-HOME PROVIDERS TRAINING REQUIREMENTS

Guidance: Relatives providers as defined in [392 NAC Chapter 1-001.24](#) are exempt from this training requirement.

392 NAC Chapter 4-007.01 PROVIDER COOPERATION WITH EVALUATION FOR ENROLLMENTS

Guidance: Annual visits will be conducted by Resource Developers at each facility where services are provided.

