



**WORKFORCE
SERVICES**
CHILD CARE

Child Care Provider Guide



IMPORTANT:

Please read this guide carefully. It contains important information and requirements to accept child care subsidy payments from the Department of Workforce Services.

Effective July 1, 2023

REMINDER

Remember to log in to the DWS Child Care Provider Portal at jobs.utah.gov/childcare to report when care is no longer being provided. This should be reported within 10 days of the date a provider learns of a change, to prevent payments from being issued in error. If a provider receives a payment that he or she is not eligible for, it must be reported and repaid to Workforce Services.

Throughout this guide, the "Provider Portal" referenced is the Department of Workforce Services Provider Portal.



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Equal Opportunity Employer/Program

Auxiliary aids (accommodations) and services are available upon request to individuals with disabilities by calling 801-526-9240. Individuals who are deaf, hard of hearing, or have speech impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162.

● INTRODUCTION

Utah's Office of Child Care (OCC) is committed to connecting families with accessible, affordable, quality child care for their children. Child care providers are vital partners who help fulfill that commitment.

This guide is intended to help keep providers up-to-date on child care policies and changes. An overview of how the child care program works and the responsibilities of child care providers serving Department of Workforce Services customers is included. For a copy of the latest version, visit the Frequently Asked Questions (FAQ) section of the Provider Portal.

The guide is not all-inclusive. Providers should refer to the FAQs and Utah Administrative Code or email occ@utah.gov if further guidance is needed.

Providers that choose to accept subsidy payments through Workforce Services are required to read, sign and date the terms and conditions page at the end of this document. Child Care Licensing will ensure this is completed during the initial approval process for new providers. Providers will be notified of substantive changes to the provider guide and must accept the changes by logging into the DWS Provider Portal within 30 days of the announced changes. Failure to agree to the terms and conditions may result in withholding of subsidy payments.



VISIT THE FAQ'S FOUND AT
THE WORKFORCE SERVICES
PROVIDER PORTAL:
JOBS.UTAH.GOV/CHILDCARE



CHILD CARE ASSISTANCE IS INTENDED TO SUPPORT ELIGIBLE ACTIVITIES FOR APPROVED TIME PERIODS.

● GENERAL CHILD CARE PROGRAM REQUIREMENTS

This section explains the different types of child care assistance available to customers through Workforce Services. Child Care Assistance is intended to support eligible activities for approved time periods. Using subsidy payments to pay for unauthorized months of care is prohibited. This includes using excess subsidy funds to pay for a customer's copayment or other fees.

The household must include an eligible child under the age of 13 or a special needs child under the age of 18. A child care subsidy payment may be approved for employment, training, or employment and training.

Customer(s) must meet the following training requirements:

- Earn at least minimum wage for the number of hours working and be within income limits for their household size.
- Single parents: Work an average of at least 15 hours per week over a 30-day period.

- Two-parent households: One parent must work an average of 15 hours per week and the second parent must work an average of 30 hours per week over a 30-day period.
- Self-employed parents: Be self-employed for at least three months. Expenses may be deducted from the gross income. The net income must equal minimum wage for the number of hours working each month. Other factors of eligibility, such as household income and residency requirements.

Parents must meet the following training requirements:

- Must be employed and meet the minimum work requirements for single or two-parent households. (Exceptions may be made in certain circumstances for approved programs).
- The training must be in a marketable course of study that can be completed within 24 months.

- Associate degrees that are part of a four-year degree are not supported.
- Post graduate work, or obtaining a second degree, is not supported.

Employment Support customers who have income over 100 percent of the Federal Poverty Limit are required to pay a copayment to their provider.

Once approved for child care assistance, the household may remain eligible through the end of the 12-month certification period. Child care will terminate if child care is no longer needed, a child stops attending child care, or the household income exceeds the eligibility limit.

FAMILY EMPLOYMENT PROGRAM (FEP) CHILD CARE

FEP offers financial help and individualized case management to parents who are supporting children living in their home.

The goal of FEP is to help families earn enough money to support themselves on their own by working, receiving child support payments or receiving disability payments.

Every parent works with an employment counselor to write an employment plan with activities that will help the parent reach the goal of supporting the family on his or her own. FEP Child care is available to support employment and employment-related activities. FEP child care may be redetermined frequently as employment plans change or goals are achieved.

There is no copayment for FEP Child Care. However, Workforce Services has a maximum subsidy limit. Depending on how much the provider charges, the parent may have out-of-pocket expenses to cover.

HOMELESS CHILD CARE

A parent referred by a recognized homeless agency may qualify for Homeless Child Care assistance. Other Child Care programs are considered first. Homeless child care assistance is time-limited and can be used for job search, training and shelter search, employment or working through a crisis.

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SUPPORT ELIGIBLE
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APPROVED TIME
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● APPLICATION AND REVIEW PROCESS

An application for child care assistance may be completed online at jobs.utah.gov/myCase. The application process may take up to 30 days to complete. If the application is denied for incomplete verifications, the customer has an additional 30 days to submit the verifications to make an eligibility determination. If eligible, benefits are prorated from the date the last verification is received. If the verification is received after 60 days, the customer must reapply.

Eligibility for child care benefits is determined based on information reported. The customer must meet income and work requirements. The customer must select an eligible child care provider. Need for child care is determined based on a comparison of how many hours the customer reports needing care and how many hours the customer is working. The lesser hours are used in the eligibility calculation. Additional documentation may be requested.

A CHILD CARE PROVIDER MUST BE SELECTED BEFORE CHILD CARE CAN BE APPROVED.



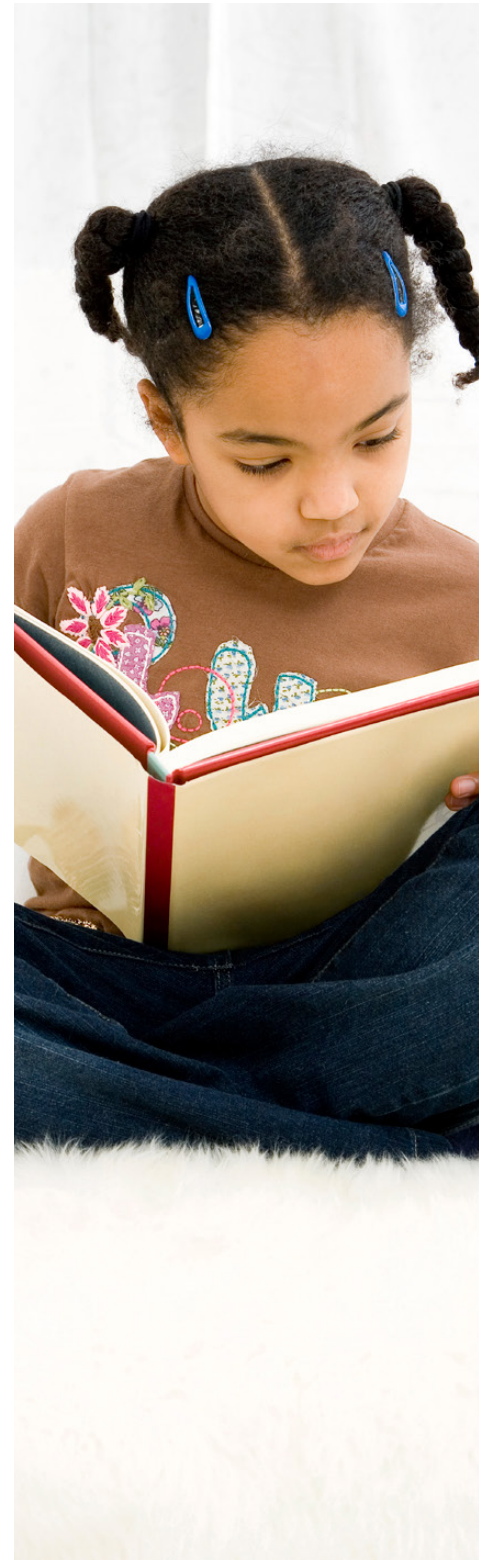
When a customer submits a complete application and appears otherwise eligible, an upfront (or initial) child care payment may be issued to the authorized provider. The customer has the remainder of the application period to provide any required verifications to establish ongoing eligibility. This helps to ensure that the customer will maintain his or her employment and retain their child care provider while completing the application process.

With direct deposit payments, having the customer confirm his or her provider selection is essential. A provider must be selected BEFORE the customer applies in order to be considered for an upfront payment. Customers are encouraged to research provider settings, make sure a provider has openings, and establish an agreement before reporting their provider to Workforce Services.

IMPORTANT: Providers must report the start date of each child to occ@utah.gov before a payment may be issued. This helps to ensure the correct provider is paid. If a child does not attend for eight hours within the first month a subsidy is paid to a provider, the full amount must be returned or a credit may be applied to adjust the next month's payment.

When a customer has selected a provider, the customer's name and case number will be displayed on their chosen provider's portal while the application is pending if the application was submitted electronically through myCase.

Reviews or recertifications for Employment Support Child Care are set for a minimum of 12 months. The review may not align with other program reviews a customer may have for food or medical assistance. The customer must recertify that the household is still eligible for child care assistance and verify that the provider information is current. Reviews are generally available in myCase or mailed to the customer approximately 15 days before the review month. If the review process is not completed by the end of the review month, the child care case will close. If it is resolved within 30 days following the review month, benefits will be prorated from the date the last verification was received.





CUSTOMERS ARE
REQUIRED TO
REPORT A CHANGE
IN PROVIDERS
WITHIN 10 DAYS.

● REPORTING A CHANGE IN PROVIDERS

A subsidy payment is approved once a customer chooses a provider and reports his or her selection to Workforce Services. Customers are required to report a change in providers within 10 days. Changes may be reported through myCase. The customer may also contact the Eligibility Service Center or their Employment Counselor.

This change must be reported by the customer. If a provider reports that a family has enrolled in their program, no action will be taken until this is confirmed by the customer.

If the former provider has already provided at least eight hours of care for each child, the change will be made effective the following month. The former provider may keep the full payment. This does not apply if the provider terminates service, in which case Workforce Services will only pay for the number of days in care. The difference must be returned.

If the former provider did not provide at least eight hours of care, the full payment may need to be returned depending on reporting time frames. A payment may be issued to the new provider in limited circumstances. If the customer reports the change after 10 days, the benefits will be prorated from the date of report; if eligible.

● PROVIDER RATES

Providers set their own rate structures and payment practices. In order to receive payments, all providers, except Family, Friend and Neighbor (FFN), are required to report their monthly, full-time rates in the Care About Childcare website at cac.utah.gov.



Standard monthly, full-time rates are updated by reporting changes in the Care About Childcare website at cac.utah.gov. DWS uses the monthly, full-time rates reported in Care About Childcare for each age group to determine the provider's charge for care.

If a provider has a part-time rate, in-school rate or other lower negotiated rate per individual child, the provider is required to report the lower charge per child in the Workforce Services Provider Portal.

There may be times when both parents qualify for DWS assistance for the same child and have two separate cases or a non-DWS applicant parent or third-party pays for part of the child care expense. The provider charge should reflect the amount billed to the DWS customer. For example, the DWS customer has one child who needs full-time care. The provider charges \$800 for the child. The child's other parent pays the provider directly \$200 per month. In the Provider Portal, the provider would report the lower rate of \$600 for this child that the DWS customer is responsible to pay.

If a lower rate has been reported and the rate is changing (i.e. in-school to out-of-school), the provider should report the new rate in the

portal no later than the 25th of the month in advance of the rate change. General rate changes should also be reported in the Care About Childcare website (cac.utah.gov) no later than the 25th of the month. Rate changes always take effect the following month when reported in a timely manner.

● WHO CAN BE PAID AS A PROVIDER?

Customers may choose from a variety of providers. Providers include:

- Licensed centers
- Licensed family homes
- Residential certificates
- Legally license-exempt programs that are DWS Eligible as determined by Child Care Licensing
- Licensed commercial preschools
- Family, Friend and Neighbor (FFN) providers who comply with Workforce Services requirements. Child Care Licensing determines the approval. FFN providers are only approved to care for specific Workforce Services customers.

● HOW MUCH WILL I GET PAID?

The subsidy payment calculation is based on many factors, including the type of provider(s) selected, age of child and how many hours child care is needed while the customer is working or in approved activities. The payment may vary for each family. Subsidy payments are not intended to cover the full cost of child care.

Once the payment is calculated, a copayment is determined based on the customer's household income and household size. Since providers may charge above the maximum state rate, the customer may owe additional fees. The provider is responsible for collecting the copayment and any additional costs incurred directly from the customer. DWS may pay an initial registration fee for children enrolled in licensed child care when child care assistance is approved. It is the provider's responsibility to reimburse the customer if the fee was pre-paid by the customer. The amount DWS pays may not cover the full cost of the initial registration fee.

The customer must meet all eligibility requirements. There is never a guarantee of payment by Workforce Services. If child care assistance is denied, providers will need to collect the full amount owed from the customer.

A copy of the maximum monthly subsidy payment rates, income guidelines and copayment tables can be found at jobs.utah.gov/occ/provider/subsidy.html.

● NEW PROVIDERS

If a provider has recently been approved by Child Care Licensing or is choosing to accept subsidy payments for the first time, the Office of Child Care will create a DWS Child Care Provider Portal account.

The DWS Child Care Provider Portal will be set up with the Utah-ID that you have set up for Child Care Licensing and Care About Childcare.

You will need to contact Utah-ID if you require any assistance with your current Utah-ID login and password.

If you do not know your Utah-ID email or password, or need assistance with your Utah-ID, please go to idhelp.utah.gov. You may also call the Salt Lake Area: 801-538-3440.

Providers will need to log in to the Workforce Services Provider Portal to enter financial account information and agree to the Financial Terms and Conditions in order to receive payment by direct deposit.





A CHILD CARE
PROVIDER PORTAL
TOOL WAS CREATED
FOR SHARING CASE
AND PAYMENT
INFORMATION.

● DWS PROVIDER PORTAL

The Department of Workforce Services (DWS) Child Care Provider Portal is a tool for sharing case and payment information with providers and for providers to communicate changes to Workforce Services. It is important that providers use the portal regularly to verify that case information is correct.

In the Provider Portal, providers are expected to:

- Enter and update direct deposit account information
- View and verify children in care each month
- Report changes in attendance or payments (see section titled Changes Providers Must Report)
- Report current electronic attendance tracking system used
- View reports

A Transaction History report is available to display an itemized breakdown of monthly lump-sum deposits received. Other reports are available that track changes reported through the provider portal. The reports have various search functions in an effort to best meet the provider's needs. The Provider Portal reports may be downloaded to Microsoft Excel to assist providers with accounting and monthly attendance certification.



TIME AND ATTENDANCE RECORDS ARE REQUIRED TO BE KEPT FOR A MINIMUM OF THREE YEARS.

● MONTHLY PROVIDER PORTAL ATTENDANCE CERTIFICATION

Licensed providers must certify (or self-declare) each month that they have reviewed attendance for all children included on each case record and reported required changes. The certification window will be available between the 25th of the month and the last calendar day of the month. The certification must be completed within this time frame to be counted. If a provider is unable to certify due to technical issues or other reasons, the provider must contact the Office of Child Care and complete and return a certification form prior to the close of the certification period to be able to count as a certification month. Failure to certify monthly may result in an audit or monitoring of attendance records. Additionally, child care payments may be withheld until the next certification is completed.

● ATTENDANCE RECORD RETENTION

Time and attendance records are required to be kept for a minimum of three years. Workforce Services may request the records to complete an audit or investigation. Failure to cooperate or provide necessary information may result in an overpayment. Additionally, future payments may be withheld until Workforce Services determines the provider has fully cooperated. It is strongly encouraged to require the customer or authorized person to sign in and sign out each child daily.

All licensed family and center providers are required to use an electronic attendance system to track daily attendance.

Licensed providers may use the ARISE Attendance System available through Workforce Services at no cost.

Providers who choose to use an alternative electronic attendance record-keeping system must ensure it meets the following criteria:

- Records an electronic signature, swipe card, PIN, biometric reader, or similar authentication by the customer or designee
- Ensures the authenticity, confidentiality, integrity, security, accessibility, and protection against alterations of the electronic records
- Produces an authentic, verifiable record for each transaction
- Proves the identity of the sender of the record
- Uniquely identifies each attendance record
- Maintains and retains the integrity of electronic records so that they can be accessed, displayed and managed as a unit
- Produces authentic copies of electronic records and supply them in usable formats

Contains all of the information necessary to verify record contents, methods used to sign, who signed the record and date signature was captured

● METHODS OF PAYMENT AND SECURITY ACCESS

Workforce Services pays providers by direct deposit. A provider must provide Workforce Services with a financial institution routing number and an account number through the "Banking" tab on the Provider Portal. A checking account or savings account may be used. A provider may also use other forms of direct deposit as long as routing and account numbers can be provided.

Accounts are stored in a secure system. Only the provider and those authorized by the provider can see the account information. Security access roles can be changed at any time to control who has access to view or change provider information. Go to the "My Employees" tab to add, remove or change security access for employees.

Only designate "Financial Administrator" access to those who need access to add or change financial account information.

A provider may change the direct deposit account. When making changes, be aware of the timing of when child care benefits are released to prevent errors or delays. Questions or concerns about direct deposit should be directed to occ@utah.gov.

● TAXABLE INCOME

Subsidy income is taxable and is required to be reported to the IRS. All providers are required to complete an electronic IRS W-9 Form through the Child Care Licensing Provider Portal. The information will be shared with Workforce Services to issue 1099s and report income to the IRS. New providers will not be approved for DWS payments until the W-9 is completed. An updated W-9 should be completed when changes are needed.

● MONTHLY AND DAILY PAYMENT ISSUANCE

Payments made at the beginning of each month, "monthly issuance," are to cover services that will be provided in that month. Payments will generally be issued two

business days before the end of the month to be available on the first business day of the month for open, ongoing cases. There may be an additional one- or two-day delay depending on the financial institution chosen and if a hold is required. Check with financial institutions for deposit time frames.

New applications, late reviews and changes in benefits are processed throughout the month. When workers process these cases, it is called a "daily issuance." Allow at least two business days from the date the payment was authorized for the payment to be deposited. There may be an additional one- or two-day delay depending on the financial institution chosen and if a hold is required. Check with financial institutions for deposit time frames.

Note: Monthly payments are issued a few days before the first of the month. To search for monthly payments on the Transaction History Report, enter the start date a few days earlier. (i.e. September 27 for October 1 payments)



MONTHLY
ISSUANCES ARE TO
COVER SERVICES
THAT WILL BE
PROVIDED IN THAT
MONTH.

● CHANGES PROVIDERS MUST REPORT

Within 10 days of the date the provider learns of a change the provider will need to log into the Provider Portal or email occ@utah.gov and report the following changes:

- A child attended less than eight hours in the first month that subsidy was paid and is NOT expected to come the next month.
- A child attended less than eight hours in the first month that subsidy was paid, but attended or IS expected to attend at least eight hours the next month.
- A child did not attend eight hours in the CURRENT month.
- A child is not expected to attend eight hours NEXT month.
- A provider ended care for a child.
- A customer was charged less than the subsidy received for one month and the child is still attending (Workforce Services credit).
- A provider charges a lower rate than the monthly full-time rate such as a part-time or in-school rate for an individual child in care. When a lower rate is established, rate changes for that child must be updated through the Provider Portal.
- That date a child returned after previously reporting a child stopped attending.

Additionally, the following changes should be reported by the 25th of each month:

- An enrolled child has not attended the full eight hours and the provider has been unable to communicate with the parent to determine if the child is returning to care. Since DWS pays providers before services are provided, there is no overpayment for the current month. Reporting by the 25th will help prevent an overpayment for the following month.

An increase in the provider's full-time, monthly published rates. Rate increases must be reported on the CAC website at cac.utah.gov. Rate changes are made effective the following month and may not affect the amount of the subsidy payment.

Note: A change of mailing or care address, email account or phone number must be reported directly to Child Care Licensing.



EXAMPLES OF WHEN AND WHAT TO REPORT:

1. The provider has been providing care for a family for seven months. In good faith, care is expected to continue next month (October). There has been no indication otherwise from the customer. The direct deposit is received for October. The child's last day in care was September 28. The customer cannot be contacted. It is now October 25.

ACTION: The provider should log in to the Provider Portal and report that the child did not attend eight hours in the current month. Report September 28 was the last day in care and that the provider was not notified that the child would no longer attend. There is no overpayment for October. Reporting by the 25th will prevent the payment from going out for November.

Note: The customer is responsible for paying the provider for any child care costs not covered by DWS.

2. A customer notifies her provider that she will no longer need child care the following month. The customer has an outstanding balance that she owes her provider. The provider and customer agree to bring the children eight hours the following month to keep the subsidy payment.

ACTION: This is considered misuse of funds and is not the intent of the policy. Both provider and customer may be subject to a program disqualification.

3. A customer has substantial out-of-pocket expenses and has not been paying their provider. The child attended for eight hours on the first two days of the month. The direct deposit payment has been received, and subsequently the family is notified that services are being terminated. Can the provider use the subsidy payment to offset the balance owed?

ACTION: No. Log-in to the Provider Portal, report that the provider ended care for a child and enter the date care was terminated. When a provider terminates services, DWS will only pay for actual days the services were provided. So, in this scenario, the provider may keep payment for the two days of care. The remaining balance must be returned to Workforce Services. At least eight hours of care must be provided to keep a partial payment. Workforce Services may request attendance records to verify the days the child was in care.

4. On the 23rd of the month, a customer reports to their provider that they will be moving and will no longer need child care as of the last day of the month. The provider is not holding the spot for the following month.

ACTION: The provider should log into the Provider Portal and report that the child is not expected to attend eight hours next month. Although the provider has 10 days to report this change, if reported after the payment is issued for the next month, it will result in an overpayment that the provider will need to repay.

5. The provider has a family who has been attending regularly. A payment has been received for the new month but three weeks have gone by and the family has not been in contact.

The provider logs in to the Provider Portal on the 25th to report that the children did not attend at least eight hours in the current month. Then the family returns on the 27th of the month and eight hours of care was provided by the end of the month.

ACTION: The provider may keep the payment for the full month. The provider must report the return date in the portal or email occ@utah.gov that the children are still attending. Attendance records may be requested to verify attendance. Have the customer contact their DWS eligibility worker to request their case be reopened for the following month if they are eligible.

6. On July 6, the customer reported to Workforce Services that they are changing providers for July. The direct deposit was already made to the former provider. Workforce Services requests July attendance records to verify that care was provided by the former provider. The provider's record indicates that the children were in attendance on July 1 from 7 a.m. to 4 p.m. and that the children have not returned.

ACTION: The initial provider may keep the full payment to cover their expenses of reserving the children's spots for the month. DWS will make the change in providers effective August 1. No payment will be made for July to the new provider.

7. A customer has two children, ages two and seven. The seven-year-old is in school and the two-year-old only needs part-time care due to other arrangements.

ACTION: In the Provider Portal, go to the "Children in Care" screen, then select "Actions" on this case. Report the actual (reduced) monthly charge with the start date for each child. The following month's payment will be determined using the reduced provider charge for each child.

When the need for child care for either child changes to an out-of-school rate or a full-time rate, enter the new rates in the portal with a new start date. If the new rate is the full-time, monthly Care About Childcare rate, select this default rate. Beginning the following month, the new Care About Childcare rate will be used in the subsidy calculation until a lower rate is reported again.

Regardless of the start date, Workforce Services will not be able to make the change effective any earlier than the first day of the following month.

8. Throughout the month, a provider has reviewed the attendance of children in care and reported required changes. On June 25th, the provider certifies in the portal that all changes have been reported. On June 30th, a customer tells the provider it will be the children's last day in care. How does this affect the certification?

ACTION: This does not affect certification, but it is required to notify Workforce Services of this change. Providers are required to report changes within 10 days. By July 9th, the provider should log in to the Provider Portal and report the child did not attend eight hours in the current month and that they were notified on June 30th. There is no overpayment as long as the provider holds the spot for the month of July. Otherwise, the funds will need to be returned.

- 9. A customer reports a change of providers to DWS on June 26th but has not told their initial provider that the children will no longer be attending.

ACTION: DWS will stop the payment to the initial provider. The new provider will be paid for July; the initial provider will not receive a payment in July based on enrollment. No action is required by the initial provider, but they are responsible to collect any outstanding payments from the customer.

- 10. A customer reports a change of provider to DWS on June 30 after the payment is issued for next month and the initial provider reports that the child is still enrolled. There is no overpayment as long as the provider agrees to continue to hold the child's spot for them to attend. In most instances, the new provider will not be paid for the same month. The customer will be responsible for payment to the new provider if the initial provider has been paid based on enrollment.

ACTION: The initial provider must report within 10 days if they choose to end enrollment prior to the last day of the calendar month.

- 11. A customer notifies the provider on June 27 that the child will not be returning in July. The initial provider reports they are not going to keep the child enrolled through the end of July.

ACTION: The provider must report the change to DWS within 10 days. If the provider reports the change by June 30th, in the Provider Portal, go to the "Children in Care" screen, then select "Actions" on the case and select "A child is not expected to attend eight hours NEXT month". Select the child's name and enter the last date the child attended or will attend. If the provider reports the change in July, in the Provider Portal, go to the "Children in Care" screen, then select "Actions" on the case and select "Has not attended eight hours in the current month". Select the child's name and enter the last date the child attended.

- 12. A child has been attending regularly but only came for six hours at the beginning of the month. The parent lets the provider know that the child has been unable to attend due to illness and vacation but will be returning on the 27th and resuming their normal child care schedule.

ACTION: No action is required. Since the parent and provider have communicated and anticipate the child will be returning to child care, there is no change to report. There is no overpayment for this month.

● SUBSIDY CREDIT

A credit is an overpayment that Workforce Services can deduct from the following month's subsidy payment for that same family. A credit typically occurs when a provider does not charge the customer for the full month and the child continues to attend the child care facility. When a credit occurs, the funds must be returned to Workforce Services or deducted from the subsidy amount. It is considered a misuse of funds to use the Workforce Services credit to pay for the customers outstanding fees or apply it to a future month of care.

Credits should be reported through the Provider Portal. The subsidy payment will be reduced the following month to offset the amount of the overpayment.

If the amount of the credit is greater than the following month's subsidy payment, the remaining funds will need to be returned to Workforce Services. A credit may only be applied for one month of service.

● OVERPAYMENTS

When a provider reports a change to a case through the DWS Provider Portal after the 25th of the month, an overpayment may result. While it is possible that a provider is not aware of a reportable change by the 25th of the month, the change must be reported within 10 days of becoming aware of the change. When an overpayment occurs, the provider is required to return the money to Workforce Services.

When an overpayment is reported to Workforce Services, the provider will receive a notice from the Overpayment Unit explaining repayment options and the right to appeal. Payment options include payment in full or negotiating a repayment plan. If the provider does not pay in full, they must negotiate a repayment plan or request an appeal within 30 days of the date of the notice. A second notice, called an order of default, will be sent to the provider. The order of default may result in a court judgment.

Regardless of the cause of an overpayment, providers must either repay the overpayment within 30 days of the date of the order of default or enter into a repayment plan agreement. Failure to pay or remain current on a repayment plan agreement may result in one or more of the following consequences:

1. All future subsidy payments may be withheld until the debt is paid in full or the provider is current on the repayment plan agreement.
2. For providers who have been awarded an Enhanced Subsidy Grant (ESG) through OCC's Child Care Quality System, a recoupment will be taken instead of withholding the subsidy payments. A recoupment means that the amount owed will be deducted from the monthly ESG until the debt is paid in full. This is pursuant to Utah Administrative Code R986-700-731.1(4).

3. Providers who stop providing child care for families receiving DWS child care assistance may be removed from the DWS Approved Provider list and remain ineligible until payment is made in full.
4. Workforce Services may pursue a lien (a claim against assets to satisfy a debt) pursuant to Utah Code, Section 35A-3-606.

**To repay an overpayment, make the check payable to
DWS ESD Overpayments and mail to:**

**Workforce Services PA Overpayment Unit
PO Box 2695 Salt Lake City, UT 84110-2695**

The check should include the customer's name, case number and month of the overpayment. Specify the payment is for child care.

● INTENTIONAL PROGRAM VIOLATIONS (IPV)

Providers who commit an IPV will be required to repay the overpayment plus a 50 percent civil money penalty. A provider who is assessed an overpayment or IPV pursuant to Utah Administrative Code Sections R986-700-731 or R986-700-732 may be subject to increased monitoring or other remedial measures pursuant to OCC policy to ensure future compliance with program rules.

● ADMINISTRATIVE DISQUALIFICATION HEARING (ADH) AND PROVIDER DISQUALIFICATIONS

OCC may request an ADH be held to determine if a provider should be disqualified from the child care program.

An ADH may be recommended for reasons such as a provider committing an IPV, showing an established pattern of overpayments, failing to cooperate with an investigation or an audit, or displaying a pattern of behavior demonstrating a provider's unwillingness to comply with Workforce Services provider requirements.

Workforce Services will always hold an ADH prior to disqualifying a child care provider. An Administrative Law Judge (ALJ) will make the determination to disqualify a provider or recommend other actions to be taken.

The following disqualification time periods apply:

- One year for the first offense
- Two years for the second offense
- Lifetime for the third offense

Any overpayments must be repaid in full to be reinstated even when the time period for disqualification ends.

A disqualified provider is ineligible for any child care funding through Workforce Services. This includes OCC grants and subsidy payments.

See the Utah Administrative Code at adminrules.utah.gov/public/home for additional information on disqualifications and the ADH process.

● APPEALS

Providers have the right to appeal an overpayment and an ADH disqualification to DWS. All appeal requests must be submitted in writing within 30 days of the order establishing the overpayment or disqualification.



● RESOURCES FOR PROVIDERS

- Workforce Services Child Care Utah Administrative Code R986-700 et seq
adminrules.utah.gov/public/home
- Workforce Services Child Care Provider Portal
jobs.utah.gov/childcare
- Department of Workforce Services, Office of Child Care
Email: occ@utah.gov • Phone: (866) 435-7414 select option 5, then option 1
jobs.utah.gov/occ
- Care About Child Care Agencies
cac.utah.gov
Local contacts: jobs.utah.gov/occ/provider/caccontact.html
Email: urpd@usu.edu • Phone: (885) 531-2468
- Child Care Licensing
childcarelicensing.utah.gov
- Workforce Services Overpayment Unit
(Regarding repayments only)
Phone: (801) 526-9810 or (800) 821-2239
- Additional subsidy-related information including the maximum monthly subsidy payment table, income guidelines, copayment table and subsidy fliers.
<https://jobs.utah.gov/occ/provider/subsidy.html>

For additional information, please see the “What’s New” section on the DWS Provider Portal, the FAQs on the DWS Provider Portal, at jobs.utah.gov/childcare



PROVIDER TERMS AND CONDITIONS



IN ORDER TO RECEIVE CHILD CARE SUBSIDY PAYMENTS FROM THE DEPARTMENT OF WORKFORCE SERVICES (WORKFORCE SERVICES) ; I UNDERSTAND AND AGREE TO THE FOLLOWING:

1. I will abide by the provider responsibilities contained in Utah Administrative Code R986-700-727 and the rules regarding the appropriate use of child care in R986-770-728.
2. I will keep accurate records of subsidized child care payments, and time and attendance records for each child for a minimum of three years. Time and attendance means the date and time the child arrived and left my care. If I am a licensed family or licensed center provider, I agree to use an electronic attendance tracking system approved by Workforce Services.
3. I agree to provide full and accurate information as requested by Workforce Services and to cooperate with any investigation or audit to determine eligibility or ongoing eligibility. Cooperation includes providing information and verification as requested by Workforce Services and returning telephone calls or responding to emails from Workforce Services in a timely manner. If I fail to cooperate with an investigation or audit pursuant to Utah Administrative Code R986-700-730, provide any and all information or verification requested, or fail to keep accurate records for three years. I may be subject to overpayments, future subsidy payments may be withheld, or other penalties may be imposed by Workforce Services as established in Utah Administrative Code R986-700-731 and R986-731-1.
4. I will access the Workforce Services Provider Portal by the 25th of each month and review the child care subsidy payment information. I will report by the 25th of the month if an enrolled child has not attended the full eight hours and I have been unable to communicate with the parent to determine if the child is returning to care. Changes may be reported through the portal or by emailing occ@utah.gov. Additionally, I will notify Workforce Services of the following reportable changes within 10 days of the date I learn of the change:
 - a. A child attended less than eight hours in the first month that subsidy was paid and is NOT expected to come the next month.
 - b. A child attended less than eight hours in the first month that subsidy was paid, but attended or IS expected to attend at least eight hours the next month.
 - c. A child did not attend eight hours in the CURRENT month.
 - d. A child is not expected to attend eight hours NEXT month.
 - e. A provider ended care for a child.
 - f. A customer was charged less than the subsidy received for one month and the child is still attending (Workforce Services credit).
 - g. A provider charges a lower rate than the monthly full-time rate such as a part-time or in-school rate for an individual child in care. When a lower rate is established, rate changes for that child must be updated through the provider portal. Once a reduced rate is reported in the portal, it is my responsibility to update the rate through the portal one month prior to the month I want the rate to change back to the monthly full-time rate reported in Care About Childcare.

- h. That date a child returned after previously reporting a child stopped attending.
 - i. Changes to financial accounts to be used for direct deposit. Workforce Services is not responsible for any payments made to the wrong financial account.
- 5. If I am a licensed family or licensed center provider, I will certify in the Workforce Services Provider Portal between the 25th to the last calendar day of each month attesting that I reviewed each case and reported required changes for each child. Providers who have a pattern of not certifying may be subject to a review of their records by the Office of Child Care. This may result in regular monitoring of attendance records or withholding of subsidy payments.
- 6. I will report any permanent change in the monthly standard rates I charge for child care in the Care About Childcare Website (cac.utah.gov). Changes should be reported by the 25th and will be made effective the following month.
- 7. I understand that if I provide care for at least eight hours and terminate services of a child during the month, I can only keep payment authorized for the days the child was in care. However, if it was necessary to remove the child from care because the child or others were endangered, and the incident was reported to OCC, Workforce Services may waive repayment.
- 8. If I accept payment from funds provided by Workforce Services for services I did not provide and payment was received, I may be responsible for repayment of any resulting overpayment and agree to cooperate with Workforce Services to repay the overpayment in full.
- 9. I agree to submit an electronic W-9 Form to Child Care Licensing and to submit an updated form when a change needs to be reported. This information will be shared with Workforce Services. Failure to do so may result in withholding of subsidy payments.
- 10. I understand that the income I receive as child care subsidy payments is taxable and Workforce Services will report all subsidy payments as income to the Internal Revenue Service.
- 11. I understand that by accepting subsidy payments, I am not an employee of Workforce Services or of the State of Utah even if I care for only one child or one family's children and regardless of where the care is provided.
- 12. I agree to comply with any additional requirements imposed by or through Child Care Licensing in order to be an eligible provider to receive child care subsidy payments. For example, this may include reading and agreeing to the Provider Guide as part of the initial licensing process.
- 13. I will comply with all applicable Workforce Services rules as provided in Utah Administrative Code R986-700 et seq.
- 14. I am responsible for any and all information provided through the Workforce Services Provider Portal. If I allow Financial or Facility Administrative security access to the Workforce Services Provider Portal to anyone else, I will be responsible for any incorrect information provided by that other individual even if the error was unintentional.



15. In order to continue to accept subsidy payments, I must agree and adhere to any changes. I will agree to accept the terms and conditions of the most recent version of the DWS Child Care Provider Guide, including any addendums, by logging into the DWS Child Care Provider Portal and continuing to accept subsidy payments.

As the business owner or authorized person to manage Provider Portal account information, I read or had read to me the Payment to Provider Terms and Conditions. I understand these statements and agree to adhere to them. I understand I can be penalized by law if I commit perjury by purposely giving false information or failing to accurately report changes.

Signature(s) required for new providers accepting DWS subsidy payments only.

PROVIDER NAME(S)

Print: _____

AUTHORIZED PROVIDER SIGNATURE(S)

Signature: _____

Date: _____

