

WORKFORCESOLUTIONS

G R E A T E R D A L L A S

Policy Number: S0508, change 5	RE: Texas Administrative Code 809.41, 809.42, 809.44, and 809.19 TWC WD Letter #21-12, change 1
Date Issued: 9-27-12	Effective Date: 10-01-12

GENERAL ELIGIBILITY REQUIREMENTS

Background

In accordance with State and Federal regulations, the following policy applies for establishing eligibility requirements for child care services.

Policy

Except for a child receiving or needing protective services as described in §809.42, for a child to be eligible to receive child care services, the child shall:

- (1) Meet one of the following age requirements:
 - (A) Be under 13 years of age; or
 - (B) At the option of the Board, be a child with disabilities under 19 years of age; and
- (2) Reside with:
 - (A) A family whose income does not exceed the income limit established by the Board, which income limit must not exceed 185% of the federal poverty guidelines for a family of the same size; and
 - (B) Parents who require child care in order to work or attend a job training or educational program.

(a) Unless otherwise required by federal or state law, the family income for purposes of determining eligibility and the parent share of cost means the monthly total of the following items for each member of the family (as defined in §809.19):

- (1) **Total gross earnings.** These earnings include wages, salaries, commissions, tips, piece-rate payments, and cash bonuses earned.
- (2) **Net income from self-employment.** Net income includes gross receipts minus business-related expenses from a person's own business, professional enterprise, or partnership, which result in the person's net income. Net income also includes gross receipts minus operating expenses from the operation of a farm.
- (3) **Pensions, annuities, life insurance, and retirement income.** This includes Social Security pensions, veteran's pensions and survivor's benefits and any cash benefit paid to retirees or their survivors by a former employer, or by a union, either directly or through an insurance company. This also includes payments from annuities and life insurance.
- (4) **Taxable capital gains, dividends, and interest.** These earnings include capital gains from the sale of property and earnings from dividends from stock holdings, and interest on savings or bonds.

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(5) **Rental income.** This includes net income from rental of a house, homestead, store, or other property, or rental income from boarders or lodgers.

(6) **Public assistance payments.** These payments include TANF as authorized under Chapters 31 or 34 of the Texas Human Resources Code, refugee assistance, Social Security Disability Insurance, Supplemental Security Income, and general assistance (such as cash payments from a county or city).

(7) **Income from estate and trust funds.** These payments include income from estates, trust funds, inheritances, or royalties.

(8) **Unemployment compensation.** This includes unemployment payments from governmental unemployment insurance agencies or private companies and strike benefits while a person is unemployed or on strike.

(9) **Workers' compensation income, death benefit payments and other disability payments.** These payments include compensation received periodically from private or public sources for on-the-job injuries.

(10) **Spousal maintenance or alimony.** This includes any payment made to a spouse or former spouse under a separation or divorce agreement.

(11) **Child support.** These payments include court-ordered child support, any maintenance or allowance used for current living costs provided by parents to a minor child who is a student, or any informal child support cash payments made by an absent parent for the maintenance of a minor.

(12) **Court settlements or judgments.** This includes awards for exemplary or punitive damages, noneconomic damages, and compensation for lost wages or profits, if the court settlement or judgment clearly allocates damages among these categories.

(b) Income to the family that is not included in subsection (a) of this section is excluded in determining the total family income. Specifically, family income does not include:

(1) Food stamps (SNAP program);

(2) Monthly monetary allowances provided to or for children of Vietnam veterans born with certain birth defects;

(3) Educational scholarships, grants, and loans;

(4) Earned Income Tax Credit (EITC) and the Advanced EITC;

(5) Individual Development Account (IDA) withdrawals;

(6) Tax refunds;

(7) VISTA and AmeriCorps living allowances and stipends;

(8) Noncash or in-kind benefits received in lieu of wages;

(9) Foster care payments;

(10) Special military pay or allowances, which include subsistence allowances, housing allowances, family separation allowances, or special allowances for duty subject to hostile fire or imminent danger; and

(11) Any income sources specifically excluded by federal law or regulation.

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The maximum gross income level for initial eligibility is set at 185% FPG of the poverty level, 85% SMI for transitional, 85% SMI extended year, and 85% SMI for teen parents. The income level established by Workforce Solutions Greater Dallas for child care eligibility is indicated on the chart attached, WD Letter #21-12, Change 1.

The Board maintains an existing policy of eligibility determination and redetermination every 12 months. In addition, according to TWC Rule §809.42, child care services should be re-determined anytime there is a change in family income or other information that could affect eligibility to receive child care services. This policy has been amended to include the following language in accordance with Technical Assistance Bulletin ID#676:



If a family reports an income change during the eligibility period that causes the assessed share of cost to move into a different share of cost bracket, the board will keep the share of cost at the amount assessed at the beginning of the eligibility period.

Action Required

This policy should be distributed to all affected staff.

Contact

Inquiries regarding this policy should be directed to **Connie Martinez, Vice President, Resource Development and Deployment at 214.290.1008.**

Approved for Content:	
	9-27-12
Signature	Date
	9/27/12
President's Signature	Date