

Representative Ashlee Matthews proposes the following substitute bill:

CHILD CARE ELIGIBILITY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies the child care subsidy provisions of the Employment Support Act.

Highlighted Provisions:

This bill:

- ▶ defines "income" and "income-eligible child";
- ▶ provides criteria for an income-eligible child to be eligible for a child care subsidy or grant through the Employment Support Act; and
- ▶ modifies the Office of Child Care's rulemaking authority to allow the office to make rules on prioritizing awards of a child care subsidy or grant.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-3-201, as last amended by Laws of Utah 2015, Chapter 221

35A-3-203, as last amended by Laws of Utah 2020, Chapter 354

ENACTS:



26 [35A-3-209](#), Utah Code Annotated 1953

27

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **35A-3-201** is amended to read:

30 **35A-3-201. Definitions.**

31 As used in this part:

32 (1) "Child care" means the child care services defined in Section [35A-3-102](#) for:

33 (a) children age 12 or younger; and

34 (b) children with disabilities age 18 or younger.

35 (2) "Child care provider association" means an association:

36 (a) that has functioned as a child care provider association in the state for at least three
37 years; and

38 (b) is affiliated with a national child care provider association.

39 (3) "Committee" means the Child Care Advisory Committee created in Section
40 [35A-3-205](#).

41 (4) "Director" means the director of the Office of Child Care.

42 (5) (a) "Income" means gross income, whether earned or unearned, as defined by rule
43 made in accordance with Section [35A-3-203](#).

44 (b) "Income" does not include:

45 (i) income from means-tested programs, including:

46 (A) Temporary Assistance to Needy Families;

47 (B) the Social Security Act; and

48 (C) the Supplemental Nutrition Assistance Program;

49 (ii) in-kind income;

50 (iii) scholarship, grant, or bona fide loan money;

51 (iv) a federal or state income tax credit; or

52 (v) a nonrecurring lump sum benefit.

53 (6) "Income-eligible child" means a child whose:

54 (a) family income does not exceed 85% of state median income for a family of the
55 same size; and

56 (b) family assets do not exceed the limit established by the office through rule created

57 in accordance with Section [35A-3-203](#).

58 [~~5~~] (7) "Office" means the Office of Child Care created in Section [35A-3-202](#).

59 Section 2. Section **35A-3-203** is amended to read:

60 **35A-3-203. Functions and duties of office -- Annual report.**

61 The office shall:

62 (1) assess critical child care needs throughout the state on an ongoing basis and focus
63 its activities on helping to meet the most critical needs;

64 (2) provide child care subsidy services for income-eligible children through age 12 and
65 for income-eligible children with disabilities through age 18;

66 (3) provide information:

67 (a) to employers for the development of options for child care in the work place; and

68 (b) for educating the public in obtaining quality child care;

69 (4) coordinate services for quality child care training and child care resource and
70 referral core services;

71 (5) apply for, accept, or expend gifts or donations from public or private sources;

72 (6) provide administrative support services to the committee;

73 (7) work collaboratively with the following for the delivery of quality child care, early
74 childhood programs, and school age programs throughout the state:

75 (a) the State Board of Education; and

76 (b) the Department of Health;

77 (8) research child care programs and public policy to improve the quality and
78 accessibility of child care, early childhood programs, and school age programs in the state;

79 (9) provide planning and technical assistance for the development and implementation
80 of programs in communities that lack child care, early childhood programs, and school age
81 programs;

82 (10) provide organizational support for the establishment of nonprofit organizations
83 approved by the Child Care Advisory Committee, created in Section [35A-3-205](#);

84 (11) coordinate with the department to include in the annual written report described in
85 Section [35A-1-109](#) information regarding the status of child care in Utah; and

86 (12) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
87 Rulemaking Act, and consistent with state and federal law^[5]:

88 (a) establishing the eligibility requirements for a child care provider to receive a grant
89 or subsidy, including for the following:

90 ~~[(a)]~~ (i) providing child care for an income-eligible child age 12 or younger; and

91 ~~[(b)]~~ (ii) providing child care for an income-eligible child with disabilities age 18 or
92 younger[-]; and

93 (b) prioritizing awards of child care grants or subsidies for income-eligible children
94 within available funds.

95 Section 3. Section 35A-3-209 is enacted to read:

96 **35A-3-209. Award of child care subsidy services.**

97 (1) (a) On or before June 30, 2023, the office shall award a full child care subsidy or
98 grant for an income-eligible child.

99 (b) The office shall make the award described in Subsection (1)(a):

100 (i) in accordance with applicable federal law and regulation; and

101 (ii) subject to available funds.

102 (2) Beginning on July 1, 2023, the office may award:

103 (a) a full child care subsidy or grant for an income-eligible child whose family income
104 is equal to or below 75% of state median income; and

105 (b) a progressively lower child care subsidy or grant for each tenth of a percentage
106 point by which the income-eligible child's family income exceeds 75% of state median income
107 up to 85% of state median income.

108 (3) (a) On or before June 30, 2023, and subject to Subsection (3)(b), the office shall
109 determine the amount of a child care subsidy or grant based on the income-eligible child's
110 enrollment in child care.

111 (b) To qualify for a child care subsidy or grant under ~~H~~→ [this] ←~~H~~ Subsection (3)
111a ~~H~~→ (a) ←~~H~~ , an
112 income-eligible child shall be enrolled in child care for a minimum of eight hours per month.

112a ~~H~~→ (c) On or after July 1, 2023, and subject to Subsection (3)(d), the office shall
112b determine the amount of a child care subsidy or grant based on the income-eligible child's
112c attendance in child care.

112d (d) To qualify for a child care subsidy or grant under Subsection (3)(c), an
112e income-eligible child shall attend child care for a minimum of eight hours per month. ←~~H~~