

CHILD CARE ELIGIBILITY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Lincoln Fillmore

Cosponsors:	Marsha Judkins	Mike Winder
Gay Lynn Bennion	Angela Romero	
Clare Collard	Steve Waldrip	
Suzanne Harrison		

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

28 ENACTS:

29 [35A-3-209](#), Utah Code Annotated 1953

30

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

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

33 **35A-3-201. Definitions.**

34 As used in this part:

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

36 (a) children age 12 or younger; and

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

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

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

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

42 (3) "Committee" means the Child Care Advisory Committee created in Section
43 [35A-3-205](#).

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

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

47 (b) "Income" does not include:

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

49 (A) Temporary Assistance to Needy Families;

50 (B) the Social Security Act; and

51 (C) the Supplemental Nutrition Assistance Program;

52 (ii) in-kind income;

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

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

55 (v) a nonrecurring lump sum benefit.

56 (6) "Income-eligible child" means a child whose:
57 (a) family income does not exceed 85% of state median income for a family of the
58 same size; and
59 (b) family assets do not exceed the limit established by the office through rule created
60 in accordance with Section [35A-3-203](#).

61 ~~[(5)]~~ (7) "Office" means the Office of Child Care created in Section [35A-3-202](#).

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

63 **35A-3-203. Functions and duties of office -- Annual report.**

64 The office shall:

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

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

69 (3) provide information:

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

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

72 (4) coordinate services for quality child care training and child care resource and
73 referral core services;

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

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

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

78 (a) the State Board of Education; and

79 (b) the Department of Health;

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

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

84 programs;

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

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

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

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

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

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

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

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

99 **35A-3-209. Award of child care subsidy services.**

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

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

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

104 (ii) subject to available funds.

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

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

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

111 (3) (a) On or before June 30, 2023, and subject to Subsection (3)(b), the office shall

112 determine the amount of a child care subsidy or grant based on the income-eligible child's
113 enrollment in child care.

114 (b) To qualify for a child care subsidy or grant under Subsection (3)(a), an
115 income-eligible child shall be enrolled in child care for a minimum of eight hours per month.

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

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