

**CHILD CARE ELIGIBILITY AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ashlee Matthews**

Senate Sponsor: \_\_\_\_\_

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**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"; and
- ▶ provides criteria for an income-eligible child to be eligible for a child care subsidy

or grant through the Employment Support Act.

**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

ENACTS:

**35A-3-209**, Utah Code Annotated 1953

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

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

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



28 As used in this part:

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

30 (a) children age 12 or younger; and

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

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

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

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

36 (3) "Committee" means the Child Care Advisory Committee created in Section  
37 35A-3-205.

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

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

41 (b) "Income" does not include:

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

43 (A) Temporary Assistance to Needy Families;

44 (B) the Social Security Act; and

45 (C) the Supplemental Nutrition Assistance Program;

46 (ii) in-kind income;

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

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

49 (v) a nonrecurring lump sum benefit.

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

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

53 (b) family assets do not exceed the limit established by the office through rule created  
54 in accordance with Section 35A-3-203.

55 [~~5~~] (7) "Office" means the Office of Child Care created in Section 35A-3-202.

56 Section 2. Section 35A-3-209 is enacted to read:

57 **35A-3-209. Award of child care subsidy services.**

58 (1) (a) In accordance with applicable federal law and regulation, and on or before June

59 30, 2023, the office may award a full child care subsidy or grant for an income-eligible child.

60 (b) Beginning on July 1, 2023, the office may award:

61 (i) a full child care subsidy or grant for an income-eligible child whose family income  
62 is equal to or below 100% of the federal poverty level; and

63 (ii) a progressively lower child care subsidy or grant for each tenth of a percentage  
64 point by which the income-eligible child's family income exceeds 100% of the federal poverty  
65 level.

66 (2) (a) Subject to Subsection (2)(b), the office shall determine the amount of a child  
67 care subsidy or grant based on the income-eligible child's enrollment in child care.

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