

DEPARTMENT OF HUMAN SERVICES

Adoption of Chapter 17-798.3  
Hawaii Administrative Rules

FINDINGS

The Department of Human Services finds that:

1. Acting Governor Sylvia Luke declared a state of emergency due to several large burning wildfires on August 8, 2023, that was extended by Supplementary Proclamations, most recently on August 19, 2023, which extended the state of emergency through October 17, 2023;
2. President Joseph R. Biden declared that a major disaster exists in the State of Hawaii and ordered Federal aid to supplement state and local recovery efforts in the areas affected by wildfires;
3. The impact of the wildfires continues to pose an imminent peril to the public health, safety, and welfare of the people of Hawaii and a response requires the State to avert catastrophic impacts to the State as set forth in section 91-3(b), Hawaii Revised Statutes (HRS). There have been 115 deaths reported and extensive property damage estimated to be between \$4 to \$6 billion to 2,200 structures and 2,100 acres destroyed by the wildfires, mandatory evacuation of the civilian population from the affected areas, including 4,725 individuals in 19 shelter locations, unsafe water and health advisories for the affected areas, and prolonged recovery and rebuilding efforts and state resources are required from the wildfire emergency;

4. Swift adoption of these rules is necessary to address and mitigate the effects of wildfires by permitting the State to access and use federal funds through the Child Care and Development Funds (CCDF) for child care to assist those families impacted by the wildfires. The infusion of child care funds for the target population of families impacted by the wildfires is especially critical to the child care community at large, providers, and the other related industries; and

5. The department must therefore adopt these emergency rules without prior notice or hearing in order to continue the department's efforts to provide immediate relief to the families impacted by the wildfires, as authorized under section 91-3(b), HRS.

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6

BENEFIT, EMPLOYMENT AND SUPPORT SERVICES DIVISION

2023 EMERGENCY RULES RELATING TO CHILD CARE PAYMENTS  
UNDER CHAPTER 798.3

- §1 Purpose and authority
- §2 Definitions
- §3 Scope
- §4 Eligibility requirements
- §5 Income considered in eligibility determination
- §6 Method of computing the family unit's co-payment
- §7 Method of computing the need for care
- §8 Mandatory reporting
- §9 Re-determination of eligibility and payment amount

**§1 Purpose and authority.** (a) The Department of Human Services finds that: The purpose of these emergency rules is to assist with the recovery efforts as a result of the wildfire emergency, and the following amendments are necessary to enable the department to provide relief to families who need child care payments due to the impact of the wildfire emergency and to assist these families with recovery.

(b) These emergency rules are authorized by sections 91-3, 91-4, and 346-14, HRS, and 45 Code of Federal Regulations (C.F.R.) Part 98. They are

related to and shall be read to be consistent with chapter 798.3.

(c) These emergency rules shall be effective upon filing with the Lieutenant Governor's office; provided that the conditions set out in these rules shall apply retroactively as of September 1, 2023, and shall be effective through December 31, 2023.

**§2 Definitions.** All terms defined in chapter 17-798.3, shall have the same meaning when used in these rules. Additionally, as used in these rules:

"Impacted family" means a family unit where at least one adult caretaker has been affected by place of residence or employment for the state declared wildfires emergency and needs child care to recover and rebuild from the wildfire emergency.

**§3 Scope.** (a) Notwithstanding any contrary provisions or limitations in chapter 17-798.3, child care payments may be provided for an impacted family.

(b) An impacted family determined eligible for child care payments pursuant to these emergency rules shall remain eligible for the duration of the impacted family's allowable eligibility period.

(c) To receive child care payments under the provisions of these emergency rules, an application from an impacted family must be received by the department no later than October 31, 2023 and the impacted family must meet all the eligibility requirements as of October 31, 2023, regardless of when the eligibility determination is made.

(d) Eligible impacted families may start to receive child care payments from the month that eligibility is determined under the provisions of these emergency rules subject to section 17-798.3-6(g).

**§4 Eligibility requirements.** (a) For an impacted family, any caretaker shall not be subject to the requirements and condition of sections 17-798.3-9(b)(1), (2), (3), and (5); provided that the impacted family applies no later than October 31, 2023 and meets the eligibility requirements as of October 31, 2023, regardless of when the eligibility determination is made.

(b) For an impacted family who does not have documentation to support the verification of sections 17-798.3-9(a) and (b)(4), the department may allow for presumptively eligible payments pending receipt of the documentation within six months from application date; provided that payments shall end after six months if the caretaker fails to comply with this subsection, and payments shall not be considered an overpayment under section 17-798.3-22(b).

**§5 Income considered in eligibility determination.** An impacted family shall not be subject to the requirements and conditions of section 17-798.3-10; provided that the impacted family applies no later than October 31, 2023 and meets the eligibility requirements as of October 31, 2023, regardless of when the eligibility determination is made.

**§6 Method of computing the family unit's co-payment.** An impacted family shall not be subject to the co-payment requirement established in section 17-798.3-14; provided that the impacted family applies no later than October 31, 2023 and meets the eligibility requirements as of October 31, 2023, regardless of when the eligibility determination is made.

**§7 Method of computing the need for care.** An impacted family shall not be subject to the

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requirement to establish need for care established in section 17-798.3-15; provided that the impacted family applies no later than October 31, 2023 and meets the eligibility requirements as of October 31, 2023, regardless of when the eligibility determination is made.

**§8 Mandatory reporting.** An impacted family shall not be subject to the mandatory reporting requirements established in sections 17-798.3-17(a)(1), (10), and (11); provided that the family unit applies no later than October 31, 2023 and meets eligibility requirements as of October 31, 2023, regardless of when the eligibility determination is made.

**§9 Re-determination of eligibility and payment amount.** An impacted family whose eligibility is re-determined pursuant to these emergency rules shall not be subject to the requirements and conditions of sections 17-798.3-18(c) and (d)(1) and (2); provided that the impacted family submits a simplified report form or contacts the department to review their current circumstances and meets the eligibility requirements as of October 31, 2023, regardless of when the eligibility re-determination is made.