



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

Department of Health and Human services
Montgomery County Regulation on:

REQUIREMENTS FOR THE WORKING PARENTS ASSISTANCE PROGRAM

Issued by: County Executive
COMCOR 02.42A.06

Authority: Code Section 02.42A

Supersedes: Executive Regulation 16-03AMII

Council Review Method (2) Under Code Section 2A-15

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Comment Deadline: November 5, 2026

Effective Date: _____

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SUMMARY: The regulation amends the requirements for the Working Parents Assistance Program to modernize eligibility criteria and operations.

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BACKGROUND: The Working Parents Assistance Program offers essential child care subsidies to eligible working families in Montgomery County, but its governing regulations have not been substantively updated since 1984 and no longer reflect current state standards or community needs. To address this, the Department of Health and Human Services convened a six-month WPA Modernization Workgroup as part of the Early Care and Education Initiative. The group developed recommendations to align the program with Maryland regulations, Maryland EXCELS quality benchmarks, and best practices in child care subsidy administration.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
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COMCOR 02.42A.06 Requirements for the Working Parents Assistance Program

02.42A.06.01 Definitions

1.1 In this regulation, unless more specifically defined, the following words have the meanings stated:

- (a) Applicant means a child's parent, guardian, or custodian who applies for benefits.
- (b) Case worker means the Department of Health and Human Services staff person assigned to work directly with the applicant or client to determine eligibility.
- (c) Certification period means the time period for which benefits have been approved. Certification is the process through which an applicant is officially approved to receive benefits.
- (d) Child care means care for less than a 24 hour day, for which compensation is paid to a child care center or family child care home licensed or registered by the [Maryland Department of Human Resources] Maryland State Department of Education.
- (e) Child care center means a facility providing child care in Maryland that is:
 - (1) (A) licensed under COMAR [07.04.02 by the Maryland Department of Human Resources] 13A.16 by the Maryland State Department of Education;
 - [(2)] (B) operated under a letter of compliance issued [by the Maryland Department of Human Resources] by the Maryland State Department of Education pursuant to COMAR 13A.17; or
 - [(3)] (C) licensed by any branch of the military under applicable military child care regulations.
- (2) Effective July 1, 2027, participating in the Maryland EXCELS program or accredited by an accrediting body recognized by the Maryland EXCELS



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

program, as a condition of receiving Working Parents Assistance Program reimbursement for child care services provided on or after that date.

(3) Registered with the Central Vendor Registration System.

(f) Client means [a person] an applicant who has been approved to receive benefits. In a two-parent household the term client refers to both parents.

(g) Director means the director of the Department of Health and Human Services or the director's designee.

(h) Family child care [home] means a residence, other than the child's home, that is:

(1) (A) registered under COMAR [07.04.02] 13A.15 as a Family Child Care to provide child care by the [Maryland Department of Human Resources] Maryland State Department of Education;

[(2)] (B) [operated under a letter of compliance issued by the Maryland Department of Human Resources] registered under COMAR 13A.18 as a Large Family Child Care to provide child care by the Maryland State Department of Education; or

[(3)] (C) registered by any branch of the military under applicable military child care regulations.

(2) Effective July 1, 2027, participating in the Maryland EXCELS program or accredited by an accrediting body recognized by the Maryland EXCELS program, as a condition of receiving Working Parent Assistance Program reimbursement for child care services provided on or after that date.

(3) Registered with the Central Vendor Registration System.

(i) Gross income means total [household income,] sum of earnings, taxable and nontaxable, from all sources, whether or not reported on a federal or state income tax return.

(1) Gross income includes, but is not limited to:

(A) wages and tips received as compensation for employment or services rendered before taxes and other deductions;

(B) commissions, bonuses, and incentives;

(C) interest and dividends from all financial accounts;



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

- (D) benefits under the Social Security Act, [or the Railroad Retirement Act];
 - (E) bequests and inheritances;
 - (F) [child or spousal support payments, which include:
 - (i) amounts paid directly to the applicant or client;
 - (ii) third party payments on behalf of the applicant or client; or
 - (iii) court ordered payments;
 - (G) recurring monetary gifts and loans, excluding student loans, made to the household by other persons not living in the household to assist with living expenses;]
 - [(H)] strike benefits which do not include employee contributions;
 - [(I)](G) pensions and annuity benefits, including veterans, railroad, and mine worker benefits;
 - [(J)](H) unemployment compensation benefits;
 - [(K)] (I) trust fund disbursement;
 - [(L)] (J) capital gains;
 - [(M)] (K) net profits from business and property rentals;
 - [(N)] (L) workers compensation benefits;
 - [(O)](M) stipends for educational or research fellowships for living expenses, excluding that portion that covers tuition and required fees; [and]
 - (P)[(N)] net income from self-employment[.] which is calculated by subtracting 30% from the annual gross taxable self-employment income amount for business and related expenses; and
 - (O) rental income.
- (2) Gross income does not include:
- (A) losses from business, rental, or capital transactions;



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

- (B) other third-party payments for which the applicant or client has no discretion over the use of the funds;
 - (C) employment income of household members under 18 years old, unless emancipated;
 - (D) loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs;
 - (E) grants or loans to an undergraduate student for educational purposes made or insured under a program administered by the Commissioner of Education under the Higher Education Act;
 - (F) loans with established payment plans;
 - (G) Medicare payments deducted from social security benefits;
 - (H) Supplemental Security Income (SSI), Temporary Cash Assistance (TCA), and foster care benefits; or
 - (I) [Nazi restitution payments to victims of Nazi persecution; or
 - (J)] military basic allowance for housing.
- (3) For the purpose of determining eligibility, the following will be deducted from gross income:
- (A) extraordinary necessary medical expense payments that exceed 7 percent of household gross income when the applicant or client provides documentation that the household makes regular payments;
 - (B) out-of-pocket child care expenses paid for child care during additional approved activities when the applicant or client provides documentation that the household makes regular payments;
 - (C) [child support payments made by a non-custodial parent for a child not residing in the applicant's or client's household;
 - (D)] \$5,000 of a [household's] family's annual gross income per child for adults with physical custody of a child, as defined in Section 1.1(n). This amount may change as determined by the state program in COMAR [07.04.06.02.B(23)(c)(iii),] 13A.14.06.02B(28)c(iii) [or its replacement]; and



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

[(E)] (D) \$5,000 of household gross income per child in child care when the minor parent lives with their parent(s) and attends public school full time. [This amount may change as determined by the state program in COMAR 07.04.06.02.B(23)(c)(iv), or its replacement.]

(4) Annualization of gross income shall be performed by multiplying:

- (A) Weekly income by 52;
- (B) Bi-weekly income by 26;
- (C) Twice monthly income by 24;
- (D) Monthly income by 12; or
- (E) Quarterly gross income by 4.

[(j)] Homeless means adults with children who lack a fixed, regular, and adequate night-time residence. This includes those who:

- (1) Are sleeping in a place not designed or ordinarily used as regular sleeping accommodation including a car, park, abandoned building, bus or train station, airport, or camping group;
- (2) Live in emergency or transitional shelter (including congregate shelters, transitional housing, as well as hotels/motels and community placements paid for with public funds to prevent homelessness; or
- (3) Are exiting an institution where the person has resided for 90 days or less and was homeless prior to entering the institution.

[(j)](k) (1) Household [means an applicant or client and all of the following residing in the applicant's or client's home] means the family unit consisting of:

[(1)](A) the applicant's or client's spouse' one or more adults and children, related by blood, marriage, adoption, or legal guardianship, and residing in the same household;

[(2)](B) [another parent of any of the applicant's or client's children] adults with physical custody of a child, related or unrelated, who are residing in the same household;

[(3)](C) [the applicant's or client's children; and



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

- (4) the spouse's children.] unrelated adults with children in common who reside together, whether either has other children residing in the household.
- (2) Household does not include:
- (A) unrelated adults with no children in common residing together; or
- (B) related adults, other than spouses residing together.
- [(k)] (l) [Metropolitan area median income means the most recently published metropolitan area median income from the United States Department of Housing and Urban Development, unless lower than the previous year, then income limits will remain the same.
- (l) OCSE means an office of child support enforcement in any jurisdiction.]
Federal poverty level (FPL) means the income threshold set and updated annually by the U.S. Department of Health and Human Services to determine whether a family's income qualifies them for certain federal and state assistance programs.
- (m) Parent means a child's [natural] biological parent, adoptive parent, or parent surrogate or the legal guardian or custodian of a child, who applies for the child to receive Program services.
- (n) Parent surrogate means an adult, other than a parent, including a caretaker relative, who has legal guardianship and assumes day-to-day responsibility for a child's care and welfare.
- (o) Child care Provider means an individual who is responsible for the operation of a family child care home or child care center.
- (p) Program administrator means the section chief for child care subsidy programs responsible for implementation of WPA regulations and procedures.
- (q) Recertification means the process through which the eligibility of a client whose certification period is ending is reviewed to determine continued eligibility.
- (r) State program means Maryland's Purchase of Child Care Scholarship Program [as administered by the Montgomery County Department of Health and Human Services].
- (s) [Statement of Responsibility means a written agreement between the provider, parent and WPA that outlines the type of care provided, the monthly subsidy amount approved for each child, and the terms and conditions for participation. Both the parent and the provider must sign the agreement to acknowledge the



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

terms and conditions of participation and to verify the type of care, child's start date and provider's average monthly fee.

- (t) Supervisor means the person responsible for WPA daily operations and for reviewing eligibility decisions made by WPA case workers.
- [(u)] (t) Temporary disability means a physical, mental, or emotional impairment that substantially limits the applicant or client for no more than 6 months. The applicant or client must submit a statement of condition of disability from a physician which verifies that the applicant or client temporarily cannot work and cannot care for the child(ren).
- [(v)](u) Voucher or voucher award means a [coupon] subsidy award letter given to a client to purchase child care from a child care provider. The [voucher] subsidy award letter states the child's name, month of service, expiration date, type of child care, and the authorized subsidy amount.
- [(w)] (v) WPA means the Working Parents Assistance Program, administered by the County Department of Health and Human Services.
- (w) Waiting list means a list established for Working Parents Assistance Program applicants approved for benefits if program funding has been exhausted or fully committed for a fiscal year.

02.42A.06.02 Eligibility

2.1 General Eligibility

- (a) A parent or parent surrogate may apply for benefits.
- (b) A child must be under the age of 14 to be eligible for benefits. A child under the age of 19 may be eligible if a documented disability precludes self care.
- (c) An applicant or client cannot receive benefits if eligible for the state program unless there is a state program waiting list.
- (d) An applicant or client must [be a citizen or legal resident of the United States, or have a child who is a United States citizen, and] reside in Montgomery County.
- (e) [Pursuit of child support]
- (1) The applicant or client must be receiving or actively pursuing child support for all children in the household, if the applicant or client is not living with the other parent of the children. Actively pursuing child support means:



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

- (A) receiving child support that is court ordered through a legal separation agreement or divorce decree;
 - (B) receiving child support that is court ordered through any OCSE;
 - (C) submitting an application for child support to the Montgomery County OCSE with enough identifying information for the Montgomery County OCSE or WPA to make a determination regarding cooperation from the custodial parent;
 - (D) enforcing through an OCSE an existing court order for child support where support is not being paid or payment is less than the court order; or
 - (E) cooperating with an OCSE by providing accurate and updated information regarding any absent parent.
- (2) The program administrator may waive the child support requirement for good cause. Good cause means circumstances in which cooperation of the applicant or client in pursuit of child support may be contrary to the interest of the child for whom support is being sought. These circumstances are:
- (A) when cooperation is reasonably anticipated to result in physical or emotional harm to an identifiable person;
 - (B) when the child was conceived as a result of incest or rape;
 - (C) when legal proceedings for the child's adoption are pending before a court of competent jurisdiction; or
 - (D) when the applicant or client is currently being assisted by a public or licensed private social service agency to resolve the issue of whether to keep the child or relinquish the child for adoption and the discussions have not gone on for more than three months.
- (3) The applicant or client may refuse to cooperate in pursuing child support only by showing good cause.
- (A) The applicant or client is responsible for providing evidence necessary to support a claim of good cause.
 - (B) The case worker is responsible for reviewing a claim of good cause and making a recommendation to the program administrator.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

- (4) Evidence to support a claim of good cause includes, but is not limited to:
- (A) a birth certificate or medical or law enforcement record indicating that the child was conceived through incest or rape;
 - (B) a court document or other records showing that legal proceedings for adoption are pending before a court of competent jurisdiction;
 - (C) a court, medical, criminal, child protective services, psychological, social services or law enforcement record which indicate that the absent parent might inflict physical or emotional harm on an identifiable person;
 - (D) a medical record showing the emotional health history and the present emotional health status of an identifiable person;
 - (E) a written statement from a mental health professional indicating a diagnosis or prognosis of the emotional health of the child or the applicant or client;
 - (F) a written statement from a public or licensed private social service agency that the agency is helping the applicant or client to resolve the issue of the child's adoption and that these discussions have not continued for more than three months; or
 - (G) sworn statement from individuals other than the applicant or client with knowledge of the circumstances providing the basis for a claim of good cause.

(f)] Income

- (1) Applicants or clients [with households of 2, 3, and 4 persons] are eligible if household income does not exceed [60 percent of metropolitan area median income] 450 percent of the FPL for that household size, at levels set by WPA.
- (2) [Applicants or clients with households of 5 or more persons are eligible if household income does not exceed 60 percent of metropolitan area median income for a household of 5 persons.] To maintain eligibility for WPA services, a family's household income will not exceed 500 percent of the FPL for that household size.

[(g)] (f) Work Activity



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

- (1) The applicant or client must be:
 - (A) working for wages or self-employment income at least [30] 20 hours a week;
 - (B) attending a job training program and engaged in related work or study at least [30] 20 hours a week;
 - (C) attending school to receive a high school diploma or equivalent and engaged in related work or study at least [30] 20 hours a week;
 - (D) attending [college to receive a first undergraduate degree,] an institute of higher education, carrying at least 12 credit hours and maintaining at least a 2.0 grade point average for the semester most recently completed; or
 - (E) engaged in any combination of work, school, and job training at least [30] 20 hours a week.
- (2) If the applicant's or client's spouse or another parent of any child in the household lives in the applicant's or client's home, this parent must be:
 - (A) working for wages or self-employment income at least [30] 20 hours a week;
 - (B) attending a job training program and engaged in related work or study at least [30] 20 hours a week;
 - (C) attending school to receive a high school diploma or equivalent and engaged in related work or study at least [30] 20 hours a week;
 - (D) attending [college to receive a first undergraduate degree,] an institute of higher education, carrying at least 12 credit hours and maintaining at least a 2.0 grade point average for the semester most recently completed;
 - (E) engaged in any combination of work, school, and job training at least [30] 20 hours a week; or
 - (F) physically or mentally incapable of engaging in a work activity or providing ongoing child care, as documented by a physician.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

- (3) [Eligibility while in school or job training full-time is limited to 2 years, or 4 years if working half-time and attending school half-time.
- (4)] When an applicant, client or the other parent has a temporary disability which precludes meeting the activity requirement, the applicant or client must provide proof of such disability as defined in Section 1.1(u).
- (4) Employment Deferral Period
 - (A) Employment deferral may be granted for a 6 -month Employment Deferral Period if the applicant, or other adult, experience job loss, reduction in hours, job seeking, or other employment interruptions that would compromise their ability to maintain stable child care and re-enter the workforce.
 - (B) The Employment Deferral Period may be granted once per eligibility year unless otherwise authorized by the Department.
 - (C) When an employment deferral is granted, income eligibility will be waived for the 6-month period.
 - (D) Applicant must comply with all other program requirements not related to employment activities.
- (h) The applicant or client must not be engaged in any activities as defined in 02.42A.06.07.
- (i) The applicant or client must be in good standing with the state program as defined by COMAR [07.04.06] 13A.14.06.09B(10).

02.42A.06.03 Application Process

3.1 Initial Application

- (a) In order to be considered for WPA benefits, an applicant must submit an application on a form provided by WPA, together with supporting documentation as required by WPA. The applicant must certify in writing on the application or on an accompanying form that all information is accurate and true.
- (b) The application must be approved or denied within 30 calendar days after receipt of the signed application and all requested documentation.
- (c) When an applicant is determined eligible, the benefit effective date will be the date the signed application was received, or the date that the child(ren) began care



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

after the signed application was received, provided all requested documentation was received within 30 calendar days after receipt of the signed application.

- (d) An application will be denied when the applicant:
- (1) is ineligible pursuant to 02.42A.06.02;
 - (2) has been terminated from WPA within the last 12 months for fraud, pursuant to 02.42A.06.07; or
 - (3) fails to provide the required documentation within 30 calendar days after receipt of signed application.
- (e) When an [applicant] application is denied, WPA must send a written notice to the applicant within 30 calendar days from the date of denial that includes the decision, the basis for the decision, and an explanation of the applicant's right to and method of filing an appeal pursuant to 02.42A.06.09.
- (f) An applicant who is denied benefits may appeal to the supervisor by following the process for requesting a case review pursuant to 02.42A.06.02.

3.2 Certification Period

- (a) The certification period will be a maximum of [6] 12 months.
- (b) The [supervisor] Administrator may approve benefits for a longer period based on special work activity requirements of the applicant or client.
- (c) Continuation of benefits without interruption of services will be contingent upon the client applying for recertification at least 60 calendar days before the existing certification period ends.
- (d) Eligibility and amount of subsidy will be redetermined during recertification after a review of updated information and documentation. If recertification results in a reduction of the subsidy amount, written notice must be given to the client at least 15 calendar days prior to the end of the current certification period. If the client does not complete the recertification process within the required time period in 3.2(c), then the client waives the right to written notice and the voucher issued will serve as notification of the reduced subsidy amount.

3.3 Interim Changes



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

- (a) Interim change means any change in a client's circumstance during a certification period that may affect eligibility or the amount of the subsidy. This includes but is not limited to changes in:
 - (1) address;
 - (2) income;
 - (3) work/school activity;
 - (4) household composition; or
 - (5) child care arrangements.
- (b) The client must report interim changes to WPA within 15 calendar days of when the change occurs.

3.4 A waiting list will be established for applicants approved for benefits if program funding has been exhausted or fully committed for a fiscal year.

- (a) When a waiting list is established, WPA must inform an applicant of placement on the waiting list.
- (b) An applicant on the waiting list may be subject to recertification.
- (c) WPA must maintain a list of all eligible applicants ranked according to the percentage of adjusted family gross income needed for average child care costs.
- (d) [Households for whom child care costs consume the highest percentage of adjusted gross income will receive priority on the waiting list.] Families experiencing homelessness will be prioritized to the top of the waiting list.
- (e) Parents under the age of 18 will be prioritized on the waiting list and will be placed on the list immediately below families experiencing homelessness.
- (f) Households for whom child care costs consume the highest percentage of adjusted gross income will be placed on the waiting list immediately below parents under the age of 18.

02.42A.06.04 Delivery of Services

4.1 The subsidy amount for eligible households will be updated annually, and will be calculated based on the following:



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

- (a) ninety percent of the difference between the current average cost of child care for Level 3 of Maryland EXCELS in Montgomery County, and the funds the client or applicant is determined to have available to pay for child care; and
- (b) income eligibility, based on [metropolitan area median] Federal Poverty Level income.
- (c) The subsidy amount for eligible households will be calculated based on the approved tables published by the Department.

4.2 Each client certified to receive benefits will receive a voucher package containing the following documents:

- (a) terms and conditions for receiving benefits;
- (b) [statement of responsibility for each child eligible to receive a subsidy;
- (c) vouchers] voucher award for the certification period for each child eligible to receive a subsidy;

[(d)](c) recertification reminder; and

[(e)](d) appeal rights.

4.3 [The provider must submit a signed statement of responsibility to WPA to activate a voucher for an eligible child.

4.4] Upon delivery of services by the provider to the client, each voucher must be:

- (a) properly completed; and
- (b) [signed by an eligible provider and the client;
- (c) returned to WPA prior to the expiration date; and
- (d)] submitted for payment up to the amount printed on the voucher by WPA.

[4.5] 4.4 Any difference between the amount paid by WPA and the provider's average monthly fees for services is the responsibility of the client.

02.42A.06.05 Payments

5.1 Payment to Child Care Providers for Services Rendered



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

- (a) [A statement of responsibility must be submitted to WPA in accordance with Section 4 of this regulation before payments can be processed.] A subsidized child care provider registration form must be completed, signed, and returned to WPA annually.
- (b) [Payment on valid vouchers will be made monthly to providers who meet WPA requirements.] A monthly invoice must be completed by the child care provider and returned to WPA for each month of service.
- (c) [Vouchers are subject to verification by WPA.] Payment for vouchers will be made by WPA to child care providers who meet WPA requirements within 15 days of receipt of the completed invoice
- (d) Invoices are subject to verification by WPA.

02.42A.06.06 Termination of Benefits

6.1 Benefits may be terminated if the client:

- (a) is determined to be no longer eligible at the time of recertification because of need or income;
 - (b) has a documented change in household status that results in the client no longer meeting eligibility criteria;
 - (c) fails to report an interim change in household status that would have resulted in reduction or termination of benefits;
 - (d) is found to have misrepresented facts pertaining to eligibility or fails to adhere to the terms and conditions of WPA;
- [(d)](e) does not apply for recertification; or
- [(e)](f) chooses to terminate.; or
- (f) is unwilling to pursue child support through the Montgomery County OCSE unless the program administrator waives the child support requirement pursuant to Section 2.1(e)(2) or Section 8.1.]

6.2 A client's benefit will not be terminated in order to admit another client.

6.3 Clients whose benefits are terminated during the certification period will receive written notice at least 15 calendar days prior to the effective date of termination, provided the reporting requirements of Section 3.3 are met. If the reporting



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

requirements of Section 3.3 are not met, then the termination will be effective immediately.

- 6.4 Clients who do not recertify within the required time limit will be notified in writing of the termination 30 calendar days prior to the end of the current certification period.
- 6.5 Clients who recertify within the required time limit and are found to be ineligible during the recertification process will be notified in writing 30 calendar days prior to the end of the current certification period.

02.42A.06.07 Penalties

- 7.1 Any person who knowingly makes or helps another person to make a false or misleading statement in order to obtain WPA benefits:
- (a) upon conviction, will be guilty of a class A violation;
 - (b) may be required to repay the county any WPA benefit improperly paid in reliance on the false or misleading statement; and
 - (c) may be required to pay the county interest on the amount improperly paid at the rate of one percent per month on the outstanding balance owed until the total benefit improperly paid is fully repaid.
- 7.2 Recoupment
- (a) A client or child care provider may be required to establish a repayment agreement with WPA.
 - (b) If a repayment agreement exists and payments are not current, a client may be prohibited from participation in WPA.
- 7.3 Discontinuation of payments and exclusion from future participation in WPA
- (a) If the [program] WPA administrator believes a household has improperly obtained benefits, improperly used benefits, or has violated provisions of the law, the program administrator may discontinue benefits or exclude the household from future participation in WPA.
 - (b) The applicant or client who receives an adverse decision under any provision in this section may seek review of the adverse decision in accordance with procedures in 02.42A.06.09.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

02.42A.06.08 Waivers

8.1 Waivers

- (a) The [program administrator] Director or Director's designee may waive any WPA eligibility requirement upon a finding of financial or other hardship.
- (b)
 - (1) The income requirements pursuant to 02.42.A.06.02.01(f) and the work activity requirements pursuant to 02.42A.06.02.01(g) shall be waived if:
 - (A) the household is experiencing homelessness; and
 - (B) the WPA is the only child care support option available.
 - (2) The income requirements pursuant to 02.42A.06.02.01(f) shall be waived for a minor parent under the age of 18.

8.2 Waiver Procedures

All waivers must be requested by the case worker in writing to the program administrator. The waiver must clearly state the eligibility requirement for which the waiver is being requested and the hardship created if the benefit were denied.

02.42A.06.09 Adverse Action

9.1 Notice to Recipients of Adverse Action

- (a) The case worker must notify an applicant or client in writing of an adverse action.
- (b) An adverse action includes:
 - (1) denial of an initial application;
 - (2) denial of recertification of benefits;
 - (3) a decision that the applicant or client failed to provide documentation requested in recertification;
 - (4) a decision to suspend, reduce, or discontinue assistance;
 - (5) a decision to seek to recover an overpayment; or
 - (6) a decision that the program intends to take any adverse action listed in 02.42A.06.07 of this regulation.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

- (c) An adverse action does not include:
 - (1) a reduction in benefits due to a change in type of care or change in the age of the child; or
 - (2) a reduction or termination of benefits due to a change in county regulation.
- (d) The notice of adverse action must include:
 - (1) the decision, reasons for the decision, and regulations supporting the decision;
 - (2) the right to request an in-person or [telephone] virtual case review;
 - (3) the method by which a case review may be requested;
 - (4) the right to be assisted by legal counsel, a relative, friend, or other individual;
 - (5) the right to appeal an unfavorable decision of a case review by requesting an administrative review hearing;
 - (6) the right, upon request, to have an interpreter present in any in-person case review or administrative review hearing; and
 - (7) the waiver of the right to an administrative review hearing if a case review is not timely requested.

9.2 Appeal Rights

- (a) An applicant or client has 30 calendar days from the date of the case worker's notice of adverse action to request a case review of the decision. Such a request may be made in writing, in person, or by telephone, fax or electronic mail to either the case worker or the supervisor.
- (b) Except for denial of an initial application, the client may continue to receive benefits if the request for an appeal is received within 15 calendar days from the date of the notice of adverse action. If the request for an appeal is received after 15 calendar days, benefits will not continue during the appeal process.
- (c) A case review consists of an in-person meeting or telephone conversation between the applicant or client and the supervisor. The supervisor must review the oral and documentary information pertinent to the application, and must explain the basis for the proposed adverse action. The applicant or client must be provided



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program	Number 008-26
Originating Department Department of Health and Human Services	Effective Date

the opportunity to present reasons and explanations for why the adverse action is not warranted.

- (d) Within 15 calendar days of the case review, the supervisor must send the applicant or client a notice of the decision from the case review. The notice must state the basis for the decision. If the decision is adverse to the applicant or client, the notice must state that the applicant or client has the right to appeal the decision by requesting an administrative review hearing. The supervisor must include a copy of the form for appealing the decision with the notice.
- (e) WPA must, upon request, assist an applicant or client with requesting a case review and provide an interpreter to assist the applicant or client with requesting a case review and attend or participate in the case review.

02.42A.06.10 Administrative Review Hearing

10.1 Appeals by the Applicant or Client

- (a) An applicant or client who requests a case review in a timely manner may appeal an adverse case review decision by submitting a written request by mail, fax or electronic mail for an administrative review hearing with the director within 15 calendar days of the date of the notice of the adverse case review decision. Such a request must be on the form provided with the notice of the adverse case review decision.
- (b) WPA must, upon request, assist an applicant or client with requesting an administrative review hearing or provide an interpreter to assist the applicant or client with requesting an administrative review hearing and attend the administrative review hearing.

10.2 Conduct of the Administrative Review Hearing

The [director]Director will conduct the administrative review hearing. During the administrative review hearing, the director must review the decision of the WPA supervisor, the relevant WPA file, and the record of the case review. The [director]Director must also hear and consider materials presented and arguments made by the appellant as to why the decision of the supervisor is in error and should be reversed. The [director]Director must conduct the hearing in a fair, even-handed manner, giving the appellant an adequate opportunity to fully present the appellant's case, with due regard for the appellant's education, experience and communication skills.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Requirements for the Working Parents Assistance Program

Number
008-26

Originating Department
Department of Health and Human Services

Effective Date

02.42A.06.11 Implementation of Adverse Action Against Applicants or Clients

11.1 Except as provided in Sections 3.1(e) and 3.2(d) of this regulation, no adverse action will be taken against an applicant or client until the expiration of the following periods, to the extent applicable:

- (a) the period for requesting a case review;
- (b) the appeal period following an adverse decision in a case review; or
- (c) issuance of the decision in an administrative review hearing.

11.2 Except as provided in 02.42A.06.07 of this regulation, a client will incur no repayment liability until, as applicable, the later of the date of:

- (a) the notice of the decision in the case review; or
- (b) the decision in the administrative review hearing.

02.42A.06.12 Legal Challenge

If an applicant or client is aggrieved by a final decision of the department in an administrative review hearing, that applicant or client may file an original complaint in the Circuit Court for Montgomery County, Maryland.

Approved:

Marc Elrich, County Executive

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

Division Chief

10/1/2026

Date