

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
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IM 5421

TO: Human Service Zones
Economic Assistance Policy Division

FROM: Michele Gee, Director, Economic Assistance

SUBJECT: **Alternative Response for Substance Exposed Newborns (ARSEN) Changes for CCAP**

PROGRAMS: **Child Care Assistance Program (CCAP)**

EFFECTIVE: **January 1, 2021**

SECTIONS

AFFECTED: **Definitions 400-28-05, Waived Co-pay Families 400-28-90-20, Allowable Activities 400-28-55, Child Care for TANF Recipients 400-28-45-40**

Definitions 400-28-05

Alternative Response for Substance Exposed Newborns (ARSEN) -

Alternative Response for Substance Exposed Newborns (ARSEN) means a child protection response involving substance exposed newborns which is designed to provide referral services to and monitor support services for a person responsible for the child's welfare and the substance exposed newborn; and develop a plan of safe care for the substance exposed newborn. Participation in an ARSEN is voluntary and depends on the cooperation of the caregivers. (NDCC 50-25.1)

<https://www.legis.nd.gov/cencode/t50c25-1.pdf>

Waived Co-pay Families 400-28-90-20

The Co-pay requirement for certain families with very low income will be waived and their child care paid up to the State Rate. These include:

- Families receiving services through the Crossroads Program
- Ineligible/SSI children whose caretaker is receiving TANF or Diversion
- Families receiving TANF or Diversion

Note: Payment of child care is subject to Co-pay when the child care is a result of an activity for a TANF caretaker who is:

- In receipt of SSI
- A Disqualified Alien or
- An ineligible non-legally responsible caretaker
- Families participating in the Alternative Response for Substance Exposed Newborns (ARSEN) program

Families who are not subject to the Co-pay requirements are not subject to the income requirements. Since these families are not subject to co-pay or income requirements, child care may be paid up to the maximum State Rate.

Allowable Activities 400-28-55

Allowable Activities 400-28-55-05

Caretakers must be participating in an allowable activity to be eligible for assistance under the Child Care Assistance Program (CCAP).

The following are allowable CCAP activities **at application review and after initial eligibility** has been established:

1. Work – Work is an activity in which an individual is engaged through employment or self-employment. Work must entail personal involvement and effort on the part of the applicant or recipient.

The following are allowable work activities:

- Paid employment
 - Paid work studies, internships or assistantships (this includes when an individual is in a non-allowable postsecondary education program).
- Self-employment

Note: Child care providers must be licensed, self-declared or registered by a tribe in order to be considered an allowable activity. Approved relative providers are not considered to be in an allowable activity.

2. Education or Training - Child care relating to an allowable education or training activity.

Allowable postsecondary education includes:

- Certificate
- Associate's degree
- Bachelor's degree

CCAP may pay eligible child care costs for individuals pursuing a certificate, Associate's degree or Bachelor's degree provided the individual has not already earned a Bachelor's degree.

NOTE: Payment of postsecondary educational related child care costs incurred by an individual who already has earned a Bachelor's degree is prohibited.

Required activities related to the pursuit of a post-secondary degree (student teaching, internships, etc.) may be considered allowable activities.

If an individual has already earned a certificate or Associate's degree, eligible child care costs are allowed if the individual is continuing to pursue another allowable education activity and has not earned a Bachelor's degree.

Attending high school or alternative high school or pursuing a GED is an allowable activity even if the individual is not participating in Crossroads.

Traditional high school "attendance" is defined by the Department of Public Instruction (DPI) as:

- Full-time - 4 or more classes
- Part-time - less than 4 classes
- Attendance in an alternative high school setting for full-time/part-time as identified by the school

GED may be full time/part-time.

If a high school diploma or GED is not required to receive a certificate, it is considered training and is not considered postsecondary education.

Example: A Certified Nurse Assistant (CNA) certificate is NOT considered postsecondary education as a high school diploma is not required to receive a CNA certificate.

Allowable Training includes but is not limited to:

- Basic remedial education
- Training designed to assist an individual to achieve basic literacy
- Training needed to secure or retain employment which includes skills and technology training
- Vocational Training (trade school or career school)
- Individuals who are participating in classes for English as a second language.

- Internet Classes – Child care related to completing on-line computer classes that meets the allowable education or training requirements is an allowable activity.
 - Vocational Rehabilitation education plans must follow CCAP education requirements.
3. Alternative Response for Substance Exposed Newborns (ARSEN) – Child care needed for a parents participation in ARSEN.

Allowable Activities for Alternative Response for Substance Exposed Newborn Recipients 400-28-55-25

The Child Care Assistance Program (CCAP) can pay child care while the parent works with the Alternative Response for Substance Exposed Newborn (ARSEN) program.

Verification of the caretaker's participation in the ARSEN program must be provided from their case manager. SFN 640 is required to be completed by the Child Protection Service (CPS)/case manager and sent to the eligibility worker. The SFN 640 must be submitted to the CCAP State Determination Team for approval. If approved, the CCAP State Determination Team will determine the length of the approval.

The child's hours from the SFN 640 will be used to determine allowable hours for the child and the parent participating in the ARSEN program.

In households with two caretakers, if one caretaker is participating in the ARSEN program, the other is subject to all allowable activity requirements per policy at Allowable Activities 400-28-55-05.

Child Care for TANF Recipients 400-28-45-40

The Child Care Assistance Program (CCAP) will pay child care for TANF recipients only if the allowable activity is identified on the JOBS or Tribal New Employability plan. Child care for any allowable activity not identified on the employability plan cannot be paid through CCAP.

When a TANF recipient who is required to participate in the JOBS Program is not participating, child care will be paid for any activity the individual is participating in that is listed on the latest employability plan until the TANF case closes.

Example: Mom is required to participate in the JOBS Program in Job Search but fails to provide information to her case manager. The case manager completes the 'good cause' process and a sanction is imposed for October.

If Mom submits child care expenses for the months of September and October while searching for a job, since the latest employability plan lists her activity as Job Search and the Mom continues to be a JOBS participant through October 31st, the child care expenses for September and October while searching for a job can be paid.

Should the child care expenses for the month of September and October be a result of an activity not listed on the employability plan, those child care expenses cannot be paid unless Mom begins participating in the JOBS program and a new employability plan is received that includes these activities.

TANF recipients who are not required to participate in the JOBS or Tribal NEW programs must volunteer to participate in the program in order for their child care costs to be paid through CCAP, **except when the recipient is participating in Alternative Response for Substance Exposed Newborn (ARSEN) program. ARSEN households receiving TANF are not required to participate or volunteer in the JOBS or Tribal New Program to have their child care costs paid through CCAP.**

TANF households may choose to use child care expenses as a TANF earned income disregard up to the TANF maximum allowable costs or they may receive assistance under CCAP. Households may not receive the disregard and have child care paid under CCAP in the same month.

If a minor parent in the TANF household needs child care to complete high school or its equivalent, the minor parent should be informed of and referred to the Crossroads Program. (Refer to section 400-28-40, Crossroads Families).

Appendix 400-28-165

SFN 640 Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN) 400-28-165-85

SFN 640, Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN).

The SFN 640, Verification of Participation in Alternative Response for Substance Exposed Newborns (ARSEN) form is used by the Child Protective Service (CPS)/case manager when an applicant or recipient is applying for CCAP based on participation in ARSEN.

The SFN 640 is provided by the CPS/case manager to the eligibility worker who forwards the SFN 640 to State CCAP Policy.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms.

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.