

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
August 16, 2021**

IM 5444

TO: Human Service Zones
Economic Assistance Policy Division

FROM: Michele Gee, Director, Economic Assistance

SUBJECT: **CCAP Incapacity Updates & Policy Clarifications**

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

EFFECTIVE: **August 16, 2021**

**SECTIONS
AFFECTED:** **Incapacity of a Caretaker 400-28-35-15**
Allowable Activities 400-28-55-05
**In Home Child Care When Provider and Child Reside
in Same Home 400-28-105-15**
Registration Fee 400-28-130-15-15

Incapacity of a Caretaker/Child 400-28-35-15

In a household with one caretaker, child care can be allowed when:

- The caretaker is disabled or physically, mentally, or emotionally incapable of providing care.
- A child within the household is unable to attend child care due to the child being disabled or physically, mentally, or emotionally incapable of receiving care by someone other than the caretaker, however there is a need for other children within the household to attend a child care setting outside of the home.

In a household with two caretakers, child care can be allowed when:

- One of the caretakers is in an allowable activity.

- The other caretaker is disabled or physically, mentally, or emotionally incapable of providing care.
- A child within the household is unable to attend child care due to the child being disabled or physically, mentally, or emotionally incapable of receiving care by someone other than the caretaker, however there is a need for other children within the household to attend a child care setting outside of the home.

Verification of the caretaker's incapacity must be obtained from the caretaker's physician, psychologist, health care or other qualified professional or from the Social Security Administration indicating that the caretaker is unable to care for the child(ren)-, or verification of the child that is unable to attend a child care setting, and the need for the other children in the home to be in a child care setting. This information must be submitted to the CCAP State Determination Team for a decision. The CCAP State Determination Team will render a decision and notify the eligibility worker if the request has been approved or denied. If approved, the CCAP State Determination Team will determine the length of the approval.

Approval of allowable child care hours may be limited to the number of days and hours per week recommended by the medical professional.

In order for eligibility based on incapacity to continue, the caretaker will need to submit current documentation of the incapacity before the end of the approval period determined by the CCAP State Determination Team, or at the time of review, whichever is first. This information must be submitted to the CCAP State Determination Team for a decision.

At the time it is determined the caretaker is no longer incapacitated the case must close unless otherwise eligible.

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

Paid employment must be considered suitable employment. Employment is suitable if it meets the following conditions:

1. The wage offered is not less than the highest of the applicable Federal minimum wage, the applicable State minimum wage, or 80% of the Federal minimum wage if neither the Federal nor State minimum wage is applicable (waiters/waitresses).
2. The employment is on a piece-rate basis, and the average hourly yield the employee can reasonably be expected to earn is not less than the highest of the applicable Federal minimum wage, the applicable State minimum wage or 80% of the Federal minimum wage if neither the Federal or State minimum wage is applicable.

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.

In Home Child Care When Provider and Child Reside in Same Home 400-28-105-15

If the provider and the child live in the same home, care may be allowed only when the provider is not the caretaker of the child in the CCAP household. The provider must be licensed.

Example 1: A caretaker lives with their child and their mother (grandma) in the same home. The grandma is a licensed provider who provides care from the home. Care can be allowed for the child in the household since grandma is the provider and not a caretaker in the CCAP household.

Example 2: A caretaker is a licensed provider that provides care from their home. The caretaker applies for CCAP for their child, listing themselves as the provider. CCAP will not pay for child care costs since the provider is a caretaker of the child in the CCAP household.

Example 3: A caretaker is the owner of a daycare facility where their child attends. The caretaker applies for CCAP for their child, listing their daycare facility as the provider. CCAP will not pay for child care costs when the caretaker is also the owner of a facility where their children attend.

Registration Fee 400-28-130-15-15

CCAP may pay for [registration fees](#) charged by Center (C,E,K,M) or Group/Family (F, G, H) type providers.

A registration fee may also be referred to as an annual enrollment fee or a deposit. ~~Registration~~ These fees may only be paid when the fee is required by a provider to enroll or continue enrollment of a child in the child care setting. Fees that are charged separately from the registration fee (transportation, meals, etc.) will not be paid.

Before a registration fee can be paid, the household or provider must submit verification of the registration fee. The SFN 616 does not serve as verification of a registration fee. Registration fees can be paid in the month that they are incurred, once verified.

Registration fees must be submitted within 2 months following the month the fee was incurred. All verifications must be submitted by the close of the last business day of the month in which the form is due.

Exception:

Registration fees incurred for the month prior to application, when assistance is requested for the prior month, must be submitted within 3 months from the month the fee was incurred.

Registration fees will be paid directly to the provider. Payment for the registration fee will be received by the provider in the form identified in 'Payment to the Provider 400-28-135-15.

Registration fees can be paid once per child in a household, per calendar year. The registration fee will be paid up to the maximum amount set by the state based on the DN 241 Child Care Sliding Fee Schedule. The fee will

only be applied to one provider, even if the provider's fee does not meet or exceed the maximum amount set by the state.

Example 1:

A child is attending a center type provider. The provider requires a registration fee to enroll the child for the month of June. The provider's fee is \$100. The maximum rate the state will pay is \$150. The \$100 will be issued. Three months later, the child attends a different provider who also charges a registration fee for September. The second fee cannot be paid as a registration fee was paid in June for the child.

Example 2:

A child is attending a center type provider. The provider requires a registration fee to enroll the child for the month of November. The provider's fee is \$100. The maximum rate the state will pay is \$150. The \$100 will be issued. Three months later, the child attends a different provider who also charges a registration fee for February. The second fee can be paid as the previous registration fee was paid in the prior calendar year.

Example 3:

A child is attending a center type provider. The provider requires a deposit to enroll the child for the month of January. The provider's fee is \$140. The maximum rate the state will pay is \$150. The \$140 will be issued. While this fee is not listed as a registration fee, the deposit can be paid as it is needed to enroll the child in the child care setting.