

**Service Chapter:** Child Care Assistance Program 400-28

**Effective Date:** May 1, 2025

### **Overview**

Effective May 1, 2025, minor policy changes and clarifications have been added.

### **Description of Changes**

**1. Definitions 400-28-05 – Change**

Disability definition has been updated.

**2. Timeliness Standards for Processing Reviews 400-28-25-05 – Change**

Information added as to what is accepted as CCAP review.

**3. Eligible Children 400-28-35-02 – Change**

Policy has been clarified for 13-year-olds now that eligibility is determined for 18 months.

**4. Child Care Assistance Unit 400-28-35-05 – Update**

Removed un-needed information.

**5. Basic Eligibility Alignment 400-28-20-40 – Change**

Policy added that a business must be open and operating a minimum of 25 hours a week.

**6. Terminated Source of Income 400-28-65-25 – Change**

Policy has been updated to remove this requirement.

## **Policy Section Updates**

### **1. Definitions 400-28-05**

**Disability** - A ~~special-needs~~ child **with a identified developmental delay or disability** is a child who has ~~multiple and/or severe~~ functional needs that requires ongoing ~~specialized~~ **additional** care. Written verification is required and should state the nature of the special needs and if for a child age thirteen (13) under age nineteen (19) state that the child is unable to care for themselves.

### **2. Timeliness Standards for Processing Reviews 400-28-25-05**

A review must be completed every 18 months. The 18 month review is due in the last month of the eligibility period. A review can be submitted to the [Human Service Zone \(HSZ\)](#) office in person, by mail, by fax or electronically.

**Any application or review can be used as a Child Care Assistance Program review if CCAP is marked on the document or it is documented in the case narrative that the household would like to use that application or review for CCAP.**

A review form is automatically sent to the household on the 5th to last working day in the month prior to the last month of eligibility. The caretaker must submit the completed and signed review form, either electronically or hard copy by the last day of the month in which the review is due, in order for eligibility to be continued.

The review notice informs the household of when the review is due and of case closure if no review is received.

The review is considered received as of the date a signed review is received in the HSZ office. The HSZ office must document the date a review is filed by recording the date received on the review form.

**Note:** Reviews received after business hours, on weekends or holidays are considered received on the next business day.

The review is considered signed if the signature is found anywhere on the review form, other than in answer to a question.

### **3. Eligible Children 400-28-35-02**

An eligible child in the household is a child who needs child care and:

1. Is under age 13.

A child who is age 12 in the month of application or review and turns 13 during the eligibility period, will remain eligible through the **month they turn 14**. ~~eligibility period~~. If the child turns age 13 in the month of application or review, the child is ineligible.

**Example**

Household was approved for child care with eligibility starting in April. At the time of approval, the child was age 12. On June 9th, the child turned 13. The child remains eligible for CCAP **until the child turns 14 or meets one of the requirements below**. ~~for the remainder of the eligibility period~~.

2. Is at least age 13, but under age 19, and who is physically or mentally incapable of caring for themselves as verified in writing by a physician or a license/certified psychologist.
3. Is at least age 13, but under age 19, and is in need of supervised care as specified in a court order.

A child is considered "under age 13 or 19" through the month of the child's 13th or 19th birthday.

North Dakota foster care children placed in a licensed foster home are not eligible for the Child Care Assistance Program (CCAP) as ND Foster Care funding will support reimbursement. Children who are placed in an unlicensed foster care setting (ex: relative care) may be eligible for CCAP.

**Note:** Children in foster care under the custody of another state, placed in North Dakota must receive documentation detailing if the sending state will reimburse for child care expenses. If the sending state will not reimburse for child care, CCAP will review the households income for eligibility.

All eligibility information must be provided for each child for whom assistance is requested. Any child for whom all information is not provided is not eligible for CCAP. However, that child is included in the filing unit size and their unearned income is considered. If at a later date the requested verifications are provided for the child, the child's eligibility begins the month the verifications are received, and all other eligibility criteria is met.

**4. Child Care Assistance Unit 400-28-35-05**

Marriages that occur outside of North Dakota are considered valid in North Dakota if:

1. The marriage was legally performed in another state;
2. The marriage is a common law marriage that occurred in another state and was considered a valid marriage in that state (the couple would be required to provide documentation verifying that the common-law marriage was considered valid by the state in which it took place); or

3. The marriage occurred in another country and the marriage was considered valid according to the law of the country where the marriage was contracted, unless the marriage violates the strong public policy of North Dakota.

~~Note: Polygamous marriages violate the strong public policy of North Dakota.~~

## 5. Basic Eligibility Alignment 400-28-20-40

### CCAP Workforce Benefit

Households who have at least one caretaker participating in employment as an employee in a ND licensed or ND tribally licensed or registered child care setting **that is open and operating child care services a minimum of 25 hours a week** can be eligible for CCAP with a waived co-payment. Households applying for CCAP who have verified employment in a licensed or certified child care program are eligible to have all household income excluded, if they meet all other eligibility requirements. In households with two caretakers, the second caretaker does not need to be in an allowable activity.

Child Care employees must work at least 25 hours per week at a ND licensed child care program or ND tribally licensed program. The employee must have their employer complete a SFN 354, which will serve as verification of their employment. Providers who are Approved Relatives, Self-Declared, or out-of-state licensed are not eligible to have employees who would qualify.

Owners of a licensed child care program do not qualify for the CCAP Workforce Benefit, unless their children attend a different licensed child care program.

At the time employment ends, ~~or~~ the license for the child care program ends **or hours are reduced below 25 hours a week**, it must be reported within 5 days by the household or the employer. Income will no longer be waived for these households, and co-payments will be determined the month following the month of employment ending. If there is no other known allowable activity the household must be allowed three months of continued assistance. The three months of continued assistance begins in the month following the month of the employment ending. CCAP will be closed for any household with monthly gross income, minus allowable deductions over 85% SMI for the household size.

**Note:** Maternity leave is allowable exception for hours to reduce below the minimum 25 hours a week.

**Example 1:** A two caretaker household applies for CCAP in July. An SFN 354 is turned in for one caretaker. The other caretaker is not in an allowable activity. The SFN 354 is reviewed and it is determined that one

caretaker is employed with a ND licensed child care program with 30 hours a week. CCAP is approved for an eligibility period of 18 months from July through December of the next year.

**Example 2:** A two caretaker household applies for CCAP in July. An SFN 354 is turned in for one caretaker. The other caretaker is employed and provides income verification. The SFN 354 is reviewed and it is determined that this caretaker is only employed for 20 hours per week. The household must meet all CCAP eligibility requirements as they do not meet the minimum work hour requirement for the CCAP Workforce Benefit.

**Example 3:** A household is approved under the CCAP Workforce Benefit for an eligibility period of 18 months from July through December of the next year. In October it is reported that the child care program's license has ended October 17th. Starting November, income is evaluated and it is determined the household is over 85% SMI. The CCAP case closes October 31.

**Example 4:** A household is approved under the CCAP Workforce Benefit for an eligibility period of 18 months from July through December of the next year. In February the household reports that they are no longer employed with the child care program. The household will be allowed three full months of activity search beginning March.

## 6. Terminated Source of Income 400-28-65-25

Income is considered a terminated source of income when the final payment of income is received in the month prior to, the month of, or the month following the month:

- The application is received;
- The month the review is due;

~~If at application or review the household indicates income has ended from any source, the caretaker must provide verification of the terminated source and the last date it was received. Since income eligibility is determined prospectively, this income would not be used as it is not an ongoing source of income and will not be received during that eligibility period.~~

~~**Note:** If verification of the terminated source income and the last date it was received is not provided, the application must be denied or CCAP closed.~~

~~If assistance is requested for the month prior to the month of application and the household indicates income has ended from any source, the household must provide verification of the terminated source and the last date it was received. All actual gross income received in the prior month is used to determine eligibility for the prior month including terminated sources of income.~~