

**Service Chapter: Child Care Assistance Program 400-28****Effective Date:** April 1, 2026**Overview**

Effective April 1, 2026, children must be in attendance with a child care for at least 40 hours in a month to be eligible for payment.

Policy is also being clarified for citizenship documentation that items be listed as an acceptable verification but does not guarantee eligibility. Any cases currently authorized in error will remain eligible until their next review.

**Description of Changes****1. Basic Eligibility Alignment 400-28-20-40 – Update**

Policy has been reworded from Minimum to average, along with clarification on how to determine on-going eligibility.

**2. Documentation/Verification of Citizenship 400-28-50-25-05 - Update**

Policy has been clarified

**3. Allowable Activities 400-28-55-05 – Update**

Policy has been updated to allow Maternity Leave as an allowable activity at application and review. This change is being provided in advance of system changes due to the waitlist and to avoid parents losing their place within the program. As a system workaround, “No Activity” can be entered instead of “Parental Leave”. If additional assistance is needed with these cases, please reach out PaSS.

**4. Child Care Request for Payment 400-28-130-05**

Policy has been updated from an 8-hour requirement to 40 hours.

**5. Overpayments 400-28-150-15**

Policy has been updated from an 8-hour requirement to 40 hours.

## Policy Section Updates

### 1. 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~~ **an average** 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 must also be in an allowable activity, however activity search will not be time limited.

Child Care employees must work at least **an average of 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.

Households who reside outside of North Dakota but are employed with a ND licensed program may be eligible for the Workforce Benefit.

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 **the average of 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.

**A new SFN 354 is needed for change in childcare employment, or at review if employment hours are questionable.**

**Note:** Maternity leave, provider temporary closure, vacation time, temporary sick leave is an allowable exception for hours to reduce below the minimum average of 25 hours a week. These should be confirmed by the employer that this reduction in hours is not expected to continue beyond one month, except for maternity leave and extended sick leave. These should be verified by the employer with an anticipated return date.

When reviewing inconsistent paystubs for CCAP Workforce Benefit eligibility, if a calendar month shows that the employee is not working an average of 25 hours a week additional information should first be gathered from the employer to determine why the employee did not meet the hour requirement before determining any overpayments or ending the workforce approval.

**Note:** A calendar month can consist of 4 weeks of paystubs or 2 bi-weekly paystubs for review.

**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 denied as the second caretaker is not in allowable activity. ~~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.

## 2. Documentation/Verification of Citizenship 400-28-50-25-05

The following documents or records may be available to prove the citizenship status claimed, however if not approved for permanent residence, individuals will not be eligible for CCAP.

**Note:** [Verification](#) of the entry status for non-citizens may be accessed via the Systematic [Alien](#) Verification for Entitlement (SAVE).

### 1. [US Citizenship](#)

- Birth certificate/hospital birth certificate if signed by attending physician;
- Vital Records interface;
- United States passport;
- Certificate of Naturalization;
  - (N-550 or N-570 – which are issued by the INS through a Federal or State court, or through administrative naturalization after December 1990 to individuals who are individually naturalized).
- Report of birth abroad of a U.S. Citizen;
  - (FS-240 – which is issued by the Department of State to U.S. citizens).
  - (Statement provided by a U.S. consular officer certifying that an individual is a U.S. citizen – this is given to an individual born outside the U.S. who derives citizenship through a parent but does not have an FS-240, FS-545 or DS-1350).
    - Verification that a child was born abroad to two U.S. citizen parents; or
    - Verification that a child was born abroad to one U.S. citizen parent and that U.S. citizen parent resided in the U.S. for a period of at least one year prior to the child's birth; or
- Certificate of birth;
  - (FS-545 – which is issued by a Foreign Service post or Certification of Report of Birth).
  - (DS-1350 which is issued by the Department of State).
- Certificate of Citizenship;
  - (N-560 or N-561 which is issued by the INS to individuals who derive U.S. citizenship through a parent).
- Religious records recorded in one of the 50 states or the District of Columbia;
- Early school records (preferably from the first school) showing the date of admission to the school, the child's date and place of birth, and the name(s) and place(s) of birth of the parent(s);

- Adoption Finalization Papers showing the child's name and place of birth
2. Refugee
- USCIS Form I-94 showing entry as refugee under Section 207 of the INA and date of entry into U.S. (The arrival date is the date used to determine entry date.); or
  - USCIS Form I-688B annotated 274a.12(a)(3) (The arrival date is the date used to determine entry date.); or
  - USCIS Form I-571; or
  - USCIS Form I-551 or I-151 with codes RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE8b, RE9, IC6 or IC7. (These codes show the individual's status was changed from refugee to [lawful permanent resident](#).)
3. Alien Lawfully Admitted for Permanent Residence
- USCIS Form I-551 or I-151 (Resident Alien card).
  - Unexpired Temporary I-551 stamp in foreign passport or on the I-94 form also verifies the individual is admitted for lawful permanent residence
4. Alien Lawfully Admitted for Residence
- Any INS document indicating individual has approval to reside in U.S. (does not have to be permanent authorization).
5. Cuban/Haitian Entrant
- I-94 Arrival/Departure card with one of the following:
    - A stamp showing parole at any time as a 'Cuban/Haitian Entrant (Status Pending)
    - A stamp showing parole into the U.S. on or after April 21, 1980
    - Showing parole into the United States
  - I-551 with adjustment code CH6.
  - A Cuban or Haitian passport with a § 212(d)(5) stamp dated after October 10, 1980.
  - I-766 Employment Authorization Document with a code of A04, C08, C10 or C11.
  - One of the following DHS Forms:
    - DHS Form I-221
    - DHS Form I-862
    - DHS Form I-220A
    - DHS Form I-122

- DHS Form I-221S
  - Copy of DHS Form I-589 date stamped by the Executive Office for Immigration Review (EOIR).
  - DHS receipt for filing form I-589.
  - Copy of DHS Form I-485 date stamped by EOIR.
  - EOIR-26.
  - I-688B Employment Authorization Document with the provision of law 274a.12(c)(8) or 274a.12(c)(10).
    - If an individual provides an I-688B Employment Authorization Document which does not provide information about nationality, other documentation to confirm that the individual is a Cuban or Haitian national must be provided.
  - Other applications for relief that have been date stamped by EOIR.
  - Other documentation pertaining to an applicant's removal, exclusion or deportation proceedings.
6. Amerasian Entrant
- USCIS Form I-551 with code AM6, AM7, or AM8 (These codes show the individual's status was changed to lawful permanent resident.)
  - USCIS Form I-94 with code AM1, AM2, or AM3 (The arrival date is usually the date of designated status.)
  - Unexpired temporary I-551 stamp in foreign passport.
7. Alien Who Has Been Battered or Subjected to Extreme Cruelty
- USCIS Form I-551 annotated with IB6, IB7, IB8; or
  - Other INS documentation of battered status – contact State Office for clarification.
8. American Indians - Verification of 50% American Indian blood
- Enrollment documents, birth records, affidavits from tribal officials, USCIS Form I-181 or I-551 annotated with KIC, KIP or S13 or other acceptable documents can be used as verification of 50% American Indian Blood.
  - A Blood Quantum letter containing information from the individual's Band, Tribe, Nation stating the individual's blood quantum, which must be at least 50% aboriginal blood can also be used as verification of 50% American Indian blood. The document may contain the following verbiage:
    - . . . at least 50% Aboriginal blood
    - . . . at least 50% Indigenous blood
    - . . . at least 50% North American Indian blood
    - . . . at least 50% American Indian blood

**Note:** The Blood Quantum letter can be used to show that an individual possesses at least 50% blood of the American Indian race, but cannot be used to show that an individual does not possess at least 50% blood of the American Indian race when the parents are enrolled in different bands, tribes, or nations. If the letter does not show an individual possesses at least 50% blood of the American Indian race, verification should be obtained from the band, tribe, or nation where the other parent is enrolled.

9. Iraqi and Afghani Special Immigrants

- Iraqi passport with immigrant visa stamp noting the individual has been admitted under IV (Immigrant Visa) Category SQ1, SQ2, SQ3, and Department of Homeland Security (DHS) stamp or notation on passport or I-94 showing date of entry; or
- Afghan passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SQ1, SI1, SQ2, SI2, SQ3, SI3; or
- DHS Form I-551 showing Afghan nationality or Afghan passport, with an IV (Immigrant Visa) code of SQ6, SI6, SQ7, SI7, SQ9 or SI9.
- I-94 noting SQ or SI Parole (per section 602(B)(1) AAPA/Sec 1059(a) NDAA 2006).
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10. Victim of Human Trafficking

- "T" visa or Certification Document from the Office of Refugee Resettlement (ORR).

11. Ukrainian citizen or national who received humanitarian parole (known as a Ukrainian Humanitarian Parolee, or UHP)

- Form I-94 noting humanitarian parole (per INA section 212(d)(5) or 8 U.S.C. § 1182(d)(5))
- Foreign passport with DHS/CBP admission stamp noting "DT"
- Foreign passport with DHS/CBP admission stamp noting Uniting for Ukraine or "U4U" Or
- Foreign passport with DHS/CBP admission stamp noting Ukrainian Humanitarian Parolee or "UHP"
- Form I-765 Employment Authorization Document (EAD) receipt notice with code C11
- Form I-766 Employment Authorization Document (EAD) with the code

A non-Ukrainian individual who last habitually resided in Ukraine and received humanitarian parole

- Any one of the forms or stamps listed above for UHPs

**And**

- Documentation of last habitual residence in Ukraine

**3. Allowable Activities 400-28-55-05****Temporary Changes**

A temporary change in a caretakers ongoing activity of **work, education,** or **training** is allowable and is not time limited. A temporary change can include, but is not limited to:

- Any time-limited absence from work for an employed caretaker for an illness or to care for a family member.
- Any interruption in work for a seasonal worker who is not working between regular industry work seasons.
- Any student holiday or break for a caretaker participating in training or education.
- Any reduction in work, training, or education hours, as long as the caretaker is still working or attending training or education.
- Any other break of work or attendance at a training or education program.
- **Parental leave, including maternity, paternity and adoption leave**

**Parental Leave**

~~Parental Leave includes maternity, paternity and adoption leave. Parental leave is not an allowable activity at the time of application or review. Leave hours can only be allowed in ongoing cases after a case has been approved for work, education or training.~~ **Parental leave is considered a temporary change at application and review when the parental leave time frame is verified by the employer. Verification is not needed in an ongoing case, as long as t**~~The caretaker must intends~~ to return to their employment, education or training.

~~In households with two caretakers, if one caretaker is engaged in an allowable activity (work, education or training) and the other caretaker is engaged in parental leave, the application or review must be denied.~~

**Example 1:**

~~Mom applies for CCAP on May 5th listing her only allowable activity as parental leave. The application must be denied as parental leave is not an allowable activity at time of application.~~

**Example 2:**

~~Mom applies for CCAP on June 16th and had a job at the time of application. The case is approved based on mom's work schedule. Mom reports on September 13th that she is now on parental leave. Child care can be allowed for the time mom takes for parental leave.~~

Child care for parental leave is allowed for a minimum of three full consecutive months within a certificate period. The household may be eligible for more than the three full consecutive months when the parental leave timeframe is verified by an employer **in an ongoing case**. The level of care must continue at the same level that was established before the caretaker went onto parental leave. No additional hours are allowed for travel and breaks.

**Example 1:**

Household applies for CCAP on June 16th and had employment at the time of application. Household reports on September 13th that the caretaker is now on parental leave as of September 5th. Household also reports that the caretaker expects to return to employment December 1st. Since the household timely reported the parental leave, the household's three full months of continued assistance will begin in the month of October. The household remains eligible at the already determined level of care through the three full consecutive month period, even though the household reports an expected return to employment prior to the end of the three month period.

**Example 2:**

Household applies for CCAP on June 16th and had employment at the time of application. Household reports on September 13th that the caretaker is now on parental leave as of September 5th. Household also reports that the caretaker expects to return to employment February 1st. The household provides verification that they will return to employment as of February 1st. Since the household timely reported and verified the parental leave, the household continued assistance will begin in the month of October and continue until February 1st.

**Example 3:**

Household applies for CCAP on May 5th listing the only allowable activity as parental leave, with employer verification that there is a plan to return to employment in 3 months. The application can be approved with parental leave as an allowable activity.

#### 4. Verification of Child Care Costs 400-28-130

## Child Care Request for Payment 400-28-130-05

Child care costs are paid based on enrollment of the child, however a child must attend a minimum of 8 40 hours for a provider to be eligible for a payment. Enrollment amounts for each child must be reported in the Provider SSP by the provider.

Children who are not in school may have months where they attend less than 40 hours. If a child attends less than 40 hours in a month, payment may be issued based on actual time attended.

**EXCEPTION:** Children who need care before/after school may not be able to attend 40 hours every month; payment can still be issued if the child is there a minimum of 20 hours. If a child attends less than 20 hours in a month, payment may be issued based on actual time attended.

**EXCEPTION:** Providers must charge based on actual time attended for drop-in care to be eligible for a payment in which a child does not attend 40 hours a month.

It is the responsibility of the provider to certify in the Provider SSP that the child that they are requesting payment for are still enrolled in their care every month. All children need to be certified by the 25th of the month prior to receive payment by the first of the following month.

The system will use the determined level of care and amounts charged by the provider to issue the correct payment amount. Co-payment amounts are then subtracted from the determined payment amount.

If the provider charges an amount that is over the state max rate for the determined level of care, CCAP will continue to pay up to the state maximum rate based on the determined level of care. It is the responsibility of the household to report when there is an increased need in child care hours.

If the provider charges an amount less than the state max rate for the determined level of care, CCAP will pay based on the actual enrollment cost entered into the SSP. This may result in a payment that is less than state maximum rate.

The provider must keep monthly attendance reports that must be submitted through the SSP. Attendance records must be submitted before the certification of the child in the following second month. Providers can submit their own attendance records or can complete a SFN 1220. Attendance records must verify the child attended the minimum of 8 hours for each child paid.

If attendance records are not being submitted, future payments will not be issued.

Example:

Provider certifies child is enrolled for the month of November. Provider has until end of January to submit an attendance record for the month of November. If provider has not submitted attendance records for November, the provider SSP will not allow certification for any future months beginning the month of February.

The family is responsible to report the use of new provider timely for the following months payment. When a household uses multiple providers or changes to a new provider in the current month, the household is responsible for making the appropriate payment arrangements with their providers. A household who changes providers after payment has been issued to a provider for a service month, may not be eligible for an additional payment for that service month.

Only one full-time payment will be issued per child, per month. If a household changes providers after payment has been issued to a provider for a service month, and the child attends a minimum of **8 40** hours, the additional provider reported will only receive up to a part-time payment.

If a household changes providers after payment has been issued to a provider for a service month, ~~and the child does not attend a minimum of 8 hours,~~ the additional provider reported will only receive up to a part-time payment, and the first provider **will may** be responsible to return the payment. In these cases, another full-time payment will not be issued.

Note: For households who have two associated providers, if a change in providers is reported for a service month in which payments have already been issued, the newly reported provider will not be eligible for a payment until the following month, even if the child did not attend a **the** minimum of **8 required** hours. Overpayments may be established when appropriate.

The family is responsible for the costs of child care to the provider that exceeds the Level of Care determination on the certificate for the payment month.

## 5. Overpayments 400-28-150-15

An overpayment is a correction to benefits paid to a provider or adult member of the Child Care Assistance unit who was originally paid more than they were entitled to receive.

Overpayments are only established for errors caused by the client or provider due to failure to notify the Human Service Zone (HSZ) of a mandatory reportable change, fraud or an Intentional Program Violation (IPV).

Overpayments will be established for a provider in the following situations, and as determined by Child Care Assistance Policy:

- When a provider certifies a child is in their care, but there are no attendance records to verify the child attended.
- When a provider certifies a child will be attending for the future month, however the child does not attend a minimum of 40 hours.
- When a provider certifies an amount that is more than actual hours of care provided when drop-in care is used, or when the minimum hour requirement is not met.
- When a provider certifies for payment for a child age 12 or older when they are not licensed for this age group.
- When a provider certifies an amount for a Workforce household, when the employee has not been working an average of 25 hours a week.

**EXCEPTION:** When a child has attended at least 40 the minimum required hours in one month, but does not attend in the following month, the first following month will not be considered an overpayment if the provider did not have knowledge that the child would not be attending prior to the 25<sup>th</sup> of the month.

- A provider, who terminates services with the parent during the month, must reimburse the Department for the days care was not provided.
- The enrollment amount or amount charged changes after payment has been issued.

Overpayments are not established due to agency errors.

**EXCEPTION:**

**Overpayments will be pursued when duplicate payments are issued, or the incorrect provider is paid.**

**Example 1:** At the time of application, the eligibility worker fails to request verification of the household's income. The application is approved and payments are issued over the course of the eligibility period. It is later discovered that income verification was not requested or received. No overpayments are established as the agency failed to request verification of income.

**Example 2:** At the time of application, the household verified income eligibility below the income limit. During the eligibility period, the household had an increase in income that resulted in income over the maximum allowable income limit but the household failed to report this change. In this situation, overpayments will be established as the household failed notify the county of the mandatory reportable change.

**Example 3:** At the time of application, the household was approved with mom and child. The father of the child moves into the home three months after the initial eligibility determination and is not engaged in an allowable activity. The household does not report the addition of father in the home. No overpayments are established as the addition of a household member is not a mandatory reportable change.

**Example 4:** A provider has been certifying within the Provider SSP that a child that is eligible for CCAP is in their care. It is later discovered that the child for whom the provider billed was not attending child care with that provider. In this situation, overpayments will be established and IPV may be pursued against the provider, household or both.

**Example 5:** A provider has been providing care for a child and certifies for the month of September for this child. On September 5th, the provider reports the child has not attended, and that the child will not be returning. The provider reports this was not reported to them until September 5th, the month of September will not be pursued as an overpayment.

The eligibility worker must promptly take all reasonable and practical steps to establish all overpayments.

Anytime an overpayment is discovered, a determination must be made whether or not to pursue an Intentional Program Violation.

When it is determined that an overpayment exists, each service month that is potentially incorrect must be reworked using the policies, procedures and information that should have been applied for those months.