

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
September 7, 2016**

PI 16-35

TO: Regional Supervisors
County Social Services
Division of Juvenile Services
Tribal Social Services
PATH

FROM: Deb Lachenmeier, Title IV- E Eligibility Specialist
Kelsey Bless, Permanency Administrator

SUBJECT: Irregular Payment Category 40 (Child Care) 623-05-30-20

PROGRAMS: Foster Care

EFFECTIVE: **Immediately**

RETENTION: Until Manualized

Children and Family Services (CFS) has updated policy specific to Category 40 irregular payments for foster children in need of child care/daycare. The ND Child Care Assistance Program issued new rules that reiterate providers who are eligible for reimbursement under their federal guidelines. CFS follows the criteria set forth for reimbursement to licensed, certified, self-declared, or other formal status approved under the state Early Child Care regulations. This means if a child care provider (Ex: before/after school site) does not meet a status described above, they are no longer eligible for foster care reimbursement for child care assistance through the irregular payment, Category 40 option. At this time, CFS is aware of six School Districts (Bismarck, Mandan, Minot, Beach, Hebron/Glen Ullin, Lincoln/Roosevelt /Heart River) who have chosen not to be licensed to operate under the state Early Child Care licensing regulations. If a foster child is attending a before/after school site, not approved by the Child Care Assistance Program for reimbursement, foster care maintenance irregular payments cannot be authorized.

For questions regarding child care reimbursement for children in foster care, please feel free to contact Deb Lachenmeier, Title IV-E Specialist at 701-328-1710 or Kelsey Bless, Permanency Administrator at 701-328-3581.

Category 40 - Child Care for Foster Children 623-05-30-20

This irregular payment category is specific to and may only be applied when a foster child is:

1. Placed in a licensed or approved family foster home, and
2. Is in need of child care.

The foster care case manager is responsible to identify the needs for child care and is to assist the family in securing reimbursable child care options. In order to claim reimbursement for any child care expenditure, the need must be discussed by the Child and Family Team and documented in the foster child's case plan. If changes occur between Child & Family Team meetings, written approval must be obtained from the Regional Supervisor when:

1. A foster child's placement changes to a new licensed provider or
2. A foster child's child care provider changes

A copy of the approval to authorize an irregular payment for child care must be provided to the eligibility worker and placed in the child's eligibility file.

Code under Category 40

41 – Child Care for Foster Children (Working Parents)

43 - Child Care for Foster Children (Non-working Parents)

Code 41 can be applied when:

1. Child care supervision is required during foster parent's working hours when a foster child is not in school, or
2. A foster parent is enrolled in and attending post-secondary education to obtain a degree or meet educational requirements for their current employment.

Code 43 can be applied when

1. The foster parent is not working, but is required to attend activities which are beyond the scope of "ordinary parental duties" such as
 - a. Child & Family Team meetings without the child, or
 - b. Court hearings without the foster child, etc.

Reimbursable Child Care Options

Irregular payments can only be authorized if the child care provider is licensed, certified, self-declared, or has some other formal status approved under the state Early Child Care regulations. The child care provider must

meet eligibility for reimbursement from the state Child Care Assistance Program.

Informal, episodic child care (an evening out, volunteering, etc.) is not reimbursable with an irregular payment as these costs are included in the basic foster care maintenance rate.

Claiming Child Care Expenses

The reimbursement rate for child care expenses is based on community standards. Foster care will reimburse the full amount billed by a child care provider who meets the Early Child Care licensing regulations. Child Care Assistance Program percentage reductions do not apply to foster children.

A child care bill is required and must be signed by both the foster care provider and child care provider. A copy must be retained in the child's eligibility file for audit purposes. The billing must contain the dates the child was in child care, actual hours child care is provided each day, rate (hourly, weekly, or monthly), total amount due, child care provider's name, and address. Reimbursement is child specific and will be authorized as an irregular payment on behalf of the child. Reimbursement will be paid directly to the foster care provider. The foster care provider is responsible to pay the child care provider.

Bill Example:

Child's Name: Johnny Smith

Age: 3

Month/Year: October 2016

| Mon | Tue | Wed | Thur | Fri | Total |
|----------------------|----------------------|----------------------|----------------------|----------------------|-----------|
| 3 rd / 9 | 4 th / 9 | 5 th / 9 | 6 th / 9 | 7 th / 9 | 45 |
| Mon | Tue | Wed | Thur | Fri | Total |
| 10 th / 9 | 11 th / 9 | 12 th / 9 | 13 th / 9 | 14 th / 9 | 45 |
| Total | | | | | 90 |

Total Date/Hours/Rate: 90 hours

Rate (daily, weekly, monthly): \$3.00

Amount Due: \$270.00

Child Care Provider Name: Jane Doe

Child Care Provider Address: 5555 Happy Ave, Bismarck ND 58503

Child Care provider's signature:

Foster parent's signature:

Date:

Required Training:

The cost of child care for the foster parent's attendance at mandatory foster parent training is an allowable foster care expenditure. Children and Family Services Training Center (CFSTC) at the University of North Dakota facilitates child care reimbursement for approved foster parent training. Reimbursement is capped at an hourly rate per child/ per day.

Child Care Expense Not Allowed under Foster Care Maintenance

The federal regulations (P.L. 96-272) state "payments for the costs of providing care to foster children are not intended to include reimbursement in the nature of a salary for the exercise by the foster family parent of ordinary parental duties." Accordingly, child care provided to a foster child to facilitate a foster parent's participation in activities that are within the realm of "ordinary parental duties" or child care activities which are deemed a social service are not reimbursable under foster care maintenance.

Not reimbursable requests through the irregular maintenance payment.

| WHO | REIMBURSEMENT REQUEST | NOT IRREGULAR PAYMENT REIMBURSEABLE |
|----------------------|--|--|
| Foster Child | Informal episodic child care for foster child (Ex: an evening out, volunteering, etc.) | Not an irregular payment option, as it is included in the basic maintenance rate. |
| Foster Child | Child care for the sole purpose of social skills building, peer relationships/socialization, social services or child therapy. | Not an irregular payment option. |
| Foster Child | Care to facilitate a foster parent's participation in activities within the realm of "ordinary parental duties". | Not an irregular payment option, as it is included in the basic maintenance rate. |
| Foster Child | Child care – not employment related | Not an irregular payment option. |
| Foster Parent | Child care during illness of foster parent | Not an irregular payment option. |
| Foster Parent | Relief/Respite care for foster parents | Not an irregular payment option. |
| Foster Parent | Child care to allow foster parents to attend school teacher conferences | Not an irregular payment option, as it is included in the basic maintenance rate as episodic child care. |
| Foster Parent | Child care to allow foster parents visit to a foster child temporarily out of the foster home (hospital, camp, etc.) | Not an irregular payment option, as it is included in the basic maintenance rate. |

Reference Chart –

"Child Care – Quick Reference Related to Foster Care."

Foster Care Provider is a Child Care Provider:

Providers who are dual licensed for foster care and child care are not eligible to receive both a foster care maintenance payment and child care reimbursement for a foster child they are caring for in their own home. If the foster care provider identifies child care for the foster child outside of the foster home, an irregular payment Category 40: Code 41 may be utilized.

Interstate Compact:

A foster child placed out of the state of North Dakota through Interstate Compact would be eligible for Category 40 child care reimbursement if:

1. The child is in need of child care,
2. The child is placed in a licensed or approved family foster home, and
3. The child care provider is licensed or approved as authorized by the state in which the foster family resides.

Foster Child's Dependent Child:

A foster child with a dependent child who is not in public custody, living with the foster child in the foster home, must apply for child care assistance to determine eligibility to cover the costs for the dependent child. If the child does not qualify, an irregular payment of Category 70 could be applied for the dependent child's cost of child care.