

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
January 25, 2017**

PI 17-04

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 Payments 623-05-25
Irregular Payments by Placement 623-05-25-05
Category 10 Activities & Incidentals 623-05-30-05
Category 20 Clothing Allowance 623-05-30-10
Category 30 Emergency Placements 623-05-30-15
Category 60 Excess Maintenance Payments 623-05-30-30
Category 70 Minor Parent/Infant Foster Care 623-05-30-35
Category 80 - Extra Supervision 623-05-30-40
Categories and Charts Family Homes 623-05-65-28

PROGRAMS: Foster Care

EFFECTIVE: **Immediately**

RETENTION: Until Manualized

Children and Family Services (CFS) updated policy specific to Irregular payments. This PI highlights an overview of the irregular payments and specific details and a full change in layout to offer clarity to Category 10, 20, 30, 60, 70, and 80 irregular payments for foster care.

Irregular Payments 623-05-25

Irregular payments are specific to a foster child and can only be authorized to a licensed or approved (Tribal Affidavit) foster care provider. Reimbursement is only allowed for expenditures incurred during the dates the child is placed with the licensed or approved (Tribal Affidavit) provider.

It is the responsibility of the foster care case manager to determine which expenditures are necessary and appropriate, and to budget the age appropriate expenditure limit so irregular payments can be available throughout the year to meet the child's needs.

With appropriate approval, the eligibility worker will authorize individual irregular payment expenditures. Irregular payments must be approved by the custodial agency, with some categories requiring the approval of the Regional Supervisor. Irregular payments can be documented in the Child & Family Team meeting notes. Documentation of the approval for payments must be provided to the eligibility worker and maintained in the child's eligibility file.

Irregular payments are separated into categories, and assigned various codes. Age limits are consistent with foster care payment age categories; however, expenditure limits may vary by category. Some categories are without limit. Expenditure limits will reset:

1. Every twelve months from the initial date of foster care entry
2. When a child has been discharged from foster care for more than 12 months.

The administrative county must review the receipts, if applicable, and approval to ensure the expenditure is in full compliance with state policy. The administrative county will authorize by "pinning" the irregular payment information in the payment system. Receipts must be retained in the child's eligibility file for audit purposes.

Each eligibility file must track irregular payment totals to ensure the limit is not exceeded.

Eight categories of irregular payments include:

Category 10	Activities & Incidentals
Category 20	Clothing
Category 30	Emergency Placement
Category 40	Child Care for Foster Child
Category 50	Travel for Foster Child (Limited)
Category 60	Difficulty of Care/Excess Maintenance Payment (EMP)
Category 70	Parent/Infant Payment

Within each category are various codes related to specific items.

Category 10 – Activities & Incidentals 623-05-30-05

Foster children placed in a licensed or approved (Tribal Affidavit) family foster home, group home or residential settings are eligible for irregular payments related to limited school supplies, extra-curricular activities, and personal incidentals. The foster care case manager is responsible to identify the needs of the child and provide prior approval for the foster care provider to purchase the item/s.

General school supplies (tablets, folders, binders, markers, crayons, pens, pencils, etc.) are included in the standard maintenance payment offered monthly to the provider. However, at times there are school fees above and beyond the routine school supply requirement. See the codes for Category 10 "Activities & Incidentals".

Codes under Category 10:

Code 11

- Field Trips,
- Specialized School Supplies; shop/art/lab fees, scientific calculator,
- School Pictures,
- Senior Pictures, Announcements, Cap/Gown, Class Ring

Code 12

- Non clothing related athletic equipment including sport shoes
- Gym class required attire (shirt and shorts)
- Sports related personal incidentals

Code 13

- Prom Dress
- Tux Rental

Code 14

- Camp Registration and Fees
- Extra-Curricular Activity Fees (swimming lessons, karate, bowling club, gymnastics, dance, girl scouts, boys scouts, 4H, etc.)
- Summer school or after school programming provided by the school district; when the program is not licensed as a ND child care provider.

Code 15

- Music Lessons
- Lease or Purchase of Instrument

Code 16

- Personal Incidentals
 - School Backpack,
 - Personal Hygiene Items,
 - Cosmetics,
 - Over the counter medications,
 - Special dietary foods, and
 - Infant and toddler supplies, including high chairs, formula, diapers and miscellaneous items.

The above irregular items must be explained, documented, approved and subject to the maximum limit per age category. There will be **no exceptions** to the maximum limit.

All Category 10 expenditures require receipts.

The age limit coincides with the standard foster care maintenance rate age limits as follows:

Age Limits	Expenditure Limit/Year
0 - 4	\$200
5 - 12	\$500
13+	\$700

The year is computed from the first date of entry into a paid foster care setting. If a child enters and leaves care during the same year, the yearly limit remains the same. The "expenditure limit/year" is a maximum amount per child regardless of multiple entries to foster care during that year.

Expenditures cannot exceed the age appropriate limit during a one-year time period. A quarterly maximum can be determined for each child to ensure that spending does not exceed the annual limit. For example: The 3 year old child is allocated \$50 per quarter, not to exceed \$200 per year.

The following is a case example of the "Expenditure Limit Date" and the "expenditure time period" for a child who enters foster care, leaves, and re-enters care:

Enters foster care

Child Age 11, Limit \$500

Enters paid foster care setting 6/1/15*

Expenditure Limit Date Begins = 6/1/15

Expenditure time period = 6/1/15 – 5/31/16

Child returns home 12/1/15 with total expenditures in Category 10 = \$450

Expenditures in Category 10 = \$450.

The remaining balance in Category 10 = \$50.

- A. Same child returns to foster care BEFORE the "expenditure time period" ends:

Child returns to foster care setting = 3/1/16.

Expenditure time period = 6/1/15 – 5/31/16.

Balance available under Category 10 until 5/31/16 = \$50.

- B. Same child returns to a paid foster care placement AFTER the prior "expenditure time period" ends:

Child returns to foster care setting = 6/14/16.

Expenditure time period renews= 6/1/16 – 5/31/17.

Amount available under Category 10 = \$500.

- C. Same child was discharged from foster care and returns to a paid foster care setting after a lapse of one year.

Child returns to a paid foster care setting = 12/5/17

Expenditure time period = 12/5/17 – 12/4/18.

Amount available under Category 10 = \$500.

Category 20 - Clothing for Foster Care Children 623-05-30-10

Foster children placed in a licensed or approved (Tribal Affidavit) family foster home, group home, or residential settings are eligible for a clothing

allowance. The foster care case manager is responsible to identify the clothing needs of the child. Clothing purchased specifically for the child does become the property of the child and must accompany the child upon leaving the placement. An inventory must be conducted of a child's clothing prior to any placement or change in foster care placement.

Category 20: Clothing

Ongoing Clothing Needs	<p>An ongoing clothing allowance is built into daily* rate paid to foster parents.</p> <table data-bbox="649 556 1006 703"> <tr> <td>Age 0 - 4</td><td>\$55</td></tr> <tr> <td>Age 5 - 12</td><td>\$65</td></tr> <tr> <td>Age 13+</td><td>\$75</td></tr> </table> <p>NOTE: In state Group Home/RCCF rate has <u>some</u> clothing costs built into the daily rate established by NDDHS through provider audit rate setting process.</p> <p>For out of state RCCF's, foster care case managers must verify if the daily rate has clothing built in.</p>	Age 0 - 4	\$55	Age 5 - 12	\$65	Age 13+	\$75
Age 0 - 4	\$55						
Age 5 - 12	\$65						
Age 13+	\$75						

Codes under Category 20

21 Initial Clothing Allowance:

- The initial clothing allowance is available to a child when he/she enters their first paid foster care placement.
- Prior approval from the foster care case manager must be obtained before the purchase of clothing.
- During the first five months after the child's initial entry into a paid foster care placement, the child's clothing needs can be met with an initial clothing allowance, if needed.
- Clothing must be purchased within the first five months of initial placement.
- Receipts must be submitted to the county before reimbursement to the licensed provider can be authorized.
- Payments should be authorized timely; the payment system will only allow reimbursement for the initial clothing allowance (Code 21) through the sixth month. Reimbursement requests received after the sixth month will require Help Desk assistance to authorize.
- In order for a child to receive the initial clothing allowance again, the child must have been discharged from foster care for a 12 month period (this is a date specific period).

Age Limits	Expenditure Limit/Year
0 - 4	\$400
5 - 12	\$400
13 - Over	\$400

22 Special Clothing Allowance:

- A special clothing allowance may be authorized to replace clothing lost in a fire, flood, theft, other type of disaster, or for sudden growth spurts.
- The special clothing allowance rate is for emergency and extraordinary extenuating circumstances and should never be used to meet the ongoing clothing needs of the foster child.
- The special clothing allowance cannot be used to supplement the initial clothing purchases.
- The special allowance is not an entitlement.

Age Limits	Expenditure Limit/Year
0 - 4	\$250
5 - 12	\$325
13 - Over	\$400

Out of State Providers:

The clothing allowance for children placed out-of-state will be determined based on the rate of the receiving state. The rates are set by the receiving state and clothing may or may not be included in the out of state maintenance rate. If clothing is not included in the out of state rate, the ND irregular payment may be utilized.

Category 30 - Emergency Placements 623-05-30-15

Foster children placed in a licensed or approved (Tribal Affidavit) family foster home may be eligible for emergency expenditures as a result of a crisis. The foster care case manager is responsible to identify the needs of the child and foster parents. Approval of the emergency rate must be made by the foster care case manager and provided to the eligibility worker for the file. The emergency rate is not an entitlement or a required supplement for initial placement into a family home.

Code under Category 30

31 – Emergency Foster Care Placement:

- This code is specific to and may only be applied when a child is initially placed in a licensed or approved (Tribal Affidavit) family foster home.
- The emergency payment will increase the daily foster care maintenance rate for a maximum of \$35 per day to meet the additional extenuating expenditures as a result of the child's emergency placement.

This irregular payment is automatically calculated by subtracting the age appropriate standard maintenance rate from \$35.00. The difference will be paid as an irregular payment for no more than 15 days. If care extends for more than 15 days, the age appropriate standard maintenance rate will apply beginning with the 16th day of placement.

This irregular payment must be approved by the custodian in order for the financial county to authorize the payment. If a child within the first 15 days of placement is moved from one family foster home to another the irregular payment must be approved and can be paid if the emergency need has not been resolved and 15 days has not lapsed. If a child is on a trial home visit and is in need of emergency placement during that time, code 31 may be considered upon return to placement in a family foster home.

Category 60 - Excess Maintenance Payments (EMP) 623-05-30-30

An Excess Maintenance Payment (EMP), also known as a specialized family foster care irregular payment, may apply when undue demands to care for a child are present. An EMP may be approved for a licensed or approved (Tribal Affidavit) family foster home due to physical, emotional, and/or material resources in excess of the demands expected in normal foster parenting.

The Specialized Family Foster Care/Adoption Assistance Level of Care Evaluation Form (SFN 1865) is to be completed by the case manager when an EMP is being considered. The child's behavior and needs must be carefully assessed prior to completing the rating form. The total score will assist in determining the appropriate EMP level of care. The EMP level must be discussed at every Child and Family Team meeting and approved in advance for payment purposes. Each time a child has a placement change, the EMP must be re-evaluated and a new approval is required to authorize payment. **Retroactive payments are not allowed.**

The EMP approval from the Regional Supervisor must be provider specific, include the amount of the payment, the EMP level, a start and end date for reimbursement and the name of the family foster care provider. Approvals must be placed in the eligibility file for auditing purposes.

If a placement change occurs for a child in care and the approval is granted for the receiving family foster home, the foster parents are entitled to payment reimbursement for each full day within the approved duration of time for which they provide care. Duplication of the EMP reimbursement is not allowed for the date the child is transferred from one home to the next.

The EMP levels are:

1. Levels I, II, and III

Level	Code	Cost/Day
Level I	Code 61	\$1.67/day (estimated \$50/mo.)
Level II	Code 62	\$3.33/day (estimated \$100/mo.)
Level III	Code 63	\$5.00/day (estimated \$150/mo.)

The payment system will only calculate the EMP per day, the range from \$50 to \$150 is based off a 30 day calculation. Approval for a level I, II, or III EMP can be approved through the Child & Family Team meeting process and Regional Supervisor. A copy of the approval must be maintained in the child file as well as the eligibility file for auditing purposes.

2. Level IV - Code 64

Excess maintenance payment for level IV requires approval from the Regional Supervisor and Children & Family Services Foster Care Administrator. The total amount of the EMP is determined based on the SFN 1865 and must exceed level I, II, and III maximum amounts. The EMP total for level IV must be manually entered into the payment system once determined. A partial month of payment must be prorated. A copy of the approval must be maintained in the child file as well as the eligibility file for auditing purposes.

Category 70 Minor Parent/Infant Foster Care 623-05-30-35

Category 70 irregular payments are specific to and may only be applied when a foster child is placed in a licensed or approved (Tribal Affidavit)

family foster home with their dependent child. The dependent child has not been adjudicated deprived. The intent of the irregular payment is to provide financial reimbursement to the foster child and/or foster parents in an effort to support the costs of caring for the dependent child.

The approval from the Regional Supervisor must be placed in the child file and eligibility file for auditing purposes.

Code under Category 70

71 – Minor Parent/Infant Foster Care:

- This code will cover the maintenance costs for the dependent child living with the minor foster child at the age specific ND standard maintenance rate.

If the minor parent and their dependent child are later separated, the needs of the dependent child can no longer be included in the minor parent's foster care maintenance payment as a category 70 irregular payment.

TANF: The state is prohibited from including in a TANF assistance unit, any dependent child of a minor parent receiving foster care maintenance payments. Meaning the minor parent (foster child) is not eligible to apply for TANF until he/she is discharged from foster care.

Dependent Child Medical Assistance: The minor parent must apply for Medical Assistance for their dependent child. However, a dependent child whose costs in a foster family home or child care institution are covered by the Title IV-E foster care maintenance payments being made with respect to his/her minor parent is categorically eligible for medical assistance under Title XIX because of the IV-E eligibility determination. Refer to Manual Chapter 510-05 (Medicaid Eligibility Factors), or contact Medical Services if you have questions.

Child Care Assistance: A minor parent may be eligible and should apply for Child Care Assistance for their dependent child. If not eligible for child care assistance, foster care irregular payment code 41 may be utilized if appropriate. A copy of the approval to reimburse child care for such circumstance must be maintained in the child file as well as the eligibility file for auditing purposes.

Category 80 - Extra Supervision 623-05-30-40

A Category 80, Code 81, irregular payment may be considered if a child requires extra one-on-one supervision in residential child care facility/ group home (RCCF). The irregular payment option is specific for a limited period of

time to stabilize or transition the child to a setting that may better address the child's needs.

Prior to considering a request for extra supervision in a RCCF, the foster care case manager must thoroughly review the situation to ensure that the current setting is indeed an appropriate care situation for the child for the time being.

The Child & Family Team, Regional Supervisor, and Children & Family Services Foster Care Administrator must approve the irregular payment prior to payment authorization. Approval is for a specified one-on-one caregiver, for a set amount of hours per day at a specified rate, and for a limited period of time. This irregular payment option is rarely used, but available in special, limited circumstances. The approval must be placed in the eligibility file for auditing purposes.

Categories and Codes - Irregular Maintenance Payments - Family Foster Care 623-05-65-28

Click [here](#) to view and/or print this document.

For questions regarding irregular payments for children in a paid foster care placement, contact Deb Lachenmeier, Title IV-E Specialist at 701-328-1710 or Kelsey Bless, Permanency Administrator at 701-328-3581.

Attached:
Family Foster Home Irregular Payment Categories and Codes.