

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

PI 17-25

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

FROM: Kelsey Bless, Permanency Administrator

SUBJECT: 624-05:
 • 624-05-20-10-20
 • 624-05-20-10-25
 • 624-05-30-15-05
623-05:
 • Excess Maintenance Payment: 623-05-30-30

PROGRAMS: Foster Care

EFFECTIVE: **Immediately**

RETENTION: Until Manualized

The ND Department of Human Services, Children and Family Services Division revised the SFN 904, *"Agreement to Furnish Specialized Foster Care Services, Excess Maintenance Agreement"*. The updating occurred to offer specified EMP levels on the agreement form along with the designated daily rate for each level. If a child is in placement for a partial month, the daily rate will apply for reimbursement. In addition, sections for the provider number and comments have been added for convenience.

Updating the form, required policy updates in various sections. If you have questions regarding foster care policy, contact Kelsey Bless.

Specialized Family Foster Care - Excess Maintenance Payments (EMP) 624-05-20-10

[This Specialized family foster care involving an excess maintenance payment is intended for the](#) 24-hour care and supervision of a foster child with special needs, the severity of which places undue demands on the foster parent's

physical, emotional, and/or material resources beyond the demands expected in typical foster parenting. Specialized care is offered in licensed family homes are foster homes. ~~An in which~~ excess maintenance payment (EMP) are can be made ~~on an individual basis when the foster child requires~~ An excess maintenance payment (EMP) can be approved and authorized to meet the needs of the individual child requiring special services or ~~based on the child's~~ difficulty of care level.

These special services would involve an unusual amount of ~~one or more of such things as:~~ time, physical work, skill, stress, or cost to the foster parent. In the area of time, an unusual amount could be required for feeding, dressing, and/or supervising. In regard to the physical work in special situations, there could be a need for an unusual amount of washing, cleaning, lifting, and/or transporting. In the area of skill, the foster parent would need ability in teaching, and in the handling of behavior and/or medical problems. In the area of stress, consideration would be given to the strain on the foster parents when the child's needs require performing distasteful ongoing medical tasks, constant supervision, the meeting of frequent acute situations, and/or the handling of abnormal significant behavior problems. In the area of costs, consideration would be given to the destruction of household equipment and, the unusual wear and tear of walls and woodwork and respite from child care demands.

~~Approximately 25% of the children in family foster care in North Dakota fall within this category.~~ Payments to foster parents providing this type of specialized care include the age appropriate foster care maintenance and an irregular payment as stated in North Dakota Department of Human Services Manual Chapter 623-05 ~~and excess maintenance payments (EMP) subject to the requirements noted in this manual chapter. Also, refer to NDDHS 623-05, "Difficulty of Care/Excess Maintenance Payments (EMP), Category 60."~~

Approval of Specialized (EMP) Payments 624-05-20-10-20

The "Specialized Family Foster Care/Adoption Assistance Level of Care Evaluation Form" (SFN 1865) must be completed when an excess maintenance payment (EMP) is being considered for a child in foster care. The form is to be completed by the foster care case manager with the assistance of the Child & Family team. The evaluation must be completed as soon as it is determined a family foster care provider may require additional financial resources. Approval of specialized care shall be made by the Child & Family Team with regional supervisor approval. Regional Supervisors are responsible for determining the comparative difficulty of care foster children require.

~~Approval of specialized level EMPs shall be made by the permanency planning committee/Foster Care Child & Family team with regional supervisor approval. Cooperation between the permanency planning committee/team members is essential to the functioning of the specialized EMP system. Professionals need to recognize the committee's effort to try to achieve fairness and uniformity in the application of the EMP for children. Each regional supervisor is responsible for determining the comparative difficulty of care that the children in their region require. It is felt that this procedure will provide regional uniformity and still provide for professional judgment. It is the responsibility of the regional foster care supervisors to maintain the standard for uniformity of payment level in the region. Regional supervisor questions regarding appropriateness of EMP levels will be discussed with the Administrator, Foster Care Program.~~

Before an EMP payment can be authorized for payment to a family foster care provider~~made for specialized family foster care~~, there must be:

1. Evaluation: A completed (SFN 1865), "Specialized Family Foster Care/Adoption Assistance Level of Care Evaluation ~~Form, completed and signed by the case manager, county director (or designee) and regional supervisor (or designee) and~~
2. Agreement: A signed (SFN 904), "Agreement to Furnish Specialized Family Foster Care Services, Excess Maintenance Payment"~~signed by the foster parent, county social service board representative, and regional foster care supervisor.~~

The duration of the agreement cannot exceed six months from the effective date, the end of the court order, or the end of the primary placement, whichever comes first.

Review of the need for an EMP will be required with each quarterly child and Family Team meeting. However, at any time a foster parent or other member of the Child & Family Team may request the EMP be re-evaluated if there is a significant change in the child's functioning.

~~The EMP payment in Specialized Family Foster Care is handled as part of the maintenance payment as an irregular payment on CCWIPS. Refer to Service Chapter 623-05 for more information.~~

Specialized Payment Procedure 624-05-20-10-25

~~Delete section; this is repeated in 623-05.~~

Levels of Specialized Family Foster Care Payments 624-05-20-10-15

Delete section; this is repeated in 623-05.

Request for an Adjustment in the Level of Excess Maintenance Payment (EMP) 624-05-20-10-30

Delete section; this is repeated.

Agreement to Furnish Specialized Family Foster Care Services, SFN 904 624-05-30-15

Delete section; this is unnecessary

Purpose ~~and Use~~ of SFN 904 624-05-30-15-05

SFN 904 must be completed before a specialized foster care payment can be made to the family foster parents/care provider. The form is initiated after a need for an excess maintenance payment (623-05-30-30) is determined.

The dollar amount or level to be paid is determined based on the evaluation score from the SFN 1865. Payments identified on the SFN 904 must be reviewed at quarterly Child and Family Team meetings and cannot exceed six months in duration, the end of the court order, or the end of the primary placement, whichever comes first.

Signatures are required on the SFN 904 from the foster parent, county social service board financial county, and the regional foster care supervisor co-facilitating the Child and Family Team meeting. Copies of the signed SFN 904 must be distributed accordingly.

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.

For all excess maintenance payments, the Regional Supervisor must sign the SFN 904 "Agreement to Furnish Specialized Foster Care Services, Excess Maintenance Agreement" approving an EMP to a specific provider. The amount of payment is determined by the evaluation level. The agreement must have a start and end date, which cannot exceed six months in duration, the end of the court order, or the end of the primary placement, whichever comes first. ~~provider specific, include the amount of the payment, the EMP level, a start and end date for reimbursement.~~ 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:
Levels I, II, and III.**

Level	Code	EMP Rate/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. CCWIPS will automatically generate the value based on the EMP daily rate. 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.

Level IV Code 64

Excess maintenance payment for level IV requires additional 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 [from Children and Family Services](#) must be maintained in the child file as well as the eligibility file for auditing purposes.

Out of State Providers:

Out-of-state placements are reimbursed at the rate of the receiving state. The receiving state may have a rating scale to determine any excess maintenance payment needs to best accommodate the child in placement, if not the SFN 1865 can be used to determine need. If a North Dakota child is placed out of state and the need of the child exceeds the out of state maintenance rate, an EMP may be approved. The approval process and level allowances remain the same for North Dakota foster children in need of an EMP, regardless of their placement location.