

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
June 5, 2018**

PI 18-15

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

FROM: Kelsey Bless, Permanency Administrator

SUBJECT: **Child Care**

PROGRAMS: Foster Care Maintenance: 623-05-30-20
Foster Care Permanency: 624-05-15-50-50 (NEW)

RETENTION: Until manualized

EFFECTIVE: **Immediately**

Children and Family Services continue to receive questions specific to disparity in child care settings available for foster children. Foster care case managers are responsible to assist foster parents with locating child care for children placed into their foster home. Child care providers are private business owners who must meet state licensing standards; however have the ability to set their own rates, maintain enrollment contracts, etc. In order to receive foster care reimbursement, the foster child must be placed in a licensed foster home and be enrolled in a child care setting that is licensed, certified, self-declared, or that meets another formal status approved under the state Early Child Care regulations.

CFS has been working internally to brainstorm solutions to a variety of concerns related to foster children in need of child care while foster parents work. Below are a few questions and answers:

- 1. Child care providers in our area, are not accepting foster children into their daycare because they are afraid they will not receive reimbursement timely; what should we do?**
 - a. Educate the child care provider! Foster care will reimburse 100% of child care costs for foster children in a licensed placement in need of child care services.
- 2. We have a number of child care providers in our city, however they do not have space for more children; any ideas of what we can do?**
 - a. If a child care provider would be willing to accept a foster child for enrollment, the foster care case manager can work with the child care

provider and county child care licenser to discuss a waiver. Early Childhood Services Administrative Code (75-03-09-09.3 and 75-03-10-08.6) allows a staff-child ratio waiver for various reasons.

- b. NDDHS policy is evolving to allow for a waiver if the child is in foster care, has special needs, if infant/toddler availability is sparse and to maintain a child in their home community, etc.

3. What can we do if a child care provider is charging the full month fee on the 1st of the month? Our foster parents are not being reimbursed until the 30th of the month because foster care is "reimbursement" driven, which does not allow for pre-payment for service.

- a. Counties authorizing payments can accept the bill from the foster parent and reimburse the bill as timely as possible; weekly or every other week. NDDHS has a weekly check write for this reason and it is to accommodate the foster parents who pay out of pocket for various expenses and await reimbursement for irregular payments. It is allowable to reimburse for such service weekly or every other week based off of one bill/invoice received; not making the foster parent wait for a full month to receive child care reimbursement. It is understood that child care may cost \$250/week or \$1000/month; asking a foster parent to pre-pay \$1000/month and wait for a full month to be reimbursed is unreasonable.
- b. Education to the child care provider may be helpful in these cases; many child care providers are willing to work with the county to accommodate the billing in efforts to support the foster parent.
- c. Correct, foster care is reimbursement driven and child care payment cannot be made for dates outside of the child's placement dates.

4. What if a child care provider charges a higher rate for a foster child; what should we do?

- a. In collaborative effort, the foster care case manager and foster parent should work with the child care provider to inquire about the difference in rates. Is the difference due to the child's age, part-time vs. full-time, need, etc? If it is determined the rate for the foster children has been higher than other children from the community; the foster care case manager should notify the licensing worker and identify the overpayment to be recouped from the child care provider. A formal agreement indicating the rate for services should be signed at that time. Typically, child care providers ask all families enrolled in the daycare to sign a placement agreement when they begin; the agreement will indicate a charge for the rate.

Policy has been created to add a section to 624-05, Permanency Planning manual specific to foster care case managers, while policy was adjusted in 623-05, Maintenance Payment manual to offer further clarity regarding child care deposits, transportation fees, etc. If you have questions about updates to the policy for child care reimbursement, feel free to contact Kelsey Bless (kmbless@nd.gov) or Deb Lachenmeier (dlachenmeier@nd.gov).

****NEW** Child Care for Foster Children 624-05-15-50-50**

Foster children may require child care during the work hours of their foster parent. North Dakota does offer reimbursement for child care if the foster child is:

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

The foster care case manager is responsible to identify the needs for child care and assist the foster family in securing reimbursable child care options. In order for the foster parents to claim reimbursement for child care expenditure, the need for child care must be pre-approved by the case manager, discussed ongoing by the Child and Family Team and documented in the foster child's case plan. New written approval is required from the case manager when a foster child's:

1. Placement changes to a new licensed provider home or
2. Child care provider changes.

To approve a child care setting for reimbursement, foster care case managers must verify if the child care provider meets the state Early Child Care licensing regulations. Foster care case managers can work with the county child care licenser to assist in verification if needed.

NOTE: After school programs and summer day camps often times are not licensed, meaning they do not meet the reimbursement guidelines for child care.

Foster care case managers must provide specific information to the eligibility staff for eligibility file compliance. Items include, but are not limited to:

1. Signed approval prior to reimbursement (Ex: Irregular payment approval form);
2. Bill/Invoice for reimbursement; and
3. Assistance in remedying error/questions related to child care expenses for the foster parent (different rates, need for bill/invoice, etc).

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. 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 approved by the case manager, discussed ongoing by the Child and Family Team and documented in the foster child's case plan. A new written approval is required from the case manager when a foster child's:

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

Foster care case managers must verify if the child care provider meets the state Early ~~Childhood~~Child Care licensing regulations. The county child care licensur may be able to assist in verification prior to approval. .-a A copy of the irregular payment approval ~~form 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. A foster parent is working and child care supervision is required during scheduled 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~~-, or~~
3. A foster parent is actively seeking employment; reimbursement for child care can be approved for a reasonable amount of time (Ex: Up to eight weeks) to allow for a proper employment search.

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 ~~Childhood~~-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, babysitting, 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 and the Child Care Assistance program billing form should not be used for foster care reimbursement.

Child care expenses for a foster child cannot differ from the cost of any other child enrolled in the child care setting. (Ex: Every fulltime 4 year old regardless of if they are in foster care must be charged the same rate). A bill for a foster child cannot exceed the standard community rate identified in the child care agreement or annual child care contract. If eligibility workers identify discrepancy of any kind, the foster care case manager is responsible to assist in remedying the solution.

Fees (Deposits, Transportation, etc):

Child care fees such as a deposit, supplies, transportation cost to pick up or drop off from school, as well as the standard daily, weekly, or monthly rates are allowed to be itemized for reimbursement on the child care bill for foster care reimbursement. Fees charged on behalf of care for the foster child can be covered as an irregular payment.

Child care costs are reimbursable, meaning the service has to have been provided (completed). Foster care **cannot:**

1. Pre-pay for child care service; and
2. Pay for charges incurred outside of the licensed foster care placement dates; child care dates in need of reimbursement must match dates the child was placed in a licensed foster home.

Bill/Invoice: 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:

- Child care provider's name and address.
- Rate (daily, weekly, or monthly),
- Service dates for the child's care; not to exceed days the child was in foster care placement,
- Any additional costs (fees, transportation, etc.) and
- Total amount due

~~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 foster child. ~~Reimbursement will be~~ paid directly to the foster care provider. The foster care provider is responsible to pay the child care provider.

Child Care Bill Example:

Child Care Provider Name: Sally Smith

Smith House of Smiles

1111 Wildflower Lane, Bismarck ND 58504

Rate (daily, weekly, monthly): \$30/day

Child's Name: Johnny Smith (Age 3)

Billing Dates: July 1 – July 14

Service Dates Charged: 10 child care days

Mon	Tue	Wed	Thur	Fri	Total
3rd / 9	4th / 9	5th / 9	6th / 9	7th / 9	45
Mon	Tue	Wed	Thur	Fri	Total
10th / 9	11th / 9	12th / 9	13th / 9	14th / 9	45
Total	90 hours (10 days x \$30/day)				= \$300

Supply Fee/Other: \$0

Total Due: 10 days x \$30 = \$300

Signature of Child Care Provider:

Signature of Foster Care Provider:

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 REIMBURSEMENT
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 Child	Child care during illness of foster parent	Not an irregular payment option.
Foster Child	Relief/Respite care for foster parents	Not an irregular payment option.

Foster Child	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 Child	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 the foster child is:

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