

NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
December 31, 2020

PI 20-32

TO: Human Service Zones
Tribal Social Services
Division of Juvenile Services
CFS Field Service Specialists

FROM: Kelsey Bless, Permanency Administrator

PROGRAM: **Foster Care Licensing**

SUBJECT: 623-05-30-30: Category 60 Excess Maintenance Payments
624-05-20-10-20: Approval of Specialized (EMP) Payments
624-05-30-15-05: Purpose of SFN 904

RETENTION: Until manualized

EFFECTIVE: **Immediately**

North Dakota Department of Human Services Children & Family Services (CFS) Division issues formal policy to update the expiration timeframes for excess maintenance payments and update references from regional representatives to Field Service Specialists.

Two forms have been updated at <https://www.nd.gov/eforms>

- SFN 904
- SFN 1865

If you have questions regarding the policy issuance, contact Children and Family Services permanency administrator, Kelsey Bless 701-328-3581 or kmbless@nd.gov or the Field Service Specialist designated to your service area.

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 eligibility worker must receive a copy of:

~~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 Representative must sign the~~

- ~~1. SFN 904 "Agreement to Furnish Specialized Foster Care Services, Excess Maintenance Agreement signed by the primary provider, case manager and the CFS Field Service Specialist." 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. Approvals must be placed in the eligibility file for auditing purposes. The duration of the signed SFN 904 agreement cannot exceed six months from the effective date **or** cannot exceed the placement end date of the primary provider in which the agreement is signed.~~

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 provider home to the next.

The EMP levels are:

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~~ at any time throughout the life of the case by the Regional Representative CFS Field Service Specialist. 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 Representative 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 if an excess maintenance payment is needed to accommodate the child in placement, if not the SFN 1865 can be used to determine need. If a North Dakota child is placed in an out of state family foster home, which receives direct reimbursement from the Department, and the need of the child exceeds the out of state maintenance rate, an EMP may be approved. Out of state therapeutic foster care agencies that bill for costs including a difficulty of care rate along with their standard daily rate, are not required to have excess maintenance payments approved through Category 60. North Dakota will reimburse the therapeutic agency as billed.

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

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 is allowed for a licensed or approved (Tribal Affidavit) family foster home when physical, emotional, and/or material resources are greater than expected in normal foster parenting.

Foster care case managers are required to:

1. Complete the TheSFN 1865 -"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. Case managers must gain approval from the assigned Field

~~Service Specialist before the EMP is submitted to eligibility for reimbursement to a provider. The form is to be completed by the child's foster care case manager with the assistance of the Foster Care 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.~~

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

~~Evaluation: A completed SFN 1865, "Specialized Family Foster Care/Adoption Assistance Level of Care Evaluation and~~

~~2. Facilitate the completion of and obtain signatures needed on the Agreement:~~

~~A signed SFN 904, "Agreement to Furnish Specialized Family Foster Care Services, Excess Maintenance Payment". The duration of the signed SFN 904 agreement cannot exceed six months from the effective date or cannot exceed the placement end date of the primary provider in which the agreement is signed. 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~~ is required ~~at 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.

Purpose of SFN 904 624-05-30-15-05

The agreement to furnish specialized family foster care services as a foster care excess maintenance payment, SFN 904 must be completed before a specialized foster care payment can be made to the family foster 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 custodial agency foster care case manager, and the ~~regional foster care supervisor co-facilitating the Child~~

~~and Family Team meeting~~assigned Field Service Specialist. Copies of the signed SFN 904 must be distributed accordingly.