

NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
August 5, 2022

PI 23-07

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

FROM: Deb Lachenmeier, Eligibility Unit Supervisor
Kelsey Bless, CFS Licensing Unit Administrator

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

PROGRAMS: Foster Care

RETENTION: Until Manualized

EFFECTIVE: August 1, 2022

The ND Department of Human Services, Children and Family Services division is updating policy for case management in efforts to support the needs for child care services statewide.

In late July, Children and Family Services received permission from our federal partners, Children's Bureau Policy, to incorporate licensed foster care providers as a reimbursable option to provide child care to children in a paid foster care placement. A majority of these cases will be due to shortages or when a child's behaviors exceed the local child care setting desired temperament. Utilizing foster care providers to offer daily child care should not be the first option but can be utilized as a solution to support the need.

Questions related to policy can be directed to Deb Lachenmeier dlachenmeier@nd.gov for eligibility/payments or your areas assigned Field Service Specialist for case management technical assistance.

Thank you.

****NOTE: CFS did a complete rewrite of this entire section***

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

Children in foster care placed in a licensed family foster home are eligible for child care reimbursement if case management determines a need. The foster care case manager is responsible to identify the child care needs and assist the foster care provider in securing reimbursable child care.

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

Foster care case managers must reassess the need for child care when a child in foster care has a:

1. Change in placement to a new licensed foster home or
2. Change in child care provider.

Eligible Providers

Children in a paid foster care placement are eligible for child care reimbursement if the provider of the child care service is:

1. Licensed per ND Early Child Care regulations as a center, group, family, or is self-declared, certified, or holds some other formal status approved by the state.
2. Licensed per CFS Licensing Unit regulations as a family foster care provider. A foster care provider may provide child care if they are meeting a community need to help provide child care during working hours of the primary foster care provider. Foster care providers cannot provide child care to more than two children in foster care, unless otherwise approved by the Department.

Foster care case managers must verify if the provider:

1. Meets the state Early Child Care licensing regulations by visiting <http://www.nd.gov/dhs/services/childcare/info> or
2. Is in good standing as a foster care provider with the CFS Licensing Unit. This can be verified by looking at the ND Provider List on the CFS Insider for state homes or contacting cfslicensing@nd.gov.

Codes under Category 40

- 41 – Child Care for Foster Children (Employment Related)
- 43 - Child Care for Foster Children (Not Employment Related)

Code 41 can be applied when:

1. A foster care provider is employed and child care is required during their working hours when a foster child is not in school,
2. A foster care provider is enrolled in and attending post-secondary education to obtain a degree or meet educational requirements for their current employment, or
3. A foster care provider 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 care provider is required to attend activities which are beyond the scope of "ordinary parental duties" that may include the following:
 - a. Child & Family Team meetings without the child
 - b. Court hearings without the foster child
 - c. Training required by the Title IV-E agency
2. Foster care provider Illness: Child care for the purpose of a foster care provider's illness is not an allowable expenditure under Title IV-E foster care maintenance. However, state general funds may be used to accommodate child care costs in the event of a foster care provider's extended illness (surgery, hospitalization, etc.). Reimbursement requires identified timeframes and pre-approval from the department (Field Service Specialist).

Reimbursement

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

1. Pre-pay or payment to hold a placement 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.

In addition, child care charges for a child in foster care cannot differ from the charge/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 child in foster care cannot exceed the standard community rate identified in the child care agreement or annual child care contract. If the CFS Eligibility Unit eligibility workers identify discrepancy of any kind, the custodial case manager is responsible to remedy the concern.

If available, case managers and/or foster care providers should request a copy of the child care provider's policy and payment agreement. If an agreement is not available, the case manager and/or the foster care provider should discuss the expectations of reimbursement with the child care provider and document the conversation.

Rate

Licensed child care providers set their community daily rate. The primary placement (foster care provider) will be reimbursed by the Department at 100% of the allowable costs.

Licensed foster care provider providing child care (no overnights) to assist another foster care provider during working hours will be reimbursed at the rate determined by the Department. August 1, 2022, the rate is \$5/hour.

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 part of the irregular payment.

Claiming Child Care Expenses

The [SFN 920](#) Foster Care - Child Care Invoice, is required to claim reimbursement for child care expenses. The Economic Assistance Child Care Assistance Program percentage reductions do not apply to children in a paid foster care placement. The SFN 616 Child Care Request For Payment billing form is specific to the Child Care Assistance Program and is not acceptable for foster care reimbursement.

Invoice: The [SFN 920](#) Foster Care - Child Care Invoice must be signed by both the primary placement (foster care provider) and child care provider and submitted to the case manager for review. The case manager must approve and submit the invoice to the CFS FCSA Eligibility Unit at cfsfcsaunit@nd.gov. When a licensed foster care provider is providing the child care service, both foster care providers must sign the SFN 920.

Criteria to consider, when applicable:

- When a child changes foster care placements, but remains with the same child care provider, an invoice must be completed for the timeframe the child was in care specific to each placement.
- Child care billed at a monthly or weekly rate must be prorated for each foster care provider, not to exceed the child care provider's total monthly or weekly rate.
- Child care providers that bill a weekly rate, can only bill for one week of child care that spans from the last week of one month into the first week of another month.
- When a child is no longer in need of child care supervision or is moved to a different child care provider due to a change in foster care placement and received child care for any portion of a month, reimbursement must be made based on the child care provider's discharge policy.

Required Training:

The cost of child care for the foster care provider's attendance at mandatory foster care provider training is an allowable expenditure. Children and Family Services Training Center (CFSTC) at the University of North Dakota facilitates child care reimbursement for approved foster care provider training. Reimbursement is capped by CFSTC 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 reimbursement for the costs of providing child care to children in foster care are not intended to include reimbursement in the nature of a salary. Accordingly, child care provided to a foster child to facilitate a foster care provider'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.

Foster Care Provider is also a Licensed Child Care Provider:

Licensed foster care providers who are dual licensed and also hold a child care provider license, are not eligible to receive both a foster care maintenance payment and child care irregular payment on behalf of the same child. If the foster care provider identifies child care outside of the foster home, an irregular payment Category 40: Code 41 may be utilized.

A foster care provider that owns or is employed at a child care facility outside of their home, is eligible for child care reimbursement if the child in their care attends the facility in which they are employed.

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. In need of child care,
2. Placed in a licensed foster care provider home, and
3. Enrolled or attending a child care setting licensed or approved as authorized by the receiving state in which the licensed foster care provider resides.

Dependent Child:

A child in foster care 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 **minor parent does not work, attend school, has not yet applied, or** does not qualify for child care assistance, irregular payment Category 40 could be applied for the dependent child's cost of child care.

[Reference Chart](#)

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