

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA**

January 28, 2022

PI 22-02

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

FROM: Kelsey Bless, Licensing Unit Administrator
Diana Weber, SFPM Statewide Administrator

PROGRAM: CPS, In Home, Foster Care

SUBJECT: **Respite Care**
Respite Care 607-05-70-45-20-01 (NEW)
Respite Care 624-05-15-48
Respite Care 610-05-55
~~Requirements for Respite Care 610-05-55-01~~
~~Approved Respite Care Providers 610-05-55-05~~
~~Respite Care Referral and Approval Process 610-05-55-10~~
~~Respite Care Length of Stay and Cost 610-05-55-15~~
~~Documentation of Respite Care 610-05-55-20~~

RETENTION: Until manualized

EFFECTIVE: **February 1, 2022**

North Dakota Department of Human Services, Children and Family Services Division (Department) is issuing policy related to respite care and its use and relation to all child welfare programs. Children may require additional support to maintain stability in their primary placement and respite care is a service the agency can consider. Respite care is a safety service under Safety Category 5: Separation. Respite care is a pre-planned arrangement available to a parent/caregiver who needs temporary relief care for a child who requires time-limited supervision and support by an eligible respite care provider.

Historically, the Department monitored state general funds to reimburse licensed foster parents ([NDCC 50-11-01](#)) or a licensed childcare providers ([NDCC 50-11.1-04](#)) for children in need of respite care. The option to access state funding for reimbursement of foster parents and childcare providers will continue. In an effort to increase respite care services statewide, the Department will be issuing another request for proposal (RFP) in February 2022 to solicit interested vendors to offer respite care through their agency. Vendors will recruit, train, and reimburse staff to provide respite care during daytime hours (no overnights) across North Dakota. At this time, Community Living Services, Inc. is contracted to provide respite care

services in Fargo (701-232-3133) for eligible children. The Department reimburses Community Living Services monthly.

FORMS: Children and Family Services discontinued the use of SFN 925, and the submission of separate referral information is no longer required. The form has been removed from the website. Please use the new/updated [SFN 929](#) form, which has been updated to include both the referral information and the agreement. The revised [SFN 929](#) has been renamed as "Respite Care Referral and Agreement" and can be found online (<https://www.nd.gov/eforms/Doc/sfn00929.pdf>). The form must be completed for each child receiving respite care.

RATE: Policy indicates an increase to the established rate for respite care. Note the increase to **\$55/day effective February 1, 2022**. This rate applies to licensed foster parents, but not to child care settings. The Department will reimburse the established daily rate for child care.

Respite care reimbursement will continue to flow through the licensing Field Service Specialists until April 1, 2022. Once the CFS Licensing Unit goes live in April 2022, the respite care oversight will be managed by the Unit. More contact information will be shared as details continue to be finalized.

If you have questions about respite care, refer to the policy referenced in this PI or contact the licensing Field Service Specialist assigned to your area.

Respite Care 607-05-70-45-20-01 (*NEW SECTION)

Throughout the life of the case, managing safety and providing service is achieved by ongoing engagement and assessment conducted by the agency. Respite care is defined as a pre-planned arrangement available to a parent/caregiver who needs temporary relief care for a child who requires time-limited supervision and support by an eligible respite care provider. Children may require additional support to maintain stability in their primary placement and respite care is a service the agency can consider. Respite care can be a highly effective reasonable effort to prevent removal from the home.

Eligible Children

Respite care is available to children under the age of 18 involved with the following public agencies:

Human Service Zones

Child Protection Services (CPS)
Case Management (In Home/Foster Care)

Division of Juvenile Services (DJS)

Foster care placement

Tribal Social Services

Foster care (IV-E) clients

Post-Adoption

Department subsidy recipient only

Post-Guardianship

Department subsidy recipient only

Human Service Center (HSC)

HSC clients dually involved with a Human Service Zone, Tribe or DJS.

Relative Caregivers

A child may be in a primary placement with an unlicensed relative caregiver. The relative caregiver can request respite care in an effort to support the child's needs and maintain placement stability. A child does not have to be under public custody of an agency or have a supervision order to access respite care.

Respite Care Request and Provider Agreement

The public agency staff is responsible to assist with completing the required paperwork and identify a licensed provider willing to offer respite care.

Public agency staff will submit the [SFN 929](#), "Respite Care Referral and Agreement". This form must be submitted and sent to the Department for preapproval and reimbursement requirements.

Respite care providers can only provide respite care to the child identified on the agreement. One [SFN 929](#) can accommodate multiple respite care episodes for the same child if it is clearly documented on the form.

Respite Care Providers

A child must be provided respite care by:

- Licensed foster parents;
- Licensed child care providers; or
- Contracted vendor/s with the Department.

In order to receive reimbursement, the licensed provider must:

1. Sign the [SFN 929](#) specific to the respite care provided to each eligible child.
2. Register with the Office of Management and Budget's (OMB) vendor registry by
 - a. Electronically self-registering at the vendor registry website (<https://www.nd.gov/omb/vendor/vendor-payments>); or
 - b. Manually signing and submitting a W-9 ([SFN 53656](#)) and voided check.

Amendment to a Foster Parent License

The Department is not required to amend a foster parent's license to accommodate respite care when the SFN 929 is signed. The form provides a waiver in the event the number of beds needed when providing respite care exceeds the number on the license.

The Department will review the foster parent licensed bed capacity, discuss need, sleeping arrangements, and appropriateness of the respite care in lieu of amending the formal license.

Treatment Foster Care Providers

Agencies offering treatment foster care services (i.e., Nexus-PATH) have policy and procedure to administer respite care payments within their agency structure. A treatment foster care provider is required to sign the SFN 929 when:

1. Respite Care to a Non-Agency Client

In order to offer respite care to a child who is not a current client in placement with the agency, the provider must sign the [SFN 929](#) to provide respite care and be reimbursed directly from the Department.

2. Respite Care to an Internal Agency Client

If the respite care episode will bring the treatment foster care provider over the licensing capacity, the provider must sign the [SFN 929](#). A Department payment is not associated with the internal agency respite care payment structure. However, the Department must pre-approve these respite care episodes in an effort to eliminate the need to amend the license.

Length, Duration, and Frequency of Respite Care

There is no limit on the number of respite care requests an eligible child may receive; however, there is a limit to the length of time for each episode. Each respite care episode cannot exceed:

Overnights

No greater than 96 hours (4 days) per respite care episode.

Non-overnights

No greater than 12 hours per week per respite care episode, unless otherwise approved by the Department.

Respite Care Reimbursement

Respite care funds are maintained at the Department and managed by Children and Family Services. Reimbursement is allowed for pre-planned and pre-approved respite care needs. Reimbursement is paid directly to the licensed provider listed on the [SFN 929](#).

Foster Care Provider

Daily rate is determined by the Department and managed by Children and Family Services. Effective February 1, 2022, the rate is \$55 per day, however this rate is subject to change dependent on program budget.

If there is a child in foster care receiving an excess maintenance payment (EMP), the predetermined higher daily rate, inclusive of the EMP, may be reimbursed to the respite care provider.

Child Care Provider

Child care costs vary per community standards. The Department will pay the community rate.

Additional Costs

Respite care funds can cover additional costs associated with providing respite care and such costs must be pre-approved by Children and Family Services. Additional costs may include but are not limited to:

- Excess costs related to transportation to/from the child's school of origin.
- Child care costs when a child placed with a primary provider does not utilize child care during the week, but the respite care provider works fulltime and would need child care during the day. The child care costs to a licensed child care setting can be included as additional costs paid to the respite care provider.

Respite Care Examples

Primary Placement

- Child in the home of parent/guardian/ adoptive family
- Child in the home of a relative or fictive kin on a voluntary basis
- Child in a licensed foster home
- Child in an unlicensed relative placement (including TANF Kinship)
- Child on a trial home visit

Approved Scenarios

- A mother of a substance exposed newborn would like to participate in day treatment services and needs a break from the high demands of her baby. The Plan of Safe Care developed includes respite care so that she has the opportunity to focus on her treatment and to provide support to her and the newborn.. Respite care is provided so that she has the opportunity to focus on her treatment and to provide support to her and the newborn.
- Child is living with mom and three siblings. There was a recent CPS assessment opened. The two youngest children are very busy, and the CPS worker recognizes mom would benefit from one weekend of respite care each month to provide relief and support to her, and to stabilize the children in the home.
- A toddler child is living with grandma. The child requires extra supervision that is taxing for the grandma. The case manager recommend respite care two mornings a week for the next two months to give grandma a break, complete household chores, and grocery shop.
- Child is destroying property; the primary caregiver asks for help to re-group and seeks respite care to temporarily provide relief and support.
- Child is placed in a licensed foster home apart from siblings. The case manager and foster parent observe his behaviors are escalating and he misses his siblings. The case manager arranges respite care with the siblings' foster parents once per month for a weekend visit. This respite care arrangement is intended to assist with placement stability, child behaviors, sibling connections, etc.
- Foster parents are going to a wedding out of town where there will be loud music, lots of people, etc. They indicate the child placed in their home with severe autism does not do well in large groups and would benefit from

respite care while they attend the wedding for two days. Given the needs of the child, the case manager requests respite care to assist in meeting the child's needs, manage placement stability, and support the foster parents.

Scenarios Not Approved

- Mom is asking for respite care for her three children over the weekend because she does not have any family supports locally and she wants to go to camping with her friends. Respite care is not intended to provide babysitting services.
- Foster parents are going to a wedding out of town and they would prefer to not bring the children placed in their home. The children do not have special needs or cares that would prohibit them from attending such an event. Substitute care may be an option in this situation.
- Grandma is caring for grandchildren under public custody of a Human Service Zone. She is asking to discontinue her responsibility as the primary placement of the children because the fulltime arrangement is too much for her. A new placement option should be identified in lieu of respite care.
- The children reside with their mom and are open with the agency for case management. The mom has registered for parenting classes but does not have child care during the time classes occur. This is an appropriate referral for Prime Time Child Care, not respite care.

Changes to Manual Chapter 610-05

Respite Care 610-05-55

Respite Care policy is available in Service Chapter 607-05-70-45-20-01.

~~Respite care is available to families currently involved with a local Human Service Zone through child protection services, in-home services, or foster care programming. Respite care is defined by in-home case management policy as temporary care of a child with special medical, emotional, or behavioral needs requiring time-limited supervision by a licensed foster parent or licensed child care provider. Respite care is intended to reduce stress and strengthen the placement. Respite funds are available through the department and are used to reimburse the approved provider.~~

Repeal/Delete these sections from the manual

~~**Requirements for Respite Care 610-05-55-01**~~

~~**Approved Respite Care Providers 610-05-55-05**~~

~~**Respite Care Referral and Approval Process 610-05-55-10**~~

~~**Respite Care Length of Stay and Cost 610-05-55-15**~~

~~**Documentation of Respite Care 610-05-55-20**~~

Changes to Manual Chapter 624-05

Respite Care 624-05-15-48

Respite Care policy is available in Service Chapter 607-05-70-45-20-01.

****NOTE**** Respite care is not substitute care. There are times when a foster parent is unavailable to care for a foster child due to other commitments

(vacation, funeral, special out of town event, etc.). Respite care cannot be used when a foster parent is unavailable and in need of substitute care.

~~Respite is available to children currently involved with a local Human Service Zone through child protection services, in-home services, or foster care programming. In addition, respite is allowed for children previously involved who have since entered guardianship or were adopted. Respite is also available to children under the custody of Tribal social services as Title IV-E eligible and Division of Juvenile Services open in the foster care program. Children in foster care may require additional support to maintain stability in their primary placement. Respite care is defined by foster care policy as temporary relief care for a child with special medical, emotional or behavioral needs, which requires time-limited supervision and care by a licensed provider.~~

~~All children in North Dakota foster care are eligible for respite; even if the child is placed in unlicensed relative care or placed out of state. A foster child must be provided respite care by a licensed foster parent or a licensed child care provider. A licensed child care provider can only be utilized during daytime hours and respite cannot exceed 10 hr/week unless otherwise approved by the Field Service Specialist. The licensed provider must sign a respite provider agreement (SFN 929) and register on OMB vendor registry website as proof of a signed W-9 for reimbursement.~~

Examples of Foster Youth who can Utilize Respite:

1. Primary Placement:

- ~~• Foster child in a licensed foster home~~
- ~~• Foster child in unlicensed relative placement~~
- ~~• Foster child is on a trial home visit~~
- ~~• Foster child in kinship relative care (TANF recipient)~~

2. Appropriate scenarios for respite:

- ~~• Child is destroying property at the foster home; foster parents ask for help in re-grouping to see if a small stay elsewhere will help the child better engage in the primary home.~~
- ~~• Child is living with unlicensed relative (grandma). Child is very busy and Grandma is stating a weekend to recharge her battery would be helpful for her own mental health needs and to stabilize the placement ongoing.~~
- ~~• Child is living with unlicensed relative (grandma). The toddler foster child is very busy and Grandma is stating two mornings a week (8 hr/wk) for the next two months would be helpful so she can recharge her battery and complete household tasks she is unable to do when the child is in the home. A licensed child care provider could provide respite to grandma for the 8 hr/wk.~~
- ~~• Child is missing his siblings; because of this the foster parents indicate his behaviors are escalating in the primary placement. The case manager reaches out to see if the foster parents who have the other two siblings would be willing to offer respite for a weekend sibling visit and to monitor the placement stability, child behaviors, etc.~~

- ~~Foster parents are going to a wedding where there will be loud music, lots of people, etc. They indicate the foster child with autism does not do well in large groups and would benefit from a short respite stay while they attend the wedding for two days. In this case, the case manager could approve respite if the child's behaviors would result in additional cares.~~

~~3. Inappropriate scenarios for respite:~~

- ~~Foster parents are going to a wedding and they would rather not have to bring all of the children... this is substitute care, not respite.~~
- ~~Foster parents are asking to discontinue their responsibility as the primary placement. A new placement option should be identified in lieu of respite stays.~~

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Respite Referral/Request

~~Foster care case managers can request respite services by completing the SFN 925, Respite Care Referral. This form must be submitted in advance to the Children and Family Services assigned Field Service Specialist for pre-approval. The form was created to help Field Service Specialist verify the need for respite care, review the licensing capacity of the family being asked to provide the respite, while tracking the programs utilizing respite care.~~

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Respite Reimbursement

~~Respite care funds are maintained at NDDHS Children and Family Services (central office) and paid to licensed providers by NDDHS Fiscal. Reimbursement is allowed for pre-planned respite and will only occur if the respite arrangement is pre-approved by the Field Service Specialist. Respite care is limited to 96 hours at the "emergency rate" of \$38/day. However, if the child's level of care is beyond the daily rate and the foster child is currently receiving an EMP, the higher daily rate may be reimbursed to the respite provider.~~

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~~Respite care can cover additional costs of reimbursement if needed specific to child care and transportation to and from school of origin. If a foster child is with a primary provider who does not utilize child care during the week, but the respite provider does work fulltime and would need child care during the week; the child care costs to a licensed child care setting can be made to the respite provider to assist with the care of the child during the respite stay. All additional costs must be pre-approved by the case manager and approved by the Field Service Specialist.~~

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~~Respite care can cover additional costs for licensed foster care providers specific to child care and transportation to and from school of origin. If a foster child is with a primary provider who does not utilize child care during the week because they do not work, however the respite provider does work fulltime and would need child care during the week; the child care costs to a licensed child care provider can be made to the respite provider to assist with the care of the child during the respite stay. All additional costs must be pre-approved by the case manager and approved by the Field Service Specialist.~~

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Respite care provided by a licensed child care provider during daytime hours that exceeds \$38/day must have a receipt or bill provided to the Field Service Specialist to support the cost of the care. Child care costs vary per community standards, respite can pay the community rate. Respite in a child care setting is capped at 10 hours per week, unless approved by the Field Service Specialist.

- **Paid Placement:** The licensed foster parent providing respite care can claim the child care costs under the primary foster parent irregular payment category 40 (if applicable) or claim under "additional costs" on the form.
- **Unpaid Placement:** The unlicensed relative caregiver would need the child care provider to complete the form and claim the child care costs of \$38/day. If the cost of the respite offered by a licensed child care provider exceeds \$38/day, a receipt or bill would be required to justify the expense of the child care costs.

Respite payments are made outside of the foster care payment system and are in addition to the primary placement maintenance rate. Respite reimbursement will be made by NDDHS directly to the licensed provider listed on the SFN 929.

Licensed Provider – Amendment to the license

The SFN 929, respite agreement, must be completed and pre-approved for a licensed foster home providing temporary respite. The Department is not required to amend the foster care license to accommodate the short-term respite placement, so long as the SFN 929 is signed and reviewed granting permissions to proceed. The Department must review the license with the requesting foster care case manager to discuss need, sleeping arrangements, bed space and appropriateness of the respite in lieu of amending the formal license.

Relative Caregivers

A foster child may be in a primary placement with an unlicensed relative caregiver. The relative caregiver can request respite care in efforts to support the child's needs and maintain stability in placement. The foster care case manager must receive approval from the Field Service Specialist in order to proceed with planning for a respite care arrangement. The case manager is responsible to assist with paperwork and seek to identify a licensed foster parent willing to offer temporary respite.

Therapeutic Foster Care Providers

Agency providers offering therapeutic foster care services (Ex: PATH and LSS) have policy and procedure to administer respite payments within their agency structure. A therapeutic provider is required to sign the SFN 929, respite agreement, when:

- a. **Respite to Non-Agency Client:** In order to offer respite services to a child who is not a current client in placement with the agency, the provider must sign a SFN 929 to provide respite and be reimbursed directly from the Department.
- b. **Respite to Agency Client:** In order to offer respite internally from one agency provider to another, a SFN 929, respite agreement is only required when the foster home is licensed for a specific number of beds, but the respite stay will bring the therapeutic provider over the licensing capacity. An additional Department payment is not associated with the internal agency respite

payment structure, however, the Department must pre-approve these respite placements in efforts to eliminate the need to amend the license.