

**I. CHAPTER OVERVIEW**

The reasons that families may receive child care services are described in this chapter. In addition, requirements related to each reason for care are explained, along with the steps to follow when evaluating each family's circumstances.

**II. MANDATORY CHILD CARE SERVICES**

Child care is a critical supportive service for many children and families. The provision of subsidized child care funding plays an important role in helping families maintain economic self-sufficiency and ensuring that children receive high quality child care.

If funds and resources are available, local purchasing agencies (LPAs) **must** provide child care services for children whose parents, foster parents, or other adults responsible for the care of the child need care for one of the following reasons:

- A. To maintain or seek employment;**
- B. To support [child protective services \(CPS\)](#) in order to remain in their own homes;**
- C. To attend school or job training activities that lead to employment;**
- D. To meet the [developmental needs](#) of children whose emotional, cognitive, social or physical development is delayed or at risk of delay; or**
- E. To support [child welfare services \(CWS\)](#) (to prevent or remedy problems that may result in the neglect or abuse of children, to prevent foster care placement, to support family reunification, and to provide support in times of crisis).**

**NOTE:** Special needs is not one of the five (5) need categories listed above, and therefore is not a reason for child care assistance. For more information, refer to [Chapter 6: Serving Children with Special Needs](#).

**III. AUTHORIZING CARE ACCORDING TO THE NEED FOR CARE**

When the family identifies the specific reason that child care services are needed, the child care worker must determine if the family qualifies. In situations where a parent or family meets both the education and employment categories, the need category is assigned based on the activity in which the individual spends the majority of the number of hours. If it is fifty-fifty, the need category is assigned to employment.

There are occasions when a parent is eligible for child care but there is no need for child care because the other parent is available to provide care, or another adult who resides in the household is willing and able to provide child care for the child. This adult household member cannot be approved as a nonlicensed home provider. However, the LPA may not deny child care services outside the home if an adult other than the parent resides in the household but is unwilling or unable to care for the child.

When child care services are needed for a foster child, the child care worker must have a written referral from the foster care worker to support the need for care, indicating whether placement of the child is in a licensed foster home or in the home of a relative. When the need for care supports employment whether there are one or two foster parents in the licensed foster home, employment information, including name of employer and days and hours of employment, must be verified for each foster parent. Refer to [Chapter 4: Application, Eligibility Determination and Documentation, Attachment 2](#) for a sample referral form.

Refer to [Appendix F](#) for the reason for child care/need codes for use in the Subsidized Child Care Reimbursement System. The specific requirements that relate to each area of need are described below.

### **A. Child Care to Support Employment**

#### **1. Child Care Need Eligibility**

Child care services must be provided to support employment of the child's parents, foster parents, or other responsible adult. In order to receive child care services under this need category, the parent/responsible adult must be:

##### **a. Employed**

- (1) Full-time employment is considered an average of thirty hours or more per week.
- (2) Part-time employment is considered any number of hours less than full-time.

##### **b. Engaged in employment as an approved activity through the Work First Program, [Food Stamp Employment and Training Program](#) or other approved employment programs.**

When both parents are in the same household, child care to support employment may be provided only if both parents are working; or

if one (1) parent is employed, the parent remaining in the home must be incapable of providing care for the child(ren) because of a physical or mental disability, advanced age or extreme youth, a history of child abuse or neglect, or must otherwise be incapable of providing appropriate care to the child/children. The basis on which this determination is made must be clearly documented in the narrative. The child care worker's judgment is acceptable in making this determination.

The child care worker will encounter situations that require additional consideration. The LPA is under no obligation to provide child care services to parents who are not trying to maintain gainful employment. LPAs may develop local policy to address gainful employment. Refer to [Chapter 22: Local Policy Options](#) for additional information about establishing local policy.

Guidelines for working with unemployed and self-employed parents, parents who repeatedly change jobs, and parents in the Work First program are as follows:

- (1) Unemployed
  - (a) Seeking Employment

When a parent is approved to receive SCC services to support employment, the LPA should inform the parent that child care services may be provided for a minimum of thirty days to seek employment if the parent becomes unemployed. The service can begin on the date the parent lost her job or begins the job search activity if child care is requested by the parent. The service may be continued beyond the thirty days if the parent requests an extension and the child care worker determines it is warranted in the individual's circumstances. The reason for the extension must be documented in the client's case record. The extension shall not exceed thirty days. Services are also provided if the parent or responsible adult is enrolled in a job search activity as part of an approved employment/training plan such as Work First. Refer to [III.A.1.b. \(4\)](#) below for additional information on Work First.

Child care services may be provided only during the eligibility period specified on the Application for

Child Care Services ([DCD-0456](#)) and/or the Child Care Voucher ([DCD-0446](#)). Therefore, if the parent loses her job during the current eligibility period, a new application is not required unless the parent's eligibility expires before the time period authorized for seeking employment. If eligibility expires, the parent is required to reapply and be certified eligible for the remainder of the time period approved for seeking employment. If the parent is not successful in finding employment during the first thirty days or the extended thirty days, the LPA must send the parent a Child Care Action Notice ([DCD-0450](#)) to terminate assistance at least ten (10) working days prior to the end of the period for which child care services are authorized.

It is the parent's responsibility to report the status of her job search activities to the child care worker before the end of the period of eligibility for seeking employment. An extension of child care services to allow the parent more time to seek employment should be based on prior activities as well as proposed activities and should be given only to the parent who is relatively certain of becoming employed. The reason for the extension must be documented in the client's case record; for example, the client is waiting to hear from a recent job interview or has an interview scheduled in the near future.

(b) Temporary Unemployment

When the parent/responsible adult is temporarily absent from work with arrangements to continue the same employment, child care services may continue for at least thirty days. **When an absence extends beyond the initial thirty day period, the LPA may choose to pay for child care for the extended unemployed period, terminate services, or discontinue payment during the extended period and reinstate payment when the parent returns to work.** For example, it would be appropriate to extend services for a parent on maternity leave who will be out for two (2) months before returning to

work, or for a parent who has been laid off and told that work will resume in a few weeks. When child care is extended beyond thirty days, the reasons for the extension must be documented in the client's case record. If any changes, such as a change in parent fee or termination of services occurs, the LPA must send the provider and parent a Child Care Action Notice ([DCD-0450](#)) at least ten (10) work days prior to the change or termination.

The provision of child care services during periods between school and employment is intended only for a parent who is relatively certain of finding employment or where an interruption of child care services would result in her losing care for the child(ren).

(2) Self-Employed Parents

The work schedule and income of individuals who are self-employed often varies. LPAs are allowed the flexibility to determine if child care is actually needed, and whether they will pay for full-time or part-time care. When developing local policies, a county may wish to establish an initial period during which the self-employed individual is required to record the time and hours worked and the income received. See [Chapter 7: Family Definition and Determining Income Eligibility](#) and [Chapter 22: Local Policy Options](#) for more details.

(3) Parents Who Repeatedly Change Jobs

Child care workers may encounter situations in which a parent changes jobs repeatedly. There are times when it is necessary and appropriate to change jobs, but LPAs are not obligated to provide child care services to parents who have a history of repeated job changes which demonstrates an inability to maintain employment. If the LPA makes every effort to assist the parent in maintaining employment, yet the parent abuses the service by repeatedly quitting a job and looking for another, the LPA may develop local policies which deny the payment of child care services for individuals who change jobs more than a specified number

of times in a 12 month period without good cause, such as:

- (a) Refusal to pay for child care services while the parent is looking for work.
- (b) Refusal to provide child care services for that parent to support employment for a certain period of time.

**NOTE:** The denial of services cannot exceed 90 days.

The child care worker should maintain clear, accurate documentation in the case record. Refer to [Chapter 22: Local Policy Options](#) for additional information about establishing local policy.

(4) Parents in the Work First Program

The goal of Work First is to move participants into full-time employment. Work First active participants are required to participate in work or a combination of work and work related activities. Successful implementation of the program will depend, to a large extent, on each county's efforts to deliver suitable child care for those participants who have preschool and school-age children. LPAs should assign high priority to providing child care to active Work First participants. The child care worker must have a written referral (copy of the Mutual Responsibility Agreement (MRA) II) from the Work First Employment Services worker that justifies that child care is a necessary part of the family's employment/training plan. Child care services are also provided for activities leading to employment such as substance abuse or mental health treatment, or other activities that support job readiness. These activities must be included in the MRA II.

Changes in the participant's status that impact the provision of child care services must be communicated by one of the following: a copy of an updated MRA II; a Work First transmittal form or agency referral form; or a verbal or electronic communication from the Work First worker. The child care worker must include the written or verbal communication in the family's child care case record.

**NOTE:** The thirty day limit for job search does not apply to Work First Employment Services participants who have a current signed [Mutual Responsibility Agreement \(MRA\)](#).

2. Income Eligibility

In order for an individual to be determined eligible to receive subsidized child care services to support employment it must be established that she is eligible based on income. Refer to [Chapter 7: Family Definition and Determining Income Eligibility](#), for more information.

3. Establishing a Plan of Care

Child care services are intended to support the family's efforts to be productive and self-sufficient; therefore, a reasonable approach should be taken in establishing a plan of care. The child care worker and the parent should work together to develop a plan that best meets the needs of the family.

a. Guidelines for Full-Time Employment

In determining the hours of child care needed, several factors must be considered, including the actual hours at the job, travel time, meal time, etc. The hours that child care is needed may not always coincide with the work hours of the parent. For example, a parent who works third shift needs to sleep during the day. Therefore, child care may be approved during the day to help support the family. A parent who works third shift may receive two plans of care, if needed. The goal is to use a reasonable approach that supports the family's efforts to be self-sufficient.

b. Guidelines for Part-Time Employment

Part-time child care is often difficult to arrange. To determine the most appropriate child care arrangement for a parent who needs part-time child care, the child care worker should discuss available options with the parent. Whenever possible, the childcare worker should request the child care provider to accept a part-time plan of care. This is especially important when child care funds are limited. If part-time care cannot be found, the LPA has the following options:

- (1) Pay for full-time child care, with documentation noting the unavailability of part-time care.

- (2) Develop a service plan which pays for full-time child care for one (1) month. The LPA may opt to purchase full-time child care for a second (2<sup>nd</sup>) month, with the understanding that the parent will increase the number of employment hours.
- (3) Pay only for part-time child care, with the parent purchasing the remaining hours of care.
- (4) Deny payment for child care. (This option is to be exercised by the LPA **only** when there is a waiting list.)

The LPA's decision in choosing one of these options should be based on its own local policy, the needs of the family, and the availability of funds. The LPA's decision must be documented in the record. Refer to [Chapter 22: Local Policy Options](#) for additional information about establishing local policy.

## B. Child Care to Support Child Protective Services

### 1. Child Care Need Eligibility

Child protective services (CPS) are legally mandated, involuntary services to families that encompass the provision by county departments of social services of specialized services for children alleged to be maltreated (abused, neglected, or dependent) or those who have been substantiated as victims of maltreatment (through an investigative assessment) or found to be in need of protective services (through a family assessment), and are reasonable candidates for foster care in the absence of such services. These services are aimed at strengthening family life by supporting and improving parental/caretaker abilities which, in turn, assures each child a safe and nurturing home.

To receive child care under this category, ***the child must be receiving child protective services and must need child care in order to remain in his/her own home.*** The child care worker must have a written referral from the child protective services worker that justifies that child care is a necessary part of the "Safety Assessment" safety response or "Family Services Agreement" for the child to remain in his/her home. The referral must include the date of the CPS report, the date child care should begin, a statement regarding why child care is needed and the hours that child care should be provided, and a recommendation from the CPS worker regarding the length of time

that child care services are needed. In addition, the referral must be dated and signed by the CPS worker. LPA's may develop their own referral form; however, a sample referral form is included in [Chapter 4: Application, Eligibility Determination and Documentation, Attachment 2](#). Only the need for child care as related to the provision of child protective services, not the details of the CPS case, is shared with the child care worker. Documentation related to the CPS report, assessment, and case decision is kept in the child protective services record. If in-home protective services are terminated prior to the end of the 12 month eligibility period, or the report is not substantiated or there is not a finding of services needed, child care services can no longer be provided for this reason.

If care was being provided under any other need category prior to the opening of a CPS case, a new application must be completed to reflect CPS as the reason child care is needed. A new period of eligibility will begin and child care should be provided as long as CPS is provided, with redetermination to occur at the end of 12 months. The provision of care under CPS and the exemption from paying a fee for the care may offer some relief from financial stress for the family. When the protective services Family Services Agreement includes removal of the child from his/her home, the child can no longer receive care under this need category. If the child is to continue receiving child care services, it must be under one of the other need criteria described in this chapter.

**NOTE:** If the DSS implements the Multiple Response System (MRS) for families, and the investigation of a report results in a finding of "services needed" then child care to support CPS can be provided if the child remains in his own home and care is needed to support the Family Services Agreement with the family.

If the child does not remain in his own home and child care is needed, the child must meet one of the other need categories. Communication between the CPS and child care worker is critical so that changes can be made in the child care case if the family no longer receives CPS.

## 2. Income Eligibility

Subsidized child care services are provided to children receiving child protective services without regard to family income and no parent fees are assessed. Child care services may be provided to support CPS as long as the family continues to receive child protective services and the

child remains in his/her own home. Refer to [Chapter 7: Family Definition and Determining Income Eligibility](#), for more information.

3. Establishing a Plan of Care

The CPS worker needs to establish a plan of care that best meets the needs of the family. Child care services to support a child protective services safety response or Family Services Agreement may be authorized on the same date that the LPA receives a **report** of abuse and/or neglect. If the report is substantiated or there is a finding of “services needed”, services may continue for as long as the child is receiving treatment and remains in his/her own home. The child care worker must evaluate the continued need for child care services when the report is not substantiated or there is not a finding of “services needed”, or CPS treatment services ended, or the child is no longer in his/her home, or the 12 month eligibility period ended, whichever comes first.

Child care services may be authorized for full-time or part-time care depending on the family’s circumstances. The child may need to be away from the parent only part-time. The CPS worker must provide a written referral for the child care case record documenting the need for child care and the hours that child care should be provided. At least every six (6) months, the child care worker confirms the need for continued care with the CPS worker who initiated the referral. The LPA should develop procedures to document that the continued need for care was confirmed with the CPS worker.

The case record for families receiving child care to support child protective services must include:

- a. Application for Child Care Services ([DCD-0456](#));
- b. CPS referral form;
- c. Child Care Voucher ([DCD-0446](#)); and
- d. Case narrative.

**NOTE:** The Recipient Responsibilities for Child Care Services form (DCD-0106) is not required for families receiving child care to support child protective services.

### C. Child Care to Support Education/Training Leading to Employment

1. Child Care Need Eligibility
  - a. Child care services are not limited to two (2) years when the individual is engaged in the following educational activities:
    - (1) Continuation of elementary or high school within the local school system;
    - (2) Basic education or a high school education or its equivalent (e.g., GED, ABE certificate programs) in community colleges or technical institutes;
    - (3) Work First Employment Services training-related activities;
  - b. Child care services are limited to a cumulative total of two years (24 months) when the individual is engaged in the following educational activities:
    - (1) Post-secondary education;
    - (2) [Skills training](#) (e.g. welding certification, plumbing certification, Nurse Assistant certification).
  - c. The two (2) year limit for post-secondary education is applied as follows.

The two (2) year period applies to the months that the parent is enrolled in and attending a post-secondary degree or skills training program. **If the two (2) year limit occurs during a semester that the parent is enrolled, eligibility may be extended to the end of the semester to avoid disrupting the parent's participation in the post-secondary degree or skills training activity.**

**Child care services as a support for education that leads to employment for the parent or responsible adult are not provided when the parent is participating in graduate or postgraduate studies.**

In the case of a two parent family, both parents must meet the eligibility criteria for receiving child care. If one parent is enrolled in an education or training program, the other parent must either be working or in an education/training program as well, unless one of

the parents is physically or mentally unable to care for the child. When one parent is working and the other parent is attending school, child care services may be provided to support the education/training for each individual for a period not to exceed two (2) years if the individual attending college is not employed.

The child care worker should determine that the parent has developed career goals and a specific plan for completing her education within a reasonable time period.

- d. When establishing time limits for training leading to employment consider the following.

The LPA should be reasonable and flexible in establishing time limits related to training. When there are questions regarding reasonable time periods, staff in the education institutions which operate the programs should be consulted. It is reasonable for LPA's to set maximum time limits for providing child care for vocational or Work First Employment Services training related activity programs and extend the limits on a case-by-case basis, taking into consideration the individual needs and abilities of each participant. The child care worker should determine that the parent has developed career goals and a specific plan for completing training within a reasonable time period. Refer to [Chapter 22: Local Policy Options](#) for additional information about establishing local policy.

2. Income Eligibility

In order for an individual to be determined eligible to receive subsidized child care services to support education/training activities leading to employment, it must be established that she is eligible on the basis of income. Refer to [Chapter 7: Family Definition and Determining Income Eligibility](#) for more information.

3. Establishing a Plan of Care

To determine the number of hours child care may be needed to support education/training activities, consideration should be given to the hours in class, allowing for adequate study time and reasonable travel time for the parents.

Each individual family's child care case record should reflect information regarding the parent's education or training activities and hours needed for child care. The child care worker is encouraged to

document reviews on each parent to ensure that attendance and grades are being properly maintained. The child care worker must require the parent/responsible adult to produce education or training class schedules and grades to document the need for child care prior to being approved initially. The child care worker must also require the parent/responsible adult to provide education or training class schedules and grades within a reasonable time period of receiving the grades at the end of the semester to determine continued eligibility. The reasonable time period should be established by the LPA.

#### **D. Child Care to Support Developmental Needs**

##### **1. Child Care Need Eligibility**

Child care services must be provided to an eligible child who does not meet any other eligibility criteria category and whose social, emotional, physical or cognitive development is delayed or is at risk of delay. A developmental delay may include a problem that can generally be corrected or prevented with proper treatment and early intervention.

While the child must qualify on the basis of his or her developmental needs, the family must be income eligible in order for the child to receive services.

**NOTE:** Child care to support the developmental needs of the child is not provided if the parent needs care for another reason.

The type of developmental delay or risk of delay must be documented in the case record. The record must state evidence that the child's development is delayed in some way, that the child's behavior indicates a developmental problem, or that the child's circumstances create a substantial risk of atypical development. This information can be provided by the parent, child care director, teacher, social worker, doctor or other medical professional. The child care worker may use available information from her own observations, from department records, or from other agencies and individuals to determine need eligibility. Documentation may come from the local health department, physician, developmental evaluation center, child care provider, etc. However, medical or psychological reports to determine this eligibility are not necessary and LPAs may not routinely require such reports from applicants.

Child care may be provided to support normal development for a child who lives in a situation which inhibits his or her ability to develop normally, such as a child living with elderly or disabled adults. While this category may be used for severely disabled children or children with special needs, it is intended to be used for those children who, with early intervention and a good child care experience, might be prevented from having more serious or ongoing problems later in life.

**School-Age Children:** While it is appropriate to provide full-time child care services for developmentally delayed school-age children during school breaks, their developmental needs will generally be met by the school system during the regular school year.

2. Income Eligibility

In order for an individual to be determined eligible to receive subsidized child care services to support developmental needs, it must be established that the family is eligible on the basis of income. Refer to [Chapter 7: Family Definition and Determining Income Eligibility](#), for more information.

3. Establishing a Plan of Care

The need for full-time child care must be documented. Some preschool age children with developmental delays will receive adequate benefit from part-time care. Full-time child care may be authorized when the child needs full-time care or when it is the only care available to meet the child's needs. The case record should contain a brief statement as to why full-time care is authorized. It is the responsibility of the parent to choose an approved child care arrangement that meets the needs of the child.

Special attention should be given to choosing a program that best meets the developmental needs of the child. Some children with more severe problems may need to be placed in developmental day centers certified to serve children with special needs, while others may better benefit by being mainstreamed into regular child care centers with typically developing children. A local child care resource and referral agency may be helpful to parents in locating an appropriate program. In some situations, referral to a local school system, [Head Start](#) or [Early Head Start](#) agency that offers services for children with special needs at no cost to the family may be appropriate.

In order to recertify eligibility under the category of developmental needs, the child care worker should document that the delay is ongoing and there is a continuing need for child care. The information used to

document the continued need may come from the health department, doctor, developmental evaluation center, child care provider, etc. The case record should also contain a short explanation of how the child will benefit from child care services.

Periodic reviews (at least every six (6) months) which document the ongoing need for child care services to support developmental needs are required and must be noted in the case record.

The child care worker must have a written referral from the foster care worker to support the need for care based on developmental needs of the foster child, indicating placement of the child in a licensed foster home or in the home of a relative and the developmental needs of the child. Refer to the sample form in [Chapter 4: Application, Eligibility Determination and Documentation, Attachment 2](#).

#### **E. Child Care to Support Child Welfare Services**

##### **1. Child Care Need Eligibility**

Child care services must be provided to support the well-being of a child in the following situations:

- a. **To prevent foster care placement.** Child care may be provided as an alternative to placing a child in foster care;
- b. **To reunify families or achieve other permanent placements.** Child care may be provided when family unification or reunification activities are underway on behalf of a child and child care is necessary to facilitate implementation of a permanent placement plan for a child;
- c. **To aid families in crisis.** Child care may be provided to assist families in crisis situations to prevent the unnecessary separation of children from their families or to help prevent child neglect, abuse, exploitation or delinquency. For example: when a parent is too sick to care for her child and child care is needed to provide for the needs of the child and to maintain family stability until the parent has recovered.

**NOTE:** Families of domestic violence can be served under CWS without documentation unless the LPA suspects the family is not being up front about their situation.

A description of the circumstances that justifies eligibility must be documented in the case record. Since this service is provided to support the well-being of the child, it is required that the child care worker conduct and document periodic reviews (at least every six (6) months) to verify the continued need for child care services. Although child care to support Child Welfare Services is not time limited, it is not intended for long-term use.

## 2. Income Eligibility

Child care services are provided to support child welfare services without regard to income and no parent fees are assessed. Refer to [Chapter 7: Family Definition and Determining Income Eligibility](#), for more information.

**NOTE:** Child care services under this need category may be provided to support the implementation of a permanent placement plan for a child in the case of a family adopting a child. However, once the Decree of Adoption is entered making the adoption final, the adoptive parents become financially responsible for the child and the family is no longer eligible for child care under this need category.

## 3. Establishing a Plan of Care

Child care services may be on a full-time or part-time basis depending on individual circumstances. The child care worker is responsible for establishing a plan that best meets the needs of the family.