


DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES ADMINISTRATION
311 WEST SARATOGA STREET
BALTIMORE, MARYLAND 21201

DATE: March 2, 2009

POLICY#: SSA 09-13

TO: Directors, Local Departments of Social Services
Assistant Directors of Social Services

FROM: Carnitra D. White, Interim Executive Director
Social Services Administration

Stafford Chipungu, Director
Budget Management

RE: This Circular Letter replaces and supersedes Circular Letter SSA # 08-17 (Day Care Services For Children In Foster Care).

PROGRAMS AFFECTED: Out-of-Home Placement Services (Foster Care Services) and Resource Units.

ORIGINATING OFFICE: Resource Development Placement and Support Services

BACKGROUND: On December 18 2008, the DHR Budget Management Division issued the Final Allocations of Flex funds for FY 2009 in which it referenced new charge codes for the newly established dedicated pool of funds for the day care program set up by Circular Letter SSA #08-17.

ACTION REQUIRED OF: Out-of-Home Placement Services (Foster Care Services), and Resource Units.

REQUIRED ACTION: Local Department of Social Services must implement these policies and procedures when responding to requests for Foster Family Day Care Services.

ACTION DUE DATE: December 18, 2008

CONTACT PERSON: Any policy questions may be directed to Kevin Keegan at kkeegan@dhr.state.md.us. Fiscal issues should be addressed to Barbara Walker at 410-767-7740.

PURPOSE

This Policy Directive provides guidelines for the eligibility and payment for daycare services for children in public family foster care and formal kinship placements. Effective July 1, 2008, this program is funded out of a dedicated pool of funds as part of maintenance payments.

FOSTER/FORMAL KINSHIP FAMILY DAY CARE SERVICES

DEFINITIONS

Child Care Center:

A licensed facility that provides childcare services with a capacity for more than eight children, that *is*:

- (a) Licensed under COMAR 13A.16 by MSDE;
- (b) Operated under a letter of compliance issued by the MSDE, under COMAR 13A.17. ;
- (c) Licensed by any branch of the military under applicable military child care regulations;
- (d) Operated by a public school; OR
- (e) Licensed by the Department of Health and Mental Hygiene as a youth camp as defined by Health-General Article, §14-401, Annotated Code of Maryland.

Day Care Provider:

A qualified licensed or informal caregiver who has primary responsibility for the operation of a family day care home and has been screened by the local department of social services to provide Day Care services for children in public Foster Care/Formal Kinship Care.

Family Day Care:

Also, called "Family Child Care" this is the care given to a child under the age of 13 years, or to any developmentally disabled person under the age of 21 years, in place of parental care. The care is provided for less than 24 hours a day, in a residence other than the child's residence, for which the day care provider is paid.

Family Day Care Provider:

An individual who cares for no more than eight children in a registered family day care home.

Informal Day Care Provider:

This is in-home care which is:

- (a) Care provided to the customer's children in the customer's home by an individual who has CPS and criminal clearances;
- (b) Exempt from licensing if all children being cared for live in the residence in which care is provided;
- (c) Care is provided to no more than six children under six years old; additionally there may be no more than two children under two years old; AND
- (d) Care in which a relative may bring a child of his/her own, but in which a non-relative may not bring another child into the home.

Formal Kinship Care:

The placement of a child committed to the local department of social services with a family member who has not undergone the foster home approval process.

MSDE:
Maryland State Department of Education.

Reconsideration:

The process of reapplying for Purchase of Care services, every six months, based on the date when the public foster family initially applied for Day Care services and the subsequent dates of reconsideration that are to follow *in* six-month intervals.

Summer Break:

The time between the end of one school year and the beginning of another, as defined by the jurisdiction's public school calendar.

Training:

Any type of formal instructional program, except for post-college graduate programs, which is approved by the local department, including undergraduate college, vocational program, publicly funded training program designed to lead to employment of the participant.

SERVICE OFFERRED

Maryland's Public Foster Care Families and Formal Kinship providers may request Day Care services from their local department of social services. Formal Kinship providers must first request Day Care through the current MSDE Purchase of Care process, and will receive Day Care assistance from the local department of social services if determined to be ineligible for Purchase of Care because the family's income is over scale. Day Care services are limited to five (5) days per week. The caretaker must request this service at least fourteen (14) days in advance. The fourteen (14) day advance notice may be waived in cases where:

- a) The placement is new; or
- b) The placement is at risk for disruption

The local department of social services will make a determination of eligibility using the following criteria:

- a) The child must be in the custody of a local department of social services of the Maryland Department of Human Resources;
- b) The child is receiving out-of-home placement services in a public foster family or Formal Kinship provider; and
- c) The child's age ranges from infancy through five (5) years of age; or
- d) The services are to be provided during a summer break on behalf of a child up until their 13th birthday.

WHO IS ELIGIBLE

There is no income cutoff for Day Care eligibility. The following individuals are eligible to receive Foster Family Day Care services:

- Public restricted and unrestricted foster families receiving regular, intermediate, or treatment board rates. (This does **not** apply to private purchase of care families or private treatment foster care families);
- Formal Kinship providers where the child is committed to the local department and placed in a home that has not gone through the foster home approval process.
- A single public foster parent or kinship caregiver who is employed;
- Public foster families or kinship caregivers where **both** parents are employed;
- A single public foster parent or kinship caregiver who is participating in a school or

- training program;
- Public foster families or kinship caregivers where both parents are participating in school or training programs or where one is employed and the other is in school or a training program; OR
- An unemployed public foster parent or kinship caregiver who cares for a medically or emotionally fragile foster child, if there is a written recommendation from a therapist, psychiatrist, psychologist or physician that would indicate the need for child care services.

WHO CAN BE USED AS DAY CARE PROVIDERS

A Day Care provider must be:

- An MSDE licensed, approved, or registered day care provider; or an informal day care provider as defined by this policy, or a child care center.

HOW TO APPLY

The foster/kinship provider must initiate the request for day care services by filling out Sections 1 and 2 of the form attached to the policy (pages 9 and 10), signing it, and giving it to the child's worker. The child's worker will complete the form, sign it, and give it to the worker's supervisor, who will authorize payment. The child's caseworker will maintain a record of requests for day care services. Copies must be forwarded to the foster/ kinship family's home worker within five (5) days of the request.

PUBLIC FOSTER FAMILY DAY CARE RATES & CHARGE CODE

This program is funded out of a dedicated pool of funds as part of maintenance payments. The new charge codes for this dedicated pool are:

- 2194 - Foster Care Resource Home Support Day Care (IV-E eligible . including 1V-E eligible children in Formal Kinship Care, i.e. the kinship homes are regular or restricted Foster Care homes.)
- 7194 - Foster Care Resource Home Support Day Care (Non-IV-E)
- 7195 - Kinship Care Resource Home Support Day Care (Non-IV-E including IV-E eligible children placed in non-approved homes, i.e., the kinship homes are something other than a regular or restricted Foster Care home).

This Policy Directive allows for the continued use of Super Flex Funds for day care for foster children 6 to 12 for before and after school care. The authority to make this expenditure lies with the local department but the expenditure must be charged against the local department's allocation of Super Flex Funds. The charge codes for these discretionary Day Care services are the same as previously existed within the Super Flex categories:

- 2132 - Discretionary Day Care - Foster Care (IV-E eligible, including IV-E eligible children in Formal Kinship Care, i.e. the kinship homes are regular or restricted Foster Care homes.)
- 7132 - Discretionary Day Care - Foster Care (Non-IV-E eligible)
- 7192 - CPS Day Care
- 7193 - Discretionary Day Care - Kinship Care (Non-IV-E eligible)

Payment to any of these Day Care category codes (xx94, xx95, xx32, xx92, xx93) should be made through the MD CHESSIE Service Log,

Payments are to be made as follows:

1. Payments are to be made to the Day Care provider following utilization of services and after a monthly bill has been submitted that includes the number of days the child attended and missed during the month;
2. The worker must authorize the invoice and submit it to the local department finance office for processing;
3. All charges that exceed MSDE payment standards shall be the financial responsibility of the public foster family;
4. A maximum of five (5) absences per month will be excused;
5. The local department will not pay for absences that exceed five (5) per month.

RATE OF PAYMENT AND COST GUIDELINE

Rates are determined from MSDE regulations (13A.14.06.) taking the weekly rate times 4.3 (the number of weeks in a month) and rounded to the nearest whole dollar. It is important to note that the rates will vary based on jurisdiction. As noted in COMAR there are currently seven (7) purchase of childcare regions within the State.

RESPONSIBILITY OF LDSS

Keep accurate information regarding IV-E eligibility for each child requiring Day Care services.

- Keep records of all Day Care requests.
- Document usage on the contact notes in CHESSIE.
- Maintain current profiles of all informal Day Care providers.
- Conduct a reconsideration of all Day Care plans every six months.
- Provide on-going re-assessment of the individual day care programs to evaluate need and appropriateness.
- Maintain MSDE standards when approving all day care provider programs.

RESPONSIBILITY OF DHR/SSA

- Provide technical assistance to local jurisdictions in the tracking and monitoring of funds for Day Care services.
- Provide support, assistance and advocacy.
- Collect data to assess the effect of daycare services on foster parent recruitment and retention outcomes.
- In collaboration with the Maryland Foster Parent Association and the local departments of social services, develop approaches to improving the utilization of Day Care services.

ATTACHMENT I

Rate Guidelines - ATTACHMENT 1

A separate daycare provider payment rate is established for each of the following seven purchase of childcare service regions within the State:

- (a) Region U, comprising Cecil, Queen Anne's, St. Mary's, Talbot, and Washington counties;
- (b) Region V, comprising Caroline, Dorchester, Kent, Somerset, and Wicomico counties;
- (c) Region W, comprising Anne Arundel, Calvert, Carroll, Charles, and Prince George's counties;

- (d) Region X, comprising Howard and Montgomery counties;
- (e) Region Y, comprising Baltimore, Frederick, and Harford counties;
- (f) Region Z, comprising Allegany, Garrett, and Worcester counties; and
- (g) Region BC, Baltimore City.

Weekly Rate of Payment and Cost Guidelines - Family Day Care

The amount paid to a family day care provider who cares for a child in the provider's home is the lowest of the:

- (a) Regional weekly service unit rates established by this regulation;
- (b) Weekly rate charged to the general public by the provider if that rate is comparable and competitive with the going rate in the community; or
- (c) Actual cost of care.

(1) Rate for a child 24 months old or older:

- (i) Region U - \$90.27;
- (ii) Region V - \$80;
- (iii) Region W - \$111.06;
- (iv) Region X - \$141.78;
- (v) Region Y - \$111.02;
- (vi) Region Z - \$82.29; and
- (vii) Region BC - \$102.68;

(2) Rate for a child up to 24 months old:

- (i) Region U - \$115;
- (ii) Region V - \$95;
- (iii) Region W - \$150;
- (iv) Region X - \$175;
- (v) Region Y - \$140;
- (vi) Region Z - \$90; and
- (vii) Region BC - \$134.75

Weekly Rate of Payment and Cost Guidelines-Child Care Center

The amount paid to a day care center is the lowest of the:

- a) Regional weekly service unit rates established by this regulation; or
- b) Weekly rate charged to the general public by the day care center if that rate is comparable and competitive with the going rate in the community; or Actual cost of care.

(1) Rate for a child 24 months old or older:

- (i) Region U - \$103.31;
- (ii) Region V - \$86.74;
- (iii) Region W - \$117.92
- (iv) Region X - \$159.72;
- (v) Region Y - \$122.77;
- (vi) Region Z - \$82.83; and
- (vii) Region BC - \$106.85;

(2) Rate for a child up to 24 months old:

- (i) Region U - \$165;
- (ii) Region V - \$140;
- (iii) Region W - \$190;

- (iv) Region X-\$250;
- (v) Region Y-\$200;
- (vi) Region Z-\$100; and
- (vii) Region BC-\$180.

Weekly Rate of Payment and Cost Guidelines-Informal Child Care

(a) Rate for a child 24 months old or older:

- (i) Allegany County - \$50.99;
- (ii) Anne Arundel County - \$53.89;
- (iii) Baltimore County - \$57.27;
- (iv) Calvert County - \$53.89;
- (v) Caroline County - \$39.39;
- (vi) Carroll County - \$53.89;
- (vii) Cecil County - \$50.99;
- (viii) Charles County - \$53.89;
- (ix) Dorchester County - \$39.39;
- (x) Frederick County - \$57.27;
- (xi) Garrett County - \$51.23;
- (xii) Harford County - \$57.27;
- (xiii) Howard County - \$72.01;
- (xiv) Kent County - \$39.39;
- (xv) Montgomery County - \$72.01;
- (xvi) Prince George's County- \$53.89;
- (xvii) Queen Anne's County - \$44.46;
- (xviii) St. Mary's County - \$50.99;
- (xix) Somerset County - \$39.39;
- (xx) Talbot County - \$44.46;
- (xxi) Washington County -\$51.23;
- (xxii) Wicomico County - \$39.39;
- (xxiii) Worcester County - \$41.80; and
- (xxiv) Baltimore City - \$51.95;

(b) For a child up to 24 month:

- (i) Allegany County - \$59.68;
- (ii) Arundel County - \$68.14;
- (iii) Baltimore County - \$57.27
- (iv) Calvert County - \$68.14;
- (v) Caroline County - \$44.46;
- (vi) Carroll County - \$69.35;
- (vii) Cecil County - \$52.44;
- (viii) Charles County - \$68.14;
- (ix) Dorchester County - \$44.46
- (x) Frederick County - \$68.14
- (xi) Garrett County - \$59.68
- (xii) Harford County - \$68.14;
- (xiii) Howard County - \$86.26;
- (xiv) Kent County - \$44.46;
- (xv) Montgomery County - \$86.26;
- (xvi) Prince George's County - \$68.14;
- (xvii) Queen Anne's County - \$52.44;

- (xviii) St. Mary's County - \$59.68;
- (xix) Somerset County - \$44.46;
- (xx) Talbot County - \$52.44;
- (xxi) Washington County - \$52.44;
- (xxii) Wicomico County - \$44.46;
- (xxiii) Worcester County - \$44.46; and
- (xxiv) Baltimore City - \$65.48.

Date of request: _____

Name of foster/kinship caregiver(s): _____

Address & zip code: _____

Caregiver telephone # _____

Caregiver emergency telephone # _____

Circle placement type: foster family – restricted foster family – formal kinship

Social Security # (s): Primary _____ Secondary _____

Client Identification #: _____

SECTION II – TO BE FILLED OUT BY FAMILY

Note: Submit documentation of medical and/or emotional status of child that necessitates day care services

PRIMARY FOSTER/KINSHIP CAREGIVER:

Name of employer and/or school: _____

Address of Employer and/or school: _____

Days and Hours needed: _____

Note: Documentation must be submitted to support daycare services and hours needed

SECONDARY FOSTER/KINSHIP CAREGIVER:

Name of employer and /or school: _____

Address of employer and/or school: _____

Days and hours needed: _____

Note: Documentation must be submitted to support daycare services and hours needed

SECTION III – TO BE FILLED OUT BY LOCAL DEPARTMENT STAFF

Child's Name	Client Identification #	DOB	Name and Address of Day Care Program	Days and Hours of Care

FOR THE FOLLOWING QUESTIONS INDICATE YES OR NO:

Previously used day care/summer camp services for foster/kin care _____

Currently utilizing (foster/kin) day care/summer camp services _____

New request: _____

CIRCLE THE KIND OF CARE USED:

Licensed Home Center Provider Licensed Provider Informal Program Summer Camp

Note: If Informal Provider is circled indicate the name and relationship in the space provided.

Name: _____

Relationship (kin or non kin): _____

SECTION IV - filled out by local department staff

Eligible: Ineligible:

Signature of Primary Foster/kinship Parent	Date
Signature of Secondary Foster/kinship Parent if Applicable	Date
Caseworker's Signature	Date
Supervisor's Signature	Date
Home Worker's Signature if Applicable	Date
Supervisor's Signature if Applicable	Date