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Policy Number:	SSA/CW #26-07
Policy Title:	Respite Care for Kinship Caregivers and Resource Families
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Approved By:	Dr. Alger M. Studstill, Jr.  Executive Director Social Services Administration
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Supersedes:	SSA #08-21 Respite Care for Kinship Care Providers and Resource Parents
Originating Office:	Out-of-Home Care: <a href="mailto:dlfostercarepermanencyunit_dhs@maryland.gov">dlfostercarepermanencyunit_dhs@maryland.gov</a>
Summary of Change:	This policy increases the number of respite days from seven to twelve per year/per family, includes updated definitions, and provides clarity regarding informal respite care requirements.
Required Actions:	The LDSS is responsible for ensuring that respite care services are provided to kinship caregivers and resource families who are caring for children in out-of-home care.
Key Words:	Respite, Resource Families, Kinship Caregivers
Related Federal Law	N/A
Related State Laws	<a href="#">Md. Ann. Code, Family Law Article § 5-1308</a>
COMAR	<a href="#">COMAR 07.02.09.03.</a> <a href="#">COMAR 07.02.25.03.</a> <a href="#">COMAR 07.02.25.02.</a> <a href="#">COMAR 07.02.25.07.</a>
State Plan Implications?	No

## Purpose and Summary

This policy updates the requirements and procedures for respite care services for children in out-of-home care who are placed with local department of social services (LDSS) licensed kinship and resource families.

Respite care provides temporary relief and support, promotes caregiver well-being, prevents burnout, supports placement stability, strengthens long-term commitment, and provides flexibility in emergency situations.

## Related Laws And Regulations

[Md. Ann. Code, Family Law Article § 5-1308](#) requires the Department of Human Services (DHS) to have procedures in place to evaluate the quality of child welfare casework being provided. One key method for ensuring quality casework is through the provision of respite care services. Specifically, [Md. Ann. Code, Fam Law Art. § 5-1308\(3\)\(v\)](#) requires DHS to make available to resource parents and kinship care providers all services necessary to meet the needs of the child, including child care, respite care, and other support services.

[COMAR 07.02.09.03](#), and [COMAR 07.02.25.03](#) address criminal background checks and the disqualifying criteria that prevent an individual from caring for children in state care and custody. [COMAR 07.02.25.07](#) outlines required training that all resource parents must complete in order to be licensed.

## Definitions

Kinship caregiver - An individual who is at least 18 years old and with whom a child-in-care may be placed for temporary or long-term care; and

- a. Is related to a child-in-care through blood or marriage, adoption, tribal law or custom, or cultural custom or practice; and
- b. If not related to a child-in-care as in (a) of this subsection, has a strong familial or other significant bond to such child, or is a person identified by the child's parent.

Out-of-home care - An out-of-home placement and the monitoring of and services provided to a child in aftercare following a child's out-of-home placement.

Reconsideration year - A continuous 365-day period beginning on the date a license is issued or renewed, during which the license remains valid.

Resource parent - An individual whom a LDSS licenses to provide 24-hour care for a child-in-care in the resource home.

Respite care - A short-term service consisting of daily or overnight care to a child(ren) in out-of-home placement, who reside in a LDSS resource home or kinship resource home.

Respite care day - a minimum of 8 hours to an overnight stay.

Respite care provider - A caregiver approved by the LDSS to provide respite care services to resource or kinship families.

## **Procedures And Timeframes**

### **1. Eligibility for Services**

The respite care services outlined in this policy are specifically for LDSS licensed resource parents and kinship caregivers of children in out-of-home placement. Caregivers that have been approved as ICPC providers are not eligible for services under this policy.

The following individuals are eligible to receive respite care services:

- 1.1. Resource families caring for a child in the care of the a LDSS; and/or,
- 1.2. Kinship caregivers caring for a child in the care of the LDSS.

### **2. Services Offered**

Whenever possible, requests for respite care should be planned. However respite care may also be requested for unplanned crisis situations.

- 2.1. The duration of this service is specified as a 'Respite Care Day'.
- 2.2. Respite care services are limited to twelve (12) days per resource or kinship family per reconsideration year and cannot be carried over to the next reconsideration year.
- 2.3. Families have the option to use their respite care services in single days or in a block of days.
- 2.4. Whenever possible the caregiver should provide the LDSS at least fourteen (14) days advance notice of the need for respite care.
- 2.5. Once the LDSS is notified of a respite request and arrangements are made for a respite provider, all caseworkers with children in the caregiver's home must be notified of the planned respite.
- 2.6. The LDSS may approve funding for additional respite care days on a case-by-case basis to prevent disruption of a placement. The LDSS will make the determination if additional days must be granted based on considerations such as the following:
  - 2.6.1. The child has a history of multiple placements;
  - 2.6.2. The child's placement is at risk of being disrupted and/or;
  - 2.6.3. There is documentation from a therapist, psychologist, psychiatrist or physician of the need for additional respite

care services.

### **3. Respite Care Provider Eligibility**

A respite care provider may be:

- 3.1. A licensed resource parent;
- 3.2. A licensed kinship caregiver who has an established kinship connection with the child(ren) in care who they will be providing respite for a child in care;
- 3.3. A family member or family friend of the resource parent or kinship caregiver who will provide respite in the respite provider's home and has undergone an assessment by a LDSS that confirms:
  - 3.3.1. The identified respite care provider is 18 years old or older;
  - 3.3.2. Informal respite providers are not required to be United States citizens, permanent residents, or persons lawfully admitted for permanent residence. If an informal respite provider has not been lawfully admitted to the United States for permanent residence they must have an Individual Taxpayer Identification Number (ITIN) to receive respite payment. If the informal respite provider does not have an ITIN and does not obtain one they can be an informal respite provider but will not be eligible to receive the respite payment;
  - 3.3.3. The identified informal respite care provider has completed an Informal Respite Application;
  - 3.3.4. The child in out-of-home care has a safe sleep environment and a bed that will not be shared with another child or adult;
  - 3.3.5. The home has been approved using the [Home Health and Safety Survey](#) and [Fire Safety Survey](#), as completed by the LDSS.
  - 3.3.6. The LDSS has conducted, reviewed and approved clearances for the identified respite care provider and all household members age 18 and older, including criminal background clearances, Child Protective Services Clearances, [Maryland Judiciary Case Search](#), and State and National Sex Offender Clearances.
    - 3.3.6.1. Any disqualifying criminal history criteria outlined in [COMAR 07.02.09.03](#) and [COMAR 07.02.25.03](#) would disqualify an individual from being a respite provider;
  - 3.3.7. A day care provider approved by the Maryland State Department of Education – Office of Child Care;
  - 3.3.8. Prospective resource parents who have completed pre-service training, all required clearances and assessments and are actively completing the home study requirements outlined in [COMAR 07.02.25.07](#); and
  - 3.3.9. A family member or friend of the resource or kinship family

who is not approved in any of the categories listed above may provide respite care in the licensed resource home or kinship resource home, if the identified individual meets the following criteria:

- 3.3.9.1. Is 18 years old or older; and
  - 3.3.9.2. Completes the Criminal Background Check as identified in subsection 3.3.4, and
  - 3.3.7.3. Completes the Child Protective Services Clearance as identified in subsection 3.3.6; and,
  - 3.3.7.4. Completes a State and National Sex Offender Registry clearance as identified in subsection 3.3.6; and
  - 3.3.7.5. If any disqualifying criminal history criteria as outlined in [COMAR 07.02.09.03](#) and [COMAR 07.02.25.03](#) are found, the individual would be prohibited from continuing to be a respite provider.
- 3.4. A DHS employee seeking to become a respite care provider must follow the steps outlined in [SSA/CW # 26-08 Process for a Department of Human Services Employee to Become a LDSS Provider](#).

#### **4. Continued Eligibility**

A respite care provider is required to have the following clearances conducted on an annual basis:

- 4.1. Criminal Background Checks for respite providers and all members of the household 18 years and older; and
- 4.2. Child Protective Services Clearance for respite providers and all members of the household 18 years and older; and
- 4.3. [Maryland Judiciary Case Search](#); and
- 4.4. State and National Sex Offender Registry clearances for respite providers and all members of the household 18 years and older.
- 4.5. Any disqualifying criminal history criteria as outlined in [COMAR 07.02.09.03](#) and [COMAR 07.02.25.03](#) will prohibit an individual from continuing to be a respite provider.
- 4.6. If the respite care is not being provided in the licensed resource home or kinship resource home, the [Home Health and Safety Survey](#) and [Fire Safety Survey](#) must be completed on an annual basis to ensure the home continues to meet all safety requirements.

#### **5. Requesting Services**

The resource or kinship family must initiate the request for respite care in writing to their resource home worker or their out-of-home caseworker and include the following information:

- 5.1. The name of current caregiver(s), address, and contact information;

- 5.2. The name of the child, date of birth, school or day program, and pertinent medical, mental health, and behavioral information including names of medications and treating physicians;
- 5.3. The number of days and the dates being requested; and
- 5.4. If already identified, the name of the respite provider, address, and contact information.

The written request must be documented in both the resource parent or kinship caregiver's provider record and the child welfare case in the electronic system of record.

## **6. Rates and Payment**

Respite care rates are \$30.60 per day per child.

- 6.1. Payments for respite care services are to be processed through the electronic system of record service log.
- 6.2. If a resource parent requests respite services on behalf of a child in their care, the code 7157 must be utilized.
- 6.3. If a kinship caregiver requests respite services on behalf of a child in their care the code 7158 must be used.

## **7. Local Department Responsibility**

The LDSS must:

- 7.1. Coordinate respite care services for licensed providers overseen by the LDSS;
- 7.2. Ensure that both the resource home worker and the out-of-home caseworker are aware of the request for respite services prior to the respite episode occurring.
- 7.3. Explore individuals who the resources parents and kinship caregivers identify as informal respite providers; and
- 7.4. Ensure all resource parent and kinship caregiver have valid licenses and ensure that all approved respite providers continue to meet eligibility requirements on an annual basis from the time of licensure or approval.

## **Documentation**

Within the provider record The LDSS must:

1. Maintain an accurate and up-to-date log of active and approved respite care providers;
2. Enter respite providers who are not fully licensed homes as vendors and ensure the necessary documentation is uploaded in the vendor profile;
3. Document each episode of respite care in the "Respite" tab within the provider case in the electronic system of record;
4. Utilize the electronic system of record to track the number of respite days that have been utilized during the reconsideration/annual review

year;

5. Implement a process to track when respite providers are due for annual clearances and home inspections; and

Within the Child Welfare record the LDSS must:

6. Document the respite episode as a “Respite” Care under the “Create a Living Arrangement” section in the Placement Tab;
7. Process a service log for payment once the respite episode has been completed.

### **Forms**

[Home Health and Safety Survey](#)

[Fire Safety Survey](#)

[Application for Informal Respite Providers](#)

### **Related Information**

N/A