



Department of Human Resources
 311 West Saratoga Street
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FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
 DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
 FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF
 PURCHASE OF CHILD CARE PROGRAM ADMINISTRATORS
 DEPUTY/ASSISTANT DIRECTORS FOR SERVICES**

**FROM: JUDITH L. ROZIE-BATTLE, EXECUTIVE DIRECTOR, CCA
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 SSA**

RE: INFORMAL CHILD CARE UPDATES

PROGRAM AFFECTED: PURCHASE OF CHILD CARE

ORIGINATING OFFICE: CHILD CARE ADMINISTRATION

SUMMARY: In 1999 the Child Care Administration amended its regulations to require Child Protective Services (CPS) clearances for informal providers and any adult regularly present in the provider's home during child care hours and limit the number of children in an informal provider's care to six. Those regulations remain in effect. This action transmittal explains updates made to the forms and how frequently they should be reviewed.

ACTION REQUIRED:

I. INFORMAL CARE POLICY

A. Eligibility

Purchase of Child Care (POC) regulations require a potential informal child care provider to submit a signed affirmation of compliance with child care health and safety standards as part of the informal provider agreement. Purchase of Child Care regulations also require:

1. The potential informal provider and any adult regularly present in the provider's home during child care hours to sign a consent form

authorizing a local department to review and evaluate child abuse and neglect records concerning them.

2. If either the provider or any adult regularly present in the provider's home during child care hours refuses to sign a consent form, payment must be denied. The parent must be given an opportunity to select another provider.
3. If the record evaluation of the potential informal provider or other adult reveals behavior harmful to children, payment must be denied. The parent must be given an opportunity to select another provider.
4. The POC case manager may not approve payment for an informal provider when:
 - a. The provider has appealed the CPS finding and a decision is pending; or
 - b. The evaluation of child abuse and neglect records indicates behavior harmful to children.
5. Based on a review of the circumstances by CPS, the local department director may grant an exception.

B. Provider Appeals

1. Local departments are required to give written notification and appeal rights to each individual denied POC payment based on:
 - a. A written recommendation from CPS on the POC Informal Provider Evaluation Request Form (DHR/CCA 1716) to not approve the provider following a child abuse and neglect record evaluation; or
 - b. Legally obtained documentation that the health and safety of a child is at risk in that placement.
2. If POC payment is denied because of a CPS finding, POC case managers should inform customers and potential providers that payment is denied pursuant to COMAR 07.04.06.11H(13). The POC case manager using POC records will handle the payment denial appeal.
3. If the provider has not previously received a notice regarding a child abuse and neglect finding from CPS, he/she should be directed to the CPS unit for information on the finding and to obtain appeal rights. POC case managers should not ask CPS for specific information

regarding the finding or share known information about the CPS finding with the customer or the potential informal provider.

4. Parents are not offered appeal rights when payment is denied and must be given the opportunity to choose another provider.

C. Limit on Children in Care

1. Informal child care providers may be approved for payment for six children or less. This requirement pertains to relative care, care in the child's home and care in a provider's home for less than 20 hours a month. The total number of children in a provider's care, counting the provider's own children is limited to six with the following conditions:
 - a. No more than two children under two years old may be in care at any time.
 - b. The provider's children under six years of age are included in the count.
2. A local department director or a designee may exempt a provider who is caring for more than six children and approve payment, if it is determined that a hardship will result that affects the customer's work activities.
3. Information on the number of children in care will be collected on the Informal Provider Health and Safety Standards Child Care Provider Agreement form.

II. INFORMAL CARE PROCEDURES (*System Instructions are Italicized*)

A. Customer Overview of Informal Care

1. Parent/guardian/caretaker applies to the local department for POC.
2. Case manager determines customer's eligibility.
3. Appropriate priority code is determined.
4. Case manager reviews with the customer the types of care available.
5. Case manager explains informal care to the applicant, including:
 - a. Informal Provider Health and Safety Standards and Child Care Provider Agreement form.

- b. Child abuse and neglect record review and evaluation requirement for the informal provider and any adult regularly present in the provider's home when the child is in care.
- c. Limit on the number of children an informal provider may care for while receiving POC payment.
- d. Payment rate for informal care, and;
- e. The Informal voucher.

B. Informal Provider Health and Safety Standards and Child Care Provider Agreement (DHR/CCA 1714 - Rev. 4/02)

- 1. The local department gives the Informal Provider Health and Safety Standards and Child Care Provider Agreement to any customer requesting informal child care.
- 2. Both the customer and the provider must sign the form. The form must be returned to the local department before informal care can be authorized.
- 3. The agreement must be updated at least once every two years or when the provider's address changes.
- 4. The case manager or staff designee must review the informal provider agreement to affirm that no more than six children are in care and that no more than two children are under the age of two years, counting the provider's own children under the age of six.

C. Purchase of Child Care Informal Provider Consent Form (DHR/CCA 1420 – Rev. 8/99)

- 1. The informal provider and any adult regularly present in the provider's home when the child is in care must complete this form.
- 2. This form must be notarized and returned to the local department or signed in the presence of designated local department staff.
- 3. In the agreement, providers must agree to:
 - a. Notify the local department within 10 days when an adult begins to frequent the provider's home when a child is in care. A consent form must be completed for that individual and returned to the local department within 30 days.

- b. Complete and return a consent form for a child abuse and neglect record review and evaluation at least every two years.
4. The original form must be kept in the POC case file while the provider is providing care for a POC child.
5. A copy is given to the provider.

D. Approval/Denial

1. Once the consent and the informal provider agreement are returned, the basic provider information is entered into the system and includes the date the consent form was received.
2. The POC case manager or designated agency staff, must run a CIS clearance on all persons for whom a consent form was received. Staff performing this function must have the proper CIS security log-on. It is the responsibility of the local department to obtain the necessary logons.
3. If the CIS clearance indicates that the provider and any adult regularly present in the provider's home when a child is in care are not known to CPS:
 - a. POC will issue an informal voucher.
 - b. The voucher will be effective from the date the customer was determined eligible if the child is in care during that period.
 - c. The case manager or designated agency staff enters into the system the date the clearance was approved.
4. If the CIS clearance indicates the provider and/or any adult regularly present in the provider's home when a child is in care are known to CPS then the case manager requests that the CPS unit initiate a child abuse and neglect record review by forwarding:
 - a. The Purchase of Care Informal Provider Evaluation Request Form;
 - b. A copy of the signed Purchase of Child Care Informal Provider Consent Form; and
 - c. A copy of the CIS screen that indicates a CPS history.

- d. When the Evaluation form is returned and the provider is recommended for payment, the case manager:
 - (1) Enters in the system the date CPS recommended approval.
 - (2) Issues the informal voucher from the date the customer was determined eligible if the child was in care during that period. The date of eligibility is the date all verifications were received, not the date the consent form was received or the date of payment approval.
- 5. If the CPS evaluation response indicates that the potential provider cannot be recommended because the Services worker has checked #2 on the POC Informal Provider Evaluation Request:
 - a. The local department informs the parent that payment to the potential informal provider is denied pursuant to COMAR 07.04.06.11H(13). The local department is limited to citing the regulation. If further information on the child abuse and neglect finding is requested, the parent should be directed to the provider.
 - b. The customer must select another provider.
 - c. The local department informs the provider that payment is denied and provides appeal rights.
 - d. The case manager or designated agency staff enters the date the clearance was not approved by the CPS unit into the system.

E. Renewals

- 1. A CIS clearance must be completed at least every two years. Within the two-year period, a local department may conduct another CIS clearance. The clearance will reveal any history subsequent to the provider's approval for payment. A new referral to CPS for a case record review and evaluation would only be made when a subsequent history is revealed. The anchor from which to count the two-year time frame is the date the last clearance was completed.
- 2. Check the system report that identifies the informal provider and the date of their most recent clearance and approval.
- 3. Send the Purchase of Child Care Informal Provider Consent Form (DHR/CCA 1420 Revised 8/99) to the informal provider at least 30 days before the two-year expiration date to avoid a break in

service.

4. If an informal provider stops providing care and then resumes service during the two-year period, a new clearance is not required.

ACTION DUE: Immediately.

INQUIRIES: Direct policy or procedures inquiries to Betsy Blair at 410-767-7845 or bblair@dhr.state.md.us. Direct system inquiries to Aasim Nour at 410-767-7816 or anour@dhr.state.md.us.

cc: DHR Executive Staff
CCA Management Staff
CCA Program Management Staff
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