

## **Child Care Assistance Table of Contents**

### **A. Overview**

1. Program Intent
2. Program Description
3. Partnership With Child Care Resource and Referral (CCR&R) Agencies
4. Unions and Training Funds
5. The Case Manager's Role in Child Care

### **B. Application Process and Verification Requirements**

1. Intent
2. Application Process for ERDC (Not Transitioning from TANF)
3. Transitioning from TANF to ERDC
4. Verification Requirements
5. Approving the ERDC Application
6. Denying the ERDC Application

### **C. Determination Groups**

1. Who Is Included In the Household
2. Who is Included in the Filing Group
3. Who is Included in the Benefit Group
4. Concurrent TANF/ERDC Benefit Group Membership

### **D. Nonfinancial Eligibility Requirements**

1. Residency
2. Citizen/Alien Status of Child
3. Age of Children
4. Child Care Need
5. Caretaker/Relationship
6. Copay Requirement; ERDC
7. Liable Provider
8. Immunization Requirements

### **E. Prospective Eligibility and Budgeting Income**

1. Intent and Overview
2. Certification Periods with CRS and SRS
3. Processing the *Employment Related Day Care (ERDC) Re-Application and Food Stamp (FS) Application (DHS 7476) and the Interim Change Report for Supplemental Nutritional Assistance Program (SNAP) and Employment Related Day Care (ERDC) (DHS 825)*
4. Prospective Budgeting for ERDC
5. Self-Employment Income for ERDC
6. ERDC Certification Period Lengths and Coding with SRS
7. Reporting Requirements and Changes

8. ERDC Income Quick-Reference Chart

**F. Child Care Need, Copay and Provider Rates**

1. Intent
2. Child Care Need; Requirement To Be Employed or in Self-Sufficiency Activities
3. Child Care Need; Number of Allowable Child Care Hours
4. Child Care Need; Authorizing A Higher Limit For Extra Hours
5. Child Care Need; Billing for Absent Days
6. Child Care Need; Older Children and Children With Special Needs
7. Child Care Need; Supplementing for Very High Needs
8. Child Care Need; Copay Less Than DHS Payment Rate
9. Copay Requirement; Intent
10. Requirement To Pay Copay or Make Satisfactory Arrangements
11. Determining When Payment Arrangements Are Satisfactory
12. Determining the Copay
13. Provider Rate Limits; Intent
14. Provider Rate Limits; Standard, Enhanced and Licensed
15. Provider Rate Limits; Qualifying for the Enhanced Rate
16. Provider Rate Limits; Hourly, Part-time Monthly and Full-time Monthly Rates
17. Provider Rate Limits; JOBS Exceptions to the Hourly Billing Requirement
18. Provider Rate Limits; Age and Special Needs Categories
19. Provider Rate Limits; Types of Child Care Providers
20. Provider Rate Limits; Child Care Rate Charts

**G. Child Care Provider Requirements**

1. Listing and Provider Eligibility Requirements; Intent
2. Listing; Program Requirements
3. Listing; Facility Health and Safety Requirements
4. Listing; Required Orientation for License-exempt Providers
5. Provider Health and Safety Requirements
6. Child Care Provider Records Clearance; Intent
7. Persons Subject to Records Checks
8. Potentially Disqualifying Criminal History
9. Provider-Requested Review; Criminal History Disqualification
10. Disqualifying Child Protective Services History
11. Provider-Requested Review of a CPS Disqualification
12. Denial Notifications
13. Child Care Provider Hearings; Overview
14. Hearings on Provider Overpayments
15. Hearings on Denial of Provider Eligibility

**H. Payment Process**

1. Overview; Definitions
2. Child Care Payment General Provisions
3. JOBS Plus and ERDC Child Care Billings (CCBs)
4. The JCCB - JOBS Child Care Billing

5. Payments for Employed TANF Clients Participating in JOBS
6. Branch Authorized Child Care Payments
7. Billing Form Time Limits
8. Canceling and Reissuing Child Care Billings (CCBs)
9. Canceling and Reissuing JOBS Child Care Billings (JCCBs)

## **I. Child Care Overpayments**

1. Child Care Overpayment Recovery; Intent
2. When an Overpayment Occurs
3. Types of Overpayments
4. Determining the Amount of the Overpayment
5. Establishing IPV Claims
6. Disqualification for IPV

## **J. Miscellaneous**

1. JOBS Plus Child Care
2. Head Start Contracts

**Worker Guide CC-1:** Child Care Program Forms

**Worker Guide CC-2:** Changes in Programs, Providers and ERDC Filing Groups

**Worker Guide CC-3:** Listing Child Care Providers for Payment

**Worker Guide CC-4:** ERDC Payments to Multiple Providers

**Worker Guide CC-5:** Processing Unmet Copays

**Worker Guide CC-6:** Provider Confidentiality

**Worker Guide CC-7:** ERDC Eligibility Guide

**Worker Guide CC-8:** JCCB Guide

**Worker Guide CC-9:** ERDC SRS Guide

This page intentionally left blank.

## **B. Application Process and Verification Requirements**

*Note: This section covers the application process for Employment Related Day Care (ERDC) only. Please refer to the chapters on Supplemental Nutrition Assistance Program ([SNAP](#)), [Pre-TANF](#) and [TANF](#) programs for information about the application process for these programs.*

### **1. Intent**

The application process should encourage convenient access to DHS child care assistance while resulting in enough information to determine eligibility and benefit level. The process should:

- Be flexible and convenient for clients who are balancing work and family responsibilities;
- Allow for changes from one program to another simply, and in a way that is easily understood by workers, clients and providers;
- Give the client information about how the program works;
- Offer resources to help clients find quality child care;
- Include an assessment of the client's child care needs.

#### Case Management Opportunity

When explaining the listing and provider requirements of the program, ask clients open-ended questions about how comfortable they are with their provider. What does the provider offer? How do you feel about leaving your child with this person? How does your child feel? What kind of activities are provided for your child? What information would you like to have about choosing the best child care provider for your child? What information or training do you think your provider would like to have? Explain that the local CCR&R can help answer questions for both parents and providers.

### **2. Application Process for ERDC (Not Transitioning from TANF)**

Persons applying for ERDC begin the application process by contacting the local DHS branch or CCR&R where they live. This contact establishes the *date of request*.

- Although the application process should be completed as soon as possible, the applicant and worker have 45 days from the date of request to complete it. The 45 days can be extended if circumstances beyond the control of the applicant delay the eligibility decision past that limit.

- The date of request also establishes when benefits can begin. This is the first day of the month in which the request is made if eligibility requirements and application processing time frames are met.

Those applying for ERDC only can complete the *Application for Employment Related Day Care Program (ERDC)* ([DHS 7470](#)) or the *Application for Services* ([DHS 415F](#)). Those applying for other programs must complete the [DHS 415F](#). The application must be signed by the caretaker of the child(ren) requiring care.

*Note: Caretakers can also get an application for the ERDC program, ([DHS 7470](#)), and establish a Date of Request at their local CCR&R. The CCR&R can also give them general information on the ERDC program and answer questions they may have. Their application must then be mailed or delivered to the local DHS branch office.*

An intake interview is required to process the application. A face-to-face interview is preferable if it can be arranged around the applicant's work schedule; it is the most effective way to obtain information from the client and give the client information about the program. However, a phone interview is an option when a face-to-face interview is not practical.

*Note: Refer to the [Supplemental Nutrition Assistance Program \(SNAP\)](#) chapter if the client is also applying for SNAP benefits. SNAP requires a face-to-face interview and there are other eligibility factors that do not apply to ERDC.*

If eligibility cannot be determined at the intake interview, give or mail the client a *Notice of Pending Status* ([DHS 210](#)) explaining what is needed to determine eligibility.

When a client is over income, the client may reapply in a subsequent month. A new budgeting period is established and income is recalculated.

Application Process; General: [461-115-0010](#)

Application Requirements: [461-115-0020](#)

Date of Request: [461-115-0030](#)

When an Application Must Be Filed: [461-115-0050](#)

Offices Where Clients Apply: [461-115-0150](#)

Application Processing Time Frames; Not Pre-TANF or SNAP: [461-115-0190](#)

Interviews: [461-115-0230](#)

### 3. **Transitioning from TANF to ERDC**

When the TANF case has gone over income, the client should be contacted right away to discuss ERDC eligibility instead of waiting for an application. Clients who have been receiving TANF child care assistance sometimes do not understand they need to apply to receive ERDC. In other cases, they think the notice telling them they are over income for TANF means they are not eligible for any assistance. The process for converting from TANF to ERDC is a lot simpler if it is done soon, rather than a month or so later. This also gives clients more time to budget for the ERDC copay.

For clients transitioning from TANF, application for ERDC can be made in one of the following ways:

- A phone call or office visit initiated by either the worker or the client. A new written application is not necessary as long as the worker has enough information to reliably predict the need for employment-related child care;
- A notice returned by the client. When a TANF case goes “no action” (NA) because of increased income, a computer notice (6E) is usually sent by the system. This notice serves as an application if the client fills it out and sends it back. Follow up must include a conversation with the client either in person or over the phone;
- Any other method that results in enough information to determine employment-related child care need.

When an Application Must Be Filed: [461-115-0050](http://461-115-0050)

#### 4. Verification Requirements

Verify the following at initial application (this includes cases that are transitioning from TANF to ERDC):

- All countable earned and unearned income received 30 days prior to the date of request;

**Note:** *For new employment, acceptable verification includes first paycheck from a new job (if hours are representative of future) or, when no pay has yet been received, an employer statement including anticipated hours, pay dates and rate of pay. If verified by phone, narrate the conversation including anticipated hours, pay dates, rate of pay, the name of person who verified the information, employer name and phone number. Additional verification may be needed and requested if income is variable, questionable, or if income changes between the date of request and interview.*

- Citizen/Alien status of a child needing care (See [Noncitizens Worker Guide #1 – Noncitizen Charts](#));
- Second parent unable to provide adequate child care;
- If questionable, anything that affects eligibility or benefit level;
- Verify or document why a child 12 or older needs care, or why a child with a disability needs special care;
- Verify that at least one member of the ERDC *filing group* has received a partial or full month of REF, SFPSS or TANF program cash benefits from the State of

Oregon in at least one of the preceding three months. The TANF requirement does not include Pre-, Post-TANF or TA-DVS benefits.

Specific Requirements; ERDC: [461-135-0400](tel:461-135-0400)

***Note:** Staff may not ask applicants or recipients to verify their citizenship solely on the basis of the client's ethnicity or ability to communicate in English. If an applicant identifies a child needing care as a noncitizen on the application, noncitizen status must be verified.*

Verify the following changes during certification periods:

- Source of income and related changes such as new rate of pay. For new employment – see note above.
- If questionable, anything that affects eligibility or benefit level.

***Note:** For cases in SRS, changes that are not required to be reported and are not “verified upon receipt,” need to be narrated and acted on at Interim Change Report or the next recertification, whichever is earlier. Reported information is considered “verified upon receipt” when the information is not questionable and the provider of information is the primary source. Income changes cannot be verified by client statement alone.*

☞ SEE [CC E.7](#) REPORTING REQUIREMENTS AND CHANGES.

Verify the following at reapplication:

- All countable earned and unearned income received in the last 30 days. For new employment – see note above;
- If questionable, anything that affects eligibility or benefit level;
- At least once every 12 months, verify or document why a child 12 or older needs care, or why a child with a disability needs special care.

Verification; General: [461-115-0610](tel:461-115-0610)

## 5. Approving the ERDC Application

If found eligible, send or give client the following forms:

- *Notice of Income and Benefit Calculation* ([DHS 7294](#));
- *Child Care Provider Guide* ([DHS 7492](#));
- A pre-headed *Child Care Provider Listing* ([DHS 7494](#)) or a *Child Care Provider Letter* ([DHS 7494E](#)) if the provider is already listed. (See the [Listing Worker Guide](#) at the end of this chapter for more details.);

- *Parent Guide to Child Care* ([DHS 7478](#));
- Information about accessing the local CCR&R.

It is important to code the case on CMS as soon as eligibility is established. The billing form can not be sent until DPU has the completed listing form and CMS has been updated.

See Section III-G in the [Computer Guide](#) for information about coding and setting up the ERDC case on CMS. See “[Changes in Programs, Providers and ERDC Filing Groups](#)” in the Worker Guide section of this chapter for more information on converting from TANF to ERDC and from ERDC to TANF.

☞ FOR REAPPLICATION PROCESS FOR ERDC, SEE [CC E.3](#).

## 6. Denying the ERDC Application

Deny the application in the following circumstances:

- Information obtained during the application period establishes ineligibility;
- The client fails to complete the application process. The application process is complete when the client has furnished all necessary information and required verification. Unless there are extenuating circumstances, an application should be denied if it is still incomplete 45 days after the initial date of request;
- The client withdraws the application for assistance, verbally or in writing.

In all denied cases, the client is sent a basic decision notice explaining the reason for the denial and the client’s right to a hearing.

Specific Requirements; ERDC: [461-135-0400](#) |

**Note:** *Applications denied because the 45-day limit has expired ordinarily require a new application if the client still requests ERDC. However, the DHS worker has the option of updating and/or correcting the information already gathered. Factors that should be considered include circumstances beyond the client’s control, or care that has been provided in good faith by a provider in the belief the client is eligible for assistance.*

Application Processing Time Frames; Not Pre-TANF or SNAP: [461-115-0190](#)  
What a Decision Notice Must Include: [461-175-0010](#)

This page intentionally left blank.

## **D. Nonfinancial Eligibility Requirements**

*Note: ERDC nonfinancial eligibility requirements include residency, citizen/alien status of child and age of child. Please refer to the chapters on the Pre-TANF, SNAP and TANF programs if you need information about their nonfinancial eligibility requirements.*

### **1. Residency**

Families receiving child care assistance must be residents of Oregon. This means they are residing in the state and intend to remain, although there is no minimum time requirement. Persons on vacation are not considered residents.

Residency Requirements: [461-120-0010](http://461-120-0010)

### **2. Citizen/Alien Status of Child**

#### **(A) Alien Status Requirement**

In addition to qualified noncitizens specified in Noncitizens A. ([NCA](#)), the following noncitizens also meet the alien status requirement for ERDC.

- Victims of a severe form of trafficking under the Trafficking Victim's Protection Act of 2000;
- American Indians born in Canada;
- Noncitizens who are at risk for domestic violence. If one member of the filing group is at risk, the entire filing group is at risk. Thus, the benefit includes all of the members of the filing group.

#### **(B) Determining and Calculating Benefits for Eligibility Groups with Ineligible Noncitizens**

To qualify for ERDC, there must be at least one child who has a child care need who meets the citizen or alien status requirements (unless the caretaker relative has a current safety issue related to domestic violence).

The filing group must meet all other eligibility requirements to be eligible for child care benefits.

- Treat the entire filing group as if all members meet citizen/alien status when conducting the income tests;

Compare their countable income to the ERDC Gross Monthly Income Limit Chart;

**Note:** *Include any countable self-employment income even though the self-employment hours are not counted for the allowable child care hours.*

- If the countable income exceeds the gross income limit, the filing group is not eligible;

Filing Group; ERDC: [461-110-0350](#)

Specific Requirements; ERDC: [461-135-0400](#)

Self-Employment; Costs That Are Excluded To Determine Countable Income: [461-145-0920](#)

Self-Employment; Determination of Countable Income: [461-145-0930](#)

- If the countable income is equal to or below the gross income limit, calculate the copay from the number in the benefit group. If the copay amount is more than the child care benefit (subsidy) amount, the family is not eligible for ERDC.

Need Group: [461-110-0630](#)

Citizenship and Alien Status Requirements: [461-120-0110](#)

Age Requirements for Clients to Receive Benefits: [461-120-0510](#)

Specific Requirements; ERDC: [461-135-0400](#)

Child Care Eligibility Standard, Payment Rates, and Copayments: [461-155-0150](#)

### 3. Age of Children

Ordinarily, children must be younger than 12 for ERDC and younger than 13 for other child care programs to receive child care assistance. However, older children included in the filing group can receive child care assistance if the Department of Human Services (DHS) determines the child should not be left unsupervised during the hours the caretaker is working or participating in self-sufficiency activities. Refer to [Section F](#) for more information. This determination must be documented and supported by one of the following:

- A verbal or written statement by a physician, nurse practitioner, psychologist, social worker, school counselor or other qualified professional who is familiar with the child;
- Eligibility for SSI;
- Supervision by a court;
- Receipt of foster care payments;
- Special needs designation as defined in Section F, [\(CCF\)](#), of this chapter;
- Other unique circumstances where the child's safety or the caretaker's ability to work or participate in assigned activities will be significantly compromised if child

care is not authorized. For example, child care might be necessary for an older child whose parent works an overnight shift.

Age Requirements for Clients to Receive Benefits: [461-120-0510](#)

#### 4. Child Care Need

Families receiving child care assistance must have a child care need as described in [Section F](#).

Specific Requirements; ERDC: [461-135-0400](#)  
Dependent Care Costs; Deduction and Coverage: [461-160-0040](#)

#### 5. Caretaker/Relationship

A *caretaker* is the person who is responsible for the care, control and supervision of the child. To be eligible for child care assistance, the child must live with the caretaker.

- The child does not have to be related to the caretaker;
- Caretaker status ends when the responsibility for care, control and supervision is given to another person for 30 days or more, unless the caretaker is called to active duty – see below.

A parent is still considered the caretaker even though he/she is gone for 30 days or more *if* he/she is a member of the National Guard or U.S. Armed Forces Reserve unit *and* has been called to active duty away from the child's home.

*Example: A single mom with two kids, ages 7 and 8, asks her neighbor to provide care for her children while she is away on active duty. Mom still has custody, even though she is out of the home for more than 30 days. In this case, you can authorize up to 172 hours of child care. Do not authorize more than full time hours. The provider should not bill for the time children are in school.*

Definitions for Chapter 461: [461-001-0000](#)  
Filing Group; ERDC: [461-110-0350](#)

#### 6. Copay Requirement; ERDC

For ERDC, the client must have paid or made satisfactory arrangements to pay any copay amount owed to the current or past providers. Refer to [Section F](#) for more detailed information.

Requirement to Make Copay or Satisfactory Arrangements; ERDC: [461-135-0415](#)

## 7. Listable Provider

The client's provider must be listed and approved or in the process of becoming listed. For a provider who is not yet listed and approved, authorization, billing forms or payments for child care will not be sent to the provider unless the provider has passed the background check and is approved by DHS. The only exception is for the temporary situation described in [Section H](#). See [Section G](#) for complete information on listing and other provider requirements.

Specific Requirements; ERDC: [461-135-0400](tel:461-135-0400)  
Eligibility of Child Care Providers: [461-165-0180](tel:461-165-0180)

## 8. Immunization Requirements

The intent of the requirement is to ensure that children in child care situations paid through DHS are immunized according to a schedule approved by the Oregon Health Division. This schedule and a list of county health departments can be found in *Parent Guide to Child Care* ([DHS 7478](#)) and the *Child Care Provider Guide* ([DHS 7492](#)). The state requirement allows for exemptions due to a medical condition or for religious reasons.

The application asks if children's shots are up to date. If the parent indicates they are not, they should be referred to the local health department and told they have six calendar months to bring the shot record up to date. At the end of the six months, if the immunizations are still not up to date, contact the parent and remind them of the requirement. DHS will accept the client's word unless there is reason for doubt. If there is reason to doubt, DHS can require verification. In situations where there is no cooperation, the case worker may send a closing notice. However, the goal is to encourage the parent to get the child's immunizations current, so closing the case should be a last resort.

Specific Requirements; ERDC: [461-135-0400](tel:461-135-0400)