

	Department of Human Services CHILDREN, ADULTS & FAMILIES	NUMBER: I-C.3.1 OAR: 413-050-0200 thru 0280
	CLIENT SERVICES INDEX	SECTION: C. Supportive Services
	ISSUED BY: Office of Safety and Permanency for Children TEMPORARY: 11-01-07	SUBSECTION: 3. Day Care
SUBJECT: 1. Supportive or Remedial Day Care – OAR		

REFERENCES:

Safety Standards for Foster Care, Relative Care and Adoptive Families, II-B.1

FORMS

CF 977, "Annual Guardian's Court Report"

CF 308 Plan/Service Authorization

CF 166 "Interoffice Memo"

CF 116, "Supportive/Remedial Day Care Payment Authorization/Termination Notice"

CF 116A "Request for Exception Supportive/Remedial Day Care Policy"

CF 283, "Supplemental Client Invoice - Day Care"

PROCEDURES:

TRHV and ATRA service code procedures

413-050-0200

Purpose

The purpose of these rules (OAR 413-050-0200 to 413-050-0280) is to describe service authorization criteria and methods to determine the payment rate related to the Department of Human Services Supportive or Remedial Day Care (SRDC) service.

Stat. Auth.: ORS 181.534, 181.537, 409.050, 418.005

Stats. Implemented: ORS 181.534, 181.537, 409.010, 418.005

413-050-0210

Definitions

The following definitions apply to OAR 413-050-0200 to 413-050-0280:

- (1) "Case plan" means a goal oriented, time limited individualized plan for the child and the child's family, developed by the Department and the parents or legal guardians, that identifies the family behaviors, conditions, or circumstances, safety threats to the

child, and the expected outcomes that will improve the protective capacity of the parents or legal guardians.

- (2) "CCD" means the Child Care Division of the Employment Department.
- (3) "Day care provider" means a day care provider regulated by the Child Care Division (CCD) or if exempt from CCD regulation, approved by the Department for payment as a day care provider, foster parent, or relative caregiver.
- (4) "Department" means the Department of Human Services.
- (5) "Expert evaluation" means a written assessment prepared by a professional with specialized knowledge of a particular subject matter such as physical health, psychological health, mental health, sexual deviancy, substance abuse, and domestic violence. The assessment provides information regarding an individual's functioning in the area of the professional's specialized knowledge.
- (6) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.
- (7) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.
- (8) "SRDC" means supportive or remedial day care services, which are a time-limited day care service that the Department provides to an eligible child subject to the availability of allocated funds and other limitations prescribed in these rules (OAR 413-050-0200 to 413-050-0280).
- (9) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody of the Department.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.010, 418.005

413-050-0220

Service Authorization Criteria

- (1) Except as provided in sections (2), (3), and (4) of this rule and in OAR 413-050-0230, the Department may purchase Supportive or Remedial Day Care Services (SRDC) if --
 - (a) A child under 13 years of age is receiving Child Protective Services, Substitute Care, or Family Support Services; and

- (b) SRDC will --
- (A) Prevent the placement of the child substitute care;
 - (B) Facilitate the child's return to the child's parent or legal guardian with an in-home safety plan;
 - (C) Meet the needs of a child whose physical, social, mental, or emotional needs, as documented by an expert evaluation, cannot be fully met by the parent or legal guardian;
 - (D) Allow a parent or legal guardian to participate in specific activities or services described in the case plan;
 - (E) Maintain the child's placement with his or her current relative caregiver or foster parent that is in jeopardy due the caregiver's illness; or
 - (F) Maintain the child's placement with his or her current relative caregiver or foster parent as part of a short term, planned support to stabilize the placement.
- (2) SRDC may not be used to support the employment or educational activities of a parent, legal guardian, relative caregiver, or foster parent.
- (3) Except as provided in section (4) of this rule, SRDC service in the child's home may be authorized when the requirements of subsections (a) or (b) of this section are met:
- (a) A child, who is ordinarily in SRDC purchased by the Department, is ill.
 - (A) This is limited to no more than five days of care in any calendar month and may not exceed the number of hours per day already authorized.
 - (B) When a child who is ordinarily in SRDC purchased by the Department is ill, an additional payment may be made to a day care provider, who is either a regulated CCD provider, or if exempt from CCD regulation a Department-approved day care provider, relative caregiver, or foster parent.
 - (b) A child who has a disability requires care and no out-of-home day care is available or can be developed that meets the child's needs.
 - (A) Document the unsuccessful effort made to locate or develop a Day Care Home or Center resource; and

- (B) Describe the specific problem that requires services in the child's home.
- (4) The plan for care in the child's home may not exceed the cost of out-of-home day care.
- (5) Case Record Documentation:
- (a) The caseworker must review the appropriateness of an SRDC service as a component of the case plan. The caseworker must document that the SRDC service will be part of a coordinated, goal oriented, time limited case plan that will accomplish one or more of the purposes described in paragraphs (A) to (F) in subsection (1)(b) of this rule.
- (b) The caseworker must document in the case record how the SRDC service will support or assist in achieving the case plan or maintaining the child's placement.
- (6) The caseworker's supervisor must approve the use of the SRDC service.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.010, 418.005

413-050-0230

Service Limits

- (1) Expenditures by the Department under these rules (OAR 413-050-0200 to 413-050-0280) are subject to the availability of state and federal funds, as applicable, and are subject to immediate curtailment by the Department if the necessary state or federal authorizations or funding are curtailed. If all allocated SRDC funds have been expended, caseworkers must document the unmet needs and notify the District Manager or designee of those unmet needs.
- (2) The maximum amount of the SRDC service that the Department may authorize for any child per week is eight hours a day, five days a week.
- (3) When SRDC services are used to permit a child to remain at home as an alternative to substitute care, to permit a child to return home from substitute care, to permit a parent or legal guardian to participate in specific activities or services described in the case plan, or because the child's physical, social, mental, or emotional needs were not being met by a parent or legal guardian (see OAR 413-050-0220(1)(b)(A) - (D)):
- (a) The initial service authorization period is up to three months.
- (b) The supervisor may approve an extension of the SRDC service authorization for up to an additional three months.

- (c) The District Manager may review and approve a recommendation for the use of the SRDC service for longer than six months with documentation that the extension will prevent the child's placement in foster or shelter care in the very near future.
- (4) When SRDC services are used (pursuant to OAR 413-050-0220(1)(b)(E) or (D)) to maintain a foster care or relative care placement jeopardized by illness of the relative caregiver or foster parent or as part of a short term, planned support to stabilize the placement:
- (a) The initial SRDC service authorization period is one month.
- (b) The supervisor may approve an extension of the SRDC service authorization at one month intervals for a maximum of three months.
- (c) The District Manager may review and approve a recommendation for the use of the SRDC service for longer than three months with documentation that an extension will prevent the child's move to another substitute care placement.
- (5) The caseworker and supervisor must review the use of an SRDC service before extending the SRDC service authorization for any additional period of time allowed in sections (3) or (4) of this rule and before recommending an extension for District Manager approval. The review will determine whether there is still a need for the SRDC services that meets the service criteria in OAR 413-050-0220(1).

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.010, 418.005

413-050-0235

Selecting a Day Care Provider

- (1) This rule governs the selection of day care providers for an SRDC service under OAR 413-050-0200 to 413-050-0280.
- (2) All day care providers must be regulated by the Child Care Division (CCD), or if exempt from CCD regulations, approved by the Department as a day care, foster care, or relative care provider.
- (3) The caseworker assists the parent or legal guardian in selecting the day care provider that most closely matches the needs of the child and the family.
- (4) The caseworker makes the final selection of the day care provider based on the needs of the child and goals of the case plan.

- (5) Valid reasons for not selecting a person as a day care provider include behavior which may have a detrimental effect on a child, or a physical or mental problem which may adversely affect the child.

Stat. Auth.: ORS 181.534, 181.537, 409.050, 418.005

Stats. Implemented: ORS 181.534, 181.537, 409.010, 418.005

413-050-0280

Determining Day Care Payment Rates

- (1) The Department will pay the day care provider's standard payment rate for all children or the Department SRDC service maximum payment rate (see section (6) of this rule), whichever is less.
- (2) The day care provider may not ask a parent, legal guardian, relative caregiver, or foster parent for, or accept, directly or indirectly, any additional payment for care funded by the Department unless there is a written agreement between the Department and the day care provider. (See CF 116A, "Request for an Exception")
- (3) Except as provided in section (4) of this rule, when the infant payment rate has been authorized for a child and the child reaches 30 months of age, the rate must be revised.
- (a) The caseworker is responsible for revising the infant payment rate, effective no later than the first of the month after the child reaches 30 months of age.
- (b) The caseworker shall send the day care provider a revised CF 116, and revise the Type of Service and authorized amounts on the CF 308 and input into IIS.
- (4) Although there are no special day care rates for children who have physical, developmental, or emotional disabilities:
- (a) If a child 30 months of age or over, functions below the level that is normal for children of his or her chronological age, the Department may authorize up to the infant payment rate for the care of that child.
- (b) The caseworker, with supervisory approval, must document in the case record why the infant payment rate is authorized for a child 30 months or older. Documentation must include the following:
- (A) The unsuccessful effort to locate a resource at the Department non-infant payment rate; and

- (B) A description of the specific problem which requires services above those covered by the non-infant payment rate.
 - (c) The District Manager may authorize a higher payment rate than the infant payment rate when requirements of paragraphs (b)(A) and (b)(B) of this section are met and the child's need for a greater level of care is documented by an expert evaluation.
- (5) Rates charged to the Department for day care services may not exceed rates charged for comparable services to children not served by the Department:
 - (a) Donations and subsidies of cash or in-kind services may be used to reduce charges which would otherwise be made for day care services;
 - (b) Such donations and subsidies must be used to reduce charges for all children in care unless the donor specifies in writing that the donation is to be used for either a specific family or category of families; and
 - (c) Separate records must be kept by the day care provider for all donations and subsidies received and disbursed.
- (6) The maximum payment rates permitted for SRDC services are as follows:
 - (a) Family Day Care.
 - (A) Infant (under 30 months) - \$1.95 an hour per child, not to exceed \$414 per child per month.
 - (B) Non-infant (30 months or older) - \$1.62 an hour per child, not to exceed \$345 per child per month.
 - (b) Day Care Center Group Day Care Homes.
 - (A) Infant (under 30 months) - usual and customary rates, not to exceed \$549 per child per month.
 - (B) Non-infant (30 months and older) - usual and customary rates, not to exceed \$435 per child per month.
 - (c) Care in the child's home: The day care provider in the child's home will be paid the Oregon minimum wage, regardless of the number of children served or the age of the child.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.010, 418.005