
POLICY TRANSMITTAL NO. 11-23	DATE: AUGUST 3, 2011
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:40-3-1; 40-7-8; 40-7-11; and 40-13-2.

EXPLANATION: OAC 340:40-3-1 Instructions to Staff is amended to change an incorrect reference.

OAC 340:40-7-8 Instructions to Staff is amended to clarify that workers use net income after deducting business expenses to determine whether self-employed clients meet the minimum wage rule.

OAC 340:40-7-11 Instructions to Staff is amended to remove outdated language and add clarifying language to define self-employment.

OAC 340:40-13-2 Instructions to Staff is amended to change the form used for the special needs process and change responsibility for viewing training documentation and documenting the in-home provider's attempts to schedule an on-site consultation from the worker to the Family Support Services Division Child Care Subsidy staff.

Original signed on 8-2-11

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WF # 11-O (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

340:40-3-1

340:40-7-8

340:40-7-11

340:40-13-2

INSERT

340:40-3-1, pages 1-12, revised 8-1-11

340:40-7-8, pages 1-19, revised 8-1-11

340:40-7-11, pages 1-10, revised 8-1-11

340:40-13-2, pages 1-9, revised 8-1-11

340:40-3-1. Application process

Revised 6-1-11

(a) **Application process.** The application process for subsidized child care benefits begins with a request for an application form and ends with determining the household's eligibility and entering that determination into the computer system. Subsidized child care benefits must be synchronized with the client's food benefits or SoonerCare (Medicaid) benefits per OAC 340:40-9-1(c). The Child Welfare or Family Support Services worker processes the application. ■ 1

(1) **When an application is required.** A new application is required when:

(A) an applicant initially applies for subsidized child care benefits. Refer to (c)(2) of this Section when an application is denied;

(B) the client's subsidized child care benefits have been closed for more than 30 calendar days;

(C) the payee for the subsidized child care benefits changes; or ■ 2

(D) family income was not considered because policy at OAC 340:40-7-12(6) applied and one or more of the affected adopted children turns six years of age unless there is already a separate open income eligible case and the child can be added to that case per OAC 340:40-9-2(c).

(2) **Who can apply.** An applicant or the applicant's authorized representative may apply for subsidized child care benefits. If an authorized representative applies on behalf of an applicant, he or she must bring a signed statement from the applicant giving this person permission to act on behalf of the applicant or the applicant must have designated this person as his or her authorized representative on the signed application. ■ 3

(A) If the natural or adoptive parent or stepparent of the child is in the home, he or she is considered the applicant and eligibility is based on that parent's situation regardless of whether he or she has custody of the child.

(B) If both the natural and adoptive parent of the child are living in the same household and the adoption has been finalized, the adoptive parent is considered the applicant and eligibility is based on that parent's situation.

(C) If the natural or adoptive parent or stepparent is not in the home, the person

acting in the role of the parent, referred to as the caretaker, is the applicant. The caretaker may or may not be related to the child. ■ 4

(D) If the parent is a minor, either the minor parent or the responsible adult the minor is living with can be considered the applicant for the subsidized child care benefits. Eligibility is based on the minor parent's situation. ■ 5

(E) If the natural or adoptive parent is living in the home but is too incapacitated to apply, another person living in the home may apply for the natural or adoptive parent. The other person must provide proof of the parent's inability to apply. ■ 6

(3) **Application form.** An applicant or the applicant's authorized representative completes and signs an application to apply for subsidized child care benefits. ■ 7
When child care is needed for a child with disabilities, the worker and applicant also complete Form 08AD006E, Certification for Special Needs Child Care Rate. ■ 8

(4) **Date of request.** The date of request is the date the applicant requests subsidized child care benefits verbally or in writing. ■ 9

(5) **Date of application.** The date of application is the date the applicant or the applicant's authorized representative completes the child care interview and provides all necessary verification to the human services center, including the name of the child care provider the client wishes to use. ■ 10

(A) The provider must already have a valid Oklahoma Department of Human Services (OKDHS) child care provider contract.

(B) Refer to OAC 340:40-5-1(7) for reasons an applicant cannot choose certain child care providers.

(C) For applicants choosing an in-home provider, refer to OAC 340:40-13-1 and 340:40-13-2.

(6) **Child care interview.** Child care interviews are typically completed face-to-face with the applicant or authorized representative. A face-to-face interview is required for protective or preventive child care requests and strongly recommended for special needs requests. ■ 11

(7) **Explanation of eligibility factors.** At the time of the initial interview, the worker advises the applicant or authorized representative of: ■ 12

- (A) his or her rights and responsibilities;
- (B) all factors of eligibility including which child care providers are eligible to receive subsidy payment;
- (C) the plan of service and reason child care may be approved based on the applicant's statements at interview;
- (D) the applicant's electronic benefit transfer (EBT) responsibilities including viewing the client training video; ■ 13
- (E) the earliest date child care can be approved;
- (F) the requirement to cooperate with the OKDHS Office of Inspector General during any audit or investigation of the applicant or the provider the applicant uses for child care; and
- (G) the requirement to report any changes in his or her circumstances within ten calendar days. ■ 14

(8) **Timeliness.** Near real-time (NRT) benefit processing time frames are used for all child care applications. To be considered timely, the worker must determine eligibility within two working days of receiving all necessary verification to certify or deny the application. If the applicant does not provide requested verification, the worker denies the request within 30 calendar days of the date of request. The worker sends Form 08MP037E, Notice Regarding Social Services, explaining the reason for delay to any applicant whose application is over 30 calendar days old.

(9) **Right to appeal.** The applicant has the right to appeal the untimely processing of a child care request or the decision of eligibility or ineligibility per OAC 340:2-5.

(b) **Expedited eligibility processing.** The worker must process an application immediately when required verification is beyond the applicant's control to provide, the applicant does not have the money to pay toward the cost of child care, and without child care the applicant: ■ 15

(1) is in danger of losing a job; or

(2) cannot start a new job.

(c) **Eligibility determination.** The worker uses OKDHS Appendix C-4, Child Care Eligibility/Co-payment Chart, to determine whether the household meets income

guidelines. Refer to OAC 340:40-5-1(8) for information regarding income determination.

(1) **Applicant determined eligible.** The earliest date the worker approves subsidized child care benefits is the date the applicant provides all necessary verification to determine eligibility. The applicant is responsible for child care used before the certification date that is not part of the approved child care plan of service. ■ 16

(A) The client swipes attendance with his or her EBT card through a point-of-service (POS) machine at the child care facility.

(B) OKDHS does not pay for care for any day the child attends child care if the client fails to swipe attendance, unless extenuating circumstances exist beyond the control of the client or provider. ■ 17

(C) If the client fails to swipe attendance, he or she is responsible for any care provided that day and may be responsible for any absent day payment OKDHS pays, if all of the days the child attended were recorded.

(2) **Applicant determined ineligible.** The request or application is denied if the applicant is ineligible, does not provide needed verification, or requests cancellation of the application. ■ 18 A new application is not needed when the applicant completes the application process and provides necessary verification within 60 calendar days of the original request date. ■ 19

INSTRUCTIONS TO STAFF 340:40-3-1

Revised 8-1-11

1. (a) Child Welfare (CW) workers process applications made by:

(1) a foster parent whether or not a payment is made. Refer to OAC 340:75-7-65 for CW foster care child care requirements;

(2) a foster parent of a child in tribal custody with an open resource in the Child Abuse and Neglect Information System also known as KIDS;

(3) foster parents in the process of a trial adoption of the foster child in their care; and

(4) clients requesting protective/preventive care when CW is working with

the family and recommending protective or preventive child care.

(A) The county director decides which worker, Family Support Services (FSS) or CW, completes a protective or preventive child care request when responsibility is unclear.

(B) When the CW worker considers a family at risk for child abuse and neglect, but the family is not court involved, the CW worker may contract for Comprehensive Home-Based Services (CHBS) with the Oklahoma Children's Services (OCS). When CW is not maintaining an open CW case, the FSS worker completes the application for protective or preventive subsidized child care benefits. Refer to OAC 340:40-7-8(e) Instructions to Staff (ITS) # 17 and 340:75-6-91 for CW preventive child care requirements.

(b) CW Swift Adoptions workers process applications for trial adoptive families who are adopting a child in Oklahoma Department of Human Services (OKDHS) custody that did not previously serve as the child's foster home. The need factor for these families is limited to employment per OAC 340:75-7-65, CW foster care requirements.

(c) FSS workers process all applications for:

(1) clients when a co-payment must be determined;

(2) children under Interstate Compact on the Placement of Children (ICPC). When a child is under an ICPC with another state, the local ICPC worker advises FSS staff whether the foster family is receiving funds for child care from the other state. If funds are available for child care, the worker denies the application;

(3) a tribal foster family when there is not an open resource in KIDS. The worker sends an e-mail to daycare@okdhs.org notifying Family Support Services Division (FSSD) Child Care Subsidy staff of the approval. The e-mail includes the case number, foster parent's name, and child's name. FSSD Child Care Subsidy staff then requests that staff in the Children and Family Services Division (CFSD) Family Foster Care Section determine why there is not an open resource in KIDS;

(4) protective/preventive child care as long as there is not an open CW case. This can include when the family is not court involved but CW staff

contracts with an outside agency for CHBS. Refer to OAC 340:40-7-8(e) for information about processing FSS protective or preventive child care requests; and

(5) clients whose children are in OKDHS custody but are on trial reunification with their parents. When children are in OKDHS custody but on trial reunification with their parents, the parent's income is considered in determining the amount of the family share co-payment.

2. When a change of payee is reported, the worker must ask the client if the payee change is due to a temporary absence or if it is on a more permanent basis. If the absence is expected to be temporary, the worker refers to OAC 340:40-7-6(c). If the situation is not temporary, a new application must be completed.
3. (a) An authorized representative is a person who is knowledgeable of the household circumstances. The child care provider or a person working for the child care provider cannot be the authorized representative. The worker contacts the applicant to determine whether:
 - (1) the household freely requested the assistance of the authorized representative;
 - (2) household circumstances are correctly reported; and
 - (3) the applicant understands that he or she is held liable for any overpayment resulting from erroneous information given by the authorized representative.
- (b) The worker must enter information about the authorized representative in the Information Management System (IMS) using the computer transaction EBTU before an electronic benefit transfer (EBT) card can be issued.
4. Refer to OAC 340:40-7-6(c) when the absence of the parent is temporary.
5. Only the minor parent's income and need factor is used to determine the child's eligibility for subsidized child care benefits. Refer to OAC 340:40-7-6(b).
6. This situation may occur if the parent has severe mental retardation or was seriously injured. The person acting on the parent's behalf must provide

documentation from a professional working with the parent stating why the parent is incapable of completing the application or designating an authorized representative.

7. (a) The application consists of three forms: Form 08MP001E, Request for Benefits, Form 08MP002E, Eligibility Information for Benefits, and Form 08MP003E, Responsibilities and Signature for Benefits.

(b) A signature submitted through an imaged document by e-mail or a fax machine is acceptable on an initial application if there is an access issue for a client to apply for benefits in person. If an application is e-mailed or faxed and the client comes to the office for an interview, the worker obtains an original signature during the interview.

8. Refer to OAC 340:40-7-3.1 for information on approving a child with disabilities for the higher special needs rate at the chosen facility.

9. (a) The date of request is entered in the Family Assistance/Client Services (FACS) Eligibility Notebook, Child Care tab in the "App Date" field E1 before an EBT card can be issued. When the worker is ready to certify or deny benefits, the date of request is also entered in the FACS Eligibility Notebook, Auth. Daycare tab in the "Child Care Req Date" field K9.

(b) When the child care request is mailed or left at the human services center (HSC), staff contacts the applicant that same day to explain that a child care interview must be completed and to advise what verification must be provided before an application date is assigned. A telephone interview is appropriate in this instance if it best meets the needs of the applicant. If the worker cannot reach the client by telephone, he or she sends Form 08AD092E, Client Contact and Information Request, advising the client of the need for an interview and verification.

- 10.(a) The only time the date of request and the date of application are the same date is when the applicant completes a child care application, is interviewed, and provides all necessary verification on the same day. Eligibility factors that must be verified by the worker before approving subsidized child care benefits are found in OAC 340:40-7. The applicant must also advise the worker of the name of the child care provider he or she plans to use before the application date is determined.

(b) It is important that applicants immediately know if they choose an ineligible

provider so another choice may be made. If the applicant chooses a child care provider who does not have a valid contract with the OKDHS, the worker must inform the applicant that the earliest date child care can be approved is the day a contract is granted. Payment for any child care used prior to that date is the responsibility of the applicant. The worker determines when a new contract is granted by entering in IMS; PCI, space, and the contract number. The date shown under "original contract date" is the earliest date services may be approved.

(c) The worker enters the date of application in the FACS Eligibility Notebook in the Child Care tab, "Cert Date" field E2 and in the Auth. Daycare tab, "Begin/Change Date" field K45 if the applicant needs care on this date. If the applicant does not need care until a future date, the worker enters that future date in the "Begin/Change Date" field K45.

(d) If the applicant provides all requested verification and the worker determines more verification is still needed, the application date entered is the date the applicant provides the initially requested verification.

11. (a) The interview must be completed with the person who signs the application or the household's authorized representative. The applicant must designate the authorized representative in writing prior to the interview. The worker explores the applicant's eligibility for child care and advises the applicant of any other OKDHS programs for which the applicant might be eligible. The worker also arranges for the client to view the video, "EBT Child Care," explaining the EBT system. HSC staff is encouraged to develop at least two methods to assist applicants in accessing subsidized child care benefits. Examples of possible methods include:

(1) extended office hours;

(2) telephone interviews with the client when a face-to-face meeting would cause a client to miss work or school. A signed application form must be received before the worker approves subsidized child care benefits. The entire application must be completed before the applicant signs the signature page of the application;

(3) outstationing staff where needed to take applications;

(4) utilizing a home visit. Refer to OAC 340:65-3-4(1) regarding home visits. If the worker schedules a home visit, it is usually planned so the worker

has an opportunity to meet everyone in the household. The worker plans the visit at a time that does not interfere with the applicant's job or the child's school schedule; and

(5) allowing a client to be interviewed in a non-resident county if it is more convenient for the client.

(b) HSC staff makes every effort to interview the applicant on the date of request to ensure the applicant knows what he or she must provide before a child care request is considered an application. When the child care request is mailed or left at the HSC, staff contacts the applicant that same day to explain that a child care interview must be completed and to advise what verification must be provided before an application date is assigned. A telephone interview is appropriate in this instance if it best meets the needs of the applicant. If the worker cannot reach the client by telephone, he or she sends Form 08AD092E advising the client of the need for an interview and verification.

12.(a) The worker advises the applicant that the plan of service may change depending on the documentation the applicant provides to verify the applicant's need for child care.

(b) The worker secures the applicant's signature on the appropriate form. The worker keeps the signed original application forms in the case record or stores them in the imaged record. At the end of the interview, the worker gives or mails to the applicant or the authorized representative:

(1) a copy of the application if he or she requests it; and

(2) the pamphlet, OKDHS Pub. No. 01-14, "Child Care Services Tip Sheet for Clients and Providers."

(c) Refer to OAC 340:40-7 for details regarding conditions of eligibility, including need, and OAC 340:40-5 for detailed information regarding completing a plan of service and those child care providers who cannot be approved for subsidy payment.

(d) The worker gives or mails Form 08AD092E to the applicant when verification must be provided before subsidized child care benefits can be approved. When Form 08AD092E must be mailed, the worker calls the applicant, if a telephone number is available, to advise him or her what

verification is needed before mailing the form. If the worker is able to reach the applicant by telephone, he or she advises the applicant that a child care request is not considered an application until all necessary verification is received.

13. The video explains:

- (1) proper care and use of the client's EBT card;**
- (2) the client's responsibility to swipe accurate attendance before OKDHS helps pay for the child's care; and**
- (3) the need to contact the worker immediately if a problem occurs so that it may be resolved within ten calendar days.**

14. Refer to OAC 340:40-9-2 for the types of changes that must be reported.

15. (a) An example of verification that is beyond the applicant's control to provide includes instances when an employer refuses to verify income for an employee until a paycheck is received. In instances such as this, the applicant must provide all other verification that is within his or her control. The worker uses the applicant's statement for the verification that is out of the applicant's control to provide. The worker certifies the application for a maximum of 30 calendar days.

(b) The applicant is not automatically assigned a zero family share co-payment because the expedited process is used. The worker still uses the income processes described at OAC 340:40-7-10 through 40-7-13 to determine what income counts and when. In the case of two-parent families, when one parent has been working for some time and the other parent is just starting a new job, the worker counts the income of the parent who has been working to determine the family share co-payment.

(c) The worker gives the client Form 08AD092E showing all verification he or she still needs to provide before further eligibility can be established. The client must provide verification no later than the last day of the 30 day expedited approval period to preserve the same application date.

(d) If the client provides verification within 60 calendar days of the original request date, a new application is not needed. The worker approves the authorization beginning with the date the client provides required verification.

If the client does not provide required verification within 60 calendar days, the worker closes the Child Care tab in the FACS Eligibility Notebook unless it must remain open for another reason.

(e) The worker does not approve a new expedited eligibility period unless the client provided all requested verification from the last expedited approval.

(f) To authorize care for only 30 calendar days, the worker enters a certification action in the Auth. Daycare tab. Immediately after that action clears, the worker enters a closure action.

(g) When the client swipes attendance at the child care facility, the provider can see whether care is approved on the point-of-service (POS) machine tape.

(h) When the client provides requested verification needed to determine continued eligibility within 30 calendar days and the client continues to use the same provider, the worker reopens the closed authorization. The worker enters a new authorization if the client chooses a new provider or the prior authorization cannot be reopened.

(i) To reopen an authorization the worker enters an R in the "action taken" field K12 and an A in the "notice indicator" field K92 of the Auth. Daycare tab as well as any other fields where changes are needed. If the family share co-payment is different than originally determined, enter all necessary information in the Household, Income, and Child Care tabs in the same action or prior to reopening the authorization so the correct family share co-payment maps to the authorization.

(j) An overpayment is not written on the expedited services period unless the worker and supervisor believe the client intentionally provided incorrect information. In those instances, the worker sends an overpayment memo to the FSSD Benefit Integrity and Recovery Section.

16. If the applicant chooses a provider that has not yet been granted a contract, refer to a(7)(B) in this Section. To certify the subsidized child care benefits, the worker enters the Daycare, Household and Income tabs of the FACS Interview Notebook as well as the Auth. Daycare and Child Care tabs in the FACS Eligibility Notebook. Refer to OAC 340:40-5-1 for details regarding the plan of service and 340:40-9-3 for notice requirements. Refer to OKDHS Appendix C-4-B, Child Care Provider Rate Schedule, for information on when a weekly unit type is approved, the minimum number of days a child must

attend to qualify for an absent day payment, and the maximum number of days that can be paid in a given month. Refer to OAC 340:40-10-4 for information about the child care payment process that includes manual claims.

17. Circumstances beyond the control of the client or provider include, but are not limited to, some type of worker or system error.

18. (a) The worker denies the child care request if the applicant does not provide, within the agreed upon time frame, verification necessary to certify subsidized child care benefits, including the name of the child care provider the applicant intends to use. The worker provides information and referral services that may be helpful to the family in developing alternative arrangements.

(b) Refer to OAC 340:40-9-3 for notice requirements. The worker denies the child care request in the FACS Eligibility Notebook, Auth. Daycare tab by entering:

(1) "Person Number" field K4;

(2) "Action Taken" field K12;

(3) "Reason" field K16;

(4) "Child Care Req Date" field K9;

(5) "Begin/Change Date" field K45; and

(6) "Adult Day Services" field K95.

(c) If the child care provider's contract number is known and entered in "Contract Number" field K40, a notice computer-generates to both the applicant and the child care provider. If the contract number is not known, a notice is generated by the computer to the applicant only.

19. The client must be determined eligible within 60 calendar days of the original request date. If it takes more time to determine eligibility, a new application is required.

340:40-7-8. Defining the need factor for child care benefits

Revised 6-1-11

(a) **Employment.** Employment means the parent or the caretaker earns wages for work performed. ■ 1

(1) The client must provide proof of his or her work hours. If the client has the flexibility to set his or her own work hours, the client and worker jointly determine if they can reduce the number of hours the child needs care by rearranging the client's work schedule. This is especially important in two-parent or two-caretaker families. ■ 2

(2) The worker limits approval of child care to the number of days and hours the client is working plus reasonable travel time. In two-parent or two-caretaker working families, the worker limits approval to the days and hours they are both working at the same time plus reasonable travel time. When the child attends school or Head Start during part of the work hours, the worker reduces the number of hours he or she approves child care accordingly.

(3) When the caretaker who is legally and financially responsible for the child or the parent is not making at least minimum wage for the number of hours he or she is working, the worker may limit the number of days and hours of care initially approved with one exception. The exception to a parent not meeting the minimum wage rule is when care is approved for an adopted child who meets criteria at OAC 340:40-7-12(6). When the minimum wage rule applies, the worker counsels with the person regarding increasing his or her income. If counseling is unsuccessful, the worker decides whether to further reduce or terminate the subsidized child care benefits. ■ 3

(4) A person employed and working from his or her own home may be approved for subsidized child care benefits in an out-of-home child care home or center. ■ 4

(5) Subsidized child care benefits can be approved for sleep time during the day when a parent or caretaker works night hours and a feasible alternative is used at no cost to the Oklahoma Department of Human Services (OKDHS) during the night working hours. Night working hours are defined as the hours between 11:00 p.m. and 7:00 a.m. ■ 5

(A) The maximum amount of time the worker approves child care allows the client eight hours of sleep plus travel time to and from the child care provider.

(B) In two-parent or two-caretaker families care may only be approved for this reason when both parents have night time jobs or when one parent has a night time job and the other parent or caretaker works during the day while the other parent is sleeping.

(6) Job search meets the definition of employment and child care may be approved for a single or two parent or caretaker household only when a recipient who has received subsidized child care benefits for at least 30 calendar days loses employment or successfully completes a formal education or training program and requests child care to look for a job. ■ 6

(A) Child care may be approved for a maximum of 30 calendar days from the date the client loses employment or successfully completes a formal education or training program as long as the child continues to attend the same child care facility.

(i) Job search may be approved no more than twice per calendar year.

(ii) The client must have been employed or going to school for at least 90 calendar days between approval periods.

(B) When the recipient reports a new job within the job search period and provides all required verification to prove continued eligibility, a new application is not needed. When the recipient does not report a new job or required verification within the job search period, he or she must complete a new application before being approved for further child care. ■ 7

(b) **Training.** A training program is defined as a course of study that when completed qualifies a person to meet requirements for a job that the client could not have obtained without the certificate of completion, accreditation, or licensure. ■ 8 Child care can be approved for one parent or caretaker to attend a training program. In two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(1) The training program must qualify to receive federal financial aid from the United States Department of Education (USDE) or other federal or state education funds. ■ 9

(2) Prior to approval for child care, the client must provide proof of enrollment, the days and hours the client will be attending, and when he or she is expected to complete the program. ■ 10

(3) The program must require classroom attendance on a school campus with an instructor present. Care is only approved for an on-line Internet based course or televised course if it is a live broadcast conducted by an instructor and attendance is required while the program is being broadcast. If the program is self-paced and can be completed whenever the client chooses, care is not approved. ■ 11

(4) The client must provide proof of progress when requested. If the client is not making satisfactory progress, further child care for this reason is not approved. ■ 12

(5) Once the client completes a training program, further child care is not approved for training or education. The client is expected to look for jobs that require his or her training credentials. The client may be eligible for subsidized child care benefits to job search if he or she meets requirements at (a)(6) of this Section.

(6) In certain circumstances, the worker may approve child care benefits for a client to attend a second training program. The client must have been employed in a job requiring the training credentials he or she has for at least 12 months. ■ 13
Possible circumstances include when:

(A) the client can no longer perform the job he or she is trained to do because of physical or mental health reasons. In this instance, the client must provide a statement from a doctor, mental health professional, or a vocational rehabilitation professional verifying the reason. The professional must also state that the client is capable of performing the job tasks of the training program where the client wants to enroll;

(B) there is no longer a demand for the type of work the person is trained to do. The client must provide a statement from a professional working with the client to obtain employment stating there is no demand. The professional must be employed by the Workforce Oklahoma Center, a Workforce Investment Act (WIA) contracted entity, the Oklahoma Employment Security Commission (OESC), or the Oklahoma Department of Rehabilitation Services (DRS); or

(C) the client can establish receipt of the additional training will increase the person's earning potential. The client must provide proof the starting salary for a person with the training credentials the client wants to obtain is higher than he or she is currently earning.

(c) **Education program.** An education program can include:

(1) **High school.** Child care may be approved for one or both parents or caretakers

to attend high school. It is not approved for a parent or caretaker to receive homebound instruction. Prior to approval the client must provide proof that he or she is enrolled, the days and hours the client is attending, and when he or she is expected to graduate.

(2) General Educational Development (GED), literacy, or adult basic education (ABE) classes. The program must require classroom attendance with an instructor present. Child care may be approved for one parent or caretaker to attend GED, literacy, or ABE classes. However, in two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(A) The client must provide proof of enrollment, the days and hours the client is attending, and the length of the class prior to care approval. If the class has open enrollment and no established end date, the client must provide proof of progress and how it is measured.

(B) Within the first month of classes, the client must provide proof of initial testing showing the client's education and/or literacy level.

(C) The worker reviews the client's progress when the class is expected to end prior to approval for further child care for this reason. If the class is open-ended, the worker reviews progress no later than 12 months from the date care was approved for this reason. ■ 14 At review, the client must provide a statement from the school that includes:

- (i) whether the client is attending regularly;
- (ii) whether the client is making satisfactory progress;
- (iii) an estimated length of time it will take to complete the program; and
- (iv) what days and hours the client is currently attending classes.

(D) If the client has not been attending regularly or making satisfactory progress, further child care for this reason is not approved.

(3) English as a Second Language (ESL) classes. The program must require classroom attendance with an instructor present. Child care may be approved for a single parent or caretaker to attend ESL classes when the client lacks proficiency in understanding, speaking, reading, or writing the English language. In two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(A) The client must provide proof of enrollment, the days and hours the client is attending, and the length of the class prior to care being approved. If the class has open enrollment and no established end date, the client must provide proof of how often progress is measured.

(B) The worker reviews the client's progress when the class is expected to end prior to approval for further care for this reason. If the class is open-ended, the worker reviews progress no later than 12 months from the date care was approved for this reason. ■ 14 The client must provide a statement from the school that includes:

- (i) whether the client is attending regularly;
- (ii) whether the client is making satisfactory progress;
- (iii) an estimated length of time it will take to complete the program; and
- (iv) what days and hours the client is currently attending.

(C) If the client has not been attending regularly or making satisfactory progress, further care for this reason is not approved.

(4) Formal education program. A formal education program is defined as a course of study that leads to the attainment of an associate or bachelor's degree. Child care can be approved for one parent or caretaker to attend a formal education program and to participate in activities required to maintain a scholarship. Only required scholarship activities for scholarships disbursed through the school's financial aid office qualify for child care. In two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(A) The formal education program must qualify to receive federal financial aid from USDE or other federal or state education funds. ■ 9

(B) Prior to approval for child care, the client must provide proof of enrollment, the days and hours the client is attending school or participating in activities required to maintain a scholarship, and when he or she is expected to complete the degree. ■ 10

(C) The degree program must require classroom attendance on the school campus with an instructor present. Care is only approved for an on-line Internet based course or a televised course if it is a live broadcast conducted by an instructor and attendance is required while the program is being broadcast. If

the program is self-paced and can be completed whenever the client chooses, care is not approved. ■ 11

(D) The client must provide proof of progress when requested. If the client is not making satisfactory progress, further care for this reason is not approved. ■ 12

(E) Once the client completes a bachelor's degree, further care is not approved for training or education. The client is expected to look for jobs that require a degree. The client may be eligible for subsidized child care benefits to job search if he or she meets requirements at (a)(6) of this Section.

(F) In certain circumstances, the worker may approve subsidized child care benefits for a client to obtain a different bachelor's degree. The client must first have been employed in a job that required the degree he or she already has for at least 12 months. ■ 13 Possible circumstances include when:

(i) the client can no longer perform the job he or she is trained to do because of physical or mental health reasons. In this instance, the client must provide a statement from a doctor, mental health professional, or a vocational rehabilitation professional that verifies the reason. The professional must also state that the client is capable of performing the job tasks of the degree program in which the client wants to enroll;

(ii) there is no longer a demand for the type of work the person is trained to do. The client must provide a statement from a professional working with the client to obtain employment stating there is no demand. The professional must be employed by the Workforce Oklahoma Center, a WIA contracted entity, OESC, or DRS; or

(iii) the client can establish receipt of the second degree may increase the person's earning potential. The client must provide proof that the starting salary for a person with the degree the client wants to obtain is higher than he or she is currently earning.

(d) Temporary Assistance for Needy Families (TANF) Work activity. When a client receives a TANF benefit, subsidized child care benefits may be provided for any activity outlined on the client's Form 08TW002E, TANF Work/Personal Responsibility Agreement, per OAC 340:10-2-1. ■ 15

(1) Need for child care is also met when the person is waiting to enter an approved TANF Work activity. Approval is limited to a time period not to exceed:

(A) two weeks; or

(B) one month on an exception basis where child care arrangements or other services would otherwise be lost and the subsequent activity is scheduled to begin within that period. ■ 16

(2) TANF applicants referred for immediate employment may be approved for subsidized child care benefits to job search. ■ 17 TANF applicants are advised:

(A) child care to job search is limited to 20 days that must be used within 30 calendar days from the date of request;

(B) in-home child care arrangements are not available for TANF applicants;

(C) child care may only be used during the times the applicant is actually looking for a job; and

(D) he or she must notify the worker immediately upon securing employment.

(e) **Protective or preventive child care.** Subsidized protective or preventive child care benefits may be used as an early intervention strategy in certain critical situations to help prevent neglect, abuse, or exploitation of a child. The worker may approve child care in these situations to help stabilize the family situation or enhance family functioning. In most instances, Child Welfare (CW) staff completes protective or preventive child care requests when they are working with the family and recommending protective or preventive child care. When CW staff contracts with an outside agency to provide protective or preventive services and child care is recommended, Family Support Services (FSS) staff completes the child care requests with help from contracted agency staff. ■ 18

(1) Subsidized protective or preventive child care benefits are temporary and planning to reduce or eliminate the need for such child care begins at the initial contact.

(2) The worker must complete a face-to-face interview with the client prior to approving subsidized protective or preventive child care benefits in order to better assess all of the service needs of the family.

(3) The client must provide a statement from a professional working with the family stating: ■ 19

(A) the reason child care is recommended;

(B) how placing the child in a child care facility helps to prevent neglect, abuse, or exploitation of the child; and

(C) the length of time this care is expected to be needed.

(4) The family may or may not be expected to help in paying the cost of these subsidized child care benefits depending on the unique circumstances of the family.

■ 20

(5) In certain circumstances, families who are financially ineligible for subsidized child care benefits may be approved for protective or preventive child care benefits when the child is in danger of neglect, abuse, or exploitation. The client must provide evidence the family is so burdened by debt that the additional financial pressure of paying for child care may result in further deterioration of family stability and functioning. The client must also provide a plan for reducing his or her debt.

■ 21

(6) The worker may approve subsidized protective or preventive child care benefits for a maximum of 30 calendar days. If determining ongoing eligibility will take time, the worker may approve child care while the parent or caretaker is gathering necessary information during this 30 calendar day period.

(7) If the family requests subsidized protective or preventive child care benefits beyond this initial 30 calendar day period, the worker sends a memo and supporting documentation to the Family Support Services Division (FSSD) Child Care Subsidy Section staff to request an extension. The client must provide all needed eligibility information prior to submission of the extension request. ■ 22

(f) **Enrichment.** The purpose of subsidized enrichment child care benefits is to assist a child receiving Supplemental Security Income (SSI) to develop socialization skills and to transition into a group setting such as a classroom. If a child is not receiving SSI benefits, the child is not eligible for subsidized enrichment child care benefits.

(1) The need for subsidized enrichment child care benefits is based solely on the needs of the child's condition of delay or disability rather than on the activities of the parent or caretaker. ■ 23

(2) Child care for enrichment is limited to a maximum of two days per week not to exceed ten full-time or part-time days per month.

(3) The parent or caretaker must provide a written recommendation from a professional who is working directly with the child in some capacity that states how

child care would be beneficial to the child. The professional could be the child's doctor, occupational therapist, physical therapist, or special education teacher.

(4) Enrichment child care is only approved for a child who has not started school or Head Start unless, due to the child's disabilities, the child receives instruction from a teacher in his or her home. ■ 24

(5) When subsidized enrichment child care benefits are approved, care must be provided outside of the child's home and at least one other child must attend during the same hours.

(6) The worker obtains approval from staff in the FSSD Child Care Subsidy Section prior to authorizing care for this need factor. ■ 25

INSTRUCTIONS TO STAFF 340:40-7-8

Revised 8-1-11

1. (a) **Some clients work at jobs where they are paid at least minimum wage, but the Oklahoma Department of Human Services (OKDHS) does not count the income because the income comes from exempt sources per OAC 340:40-7-12. The client still meets the employment need factor even though the income is not counted.**

(b) **Some clients work where they are not guaranteed any wage, such as working for commission only or self-employment. In these situations the worker does not approve more than 30 days of care until the client provides proof he or she has earned income from this employment.**

(c) **Bartering for services in exchange for work performed does not meet the definition of need because of employment. Examples of bartering include working in exchange for payment of rent, utilities, or a car payment.**

(d) **Gambling does not meet the definition of need because of self-employment.**
2. (a) **Proof may be a copy of the work schedule showing the client's name and the name of the business or a signed statement from the employer. A written statement is preferable, but if unavailable, the worker may confirm the client's work hours with the employer by telephone. The worker documents how work hours were verified in the Family Assistance/Client Services (FACS) Case Notes.**

(b) If part of the client's work duties involves staying overnight away from home or working split shifts, the worker uses his or her judgment to determine how much care is reasonable to approve.

(c) When the client starts working, the worker approves the maximum number of days and hours the client could work. For instance, an employer statement might say the client works three to five days per week. The worker initially approves 23 days per month of care. The worker reevaluates the amount of care approved when actual pay is requested at 90 days per OAC 340:40-7-13. Care may be reduced or increased depending on how many days and hours the client actually worked during that period.

(d) If the client has been employed for at least 30 calendar days, the worker evaluates the actual number of days and hours the client worked to determine how much care to approve, unless there is reason to expect the work schedule to change. The worker documents in the Child Care tab and FACS Case Notes how he or she determined the care plan approved.

(e) Clients who have the flexibility to set their own work hours are most often self-employed. When the client is self-employed, the worker may accept his or her statement regarding work hours as long as it appears reasonable and meets the minimum wage requirement per OAC 340:40-7-8(a)(3). If the children are attending school or Head Start, in most instances, it is usually reasonable to expect the client to work during those hours. If it is not reasonable, FACS Case Notes must clearly document why. When child care is requested in two-parent or two-caretaker families for self-employment, care must be taken to determine whether self-employment work hours could be adjusted to reduce or eliminate the need for child care. For instance, could they each work a different schedule?

- 3. (a) When the client is considered self-employed based on the definition at OAC 340:40-7-11 Instructions to Staff #2, the worker uses net income after deducting business expenses, if business expenses are declared, to determine whether the client meets the minimum wage rule.**

(b) The worker uses his or her judgment to decide how many hours of care to initially approve after counseling with the client on how he or she plans to increase his or her income to at least minimum wage.

(c) Counseling may include:

- (1) helping the client determine whether this is the best field of employment;**
 - (2) referring the client to the Oklahoma Employment Security Commission (OESC) for help in locating other employment;**
 - (3) helping the client develop an action plan to increase income from the enterprise;**
 - (4) referring the client to a local resource that helps with small business planning. Most technology centers offer this type of service; or**
 - (5) referring the client to the Oklahoma Department of Labor (ODOL) to file a complaint if his or her employer is not paying minimum wage.**
- (d) If the client has been employed in the same business for at least one year without any substantial changes and is not making at least minimum wage, child care is denied or closed. When substantial changes occur, including illness, change in business location, or unforeseen circumstances, the worker sends an e-mail to daycare@OKDHS.org for guidance.**
- (e) The worker and client decide jointly what strategy to use to increase the client's income and by what date this plan can be accomplished or progress made. If the client does not cooperate in making an action plan to increase income or in following through with the plan he or she agreed to try, child care for this employment enterprise may be reduced or terminated. The worker consults with his or her supervisor before taking such action.**
- (f) The worker clearly documents in FACS Case Notes how he or she initially determined the child care plan hours, what strategy the client agreed to follow to increase income during counseling, and why subsequent changes are made to the child care plan.**
- 4. (a) When the client works from home, the worker must determine how flexible the client's work hours are and whether other options are available instead of subsidized child care benefits. Child care is not approved if the client is able to do the work while the child is in the home or the child is school age and the work can be done while the child is at school. The worker documents all details of the client's situation and what decision was made in FACS Case Notes.**

(b) When the client is operating a child care home, the worker only approves child care in an out-of-home child care home or center if the client's own child places him or her over maximum licensed capacity.

(1) A family child care home provides care for seven or fewer children.

(2) Large family child care homes provide care for eight to 12 children.

(3) The provider's own children younger than five years of age count toward licensed capacity.

(4) The worker consults with Oklahoma Child Care Services (OCCS) licensing staff to establish whether a client, who is a child care provider, will be over capacity if his or her own child remains in the home and documents this discussion in FACS Case Notes. Refer to OAC 340:110-3-84 and 340:110-3-97.1 for licensing guidelines.

5. (a) Sleep time child care is approved for working families only. Care cannot be approved for two-parent or two-caretaker families in order for one parent to go to school during the day.

(b) The goal of this policy is to allow a parent or caretaker to get seven to eight hours of sleep. The maximum care is not approved when the client has the opportunity to sleep during some of the child's sleep hours. For example, when a parent or caretaker's schedule is from 10:00 p.m. to 4:00 a.m., eight hours of care is not approved since the parent or caretaker can sleep for three to four hours before the child wakes up.

6. (a) Job search is approved for recipients who have received a child care benefit for at least 30 calendar days in order to ensure that the services of the child care provider are not lost and continuity of care for the child is provided while the parent or caretaker attempts to locate a job. Care is only continued when the child remains at the same child care facility for the entire 30 calendar days job search is approved. If the client wishes to change child care providers, care by a different provider is not approved to job search.

(b) To approve a client to job search, the worker closes the current authorization using the reason code "30 day job search time frame has ended." The end date entered on the authorization is 30 calendar days from the time the client lost employment or successfully completed a formal education or training program.

(c) The worker makes changes as needed to the income shown for the family and to the family share co-payment prior to closing the authorization. No change is made to the days and hours of care.

(d) If the authorization is closed on another reason code prior to offering child care to search for a job, it may be reopened to cover this 30 calendar day period. The authorization is then closed using the reason code "30 day job search time frame has ended."

(e) If the authorization is closed on another reason code prior to offering child care to search for a job, it may be reopened to cover this 30 calendar day period. The authorization is then closed using the reason code "30 day job search time frame has ended."

(f) When the client does not report the loss of employment or completion of a formal education or training program within ten calendar days but continues to use child care, the worker asks the client whether he or she is searching for a job.

(1) When the client is searching for a job, the worker closes the authorization effective the date job search would have ended if the client had notified the worker timely or effective ten calendar days from the date the worker takes action, whichever date is greater.

(2) When the client does not plan to job search, the worker closes the authorization effective ten calendar days from the date the worker takes action.

(3) If the client uses care beyond the time frame that the client could have been approved to job search, the worker sends an overpayment memo to the Family Support Services Division (FSSD) Benefit Integrity and Recovery Section per OAC 340:40-15-1.

- 7. (a) If the client begins an activity that meets a need factor during the time frame job search was approved, documentation must be provided and entered in case notes. The worker enters a new authorization in FACS with a begin date effective the day after the job search closure. If more care is required for the new activity during the time frame job search was approved, the worker contacts the FSSD Child Care Subsidy Section staff to change the authorization because the worker cannot make a change to a closed authorization.**

(b) If the client begins an activity that meets a need factor within 30 calendar days after the job search period ended, documentation must be provided and entered in case notes. The worker enters a new authorization in FACS and the begin date is the date verification is provided.

- 8. (a) If the client receives Temporary Assistance for Needy Families (TANF) and the training is approved as a TANF Work activity per OAC 340:10-2-1, child care may be approved.**

(b) If the client is participating in a TANF Special Project but is not receiving TANF benefits, the Special Project must meet the requirements for an approved training program. If the Special Project does not meet the requirements, it does not meet a need factor for child care assistance.

(c) Examples of questionable programs could be programs for nurse's aides, data entry clerks, or cashiers. If the worker questions whether a particular training program will make a person more employable, he or she may:

(1) check with employers in the area that employ people with this skill to see if they require such a certificate, accreditation, or license. If they do not require one, but would pay more if the person had this credential, the worker approves child care for this training;

(2) contact a Work Investment Act (WIA) counselor or an OESC employee to determine if a person must meet general training requirements prior to becoming employed in this field; or

(3) require that the client provide documentation showing how this training program can help the client become more employable.

(d) On-the-job training and apprenticeship programs pay participants at least minimum wage for their work or training hours so care for this reason may be approved under the employment need factor.

- 9. If the client is not receiving financial aid and the school is not known by the worker to be eligible to disburse federal or state educational funds, the worker calls the school for confirmation.**

- 10.(a) The worker verifies what days and hours the client attends school by obtaining a copy of the client's training or class schedule, documentation from the school showing the client's schedule, or by calling and verifying the**

schedule with school officials. Child care is limited to actual classroom attendance, including travel time.

(b) Child care may also be approved for activities outside the classroom required to pass the course such as internship and practicum placements, volunteer hours required to pass a specific class, or other required activities.

(c) Child care may be approved for activities outside the classroom required to maintain a scholarship such as athletic practice sessions, participation at sporting events, band practice, volunteer activities, or other required activities. The worker verifies the scholarship by obtaining a:

(1) copy of the report from the registrar showing the scholarship disbursement and hours enrolled or documentation from the school's financial aid office showing proof of the scholarship; and

(2) letter from the scholarship grantor explaining the activities, including days and times for participation required to maintain the scholarship.

(d) If the client is required to attend a lab in order to pass a specific class, an instructor must be present during the lab or child care is not approved for those hours. Hours spent by a student in a computer lab on an as needed basis to complete homework assignments are not approved even when a school official is present to help with technical difficulties regarding the equipment.

(e) When there are gaps in class times, the worker may approve child care beginning with the first class of the day through the last class of the day. Additional study time is never approved unless it is an approved TANF Work activity. Refer to OAC 340:40-7-8(d).

11. Child care may only be approved for televised courses if the client must view the training during the broadcast because class participation is required. If the client can view the video of the broadcast whenever it is convenient, care is not approved for those hours.

12. The worker sets a reminder to check on the client's school status if the client's care needs are expected to change or he or she is expected to graduate prior to an annual review. If the client states he or she is still attending school, the client must provide a statement from the school verifying that he or she is making satisfactory progress, the reason he or she

has not finished the program, and a current class schedule.

13. The intent of the work requirement is for the client to gain work experience and to make use of the training he or she has already received. If special circumstances exist that make this requirement unreasonable, the worker may send an e-mail to the Family Support Services Division (FSSD) Child Care Subsidy Section staff at daycare@okdhs.org requesting special approval. If the request is granted, the worker documents the special circumstances in FACS Case Notes.
14. The goal is for the client to complete the program as quickly as possible. Once the client has completed one session of classes, it is expected that the school can project how much longer classes are needed.
15. Child care is limited to the days and hours needed to complete the TANF Work activity plus travel time.
16. This provision helps ensure continuity of care with the same child care provider so a person can continue the employment process.
17. The worker approves subsidized child care benefits before expecting the applicant to begin job search. The worker assists the applicant in selecting a licensed, contracted facility. Upon selection of a facility, the authorization is entered into the system in the FACS Eligibility Notebook under the Auth. Daycare tab showing a reason, "for caretaker to search for employment," and a beginning and ending date for the authorization using fields K45 and K47. The ending date is no more than 30 calendar days from the date of request and is approved for a maximum of 20 full-time days. If the client requests a change of provider during this 30 calendar day period, the worker only approves child care for the number of days remaining in the 30 calendar day period.
18. (a) When the Child Welfare (CW) worker considers the family at risk for child abuse and neglect, but the family is not court involved, the CW worker contracts for Comprehensive Home-Based Services (CHBS) with the Oklahoma Children's Services (OCS). When CW is not maintaining an open CW case, the FSSD worker completes the application for subsidized protective or preventive child care benefits. The CHBS case manager assists the family in applying for subsidized child care benefits. If approved, families receiving CHBS services are approved with a zero family share co-payment. To verify the need for child care, the CHBS case manager provides a written statement

to the FSSD worker indicating:

- (1) the names and ages of the children for whom child care is needed;
- (2) why child care is needed and how it can eliminate or reduce the risk to the children;
- (3) what days and hours child care is needed; and
- (4) how long the child care is expected to be needed.

(b) If more than 30 calendar days of care is needed, the FSSD worker completes a short memo requesting that the protective or preventive child care benefits continue to be approved. The worker attaches this memo to the statement provided by the CHBS case manager and sends them to the FSSD Child Care Subsidy Section staff.

(c) In the FACS Eligibility Notebook under the Auth. Daycare tab, enter reason, "prevention of or protection from abuse, neglect, or exploitation," on the authorization.

19. The professional must be someone currently working with the family in a professional capacity to improve the family's stability or functioning. Examples may include a doctor, counselor, therapist, CW specialist, SoonerStart worker, or CHBS case manager.
20. (a) The worker documents in the memo why he or she is requesting that a family's normal family share co-payment be reduced or eliminated and how the family plans to increase its responsibility toward paying the family share co-payment in the future.
 - (b) Families for whom protective or preventive child care is requested by a CHBS case manager are approved with a zero co-payment.
 - (c) If the family is receiving other FSSD benefits and income is considered for those other benefits, the worker diverts the income in the Child Care tab of FACS, "total diverted income" field E47.
21. The worker might help the client develop a budget that decreases the debt or refer the client to Consumer Credit Counseling or another local resource for help. This plan is included in the memo.

22.(a) The worker sends a memo to FSSD Child Care Subsidy Section staff requesting an extension. The worker attaches to the memo any verification supporting the need for child care. For most protective or preventive extension requests, the memo must include:

(1) names and ages of all children for whom child care is needed;

(2) an explanation of the reason child care is needed, the circumstances leading to the conclusion the child is at risk of neglect, abuse, or exploitation, and how child care can eliminate or substantially reduce risk to the child;

(3) an explanation of whether a CW referral was made and, if not, the reason, as well as any coordination efforts between FSSD, CW staff, and any other community partners;

(4) the days and hours child care is requested for each child;

(5) an explanation of the support system available to the family;

(6) an explanation of the exploration of any free alternative to child care. Examples include the availability of other family members, Head Start, and Mother's Day Out programs;

(7) the length of time child care is needed;

(8) an explanation of what, if any, family share co-payment the family is expected to contribute. If the family share co-payment is reduced or completely waived because of family expenses, an explanation of the plan to decrease the debt is included in the memo; and

(9) the worker's opinion about the need for child care.

(b) FSSD Child Care Subsidy Section staff typically approves protective or preventive requests for no more than six months at a time. When an extension is requested beyond the original time frame approved by FSSD, the worker sends a new memo that includes more detail showing what efforts were made to reduce or eliminate the need for protective or preventive child care. Refer to OAC 340:40-9-1(d) for interview requirements.

(c) In the FACS Eligibility Notebook under the Auth. Daycare tab enter reason,

"prevention of or protection from abuse, neglect, or exploitation," on the authorization.

23. Enrichment child care is not approved if the parent or caretaker meets another need factor.
24. The client must provide documentation from the school verifying the child is unable to attend class. The worker enters what was provided in case notes.
25. (a) The worker sends or faxes a memo and a copy of the written documentation provided by the client from a professional who is working directly with the child to the Family Support Services Division (FSSD) Child Care Subsidy Section staff for approval. The memo includes:
 - (1) why enrichment child care is recommended for the child;
 - (2) whether the child has available another way to become socialized such as participation in a play group with other children, special education services through the local school system, Early Head Start, or Head Start; and
 - (3) the name of the child care facility the child plans to attend.
- (b) FSSD Child Care Subsidy Section staff reviews the memo and documentation and sends a memo or e-mail to the worker stating whether care is approved or denied. If approved, care is authorized for no more than six months at a time.
- (c) The worker enters the approval or denial in the FACS Eligibility Notebook, Auth. Daycare tab. The worker enters as the reason "enrichment, supervision, training, or to avoid institutionalization."
- (d) Refer to OAC 340:40-7-3.1 for information about the approval process for the higher special needs rate unit type.

340:40-7-11. Sources of income considered

Revised 6-1-11

(a) **Sources of income considered.** Income may be received periodically or at irregular intervals. All income, unless specifically excluded per OAC 340:40-7-12, is considered in determining monthly gross income. Income is classified as earned or unearned income. Gross income is treated the same for both types of income. ■ 1

(b) **Earned income.** Earned income means total money earned by a person through the receipt of wages, salary, commission, or profit from activities in which the person is engaged as self-employed or as an employee. ■ 2 Temporary disability insurance payment(s) and temporary worker's compensation payments are considered as earned income if payments are employer funded and the person remains employed.

(1) **Wages.** Wages include total money received for work performed as an employee including armed forces pay, commissions, tips, piece-rate payments, longevity payments, and cash bonuses before any deductions are made such as taxes, bonds, pensions, union dues, credit union payments, and cafeteria plans. ■ 3

(A) Countable wages for military personnel include Variable Housing Allowance (VHA), Basic Allowance for Quarters (BAQ), and Basic Allowance for Housing (BAH).

(B) Only the portion of the cafeteria plan the client controls is counted as income. ■ 4

(C) Reimbursements for expenses such as a uniform allowance or transportation costs, other than daily commuting, are subtracted from gross income.

(D) Payments made for annual leave, sick leave, or severance pay are considered earned income during the month such income is received whether paid during employment or at termination of employment.

(E) Wages that are garnished or diverted and paid to a third party are also counted as income.

(2) **Self-employment.** Earnings derived from a business enterprise owned solely or in part by the person are considered self-employment income. ■ 5

(A) **Records used and income calculation.** The worker uses the records

described in (i) through (iii) to calculate income.

(i) If the person filed a federal income tax return for self-employment income for the most recent year, the worker uses the net self-employment income shown on the person's federal income tax return and divides the income by 12 or the number of months the business has been in existence, if less than 12 months.

(ii) If the person did not file an income tax return for the most recent tax year, the worker calculates self-employment income using the person's business records for the last 12 months or the number of months the business has been in existence if less than 12 months. If the client declares he or she has business expenses, the worker subtracts 50% of the gross self-employment income to arrive at the net profit.

(iii) When the person reports a loss instead of a profit on the business, the worker does not deduct the loss from other household income.

(B) Profit sharing. Households who operate S corporations, general or limited partnerships, or limited liability companies may receive profit sharing that is reported on the household's personal income tax return. When a household member:

(i) actively participates in the operations, the income from profit sharing is considered part of the household's self-employed earned income; or

(ii) does not actively participate in the operations, the income from profit sharing is considered part of the household's unearned income.

(C) Monthly self-employment income. Self-employment income received on a monthly basis is normally averaged over a 12-month period. If the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in income, the worker calculates the self-employment income based on anticipated earnings. ■ 6

(D) Seasonal self-employment. Self-employment income intended to meet the household's needs for only part of the year is averaged over the period of time it is intended to cover. ■ 7

(E) Annualized self-employment income. Self-employment income that represents a household's annual support is averaged over a 12-month period,

even if the income is received in a short time period. If the averaged amount does not accurately reflect the person's actual monthly circumstances because the person experienced a substantial increase or decrease in income, self-employment income is based on anticipated earnings, using the business records that reflect the current situation. ■ 6

(F) **Income from rental property.** Income from rental property is considered self-employment income. ■ 8

(G) **Income from room and board.** Payments from roomers or boarders are considered self-employment if the roomer or boarder is paying a reasonable amount. If the roomer or boarder is an adult non-relative opposite sex individual (ANROSI), OAC 340:40-7-6(b)(4) applies. ■ 9

(3) **On-the-job training.** Earned income from regular employment for on-the-job training is considered as earned income.

(4) **Workforce Investment Act (WIA).** Income earned in on-the-job training positions provided under Section 134 of WIA is considered earned income for persons who are 19 years of age and older. On-the-job training provided must be full-time positions, and there must be a contract between WIA and the employer for each individual position. This does not include classroom training and institutional training or intern assignments sponsored by WIA, even when an hourly amount is paid for such training. Refer to OAC 340:40-7-12(24)(G) for other types of excluded WIA income.

(5) **Title I payments of Domestic Volunteer Services Act.** Payments under Title I of the Domestic Volunteer Services Act of 1973 as amended [P.L. 93-113] are considered income unless they are excluded per OAC 340:40-7-12.

(6) **Earnings of children.** Earned income of a minor parent is treated as adult earned income. Earnings of other children 17 years of age and younger who are under the parental control of an adult household member are excluded per OAC 340:40-7-12. ■ 10

(c) **Unearned income.** Unearned income is income a person receives for which the person does not put forth any daily, physical labor. Types of income listed in paragraphs (1) through (10) of this subsection are considered unearned income. ■ 11

(1) **Assistance payments.** Assistance payments include state means tested programs, such as Temporary Assistance for Needy Families (TANF), including Supported Permanency benefits, State Supplemental Payment (SSP) to the aged,

blind, or disabled, and Refugee Resettlement Program (RRP) cash assistance. ■ 12

(2) **Pensions, disability, and Social Security benefits.** Annuities, pensions, retirement benefits, disability benefits from either government or private sources, or Social Security survivor benefits are considered unearned income. When a minor child receiving Social Security benefits no longer lives with the payee receiving the Social Security benefits, only the portion of the child's Social Security benefit that is used to meet the minor child's needs is considered income. This may include cash given directly to the minor or money paid to a third party for room and board for the minor child. The parent or caretaker or, if appropriate, the minor child must take action to become the payee within 90 calendar days as required at OAC 340:40-7-9(d). If action is not taken within 90 calendar days, the worker counts the total Social Security benefit as income.

(3) **Supplemental Security Income (SSI).** SSI is considered unearned income. ■ 13

(4) **Unemployment and workers' compensation.** Income from unemployment insurance benefits or workers' compensation is counted as unearned income.

(5) **Child support, court-ordered or third party paid child care, and alimony.** Child support, child care payments, and alimony payments, whether court-ordered or voluntary, made directly to the household from non-household members are counted as unearned income. ■ 14

(A) If a child care payment is paid directly to the child care provider, it is not considered income for the client.

(B) When the absent parent reports he or she is paying a portion of the client's family share co-payment to the child care provider, the only action taken by the worker is to record this in the case record.

(C) If the absent parent or another third party, such as an employer, is making a payment to the provider in addition to the client's co-payment, it is considered as an additional co-payment that must be met before the Oklahoma Department of Human Services (OKDHS) makes a subsidy payment to the provider. ■ 15

(D) Any other payment made to a third party for a household expense must be considered as income when a court order directs that the payment be made to the household. Payments for medical support are excluded.

(6) **Veterans compensation, pensions, or military allotments.** Annuities, pensions, disability compensation, military allotments, servicemen dependent allowances, and similar payments are considered unearned income. ■ 16

(7) **Contributions.** Appreciable contributions recurrently received in cash are considered unearned income except when the contribution is not made directly to the recipient. To be appreciable, a contribution must exceed \$30 per calendar quarter per person.

(8) **Dividends, interest, minerals, and royalties.** Dividends, interest income, income from minerals, royalties, and similar sources are considered unearned income. When income from these sources is received irregularly or in varied amounts, it is averaged over 12 months. Income from royalties is treated as unearned, self-employment income, subject to (b)(2) of this Section.

(9) **Lump sum payments.** Recurring lump sum payments, including income from earnings, are averaged over the period they are intended to cover. ■ 17

(10) **Irregular income.** Income received irregularly but in excess of \$30 per quarter is considered income unless it is from an excluded income source specifically mentioned at OAC 340:40-7-12. Countable irregular income is averaged over 12 months. ■ 18

INSTRUCTIONS TO STAFF 340:40-7-11

Revised 8-1-11

1. Refer to OAC 340:40-7-12(6) regarding exempting income for certain children adopted through Oklahoma Department of Human Services (OKDHS) when specific conditions are met.
2. (a) If the client is not making at least minimum wage, refer to OAC 340:40-7-8(a) to determine whether the client meets the need factor for employment.

(b) A person is considered self-employed when:

(1) he or she declares him or herself to be self-employed;

(2) there is an employer/employee relationship and the employer does not withhold income taxes or Federal Insurance Contributions Act (FICA), even if required to do so by law; or

(3) the employer withholds taxes and the person provides proof he or she files taxes as self-employed.

3. (a) Wages are averaged over a minimum of the last 30 days unless these wages are not indicative of future earnings. Refer to OAC 340:40-7-13 for information on computing income. The worker records income information in the Family Assistance/Client Services (FACS) Interview Notebook under the Income tab.

(b) Money allotted for rent and food that may appear on an active military person's pay check is considered part of that person's earned income.

4. If a person receives a benefit allowance from the person's employer, the worker counts the regular gross earnings plus any excess money left after deducting the insurance cost from the benefit allowance. For example, a person:

(1) is given a \$300 benefit allowance to purchase insurance and uses the entire amount to purchase the insurance. None of the benefit allowance is counted as income;

(2) is given a \$300 benefit allowance but only purchases \$280 in insurance. The remaining \$20 given to the client as an excess benefit allowance is counted as income; or

(3) has an option of purchasing insurance and would receive a \$300 benefit allowance if insurance was purchased, but the person elects not to purchase the insurance. In this situation, the employer makes \$150 of the \$300 benefit allowance available as cash. The \$150 is an excess benefit allowance and is counted as income.

5. (a) Capital gains income is excluded as income for subsidized child care benefits. Refer to OAC 340:50-7-30(1) for food benefits.

(b) Persons who own an interest in a corporation do not qualify for the business expense deduction as they do not have individual business expenses.

(c) Self-employment income tax return forms include, but are not limited to:

(1) Form 1040 with Schedule C for sole proprietors and some limited

liability companies;

(2) Form 1065 with Schedule 8865 K-1 for partnerships;

(3) Form 1120-S with Schedule K-1 for S corporation; or

(4) Form 1040 with Schedule F for farmers.

(d) The worker documents in FACS Case Notes how the countable income was calculated.

6. (a) If the client states that his or her income has increased or decreased, the worker uses whatever income is representative of future earnings to determine the family share co-payment. The worker documents in FACS Case Notes how income was calculated and why the full 12-month average was not used.

(b) If the person's self-employment enterprise has been in existence for less than one year, the worker divides the total income by the number of months the person has been in business.

(c) If the client has not yet received income from the enterprise, no income is considered per OAC 340:40-7-10 until the client receives some income.

7. (a) For example, if a person is self-employed only during the summer months and works as an employee for someone else during the rest of the year, the worker averages the self-employment income only for the summer months.

(b) If this income is from a new source and no income has been received, income is not counted from this source until income is received. If the client had this same seasonal business the prior year, the worker anticipates income for the first month based on the prior year's income records unless it is not representative. The worker records documentation about how income is calculated in FACS Case Notes.

8. Income from rental property is considered as self-employment whether the client or an outside source manages the property. There is no minimum number of hours the client must manage the property for the income to be considered self-employment.

9. For a client to declare someone is paying room and board rather than being a

roommate, the client must own or be buying the home separately from the tenant. Determining who must be considered part of a household is different for food benefit purposes, per OAC 340:50-5-1 and 340:50-7-30(9).

10. A child turning 18 years of age is considered an adult for child care purposes. If the child is a sibling to the child needing subsidized child care benefits, the 18 year old sibling's income is not counted. Refer to OAC 340:40-7-6 regarding household composition and income consideration, and 340:50-5-1 regarding who must be included in a household for food benefits.

11. Refer to OAC 340:65-3-4 regarding ways to verify and document unearned income.

12. Recipients of these assistance programs are predetermined income eligible with a zero family share co-payment for the subsidized child care benefits per OAC 340:40-7-1.

13. (a) A recipient of Supplemental Security Income (SSI) is predetermined income eligible with a zero family share co-payment for subsidized child care benefits per OAC 340:40-7-1.

(b) The worker considers the SSI income in determining the family share co-payment for other household members. The child receiving SSI is not counted as a child in OKDHS subsidized care on OKDHS Appendix C-4 when determining the family share co-payment for the other children. The only exception is if it makes a difference in whether the other children are income eligible for child care per OAC 340:40-7-1(1)(B). For example, household income may be \$2,425 if the client is approved for two children in care. Household income for one child in care is \$1,950. If the client has one child receiving SSI and one child who is not and the client's household income is \$2,400, it is better for the client to be approved for both children in the same case with a family share co-payment than to receive a zero co-payment for the child receiving SSI and not be eligible for the other child. If this situation occurs and the family has more than one child receiving SSI, all children must be included on the same case. The family cannot choose to put one of the children on the case with the co-payment and the others on their own cases with zero co-payments.

(c) The child is counted as a family member in determining household size.

14. (a) The worker obtains copies of any established court orders. If the client

states he or she receives any of these types of income, the worker obtains current statements or interviews the person providing this assistance as to dates and amounts of all payments made within the last 60 calendar days. If support is received sporadically or in varying amounts, the worker may choose to average income over a longer period of time and document his or her reasoning in FACS Case Notes.

(b) To determine if these payments are paid through the Oklahoma Child Support Services (OCSS), the worker uses the Information Management System (IMS) and enters SSN space and the client's Social Security number to find the family group number (FGN). The worker enters KI1 space FGN to display a list of payments received. For an explanation of the FGN enter M space CSMLDATA; and for information on using transaction KI1, enter M space KI1.

(c) The worker codes child support income on the child for whom it is being received if that child is considered a household member. If the client is receiving child support for a child not included in the household, it is coded as a contribution to the client. Refer to OAC 340:40-7-12(10) if child support income is being received for the care and maintenance of a third party.

(d) If the absent parent is paying a portion of the client's family share co-payment and the client is also receiving food benefits, the portion that the absent parent is paying is not considered a dependent care deduction for the Supplemental Nutrition Assistance Program (SNAP), per OAC 340:50-7-31(b)(4).

(e) Exclude money paid directly to household expenses that are not court-ordered. Refer to OAC 340:50-7-29(b)(3) for information on how this income is considered for SNAP.

15.(a) When someone outside of the client's home is paying a portion of the cost of child care directly to the child care provider and states this money is in addition to the client's family share co-payment, the worker enters this additional co-payment in the FACS Eligibility Notebook under the Child Care tab, "Court-ordered" field E55. When a dollar amount is entered in field E55, OKDHS does not make a payment to the child care provider until both the family share co-payment and the additional co-payment is applied to the cost of care first.

(b) The worker sends Form 08MP037E, Notice Regarding Social Services, to

both the client and the provider advising them that an additional co-payment is being paid by someone other than the client in addition to the family share co-payment owed by the client.

(c) If this additional co-payment stops being paid, the worker removes the additional co-payment from the "Court-ordered" field E55 and e-mails Form 10EB004E, Report of EBT Child Care Payment Adjustments, to the e-mail address on the form to request an adjustment be made to the provider's pay.

16. Military benefits contingent upon the person regularly attending school are excluded.

17.(a) Non-recurring lump sum payments are excluded as income per OAC 340:40-7-12.

(b) Examples of recurring countable lump sum payments include gambling winnings received on a consistent basis where the client has an established gambling pattern, earnings received less often than monthly, sporadic payments of child support, or dividend payments.

18. An example of irregular income is gambling winnings that are received on a consistent basis where the client has an established gambling pattern.

340:40-13-2. Guidelines for use in approving in-home child care

Revised 6-1-10

(a) **Purpose.** In-home child care is defined as care given to a child by a person coming into the child's own home for the express purpose of caring for the child. A parent can choose an in-home provider even when an out-of-home provider is available. The purpose of standards for in-home care is to help ensure the safety of children cared for in their own home when the usual responsible adult is temporarily absent due to employment, training, illness, or other valid reason.

(b) **Qualifications of caregiver.** The worker helps the family select a caregiver capable of providing adequate care and supervision of the child. ■ 1 The caregiver:

(1) must be at least 18 years of age;

(2) demonstrates the vitality and flexibility needed to care for children as well as the ability to exercise good judgment and appropriate authority; ■ 2

(3) must provide personal references prior to approval if, in the worker's judgment, they are considered necessary;

(4) cannot be a member of the child's household, whether relative or non-relative;

(5) can only care for the child of one family at a time. ■ 3 The provider can give care to more than one family as long as the hours do not overlap and the child of each family is cared for in his or her own home; and

(6) must not be under the effects of alcohol, illegal drugs, or medication that impairs functioning when caring for children.

(c) **Requirements prior to approval of the caregiver for subsidy payment.** Upon selection of a caregiver, requirements in paragraphs (1) through (3) must be met before the caregiver may be approved as an in-home provider.

(1) The client and caregiver must complete and sign forms described in (A) through (C).

(A) Form 08CC003E, In-home Mutual Agreement and Notification to Provide Child Care Services. This form notifies the caregiver of the eligibility and child care plan for the child requiring care and the intent of the parent or caretaker to receive care from the caregiver. Once approved, it also serves as the in-home

provider's authorization to bill the Oklahoma Department of Human Services (OKDHS) for services provided on or after approval.

(B) Form 08CC004E, Mutual Agreement Regarding the Plan of Care. This form serves as a basis for discussion between the parent or caretaker and the in-home provider of the plan of care for the child, duties of the in-home provider, how to handle emergencies, and the family rules.

(C) Form 08CC005E, In-Home Provider Health and Safety Checklist. This form serves as a basis for discussion between the parent or caretaker and the in-home provider of adequate safety precautions and possible safety hazards in the child's home. ■ 4 The parent or caretaker is also responsible for advising the provider of known risks of a contagious condition of one or more persons in the household. The disclosure allows for training in the universal precautions against exposure. ■ 5

(2) The caregiver must provide photo identification and a copy of his or her Social Security card.

(3) The caregiver must complete a criminal history investigation as described in paragraph (A) and not be guilty of crimes or enter a plea of guilty or nolo contendere, no contest, to crimes described in paragraph (B).

(A) Criminal history investigations:

(i) are required and must be provided by each caregiver and substitute caregiver, prior to caring for children; ■ 6

(ii) are not required for persons who have documentation of a criminal history investigation within the last 12 months;

(iii) must be obtained from:

(I) the Oklahoma State Bureau of Investigation (OSBI); and

(II) the authorized agency in the previous state of residence if the individual has resided in Oklahoma less than one year;

(iv) must include a search of the Oklahoma Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act; and

(v) must include the worker completing a computer check using the Social

Security number of the potential caregiver prior to approval as an in-home provider. When a Child Welfare (CW) case number appears, the worker consults with CW staff to see if concerns exist about this person's ability to care for children. ■ 7

(B) A caregiver whose criminal history report includes a conviction of fiscal mismanagement, such as embezzlement or fraud, or repeated convictions that indicate a pattern of criminal activity is not approved as an in-home provider. Persons who are convicted of or enter a plea of guilty or nolo contendere, no contest, to certain crimes are not approved to care for children or be a substitute caregiver. These crimes include:

- (i) violence against a person;
- (ii) child abuse or neglect;
- (iii) possession, sale, or distribution of illegal drugs;
- (iv) sexual misconduct; or
- (v) gross irresponsibility or disregard for the safety of others.

(4) Once requirements described in paragraphs (1) through (3) are met, the worker faxes a memo and supporting documentation to the Family Support Services Division (FSSD) Child Care Subsidy Section to request approval. ■ 8

(A) If the chosen caregiver is approved as an in-home provider, the approval is valid for a maximum of one year from the date FSSD Child Care Subsidy Section staff signs Form 08CC003E. This form must be renewed annually. ■ 9 Once approved, FSSD Child Care Subsidy Section staff mails the in-home provider the "In-home Child Care Provider Handbook for Subsidy Payments" to advise him or her how to claim for OKDHS payment and a copy of Form 08CC003E advising the in-home provider of the assigned contract number.

(B) If the chosen caregiver is not approved as an in-home provider, FSSD Child Care Subsidy Section staff sends a letter to the caregiver advising of the denial. The worker sends Form 08MP037E, Notice Regarding Social Services, to the client advising him or her to choose another caregiver.

(d) **Duties of the caregiver.** The caregiver:

- (1) provides adequate care and supervision of children at all times, including

frequent observations of children in cribs or playpens. The caregiver must arrange to have a competent adult provide consistent supervision during his or her absence from the home;

(2) is responsible only for each child specified in Form 08CC003E;

(3) must be aware of adequate safety precautions and take action to correct hazards to children's safety, both indoors and outdoors;

(4) provides opportunities for learning, indoor and outdoor play, rest periods, and meals. The caregiver ensures that the use of television is age-appropriate and suitable for children;

(5) must be able to give understanding, consistent, and loving guidance. Discipline is constructive and educational in nature and appropriate to the child's age and circumstances. Loud, profane, and abusive language, corporal punishment, or any technique that is either humiliating or frightening to children is not used. Discipline is not associated with rest, toilet training, or loss of food;

(6) seeks emergency medical attention in case of sudden illness or accident. The parent or guardian stipulates who is called in case of an emergency by entering this information on Form 07LC038E, Child Information, provided by OKDHS. The caregiver has emergency telephone numbers readily available at all times. Emergency telephone numbers include the fire department, police department, ambulance service, and physician or clinic;

(7) is responsible for preparation and serving of food. The child's family provides the food used to prepare snacks and meals. The caregiver consults with the child's parent(s) or guardian to ensure a balanced diet suitable to the age and physical development of the child; and

(8) ensures the child's school attendance in accordance with the requirements of the State Department of Education.

(e) **In-home provider training requirements after approval.** The in-home provider must read "The Good Health Handbook - A Guide For Those Caring For Children" within 90 calendar days of the approval date of the in-home provider shown on Form 08CC003E. ■ 10 The in-home provider must then sign and complete Form 08CC008E, In-Home Child care Provider Training Declaration of Completion, and return it to the FSSD Child Care Subsidy Section staff. ■ 11 The signature and completion of Form 08CC008E meets the in-home provider training requirement for the first year of approval.

(1) After the first year of approval, the in-home provider must receive and declare six clock hours of training yearly. The provider can meet the training requirement by attending workshops, formal training programs, viewing videos, or through individual job related readings. The declaration is valid for one year from the date the provider signs the document. ■ 12

(2) Training hours earned by the in-home provider are transferable from one family to another during the year the declaration is in force.

(f) Requirements prior to approval for a special needs child care rate for a child with disabilities. When an in-home child care provider cares for a child with disabilities, the provider may be approved for the special needs rate in addition to the applicable daily rate. Prior to receiving this additional rate:

(1) the client, provider, and worker must complete Form 08AD006E, Special Needs Child Care Rate Certification, as described in OAC 340:40-7-3.1; ■ 13

(2) the provider must be currently certified in first aid and infant and child cardiopulmonary resuscitation (CPR). Only training that is OKDHS approved, such as Red Cross, American Heart Association, or First Care, is accepted; ■ 14

(3) the provider must receive on-site consultation regarding the nature of the child's disability and the development of the child care plan which may include how to operate equipment needed by the child and any specialized training needs. ■ 15
The consultant also provides any available resource materials that might aid the provider in caring for the child. This consultation may be provided by a:

(A) health professional;

(B) child guidance specialist;

(C) SoonerStart provider if the child is under three years of age;

(D) public school teacher familiar with that child; or

(E) consultant through the Center for Early Childhood Professional Development; and

(4) the provider must agree to obtain six additional hours of training in areas that address the care of children with disabilities within six months of approval. This training is documented on Form 08CC008E. ■ 16

(A) First aid, CPR, or informal training may not be counted to meet the special training requirement.

(B) Recommended training includes:

(i) Special Care's Unique Environments;

(ii) Child Care Careers' Helping Children with Special Needs;

(iii) SoonerStart training;

(iv) Training Inclusive Child Care Equal Terrific Opportunities for Children (TIC-TOC) training;

(v) formal training from an OKDHS approved sponsor training list; or

(vi) specialized workshops or conferences addressing the care of children with disabilities.

INSTRUCTIONS TO STAFF 340:40-13-2

Revised 8-1-11

- 1. Normally an in-home provider is a relative or friend of the client. If the client does not know someone willing to provide such care, the worker can suggest the client inquire within his or her church or other organizations the client belongs to, among the parents of his or her child's friends, local student job placement organizations, or any other community groups known to the worker.**
- 2. How the potential caregiver responds to the duties outlined in (d) of this Section and what he or she and the client write on Form 08CC004E, In-home Child Care Mutual Agreement Regarding Plan of Care, helps the worker determine whether the caregiver meets this qualification.**
- 3. The caregiver can bring his or her own child into the client's home if the client agrees.**
- 4. Form 08CC005E, In-Home Provider Health and Safety Checklist, serves to make the client and provider aware of adequate safety precautions so they can take action to correct any hazards to the child's safety. The Oklahoma Child Care Services (OCCS) local licensing staff are a good resource to**

provide suggestions if the client and provider are unsure how to correct potential hazards. If the client refuses to make recommended changes, the in-home provider may still be approved to care for the child in the home since this is the child's natural environment. Depending on the nature of the potential hazard, the worker determines whether a referral to Child Welfare is indicated.

5. The worker is prohibited from disclosing information regarding a contagious condition unless written consent to disclose this information is obtained from the parent or caretaker.
6. (a) Oklahoma State Bureau of Investigation (OSBI) background check forms, Form CHRU, OSBI Criminal History Record Information Request, is available on the Family Support Services Division (FSSD) Child Care Subsidy Section Web site. The worker prints the form for the provider and in the Type of Search Requested box, checkmarks:
 - (1) Name base;
 - (2) Sex Offender; and
 - (3) Mary Rippy Violent Offender.
- (b) The cost of the OSBI check is shown on the form. The Oklahoma Department of Human Services (OKDHS) does not pay for the cost of this background check.
- (c) The provider is responsible for mailing the form to the address listed on the form. After the inquiry is complete, the provider returns it to the worker.
- (d) Once the results of the inquiry are received, the worker faxes a copy along with other required forms, memo, and verification to FSSD Child Care Subsidy Section staff. The original is filed in the case record.
7. (a) The prefix of a Child Welfare case number is KK.
- (b) The computer check is run by both name and Social Security number. The findings are kept confidential and not released to the client. The findings are documented in the memo and faxed to the FSSD Child Care Subsidy Section staff. The original of this memo is filed in the case record. If concern exists about the caregiver's ability to safely care for the child, FSSD Child Care

Subsidy Section staff makes the final decision regarding whether to contract with this caregiver.

8. The memo gives information about whether the provider meets the requirements described in this Section, the worker's opinion of the suitability of this person to provide child care, and the parent or caretaker's plan of service approved by the worker. The worker may request the assistance of OCCS local licensing staff in determining whether the in-home provider meets the guidelines. The worker faxes the memo to the FSSD Child Care Subsidy Section staff along with copies of Form 08CC003E, In-home Mutual Agreement and Notification to Provide Child Care Services, Form 08CC004E, Form 08CC005E, Form CHR01, and copies of the provider's photo identification and Social Security card. Originals of the memo and all forms are filed in the case record. Copies of Forms 08CC003E, 08CC004E, and 08CC005E are given to the parent or caretaker and the in-home provider.
9. The earliest date child care can be approved with an in-home provider is the date FSSD Child Care Subsidy Section staff signs Form 08CC003E and assigns a contract number. To be considered timely, the worker must certify or deny the application within two working days of the date he or she is notified of the approval and the in-home provider's contract number as long as all necessary verification needed to determine eligibility has been provided. FSSD Child Care Subsidy Section staff completes the renewal process with the provider.
10. FSSD Child Care Subsidy Section staff sends the "The Good Health Handbook - A Guide For Those Caring For Children" to the in-home provider within two working days of the approval date of the in-home provider shown on Form 08CC003E.
11. FSSD Child Care Subsidy Section staff sends the Form 08CC008E, In-Home Provider Declaration of Completion of Training with a self-addressed envelope to provider. The in-home provider will send the completed form to the FSSD Child Care Subsidy Section staff and the original is filed in the in-home provider contract file. Form 08CC008E serves as:
 - (1) a declaration by the in-home provider that the minimum caregiver training requirements have been met;
 - (2) case documentation of compliance with the training requirements as set forth in the Child Care Development Fund State Plan for federal financial

participation; and

(3) certification that the in-home provider has a sufficient knowledge base that ensures the care setting provides for the health and safety of the child, thereby enhancing the quality of child care.

12. FSSD Child Care Subsidy Section staff sends a new Form 08CC008E each year to the in-home provider for completion. The in-home provider will send the completed form to the FSSD Child Care Subsidy Section staff. The original is filed in the in-home provider contract file showing what training was received during that year. If the provider is unsure about training opportunities, the OCCS local licensing staff can help them choose appropriate training.
13. For in-home providers, Form 08CC006E, In-home Child Care Certification for Special Needs Rate, is used.
14. FSSD Child Care Subsidy Section staff views the training documentation to obtain the effective dates of certification.
15. If the on-site consultation will delay the approval for certification by more than 30 calendar days, the provider may be approved for certification prior to the on-site consultation criteria being met if a reasonable plan of correction has been documented in writing. FSSD Child Care Subsidy Section staff documents the provider's attempts to schedule the on-site consultation in Case Notes.
16. OCCS local licensing staff can help in-home providers find and choose any of these training opportunities.