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POLICY TRANSMITTAL NO. 09-52	DATE: SEPTEMBER 30, 2009
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:40-3-1.

EXPLANATION: OAC 340:40-3-1 Instructions to staff is revised to change the responsibility for processing applications made by foster parents for children in tribal custody from Family Support Services (FSS) workers to Child Welfare (CW) workers. CW workers will also complete child care applications for foster parents in the process of a trial adoption of a foster child in their care. When families are in the process of a trial adoption and have not served as the child's foster home, FSS workers will complete the child care applications.

Original signed on 9-29-09

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Mary Stalnaker, Director  
Family Support Services Division

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WF # 09-X (NAP)

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## **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

### **INSERT**

340:40-3-1, pages 1-12, revised 10-1-09

**340:40-3-1. Application process**

Revised 6-1-09

(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. 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;

(B) the client's subsidized child care benefits have been closed for more than 30 calendar days. This includes when expedited eligibility processing was used or when the client was approved for 30 calendar days of child care to search for a job in accordance with OAC 340:40-7-8(a)(6); or

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

(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, someone else 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 Form 08MP001E, Request for Benefits, Form 08MP002E, Eligibility Information for Benefits, and Form 08MP003E, Responsibilities and Signature for Benefits, 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. This includes providing 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) See OAC 340:40-5-1(7) for reasons an applicant cannot choose certain child care providers.

(C) For applicants choosing an in-home provider, see 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 that includes 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 within ten calendar days any changes in his or her circumstances. ■ 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.

(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. See OAC 340:40-5-1(8) for more information about 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 any child care

used before the certification date or which 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 and/or provider. ■ 17

(C) If the client fails to swipe attendance, he or she is responsible for any care given for that day and may be responsible for any absent day payment OKDHS pays if all 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 form 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 10-1-09

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

**(1) a foster parent including those whose foster care payment is pending. If the child is placed in a non-paid foster home and CW has no plans to pay the foster parent, the Family Support Services (FSS) worker is responsible for processing the child care application. See OAC 340:75-7-65 for CW foster care child care requirements;**

**(2) a foster parent of a child in tribal custody in a tribal foster placement;**

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

**(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, 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. See policy at OAC 340:40-7-8(e) Instructions to Staff (ITS) #17 and OAC 340:75-6-91 for CW preventive child care requirements.

(b) FSS workers process all applications for:

(1) non-paid foster parents when CW has no plans to pay the foster parent;

(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) trial adoptive families who are adopting a child in OKDHS custody that did not previously serve as the child's foster home. The need factor for these families is limited to employment in accordance with CW foster care requirements at OAC 340:75:7-65 and the family must provide Form 04AN015E, Adoptive Placement Agreement, verifying that the child has been placed in their home;

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

(5) clients whose children who are in OKDHS custody but 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 policy at OAC 340:40-7-6(c). If the situation is not temporary, a new application must be taken.

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 has 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 that results 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. See 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. See OAC 340:40-7-6(b).
6. This situation can 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 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. See OAC 340:40-7-3.1 for more 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 contact 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 which 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 know right away if they choose an ineligible provider so a different choice can quickly be made. If the applicant chooses a child care provider who does not have a valid contract with the Oklahoma Department of Human Services (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 can determine 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 can 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 then 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 are 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. See OAC 340:65-3-4(1) regarding home visits. If the worker schedules a home visit, it is normally planned so the worker has an opportunity to meet everyone in the household. The worker plans the visit at a time which 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 make 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 can be considered an application. When the child care request is mailed or left at the HSC, staff contact 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 "Child Care Services Tip Sheet for Clients and Providers," OKDHS Pub. No. 01-14.

(c) See 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 can be resolved within ten calendar days.

- 14. See 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 still 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 to count 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 Family Support Services Division (FSSD) Benefit Integrity and Recovery Section.

16. If the applicant chooses a provider that has not yet been granted a contract, see Instructions to Staff 7(b). 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. See OAC 340:40-5-1 for details regarding the plan of service. See OAC 340:40-9-3 for notice requirements. See 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. See 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 and/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) See 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.**

**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.**