

Utilizing Daycare to Support Children and Families

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DFPS FUNDED DAY CARE: JUDICIAL AND ATTORNEY BEST PRACTICES

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TEXAS
Department of Family
and Protective Services
Child Protective Services



DAY CARE FUNDING

Day care services are subject to funding availability and are not guaranteed. We do not promise a family that they will receive day care and/or what type of care they will receive.

The DFPS Day Care Coordinators only process daycare for children located in Texas and whose legal case is also in Texas.

(There are 12 Day Care Coordinators, housed state-wide, who process daycare requests.)

WHO CAN REQUEST DAY CARE?

- The DFPS/SSCC caseworker is the main point of contact when requesting day care.
- If the need for day care is identified by those involved in the case, the DFPS/SSCC caseworker can request day care, if the family qualifies, or submit a waiver for consideration.
- Court Orders should not be the first option when there is a need for day care. If the family does not qualify for day care, based on policy, caseworkers can request a waiver for consideration.



(Day care qualifications & waiver information will be discussed in detail on the next slides.)

DAY CARE FUNDING TYPES

There are three types of day care funding:

- General Protective Day Care
- Kinship Day Care
- Foster Day Care



GENERAL PROTECTIVE DAY CARE

General Protective Day Care is used in INV, AR, and FBSS cases. In these stages, the children must be the subject of an open DFPS case and not be in paid substitute care.

GP is also used in certain CVS cases for kinship placements where the homestudy has not yet been approved. In this situation, the kinship caregivers must meet the employment eligibility criteria and PA approval is mandatory.

GENERAL PROTECTIVE DAY CARE

Caregivers:

- If a child is not placed with their parent/legal custodial guardian(s), the caregivers must work at least 40 hours a week (*currently 32 hours per week*) and provide their three most recent paycheck stubs that show the number of hours worked. If the caregiver works for a school district and needs summer day care they must provide proof of employment that meets the required work hours mentioned above. There are forms for caregivers who are self employed.
- Parent/legal custodial guardians are not subject to the employment eligibility criteria.

Important

- If the parent/legal custodial guardian is under a safety plan restricting them from being unsupervised with the child, the day care request cannot be approved under their name. Instead, it should be requested under the name of the person the Department has approved as the “supervisor.”
- If the family no longer qualifies for day care, is not using day care services, or there is a caregiver change, staff email their day care mailbox so that the 2054 can be terminated.

GENERAL PROTECTIVE DAY CARE

Children:

- Children must be 6 years of age and younger as of September 1 in order to qualify for day care during the school year.
- Children 12 and younger are eligible for daycare during summer breaks. There is an approved state-wide waiver approving them for daycare during school breaks lasting 5 consecutive days or more.

Day Care Providers That Can Be Used:

- Only licensed child daycare providers contracted through the local CCS/CCMS board will be approved.

Time Frames:

- INV/AR: Initial authorizations are approved for 60 days and renewal authorizations require Program Director approval and will be approved for an additional 60 days.
- FBSS/FPR: Initial authorizations are approved for 6 months and renewal authorizations require Program Director approval and will be approved for an additional 90 days. Anything beyond 9 months requires Regional Director approval.
- CVS (*for Kinship Caregivers*): Initial authorizations are approved for 6 months and require upper management approval.

HOW CAN GENERAL PROTECTIVE DAY CARE BENEFIT FAMILIES INVOLVED WITH CPS?

- Can help provide the child with immediate or short-term safety from abuse/neglect.
- Can help prevent the child from being removed from the home.
- Can help the child to be reunited with family.
- Can help stabilize the family.
- Can help maintain a parental child safety placement with relatives or kin for a child who is not in DFPS conservatorship.
- Can help maintain the placement of a child in DFPS conservatorship with a kinship caregiver who does not meet the eligibility criteria for Kinship Child Day Care.

PROCESS FOR PARENTS WHEN REQUESTING DAY CARE

The parent requests day care from their DFPS/SSCC caseworker.



If the caseworker advises the parent that they qualify for daycare, then the parent will need to find a day care provider that is contracted with their local CCS/CCMS board, tour the facility, ensure there is space for the child, and complete the necessary enrollment paperwork. Once this is completed, the parent will advise the caseworker of this, and the caseworker will request day care.



The parent will need to wait for their local CCS/CCMS board to contact them before the child can start attending day care. The parent should not take the child to day care until they receive approval from CCS/CCMS. *CCS/CCMS calls the parent and day care provider with the approved start and end dates.*

KINSHIP DAY CARE

Kinship Day Care is used in CVS stages where children are placed with kinship caregivers who have an approved home study and a signed kinship caregiver agreement.

KINSHIP DAY CARE

Caregivers:

- Kinship caregivers must meet the same employment eligibility requirements discussed on slide 6 and, in addition to that, they must complete form K-901-1809:Foster/Relative and Other Designated Caregiver Daycare Verification.
- Staff are responsible for ensuring the kinship caregivers check with other community resources such as Head Start, Pre-K, public school, church/community resources, and other approved babysitters. Kinship caregivers must place the child on any available waitlists and document this on form 1809.

Children:

- Children must be 6 years of age and younger as of September 1 in order to qualify for day care during the school year.
- Children 12 and younger are eligible for day care during summer breaks. There is an approved state-wide waiver approving them for day care during school breaks lasting 5 consecutive days or more.

KINSHIP DAY CARE

Day Care Providers That Can Be Used:

- Only licensed child day care centers or licensed/registered childcare homes that are contracted through the local CCS/CCMS board will be approved.

Time Frames:

- The initial and renewal authorizations are approved for 12 months.

Important

Staff email their day care mailbox so that the daycare 2054 can be terminated if:

- The caregiver and/or the child no longer qualify for day care, per policy.
- When the adoptive placement agreement is signed or the adoption is consummated, whichever occurs first.
- In the event of a caregiver or legal status change.

PROCESS FOR KINSHIP CAREGIVERS WHEN REQUESTING DAY CARE

The kinship caregiver requests day care from their DFPS/SSCC caseworker. The kinship caregiver will need to provide employment verification showing that they work at least 32 hours per week and provide form 1809.



If the caseworker advises the kinship caregiver that they qualify for daycare, then the kinship caregiver will need to find a day care provider that is contracted with their local CCS/CCMS board, tour the facility, ensure there is space for the child, and complete the necessary enrollment paperwork. Once this is completed, the kinship caregiver will advise the caseworker of this, and the caseworker will request day care.



The kinship caregiver will need to wait for their local CCS/CCMS board to contact them before the child can start attending day care. The kinship caregiver should not take the child to day care until they receive approval from CCS/CCMS. *CCS/CCMS calls the kinship caregiver and day care provider with the approved start and end dates.*

FOSTER DAY CARE

Foster Day Care is used for children who are in the state's custody and are placed with foster parents.

FOSTER DAY CARE

Caregivers:

- Foster parents must meet the same employment eligibility requirements discussed on prior slides and, in addition to that, they must complete form K-901-1809:Foster/Relative and Other Designated Caregiver Daycare Verification.
- Staff are responsible for ensuring the foster parents check with other community resources such as Head Start, Pre-K, public school, church/community resources, and other approved babysitters before requesting DFPS funded day care. Foster parents must place the child on any available waitlists and document this on form 1809.

Children:

- Children must be 6 years of age and younger as of September 1 in order to qualify for day care during the school year.
- Children 13 and younger are eligible for day care during summer breaks. There is an approved state-wide waiver approving them for day care during school breaks lasting 5 consecutive days or more.
- Children must be at a Basic Level of Care (LOC), unless under a Single Source Continuum Contractor (SSCC).

FOSTER DAY CARE

Day Care Providers That Can Be Used:

- Only licensed child day care centers or licensed/registered childcare homes that are contracted through the local CCS/CCMS board will be approved.

Time Frames:

- The initial and renewal authorizations are approved for 12 months.

Important

Staff email their day care mailbox so that the daycare 2054 can be terminated if:

- The caregiver and/or the child no longer qualify for day care, per policy.
- When the adoptive placement agreement is signed or the adoption is consummated, whichever occurs first.
- In the event of a caregiver or legal status change.

PROCESS FOR FOSTER PARENTS WHEN REQUESTING DAY CARE

The foster parent requests day care from their DFPS/SSCC caseworker. The foster parent will need to provide employment verification showing that they work at least 32 hours per week and provide form 1809.



If the caseworker advises the foster parent that they qualify for daycare, then the foster parent will need to find a day care provider that is contracted with their local CCS/CCMS board, tour the facility, ensure there is space for the child, and complete the necessary enrollment paperwork. Once this is completed, the foster parent will advise the caseworker of this, and the caseworker will request day care.



The foster parent will need to wait for their local CCS/CCMS board to contact them before the child can start attending day care. The foster parent should not take the child to day care until they receive approval from CCS/CCMS. *CCS/CCMS calls the foster parent and day care provider with the approved start and end dates.*



CHILD CARE SERVICES

Julie Rivera

DFPS & THE CHILD CARE SERVICES PROGRAM

DFPS partners with Child Care Services (CCS) to coordinate payment and oversight. DFPS funds care by sending an authorization to CCS. CCS coordinates care between the caretaker and the child care provider based on the authorization. DFPS reimburses CCS for authorized child care.

ONCE DFPS NOTIFIES CCS TO END DFPS FUNDED CHILD CARE:

DFPS Kinship & Foster Care



- CCS offers an application for the CCS program to the caregiver to apply to continue care.
- DFPS Children are priorities in the CCS program. They bypass the waitlist.
- If eligible, there may be a gap in care for processing.

DFPS General Protective Care



- The CCS program funds the remainder of 12 months of care after General Protective care ends. This is referred to as DFPS Former Care.
- CCS care follows the child.
- As the end of the 12-months approaches, CCS offers an application for the CCS program to the caregiver to apply to continue care.

THE CHILD CARE SERVICES PROGRAM



The Texas Workforce Commission (TWC) manages the Child Care Services (CCS) program with funding from the Child Care and Development Fund. The program helps Texas families afford child care services through scholarships. The program also improves quality and education through Texas Rising Star and expands child care services across the state.

Eligibility for CCS

- Fall at or below 85% of the State Median Income and their family assets do not exceed \$1 million dollars. FY25 a family of 4 could make up to \$87,731 gross income and be eligible.
- Meet participation requirements: working, attending training or pursuing education up to a bachelor degree a minimum of 25 hours per week for a single parent or 50 hours for a two-parent household. Families are also eligible for 3 months of care if they are actively looking for work, if they do find employment, they may be eligible for care for the remainder of 12 months dependent on income and participation hours.
- Children receiving care must be US Citizens or legal immigrant, under 13 or is a child with disabilities and under the age of 19

Access & Prioritization in the CCS Program

- Due to high demand, CCS often has a waitlist for services. There are priority groups such as DFPS which bypass the waitlist. There are other priority groups like children of Veterans, Foster Youth, Teen Parents, Children experiencing homelessness, and Children with Disabilities that do go on the waitlist but are pulled ahead of others.

Texas Rising Star Quality Improvement

The Texas Rising Star program is the state's quality rating and improvement system (QRIS) for child care programs participating in CCS. Child care providers that achieve Texas Rising Star certification offer quality care that exceeds the Texas Health and Human Services Commission (HHSC) Child Care Regulation (CCR) minimum standards. This program provides hands on mentorship to Directors and Teachers in methods to improve the physical, social-emotional, and cognitive development of children through modeling, professional development training and resources to achieve higher quality. The Texas Rising Star program provides quality care & education not only to CCS children but all children at participating child care providers.



RESOURCES FOR FAMILIES

Texas Child Care Connection

An interactive Child Care Provider Locator & where to apply for Child Care services
<https://childcare.twc.texas.gov/find/welcome>

Texas Health & Human Services 211

Search for local resources for food, health, housing and more
<https://www.211texas.org/#guided>

Texas Health Steps from Texas Health & Human Services

Children and pregnant women covered by Medicaid can connect with a case manager to get referrals, find counselors, locate and receive the services needed
<https://www.hhs.texas.gov/services/health/medicaid-chip/medicaid-chip-members/texas-health-steps>

Children's Learning Institute (CLI) at The University of Texas Health Science Center

Understanding Developmental Screening & Early Intervention, resources, videos, and screening services
<https://public.cliengage.org/tools/assessment/understanding-child-development>

Early Childhood Texas – Resources for Raising Kids

Information for families to Texas State Agency programs, services and resources
<https://earlychildhood.texas.gov/index.html#gsc.tab=0>

RESOURCES FOR AGENCIES

Texas Workforce Commission (TWC)
Child Care & Early Learning Program
<https://www.twc.texas.gov/programs/child-care>

TWC's 28 State Workforce Solutions Board Areas
<https://www.twc.texas.gov/agency/workforce-development-boards>

Texas Health & Human Services Minimum Standards
<https://www.hhs.texas.gov/providers/child-care-regulation/minimum-standards>

Texas State Administrative Code
https://texas-sos.appianportalsgov.com/rules-and-meetings?chapter=809&interface=VIEW_TAC&part=20&title=40

Office of Child Care – US Dept of Health & Human Services
– Administration for Children & Families
<https://acf.gov/occ>

Texas Rising Star
<https://www.twc.texas.gov/programs/texas-rising-star>

Prekindergarten Partnerships
<https://www.twc.texas.gov/programs/texas-rising-star>



**WHAT ARE THE FIRST
TWO STEPS THAT
NEED TO BE TAKEN
WHEN A FAMILY
NEEDS DAY CARE?**

STEP #1

Staff informs the caregiver(s) (foster parents and kinship) that they need to:

- Provide their last 3 consecutive paystubs for each caregiver and form 1809. Paystubs must show each caregiver works a minimum of 40 hours (32 hours with the current waiver). There is no work requirement for parent/legal custodial guardians.

STEP #2

The caregiver must:

- Choose a day care that is contracted with the Child Care Services (CCS)/ Child Care Management Services (CCMS) board in their area.
- Complete the day care provider's enrollment paperwork.
- Ensure that the day care has space and can meet the child's needs.
- Tour the day care facility.
- Ensure immunization records are current.

** Care cannot be authorized until all these steps are completed.**

**WHAT SHOULD A
CASEWORKER DO WHEN
CAREGIVERS OR CHILDREN
DO NOT QUALIFY FOR DAY
CARE BASED ON POLICY?**

Answer: REQUEST A WAIVER

WAIVER INFORMATION

- Situations that may warrant a waiver include: 1. A caregiver (*who is not a parent/legal custodial guardian*) not working at least 40 hours per week (32 hours with the current waiver). 2. Only one caregiver working & the other (*who is not a parent/legal custodial guardian*) unemployed. 3. A child who does not meet the age requirement. & 4. A child who has a LOC above basic (for foster day care, *except for those under a SSCC*).
- Caseworkers complete the waiver, send it to their manager for approval, and then the manager sends it to the regional approver for that region and program. The regional approver is responsible for submitting the waiver to the state office Day Care Waiver Mailbox for final approval/denial determination.
- Waivers include exact policy to be waived, all correct and complete information, the specific reason(s) why the waiver is being requested, why day care is needed, and for what length of time, days, and care type is needed.
- Waivers are currently being processed within 24-48 hours. Waivers are approved/denied on a case-by-case basis.

COURT ORDERS



- It is imperative that when day care is court ordered, that the request is accompanied by a copy of the signed order. If a signed court order isn't immediately available, we can accept an email from the ADA. The email should be detailed in explaining what was ordered and for which child/ren and caregiver/s. The docket sheet is also acceptable if it contains the pertinent information.
- Court orders should be specific to the children and caregivers who need daycare coverage.
- If the court order is clear, it supersedes a waiver.
- If the caregivers qualify without a court order, staff submit the request and appropriate documentation.

COURT ORDER WORDING



The Department is court ordered to pay for full-time daycare for Jane Doe during her placement with Mary Smith.

Why this works:

- States that the Department is to pay.
- Type of care is listed.
- Has the child's name.
- Has the placement's name.



The children should be in protective daycare.

Why this doesn't work:

- Does not specify that the Department is ordered to pay for daycare.
- Type of care is not noted. (i.e., full or part time)
- The child's name is not noted.
- The caregiver's name is not noted.

FREQUENTLY ASKED QUESTIONS

- 1) If a family does not qualify for day care should a court order be requested?** No, before a court order is requested, the waiver option should be explored.
- 2) Can school age children receive after school care?** As per policy, any child that is not 6 years old or younger as of September 1st, only qualifies for day care during school breaks lasting five consecutive days or more (*as per a current approved state-wide waiver*). If day care is needed for children who do not meet this criteria, a waiver can be requested.
- 3) Can day care be requested during family reunification?** Yes, children who meet the age requirement, will qualify for general protective day care when reunified with a parent. If day care is needed, and the child does not qualify for day care, a waiver can be considered.

FREQUENTLY ASKED QUESTIONS

- 4) **Does DFPS pay for day care once we are dismissed from the case?** No, the Department cannot pay for day care on closed cases. When the Department is dismissed from the case, the day care authorization is terminated. Caregivers can contact their local CCS/CCMS board to discuss day care funding options.
- 5) **Once there is an active day care authorization, can caregivers change day care providers?** If there is an active day care authorization, caregivers can choose to change day care providers, but they cannot change the provider on their own. Caregivers need to contact their DFPS/SSCC caseworker to request a transfer. The transfer will need to be approved by the CCS/CCMS board before the child can start attending the new day care provider.
- 6) **Is there a list of approved day care providers that can be used?** Yes, there are lists of approved day care providers. The lists can change daily, as day care providers are added and deleted frequently. Many CCS/CCMS boards have access to their provider lists on their websites, but DFPS/SSCC caseworkers can contact their day care mailbox for updated lists as well.

WORKING TOGETHER FOR BETTER OUTCOMES FOR FAMILIES

Attorney Ad Litem can contact DFPS/SSCC caseworkers to discuss if families qualify for day care, options if they don't qualify for day care, and what is needed for the caseworker to be able to request day care.

Parent Attorneys can contact DFPS/SSCC caseworkers if they identify a need for day care during family reunification so that they can discuss if the children qualify and options if they do not.

POSITIVE IMPACTS DAY CARE HAS ON A CASE



- Child Safety
- Being able to maintain placement/Fewer placement breakdowns
- Children being able to stay with their kinship families
- Helping with successful family reunification



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**THANK YOU FOR
YOUR TIME!**

QUESTIONS?





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