

Care 4 Kids Program

POLICY TRANSMITTAL

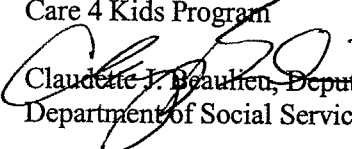


DIVISION OF FAMILY SERVICES-CHILD CARE TEAM

Transmittal Number: C4K-POL-05-04

Date: July 29, 2005

To: Sherri Sutera, Program Director
Care 4 Kids Program

From:  Claudette J. Beaulieu, Deputy Commissioner of Programs
Department of Social Services

CC: Policy Distribution List

Subject: Other Individuals Living with a Provider

Program Issue: Care 4 Kids has requested guidance concerning how to handle a situation where it has come to your attention that another person living in the home of a licensed or unlicensed provider has been convicted of a crime involving sexual assault of a minor, or serious physical injury to a minor. This transmittal provides clarification of the provider health and safety regulations pertaining to individuals living with the provider and guidance on how to handle these situations.

Background: Section 17b-749j of the Connecticut General Statutes requires the Commissioner of Social Services to establish health and safety standards for the child care subsidy program. In addition, subdivision (2) of subsection (c) of section 17b-749 of the Connecticut General Statutes requires the Commissioner of Social Services to establish eligibility and program standards, including, but limited to, health and safety standards for unlicensed providers. These standards are published in section 17b-749-12 of the Regulations of Connecticut State Agencies. Subsection (d)(6) authorizes DSS to deny payment if sufficient evidence exists to support a conclusion that the child's needs may not be satisfied or that the child's health and safety may be at risk in the child care setting. The regulation goes on to say that the Department shall consider information obtained from police records, medical records and information obtained from other state agencies, physicians, health care workers, social workers, health officials or other sources.

While DSS has the statutory authority to require a criminal history records check and a child abuse record check for individuals who are providing child care services, DSS does not have statutory authority to conduct these background checks for individuals who are living with the child care provider. Nevertheless, it is incumbent upon C4K to take action whenever there is evidence of a possible health or safety risk that was obtained from a reliable third party.

The approved C4K regulation reads as follows: "*no child care subsidy shall be paid to any licensed or unlicensed child care provider if there is evidence that a child's needs are not being met, or that the child is not receiving or is not likely to receive safe and competent care from the provider,*" Conn. Agencies Regs. § 17b-749-12(f)(1). For example, reliable evidence that there is a convicted child abuse/neglect offender living in the provider's home is sufficient reason to disapprove the child care arrangement prior to making a referral to DCF. If the evidence you obtain is not sufficient for you to reach a determination that the child's health and safety would be in jeopardy, the case should be referred to both the Department of Public Health and the Department of Children and Families (DCF) if the setting is licensed, or for unlicensed settings, only to DCF, before taking action on the case.

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Decisions of this nature must be made on a case-by-case basis after careful consideration of the reliability of the evidence. C4K should consult with the DSS Child Care Team on any such eligibility or procedural questions. Also, C4K is reminded that subdivision (4) of subsection (b) of section 17b-90 of the Connecticut General Statutes requires DSS to disclose to DCF necessary information concerning a child or the immediate family of a child receiving services from DSS, if the child's health, safety or welfare is at risk. C4K must make a referral to DCF as soon as such determination is made.

Implementation: Care for Kids is directed to share this transmittal with staff and to include the information in future training exercises.

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POLICY TRANSMITTAL



DIVISION OF FAMILY SERVICES-CHILD CARE TEAM

Transmittal Number: C4K-POL-05-05

Date: August 17, 2005

To: Sherri Sutera, Program Director
Care 4 Kids Program

From: Claudette J. Beaulieu, Deputy Commissioner of Programs
Department of Social Services

CC: Policy Distribution List

Subject: **Changes in Treatment of Substantiated Cases Reversed by DCF**

Program Issue: This transmits guidance regarding situations where DCF has issued a reversal or waiver of a substantiated allegation of child abuse/neglect.

Background: Section 17b-749-12(f)(2) of the Care 4 Kids regulations provides that in cases where the findings are reversed, payments may be authorized as of the date verification of the decision by the Department of Children and Families (DCF) or Public Safety is submitted to the department. Subdivision (4) of subsection (d) gives the Commissioner discretion to refuse payments to any provider if the person was the subject of a substantiated report of child abuse or neglect. Under subdivision (5) of subsection (d) the commissioner shall have discretion to refuse payment if the provider has a child abuse or neglect allegation pending.

Under present policy, providers are not eligible for payment if they have a substantiated report of abuse/neglect with DCF. Payment is discontinued when Care 4 Kids is notified of the report. If DCF reverses the substantiation the provider becomes eligible for payment effective the date that the reversal notice is submitted to the department. No retroactive payment is authorized.

Under this change, Care 4 Kids will continue to refuse payment to any provider that was the subject of a substantiated report of child abuse or neglect. However, in cases where the substantiated findings are waived or reversed by DCF, providers are now authorized to receive payments retroactive to the date the provider began providing care, if all other eligibility criteria are satisfied.

Other Considerations: To be eligible for retroactive payments, the provider must, within thirty days of the notice of provider ineligibility, ask DCF to review of the substantiation. If DCF reverses the substantiation, the provider must notify Care 4 Kids within 30 days of receiving reversal notification from DCF. Upon receipt of the reversal notification Care 4 Kids will determine family and provider eligibility retroactive to the date the provider began providing care and, if eligible, authorize payment.

Implementation: Care 4 Kids is directed to share this information with staff and to include the information in future training exercises.

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