

CDD.1085: Legal Guardians and Other Persons Legally Responsible for a Child's Welfare

Category: Child Care Financial Assistance Program (CCFAP)

Authority: 33 V.S.A. §3512; 33 V.S.A. §3514

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Overview

This policy describes the verification process of legal guardianship or an individual's status as another person legally responsible for a child's welfare when determining eligibility for the Child Care Financial Assistance Program (CCFAP).

Updates

This document has been updated to reflect the new CCFAP policy formatting, including rewriting and reorganizing the previous policy's content and completing a plain language review. Additional changes include:

1. Inclusion of parental power of attorney as an option for primary caretaker eligibility.
2. Define 'Verified Primary Caretaker' in the Policy section.
3. Clarification of when a parent regains custody.

All changes are highlighted in gray below.

Policy

If an applicant is **not** the biological, adoptive, adjudicated, or foster parent of the child for whom they are requesting child care financial assistance, the Eligibility Specialist **must** verify that the applicant is the legal guardian of the child through court documentation or the applicant has parental power of attorney, also known as power of attorney for child or minor power of attorney, through other documentation. These applicants will be referred to as Verified Primary Caretakers throughout this policy.

Definition: Verified Primary Caretaker – Legal guardian of a child through court documentation; *OR* a person who has parental power of attorney (power of attorney for a child); *OR* minor power of attorney through other documentation.

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Procedure

A. Verified Primary Caretakers Eligible for a Reach Up Child Only Grant

1. When a Verified Primary Caretaker applies for child care financial assistance for a child who is eligible for a Reach Up Child Only Grant, the Eligibility Specialist will:
 - a. Request a copy of the papers that establish who is the Verified Primary Caretaker(s).
 - i. If only one person is named, eligibility will be based only on that person's income and service need, regardless of whether that person is married.
 - ii. If two people are named as the Verified Primary Caretakers, determination is based upon the eligibility of both. The CCFAP household members will only consist of the Verified Primary Caretakers and the child(ren) for whom they are the Verified Primary Caretaker.
 - iii. If the Verified Primary Caretaker(s) has other children who they are requesting CCFAP for, the eligibility for those children will be determined in a separate CDDIS case. Eligibility Specialists will enter case comments under each case referencing the other case.
 - b. Request a copy of the Reach Up Child Only Grant award.
 - c. Verify the Verified Primary Caretaker's service need.
 - d. Authorize child care based on service need.
 - i. **Note:** The Verified Primary Caretaker's income is **not** counted, and the family share is zero. The Eligibility Specialist will enter the income, if provided, and follow CDDIS guidelines for overriding income.
 - e. Open the file in the Verified Primary Caretaker's name.
2. If the parent regains custody and requests that the child care financial assistance be placed in their name, the Eligibility Specialist **must** request court documentation showing that the parent has regained custody of the child and a new CCFAP application to be submitted under the parent's name.
3. Upon receipt of the documentation verifying parent custody, the Eligibility Specialist **must** provide a desktop denial two service periods (at least four weeks) prior to ending eligibility under the Verified Primary Caretaker's name to the Verified Primary Caretaker.

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B. Verified Primary Caretaker **Not** Eligible for a Reach Up Child Only Grant

1. When a Verified Primary Caretaker applies for child care financial assistance for a child who does **not** receive a Reach Up Child Only Grant, the Eligibility Specialist will:
 - a. Request a copy of the papers that establish who is the Verified Primary Caretaker(s).
 - i. If only one person is named, eligibility will be based only on that person's income and service need, regardless of whether that person is married.
 - ii. If two people are named as the Verified Primary Caretakers, determination is based upon the eligibility of both. The CCFAP household members will only consist of the Verified Primary Caretakers and the child(ren) for whom they are the Verified Primary Caretaker.
 - iii. If the Verified Primary Caretaker(s) has other children who they are requesting CCFAP for, the eligibility for all children may be determined as a single case or as separated cases in CDDIS. If filed separately, Eligibility Specialists will enter case comments under each case referencing the other case.
 - b. Confirm the Verified Primary Caretaker(s)'s service need.
 - c. Verify and calculate the income (including income received by child, i.e., Social Security Benefit).
 - d. If the Verified Primary Caretaker(s) is income eligible, child care financial assistance should be authorized based on service need.

C. Parent Declaration of Guardianship

1. If documentation shows that a parent signed over guardianship because of the parent's temporary absence from the home and guardianship was **not** obtained through the courts, the Eligibility Specialist will connect with the Grant Monitor to determine if documentation is valid.
2. If documentation is valid, the Eligibility Specialist will open the file in the Verified Primary Caretaker's name. If eligible, eligibility will be approved for a 12 month period.
3. If a parent returns to the home and ends the temporary guardianship, the parent has the following options:

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- a. The parent may choose to submit a new CCFAP application to have a file under their name.
 - i. If the parent chooses to submit a new application, the current file under the Verified Primary Caretaker's name will be closed after two full service periods (at least four weeks).
 - ii. Upon receipt of the new CCFAP application, the Eligibility Specialist **must** provide a desktop denial two service periods (at least four weeks) prior to ending eligibility under the Verified Primary Caretaker's name to the Verified Primary Caretaker.
- b. The parent does **not** submit a new application and the current eligibility under the Verified Primary Caretaker will remain active for the approved 12 month period.

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