

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-35598
Issue No: 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on September 16, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application for Child Development and Care (CDC)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On December 1, 2009, Claimant submitted an application for Child Development and Care (CDC) benefits.
- (2) On December 8, 2009, Claimant submitted a Child Care Family Preservation Need Verification (DHS-4 575 form). Section III of the form had not been completed by or signed by any professionals.
- (3) On February 2, 2010, Claimant's CDC application was denied. Claimant was sent an Application Eligibility Notice form (DHS-1150).
- (4) On February 25, 2010, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MC L 400.14(1) and M AC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

CDC PROGRAM REQUIREMENTS

PROGRAM OVERVIEW

The goal of the Child Development and Care (CDC) program is to preserve the family unit and to promote its economic independence and self-sufficiency by promoting safe, affordable, accessible, quality child care for qualified Michigan families.

The Department of Human Services (DHS) may provide a subsidy for child care services for qualifying families when the parent(s)/substitute parent(s) is **unavailable** to provide the child care because of employment, participation in an approved activity and/or because of a health/social condition for which treatment is being received **and** care is provided by an eligible provider.

INTRODUCTION

Eligibility for CDC services exists when the department has established **all** of the following:

- There is a **signed application** requesting CDC services.
- Each parent/substitute parent (see Parent/Substitute Parent section in this item) is a member of a valid **ELIGIBILITY GROUP**.
- Each parent/substitute parent (P/SP) meets the **NEED** criteria as outlined in this item.

- An eligible provider is providing the care.
- All eligibility requirements are met.

NEED

There are four CDC need reasons. Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of:

1. Family preservation.
2. High school completion.
3. An approved activity.
4. Employment.

NEED REASONS

Determination of eligibility must be made in the following descending order.

1. Family Preservation

CDC Payments may be approved for P/SPs who are:

- Unavailable to provide care because they are participating in a treatment activity for their health or social condition.
- Unavailable to provide care because they are required to participate in the treatment activity of another member of the CDC program group, the CDC applicant or the CDC applicant's spouse who lives in the home.
- Unable to provide care due to a health or social condition for which they are being treated by a physician.
- Unavailable to provide care due to an educational need which is part of the foster care services plan.

Allowable conditions may include, but are not limited to the following:

- Disability or mental disturbance.
- Chronic health conditions.
- Drug/alcohol abuse.
- Social isolation.
- History of child abuse/neglect in family or poor, inadequate parenting.
- Budget mismanagement.
- Domestic violence.

Allowable treatment activities may include, but are not limited to the following:

- Hospitalization.
- Physical therapy.
- Occupational therapy.
- Speech therapy.
- Counseling sessions.
- Alcoholics Anonymous (AA) meetings.
- Narcotics Anonymous (NA) meetings.
- Parenting classes.
- Support classes.
- Food and nutrition classes.
- Participation in the Women, Infants and Children (WIC) program.
- Money management classes.

Note: Unless part of the foster care services plan, allowable treatment activities do not include elementary, secondary, post-secondary or vocational education classes under this need reason. Specialists who receive notice that an educational activity is necessary as part of the foster care services plan should code the need as Family Preservation and refer to the Michigan Works! Agency (MWA) for approval. If MWA approves the educational activity, the specialist should change the coding for the need. If MWA does not approve, continue coding the activity as family preservation for as long as indicated by the foster care worker.

Note: Child care payments may NOT be approved for respite care, as defined in [BPG Glossary](#).

The [DHS-4575](#), Child Care Family Preservation Need Verification, must be used to document the family preservation child care need.

The form must be signed by one of the following:

- A physician (MD. or D.O.).
- The DHS children's protective services, foster care services, or preventive services worker if child care is needed to allow a parent/substitute parent to participate in a treatment activity as a component of an active children's protective services, foster care services or preventive services case plan.
- A clinical psychologist.
- A clinical social worker.
- The clinical supervisor or director of a substance abuse treatment program.
- A substance abuse counselor.
- The specialist, for child care needed to participate in one of the allowable treatment activities, if it is a DHS-assigned family support services (FSS) activity.

Note: Child care needed for DHS-assigned FSS activities may be paid using Direct Support Services (DSS) funds or the CDC program if eligibility exists. Take care to avoid duplicate payments.

The [DHS-4575](#) must be completed:

- At application.
- At redetermination.
- When there is a change in the parent /substitute parent's treatment schedule, activities or service plan.

The [DHS-4575](#) verifies:

- The reason CDC services are needed (diagnosis of condition or explanation of activity which prevents the parent/substitute parent from providing the care). The activities in which the parent/substitute parent is expected to participate while the child is receiving CDC services.
- How often the parent/substitute parent is being treated/seen.
- The length of time CDC services will likely be required, three months.
- The days per week and number of hours per day that child care will be needed.
- The child(ren) needing child care. (BEM 703)

It is undisputed that section III of the Child Care Family Preservation Need Verification (DHS-4575 form) was not filled out by a professional. The policy cited above clearly identifies the need for a complete 4575 form to determine eligibility for CDC benefits. The Department's denial of the application was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for Child Development and Care (CDC).

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 2010

Date Mailed: September 29, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

GFH/alc

cc:

[REDACTED]