

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

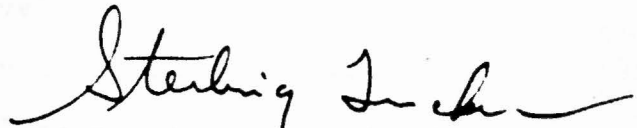
May 11, 1977

D.C LAW 1-131

"Day Care Policy Act"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (PL 93-198), the Act, the Council of the District of Columbia adopted Bill No. 1-240 on first and second readings November 23, 1976, and December 7, 1976, respectively. Following the signature of the Mayor on February 3, 1977, this legislation was assigned Act No. 1-227, published in the February 18, 1977, edition of the D.C. Register, and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired and, therefore, cites the following legislation as D. C. Law 1-131, effective April 26, 1977.



STERLING TUCKER
Chairman of the Council

(Vol. 23, D.C. Register, 6388, February 18, 1977)

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AN ACT

1-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 3, 1977

To provide policies relating to the provisions of day care services by the Department of Human Resources.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Day Care Policy Act".

Sec. 2. As used in this act the term -

(a) "Child" means an individual between the ages of birth and fifteen years.

(b) "Child Development Home" means a child development facility as defined in section 103(5) of Regulation No. 74-34 (Child Development Facilities Regulation), except that for purposes of this act, a child development home shall also include care given to a child by a caregiver related to that child pursuant to section 201(a) of Regulation No. 74-34.

(c) "Department" means the District of Columbia Department of Human Resources.

Sec. 3. The Department is hereby authorized to provide a broad program of day care services for children of parents referred or approved by the Department for various training and work incentive programs, for children of other parents known to the Department where day care appears to be in the child's best interest, and for children of low-income families, otherwise unknown to the Department, where the parents are employed outside the home.

Sec. 4. The Department is hereby authorized to pay the full cost of day care for children identified through the following circumstances:

(a) Children of AFDC mothers referred to, enrolled in, and participating in the Work Incentive Program (WIN).

(b) Children of AFDC mothers in other goal oriented training programs; such programs being identified as those which include services of a job placement officer, social worker, counselor, or other special staff member who offers support and help in job finding and employment adjustment.

(c) Children of AFDC mothers who have completed training - for the first three months following placement in full time employment.

(d) Children of AFDC fathers or AFDC children who are living with caretaker relatives whose requirements are

included in the public assistance grant and who are in training for employment.

(e) Children of AFDC mothers who are mentally retarded or who have a history of mental illness when day care is deemed to be in the child's best interest.

(f) Children of AFDC parents who are receiving extended treatment because of physical or mental problems, and day care is recommended by the treating facility.

(g) Children of AFDC mothers who are attending high school, until the mother receives a high school diploma or drops out of school. In the case of high school graduates, day care shall be continued for three months after graduation occurs.

(h) Children of unwed mothers who live with one or both parents or another caretaker relative, if the parent or parents or other caretaker relative either refuses to give care to the child or is unable to do so -- until the mother receives a high school diploma, or reaches the age of 18, or drops out of school.

(i) Children who are approved for AFDC and live with caretaker relatives (not parents), and children approved for General Public Assistance and live with unrelated caretakers, when day care is required due to employment of the caretaker.

(j) Children of unemployed parents who are receiving vocational rehabilitation services, when day care is needed to allow them to engage in an established vocational rehabilitation program.

Sec. 5. The Department is hereby authorized to supplement the payment for day care services by parents (paid directly to a child development center, child development home, or to an in-home caregiver according to a daily fee scale), whose gross annual income does not exceed the limits specified in the fee scale for the designated family size in section 6 of this act, under the following circumstances:

(a) Children of AFDC parents placed in employment through the Work Incentive Program (WIN) or other goal oriented training programs -- after completion of three months of such employment.

(b) Children of other single parents (in single parent households) when day care is needed due to the parent's employment.

(c) Children of working parents whose income is limited and the provision of day care services will enable the family to remain together.

(d) Children receiving child social services, if the children are not in foster care placement and day care seems to be in the child's best interest.

(e) Children of parents who are receiving extended treatment due to physical or mental problems and day care is recommended by the treating facility.

(f) Children of employed parents who are receiving vocational rehabilitation services, when day care is needed to allow them to engage in an established vocational rehabilitation program.

Sec. 6. The scale for day care fees to be paid by parents shall be based on the following criteria:

(a) The daily rate of pay by parents, for children in day care, shall be based on family size, the family's gross income as compared to median income specified by federal determination for services under Title XX of the Social Security Act, and a graduated percentage of costs of care as specified through payment rates shown in section 13.

(b) Day care shall be provided free for otherwise eligible children whose family's gross income is less than 50 percent of the median income, adjusted to family size, for the District of Columbia.

(c) Eligibility for subsidized care through the Department shall cease when the family's gross income,

adjusted to family size, is greater than 85 percent of the specified median income.

(d) Parents shall pay a percentage of costs for each child in day care, on a graduated scale, as their gross income increases from 50 to 85 percent of the specified median income. The percentages for the five graduated increments shall be 4, 8, 12, 16 and 20 percent of the appropriate payment rates specified in Section 13, as shown in chart below.

Parent Payment:	Free	4% of cost	8% of cost	12% of cost	16% of cost	20% of cost
When family income is:	50% of median income	57% of median income	64% of median income	71% of median income	78% of median income	85% of median income

Sec. 7. The Department shall not be liable for payment of that part of the day care fee which the parent agrees to pay the child development center, child development home, or in-home caregiver, even though the parent fails to pay the facility or in-home caregiver according to agreement.

Sec. 8. The Department shall be responsible for its part of the payment of day care fees to a child development center or a child development home, after admission of a particular child, for up to 15 consecutive days for that child when absence is caused by illness of the child or a

change in the parent's training status, provided the child is in regular attendance and the parent remains eligible or a space is being reserved.

Sec. 9. The Department shall be responsible for its part of the payment of day care fees to an in-home caregiver only for those days when the in-home caregiver is present in the mother's home and rendering services as agreed.

Sec. 10. An overpayment by the Department to a child development center, child development home, or to an in-home caregiver who is continuing to provide day care services shall be collectible in any amount.

Sec. 11. The collection of an overpayment of not more than \$25.00 may be waived for child development centers, child development homes, or in-home caregivers who are no longer providing day care services for the Department.

Sec. 12. For those child development centers where special programs are developed to meet the community needs and with which contracts are negotiated to cover full funding or seventy-five (75) percent of funding, the Department's contribution shall not be reduced by the amount of planned payments by parents. These payments shall be used to enhance center programs. Such payment by parents shall be based on the daily rates for slot-funded programs

and the day care fee scale set forth in section 6 of this act.

In the event the total of the planned parental payments which are actually received in any fiscal year by any center plus the Department's reimbursement to that center for costs for that fiscal year exceed the total budget of that center as negotiated with and approved by the Department for that fiscal year, that center shall pay the amount of the excess to the Department and, should it fail to do so, the Department is expressly authorized, in addition to any other remedies it may have, to hold back the amount of that excess from any reimbursement to be made to that center in the next fiscal year.

Sec. 13. Payments to child development centers (slot-funded), where contracts call for payment per child placed, to child development homes, or to in-home caregivers shall be made according to the following rates, effective October 1, 1976:

(a) Full Day Care

(1) Child Development Homes - \$4.50 per day per child.

(2) Child Development Centers - \$8.00 per day per child, with \$1.00 added when transportation is provided.

(3) In-Home Care -

(A) For care during the day, \$2.75 per child per day.

(B) For care during night hours, \$3.50 per child per night.

(b) Part-time Care

(1) Child Development Homes - \$3.00 per day per child for before and after school care.

(2) Child Development Centers - \$4.00 per day per child for before and after school care.

(3) In-Home Care -

(A) Before and after school care, \$1.75 per child per day.

(B) For night care of less than six hours, \$2.00 per child per night.

Sec. 14. Only licensed child development facilities shall be used by the Department when day care is arranged in other than the child's own home or in homes of relatives within the degree specified by licensing requirements.

Sec. 15. Guidelines and standards for in-home care are set forth as follows:

(a) In-home care within the child's own home, by an in-home caregiver, shall be used only when other day care plans are not feasible and in-home care offers greater benefits to the mother or other responsible relative and the child.

(b) In-home care may be provided, as appropriate and available, for children of eligible persons in training and during their subsequent employment, and for AFDC children living with caretaker relatives (not parents) when day or night care is required due to employment of the caretaker relative.

(c) In-home care shall be arranged by mutual agreement between the child's own mother or caretaker relative, the in-home caregiver, and the Department.

(d) Selection of the in-home caregiver shall be made by the parent, subject to final approval by the Department.

(e) The Department shall make direct payments to the in-home caregiver for services rendered.

(f) The in-home caregiver shall be of an age between 21 and 70 years.

(g) The in-home caregiver shall furnish the Department with the same medical certification of good health as that required for licensed caregivers pursuant to section 403(h) of Regulation No. 74-34 (Child Development Facilities Regulation). Further, the in-home caregiver shall furnish

the Department with medical certification of good health for any child of her own whom she brings to the home of the mother or caretaker relative.

(h) Duties of the in-home caregiver shall be limited to supervision of the child or children in her care, preparation and serving of appropriate meals or snacks, and washing of dishes and utensils used in the preparation of food.

(i) The in-home caregiver shall have no more than two preschool children of her own.

(j) The in-home caregiver shall not care for children other than her own and the child or children of the AFDC mother or caretaker relative.

(k) If the in-home caregiver brings her own children to the home of the AFDC mother or caretaker relative, an agreement shall be reached between them as to the amount of food she brings for their needs.

(l) The in-home caregiver shall have prior experience in child care, either with her own children or siblings.

Sec. 16. (a) Any child development center or child development home that contracts or agrees with the Department to provide day care shall comply with all applicable provisions of Regulation No. 74-34 (Child Development Facilities Regulation).

(b) Child development facilities contracting or agreeing with the Department to provide day care, which are included in the programs for Federal reimbursement, shall comply with all applicable Federal regulations and requirements.

Sec. 17. The Department shall be responsible for monitoring the provision of day care services to assure that adequate services are provided to the children and that contractual and other agreements are met.

Sec. 18. Regulations No. 69-9, No. 71-1, and No. 74-23, approved February 7, 1969, January 5, 1971, and August 29, 1974, respectively, are hereby repealed.

Sec. 19. This act shall be effective at the end of the period provided for Congressional review of acts of the Council of the District of Columbia in subsection (c) of section 602 of the District of Columbia Self-Government and Governmental Reorganization Act.