

CCDF Frequently Asked Questions in Response to COVID-19

1) Can CCDF Lead Agencies continue to pay providers, if child care programs close and/or parents keep their children home due to COVID-19?

Yes, Lead Agencies can use or modify their absence policy to pay providers if programs are closed or children are absent due to COVID-19. At their option, Lead Agencies may pay providers based on a child's enrollment rather than attendance (45 CFR 98.45(l)(2)(i)). The statutory requirement at section 658E(c)(2)(S)(ii) of the Child Care and Development Block Grant (CCDBG) Act requires Lead Agencies to support the fixed costs of providing child care services by delinking provider payment rates from an eligible child's occasional absences due to holidays or unforeseen circumstances such as illness, to the extent practicable. Lead Agencies may also use CCDF quality dollars to provide temporary grants or assistance to impacted providers to retain the child care supply during periods of closures.

The CCDF final rule at 45 CFR 98.16(aa) requires the Statewide Disaster Plan (or Disaster Plan for a tribe's service area) to incorporate guidelines for continuation of child care subsidies and child care services, which may include the provision of emergency and temporary child care services during a disaster, and temporary operating standards for child care after a disaster. State, territory, and tribal Lead Agencies have broad flexibility to operate the CCDF program and have a number of options within federal statute and regulation to adapt policies in order to maintain continuity of services for families affected by COVID-19.

2) What steps should Lead Agencies take to ensure effective regulatory oversight of CCDF programs, if there is a State mandated curfew/quarantine/telework policy for Lead Agency staff due to COVID-19?

Lead Agencies should follow their Continuity of Operations Plans (COOPs). The CCDF final rule at 45 CFR 98.16(aa) requires the Statewide Disaster Plan (or Disaster Plan for a tribe's service area) to incorporate guidelines for continuation of child care subsidies and child care services. Lead Agencies have fiduciary responsibility to protect the integrity of the CCDF program funds. As noted in 45 CFR 98.16(cc), Lead Agencies must provide descriptions in their CCDF Plans of: (1) internal controls to ensure integrity and accountability; (2) processes to investigate and recover fraudulent payments and to impose sanctions on clients or providers in response to fraud; and (3) procedures to document and verify eligibility, pursuant to 45 CFR 98.68. Finally, Lead Agencies must inspect child care providers for compliance with fire, health, and safety standards in accordance with 45 CFR 98.42. Lead Agencies unable to meet CCDF requirements due to COVID-19 impacts may apply for a temporary waiver due to extraordinary circumstances.

3) If COVID-19 results in increased child care demand (e.g., all schools close down and parents still need to work during the day), can the Lead Agency enroll temporary unlicensed care providers to serve additional children?

Yes, Lead Agencies may enroll new providers to meet increased demand. Absent a waiver, Lead Agencies must require these providers to meet health and safety requirements. Specifically, providers serving children who receive CCDF services would need to meet requirements for health and safety standards, training, inspections, and background checks. However, Lead Agencies may apply for temporary waivers for extraordinary circumstances in response to emergency situations in accordance with 45 CFR 98.19. If approved, these waivers may temporarily exempt Lead Agencies from meeting health and background checks requirements. In order to request temporary waivers for extraordinary circumstances in response to emergency situations, the Lead Agency must submit a written request to the Office of Child Care (OCC) Director (with a copy to the OCC Regional Program Manager), indicating the reason why the Lead Agency is requesting the waiver including a description of the extraordinary circumstances. The request must also provide sufficient detail on the provision(s) from which the Lead Agency is seeking temporary relief and how relief from the sanction or provision, by itself, will improve the delivery of child care services for children and families. The request must also certify and describe how the health, safety, and well-being of children served through CCDF will not be compromised as a result of the waiver.

The waiver request must include the preferred start date (which may be retroactive to the time the emergency occurred) and the duration of the waiver. The request is limited to an initial period of no more than two years from the date of approval, and at most, an additional one-year renewal from the date of approval of the extension. Upon approval of a waiver request, Lead Agencies have 60 days to submit a CCDF Plan amendment to correspond with the provision(s) in the waiver request.

4) What types of contingency planning can Lead Agencies take, when evaluating how they will handle provider payments, family applications, and unannounced inspections if there is widespread outbreak impacting Lead Agency staffing levels or a reduction of available child care due to COVID-19 illness?

We remind Lead Agencies to develop emergency preparedness plans that contain guidelines for continuation of child care subsidies and child care services, which may include the provision of emergency and temporary child care services during a disaster, and temporary operating standards for child care after a disaster. State, territory, and tribal Lead Agencies have broad flexibility to operate the CCDF program and have a number of options within federal statute and regulation to adapt policies in order to maintain continuity of services for families affected by a disaster. It is important that Lead Agencies have a plan in place to perform essential functions and achieve programmatic continuity during and after an emergency or disaster for families receiving CCDF benefits. These essential functions

include: (i) continuing payments to child care providers serving children receiving subsidies; (ii) provisions for extending eligibility re-determination for families; (iii) communication with the licensing agency to ensure that licensed programs receiving CCDF funds are safe and operational; (iv) assisting new enrollees or preparing for an influx of families who may need assistance; (v) implementation of a waiting list if the Lead Agency does not have one, as appropriate; and (vi) tracking families receiving subsidies impacted by the disaster.

5) Can a Lead Agency use CCDF to pay for child care for children who are not currently CCDF-eligible, and if so under what circumstances?

The Lead Agency has a number of options:

1. Broaden the Lead Agency's definition of protective services to permit emergency eligibility. A child in a family that is receiving, or needs to receive, protective intervention is eligible for child care subsidies even if the parent is not working or in education or training. Furthermore, Lead Agencies have the option to waive the income eligibility requirements for children who receive or need to receive protective services, if determined to be necessary, on a case-by-case basis. In emergency situations, Lead Agencies have the option of deeming impacted children to be in need of protective services and therefore, the eligibility requirements (e.g., income threshold, work/training requirement) could be waived. These provisions, at Lead Agency option, could also apply to children in foster care. This does not require a waiver, but could require a Plan amendment.
2. Use quality dollars to provide immediate assistance to impacted families/providers, even if they are not on CCDF. Such an expenditure could be viewed as a necessary to retain the child care supply during the State's shutdown. This does not require a waiver, but could require a Plan amendment.
3. Apply for a waiver to use CCDF funds to provide direct services to families who do not meet CCDF eligibility requirements and/or providers who do not meet CCDF health and safety requirements.

Watch the OCC Website for updates

[ACF.HHS.gov/OCC](https://www.acf.hhs.gov/OCC)