

**CHILDREN'S DIVISION**

**PROTECTIVE SERVICES CHILD CARE - LEGAL STATUS MATRIX**

**Purpose:** *The purpose of this matrix is to inform staff, based on legal status, what types of placements and placement subtypes are allowed in order for a child to received child care services. This document is a tool and does not replace protective services child care policy.*

<b>Legal Status</b>	<b>Status Description</b>	<b>Child Care Eligibility Requirement</b>	<b>Placement Type</b>	<b>Placement Subtype</b>	<b>Provider Option</b>
<b>Legal Status 1</b>	Care and custody with CD with placement in out-of-home care. Note*- Children can be in the custody of the Division while remaining in the home.	Eligible for child care if a need exists.	Placement type <b>must be</b> FHO, FHB, FHE, FHM, RHO, RHB, RHM, RHU, KHO, KHB, KHM, KHU, FAH, FGH, FGB, FGM, or CFP.  <b>Cannot</b> have a placement type of RFA, JHO, TLA, TLS, TLG, ILA, RUN, MMD, MMH, DET, SCH, RF2, RF3, RF4, RFE, RFI, RFM, RFP, or RFT.	A is the <b>only</b> allowed subtype.	Must be licensed with DHSS and contracted with DSS. <b><u>Waiver is required for use of a license exempt registered provider with Legal Status 1 children.</u></b>
<b>Legal Status 2</b>	Temporary custody with adoptive parents.	Eligible for child care if a need exists.	Placement type <b>must be</b> ADF, ADR, or ADO.  <b>Cannot</b> have a placement type of RFA, JHO, TLA, TLS, TLG, ILA, RUN, MMD, MMH, DET, SCH, RF2, RF3, RF4, RFE, RFI, RFM, RFP, or RFT.	A is the <b>only</b> allowed subtype.	Provider must be both licensed with DHSS and contracted with DSS or a license exempt provider who is registered with DSS.

Legal Status	Status Description	Child Care Eligibility Requirement	Placement Type	Placement Subtype	Provider Option
<b>Legal Status 3</b>	Supervision only with CD. Placement can be either in or out of the child's home.	Eligible for child care if a need exists.	Placement type <b><u>must be</u></b> FHO, FHB, FHE, FHM, RHO, RHB, RHM, RHU, KHO, KHB, KHM, KHU, FAH, FGH, FGB, FGM, or CFP.  <b>Cannot</b> have a placement type of RFA, JHO, TLA, TLS, TLG, ILA, RUN, MMD, MMH, DET, SCH, RF2, RF3, RF4, RFE, RFI, RFM, RFP, or RFT.	A is the <b><u>only</u></b> allowed subtype.	Provider must be both licensed with DHSS and contracted with DSS or a license exempt provider who is registered with DSS.
<b>Legal Status 4</b>	Care and custody with juvenile court or other agency. Generally this is with DYS, DMH, or is an ICPC case where other state has custody and child resides in our state.	NA – Not eligible for child care.	NA	NA	NA
<b>Legal Status 5</b>	Finalized Adoption.	Eligible for child care if need exist.	Placement type <b><u>must be</u></b> ADF, ADR, or ADO.	NA	Provider must be both licensed with DHSS and contracted with DSS or a license exempt provider who is registered with DSS.

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Legal Status 7	Child of a youth in out-of-home care. We do not have custody of these children; they remain in the custody of the parent.	Child of LS7 child is eligible for child care assistance. Eligible for child care if a need exists.	An LS 7 child can be eligible for child care in any placement setting if a need exists.	NA	Provider must be both licensed with DHSS and contracted with DSS or a license exempt provider who is registered with DSS.
Legal Status 8	Chafee Youth. Youth age 18 to 21 receiving services through Chafee grant. Youth must have been in CD custody and in LS1 in out-of-home care on date of 18th birthday to qualify.	NA – Not eligible for child care.	NA	NA	NA
Legal Status 9	Legal guardianship awarded.	Eligible for child care if need exist.	<b>Cannot</b> have a placement type of RFA, JHO, TLA, TLS, TLG, ILA, RUN, MMD, MMH, DET, SCH, RF2, RF3, RF4, RFE, RFI, RFM, RFP, or RFT.	A is the <b>only</b> allowed subtype.	Provider must be both licensed with DHSS and contracted with DSS or a license exempt provider who is registered with DSS.

Legal Status	Status Description	Child Care Eligibility Requirement	Placement Type	Placement Subtype	Provider Option
<b>Legal Status V</b>	Voluntary Placement Agreement. This legal status is used when the parent/guardian and the CD enter into and sign a Voluntary Placement Agreement.	NA – Not eligible for child care.	NA	NA	NA
<b>May or may not have a legal status</b>	Family Centered Services (FCS)	Eligible for child care if need exist.	NA	NA	Provider must be both licensed with DHSS and contracted with DSS or a license exempt provider who is registered with DSS.
<b>May or may not have a legal status</b>	Intensive In-Home Services (IIS)	Eligible for child care if need exist.	NA	NA	Provider must be both licensed with DHSS and contracted with DSS or a license exempt provider who is registered with DSS.

**Note:** Protective service children do not have sliding fees. Child care providers cannot charge a co-payment for protective service children. Sometimes, there are situations where Children’s Division is court ordered to provide child care; CD staff should consult with the appropriate Child Care Subsidy Program and Policy staff regarding these situations if they have questions. Otherwise, CD staff should notify the appropriate Child Care Provider Relations Unit of the unique authorization and provide a copy of the court order, so the provider can be paid correctly.