

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

July 30, 2007

MEMORANDUM

**What's Inside:**

Change in definition of relationship of the provider to the child in care.

TO: ALL REGIONAL AND COUNTY FSD/CD OFFICES

FROM: PAULA NEESE, DIRECTOR  
CHILDREN'S DIVISION  
JANEL R. LUCK, DIRECTOR  
FAMILY SUPPORT DIVISION

SUBJECT: Change In Child Care Policy Regarding The Cousin Relationship  
Of The Provider To The Child

DISCUSSION:

The purpose of this memorandum is to inform staff of a recent change in the definition of "related to the third degree" made by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (formerly the Bureau of Child Care), when referring to the relationship between a child care provider and child. This change affects registered family home provider eligibility and child authorizations in FAMIS.

Effective July 30, 2007, the cousin relationship of the provider to the child is no longer valid and the "COU" relationship code in FAMIS is blocked. The impact on child authorizations is discussed later in this memorandum.

This change in policy results from a legal clearance of state statute §210.211 RSMo received by the DHSS regarding relationship of the provider to the child in the third degree.

§210.211 RSMo states "1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to: (1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or

adoption to such person **within the third degree** shall not be considered in the total number of children being cared for."

Child Care Licensing Rule 19CSR30-61.010(18) defines related as "Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin."

The legal clearance removes "first cousin" from inclusion in this definition. State Statute does not recognize "first cousin" as "related to the third degree" in counting related children for child care. DHSS, Section for Child Care Regulation (SCCR), is currently enforcing this rule for licensed providers. The attachment from DHSS explains the degree of relationship to the child care provider. ([Table of Consanguinity](#))

## IMPACT OF THIS CHANGE TO CHILD CARE AUTHORIZATIONS

State Statute takes precedence over program policy; therefore, as of July 30, 2007, FAMIS will no longer recognize cousin as a relationship when authorizing a child to a provider on the CCAUTH screen, FM30.

Effective with receipt of this memorandum, follow state statute §210.211 and the recent legal clearance to ensure that registered family home providers have four or fewer unrelated children in their care. **Child Care policy states proof of the provider's relationship to the child (ren) in care must be requested any time the provider or the parent states that the child is related to the provider.**

Verification of the provider's relationship to the child in care is required. Statements from the parent and/or provider are not sufficient verification of relationship. Refer to Child Care memorandum [http://www.dss.mo.gov/fsd/iman/memos/oecmemos\\_05/oec10\\_05.html](http://www.dss.mo.gov/fsd/iman/memos/oecmemos_05/oec10_05.html)

regarding the child authorization process in FAMIS for registered family home providers.

Staff must use the Comment screen, attached to the Child Authorization screen (FM30/CCAUTH), to record the explanation and method of verification of the provider's relationship to any related child authorized to them for payment.

Once relationship of a specific provider to the child is verified and documented in the Comments section of the Child Authorization screen, that relationship does not need to be re-verified.

Since the cousin code is no longer a valid code for child authorizations, use "NRP" (Non Related Person) code to indicate the relationship of the provider to the child for any new child authorization or re-authorization where the parent claims that the provider is a cousin to the child in care.

Lack of relationship verification does not affect the family's eligibility for child care

services. However, because the child's authorization may affect the number of unrelated children to a chosen provider, lack of relationship verification could result in the family's inability to access their child care benefits. Do not initiate family eligibility closings based on the lack of provider or lack of verification of the relationship of the child to a provider.

FSD Responsibility for New Child Authorizations in FAMIS

As of July 30, 2007 and later, use 'NRP' code to indicate the relationship of the provider to a child for any new child authorization or re-authorization where the parent claims that the provider is the cousin to the child in care.

NOTE: To facilitate the authorization process, staff is reminded to check the VIEWAUTH screen to review the number of "NRP" children authorized to a registered family home provider at the time the family selects the provider. If there are four children with code "NRP" children authorized to the provider, notify the provider that no additional **unrelated** children may be authorized to them.

Active Authorizations in FAMIS

A subsequent memorandum and list of affected child authorizations will be distributed to those Family Support Division (FSD) offices impacted by this change. Instructions on how to address providers' whose total number of children exceeds four, with the implementation of this change, will also be forthcoming.

PN/JRL/DE/JK

<b>NECESSARY ACTION:</b>	
Review this memorandum with all Children’s Division and Family Support Division staff. All questions should be cleared through normal supervisory channels and directed to:	
<b>PDS CONTACT:</b> Joyce Koerner (573)526-9587 Joyce.A.Koerner@dss.mo.gov	<b>PROGRAM MANAGER:</b> Becky Houf (573)751-6793 Becky.L.Houf@dss.mo.gov
<b>CHILD WELFARE MANUAL REVISIONS:</b> Child Care Policy 1215.000.00 – Provider Eligibility	
<b>FORMS AND INSTRUCTIONS:</b> N/A	
<b>REFERENCE DOCUMENTS and RESOURCES:</b> Table of Consanguinity attached	
<b>RELATED STATUTE:</b> §210.211 RSMo	

**ADMINISTRATIVE RULE:**

**COUNCIL ON ACCREDITATION (COA) STANDARDS:**

N/A

**PROGRAM IMPROVEMENT PLAN (PIP):**

N/A

**SACWIS REQUIREMENTS:**

N/A