

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 34-11
<b>Date:</b>	September 22, 2011
<b>Keyword:</b>	Child Care; TWIST
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Staff  
Integrated Service Area Managers



**From:** Laurence M. Jones, Director, Workforce Development Division

**Subject:** **Children Receiving or Needing Protective Services—Update**

---

### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with guidance and information on:

- the Texas Workforce Commission's (Commission) Chapter 809, Child Care Services rules, related to children receiving or needing protective services; and
- the priority and continuity of care for children receiving or needing protective services.

**This updated WD Letter provides Boards with information on the following:**

- **The August 24, 2011, protective service action (PSA) 11-088 issued by the Texas Department of Family and Protective Services (DFPS), announcing changes to DFPS's provision of day care services, effective September 1, 2011; and**
- **Guidance on entering authorizations for DFPS child care services into The Workforce Information System of Texas (TWIST).**

### **CHANGES TO WD LETTER 21-07:**

New information in this WD Letter is indicated by:

- A strikethrough of the original language, which indicates that language has been deleted; and
- **Bold** typeface, which indicates new or clarifying language.

### **BACKGROUND:**

**DFPS issued PSA 11-088 to notify its child protective services staff of changes—effective September 1, 2011—to the provision of day care services.**

**The PSA, Attachment 1 to this WD Letter, outlines specific changes to eligibility for and authorization of DFPS day care services.**

**To assist Boards with inquiries from child care providers and parents or guardians of children that may be affected by the changes to DFPS day care services, this WD Letter:**

- **provides guidance on authorizing child care services for DFPS-funded children;**
- identifies the Chapter 809 rules related to children receiving or needing protective services; and
- provides guidance on determining the priority and continuity of care for children receiving or needing protective services.

**PROCEDURES:**

Boards must be aware that some children previously eligible for DFPS-funded child care may no longer be eligible.

NLF

Therefore, Boards must ensure that appropriate staff is aware of the following Chapter 809 rules:

NLF

*Subchapter C: Eligibility for Child Care Services*

*§809.49(a)(1)—Child Care for Children Receiving or Needing Protective Services*

Section 809.49(a)(1) states that DFPS determines eligibility for children receiving or needing protective services and that child care continues “as long as authorized and funded by DFPS.”

*§809.43(a)(2)—Priority for Child Care Services*

Section 809.43(a)(2) establishes a second priority group for child care “subject to the availability of funds.”

Section 809.43(a)(2)(A) includes in this second priority group “children who need to receive protective services child care as referenced in §809.49.”

Boards must be aware that if child care is not authorized and funded by DFPS, then the child care is not included in the second priority group described in §809.43(a)(2).

NLF

However, Boards may include children in protective services whose child care is not authorized and funded by DFPS in the Board-designated third priority group set forth in §809.43(a)(3).

LF

*§809.54(c)(1) and (2)—Continuity of Care*

Section 809.54(c)(1)–(2) provides for continuity of care for former DFPS children in *closed* DFPS cases, as follows:

NLF

- (1) If DFPS determines that protective services are needed and child care is integral to that need, the child *must* remain eligible for up to six months of Commission-funded child care.
- (2) If DFPS does not determine that protective services are needed, the child *may* remain in care subject to the availability of Commission funds.

Boards must be aware that §809.54(c) applies only to *closed* DFPS cases.

NLF

Further, Boards must be aware that §809.54(c) does not apply to open cases in which DFPS has discontinued the authorization and funding of child care.

NLF

Boards must be aware that if DFPS does not authorize and fund child care for an open DFPS case—including open cases previously funded by DFPS for which DFPS no longer has child care funds available—then the child may be eligible for Commission-funded child care if the parent [as defined in §809.2(14)] meets the Board’s income and activity requirements for At-Risk child care set forth in the following Commission rules:

NLF

- §809.50. Child Care for Children Living at Low Incomes;
- §809.51. Child Care for Children with Disabilities; or
- §809.52. Child Care for Children of Teen Parents.

Boards also must be aware that children in open DFPS cases for which DFPS has not authorized child care and no longer has child care funds available are subject to the Boards’ waiting list policies.

NLF

Additionally, DFPS has requested that Boards do not process child care payments for children with open DFPS cases without a properly authorized DFPS Form 2054 (Service Authorization), ~~or with a backdated Form 2054.~~ **DFPS has requested that Boards inform child care providers not to provide day care services to any child until they receive an approved Form 2054 from Boards’ child care contractors. Boards must be aware that DFPS will no longer authorize a backdated Form 2054 and verbal authorizations by CPS are no longer allowed.**

NLF

Therefore, for children in care without a properly authorized Form 2054, Boards must ensure that payment is not approved **and that providers agree not to be reimbursed for services provided prior to** appropriate staff receiving an **approved Form 2054 from the Board’s child care contractor. Boards also must be aware that day care services provided without an approved Form 2054 will not be paid.** ~~Boards must be aware that the written authorization will be provided to appropriate staff by the DFPS regional office staff responsible for child care coordination, and will indicate state office approval (via Monica Knighton’s approval) for the backdated care.~~

NLF

**TWIST**

Boards must ensure that authorizations for DFPS child care services entered into TWIST reflect *exactly* the following Form 2054 information:

**NLF**

- Authorization Begin, End, or Termination dates
- DFPS Referral Type Code as follows:
  - “1” for *DFPS General Protective*;
  - “2” for *DFPS Foster Care IV-E*;
  - “3” for *DFPS Foster Care Not IV-E*; and
  - “4” for *DFPS Reltv/Other Caregvr.*
- Child’s First Name and Last Name (do not include a suffix, e.g., Jr. or II)
- Child’s Date of Birth
- Child’s Social Security number (SSN), if available
- Child’s Person Identification Number
- Case Owner’s First Name and Last Name
- Case Owner’s SSN, if available

**INQUIRIES:**

Direct inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**ATTACHMENT:**

Attachment 1: Texas Department of Family and Protective Services Protective Service Action 11-088, “Day Care Changes,” August 24, 2011

**RESCISSIONS:**

WD Letter 21-07

---

**REFERENCE:**

Texas Workforce Commission Child Care Services Rules: 40 TAC, Chapter 809

**FLEXIBILITY RATINGS:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”