

# Allowable Child Care for Children in Out-of-Home Placement During COVID-19

Most students in Washington resumed remote learning this fall, placing added responsibility on people caring for children in out-of-home placement who would normally return to the classroom. Many families depend on the K-12 system to provide education and care for their children ages 5-12, and to support their participation in the workforce. **Department of Health (DOH) guidance** recommends that families who are able to safely keep children and youth home should continue to do so, but this is not always possible. Caregivers are faced with the challenge of finding safe, stable child care options for children ages 12 and under, so they can return to work. This overview and Frequently Asked Questions sheet is intended to help caregivers understand all child care options available under the Department of Children, Youth & Families' (DCYF) licensing rules.

## Child Care

A child care license is necessary when someone provides child care and early learning services outside of the child's home and provides the care for the purpose of engaging in business.

There are 13 types of child care that are exempt from needing a license:

1. Relatives
2. Legal guardians
3. Friends and neighbors (not to be confused with FFN<sup>1</sup>)
4. Parents on cooperative basis (the "date night" exception)
5. Programs under four hours (the "nursery school" exception)
6. Schools (kindergarten and up)
7. Seasonal camps
8. Drop-in child care when a parent stays on-site
9. Boys and Girls Clubs
10. Government operated (local, state or federal care)
11. Tribal care on tribal lands

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<sup>1</sup> Family, Friends and Neighbors (FFN) care is a state subsidy program where parents can qualify for state subsidies (Working Connections Child Care payments) when using an in-home or relative caregiver who would otherwise be exempt from child care licensing requirements. The FFN program is governed by Chapter 110-16 WAC and the Working Connections Child Care subsidy program is governed by Chapter 110-15 WAC.

12. Military care on a military base
13. Early learning and support services programs

### **Is there a way my child can be in licensed child care for more than 10 hours a day?**

Child care rules do limit the amount of time children are in care to 10 hours. We recognize this doesn't fit into everyone's work schedule and allowable hours can be extended based on work hours and travel time. However, child care hours and policies are decided by the child care business and are not regulated by DCYF. Some licensed child care providers may allow an extension and others may not.

### **I have a 12-year-old aging out of licensed child care, but they aren't mature enough to be left alone while I work. What can I do?**

DCYF may make an exception allowing a child who is not developmentally ready to leave child care when the child has documented and verified special needs. Please discuss this need and whether the child would qualify with the child's caseworker.

## **Babysitting**

A traditional babysitter does not need to be licensed as a foster care provider or a child care provider when babysitting occurs in the child's home. A babysitter may qualify to be reimbursed through state payments if they become a licensed respite provider or a provider through the FFN subsidy program.

### **My only option right now is to pay a babysitter or to care for my foster child in my home while I go to appointments. Can my babysitter be paid by the state?**

If your babysitter or nanny would be willing to become a certified respite provider or "FFN" provider, they may qualify to receive payment from the state.

### **Why can't my 15-year-old foster child babysit their eight-year-old sibling, but can babysit my three biological children?**

At this time, foster care regulations clearly state foster children cannot supervise or babysit any other foster children, including their siblings. With your permission, they can watch your biological children. Your biological child may be allowed to supervise or babysit a foster child if you receive a waiver to allow that care.

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## **Education and Learning**

### **Can my child participate in a learning ‘pod?’**

Yes, children in out-of-home placement can participate in small groups of children learning and studying together. However, the state can't pay for private tutors or instructors.

### **Can I hire a tutor to educate a child in my home instead of using subsidized child care?**

Yes, but the state can't pay for it.

## **Respite Care**

### **If I am a licensed foster parent and have openings on my license (e.g., licensed for six kids and currently have four), may I assist another foster parent who is having difficulty finding child care for their new placement by watching their foster child daily for a few weeks while a child care spot opens?**

The answer depends on how long the service is needed. If care is provided on a short-term and temporary basis, then yes, and that state may subsidize this care if the other foster parent has the accrued respite needed. On the other hand, if the care lasts more than the maximum allowable time (14 days), then a child care license may be required unless exempt under the law.

### **I'm more than capable and have everything needed to watch someone's foster child while they wait for official child care. I can't help on a regular basis and they would have to pay out of pocket. Is there a way I can offer this help?**

If your foster parent license allows for an infant placement (and the foster parent has the accrued respite days) and you do not exceed capacity, you can provide "retention respite" as long as it is short term and temporary (no more than 14 days). If the care lasts more than the maximum allowable time (14 days), then a child care license may be required unless exempt under the law.

### **Can the state pay another foster parent to care for my child during the day?**

At this time, the only avenues to receive payment are to use retention respite in a foster home and remain within the license requirements of the foster parent providing the care. However, this has to be short-term and temporary, otherwise a child care license is required.

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**I'm a foster parent who is friends with another foster parent. May we provide weekly respite for each other? For example, can I watch her children every Wednesday evening while she watches mine every Friday?**

Yes, this exchange is allowed as long as the foster parent currently watching the child(ren) adheres to the requirements of their license and the exchange is approved by the child's caseworker.

**Can a foster parent help another foster parent with child care? What if that child is outside of the age range they're licensed for? What if caring for that child puts them over the number of children they're licensed for?**

Yes, a foster parent can help another foster parent with temporary and irregular care. However, if this service is paid for by the foster parent and it happens on a regular basis, then it may be considered unlicensed child care, which isn't allowed. A foster parent providing respite care or substitute care must adhere to the age, gender and capacity requirements listed on their foster care license.

**I'm a foster parent licensed for four children and have four children residing in my home. Can I babysit my friend's foster child, even though having that child in my home puts me over capacity for those few hours?**

No. While watching another foster parent's foster child(ren) is considered exchange respite and is allowed, you must adhere to your license requirements and have approval through the caseworker.

**How can I request an exception or waiver to exceed my license capacity if I am a licensed foster parent?**

Contact your foster care licensor to request any changes or exceptions to your licensed capacity.

## **Substitute Care**

**What can we do if we are stay-at-home parents and need to go somewhere, such as an appointment? Can we get someone else to watch the children without security clearance if it isn't on a regular basis?**

Yes, as long as the person you are asking to watch your child is not operating care for the purpose of business.

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**While I am on respite and my respite provider needs to work fulltime during the day, can I rely on a fellow mom (not a foster parent) to cover an hour each afternoon of child care? If so, do they need a full background/Bloodborne Pathogens/Tuberculosis check since their care is “regular” during that one-week stint?**

If your respite is not regular, then the child care isn't either. This scenario would fall under “friend and relative” substitute care. If your respite is irregular and the caseworker has approved it, then this is acceptable as long as your friend is not providing this care as a means of operating a business.

**My licensor has always told me that if it's regular (every week), the caregiver has to be a licensed child care or a respite provider.**

You are allowed to have regular and ongoing care as long as the individual is not operating as a business. In order to determine this, DCYF analyzes factors such as compensation, frequency, advertising and other relevant information to make its determination.

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