

Eligibility for Children of a Hired Assistant in a Family Day Care Home

PURPOSE:

To clarify the issue of eligibility for children of hired assistants in a family day care home.

SCOPE:

Sponsors of family day care homes participating in the Child and Adult Care Food Program (CACFP).

DESCRIPTION:

The USDA national office has received some correspondence on the issue of eligibility for children of hired assistants in a family day care home. In the past, policy may have been interpreted in a way that treated children of hired assistants in the same manner as a "provider's own" children. However, given the definition of provider's own children and the specific regulations currently in affect, the following response to the inquiry was made.

A family day care provider offers non-residential child care services out of her home. The group of related or nonrelated individuals that is living as one economic unit with the provider in the provider's home would be considered a family. The term "provider's own children" refers to any children who reside in the household, such as provider's own children by birth or adoption, grandchildren, or housemates' children, who are part of the economic unit.

The arrival of an assistant to the provider's home is no different than an employee reporting to any other worksite. The assistant's child is no more the "provider's own" than any other child in care. For that reason, the child of an assistant should be claimed as non-resident when the child is **enrolled in care** at the day care home and should be claimed in the appropriate category based upon the tiering status of the home. If the day care home provider is Tier I eligible, then the assistant's child would be eligible to reimbursement at the Tier I rate. If the provider is Tier II, then the assistant, like any other parent, would need to complete an income eligibility form to determine eligibility.

Conversely, if the assistant caregiver is in fact a member of the household, assuming the role of assistant caregiver doesn't change that status. For example, a day care home provider can't "hire" her husband (daughter, "life partner", roommate, etc) as an assistant caregiver for an hour a day to avoid considering the assistant's salary in determining household income for tiering purposes.

SOURCE:

Information dated June 11, 2008, from USDA Midwest Regional Office.