



# FEMA

9461.1

## RECOVERY POLICY

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- I. **TITLE:** Disaster Assistance for Child Care
- II. **DATE OF ISSUANCE:** JAN 17 2014
- III. **POLICY STATEMENT:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, authorizes the Federal Emergency Management Agency (FEMA), in consultation with the Governor of a State/Chief Executive of an Indian Tribal Government, to make available disaster assistance to address disaster-related necessary expenses and serious needs, including child care. This policy provides eligibility criteria and parameters for awarding financial assistance to eligible applicants for child care needs as part of the Financial Assistance to address the Other Needs Assistance (ONA) provision of the Federal Assistance to Individuals and Households Program (IHP).
- IV. **PURPOSE:** Section 1108 of the Sandy Recovery Improvement Act of 2013 (SRIA), Pub.L.No. 113-2 amended section 408(e)(1) of the Stafford Act (42 U.S.C. § 5174(e)(1)), provides FEMA the specific authority to pay for "child care" expenses as a category of IHP disaster assistance in addition to funeral, medical, and dental expenses.
- V. **SCOPE AND EXTERNAL AUDIENCE:** This policy applies to all major disasters or emergencies declared with Individual Assistance on and after the date of issuance of this policy. It will be used by FEMA and other federal personnel involved in the administration of recovery programs. It is intended to provide guidance regarding recovery programs to state, local, tribal, and territorial governments and individuals.
- VI. **AUTHORITIES:** Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. § 5174(e)(1) (herein after "Stafford Act"); 44 C.F.R. §§ 206.110; 206.111; 206.113; 206.115; 206.119(c)(6)(ii); 206.120.
- VII. **DEFINITIONS:**

*Applicant:* An individual or household who has applied for FEMA IHP assistance. 44 C.F.R. § 206.111.

*Authorized Child Care Provider:* A center-based child care provider, group home child care provider, an in-home child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under applicable State/Indian Tribal Government or local law.

*Child Care Expense:* Recurring fee for service of providing child care services that is stipulated in the documentation submitted by the applicant, which may include a child care contract or agreement, between the authorized child care provider and the responsible party for payment for the eligible child.

*Child Care Services:* Care given to an eligible child by an authorized child care provider.

*Dependent:* Someone who is normally claimed as such on the Federal tax return of another, according to the Internal Revenue Code. It may also mean the minor children of a couple not living together, where the children live in the affected residence with the parent or guardian who does not actually claim them on the tax return. 44 C.F.R. § 206.111.

*Eligible Child:* A child who is an occupant of the household as listed on the Application for Disaster Assistance and is a dependent of the applicant.

*Emergency Child Care:* Child care services provided in shelters or standalone facilities in the aftermath of a disaster to help protect the safety of children and support the stabilization of families in the recovery effort.

*Household:* All persons (adults and children) who lived in the pre-disaster residence who request assistance under this subpart, as well as any persons, such as infants, spouse, or part-time residents who were not present at the time of the disaster, but who are expected to return during the assistance period. 44 C.F.R. § 206.111

*Increased Financial Burden:* Comparison of pre-disaster gross income and child care expenses with post-disaster gross income and child care expenses that result in a higher percentage of a household's gross income spent on child care as a direct result of the disaster.

*Occupant:* Resident of the housing unit. 44 C.F.R. § 206.111.

## VIII. POLICY:

**A. Period of Eligibility and Assistance:** The date of eligibility for child care services will commence on the start date of the incident that results in a Presidential declaration that a major disaster or emergency exists and continues through the end of the 18-month period of assistance, unless extended due to extraordinary circumstances. (44 C.F.R. § 206.110 (e)(d)). FEMA may provide assistance for child care services for a maximum of 8 cumulative weeks within the period of eligibility.

### B. Eligibility Criteria:

1. The applicant has necessary expenses and serious needs related to child care expenses, in which the individual and household is unable to meet such expenses or needs through other means pursuant to 42 U.S.C. 5174(a)(1) and must meet the general eligibility criteria for the IHP (44 C.F.R. § 206.113).
2. The applicant must certify that he/she cannot make use of emergency child care services provided under FEMA's Public Assistance Program (e.g., emergency child care) or other available assistance (e.g., other Federal assistance for child care, or private employer child care services) and has not received compensation from insurance or any other source that meets the applicant's current child care needs.
3. The applicant must provide proof that there is a post-disaster increased financial burden for child care services.
4. The post-disaster child care provider must be an authorized child care provider.
5. The applicant verifies that child care services are for an eligible child(ren) who is(are):

- a. Age 13 and under; or
  - b. Age 14 up to 18 with a disability, as defined by Federal law. The applicant must provide documentation from a medical professional indicating the child needs assistance in caring for him/herself.
- C. Eligible Child Care Assistance Applicant:** The applicant must have an eligible child as a member of the household at the time of the disaster.
1. Only one applicant may be awarded child care assistance on behalf of a child.
  2. If a child is a member of multiple households, only the applicant with whom the child resides for the majority of the calendar year will be eligible for assistance.
- D. Determination of Increased Financial Burden<sup>1</sup>:** FEMA will evaluate an applicant's pre and post-disaster household gross income AND the pre and post-disaster child care expenses to establish a percentage the household was spending pre-disaster for child care expenses, and compare that with the percentage the household is spending post-disaster for child care. If the percentage of household gross income spent on child care post-disaster is higher than the percentage of household gross income spent on child care pre-disaster, the household has an increased financial burden for child care.
1. If the applicant demonstrates through submitted documentation (e.g., pay stubs, child care receipts, etc.) that the household has an increased financial burden for child care services as a direct result of the disaster, the applicant may be eligible for child care assistance<sup>1</sup>.
  2. If the applicant does not demonstrate through submitted documentation an increased financial burden for child care services as a direct result of the disaster, the applicant will not be eligible for child care assistance<sup>2</sup>.

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<sup>1</sup>FEMA asks applicants a specific question during registration whether they incurred child care expenses as a result of a disaster (FEMA Form 009-0-1). In addition, FEMA sends out a *Request for Information (RFI)* letter to applicants who seek child care assistance. The RFI requests specific documentation of incurred expenses and verification of income in order to verify eligibility for child care assistance. These changes have been approved by the Office of Management and Budget under OMB-ICR-1660-0002.

<sup>2</sup> For example, the applicant submitted (1) a pre-disaster pay stub demonstrating a weekly gross income of \$1000.00; (2) a post-disaster pay stub demonstrating a weekly gross income of \$800.00; (3) a pre and post disaster receipt for child care expenses, which were \$400 a week, respectively, and met all other eligibility criteria for child care assistance. The applicant's child care expenses remained the same and the applicant's income decreased, thus causing the applicant to incur an increase in the financial burden for child care expenses (i.e., pre-disaster, 40% of the income was spent on child care expenses, and post-disaster, 50% of the income was spent on child care expenses), therefore the applicant would be deemed eligible for child care assistance. The applicant would be awarded the increased financial burden of \$200 per week.

<sup>3</sup> Example 1 - the applicant submitted (1) a pre-disaster pay stub demonstrating a weekly gross income of \$1000.00; (2) a post-disaster pay stub demonstrating a weekly gross income of \$1000.00; (3) a pre and post disaster receipt for child care expenses, which were \$400 a week, respectively; and met all other eligibility criteria for child care assistance. The applicant's child care expenses and income remained the same, thus the applicant did not incur an increase in the financial burden for child care expenses (i.e., pre-disaster, 40% of the income was spent on child care expenses, and post-disaster, 40% of the income was spent on child care expenses); therefore the applicant would be deemed ineligible for child care assistance. Example 2 -the applicant submitted (1) a pre-disaster pay stub demonstrating a weekly gross income of \$1000.00; (2) a post-disaster pay stub demonstrating a weekly gross income of \$1500.00; (3) a pre-disaster

**E. Eligible Expenses:**

1. Child care expenses.
2. For applicants requiring a new child care service provider as a direct result of the disaster:
  - a. Registration fee. A one-time fee when registering an eligible child at an authorized child care provider; and
  - b. Health inventory fee. A medical office fee for processing required medical paperwork as part of the registration process.

**F. Ineligible Expenses:**

1. Fees for any extra-curricular activities, additional services (e.g., school photographs), or off-site trips (e.g., field trips) that are not a child care expense and optional fees that do not alter the day-to-day child care services that are provided to the eligible child (e.g., prepared lunches, snacks, facility provided linens, etc.);
2. Fees for transportation;
3. Educational services (e.g., after school tutoring);
4. Medical care or services; AND
5. Recreational camps or clubs (e.g., after school-clubs, overnight camps).

**G. Amount of Assistance:** If the eligibility criteria described in this policy are verified, the maximum amount of assistance for eligible expenses includes up to eight weeks of the increased financial burden, per child, for the child care expense and the registration and health inventory fees, if applicable, or the maximum amount of assistance for child care identified by the State/Indian Tribal Government,<sup>3</sup> whichever is less. The amount of assistance is per household, including all eligible children, on the disaster assistance application. Any funds provided as child care assistance will be applied against the maximum amount of IHP financial assistance. (42 U.S.C § 5174; 44 C.F.R. § 206.110(b)).

**H. Recurrence of Payment:** The administrator of ONA may issue a single payment, not to exceed the maximum amount of child care assistance, when the need is verified.

**I. Appeal of the Amount of Assistance:** If a need remains after the single payment, the applicant may appeal for additional assistance. (44 C.F.R. § 206.115). The administrator of ONA may not award more than the award amount described in G (above).

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receipt for weekly child care expenses of \$500.00; and (4) a post-disaster receipt for weekly child care expenses of \$525.00, and met all other eligibility criteria for child care assistance. Even though the applicant's post-disaster child care expenses are higher than their pre-disaster child care expenses, the applicant's percentage of household income spent on child care has decreased due to the increase in income from pre-disaster to post-disaster (i.e., pre-disaster, 50% of the income was spent on child care expenses, and post-disaster, 35% of the income was spent on child care expenses); therefore, the applicant would be deemed ineligible for child care assistance.

<sup>3</sup> The State/Indian Tribal Government are required to establish the maximum amount of assistance as part of OMB Collection 1660-0061 via FEMA Form 010-0-11, *ONA Administrative Option Selection Form*.

- J. Category of Assistance:** Child care assistance is provided as a stand-alone form of ONA disaster assistance and is not dependent upon the applicant applying for or being denied a loan from the U.S. Small Business Administration.

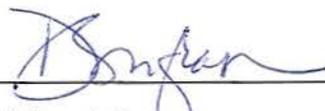
**IX. ROLES AND RESPONSIBILITIES:**

- A. FEMA's National Processing Service Center Division, Recovery Directorate, will implement this policy through approved processing procedures to:
1. Identify applications that should be further evaluated for child care assistance, and
  2. Request additional information or documentation to determine eligibility.
- B. FEMA's Regional Individual Assistance Offices will coordinate with State/Indian Tribal Governments to:
1. Determine the maximum amount of financial assistance available for residents of their State/Indian Tribal Government. (44 C.F.R. § 206.120(b)).
  2. Assist State/Indian Tribal governments who are administering ONA via a cooperative agreement or a grant in developing processing procedures in accordance with FEMA policy. (44 C.F.R. § 206.120(c)).

- X. RESPONSIBLE OFFICE:** Recovery Directorate, Individual Assistance Division.

- XI. SUPERSESSION:** This policy supersedes the memorandum, *Sandy Recovery Improvement Act Requirement – Implementation of Child Care Authority for the Individuals and Households Program* dated August 8, 2013, and all previous guidance on this subject.

- XII. REVIEW DATE:** It is FEMA policy to review policies and reissue, revise or rescind the policy within three years of the date of issuance.



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