

DIRECTIVE #3.10: TEMPORARY CARE ASSISTANCE

LEGISLATIVE AUTHORITY

Section 2, 8 and 10 of the Act.

Sections 1(1), 2(3), 18(1), 19(1), 39(1), 49(1), 52, 53, 54(1), 55(1) and 57 of Regulation 134/98.

AUDIT REQUIREMENTS

The temporary care application and *Declaration of Support and Maintenance* (Form 2212) are completed and on file.

All other required documentation related to the application for Temporary Care Assistance is on file.

APPLICATION OF POLICY

Temporary Care Assistance (TCA) provides income assistance and benefits to an adult on behalf of a child where:

- the child is in the temporary care of the adult;
- the child is in financial need;
- the child is not a dependent child for the purposes of Ontario Works or the Ontario Disability Support Program (see Directive #3.9: Dependent Children for more information);
- the adult providing the care does not have a legal obligation to support the child; and
- the adult caregiver is not receiving compensation for caring for the child under the *Child and Family Services Act*.

Application for Temporary Care Assistance

The adult providing temporary care to a child is considered to be the applicant. The adult must sign the application and any other required forms, and provide supporting documentation relevant to the eligibility determination.

If the child is 16 or 17 years of age, the child must also sign the application and any other required forms, although the adult who is providing temporary care for the child is still considered to be the applicant.

An adult providing temporary care may also be in receipt of assistance as part of his/her own benefit unit. In such cases, the child in temporary care is in a separate benefit unit (i.e., the child is not considered to be in the benefit unit of the adult caregiver). Where an adult provides temporary care to more than one child, all of the children, whether related to one another or not, are considered to be part of a single benefit unit for the purpose of determining the amount of assistance to be paid.

Determining Temporary Care Situations

A child is in the temporary care of an adult when:

- the child is to reside for a short period with the adult;
- the child is expected to return to his/her parent(s) at the earliest opportunity; and
- no parent or other person with a legal obligation to support the child is able to care for him/her.

A child may require temporary care for a variety of reasons. For example, the parent(s) may be temporarily unable to support the child because of financial or other special circumstances (e.g., having to be in hospital for an extended period of time). Although there is no specified period of time for which an adult caregiver may receive TCA on behalf of a child, Administrators must determine, on a case-by-case basis, whether or not the child's stay is in fact temporary. In making a determination, Administrators must determine whether or not the adult caregiver has a legal obligation to support the child.

An adult has a legal obligation to provide support for a dependent child where he/she:

- is the child's natural or adoptive parent; or
- has demonstrated a settled intent to treat the child as a child of his/her own family.

In assessing whether or not an adult caregiver has demonstrated a settled intention to treat the child as a child of his/her own family, Administrators may consider several factors that, taken together, suggest that the adult caregiver intends to assume parental rights and responsibilities with respect to the child. Factors might include the length of the child's stay with the adult, the arrangements that have been made to physically accommodate the child's stay, the existence of a legal custody order, involvement in medical, educational and recreational activities of the child and/or ongoing decisions with respect to the child's health and well-being, efforts made to legally restrict access of the parent(s) to the child, etc.

It should be noted that a person who has been awarded legal custody of a child may not have an obligation to support the child unless a settled intention has been demonstrated.

Financial Need

The financial circumstances of the adult caregiver are not assessed and do not impact eligibility for TCA. The financial need of the child is determined by assessing:

- the child's non-exempt assets including any assignment or transfer of assets or real property to the child within the last year;
- the child's income;
- the ability of the natural or adoptive parent(s) to support the child; and
- the efforts made to secure any available supports, either by the child or on behalf of the child by the temporary care provider.

Assets (see Directive #4.1: Summary of Assets for more information)

The asset limit for a child in temporary care is \$500. If a child in temporary care has an interest in property that is not being used as his/her principal residence, it is considered to be exempt as an asset if the Administrator determines that there is an arrangement in place with respect to the child's interest in the property that is necessary for the child's health or welfare.

If the adult providing temporary care purchases a Registered Education Savings Plan (RESP) for the child, it is exempt as an asset for both the child and the adult caregiver if he/she is in receipt of assistance in his/her own right.

Funds held in a Registered Disability Savings Plan (RDSP) are exempt as assets for the beneficiary of the RDSP.

Income (see Directive #5.1: Income and Exemptions for more information)

The child's income must not exceed the budgetary requirements of the child. The earnings of a child in temporary care are considered to be exempt as income. Contributions made to an RDSP, interest earned and reinvested into an RDSP, and payments/withdrawals from an RDSP are fully exempt as income. If the child in temporary care has non-exempt income other than earnings, this income must be deducted from the temporary care assistance (e.g., Orphan's Benefit from Canada Pension Plan, parental support).

Parental Support (see Directive #5.5: Family Support for more information)

The Administrator should be satisfied that the adult providing temporary care is taking action, where appropriate, to obtain support payments from any person with a legal obligation to support the child. Eligibility does not depend on the actual receipt of support payments, but on the reasonableness of efforts made in obtaining support. Administrators may require the adult caregiver to complete an *Agreement to Reimburse* if he/she receives or may receive support for the child. In some cases, the obligation to pursue support may be waived, either temporarily or permanently.

Multiple Children

The circumstances (e.g., income and assets) of each child in a multi-child TCA benefit unit must be considered separately when determining eligibility. However, once eligibility has been determined, the amount of TCA paid will depend on the number of children in the temporary care benefit unit.

Financial Assistance from Children's Aid Societies

Under the Ministry of Children and Youth Services' Ontario Permanency Funding Policy Guidelines, an adult providing care for a child that a Children's Aid Society (CAS) has determined is in need of protection may receive financial assistance from CAS. This financial assistance is exempt as income when making a determination about the provision of TCA. However, in some circumstances, eligibility for TCA will be entirely precluded.

The following table outlines specific scenarios and the impact on eligibility for TCA:

Scenario	Financial Assistance that may be provided by a CAS	Impact on TCA
<p><u>Admission Prevention</u> Child remains with parents and is not in CAS care</p>	<p>Episodic or emergency financial assistance from CAS may be provided for things such as child safety seats, child safety-related home repairs and other needs</p>	<ul style="list-style-type: none"> • Child is a dependent child and is not eligible for TCA • If parents are on social assistance (SA), child may be part of SA benefit unit – may receive SA as a dependent child • Payments from CAS will not be treated as income for the purposes of SA
<p><u>Kinship Service</u> Child not in care of a CAS, but placed with kin or other caregiver</p>	<p>Episodic/emergency financial assistance from CAS such as child safety seats, child safety-related home repairs and other needs</p>	<ul style="list-style-type: none"> • Child may be eligible for TCA, if the eligibility criteria are met • If caregiver is on SA, the child may not be part of his/her SA benefit unit because the child is not a dependent • Payments from the CAS will not be treated as income for the purposes of SA
<p><u>Foster Care</u> Child in care of a CAS and caregiver approved as a foster parent for short-term or longer-term foster care</p>	<p>Foster care rate of approximately \$900 a month to meet the basic care, health and safety needs of the child</p>	<ul style="list-style-type: none"> • Child is having their needs met by CAS and is not eligible for TCA • If foster parent is on SA, child is not considered a dependent in the foster parent's SA benefit unit
<p><u>Adoption</u> Child has been adopted through a CAS or child is in the</p>	<p>May receive episodic and/or ongoing financial assistance from a CAS based on child's needs and caregiver's ability to meet those needs, up to</p>	<ul style="list-style-type: none"> • Child is a dependent and is not eligible for TCA • If adoptive parents are on SA, the child may be part of

Scenario	Financial Assistance that may be provided by a CAS	Impact on TCA
care of a CAS and on adoption probation until the adoption is finalized	the foster care rate	SA benefit unit – may receive SA as a dependent child
<u>Section 65.2 of CFSA Legal Custody Orders</u> Child is a former Crown ward and placed with a caregiver who has obtained legal custody of the child under Section 65.2 of the CFSA	May receive episodic and/or ongoing financial assistance from a CAS based on child's needs and caregiver's ability to meet those needs, up to the foster care rate	<ul style="list-style-type: none"> • Child is a dependent and is not eligible for TCA • If legal custodian, under Section 65.2 of the CFSA, is on SA, child may be part of SA benefit unit – may receive SA as a dependent child

Calculating Assistance

The maximum amount of assistance that may be issued for a child in temporary care not living north of the 50th parallel is \$236 for the first child and \$192 for each additional child.

The maximum amount of assistance that may be issued for a child in temporary care living north of the 50th parallel, and without year-round road access, is \$298 for the first child and \$243 for each additional child.

A child in temporary care who has a medical condition that requires a special diet may be provided an amount for that special diet (see Directive #6.6: Special Diet Allowance for more information).

A child in temporary care who is pregnant, and subsequently if the child is breast-feeding, may receive a nutritional allowance (see Directive #6.5: Pregnancy/Breast-feeding Nutritional Allowance for more information).

Depending on the circumstances of the child, he/she may be eligible for assistance on his/her own behalf upon turning 16 years of age (see Directive #3.5: Applicants under the Age of 18 for more information).

Children in temporary care are eligible to receive mandatory health benefits,

including drug coverage, dental care and vision care, and the guide dog allowance. Discretionary benefits may also be provided on behalf of the child.

Other mandatory benefits, including: Community Start-Up and Maintenance Benefit, Full-Time Employment Benefit, Other Employment and Employment Assistance Activities Benefit, Up Front Child Care and the Transition Child Benefit are not available to children in temporary care.

An adult providing temporary care who is also receiving social assistance in respect of their own benefit unit is eligible for child care deductions. Child care expenses are deducted from the adult's net earnings or training income when determining initial and ongoing eligibility for financial assistance (see Directive #5.4: Child Care Deductions).

Calculating Overpayments

A child in temporary care is not considered part of the benefit unit of an adult who is in receipt of social assistance and who is providing temporary care. Therefore, an overpayment situation from the temporary care provider's own benefit unit must not be applied against the child in temporary care benefit unit.

If an overpayment situation is created for the child's temporary care benefit unit, action must be taken to recover the overpayment. The overpayment for the child's benefit unit must not be applied against the benefit unit of the adult who is providing temporary care, if the adult is in receipt of assistance in his/her own right (see Directive #9.3: Recovery of Overpayments for more information).

Consolidated Verification Process

All TCA cases should be reviewed regularly to confirm the ongoing need for TCA. All cases must be reviewed at least once a year through the Consolidated Verification Process (CVP). If the adult providing temporary care is in receipt of assistance in his/her own right, his/her benefit unit must undergo a separate CVP review, although the reviews may be undertaken at the same time.