



CHILDCARE AND PARENT SERVICES (CAPS) Georgia's Subsidy Program

CAPS Policy – Participating Providers	No.: CAPS/00-11	Effective Date: 10/01/2016
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LEGAL AUTHORITY: 591-1-1-.02(m), 591-1-1-.46 (b), 591-1-1-.46 (b) 7; Federal Register: 45 Code of Federal Regulation (CFR) 98 and 99.

Cross Reference/See Also: CAPS Child Care Provider Rights and Responsibilities Policy (CAPS/00-12), CAPS Health and Safety Standards Policy (CAPS/00-15)

Note: Definitions of words or phrases in bold are located in [Definitions and Acronyms](#). Only the first occurrence of the defined words or phrases are bolded.

11 PARTICIPATING PROVIDERS

11.1 Purpose

The purpose of this policy is to provide guidelines about the types of providers that receive subsidies through **Childcare and Parent Services (CAPS)**.

11.2 Scope

This policy applies to all employees of the **Department of Early Care and Learning (DECAL)**, all parties responsible for the administration of the CAPS program, **parents**, and child care **providers** who receive subsidies administered by DECAL on behalf of parents.

11.3 Provider Participation

- 11.3.1 At DECAL's sole discretion, licensed child care programs, two categories of license-exempt programs (government owned and operated child care programs and day camps), and informal providers who meet requirements detailed in this policy manual may participate in CAPS. When a child care program is licensed by or receives a qualifying license exemption from DECAL, the program is automatically added to the CAPS provider management system as a participating provider.
- 11.3.2 CAPS shall only use **Child Care and Development Fund (CCDF)** or other applicable funds to pay participating providers for services. Such payment cannot be assigned or delegated to a third party for any reason except by an order of a court of proper jurisdiction.
- 11.3.3 All providers participating in CAPS must comply with health and safety standards as prescribed in [CAPS Health and Safety Standards Policy \(CAPS/00-15\)](#).
- 11.3.4 When there is a change of ownership, the new owner is eligible to receive CAPS payment the date they are issued their permit and/or temporary or continuing license. Effective that date, the previous owner is no longer able to provide care or receive payment.

11.4 Licensed Child Care Providers

- 11.4.1 The following categories of licensed providers may participate in the CAPS program. For current Child Care Learning Centers (CCLC) and Family Child Care Learning Homes (FCCLH) rules and regulations, visit http://www.dec.state.ga.us/Child_Care/Child_Care_Learning_Centers/Child_Care_Learning_Homes/Child_Care_Learning_Homes_Rules_and_Regulations.aspx.

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11.4.1.1 **Child Care Learning Centers (CCLC)** – A provider licensed or otherwise authorized to provide child care services for fewer than 24 hours per day per child in a non-residential setting for seven or more children under 13 years of age (or up to age 18 years for children with qualifying disabilities or a case plan requiring child care as part of court-ordered supervision), unless care in excess of 24 hours is due to the nature of the parent(s)' state-approved activity.

11.4.1.2 **Family Child Care Learning Homes (FCCLH)** – One or more individual(s) who provide child care services for fewer than 24 hours per day per child in a private residence other than the child's residence for no more than six children under 13 years of age (or up to age 18 years for children with qualifying disabilities or a case plan requiring child care as part of court-ordered supervision) at a given time, unless care in excess of 24 hours is due to the nature of the parent(s)' state-approved activity. For the purpose of the CAPS program, the parent cannot reside at, or work for, the family child care learning home that receives subsidies for the parent's children.

11.4.2 Licensed providers must be **Quality Rated** to participate in the CAPS program. For the purpose of CAPS, a **Quality Rated Provider** is one that is Star Rated, in **CAPS/Quality Rated Probationary Status**, or in **CAPS/Quality Rated Provisional Status**. For additional information on Quality Rated refer to the [CAPS Quality Rated Guidelines and Requirements \(Appendix II\)](#).

11.4.2.1 Providers who fail to earn or maintain a one-, two-, or three-star rating in **Quality Rated** may be placed in **CAPS/Quality Rated Probationary Status**. Providers in **CAPS/Quality Rated Probationary Status** will be enrolled in a **Quality Rated Cohort Group** as directed by **Quality Rated**. Providers in **CAPS/Quality Rated Probationary Status** may participate in CAPS for up to twelve (12) consecutive months if they maintain adequate progress as reported to CAPS by **Quality Rated**. Providers who do not achieve at least a one-star rating during the initial twelve (12) months may, at DECAL's sole discretion and not subject to appeal, be granted an additional six (6) months in **CAPS/Quality Rated Probationary Status**. Providers with a probationary status can accept new CAPS scholarships and retain any existing CAPS scholarships if they maintain adequate progress to obtain a star rating as reported to CAPS by **Quality Rated**.

11.4.2.2 Providers new to CAPS and not a Quality Rated Provider may be placed in **CAPS/Quality Rated Provisional Status**. Providers in **CAPS/Quality Rated Provisional Status** will be enrolled in a **Quality Rated Cohort Group** as directed by **Quality Rated**. Providers in **CAPS/Quality Rated Provisional Status** may participate in CAPS for up to twelve (12) consecutive months if they maintain adequate progress as reported to CAPS by **Quality Rated**. Providers who do not achieve at least a one-star rating during the initial twelve (12) months may, at DECAL's sole discretion and not subject to appeal, be granted an additional six (6) months in **CAPS/Quality Rated Provisional Status**. Providers with a provisional status can accept new CAPS scholarships and retain any existing CAPS scholarships if they maintain adequate progress to obtain a star rating as reported to CAPS by **Quality Rated**.

11.4.2.3 Providers who choose not to become **Quality Rated** will not be able to receive child care subsidy payments. Providers currently participating in the CAPS program will be dismissed as prescribed in [CAPS Child Care Provider Rights and Responsibilities Policy \(CAPS/00-12\)](#).

11.4.2.4 At DECAL's sole discretion and not subject to appeal, CAPS may grant a family a time-limited waiver allowing the issuance of scholarships to a provider who is not a **Quality Rated Provider**.

11.5 License-exempt Child Care Providers

11.5.1 Providers with the following exemption types may participate in the CAPS program. For current exemption rules and regulations, visit <http://www.dec.al.ga.gov/CCS/Exemptions.aspx>.

11.5.1.1 **Government owned and operated (Category 1)** – As defined in Georgia Rules for Child Care Learning Centers, Rule 591-1-1-.46(b)1, programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day, as defined in Georgia law, and before and/or after school programs in public schools operated by the public school system and staffed with school system employees and recreation programs operated by city or county parks and recreation departments and staffed with city or county employees.

11.5.1.2 **Day camps (Category 7)** – As defined in Georgia Rules for Child Care Learning Centers, Rule 591-1-1-.46(b)7, Day camp programs for children five years of age and older that are operated between school

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terms, whose primary purpose is to provide organized recreational, religious, or instructional activities. The day camp programs may operate during summer and other school breaks and shall operate for no more than 12 hours per day.

11.6 Informal Child Care Providers

11.6.1 **Informal providers** can only be used by a parent if one of the following criteria exists. Families who request to use an informal provider must verbally attest which of the following criteria apply.

- No other licensed care is available within a reasonable geographic area
- Care is during non-traditional hours when licensed care is not available
- The child in care meets the definition of children with disabilities
- The child’s primary language is other than English and no licensed provider equipped for dual language families is available within a reasonable geographic area
- Families are impacted by transportation
- Parental choice as it relates to religious, race, and ethnic considerations
- Other considerations as identified by the family and approved by DECAL

11.6.2 Informal providers must be 21 years of age or older to receive payment through CAPS. Informal providers are not required to be licensed but must enroll with the CAPS program. The following types of informal providers may participate in CAPS.

11.6.2.1 **Relative informal providers** include caregivers related to the child by blood, marriage, or adoption, such as an aunt, uncle, grandparent, great-grandparent, or adult sibling.

- A. The relative must not be included in the **family unit**.
- B. The relative informal child care arrangement may take place at the relative’s residence or in the child’s residence. However, adult siblings that are informal providers must live in a separate residence from the **eligible** children receiving subsidies.
- C. If the relative cares for children for pay, the total number of children in care cannot exceed six. Of the children in care, no more than two can be unrelated for pay.
- D. If the relative care is for more than six related children for pay (as described by Child Care Services licensing rules), they are required to obtain a license from DECAL.
- E. For relative informal providers, a maximum of six children are allowed at the residence where care is provided.

11.6.2.2 **Non-relative informal providers** include individuals who are not related to the child by blood, marriage, or adoption.

- A. The non-relative must provide care in their own residence and may not be a resident of the household of the children receiving care.
- B. If the non-relative cares for more than two unrelated children for pay, they are required to obtain a license from DECAL.
- C. Parents or adults acting **in loco parentis** are unable to receive subsidy payment for their own children.

11.6.2.3 As described by Child Care Services licensing rules, relative and non-relative informal providers who care for more than six related children or more than two unrelated children must obtain a license from DECAL. For more information, visit: <http://www.decal.ga.gov/CCS/StartingACenter.aspx>

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POLICY REVISION HISTORY

Date	Description of Change
07/02/2018	Added requirement that informal providers be 21 years of age or older to receive payment through CAPS. This requirement was previously in the Informal Provider Agreement (Appendix I) but was not in CAPS Policy.
10/01/2018	Added requirement that Quality Rated eligible providers be star rated by December 31, 2020 to participate in the CAPS program. Clarified language regarding satisfactory records checks for informal providers.
02/01/2019	Added requirement that all providers participating in CAPS comply with CAPS Health and Safety Standards Policy (CAPS/00-15) and moved references to health and safety standards from this policy section to CAPS Health and Safety Standards Policy (CAPS/00-15).
05/15/2020	Added information related to eligible providers, changes of ownership, and the use of informal providers. Removed requirement that Quality Rated eligible providers be Quality Rated by December 31, 2020 to allow for an extension of the requirement's implementation date.
11/02/2020	Revised language for licensed providers to better align with policy. Clarified that parents cannot reside at, or work for, the Family Child Care Learning Home (FCCLH) that receives subsidies for the parent's children.
07/01/2021	Added CAPS/Quality Rated deadline and milestone dates for licensed providers.
10/01/2021	Removed milestone language regarding CAPS/Quality Rated goal. Added additional information on Quality Rated can be viewed in the CAPS/Quality Rated Guidelines and Requirements (Appendix II). Revised CAPS/Quality Rated Probationary Status and CAPS/Quality Rated Provisional Status language to clarify the provider will be enrolled in a Quality Rated Cohort Group as directed by Quality Rated. Added language to note licensed providers that choose not to participate in Quality Rated will not be eligible to receive child care subsidy payments. Providers currently participating will be dismissed from the CAPS program.