

# Worker Guide: Attendant Care for Children

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## Description

Many entities have responsibilities for providing care to children. This guide outlines when it is appropriate for ODDS funded attendant care to be used for supporting children.

## Purpose or Rationale

Provide clear guidance to case managers on the use of ODDS funds to supports children.

## Applicability

This worker guide applies to services coordinators who authorize services for children.

## Procedures that apply

### Community living supports authorization guidance for children

Guiding principles for authorizing in-home support for children:

- Supports must be above and beyond typical parenting
  - In-home services should only be authorized when a child's needs go beyond what a parent or guardian would typically provide for a child of the same age without disabilities.
  - ODDS funds cannot be used for tasks that a parent or family member would normally do for a child without disabilities (e.g., supervision, basic care, transportation).
  - The child's main caregiver should be present or available during attendant care. These services should help the child gain independence appropriate for their age, not replace the caregiver's role.
- Educational services and supports are the responsibility of public schools
  - Children are considered school-aged when they are eligible to attend kindergarten in an Oregon public school. Children are eligible to attend kindergarten when they are five-years old before September 1 of an academic year.
  - ODDS funds cannot be used for school-related services like tutoring, academic instruction, or help with learning academic skills.
  - Services already covered under the Individuals with Disabilities Education Act (IDEA), including those that can provided through a child's IEP or school, cannot be funded by ODDS.
  - ODDS funds cannot be used for homeschooling and related educational support provided at home.

- Skills training should focus on helping the child achieve independence in age-appropriate activities of daily living and instrumental activities of daily living, not replace school-based education.
- Use other available resources first
  - If a service, item, or activity can be accessed through insurance, schools, nonprofits, or other public programs, it must be used before department funds are considered.
- Attendant care, skills training, or relief care cannot be used just to allow a parent or other caregiver to go to work or school.

## Age-appropriate attendant care tasks

ODDS services can only be used for supports that are related to the child's disability. ODDS funds cannot be used for typical supports provided to children of similar ages without a disability.

## Activities of Daily Living (ADL)

Activities of daily living include the following:

- Basic personal hygiene such as bathing, hair care, grooming, shaving, nail care, foot care, dressing, skin care, or oral hygiene.
- Toileting and incontinence.
- Mobility, transfers, and repositioning.
- Eating.

ODDS does not specify ages when support can be provided for activities of daily living (ADLs). It is appropriate to authorize supports for ADLs when the child needs more assistance with an ADL than other children their age.

Sources such as the [Center for Disease Control's \(CDC\) Developmental Milestones and American Academy of Pediatrics Ages & Stages](#) provide guidance on what is considered typical for a child without a disability.

## Instrumental Activities of Daily Living (IADL)

Instrumental activities of daily living (IADLs) are assumed to be parental responsibility until the Oregon Needs Assessment (ONA) assesses a child's support needs for that IADL.

The support provided for IADLs must be related to the child's disability and limited to age-appropriate tasks.

For example:

- **Appropriate:** A 12-year-old youth can get support from a provider to do light shopping like spending their allowance or buying a small item so they can communicate with the store clerk and provide correct change.
- **Inappropriate:** A 12-year-old's provider doing the grocery shopping for the youth for a week.

Children can be supported to complete IADL tasks to learn independence at any age.

However, a provider cannot be responsible for the completion of those tasks until they are assessed for support by the ONA

For example:

- **Appropriate:** A 9-year-old is responsible for tidying his room daily. He needs step-by-step reminders to complete this task beyond what is typical for a child of similar age. The provider supports the child by cueing and reminders to stay on task while the child tidies their room.
- **Inappropriate:** The provider cleans the 9-year-old child's room on the child's behalf.

The following chart shows when the ONA begins assessing support need for specific IADL supports:

IADL task	Age able to be authorized
Communication	All ages
Housework	12 years old
Laundry	12 years old

Money management	12 years old
Light shopping	12 years old
Seeking medical attention	18 years old
Assistance at medical appointments	14 years old for interacting with provider; or  Any age when needing disability related ADL/IADL supports during a medical appointment
Medication management and administration	14 years old; or  When trained or delegated to a provider in a nursing care plan; or  When needed for emergencies (EpiPen)
Safety awareness (crossing streets / parking lots)	5 years old
Neglecting their own care	18 years old
Transportation: safety inside vehicle with non-ODDS funded driver	All ages
Transportation: riding a bike, walking, using public transportation, rollerblading to a close destination	12 years old
Transportation: ODDS funded driver to community locations (specific exceptions apply)	18 years old

There are times when a provider can support a child with disability related needs, even if parent is also helping with typical tasks provided for a child of the same age at the same time.

**For example:** Child needs support related to mobility and toileting. The child is attending weekly speech language therapy.

- **Appropriate:** Parent transports child to and from speech appointment and discusses medical decisions with the speech provider. Attendant care provider assists with mobility and using the bathroom during the appointment time.
- **Inappropriate:** Provider transports child to and from weekly appointment, reports on progress to speech provider, supports mobility and toileting, and provides summary to parents afterward so parents can get housework done at home.

During attendant care, a child's parent or another responsible person must be present or available.

- **Children under age 10:** A parent or responsible person must be in the same location while attendant care is provided, or able to return to the location within ten minutes.
- **Children age 10 and older:** A parent or responsible person must be available and able to return in an urgent situation, consistent with what would be expected for a child of the same age who is home alone.

## Transportation

Transportation for a child under the age of 18 is typically a parental responsibility.

Transportation for a child may be authorized in an ISP only in the following scenarios:

### Attendant care or skills training hours only

Attendant care or skills training hours can be used to support a child with the following transportation related supports without a community transportation service authorization:

- When a child has need for support during transportation while a non-ODDS paid person is driving the vehicle to keep the child safe during transportation.
- When a child can go to close destinations in their community using public transportation, walking, or non-motorized options like bikes, scooters, etc. and needs support in the community.

### Attendant care or skills training hours and mileage

In specific situations a provider can be authorized to provide community transportation for a child. During community transportation the provider can transport the child directly and bill for attendant care or skills training hours along with community transportation mileage:

- During the delivery of **daily relief care** as described in OAR 411-450-0060.
- When included as a **behavior intervention strategy** in a Positive Behavior Support Plan (PBSP). Transportation cannot be authorized for therapeutic rides or proactive strategies.
- **To/From Work Transportation** may be available for youth under 18 for the person to obtain a ride to or from work, by exception.

## Important!

When a child needs attendant care support in a community location, the provider can meet the child in the community or ride with the child when driven by a non-ODDS funded driver to the location.

## Attendant care and school

### School and summer hour allocations

School-age children must have summer, and school-hour services allocated in their ONA service group and listed in their ISP, unless ODDS has approved an exception.

**School-age** means when a child is eligible for public kindergarten. Each school district sets their own age requirements for kindergarten. Most children are eligible for kindergarten when they turn 5 before September 1 of that calendar year.

Children and youth can use their **summer allocation year-round** in the following situations:

- A child is not yet school-age (4 years old or turns 5 after September 1).
- A youth who has turned 18 but does not have an adult service group.

## Attendant care and the school-day

Attendant care cannot be utilized during a child's **school day**. Children can utilize attendant care hours during other times of the day or week as described in their Individual Support Plan (ISP), provider service agreement(s), and plan of care.

**School day** means the period that school activities are available to an individual child according to their enrolled school schedule or what is outlined in their Individualized Education Program (IEP). This may be in-person school, online or distance learning, or while receiving homebound instruction from a local teacher. For homeschooled children educated by family or private tutors, the school day means whenever the child is engaged in homeschool or tutoring activities. For children enrolled in private school, the school day means whenever the child is engaged in school activities. This may be in-person or online.

**Children with alternative school schedules must have that information documented in the child's ISP or progress notes.**

**Abbreviated school day** means any school day during which a student receives instruction or educational services for fewer hours than other students who are in the same grade within the same school. Department-funded attendant care can only be used for ADL/IADL supports when children are not engaged in educational activities. There are no exceptions.

<b>Example</b>	<b>Attendant care allowable?</b>
Child is attending public school or any alternative to public school including tutoring, homeschool, private school	No
Child attends online school intermittently throughout the week. The child's school schedule is documented in a progress note or ISP.	During times other than the child's documented school schedule
Child is participating in a school activity where school staff are generally responsible for supervision of students including field trips, outdoor school, school dances, clubs, and other supervised extracurricular events	No

<b>Example</b>	<b>Attendant care allowable?</b>
Child is participating in a school activity where school staff generally do not provide supervision to students including spectating at athletic games and family events	Yes
Parents have agreed for the child to have an abbreviated school day	Not during the typical school-day for children in the same school.
Transportation (miles and hourly support) to and from school or school related activities including late arrival or early release from school	No
Transportation (miles) to and from medical appointments	No
Transportation (hourly) to and from medical appointments	When the child needs support in the vehicle and there is an unpaid driver
Child is placed on an abbreviated school day by the school district without parental agreement or the child has been suspended or expelled from school	Yes
Child is temporarily absent from school due to injury or illness	Yes
Child is on palliative or hospice care	Yes
Child needs assistance for disability related ADL/IADL support during a medical appointment including ABA, OT, PT, Speech therapy	Yes
Child is off from school due to school closures (scheduled and emergency) or no-student days	Yes

## Attendant care and daycare or preschool

Attendant care cannot be utilized to support a child at their daycare or preschool without an ODDS approved exception.

Childcare providers and preschools can get support through [Oregon Department of Early Learning and Care](#) to create inclusive care settings. Families that are receiving childcare subsidies may be eligible for a higher rate to support that child's care. Families can talk to their self-sufficiency caseworker for more information.

[Oregon Department of Education Early Intervention and Early Childhood Special Education](#) provides free, individualized services to children not yet school age.

Other programs including Early Head Start, Head Start, and Preschool Promise are available to support early childhood care and education.

### **Important!**

ODDS funded services are services of last resort. All other available programs for childcare or preschool support must be considered prior to requesting an exception to receiving attendant care at a preschool or daycare.

Attendant care cannot be used for supervision to allow a parent or other caregiver to attend school or work.

## Children's Extraordinary Needs (CEN) Program

The Children's Extraordinary Needs Program (CEN) OAR 411-440-0020 contains guidelines that parent providers are required to follow. It is important that agencies that employ parent providers understand when they may and may not submit billing for department funds for the delivery of attendant care to their own child through CEN. For more information about the CEN program, visit the [Children's Extraordinary Needs Program webpage](#).

**Parent provider** means a parent employed by a provider agency as a direct support professional to deliver hourly attendant care to their own child.

### Limitations on billable supports

**Parent providers** may not bill for attendant care while simultaneously caring for or supervising a child under the age of 10 or a vulnerable person requiring care or monitoring.

Many tasks completed by a parent provider will look like ADL/IADL supports. It is necessary to distinguish between tasks parents do as part of parental responsibility and those that are billable attendant care supports.

Parent providers may not bill for tasks that are not primarily for the benefit of the client child.

For example:

- Appropriate: Parent provider bills for attendant care while washing linens soiled due to incontinence.
- Inappropriate: Parent provider bills for attendant care while doing mixed load of household laundry that includes some of child's laundry.

Other limitations on billing attendant care are general housekeeping for the family, grocery shopping for the family, working remotely, and using time-out, sending a child to their room as discipline, or other prohibited behavior supports.

## Frequently asked questions

### **Can attendant care providers support other children while providing attendant care?**

Parent providers supporting client children in the CEN program are prohibited from caring for or supervising other children under the age of 10 or vulnerable people who require care or monitoring.

For providers not providing supports in the CEN program, the Community Living Supports rule does not include specific guidance on whether an attendant care provider can care for or supervise other children or vulnerable people.

- For personal support workers (PSWs), their employer sets the working conditions. Case managers monitor the delivery of services to ensure that needs are being met. If it appears that needs are not being met due to the PSW supporting others during attendant care, the employer should be supported to address the issue with the PSW. Employer Resource Connection and case managers can provide support for the employer to set working conditions that ensure their needs are being met.
- For agency providers, the agency should have policies that address caring for others while working. Case managers monitor the delivery of service to ensure that needs are being met. If it appears that needs are not being met by a direct support professional (DSP) due to caring for others during attendant care, this should be addressed directly with the agency. The agency continues to be responsible for meeting the needs identified in the person's plan.

### **Are multiple providers required at the same time for siblings that both receive attendant care services?**

Parent providers supporting client children in the CEN program cannot provide services to multiple children at the same time.

For children not receiving supports in the CEN program, there is an option for siblings or close relationships to receive "group" attendant care using procedure code OR526RB (group of two) or OR526R3 (group of three).

Not all people or support needs are appropriate for group attendant care. The ISP team will determine if group attendant care is appropriate for the person and determine which support needs are appropriate to be met while being supported in a group.

## Definition(s)

- Parent provider means a parent employed by a provider agency as a direct support professional to deliver hourly attendant care to their own child.
- School day means the period that school activities are available to an individual child according to their enrolled school schedule or what is outlined in their Individualized Education Program (IEP). This may be in-person school, online or distance learning, or while receiving homebound instruction from a local teacher. For homeschooled children educated by family or private tutors, the school day means whenever the child is engaged in homeschool or tutoring activities. For children enrolled in private school, the school day means whenever the child is engaged in school activities. This may be in-person or online.
- Abbreviated school day means any school day during which a student receives instruction or educational services for fewer hours than other students who are in the same grade within the same school.

## Reference(s)

- [Children's Extraordinary Needs Program](#)
- [Community Transportation \(Non-Medical\): Service Requirements](#)
- [Oregon Department of Early Learning and Care](#)
- [Oregon Department of Education Early Intervention and Early Childhood Special Education](#)
- [Oregon Department of Education Abbreviated School Day Program](#)
- [Center for Disease Control's \(CDC\) Developmental Milestones](#)
- [American Academy of Pediatrics Ages & Stages](#)

## Contact(s)

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