

Paying a spouse or parent of a minor for personal assistance (unbundled)

For the **previous** version of this policy (i.e., before unbundling), refer to [CDCS Manual – Paying a spouse or parent of a minor for personal assistance](#).

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Legal authority	Federally approved BI, CAC, CADI, DD and EW waiver plans, Alternative Care (AC) program (Minn. Stat. §256B.0913)	
Unbundling project	<p>This page includes CDCS unbundled service category policy. When a person transitions to the unbundled CDCS service categories, they will use the policy on this page.</p> <p>For information about who must use this new policy, refer to the Dec. 10, 2024, eList announcement.</p>	
Definitions	<p>Parent: For the purposes of this page, “parent” includes the following:</p> <ul style="list-style-type: none"> • Adoptive parent. • Biological parent. • Stepparent. • Legal guardian of a minor. • Legally responsible person of a minor. <p>All references to “parent” on this page include the people listed above.</p> <p>Minor: A person who is younger than age 18.</p>	
Overview	<p>Personal assistance services are the only services for which a spouse or parent of a minor may be paid with consumer directed community supports (CDCS) funds (refer to CDCS Manual – Unbundled service category: Personal assistance).</p> <p>While a spouse or parent of a minor may also serve in other supportive roles (e.g., support planner, managing employer), the spouse/parent cannot be paid to serve in these roles or provide other supports.</p>	
ADL dependency	<p>To pay a spouse or parent of a minor for personal assistance services, the person receiving services must be assessed as dependent in at least one activity of daily living (ADL). The service or support must be necessary to meet at least one identified ADL dependency, which is determined based on the ADL items included in the assessment the person receives.</p> <p>Any ADL dependency documented in the MnCHOICES/long-term care consultation (LTCC) assessment that meets the eligibility criteria for any program is valid for determining this ADL dependency requirement. The MnCHOICES assessment is a comprehensive, broad assessment that identifies ADL dependencies across several program areas. The assessment provides a way to:</p> <ul style="list-style-type: none"> • Identify activities in which the person is dependent. • Distinguish between activities a spouse/parent would typically perform and activities that go beyond what a spouse/parent or family member would typically perform. • Identify areas in which the level of assistance or supervision the person requires exceeds what is typically required for a person of the same age. 	
Criteria	<p>To pay a spouse or parent of a minor for personal assistance services, all the following criteria must be met.</p> <p>Service criteria</p> <p>The personal assistance services for which the spouse or parent of a minor is paid must:</p> <ul style="list-style-type: none"> • Fall within the description and allowable costs of the personal assistance service category described on CDCS Manual – Unbundled 	

- [service category: Personal assistance](#).
- Be related to the person's disability or assessed needs.
- Be necessary to meet at least one of the person's identified ADL dependencies, as described above.
- Not be an activity a spouse or parent of a minor would typically perform or be responsible to perform. These activities may include, but are not limited to, age-appropriate supervision, transportation of children or average household maintenance (e.g., house cleaning, meal preparation, laundry). The spouse or parent of a minor may be paid if they must assist the person with tasks beyond what is considered typical responsibility (e.g., doing additional laundry for a 12-year-old child who is incontinent).

Other assessed needs

The person's identified ADL dependency does **not** represent the only allowable activities for which a spouse or parent of a minor can be paid. The lead agency considers all of the person's assessed needs that are within the parameters of the personal assistance service category when it reviews the spouse's or parent's hours and duties. Other assessed needs may include supervision for health and safety or behavioral concerns beyond what is considered age-appropriate.

Community support plan (CSP) criteria

The person's CDCS CSP must record all the following information:

- Personal assistance services/tasks the spouse or parent of a minor will provide (i.e., job description).
- Number of hours the spouse or parent of a minor will be paid.
- Person's assessed need (e.g., help with dressing).
- Negotiated payment rate and expected general work schedule.

In the CDCS CSP, the spouse's or parent's payment rate and work schedule must be recorded separately from others the person hires to provide personal assistance services.

While providing personal assistance services as identified in the CDCS CSP, the spouse or parent of a minor must function as a paid worker, not as a spouse or parent. The spouse or parent must complete time reports that correspond to the job description and general work schedule. The time reports and work schedule may include variability (not to exceed the limits outlined below) related to school schedules, extracurricular activities, person's illness, absent workers, etc. For more information, refer to the hours per week section below.

Qualifications

The spouse or parent must meet the qualifications and standards for CDCS workers on [CDCS Manual – Unbundled service category: Personal assistance](#) any other qualifications identified in the person's CDCS CSP.

Other criteria

The negotiated payment rates for workers who are the spouse or parent of a minor of a person with a CDCS enhanced budget cannot exceed the rate established by DHS for complex personal care assistance (PCA) services or complex Community First Services and Supports (CFSS), including wages, benefits and payroll-related taxes.

The lead agency should reference the PCA/CFSS rate for the fiscal year in which the spouse or parent provides personal assistance services. Refer to [Long-Term Services and Supports Rate Limits, DHS-3945 \(PDF\)](#).

<p>Hours per week</p>	<p>Community First Services and Supports (CFSS) also will allow a person's spouse or the parent of a minor to receive payment. When a spouse or parent of a minor receives payment to provide services, the service limits apply to the total combined hours from both CFSS and CDCS.</p> <p>When a spouse or parent of minor provides personal assistance services, the following limitations apply.</p> <p>One parent</p> <p>If only one parent provides personal assistance services to their minor child(ren), the parent may provide up to 60 hours of paid support in a seven-day period, regardless of the number of children they serve in the household who use CDCS or CFSS.</p> <p>Multiple parents</p> <p>If more than one parent of a minor is paid to provide personal assistance services to their minor child(ren), each parent may provide up to 40 hours of paid support in any seven-day period, regardless of:</p> <ul style="list-style-type: none"> • The number of children in the household who use CDCS and/or CFSS. • The number of households in which the child(ren) receive CDCS and/or CFSS services. • The number of parents in the household(s). • The actual number of hours of care each parent provides. <p>The total number of combined hours of CDCS/CFSS provided by all of the parents cannot exceed 80 hours in a seven-day period.</p> <p>Spouse</p> <p>If a person's spouse provides personal assistance services, the spouse may provide up to 60 hours of paid support in a seven-day period.</p> <p>Spouse and parent</p> <p>A person cannot be paid for more than 60 hours in a seven-day period if the person provides personal assistance as both a paid spouse and a paid parent of a minor.</p>
<p>Conditions for licensed residential settings</p>	<p>A minor who lives in but does not receive residential services in a licensed residential setting can use CDCS, and the minor's parent can be paid to provide personal assistance services.</p> <p>A parent of a minor who receives payment to provide care to:</p> <ul style="list-style-type: none"> • Non-relatives in a licensed residential setting that is not a pre-adoptive setting cannot be a paid provider of personal assistance services to their biological/adoptive minor child(ren). • Non-relative children in a licensed residential setting in a pre-adoptive setting can be a paid provider of personal assistance for their biological/adoptive minor child(ren) for up to 25 hours per week. • Relative children in a licensed residential setting (including pre-kinship settings) can be a paid provider of personal assistance services for their biological/adoptive minor child(ren) for up to 25 hours per week.
<p>Non-covered services</p>	<p>Nursing</p> <p>The Home Care Nursing (HCN) Hardship Waiver is not available to people who use CDCS.</p> <p>Mileage</p> <p>A spouse or parent of a minor cannot receive reimbursement for mileage expenses.</p>

<p>Financial considerations</p>	<p>CDCS wages as income A spouse's or parent of a minor's CDCS wages are considered income. Once CDCS funds are used to pay any worker (including spouses/parents) the funds become wages (i.e., income) to the worker and are not subject to waiver criteria.</p> <p>Consequences Income (as described above) may affect eligibility for programs with income-based eligibility criteria. For example, a spouse's or parent of a minor's CDCS income could affect the following:</p> <ul style="list-style-type: none"> • Family's eligibility for Medical Assistance (MA) and Minnesota Family Investment Program (MFIP), including food support. • Child's eligibility for Supplemental Security Income (SSI). • Spouse's eligibility for other programs with income-based eligibility criteria. • MA parental fee. <p>The person who uses CDCS and the person's family should discuss these consequences with other program areas or eligibility workers before making a decision about CDCS employment.</p>
<p>Lead agency responsibilities</p>	<p>In addition to the person's or legal representative's plan to manage and monitor service delivery, the lead agency has monitoring responsibilities when the spouse or parent of a minor is a paid worker.</p> <p>Under every waiver/program, the lead agency must do quarterly reviews of:</p> <ul style="list-style-type: none"> • Expenditures and services provided. • Person's health and safety. <p>BI, CAC, CADI and DD requirements Under the BI, CAC, CADI and DD waivers, the lead agency must do at least two in-person visits per year with the person.</p> <p>AC and EW requirements Under the AC program and EW, the lead agency must do at least one in-person visit per year with the person.</p>
<p>Additional resources</p>	<p>CDCS Manual – Unbundled service category: Personal assistance CDCS Community Support Plan, DHS-5788A</p>