

**AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT
FOSTER CARE AND ADOPTION ASSISTANCE
STATE/TRIBE OF _____New York_____**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
CHILDREN'S BUREAU
June 2009

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PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT

FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

STATE/TRIBE OF New York

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

 New York State Office of Children and Family Services
(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References ¹	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 1. ORGANIZATION	
471(a)(2)	<p>A. DESIGNATION AND AUTHORITY OF STATE/ TRIBAL AGENCY</p> <p>The State/Tribal agency has been designated to administer or supervise the administration of the programs under this plan. (See Attachment I.) It is also the agency that administers or supervises the administration of the State/Tribal Child Welfare Services Plan under subpart 1 of title IV-B of the Act.</p>	<p><u>Key</u> SSL - Social Services Law FCA - Family Court Act DRL - Domestic Relations Law Ex. L. - Executive Law BCL – Business Corporation Law 18 NYCRR – Title 18 of the <i>Official Compilation of the Codes, Rules and Regulations of the State of New York</i>. OCFS – Office of Children and Family Services</p>

¹ Statutory references refer to the Social Security Act. Regulatory references refer to Title 45 of the Code of Federal Regulations (CFR).

		<p>SSL 17 Powers and duties of the Commissioner.</p> <p>SSL 20 Powers and duties of the department.</p> <p>SSL 34 General powers of the Commissioner.</p> <p>SSL 406 Department of social welfare designated as state agency.</p> <p>SSL 407 Powers of department of social welfare.</p> <p>Chapter 436 of the Laws of 1997</p>
	<p>B. STATE/TRIBAL AGENCY STRUCTURE AND FUNCTION</p> <p>The State/Tribal agency has available upon request an organizational chart of the agency and a description of the functions of each of its organizational units as they relate to the administration or supervising the administration of the title IV-E foster care maintenance, adoption assistance, and (at IV-E agency option) guardianship assistance program.</p>	<p>OCFS Organizational Chart and Description of Functions</p> <p>http://www.ocfs.state.ny.us/main/</p> <p>http://ocfs.state.ny.net/agencyinfo.asp</p>

471(a)(3)	<p>C. STATE OR SERVICE AREA WIDE OPERATIONS</p> <p>The title IV-E plan for foster care, adoption assistance, and guardianship assistance if elected by the State/ Tribe, is in effect in all political subdivisions and service areas.</p> <p>(Tribes, see also section 7)</p>	<p>SSL 153-k Funding for children and family services.</p> <p>SSL 395 Responsibility of public welfare districts for welfare of children.</p> <p>SSL 406 Department of social welfare designated as state agency.</p> <p>SSL 407 Powers of department social welfare.</p> <p>SSL 409-d District-wide child welfare services plan.</p> <p>Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>
471(a)(4)	<p>D. COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS</p> <p>The title IV-E program is coordinated at the local level with the programs at the State/Tribal or local level assisted under titles IV-A, IV-B and XX of the Act and under all appropriate</p>	<p>SSL 34-a Services planning requirements.</p> <p>SSL 409-d District's child welfare plans</p>

	provisions of Federal law.	developed in consultation with other government agencies. 18 NYCRR Part 407 Consolidated services plan.
471(a)(17)	<p>E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE</p> <p>The State/Tribal agency takes all appropriate steps, including cooperative efforts with the State or Tribal agencies administering the plans approved under titles IV-A and -D, to secure an assignment to the State or Tribe of any rights to support on behalf of each child receiving foster care maintenance payments under title IV-E.</p>	<p>SSL 398.6(d) Collection of foster care expenses.</p> <p>18 NYCRR Part 422 Parental support of children receiving foster care. 18 NYCRR Part 426.8 Assignment of support rights.</p>

Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS	

471(a)(1)	<p>A. ELIGIBILITY</p> <p>(Tribes, also see section 7 of this pre-print)</p> <p>1. Payments are provided for each child:</p>	
472(a)(1)&(2)	<p>a. who meets the requirements of section 406(a) of the Act (as in effect 7/16/96) is removed from the home of a relative specified in section 406(a), and is placed in foster care if:</p> <ul style="list-style-type: none"> i. the removal and foster care placement met and continues to meet the requirements of paragraph (2) in section 472(a) of the Act; and ii. the child, while in the home, would have met the Aid to Families with Dependent Children (AFDC) program eligibility requirement of paragraph (3) in section 472(a) of the Act; 	<p>SSL 358-a Dependent children in foster care. FCA 307.4. Hearing following detention. FCA 320.5 . The initial appearance; release or detention. FCA 352.2. Order of disposition. FCA 353.3 Placement. FCA 728 Discharge, release or detention by judge after hearing and before filing of petition in custody cases. FCA 739 Release or detention after filing of petition and prior to order of disposition. FCA 754 Disposition on adjudication of person in need of</p>

		<p>supervision. FCA 756 Placement. FCA 1022 Preliminary orders of court before petition filed. FCA 1027 Preliminary orders after filing of petition. FCA 1028 Application to return child temporarily removed. FCA 1051 Sustaining or dismissing petition. FCA 1052 Disposition on adjudication. FCA 1055 Placement.</p> <p>18 NYCRR Part 369 (ADC) Family assistance. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>
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		OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
472(a)(2)(A) 1356.21(c)	<p>b. whose removal and foster care placement are in accordance with:</p> <ul style="list-style-type: none"> i. a voluntary placement agreement entered into by the child's parent or legal guardian, who is the relative referred to in paragraph (1) of section 472(a) of the Act; or ii. a judicial determination to the effect that continuation of residence in the home from which removed would be contrary to the welfare, or that the placement would be in the best interest, of the child and that reasonable efforts of the type described in section 471(a)(15) for a child were made. The contrary to the welfare determination will be made in the first court ruling that sanctions (even temporarily) the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal from the home, the child will not be eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care; 	<p>SSL 358-a Dependent children in foster care. SSL 384-a Transfer of care and custody. FCA 307.4 Hearing following detention. FCA 320.5 The initial appearance; release or detention. FCA 352.2. Order of disposition. FCA 353.3 Placement. FCA 728 Discharge, release or detention by judge after hearing and before filing of petition in custody cases. FCA 739 Release or detention after filing of petition and prior to order of disposition.</p>

		<p>FCA 754 Disposition on adjudication of person in need of supervision.</p> <p>FCA 756 Placement.</p> <p>FCA 1022 Preliminary orders of court before petition filed.</p> <p>FCA 1027 Preliminary orders after filing of petition.</p> <p>FCA 1028 Application to return child temporarily removed.</p> <p>FCA 1051 Sustaining or dismissing petition.</p> <p>FCA 1052 Disposition on adjudication.</p> <p>FCA 1055 Placement.</p> <p>18 NYCRR Part 369 (ADC) Family assistance.</p> <p>18 NYCRR Part 426 Title IV-E foster</p>
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		<p>care and adoption assistance</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
<p>472(a)(2)(B)&(C)</p> <p>472(a)(2)(B)(i)</p> <p>472(a)(2)(B)(ii)</p>	<p>c. whose placement and care in a foster family home or child care institution (as defined in section 472(c) of the Act) is the responsibility of either:</p> <ul style="list-style-type: none"> i. the State agency administering the approved title IV-E plan; ii. any other public agency with whom the State agency administering or supervising the administration of the approved title IV-E plan has made an agreement which is still in effect; or iii. a Tribe that has a plan approved under section 471 in accordance with 479B; and 	<p>SSL 398 Additional powers and duties of commissioners of public welfare and certain city public welfare officers in relation to children.</p> <p>SSL 460-c Inspection and supervision. (of residential programs for children).</p> <p>Ex. L 501 General functions, powers and duties of division. (OCFS)</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility</p>

		Manual For Child Welfare Programs, (Updated 2009)
472(a)(3)(A)(i) 472(a)(3)(A)(ii)(I) 472(a)(3)(A)(ii)(II) 472(a)(3)(B)	<p>d. who:</p> <p>i. Either:</p> <p>A. received AFDC, in the home referred to in section 472(a)(1), under the State plan approved under section 402 of the Act (as in effect 7/16/96) in or for the month in which either a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated;</p> <p>B. would have received AFDC, in the home, in or for such month referred to in the above clause if application for such aid had been made; or</p> <p>C. had been living with a relative specified in section 406(a) of the Act (as in effect 7/16/96) within six months prior to the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated, and would have received AFDC in or for such month if the child had been living in the home with such relative and an application had been made for AFDC under title IV-A of the Act; and</p>	<p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>

	<p>ii. had resources (determined under section 402(a)(7)(B) of the Act as in effect 7/16/96) that had a combined value of not more than \$10,000.</p> <p>(Tribes, see section 7 for related requirements in section 479B(c)(1)(C)(ii)(II).)</p>	
1356.21(k)	<p>2. Removal.</p> <p>a. For the purposes of meeting the requirements of section 472(a)(2)(A)(1) of the Act, a removal from the home must occur pursuant to:</p> <ul style="list-style-type: none"> i. a voluntary placement agreement entered into by a parent or relative which leads to a physical or constructive removal (i.e., a non-physical or paper removal of custody) of the child from the home; or ii. a judicial order for a physical or constructive removal of the child from a parent or specified relative. 	<p>SSL 358-a Dependent children in foster care. SSL 384-a Transfer of care and custody of children. FCA 307.4 Hearing following detention. FCA 320.5 The initial appearance; release or detention. FCA 352.2. Order of disposition. FCA 353.3. Placement. FCA 728 Discharge, release or detention by judge after hearing and before filing of petition in custody cases. FCA 739 Release or detention after filing of petition and prior</p>

		<p>to order of disposition. FCA 754 Disposition on adjudication of person in need of supervision. FCA 756 Placement. FCA 1022 Preliminary orders of court before petition filed. FCA 1027 Preliminary orders after filing of petition. FCA 1028 Application to return child temporarily removed. FCA 1051 Sustaining or dismissing petition. FCA 1052 Disposition on adjudication. FCA 1055 Placement.</p>
1356.21(k)	b. A removal has not occurred in situations where legal custody is removed from the parent or relative and the child remains with the same relative in that home under	18 NYCRR Part 426 Title IV-E foster care and adoption

	supervision by the State/Tribal agency.	assistance. OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
1356.21(k)	c. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or the date that the voluntary placement agreement is signed by all relevant parties.	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
1356.21(l)	3. Living with a specified relative. For purposes of meeting the requirements for living with a specified relative prior to removal from the home under section 472(a)(2)(A) of the Act and all of the conditions under section 472(a)(3)(A), one of the two following situations will apply:	
1356.21(l)	a. the child was living with the parent or specified relative, and was AFDC eligible in that home in the month of the voluntary placement agreement or initiation of court proceedings; or	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs,

		(Updated 2009)
1356.21(I)	b. the child had been living with the parent or specified relative within six months of the month of the voluntary placement agreement or the initiation of court proceedings, and the child would have been AFDC eligible in that month if s/he had still been living in that home.	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
472(f)	B. VOLUNTARY PLACEMENTS (Option) 1. Foster care maintenance payments are made in the voluntary placement of a minor child out of the home by or with the participation of the State/Tribal agency only if:	SSL 358-a Dependent children in foster care. SSL 384-a Transfer of care and custody of children. FCA Article 10-A Permanency Hearings for Children Placed Out of Their Homes. SSL 409-e Family service plan. SSL 409-f Uniform case recording. 18 NYCRR 430.10 Necessity of placement.

<p>1356.22(a) 472(d)</p>	<p>a. the State/Tribe has fulfilled all of the requirements of section 472 of the Act; sections 422(b)(8) and 475(5) of the Act; and 45 CFR 1356.21(e), (f), (g), (h) and (i) of the Act; and</p>	<p>SSL 358-a Dependent children in foster care. SSL 384-b (3) Guardianship and custody of destitute or dependent children; commitment by court order. SSL 409-e Family service plan. SSL 409-f Uniform case recording. FCA Article 10-A Permanency hearings for children placed out of their homes.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance. 18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR 430.10.</p>
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		<p>Necessity of placement. 18 NYCRR 430.11. Appropriateness of placement. 18 NYCRR 430.12. Diligence of effort. 18 NYCRR 431.9. Termination of parental rights by local social services agency.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
472(f)(1)	b. the assistance of the State/Tribal agency has been requested by the child's parent(s) or legal guardian(s); and	<p>SSL 384-a Transfer of care and custody of children. 18 NYCRR 403.2. Information on availability of social services. 18 NYCRR 404.1. Process of eligibility determination. 18 NYCRR 430.10 Necessity of</p>

		<p>placement.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
472(f)(2)	<p>c. there is a written voluntary placement agreement, binding on all parties to the agreement, which specifies at a minimum the legal status of the child and the rights and obligations of the parents or guardians, the child and the State/Tribal agency while the child is in placement.</p>	<p>SSL 384-a Transfer of care and custody of children.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs (Updated 2009)</p>
1356.22(b) 472(e)	<p>2. Federal financial participation is claimed only for voluntary foster care maintenance expenditures made within the first 180 days of the child's placement in foster care unless there has been a judicial determination by a court of competent jurisdiction, within the first 180 days of the date of such placement, to the effect that the continued voluntary placement is in the best interests of the child.</p>	<p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1356.22(c)	<p>3. The State/Tribal agency has established a uniform</p>	<p>SSL 358-a</p>

472(g)(1)&(2)	procedure or system, consistent with State/Tribal law, for revocation by the parent(s) of a voluntary placement agreement and return of the child.	<p>Dependent children in foster care. SSL 384-a Transfer of care and custody of children. FCA 1089 Permanency hearings.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1355.20(a) 475(4)(A)	<p>C. PAYMENTS</p> <p>1. Foster care maintenance payments for a child in foster care may cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family, or other caretakers and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. Local travel associated with providing the items listed above is also an allowable expense. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentences.</p>	<p>SSL 398-a Standards of payment for foster care.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance. 18 NYCRR Part 427 Standards of payment for foster care of children. 18 NYCRR Part 628 Child care and foster care reimbursement claiming.</p>

472(b)(1)&(2)	<p>2. Foster care maintenance payments are made only on behalf of an eligible child who is:</p> <p>a. in the foster family home of an individual, whether the payments are made to such individual or to a public or private child placement or child care agency; or</p> <p>b. in a child care institution, whether the payments are made to such institution or to a public or private child placement or child-care agency. Such payments are limited to include only those items that are included in the term "foster care maintenance payments" (defined in section 475(4) of the Act).</p>	<p>BCL 405-a Institution for children; approval of certificate.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>18 NYCRR 430.11 Appropriateness of placement.</p> <p>18 NYCRR 431.6 Court ordered placement of children.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
472(i)(1)	<p>3. Administrative costs associated with an otherwise eligible child who is in an unallowable facility or an unapproved or unlicensed relative home, and who is removed in accordance with section 472(a) from the home of a relative specified in section 406(a) (as in effect on July 16, 1996), shall be considered only for expenditures:</p>	<p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child</p>

		Welfare Programs, (Updated 2009)
472(i)(1)(A)	a. for a period of not more than the lesser of 12 months or the average length of time it takes to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
472(i)(1)(B)	b. for a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State or Tribe.	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
472(i)(2)	4. Administrative costs associated with a child who is potentially eligible for benefits under the approved title IV-E plan and at imminent risk of removal from the home, shall be considered for expenditures only if:	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs,

		(Updated 2009)
472(i)(2)(A)	a. reasonable efforts are being made in accordance with section 471(a)(15) to prevent the need for, or if necessary to pursue, removal of the child from the home; and	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
472(i)(2)(B)	b. the State/Tribal agency has made, not less often than every 6 months, a determination (or redetermination) as to whether the child remains at imminent risk of removal from the home.	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
1356.21(j) 475(4)(B)	5. Child of a minor parent in foster care. Foster care maintenance payments made on behalf of a child placed in a foster family home or child care institution, who is the parent of a son or daughter in the same home or institution, must include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter. Said costs must be limited to funds expended on those items described in the definition of foster care maintenance payments.	18 NYCRR Part 426 Title IV-E foster care and adoption assistance. 94-ADM-12 Minor Parent-Infant Foster Care and Adoption OCFS Eligibility Manual For Child

		Welfare Programs, (Updated 2009)
1356.21(g)	<p>D. CASE REVIEW SYSTEM</p> <p>1. Case Plan</p> <p>To meet the case plan requirements of sections 471(a)(16), 475(1) and 475(5)(A) and (D) of the Act, the State/Tribal agency has promulgated policy materials and instructions for use by State/Tribe and local staff to determine the appropriateness of and necessity for the foster care placement of the child. The case plan for each child:</p>	<p>SSL 20 Powers and duties of the department.</p> <p>SSL 34 General powers of the Commissioner.</p> <p>SSL 409-e Family service plan.</p> <p>SSL 409-f Uniform case recording.</p> <p>Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans.</p>
1356.21(g)(1)	<p>a. is a written document which is a discrete part of the case record, in a format determined by the State/Tribe, which is developed jointly with the parent(s) or guardian(s) of the child in foster care;</p>	<p>SSL 409-e Family service plan.</p> <p>SSL 409-f Uniform case recording.</p> <p>Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428</p>

		Standards for uniform case records and family and child assessments and service plans.
1356.21(g)(2)	b. is developed within a reasonable period, to be established by the State/Tribe, but in no event later than 60 days from the child's removal from the home;	SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997 18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans.
1356.21(g)(4)	c. includes a description of the services offered and provided to prevent removal of the child from the home and to reunify the family;	SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997 18 NYCRR Part 428 Standards for uniform case records and family and child

		<p>assessments and service plans. 18 NYCRR 430.9 Appropriate provision of mandated preventive services. 18 NYCRR 430.10 Necessity of placement.</p>
475(1)(A)	d. includes a description of the type of home or institution in which the child is placed;	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR 430.11 Appropriateness of placement. 18 NYCRR 430.12 Diligence of effort.</p>

475(1)(A)	e. includes a discussion of the safety and appropriateness of the placement and how the responsible agency plans to carry out the judicial determination made with respect to the child in accordance with section 472(a)(2)(A) of the Act;	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR 430.11(c) Appropriateness of placement. <i>Continuity in the child's environment.</i></p>
475(1)(B)	f. includes a plan for assuring that the child receives safe and proper care, and services are provided to the parent(s), child and foster parents in order to improve the conditions in the parent's parents' home to facilitate the child's return to his/her own safe home or the permanent placement of the child;	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and</p>

		<p>service plans. 18 NYCRR 430.9 Appropriate provision of mandated preventive services. 18 NYCRR 430.11(c)(2) Appropriateness of placement. <i>Continuity in the child's environment.</i> 18 NYCRR Part 441.21 Casework contacts.</p>
475(1)(B)	g. includes a plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care;	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR 430.10 Necessity of</p>

		<p>placement. 18 NYCRR 430.12 Diligence of effort.</p>
<p>475(1)(B)</p>	<p>h. includes a discussion of the appropriateness of the services that have been provided to the child under the plan;</p>	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans.</p> <p>18 NYCRR 430.9 Appropriate provision of mandated preventive services. 18 NYCRR 430.10 Necessity of placement. 18 NYCRR 430.11 Appropriateness of placement. 18 NYCRR 430.12</p>

		Diligence of effort.
475(1)(D)	i. where appropriate for a child 16 or over, includes a written description of the programs and services which will help such child prepare for the transition from foster care to independent living;	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR 430.11 Appropriateness of placement. 18 NYCRR 430.12 Diligence of effort.</p>
475(5)(H)	j. during the 90-day period immediately prior to the date on which the child will attain 18 years of age, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State/Tribal agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services,	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child</p>

	<p>and work force supports and employment services, and is as detailed as the child may elect;</p>	<p>assessments and service plans.</p> <p>18 NYCRR Part 430.12 Diligence of effort.</p> <p>09-OCFS-ADM-16 Transition Plan Requirements for Youth 18 and Older Aging Out of Foster Care</p> <p>09-OCFS-ADM-15 Medicaid Coverage for Final Discharged Youth 18 to 21 Years of Age</p>
<p>1356.21(g)(5) 475(1)(E)</p>	<p>k. documents the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home in accordance with sections 475(1)(E) and (5)(E) of the Act. When the case plan goal is adoption, at a minimum such documentation shall include child-specific recruitment efforts such as the use of Tribal, State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements;</p>	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for</p>

		<p>uniform case records and family and child assessments and service plans. 18 NYCRR 430.12(c) (1)(ii)(f) Diligence of effort..</p>
<p>475(1)(F)</p>	<p>L. For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State/Tribal agency shall include in the case plan a description of:</p> <ul style="list-style-type: none"> i. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted; ii. the reasons for any separation of siblings during placement; iii. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests; iv. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment; v. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and 	<p>Not Applicable in New York State</p>

	<p>vi. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</p> <p>(See also Section 6 Guardianship Assistance Program Case Plan Requirements.)</p>	
<p>1356.21(g)(3) 475(5)(A)</p>	<p>I. includes a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child;</p>	<p>SSL 409-e Family service plan. SSL.409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR 430.9 Appropriate provision of mandated preventive services. 18 NYCRR 430.10 Necessity of placement. 18 NYCRR 430.11(c) Appropriateness of</p>

		<p>placement. <i>Continuity in the child's environment.</i> 18 NYCRR 430.12 Diligence of efforts.</p>
<p>475(5)(A)(i)</p>	<p>m. if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), or in a different State, sets forth the reasons why such a placement is in the best interests of the child;</p>	<p>SSL 409-e Family service plan. SSL.409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR 430.9 Appropriate provision of mandated preventive services. 18 NYCRR 430.10 Necessity of placement. 18 NYCRR 430.11(c) Appropriateness of placement. <i>Continuity in the</i></p>

		<i>child's environment.</i>
475(5)(A)(ii)	n. if the child has been placed in foster care in a State or service area outside the State in which the child's parent(s) are located, assures that an agency caseworker on the staff of the State or Tribal agency of the State or service area in which the home of the parents of the child is located, of the State or service area in which the child has been placed, or of a private agency under contract with either such State or Tribe, visits the child in such foster home or institution no less frequently than every 6 months and submits a report on the visit to the State or Tribal agency of the State or service area where the home of the child's parent(s) is located;	Chapter 436 of the Laws of 1997 18 NYCRR Part 426 Title IV-E foster care and adoption assistance. 18NYCRR Part 18 NYCRR 428 Uniform case record requirements 18 NYCRR 430.11(c) Appropriateness of placement. 18 NYCRR 430.12(c)(3) Diligence of effort.
475(1)(G)	o. a plan for ensuring the educational stability of the child while in foster care, including-- i. assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and ii. an assurance that the State/Tribal agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and	FCA 1089(c) SSL 409-e Family service plan. SSL 409-f Uniform case record. Chapter 436 of the Laws of 1997 18 NYCRR Part 428

	<p>Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or</p> <p>iii. if remaining in such school is not in the best interests of the child, assurances by the State/Tribal agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and</p>	<p>Standards for uniform case records and family and child assessments and service plans.</p> <p>18 NYCRR 430.11 Appropriateness of placement.</p>
475(1)(C)	<p>p. incorporates the health and education records of the child including the most recent information available regarding:</p> <ul style="list-style-type: none"> i. the names and addresses of the child's health and educational providers; ii. the child's grade level performance; iii. the child's school record; iv. a record of the child's immunizations; v. the child's known medical problems; vi. the child's medications; and vii. any other relevant health and education information concerning the child determined to be appropriate by the State/Tribal agency. 	<p>SSL 373-a Medical histories. SSL 409-e Family service plan. SSL 409-f Uniform case recording. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR 357.3(b) Basis for disclosure of information. <i>Disclosure of medical information.</i> 18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR</p>

		<p>430.11(c)(2) Appropriateness of placement. 18 NYCRR 441.22 Health and medical services.</p> <p>90 ADM-21: Foster Care: Medical Services for Children in Foster Care</p> <p>OCFS Manual: Working Together: Health Services for Children in Foster Care (Updated 2008-09)</p>
1356.21(f)	<p>2. Case Review</p> <p>The State/Tribal agency has a case review system which meets the requirements of sections 475(5) and 475(6) of the Act and assures that:</p>	
475(5)(B)	<p>a. a review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to:</p> <p>i. determine the safety of the child, the continuing need for and appropriateness of the placement;</p>	<p>SSL 409-e Family service plan. FCA 1089 Permanency Hearings. Chapter 436 of the</p>

	<ul style="list-style-type: none"> ii. determine the extent of compliance with the case plan; iii. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; and iv. project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and 	<p>Laws of 1997</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans.</p> <p>18 NYCRR 430.12 Diligence of effort.</p>
475(6)	<p>b. if an administrative review is conducted, the following requirements will be met:</p> <ul style="list-style-type: none"> i. the review will be open to the participation of the parents of the child; and ii. the review will be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either the child or the parents who are the subject of the review. 	<p>SSL 409-e Family service plan.</p> <p>SSL 409-f Uniform case recording.</p> <p>Chapter 436 of the Laws of 1997</p> <p>18 NYCRR 430.12(c) (2) Diligence of effort. Service plan reviews.</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans.</p>

<p>1356.21(h) 475(5)(C)</p>	<p>3. Permanency Hearing</p> <p>a. To meet the requirements of the permanency hearing, the State/Tribe holds permanency hearings for all children under the responsibility for placement and care of the title IV-E/IV-B agency, including children for whom the State/Tribe claims Federal reimbursement for the costs of voluntary foster care maintenance payments.</p>	<p>SSL 358-a Dependent children in foster care. FCA 352.2 Order of disposition. FCA 355.5 Permanency hearing. FCA 754 Disposition on adjudication of person in need of supervision. FCA 756-a Extension of placement. FCA 1039-b Termination of reasonable efforts. FCA 1052 Disposition on adjudication. Article 10-A Permanency hearings for children placed out of their homes.</p>
<p>1356.21(h) 475(5)(C)</p>	<p>b. The permanency hearing takes place within 12 months of the date the child is considered to have entered foster care (as defined within the meaning of 475(5)(F)) and not</p>	<p>FCA 355.5 Permanency hearing.</p>

	less frequently than every 12 months thereafter during the continuation of foster care.	FCA 756-a Extension of placement. FCA 1089 Permanency hearings.
1356.21(h)(2) 471(a)(15)(E)(i)	c. When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to reunify the child and family are not required.	SSL 358-a Dependent children in foster care. FCA 352.2 Order of disposition. FCA 754 Disposition on adjudication of person in need of supervision. FCA 1039-b(6) Termination of reasonable efforts.
1356.21(b)(3) 475(5)(C) 471(a)(15)(E)(i)	d. For the purposes of this requirement, a permanency hearing shall determine: <ul style="list-style-type: none"> i. the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, or placed for adoption and the State/Tribe will file a petition for termination of parental rights, or referred to legal guardianship, or (in cases where the State/Tribal agency has documented to the court a compelling reason for determining that it would not be in the best interest of the child to return home, be referred for 	SSL 358-a Dependent children in foster care. FCA 355.5 Permanency hearing. FCA 754 Disposition on adjudication of person in need of supervision. FCA 756-a Extension of

	<p>termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement;</p> <ul style="list-style-type: none"> ii. in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options; iii. in the case of a child placed out of the State in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State placement continues to be appropriate and in the best interests of the child; iv. in the case of a child who has attained age 16, the services needed to assist the child to make the transition from foster care to independent living; and v. in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child. 	<p>placement. FCA 1039-b Termination of reasonable efforts. FCA 1052 Disposition on adjudication. FCA 1089 Permanency hearings.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>
475(5)(C)	<p>e. Procedural safeguards are also to be applied with respect to parental rights pertaining to the removal of the child from the home of his/her parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.</p>	<p>FCA 262 Assignment of counsel for indigent persons. FCA 1024 Emergency removal without court order.</p>

		<p>FCA 1026 Action by the appropriate person designated by the court and child protective agency upon emergency removal.</p> <p>FCA 1027 Preliminary order after filing of petition.</p> <p>FCA 1028 Application to return child temporarily removed.</p> <p>FCA 1030 Order of visitation by a respondent.</p> <p>FCA 1089 Permanency hearings.</p> <p>FCA 1090 Representation of parties.</p>
1356.21(h)(3)	f. If the State/Tribe concludes, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, that the most appropriate permanency plan for a child is placement in another planned permanent living arrangement, the	<p>SSL 409-e Family service plan.</p> <p>SSL 409-f Uniform case recording.</p>

	State/Tribe will document to the court the compelling reason for the alternate plan.	<p>FCA 355.5(7) Permanency hearing. FCA 756-a (b) Extension of placement. FCA 1089 Permanency hearings.</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans.</p> <p>00 OCFS INF-5 ASFA Safety and Permanency</p>
1356.21(h)(4)	g. When an administrative body, appointed or approved by the court, conducts the permanency hearing, the procedural safeguards set forth in the definition of permanency hearing will be extended by the administrative body.	Not Applicable in New York State.
475(5)(D)	<p>4. Health and Education Records</p> <p>a. A child's health and education records are reviewed and updated, and a copy of the record is supplied to the foster parent or foster care provider with whom the child is</p>	<p>SSL 373-a Medical histories.</p> <p>18 NYCRR 357.3(b) [Basis for disclosure</p>

	<p>placed, at the time of each placement of the child in foster care.</p> <p>b. The child's health and education records are supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State/Tribe law.</p>	<p>of information.] 18 NYCRR 357.3(j). [Basis for disclosure of information.] 18 NYCRR 441.22 Health and medical services. 18 NYCRR 443.2(e)(3) Authorized agency operating requirements. <i>(Training and placement information.)</i></p> <p>OCFS Manual: Working Together: Health Services for Children in Foster Care (Updated 2008-09)</p> <p>90 ADM-21 Foster Care: Medical Services for Children in Foster Care</p>
1356.21(o) 475(5)(G)	5. Notice The State/Tribe provides the foster parent(s) of a child and any pre-adoptive parent or relative providing care for the	SSL 358-a(4) Dependent children in foster care. FCA 355.5

	<p>child with timely notice of and a right to be heard in any proceeding to be held with respect to the child during the time the child is in the care of such foster parent, pre-adoptive parent, or relative caregiver. Notice of and a right to be heard does not require the State/Tribe to make the caregiver a party to the proceeding.</p>	<p>Permanency hearing. FCA 741-a Notice and right to be heard. FCA 1040 Notice and right to be heard. FCA 1089 Permanency hearings .18 NYCRR 430.12 (c)(2) Diligence of effort. (Service Plan reviews).</p>
<p>472(h)(1) 473(b)(1) & (b)(2)</p>	<p>E. MEDICAL AND SOCIAL SERVICES</p> <p>1. For purposes of titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section will be deemed a dependent child as defined in section 406 of the Act (as so in effect 7/16/1996) and shall be deemed to be a recipient of aid to families with dependent children under Part A of this title (as so in effect 7/16/1996). Title XIX and XX services will be available to such child in the State in which the child resides.</p> <p>2. For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such</p>	<p>1. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs (Updated 2009)</p> <p>2. Not Applicable in New York State</p>

	child resides.	
471(a)(14)	<p>F. SPECIFIC GOALS IN STATE/TRIBAL LAW</p> <p>1. The State/Tribal agency formulates for each fiscal year, a specific goal as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care receiving assistance under a State title IV-E program) who at any given time during the fiscal year will have been in foster care for over 24 months. The specific foster care goals required under section 471(a)(14) of the Act are incorporated into State or Tribal law by statute or administrative regulation with the force of law.</p> <p>2. The State/Tribal agency will describe the steps that will be taken to achieve the specific goal established.</p>	<p>18 NYCRR Part 426. Title IV-E foster care and adoption assistance.</p> <p>18 NYCRR 428.6 Family assessments and service plans content).</p> <p>18 NYCRR 428.9 Service plan review for foster care and other out-of-home placement cases.</p> <p>18 NYCRR 430.12 Diligence of effort.</p>
1356.21(b) 471(a)(15)(A)&(B)	<p>G. PREVENTIVE AND REUNIFICATION SERVICES</p> <p>1. Reasonable efforts. The State/Tribe makes reasonable efforts to maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; to effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and to make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable</p>	<p>SSL 358-a Dependent children in foster care.</p> <p>FCA 307.4 Hearing following detention.</p> <p>FCA 320.5 The initial appearance; release or detention.</p> <p>FCA 352.2(2) Order of disposition.</p> <p>FCA 355.3(4)</p>

	<p>efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is the State's and Tribe's paramount concern.</p>	<p>Extension of placement. FCA 355.5 (7) Permanency hearing. FCA 728 Discharge, release or detention by judge after hearing and before filing of petition in custody cases. FCA 739 Release or detention after filing of petition and prior to order of disposition. FCA 754(2) Disposition on adjudication of person in need of supervision. FCA 756-a(d) Extension of placement. FCA 1022(a) Preliminary orders of court before petition filed. FCA 1027(b) Preliminary orders after filing of petition</p>
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		<p>FCA 1028(b), (c) & (d) Application to return child temporarily removed.</p> <p>FCA 1052(b) Disposition on adjudication.</p> <p>FCA Article 10-A Permanency hearings for children placed out of their homes.</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans.</p> <p>18 NYCRR Part 430.12 Diligence of effort.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
471(a)(15)(C)	2. If continuation of reasonable efforts as described in section 471(a)(15)(B) of the Act is determined to be	SSL 358-a(3) Dependent children

	<p>inconsistent with the permanency plan for the child, reasonable efforts are made to place the child in a timely manner in accordance with the permanency plan including, if appropriate, through an interstate placement, and to complete whatever steps are necessary to finalize the permanent placement of the child.</p>	<p>in foster care. Disposition of petition.</p> <p>FCA 355.5 (7) Permanency hearing. FCA 756-a (d) Extension of placement. FCA 1089 Permanency hearings.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessments and service plans. 18 NYCRR Part 430.12 Diligence of effort.</p>
1356.21(b)(1)(i)&(ii)	3. Judicial determination of reasonable efforts to prevent a	SSL 358-a Dependent children

	<p>child's removal from the home.</p> <p>a. When a child is removed from his/her home, the judicial determination, as to whether reasonable efforts were made or were not required to prevent the removal, is made no later than 60 days from the date the child is removed from the home.</p> <p>b. If the determination concerning reasonable efforts to prevent the removal is not made as specified above, the child is not eligible under the title IV-E foster care maintenance payments program for the duration of that stay in foster care.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	<p>in foster care.</p> <p>FCA 307.4 Hearing following detention.</p> <p>FCA 320.5 The initial appearance; release or detention.</p> <p>FCA 352.2(2) Order of disposition.</p> <p>FCA 728 Discharge, release or detention by judge after hearing and before filing of petition in custody cases.</p> <p>FCA 739 Release or detention after filing of petition and prior to order of disposition.</p> <p>FCA 754(2) Disposition on adjudication of person in need of supervision.</p> <p>FCA 1022 (a) Preliminary orders; notice and appointment of counsel.</p> <p>FCA 1027(b) Preliminary orders</p>
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		<p>after filing of petition. FCA 1028(b), (c) & (d) Application to return child temporarily removed. FCA 1039(b) Termination of reasonable efforts. FCA 1052(b) Disposition on adjudication.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1356.21(b)(2)(i)	<p>4. Judicial determination of reasonable efforts to finalize a permanency plan.</p> <p>a. The State/Tribal agency obtains a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect (whether the plan is reunification, adoption, legal guardianship, placement with</p>	<p>SSL 358-a Dependent children in foster care. FCA 355.5 Permanency hearing. FCA 756-a</p>

	<p>a fit and willing relative, or placement in another planned permanent living arrangement) within 12 months of the date the child is considered to have entered foster care in accordance with the definition at section 1355.20 of the regulations, and at least once every 12 months thereafter while the child is in foster care.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	<p>Extension of placement. FCA 1052 (b) Disposition on adjudication. FCA 1089 Permanency hearings.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1356.21(b)(2)(ii)	<p>b. If such a judicial determination regarding reasonable efforts to finalize a permanency plan is not made, the child becomes ineligible under title IV-E from the end of the 12th month following the date the child is considered to have entered foster care or the end of the 12th month following the month in which the most recent judicial determination of reasonable efforts to finalize a permanency plan was made, and remains ineligible until such a judicial determination is made.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	<p>18 NYCRR Part 426 Title IV-E Foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1356.21(b)(3) 471(a)(15)(D)	<p>5. Reasonable efforts are not required to prevent a child's removal from home or to reunify the child and family if the State/Tribal agency obtains a judicial determination that such efforts are not required because:</p>	
1356.21(b)(3)(i)	<p>a. a court of competent jurisdiction has determined that</p>	<p>SSL 358-a (3)</p>

471(a)(15)(D)	the parent has subjected the child to aggravated circumstances (as defined in State/Tribal law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);	Dependent children in foster care. SSL 358-a (12) Dependent children in foster care. FCA 301.2 Definitions. FCA 352.2 (2) Order of disposition. FCA 712(g) Definitions. FCA 754(2) Disposition on adjudication of person in need of supervision. FCA 1012(j) Definitions. FCA 1039-b Termination of reasonable efforts. FCA 1052 (b) Disposition on adjudication.
1356.21(b)(3)(ii) 471(a)(15)(D)	<p>b. a court of competent jurisdiction has determined that the parent has been convicted of:</p> <p>i. murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or</p>	SSL 358-a (3) Dependent children in foster care. FCA 352.2 (2) Order of disposition. FCA 754(2)

	<p>territorial jurisdiction of the United States) of another child of the parent;</p> <ul style="list-style-type: none"> ii. voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent; iii. aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter; or iv. a felony assault that results in serious bodily injury to the child or another child of the parent; or 	<p>Disposition on adjudication of person in need of supervision. FCA 1039-b Termination of reasonable efforts. FCA 1052 (b) Disposition on adjudication.</p>
<p>1356.21(b)(3)(iii) 471(a)(15)(D)</p>	<p>c. the parental rights of the parent with respect to a sibling have been terminated involuntarily.</p>	<p>SSL 358-a (3) Dependent children in foster care. FCA 352.2 (2) Order of disposition. FCA 754(2) Disposition on adjudication of person in need of supervision. FCA 1039-b Termination of reasonable efforts. FCA 1052 (b) Disposition on adjudication.</p>

<p>1356.21(b)(4) 471(a)(15)(F)</p>	<p>6. Concurrent planning.</p> <p>a. Reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child and family.</p> <p>b. Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State and out-of-State placements, may be made concurrently with reasonable efforts to reunify the child and family.</p>	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording.</p> <p>18 NYCRR Part 428.6 Family assessment and service plans (content).</p> <p>00 OCFS INF-5 ASFA Safety and Permanency</p>
<p>1356.21(b)(5)</p>	<p>7. Use of the Federal Parent Locator Service.</p> <p>The State/Tribal agency may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.</p>	<p>00 OCFS INF-5 ASFA Safety and Permanency 07 OCFS ADM-09 Access to FPLS-State Parent Locator Service-Additional Financial Information in Child Welfare Cases for Purposes of Permanency</p>
<p>1356.21(i)(1) 475(5)(E)</p>	<p>H. TERMINATION OF PARENTAL RIGHTS</p> <p>1. The State/Tribe will file a petition (or, if such a petition</p>	

	has been filed by another party, seek to be joined as a party to the petition) to terminate the parental rights of a parent(s):	
1356.21(i)(1)(i)	<p>a. whose child has been in foster care under the responsibility of the State or Tribe for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In calculating when to file a petition for termination of parental rights, the State/Tribe:</p> <ul style="list-style-type: none"> i. will calculate the 15 out of the most recent 22 month period from the date the child entered foster care as defined at section 475(5)(F) of the Act; ii. will use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22 month period; iii. will not include trial home visits or runaway episodes in calculating 15 months in foster care; and iv. only applies section 475(5)(E) of the Act to a child once if the State/Tribe does not file a petition because one of the exceptions applies; 	<p>SSL 384-b (3) Guardianship and custody of destitute or dependent children commitment by court order.</p> <p>18 NYCRR 430.12 Diligence of effort. <i>Discharge to parents.</i></p> <p>18 NYCRR 431.9 Termination of parental rights by local social services agency.</p> <p>98-OCFS-INF-03 Adoption and Safe Families Act Information on the Acts Implementation Time Frames and Preliminary Guidance Concerning its</p>

		Termination Requirements
1356.21(i)(1)(ii)	b. whose child has been determined by a court of competent jurisdiction to be an abandoned infant (as defined under State/Tribal law). The petition to terminate parental rights is made within 60 days of the judicial determination that the child is an abandoned infant; or	<p>SSL 384-b (3) Guardianship and custody of destitute or dependent children commitment by court order.</p> <p>18 NYCRR 430.12 Diligence of effort. <i>Discharge to parents.</i></p> <p>18 NYCRR 431.9 Termination of parental rights by local social services agency.</p>
1356.21(i)(1)(iii)	c. who has been convicted of one of the felonies listed above. Under such circumstances, the petition to terminate parental rights is to be made within 60 days of a judicial determination that reasonable efforts to reunify the child and parent are not required.	<p>SSL 384-b (3) Guardianship and custody of destitute or dependent children commitment by court order.</p> <p>18 NYCRR 430.12 Diligence of effort.</p>

		<p><i>Discharge to parents.</i> 18 NYCRR 431.9 Termination of parental rights by local social services agency.</p>
<p>1356.21(i)(2)</p>	<p>2. The State/Tribe may elect not to file or join a petition to terminate the parental rights of a parent of this section if:</p> <p>a. at the option of the State/Tribe, the child is being cared for by a relative;</p> <p>b. the State/Tribal agency has documented in the case plan (which must be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the individual child; or</p> <p>c. the State/Tribal agency has not provided to the family, consistent with the time period in the case plan, services that the State/Tribe deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required.</p>	<p>SSL 384-b (3) Guardianship and custody of destitute or dependent children commitment by court order.</p> <p>18 NYCRR 430.12 Diligence of effort. <i>Discharge to parents</i> 18 NYCRR 431.9 (e) Termination of parental rights by local social services agency.</p> <p>98 OCFS INF-03 Adoption and Safe Families Act: Information on the Act's</p>

		Implementation Timeframes and Preliminary Guidance Concerning Termination Requirements
1356.21(i)(3)	3. When the State/Tribe files or joins a petition to terminate parental rights, it concurrently begins to identify, recruit, process, and approve a qualified adoptive family for the child.	18 NYCRR 431.9 (e) Termination of parental rights by local social services agency. 00 OCFS INF-5 ASFA Safety and Permanency
1355.20(a) 475(5)(F)	I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE A child will be considered to have entered foster care on the earlier of: 1. the date of the first judicial finding that the child has been subjected to child abuse or neglect; or 2. the date that is 60 days after the date on which the child is removed from the home.	FCA 355.5(4) Permanency hearing. FCA 756(b) Placement. FCA 1089 Permanency Hearings. OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)

<p>1356.21(d) 472(a)(1)</p>	<p>J. DOCUMENTATION OF JUDICIAL DETERMINATION</p> <p>The judicial determinations regarding contrary to the welfare, reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are not required, are explicitly documented and made on a case-by-case basis and so stated in the court order.</p> <ol style="list-style-type: none"> 1. If the reasonable efforts and contrary to the welfare judicial determinations are not included as required in the court orders, a transcript of the court proceedings is the only other documentation accepted to verify that these required determinations have been made. 2. Neither affidavits nor nunc pro tunc orders will be accepted as verification documentation in support of reasonable efforts and contrary to the welfare judicial determinations, except as provided in 479B(c)(ii) of the Act and for Tribes. (See section 7.C. of this plan.) 3. Court orders that reference State or Tribal law to substantiate judicial determinations are not acceptable, even if the law provides that a removal must be based on a judicial determination that remaining in the home would be contrary to the child's welfare or that removal can only be ordered after reasonable efforts have been made, except as applied to Tribes in section 7 of this plan regarding use of nunc pro tunc orders. <p>(Tribes see section 7 for nunc pro tunc orders.)</p>	<p>SSL 358-a Dependent children in foster care. FCA 307.4. Hearing following detention. FCA 320.5 . The initial appearance; release or detention. FCA 352.2. Order of disposition. FCA 355.3 Extension of placement. FCA 355.5 Permanency hearing. FCA 728 Discharge, release or detention by judge after hearing and before filing of petition in custody cases. FCA 739 Release or detention after filing of petition and prior to order of disposition. FCA 754 Disposition on adjudication of person in need of supervision</p>
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		00 OCFS INF-5 ASFA Safety and Permanency
1356.21(e)	<p>K. TRIAL HOME VISITS</p> <p>A trial home visit may not exceed six months in duration, unless the court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement and title IV-E eligibility must be newly established. Under these circumstances, the judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal are required.</p>	<p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>93-LCM-157 Trial Discharges of Children from Foster Care.</p> <p>OCFS Eligibility Manual For Child Welfare Programs (Updated 2009)</p>
471(a)(24)	<p>L. TRAINING</p> <p>Before a child in foster care is placed with prospective foster parents, the prospective foster parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of the child. As necessary, such preparation is continued after placement of the child.</p>	<p>18 NYCRR 443.2(e) [Authorized agency operating requirements. <i>Training and placement information.</i>]</p>

Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 3. ADOPTION ASSISTANCE PAYMENTS	
	A. I. ELIGIBILITY – Applicable Child (Effective October 1, 2009)	
473(e)	<p>1. Beginning in fiscal year 2010, an applicable child is:</p> <p>a. a child for whom an adoption assistance agreement is entered into under section 473 during any fiscal year described in 473(e)(1)(B) if the child attained the applicable age pursuant to that paragraph for that fiscal year before the end of that fiscal year; or</p> <p>b. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under section 473 if the child has been in foster care under the responsibility of the State/Tribal agency for at least 60 consecutive months and meets the requirements of paragraph 473(a)(2)(A)(ii); or</p> <p>c. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section without regard to whether the child is described in 473(e)(2)(A) if the child:</p>	<p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>

	<p>i. is a sibling of a child who is an applicable child for the fiscal year under paragraphs 473(e)(1) or (2); and</p> <p>ii. is to be placed in the same adoption placement as their sibling who is an applicable child for the fiscal year; and</p> <p>iii. meets the requirements of 473 (a)(2)(A)(ii).</p>	
473(c)(2)	<p>2. Adoption assistance payments may be made to parents to adopt a child with special needs. In the case of a child who is an applicable child for a fiscal year as defined in 473(e), the child shall not be considered a child with special needs unless:</p>	<p>SSL 450 Statement of legislative intent. SSL 451 Definitions.</p> <p>18 NYCRR 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(c)(2)(A)	<p>a. the State/Tribe has determined, pursuant to established criteria, that the child cannot or should not be returned to the home of his parents; and</p>	<p>SSL 383-c Guardianship and custody of children in foster care.</p>

		<p>SSL 384 Guardianship and custody of children not in foster care.</p> <p>SSL 384-b Guardianship and custody of destitute or dependent children; commitment by court order.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>18 NYCRR 430.12 Diligence of effort.</p> <p>18 NYCRR 431.9 (e) Termination of parental rights by local social services agency.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
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		09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility
473(c)(2)(B)	<p>b. either:</p> <p>i. the State/Tribe has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; or</p> <p>ii. the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and</p>	<p>SSL 451 Definitions.</p> <p>18 NYCRR 421.24 Adoption with subsidy. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(c)(2)(C)	<p>c. the State/Tribe has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate</p>	<p>SSL 372-f Statewide adoption service.</p> <p>18 NYCRR 421.24(b) Adoption with</p>

	<p>adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.</p>	<p>subsidy. <i>Application for adoption subsidy.</i></p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
<p>473(a)(1)(A) 473(a)(2)(A)(ii)</p>	<p>3. In the case of a child who is an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribe pursuant to section 473(c) to be a child with special needs and:</p> <p>a. the time of initiation of adoption proceedings the child was in the care of a public or licensed private child placement agency or Tribal agency pursuant to—</p> <p>i. an involuntary removal of the child from the home in accordance with a judicial</p>	<p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption</p>

	<p>determination to the effect that continuation in the home would be contrary to the welfare of the child; or</p> <p>ii. a voluntary placement agreement or voluntary relinquishment; or</p> <p>b. meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; or</p> <p>c. was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to—</p> <p>i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or</p> <p>ii. a voluntary placement agreement or voluntary relinquishment; and</p> <p>d. has been determined by the State or Tribe, pursuant to subsection 473(c)(2), to be a child with special needs.</p>	Assistance Eligibility
473(a)(2)(C)(ii)	4. In the case of a child who is an applicable child for the	18 NYCRR Part 426

	<p>fiscal year as so defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:</p> <ul style="list-style-type: none"> a. meets the requirements of 473(a)(2)(A)(ii)(II); and b. is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made; and c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. 	<p>Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
	<p>A. II. ELIGIBILITY – Non-applicable Child (Currently effective, but beginning October 1, 2009, decreases based on the criteria in 473(e) until October 1, 2017, at which time this authority ends)</p>	
<p>473(a)(1)(A) 473(c)(1)</p>	<p>1. Adoption assistance payments may be made to parents who adopt a child with special needs. In the case of a child who is not an applicable child, as defined in 473(e), for a fiscal year, the child shall not be considered a child with special needs unless:</p>	<p>SSL 450 Statement of legislative intent. SSL 451 Definitions.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>

		<p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(c)(1)(A)	<p>a. the State/Tribe has determined the child cannot or should not be returned to the home of his or her parents; and</p>	<p>SSL 383-c Guardianship and custody of children in foster care. SSL 384 Guardianship and custody of children not in foster care. SSL 384-b Guardianship and custody of destitute or dependent children; commitment by court order.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance</p>

		<p>18 NYCRR 430.12 Diligence of effort. 18 NYCRR 431.9 (e) Termination of parental rights by local social services agency.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(c)(1)(B)	<p>b. the State/Tribe has first determined that a specific factor or condition exists with respect to the child (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental or emotional disabilities) because of which it is reasonable to conclude that such child cannot be placed for adoption without providing adoption assistance or medical assistance under title XIX; and</p>	<p>SSL 451 Definitions.</p> <p>18 NYCRR 421.24 Adoption with subsidy. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child</p>

		<p>Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p> <p>09-OCFS-ADM-14 Changes in Adoption Subsidy: Medicaid under the Provisions of COBRA, Subsidy Eligibility, and The Review and Approval of the Subsidy Agreement</p>
473(c)(1)(B)	<p>c. a reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.</p>	<p>SSL 372-f Statewide adoption service.</p> <p>18 NYCRR 421.24(b) Adoption with subsidy. <i>Application for adoption subsidy.</i></p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>

		<p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
<p>473(a)(2)(A) 473(a)(2)(A)(i) 473(a)(2)(A)(i)(II)</p>	<p>2. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribe pursuant to section 473(c) to be a child with special needs and:</p>	<p>SSL 372-f Statewide adoption service. SSL 383-c Guardianship and custody of children in foster care. SSL 384 Guardianship and custody of children not in foster care. SSL 384-b Guardianship and custody of destitute or dependent children; commitment by court order. SSL 450 Statement of legislative intent.</p>

		<p>SSL 451 Definitions.</p> <p>18 NYCRR 421.24 Adoption with subsidy.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>18 NYCRR 430.12 Diligence of effort.</p> <p>18 NYCRR 431.9 (e) Termination of parental rights by local social services agency.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(a)(2)(A)(i)(I)(aa)	a. was removed from the home of a relative specified in section 406(a) of the Act (as in effect on July 16, 1996) and	18 NYCRR Part 426 Title IV-E foster care

	<p>placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</p> <ul style="list-style-type: none"> i. received AFDC, in that relative's home, under the State plan approved under section 402 of the Act (as in effect 7/16/96), or would have received AFDC under such plan had application been made, in or for the month the voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i) were initiated; or ii. had been living with a relative specified in section 406(a) of the Act within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i), were initiated and would have received AFDC in that relative's home under the State plan approved under section 402 of the Act for that month, if in that month the child had been living with such relative and application had been made; <p>(Tribes, see also section 7 (AFDC))</p>	<p>and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(a)(2)(A)(i)(I)(bb)	b. meets all the requirements of title XVI of the Act with respect to eligibility for supplemental security income benefits; or	18 NYCRR Part 426 Title IV-E foster care and adoption assistance.

		<p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(a)(2)(A)(i)(I)(cc)	c. is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B).	<p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>94-ADM-12 Minor Parent-Infant Foster Care and Adoption</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(a)(2)(C)(i)	3. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), the child will be treated	18 NYCRR Part 426 Title IV-E foster care

	<p>as meeting the requirements to receive adoption assistance payments if the child:</p> <ul style="list-style-type: none"> a. meets the requirements of section 473(a)(2)(A)(i)(II); and b. is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died; and d. fails to meet the requirements of section 473(a)(2)(A)(i) but will meet such requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under section 473 of the Act and the prior adoption is treated as never having occurred. 	<p>and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
	<p>A. III. ELIGIBILITY – General</p>	
<p>473(a)(1)(B)</p>	<p>1. Adoption assistance payments are made to adoptive parents who have entered into an adoption assistance agreement (see subsection C of this plan) with the title IV-E agency.</p>	<p>SSL 453 Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24(c)</p>

		<p>Adoption with subsidy. <i>Payments for the care and maintenance of a handicapped or hard-to-place child.</i> 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility</p>
473(a)(2)(D)	2. In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.	Not Applicable in New York State
473(a)(1)(B)(i)	<p>B. PAYMENTS – AMOUNTS AND CONDITIONS</p> <p>1. Payments will be made for non-recurring adoption expenses incurred by or on behalf of the adoptive parents</p>	SSL 453-a Payments for nonrecurring adoption expenses.

	<p>in connection with the adoption of a child with special needs, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts determined through an agreement with the adoptive parents; and</p>	<p>18 NYCRR 421.24(d) Adoption with subsidy. <i>Payments for non-recurring adoption expenses.</i></p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p> <p>09-OCFS-ADM-14 Changes in Adoption Subsidy: Medicaid under the Provisions of COBRA, Subsidy Eligibility, and The Review and Approval of the Subsidy Agreement</p>
473(a)(1)(B)(ii)	<p>2. In any case where the child meets the requirements of section 473(a)(2) of the Act, the State/Tribe may make adoption assistance payments to adoptive parents, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts so determined through an adoption assistance agreement (see Section 3, item C of this plan).</p>	<p>SSL 453 Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with</p>

		<p>subsidy.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>
473(a)(3)	<p>3. The amount of such payment:</p> <p>a. will take into consideration the circumstances of the adopting parents and the needs of the child being adopted;</p> <p>b. may be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and</p> <p>c. may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.</p>	<p>SSL 453.3 Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1356.40(c)	<p>4. In determining eligibility for adoption assistance payments, there is no income eligibility requirement (means test) for the adoptive parents.</p>	<p>18 NYCRR 421.24 Adoption with subsidy.</p> <p>OCFS Eligibility Manual For Child</p>

		Welfare Programs, (Updated 2009)
473(a)(4)	<p>5. Payments are terminated when the State determines that:</p> <p>a. the child has attained the age of 18 (or, where the State determines that the child has a mental or physical disability which warrants the continuation of assistance, the age of 21); or</p> <p>b. the parents are no longer legally responsible for the support of the child; or</p> <p>c. the child is no longer receiving support from the adoptive parents.</p>	<p>SSL 453 Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>09-OCFS-ADM-11 Adoption Subsidy and Education Requirements for Adopted Children</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
473(a)(4)	6. The adoptive parents are required to inform the State/Tribal agency of circumstances that would make them ineligible for adoption assistance payments or eligible for	<p>SSL 453 Maintenance subsidy;</p>

	<p>adoption assistance payments in a different amount.</p>	<p>handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance</p> <p>09-OCFS-ADM-11 Adoption subsidy and education requirements for adopted children</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
<p>473(a)(7)</p>	<p>7. No payment may be made to parents with respect to any applicable child for a fiscal year that:</p> <p>a. would be considered a child with special needs under 473(c)(2);</p> <p>b. is not a citizen or resident of the United States; and</p> <p>c. was adopted outside of the United States or was brought</p>	<p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)</p> <p>09-OCFS-LCM-12 Highlights of Changes in Adoption</p>

	<p>into the United States for the purpose of being adopted.</p> <p>8. A child that is not a citizen or resident of the US and was adopted outside of the US or brought into the US for the purpose of being adopted may be eligible for adoption assistance payments if the initial adoption of the child by parents is a failure and the child is subsequently placed into foster care.</p>	Assistance Eligibility
475(3)	<p>C. ADOPTION ASSISTANCE AGREEMENT</p> <p>1. An adoption assistance agreement is a written agreement, binding on all parties, between the State/Tribal agency, other relevant agencies, and the prospective adoptive parents.</p>	<p>SSL 453.1 (a) Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>
1356.40(b)	<p>2. The adoption assistance agreement meets the requirements of section 475(3) of the Act as stated below:</p>	
1356.40(b)(1)	<p>a. is signed by the adoptive parents and a representative of the State/Tribal agency and is in effect before adoption assistance payments are made under title IV-E, but no later than the finalization of the adoption;</p>	<p>SSL 453(1)(a) Maintenance subsidy; handicapped or hard to place child.</p>

		<p>18 NYCRR 421.24 Adoption with subsidy. 18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1356.40(b)(2) 475(3)	b. specifies the duration of the agreement;	<p>SSL 453.1(a) Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy.</p>
1356.40(b)(3)	c. specifies the amount of the adoption assistance payments (if any) and the nature and amount of any other payments, services and assistance to be provided (including non-recurring adoption expenses in agreements for expenditures incurred by the parents);	<p>SSL 453(1)(a) Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24</p>

		<p>Adoption with subsidy.</p> <p>89 INF-28 Payment of Non-Recurring Adoption Expenses 93 INF-50 Adoption Subsidy Payments: Annual Income Standards</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
473(b)	d. specifies the child's eligibility for title XIX and title XX;	<p>SSL 453(1)(a) Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy.</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>

475(3)(B)	e. specifies that the agreement remains in effect regardless of the State of residence of the adoptive parents;	<p>SSL 453(1)(a) Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy.</p> <p>08-OCFS-INF-06 Interstate Compact on Adoption and Medical Assistance</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
475(3)	f. contains provisions for the protection of the interests of the child in case the adoptive parents and child should move to another State while the agreement is in effect; and	<p>SSL 453(1)(a) Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy.</p>

		<p>08-OCFS-INF-06 Interstate Compact on Adoption and Medical Assistance</p> <p>OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)</p>
1356.40(d)	<p>g. if a needed service specified in the agreement is not available in the new State or service area of residence, the State/Tribe making the original adoption assistance payment remains financially responsible for providing the specified service(s).</p>	<p>SSL 453(1)(a) Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR 421.24 Adoption with subsidy.</p> <p>08-OCFS-INF-06 Interstate Compact on Adoption and Medical Assistance</p> <p>OCFS Eligibility Manual For Child Welfare Programs (Updated 2009)</p>
473(b)(1-4)	D. MEDICAID AND SOCIAL SERVICES	<p>SSL 406 Department of social</p>

	<p>1. For the purposes of titles XIX and XX, any eligible child for whom there is an adoption assistance agreement in effect under section 473(a)(2) (whether or not adoption assistance payments are being made) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides. Any child of such eligible child will be eligible for such services.</p>	<p>welfare designated as state agency. SSL 453 Maintenance subsidy; handicapped or hard to place child.</p> <p>18 NYCRR Subpart 360-3 Eligibility requirements</p> <p>18 NYCRR Part 407 Consolidated services plan.</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>08-OCFS-INF-06 Interstate Compact on Adoption and Medical Assistance</p> <p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)</p>
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471(a)(21)(A)&(B)	<p>2. The State/Tribe will provide health insurance coverage (through one or more State/Tribal medical assistance programs), with the same type and kind of benefits as those which would be provided for children by the State/Tribe under title XIX, or a comparable medical plan, for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement between the State/Tribe and an adoptive parent or parents, and who the State/Tribe has determined cannot be placed with an adoptive parent or parents without medical assistance due to special needs for medical, mental health or rehabilitative care.</p>	<p>SSL 454.1 Medical subsidy.</p> <p>18 NYCRR 421.24 (e) Adoption with subsidy. <i>Medical subsidy payments.</i></p> <p>09-OCFS-ADM-14 Changes in Adoption Subsidy: Medicaid under the Provisions of COBRA, Subsidy Eligibility, and The Review and Approval of the Subsidy Agreement</p>
471(a)(21)(C)&(D)	<p>3. In the event that the State/Tribe provides such coverage through a State/Tribe medical assistance program other than the program under title XIX, and the State/Tribe exceeds its funding for services under such other program, any such child is deemed to be receiving aid or assistance under the State/Tribe plan under this part for purposes of section 1902(a)(10)(a)(i)(1); and in determining cost-sharing requirements, the State/Tribe will take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted to the extent coverage is provided through a State/Tribal medical assistance program, consistent with the rules under such program.</p>	<p>SSL 454.1 Medical subsidy.</p> <p>18 NYCRR 421.24 (e) Adoption with subsidy. <i>Medical subsidy payments.</i></p> <p>18 NYCRR Part 426. Title IV-E foster care and adoption assistance.</p>

473A(b)	<p>E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING</p> <p>States are eligible for adoption incentive funds in FY's 2008 through 2012, if:</p> <p>1.a. the number of foster child adoptions in the State during the fiscal year exceeds the number of foster child adoptions for the State in fiscal year 2007; or</p> <p>b. the number of older child adoptions in the State during the fiscal year exceeds the base number of older child adoptions for the State for the fiscal year; or</p> <p>c. the State's foster child adoption rate for the fiscal year exceeds the highest ever foster child adoption rate determined for the State; and</p> <p>2. the State is in compliance with the data requirements in section 473A(c) of the Act; and</p> <p>3. the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement.</p>	<p>18 NYCRR 421.24 (e) Adoption with subsidy. <i>Medical subsidy payments.</i></p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption.</p>
471(a)(33)	<p>F. ADOPTION TAX CREDIT</p> <p>The State/Tribe informs every individual who is adopting or whom the State or Tribe is made aware is considering adopting, a child who is in foster care under the responsibility of the State or Tribe of the potential eligibility for a Federal tax credit under section 23 of the Internal</p>	<p>02-OCFS-ADM-02: Revised adoption subsidy and non-recurring adoption expenses forms</p>

	Revenue Code of 1986.	<p>09 OCFS-ADM 08: Notification to Prospective Adoptive Parents of the Federal Adoption Tax www.ocfs.state.ny.us/adopt/taxcredit.asp</p> <p>09-OCFS-ADM 04: Handbook for Relatives Raising Children</p> <p>09 OCFS-ADM 14: Changes in Adoption Subsidy: Medicaid Under the Provisions of COBRA, Subsidy Eligibility, and the Review and approval of the Subsidy Agreement</p>
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Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
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	SECTION 4. GENERAL PROGRAM REQUIREMENTS	
471(a)(10)	<p>A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</p> <p>The agency has established or designated a State/Tribal authority(ies) which is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights. The standards so established are applied by the State to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The State/Tribal agency has provided that waivers of such standards may be made only on a case-by-case basis for non-safety standards (as determined by the State/Tribe) in relative foster family homes for specific children in care.</p> <p>(Tribes, see section 7)</p>	<p>SSL 20 Powers and duties of the department.</p> <p>SSL 374-b Authority to operate agency boarding home.</p> <p>SSL 374-c. Authority to operate group homes.</p> <p>SSL 374-d. Authority to operate public institutions for children.</p> <p>SSL 460-b Operating Certificates General provisions.</p> <p>SSL 460-c Inspection and Supervision.</p> <p>SSL 462 Responsibility for standards.</p> <p>Ex. L-501 General functions, powers and duties of division (OCFS).</p>

		<p>18 NYCRR Part 441 General.</p> <p>18 NYCRR Part 442 Institutions.</p> <p>18 NYCRR Part 443.3(b)(16) Certification, approval and supervision of foster family boarding homes</p> <p>18 NYCRR Part 446 Designated emergency foster family boarding home care.</p> <p>18 NYCRR Part 447 Agency operated boarding homes.</p> <p>18 NYCRR Part 448 Group homes.</p> <p>18 NYCRR Part 449 Supervised Independent Living Programs</p> <p>18 NYCRR Part 451 Group emergency foster care.</p>
1355.20(a)	1. Foster family home means, for the purpose of title IV-E	SSL 374-b

<p>472(c)(1)</p>	<p>eligibility, the home of an individual or family licensed or approved as meeting the standards established by the State licensing or approval authority(ies) (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that provides 24-hour out-of-home care for children. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the State/Tribal agency responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements.</p> <p>(Tribes, see also section 7)</p>	<p>Authority to operate agency boarding homes. SSL 374-c Authority to operate group homes. SSL 375 Requirement of certificate or license to board children. SSL 376 Certificate to board children and/or minors under age of eighteen years. SSL 377 License to board children. SSL 378 Form, duration and limitation of certificates and licenses. SSL 398.6 Additional powers and duties of commissioners of public welfare and certain city public welfare officers in relation to children. SSL 460-b</p>
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		<p>Operating certificates. SSL 462 Responsibility for standards. ExL 501 General functions, powers and duties of the division (OCFS).</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance. 18 NYCRR Part 441 General. 18 NYCRR Part 443 Certification, approval and supervision of foster family boarding homes. 18 NYCRR Part 446 Designated emergency foster family boarding homes 18 NYCRR Part 447 Agency operated boarding homes. 18 NYCRR Part 448</p>
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		<p>Group homes. 18 NYCRR Part 449 Supervised Independent Living Programs 18 NYCRR Part 451 Group emergency foster care.</p> <p>09-OCFS-ADM-18 Live Scan Technology for Fingerprinting Foster and Adoptive Applicants</p> <p>08-OCFS-ADM-06 Criminal History Record Checks and Mandatory Disqualifying Crimes (Foster and Adoptive Parents)</p> <p>07-OCFS-ADM-01 State and National Criminal History Record Checks (for Foster-Adoptive Parents)</p>
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		OCFS Eligibility Manual For Child Welfare Programs, (Updated 2009)
1355.20(a)(2) 472(c)(2)	<p>2. Child care institution means a private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State or Tribe in which it is situated or has been approved by the agency of such State or tribal licensing authority (with respect to child care institutions on or near Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing. This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.</p> <p>(Tribes, see also section 7 for requirements related to 471(a)(10).)</p>	<p>SSL 374-d Authority to operate public institutions. SSL 460-b Operating certificates. SSL 460-c Inspection and supervision. ExL 501 General functions, powers and duties of the division (OCFS).</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p> <p>18 NYCRR Part 441 General. 18 NYCRR Part 442 Institutions</p> <p>OCFS Eligibility</p>

		Manual For Child Welfare Programs, (Updated 2009)
1356.21(m)(1)&(2) 471(a)(11)	<p>B. REVIEW OF PAYMENTS AND LICENSING STANDARDS</p> <p>The agency reviews at reasonable, specific, time-limited periods established by the State/Tribe:</p> <ol style="list-style-type: none"> 1. the amount of the payment made for foster care maintenance and adoption assistance to assure their continued appropriateness; and 2. the licensing or approval standards for child care institutions and foster family homes. 	<p>1. SSL 398-a Standards of payment for foster care.</p> <p>18 NYCRR Part 427 Standards of payment for foster care of children.</p> <p>09-OCFS-ADM-11 Adoption Subsidy and Education Requirements for Adopted Children</p> <p>2. SSL 20 Powers and duties of the department. SSL 34 General powers and duties of the commissioner. SSL 460-c Inspection and supervision. SSL 462</p>

		Responsibility for standards.
471(a)(12)	<p>C. FAIR HEARINGS</p> <p>The State/Tribal agency has a system for granting an opportunity for a fair hearing (before the State/Tribal agency) to any individual whose claim for benefits under this plan is denied or not acted upon with reasonable promptness.</p>	<p>SSL 22 Appeals and fair hearings; judicial review. SSL 455. Fair hearings.</p> <p>18 NYCRR Part 358 Fair hearings; ... and services.</p> <p>18 NYCRR 421.24(g) Adoption with subsidy <i>Appeals and Fair Hearings.</i></p>
471(a)(13)	<p>D. INDEPENDENT AUDIT</p> <p>The State/Tribal Agency will arrange for a periodic and independently conducted audit, no less frequently than once every three years, of the titles IV-E and IV-B programs.</p>	<p>SSL 20 Powers and duties of the department. SSL 34 General powers and duties of the commissioner. SSL 406 Department of social welfare designated as state agency. SSL 407 Powers of</p>

		department of social welfare.
471(a)(9)	<p>E. CHILD ABUSE AND NEGLECT</p> <p>The State/Tribal agency will report to an appropriate agency or official known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under titles IV-B or IV-E under circumstances that indicate that the child's health or welfare is threatened.</p>	<p>SSL Title 6 of Article 6 Child Protective Services.</p> <p>18 NYCRR 441.8 Abuse or maltreatment of children.</p>
471(a)(25)&(26)	<p>F. TIMELY INTERSTATE PLACEMENT OF CHILDREN</p> <p>1. The State/Tribe shall have in effect procedures for the orderly and timely interstate placement of children which provides that:</p> <p>a. within 60 days after the State/Tribe receives from another State or Tribe a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State or Tribe shall, directly or by contract:</p> <p>i. conduct and complete the study; and</p> <p>ii. return to the other State or Tribe a report on the results of the study which shall address the extent to which</p>	<p>SSL 374-a Interstate compact on the placement of children.</p> <p>18 NYCRR 421.14- Waiting lists.</p> <p>18 NYCRR 443.2(g) Interstate placements.</p> <p>97-LCM-16 Interstate Compact on the Placement of Children (ICPC) Procedures to</p>

	<p>placement in the home would meet the needs of the child;</p> <p>b. the State or Tribe is not required to complete within the applicable time period the parts of the home study involving the education and training of the prospective foster or adoptive parents;</p> <p>c. the State or Tribe shall treat any such report that is received from another State or an Indian tribe (or from a private agency under contract with another State/Tribe) as meeting any requirements imposed by the State or Tribe for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State or Tribe determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and</p> <p>d. the State or Tribe shall not impose any restriction on the ability of an agency administering, or supervising the administration of, a State or Tribal program operated under a plan approved under this part to contract with a private agency for the conduct of such a home study.</p>	<p>Request an ICPC Priority Home Study.</p>
<p>471(a)(18)(A)&(B)</p> <p>1355.38(a)(2)</p>	<p>G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION</p> <p>1. A State/Tribe or any other entity in the State/Tribe that receives funds from the Federal Government and is involved in adoption or foster care placements may not:</p> <p>a. deny to any person the opportunity to become an adoptive or foster parent, on the basis of race, color, or</p>	<p>18 NYCRR 421.16(j) Adoption study criteria. 18 NYCRR 421.18(d)(2) Special provisions for adoptive placement.</p>

	<p>national origin of the person, or of the child involved; or</p> <p>b. delay or deny the placement of a child for adoption or into foster care, on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and</p> <p>c. maintain any statute, regulation, policy, procedure or practice that, on its face, is a violation as defined in sections 471(a)(18)(A) and (B)).</p>	<p>96 ADM-2 Multiethnic Placement Act of 1994 98 OCFS INF-8 Multiethnic/Intereth nic Adoption Provisions</p>
1355.38(a)(5)	<p>2. Compliance with the Indian Child Welfare Act of 1978 (Pub.L.95-608) does not constitute a violation of section 471(a)(18).</p>	<p>18 NYCRR 431.18 Care and protection of Indian Children.</p> <p>96 ADM-2 Multiethnic Placement Act of 1994</p> <p>06-OCFS-INF-07 Indian Child Welfare Act Compliance Desk Aid for New York State Child Welfare Workers (ICWA Desk Aid) OCFS Publication 5046 (Rev. 9/06)</p>

471(a)(19)	<p>H. KINSHIP CARE</p> <p>1. The State/Tribe considers giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State/Tribal child protection standards.</p>	<p>SSL 398(16) Additional powers and duties of commissioners of public welfare and certain city public welfare officers in relation to children.</p> <p>18 NYCRR Part 443 Certification, approval and supervision of foster family boarding homes.</p> <p>09-OCFS-ADM 04: Handbook for Relatives Raising Children</p>
471(a)(29)	<p>2. Within thirty days after the removal of a child from the custody of the parent or parents of the child, the State/Tribal agency shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family violence, that:</p> <p>a. specifies that the child has been or is being removed</p>	<p>SSL 409-e Family service plan. SSL 409-f Uniform case recording.</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child</p>

	<p>from the custody of the parent or parents of the child;</p> <p>b. explains the options the relative has under Federal, State, and local law or Tribal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;</p> <p>c. describes the requirements under paragraph 471(a)(10) to become a foster family home and the additional services and supports that are available for the children placed in such a home; and</p> <p>d. if the State/Tribe has elected to operate a kinship guardianship assistance program, describes how the relative guardian of the child may subsequently enter into an agreement with the State or Tribe under 473(d) to receive the payments.</p> <p>3. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:</p> <p>a. protection;</p> <p>b. education;</p> <p>c. care and control of the person;</p> <p>d. custody of the person; and</p> <p>e. decision making.</p>	<p>assessment plans.</p> <p>18 NYCRR 430.11 Appropriateness of placement.</p> <p>09-OCFS-ADM 04: Handbook for Relatives Raising Children Handbook:</p> <p>2. d. and 3. Not Applicable in New York State</p>
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<p>471(a)(31)</p>	<p>I. SIBLING PLACEMENT</p> <p>The State/Tribe shall make reasonable efforts to:</p> <ol style="list-style-type: none"> 1. place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and 2. in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State/Tribe documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings. 	<p>FCA 1027-a Placement of siblings.</p> <p>18 NYCRR 421.2 Principles of adoption services. 18 NYCRR 421.18 Special provisions for adoptive placements. 18 NYCRR Part 428 Standards for uniform case records and family and child assessment and service plans. 18 NYCRR 430.11 Appropriateness of placement. 18 NYCRR 431.10 Placement in foster family care of children who have siblings.</p> <p>07-OCFS-INF-O4 Keeping Siblings Connected – A White Paper on</p>
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		Siblings in Foster Care and Adoptive Placements in New York State
471(a)(20)(A)	<p>J. SAFETY REQUIREMENTS</p> <p>1. Safety requirements for foster care, and adoptive home providers.</p> <p>a. The State/Tribe provides procedures for criminal records checks (including finger-print-based checks of national crime information databases (as defined in section 534(e)(3)(a) of title 28, United States Code) for any prospective foster and adoptive parent before the parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.</p>	<p>SSL 378-a Access to criminal conviction records by authorized agencies.</p> <p>18 NYCRR 421.15 Adoption study process.</p> <p>18 NYCRR 421.27 Criminal history record checks.</p> <p>18 NYCRR 443.2 Authorized agency operating requirements.</p> <p>18 NYCRR 443.8 Criminal history record check.</p> <p>07-OCFS-ADM-01 State and National Criminal History Checks (for Foster-</p>

		<p>Adoptive Parents) 08 OCFS ADM 06 Criminal History Record Checks and Mandatory Disqualifying Crimes (Foster and Adoptive Parents) 09 OCFS ADM 18 Live Scan Technology for Fingerprinting Foster and Adoptive Applicants</p>
<p>1356.30(b) 471(a)(20)(A)(i)</p>	<p>b. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor does the State/Tribe claim FFP for any foster care maintenance or adoption assistance payment made on behalf of a child placed in a foster home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribe finds that, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with paragraph (a) of this section, a court of competent jurisdiction has determined that the prospective foster or adoptive parent has been convicted of a felony involving:</p> <ul style="list-style-type: none"> i. child abuse or neglect; ii. spousal abuse; 	<p>SSL 378-a Access to criminal conviction records by authorized agencies.</p> <p>18 NYCRR 421.15 Adoption study process. 18 NYCRR 421.27 Criminal history record checks. 18 NYCRR 443.2 Authorized agency operating requirements.</p>

	<ul style="list-style-type: none"> iii. a crime against a child or children (including child pornography); or iv. a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery. 	<p>18 NYCRR 443.8 Criminal history record check.</p> <p>07–OCFS–ADM-01 State and National Criminal History Checks (for Foster-Adoptive Parents)</p> <p>08 OCFS ADM 06 Criminal History Record Checks and Mandatory Disqualifying Crimes (Foster and Adoptive Parents)</p> <p>09 OCFS ADM 18 Live Scan Technology for Fingerprinting Foster and Adoptive Applicants</p> <p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)</p>
<p>1356.30(c) 471(a)(20)(A)(ii)</p>	<p>c. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor claim FFP for any foster care maintenance or adoption assistance payment</p>	<p>SSL 378-a Access to criminal conviction records</p>

	<p>made on behalf of a child placed in a foster family home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribe finds, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with paragraph (a) of this section, that a court of competent jurisdiction has determined that the prospective foster or adoptive parent has, within the last five years, been convicted of a felony involving:</p> <ul style="list-style-type: none"> i. physical assault; ii. battery; or iii. a drug-related offense. 	<p>by authorized agencies.</p> <p>18 NYCRR 421.15 Adoption study process.</p> <p>18 NYCRR 421.27 Criminal history record checks.</p> <p>18 NYCRR 443.2 Authorized agency operating requirements.</p> <p>18 NYCRR 443.8 Criminal history record check.</p> <p>07-OCFS-ADM-01 State and National Criminal History Checks (for Foster-Adoptive Parents)</p> <p>08 OCFS ADM 06 Criminal History Record Checks and Mandatory Disqualifying Crimes (Foster and Adoptive Parents)</p> <p>09-OCFS-ADM-18</p>
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		<p>Live Scan Technology for Fingerprinting Foster and Adoptive Applicants</p> <p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)</p>
1356.30(f)	<p>d. In order for a child to be eligible for title IV-E funding, the licensing file for a child care institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed.</p>	<p>SSL 424-a Access to information contained in the statewide central register of child abuse and maltreatment.</p> <p>SSL 460-b Operating certificate.</p> <p>SSL 460-c Inspection and supervision.</p> <p>18 NYCRR Part 477 Issuance of operating certificates.</p>

<p>471(a)(20)(B)</p>	<p>e. The State/Tribe shall check any child abuse and neglect registry for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child:</p> <p>i. the State/Tribe shall check any child abuse and neglect registry it maintains for such information;</p> <p>ii. the State/Tribe shall request any other State/Tribe in which any such prospective parent or other adult has resided in the preceding 5 years, to check any child abuse and neglect registry maintained by such other State or Tribe for such information; and</p> <p>iii. the State/Tribe shall comply with any such request to check its child abuse and neglect registry that is received from another State or Tribe.</p>	<p>SSL 422 Statewide central register of child abuse and maltreatment. SSL 424-a-Access to information contained in the statewide central register of child abuse and maltreatment.</p> <p>18 NYCRR 421.11 (g) First contact with prospective adoptive parents. 18 NYCRR 421.16 (p) Adoption study criteria. 18 NYCRR 421.19(e) Foster parents. 18 NYCRR 443.2 (b) Authorized agency operating requirement. [Inquiries]. 18 NYCRR 443.2 (f) [Recordkeeping]. 18 NYCRR 443.2 (i) [Confidentiality of</p>
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		<p>out-of-state child abuse and maltreatment information]. 18 NYCRR 443.7 (e) Agency procedures for certifying or approving potential emergency foster homes and emergency relative foster homes. 18 NYCRR 443.10 Annual renewal of certified and approved foster homes; reopenings and changes in certified and approved foster homes.</p>
471(a)(23)(A)&(B)	<p>K. INTERJURISDICTIONAL ADOPTIONS</p> <p>The State/Tribe will not:</p> <ol style="list-style-type: none"> 1. deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or 	<ol style="list-style-type: none"> 1. SSL 421.26 Adoptive placements across state and county jurisdictions. 2. 18 NYCRR 421.18(n)(1)

	2. fail to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of part (1) of this subsection is denied by the State/Tribe or not acted upon by the State/Tribe with reasonable promptness.	Special provisions for adoptive placement.
471(a)(22)	<p>L. QUALITY STANDARDS</p> <p>1. The State/Tribe has developed and implemented standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.</p>	<p>18 NYCRR 428.3(g) Uniform case record requirements.</p> <p>18 NYCRR 430.11(c) Appropriateness of placement. <i>Continuity in the child's environment.</i></p> <p>18 NYCRR Part 441 General.</p> <p>18 NYCRR Part 443 Certification, approval and supervision of foster family boarding homes.</p> <p>00 OCFS INF-5 ASFA Safety and Permanency</p>
471(a)(24)	2. The State/Tribe will ensure that prospective foster parents are adequately trained with the appropriate knowledge and skills to provide for the needs of the child	18 NYCRR 443.2(e) Authorized agency operating

	<p>and that such preparation will be continued after the placement.</p>	<p>requirement. <i>Training and placement information.</i></p>
<p>471(a)(30)</p>	<p>M. COMPULSORY SCHOOL ATTENDANCE</p> <p>The State/Tribal agency has a system for assuring that each child who has attained the minimum age for compulsory school attendance under State/Tribal law and with respect to whom there is eligibility for a payment under the plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is--</p> <ol style="list-style-type: none"> 1. enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located; 2. instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located; 3. in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or 4. incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is 	<p>18 NYCRR 421.24 Adoption with subsidy. 18 NYCRR Part 428 Standards for uniform case records and family and child assessment assessments and service plans. 18 NYCRR 430.12 Diligence of effort.</p> <p>09-OCFS-ADM-11 Adoption Subsidy and Education Requirements for Adopted Children</p>

	supported by regularly updated information in the case plan of the child.	
471(a)(27)	<p>N. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS</p> <p>1. The State/Tribe will have in effect procedures for verifying the citizenship or immigration status of any child in foster care under the responsibility of the State/Tribe under title IV-E or part B, and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child.</p>	OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)
472(a)(4)	<p>2. For the purposes of meeting the requirements of the section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), children must meet the definition of "qualified alien" (as defined in section 431(a) of PRWORA) to be eligible for Federal foster care maintenance or adoption assistance (except that children receiving adoption assistance pursuant to agreements signed before August 22, 1996 may continue to receive such assistance).</p>	OCFS Eligibility Manual for Child Welfare Programs (Updated 2009)

Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
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	SECTION 5. GENERAL PROVISIONS	
471(a)(5)	<p>A. PERSONNEL ADMINISTRATION</p> <p>1. The State/Tribal agency and the local agencies administering the title IV-E program have established and will maintain methods of personnel administration in conformity with standards for a Merit System of Personnel Administration, prescribed in title 5 CFR 900 by the U.S. Office of Personnel Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970, as amended.</p> <p>2. The State/Tribal agency is implementing an affirmative action plan to assure equal employment opportunity in all aspects of personnel administration as specified in title 5 CFR 900. The plan provides for specific action steps and timetables to assure such equal opportunity, and is available for review upon request.</p>	<p>1. SSL 406 Department of social welfare designated as state agency. SSL 407 Powers of department of social welfare. 18 NYCRR 402.4 Merit system.</p> <p>2. Executive Order No. 6 Assigning responsibilities of the State Department of Civil Service, and certain State agencies for insuring equal employment opportunity for minorities, women, disabled persons and Vietnam era veterans in State government and establishing the Governor's</p>

		executive committee for affirmative action.
471(a)(8)	<p>B. SAFEGUARDING INFORMATION</p> <p>1. Subject to section 471(c), the State/Tribal agency has safeguards restricting use of or disclosure of information concerning individuals assisted under this plan to purposes directly connected with:</p>	
471(a)(8)(A)	<p>a. the administration of the title IV-E plan or any of the plans or programs under Parts A, B or D of title IV or under titles I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX or XX, or the supplemental security income program under title XVI; and</p>	<p>SSL 372 Records and reports. SSL 373-a Medical histories. DRL 114 Order of adoption. 18 NYCRR Part 357 Confidential nature of records. 18 NYCRR 431.7 Standards for access to and disclosure of confidential HIV-related information. 18 NYCRR Part 465 Confidentiality of information collected by the</p>

		<p>child care review service. 18 NYCRR 466.4 Confidentiality (CONNECTIONS).</p>
<p>471(a)(8)(B)</p>	<p>b. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and</p>	<p>SSL 372 Records and reports. SSL 373-a Medical histories. DRL 114 Order of adoption. 18 NYCRR Part 357 Confidential nature of records. 18 NYCRR 431.7 Standards for access to and disclosure of confidential HIV-related information. 18 NYCRR Part 465 Confidentiality of information collected by the child care review service. 18 NYCRR 466.4 Confidentiality (CONNECTIONS).</p>

471(a)(8)(C)	c. the administration of any other Federal or federally assisted program which provides assistance (in-cash or in-kind) or services directly to individuals on the basis of need; and	<p>SSL 372 Records and reports.</p> <p>SSL 373-a Medical histories.</p> <p>DRL 114 Order of adoption.</p> <p>18 NYCRR Part 357 Confidential nature of records.</p> <p>18 NYCRR 431.7 Standards for access to and disclosure of confidential HIV-related information.</p> <p>18 NYCRR Part 465 Confidentiality of information collected by the child care review service.</p> <p>18 NYCRR 466.4 Confidentiality (CONNECTIONS).</p>
471(a)(8)(D)	d. any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency authorized by law to conduct such audit or activity.	<p>SSL 372 Records and reports.</p> <p>SSL 373-a Medical histories.</p>

		<p>DRL 114 Order of adoption. 18 NYCRR Part 357 Confidential nature of records. 18 NYCRR 431.7 Standards for access to and disclosure of confidential HIV-related information. 18 NYCRR Part 465 Confidentiality of information collected by the child care review service. 18 NYCRR 466.4 Confidentiality (CONNECTIONS).</p>
471(a)(8)(E)	<p>2. The safeguards provided will prohibit:</p> <p>a. the disclosure of information pursuant to 471(a)(9) to appropriate authorities with respect to known or suspected child abuse or neglect; and</p> <p>b. any committee or legislative body (other than an agency referred to in section 471(a)(8)(D) with respect to an activity referred to in such clause) of any information which</p>	<p>SSL 372 Records and reports. SSL 373-a Medical histories. SSL 422 Statewide central register of child abuse and maltreatment.</p>

	identifies by name or address any applicant for or recipient of assistance under title IV-E of the Act.	DRL 114 Order of adoption. 18 NYCRR Part 357 Confidential nature of records. 18 NYCRR 431.7 Standards for access to and disclosure of confidential HIV-related information. 18 NYCRR Part 465 Confidentiality of information collected by the child care review service. 18 NYCRR 466.4 Confidentiality (CONNECTIONS).
471(a)(20)(B)(iii)	3. The State/Tribe shall have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State/Tribe, and to prevent any such information obtained pursuant to section 471(a)(20)(B) from being used for a purpose other than the conducting of background checks in foster and adoptive placement cases.	18 NYCRR 421.16 (p) Adoption study criteria. 18 NYCRR 443.2 (i) Authorized agency operating requirements.
471(c)	4. In the use of child welfare records in court proceedings, section 471(a)(8) of the Act shall not be construed to limit	SSL 372 Records and reports.

	<p>the flexibility of a State or Tribe in determining policies relating to public access to court proceedings to determine child abuse and neglect or other court hearings held pursuant to title IV-B or title IV-E of the Act, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.</p>	<p>SSL 373-a Medical histories. DRL 114 Order of adoption.</p> <p>18 NYCRR Part 357 Confidential nature of records. 18 NYCRR 431.7 Standards for access to and disclosure of confidential HIV-related information. 18 NYCRR Part 465 Confidentiality of information collected by the child care review service. 18 NYCRR 466.4 Confidentiality (CONNECTIONS).</p>
471(a)(6)	<p>C. REPORTING</p> <p>The State/Tribal agency makes reports in such form and containing such information on the title IV-E program as are required by the Secretary of the Department of Health and Human Services (HHS), and the State/Tribal agency will comply with such provisions as the Secretary may from</p>	<p>SSL 406 Department of social welfare designated as state agency. SSL 407 Powers</p>

	time to time find necessary to assure the correctness and verification of such reports.	of department of social welfare. Chapter 436 of the Laws of 1997
471(a)(7)	<p>D. MONITORING</p> <p>The State/Tribal agency monitors and conducts evaluations of activities carried out in the title IV-E program.</p>	<p>SSL 20 Powers and duties of the department.</p> <p>SSL 34 General powers and duties of the commissioner.</p> <p>SSL 153-a Reimbursement for services to social services districts.</p>
1355.30	<p>E. APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS</p> <p>The State/Tribal agency will comply with all of the requirements of applicable regulations.</p>	<p>SSL 153 Reimbursement and advances by the state.</p> <p>SSL 153-k Funding for children and family services.</p> <p>SSL 406 Department of social welfare designated as state agency.</p> <p>SSL 407 Powers of department of</p>

		<p>social welfare. Chapter 436 of the Laws of 1997</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance.</p>
13565.21(c)	<p>F. AVAILABILITY OF PLANS</p> <p>Plans and amendments for titles IV-E and IV-B are made available by the State/Tribal agency for public review and inspection.</p>	<p>Sections 84-90 of the Public Officer's Law.</p> <p>18 NYCRR Part 340 Public access to department records under freedom of information law.</p>
1355.33(b) 1355.33(e) 1355.35(a)	<p>G. OPPORTUNITY FOR PUBLIC INSPECTION OF CFSR MATERIALS</p> <p>The State/Tribal agency makes available for public review and inspection all statewide assessments, report of findings, and program improvement plans developed as a result of a full or partial child and family services review.</p>	<p>Sections 84-90 of the Public Officer's Law.</p> <p>18 NYCRR Part 340 Public access to department records under freedom of information law.</p>

471(a)(32)	<p>H. NEGOTIATION WITH INDIAN TRIBES.</p> <p>The State negotiates in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program on behalf of Indian children who are under the authority of the tribe, organization, or consortium, including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the State has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under title IV-E.</p>	SSL 39 Indian affairs.

Federal Regulatory/ Statutory References	Requirement	State Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION	
473(d)(3)(A)	<p>A. ELIGIBILITY</p> <p>1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that:</p>	Not Applicable in new York State (N/A)

	<p>a. the child has been--</p> <ul style="list-style-type: none"> i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian; <p>b. being returned home or adopted are not appropriate permanency options for the child;</p> <p>c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and</p> <p>d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.</p>	
473(d)(3)(B)	<p>2. Siblings.</p> <ul style="list-style-type: none"> a. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State/Tribal agency and the relative agree on the appropriateness of the arrangement for the siblings; and b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed. 	N/A

471(a)(28)	<p>B. PAYMENTS</p> <p>1. The State/Tribal agency provides kinship guardianship assistance payments on behalf of children to grandparents and other relatives who assume legal guardianship of the child for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in 473(d).</p>	N/A
473(d)(2)	<p>2. A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.</p>	N/A
473(d)(1)(A)	<p>C. Agreements</p> <p>1. The State/Tribe must:</p> <p>a. negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of 473(d); and</p> <p>b. provide the prospective relative guardian with a copy of the agreement.</p>	N/A
473(d)(1)(B) & 473(d)(1)(C)	<p>2. The agreement must specify, at a minimum-</p> <p>a. the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the</p>	N/A

	<p>relative guardian and the needs of the child;</p> <p>b. the additional services and assistance that the child and relative guardian will be eligible for under the agreement;</p> <p>c. the procedure by which the relative guardian may apply for additional services as needed;</p> <p>d. that the State/Tribal agency will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000; and</p> <p>e. that the agreement shall remain in effect without regard to the State residency of the relative guardian.</p>	
471(a)(20)(C)	<p>D. SAFETY</p> <p>State/Tribal agency provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in 471(a)(20) on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under this plan option.</p>	N/A
473(b)(1) to (4); 479B(c)(1)(C)(ii)(II)	<p>E. MEDICAID AND SOCIAL SERVICES</p> <p>For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a</p>	N/A

	dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.	
471(a)	<p>F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS</p> <p>1. Title IV-E plan requirements 471(a)(2) through (9), (12), (13), (20)(C), (25), (26), and (28) through (32) are applicable to the guardian assistance program.</p>	N/A
475(1)(F)	<p>2. Case plan requirements.</p> <p>For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State/Tribal agency shall include in the case plan a description of:</p> <p>a. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;</p> <p>b. the reasons for any separation of siblings during placement;</p> <p>c. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;</p> <p>d. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;</p>	N/A

	<p>e. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and</p> <p>f. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</p>	
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Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 7. TRIBE OPERATED IV-E PROGRAM REQUIREMENTS	
471(a) 479B(b)	<p>A. GENERAL PROGRAM REQUIREMENTS</p> <p>Title IV-E plan requirements 471(a)(1) through (27), and (29) through (31) are mandatory requirements applicable to Tribes operating a title IV-E program.</p>	Not Applicable (N/A)
479B(c)(1)(B)	<p>B. SERVICE AREA AND POPULATIONS</p> <p>For purposes of complying with section 471(a)(3), this plan is in effect in all service areas and for all populations</p>	N/A

	served by the Tribe and identified in Attachment V.	
479B(c)(1)(C)(ii)	<p>C. NUNC PRO TUNC AND FOSTER CARE ELIGIBILITY REQUIREMENTS</p> <p>For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium satisfies the requirements of section 472(a), the following shall apply:</p> <ol style="list-style-type: none"> 1. Notwithstanding 472(a)(1), Tribes may use affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph for the first 12 months for which this plan is in effect. 2. The State plan approved under section 402 (as in effect on July 16, 1996) of the State in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3). 	N/A
479B(c)(2)	<p>D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</p> <p>For purposes of complying with section 471(a)(10), an Indian tribe, tribal organization, or tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal licensing standards for tribal foster</p>	N/A

	family homes and tribal child care institutions.	
479B(c)(1)(D)	<p>E. IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES.</p> <p>For purposes of complying with section 479B(c), an Indian Tribe, tribal organization or tribal consortium shall provide a list of the in-kind expenditures and the third-party sources of such expenditures that the Tribe may claim as part of the non-Federal share of administrative or training expenditures attributable to fiscal year quarters beginning after September 30, 2009 and before October 1, 2014 consistent with 479B(c)(1)(D).</p>	N/A

Title IV-E Plan – State/Tribe of New York

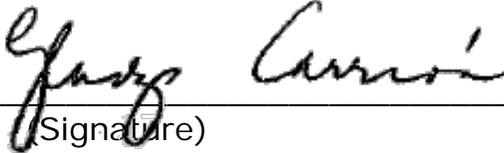
C E R T I F I C A T I O N

I hereby certify that I am authorized to submit the title IV-E Plan on behalf of

 New York State Office of Children and Family Services

(Designated State/Tribal Agency)

Date _____



(Signature)

Commissioner _____
(Title)

APPROVAL

DATE _____

EFFECTIVE

DATE: _____

(Signature, Associate Commissioner, Children's Bureau)

Title IV-E Plan – State/Tribe of New York

**GOVERNOR/TRIBAL LEADER'S CERTIFICATION
TITLE IV-E of the SOCIAL SECURITY ACT**

I certify that New York Office of Children and Family Services
(Name of Agency/Tribe)

- a. has the authority to submit the plan under title IV-E of the Social Security Act and
- b. is the single title IV-E agency responsible for administering the plan or supervising the administration of the plan by local political subdivisions/Tribal service area. It has the authority to make rules and regulations governing the administration of the plan that are binding on such subdivisions/service areas. The title IV-E plan is mandatory upon the subdivisions/service areas and is in effect throughout the State/Tribal service areas.

Date

 David A. Paterson
(Signature)

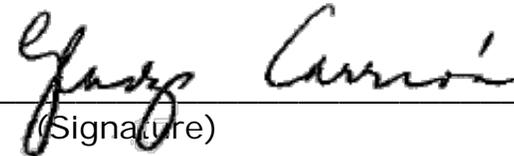
Title IV-E Plan – State of _____ New York _____
ATTACHMENT III

STATE ASSURANCES

I hereby assure that the State agency administering the title IV-E programs will spend an amount equal to the amount of savings (if any) in State expenditures under title IV-E resulting from the application of section 473(a)(2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post adoption services) that may be provided under this part or part B.

On behalf of _____ New York State Office of Children and Family Services _____
(Designated State Agency)

Date _____


(Signature)

Commissioner _____
(Title)

APPROVAL
DATE _____

EFFECTIVE
DATE: _____

(Signature, Associate Commissioner, Children's Bureau)

TRIBAL ASSURANCES

1. I hereby assure that the Tribal agency administering the title IV-E programs will provide:
 - a) foster care maintenance payments under section 472 only on behalf of children who satisfy the eligibility requirements of section 472(a);
 - b) adoption assistance payments under section 473 pursuant to adoption assistance agreements only on behalf of children who satisfy the eligibility requirements for such payments under that section;
 - c) if applicable, kinship guardianship assistance payments in accordance with section 473(d) only on behalf of children who meet the requirements of section 473(d)(3); and
 - d) the State plan approved under section 402 in effect on July 16, 1996, of the State in which the child resides at the time of the removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).

2. I hereby assure that the Tribal agency administering the title IV-E programs will spend an amount equal to the amount of savings (if any) in Tribal expenditures under title IV-E resulting from the application of section 473(a)(2)(A)(ii) to all applicable children for a fiscal year to provide to children or

families any service (including post adoption services) that may be provided under this part or part B.

On behalf of _____
(Designated Tribal Agency)

Date _____ (Signature)

(Title)

APPROVAL
DATE _____

EFFECTIVE
DATE: _____

(Signature, Associate Commissioner, Children's Bureau)

**479B TRIBAL CERTIFICATIONS
TITLE IV-E of the SOCIAL SECURITY ACT**

I certify that _____
(Name of Indian tribe, tribal organization or tribal consortium)

- a. Is submitting the following/attached evidence which demonstrates that there are no uncorrected significant or material audit exceptions under Federal grants or contracts that directly relate to the administration of social services for the three year period prior to the date on which this plan is submitted in compliance with section 479B(c)(1)(A):

- b. Will administer the title IV-E plan in the service area(s) and populations described as follows/attached pursuant to section 479B(c)(1)(B):

- c. Is/Is not (*circle one*) providing the following/attached information based on the described service population which is relevant to making the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium pursuant to section 479B(d)(2):

- d. Is/Is not (*circle one*) providing the following/attached list of the in-kind expenditures and the third-party sources of such expenditures that the Tribe may claim as part of the non-Federal share of administrative or

training expenditures attributable to fiscal year quarters beginning after September 30, 2009 and before October 1, 2014 for the purposes of receiving payments under section 474(a)(3) of the Act, pursuant to section 479B(c)(1)(D).

Date

(Signature)