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NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



CESAR A. PERALES
Commissioner

[An Informational Letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.]

INFORMATIONAL LETTER

TRANSMITTAL NO.: 83 INF-6
[Family and Children's Services]

TO: Commissioners of Social Services

SUBJECT: Reimbursement of Expenditures on Adoption Services

DATE: March 10, 1983

SUGGESTED DISTRIBUTION: Directors of Services
Foster Care and Adoption Staff
Executives of Authorized Child Care Agencies

CONTACT PERSON: All inquiries regarding this release should be directed to Ms. Hanna Grossman, Bureau of Policy Planning, Division of Services, by calling 1-800-342-3715, extension 131-8028 (212-488-8028).

I. PURPOSE

The purpose of this release is to inform districts about the availability of 75% state reimbursement for adoption services' expenditures pursuant to Chapter 238 of the Laws of 1982.

II. BACKGROUND

District expenditures for services related to adoption have in the past generally been claimed under Title XX of the Social Security Act which provided for 75% reimbursement by the federal government. Federal funding for adoption services no longer is available from Title XX funds but is provided from funds allocated to the State by the social services block grant, which was established by P.L. 97-35, the Omnibus Budget Reconciliation Act of 1981. That portion of a district's expenditures for adoption services which were not reimbursed with federal funds which were allocated to the State through Title XX or the social services block

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
	421	SSL 372		

DSS-325 (Rev. 8/82)

grant were reimbursed by the State at a 50 percent rate. This rate was mandated by the Local Assistance Budgets which were enacted prior to 1982.

The Child Welfare Reform Act of 1979 amended Section 372-b.4 of the Social Services Law to provide that the State shall pay to each social services district 75 percent of its expenditures for adoption services and their administration after first deducting therefrom any federal funds received or to be received on account thereof and any expenditures defrayed by private contributions. This matched the level of funding made available for mandated preventive services, providing equal support for efforts to achieve permanence for children with their biological parents, or, when that was not possible, with adoptive families. Notwithstanding the enactment of Section 372-b.4, the Local Assistance Budgets which were enacted after 1979 authorized this Department to reimburse social services districts for adoption services, not at a 75 percent rate but at a rate of 50 percent.

The legislature included funding for reimbursement by the State for adoption services at the 75 percent rate in the Deficiency Budget for fiscal year 1981. This Budget became Chapter 1 of the Laws of 1982. In the 1982 Aid to Localities Budget, the legislature continued the 75 percent reimbursement rate for adoption services. Governor Carey, in approving this budget, vetoed the 75 percent reimbursement provision. As a result of the veto, adoption services were required to be reimbursed at a 50 percent rate. Subsequent to the approval of the Aid to Localities Budget the legislature passed, and the Governor signed, a bill which increased reimbursement for adoption services expenditures to 75 percent. This bill, which became Chapter 238 of the Laws of 1982, provides;

Notwithstanding any inconsistent provision of chapter fifty-three of the laws of nineteen hundred eighty-two or of any other inconsistent provision of law, the state shall reimburse local social services districts to the extent of seventy-five percent of such district's expenditures for adoption services without regard to federal financial participation from moneys appropriated to the department of social services by said chapter fifty-three in an amount of thirteen million seven hundred fifty thousand dollars (\$13,750,000).

This release will inform you that for fiscal 1982-83, expenditures approved by the Department, are subject to 75% reimbursement after first subtracting any amount which is federally reimbursable.

Adoption services are listed and defined in this Department's regulation Section 421.1(b), promulgated on September 30, 1981, which provides:

Adoption services means assisting a child to secure an adoptive home through: counseling with biological parent or legal guardian concerning surrender of, or legal termination of parental rights with regard to a child; the evaluation of child's placement needs; preplacement planning; the recruitment, study and evaluation of interested prospective

adoptive parents; counseling for families after placement; supervision of children in adoptive homes until legal adoption; and counseling of adoptive families after legal adoption.

Part 421 of this Department's regulations, Standards for Adoption Practice regulates all aspects of adoption services. Part 420 expands the photo-listing provisions of Part 421. All activities required by these two Parts, and the administration thereof are adoption services and may be claimed as such, so long as they are provided directly or indirectly on behalf of a child who is a public charge in New York State or any of its local districts.

III. PROGRAM IMPLICATIONS

The primary implication is that districts may pursue the goal of adoption for children who cannot be returned to their biological families at a cost to the district budget which is less than that required to provide services to children remaining in foster care. The activities which may be considered reimbursable as adoption services are unchanged.

Briefly, the following general service areas are among those included:

- . Services to parents who seek to surrender a child to a local social services official;
- . Services leading to surrender or termination of rights of parents of children in foster care;
- . Services to children in foster care which help them to understand and accept termination of parental rights, adoption, and replacement for adoption where necessary; and services which are provided in order to interpret the child's needs to prospective adoptive parents;
- . Services leading to recruiting prospective applicants;
- . Services to persons inquiring about adoption;
- . Services to applicants who seek to adopt a New York State public charge child;
- . Services to families (including families residing outside the state) with whom a New York State public charge child has been placed for adoption or who have adopted such a child;
- . Post-adoption services, to families (including families residing outside the state) who have adopted a New York State public charge child.

These services and activities may be conducted by local social services districts directly or may be purchased. If they are purchased they may be purchased from authorized agencies providing foster care and

adoption services for the child in question, from an authorized agency which will provide only adoption service to a foster child or from any other persons or organization able and legally authorized to provide some part of the service. Only an authorized agency may place a child but many other components of adoption service may be arranged for in a variety of ways. For instance, a district may purchase a number of service elements, including but not limited to:

- legal service for termination, from a lawyer;
- services to find missing parents, from a detective;
- psychological or educational or medical evaluation of a child to be placed, from appropriate professionals operating individually or through clinics or other organizations;
- adoptive parent training, from an independent social worker or parent group.

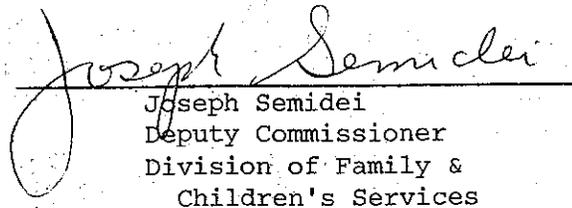
They may also purchase foster care and adoption services from voluntary agencies which in turn purchase certain service components from other persons or agencies.

The availability of additional reimbursement may permit the assignment of additional district staff to adoption responsibilities.

IV. RECOMMENDED ACTION

Each district should review its budget and consolidated services plan to determine whether this level of reimbursement will permit a higher level of expenditure for adoption services which could result in more service to clients. Each district should determine which activities, direct or purchased, to increase and should explore resources which can be used to implement such program increases.

No change in claiming procedures is required. Claims adjustments to reflect the 75% state share will be made by NYSDSS a part of the settlement process.



 Joseph Semidei
 Deputy Commissioner
 Division of Family &
 Children's Services