

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.: 84 INF-7
 [Family & Children Services]

TO: Commissioners of Social Services

SUBJECT: 1983 Legislative Changes to the
 Adoption Subsidy Program

DATE: June 29, 1984

SUGGESTED DISTRIBUTION:
 Commissioner
 Director of Services
 All Foster Care Staff
 All Adoption Services Staff
 Authorized Adoption Agencies
 All MA Staff

CONTACT PERSON: All inquiries regarding this release may be directed to Mr. H. A. Harkess, Bureau of Policy Planning, Division of Family and Children Services, 40 North Pearl Street, Room 11-A, Albany, New York 12243 or by telephone toll free, 1-800-342-3715, extension 4-9574.

I. PURPOSE

The purpose of this release is to inform local social services districts and authorized adoption agencies of changes made to the adoption subsidy program by the enactment of Chapters 97 and 134 of the Laws of 1983.

II. BACKGROUND

Chapter 97 of the Laws of 1983, which was signed into law on May 17, 1983 and which was effective immediately, makes three amendments to subdivision 1 of Section 453 of the Social Services Law. These amendments incorporate provisions necessary to insure State compliance with the provisions of the adoption assistance program set forth in Title IV-E of the Social Security Act.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
	421.19(a) 421.19(e) (4) (iv) 421.24	SSL 453 458 Title IV-E Social Security Act		Chapters 97 & 134, Laws of 1983

The first amendment in Chapter 97 makes the adoption subsidy program mandatory by removing the word "may" in the first sentence of Section 453 and replacing it with the word "shall." This sentence now reads:

"A social services official shall make monthly payments for the care and maintenance of a handicapped or hard to place child whom he has placed out for adoption or who has been adopted."

This change emphasizes the legislative intent and established State policy of promoting the permanency of family status for certain children through the operation of the adoption subsidy program.

The second amendment made by Chapter 97 adds a provision that any child with respect to whom federally reimbursable maintenance subsidy payments are made under the adoption subsidy program shall be deemed to be a recipient of Aid to Families with Dependent Children for the purposes of determining eligibility for Medical Assistance under Title XIX of the Social Security Act. As Chapter 97 contains a clause in its effective date section making the law applicable to adoption subsidy agreements entered into prior to May 17, 1983, any child who is the subject of an adoption subsidy agreement entered into on or after October 1, 1980 and for which any payment made under the agreement after April 1, 1982 is federally reimbursable is deemed to be a recipient of Aid to Families with Dependent Children and eligible for Medical Assistance.

The third amendment contained in Chapter 97 provides that no payments be made under the adoption subsidy program to any adoptive parents whom the local social services official determines are no longer legally responsible for the support of the child or the child is no longer receiving any support from the adoptive parents. This codifies in law existing State and Federal policy.

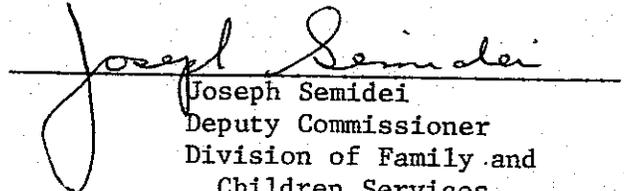
Chapter 134 of the Laws of 1983, signed into law on May 23, 1983 and which was effective on that date, amends Section 458 of the Social Services Law by adding a new sentence which requires that each social services district and each authorized agency shall provide information on the adoption subsidy program to all foster parents who are caring for a child who is eligible for adoption. This provision codifies and makes explicit in law what has already been Department of Social Services policy as expressed in Department Regulations 421.11(e), 421.19(a)(2), and 421.19(e)(4)(iv).

III. IMPLICATIONS

The enactment of Chapters 97 and 134 lends additional legislative mandate to established State policy regarding the adoption subsidy program. These changes will be incorporated in Department Regulations.

IV. RECOMMENDED ACTION

Pending further action by the Department in promulgating the necessary regulatory changes, it is recommended that local social services districts and authorized agencies providing adoption services take appropriate action to comply with the legislative mandates set forth in Chapters 97 and 134.


Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services

ATTACHMENTS:

Chapter 97, Laws of 1983
Chapter 134, Laws of 1983

CONFIDENTIAL



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CHAPTER 97

Approved May 17, 1983, effective as provided in section 2

AN ACT to amend the social services law, in relation to subsidies for the adoption of children

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section four hundred fifty-three of the social services law, as amended by chapter nine hundred eighty-nine of the laws of nineteen hundred eighty-one, is amended to read as follows:

1. (a) A social services official [may] shall make monthly payments for the care and maintenance of a handicapped or hard to place child whom he has placed out for adoption or who has been adopted. Such payments shall be made without annual review until the child's twenty-first birthday to persons with whom the child has been placed, or to persons who have adopted the child and who applied for such payments prior to the adoption, pursuant to a written agreement therefor between such official and such persons. The social services official shall consider the financial status of such persons only for the purpose of determining the amount of the payments to be made, pursuant to subdivision three of this section.

(b) Any child with respect to whom federally reimbursable maintenance subsidy payments are made under this subdivision shall be deemed to be a recipient of aid to families with dependent children for purposes of determining eligibility for medical assistance.

(c) No payments may be made pursuant to this subdivision if the social services official determines that the adoptive parents are no longer legally responsible for the support of the child or the child is no longer receiving any support from such parents.

§ 2. This act shall take effect immediately and shall apply to adoption assistance agreements entered into prior to such date; provided, however, that nothing herein contained shall be applied or construed so as to reduce or impair any right of any adoptive parent pursuant to an existing agreement.

CHAPTER 134

Approved and effective May 23, 1983

AN ACT to amend the social services law, in relation to information on adoption subsidy provided foster parents

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred fifty-eight of the social services law, as added by chapter eight hundred sixty-five of the laws of nineteen hundred seventy-seven, is amended to read as follows:

§ 458. Availability of subsidy; publicity. The department shall promulgate regulations providing for the publicizing of the availability of payments under this title. Such regulations shall provide for the dissemination of literature and other means in each social services district of informing persons, at the time of any inquiry, application or other expression of interest in adoption, of the provisions of the adoption subsidy program. Additionally, each social services district and authorized agency shall provide information on the adoption subsidy program to all foster care parents who are caring for a child who is eligible for adoption.

§ 2. This act shall take effect immediately.

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