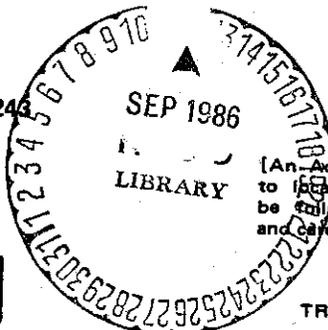


NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

108 NORTH PEARL STREET, ALBANY, NEW YORK 12243

ESAR A. PERALES
Commissioner



[An Administrative Directive is a written communication to Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 86 ADM-32
(Family & Children Services)

TO: Commissioners of Social Services
Voluntary Agencies

SUBJECT: Day Care and Baby-Sitting Services for Children
in Foster Care

DATE: September 11, 1986

SUGGESTED DISTRIBUTION:
Directors of Services
All Child Welfare Staff
Staff Development Coordinators

CONTACT PERSON: Any questions concerning this release should be directed to Daniel Zeidman, Bureau of Resource Management, phone 1-800-342-3715, extension 4-9572.

I. Purpose

The purpose of this release is to state the Department's position with regard to provision of day care and baby-sitting services to children in foster care, and clarify Department policy concerning its reimbursement under Title IV-E of the Social Security Act.

II. Background

The Department has for many years allowed both foster parents in certified homes to be engaged in employment outside the home when "suitable plans" for the care and supervision of foster children are made for all times when such children are not in school. Recently, some local social service districts have indicated serious problems in recruiting foster parents. One reason is that in many families both parents have full time employment. In order to recruit or maintain homes where foster parents (including single foster parents) have full time employment, the Department's position is to allow foster care payments for the substitute adult care of foster children, when the foster parent(s) are not available due to employment. Such adult supervision is intended to mean care provided by one or more adults in the foster parent(s) home, in the baby sitter's home, or by a licensed day care center. Previously, foster care payments have not included the cost of providing day care or baby-sitting.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		Part 405 Section 416.6(e) Section 427.3(a) Section 444.5(a)(3)	SSL 153-d SSL 153-e SSL 398-a Sec. 475(e) of Soc. Sec. Act	Manual Bulletin 200, page 74	

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III. Program Implications

- A. The provision of day care and baby-sitting for foster children is a policy that the social services district should consider when evaluating the circumstances of specific children.
- B. The provision of day care and baby-sitting for foster children is a policy which is intended to provide agencies with the means to recruit and maintain foster parents who, notwithstanding their employment, have the capacity to provide children with a secure environment as long as they are in need of temporary care.
- C. The quality of care provided to foster children in the form of day care and baby-sitting services should be monitored as part of the normal casework process to assure the child's best interests and safety.
- D. Day care and baby-sitting for foster children should be provided at the discretion of the social services district in a consistent manner. That is, each social services district which intends to use this policy should develop a plan outlining the circumstances warranting its use. Consistency in the use of this policy will help to assure confidence in the agency and its foster care program.

IV. Fiscal Implications

- A. Agency costs for day care and baby-sitting services are to be considered special payments as found in Department Regulation 427.3(a) and are not to exceed limitations set forth in Department Regulation 416.6(e) for group day care settings.
- B. The social services district has complete discretion when considering whether to pay the foster parents for these services or directly pay the day care center or baby sitter as follows:
 - 1. The social services district may make payment directly to the foster parents.
 - 2. The social services district may directly pay the day care center or baby sitter.
 - 3. The social services district may directly pay the voluntary agency so that it can either make payment to the foster parent or directly pay the day care center or baby sitter.
- C. When day care and baby-sitting, reimbursable as foster care, is paid directly to the service provider as a vendor payment, the service must meet the requirements of Part 416 of Department Regulations.
- D. Reimbursement for day care and baby-sitting services for foster children may be allowed and its costs reimbursed through either Title IV-E foster care or Child Welfare (CW) expenditures, with the latter reimbursable at the rate of 50% State/50% local share. The determination of whether the child is IV-E or CW will be in accordance with the usual formulas.

For children in foster care who are eligible under Title IV-E, Section 475(4) of the Social Security Act (42 U.S.C. 675(4) defines "foster care maintenance payments" as including payments to cover the cost of "daily supervision". It is the interpretation of the Department that "daily supervision" for children in family foster care may include the cost of adult supervision by a day care center or baby sitter, as stated above, which foster parents incur while a foster child is not in school.

- E. Claiming reimbursement for payments made for day care and baby-sitting services for foster children, should be done on the Department's Schedule K on line three as follows:
1. Specify "agencies" if the payment is made to a voluntary agency on behalf of the foster parents.
 2. Specify "foster homes" if the payment is made either directly to the foster parents or to the day care center or baby sitter.
 3. Enter these expenditures under the FNP columns for CW cases and under the FP columns for Title IV-E eligible cases.

V. System Implications

Modifications will be made to the authorization component of Services-WMS to reflect this change. Districts will be notified via Services Information Systems notification letter once these modifications are available.

VI. Required Action

- A. Each district deciding to establish a policy of compensating employed foster parents for costs of day care and baby-sitting services shall advise all foster parents and applicants of the policy and have the policy included in the foster parent manual that is required by Department Regulation 443.3(p).
- B. If the decision is made to provide day care and baby-sitting services for specific children, the plan for such services, must be recorded in the child's record; as well as documented in the foster family record, including the reason for provision of such services and their extent.
- C. Voluntary agencies shall obtain the approval of the local social services district, which pays for a child's care, for any plan to compensate foster parents for the costs of day care and baby-sitting services. This will assure that the service and payment is considered foster care for purposes of claiming and reimbursement.

VII. Effective Date

This ADM is effective as of July 1, 1986.


Joseph Semidei
Deputy Commissioner
Division of Services

