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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 91 ADM-1

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: January 10, 1991

SUBJECT: Public Assistance Shelter and Fuel Needs for Children in
 Foster Care

SUGGESTED DISTRIBUTION: Public Assistance Staff
 Food Stamp Staff
 Family and Children Services Staff
 Medical Assistance Staff
 Staff Development Coordinators

CONTACT PERSON: Call 1-800-342-3715

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ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
84 ADM-4		352.30(a)	358-a	PASB	GIS Message
81 ADM-10		369.2(g)	384-a	Section	89 IM/DC024
75 ADM-85		369.4(c)	Chapter 747 of the Laws of 1989	VIII-U	

I. PURPOSE

The purpose of this release is to advise local districts of Chapter 747 of the Laws of 1989. This law requires local districts to continue that portion of the public assistance grant intended to meet the cost of shelter and fuel for heating when a child is placed in foster care and the Child Services Plan includes a goal of discharge to a parent, legally responsible relative or other member of the public assistance household.

II. BACKGROUND

Previously, when a child entered foster care, the amount of the grant intended to meet shelter needs may have been reduced. This made it difficult for the household to maintain the housing, even though the child was expected to return to the public assistance (PA) household.

III. PROGRAM IMPLICATIONS

Children in foster care are considered to be temporarily absent from the PA household unless the permanency planning goal is not to return the children to the PA household. The retention of shelter and fuel allowances will help assure that the child(ren)'s home can be maintained in order to encourage and facilitate home visits. Also, since this change should reduce the length of time a child(ren) spends in foster care, overall agency costs should be reduced.

IV. REQUIRED ACTION

A. Public Assistance

1. In order to be eligible for the continued fuel and shelter allowances, the household from which the child(ren) are removed must have been eligible for and in receipt of public assistance at the time of the child(ren)'s placement.
2. For the public assistance household of a child(ren) placed in foster care, the PA grant must include the cost of shelter and fuel for heating for the child who is temporarily absent in foster care. The shelter and fuel for heating amounts must be included until such time as a Child Services Plan prepared under Social Services Law does not include a goal of discharge of the child in foster care to a parent or legally responsible relative or a member of the public assistance household.

3. When a previous plan is amended to include the return of the child(ren) to the home, the public assistance grant must be increased to include the shelter and fuel allowances for the child(ren) to be returned from foster care.
4. Since the child(ren) is considered temporarily absent from the household, the categorical determination of the case does not change solely because the child(ren) goes into foster care. However, all categorical requirements must continue to be met to keep the case in the same category.
5. If the parent changes residence and the rental obligation for the new residence changes, the district must allow an amount for the shelter and fuel needs of the child(ren) in foster care. However, in no case can the shelter and/or fuel needs exceed the agency maximum for the household size including the child(ren) in foster care.
6. The expressed purpose of this policy is to retain shelter for children so that they will have a home to visit and to return to. Since the purpose of the policy is to retain permanent housing, additional allowances for fuel and shelter are not appropriate for applicants/recipients in temporary housing.

B. Food Stamps

The actual shelter and fuel allowances provided in the PA grant continue to be counted as income for food stamp purposes.

C. Family and Children Services

For a child(ren) placed in foster care from public assistance households, Family and Children Services workers must inform Income Maintenance workers that the child(ren) is in placement and of the permanency planning goal for such child(ren). Each time the permanency planning goal for such child(ren) is changed, Income Maintenance workers must be informed of the new permanency planning goal. Each district should establish a mechanism for forwarding the necessary information in a timely manner to ensure accurate calculation of the grant for the PA household.

D. Medical Assistance

Medical Assistance only households must be given an additional allowance to meet the costs of shelter and fuel for heating for a child who is absent in foster care when computing the Public Assistance Standard of Need. This additional allowance must be included as long as the Children Services Plan includes a goal of discharge to a parent, legally responsible relative, or other member of the household.

Although this additional allowance is provided, a child absent in foster care is not included in the Medical Assistance household count. When determining the Medical Assistance eligibility of children in foster care, children in receipt of Title IV-E Foster Care payments are deemed to be recipients of Aid to Families With Dependent Children and are automatically eligible for Medical Assistance Coverage. For all other children in foster care, eligibility for Medical Assistance is to be determined in accordance with the instructions contained in Administrative Directives 81 ADM-10 and 75 ADM-85.

V. SYSTEMS IMPLICATIONS

A. Public Assistance

1. Upstate

To include the temporarily absent children's needs when using ABEL to compute the PA case's shelter and fuel allowances, the worker most often will simply be required to indicate the number of temporarily absent children in the DP-CA field. These children should not be included in either household or case counts entered in the HH and CA fields.

When there are children temporarily absent from a household containing cooperatively budgeted PA cases, and the case being budgeted does not normally contain the children, the worker should enter the number of temporarily absent children in the DP-HH field while leaving the DP-CA field blank. In either situation, the shelter and fuel allowances will be computed by ABEL as if the children were still in the PA household.

A bottom-line budget will be needed if budgeting both income from a Legally Responsible Relative (Earned Income Codes 21, 22; Unearned Income Codes 71,72) and temporarily absent children, or if more than one cooperative case in a household has temporarily absent children.

When budgeting Food Stamps for these cases on ABEL, the portion of the shelter and fuel allowances attributable to the temporarily absent children in the PA grant should be counted as income to the FS case. If using SF-8 from an ABEL calculated PA budget, this is done automatically. Complete details on budgeting these cases are contained in ABEL Transmittal 90-2, Procedure #1.

2. NYC

To include the temporarily absent child in the total number of individuals in the PA suffix for the budgeting of shelter, fuel or water, the worker must input the number of absent children in the field "FUEL" on the line of the applicable suffix(es) on Screen NSBL02.

ABEL will automatically include the absent child(ren) in the calculation of shelter costs for the applicable suffix(es).

B. Medical Assistance

Households with child(ren) in foster care, in accordance with this ADM, should be budgeted in the following manner. Workers should add the absent child(ren)'s share of the family's fuel and shelter needs to the family's budget by using Additional Needs Type Code "99 - Other".

VI. EFFECTIVE DATE

Effective February 1, 1991, retroactive to July 24, 1989.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance