

+-----+  
| LOCAL COMMISSIONERS MEMORANDUM |  
+-----+

Transmittal No: 91 LCM-90

Date: May 17, 1991

Division: Commissioner's  
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 346.2 & 347.17  
Filed Regulation 405.1

ATTACHMENTS: Attachment I - 346.2 & 347.17 (available on-line)

Attachment II - 405.1 (available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 346.2 & 347.17 relating to the process by which custodial parents may apply for child support services.  
The final rule - Filed: 5/15/91 - Effective: 6/5/91.

18 NYCRR 405.1 relating to purchase of services.  
The final rule - Filed: 5/15/91 - Effective: 6/5/91.

---

Michael J. McNaughton  
Director, Local District  
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f) and 111-a of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services do hereby amend 346.2 and 347.17 of Title 18 NYCRR of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective upon publication of the Notice of Adoption in the State Register.

Dated: May 14, 1991

Signed: \_\_\_\_\_

Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on May 15, 1991 amending 346.2 and 3347.17 of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on February 27, 1991

Dated: May 14, 1991

Signed: \_\_\_\_\_

Commissioner

Section 346.2 is amended to read as follows:

346.2 Application for services.

(a) [When] Any petition, written application or written motion to a court for the establishment of paternity or the establishment, modification and/or enforcement of a child support obligation for persons not in receipt of aid to dependent children which contains a signed statement requesting child support enforcement services, as provided under Title 6-A of the Social Services Law, constitutes an application for such services pursuant to section 347.17 of this Title. However, where a court proceeding [results] resulted in an order for child or child and spousal support payable through the SCU, based upon a paternity or support petition filed prior to September 30, 1990, such petition and/or moving papers [will be] are deemed to be an application for child support [collection and] enforcement services [provided pursuant to section 347.17 of this Title].

(b) The SCU must require all petitioners in [such cases] child support cases referenced in paragraph (a) above, except public officials acting in their official capacities, to provide the following data:

(1) their names;

(2) their addresses, except that a post-office box will not be accepted unless the U.S. Postal Service does not make residential delivery to the petitioner's home;

(3) the names(s) and date(s) of birth of all children under the subject order;

(4) their social security numbers;

(5) a statement by the petitioner whether he or she is in receipt of, or has applied for, home relief or aid to dependent children; and

(6) such other information as the department may require.

[(b)] (c) For purposes of this section, child support [collection and] enforcement services do not include legal services or field investigative services.

Subdivision (a) of section 347.17 is amended to read as follows:

347.17 Child support services available to individuals not otherwise eligible. (a) All child support [activities] services under this Part and Part 346 of this Title must be made available to any individual not otherwise eligible upon receipt of either (1) a signed application on a form prescribed by the department and filed by such individual with the Child Support Enforcement Unit or Support Collection Unit of the county where such individual resides, or (2) an application made to a court, as set forth in section 346.2 of this Title. [Services] Such services are available only for the purpose of establishing paternity and/or obtaining child support. Such services cannot be provided in the absence of an application, as set forth in this subdivision. Application must be made for all necessary

services that are rendered free of charge, as indicated in subdivision (c) of this section. Application for services that are rendered for a fee, as indicated in subdivision (d) of this section, is optional.

[An order for child or child and spousal support payable to the Support Collection Unit is deemed to be written application for support enforcement services.]

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d) and 34(3)(f) of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services, do hereby repeal the opening language of subdivision (a) of Section 405.1; add new opening language to subdivision (a) of Section 405.1; and amend paragraph (1) of subdivision (a) of Section 405.1 of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective upon publication of the Notice of Adoption in the State Register.

Dated: May 8, 1991

Signed: \_\_\_\_\_

Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on May 8, 1991 repealing the opening language of subdivision (a) of Section 405.1; adding new opening language to subdivision (a) of Section 405.1; and amending paragraph (1) of subdivision (a) of Section 405.1 of the Official

Regulations of the State  
Department of Social Services,  
being Title 18 NYCRR, the  
express terms of which were  
published in the New York State  
Register on January 23, 1991

Dated: May 8, 1991

Signed: \_\_\_\_\_

Commissioner

The opening language of subdivision (a) of Section 405.1 is repealed and new opening language is added to read as follows:

Section 405.1 Policies governing purchase of services. (a) With the exception of foster care maintenance services, social services districts may purchase services for eligible individuals from local public agencies, private non-profit agencies or organizations and private proprietary agencies, except that the social services district may purchase employment-related and JOBS-related child care and transitional child care services, as defined in subdivisions (e) and (f) of section 415.1 of this Title, without regard to the non-profit or proprietary nature of the provider. Foster care maintenance services may be purchased from local public agencies and private non-profit agencies or organizations only. Foster care maintenance services for children placed outside of this State may be purchased from public agencies, private non-profit agencies or organizations and private proprietary agencies operating outside of this State only when the placements comply with the interstate compact on the placement of children as set forth in section 374-a of the Social Services Law. Services for children with handicapping conditions provided in accordance with Article 89 of the Education Law may be purchased from private proprietary agencies or organizations, and private non-profit agencies or organizations. All such purchases are subject to the following conditions:

Paragraph (1) of subdivision (a) of Section 405.1 is amended to read as follows:

(1) Only services defined and included in the social services [district] district's component of the [Comprehensive Annual Social Services Program Plan] Consolidated Services Plan, employment-related and JOBS-related child care and transitional child care in accordance with Part 415 of this Title and foster care maintenance in accordance with Part 427 of this Title and authorized for purchase therein may be purchased by [the] a social services district.

Deleted language in [brackets]; new wording underlined.