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 | OCFS INFORMATIONAL LETTER |
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TRANSMITTAL: 98 OCFS INF-2

TO: Commissioners of
 Social Services
 Directors of
 Authorized Agencies

DIVISION: Development
 and Prevention
 Services

DATE: October 5, 1998

SUBJECT: Adoption Subsidy
 OCFS/NYSAS Review and Approval

SUGGESTED
 DISTRIBUTION: Adoption Staff
 Foster Care Staff
 Child Welfare Executive and Supervisor Staff
 Staff Development Coordinators

CONTACT PERSON: Any questions concerning this release should be directed
 to the following NYSAS staff:

Ann Furman (518) 474-9406 USER ID: AW6820
 Bruce Bushart (518) 474-9447 USER ID: 73U051

ATTACHMENTS: DSS-3527 A - (not available on-line)
 DSS-3527 B - (not available on-line)
 DSS-3527 C - (not available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
95 LCM-31		421.24			
98 ADM-11					

PURPOSE

The purpose of this release is to inform you of changes The Office of Children and Family Services (OCFS, the Office) has made in reviewing and approving subsidy applications submitted to the New York State Adoption Services (NYSAS). Unless the social services district has been approved to administer the subsidy approval process, per 98 ADM-11, the Office will continue to be responsible for approving both the children presented as either hard-to-place or handicapped. The criteria and process for approval of children who are hard-to-place will not change. Children being proposed for approval as handicapped will continue to have their clinical conditions reviewed in accordance with current standards to determine the handicapping condition continues to exist. As the majority of children are being adopted by their foster parents, the level of payment which has been paid to those foster parents, if continued unchanged, will not be questioned. Therefore, the Office will no longer determine the level of payment for all handicapped children applications as was the case in the past. If the social services district recommends a different rate than that previously paid, the Office will determine whether the change is justified based on the child's condition and the appropriate payment level as defined by 18 NYCRR Part 427. Accordingly, certain procedures and requests for documentation are changed as follows.

Handicapped Applications

Request for Foster Board Level- Effective immediately, social services districts are requested to include on all subsidy applications, the level of Board Rate a child is receiving in foster care (i.e., basic, special, or exceptional). Please make a notation (typed or in ink) of the current level on the Adoption Subsidy Agreement (DSS 3527-A or B Interim 11/94) in Section VI after the line that says "Level of Child's Board Rate."

Note: Interim forms DSS 3527-A, B and C (11/94) were sent to social services districts in March of 1995 with Transmittal No: 95 LCM-31 and were to be duplicated and used by all districts. Copies of these required forms are attached for your use. The final versions of the forms are expected to be published in the near future and will include a place for social services districts to indicate the current level of the foster care Board Rate.

Streamlined Review/Approval of Handicapped Applications - Submitting the foster care Board Rate level, as requested above, will be helpful in implementing the following changes in the review and approval of adoption subsidy applications for handicapped children:

(1) for applications where the subsidy level requested is the same as the Board Rate level the child is receiving in foster care, NYSAS will review the medical documentation to verify that it supports the standard for a handicapped child in accordance with 18 NYCRR 421.24 (a) (2) and will approve the request. Therefore, if a child is determined by NYSAS to be handicapped, based on the documentation submitted by the social services district, and the district has requested subsidy at the same level as is currently being paid, the application will be approved;

(2) for applications where the subsidy level requested is different from the level of Board Rate the child receives in foster care, NYSAS will review the application and supporting documentation to verify that it supports both the standard for a handicapped child and the subsidy level requested, and will make a determination to approve or disapprove the application.

These changes will facilitate the approval process and make the level of subsidy/payments more predictable for foster/adoptive families. However, it underscores the importance of social services districts' caseworkers and supervisors assuring foster care payment levels reflect regulatory requirements and for the child's case record to contain all the necessary up-to-date documentation, including verification of Title IV-E eligibility.

All Applications

Response within 30 days - Regardless of the level of review, NYSAS will adhere to the statutory and regulatory time frame of 30 days to respond to a submitted application. All subsidy applications submitted to NYSAS will be tracked and social services districts will receive written notice of the approval or denial of the application within 30 days of receipt by NYSAS. Adherence to the 30 days time frame means that a social services district must carefully review the subsidy application and documentation being submitted to NYSAS to ensure that it is complete and clearly supports the special needs of the child. The subsidy applications will no longer be held beyond 30 days awaiting additional documentation from a social services district. As required by regulations, if an application is denied, the reasons will be clearly stated along with any additional action which may be taken, including rights to a fair hearing.

E-mail Approvals - NYSAS has added a new step to the response to applications. Signed approved applications will be preceded by an e-mail to the caseworker/supervisor noting approval of the application. This is an important change for social services districts, since in some jurisdictions the family court has determined that the e-mail response is sufficient documentation to docket a case and this has expedited the court action. Court staff and social services district staff have been pleased with the time saved by e-mail approvals. Other districts may want to explore acceptance of e-mail approvals by courts in their jurisdiction.

Note: Notification of a denial of an application for subsidy will not be e-mailed.

Donald K. Smith
Deputy Commissioner
Development and
Prevention Services