



Office of Children and Family Services

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Local Commissioners Memorandum

Transmittal:	19-OCFS-LCM-20
To:	Commissioners of Social Services Directors of Social Services Child Protective Services Supervisors Foster Care Supervisors Adoption Supervisors
Issuing Division/Office:	Child Welfare and Community Services
Date:	August 9, 2019
Subject:	Eligibility Case File Maintenance
Contact Person(s):	See IV.
Available Online:	OCFS-4777, Federal Foster Care Candidacy Determination Form OCFS-2125, Title IV-E Eligibility Documentation File OCFS-4401, Adoption Subsidy Eligibility Documentation File OCFS-4435a, Kinship Guardianship Assistance Eligibility Checklist OCFS-4435b, Kinship Guardianship Assistance Eligibility Checklist Instructions

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to notify local departments of social services (LDSSs) of the requirement to maintain separate eligibility files related to each child for whom the LDSS is claiming federal and/or state reimbursement. Some children will be eligible for multiple programs. The eligibility files must meet all state and federal requirements and be readily accessible, in case of monitoring or auditing by state and/or federal officials.

LDSSs must review and update their Title IV-E eligibility determination procedures and continue necessary activities to maintain and improve Title IV-E compliance. Eligibility checklists are used to determine a child's eligibility for specific programs based on appropriate funding sources. The checklists determine whether a child is Title IV-E eligible or if the child is not Title-IVE eligible.

II. Background

New York State Office of Children and Family Services (OCFS) general requirements regarding records and reports state that all LDSSs must submit their records to OCFS when OCFS requests them, in the form and manner that OCFS requests.¹

Accessing federal funding of child welfare services depends on knowing specific eligibility rules for each funding stream and knowing what services are covered, and then determining the eligibility for funding for each individual foster child or family (in-home services). The funding streams include Title IV-E for foster care and adoption subsidies, Temporary Assistance for Needy Families-Emergency Assistance to Families (TANF-EAF), Title XX Below 200% of Poverty, Title XX, Kinship Guardianship Assistance Program (KinGAP) and Title XIX-Medicaid.²

Title IV-E of the Social Security Act³ is an important funding stream. Correctly determining and documenting Title IV-E eligibility for candidacy for foster care, adoption subsidy or kinship guardianship assistance cases is crucial. Without the determination, or if the documentation is incorrect, incomplete or missing, the State of New York and the applicable LDSS **will not be reimbursed** by the federal government. This will result in the state and LDSS covering the costs associated with such cases without federal participation or reimbursement.⁴ Correct documentation, as required by federal and state statute and regulations, to substantiate a child's eligibility and compliance with standards supports successful state monitoring and federal case reviews.

III. Program Implications

Moving forward, a **separate** eligibility case file for each child **must** be maintained and must include the completed, signed and dated applicable checklist, and copies of all appropriate documents that support the eligibility decision by the LDSS. The eligibility file must be made available when requested for state monitoring or federal case reviews. For cases existing prior to the effective date of this policy, the eligibility file must be **created** and made available when requested for state monitoring or federal case reviews.

The *OCFS Child Welfare Eligibility Manual*⁵ specifies which checklists are required for each program and the necessary documents to support the eligibility decision made by the LDSS. The eligibility case file and all supporting documents continue to be confidential and must be protected to prevent disclosure.

It is expected that LDSSs review their procedures for eligibility determination, procedures to gather and store Title IV-E eligibility documentation, and procedures for updating eligibility files. Effective eligibility determinations, documentation and file maintenance will reduce instances of financial consequences to LDSSs.

¹18 NYCRR 428.10.

² <https://ocfs.ny.gov/main/publications/eligibility/2018-Eligibility-Manual.pdf>.

³ 42 U.S.C. §§ 671-679b.

⁴ <https://ocfs.ny.gov/main/publications/eligibility/2018-Eligibility-Manual.pdf> (p.12).

⁵<https://ocfs.ny.gov/main/publications/eligibility/Chapter%20One%20Part%20B%20Adoption%20Assistance.pdf>.

The following documents support LDSSs in identifying essential documentation for each respective program's eligibility case files.

A. CANDIDACY FOR FOSTER CARE

Federal Foster Care Candidacy Determination Form (OCFS-4777)⁶

This form must be used for the initial determination and six-month redetermination that a child is a Title IV-E foster care candidate (pre-placement) based on that child being at serious or imminent risk of removal if not for the provision of preventive services. Necessary documentation to claim Title IV-E administration costs is outlined in the checklist, and the method of documentation must be identified, whether by case record, court petition, or court order.

B. FOSTER CARE

Title IV-E Eligibility Documentation File (OCFS-2125)⁷

This form supports the foster care eligibility file by providing documentation requirements and options to support locally determined eligibility.

The file must be organized as outlined in the OCFS-2125, *Title IV-E Eligibility Documentation File*, and include all completed eligibility checklists and copies of all eligibility documents that support the eligibility decision.

C. ADOPTION SUBSIDY

Adoption Subsidy Eligibility Documentation File (OCFS-4401)⁸

The *Adoption Subsidy Eligibility Documentation File* (OCFS-4401) provides the outline for acceptable documentation for eligibility claiming in the child's individual adoption subsidy eligibility folder. It also supports accurate eligibility determinations.

All records must be maintained confidentially. In the case of an adopted child, the adoption subsidy eligibility documents of that child must be copied from the adoption file and maintained in a separate, confidential eligibility file that is accessible if requested for review. All documents identified on the OCFS-4401 to substantiate eligibility must be included in the child's eligibility file.

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⁶ 18-OCFS-LCM-04, *Federal Foster Care Candidacy Requirements*
<https://www.ocfs.ny.gov/main/fostercare/titleiv-e/candidacy.asp>.

⁷ *Eligibility Manual for Child Welfare Programs Part A. Title IV-E Foster Care Eligibility*
<https://www.ocfs.ny.gov/main/publications/eligibility/2018-Eligibility-Manual.pdf>.

⁸ *Eligibility Manual for Child Welfare Programs Part B. Title IV-E Adoption Assistance Eligibility*
<https://www.ocfs.ny.gov/main/publications/eligibility/2018-Eligibility-Manual.pdf>.

***Kinship Guardianship Assistance Eligibility Checklist (OCFS-4435a) and Kinship Guardianship Assistance Eligibility Checklist Instructions (OCFS-4435b)*⁹**

The *Kinship Guardianship Assistance Eligibility Checklist Instructions* (OCFS-4435b) guide the LDSSs on supportive documentation to verify cases are federally eligible for KinGAP. To be federally eligible, a child must satisfy both federal and state KinGAP eligibility requirements, and such eligibility must be supported by documentation outlined in the checklist (OCFS-4435a).

IV. Contacts

Questions specific to the foster care eligibility file can be sent to the following mailbox: ocfs.sm.TitleIV-E.EligibilityReview@ocfs.ny.gov

Questions specific to the candidacy for foster care eligibility file can be sent to the following mailbox: ocfs.sm.TitleIV-E.CandidacyforFosterCare@ocfs.ny.gov

Any other questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

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/s/ Lisa Ghartey Ogundimu

Issued by:

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⁹ *Eligibility Forms for the Kinship Guardianship Assistance Program (KinGAP)*
https://ocfs.ny.gov/main/policies/external/ocfs_2018/ADM/18-OCFS-ADM-06.pdf.