Eligibility Manual For Child Welfare Programs

Manual

This document is provided under a contractual agreement between the

New York State Office of Children and Family Services
Division of Administration
Bureau of Training and Development

AND

The Center for Development of Human Services (CDHS), Institute for Community Health Promotion, SUNY Buffalo State

Acknowledgement
This material was developed by Center for Development of Human Services (CDHS), Institute for Community Health Promotion (ICHP), SUNY Buffalo State under a training and administrative services agreement with the New York State Office of Children and Family Services.

Disclaimer
While every effort has been made to provide accurate and complete information, the Office of Children and Family Services and the State of New York assume no responsibility for any errors or omissions in the information provided herein and make no representations or warranties about the suitability of the information contained here for any purpose. All information and documents are provided "as is," without a warranty of any kind.

Copyright ©2016 by the New York State Office of Children and Family Services.

Updated 2018

Table of Contents

Overview

1. Eligibility for Federal Funding Streams……
2. Comparison of Funding Categories……..
3. Prioritization of Eligibility Determination for Child Welfare Services……
4. When Not to Complete the Eligibility Forms……

Chapter 1 – Title IV-E Eligibility……..…

Background……..……..…

Part A. Initial Title IV-E Foster Care Eligibility……

Program/Funding Description……..…

Required Steps in Determining Eligibility……..…

Title IV-E Foster Care Requirements……..

1. Age……
2. Citizenship……
3. Legal Authority……..
4. Contrary to the Welfare/Best Interests……
5. Reasonable Efforts to Prevent Removal……
6. Living with a Specified Relative……...
7. Parental Deprivation……
8. AFDC Eligibility……
9. Child Eligibility……..

Title IV-E Foster Care Eligibility Decision……

Retroactive Claiming……..

Medical Assistance Eligibility Decision……

Systems Instructions……

Foster Home Certification/Approval……

Re-entry into Foster Care……

Redetermination of Title IV-E Eligibility……..

Preparation for Title IV-E Foster Care Eligibility Review (FCER) ……

Title IV-E FAQ ……..

Administrative Functions and Cost ……

Foster Care Maintenance Payments Programs, Eligibility ……..

General Title IV-E Requirements ……

Title IV-E Mailbox ……..

Title IV-E POS Mailbox……..

Part B. Adoption Assistance Eligibility……..……..
The Title IV-E Adoption Assistance……..
Program/Funding Description……
Required Steps in Determining Eligibility……
Title IV-E Adoption Assistance Requirements……
1. Citizenship……
2. Age……
3. Special Needs……
4. Financial Need……
Title IV-E Adoption Assistance Eligibility Decision……
Medical Assistance Eligibility Decision……
The State Adoption Subsidy……
Program/Funding Description……..
Required Steps in Determining Eligibility……..
State Adoption Subsidy Requirements……..
1. Age……
2. Handicapped/Hard-to-place Conditions/Factors……..
State Adoption Subsidy Eligibility Decision……
Medical Assistance Eligibility Decision……
1. Medical Assistance Under COBRA……
2. The State Medical Subsidy……
Adoption Subsidy Agreement……
Systems Instructions……
Title IV-E Adoption Assistance WMS Coding Chart……
State Adoption Subsidy WMS Coding Chart……
Death of Adoptive Parent……..
Education and Support Requirements for Adoption Assistance……
Redetermination of Title IV-E Adoption Assistance……..
Responsible District/County (ICAMA) ……
Non-recurring Adoption Expenses……..

Chapter 2 – TANF-EAF Eligibility……..
Background……
Program/Funding Description……..

Foster Care Cases……..
Required Steps in Determination Eligibility……
Emergency Criteria……..
TANF-EAF Requirements……
1. Citizenship……
2. Living with Specified Relative……
3. No Previous EAF Authorization……..

4. Insufficient Resources……
5. Need for Services Due to Reasons other Than Refusal of Employment/Training……..
6. Need for Services Due to Reasons other Than Mismanagement of TA……
TANF-EAF Eligibility Decision……
Medical Assistance Eligibility Decision……
Systems Instructions……
Family Cases……..
Required Steps in Determination Eligibility……
Emergency Criteria……..
TANF-EAF Requirement……..
1. Citizenship……
2. Age……
3. Living with Specified Relative……
4. No Previous EAF Authorization……..
5. Insufficient Resources……
6. Need for Services Due to Reasons other Than Refusal of Employment/Training…..
7. Need for Services Due to Reasons other Than Mismanagement of TA……
TANF-EAF Eligibility Decision……
Medical Assistance Eligibility Decision……
Systems Instructions……..

Chapter 3 – Title XX Below 200% of Poverty Eligibility……
Background……
Program/Funding Description……
Required Steps in Determining Eligibility……..
Title XX Below 200% of Poverty Considerations……
Definitions……..
Title XX Below 200% of Poverty Requirements……
1. Automatic Eligibility……
2. Certifying Eligibility……
    1. Citizenship……
    2. Minor Child, Pregnant Woman or Non-custodial Parent……
    3. Family's Income Below 200% of Poverty Standard……
Title XX Below 200% of Poverty Eligibility Decision……
Medical Assistance Eligibility Decision……
Annual Redetermination……
Systems Instructions……
Title XX Below 200% Eligibility Services Chart……

Chapter 4 – Kinship Guardianship Assistance Program Eligibility ……

Appendices.....

Appendix A: Checklists.....

Initial Foster Child Eligibility Checklist.....
Redetermination of Title IV-E Eligibility Checklist.....
Re-entry into Foster Care for Youth Age 18 and Over Eligibility Checklist.....
Adoption Assistance Eligibility Checklist (REV. 7/18).....
Family Eligibility Checklist.....

Appendix B: Reference Materials for Checklists.....

Policy Interpretation Question (PIQ) – Qualified Alien.....
Title IV-E Aliens/Immigrants FAQ.....
Immigration Status List.....
Determining a Specified Relative.....
Removals that Meet the Living with a Specified Relative Requirement.....
Removals that Do Not Meet the Living with a Specified Relative Requirement .....
Table of Consanguinity.....
WMS ABEL (Scratchpad) Budgeting Instructions .....
Staff Exclusion List (SEL) Information .....
Adoption Definitions.....
200% of Poverty Standards Chart.....
SSI Benefits Level Chart .....

Appendix C: State and Local Directives.....

Administrative Directives.....
Informational Letters.....
Local Commissioner Memoranda (LCM) .....
General Information System (GIS) Messages.....
Other.....

Overview

1. Eligibility for Federal Funding Streams

The Office of Children and Family Services (OCFS) developed this Eligibility Manual for *Child Welfare Programs* to provide social services districts with up-to-date, accurate guidance and requirements for determining eligibility for federal funding of child welfare programs. The manual is designed to contain all relevant policy materials and procedural information for determining and authorizing eligibility, and for encoding the state's information systems that will lead to appropriate federal claiming of funding for programmatic and administrative expenses. It will also assist districts in how best to document the eligibility decisions made and how to respond to federal and state audits of the eligibility decisions and resultant claims. Without the correct eligibility determination process and supporting documentation, social services districts are not entitled to claim federal reimbursement.

This manual is not meant to provide guidance on what services children and families need, i.e., programmatic eligibility. Standards for those decisions are set forth in NYCRR Title 18. The manual discusses funding eligibility that includes requirements governing areas such as citizenship and living with caretaker relatives. Other issues are financial and legal in nature, and ineligibility for one funding stream based on income, for example, does not preclude eligibility for the services to the family that can be reimbursed under other funding programs.

One criterion of eligibility, however, does affect all funding programs – citizenship/qualified immigrant status. Under provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Congress mandated that only U.S. citizens and immigrants deemed eligible under the Act could receive assistance and services that were reimbursed by the federal or state governments. This requirement applies to all the funding programs discussed in this manual as well as Title XX and state funding with a few exceptions: child protective services (all CPS services are deemed emergency services), medically verified pregnancy (MA only), emergency medical services, residential domestic violence services, and non-residential adult protective services may be reimbursed with state only funds. The manual describes the process for meeting the U.S. citizenship/qualified immigrant test.

Accessing federal funding of child welfare services depends on knowing specific eligibility rules for each funding stream and what services are covered, and then determining for each individual foster child or family (in-home services) case the eligibility for that funding. The funding streams include Title IV-E for foster care and adoption subsidies, Temporary Assistance to 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. Federal and state rules establish a priority in funding streams when a service and case can meet the criteria for more than one program. Generally speaking, federal funding always takes priority over state and local revenue sources. Within federal funding sources, uncapped funding programs must be used prior to accessing capped (or block grant) sources. For example Title IV-E must be used before accessing TANF funds for foster care even though both sources can pay for room and board expenses. The following chart notes the various federal funding sources and the programs to which they apply. It also indicates the significant advantages and disadvantages of each program.

*Please see http://www.ocfs.state.ny.us/main//kingap.asp for details and additional resources regarding the Kinship Guardianship Program.

Comparison of Funding Categories

What is Covered	Funding Availability	Documentation Criteria Issues	Other Comments
TITLE IV-E			
Foster care maintenance, clothing, administration, and supervision. Adoption subsidies, KinGAP assistance payments and related administrative costs.	Open-ended 50% federal match for every eligible dollar claimed.	Technical and restrictive documentation dependent in part on outside sources, e.g., Family Court.	Program of choice for funding foster care maintenance. Use of look-back date to establish AFDC eligibility.
TANF-EAF			
All payments and services covered by Title IV-E Foster Care, plus services and tuition costs for foster care and family (in-home services) cases.	Block granted and limited by appropriations in State Budget.	Fairly straight- forward. Most documentation can be found in existing records maintained by social service districts.	Cannot be used to pay for services covered by Title IV-E if the case is eligible for that funding program. Financial standards vary between foster care and family (in-home services) case types.
TITLE XX			
Social services only.	Block granted; appropriations further restrict how much is available for certain social services.	Title XX has no financial test of eligibility.	May not be used for assistance like payments, e.g., foster care room and board. Citizenship/qualified immigrant requirements apply.
TITLE XX BELOW 200%			
All services that are covered by Title XX.	Block granted and limited by appropriations transferred from TANF to Title XX in State Budget. Currently this is $241 million.	Income information must be secured from clients. Most documentation requirements are met through self-attestation; other standards are met through case record documentation.	The Title XX Below 200% allocation funds cannot be reimbursed to pay for services that are TANF-EAF eligible until the district expends its TANF-EAF allocation for those services.*
TITLE XIX (MEDICAID)			
Medical services and related case management activities.	Open-ended 50% federal match for every eligible dollar claimed (certain exemptions exist).	Income tests can be extensive. There is no income test for foster children.	All children in the custody of LDSS or OCFS, who are US citizens, nationals or meet satisfactory immigration standards, are categorically eligible for Medicaid.

* Districts will be provided with additional guidance on how Title XX Below 200% claiming will be processed for cases with dual eligibility.

2. Prioritization of Eligibility Determination for Child Welfare Services

The prioritization of funding requires consideration and elimination of one funding program before applying for the next funding program (as listed below). This is particularly significant in funding foster care and preventive services as indicated in this chart.

Eligibility Category	Eligibility Determination Requirements
Title IV-E	Must be done for all foster care cases on a child-by-child basis.
TANF-EAF	Must be done for all foster cases on a child-by-child basis. Includes Title IV-E eligible children in order to cover services not reimbursed by Title IV-E. If eligible, the EAF authorization will also include all related preventive/ protective services provided to family members at home. Must be done for all open preventive and protective (in-home services) cases.
Title XX Below 200% of Poverty	Must be done for all cases, except for foster care cases that have been determined eligible for Title IV-E and TANF-EAF. Otherwise, for service cases eligible for TANF-EAF, that category must first be determined, but regardless of the determination, Title XX Below 200% must then be determined.

3. When Not To Complete the Eligibility Forms

When funding for Title IV-E, TANF-EAF, and Title XX Below 200% of Poverty is claimed, it is required that full documentation, as described in this manual, be on file in the child's eligibility case file folder. However, when such funding is clearly not available, completing the eligibility checklist in its entirety is not necessary nor does it serve any purpose. One example is when no member of the applicant group is either a U.S. citizen or a qualified immigrant, and thus the case is ineligible for any reimbursement for all but a few emergency services. In such situations, the case record must contain the information supporting the ineligibility for reimbursement, and the eligibility forms need not be completed.

One exception is for those cases where the child is a citizen or qualified immigrant, and an initial Title IV-E Foster Care eligibility is being determined, the *five year Checklist* (**LDSS-4809**) should be completed regardless of whether all criteria are met. The purpose for completing the Eligibility Checklist is that a case may be determined as not eligible for Title IV-E Foster Care, but may be eligible for Title IV-E Adoption Assistance, if the child is later freed for adoption and is a **special needs child**. The eligibility for Title IV-E Adoption Assistance[1] (for court ordered Article 3, 7, 10 or 10-C placements) is based on some but not all of the criteria required for the Title IV-E Foster Care eligibility: i.e. best interests must be addressed in the initial order which results in the child's removal from home, and AFDC eligibility for a non-applicable child only at the time of removal. So, completing the Eligibility Checklist and attaching the documentation will facilitate determining eligibility for a Title IV-E Adoption Subsidy, when a case was not initially found eligible for Title IV-E Foster Care.

[1] For details regarding determining eligibility for the Kinship Guardianship Assistance Program (KinGAP), please see http://www.ocfs.state.ny.us/kinship/KinGAP_Practice_Guide.pdf

Chapter 1 - Title IV-E Eligibility

Background

This chapter is designed to assist social services staff in determining, documenting, and authorizing eligibility of child welfare cases for Title IV-E (of the Social Security Act), Foster Care, Adoption Assistance and the Kinship Guardianship Assistance Program. Chapter 1 has two parts: Part A details the determination, documentation, and authorization for Title IV-E foster care, and Part B details the determination, documentation, and authorization for Title IV-E adoption assistance as well as for state adoption subsidy.

Correctly determining and documenting Title IV-E eligibility for a foster care, adoption or kinship guardianship assistance case is crucial. Without the determination, or if the documentation is incorrect or missing, the State of New York and the applicable social services district will not be reimbursed by the federal government. The result is that the state and the local district must cover the costs associated with such cases without federal participation or reimbursement.

Documentation of Title IV-E eligibility both reflects and supports good casework practice. The federal criteria as found in the Title IV-E of the Social Security Act (SSA) and federal regulations reflect concerns that children are not needlessly removed from their homes without adequate safeguards and that the removal is in their best interests. In addition, the agency must demonstrate to an independent body (the family court system) that reasonable efforts were made to prevent the removal or, because of certain statutorily specified circumstances, efforts to prevent the removal are not required. We see the results of these concerns in the legal authority requirements for initial determinations of Title IV-E. Similarly, the SSA requires that agencies responsible for the care of children in foster care make additional reasonable efforts to achieve and finalize the child's permanency plan, whether that be return home, permanent placement with other relatives, kinship guardianship, adoption, or independent living.

Congress also continued the Title IV-E link to the prior Title IV-A ADC Program[2] by continuing the requirement to establish the child's eligibility for that program at the time the child was removed from his or her home and by using the state's Title IV-A Plan standards in effect as of July 16, 1996. Essentially, Title IV-E is a means to provide ADC-like payments for foster care placements meeting the removal standards discussed above and for adoption assistance when it is determined that the non-applicable child has special needs and is ADC eligible at the time of removal, or is SSI eligible when the adoption petition is filed.

Given this background, it must be remembered that federal and state audits of the Title IV-E program rely solely on documentation of eligibility. *If not documented as required by the federal regulations and audit procedures*, it is not relevant for the audit how needy the child was at the time of removal, or what circumstances required the removal to protect the child's safety or well-being, or what efforts were made to prevent the removal. One purpose of this manual is to assist eligibility workers in understanding the federal requirements and securing the necessary

[2] ADC (Aid to Dependent Children) had been the federal program of public assistance until it was repealed and replaced with the Temporary Assistance to Needy Families (TANF) program, known as Family Assistance (FA) in New York State. Nonetheless, the Title IV-E foster care program retains its historical linkage to the ADC program.

documentation, and to assist social services districts in responding to future audits. Care should be taken to keep the Title IV-E documentation with the foster care case if the district establishes and maintains a complete eligibility case record for adoption assistance cases. See section five of this chapter for information on preparing for a Title IV-E review.

To meet the above stated requirements, it is strongly recommended that social services districts create a separate eligibility file for each child for whom Title IV-E is being claimed and keep that file with the Uniform Case Record. The child's eligibility file should be organized as outlined in the *Title IV-E Eligibility Documentation File Template* (**OCFS-2125**) and include all completed eligibility checklists and copies of all eligibility documents that support the eligibility decision.

Part A. Title IV-E Foster Care Eligibility

Program/Funding Description:

Title IV-E of the Social Security Act provides for federal funding for foster care maintenance and certain related administrative costs for children who meet the federal Title IV-E Foster Care eligibility requirements for initial determination and at redetermination. For social services districts to claim room and board payments under Title IV-E, the child's eligibility for the program must be established, documented and authorized pursuant to the instructions in this chapter, and the child must reside in a fully certified or approved foster boarding home or licensed facility.

While Title IV-E funding applies to foster care maintenance and administrative costs only (it may not be used for provision of social services), TANF-EAF funding may be used for care and maintenance for cases not eligible for Title IV-E, as well as for tuition for foster children and social services (i.e., counseling and therapy), provided as part of the foster care plan or provided to prevent or reduce the need for foster care for children not in foster care status.

In addition to the child's Title IV-E eligibility, the foster home or facility (or respite care placement) the child is placed in must be fully approved, certified or licensed according to state regulations as a foster home or facility and, if a facility operated by a public agency, have a capacity of no more than 25 beds. Eligible foster homes or facilities include fully certified or approved foster boarding homes, agency operated boarding homes, and group homes are entered as such on CONNECTIONS, the state's Statewide Automated Child Welfare System (SACWIS). If Title IV-E children reside in settings, or placed in a temporary respite setting, other than Title IV-E eligible foster homes or facilities, Title IV-E may not be claimed for that child during the time period that the child is in an ineligible placement, NOTE: The foster home or facility's status as non-Title IV-E eligible does not affect the eligibility of the child. However, during the period the child is placed in an ineligible foster home or facility, or respite care setting, Title IV-E reimbursement may not be claimed.

All children in foster care except for non-qualified immigrants are categorically eligible for Medicaid and do not require a separate determination for Medicaid (MA) (Title XIX).

Required Steps in Determining Eligibility

Completing the *Initial Foster Child Eligibility Checklist* (**LDSS-4809**) and collecting the supporting documentation is the first step in determining eligibility for Title IV-E Foster Care. Complete a separate Eligibility Checklist for each foster child. (See Appendix A or the OCFS Title IV-E website for a sample copy of the Eligibility Checklist.) Once a determination is made for the child, whether or not the child is found eligible, continue to review the case to determine the child's eligibility for Temporary Assistance to Needy Families-Emergency Assistance to Families (TANF-EAF).

Title IV-E Foster Care Requirements

To be eligible for Title IV-E Foster Care, the child must meet all eight initial eligibility requirements and each must be appropriately documented:

- Age
- Citizenship
- Legal Authority
- Contrary to the Welfare/Best Interests
- Reasonable Efforts to Prevent Removal
- Living with a Specified Relative
- Parental Deprivation
- AFDC Financial Eligibility

Title IV-E may be claimed if and when it can be documented. Title IV-E may not be claimed until all eligibility requirements are satisfied and documented!

These Title IV-E requirements are discussed below in the order that they appear on the *Initial Foster Child Eligibility Checklist* (**LDSS-4809**). Included in the discussion are instructions for completing the Eligibility Checklist in its entirety and detailed explanations for each requirement followed by the acceptable documentation. These instructions have been formatted to follow completion of the Eligibility Checklist. (See Appendix A or the OCFS Title IV-E website for a sample copy of the Eligibility Checklist.)

Please note that for the Title IV-E Eligibility section of the form, there are designated lines immediately following the requirement to enter the source and location of documentation. These are in addition to Section V. Documentation of Eligibility. Entries are required in at least one of these two areas.

It is recommended that a separate eligibility case file on each child be maintained with the completed *Initial Foster Child Eligibility Checklist* (LDSS-4809) and copies of all the eligibility documents that support the eligibility decision be contained in that file.

Please note that this case file and all information contained therein is confidential and must be protected to prevent disclosure of the child's information to anyone other than personnel authorized by law.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate Eligibility Checklist and obtain the required supporting documentation for each foster child. Each Eligibility Checklist item is circumscribed in a box.

Section I. Case Information

→ Enter the Case Name; Child's Name (Last, First, Middle Initial); Unit/Worker Number; Date of Birth (DOB); Child's Client Identification Number (CIN) (optional); and Case Number.

→ Enter the Family Assistance (FA) or Safety Net (SN) Clearance Date.

→ Check YES or NO regarding whether the child is a FA/SN Recipient.

→ Check the Welfare Management System (WMS) Screen Print box if included in the case record.

→ Check FA/SN Automated Budget Eligibility Logic (ABEL) Budget box, if included in the case record

→ Enter the Supplemental Security Income (SSI) Clearance Date.

→ Check YES or NO regarding whether the child is an SSI Recipient.

Explanation:
Use the most accurate data available for entering information. The Welfare Management System (WMS) Family Assistance/Safety Net (FA/SN) clearance (if available) contains reliable demographic data. See also court documents for date of birth. Receipt of Supplemental Security Income (SSI) can be checked on the State Data Exchange (SDX).

If a foster child is receiving Family Assistance or Safety Net at the time of placement, notify Temporary Assistance to allow for the modification of the ABEL budget. Also notify Temporary Assistance when, based on information in the case record, a family member of any foster child is found to be improperly receiving Temporary Assistance.

Section II. Title IV-E Eligibility

→ Enter the Court Petition Filed Date
→ Enter the Date of Removal from the Home

Explanation:
The court petition filed date is the date the court petition was filed leading to or directing the child's removal from his/her home. This date is also used to determine the month for which Aid to Families with Dependent Children (AFDC) eligibility (using July 1996 AFDC standards) must be established to meet initial Title IV-E eligibility.

The date of removal is the date of the child's removal from the home of the parent or specified relative. (See **Question 6**, **Explanation** section for definition of physical and constructive removal.)

Foster Child Must Meet All Requirements Below for Title IV-E Eligibility:
If any of the responses to Questions 1-8 are "NO," child is NOT Title IV-E eligible

1. Age

Was the child under the age of 18 on the date of the court order placing the child in the care and custody or the guardianship and custody of the LDSS/ACS or the date the Voluntary Placement Agreement was signed?

→ Check YES if the child is under age 18 years.
→ Check NO if the child is age 18 or older. Child is not Title IV-E eligible. ☞ Go to **Section IV** and indicate ineligible for Title IV-E and TANF-EAF.

Explanation:
Under NYS State law, a child must be under age 18 to enter foster care. Effective November 11, 2010, the enactment of Article 10-B of the Family Court Act allows for certain categories of youth who had been in foster care to re-enter foster care after age 18 as a new foster care episode.[3]

Acceptable Documentation:

- Non-services WMS screen reflecting the child's date of birth
- Birth certificate[4]
- Baptismal certificate
- Hospital Records
- U.S. Passport
- Naturalization certificate
- Court records
- School records
- Family Assessment and Service Plan (FASP)/Progress notes that substantiate one of the above certificates was seen by the caseworker—should include the child's name, date of birth, parents' names and type of certificate or certificate number, if available

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

2. Citizenship.

Is the child a citizen of the United States or a qualified immigrant as defined under the federal PRWORA documentation requirements for citizenship or legal immigration status?

→ Check YES if the child is a U.S. citizen or a qualified immigrant.
→ Check NO if the child is not a U.S. citizen or a qualified immigrant. Child is not Title IV-E eligible. ☞ Go to **Section IV** and indicate child is ineligible for any funding.

[3] See 11-OCFS-ADM-02 and the *Re-entry into Foster Care* section of this *Manual* for details regarding youth re-entering foster care.
[4] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

Explanation:
A recipient of Title IV-E must be a citizen of the United States or a qualified immigrant as defined by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). This citizenship or qualified immigrant requirement is identical to the TANF-EAF and Title XX Below 200% programs; an answer of "NO" results in ineligibility for any federal funding except for certain emergency services including child protective and emergency medical services.

Citizenship or immigration status of any child in foster care must be verified regardless of whether Title IV-E Foster Care payments are made on their behalf. (See Appendix B for list of United States Citizen and Immigration Services [USCIS] documents.)

Acceptable Documentation:[5]

U.S. Citizen	Qualified Immigrant
• Birth certificate[6] • U.S. Passport • Naturalization certificate	• WMS Case Composition screen showing child receives Family Assistance (FA), Medical Assistance (MA),[7] Home Energy Assistance Program (HEAP) or Supplemental Nutrition Assistance Program (SNAP) • Documents from the United States Citizen and Immigration Services (USCIS)

See Appendix B for the *Immigration Status List.*

Please note:

- You cannot rely on an individual's receipt of Safety Net Assistance as documentation of qualified immigrant status, as there are additional groups of immigrants who can qualify for Safety Net, which is a state program.
- All children who are in the care and custody or custody and guardianship of the Commissioner of LDSS/ACS or OCFS and are U.S. Citizens, nationals or meet satisfactory immigration standards are categorically eligible for Medicaid and do not require a separate determination for Medicaid (MA) (Title XIX).

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

---

[5] As of September 2014, court records are no longer acceptable documentation of citizenship. Court orders do not usually mention the citizenship/immigrant status of the child and are therefore, not acceptable proofs of this requirement. Please use documents listed above for this verification.

[6] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

[7] **Medicaid Exception:** State and local Medicaid eligibility for otherwise eligible immigrants is not dependent on whether the immigrant is a qualified immigrant or non-qualified immigrant or the date on which the immigrant entered the U.S. as outlined in PRWORA. State and local Medicaid coverage cannot be denied if an otherwise eligible immigrant is permanently residing in the U.S. under Color of Law (PRUCOL), or, is a lawfully admitted permanent resident. Also, federally funded Medicaid may be granted to otherwise eligible undocumented immigrants for emergency services only. Pregnant women are not required to document citizenship or immigration status in order to be eligible for Medicaid. These individuals can be identified on **upstate** WMS by category codes: **38** (Alien FP-Emergency Only); **37** (Alien FNP-Eligible MA-Does Not Meet PRWORA); and **76** (Legal Aliens-Eligible MA-Does Not Meet PRWORA). On **downstate** WMS, the individuals are identified by alien code **E** (Undocumented Aliens-Emergency MA Only) or state/federal charge codes: **60** (TANF Ineligible Alien) and **67** (Qualified Alien in the Five-Year Ban for Medicaid/PRUCOL).

3. Legal Authority.

a) Was the child removed from the home of a parent or other specified relative as a result of a court order under FCA Articles 3 (JD), 7 (PINS), 10 (abuse/ neglect) or 10-C (destitute child),[8] Social Services Law (SSL) 358-a (approval of a SSL 384 surrender), or SSL 384-b (deceased parents) and does the placement court order transfer care and custody or custody and guardianship to the Commissioner of the LDSS/ACS?

OR

b) Was a Voluntary Placement Agreement signed by a parent or legal guardian (not by a legal custodian)[9] and the LDSS/ACS District Representative pursuant to SSL 384-a that grants care and custody to the Commissioner of the LDSS/ACS?

→ Check YES in box "i" if the placement court order gives care and custody or custody and guardianship to the Commissioner of the LDSS/ACS or
→ Check YES in box "ii" if the Voluntary Placement Agreement is signed by the parent or legal guardian and the Local District Representative
→ Enter the date of the court order/the date the Voluntary Placement Agreement was signed on the designated line
→ Enter the Docket # on the designated line

AND

☞ *Check the basis for legal custody box that applies (check only one box) FCA Article 3, FCA Article 7, FCA Article 10, FCA Article 10-C, SSL 358-a, SSL 384-a or SSL 384-b, as appropriate.*

→ Check YES if either box i or box ii is checked proceed with question 4.
→ Check NO if none of the circumstances cited in items "a" or "b" apply to the child. Child is not Tile IV-E eligible. ☞ Go to Section III to determine eligibility for TANF-EAF

Explanation:

All foster care placements require that legal custody (care and custody or custody and guardianship) be awarded to the Commissioner of the LDSS/ACS/OCFS. Court documents (court order or court transcript) must indicate whether the child's legal custody (care and custody or custody and guardianship) is with the Commissioner of the LDSS/ACS. (If the Commissioner has not been awarded care and custody or custody and guardianship through a court order or a Voluntary Placement Agreement, return the case file to the Case Manager for follow up.)

Requirements, about court orders involving specific placements made by the court that affect eligibility for Title IV-E, are addressed in 01-OCFS-LCM-09. The LCM notes, in part, "Title IV-E requires, as a condition of eligibility, that a child's placement and care responsibility be vested either with the State agency, or another public agency with which the State has an agreement."

[8] See Article 10-C of the Family Court Act and 12-OCFS-ADM-08 for details regarding the destitute child.
[9] Legal guardians are appointed by court order and so designated. Persons awarded care and custody are not legal guardians.

Federal case plan regulations and related federal policy provide that Title IV-E reimbursement is not available when a court orders a placement with a specific foster care provider without consideration of the agency's recommendation regarding placement. This does not mean that the court must always concur with the agency's recommendation in order for the child to be eligible for Title IV-E foster care payments. As long as the court hears the relevant testimony and/or receives a written report and works with all parties, including the agency with placement and care responsibility, to make appropriate placement decisions, payments will not be disallowed. The federal prohibition also does not apply to situations where the court merely names the child's placement in the court order as an endorsement or approval of the agency's placement choice.

In response to the federal Adoption and Safe Families Act, the Office of Court Administration (OCA) amended the Uniform Rules of the Family Court, effective January 31, 2001. OCA court orders require that where the court order directs the placement of an adjudicated PINS or JD with a specific foster care provider, the order must also include language specifying that the court considered the Commissioner's position regarding the child's placement. (See link to 01-OCFS-LCM-09 in Appendix C for details).

For children whose care and custody have been placed voluntarily with LDSS/ACS, there must be a Voluntary Placement Agreement signed by the parent(s) or legally appointed guardian(s) and the social services district. If the child remains in foster care for more than 180 days, the court must determine within 180 days of the child's placement in foster care that continued placement is in the best interests of the child. Otherwise, Title IV-E eligibility ends at the 180th day.[10]

A Voluntary Placement Agreement signed by a person *other than* a parent or legal guardian of the child is not Title IV-E compliant, there by rendering the placement in-eligible for Title IV-E reimbursement.

Acceptable Documentation:
For court placed children:

- Only a court order (or court transcript) that places the child in the care and custody or the custody and guardianship of the Commissioner of the LDSS/ACS is acceptable documentation per 45 CFR 1356.21(d). In instances where the court order is missing or if the court order does not contain the acceptable Title IV-E language, the court transcript with this information is the only other acceptable form of documentation.

Please note the following:

- When determining the date of the court order use the hearing date located in the upper right hand corner of the court order, or if that is not so indicated, the date the order was signed by the judge.
- The federal Administration for Children and Families (ACF) prohibits the use of "*nunc pro tunc*" (meaning "now for then") court orders that change the substance of a prior judicial determination or constitute a judicial determination not previously made to support Title IV-E eligibility, (i.e., a court order that grants the Commissioner legal authority prior to the placement/hearing date).

[10] See Redetermination of Title IV-E Eligibility section for details.

For children who are voluntarily placed:

- Voluntary Placement Agreement signed by the parent(s) or legally appointed guardian(s)[11] and the authorized social services representative is valid for Title IV-E reimbursement purposes for the first 180 days.

- If the child is to remain in foster care for more than 180 days, a Voluntary Placement Agreement approved by a court order (SSL-358-a) issued prior to the 180th day indicating that continued placement of the child in the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS is in the best interests of the child.[12]

- If anyone other than the parent signs the Voluntary Placement Agreement, a court order (letters of guardianship) is required documenting that the person signing is the legal guardian. A person with only legal custody may not execute a Voluntary Placement Agreement.

New York law provides that court orders placing a child into foster care pursuant to Article 10 of the FCA (abuse/neglect) or Article 10-C (destitute child)[13] and court orders approving a Voluntary Placement Agreement must contain a date certain for the initial permanency hearing. This continues legal authority until a subsequent order is issued by the court under Article 10-A of the FCA.

Please note that for eligibility determination purposes only: If the social services district has a reliable process in place where the court orders and determinations in those orders are summarized on a separate document for the purpose of informing casework staff of court events, you may use the information in the summary to complete the *Initial Foster Child Eligibility Checklist* (**LDSS-4809**). This summary should be completed only by trained individuals who understand the contents of the court order have reviewed it and understand the requirements of Title IV-E eligibility. **In no event can the summary material be used to document Title IV-E eligibility for federal review purposes.**

If the response to this question ("**a**" or "**b**") is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

[11] Legal guardians are appointed by court order and so designated. Persons awarded care and custody are not legal guardians.
[12] See Redetermination of Title IV-E Eligibility section for details.
[13] See Article 10-C of the Family Court Act and 12-OCFS-ADM-08 for details regarding the destitute child.

4. **Contrary to the Welfare/Best Interests. (Applicable only for court ordered placements)** Does the initial court order sanctioning/directing removal of the child from the home of the child's parent or other specified relative explicitly stipulate in the court order that the court made a case specific finding that continuation in the home would be "contrary to the welfare" of the child or that removal was in the "best interests" of the child?

For purposes of this section, the initial order means either:

a) An order of detention issued pursuant to Article 3 or Article 7 of the FCA that removed the child from his/her home where the child thereafter is placed into the care and custody of the Commissioner of the LDSS/ACS;

OR

b) The court order that removed the child from a parent/guardian or other specified relative and that placed the child into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

Please note the "contrary to the welfare or best interests" requirement noted above does not apply to a child placed into foster care by a Voluntary Placement Agreement entered into pursuant to SSL 384-a.[14]

→ Check YES if the **initial** removal order explicitly indicates that the court made a case specific finding to the effect that continuation in the home would be contrary to the welfare of the child or that the removal was in the best interests of the child.

→ Check NO if none of the above legal circumstances apply to the child. Child is not Title IV-E eligible. ☞ Go to **Section III** to determine eligibility for TANF-EAF.

Explanation:
For children placed in foster care by court order under Article 3 (JD: Juvenile Delinquent), 7 (PINS: Person in Need of Supervision), 10 (abuse/neglect) or 10-C (destitute child)[15] of the FCA, or SSL 358-a (approval of voluntary surrender):

- There must be an explicit case-specific judicial determination in the **initial** removal order (which includes any detention or remand order issued by the court resulting in the child's removal) indicating that continuation in the home would be contrary to the welfare of the child or that removal is in the best interests of the child or that removal of the child is necessary to prevent imminent risk to the child. **This does not include risk to the community as a factor. The contrary to the welfare/best interests determination must expressly apply to the child and a court determination of protection of the community does not satisfy the Title IV-E best interests/contrary to the welfare eligibility requirement.**

[14] For a child placed in foster care by a Voluntary Placement Agreement pursuant to SSL 384-a, the court must review the child's placement pursuant to SSL 358-a and make a determination within 180 days of placement that continued placement is in the best interests of the child.
[15] See Article 10-C of the Family Court Act and 12-OCFS-ADM-08 for details regarding the destitute child.

- A copy of the detention order must be obtained to document the "contrary to the welfare/best interests" determination for children placed into detention prior to placement into foster care. The court documents must demonstrate the basis for the court's determination.

  ↳**Note:** Protection of the community is not an acceptable Title IV-E best interests determination. The best interests determination must apply to the child.

- For children removed from the home of a parent and placed in the *direct legal custody* of a relative prior to placement into foster care, it is the removal giving the LDSS/ACS custody (the **second** removal) that the court applies the "contrary to the welfare/best interests" determination and the home for which AFDC financial eligibility must be made (See **Acceptable Documentation** section below for details.)

  The ***second*** removal order should also be used to document the "contrary to the welfare/best interests" determination when a child is removed from his/her home and initially placed into the *direct legal custody* of a relative where the reason for the removal of the child from the relative is due, for example, to abuse or neglect of the child by the relative. In such a case, AFDC financial eligibility must be applied to the household of the relative. (See **Acceptable Documentation** section below for details.)

- A court order approving a placement under SSL 358-a made when a voluntary surrender agreement pursuant to SSL 384 is completed, can be considered a court-ordered placement for Title IV-E purposes. (Because a voluntary surrender for adoption agreement is not a voluntary placement agreement as defined by federal law, a surrender does not by itself constitute a basis for initial Title IV-E eligibility—a judicial determination of contrary to the welfare/best interests is still required.)

- The court order must show that the "contrary to the welfare/ best interests" determination was made on a case-specific basis. This may be met by reference in the court order to the documents or testimony upon which the court based its finding (i.e., the petition or testimony, etc.) or a brief statement of the facts upon which the court based its findings is also acceptable.

- Failure to secure such a determination renders the case ineligible for Title IV-E for the duration of the foster care episode.

<u>Coincide Rule</u>:

Once a court order is issued with a judicial determination that remaining in the home is contrary to the child's welfare, or that removal is in the best interests of the child, in order to qualify for Title IV-E, the LDSS/ACS must actually remove the child at that time and place the child in foster care. Section 472(a)(2) of the Social Security Act predicates a child's receipt of Title IV-E funds on the child's removal from home as a result of either a Voluntary Placement Agreement or a judicial determination that to remain at home is contrary to the child's welfare or that removal is in the best interests of the child.

The judicial determination that results in the child's removal must coincide with (occur at the same time as) the agency's action to physically or constructively remove the child unless the court order specifies an alternative time frame for removal as allowed for in the federal Departmental Appeals Board (DAB) decision #2017. (See the **Explanation** section under the *Living with a Specified Relative* requirement for definitions of "physical" and "constructive" removal.)

If a court makes a judicial determination that it is contrary to the child's welfare to remain at home or that removal is in the best interests of the child (without specifying an alternative time frame) and the child does in fact, remain at home and no removal occurs (absent a court order authorizing the child to remain at home), the requirement for removal is not met and the child is ineligible for Title IV-E for the duration of the foster care episode. If the child's safety is not at risk and a LDSS/ACS chooses to offer support services to the family in-home to prevent having to remove the child, it should do so. However, the LDSS/ACS cannot issue "blanket" removal orders in an attempt to guarantee Title IV-E eligibility in the event that the child has to be removed from the home at some point in the future.

Example➔ There have been situations where a hearing has been held but the child was not removed immediately because the LDSS/ACS needed time to find a foster care placement. These cases involved JD/PINS cases and there was no concern that the parents would harm the child. In such cases in order to satisfy the federal standards, there needs to be documentation (reflected in either a court order or court transcript) in the case record indicating that the court was aware of the need to delay the removal and it was approved by the court.

Acceptable Documentation:
In most cases, removal and placement will occur at the same time. For these cases:

- The **initial** court order sanctioning removal (the detention or remand or disposition order, whichever is first under Article 3 [JD], 7 [PINS], 10 [abuse/neglect] or 10-C [destitute child][16] of the FCA, or SSL 358-a [voluntary surrender only]) must contain a case-specific determination that:
  - Continuation in the home would be contrary to the welfare of the child **or**
  - Removal is in the best interests of the child **or**
  - Removal is necessary to prevent imminent risk.

In the instances below, removal and placement may occur at different times. Therefore for these situations, the following documentation is required to verify the "contrary to the welfare/best interests:"

- For children placed in detention prior to placement into foster care, a copy of the detention order that provided for the removal of the child from his/her home must be secured and reviewed to document the "contrary to the welfare/best interests" determination. The court documents must demonstrate the basis for the court's determination.

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

[16] See Article 10-C of the Family Court Act and 12-OCFS-ADM-08 for details regarding the destitute child.

5. Reasonable Efforts to Prevent Removal. For placements made by a court order, is there a case specific determination by the court expressly stipulated in the court order issued within 60 days from the date the child was removed from the home of the child's parent or other specified relative to the effect that "reasonable efforts" to prevent removal were made, including a finding, where appropriate, that no efforts were reasonable, or that reasonable efforts were not required due to statutorily specified circumstances?

For purposes of this section, removal includes either:

a) Where the child was removed from his/her home pursuant to an order of detention issued in accordance with Articles 3 or 7 of the FCA where the child is thereafter placed into the care and custody of the Commissioner of the LDSS/ACS;

OR

b) Where the child was removed from the home of his/her parent/guardian or from another specified relative of the child and the child was then placed into the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS.

→ Check YES if there is an appropriate court order dated within 60 days from the date the child was removed from the child's home and enter the date of the court order.

→ Check N/A (Not Applicable) if placement was by Voluntary Placement Agreement.

→ Check NO if there is not an appropriate court order dated within 60 days from the date the child was removed from his/her home with a determination as noted above. Child is not eligible for Title IV-E. ☞ Go to **Section III** to determine eligibility for TANF-EAF.

Explanation:

For children placed in foster care by a court order, the court must make an explicit case-specific judicial determination within 60 days of removal from the child's home to the effect that reasonable efforts were made to prevent removal, including that no efforts were reasonable, or that due to statutorily specified circumstances, reasonable efforts are not required. Failure to secure such a determination within the appropriate time frame renders the case ineligible for Title IV-E for the duration of the foster care episode.

Although such a finding need not be in the initial court order sanctioning removal, it **must** be reflected in a court determination made within 60 days of removal.

Acceptable Documentation:

- A court order which contains a brief statement of the facts upon which the court based its "**reasonable efforts were made to prevent removal**" finding is acceptable. Also acceptable is where the court makes a reasonable efforts finding and cross-references documentation, such as a petition or report, or testimony upon which the court based its finding.

- It is also acceptable, as part of a finding that reasonable efforts were made to prevent removal, for the court to find that "**no efforts were reasonable**." A finding that no efforts are reasonable is not the same as a finding that there are statutory circumstances whereby reasonable efforts are not required. It is important that the court order clearly reflects this distinction and contain a case specific determination of why in the particular case no efforts were reasonable. Such a finding may arise, for example, because of the imminent danger to the child. In such a case, no efforts to prevent removal are reasonable. This is not the same as a finding that reasonable efforts are not required and it is important that the two are clearly distinguished in the court order.

- Also acceptable for Title IV-E purposes is where the court makes a finding that "**reasonable efforts were not required**." Because such a finding may only be made in certain limited situations, the court order must reference the basis for the court's finding which may only include:

  - Aggravated circumstances, as defined in section 1012(j) of the FCA (i.e., a child has been severely or repeatedly abused or a child has been found to have been abused within five years after being returned home from a foster care placement due to a neglect finding; an infant five days old or less has been abandoned or the parent(s) have stated under oath that they will not engage in services necessary to eliminate the risk of abuse or neglect and there are no barriers to engagement in services)[17]
  - Previous Termination of Parental Rights (TPR)
  - Conviction for certain categories of felonies (See section 1039-b of the FCA)

- If the first court finding is "**no reasonable efforts were made to prevent removal**," and it is within 60 days of removal, determine why this finding was made. Make sure it was not confused with:

  - A finding that reasonable efforts were not required **or**
  - A finding that no efforts are reasonable.

  If it is curable, go back to the court and obtain the appropriate finding of reasonable efforts within 60 days of the removal of the child from his/her home, as explained above.

Please Note: a court order indicating that reasonable efforts were not made (even if it cross references documentation or contains a narrative on the basis of the court's finding) does not meet the reasonable efforts requirement.

If the response to this question is YES, enter what documentation the court specified was used to make its reasonable efforts determination on the designated line and the date of the order addressing the reasonable efforts. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

[17] See section 1012j of the Family Court Act for additional examples of aggravated circumstances.

6. Living with a Specified Relative. Was the child living in the home of a parent/specified relative in the month or in any of the six months before the month (the defined period), that the court petition was filed or the Voluntary Placement Agreement was signed?

→ Check YES if the child lived in the home of a specified relative at any time during the defined time period.

→ Enter the name of the relative with whom the child was living at removal and the relationship of that relative to the child on the designated line.

→ Check the "Time condition met" box if the time condition is met but the specified relative and the relative foster parent are the same person or the physical removal and the legal removal are not from the same person. Child is not Title IV-E eligible. ☞ Go to **Section III, TANF-EAF Eligibility.**

→ Check NO if the child was not living in the home of a specified relative during the defined period. Child is not Title IV-E eligible. ☞ Go to **Section IV** and indicate ineligible for Title IV-E and TANF-EAF.

Explanation:
The child must have been living with and removed from the home of a parent or specified relative (i.e., relative by blood, marriage or adoption within the fifth degree;[18] for example, the child's father, mother, brother, sister, grandfather, great-grandfather, great-great-grandfather, grandmother, great-grandmother, great-great-grandmother, uncle, great uncle, great-great uncle, aunt, great aunt, great-great aunt, of whole or half-blood; the child's first cousin, nephew, and niece, of whole or half-blood; the child's stepfather, stepmother, stepbrother, stepsister, but no other step relative) in the month of removal, or in any of the six months before the month that the court petition or order to show cause, seeking the child's removal from the home was filed or the Voluntary Placement Agreement was signed. "Godparent" is not a relationship for purposes of Title IV-E eligibility if the godparent has no other relationship with the child as detailed above. This is considered a "fictive" relationship and therefore not acceptable for Title IV-E eligibility purposes. See Appendix B: *Determining a Specified Relative*.

Removal Circumstances
The removal home is considered by the federal Administration for Children and Families (ACF) to be the home of the parent or the specified relative with whom the child lived at the time of the removal.[19] *See "Coincide Rule"* under the heading, *"Contrary to Welfare/Best Interests"* section above.

The defined period for this requirement is "in the month or in any of the six months before the month that the court petition or order to show cause, seeking the child's removal from the home was filed or the Voluntary Placement Agreement was signed."

[18] See Appendix B for additional information and examples to assist in determining a specified relative.
[19] See 45 CFR 1356.21(i) for details.

- **Physical Removal**
  If at the time of removal, a child is living with the parent or other specified relative and the child is being physically removed from this home, this is the home to which the court applies the contrary to the welfare/best interests judicial determination and the home in which financial eligibility for AFDC must be potentially met. Historically, this was the only type of removal allowed for Title IV-E eligibility purposes.

- **Constructive Removal**
  Constructive removal is where there is no physical removal; instead, there is a legal transfer (by court order or Voluntary Placement Agreement) of care and custody to the LDSS/ACS Commissioner. Constructive removal usually applies when a child remains with a relative who does not have legal custody and now becomes the foster parent. The child is not physically removed from the relative and legal custody is constructively removed from the parent who had legal custody prior to the removal. To be eligible for Title IV-E funding, a child must, among other things, be removed from the home of a relative as the result of a voluntary placement agreement or a judicial determination that continuation in the home would be contrary to the child's welfare. The statute allows a six-month period of time during which the child can live with an interim caretaker, relative or non-relative, and still be eligible for Title IV-E. See Appendix B: *Removals that Meet the Living with a Specified Relative Requirement*, the *Examples* under, *Constructive Removal* and *Example 1 under the heading, Removals that Do Not Meet the Living with a Specified Relative Requirement*.

Acceptable Documentation:

- Non-services WMS Clearance printout showing case composition and that the child was an active member in that case at the time of removal (upstate only).
- Court petition indicating that the child had been living with a specified relative in the month of removal or in any of the six months before the month that the court petition or order to show cause, seeking the child's removal from the home was filed, or the date the Voluntary Placement Agreement was signed.
- FASP/Progress notes indicate the child had been living with a specified relative in the month of removal or in any of the six months before the month that the court petition or order to show cause, seeking the child's removal from the home was filed, or the date the Voluntary Placement Agreement was signed.
- FASP/Progress notes indicate the child had been living with a specified relative who is the representative payee for the child's case in the month of removal or in any of the six months before the month that the court petition or order to show cause, seeking the child's removal from the home was filed, or the date the Voluntary Placement Agreement was signed.

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

7. Parental Deprivation. Was there parental deprivation for one or more of the following reasons? *Be sure to check all the reasons that apply.*
Note- For purpose of meeting IV-E Requirement you only need to meet one of the following Parental Deprivations reason below.

- Absence from the home
- Incapacity of parent (physical or mental)
- Unemployment/Underemployment
- Death of a parent

→ Check YES if during the month of removal, the child was deprived of parental support and care for one or more of the above reasons.

→ Check NO if during the month of removal, the child was not deprived of parental support and care for one or more of the above reasons. Child is not Title IV-E eligible.
☞ Go to **Section III** to determine eligibility for TANF-EAF.

Parental deprivation is part of the AFDC eligibility process for initial Title IV-E eligibility and is always made in relation to the child's parent (natural parent or adoptive parent) for AFDC purposes. Under no circumstances does the title IV-E agency look to the legal guardian to determine deprivation. (45 CFR 233.90(c)(1)(i)

Explanation:
During the month of removal (using the date of the court petition leading to the child's removal from the home or the date the Voluntary Placement Agreement is signed by all parties), the child must be deprived of parental support or care because of one or more of the following reasons:

- There was an absent parent from the home of removal at the time of removal;
- At least one of the parents had a physical or mental incapacity at the time of removal;
  The parent (principal wage earner) is unemployed or underemployed at time of removal (the State Plan for Title IV-E defines the unemployed/underemployed parent deprivation requirement as having been met in cases where the income of the parent(s) is below the eligibility level for Medical Assistance. Any two parent household, which meets the medically needy income and resource provisions and which has identified one of the two parents as the principal wage earner, can be categorically eligible for AFDC-U.[20] By definition, the income threshold for Temporary Assistance (AFDC) is below the Medical Assistance level);
- One or both parents are deceased at time of removal.

Each reason selected must be documented as indicated below.

[20] AFDC-U: Aid to Families with Dependent Children-Unemployed/Underemployed

Acceptable Documentation:
All removals are evaluated based on the home the child was removed from and that the court applied the contrary to the welfare/best interest determination. In the month of removal, the child must be deprived of parental care and support due to one or more of the following reasons:

Absence of parent from the home

- Referral to the Child Support Enforcement Unit indicating that at least one of the parents is absent from the removal home at the time of removal
- Court petition indicates at least one of the parents was absent from the removal home
- Official/court documentation verifying a legal separation or imprisonment
- FASP/Progress notes/Application for Services indicates that at least one parent is absent from the removal home at the time of removal

Incapacity of parent (physical or mental)

- State Data Exchange (SDX) screen prints indicating that at least one parent is in receipt of SSI
- Internal Aged/Disabled (A/D) unit information verifies that at least one parent is incapacitated
- Medical, mental health, treatment report containing diagnosis and relationship of diagnosis to limited parental functioning or ability to earn income for at least one parent
- Award letter verifying receipt of some form of disability income such as Supplemental Security Income (SSI), Social Security Disability (SSD), Workers' Compensation (WC), New York State Disability (NYSD) or Veterans' Benefits (VB) for one of the parents
- FASP/Progress notes indicating the caseworker observed an obvious physical handicap for at least one parent at time of removal

Unemployed/Underemployed parent

- Non-services WMS screen indicating that the family is in receipt of Temporary Assistance (TA) (Family Assistance [FA] or Safety Net [SN]) during the month of removal
- Resource File Integration (RFI)/CINTRAK report
- Award letter from the Department of Labor indicating receipt of Unemployment Insurance Benefits (UIB) or copy of the UIB check
- Wage stub or other proof of income indicating that the income of the parent is below the medically needy level
- Probation report or pre-sentencing report
- FASP/Progress notes documenting consistent information regarding the unemployment or underemployment of the parent(s)

Death of a parent

- Death certificate
- Award letter indicating receipt of Survivors' Benefits or copy of Survivors' Benefit check
- Other legal document indicating parent is deceased such as court petitions or a court order
- Legal documentation indicating there is a court appointed guardian or a legal custodian due to death of the parent(s)
- FASP/Progress notes that substantiate a death certificate was seen by the caseworker

Documentation must be submitted for each reason selected.

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

8. AFDC Financial Eligibility. Would the child have been financially eligible for AFDC in accordance with program rules in effect on 7/16/96, based on the family's income and resources in the month that the Voluntary Placement Agreement was signed or the court petition was filed leading to the removal of the child?

Please note that a WMS Automated Budget Eligibility Logic (ABEL)[21] must be completed for all case.

→ Check YES if financial eligibility for AFDC as described above is met and documented.

→ Check NO if income is unknown or financial eligibility for AFDC as described above is not documented or if the calculation discloses a surplus. Child is not Title IV-E eligible. ☞ Go to **Section III** to determine eligibility for TANF-EAF.

Explanation:
The determination, as to whether the child would have been financially eligible for AFDC based on the program rules in effect on July 16, 1996 (commonly referred to as the "Look Back Date)," is made using the family's income and resources in the month of removal. (The month of removal is the month that the Voluntary Placement Agreement was signed or initiation of court proceedings [a court petition was filed or a court order was issued, whichever is earlier] leading to the removal of the child). The child must be potentially eligible for AFDC in the home to which the court applied the "contrary to the welfare/best interests" and reasonable efforts to prevent removal judicial determinations, which is also the home from which the child was physically or constructively removed. (See the **Explanation** section under the *Living with a Specified Relative* requirement for definition of "physical" and "constructive" removal.) A WMS Automated Budget Eligibility Logic (ABEL)[22] **must** be completed for all cases to determine whether there is an income deficit or not.

Any income should be noted in the FASP/Progress Notes.

[21] Please see the *WMS ABEL (Scratchpad) Budgeting Guide* in Appendix B for detailed instructions on completing a scratchpad budget
[22] Ibid.

Whose income is counted?

Always count the income of the child's:	Do **not** count the income of the child's:
• Mother • Father • Step-parent • Adoptive parent	• Alleged or putative father • Grandparent, great grandparent • Aunt or uncle • Legal custodian or guardian • Cousin or other family member • Unrelated household member • Earned income of sibling[23]

What income is counted?

Countable Income	Income that is **not** counted
• Wages/salary • Tips from work • Self-employment income • Child support payments received • Alimony received • Interest payments • Any other recurring income, e.g., death or disability benefit due to a deceased or disabled parent	• Temporary Assistance (Family Assistance & Safety Net (TANF)) • Supplemental Nutrition Assistance Program • Earned income of a minor child who is a full time student • Supplemental Security Income (SSI) • Adoption subsidy/foster boarding home payments

The family's resources may include but is not limited to bank accounts, cars, or stocks (see above for other categories) and may not exceed $10,000. All financial resources should be documented in the FASP/Progress Notes.

Any household members receiving SSI benefits are not counted as a member of the AFDC group unless the household member is the child under the placement and care responsibility of the agency. Additionally, the SSI benefits and any other income or assets of the SSI recipient are not counted in determining financial need.

When assessing the benefits of Title IV-E eligibility for children in receipt of SSI at the time of placement, keep in mind that the effect on foster care funding differs between the two programs. Although concurrent receipt of SSI and Title IV-E is allowed, the SSI benefit would be reduced dollar for dollar by the amount of the Title IV-E payment. Title IV-E provides 50%[24] federal reimbursement for all costs for room and board, allowable administrative expenses and clothing.

The SSI benefit is a fixed amount. Therefore, social services districts should consider the overall Title IV-E reimbursement benefit as contrasted to the SSI income that can be used to offset room and board costs. Generally, whenever a child is placed in a group foster care program, Title IV-E will provide the greater funding as compared to SSI.

[23]Earned income of siblings is not counted in the Title IV-E budget calculation. If the sibling is under age 18 years, they are counted in the household count and if the sibling is age 18 and older, then the sibling is not counted for Title IV-E eligibility purposes.
[24] Subject to federal change.

See Appendix B for a chart of current SSI Levels Chart.

Acceptable Documentation:
The source of the parents, step-parents or adoptive parents' income at removal will determine the required documentation. All financial resources (or lack of) should be documented in the FASP/Progress Notes, in addition to any of the acceptable documentation listed below:

Unearned Income	

Temporary Assistance (TA)/Supplemental Nutrition Assistance Program (SNAP)/ Supplemental Security Income (SSI)/ Social Security Disability (SSD)	• Copy of the WMS clearance (and budget summary) indicating the family was in receipt of TA (TANF), SNAP or SSI on the month the:
	  ○ Voluntary Placement Agreement was signed or
	  ○ Court proceedings leading to the removal of the child were initiated
	• State Data Exchange (SDX) screen print indicating receipt of SSI
	• Current award letter from the Social Security Administration (SSA) indicating amount of SSI or SSD or copy of the SSI/SSD check

Child Support/Alimony	• Document from the Office of Child Support Enforcement indicating payments/receipt of child support • Statement from Family Court indicating amount of alimony/child support received • Statement from person paying support/alimony • Cancelled support/alimony check
Unemployment Insurance Benefits (UIB)	• Resource Integrated File (RFI/CINTRAK) Report • WMS report indicating receipt of UIB • Department of Labor (DOL) screen with UIB information / work history • Current award letter from the Department of Labor indicating amount and recipient of UIB • Current UIB benefit check • Official correspondence from the DOL
Veterans (VA) Benefits	• Current award letter from the Veterans Administration indicating amount and recipient of VA benefits • Current Veterans Benefit check • Official correspondence from the Veterans Administration
Interest Payments	• Bank statements
Earned Income[25]	
Wages/salary/tips from work	• RFI/CINTRAK Report • Current wage stub • Pay envelopes • Employer letter/contact with employer • Letter from VA indicating receipt of Servicemen's Allotment if parent is on active military duty
Self-employment	• Business records

[25] Please note that a letter signed by a parent attesting to not having any income or providing an income amount without one of the above indicated proofs is **unacceptable** verification of income.

- Tax records

The documented countable income from one or more of the sources indicated above applied to a scratchpad WMS Automated Budget Eligibility Logic (ABEL)[26] with a "Look Back Date" of July 16, 1996 is what will verify AFDC eligibility. Please note that all cases **must** have a WMS ABEL completed to determine whether there is an income deficit or not. See Appendix B for the *WMS ABEL (Scratchpad) Budgeting Guide* for details on preparing a scratchpad WMS budget.

- The scratchpad WMS ABEL uses the July 1996 look back date to tally the household needs against the household income and calculates the deficit or surplus.
- This scratchpad budget must be printed and retained with a printed copy of the family's proof of income as part of the Title IV-E case record that is maintained for eligibility purposes.

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

For questions regarding Title IV-E foster care eligibility, send an email to a Title IV-E expert at: Title.IVE@ocfs.state.ny.us

[26] Please see the *WMS ABEL (Scratchpad) Budgeting Guide* in Appendix B for detailed instructions on completing a scratchpad budget.

9. Child Eligibility.

→ Check YES if all the answers to questions 1 through 8 are YES. Child is Title IV-E eligible. ☞ Go to **Section III** to determine if the child is also eligibility for TANF-EAF.

→ Check NO if any of the responses to questions 1 through 8 are NO. Child is not eligible for Title IV-E. ☞ Go to **Section III** to determine eligibility for TANF-EAF.

Title IV-E Foster Care Eligibility Decision

If a child meets all eight of the above listed eligibility requirements and each is appropriately documented and a copy of the documentation is included in the child's eligibility folder, the case is eligible for Title IV-E Foster Care. (See instructions for **Section IV**. **Eligibility Summary & signatures/Supervisor's Review** in the following pages for details.)

Please note that the home in which the child is placed must be fully certified or approved or the facility licensed prior to making any Title IV-E claims. Copies of the following are to be filed in the child's eligibility folder:

- Foster parent letter of approval or certification; and
- Statewide Central Register (SCR) data base check results; and
- Criminal History Record Summary; and
- Staff Exclusion List (SEL) results.[27]

If the LDSS/ACS is working with a voluntary agency that has care and custody of the child and that agency is responsible for certifying the home, the LDSS/ACS must establish a procedure whereby the voluntary agency submits the appropriate documentation that verifies they completed all of the required safety checks prior to claiming Title IV-E for the placement of the child in such a home. If the required documentation is not submitted, Title IV-E must not be claimed. (See the *Foster Home Certification/Approval* section of this Manual for details and also for information regarding *Out-of-State Placements*.)

Proceed to authorize the Title IV-E Foster Care on the Welfare Management System (WMS) and make appropriate entries in the associated child welfare systems to open the case, track case activities, authorize payment and check that appropriate program and administrative costs are reimbursed by the federal government. (These associated systems include CONNECTIONS, the Welfare Management System (WMS), and the Benefit Issuance and Control System (BICS).) Continue to review the case for TANF-EAF whether the child is Title IV-E eligible or not. (See Chapter 2, TANF-EAF Eligibility for details.)

[27] See 13-OCFS-ADM-09 and Appendix B, the *Staff Exclusion List (SEL) Information* section of this Manual for details regarding the Justice Center Staff Exclusion List (SEL) Clearance Requirements.

Missing Documentation

If a child does not have all the appropriate documentation to verify all of the eight Title IV-E requirements when initially placed, Title IV-E eligibility should not be ruled out. In these instances, where Title IV-E eligibility remains under review because the required documentation is forthcoming, the case may be opened as a pending Title IV-E case which equates to FNP (federally non-participating).

Instructions for Pending Title IV-E

If the case cannot be fully documented for Title IV-E at the time of placement and the Title IV-E eligibility remains under review (case is missing documentation that is forthcoming), prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code **01**
- Enter direct services code **08**
- Submit for data entry
- A new *Services Authorization* form (**LDSS-2970**) will be generated

Eligibility for Title IV-E may be established if and when it can be fully documented and retroactive entry in WMS should be made to reflect the changes in category as appropriate. It should be noted that retroactive claiming may only go back for a period of two years.

Retroactive Claiming

Once the missing documentation to fully verify Title IV-E eligibility is submitted or if a case is being corrected because it was mistakenly found ineligible for Title IV-E:

- Make a retroactive entry to change the FNP category to Title IV-E (eligibility code **02** – see below for details)
- Explain in the progress notes the change in category and/or if the case was previously coded incorrectly
- Be sure to identify the documentation obtained that now verifies Title IV-E eligibility R
- Remember a retroactive entry in WMS can be made for up to two years

Please Note: Title IV-E cannot be claimed until the first day of the month in which all Title IV-E eligibility criteria are met.

If the case cannot be fully documented for Title IV-E eligibility at the time of placement and the missing documentation is not forthcoming, the case is ineligible for Title IV-E. Continue to review the case for TANF-EAF. (See Chapter 2, TANF-EAF Eligibility for details.)

Medical Assistance Eligibility Decision

A child determined eligible for Title IV-E Foster Care is automatically/categorically eligible for Medical Assistance (MA). To provide Medical Assistance, enter all appropriate codes on WMS so that a non-services Medicaid case is opened for the child.[28]

[28] Medical Assistance also extends to non-Title IV-E eligible foster children as long as they are U.S. citizens or meet satisfactory immigration status.

Section III. TANF-EAF Eligibility

See Chapter 2, TANF-EAF Eligibility for instructions on completing this section.

Section IV. Eligibility Summary & Signatures/Supervisor's Review WMS Instructions

→ Check the first box in this section if the child is only eligible for Title IV-E and not eligible for TANF-EAF.

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code **02**
- Enter direct services code **08**
- Select option "Y" in the 12 MONTH AUTH REQUESTED field to generate a 12 month authorization period (AUTH PERIOD FROM DATE plus 12 months) regardless of the Direct Services being authorized
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the second box in this section if the child is only eligible for TANF-EAF. (See Chapter 2, TANF-EAF Eligibility for details).

→ Check the third box in this section if the child is eligible for both Title IV-E and TANF-EAF (dual eligibility).

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code **02**
- Enter direct services code **08** (foster care) – associated with foster care maintenance authorization (purchase of services codes **61**, **62**, **63**) under Title IV-E
- Enter direct services code **08E** (foster care-EAF) – associated with foster direct services that can only be claimed under TANF-EAF (e.g., tuition, counseling, etc.) –add "**E**" suffix to POS lines as needed
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the fourth box in this section if the child is not eligible for Title IV-E or TANF-EAF but is eligible for other state (Foster Care Block Grant) funding.

Prepare the *Services Authorization* form (**LDSS-2970**) and enter one of the following codes, as appropriate:

- **06** – SSI Blind
- **07** – SSI Disabled
- **08** – MA
- **14** – IE (eligibility to be determined by income—non-categorical)
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the fifth box in this section if the child is not eligible for any funding because the child is not a U.S. citizen or a qualified immigrant (costs for the case are not reimbursable **except** for child protective services, emergency medical services, residential domestic violence services and non-residential adult protective services). See Appendix B for definition of qualified immigrant as it pertains to Title IV-E in ***ACYF-CB-PIQ-99-01: Qualified Aliens***.

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code **14**
- Enter direct services code **08**
- Add the "**N**" suffix (for non-reimbursable) to direct services and POS lines (except for the emergency services noted.)
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Sign and date the form in the designated area
→ Obtain the Supervisor's signature and date

Proceed to review the case for TANF-EAF.

For detailed WMS instructions regarding processing the Services case, contact the Human Services-Information Technology Services Enterprise Service Desk (HS-ITS Enterprise Service Desk) at:

Fixit@its.ny.gov (listed in the Office 365 Global Address List as: ITS.SM.ESD.HS-ITS) or call the Service Desk at: (518) 408-6487 or (800) 697-1323.

Please DO NOT contact ITS employees directly.

Foster Home Certification/Approval

In addition to the child's Title IV-E eligibility, the foster home in which the child is placed in New York State must be fully certified, approved or licensed according to New York State regulations. Title IV-E may only be claimed if the child is placed in one of these fully certified or fully approved homes. Certifications or approvals of foster homes must be entered in CONNECTIONS in FAD (Foster and Adoptive Home Development). If a child is placed out-of-state, the foster home in which the child is placed must be fully certified, approved or licensed in accordance with the laws of the state where the foster care home is located.
In order to be eligible for Title IV-E reimbursement the same rules apply should a child be placed in a foster home for respite care, even if the placement is temporary or less than a day.

- Assistance-related expenses, such as clothing for Title IV-E eligible children residing in settings other than Title IV-E eligible foster homes are not eligible for Title IV-E reimbursement. TANF-EAF reimbursement may be available if the case has been determined eligible for that program.

- Title IV-E reimbursement cannot be claimed for Respite Care if Title IV-E reimbursement is concurrently being claimed for ongoing maintenance costs.

- A foster home certified or approved on an emergency basis is **not** a fully certified or fully approved foster home and therefore, not eligible for Title IV-E until it is fully certified or fully approved. Title IV-E may only be claimed for an otherwise eligible foster child beginning with the month the home was fully certified.

- If the foster home is waiting for certification, approval or licensing, the case can be pending Title IV-E. (See the *Title IV-E Eligibility Decision: WMS Instructions for Pending Title IV-E* section.)

- Once the home is fully certified or fully approved, the case may be claimed as Title IV-E back to the date of full certification or approval. Please check that for the period claimed as Title IV-E (for all certified or approved homes, including those certified or approved by voluntary agencies), the child's eligibility case file must contain a copy of the following:

    - CONNECTIONS Certificate to Board Children or Approval Letter indicating that the foster care facility has been fully certified or fully approved for the duration of the child's foster care placement.
    - The Criminal History Record Summary for all household members age 18 and over (fingerprinting) results letter and safety assessment where there was a result *other than* "no record." To claim Title IV-E reimbursement, the safety assessment must document that the foster care provider meets the established safety standards.
    - The Statewide Central Register (SCR) data base check results.[29]

[29] Mandatory disqualifiers include, foster parents (actual or prospective) convicted at any time of a felony involving child abuse/neglect, spousal abuse, a crime against a child, including child pornography or a crime involving violence (i.e., rape, sexual assault or homicide, other than a crime involving a physical

- The Staff Exclusion List (SEL) clearance results.[30]
  If the results of the criminal history record check and/or the SCR data base check is that the applicant or a household member has a criminal history or an indicated SCR report(s), the child's eligibility case file must contain a copy of the following:

  - Documentation in the CONNECTIONS Foster and Adoptive Home Development (FAD) record is required;
  - A safety assessment must be documented for criminal history records;
  - The appropriate field(s) in MED/CHRC and SCR Comments on the Household Member Detail tab **must be** completed that explains why the foster parent was appropriate for certification or approval despite the existence of these records for both a criminal history record and an indicated SCR report(s).

Certification/Approval by Voluntary Agencies

If the LDSS/ACS that has care and custody, or custody and guardianship of the child contracts with a voluntary agency, the LDSS/ACS must work with the voluntary agency to establish a procedure whereby the voluntary agency submits the appropriate documentation that verifies they completed all of the required SCR data base checks, criminal history checks and SEL checks (as indicated above) prior to claiming Title IV-E for the placement of the child in such a home. This includes the results of the SCR data base and criminal history checks and the SEL clearance.

In instances where the required documentation is not submitted, the Title IV-E funding must **not** be claimed.

Certification/Approval by OCFS

In instances where the child is in the care and custody of the New York State Office of Children and Family Services (OCFS), OCFS will provide to the LDSS/ACS the licensing, certification or approval documentation cited above.

Certification/Approval by Division of Juvenile Justice and Opportunities for Youth (DJJOY)

In instances where the child is placed in a juvenile justice facility, DJJOY will provide to the LDSS/ACS the licensing, certification or approval documentation cited above.

Certification/Approval: Out-of-State Placements

In instances where a child is placed out-of-state, the foster home in which the child is placed must be fully certified, approved or licensed in accordance with the laws of the state where the foster care home is located. The foster care home in that state must be fully certified or fully approved for the period in which the Title IV-E is claimed.

The NYS OCFS Interstate Compact on the Placement of Children (ICPC) Administrator reviews all in-coming ICPC packets to verify that they include the appropriate home certification or home approval documentation issued by the licensing authority in the state where the foster care

---

assault or battery). Foster parents (actual or prospective) convicted within five years of a felony for physical assault, battery or a drug-related offense.

[30] See 13-OCFS-ADM-09 and Appendix B, the *Staff Exclusion List (SEL) Information* section of this Manual for details regarding the Justice Center Staff Exclusion List (SEL) Clearance Requirements.

home is located. The ICPS packet will not contain the specific results letters, but will verify that the background checks were completed in accordance to their state laws. The NYS OCFS ICPC Administrator then forwards the packet along with the home certification documentation to the local district placing the child. **Unless and until such documentation is received, the local district may not claim Title IV-E for the placement.**

It is important to note that the local district must regularly review these out-of-state placements and when necessary, obtain the home certification or approval updates from the licensing entity in the other state to eliminate any licensing gaps. The local district placing the child in the other state and not the OCFS ICPC office is responsible for the verification and collection of foster home re-certifications.

For further details regarding out-of-state placements, please refer to 08-OCFS-INF-04: *Out of State Foster Care Homes Documentation of Licensure for Title IV-E Foster Care Eligibility*

Notes:

- The foster home's status as non-Title IV-E eligible does not affect the Title IV-E eligibility of the child. However, during the period s/he is placed in an ineligible foster home, Title IV-E reimbursement may **not** be claimed.
- Required placement/movement and legal activities must be recorded in CONNECTIONS Activity to support the Automated Claiming System. See the CONNECTIONS User Guide for detailed instructions regarding CCRS entries.[31]
- Congregate care facilities, including agency operated boarding homes, group homes and non-public institutions, as well as, facilities, operated by a public agency with a capacity of no more than 25 beds, must be licensed in order for Title IV-E to be claimed.

[31] Go to http://ocfs.state.nyenet/it/GeneralResources/CCRSDefault.asp for additional documents with information regarding CCRS coding.

Re-entry into Foster Care

(Youth Age 18 and Over)

Program/Funding Implications:

Section 1091 of the Family Court Act, as added by Chapter 342 of the Laws of 2010, permits a former foster youth who exited foster care on a final discharge status at age 18, 19 or 20 to re-enter foster care under certain circumstances, provided the youth is under the age of 21.[32] The law gives youth aging out of foster care the opportunity to re-enter foster care when no reasonable alternative exists and the youth has had a final discharge from care due to:

- A failure to consent to a continuation of placement: or
- Discharge at age 18 or older to permanency (returned home, went to a relative's care, custody or guardianship, or was adopted) and that permanency arrangement has been disrupted or dissolved.

Section 1091 of the Family Court Act includes all categories of foster children including but not limited to youth whose prior episode of care was initiated through a juvenile delinquency (JD) or person in need of supervision (PINS) proceeding under Article 3 or 7 of the Family Court Act, respectively, if such youth are otherwise eligible under section 1091 of the Family Court Act. All provisions of section 1091 of the Family Court Act accordingly would apply to such youth who re-enter care, including the notice required when the youth leaves care due to failing to consent to a continuation of placement or being discharged to permanency.

The LDSS/ACS is required to provide notice to a youth who is aging out of foster care of his/her right to request that the LDSS/ACS petition the Family Court to return him/her to foster care, provided s/he is under age 21. In addition, the notice must inform the youth that s/he also may petition the court to return to foster care. The LDSS/ACS or youth petitioning the court must prove, among other things, that no reasonable alternative to foster care exists.

Title IV-E reimbursement will be available for youth re-entering foster care after attaining the age of 18 if they meet the criteria on the *Re-entry into Foster Care for Youth Age 18 and Over Eligibility Checklist* (**LDSS-4415**).

Notification Requirement

The LDSS/ACS is required to tell the youth and provide written notification to all youth who are aging out of foster care due to a failure to consent to a continuation of placement or discharge to permanency of their right to apply to re-enter foster care. The notice must inform the youth that s/he also may petition the court to return to foster care. In addition, the notice must:

- Advise the youth that the application to return to foster care must be done within 24 months of the youth's first final discharge, provided the youth is under age 21;

[32] See 11-OCFS-ADM-02 for details.

- Inform the youth that re-entry into foster will only be available where the youth has no reasonable alternative to foster care and consents to enrollment in and attendance at an appropriate educational or vocational program, unless evidence is submitted that such enrollment or attendance is unnecessary or inappropriate, given the particular circumstances of the child; and
- Include the name and contact information of the youth's attorney.

In addition to the above, the LDSS/ACS must document the date the notice was provided in the youth's Transition Plan,[33] or in the event of an unplanned discharge, in the case record. The LDSS/ACS must make every effort to provide notice to the youth in person. If this is not possible, the notice must be sent to the youth's discharge address.

Required Preventive Services

The eligibility for preventive services of a youth requesting to re-enter care is the same as any other foster care youth under SSL section 409-a. The LDSS/ACS must provide preventive services to any youth requesting to re-enter foster care when providing the preventive services may avoid the youth returning to care. If a lack of adequate housing, for example, is a factor that will cause the re-entry of a youth into foster care, preventive services could include special cash grants in the form of rent subsidies, including rent arrears, or any other assistance, sufficient to obtain adequate housing. Chafee Independent Living Program funds are another option that can be used for making room and board payments.

The LDSS/ACS' efforts must be sufficient to obtain a reasonable efforts court determination if the child should subsequently enter foster care. Such determination is necessary to claim and be reimbursed under Title IV-E.

Former foster care youth are only eligible to return to foster care if the motion to the court is filed within 24 months of the date of the first final discharge. Preventive service providers should evaluate youth before they reach the 24-month mark to determine if preventive services are meeting the needs of the youth or if it is in the best interest of the child to petition the court to return the child to foster care.

Documenting Court Proceedings

The LDSS/ACS, or a former foster care youth, may make a motion to the Family Court for the youth to re-enter foster care. The court motion must be filed within 24 months from the date of the first final discharge that occurred on or after the youth's 18th birthday providing the youth is under age 21. If the LDSS/ACS refuses to file a motion to return a youth to foster care, the youth has the right to file a motion with the court.

1. The LDSS/ACS' Motion to the Court

The LDSS/ACS affidavit must show:

- The youth has no reasonable alternative to foster care;
- The youth consents to enrollment in and attendance at an appropriate educational or vocational program, unless evidence is submitted that such enrollment or attendance is unnecessary or inappropriate, given the circumstances of the child;
- Re-entry is in the "best interests" of the youth; and

[33] To access the latest Transition Plan, go to http://www.ocfs.state.ny.us/main/forms/foster_care

- The youth consents to the re-entry into foster care.

2. **Former Foster Care Youth Motion to the Court**
   An affidavit or other evidence provided to the court and the social services official must show:
   - The requirements outlined in the above three bullets are met; and
   - The LDSS/ACS consents to the re-entry of the youth, or if the LDSS/ACS refuses to consent to the re-entry of the youth and that refusal is unreasonable.

3. **LDSS/ACS Refusal to Consent**
   The court can overrule the LDSS/ACS' refusal to consent to allow the youth to re-enter care. If the LDSS/ACS refuses to consent, the court shall determine that the refusal is unreasonable if:
   - The youth has no reasonable alternative to foster care;
   - The youth consents to enrollment in and attendance at an appropriate educational or vocational program, unless the court finds a compelling reason that such enrollment or attendance is unnecessary or inappropriate; and
   - Re-entry into foster care is in the "best interests" of the youth.

4. **Temporary Order to Return a Youth to Foster Care**
   If at any time during the pendency of the court proceedings, the court finds a compelling reason that it is in the "best interests" of the youth to return the youth to the care of the LDSS/ACS, the court may issue a temporary order.

Returning a Youth to Foster Care a Second Time

The court may grant only two separate re-entries to foster care. If the court has previously granted a motion to return a youth to foster care, the court must meet the requirements outlined previously in Section **1** or **2** above under the ***Documenting Court Proceedings*** heading, and:

- Determined that there is a compelling reason to return the youth to care; and
- Considered the youth's compliance with previous orders of the court, including the youth's previous participation in an appropriate educational or vocational program.

Additional Re-entry Requirements

When it is in the best interest of the youth, the youth being returned to foster care following an interruption of care should be placed with the foster care parents with whom the youth was last placed, even if the placement exceeds the capacity of the foster home [SSL Section 398.6(n)]. The county of origin is responsible for placing the youth, regardless of the county the youth currently residing in or was previously placed in.

This law requires that all regular foster care requirements that apply to youth under age 18 also apply to youth over age 18. This includes but is not limited to: making the necessary case work contacts with the child, parents or relatives and caretaker,[34] providing comprehensive medical and health services,[35] and making assessments for parental support.[36]

[34] See 18 NYCRR 441.21, Casework Contacts.
[35] See 18 NYCRR 441.22, Health and Medical Services.
[36] See 18 NYCRR 422, Parental Support of Children Receiving Foster Care.

The permanency requirements for former foster care youth re-entering care are the same as for all foster care youth. After granting the motion to return a youth to foster care, the court will set a date for a permanency hearing no later than 30 days after the hearing in which the motion was granted.

Required Steps in Determining Title IV-E Eligibility

Completing the *Re-entry into Foster Care for Youth Age 18 and Over Eligibility Checklist* (**LDSS-4415**) and collecting the supporting documentation is the first step in determining eligibility for youth ages 18, 19 and 20 re-entering foster care. Complete a separate *Re-entry Eligibility Checklist* for each youth. (See Appendix A for a sample copy of the *Re-entry Eligibility Checklist*.)

Notes:

- No determination of TANF-EAF is to be made for any re-entry youth so that they are not at risk of using any portion of their five year time limit on temporary assistance.
- For youth re-entering foster care within six months of the previous episode, the contrary to the welfare/best interests and reasonable efforts findings from the initial placement order for that previous foster care episode will meet the criteria for the re-entry episode. To claim Title IV-E for a child who otherwise satisfies the other Title IV-E standards, the court order must be in place.
- The county of origin is responsible for payment if the child re-enters foster care regardless of the county the youth currently resides in or is placed in. If a youth returns to an agency requesting to re-enter foster care, the agency is required to notify the LDSS/ACS.
- The re-entry provisions of section 1091 of the FCA apply to all categories of foster children including youth whose prior episode of care was initiated through a JD (Article 3 of the FCA) or PINS (Article 7 of the FCA) proceeding. The petition and supporting documentation must be filed and the court's order granted for such youth under section 1091 of the FCA. Youth who are placed in the custody of OCFS including youth placed in voluntary agencies or OCFS facilities, are not eligible for re-entry under this law.

To be eligible for Title IV-E, the youth must meet all six eligibility requirements and each must be appropriately documented:

- Age
- Citizenship
- Legal Authority
- Contrary to the Welfare/Best Interests
- Reasonable Efforts
- AFDC Eligibility

Title IV-E may be claimed if and when it can be documented. Title IV-E may not be claimed until all eligibility requirements are satisfied and documented!

These Title IV-E requirements are discussed below in the order that they appear on the *Re-entry into Foster Care for Youth Age 18 and Over Eligibility Checklist* (**LDSS-4415**). Included in the discussion are instructions for completing the *Re-entry Eligibility Checklist* in its entirety and detailed explanations for each requirement followed by the acceptable documentation. These instructions have been formatted to follow completion of the *Re-entry Eligibility Checklist*. (See Appendix A for a sample copy of the *Re-entry Eligibility Checklist*.)

Please note that there are designated lines immediately following the requirement to enter the source and location of documentation. Entries are required in these areas.

It is recommended that a separate eligibility case file on each child be maintained with the completed *Re-entry into Foster Care for Youth Age 18 and Over Eligibility Checklist* (LDSS-4415) and copies of all the eligibility documents that support the eligibility decision be contained in that file.

Please note that this case file and all information contained therein is confidential and must be protected to prevent disclosure of the child's information to anyone other than personnel authorized by law.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate *Re-entry Eligibility Checklist* and obtain required supporting documentation for each youth (over age 18 and under age 21) re-entering foster care. Each *Re-entry Eligibility Checklist* item is circumscribed in a box.

Section I. Case Information

→ Enter the Case Name; Child's Name (Last, First, Middle Initial); Unit/Worker Number; Date of Birth (DOB); Child's Client Identification Number (CIN) (optional); and Case Number.

→ Enter the Family Assistance (FA) or Safety Net (SN) Clearance Date.

→ Check YES or NO regarding whether the child is a FA/SN Recipient.

→ Check the Welfare Management System (WMS) Screen Print box if included in the case record.

→ Check FA/SN Automated Budget Eligibility Logic (ABEL) Budget box, if included in the case record

→ Enter the Supplemental Security Income (SSI) Clearance Date.

→ Check YES or NO regarding whether the child is an SSI Recipient.

Explanation:
Use the most accurate data available for entering information. The Welfare Management System (WMS) Family Assistance/Safety Net (FA/SN) clearance (if available) contains reliable demographic data. See also court documents for date of birth. Receipt of Supplemental Security Income (SSI) can be checked on the State Data Exchange (SDX).

Section II. Title IV-E Eligibility

→ Enter the Court Petition Filed Date **or** the Date of the Order to Show Cause
→ Enter the Date of Re-entry into Foster Care

Explanation:
The court petition filed date is the date the court petition was filed and the date of the order to show cause is the date the order was signed that lead to or directed the youth to re-enter foster care. Remember, the court motion must be filed within 24 months from the date of the first final discharge that occurred on or after the youth's 18th birthday provided the youth is under age 21.

The date of re-entry into foster care is the date the youth is placed into the legal custody of the LDSS/ACS.

Child Must Meet All Requirements Below for Title IV-E Eligibility:
If any of the responses to Questions 1-6 are "NO," child is NOT Title IV-E eligible

1. **Age.** Was the child between the ages of 18 and 21 when s/he re-entered foster care?

   → Check YES if the child is between the ages of 18 and 21 years.
   → Check NO if the child is not between the ages of 18 and 21 years. Child is not Title IV-E eligible. ☞ Go to **Question 7** and indicate ineligible for Title IV-E.

Explanation:
To be eligible for Title IV-E under section 1091 of the Family Court Act, a child must be at least age 18 but less than age 21 and be re-entering foster care after a final previous discharge from foster care. If the child re-entering foster care is age 17 years or younger, please use the *Initial Foster Child Eligibility Checklist* (LDSS-4809).

Acceptable Documentation:

- Non-services WMS screen reflecting the child's date of birth
- Birth certificate[37]
- Baptismal certificate
- Hospital Records
- U.S. Passport
- Naturalization certificate
- Court records
- School records
- Family Assessment and Service Plan (FASP)/Progress notes that substantiate one of the above certificates was seen by the caseworker—should include the child's name, date of birth, parents' names and type of certificate or certificate number, if available

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

[37] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

2. Citizenship. Is the child a citizen of the United States or a qualified immigrant as defined under the federal PRWORA documentation requirements for citizenship or legal immigration status?

→ Check YES if the child is a U.S. citizen or a qualified immigrant.
→ Check NO if the child is not a U.S. citizen or a qualified immigrant. Child is not Title IV-E eligible. ☞ Go to **Question 7** and indicate child is ineligible for Title IV-E.

Explanation:
A recipient of Title IV-E must be a citizen of the United States or a qualified immigrant as defined by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).

Citizenship or immigration status of any child in foster care must be verified regardless of whether Title IV-E Foster Care payments are made on their behalf. (See Appendix B for list of United States Citizen and Immigration Services [USCIS] documents.

Acceptable Documentation[38]:

U.S. Citizen	Qualified Immigrant
• Birth certificate[39] • U.S. Passport • Naturalization certificate	• WMS Case Composition screen showing child receives Family Assistance (FA), Medical Assistance (MA),[40] Home Energy Assistance Program (HEAP) or Supplemental Nutrition Assistance Program (SNAP) • Documents from the United States Citizen and Immigration Services (USCIS)

See Appendix B for the *Immigration Status List*

[38] As of September 2014, court records are no longer acceptable documentation of citizenship. Court orders do not usually mention the citizenship/immigrant status of the child and are therefore, not acceptable proofs of this requirement. Please use documents listed above for this verification.
[39] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.
[40] **Medicaid Exception:** State and local Medicaid eligibility for otherwise eligible immigrants is not dependent on whether the immigrant is a qualified immigrant or non-qualified immigrant or the date on which the immigrant entered the U.S. as outlined in PRWORA. State and local Medicaid coverage cannot be denied if an otherwise eligible immigrant is permanently residing in the U.S. under Color or Law (PRUCOL) or is a lawfully admitted permanent resident. Also, federally funded Medicaid may be granted to otherwise eligible undocumented immigrants for emergency services only. Pregnant women are not required to document citizenship or immigration status in order to be eligible for Medicaid. These individuals can be identified on **upstate** WMS by category codes: **38** (Alien FP-Emergency Only); **37** (Alien FNP-Eligible MA-Does Not Meet PRWORA); and **76** (Legal Aliens-Eligible MA-Does Not Meet PRWORA). On **downstate** WMS, the individuals are identified by alien code **E** (Undocumented Aliens-Emergency MA Only) or state/federal charge codes: **60** (TANF Ineligible Alien) and **67** (Qualified Alien in the Five-Year Ban for Medicaid/PRUCOL).

Notes: You cannot rely on an individual's receipt of Safety Net Assistance as documentation of qualified immigrant status, as there are additional groups of immigrants who can qualify for Safety Net, which is a state program.

All children in the care and custody or custody and guardianship of the Commissioner of LDSS/ACS or OCFS and are U.S. citizens, nationals or meet satisfactory immigration standards are e categorically eligible for Medicaid and do not require a separate determination for Medicaid (MA) (Title XIX).

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

3. Legal Authority. Did the child re-enter foster care as a result of a court order pursuant to section 1091 of the FCA (Article 10-B of the FCA) and does the placement court order transfer custody to the Commissioner of the LDSS/ACS?

→ Enter the date the court order was signed on the designated line
→ Enter the Docket # on the designated line

→ Check YES if the placement court order directs the child back into foster care; **or**
→ Check NO if the placement court order does not direct the child back into foster care.
☞ Go to **Question 7** and indicate child is ineligible for Title IV-E.

Explanation:
Court-ordered Re-entry into Foster Care
A child who has attained the age of 18 may only re-enter foster care on a court order that directs him/her back into foster care. Such order returns the child to the custody of the Commissioner of the LDSS or ACS.

Acceptable Documentation:
- A court order (or court transcript) that places the child in the care and custody or the custody and guardianship of the Commissioner of the LDSS/ACS.

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

4. Contrary to the Welfare/Best Interests. Does the initial court order sanctioning/directing re-entry of the child into foster care explicitly state that the court made a finding to the effect that continuation in the current living situation would be "contrary to the welfare" of the child or that re-entry into foster care was in the "best interests" of the child; **OR** if the child is re-entering foster care within six months of final discharge from the previous foster care episode, was there a "contrary to the welfare/best interests" finding in that initial placement order?

→ Check YES if the court order sanctioning/directing re-entry into foster care indicates that continuation in the current living situation would be "contrary to the welfare" of the child; **or**

→ Check YES if the court order sanctioning/directing re-entry into foster care indicates that re-entry into foster care is in the "best interests" of the child; **or**

→ Check YES if the child is re-entering foster care within six months of final discharge from a previous foster care episode and the initial placement order from the previous foster care episode contains this language;

→ Check NO if none of the above legal circumstances apply to the child. Child is not Title IV-E eligible. ☞ Go to **Question 7** and indicate child is ineligible for Title IV-E.

Explanation:
The court order sanctioning/directing the re-entry of the child into foster care must explicitly state that the court made a finding to the effect that continuation in the current living situation would be "contrary to the welfare" of the child or that re-entry into foster care was in the "best interests" of the child; **or** if the child is re-entering foster care within six months of final discharge from the previous episode of foster care there must be a "contrary to the welfare/best interests" finding issued by the court in that initial placement order.

Acceptable Documentation:

- A court order (or court transcript) of the court determination sanctioning re-entry into foster care that explicitly states it would be "contrary to the welfare" of the child to remain in the current living situation or it would be in the "best interests" of the child to return to foster care; **or**
- If the child is re-entering foster care within six months of final discharge from a previous foster care placement, a copy of the initial placement order issued by the court that contains the "contrary to the welfare/best interests" language.

Note: For eligibility purposes only: If the LDSS/ACS has a reliable process in place in which the court orders and determinations in those orders are summarized on a separate document for the purpose of informing casework staff of court events, you may use the information in the summary in completing the *Re-entry Eligibility Checklist*. This summary material should be completed only by trained individuals who

understand the contents of the court order, have reviewed it and understand the requirements of Title IV-E eligibility. **In no event can the summary material be used to document eligibility for federal review purposes**.

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

5. Reasonable Efforts. For a court order sanctioning/directing re-entry into foster care, is there a case specific determination by the court expressly stipulated in the court order issued within 60 days from the date the child re-entered foster care to the effect that the LDSS/ACS made "reasonable efforts" to prevent re-entry into foster care? Such finding may reflect that the LDSS/ACS made "reasonable efforts" to meet the child's needs prior to re-entry into foster care or that, where appropriate, no efforts were reasonable; **or** if the child is re-entering foster care within six months of final discharge from the previous foster care episode, was there a "reasonable efforts" finding by the court within 60 days from the date the child was removed from his/her home in the previous foster care episode?

→ Check YES if the court issued an order within 60 days of the date the child re-entered foster care to the effect that the LDSS/ACS made "reasonable efforts" to prevent re-entry into foster care **or** to meet the child's needs prior to re-entry into foster care **or** that no efforts were reasonable; **or**

→ Check YES if the child is returning within six months of final discharge from the previous foster care episode and the court issued an order with a "reasonable efforts" finding within 60 days of removal of the child from his/her home in the previous foster care episode;

→ Check NO if there is not an appropriate court order with such language. Child is not eligible for Title IV-E. ☞ Go to **Question 7** and indicate child is ineligible for Title IV-E.

Explanation:
For a court order sanctioning/directing re-entry into foster care, there must be a case specific determination by the court expressly stipulated in the court order, and issued within 60 days from the date the child re-entered foster care, that the LDSS/ACS made "reasonable efforts" to prevent re-entry into foster care. This finding may reflect that the LDSS/ACS made "reasonable efforts" to meet the child's need prior to re-entry into foster care or that, where appropriate, no efforts were reasonable; **or** if the child is re-entering foster care within six months of final discharge from the previous foster care episode, there must be a "reasonable efforts" finding issued by the court within 60 days from the date the child was removed from his/her home in the previous foster care episode.

Trial Discharge
Trial discharge for youth between ages 18 and 21 may be extended at each scheduled permanency hearing, provided the youth consents to the extension. As in current regulation 18 NYCRR 430.12(f)(4) and the program instructions of the Administration for Children and

Families ACYF-CB-PI-10-11 multiple trial discharges approved by the court are permitted consistent with the needs of the child.

Note: If the child has been on a trial discharge status for more than six months and the court has not extended trial discharge status for the child, a new Title IV-E eligibility determination must be made upon re-entry into foster care.

Acceptable Documentation:

- A court order (or court transcript) issued within 60 days of the child re-entering foster care that states that the Title IV-E agency made "**reasonable efforts**" to prevent re-entry into foster care, or the agency made "**reasonable efforts**" to meet the youth's needs prior to a return to foster care or where appropriate, that **no efforts were reasonable**; **or**

- With regard to the previous episode of foster care, if the child is re-entering foster care within six months of final discharge, a copy of the order issued by the court that contains the "**reasonable efforts**" language or a court order which contains a brief statement of the facts upon which the court based its "reasonable efforts were made to prevent removal" finding issued within 60 days of removal is acceptable. Also acceptable is where the court makes a reasonable efforts finding and cross-references documentation, such as a petition or report, or testimony upon which the court based its finding

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

6. AFDC Eligibility. Would the ***child*** have been financially eligible for AFDC based on the circumstances that existed in the ***child's*** current living situation or the ***child's*** income during the month the court proceedings were held based on the rules in effect as of July 16, 1996?
(**Note**: Parental Deprivation and Living with Specified Relative criteria are deemed to have been met.)

→ Check YES if financial eligibility for AFDC as described above is met and documented.

→ Check NO if financial eligibility for AFDC as described above is not documented. Child is not Title IV-E eligible. ☞ Go to **Question 7** and indicate child is ineligible for Title IV-E.

Explanation:
AFDC Program Criteria
A child/youth must have met the AFDC eligibility requirement per section 472(a)(3) of the Act at the time of removal from the home to be eligible for Title IV-E Foster Care. For a youth age 18 or older who is re-entering foster care after attaining age 18, consistent with the criteria above, AFDC eligibility is based on the youth without regard to the parents/legal guardians or others in the assistance unit in the home from which the youth was removed as a younger child (e.g., a child-only case).

Note: Based on guidance from the federal government where a youth re-enters foster care after the age of 18, the requirements for Parental Deprivation and Living with Specified Relative are deemed to have been met.

Acceptable Documentation:

- WMS screen printout
- ABEL Budget
- Pay stub for the child

If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

7. Child Eligibility.

→ Check YES if all the answers to questions 1 through 6 are YES. Child is Title IV-E eligible.

→ Check NO if any of the responses to questions 1 through 6 are NO. Child is not eligible for Title IV-E.

System Implications

CONNECTIONS

CONNECTIONS does not allow the tracking of a youth age 18 or older. CONNECTIONS' processing for this population requires the intervention of OCFS-IT/state staff.

To track a former foster care youth age 18, 19 or 20 years, you must:

- Add the child to the CONNECTIONS FSS/CWS stage if there is such a stage open and the child is not already part of that stage.
- Create an FSI and stage progress to a FSS/CWS stage if there is no CONNECTIONS FSS/CWS stage open. **DO NOT CREATE THE WMS APPLICATION.**
- Send a request to the AppHelp mailbox (ocfs.sm.conn_app@ocfs.state.ny.us) with the following information:
  - Case and stage ID
  - Child's person ID (PID)
  - Program Choice (Preventive or Placement) and effective date of Program Choice
  - Permanency Planning Goal (PPG) and effective date of PPG

Once processing has been completed, you will be advised to either process the addition of the child to the existing WMS case or create the WMS application and process the WMS case opening.

For a child who left foster care at age 18 and at the time, was freed for adoption and who re-enters foster care, it is recommended that s/he be placed in a CWS stage and for purpose of the FASP, the "no caretaker" box be checked.

Welfare Management System (WMS)
Preventive Services and Foster Care POS lines can be authorized up to age 21 years. Please note that Foster Care cases cannot be opened in WMS independent of CONNECTIONS so follow the instructions above.

CONNECTIONS Activity (CCRS)
Use the legal event codes below, as appropriate, to report the court proceedings of youth re-entering foster care:

- Type of Legal Event (Modifier A) codes:
  - **22 -** Article 10-B + Re-entry to Foster Care
    - Requires a previous movement code **M990** (*Child Placement Ended*). The **L300** activity date must be greater than the activity date of the **M990**.
    - Use Modifier B/C equal to **42** (*Transfer Custody and Guardianship – SURRENDER OR TPR ONLY*) OR **44** (*Foster Care Placement to Continue*) will not be allowed if Modifier A is equal to **22**.
    - Use of **L300** with Modifier A equal to **22** requires a previous movement code **M990** (*Child Placement Ended*). The **L300** activity date must be greater than the activity of the **M990**.
  - **23 –** Article 10-B + Permanency Hearing Review
    - Requires previous **L300** with MOD A **22**
- Applicable error messages for codes **22** and **23** are as follows:
  - **631** – Activity date must be greater than or equal to 18th birthday
  - **632** – Activity date must be less than 21st birthday
  - **633** – No discharge on file prior to legal activity-disallowed
  - **634** – No initial re-entry legal on file-legal activity-disallowed
  - **635** – Contra not allowed-review legal activities on file

Benefits Issuance Control System (BICS)
Appropriate claiming/reimbursement is dependent on system entered documentation that Legal Authority is in effect (**L300** w/MOD A **22**/**23**).

Medical Assistance (MA)
All children who are in the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS and who are U.S. citizens, nationals or have satisfactory immigration status are categorically eligible for Medicaid.

For detailed WMS instructions regarding processing the Services case, contact the Human Services-Information Technology Services Enterprise Service Desk (HS-ITS Enterprise Service Desk) at:

Fixit@its.ny.gov (listed in the Office 365 Global Address List as: ITS.SM.ESD.HS-ITS) or call the Service Desk at: (518) 408-6487 or (800) 697-1323.

Please DO NOT contact ITS employees directly.

Go to http://ocfs.state.nyenet/it/GeneralResources/CCRSDefault.asp for additional documents with information regarding CCRS coding.

Redetermination of Title IV-E Eligibility

Federal and state regulations require that eligibility for assistance and services are re-evaluated on a regular basis. The process of re-determining eligibility and re-authorizing the case in WMS is known as "Redetermination." Under OCFS regulations, redetermination of programmatic eligibility for foster care must occur every six months [18 NYCRR 404.1(d)(2)(i)]. Federally, redetermination for Title IV-E foster care must occur every 12 months. It is required that a redetermination be completed on the foster child's 18th birthday and annually until the child turns age 21.

Required Steps in Re-determining Eligibility

Since a proper re-determination of eligibility depends on the outcome of the *initial* determination, always review the *Initial Foster Child Eligibility Checklist* (**LDSS-4809**) **before** preparing the *Redetermination of Title IV-E Eligibility Checklist (Foster Care)* (**LDSS-4810**). **During your redetermination process, you must review make sure that your initial decision remains correct and that all required documentation for the initial determination is contained in the child's eligibility file (including the appropriate notes made in the FASP/Progress notes). If any documentation is not in the eligibility file, take steps to obtain it as soon as possible.** This includes documentation that the permanency hearings were held with necessary and timely reasonable efforts determinations and proof of the foster home certification or approval. Cases that are not fully documented cannot be continued to be claimed as Title IV-E and other categories of eligibility such as TANF-EAF should be pursued, authorized and claimed, if appropriate.

Completing the *Redetermination of Title IV-E Eligibility Checklist (Foster Care)* (**LDSS-4810**) and collecting the supporting documentation is the next step in re-determining eligibility for Title IV-E Foster Care (see Appendix A for a sample copy of the *Redetermination Checklist*). Complete this form for:

- Foster care cases determined eligible for Title IV-E and requiring a 12-month redetermination of that category;
- Foster care cases for which Title IV-E eligibility has been suspended because of a lapse in legal authority[41] or failure to secure a reasonable efforts determination on a 12 months basis as required by Title IV-E;
- Child turning age 18 and annually thereafter.

[41] New York State Law provides that court orders placing a child in foster care pursuant to Article 10 of the FCA (abuse/neglect), Article 10-C of the FCA (destitute child) and orders approving a Voluntary Placement Agreement must contain a date certain for the initial permanency hearing. This continues legal authority until a subsequent order is issued by the court under Article 10-A of the FCA.

Title IV-E Foster Care Redetermination Requirements[42]
To continue to be eligible for Title IV-E Foster Care, the child must meet all three eligibility requirements and documentation for each must be included in the child's eligibility folder :

- Age
- Legal Authority/Judicial Review
- Reasonable Efforts to Finalize Permanency

Below are the Title IV-E requirements discussed in the order that they appear on the *Redetermination of Title IV-E Eligibility Checklist (Foster Care)* (**LDSS-4810**). Included in the discussion are instructions for completing the *Redetermination Eligibility Checklist* in its entirety and detailed explanations for each requirement followed by the acceptable documentation. These instructions have been formatted to follow completion of the *Redetermination Eligibility Checklist*. (See Appendix A for a sample copy of the *Redetermination Eligibility Checklist*).

It is recommended that a separate eligibility case file on each child be maintained and the completed *Redetermination Eligibility Checklist* and copies of all the eligibility documents that support the re-determination of eligibility decision be contained in that file.

Please note that this case file and all information contained therein is confidential and must be protected to prevent disclosure of the child's information to anyone other than personnel authorized by law.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate *Redetermination Eligibility Checklist* and obtain required documentation for each foster child being considered for continued Title IV-E eligibility. Each *Redetermination Eligibility Checklist* item is circumscribed in a box.

Section I. Case Information
→ Enter the Case Name; Child's Name (Last, First, Middle Initial); Unit/Worker Number; Date of Birth (DOB); Child's Client Identification Number (CIN) (optional); Date of (initial) Placement; and Case Number.

Explanation:
Use the most accurate data available for entering information. The Welfare Management System (WMS) Family Assistance/Safety Net (FA/SN) clearance (if available) contains reliable

[42] On April 1, 2010, AFDC eligibility and parental deprivation at redetermination were eliminated. A child who has been determined AFDC eligible under Title IV-E at removal is considered to meet the AFDC need and deprivation requirements throughout the foster care episode regardless of subsequent changes in income, resources and parental deprivation.

demographic data. See also court documents for date of birth. Receipt of Supplemental Security Income (SSI) can be checked on the State Data Exchange (SDX).

Section II. Redetermination of Title IV-E Eligibility

Foster Child Must Meet All Requirements Below for Continued Title IV-E Eligibility:
If any of the responses to Questions 1–3 are NO, the child is NOT Title IV-E Eligible

1. **Age.** a) Is the child under age 18?

OR

b) Is the child age 18 or older but under age 21, consents to remain in foster care and meets one of the eligibility redetermination criteria[43] listed below? *Check applicable criteria.*

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution which provides post-secondary or vocational education;
- Participating in a program or activity designed to promote, or remove barriers to employment;
- Employed for at least 80 hours per month;
- Incapable of doing any of the activities described above due to a medical condition, which incapability is supported by regularly updated written or recorded information in the case plan of the child

→ Check YES if the response to a) or b) is YES.

→ If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

→ Check NO if the child is age 21 or older or the child is age 18 or older and does not meet one of the redetermination criteria listed above. Child is not eligible for Title IV-E.
☞ Go to **Section III** and indicate ineligible for Title IV-E.

Explanation:
Title IV-E eligibility is limited to children under age 18 or if the child is age 18 or older but under age 21, consents to remain in foster care and continues to meet one of the educational, vocational employment or medical criteria noted above. A redetermination of Title IV-E eligibility must always be done when a child turns age 18, 19 and 20. The educational, vocational, employment or medical status of the child must be part of that review.[44]

[43] See 10-OCFS-ADM-10, *Title IV-E Foster Care and Adoption to Age 21* and *GIS 10-#006* for details
[44] For foster children who were eligible for Title IV-E and lost such eligibility prior to October 1, 2010, solely due to reaching age 18 (or age 19, as applicable), and remained continuously in foster care (same foster care episode) and are otherwise Title IV-E eligible, i.e., there is no break in legal authority, and youth has not been on trial discharge for more than six months, Title IV-E eligibility is to be reinstated on October 1, 2010, provided however, that an updated redetermination is made and demonstrates that the

Acceptable Documentation:

Age (under age 18)

- Non-services WMS screen reflecting the child's date of birth
- Birth certificate[45]
- Baptismal certificate
- Hospital Records
- U.S. Passport
- Naturalization certificate
- Court records
- Family Assessment and Service Plan (FASP)/Progress notes substantiate that one of the above certificates was seen by the caseworker—should include the child's name, date of birth, parents' names and certificate number

Please check the eligibility case record as the documentation for this requirement should already be on file.

Age 18 and older

Condition	Acceptable Documentation
• Completing secondary education or a program leading to an equivalent credential, e.g., a youth age 18 & older is finishing high school or taking classes in preparation for a general equivalency diploma exam	• Name, location and type of school or program • Grades • Progress report • Evaluation or other document from school or program that establishes youth attendance or enrollment
• Enrolled in an institution which provides post-secondary or vocational education, e.g., a youth could be enrolled full-time or part-time in a university or trade school	• Name, location, and type of institution • Grades • Progress report • Evaluation or other document from institution that established youth attendance or enrollment
• Participating in a program or activity designed to promote, or remove barriers to employment, e.g., a youth could be in Job Corps or attending classes on resume writing and interview skills	• Name, location and program or activity description • Statement from program or activity that establishes youth participation
• Employed for at least 80 hours per month, e.g., a youth could be	• Name of employer, company, agency or organization, location and nature of employment

youth remains eligible on all applicable factors, including an annual court order determination that reasonable efforts have been made to finalize the youth's permanency plan.

[45] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

employed part-time or full-time, at one or more places of employment	• Statement from employer that establishes hours worked per month

Age 18 and older (continued)

Condition	Acceptable Documentation
• Incapable of doing any of the activities described above due to a medical condition, which incapability is supported by regularly updated written or recorded information in the case plan of the child	• The child's medical condition must be documented by a physician, a physician's assistant or a nurse practitioner under the supervision of a physician or a licensed psychologist

Be sure to include a copy of the appropriate documentation in the child's eligibility case file.

2. **Legal Authority/Judicial Review.** Is there a current court order that continues to award care and custody or custody and guardianship to the Commissioner of the LDSS/ACS?

OR

Is there a signed Voluntary Placement Agreement that has been reviewed and approved by the court? In the case of the voluntary placement pursuant to SSL 384-a, has the court reviewed the child's placement pursuant to SSL 358-a and made a determination within 180 days of the placement that continued placement would be in the best interests of the child? (If the court has NOT made such a determination within 180 days of placement, the case must NOT be authorized as Title IV-E foster care effective day 181. Title IV-E claiming must cease. The case is not Title IV-E eligible for the duration of the foster care episode.)

☞ *Check the appropriate box for the basis of legal custody (check only one box)*
FCA Article 3, FCA Article 7, FCA Article 10, FCA Article 10-A, FCA Article 10-C or Voluntary Placement Order (SSL 358-a, approving the Voluntary Placement Agreement, as appropriate)

→ Check YES if care and custody awarded to the Commissioner of the LDSS/ACS continues in effect under Article 3, 7, 10, 10-A, or 10-C of the FCA or SSL 358-a.

→ If the response to this question is YES, enter the source of documentation on the designated lines. In addition, include a copy in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

→ Enter the Date of the Court Order and the Docket Number on the designated lines.

→ Enter the Period that the court order covers for JD/PINS who are not completely freed pursuant to either Article 3 or 7, **OR** the period "from" date and the Date Certain of the next hearing for all other foster children on the designated lines.

→ Check NO if none of the above legal circumstances apply to the child. Child is not eligible for Title IV-E. ☞ Go to **Section III** and indicate ineligible for Title IV-E.

Explanation:
For a child placed as an abused or neglected child pursuant to Article 10 of the Family Court Act (FCA), or a child placed as a destitute child[46] pursuant to Article 10-C of the FCA, or a child placed voluntarily pursuant to section 384-a of the Social Service Law (SSL) or any category of foster child who is completely legally freed for adoption, legal authority does not lapse for failure to secure an extension of placement order. Pursuant to Article 10-A of the FCA, as enacted by Chapter 3 of the Laws of 2005, effective December 21, 2005, the court retains ongoing jurisdiction and legal authority on the part of the LDSS/ACS (and OCFS for completely freed JDs) and legal authority remains in effect until a subsequent order from the court either discharges the child or transfers legal custody.

For court-placed children--Articles 3 (JD) and 7 (PINS) of the FCA who are not completely legally freed for adoption: an initial order (disposition or remand) or a subsequent order (extension of placement/permanency hearing) must be in effect throughout the child's placement. Except for the initial permanency hearing in certain Article 3 placements, the extension of placement hearings are combined with permanency hearings and must be held within 12 months thereafter.[47] Cases not meeting this criterion lose Title IV-E eligibility at the end of the month that legal authority lapses and the case remains ineligible until legal authority is re-established. At that time, Title IV-E eligibility resumes as of the first day of the month in which legal authority is re-established as long as all other Title IV-E eligibility continue.

Please Note: When determining the date of the court order, use the hearing date located in the upper right hand corner of the first page of the order, or if that is not available, the date the court order was signed by the judge.

Acceptable Documentation:
Court Placements

- The most recent permanency hearing court order issued pursuant to Article 10-A of the FCA continuing the child in foster care for children who entered foster care pursuant to Article 10 (abuse/neglect) of the FCA, Article 10-C (destitute child)[48] of the FCA or a

[46] See Article 10-C of the FCA and 12-OCFS-ADM-08 for details regarding the destitute child.
[47] Pursuant to New York State law, the date certain of the first permanency hearing is now included in all initial removal orders for children placed pursuant to Article 10 (abuse/neglect) of the FCA, Article 10-C (destitute child) of the FCA and in the SSL 358-a order approving the Voluntary Placement Agreement. The date certain for compliance with New York State standards for the initial permanency hearing must be no later than eight months from removal (date of removal plus 60 days plus six months). At the conclusion of each permanency hearing, a new date certain will be established for the next permanency hearing, which for compliance with New York State standards, must be commenced no later than six months from the conclusion of the previous permanency hearing. Each permanency hearing must be concluded within 30 days of the scheduled date certain for such permanency hearing. The failure to hold a permanency hearing by the date certain for a case subject to Article 10-A of the FCA does not result in the lapse of legal authority.
[48] See Article 10-C of the FCA and 12-OCFS-ADM-08 for details regarding the destitute child.

voluntarily surrender pursuant to section 384 of the SSL (with section 358-a of the SSL court order approving the voluntary placement), and for all children in foster care who are completely legally freed for adoption; **or**

- The initial court order placing the child in the care and custody or custody and guardianship of the Commissioner of the LDSS/ACS for children in foster care who entered care pursuant to Article 10 of the FCA, Article 10-C[49] of the FCA, or section 358-a of the SSL (voluntary surrender) and who have not had their initial permanency hearing; **or**
- The court disposition under Articles 3 (JD) or 7 (PINS) of the FCA placing or continuing the child in foster care covering the foster care authorization period for children in foster care pursuant to Articles 3 or 7 of the FCA who are <u>not</u> completely legally freed for adoption.

<u>Voluntary Placements</u>

- The most recent permanency hearing court order issued pursuant to Article 10-A of the FCA that retains legal authority with the LDSS/ACS Commissioner and approves continuation of the child in foster care; **and**

- The court order issued pursuant to section 358-a of the SSL with a determination made within 180 days of placement of the child in foster care, that continuation in foster care is in the best interests of the child.

Do **not** use the Voluntary Placement Agreement as the document authorizing care and custody to the Commissioner of the LDSS/ACS if the placement has gone beyond the 180th day without a court determination that it is in the best interests of the child to remain in foster care.

Be sure to place a copy of the appropriate court order in the child's eligibility case file.

[49] See Article 10-C of the FCA and 12-OCFS-ADM-08 for details regarding the destitute child.

3. **Reasonable Efforts to Finalize Permanency** (Applicable to court-ordered removals only). For court ordered placements, within 12 months of the date the child is considered to have entered foster care and every 12 months thereafter, is there a court determination made on a case specific basis and stipulated in the court order that reasonable efforts were made to finalize the child's permanency plan or to enable the child to safely return home?

   → Check YES if there is a court order issued 12 months from the date the child initially entered into foster care or if there is a court order issued within the past 12 months since the last reasonable efforts determination was made stipulating that the agency made reasonable efforts to finalize the permanency plan or enable the child to safely return home.

   → If the response to this question is YES, enter the source of documentation on the designated line. In addition, include a copy in the child's eligibility file and indicate on the designated line, where in the child's case file this documentation can be found.

   → Enter the Date of the Court Order, the Docket # and the date of the Next Permanency Hearing on the designated lines.

   → Check NO if neither a court order was issued 12 months from the date the child initially entered into foster care or if there was no court order issued within the past 12 months since the last reasonable efforts determination was made stipulating that the agency made reasonable efforts to finalize the permanency plan or enable the child to safely return home. Child is not eligible for Title IV-E. ☞ Go to **Section III** and indicate ineligible for Title IV-E.

Explanation:
For a child removed on or after **March 27, 2000** to be Title IV-E eligible, the case must have an initial court determination that the agency has made reasonable efforts to finalize the child's permanency plan for children in foster care no later than 12 months from the date the child is considered to have entered foster care.

The date a child is considered to have entered foster care is the earlier of the date of the fact finding of abuse or neglect pursuant to Article 10 of the FCA or the date that is 60 days after the child was removed from his/her home. However, for youth who have been placed in detention after the removal from the home pursuant to either Articles 3 (JD) or 7 (PINS) of FCA and the youth remains in detention for more than 60 days prior to placement in foster care (i.e., **M910** date in the CONNECTIONS Activity [CCRS]), the **M910** date is the date the child is considered to have entered foster care.

Irrespective of when the child was removed, a subsequent judicial determination that the agency made reasonable efforts to finalize the child's permanency plan or to enable the child to safely return home must be made at least once every 12 months following the preceding determination.

Cases not meeting this criterion lose Title IV-E eligibility at the end of the month that the reasonable efforts determination is due and the case remains ineligible until this determination is made. Claiming for Title IV-E must cease. Title IV-E eligibility resumes as of the first day of the month in which the determination is made, as long as all other requirements for Title IV-E eligibility continue.

Acceptable Documentation:

- A court order pursuant to Article 10-A of the FCA issued 12 months from the date the child initially entered into foster care or issued within the past 12 months since the last reasonable efforts determination was made that contains an explicit case-specific determination that reasonable efforts were made to enable the child to safely return home or if the permanency plan is not to return to his/her home, that reasonable efforts were made to finalize the child's permanency plan. A court order which contains a brief statement of the facts upon which the court based its "reasonable efforts were made to finalize the child's permanency plan" finding is acceptable. Also acceptable is where the court makes a reasonable efforts finding and cross-references documentation, such as a petition or report (i.e., FASP or Permanency Hearing Report, etc.) or testimony upon which the court based its finding. If the child's permanency goal is discharge to the child's parent, a finding of reasonable efforts to enable the child to safely return to his/her home supported by a statement of fact or comparable cross-reference to facts, documentation, testimony, etc. is also acceptable.

- A court finding that reasonable efforts were **not** made to finalize the child's permanency plan or safely return the child home does **not** satisfy Title IV-E eligibility requirements. The case will lose its eligibility for Title IV-E at the end of the month in which the reasonable efforts determination is due. Eligibility will resume on the first day of the month in which an acceptable reasonable efforts to finalize permanency or safely return the child home determination is made by the court.

  Please Note: When determining the date of the court order, use the hearing date located in the upper right hand corner of the first page of the order, or if that is not available, the date the court order was signed by the judge.

Be sure to place a copy of the appropriate documentation in the child's eligibility case file.

4. Child Eligibility.
(All above criteria must be met)

→ Check YES if all the answers to questions 1 through 3 are YES. Child is Title IV-E eligible.
→ Check NO if any of the responses to questions 1 through 3 are NO. Child is not eligible for Title IV-E.

Section III. Title IV-E Eligibility Summary & Signatures/Supervisor's Review
WMS Instructions

→ Check the first box in this section if the child meets all the Title IV-E redetermination eligibility documentation requirements: child remains eligible for Title IV-E.

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code **02**
- Enter direct services code **08**
- Select option 'Y' in the 12 MONTH AUTH REQUESTED field to generate a 12-month authorization period (AUTH PERIOD FROM DATE, plus 12 months) regardless of the Direct Services being authorized)
- Submit for data entry/ a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the second box in this section if the child fails to meet any of the Title IV-E redetermination requirements: Claiming for Title IV-E must cease.

Prepare the *Services Authorization* form (**LDSS-2970**) to discontinue the Title IV-E:

- Enter eligibility code **04** if previously determined eligible for TANF-EAF, otherwise:
- Enter one of the following eligibility codes, as appropriate:
  - Code **06** (SSI blind)
  - Code **07** (SSI disabled)
  - Code **08** (MA)
  - Code **14** (non-categorical-determined by income)
- Enter direct services code **08**
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

Reminder: If a Title IV-E case loses eligibility at redetermination, the case may regain eligibility if the missing documentation is obtained. In these circumstances, the Title IV-E eligibility resumes as of the first day of the month in which all the Title IV-E eligibility requirements are met.

→ Sign and date the form in the designated lines
→ Obtain the Supervisor's signature and date

For detailed WMS instructions regarding processing the Services case, contact the Human Services-Information Technology Services Enterprise Service Desk (HS-ITS Enterprise Service Desk) at:

Fixit@its.ny.gov (listed in the Office 365 Global Address List as: ITS.SM.ESD.HS-ITS) or call the Service Desk at: (518) 408-6487 or (800) 697-1323.

Preparation for Title IV-E Foster Care Eligibility Review (FCER)

The essential element for a federal review is preparation, securing, keeping and availability of required documents in the eligibility case record, where they can be easily and quickly located. If an eligibility case record or the required documentation cannot be produced in a Title IV-E eligibility review, the case will be found ineligible. For both state and federal foster care reviews, the child's case record including legal records and the foster care provider record(s) are required. It is strongly recommended that a separate eligibility file containing all supporting documentation for the eligibility decision be maintained for each Title IV-E eligible child. This readily makes available the Title IV-E documentation for local access and prepares the file for a federal review.

Remember, if it isn't documented, it didn't happen!

Following are suggestions on how a social services district can effectively prepare and the kinds of documentation which must be provided for a Title IV-E eligibility review.

- Designate a staff person who is familiar with the program requirements and knows where to go for the records, what type of documentation is required, and where to go for additional documentation, if needed. For example, if a court order needed to document Title IV-E eligibility is not found in the case record, the designated staff person should know other sources where legal documents can be found, such as the district's legal files or copies maintained by the court. In regard to legal authority, contrary to the welfare/best interests, and reasonable efforts, the only documentation accepted by federal reviewers is court orders and court transcripts.

- When opening a Title IV-E case, make sure that eligibility information is placed in a separate file, or maintained in a separate, identifiable section in a child's case record, and maintain the eligibility documentation on an ongoing basis. . When the foster care placement is due for the redetermination process the entire case file should be re-reviewed to confirm the initial determination was correct and all pertinent documentation is contained in the eligibility file. An eligibility file should be kept in a secure location where designated staff can readily retrieve materials. All eligibility documentation must be kept with the foster care case file. Care should be taken to keep the Title IV-E documentation with the foster care case if the district establishes a folder separate from the parent's folder when the child is freed for adoption. All Title IV-E foster care cases must be available for review, including cases where foster children have been adopted.

- Keep closed records in locations where they can be easily tracked and accessed so that if selected for a federal review,[50] a district can retrieve them within a short time frame. Title IV-E eligibility reviews can require documentation of events that occurred many years ago

[50] These same guidelines are applicable for state reviews.

since many of the issues related to Title IV-E eligibility refer to the time of the child's removal from the home and placement into foster care. Federal reviewers have repeatedly requested that entire case files be made available for the formal reviews.

- OCFS has released a new *Title IV-E Eligibility Documentation File Template* (**OCFS-2125**). This template provides an outline to best document the Title IV-E determination. Local districts should create a file on EACH child for whom Title IV-E is being claimed.
- Documentation for this file includes:
  - The completed *Initial* and *Redetermination* eligibility checklists.
  - Age documentation.
  - Citizenship: birth certificate or other proof of citizenship, or proof of qualified immigrant status.

  In describing the circumstances surrounding the child's removal for each foster care episode, the *Initial Eligibility Checklist* is not enough. The FASP or Progress Notes are good sources of information for documentation of the following, and must be included in the eligibility case file:
  - When and from what home a child was removed
  - What was the household composition
  - What was the source and amount of the family's income: if income is zero, there must be an explanation of how the family survives This should be captured in the FASP or Progress Notes. or other sources

- The court petition leading to the removal, or the signed Voluntary Placement Agreement.

- The initial court order removing the child from the home (including any detention order proceeding foster care placement), or approving the removal, including the determination that continuation of the child in the home would be contrary to the welfare of the child or that the removal was in the child's best interests or that removal is necessary to prevent imminent risk.

- A court order dated within 60 days of the date the child was removed from his/her home, documenting the court's determination that the agency made reasonable efforts to prevent removal, including that lack of such efforts was reasonable or that due to statutorily specified circumstances reasonable efforts are not required.

  For placements **prior to 3/27/00,** the reasonable efforts finding must still be made but is not limited to within 60 days of removal from the home. The judicial determination may be made at any point in the foster care episode. However, Title IV-E foster care maintenance payments may not begin until the first month all eligibility requirements pertaining to the removal are satisfied.

- Applicable annual judicial determination on a case-specific basis by the court that the agency has made reasonable efforts to finalize the permanency plan for the child, or to enable the child to safely return home (usually set forth in the Permanency Hearing order).

- Continuing legal authority for the entire placement period.

- Documentation of the parental deprivation reason(s) at time of removal.

- The July 16, 1996 AFDC look-back budget for children placed after 10/31/97, and the supporting income documentation, either a copy of the FA/SN, MA, or SNAP budget that documents income for the family, if on assistance at the time of removal, or other income sources.

- Districts will also be required to provide payment information or be prepared to answer questions regarding all Title IV-E reimbursement payments since the initial placement.

To be acceptable, all documents must be complete and legible. If the photo copy is not legible, the agency does not get the benefit of the doubt. Court orders or Voluntary Placement Agreements must be signed and dated. Court orders where the judge's name is signed, initialed or stamped are acceptable. Documentation must be updated and maintained as new events affecting Title IV-E eligibility occur. For court related eligibility requirements, the only acceptable documentation is the court order or transcript of the applicable court determination.

Provider Eligibility

Federal Title IV-E eligibility review protocols require documentation that the foster home in which the child is placed be eligible for reimbursement. Therefore, in responding to a Title IV-E eligibility review, documentation must be provided to support that the home was fully licensed, certified or fully approved. The provider eligibility must be fully established for the entire Period Under Review (PUR). If the child was in more than one setting, **including placement in respite care,** the eligibility for each setting must be documented.

When the child is placed in a foster boarding home at any time during the PUR – either a foster home certified or approved by LDSS/ACS or a voluntary authorized agency (including a relative foster home) or certified by OCFS-- a copy of the certification or approval must be made available as well as the provider record establishing certain elements required under Title 18 NYCRR Part 443, including the criminal history background check results and SCR database check results.

For all placements during the PUR, locate any foster boarding home documents that certify or approve the home, including documentation of criminal history background check results for foster home providers and for household members aged 18 and older and the safety assessment where there was a result *other than* "no record found," and the SCR and SEL data base check results.[51]

[51] If the results of the criminal history record check and/or the SCR data base check or SEL check is that the applicant or a household member has a criminal history or an indicated SCR report(s):
- Documentation in the CONNECTIONS Foster and Adoptive Home Development (FAD) record is required;
- A safety assessment must be documented for criminal history records;
- The appropriate field(s) in MED/CHRC and SCR Comments on the Household Member Detail tab **must be** completed that explains why the foster parent was appropriate for certification or approval despite the existence of these records for a criminal history record, an indicated SCR report(s) or inclusion on the SEL.

For children placed out-of-state, the foster home in which the child is placed must be fully certified, approved or licensed in accordance the laws of the state where the foster care home is located. Documentation that all appropriate safety and criminal history checks were completed will be confirmed by the OCFS/Interstate Compact for the Placement of Children (ICPC). OCFS/ICPC will gather and submit appropriate paperwork to the LDSS/ACS. This paperwork must be kept on file in the child's eligibility folder and presented at federal and state reviews.

For further clarification, please refer to 08-OCFS-INF-04: *Out of State Foster Care Homes Documentation of Licensure for Title IV-E Foster Care Eligibility*

Congregate care facilities, including agency operated boarding homes, group homes and non-public institutions, as well as, facilities, operated by a public agency with a capacity of no more than 25 beds, must be licensed in order for Title IV-E to be claimed.

Other Considerations

Once a case is identified for a review, whether state or federal:

- Identify child's information from his or her family case.
- Note the **PUR**. The information for a child's eligibility will be pertinent for the child's most recent admission in foster care **prior** to the PUR.
- Locate all information for the eligibility criteria cited above that pertain to the time the child was removed from the home and placed into foster care.
- Have the staff person or unit responsible for determining eligibility review the eligibility file for all necessary eligibility documentation.
- Send copies of the COMPLETE CASE RECORD if a case is being called to an off-site location for review.

Part B. Adoption Assistance Eligibility

Title IV-E Adoption Assistance

Title IV-E Adoption Assistance Program/Funding Description

The Title IV-E Adoption Assistance program provides funds to states to assist in providing ongoing financial and medical assistance (MA) for children with special needs. The goal of this program is to facilitate the placement of handicapped and hard-to-place children in permanent adoptive homes and thus prevent long, inappropriate stays in foster care. (See Appendix B for federal and state definitions of *special needs, handicapped* and *hard-to-place*.) Title IV-E Adoption Assistance payments have been available for eligible children in New York State who were adopted on or after October 1, 1980. Federal Title IV-E funding may be claimed for up to 50% of an adoption subsidy for a child who is eligible for Title IV-E Adoption Assistance. Title IV-E funds are also used for the administrative costs of managing the program and training staff.

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) enacted in October 2008 was designed, in part, to assist children in foster care who are freed for adoption by promoting permanent families for those children through adoption. One of the changes in the Act delinked children from the outdated Aid to Families with Dependent Children (AFDC) income requirements for the financial part of Title IV-E Adoption Assistance eligibility. The gradual phasing out of the application of the AFDC income requirement for eligibility of Title IV-E Adoption Assistance commenced October 1, 2009 (federal fiscal year 2010). Effective October 1, 2017, the elimination was complete for all age groups.

THIS COMPLETE ELIMINATION OF THE AFDC REQUIREMENT IS NO LONGER IN EFFECT.

The federal Family First Prevention Services Act (FFPSA) signed February 9, 2018 reinstated the application of the AFDC income requirement for children under two (2) years of age effective January 1, 2018. FFPSA did not impact other age groups. FFPSA also did not impact otherwise Title IV-E eligible adoption assistance agreements that were entered into on or after October 1, 2017 and prior to January 1, 2018 regarding children under two (2) years of age. (See the *Financial Need* section for details, instructions and the updated delinking chart).

Required Steps in Determining Eligibility

Prior to the time the adoption petition is filed and submitting an application for an adoption subsidy, complete the *Adoption Assistance Eligibility Checklist* (**LDSS-3912**) (rev. 7/18) and collect the supporting documentation for every child being considered for adoption assistance. Using the checklist in conjunction with this manual is the first step to determine eligibility for Title IV-E Adoption Assistance funding. If it is determined the child is not eligible for Title IV-E funding, continue to review the case to determine eligibility for the State Adoption Subsidy.

Title IV-E Adoption Assistance Requirements

To be eligible for Title IV-E Adoption Assistance, the child must meet four key eligibility requirements and each must be appropriately documented:

- Citizenship
- Age
- Special Needs
- Financial Need

Below are the four Title IV-E requirements discussed in the order they appear on the *Adoption Assistance Eligibility Checklist* (**LDSS-3912**) (rev. 7/18). Included in the discussion are instructions for completing the *Adoption Assistance Eligibility Checklist* (rev. 7/18) in its entirety and detailed explanations for each requirement along with acceptable documentation for each. These instructions have been formatted to follow completion of the *Adoption Assistance Eligibility Checklist* (rev. 7/18). (See Appendix A for a sample copy of the *Adoption Assistance Eligibility Checklist* (rev. 7/18).

It is strongly recommended a separate eligibility case file for each child be maintained containing the completed *Adoption Assistance Eligibility Checklist* (rev. 7/18) and copies of all the eligibility documents that support the eligibility decision.

↳**Please note this eligibility case file and all information contained therein is confidential and must be protected** to prevent disclosure of the child's information to anyone other than personnel authorized by law.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate *Adoption Assistance Eligibility Checklist* (rev. 718) and obtain required documentation for each child being considered for adoption assistance eligibility.

Section I. Case Information
→ Enter Child's Name (Last, First, Middle Initial); Agency Name and Address; Unit/Worker Number; Date of Birth (DOB); Child's Client Identification Number (CIN)); and Case Number.

Explanation:
Use the most accurate data available for entering information. The Welfare Management System (WMS) Family Assistance/Safety Net (FA/SN) clearance (if available) contains reliable demographic data. Also see court documents for date of birth. For CIN and case number, use pre-finalization information except in cases of post-finalization applications.

Section II. Title IV-E Adoption Assistance Eligibility

Child Must Meet All Requirements Below for Title IV-E Adoption Assistance Eligibility:

1. **Citizenship.** Is the child a citizen of the United States or a qualified immigrant?

   → Check YES if the child is a citizen of the United States or the child is a qualified immigrant.
   → Check NO if the child is not a U.S. citizen or a qualified immigrant.

Explanation:
States are required to verify citizenship or immigration status of all children receiving federal adoption assistance payments. The child must be a United States (US) citizen or a qualified immigrant as defined by Federal law (Personal Responsibility Work Opportunity and Reconciliation Act [PRWORA] of 1996).

*Please note children who have special needs who are not citizens or residents of the US and were either adopted in another country or brought to this country for the purposes of adoption are categorically ineligible for Adoption Assistance **except** if the child meets the eligibility criteria after the disruption of the international adoption and is re-adopted.*

Documentation[52]:

US Citizens:

- Birth certificate[53]
- U.S. Passport
- Naturalization certificate

Qualified Immigrants:

- WMS non-services screen indicating child received Family Assistance (FA), Medical Assistance (MA),[54] Supplemental Nutrition Assistance Program (SNAP) or Home Energy Assistance Program (HEAP)

[52] As of September 2014, court records are no longer acceptable documentation of citizenship. Court orders do not usually mention the citizenship/immigrant status of the child and are therefore, not acceptable proofs of this requirement. Please use documents listed above for this verification.
[53] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.
[54] **Medicaid Exception:** Medicaid eligibility for otherwise eligible immigrants is not dependent on whether the immigrant is a qualified immigrant or non-qualified immigrant or the date on which the immigrant entered the U.S. as outlined in PRWORA. State and local Medicaid coverage cannot be denied if an otherwise eligible immigrant is permanently residing in the U.S. under Color or Law (PRUCOL) or is a lawfully admitted permanent resident. Also, federally funded Medicaid may be granted to otherwise eligible undocumented immigrants for emergency services only. Pregnant women are not required to document citizenship or immigration status in order to be eligible for Medicaid. These individuals can be identified on **upstate** WMS by category codes: **38** (Alien FP-Emergency Only); **37** (Alien FNP-Eligible MA-Does Not Meet PRWORA); and **76** (Legal Aliens-Eligible MA-Does Not Meet PRWORA). On **downstate** WMS, the individuals are identified by alien code **E** (Undocumented Aliens-Emergency MA Only) or state/federal charge codes: **60** (TANF Ineligible Alien) and **67** (Qualified Alien in the Five-Year Ban for Medicaid/PRUCOL).

- United States Citizenship and Immigration Services (USCIS) document
- See Appendix B for *Immigration Status List.*

2. **Age.**

   a. Is the child under the age of 18?
   → Check YES if the child is under the age of 18.
   → Check NO if the child is not under the age of 18. ☞ **Go to (b)**

   b. Is the child age 18 or older but under the age of 21, and satisfies one of the conditions listed below?
   ☐ Completing secondary education or a program leading to an equivalent credential; **or**
   ☐ Enrolled in an institution which provides post-secondary or vocational education: **or**
   ☐ Participating in a program or activity designed to promote, or remove barriers to employment; **or**
   ☐ Employed for at least 80 hours per month; **or**
   ☐ Incapable of any of the activities described above due to a medical condition which incapability is supported by regularly updated written or recorded information in the case plan of the child.
   → Check YES if the child is age 18 or older but under age 21 and meets one of the above conditions.
   → If the answer to (a) and (b) is NO: ☞ **Go to Section III, State Adoption Subsidy Eligibility.**

Explanation:

The age requirement for determination of initial eligibility for Title IV-E Adoption Assistance is divided into two separate standards. The first standard requires a child be under the age of 18 years. The second standard is that even though the Adoption Assistance Agreement is executed after the youth has turned age 18 years, a legally freed youth age 18 years or older (but under the age of 21 years) satisfies the requirement provided s/he meets at least one of the following conditions:

- Completing secondary education or a program leading to an equivalent credential, e.g., a youth age 18 or older finishing high school or taking classes in preparation for a general equivalency diploma exam; **or**
- Enrolled in an institution which provides post-secondary or vocational education, e.g., a youth could be enrolled full-time or part-time in a university or college or enrolled in a vocational or trade school; **or**
- Participating in a program or activity designed to promote, or remove barriers to employment, e.g., a youth could be in Job Corps or attending classes on resume writing and interview skills; **or**
- Employed for at least 80 hours per month, e.g., a youth could be employed part-time or full-time at one or more places of employment; **or**

- Incapable of any of the activities described above due to a medical condition which incapability is supported by regularly updated or recorded information in the child's case plan.

Documentation for Age:

- Non-services WMS screen reflecting the child's date of birth
- Birth certificate[55]
- Baptismal certificate
- Hospital Records
- U.S. Passport
- Naturalization certificate
- Court records
- School records
- Family Assessment and Service Plan (FASP)/Progress notes substantiate one of the above certificates was seen by the caseworker; should include the child's name, date of birth, parents' names and certificate number

Additional Documentation for Youth Ages 18 and Older:

- Completing secondary education or a program leading to an equivalent credential, e.g., a youth age 18 or older finishing high school or taking classes in preparation for a general equivalency diploma exam; **or**
  - Name, location and type of school or program; **and**
  - Grades; **or**
  - Progress notes; **or**
  - Evaluation or other document from school or program that establishes youth's attendance or enrollment.
- Enrolled in an institution which provides post-secondary or vocational education, e.g., a youth could be enrolled full-time or part-time in a university or college or enrolled in a vocational or trade school; **or**
  - Name, location and type of institution; **and**
  - Grades: **or**
  - Progress report; **or**
  - Evaluation or other document from the institution that establishes the youth's attendance or enrollment.
- Participating in a program or activity designed to promote, or remove barriers to employment, e.g., a youth could be in Job Corps or attending classes on resume writing and interview skills; **or**
  - Name, location and program or activity description; **and**
  - Statement from program or activity that establishes the youth's participation.

[55] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

- Employed for at least 80 hours per month, e.g., a youth could be employed part-time or full-time at one or more places of employment; **or**

- Name of employer, company, agency or organization, location and nature of employment; **and**
- Statement from employer that establishes hours worked per month.

Additional Documentation for Youth Ages 18 and Older: *(continued)*

- Incapable of any of the activities described above due to a medical condition which incapability is supported by regularly updated or recorded information in the child's case plan
- The child's medical condition must be documented by a physician, a physician's assistant or a nurse practitioner under the supervision of a physician or a licensed psychologist.

3. **Special Needs.** Does the child have special needs as defined by Section 473(c) of the Social Security Act, outlined below in a, b, and c, prior to the finalization of the adoption?

   ☞ *Check below all factors that apply (all boxes [a, b, and c] must be checked to meet Title IV-E eligibility requirements).*

   → Check **Box a** if the state has determined that the child cannot or should not be returned to the home of his/her parents.

Explanation:
The state must have determined that the child cannot or should not be returned to the home of his/her parents through a termination of parental rights proceeding, a surrender or other court proceedings concluding that the child cannot be returned to his/her parents.

Documentation for Special Needs:
- A copy of the court order terminating parental rights **or**
- A signed surrender **or**
- Article 10 or 10-C of the Family Court Act (FCA) order where birth parents are deceased.

AND

→ Check **Box b** if the child meets the criteria in 18 NYCRR 421.24(a)(2) or 421.24(a)(3)(iii) as either handicapped or hard-to-place (for reasons **other than** the child having been freed for six months or more and not placed in an adoptive home, or having been placed for adoption more than six months from the termination of a previous adoptive placement).

☞ *Check below the factor that applies (check only one box):*

→ Check the first box if the child meets the definition of handicapped.
→ Check the second box if the child meets the definition of hard-to-place.

Explanation:
The child must meet the criteria of a child with special needs, as outlined in 18 NYCRR 421.24(a)(2) for a handicapped child or as outlined in 18 NYCRR 421.24(a)(3)(iii) for a hard-to-place child. This includes situations where a special condition or factor[56] exists and it is reasonable to conclude that because of this condition or factor, the child cannot be placed with adoptive parents without providing medical and financial assistance. (See Appendix B fordefinitions of *handicapped* and *hard-to-place*.) **Note: children who are considered hard-to-place for State Adoption Subsidy purposes solely because of the six-month criteria set forth in 18 NYCRR 421.24(a)(3)(i) and (ii) are not Title IV-E eligible.**

Documentation:
- Medical documentation indicating physical, mental or emotional handicap **or**
- Family Assessment and Service Plan (FASP)/Progress notes documenting that the child meets the criteria of a child with special needs.

AND

→ Check **Box c** if the state has determined that reasonable, but unsuccessful, efforts to place the child with appropriate parents without providing adoption assistance have been made, except when it has been determined that it would not be in the best interests of the child to make this effort (e.g., the child has developed significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child or the child is placed for adoption with a relative).

☞ *Check below the factor that applies (check only one box):*

→ Check the first box if the child has been registered with NYSAS.
→ Check the second box if the child has developed significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child or if the child is placed for adoption with a relative. Enter the date of placement with foster parents or relative.

Explanation:
The state must have determined that reasonable, but unsuccessful, efforts to place the child with appropriate parents without providing adoption assistance have been made (e.g., referral to the New York State Adoption Services (NYSAS) within 10 business days of being freed for adoption for children who have been in foster care for a period of three months or more and not in an adoptive placement except where a waiver of photo listing or a waiver of referral is authorized,[57] or adoption exchanges, or referral to specialized adoption agencies). The only exception to these reasonable efforts is when it would not be in the best interests of the child because of such factors as the existence of significant emotional

[56] Special Condition/Factor = The New York State definition of a handicapped or a hard-to-place child which includes ethnic background, age or membership in a minority or sibling group because of which it is reasonable to conclude that such child cannot be placed without providing adoption assistance or medical assistance satisfies the federal definition with the exception of the New York State six month criteria (i.e., the child was freed for adoption for at least six months and not placed in an adoptive home or placed for adoption six months or later from the termination of a previous adoptive placement).
[57] See the 97-ADM-14, *Referral of a Freed Child to New York State Adoption Services* for additional details on photo listing.

ties with prospective adoptive parents while in the care of those parents as a foster child or the child is placed for adoption with a relative.

Documentation:

- FASP/Progress notes listing the specific factor(s) or condition(s) making the child difficult to place and describing the efforts made by the agency to place the child for adoption without providing assistance (e.g. photo listing, adoption exchanges and referral to specialized adoption agencies) **or**
- FASP/Progress notes explaining significant emotional ties with the prospective foster adoptive parent(s) or placement for adoption with a relative.

→ Check YES if all boxes (a, b, and c) have been checked.
→ Check NO if not all of the above boxes (a, b, or c) have been checked. ☞ **Go to Section III. State Adoption Subsidy Eligibility.**

4. **Financial Need.** Does the child meet the requirements of financial need?

The child must meet the financial need requirement in **one** of the following ways:

Child Linked to AFDC Criteria (Non-applicable Child)	Child Delinked from AFDC Criteria[58] (Applicable Child)
At the time of the child's removal from his/her home, the child received, or would have been eligible to receive, AFDC in accordance with program rules in effect on 7/16/96.	A child is delinked from the AFDC rule when the child: ○ Meets the qualified age **or** ○ Has been in foster care placement for 60 continuous months **or** ○ Is a sibling of an eligible child qualified by age (see table **Explanation** section) or length of stay (60 continuous months) in foster care and is to be placed in the same adoptive home as the eligible sibling. (The child must meet the special needs criteria as listed in the Special Needs section above.) **AND** At the initiation of adoption proceedings, a delinked child had to be in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to an involuntary removal with a judicial determination that it was contrary to the welfare of the child to remain in the home; or a voluntary placement agreement or voluntary surrender.
OR The child is eligible for SSI prior to finalization.	**OR** The child meets all medical and disability requirements with respect to eligibility for SSI benefits prior to finalization (which qualifies the child as special needs)
OR The child is a minor parent[59] in foster care and receiving Title IV-E Foster Care payments that cover both the minor parent and the minor parent's child prior to finalization.	**OR** The child of the minor parent was residing in a foster family home or child care institution with his/her minor parent and the minor parent was removed from the home pursuant to either: ○ An involuntary removal with a judicial determination that it was contrary to the child's welfare to remain in the home **or** ○ A voluntary placement agreement or voluntary surrender
OR The child was Title IV-E eligible in a previous adoption and prior to finalization of a subsequent adoption is determined to have special needs.	
OR A fair hearing has determined that adoption assistance was wrongfully denied. Please see the following pages for an **Explanation** of each of the above ways that a child may meet the financial need requirement	

[58] See 14-OCFS-ADM-03 for details regarding adoption assistance and federal reporting requirements as it pertains to delinking.

[59] Clarification received from HHS explains that Title IV-E Adoption Assistance, including an expanded subsidy amount, is available to cover the needs of an otherwise eligible minor parent and her infant when the parent is being adopted and her infant or child remains in her custody and lives with her in the adoptive home. (94 ADM-12, July 7, 1994, pp. 8-9.)

☞ Check below the factors that apply - one box (either **a, b**, **c**, **d, e** or **f**) must be checked. If box **b** is checked, **either box 1, 2, c**, **d**, **e** or **f must also be checked** to meet Title IV-E eligibility requirements.

→ Check **Box a** if at the time of the child's removal from his/her home, the child received, or would have been eligible to receive, AFDC in accordance with program rules in effect on 7/16/96.

Explanation:
A child must be AFDC or Title IV-E eligible at the time of removal (when the initial Title IV-E foster care determination is made).

Establishing AFDC/Title IV-E Eligibility at the Time of Removal for Special Needs Children Linked to AFDC: An Explanation

For voluntarily placed children:
Children (linked to AFDC) placed pursuant to a Voluntary Placement Agreement must have actually received a Title IV-E Foster Care payment to be eligible for Title IV-E Adoption Assistance.

For court placed children:
At the initial Title IV-E Foster Care determination, if the child (linked to AFDC) was Title IV-E eligible, the child is determined, as part of that process, AFDC eligible.

Documentation:

- The *Initial Foster Child Eligibility Checklist* (LDSS-4809) showing Title IV-E categorically eligibility and relevant back-up documentation for that eligibility; **or**
- For voluntarily placed children, the WMS screen showing Title IV-E Foster Care payments.

However, if the non-applicable child (linked to AFDC) was determined **ineligible** for Title IV-E foster care, then s/he must meet **all** of the following AFDC criteria at removal:

- Contrary to the welfare/best Interest (in the initial removal court order or voluntary placement agreement)
- Parental deprivation (surrender or termination of parental rights [TPR] alone at removal is not proof that parental deprivation exists). The child need only meet one of the parental deprivation reasons.
- Age 18 or under
- Financial need based on parents' income and resources
- Removal from the home of a specified relative

Financial Need - **Children Linked to AFDC** *(continued)*

Documentation:
Please check the eligibility record as this documentation may already be on file:

- **Contrary to the Welfare/Best Interests** = the initial order sanctioning removal of the child from his/her home indicating that continuation in the home is contrary to the welfare of the child or that removal is in the best interests of the child or that removal is necessary due to imminent risk.

AND

- **Parental Deprivation**
  - Absence from the home = Referral to the Child Support Enforcement unit indicating that at least one parent is absent from the removal home at time of removal; or court petition with this information; or FASP/Progress notes/Application for Services indicating that at least one parent is absent from the removal home at time of removal; **OR**
  - Parental incapacity = State Data Exchange (SDX) indicating that at least one parent receives Supplemental Security Income (SSI); or Internal Age/Disabled (AD) unit information verifies that at least one parent is incapacitated; or medical/mental health/treatment report containing diagnosis and relationship of diagnosis to limited parental functioning or ability to earn income; or award letter from the Social Security Administration, the Workers' Compensation Board, the New York State Disability office or the Veterans Administration; or FASP/Progress note entry indicates caseworker observed obvious physical handicap for at least one of the parents; **OR**
  - Unemployed or Underemployed parent = WMS screen indicating the family received Temporary Assistance (TA) or Medical Assistance (MA) during the month of removal; or the Resource File Integration (RFI/CINTRAK) report; or award letter from the New York State Department of Labor (NYSDOL) or copy of Unemployment Insurance Benefits (UIB) check; or wage stubs indicating income is below the medically needy level; or probation/pre-sentencing report; or FASP/Progress notes documenting consistent information regarding the employment or unemployment of the parent; **OR**
  - Death of a Parent = Death certificate; or award letter indicating receipt of Survivors' Benefits or copy of Survivors' Benefit check; or other legal document indicating parent is deceased such as court petitions or a court order; or legal documentation indicating there is a court appointed guardian or legal custodian due to the death of the parent(s); or FASP/Progress notes that substantiate a death certificate was seen by the caseworker

AND

- **Age** = under age 18
  - Non-services WMS screen reflecting the child's date of birth
  - Birth certificate[60]
  - Baptismal certificate
  - Hospital Records
  - U.S. Passport
  - Naturalization certificate
  - Court records
  - School records
  - FASP/progress notes substantiate that one of the above certificates was seen by the caseworker—should include the child's name, date of birth, parents' names and certificate number

[60] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

Financial Need - **Children Linked to AFDC** *(continued)*

AND

- **Financial Need** = the source of the parents'/step/adoptive parents' income at removal will determine the required documentation

Source of Income	Acceptable Documentation
Wages/salary/tips from work	Current wage stub; or pay envelope; or employer letter; or contact with employer; or letter from Veterans Administration if parent is on active military duty; or RFI/CINTRAK report
Self-employment income	Business records; or tax records
Child support payments	Document from Office of Child Support Enforcement (OCSE) indicating payments; or statement from person paying the child support
Alimony	Statement from Family Court indicating amount received
Interest payments	Bank statements
Other recurring income	
Unemployment Insurance Benefits (UIB)	Correspondence from the NYSDOL
Veterans Benefits	Correspondence from the Veterans' Administration

AND

- **Removal from home of specified relative** = WMS clearance printout showing case composition and that the child was an active member in that case at the time of removal; or court petition indicating that the child had been living with a specified relative in the month of removal or in any of the six months before the month that that court petition or the order to show cause, seeking the child's removal from the home was filed or the date the Voluntary Placement Agreement was signed; or FASP/ Progress notes indicating that the child had been living with a specified relative in the month of removal or in any of the six months before the month that that court petition or the order to show cause, seeking the child's removal from the home was filed or the date the Voluntary Placement Agreement was signed; or FASP/ Progress notes indicate that the child had been living with a specified relative who is the representative payee for the child's case in the month of removal or during the defined period as indicated above.

AND

The child was determined special needs prior to finalization. (See *Special Needs* section above for documentation)

Financial Need – Child Delinked from AFDC

→ Check one of the boxes in **b** if this AFDC rule was not applicable because of the federal delinking rules; check the applicable box:

- The child meets the qualified age; **or**
- The child has been in foster care placement for 60 continuous months; **or**
- The child is a sibling of an eligible child qualified by age (see table below) or length of stay (60 continuous months) in foster care and is to be placed in the same adoptive home as the eligible sibling; **and**

→ Check either **Box 1** or **Box 2**, as applicable, if at the initiation of adoption proceedings, a delinked child was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to an involuntary removal with a judicial determination that it was contrary to the welfare of the child to remain in the home **or** a voluntary placement agreement **or** voluntary surrender.

Establishing Eligibility at the Time of Removal for Special Needs Children Delinked from AFDC: An Explanation

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L.110-351) delinked a child's eligibility for federal adoption assistance payments from the outdated AFDC income requirement for certain foster children.

As discussed on the first page of this Adoption Assistance Eligibility chapter of the Manual, the federal FFPSA made changes to certain dates for children under two (2) years of age in the delinking process.

More specifically, effective January 1, 2018, special needs children who reach the qualified age (see table below) and for whom an *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* has been executed during that same year, are not required to be AFDC or Title IV-E eligible at the time the initial Title IV-E foster care eligibility determination is made. Delinking also applies to:

- Any child (regardless of age) in foster care placement for 60 continuous months **and**
- Any sibling of an eligible child qualified by age (see table on following page) or length of stay (60 continuous months) in foster care and who is to be placed in the same adoptive placement his/her eligible sibling.

At the initiation of adoption proceedings, a delinked child has to be in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to:

- An involuntary removal with a judicial determination that it was contrary to the welfare of the child to remain in the home; **or**
- A voluntary placement agreement or voluntary surrender. For delinked children in placement due to a voluntary placement agreement, a Title IV-E foster care payment does not have to be made.

Financial Need - Child Delinked from AFDC *(continued)*

Documentation:

- To verify that the child reached the qualified age:
  - Non-services WMS screen reflecting the child's date of birth
  - Birth certificate[61]
  - Baptismal certificate
  - Hospital Records
  - U.S. Passport
  - Naturalization certificate
  - Court records
  - School records
  - FASP/progress notes substantiate that one of the above certificates was seen by the caseworker; should include the child's name, date of birth, parents' names and certificate number

AND

A copy of the *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* indicating that the *Agreement* was executed during the same year the child reached the qualified age.

- To verify that the child has been in foster care for 60 consecutive months:
  - CONECTIONS Activity window with placement/movement and/or legal activity history, documenting time in foster care
  - WMS POS history, authorizing foster care payments for the required time period
  - Court records
  - The FASP/progress notes providing the case history and indicating that the child has been in placement for 60 consecutive months.

- To verify that the child is a sibling of an eligible child:
  - Birth certificates of both children that indicate children share at least one biological parent
  - Baptismal certificates that indicate children share at least one biological parent
  - Hospital records that indicate children share at least one biological parent
  - Court records with this information
  - FASP/Progress notes that substantiate that that children are siblings

- To verify that at the initiation of adoption proceedings, the child was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to an involuntary removal with a judicial determination that was contrary to the welfare of the child to remain in the home:
  - The removal order indicating that it was contrary to the welfare of the child to remain in the home and that the child is in the legal custody of the LDSS/ACS

[61] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

Financial Need - Child Delinked from AFDC *(continued)*

- To verify that at the initiation of adoption proceedings, the child was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to a voluntary placement agreement or voluntary surrender:
    - A copy of the voluntary placement agreement; [62]or copy of the voluntary surrender

The applicability of the delinking provisions for special needs children who reach the qualified age at any time before the end of the applicable federal fiscal year and for whom an *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* has been executed during that same year is expanded every federal fiscal year by the child's age. The chart below reflects changes made to delinking by the federal FFPSA as follows:

Delinking Chart: Federal Fiscal Year and Child's Age	
In the case of fiscal year starting:	**Child Reaches Age**
October 1, 2009	16 year olds & older
October 1, 2010	14 year olds & older
October 1, 2011	12 year olds & older
October 1, 2012	10 year olds & older
October 1, 2013	8 year olds & older
October 1, 2014	6 year olds & older
October 1, 2015	4 year olds & older
October 1, 2016 – FFY October 1, 2023	2 year olds & older

All children may be delinked when an *Adoption Assistance Agreement* is entered into on or after July 1, 2024.

As discussed on the first page of this Adoption Assistance Eligibility chapter of the Manual, the changes to the application of the AFDC income requirement noted in the revised chart above do not impact adoption subsidy agreements entered into on, or after October 1, 2017 and prior to January 1, 2018 regarding otherwise Title IV-E eligible children under two (2) years of age.

OR

→ Check **Box c** if the child is SSI eligible prior to finalization **or** the child is a delinked child with special needs **or** the delinked child meets all medical and disability requirements with respect to eligibility for SSI benefits prior to finalization.

[62] For **delinked** children in placement due to a voluntary placement agreement, a Title IV-E foster care payment does not have to be made.

Explanation:
If the child was eligible for Supplemental Security Income (SSI) benefits prior to adoption finalization, the child meets this financial requirement whether s/he is a delinked child or not. The fact that a child is eligible for SSI means that the child meets all medical and disability requirements for financial need–that also meets the special needs requirement for delinked children as they do not need to meet the SSI income requirements.

Documentation:
- Letter from the Social Security Administration (SSA) verifying eligibility for SSI **or**
- A copy of the SSI check confirming receipt of SSI at the time the adoption proceedings are initiated **or**
- State Data Exchange (SDX) screen indicating child is receiving SSI

OR

→ Check **Box d** if the minor parent[63] is in foster care and receiving Title IV-E Foster Care payments that cover both the minor parent and the minor parent's child prior to finalization, **or** if the child of a delinked minor parent was residing in a foster family home or child care institution with his/her minor parent and the minor parent was removed from the home pursuant to either an involuntary removal with a judicial determination that it was contrary to the child's welfare to remain in the home **or** a voluntary placement agreement or voluntary surrender.

Explanation:
If prior to adoption finalization, the minor parent is in foster care and receiving Title IV-E Foster Care payments that cover the minor parent and the minor parent's child, the requirement is met. (Title IV-E Adoption Assistance, including an expanded subsidy amount, which is available to cover the needs of an otherwise eligible minor parent when the parent is being adopted and her infant or child remains in her custody and lives with her in the adoptive home).

For a delinked minor parent, the requirement is that his/her child was residing in a foster family home or a child care institution with the minor parent and the minor parent was removed from the home pursuant to either an involuntary removal with a judicial determination that it was contrary to the child's welfare to remain in the home **or** a voluntary placement agreement or voluntary surrender. In these instances, the minor parent need not be receiving Title IV-E Foster Care payments.

Documentation:
Linked to AFDC
- WMS screen showing minor parent receives Title IV-E Foster Care (expanded subsidy) payments for herself and her child.

[63] Clarification received from HHS explains that Title IV-E Adoption Assistance, including an expanded subsidy amount, is available to cover the needs of an otherwise eligible minor parent and her infant when the parent is being adopted and her infant or child remains in her custody and lives with her in the adoptive home. (94 ADM-12, July 7, 1994, pp. 8-9.)

Delinked from AFDC

- Court order with a judicial determination indicating that it contrary to the welfare of the minor parent to remain in the home **or**
- Voluntary Placement Agreement **or**
- Voluntary Surrender

OR

→ Check **Box e** if the child was Title IV-E eligible in a previous adoption and prior to finalization of a subsequent adoption is determined to have special needs.

Explanation:
Child was previously adopted and receiving Title IV-E Adoption Assistance in that adoption episode, but the adoption dissolved or the adoptive parent(s) died and the child returns to foster care;[64] if prior to finalization of a subsequent adoption, the child is determined to have special needs, the child meets this requirement (none of the other eligibility requirements need to be redetermined).

Documentation:

- Death certificate of adoptive parent(s) **or**
- Court documents verifying termination of previous adoption, a surrender by the previous adoptive parent or a Termination of Parental Rights for the previous adoptive parent; **and**
- FASP/Progress Notes indicating the child received Title IV-E Adoption Assistance in a prior adoption

OR

→ Check **Box f** if a fair hearing has determined that adoption assistance was wrongfully denied.

Explanation:
A fair hearing has determined that Title IV-E Adoption Assistance was wrongfully denied. In these instances, a new *Adoption Assistance Eligibility Checklist* (rev. 7/18) must be completed for the child.

Documentation:

- Copy of the Fair Hearing Decision

[64] Adoptions finalized on or after October 1, 1997: when a Title IV-E adoption has been dissolved or the adoptive parent(s) dies, Title IV-E eligibility for the case will resume if and when the child is re-adopted. Another eligibility determination for AFDC or SSI related purposes is not needed, but a determination of "special needs" eligibility must be documented for the new adoption. See O*ther Eligibility Considerations, Death of Adoptive Parent* for additional details.

→ Check YES if box **a**, **c**, **d**, **e** or **f** is checked **or** if box **b** is checked, and either box **1**, **2**, **c**, **d**, **e** or **f** is also checked.
☞ **Go to Section IV, Eligibility Summary & Signatures/Supervisor's Review**
→ Check NO if none of the above boxes are checked.
☞ **Go to Section III, State Adoption Subsidy Eligibility**

Title IV-E Adoption Assistance Eligibility Decision

- If the child meets the citizenship, age, special needs and financial eligibility requirements and a copy of the documentation for each requirement is included in the child's eligibility folder, the child is Title IV-E eligible. Proceed to code WMS according to the instructions in the *Eligibility and Systems Information*, *Title IV-E Adoption Assistance WMS Coding Chart*.

- If the child is found ineligible for Title IV-E Adoption Assistance, the next step is to determine eligibility for the State Adoption Subsidy. See the *State Adoption Subsidy* section for details.

Medical Assistance Eligibility Decision

A child eligible for Title IV-E Adoption Assistance is automatically/categorically eligible for Medical Assistance (MA). The child continues to be eligible for MA under this category as long as the child continues to receive Title IV-E Adoption Assistance. When a child whose guardianship and custody has been committed to a voluntary authorized agency is adopted with Title IV-E Adoption Assistance, the social services district must authorize the MA for the child. To activate the MA, please enter appropriate codes in WMS. See the *Eligibility and Systems Information*, *Title IV-E Adoption Assistance WMS Coding Chart* for details.

To provide Medical Assistance prior to finalization (while child is still in foster care):

- If there is not a non-services case open for the foster child, open a non-services Medicaid case type **20; or**
- For SSI eligible, verify that a non-services Medicaid case type **22** has been opened—these cases are usually opened via the automated SDX process and not by the LDSS

After the adoption has been finalized:[65]

- Close the foster care non-services Medicaid case type **20** for the child; **and**
- Open a non-services Medicaid case type **20** for the adopted child; **or**
- If the child is in receipt of SSI (non-services Medicaid case type **22**), notify the Social Security Administration that the adoption has been finalized. Post-finalization, the automated SDX process will close the old SSI case; open a new SSI case and a new non-services Medicaid case type **22**.

Important! If a new social security number is obtained, adoption staff should work with Medicaid staff so that the adopted child's new social security number is entered on the Medicaid case.

There is no review of the parents' or child's income or resources in order to continue MA i.e., when eligibility for MA is provided pursuant to Title IV-E Adoption Assistance.

[65] Be sure to include the individual category codes.

The State Adoption Subsidy

Program/Funding Description

This funding category is also used to assist states in providing ongoing financial and medical assistance for adopted children with special needs but only when it is determined that the child is ineligible for Title IV-E funding. As indicated previously, prospective adoptive parents must complete and sign an *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* (**LDSS-4623A**) and receive approval from the social services district and OCFS to receive monthly payments where the child was in the legal custody of the local district or a certified or approved foster parent.[66] Eligibility for the State Adoption Subsidy is more broadly defined by New York State than under the federal law.

Required Steps in Determining Eligibility

The Title IV-E Adoption Assistance section of the *Adoption Assistance Eligibility Checklist* (**LDSS-3912**) (rev. 7/18) must have been completed and should indicate that a Title IV-E Adoption Assistance determination was made and that the child was found to be ineligible. Using the *Adoption Assistance Eligibility Checklist* (rev. 7/18), proceed to determine eligibility for the State Adoption Subsidy and collect the supporting documentation.

State Adoption Subsidy Requirements

To be eligible for the State Adoption Subsidy, when the child was found ineligible for Title IV-E Adoption Assistance, the child must meet two key eligibility requirements and each must be appropriately documented:

- Age **and**
- Handicapped/Hard-to-place Conditions/Factors

Below are these State Adoption Subsidy requirements discussed in the order that they appear on the *Adoption Assistance Eligibility Checklist* (**LDSS-3912**) (rev. 7/18). Included in the discussion are instructions for completing the *Adoption Assistance Eligibility Checklist* (rev. 7/18) and detailed explanations for each requirement along with the acceptable documentation. These instructions have been formatted to follow completion of the *Adoption Assistance Eligibility Checklist* (rev. 7/18). [See *Appendix A* for a sample copy of the *Adoption Assistance Eligibility Checklist* (rev. 7/18).]

It is strongly recommended that a separate eligibility case file on each child be maintained with the completed *Adoption Assistance Eligibility Checklist* (rev. 7/18) and copies of all the eligibility documents that support the eligibility decision be contained in that file.

Please note that this case file and all information contained therein is confidential and must be protected to prevent disclosure of the child's information to anyone other than personnel authorized by law.

[66] For agreements where the child is in the legal custody of a voluntary authorized agency, only OCFS approval is required.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate *Adoption Assistance Eligibility Checklist* (rev. 7/18) and obtain required documentation for each child being considered for adoption assistance.

Section III. State Adoption Subsidy Eligibility

☞ *Check below the factors that apply (one box must be checked in each question)*

1. **Age.** Is the child under the age of 21 where guardianship and custody was transferred before the child turned age 18, with the exception where a TPR is filed before the child turns age 18 (as set forth in section 384-b of the SSL, the child has to consent to the transfer)? **OR** Was the child in foster care as an abused, neglected or voluntarily placed child but whose parents who would have been entitled to notice of the adoption proceeding are deceased?

→ Check YES if the child is under the age of 21 and guardianship and custody was transferred prior to the age of 18 or is under age 21, the TPR was filed prior to the child turning age 18 and the child consented to the transfer **OR** if the child is under the age of 21 was in foster care as an abused, neglected or voluntarily placed child and his/her parents who would have been entitled to notice of the adoption proceeding are deceased.

→ Check NO if the child does not meet one or neither requirements. (Child is ineligible for State Adoption Subsidy.) ☞ **Go to Section IV, Eligibility Summary & Signatures/ Supervisor's Review**

Explanation:
A child meets the age requirement when s/he is under age 21 and guardianship and custody was transferred before the child turned age 18 or where the child is under age 21, a petition for termination of parental rights is filed prior to the child's 18th birthday and the child consented to the transfer or where the child is under age 21, was in foster care as an abused, neglected or voluntarily placed child and his/her parent or parents who would have been entitled to notice of the adoption proceeding are deceased. See *Death of Adoptive Parent* section.

Documentation:
Any one of the following is acceptable to document the child's age:

- Non-services WMS screen reflecting the child's date of birth
- Birth certificate[67]
- Baptismal certificate
- Hospital Records
- U.S. Passport
- Naturalization certificate
- Court records
- School records
- FASP/progress notes substantiate that one of the above certificates was seen by the caseworker; should include the child's name, date of birth, parents' names and certificate number

[67] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

Any one of the following is acceptable to document the transfer of guardianship and custody (check age of child at time petition to free the child for adoption is filed):

- Court order indicating guardianship and custody transferred to the local Department of Social Services (LDSS) or a voluntary authorized agency or a certified or approved foster parent; **or**
- Voluntary Surrender (section 383-c or 384 of the SSL).

To verify that the foster parent is certified or approved:

- Official proof of certification or approval as foster parent

To verify that the child was in foster care as an abused or neglected child:

- Court order indicating Article 10 removal

One of the following documents is acceptable to verify the death of the parent(s):

- Death certificate of the parent(s); **or**
- Other legal document that verifies that the court appointed a legal guardian or custodian for the child due to death of the parent(s) such as:
  - Court order of guardianship; **or**
  - Court order of custody.

The acceptable documentation to verify ineligibility for Title IV-E or SSI:

- The *Initial Foster Child Eligibility Checklist* (LDSS-4809) indicating the child was **ineligible** at initial determination for Title IV-E Foster Care

2. Handicapped/Hard-to-place (Condition/Factors). Does the child meet the criteria of 18 NYCRR 421.24 (a)(2) or (3) as either handicapped or hard-to-place?

☞ *Check below the condition/factor that applies (check only one box):*

→ Check the first box if the child meets the definition of handicapped.
→ Check the second box if the child meets the definition of hard-to-place.

Explanation:
The child meets the definition of handicapped according to 18 NYCRR 421.24(a)(2) or hard-to-place according to 18 NYCRR 421.24(a)(3) and is ineligible for Title IV-E Adoption Assistance if the child:

- Is under the age of 21, was freed for adoption before the age of 18 (or was freed after the age of 18 when the TPR petition was filed before the child turned age 18 and the child consented), and the child is handicapped as provided in 18 NYCRR 421.24(a)(2) and does not meet one of the eligibility requirements for Title IV-E Adoption Assistance. See *Appendix B* for definition of handicapped.

- Is under the age of 21, was freed for adoption before the age of 18 or was freed after the age of 18 when the TPR petition was filed before the child turned age 18 and the child

consented), and is determined hard-to-place because there exists a specific factor or condition such as the child's ethnic background, age, or membership in a minority or sibling group because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing financial or medical assistance and the child does not meet one of the eligibility requirements for Title IV-E Adoption Assistance.

- Is hard-to-place solely on the basis of being freed for adoption for at least six months without being placed for adoption.

- Is hard-to-place solely on the basis that the child has not been placed for adoption within six months from the date the previous adoption placement terminated.
  (See *Appendix B* for definitions of handicapped and hard-to-place.)

Documentation:
Handicapped:
- Medical documentation indicating physical, mental or emotional handicap

Hard-to-place:
- Surrender or TPR court order indicating freed date **or**
- Copy of the signed Adoption Placement Agreement (APA) indicating date child was placed **or**
- Death certificate if parents are deceased **or**
- FASP/progress notes document that there exists a specific factor or condition such as the child's ethnic background, age or membership in a minority or sibling group because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing financial or medical assistance.

Post-finalization Eligibility

→ Check the third box if the child has a pre-existing condition or disability unknown to the adoptive parents before finalization that otherwise satisfies the definition of a handicapped child.

Explanation:
The adoptive parents first become aware of the child's physical or emotional condition which would qualify the child as handicapped subsequent to the adoption. The condition or disability must qualify the child as handicapped according to 18 NYCRR 421.24(a)(2) and a doctor must certify that the condition existed prior to adoption finalization. In these instances, use the *Post Finalization Application* form (**LDSS-4623B**).

Documentation:
- Certification from a physician indicating the child had a physical or emotional condition that existed prior to adoption and that condition qualifies the child as handicapped.

→ Check YES if the answer to question **1** is YES and one box is checked in question **2**. (Child is eligible for State Adoption Subsidy.) ☞ **Go to Section IV, Eligibility Summary & Signatures/Supervisor's Review**

→ Check NO if the NO box is checked in question **1** and/or none of the boxes are checked in question **2**. (Child is ineligible for State Adoption Subsidy.) ☞ **Go to Section IV, Eligibility Summary & Signatures/Supervisor's Review**

State Adoption Subsidy Decision

If the child meets the age and one of the conditions/factors as indicated above and a copy of the supporting documentation is included in the child's eligibility folder, the child is eligible for the State Adoption Subsidy. Proceed to code WMS according to the instructions in the *Eligibility and Systems Information*, *State Adoption Subsidy WMS Coding Chart*.

The State Adoption Subsidy is authorized until the child reaches age 21; no payment may be made to adoptive parents with respect to any child if the LDSS/ACS determines that the parents are no longer legally responsible for the support of the child or if the LDSS/ACS determines that the adoptive parents are no longer providing any support to the child.[68]

If the child does not meet the age requirement or any of the handicapped/hard-to-place conditions/factors listed above, the child is ineligible for the State Adoption Subsidy. Proceed to code WMS according to the instructions provided in the *Eligibility and Systems Information, State Adoption Subsidy WMS Coding Chart*.

Before going to the **Section IV, Eligibility Summary & Signatures/Supervisor's Review** of the *Adoption Assistance Eligibility Checklist* (**LDSS-3912**) (rev. 7/18), please see the *Medical Assistance Eligibility Decision* section below.

Medical Assistance Eligibility Decision—State Adoption Subsidy Eligible Child

A child eligible for the State Adoption Subsidy must be evaluated for medical coverage according to the following hierarchy for determining Medical Assistance eligibility:

- **Medical Assistance under COBRA**
  The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) extends MA eligibility to certain children not eligible for Title IV-E Adoption Assistance, without regard to the income and resources of the adoptive parents. For a non-Title IV-E eligible child, determine whether the child is eligible for MA under the COBRA provision because:

[68] See *Social Security Act §473*, 09-OCFS-ADM-11 and/or the *Education and Support Requirements* section for details.

- The child has special medical or rehabilitative needs[69] that would make placement for adoption without MA coverage difficult; **and**
- The child was in receipt of, or eligible for MA in the three-month period before the *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* is signed.

Documentation:

- To verify the special medical or rehabilitative need, use the same documentation that verified eligibility for the State Adoption Subsidy; **and**
- To verify that the child was in receipt of or eligible for Medicaid in the three month period prior to the signing of the *Adoption Subsidy and Non-recurring Adoption Expenses Agreement*, if the child was in foster care placement and receiving Medical Assistance, the child meets the requirement. See *GIS-05 MA/04*.

To activate Medical Assistance under COBRA, enter appropriate codes in WMS according to the instructions provided in the *Eligibility and Systems Information*, *State Adoption Subsidy WMS Coding Chart* and:

- Close the non-services foster care Medicaid case prior to activating the MA under COBRA authorization for the Adoption Subsidy case.
- Remember, there is no review of the parents' or child's income or resources in order to continue the MA under COBRA.
- The child continues to be eligible for MA under the COBRA provisions up to age 21 as long as s/he continues to receive the adoption subsidy.
- The social services district must determine on an annual basis whether the adoptive parents continue to be legally responsible for the support of the child or that the child is receiving any support from such parents: no payment may be made to adoptive parents with respect to any child if the LDSS/ACS determines that the parents are no longer legally responsible for the support of the child or if the LDSS/ACS determines that the child is no longer receiving any support from such parents.[70]

- **The State Medical Subsidy**

  Where there is a determination that a child is in the guardianship and custody of a social services district or a certified or approved foster parent or where the parent or parents are deceased[71] and the child is eligible for maintenance subsidy but ineligible for MA under the COBRA provisions, the social services district or voluntary authorized agency must determine if the child is eligible for the State Medical Subsidy. The child must satisfy the standards set forth in 18 NYCRR 421.24(a)(2) and (3) which provide that the child be:

  - A handicapped child and ineligible for Medical Assistance under Title IV-E or COBRA **or**

[69] 09-OCFS-ADM-14: A child who meets the state's definitions of handicapped or hard-to-place for purposes of adoption subsidy is considered to have special medical or rehabilitative needs according to the federal Medicaid eligibility criteria for COBRA. Most children will qualify for MA under COBRA due to their categorical eligibility for MA while in foster care placement. See ADM for details.

[70] See *Social Security Act §473*, 09-OCFS-ADM-11 and/or the *Education and Support Requirements* section for details.

[71] Or where the child is in the guardianship and custody of a voluntary authorized agency.

- A hard-to-place child who is ineligible for MA under Title IV-E or COBRA and is being adopted by parents who are age 62 or older or within five years of mandatory retirement age.[72]

Documentation:

- To verify the handicapping condition and the hard-to-place status, use the same documentation that verified eligibility for the State Adoption Subsidy; **or**
- To verify that a hard-to-place child was adopted by parents who age 62 or older, use the prospective adoptive parents' birth certificate; **or**
- To verify that a hard-to-place child was adopted by parents who are within five years of mandatory retirement, use documentation from the prospective adoptive parent's place of employment indicating the mandatory retirement age; **and**
- To verify that the child was found ineligible for MA under Title IV-E or COBRA, use the FASP/Progress notes.

To activate the medical coverage, enter appropriate codes in WMS according to the instructions provided in the *Eligibility and Systems Information,* *State Adoption Subsidy WMS Coding Chart* and:

- Close the non-services foster care Medicaid case prior to activating the State Medical Subsidy authorization for the Adoption Subsidy case.
- Remember, there is no review of the parents' or child's income or resources in order to continue the State Medical Subsidy.
- The child may receive the State Medical Subsidy up to age 21; however, no payment may be made to adoptive parents with respect to any child if the LDSS/ACS determines that the parents are no longer legally responsible for the support of the child or if the LDSS/ACS determines that the child is no longer receiving any support from such parents.[73]

Payment of Medical Bills under State Medical Subsidy

The local district has three options in regard to payment of medical bills for adopted children eligible for the State Medical Subsidy:

1. The adoptive parents may pay the medical provider directly for services rendered (includes care, services and supplies as authorized under the state's Medical Assistance Program) and submit the bill and proof of payment to the local district for reimbursement. In these instances, if the adoptive parent submits all proofs of having paid the medical provider, the local district is responsible for reimbursing the adoptive parent up to the current Medicaid rate.

or

[72] The social services district should recommend to the adoptive parents of a hard-to-place child who is ineligible for either MA under COBRA or the State Medical Subsidy that they inquire of their local Department of Social Services about applying for Medicaid as a family so that there is the possibility of receiving Medicaid for the adoptive child through the family's eligibility. An adoptive family can apply for Child Health Plus B for the child who is ineligible for Medicaid, even if s/he does receive a Medical Subsidy. Medical Subsidy is not considered to be third-party health insurance.

[73] See *Social Security Act §473*, 09-OCFS-ADM-11 and/or the *Education and Support Requirements* section for details.

2. The adoptive parents may submit the unpaid bill to the local district for the district to pay the medical provider directly.

or

3. The medical provider may submit the bill directly to the local district for the district to pay the medical provider.

It is recommended that the local district discuss the preferred option with the adoptive parents.

Section IV. Eligibility Summary & Signatures/Supervisor's Review

1. Adoption Subsidy Agreement. Was the *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* (**LDSS-4623A**) signed by all parties before the final decree of adoption (except in the case of a post finalization application)? To be eligible for Title IV-E Adoption Assistance and to comply with State Adoption Subsidy requirements, the *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* must be completed and signed prior to the finalization of the adoption.

☞ *One of the boxes below must be completed prior to entering the WMS Systems information for each child being considered for adoption assistance.*

→ Check "YES" if the Adoption Subsidy Agreement was signed by all parties on or before the final decree of adoption. Enter the date of the *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* was signed and the date of finalization on the spaces provided.

Explanation:
The *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* (**LDSS-4623A**) is a written agreement between the adoptive parents and the social services district or a voluntary authorized agency which must be approved by the social service district where the child is in the legal custody of the district with final approval from the New York State Office of Children and Family Services (OCFS).[74] The *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* must specify the nature and the amount of assistance to be provided. This is a required step for **both** Title IV-E Adoption Assistance and the State Adoption Subsidy. It must be signed by all parties and in effect at the time of, or prior to, the finalization of the adoption **except** in the case of the following:

- A fair hearing determines that adoption assistance was wrongfully denied.
- The adoptive parents first become aware of the child's physical or emotional condition subsequent to the adoption, which would otherwise, qualify the child as handicapped and, a physician certifies that the condition existed prior to the adoption. (This category of cases is not eligible for Title IV-E Adoption Assistance.)

[74] For agreements where the child is in the legal custody of a voluntary authorized agency, only OCFS approval is required.

The amount of the Title IV-E Adoption Assistance or the State Adoption Subsidy payment is based on the circumstances and condition of the child and determined through the agreement. No means test can be used to determine eligibility of the adoptive parents for payment. However, the adoptive parents' income can be considered in determining the amount of the payment.[75] Payment amounts may be adjusted periodically if circumstances change, with the concurrence of the adopting parents, the local district and OCFS where the child was in the legal custody of the local district or of the adopting parents and OCFS.[76]
The rate of payment must be increased whenever the applicable foster board rate increases or whenever the change in the age of the adoptive child qualifies the child for an increased rate. The adoption assistance payments may not exceed the foster care maintenance payments that would have been paid had the child remained in foster care.

Federal standards authorize that adoption assistance payments may start as soon as an agreement is signed and the child has been placed in an adoptive home. State standards for the commencement of subsidy payments generally authorize that they begin at the point of finalization and are set forth in 18 NYCRR 421.24(c)(2). However, effective May 7, 2008, adoption subsidy payments may begin prior to finalization of the adoption (from the date of adoptive placement), for approved adoptive parents who are not certified or approved foster or foster/adoptive parents (see NYCRR 421.24(c)(2).[77]

Documentation:

- *Adoption Subsidy and Non-recurring Adoption Expenses Agree*ment (**LDSS- 4623A**) signed by all parties before the final decree of adoption.

→ Check "NO" if the *Adoption Subsidy Agreement* was not signed by all parties before the final decree of adoption. (Child is ineligible for Title IV-E Adoption Assistance or State Adoption Subsidy.)
→ Check "EXCEPTION - Post finalization adoption subsidy application - use the *Post Finalization Application* form (**LDSS-4623B**)" if one of the exceptions cited above is applicable.

☞ **Complete the Eligibility and Systems information below**.

Explanation:
If the *Adoption Subsidy and Non-recurring Adoption Expenses Agree*ment (**LDSS- 4623A**) was not signed by all parties before the final decree of adoption, check the "NO" box as the child is ineligible for Title IV-E Adoption Assistance and the State Adoption Subsidy.

In instances where the adoptive parents first become aware of the child's physical or emotional condition that qualifies the child as handicapped subsequent to the adoption, check the "EXCEPTION" box and use the *Post Finalization Application* form (**LDSS-4623B**).

[75] See 08-OCFS-ADM-03 for details regarding payment amounts.
[76] Payment amounts may also be adjusted periodically where the child was in the legal custody of a voluntary authorized agency. See 08-OCFS-ADM-03 for details.
[77] See 10-OCFS-ADM-11, *Payment of Adoption Subsidies to Certain Approved Adoptive Parent(s) Prior to Finalization of the Adoption* and GIS 10-#005 for details.

2. Eligibility and Systems Information
Information must be entered on WMS:

→ Check the "ELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE AND MA" box if the child is eligible for Title IV-E Adoption Assistance and Medical Assistance. (See *Title IV-E Adoption Assistance WMS Coding Chart* after the following page for details)

Explanation:
If the child meets the age, special needs and financial (if applicable) eligibility documentation requirements for Title IV-E Adoption Assistance, the child is eligible. The adoption assistance and adoption services must be authorized on the Welfare Management System (WMS) and appropriate entries must be made to associated child welfare systems to reduce claiming errors and maximize federal reimbursement.

It is of utmost importance that accurate entries be made in all associated child welfare systems to reduce claiming disallowances and maximize federal reimbursement. These systems include CONNECTIONS (CONX), the Welfare Management System (WMS), and the Benefit Issuance and Control System (BICS). See the *Closing Adoption Cases Guide* at:

http://ocfs.state.nyenet/connect/jobaides/closing%20adoption%20cases%20rev%201-21-09.pdf

Entries in CONX record the child's discharge to the adoptive home as part of the child's permanency plan and include the appropriate approvals. WMS is the system of record for authorizing the adoption assistance and adoption services. CONNECTIONS Activity is the data base for legal activities, placement and movement activities and adoption activities. BICS maintains a record of all payments; it operates based on information the local district enters into WMS, and CONX.

As indicated above, adoption assistance and adoption services must be authorized on WMS. WMS will produce the *Services Authorization Form* (**LDSS-2970**); this authorization is generated initially for a 12-month period. The case must be reauthorized on WMS every 12 months thereafter. (See *Redetermination of Title IV-E Adoption Assistance* section for items to review)

There is no required annual review of the parents' or the child's income in order to continue Title IV-E Adoption Assistance. Once eligibility has been established, it does not need to be redetermined until the child reaches age 18. (See *Redetermination of Title IV-E Adoption Assistance* section for items to review)

See chart on next page for *Title IV-E Adoption Assistance WMS coding*.

Title IV-E Adoption Assistance WMS Coding Chart

After freeing/Prior to finalization:[78]

If there is not a case opened for the child, open the WMS services case with the child as a family of one.

- If the child has been determined to be Title IV-E eligible, enter eligibility code **02**.
- If the child is SSI eligible, enter eligibility code **06** (SSI-Blind) or **07** (SSI-Disabled).
- If the child is neither Title IV-E eligible nor SSI eligible, determine eligibility for the State Adoption Subsidy.

To provide Medical Assistance prior to finalization, i.e. while the child is still in foster care, you must proceed as follows:

- If there is not a foster care Medicaid case open, open a non-services Medicaid case type **20** for the foster care child.
- If the child is SSI eligible, check that a non-services case type **22** has been opened- these cases are usually opened via the SDX automated process and not by Services.

When the adoption has been finalized:[79]

- Close the WMS services case that was linked to CONX Activity. The reason for closing the WMS services case should be either reason code **573** (adoption subsidized) or reason code **574** (adoption not subsidized), as appropriate.
- If Title IV-E Adoption Assistance is to be provided, open a new WMS services case with the child as a family of one and enter:
    - A new WMS services case number;
    - The child's adoptive name;
    - The system will generate a new CIN for the child.

- To provide the Title IV-E Adoption Assistance for a linked or a delinked child who was Title IV-E foster care eligible:
    - Enter eligibility code **02**; or
    - Enter eligibility code **06** (SSI-Blind) or **07** (SSI-Disabled) if the child is SSI eligible; &
    - Enter direct service code **01** and POS code **52** (7/1/87-present) or **55**.[80]

- If the child is eligible for Title IV-E Adoption Assistance based **solely** on the child's eligibility as a delinked child (was not Title IV-E foster care eligible):[81]
    - Enter eligibility code **02**; &
    - Enter direct services code **01A** & purchase of services (POS) code **52** (7/1/87-present) or **55**.[82]

[78] See 10-OCFS-ADM-11, *Payment of Adoption Subsidies to Certain Approved Adoptive Parent(s) Prior to Finalization of the Adoption* and *GIS 10-#005* for details.
[79] Please see GIS #15-008 and GIS #14-004 for instructions regarding suppression of the pre-adoptive CIN.
[80] POS code **55** is for adoptions finalized after 9/30/80 and before 7/1/87.
[81] See 14-OCFS-ADM-03 for coding instructions regarding the delinked (applicable) child.
[82] POS code **55** is for adoptions finalized after 9/30/80 and before 7/1/87.

Title IV-E Adoption Assistance Coding Chart (continued)

To provide Medical Assistance after finalization:

- Close the non-services foster care Medicaid case type **20** or **22**, prior to activating the new MA non-services case
- Open a non-services Medicaid case type **20** for the adopted child.
- If the child is SSI eligible (non-services case type **22**), notify the Social Security Administration that the adoption was finalized. The SDX automated process will close the old SSI case, open a new SSI case and non-services Medicaid case type **22** post finalization.

If a new social security number is obtained, adoption staff should work with Medicaid staff so that the adopted child's new social security number is entered on the Medicaid case.[83]

→ Check the ELIGIBLE FOR STATE ADOPTION SUBSIDY and MA (COBRA) box if the child is eligible for both the State Adoption Subsidy and MA under COBRA. (See the *State Adoption Subsidy WMS Coding Chart* on the next page for details)

Explanation:
If the child meets the age and the handicapped or hard-to-place documentation requirement and the child is **ineligible** for Title IV-E Adoption Assistance, the child is eligible for the State Adoption Subsidy. In these instances for purposes of adoption subsidy, the child is considered to have special needs according to federal Medicaid eligibility criteria for COBRA. (Most children will qualify for Medical Assistance under the COBRA provisions due to their categorical eligibility for Medical Assistance while in foster care with the exception of non-qualified immigrant children.)

The adoption subsidy and adoption services and the MA under COBRA must be authorized on the Welfare Management System (WMS) and appropriate entries must be made to associated child welfare systems to maximize State reimbursement.

→ Check the ELIGIBLE FOR STATE ADOPTION SUBSIDY AND STATE MEDICAL SUBSIDY box if the child is eligible for both the State Adoption Subsidy and the State Medical Subsidy. (See the *State Adoption Subsidy WMS Coding Chart* on the next page for details)

Explanation:
If the child meets the age and the handicapped or hard-to-place documentation requirements and the child is **ineligible** for Title IV-E Adoption Assistance, the child is eligible for the State Adoption Subsidy. In these instances, if the child is also **ineligible** for MA under COBRA and the child is handicapped or hard-to-place and being adopted by parents who are age 62 or older or within five years of mandatory retirement, the child meets the criteria for the State Medical Subsidy.

[83] Please see GIS #15-008 and GIS #14-004 for instructions regarding suppression of the pre-adoptive CIN.

The adoption subsidy and adoption services and the State Medical Subsidy must be authorized on the Welfare Management System (WMS) and appropriate entries must be made to associated child welfare systems to maximize State reimbursement.

→ Check the ELIGIBLE FOR STATE ADOPTION SUBSIDY box if the child is only eligible for the State Adoption Subsidy. (See the *State Adoption Subsidy WMS Coding Chart* for details)

Explanation:
If the child meets the age and the handicapped or hard-to-place documentation requirements and the child is found ineligible for Title IV-E Adoption Assistance, the child is eligible for the State Adoption Subsidy.

The adoption subsidy and adoption services must be authorized on the Welfare Management System (WMS) and appropriate entries must be made to associated child welfare systems to maximize State reimbursement.

State Adoption Subsidy WMS Coding Chart

After freeing/Prior to finalization:[84]
If there is not a WMS services case opened for the child, open the WMS services case with the child as a family of one.

- Enter eligibility code **08** or **14** (eligibility to be determined by income, non-categorical) if the child is neither Title IV-E nor SSI eligible

To provide Medical Assistance prior to finalization, while the child is still in foster care, you must open a WMS non-services case.

- Enter eligibility code **08** for the services case and open a non-services MA case type **20**.

When the adoption has been finalized:[85]
If the State Adoption Subsidy (maintenance) is to be provided:

- Close the WMS services case that was linked to CONX Activity. Use reason code **573** (Adoption Subsidized) or reason code **574** (Adoption Not Subsidized), as appropriate;
- Open a new WMS services case with the child as a family of one (use a new WMS services case number, the child's adoptive name). The system will generate a new CIN for the adopted child;
- Enter eligibility code **14** (eligibility to be determined by income non-categorical);
- Enter direct service code **01** and POS code **52** (7/1/87-present) or **55**,[86] as appropriate.

To provide medical coverage after finalization:

- Close the non-services foster care MA case type **20** prior to activating the MA under COBRA or the State Medical Subsidy;
- Determine the child's eligibility for Medical Assistance under the COBRA provisions. If the child is eligible for Medical Assistance under COBRA:
  - Enter eligibility code **08-**MA; and
  - Open a non-services MA case type **20**.

- If the child was found ineligible for MA under COBRA, determine the child's eligibility for the State Medical Subsidy. If the child is eligible for the State Medical Subsidy:
  - Open only a services case;
  - Enter eligibility code **14** (eligibility to be determined by income non-categorical); and
  - Enter direct service code **01** and POS code **77** (State Medical Subsidy).

If a new social security number is obtained, adoption staff should work with Medicaid staff so that the adopted child's new social security number is entered on the Medicaid case.[87]

[84] See 10-OCFS-ADM-11, *Payment of Adoption Subsidies to Certain Approved Adoptive Parent(s) Prior to the Finalization of the Adoption* and *GIS 10-#005* for details.
[85] Please see GIS #15-008 and GIS #14-004 for instructions regarding suppression of the pre-adoptive CIN.
[86] POS code 55 is for adoptions finalized after 9/30/80 and prior to 7/1/87.
[87] Please see GIS #15-008 and GIS #14-004 for instructions regarding suppression of the pre-adoptive CIN.

→ Check the INELIGIBLE FOR TITLE IV-E ADOPTION ASSISTANCE AND STATE ADOPTION SUBSIDY box if the child is not eligible for either Title IV-E Adoption Assistance or the State Adoption Subsidy.

→ Sign and enter the date.

→ Obtain the supervisor's signature and date.

Section V. Documentation of Eligibility

This section of the Checklist is designed to allow a recording of what documentation was secured for both Title IV-E Adoption Assistance and the State Adoption Subsidy. For cases found eligible for Title IV-E or the State Adoption Subsidy, all items should be completed by noting the document(s) used to support each element of the criteria and where in the case record this documentation can be found.

→ List the documentation used for each item. The acceptable documentation for all items is listed under the **Documentation** heading for each funding category in previous pages.

Be sure to enter the location of all documentation in the case record on the designated area; or check the box if attached to the *Adoption Assistance Eligibility Checklist* (rev. 7/18).

It is strongly recommended that all documentation be attached to the *Adoption Assistance Eligibility Checklist* (rev. 7/18). It is also recommended that the *Checklist* with the attached documentation be kept in a separate, eligibility case file that is maintained for categorical eligibility purposes.

Other Eligibility Considerations

Death of Adoptive Parent[88] ➔ Provision of State Adoption Subsidy

In instances where a child was adopted prior to his/her 21st birthday and is in receipt of Title IV-E Adoption Assistance and the sole or surviving parent or both adoptive parents die, categorical eligibility for Title IV-E Adoption Assistance terminates. In these instances where the adopted child is under the age of 18 at the time of the death of the adoptive parent(s), the State Adoption Subsidy must be provided until the child attains age 21 years[89] to either:

- The court appointed guardian **or**
- A person who is awarded legal custody by the court

If the guardian or custodian was the caretaker of a child under the age of 18 years prior to legal transfer of guardianship or the order of custody, such payments must be made retroactively from the death of the adoptive parent(s).

In instances where the sole or surviving adoptive parent or both adoptive parents die after the child's 18th birthday and before the child's 21st birthday, where such adoptive parent or parents were receiving adoption subsidy payments at the time of death, such payments must:

- Continue to the guardian of the child on behalf of the child (where the child consents to the appointment of a guardian)
- Be made retroactively from the death of the adoptive parent(s) to the appointment of a guardian
- Continue until the child's 21st birthday[90]

If there is no willing or suitable person to be appointed as guardian, or the child does not consent to the appointment of a guardian, such subsidy payments must be made retroactively from the death of the adoptive parent(s) and must continue to be made until the child's 21st birthday to:

- The child through direct payments if the social services official determines that the child demonstrates the ability to manage such direct payments **or**
- A representative payee certified by the social services official

Please note: In instances where a child is receiving Title IV-E Adoption Assistance and the sole or surviving parent or both adoptive parents die, categorical eligibility for Title IV-E including Title IV-E MA is lost. A determination must be made for Medical Assistance under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). If the child is ineligible for MA under the COBRA provisions, the child may be eligible for the State Medical Subsidy. The Medical Assistance under COBRA or the State Medical Subsidy will continue until the child reaches age 21 to either the court

[88] See 09-OCFS-ADM-14 for details.
[89] See *Social Security Act §473*, 09-OCFS-ADM-11 and/or the *Education and Support Requirements* section for details.
[90] Ibid.

appointed guardian or the person awarded legal custody by the court, if the child continues to be dependent on such guardian/custodian.

Documentation:
Please file one of the following documents in the case record to verify the death of the adoptive parent(s):

- Death certificate of the adoptive parent(s) **or**
- Other legal document that verifies the death of the adoptive parent(s) **and**, if continuing assistance, one of the following:

    - Court order of guardianship **or**
    - Court order of custody

The Adoption Subsidy Eligibility Case File

Critical to validating eligibility to receive Adoption Assistance or State Adoption Subsidy funds from the federal and state government is the adoption subsidy eligibility case file. This file must contain all of the supporting documentation for a federal Title IV-E Adoption Assistance eligible case and in instances where the child is ineligible for Title IV-E Adoption Assistance, the supporting documentation for State Adoption Subsidy eligibility.

For every child in foster care placement, the LDSS/ACS must have an eligibility case file either within the case record or a separate standalone file that is readily accessible. This file must contain all of the supporting documentation for federal and state funding for the foster care case. In most instances, the foster care eligibility case file will contain documentation needed for determining adoption assistance eligibility. It is therefore, critical that the foster care eligibility case file be reviewed as part of the adoption assistance eligibility process.

It is strongly recommended copies be made of all necessary documents to be included in a separate adoption subsidy eligibility case file for the child prior to the child being freed for adoption and subsequent sealing of the child's foster care case record. The separate adoption subsidy eligibility case file should be maintained including the completed *Adoption Assistance Eligibility Checklist* (**LDSS-3912**) (rev. 7/18) and all of the supporting documentation for the Title IV-E Adoption Assistance eligibility decision, along with supporting documentation for State Adoption Subsidy should the case be *ineligible* for Title IV-E Adoption Assistance. The signed *Adoption Agreement* should also be kept in the adoption subsidy eligibility case file.

Specific Items for the Adoption Subsidy Eligibility Case File

- The completed *Adoption Assistance Eligibility Checklist* (**LDSS-3912**) (rev. 7/18) with the signed *Adoption Agreement*
- All of the supporting documents for each requirement listed on the checklist
  - For federal Title IV-E Adoption Assistance:
    - → Verification of citizenship, age, special needs and financial need[91]
    - → Delinked (applicable) child: proof child is an applicable (delinked) child and the *Adoption Agreement* and verification that the child met one four eligibility criteria.[92]
    - → Verification of annual review and continued Title IV-E Adoption Assistance eligibility[93]
    - → Court order or surrender verifying child is freed for adoption

[91] See *Title IV-E Adoption Assistance* section of this document for details.
[92] See the *"Financial - Delinking"* section of this document for the complete list of the *other* eligibility criteria for the delinked child.
[93] See the *"Title IV-E Redetermination"* section of this document for details.

- For State Adoption Subsidy:
  - → Verification of age and one of the handicapping or hard-to-place conditions[94]
- For payment of non-recurring adoption expenses:
  - → Proof of the non-recurring adoption expenses that have not been reimbursed from other sources of funding[95]
  - → The completed *Non-recurring Adoption Expenses Reimbursement* (**LDSS-4623D**) form

There are financial consequences for not maintaining a complete adoption subsidy eligibility case file. These can be significant to the LDSS/ACS and the community. On an individual case, it means the availability (or loss) of federal reimbursement of 50%[96] of the costs for maintenance and administration. When lost, the financial burden shifts to the State and locality. If Title IV-E is not properly determined and documented, the State and the LDSS/ACS face the potential for severe sanctions following federal reviews that impact the availability of resources needed for staff to carry out their job.

[94] See the *"State Adoption Subsidy"* section of this document for details.
[95] See the *"Payment of Non-Recurring Adoption Expenses"* section of this document for details.
[96] Federal funding: the Federal Stimulus Bill changed the Title IV-E federal rate for a two-year period retroactive to October 1, 2008.

Education and Support Requirements for Adoption Assistance
For both Title IV-E Adoption Assistance and the State Adoption Subsidy[97]

As part of the signed *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* (**LDSS-4623A**) between the adoptive parents and the local district,[98] the adoptive parents must be informed that they are obligated to notify the local district[99] of any changes in the residential or dependency status of the adoptive child, including circumstances which would make them ineligible for the adoption subsidy. [100]

In addition, the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) requires assurances applicable to each child eligible for Title IV-E funding who has attained the minimum age for compulsory education under State law.

For school-age (based on laws of the state where the child resides), adopted children in receipt of adoption subsidy, the adoptive parents must certify that the adopted child is one of the following:

- A full-time elementary or secondary student **or**
- Has completed secondary education **or**
- Is incapable of attending school on a full-time basis due to the adopted child's medical condition, where the incapacity is supported by annual information submitted by the adoptive parent as part of this certification.

For purposes of this certification, an elementary or secondary school student means an adopted child who is:

- Enrolled, or in the process of enrolling, in a school which provides elementary or secondary education, in accordance with the laws of the jurisdiction in which the school is located **or**
- Instructed in elementary or secondary education at home, in accordance with the laws of the jurisdiction in which the adopted child's home is located **or**
- In an elementary or secondary independent study educational program, administered by the local school or school district, in accordance with the laws of the jurisdiction in which the adopted child's school or school district is located.

[97] See *Social Security Act §473*, 09-OCFS-ADM-11 for details.
[98] For children in guardianship and custody of a voluntary authorized agency, the *Agreement* is between the adoptive parent(s) and OCFS.
[99] For children in guardianship and custody of a voluntary authorized agency, the adoptive parent(s) must notify OCFS.
[100] See *Social Security Act §473*, 09-OCFS-ADM-11 for details.

Documentation:
On an annual basis, to comply with federal and state laws and regulations, adoptive parents must be sent a letter with a certification form for them to fill out and return to the local district.[101] The form must attest to their providing support and their continued legal responsibility for the support of the child and certify the educational status of the adopted child.

- If the adoptive parents advise that they are no longer legally responsible for the support of the child or that the child is no longer receiving any support from such parents, the local districts must close the WMS subsidy case. All subsidy payments must cease as of the date of the change in circumstances. A written notice of termination of subsidy payments with the right to a fair hearing must be provided to the adoptive parents.

- If the adoptive parent advises that the school-age child has a medical condition where incapacity makes the child unable to attend school full-time, the child's condition must be documented by a physician or a physician's assistant or a nurse practitioner under the supervision of a physician or a licensed psychologist. Upon failure to receive this documentation, every effort should be made to attain it.

- If the local district is informed that the school-age child has not completed compulsory education, is not a full-time student or is incapable of attending school on a full-time basis due to the medical condition of the child, as supported by required documentation, subsidy must continue to be paid; however, no payment may be made to adoptive parents with respect to any child if the LDSS/ACS determines that the adoptive parents are no longer legally responsible for the support of the child or if the LDSS/ACS determines that the child is no longer receiving any support from such parents. (See *Social Security Act §473* and 09-OCFS-ADM-11 for details.)

[101] For children in guardianship and custody of a voluntary authorized agency, the form must be returned to OCFS.

Redetermination of Title IV-E Adoption

Once a child is determined eligible to receive Title IV-E Adoption Assistance, s/he remains eligible and the assistance continues until:

- The child reaches age 18 and is hard-to-place,* **or**
- The child reaches age 21 if the social services district determines that the child has a mental or physical disability that warrants the continuation of federal assistance) **or**
- The LDSS/ACS determines that the adoptive parents are no longer legally responsible for the support of the child or if the LDSS/ACS determines that the child is no longer receiving any support from such parents.[102]

*As of October 1, 2010, Title IV-E Adoption Assistance may continue to age 21 for hard-to-place children[103] if:

- The youth is part of an Adoption Assistance Agreement that is in effect under section 473 of the Social Security Act and the youth had attained 16 years of age before the agreement became effective[104] **and**

- The youth meets at least one of the below listed conditions:
    - Completing secondary education or program leading to an equivalent credential, e.g., a youth age 18 and older is finishing high school or taking classes in preparation for a general equivalency diploma exam; **or**

    - Enrolled in an institution which provides post-secondary or vocational education, e.g., a youth could be enrolled full-time or part-time in a university or college or enrolled in a vocational or trade school; **or**

    - Participating in a program or activity designated to promote or remove barriers to employment, e.g., a youth could be in Job Corps or attending classes on resume writing and interview skills; **or**

    - Employed for at least 80 hours per month, e.g., a youth could be employed part-time or full-time at one or more places of employment; **or**

    - Is incapable of doing any of the above educational or employment activities due to a medical condition.

[102] See *Social Security Act §473*, 09-OCFS-ADM-11 and/or the *Education and Support Requirements* section for details.
[103] See 10-OCFS-ADM-10, *entitled Title IV-E Foster Care and Adoption to Age 21* for details.
[104] It is suggested that a log be kept of every child who attained age 16 before the Adoption Subsidy Agreement became effective to track which adoptive families need to be sent a letter and certification form and ensuing redetermination.

Therefore, a redetermination of the Title IV-E must be done at age 18 for handicapped children and at ages 18, 19 and 20 for hard-to-place children who had attained age 16 before the adoption agreement became effective to see if the child's circumstances warrant continuation of the Title IV-E Adoption Assistance. The WMS Anticipated Future Action (AFA) Report may be used as a reminder for this activity. System-generated AFA code **105** identifies children turning age 18, AFA code **113** identifies children turning age 19 and AFA code **114** identifies children turning age 20.

For children identified on the WMS Anticipated Future Action (AFA) Report[105] as AFA **105**, review the case to see if any of the following apply and take action accordingly:

- For a handicapped child where the handicapping condition warrants continuation of federal assistance beyond age 18 (up to the child's 21st birthday):
    - The Title IV-E Adoption Assistance must continue as long as the adoptive parent remains legally responsible for the support of the child and the child continues to receive any support from such parents.[106]
    - If eligibility for Title IV-E is lost because the handicapping condition no longer warrants payment of a federal benefit:
        - The child must receive the State Adoption Subsidy until age 21.
        - In these instances, change the eligibility code from **02** to either **14** or **08**, as appropriate. (See *State Adoption Subsidy WMS Coding Chart* for details.)
        - The adoptive parent must still remain legally responsible for the support of the child and the child continues to receive any support from such parents.[107]

- For a hard-to-place child age 18 or older, where the child attained age 16 before the adoption agreement became effective and the child meets at least one of the educational, vocational, employment or medical criteria[108] listed on the previous page:
    - Send a letter and a certification form to the adoptive parent(s) at least one month before the child turns age 18, so that they can provide the necessary information to establish continuing Title IV-E eligibility.
    - Remember to make this redetermination again when the child turns age 19 and at age 20[109] if the adoptive parent(s) remains legally responsible for the support of the child and the child continues to receive any support from such parent(s)
    - Indicate on the letter or on the certification form, a reasonable time for the return of the certification form.

---

[105] Use the *WMS Anticipated Future Action (AFA) Report* to also identify children turning ages 19 and 20.
[106] See *Social Security Act §473*, 09-OCFS-ADM-11 and/or the *Education and Support Requirements* section for details.
[107] Ibid.
[108] See the 10-OCFS-ADM-10, *Title IV-E Foster Care and Adoption to Age 21* for details.
[109] AFA code **113** identifies children turning age 19 and AFA code **114** identifies children turning age 20**.**

- If the "Incapable" box is checked on the returned certification form, the adoptive parent must submit information which describes the incapacity that prevents participation in one of the other activities listed. The child's condition must be documented by a physician, or a physician's assistant or a nurse practitioner under the supervision of a physician or a licensed psychologist.
- If any of the other boxes are checked and the returned certification form is completely filled out, continue the Title IV-E
- If the completed form is not returned by the due date, it is recommended that the form be sent a second time.
- If there is no response to the second inquiry, where possible a telephone call is recommended.
- In no event should an adoption subsidy be suspended or terminated due to failure to reply. However, the **federal Title IV-E claiming must cease**[110] under the following circumstances:

    - The required documentation is not received; or
    - The required documentation is received, but the response indicates that the federal standards (parental support, education, employment or medical condition) are not met.

- In these instances, the State Adoption Subsidy (maintenance) must be provided until age 21 as follows:

    - Change the eligibility code from **02** to either **14** or **08**, as appropriate.
    - The adoptive parent must still remain legally responsible for the support of the child and the child continues to receive any support from such parents.[111]

- Retain for at least six years from the issuance of the inquiry letter, copies of all inquiry letters and completed certification forms returned and file in the adoption subsidy payment record.

[110] Federal Title IV-E funding may be reinstated and retroactive, if a satisfactory reply is received after the claiming change.
[111] See *Social Security Act §473*, 09-OCFS-ADM-11 and/or the *Education and Support Requirements* section for details.

Responsible District/County

Federal and state law require that Title IV-E Adoption Assistance or State Adoption Subsidy and medical subsidy payments continue for a child who moves to another county, another state, the District of Columbia or the Commonwealth of Puerto Rico. Therefore, close coordination among the states is essential to prevent interruption of payments and/or medical coverage for children receiving Title IV-E Adoption Assistance or the State Adoption Subsidy who are either placed for adoption across state lines or who move out of the original adoption assistance state.

The Interstate Compact on Adoption and Medical Assistance (ICAMA) Process[112]

The Interstate Compact on Adoption and Medical Assistance (ICAMA) is responsible for providing specific guidelines to states when arranging benefits and services for children who are receiving Title IV-E Adoption Assistance or the State Adoption Subsidy and moving into or out of New York State. ICAMA coordinates health care in interstate adoption cases. New York State is an associate member of ICAMA. As a result, New York State children receiving NYS Adoption Subsidy and eligible for Medical Assistance while residing in another state will be eligible to receive Title XIX Medicaid in ICAMA member status states that have agreed to provide reciprocity.

State that originates the adoption assistance = sending state
State of residence = receiving state

Child receives NYS Adoption Subsidy (Title IV-E Adoption Assistance, the State Adoption Subsidy and Medical Assistance) - Moving out of NYS

NYS Local District = sending state
Upon notification of the family's plan to relocate to another state (via NYSAS/adoptive parents), fully complete two copies of the following:

- *Notice of Medicaid Eligibility /Case Activation* (**ICAMA 6.01**)
- *Report of Change in Child/Family Status* (**ICAMA 6.03**)
- Copy of the *Adoption Assistance Agreement* (State Adoption Subsidy Agreement) for each child listed on the **6.01**
- Copy of the birth certificate[113] for each child listed on the **6.01**

Forward this completed packet to:

NYS ICAMA Compact Administrator
New York State Office of Children and Family Services
52 Washington Street Room 332 North Building
Rensselaer, New York 12144

[112] See 08-OCFS-INF-06 for details on the Interstate Compact on Adoption and Medical Assistance (ICAMA).
[113] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

Provide the adoptive family with a copy of the following:

- *Notice of Medicaid Eligibility /Case Activation* (**ICAMA 6.01**)
- *Notice of Action Taken* (**ICAMA 6.02**)
- *Adoption Assistance Agreement*

The NYS ICAMA Compact Administrator will:

- Review the packet
- Forward the packet to the receiving state's ICAMA Compact Administrator

The other state = receiving state will:

- Facilitate the issuance of Medicaid based on the documentation provided – the scope of benefits and the age up to which the adopted child will remain eligible for Medicaid coverage are contingent upon the Medicaid provisions in the receiving state.
- Notify the NYS ICAMA Compact Administrator of child's Medicaid status via the *Report of Change in Child/Family Status* (**ICAMA 6.03**)

The NYS ICAMA Compact Administrator will:

- Forward a copy of the **6.03** to the appropriate NYS Local District

Child receives a State-funded Adoption Subsidy and Medical Assistance from the other State - Moving into NYS

Other state = sending state
Completes and forwards the ICAMA completed packet to the NYS ICAMA Compact Administrator.

The NYS ICAMA Compact Administrator will:

- Forward copies of the ICAMA packet to the NYS Local District's (address listed on the form **6.01**) Adoption Supervisor and Medicaid Supervisor. The packet will include:
  - *Notice of Medicaid Eligibility/Case Activation* (**ICAMA 6.01**)
  - Copy of the *Adoption Assistance Agreement* (State Adoption Subsidy Agreement) for each child listed on the **6.01**
  - Birth certificate[114] for incoming ICAMA package

NYS Local District = receiving state will:

- Verify that the adopted child is receiving either Title IV-E Adoption Assistance or a state-funded adoption subsidy from the sending state
- Authorize Medicaid benefits and the appropriate Medicaid card(s) based on the documentation provided (follow hierarchy determination rules used for children eligible for the State Adoption Subsidy)
  - Adoptive parents must complete a Medicaid application with sufficient information to establish a case (i.e. name, date of birth, social security number and address)
  - Consider the adopted child as a recipient (for purposes of verifying and documenting citizenship and immigration status)

[114] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

    - Adopted children receiving state-funded adoption assistance from their sending state should comply with providing documentation of citizenship and immigration status within a reasonable time
    - It is advisable to obtain this documentation for the Medicaid case file established in NYS (establishes documented verification and an audit trail)
- Notify the NYS ICAMA Compact Administrator of the child's Medicaid status via the **6.03** form
- Renew these cases annually without a financial determination (unless Adoption Services informs the Medicaid Program that the adopted child's status has changed)

Please note: For children residing in NYS with an adoption assistance agreement from another state, if the adopted child loses Title IV-E eligibility for Adoption Assistance or eligibility for Medicaid under COBRA, then a full Medicaid eligibility determination must be done based on the individual's current circumstances. Continuous coverage provisions apply.

Other Situations requiring Completion and Submission of the Report of Change in Child/Family Status (ICAMA 6.03)

The NYS Local District will complete and submit the **ICAMA 6.03** to the NYS ICAMA Administrator in the following circumstances:

- Opening or closing the child's Medicaid case
- Address change and/or
- Change in the child's adoption status

See the charts in the following pages for the jurisdictional provisions of Medical Assistance and the State Medical Subsidy for children who are adopted.

Adoption: Medicaid/State Medical Subsidy

Title IV-E Adoption Assistance				
Situation		**Medical Implications**	**WMS Implications**	**MA Individual Categorical Code (ICC)**
Adoption Assistance Maintenance*	Family moves out of county of origin	County of origin continues to be responsible for Medicaid	Medicaid non-services case type **20**	**74**
	Family moves out of NYS	New state is responsible for Medicaid – See ICAMA rules	Close case	**N/A**
	Family moves into NYS	NYS county of residence is responsible for Medicaid – See ICAMA rules	Medicaid non-services case type **20**	**34**
Adopted child comes into foster care	Child placed in foster care in **same** county that pays subsidy	**County of origin**: • Closes Medicaid for Adoption Subsidy case • Conducts Title IV-E Foster Care eligibility determination • Opens Medicaid/Foster Care case	Medicaid non-services case type **20**	**78**
	Child placed in foster care in **different** county from the one that pays subsidy	**County of origin**: • Closes Medicaid for Adoption Subsidy case **New County**: • Conducts Title IV-E Foster Care eligibility determination • Opens Medicaid/Foster Care case		
	Adopted child comes from out-of-state	NYS county with legal custody of the child: • Conducts Title IV-E Foster Care eligibility determination • Opens Medicaid/Foster Care case		**34**

Non-Title IV-E: State Adoption Subsidy				
Situation		**Medical Implications**	**WMS Implications**	**MA Individual Categorical Code (ICC)**
Adoption Subsidy Maintenance*	Family moves out of county of origin	County of origin continues to be responsible for Medicaid/Medical Subsidy (depending on medical coverage provided in Subsidy Agreement)	Medicaid non-services case type **20** or Services POS line **77**	**33**
	Family moves out of NYS	County of origin remains responsible for Medicaid– see ICAMA rules/State Medical Subsidy(depending on medical coverage provided in Subsidy Agreement)		
	Family moves into NYS	New York State is responsible for health care- see ICAMA rules		**75**
Adopted child comes into foster care	Child placed in foster care in **same** county that pays subsidy	• Close Medicaid for Adoption Subsidy case or suspend Medical Subsidy • Conduct Title IV-E Foster Care eligibility determination • Open Medicaid/Foster Care case	Medicaid non-services case type **20**	**77**
	Child placed in foster care in **different** county from the one that pays subsidy	**County of origin**: • Closes Medicaid for Adoption Subsidy case or suspends Medical Subsidy **New County**: • Conducts Title IV-E Foster Care eligibility determination • Opens Medicaid/Foster Care case		
	Adopted child comes from out-of-state	NYS county with legal custody of the child: • Conducts Title IV-E Foster Care eligibility determination • Opens Medicaid/Foster Care case		**75**

This page was intentionally left blank.

Non-recurring Adoption Expenses

The Title IV-E Adoption Assistance program also authorizes federal matching funds for states to pay one-time adoption expenses for parents of adopted children with special needs (regardless of AFDC or SSI eligibility). To be eligible, the child must meet the federal definition of a child with special needs.[115]

Social services districts must make payments for nonrecurring adoption expenses incurred by or on behalf of the adoptive parents. [See Section 453-a of the SSL and 18 NYCRR 421.24(d).] Such expenses must be directly related to the legal adoption of a child with special needs when the child was adopted through an authorized agency. The child does not need to be Title IV-E, AFDC or SSI eligible for reimbursement. The local district makes the payment either to the adoptive parents directly, to the authorized agency or an attorney on behalf of the adoptive parents for reimbursement of allowable legal expenses directly related to the adoption of the child. Qualified adoption expenses are defined as reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are reasonable and directly related to the adoption of a child with special needs. Reimbursement is limited to $2,000 per child.

The *Adoption Subsidy and Non-recurring Adoption Expenses Agreement* (**LDSS-4623A**) is a written agreement between the adoptive parents and the social services district with final approval from OCFS,[116] specifying the nature and amount of assistance to be provided. The case information section of the agreement must be completed, and the agreement must be signed by all parties before the adoption finalization. The *Non-recurring Adoption Expenses Reimbursement Form* (**LDSS-4623D**) is used by the social services district for recording all nonrecurring expenses being claimed and must be completed and submitted to the district along with the necessary documentation of the expenses within two years of the adoption finalization. The local district is responsible for the review, approval and reimbursement of non-recurring adoption expenses.

The case must be open/active on WMS so that appropriate program and administrative costs are authorized and reimbursed by the federal government. Authorize purchase of service (POS) code type "**1L**" for all non-recurring adoption expenses.

[115] See *18 NYCRR 421.24(d)(2)*

[116] For agreements where the child is in the legal custody of a voluntary authorized agency, only OCFS approval is required.

Chapter 2 – TANF-EAF Eligibility

Background

This chapter is designed to assist social services staff in determining, documenting, and authorizing eligibility of child welfare cases for Temporary Assistance to Needy Families-Emergency Assistance to Families (TANF-EAF). The chapter discusses how the worker determining eligibility should review both a foster care and a family (in-home services) case.

Under the TANF provision known as "prior law," foster care may be funded by TANF to the same extent as New York State was authorized to fund foster care under the Title IV-A Emergency Assistance to Families (EAF) program.[117] The eligibility and coverage standards of the EAF program in effect on September 30, 1995 must be followed. This means that foster care cases that would have been reimbursed under the prior Title IV-A EAF program can be funded under TANF-EAF assistance.

In this way, TANF and EAF are combined to fund certain services for foster care cases, as well as services for family or in-home services (preventive and protective). For purposes of eligibility determination, a **foster care case** is defined as a case in which one or more children in the family are in foster care. A **family (in-home services) case** is defined as one in which none of the children in the family is in foster care.

[117] The Title IV-A EAF program was abolished under the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996.

TANF-EAF Eligibility

Program/Funding Description

TANF-EAF applies to all child welfare services (except adoption) so local districts are required to determine TANF-EAF eligibility in all cases in which a case initiation date (CID) is to be established on the CONNECTIONS Activity. Workers assigned responsibility for eligibility determinations should perform TANF-EAF determinations on all foster care cases, including those found Title IV-E eligible, and on all family (in-home services) cases. TANF-EAF determinations must be done at the time the case is opened. TANF-EAF authorizations cannot be written more than 90 days retroactive beyond the CID. Failure to determine and authorize TANF-EAF at the time the case is opened precludes subsequent authorization for TANF-EAF. In such instances, a Title XX Below 200% of Poverty (see Chapter 3) eligibility review is made without a TANF-EAF determination.

Definitions:

Foster Care Case: For purposes of eligibility determination, a **foster care case** is defined as a case in which one or more children in the family are in foster care. While Title IV-E funding applies to foster care maintenance and administrative costs only (i.e., Title IV-E may not be used for provision of social services), TANF-EAF funding may be used for care and maintenance for cases not eligible for Title IV-E, as well as tuition for foster children and other social services (e.g., counseling and therapy), provided as part of the foster care plan. Most Title IV-E eligible children will also be found eligible for TANF-EAF. Such cases are referred to as having "foster care dual eligibility."

- **Note: TANF-EAF may not be claimed on behalf of any case involving youth in foster care age 18 and over.**[118] TANF-EAF is considered a form of assistance and initiates the TANF five-year lifetime limitation for cases involving youth age 18 or older; the TANF-EAF authorization must be ended at the time the youth in foster care turns age 18.

Family Case: For purposes of eligibility determination, a **family (in-home services) case** is defined as one in which none of the children in the family are in foster care. TANF-EAF funding may be used to provide protective and preventive (in-home) services to prevent or reduce the need for foster care placement of children living at home. Eligibility must be determined for all members of the family unit. After determining whether the family is eligible for TANF-EAF services, continue to review the case to determine eligibility for Title XX Below 200% of Poverty services (see Chapter 3). Cases found eligible for both TANF-EAF and Title XX Below 200% of Poverty are referred to as having "dual eligibility."

- **Note: Preventive housing[119] expenditures must not be claimed as TANF-EAF;[120] these expenditures are considered "assistance" under the federal TANF rules which impact on a family's TANF five-year time limitation.** In addition, TANF-EAF requires special tracking and reporting under the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. Instead, Title XX Below 200% of Poverty may be used to pay for preventive housing expenditures.

---

[118] See 05-OCFS-LCM-10 for details regarding TANF-EAF and youth age 18 and over.
[119] Preventive housing is authorized under 18 NYCRR Part 423.2 to supplement payments for housing needed to avoid a family disruption and removal of children from the home, to facilitate the return of a child in foster care to his/her family, or to enable a youth to be discharged to independent living.
[120] See 05-OCFS-LCM-10 for details regarding TANF-EAF and preventive housing.

Foster Care and Family Cases: To be eligible for TANF-EAF the need for services must be due to an emergency. TANF-EAF may be authorized *only* once within a 12-month period. This authorization remains in effect for as long as the needs arising from the emergency continue, i.e., until the emergency ends.

TANF-EAF is authorized for all services needed to address the emergency. If a foster care child is determined to be TANF-EAF eligible, the services provided on behalf of the child to facilitate the child's return home are eligible for TANF-EAF funding. This can include those services that may also involve other family members not in foster care, for example, parenting skills training provided to the parents. The EAF eligibility continues after the child is discharged from foster care if the services continue to be provided upon the child's return home. Conversely, if a family is determined to be TANF-EAF eligible for preventive services and a child is subsequently placed into foster care from that family, the TANF-EAF authorization written for the family case applies to the foster care case. If the family was not eligible for TANF-EAF and a child is placed into foster care, a determination of TANF-EAF must be made based on the foster care criteria discussed below.

There is no redetermination of TANF-EAF, and the authorization remains in effect as long as the needs arising from the emergency continue or the conditions reflecting the foster care permanency plan status noted above have not been met.

> **Note:** It is not necessary to make a determination of TANF-EAF eligibility when a child protective investigation is initiated and a case has not been opened. Child protective investigative activities not part of an open services case are classified by the Services Random Moment Survey based on the nature of that activity and without regard to any case eligibility that may or may not be established.

Foster Care Cases

Required Steps in Determining Eligibility

Completing the *Initial Foster Child Eligibility Checklist* (**LDSS-4809**) and collecting the supporting documentation is the first step in determining eligibility for Title IV-E funding (see Chapter 1A) for a foster care case. After determining whether or not a foster child is eligible for Title IV-E funding, continue to review the case to determine eligibility for TANF-EAF funding using the same form. Complete a separate *Initial Foster Child Eligibility Checklist* and collect the required supporting documentation for each foster child. (See Appendix A or the OCFS Title IV-E website for a sample copy of the *Initial Foster Child Eligibility Checklist*.)

The TANF-EAF criteria and requirements are discussed below in the order that they appear on the *Initial Foster Child Eligibility Checklist* (**LDSS-4809**). Included in the discussion are instructions for completing the *Initial Foster Child Eligibility Checklist* in its entirety and detailed explanations for each requirement followed by the acceptable documentation. These instructions have been formatted to follow completion of the *Initial Foster Child Eligibility Checklist*. (See Appendix A or the OCFS Title IV-E website for a sample copy of the *Initial Foster Child Eligibility Checklist*.)

Please note that for the TANF-EAF Eligibility section of the *Initial Foster Child Eligibility Checklist*, there are entries required in Section V. Documentation of Eligibility (in the columns labeled, "Documentation" and "Location in Case Record"). If the documentation is attached to the completed *Initial Foster Child Eligibility Checklist*, check the box in the column labeled, "Attached."

It is recommended that a separate eligibility case file on each child be maintained with the completed *Initial Foster Child Eligibility Checklist* and copies of all the eligibility documents that support the eligibility decision be contained in that file.

Please note that this case file and all information contained therein is confidential and must be protected to prevent disclosure of the child's information to anyone other than personnel authorized by law.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate *Initial Foster Child Eligibility Checklist* and obtain required documentation for each foster child. Each *Initial Foster Child Eligibility Checklist* item is circumscribed in a box.

Section I. Case Information
This section should have already been completed as part of the Title IV-E eligibility determination.
Section II. Title IV-E Eligibility
This section should have already been completed as part of the Title IV-E eligibility determination.
Section III. TANF-EAF Eligibility
A. Emergency Situation. This emergency situation is due to the following circumstance(s): ☐ FCA Article 10-C court ordered placement of destitute child ☐ FCA Article 10 court ordered removal placement ☐ FCA Article 7 court ordered placement ☐ FCA Article 3 court ordered placement ☐ SSL 358-a court order ☐ SSL 384 placement made by Voluntary Surrender Agreement ☐ SSL 384-a placement made by Voluntary Placement Agreement ☐ SSL 384-b placement based on death of parent ☐ FCA 651(b) placement of unaccompanied refugee minor → Check the boxes that most appropriately describes the child's emergency circumstance(s)

Explanation:
TANF-EAF is contingent upon the child's need for services arising from a family emergency *and* meeting all other eligibility requirements. The need for services must arise from one or more emergency circumstances. A child's need for placement services is considered to be the result of an emergency situation.

Under New York's "prior law" policy, EAF may be authorized for as long as the needs arising from the emergency last. The emergency is defined as ending when the child is:

- Discharged from foster care with *no* continuing need for services; or
- Freed for adoption and placed in an adoptive home; or
- Placed in adult residential care; or
- On trial discharge with a goal of independent living;
- Child turns age 18.

Note: In accordance with 18 NYCRR 372.4(d), costs for services that are necessary to address needs arising from the cited emergency are authorized under the EAF Program. This authorization will continue until the emergency ends.

Acceptable Documentation:

- A court order under Article 3, 7, 10, 10-C or 10-A of the Family Court Act (FCA)
- The Voluntary Placement Agreement
- The Voluntary Surrender Agreement
- A court order approving the Voluntary Placement Agreement
- Family Assessment and Service Plan (FASP)/Progress notes documenting the circumstances that resulted in the provision of emergency services

If an unaccompanied refugee minor passes all the TANF-EAF criteria and documentation standards, placement made under the provisions of that program may be claimed as such.

Please insert a copy of the document that verifies the "emergency" requirement in the child's eligibility case file.

B. **TANF-EAF Requirements.** Foster child must meet all requirements below for TANF-EAF eligibility:

1. Citizenship

Is the child a citizen of the U.S. or a qualified immigrant as defined under the federal PRWORA?

→ Check YES if the child is a U.S. citizen or a qualified immigrant.

→ Check NO if the child is not a U.S. citizen or a qualified immigrant. Child is not TANF-EAF eligible. ☞ Go to **Section IV** and check the box indicating the child is ineligible for any funding.

Explanation:

A recipient of TANF-EAF must be a citizen of the United States or qualified immigrant as defined by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Since the recipient of the services is always the child, the citizenship/qualified immigrant status of the parents or the caretaker relative is irrelevant.

This citizenship or qualified immigrant requirement is identical to the Title IV-E and Title XX Below 200% of Poverty programs; an answer of "NO" results in the ineligibility for any federal funding (costs for the case are not reimbursable **except** for child protective services, emergency medical services, residential domestic violence services and non-residential adult protective services).

Citizenship or immigration status of any child in foster care must be verified regardless of whether Title IV-E Foster Care Payments are made on their behalf. (See Appendix B for a list of United States Citizen and Immigration Services [USCIS] documents.)

Acceptable Documentation[121]:

U.S. Citizen	Qualified Immigrant
• Birth certificate[122] • U.S. Passport • Naturalization certificate	• WMS Case Composition screen showing child receives Family Assistance (FA), Medical Assistance (MA),[123] Home Energy Assistance Program (HEAP) or Supplemental Nutrition Assistance Program (SNAP) • Documents from the United States Citizen and Immigration Services (USCIS)

See *Appendix B* for the *Immigration Status List*

Please note:

- You cannot rely on an individual's receipt of Safety Net Assistance as documentation of qualified immigrant status, as there are additional groups of immigrants who can qualify for Safety Net, which is a State program.
- All children in foster care except for non-qualified immigrants are categorically eligible for Medicaid and do not require a separate determination for Medicaid (MA) (Title XIX).

Please insert a copy of the document that verifies the "citizenship/immigration status" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Initial Foster Child Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility case file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to the *Initial Foster Child Eligibility Checklist*, check the box in the column labeled, "Attached."

[121] As of September 2014, court records are no longer acceptable documentation of citizenship. Court orders do not usually mention the citizenship/immigrant status of the child and are therefore, not acceptable proofs of this requirement. Please use documents listed above for this verification.
[122] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.
[123] **Medicaid Exception:** State and local Medicaid eligibility for otherwise eligible immigrants is not dependent on whether the immigrant is a qualified immigrant or non-qualified immigrant or the date on which the immigrant entered the U.S. as outlined in PRWORA. State and local Medicaid coverage cannot be denied if an otherwise eligible immigrant is permanently residing in the U.S. under Color or Law (PRUCOL) or is a lawfully admitted permanent resident. Also, federally funded Medicaid may be granted to otherwise eligible undocumented immigrants for emergency services only. Pregnant women are not required to document citizenship or immigration status in order to be eligible for Medicaid. These individuals can be identified on **upstate** WMS by category codes: **38** (Alien FP-Emergency Only); **37** (Alien FNP-Eligible MA-Does Not Meet PRWORA); and **76** (Legal Aliens-Eligible MA-Does Not Meet PRWORA). On **downstate** WMS, the individuals are identified by alien code **E** (Undocumented Aliens-Emergency MA Only) or state/federal charge codes: **60** (TANF Ineligible Alien) and **67** (Qualified Alien in the Five-Year Ban for Medicaid/PRUCOL).

2. Living With a Specified Relative.
Was the child living in the home of a parent/specified relative at any time within six months before foster care placement?

→ Check YES if the child lived in the home of a parent/specified relative at any time within six months before the foster care placement.
→ Check NO if the child was not living in the home of a parent/specified relative at any time within six months before the foster care placement. Child is not TANF-EAF eligible. ☞ Go to **Section IV** and check the box indicating the child is ineligible for Title IV-E and TANF-EAF.

Explanation:
The child must have been living with a parent or other specified relative (within the fifth degree) in the month of removal or within six months of the foster care placement. Please note that "fictive" relatives do not meet the "specified relative" criteria for TANF-EAF when they have no other relationship to the child, i.e., "godparents" not related to the child. (See Appendix B, *Determining a Specified Relative* for a full description of who is considered a specified relative.

Acceptable Documentation:
For cases of Family Assistance or Safety Net recipients:
- Non-services Welfare Management System (WMS) Clearance printout listing case composition and that the child was an active member in that case at the time of removal (upstate only).

For all other cases:
- Court petition indicating that the child had been living with a specified relative at any time within six months before the application for foster care placement.
- FASP/Progress notes indicate the child had been living with a specified relative at any time within six months before the application for foster care placement.
- FASP/Progress notes indicate the child had been living with a specified relative who is the representative payee for the child's case at any time within six months before the foster care placement.

The WMS case composition inquiry screen may also be used to document relationship.

Please insert a copy of the document that verifies the "living with the specified relative" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Initial Foster Child Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to the *Initial Foster Child Eligibility Checklist*, check the box in the column labeled, "Attached."

3. No Previous EAF Authorization.
Was there no EAF authorization written in the past 12 months, except one written in the past 30 days, or one written for the same emergency where the authorization has not been closed?

→ Check YES if *no* EAF authorization was written in the past 12 months, except one written in the past 30 days, or one written for the same emergency where the authorization has not been closed.

→ Check NO if an EAF authorization was written in the past 12 months, unless one was written in the past 30 days or written for the same emergency where the authorization has not been closed. Child is not TANF-EAF eligible. ☞ Go to **Section IV** and check the box indicating the child is ineligible for Title IV-E and TANF-EAF.

Explanation:
A case may only be authorized to receive TANF-EAF funding during one consecutive 30-day period in a given 12-month period. This means that except for the current 30-day period, the case was not authorized to receive TANF-EAF funding in the past 12 months. Otherwise, if the EAF authorization had been written with in the 12 months of the services case opening, the TANF-EAF eligibility cannot be established. Keep in mind that the date that the prior EAF authorization was written is the date considered when reviewing this item, not the date the EAF authorization was closed.

Children in foster care are considered as cases separate from their family's case for the purpose of this provision; that is, a prior EAF authorization within the past 12 months for the family will not preclude an authorization for a foster care case. If EAF has been authorized in an existing case and that case remains open, the district may use that existing EAF authorization to fund services if the emergency circumstance that necessitated the initial EAF authorization and emergency in the services case is the same.

For example, in May 2014, a preventive services case is opened and TANF-EAF is authorized at that time. In October 2014, circumstances deteriorated and placement is needed. The foster care placement arises from the same basic emergency, and the existing TANF-EAF authorization covers the placement costs if the case is not Title IV-E eligible. Since that authorization has not been closed, the EAF is already authorized for the foster care placement. There is no need to create a new EAF authorization in such cases.

Reminder: The date the EAF authorization **is written** is the date that counts.

This is the date the authorization section of the checklist is signed. It is **not** the date the case was closed or the date that the last payment was made.

Federal regulations require that all services covered by TANF-EAF be authorized in one 30-day period. In NYS, this requirement is met by issuing one TANF-EAF authorization covering all services necessary to address the emergency situation.

Acceptable Documentation:

- WMS screen print from the Benefit Issuance Control System (BICS) for services that indicate EAF was not authorized during the 12 months preceding the initiation of foster care placement unless the same emergency has continued and the EAF authorization was not closed. To access from the main menu, go to *BICS Menu* (**F15**) and select the *Services Inquiry Screen* (**F13**). This screen tracks the EAF start or authorization date.
- FASP/Progress notes indicate there was no prior EAF authorization written.

Note: The case of a child in foster care is considered as a separate case from his/her family's case; therefore, a prior EAF authorization within the past 12 months for the family will not preclude an authorization for the child in foster care placement.

Please insert a copy of the document that verifies the "no previous EAF authorization" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Initial Foster Child Eligibility Checklist.* In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to the *Initial Foster Child Eligibility Checklist*, check the box in the column labeled, "Attached."

4. Insufficient Resources.
Is the child without sufficient income/resources immediately accessible to meet his/her needs?

→ Check YES if the child is without income/resources immediately accessible to meet his/her needs.

→ Check NO if the child has income/resources immediately accessible to meet his/her needs. Child is not TANF-EAF eligible. ☞ Go to **Section IV** and check the box indicating the child is ineligible for Title IV-E and TANF-EAF.

Explanation:
In foster care cases, the child must be without sufficient income/resources immediately accessible to meet his/her needs, including the cost of foster care and other services. Financial eligibility for TANF-EAF is presumed to exist for all foster care cases unless the child is in receipt of sufficient income or resources to meet *all* costs of care, i.e., room and board, clothing, social services, tuition, and administrative expenses. Only income *immediately accessible* to the child to meet the costs should be considered in the eligibility determination review.

Acceptable Documentation:

- Recent bank statement indicating child has insufficient resources; or
- Legal documents indicating child has an irrevocable trust; or
- Life insurance policy; or
- FASP/Progress Notes document that income/resources immediately accessible to the child at the time of the emergency were insufficient to meet the costs of services including foster care.

Be specific on the type and amount of the income and/or resource and who is the recipient or owner of such income and/or resource.

Please insert a copy of the document that verifies the "insufficient resources" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Initial Foster Child Eligibility Checklist.* In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to the *Initial Foster Child Eligibility Checklist*, check the box in the column labeled, "Attached."

5. Need for Services Due to Reasons Other Than Refusal of Employment/Training.

Did the child's need for services arise for reasons *other than* the parent/specified relative's refusal without good cause to accept employment or training?

→ Check YES if the child's need for services arose for reasons *other than* that the parent or the specified relative refused without good cause to accept employment or training for employment.

→ Check NO if the child's need for services arose solely because the parent or the specified relative refused without good cause to accept employment or training for employment. Child is not TANF-EAF eligible. ☞ Go to **Section IV** and check the box indicating the child is ineligible for Title IV-E and TANF-EAF.

Explanation:

The need of the child for placement services must be due to reasons *other than* that the parent or the specified relative refused without good cause to accept employment or training for employment. If the emergency (i.e., the need for foster care placement) was *solely* caused by the parent or the specified relative's (the relative with whom the child lived before placement into foster care) refusal without good cause to accept employment or training for employment, the case is *not* TANF-EAF eligible.

Acceptable Documentation:

- FASP/Progress notes document that the child's need for services and subsequent service provision were not caused *solely* because the parent or the specified relative refused without good cause to accept employment or training for employment.

Please insert a copy of the document that verifies the "need for services due to reasons other than refusal of employment/training" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Initial Foster Child Eligibility Checklist.* In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to the *Initial Foster Child Eligibility Checklist*, check the box in the column labeled, "Attached."

6. Need for Services Due to Reasons Other Than Mismanagement of TA Grant.
Did the child's need for services arise for reasons *other than* the parent/specified relative's mismanagement of a Temporary Assistance grant?

→ Check YES if the child's need for services arose for reasons *other than* that the parent or the specified relative mismanaged a Temporary Assistance grant.

→ Check NO if the child's need for services arose solely because the parent or the specified relative mismanaged a Temporary Assistance grant. Child is not TANF-EAF eligible. ☞ Go to **Section IV** and check the box indicating the child is ineligible for Title IV-E and TANF-EAF.

Explanation:
For Temporary Assistance (TA) (including Family Assistance [FA] or Safety Net Assistance [SN]) recipients, the need of the child for placement services must be due to reasons *other than* that the parent or the specified relative mismanaged a Temporary Assistance grant. If the emergency (i.e., the need for foster care placement) was *solely* caused by the parent or the specified relative's (the relative with whom the child lived before placement into foster care) mismanagement of a Temporary Assistance grant, the case is *not* TANF-EAF eligible.

Acceptable Documentation:
- FASP/Progress notes document that the child's need for services and subsequent service provision were not caused *solely* because the parent or specified relative mismanaged a Temporary Assistance grant.

☝Please insert a copy of the document that verifies the "need for services due to reasons other than mismanagement of TA grant" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Initial Foster Child Eligibility Checklist.* In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to the *Initial Foster Child Eligibility Checklist*, check the box in the column labeled, "Attached."

TANF-EAF Eligibility Decision

If a child meets the emergency criteria and all six of the above listed requirements and each is appropriately documented, the case is TANF-EAF eligible. (See instructions below for completion of **Section IV. Eligibility Summary & Signatures/Supervisory Review**.)

Section IV. Eligibility Summary & Signatures/Supervisory Review **WMS Instructions**
→ Check the first box in this section if the child is only eligible for Title IV-E and not eligible for TANF-EAF. (See Chapter 1A, Title IV-E Foster Care Eligibility, for detailed instructions regarding the Title IV-E eligibility determination.)
→ Check the second box in this section if the child is only eligible for TANF-EAF.

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code "**04**"
- Enter direct services code "**08**"
- Select option "Y" in the 12 MONTH AUTH REQUESTED field to generate a 12 month authorization period (AUTH PERIOD FROM DATE plus 12 months) regardless of the Direct Services being authorized
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the third box of this section if the child is eligible for both Title IV-E and TANF-EAF (dual eligibility).

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code "**02**;"
- The TANF-EAF eligibility will be designated in the Direct Services and Purchase of Services fields as follows:
  - Enter direct services code "**08**" (foster care) – associated with the Purchase of Services (POS) "foster care maintenance" authorization (codes "**61**," **"62**," "**63**" and other "assistance-like payments" eligible for Title IV-E funding) under Title IV-E.
  - Enter direct services code "**08E**" (foster care-EAF) – associated with foster care direct services that can only be claimed under the TANF-EAF program (e.g., tuition, counseling, etc.)

    Therefore, to claim TANF-EAF for specific services not reimbursable under Title IV-E (e.g., tuition, counseling), enter both codes "**08**" (foster care) and "**08E**" (foster care EAF) in the Direct Services field in that fixed sequence. If any other direct or purchased services are authorized (e.g., preventive and/or protective), they too must include the "**E**" suffix. For purchase of services lines, such as tuition payments, enter the tuition POS line as "**64E**" or "**65E**" to claim TANF-EAF. See the *Services Benefit Issuance Control Manual* for appropriate coding of other related foster care POS lines.

- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the fourth box in this section if the child is not eligible for Title IV-E or TANF-EAF but is eligible for other State (Foster Care Block Grant) funding.

Prepare the *Services Authorization* form (**LDSS-2970**):

- Enter one of the following federally non-participating codes, as appropriate:
  - "**06**" – SSI Blind
  - "**07**" – SSI Disabled
  - "**08**" – MA
  - "**14**" – IE (eligibility to be determined by income—non-categorical)
- Enter direct services code "**08**" (foster care)
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the fifth box in this section if the child is not eligible for any funding because the child is not a U.S. citizen or a qualified immigrant (costs for the case are not reimbursable **except** for child protective services, emergency medical services, residential domestic violence services and non-residential adult protective services).

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code "**14**"
  - Add the "**N**" suffix (for non-reimbursable) to direct services and POS lines (except for the emergency services noted.)
- Enter direct services code "**08**"
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

The chart below summarizes appropriate coding of the Eligibility, Direct Services, and Purchase of Services fields of WMS when a child is authorized foster care services.

Eligibility Category	Eligibility Code	Direct Services Authorized	Purchase of Services Coding
		Foster Care	
Title IV-E & TANF-EAF	**02**	**08** & **08E** (in this sequence)	**61**, **62**, **63**, **64E**, **65E**
TANF-EAF Only	**04**	**08**	No suffix required
FNP only	**06**, **07**, **08**, or **14**	**08**	No suffix required

→ Sign and date the form in the designated area
→ Obtain the Supervisor's signature and date

For detailed WMS instructions regarding processing the Services case, contact the Human Services-Information Technology Services Enterprise Service Desk (HS-ITS Enterprise Service Desk) at:

Fixit@its.ny.gov (listed in the Office 365 Global Address List as: ITS.SM.ESD.HS-ITS) or call the Service Desk at: (518) 408-6487 or (800) 697-1323.

Please DO NOT contact ITS employees directly.

Go to http://ocfs.state.nyenet/it/GeneralResources/CCRSDefault.asp for additional documents with information regarding CCRS coding.

Medical Assistance Eligibility Decision

A child determined eligible for both Title IV-E Foster Care and TANF-EAF is categorically eligible for Medical Assistance (MA). To provide Medical Assistance, enter all appropriate codes on WMS so that a non-services Medicaid case is opened for the child.

A child determined eligible for TANF-EAF only is also categorically eligible for Medical Assistance (MA) as long as s/he is a U.S. citizen or an immigrant child who meets satisfactory immigration status.

Family Cases

Required Steps in Determining Eligibility

Completing the *Family Eligibility Checklist (**LDSS-4811**)* and collecting the required supporting documentation is the first step in determining eligibility for TANF-EAF funding for a family case (e.g., preventive or protective services). (See *Appendix A* or the OCFS Title IV-E website for a sample copy of the *Family Eligibility Checklist*) After determining whether or not the family is eligible for TANF-EAF funding, continue to review the case to determine eligibility for Title XX Below 200% of Poverty funding. (See Chapter 3.)

The TANF-EAF criteria and requirements are discussed below in the order that they appear on the *Family Eligibility Checklist*. Included in the discussion are instructions for completing the *Family Eligibility Checklist* in its entirety and detailed explanations for each requirement followed by the acceptable documentation. These instructions have been formatted to follow completion of *Family Eligibility Checklist*. (See Appendix A or the OCFS Title IV-E website for a sample copy of the *Family Eligibility Checklist*.)

Please note that entries are required in Section V. Documentation of Eligibility (in the columns labeled, "Documentation" and "Location in Case Record") of the *Family Eligibility Checklist*. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

It is recommended that a separate eligibility case file on each child be maintained with the completed *Family Eligibility Checklist* and copies of all the eligibility documents that support the eligibility decision be contained in that file.

Please note that this case file and all information contained therein is confidential and must be protected to prevent disclosure of the child's information to anyone other than personnel authorized by law.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate *Family Eligibility Checklist* and obtain required documentation for each child. Each *Family Eligibility Checklist* item is circumscribed in a box.

Section I. Case Information

→ Enter the Case Name; Child's Name (Last, First, Middle Initial); Unit/Worker Number and Case Number.

→ Enter the Family Assistance (FA) or Safety Net (SN) Clearance Date.

→ Check YES or NO regarding whether the child is a FA/SN Recipient.

→ Check the Welfare Management System (WMS) Screen Print box if included in the case record.

→ Enter the Supplemental Security Income (SSI) Clearance Date.

→ Check YES or NO regarding whether the child is an SSI Recipient.

Explanation:
Use the most accurate data available for entering information. The Welfare Management System (WMS) Family Assistance/Safety Net (FA/SN) clearance (if available) contains reliable demographic data. Receipt of Supplemental Security Income (SSI) may be checked on the State Data Exchange (SDX).

Section II. TANF-EAF Eligibility

A. Emergency Situation. This emergency situation is due to the following circumstance(s):
☐ Authorized protective services
☐ PINS diversion
☐ Authorized preventive services
☐ Homelessness/minor living on own/abandonment
☐ Domestic violence
☐ Fire/other disaster/other emergency *(specify)* _____

→ Check the boxes that most appropriately describes the child's emergency circumstance(s)

Explanation:
TANF-EAF funding is contingent upon the family's need for services arising from a family emergency *and* meeting all other eligibility requirements. The need for services must arise from one or more emergency circumstances. A family's need for preventive or protective services is considered to be the result of an emergency situation.

Under New York's "prior law" policy, EAF may be authorized for as long as the needs arising from the emergency last. The emergency is defined as ending when:

- A casework decision is made that the services related to the emergency are no longer needed; and
- The services case is closed; and
- The EAF authorization is closed; or
- The youngest child on the case turns age 18.

Note: In accordance with 18 NYCRR 372.4(d), costs for services that are necessary to address needs arising from the cited emergency are authorized under the EAF program. This authorization will continue until the emergency ends.

Acceptable Documentation:

Preventive Case

- FASP/Progress notes or the initial UCR document the circumstances resulting in the authorization of preventive services.

Protective Case

- A copy of the CONNECTIONS "Investigation Determination" and "Investigation Progress Notes" window narrative; or
- A copy of the child protective worker's "Casework Practice Recording Template (CPRT);" or
- FASP/Progress notes document that one or more reports made to the Statewide Central Register (SCR) have been "indicated."

Please insert a copy of the document that verifies the "emergency" requirement in the child's eligibility case file.

B. TANF-EAF Requirements. Applicant(s) must meet all requirements below for TANF-EAF eligibility:

1. Citizenship.
Are all children who are applying for services citizens of the U.S. or qualified immigrants as defined under the federal PRWORA?

→ Check YES if the applicant(s) is a U.S. citizen or a qualified immigrant.

→ Check NO if the applicant(s) is not a U.S. citizen or a qualified immigrant. The family is not TANF-EAF eligible. ☞ Go to **Section IV** and check the box indicating the applicant is ineligible for any funding.

Explanation:
A recipient of TANF-EAF must be a citizen of the United States or a qualified immigrant as defined by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Since the recipient of the service is always the child or children, the citizenship/qualified immigrant status of the parent or caretaker relative is irrelevant. (See Appendix B for the *Immigration Status List*.)

In instances where a family includes a child who is an undocumented immigrant, EAF may be provided for the citizen and qualified immigrant children on the case if the household meets all of the eligibility criteria for EAF; the undocumented immigrant child would be considered "invisible" in the EAF eligibility determination.

Acceptable Documentation[124]:

U.S. Citizens	Qualified Immigrant[125]
• Birth Certificate[126] • U.S. Passport • Naturalization certificate	• WMS screen showing that the child receives Family Assistance (FA), Medical Assistance (MA),[127] Home Energy Assistance Program (HEAP) or Supplemental Nutrition Assistance Program (SNAP) • USCIS documents

Please insert a copy of the document that verifies the "citizenship/immigration status" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility case file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

[124] As of September 2014, court records are no longer acceptable documentation of citizenship. Court orders do not usually mention the citizenship/immigrant status of the child and are therefore, not acceptable proofs of this requirement. Please use documents listed above for this verification.
[125] See Appendix B in the *Eligibility Manual for Child Welfare Programs* for the *Immigration Status List* which provides a list of the acceptable documentation that verifies qualified immigrant status.
[126] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.
[127] **Medicaid Exception:** State and local Medicaid eligibility for otherwise eligible immigrants is not dependent on whether the immigrant is a qualified immigrant or non-qualified immigrant or the date on which the immigrant entered the U.S. as outlined in PRWORA. State and local Medicaid coverage cannot be denied if an otherwise eligible immigrant is permanently residing in the U.S. under Color or Law (PRUCOL) or is a lawfully admitted permanent resident. Also, federally funded Medicaid may be granted to otherwise eligible undocumented immigrants for emergency services only. Pregnant women are not required to document citizenship or immigration status in order to be eligible for Medicaid. These individuals can be identified on **upstate** WMS by category codes: **38** (Alien FP-Emergency Only); **37** (Alien FNP-Eligible MA-Does Not Meet PRWORA); and **76** (Legal Aliens-Eligible MA-Does Not Meet PRWORA). On **downstate** WMS, the individuals are identified by alien code **E** (Undocumented Aliens-Emergency MA Only) or state/federal charge codes: **60** (TANF Ineligible Alien) and **67** (Qualified Alien in the Five-Year Ban for Medicaid/PRUCOL).

2. Age.
Was any member of the family under the age of 18, or under the age of 19 and attending secondary school (high school) or an equivalent level of vocational or technical training or did the case include a pregnant woman of any age?

→ Check YES if the child is under the age of 18 or under the age of 19 and attending secondary school (high school) or an equivalent level of vocational or technical training school or if the case includes a pregnant woman of any age.

→ Check NO if *no* member of the family is under the age of 18 or under the age of 19 and attending secondary school (high school) or an equivalent level of vocational or technical training or the case does *not* include a pregnant woman. The family is TANF-EAF ineligible. ☞ Go to **Section IV** and check the box indicating the applicant is ineligible for TANF-EAF and Title XX Below 200% of Poverty.

Explanation:
The family case must include at least one child under the age of 18, or under the age of 19 and attending secondary school (high school) or an equivalent level of vocational or technical training. A pregnant woman of any age also qualifies for this requirement even when otherwise living alone since the unborn counts as the child living with her.

Acceptable Documentation:

- Non-services WMS screen printout reflecting the household composition, child's date of birth or the unborn.
- Birth certificate[128]
- Baptismal certificate
- Hospital records
- U.S. passport
- Naturalization certificate
- Court records
- WMS screen printout indicating student status
- School records (for children age 18 verifying completion of program by 19th birthday)
- Medical verification of pregnancy
- FASP/Progress notes substantiate one of the above certificates was seen by the caseworker (should include the child's name, date of birth, parents' names and type of certificate or certificate number, if available)

Please insert a copy of the document that verifies the "age" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

[128] See 10-OCFS-INF-10 for details regarding birth certificates from Puerto Rico.

3. Living With a Specified Relative.
Was the child living in the home of a specified relative at any time within six months before the application for services, or did the case include a pregnant woman of any age?

→ Check YES if the child lived in the home of a parent or a specified relative at any time within six months before the application for services or if the case includes a pregnant woman of any age.

→ Check NO if the child was not living in the home of a parent or a specified relative at any time within six months before the application for services or if the case *does not* include a pregnant woman. The family is TANF-EAF ineligible.
☞ Go to **Section III** to determine eligibility for Title XX Below 200% of Poverty.

Explanation:
The child must have been living with a parent or other specified relative within the fifth degree within six months before the application for services was filed. A pregnant woman of any age also qualified under this requirement even when otherwise living alone because the unborn counts as the child living with her. Please note that "fictive" relatives do not meet this requirement for TANF-EAF funding if they have no other relationship to the child, i.e., "godparents" not related to the child. (See Appendix B for details regarding *Determining a Specified Relative*.)

Acceptable Documentation:
- WMS clearance printout listing household composition and showing the child was an active member on that case six months prior to the services application file date or showing the unborn. The WMS case composition inquiry screen may also be used to document relationship.
- A court petition that indicates the child had been living with a parent or a specified relative within six months prior to the services application file date.
- Medical verification of pregnancy.
- FASP/Progress notes indicate the child had been living with a parent or a specified relative within six months prior to the services application file date.

Please insert a copy of the document that verifies the "living with a specified relative" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

4. No Previous EAF Authorization.
Was there *no* EAF authorization written in the past 12 months, except one written in the past 30 days, or written for the same emergency where the authorization has not been closed?

→ Check YES if no EAF authorization was written in the past 12 months, except one written in the past 30 days, or one written for the same emergency where the authorization has not been closed.

→ Check NO if an EAF authorization was written in the past 12 months, unless one was written in the past 30 days or written for the same emergency where the authorization has not been closed. The family is TANF-EAF ineligible. ☞ Go to **Section III** to determine eligibility for Title XX Below 200% of Poverty.

Explanation:
A case may only be authorized to receive TANF-EAF funding during one consecutive 30-day period in a given 12-month period. This means that except for the current 30-day period, the case was not authorized to receive TANF-EAF funding in the past 12 months. Otherwise, if the EAF authorization had been written within the 12 months of the services case opening, the TANF-EAF eligibility cannot be established. Keep in mind that the date that the prior EAF authorization was written is the date considered when reviewing this item, not the date the EAF authorization was closed.

If there is a continuing EAF authorization for services arising from the same emergency situation, i.e., the case has not been closed and the needs arising from the emergency continue, then there is no need for a new authorization. For example: if all of the children have returned home from foster care, the emergency may be considered as continuing until services are no longer needed.

Reminder: The date the EAF authorization **is written** is the date that counts.
This is the date the authorization section of the checklist is signed. It is **not** the date the case was closed or the date that the last payment was made.

Federal regulations require that all services covered by TANF-EAF be authorized in one 30-day period. In NYS, this requirement is met by issuing one TANF-EAF authorization covering all services necessary to address the emergency situation.

Acceptable Documentation:
- WMS screen printout from the Benefit Issuance Control System (BICS) for services indicating that EAF was not authorized during the 12 months preceding the initiation of preventive or protective services unless the same emergency has continued and the EAF authorization was not closed. To access from the Main Menu, select the *BICS Menu* (**F15**) and then select the *Services Inquiry Screen* (**F13**). This screen tracks the EAF start or authorization date.
- FASP/Progress notes indicate no prior EAF authorization was written.

Please insert a copy of the document that verifies the "no previous EAF authorization" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

5. Insufficient Resources.
Is at least one member of the family in receipt of Temporary Assistance or SSI?

→ Check YES if at least one member of the family is in receipt of Temporary Assistance (Family Assistance or Safety Net) or Supplemental Security Income (SSI).

→ Check NO if no one in the family is in receipt of Temporary Assistance (Family Assistance or Safety Net) or SSI. The family is TANF-EAF ineligible. ☞ Go to **Section III** to determine eligibility for Title XX Below 200% of Poverty.

Explanation:
To meet the standard of "insufficient resources," at least one family member must be receiving Temporary Assistance (TA - includes Family Assistance [FA]) or Supplemental Security Income (SSI) at the time that the emergency is identified. Potential eligibility for TA or SSI or income below the TA standard does not in of itself meet this test.

Acceptable Documentation:
- WMS screen printout document that at least one family member is receiving TA or SSI
- Copy of the SSI benefits check
- An award letter from the Social Security Administration identifying the family member who is receiving SSI and indicating the amount of the SSI benefit
- The State Data Exchange (SDX) screen printout identifying the family member who is receiving SSI and indicating the amount of the SSI benefit
- FASP/Progress notes document that at least one family member is receiving TA or SSI

Please insert a copy of the document that verifies the "insufficient resources" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

6. Need for Services Due to Reasons Other Than Refusal of Employment/ Training.

Did the family's need for services arise for reasons *other than* the parent/specified relative's refusal without good cause to accept employment or training?

→ Check YES if the family's need for services arose for reasons *other than* that the parent or the specified relative refused without good cause to accept employment or training for employment.

→ Check NO if the family's need for services arose solely because the parent or the specified relative refused without good cause to accept employment or training for employment. The family is TANF-EAF ineligible. ☞ Go to **Section III** to determine eligibility for Title XX Below 200% of Poverty.

Explanation:

The need of the family for preventive or protective services must be due to reasons *other than* that the parent or the specified relative refused without good cause to accept employment or training for employment. If the emergency was *solely* caused by the parent or the specified relative's refusal without good cause to accept employment or training for employment, the case is *not* eligible for TANF-EAF.

Acceptable Documentation:

- FASP/Progress notes document that the family's need for services and subsequent service provisions were not caused *solely* because the parent or the specified relative refused without good cause to accept employment or training for employment.

☝Please insert a copy of the document that verifies the "need for services due to reasons other than refusal of employment/training" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

7. Need for Services Due to Reasons Other Than Mismanagement of a TA Grant.
Did the family's need for services arise for reasons *other than* the parent/specified relative's mismanagement of a Temporary Assistance grant?

→ Check YES if the family's need for services arose for reasons *other than* that the parent or the specified relative mismanaged a Temporary Assistance grant.

→ Check NO if the family's need for services arose solely because the parent or the specified relative mismanaged a Temporary Assistance grant. The family is TANF-EAF ineligible. ☞ Go to **Section III** to determine eligibility for Title XX Below 200% of Poverty.

Explanation:
For families receiving Temporary Assistance (TA - including Family Assistance [FA]), the family's need for preventive or protective services must be due to reasons *other than* that the parent or the specified relative mismanaged a TA grant. If the emergency (i.e., the need for preventive/protective services) was *solely* caused by the parent or the specified relative's mismanagement of a TA grant, the case is *not* TANF-EAF eligible.

Acceptable Documentation:
- FASP/Progress notes document that the family's need for services and subsequent service provision were not caused *solely* because the parent or the specified relative mismanaged a Temporary Assistance grant.

Please insert a copy of the document that verifies the "need for services due to reasons other than mismanagement of a TA grant" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

TANF-EAF Eligibility Decision
If the family meets the emergency criteria and all seven of the above listed requirements and each is appropriately documented, the case is TANF-EAF eligible. (See instructions for **Section IV. Eligibility Summary & Signatures/Supervisory Review** below for details.)

Section III. Title XX Below 200% Eligibility

See Chapter 3, Title XX Below 200% of Poverty Eligibility, for detailed instructions on completing this section.

Section IV. Eligibility Summary & Signatures/Supervisory Review WMS Instructions

Eligibility Results:

→ Check the first box in this section if the family is eligible for both TANF-EAF and Title XX Below 200% of Poverty[129] (dual eligibility). (See Chapter 3, Title XX Below 200% of Poverty Eligibility for more details.)

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code "**04**"
- Add "**D**" suffix for preventive services
- Add "**C**" suffix for any non-preventive services
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the second box in this section if the family is only eligible for TANF-EAF.

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code "**04**"
- Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

→ Check the third box in this section if the family is only eligible for Title XX Below 200% of Poverty. (See Chapter 3, Title XX Below 200% of Poverty, for detailed instructions regarding determining eligibility for this funding category.)

→ Check the fourth box in this section if the family is not eligible for TANF-EAF or Title XX Below 200% of Poverty (eligible for Title XX). (See Chapter 3, Title XX Below 200% of Poverty for more details.)

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

[129] A family found eligible for Title XX Below 200% of Poverty is also eligible for TANF Direct 200% without requiring a separate determination. The eligibility determination for Title XX Below 200% of Poverty is all that is needed.

- For preventive family cases, enter eligibility code "**06**," "**07**," "**08**," "**14**,"[130] as appropriate, and add suffix code "**W**" in both the direct services and purchase of services fields.
- For non-preventive family cases, enter eligibility code "**06**," "**07**," "**08**," "**14**," as appropriate, and add suffix code "**P"** in both the direct services and purchase of services fields.
- Submit for data entry; a new *Services Authorization* form (**LDSS-2970**) will be generated.

→ Check the fifth box in this section if the family is not eligible for any funding because none of the children are U.S. citizens or qualified immigrants (costs are not reimbursable by any federal or state funding **except** for child protective, emergency medical services, residential domestic violence services and non-residential adult protective services).

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code "**14**"
  - Add the "**N**" suffix (for non-reimbursable) to direct services and POS lines
  - Submit for data entry/a new *Services Authorization* form (**LDSS-2970**) will be generated

The chart below summarizes appropriate coding of the eligibility, direct services, and purchase of services fields of WMS when a family is authorized for preventive and/or protective services.

Services	TANF-EAF & Title XX Below 200% of Poverty	TANF-EAF Only	Regular Title XX
Preventive Services (direct services type **25** or **26)**	Eligibility code **04** and suffix code "**D**"	Eligibility code **04**	Any eligibility code other than **04**[131] and suffix code "**W**"
Non-preventive Services, i.e., CPS (**17**), domestic violence (**22**)	Eligibility code **04** and suffix code "**C**"	Eligibility code **04**	Any eligibility code other than **04**[132] and suffix code "**P**" if a child protective case

→ Sign and date the form in the designated area
→ Obtain the Supervisor's signature and date

For detailed WMS instructions regarding processing the Services case, contact the Human Services-Information Technology Services Enterprise Service Desk (HS-ITS Enterprise Service Desk) at:

Fixit@its.ny.gov (listed in the Office 365 Global Address List as: ITS.SM.ESD.HS-ITS) or call the Service Desk at: (518) 408-6487 or (800) 697-1323.

Please DO NOT contact ITS employees directly.

[130] Code "**06**" for SSI blind; code "**07**" for SSI disabled (other than blindness); code "**08**" for MA; and code "**14**" for cases where eligibility is to be determined by income (non-categorical).
[131] Ibid.
[132] Ibid.

Go to http://ocfs.state.nyenet/it/GeneralResources/CCRSDefault.asp for additional documents with information regarding CCRS coding.

Medical Assistance Eligibility Decision

Medical Assistance (MA) for family cases should be determined by the local district's MA unit. As the caseworker, please facilitate the MA application process for the family with your local MA unit.

Continue to review the family case for Title XX Below 200% of Poverty eligibility!

Chapter 3 – Title XX Below 200% of Poverty Eligibility

Background

This chapter is designed to assist social services staff in determining, documenting, and authorizing eligibility for Title XX Below 200% of Poverty funding. Title XX Below 200% funding results from the transfer of Flexible Fund for Family Services (FFFS) funds to Title XX. FFFS funds transferred to Title XX are distinguished from traditional Title XX by using the phrase "Title XX Below 200%" to denote the criteria that the countable income received by all case members must be under 200% of the U.S. federal poverty income standards. The transfer allows for greater flexibility in using the funds than would otherwise be possible. Under provisions of the FFFS states are allowed to transfer up to 25% of their FFFS allocation each year to the Title XX Program.

Any program or service funded under Title XX is eligible for funding under Title XX Below 200%. Generally, any child protective, child preventive (which includes preventive services provided for foster children and their families), adoption, or domestic violence service involving families with children may be covered if the case is eligible for Title XX Below 200%. Services not covered by Title XX, such as foster care maintenance payments and medical services covered by Title XIX, cannot be funded by Title XX Below 200% funds. A list of services and programs eligible for Title XX Below 200% of Poverty is found at the end of this chapter.

To receive services funded under the Title XX Below 200%, the applicant must sign the *Application for Services* (**LDSS-2921**), an application form approved by OCFS for establishing TANF 200% eligibility, the Voluntary Agency Questionnaire which was developed for the purpose of collecting client-related income and citizenship information or a local equivalent that has been approved by the New York State Office of Temporary and Disability Assistance (OTDA).

The applicant must attest to, among other items, the name of each member of the family, the date of birth of each family member, and the type and amount of income received by each family member living in the same household and his/her relationship to the applicant. In addition, for Title XX Below 200% or regular Title XX funded services, the citizenship/immigrant status of each child must be provided. These items *must be completed* on one of the types of forms noted above, which serves as the attestation to document eligibility as well as source data for WMS data entry. The worker may request verification of any item; qualified immigrant status *must* be documented.

A Title XX Below 200% determination may be done *at any point in the case*. This can include determining eligibility retroactively. For example, if in June 2014 you wish to establish eligibility effective January 2014, all eligibility criteria must have existed in January 2014. If the case is eligible, Title XX Below 200% is valid for a 12-month period regardless of changes in the family's situation, including income status, as long as the case remains open. A redetermination of Title XX Below 200% must be done at least every 12 months thereafter. The redetermination can be done earlier. A redetermination done at any time provides for a full 12 months of eligibility as long as the case remains open.

Title XX Below 200% of Poverty Eligibility

Program/Funding Description:

Title XX Below 200% of Poverty provides federal funding for child protective, child preventive, adoption, and domestic violence in-home services involving families with children who meet the Title XX Below 200% of Poverty eligibility requirements. It is a means to provide funding for any service funded under Title XX. Services such as foster care maintenance and medical services covered by Title XIX cannot be funded by Title XX Below 200% of Poverty.

Districts must determine eligibility for both TANF-EAF and Title XX Below 200% for services provided in the home. The requirement to determine eligibility for TANF-EAF, which is discussed in Chapter 2 of this manual, applies only to child welfare services. While the TANF-EAF determination must be made *at the time the services case is opened*, the Title XX Below 200% of Poverty determination can be made *at point in the case*. Regardless of the TANF-EAF determination, districts must do a determination for Title XX Below 200% funding. If the case is found eligible for TANF-EAF and Title XX Below 200%, the case has *dual eligibility*. Using Title XX Below 200% in addition to TANF-EAF allows districts to access the 100% federal funding under Title XX Below 200% once the district's TANF-EAF funding is fully expended.

Required Steps in Determining Eligibility:

Completing the *Family Eligibility Checklist (**LDSS-4811**)* and collecting the required supporting documentation is the first step in determining eligibility for Title XX Below 200% of Poverty. (See Appendix A or the OCFS Title IV-E website for a sample copy of the *Family Eligibility Checklist*.)

Title XX Below 200% of Poverty Considerations

To determine eligibility for Title XX Below 200% of Poverty, consider the following:

- Who is the applicant and who are his/her family members;
- The child's U.S. citizenship/qualified immigrant status;
- Whether the services are for a child or a child's family; and
- Establishing that the family's income is below 200% of the current poverty standard.

Definitions

- Applicant: The person requesting the services is the applicant. When more than one person is requesting services, the adult family member applying for services must be listed as the applicant. If there is no adult family member applying for services, the applicant is the oldest child requesting these services.

- Family Members: In determining eligibility, consider who is in the family as well as the relationships of the relatives, taking into account their legal responsibilities to one another. In New York State, spouses are responsible for each other; parents and step-parents are responsible for their minor children. However, when counting income for determining 200% of poverty,[133] the income of all services case members residing in the

[133] The income calculation is not required if *all* of the children are in receipt of Temporary Assistance (TA), Medical Assistance (MA), Supplemental Nutrition Assistance Program (SNAP), the Home Energy Assistance Program (HEAP) or Supplemental Security Income (SSI).

household who are responsible for a recipient, as well as siblings and step-siblings, must be considered.

All of the following persons *who live with the applicant* are considered family members:

- The applicant's husband or wife;
- The applicant's minor children and their siblings who are also minor children (including half and step-siblings);
- If the applicant is a minor child, the applicant's parents, step-parents, and the applicant's siblings who are minor children; and
- The father, mother, stepfather, or stepmother of any minor child listed above, even if the parent is not married.

Only the income of household members noted above is counted.

Note: The income of legally responsible relatives not living with the family and whose income is unavailable to the family is not counted in determining the 200% of poverty income level.

For child welfare cases, the following criteria apply:

- Since the recipient of the service is always the child or children, the citizenship/ immigration status of the caretaker relatives in not relevant.
- When considering income, if *all* of the children are in receipt of Temporary Assistance (TA), Supplemental Nutrition Assistance Program (SNAP), Medical Assistance (MA),[134] the Home Energy Assistance Program (HEAP) or Supplemental Security Income (SSI), it is not necessary to calculate the gross income of the family, as receipt of these forms of assistance means that the family's income is below 200% of the federal poverty standard.

Title XX Below 200% of Poverty Requirements:

Once the applicant and the family composition has been established, determine eligibility for Title XX Below 200% of Poverty in one of two basic ways:

- Verify that the family is automatically eligibility (*all* of the children are in receipt of Temporary Assistance (TA), Supplemental Nutrition Assistance Program (SNAP), Medical Assistance (MA),[135] the Home Energy Assistance Program (HEAP) or Supplemental Security Income (SSI); and **if not**,

- Certify that the case meets each of the following requirements for Title XX Below 200% of Poverty eligibility:
  - At least one of the children in the case is a U.S. citizen or a qualified immigrant;
  - The case includes at least one eligible minor child (or is related to an eligible minor in the case of non-custodial parents) or a pregnant woman;
  - The family's income is below 200% of the federal poverty standard.

Whether you are verifying automatic eligibility or certifying the Title XX Below 200% of Poverty requirements, all must be appropriately documented.

[134] **Medical Assistance Exceptions**: This does *not* include children who are receiving Medical Assistance under the continuous coverage or guaranteed eligibility provisions.

[135] Ibid.

These Title XX Below 200% of Poverty methods of establishing eligibility and the requirements are discussed below in the order that they appear on the *Family Eligibility Checklist (**LDSS-4811**)*. Included in the discussion are instructions for completing the *Family Eligibility Checklist* in its entirety and detailed explanations for each requirement followed by the acceptable documentation. These instructions have been formatted to follow completion of the *Family Eligibility Checklist*. (See Appendix A or the OCFS Title IV-E website for a sample copy of the *Family Eligibility Checklist*.)

It is recommended that a separate eligibility case file on each child be maintained with the completed *Family Eligibility Checklist* and copies of all the eligibility documents that support the eligibility decision be contained in that file.

Please note that this case file and all information contained therein is confidential and must be protected to prevent disclosure of the child's information to anyone other than personnel authorized by law.

The symbol → indicates a direction to enter information. When necessary, the instructions are followed by an **Explanation** of the item and the **Documentation** required. Remember to complete a separate *Family Eligibility Checklist* and obtain required supporting documentation for each child being considered for Title XX Below 20% of Poverty. Each *Family Eligibility Checklist* item is circumscribed in a box.

Section I. Case Information
This section should have already been completed as part of the TANF-EAF eligibility determination.
Section II. TANF-EAF Eligibility
This section should have already been completed as part of the TANF-EAF eligibility determination. See Chapter 2 for details on TANF-EAF eligibility.
Section III. Title XX Below 200% of Poverty Eligibility
Automatic Eligibility Are all children in the child welfare case who are applying for or receiving services in receipt of Temporary Assistance (Family Assistance, Safety Net), Medicaid, Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or Home Energy Assistance Program (HEAP)? → Check YES if *all* of the children in the case are in receipt of Temporary Assistance [Family Assistance (FA), Safety Net (SN)], Medical Assistance (MA),[136] Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or the Home Energy Assistance Program (HEAP). Applicant is Title XX Below 200% of Poverty eligible. ☞ Go to **Section IV** and check the box indicating that the applicant is eligible for Title XX Below 200% of Poverty. → Check NO if not *all* of the children in the case are in receipt of Temporary Assistance [Family Assistance (FA), Safety Net (SN)], Medical Assistance (MA),[137] Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or the Home Energy Assistance Program (HEAP). ☞ Complete the rest of **Section II** to certify Title XX Below 200% of Poverty eligibility.

[136] **Medical Assistance Exceptions**: This does *not* include children who are receiving Medical Assistance under the continuous coverage or guaranteed eligibility provisions.
[137] Ibid.

Please note that for **Sections II and III**, entries are required in **Section V**. Documentation of Eligibility (in the columns labeled, "Documentation" and "Location in Case Record"). If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

Explanation:

Families in which all children in the child welfare case receive Temporary Assistance -- Family Assistance (FA), federally funded Safety Net (SN) Assistance -- Medical Assistance (MA),[138] Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP) or the Home Energy Assistance Program (HEAP) (qualifying non-services) are *automatically* eligible for Title XX Below 200% of Poverty funding. The eligibility requirements for the qualifying non-services programs listed above are the same as those necessary for Title XX Below 200% of Poverty eligibility.

Proceed to determine whether the applicant is receiving assistance from one of the qualifying non-services noted above. This information may be secured through inquiry on the non-services WMS. Then determine whether *all* the children in the open services case are also in receipt of FA, SN, SSI, MA,[139] SNAP or HEAP. When all children who are case members are on at least one of these forms of qualifying non-services assistance, automatic eligibility is met.

Acceptable Documentation:

- WMS clearance printout that verifies *all* of the children on the child welfare services case are receiving FA, federally funded SN, MA,[140] SNAP, HEAP or SSI; information should include the applicant's family members, their date of birth and relationship to the applicant;

- FASP/Progress notes indicate that *all* of the children on the child welfare case are receiving FA, federally funded SN, MA,[141] SNAP, HEAP or SSI; information should include the applicant's family members, their date of birth and relationship to the applicant.

Please insert a copy of the document that verifies the "automatically eligible" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the child's case file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist* check the box in the column labeled, "Attached."

Cases that are determined to *not* be automatically eligible (i.e., not all of the children on the case are receiving at least one form of qualifying non-services) must be certified to meet the Title XX Below 200% of Poverty requirements. These requirements are discussed below.

---

[138] **Medical Assistance Exceptions**: This does *not* include children who are receiving Medical Assistance under the continuous coverage or guaranteed eligibility provisions.
[139] Ibid.
[140] Ibid.
[141] Ibid.

Certifying Title XX Below 200% of Poverty Eligibility

Applicant(s) must meet all requirements below for Title XX Below 200% of Poverty eligibility:

1. **Citizenship.**
   Is at least one child who is applying for or in receipt of services a U.S, citizen or qualified immigrant as defined under the federal PRWORA?

   → Check YES if at least one child who is applying for or in receipt of child welfare services is a U.S. Citizen or a qualified immigrant as defined under the federal PRWORA.

   → Check No if at least one child who is applying for or in receipt of child welfare services is not a U.S. citizen or a qualified immigrant as defined under the federal PRWORA. Applicant is Title XX Below 200% ineligible. ☞ Go to **Section IV** and check the box indicating the applicant is ineligible for any funding.

Explanation:

In order to meet this requirement, at least one of the children in the case must be a U.S. citizen or qualified immigrant as defined by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). For child welfare services, the recipient of the services is always the child or children in the case. The citizenship status of the adult caretakers does not have to be considered. Therefore, as long as the case includes one child who is a U.S. citizen or a qualified immigrant, the case meets the requirement.

In instances where the parent or caretaker/relative is not a U.S. citizen or qualified immigrant, the following applies:

- If the caretaker relative is not a parent of the child, the child is regarded as the applicant, and the caretaker relative's citizenship/qualified immigrant status is not considered. That relative's income is also not considered, as the relative is not regarded as a family member.
- If the case involves a parent who is not a U.S. citizen or qualified immigrant, the child is regarded as the applicant, and the parent's citizenship/qualified immigrant status is also not considered. However, **the parent's income is always considered when determining 200% of poverty income level**.
- In any event, only one of the children in the case must be a U.S. citizen or qualified immigrant to meet the U.S. citizenship/qualified immigrant requirement.

  If U.S. citizenship/qualified immigrant status cannot be documented for at least one of the children, the case is ineligible for Title XX Below 200% of Poverty unless the services needed are for child protective services, emergency medical services or residential adult protective services.

Acceptable Documentation:

- For children who are U.S. citizens, attestation on the *Application for Services* (**LDSS-2921**) is sufficient. Documentation is only required for qualified immigrants.
- For children who are qualified immigrants,[142] any one of the following is acceptable:
  - WMS Case Composition screen indicating that the child receives Family Assistance (FA), Medical Assistance (MA),[143] Home Energy Assistance Program (HEAP) or Supplemental Nutrition Assistance Program (SNAP); **or**
  - Documents from the United States Citizen and Immigration Services (USCIS).

(See Appendix B for the *Immigration Status List*)

Note: Verification of the eligibility requirements for Title XX Below 200% of Poverty is met by client attestation, except for qualified immigrant status. Attestation equates to the applicant completing and signing the *Application for Services* (**LDSS-2921**) or other State approved equivalent. Additional documentation may be request if information presented is questionable.

Please insert a copy of the document that verifies the "citizenship/qualified immigrant" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

[142] Children under age 14 are not provided documentation of immigrant status by the United States Citizen and Immigration Services (USCIS). In this instance, an adult client's attestation of immigration status is acceptable.

[143] **Medicaid Exception:** State and local Medicaid eligibility for otherwise eligible immigrants is not dependent on whether the immigrant is a qualified immigrant or non-qualified immigrant or the date on which the immigrant entered the U.S. as outlined in PRWORA. State and local Medicaid coverage cannot be denied if an otherwise eligible immigrant is permanently residing in the U.S. under Color or Law (PRUCOL) or is a lawfully admitted permanent resident. Also, federally funded Medicaid may be granted to otherwise eligible undocumented immigrants for emergency services only. Pregnant women are not required to document citizenship or immigration status in order to be eligible for Medicaid. These individuals can be identified on **upstate** WMS by category codes: **38** (Alien FP-Emergency Only); **37** (Alien FNP-Eligible MA-Does Not Meet PRWORA); and **76** (Legal Aliens-Eligible MA-Does Not Meet PRWORA). On **downstate** WMS, the individuals are identified by alien code **E** (Undocumented Aliens-Emergency MA Only) or state/federal charge codes: **60** (TANF Ineligible Alien) and **67** (Qualified Alien in the Five-Year Ban for Medicaid/PRUCOL).

2. Minor Child, Pregnant Woman, or Non-custodial Parent.
Does the family include:

(a) a child under the age of 18, or under the age of 19 and attending secondary school (high school) or an equivalent level of vocational or technical training, regardless of living arrangement; or
(b) a pregnant woman; or
(c) a non-custodial parent?

→ Check YES if the family includes a member as describe above.

→ Check NO if the family does not include a member as described above. Applicant is Title XX Below 200% of Poverty ineligible ☞ Go to **Section IV** and check the box indicating the applicant is ineligible for Title XX Below 200% of Poverty.

Explanation:
Title XX Below 200% funded services may only be used to support families that include:

- A minor child is defined as a child under the age of 18, or under the age of 19 and attending secondary school (high school) or equivalent level of technical training (e.g., a BOCES program) regardless of living arrangements.
- A pregnant woman qualifies because of the unborn child.
- A non-custodial parent can qualify for Title XX Below 200% of Poverty in situations where services are provided to assist the parent in reunifying with a child. The non-custodial parent case is treated separately from the case of the child. The non-custodial parent must provide child support and/or must complete the *Non-Custodial Parent Information Referral* form (**LDSS-4728**) which can be used to facilitate the establishment or enforcement of a child support order. The non-custodial parent must supply the name, address, and social security number for each child.

Acceptable Documentation:

- The *Application for Services* (**LDSS-2921**) or other local equivalent approved by the State.
- Medical verification of pregnancy.
- LDSS/ACS records indicate the non-custodial parent is in compliance with child support enforcement activity.

☝Please insert a copy of the document that verifies the "minor child, pregnant woman, non-custodial parent" requirement in the child's eligibility case file.

If the response to this question is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be

found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

3. Family Income.

A. Is any child in the in-home preventive services case participating in the free or reduced price school lunch program?

→ Check YES, if any child in the in-home preventive services case is participating in the free or reduced price school lunch program. Family meets the family income requirement for Title XX Below 200% of Poverty. ☞ Go to **Section IV, Eligibility Summary**.

→ Check NO, if none of the children in the in-home preventive services case is participating in the free or reduced price school lunch program. ☞Complete question "**B**" to determine if the family's income is below 200% of the federal poverty level.

B. Is the combined gross income of all the family members below the 200% of poverty income level?

→ Check YES, if the calculation of the family's countable annual gross income when compared to the 200% of Poverty Income Standards for the family size is below 200% of the federal poverty level. Family meets the family income requirement for Title XX Below 200% of Poverty. ☞ Go to **Section IV, Eligibility Summary**.

→ Check NO, if the combined gross income of all the family members is not below 200% of the federal poverty level. Family is Title XX Below 200% of Poverty ineligible. ☞ Go to **Section IV, Eligibility Summary**.

Explanation:
The total countable gross income level of the family members must be under 200% of the federal poverty level. If any of the children on the services case is participating in the free or reduced price school lunch program, the family is considered to have met this "family income" eligibility requirement.

In all other instances, it is necessary to obtain information on the gross income of the applicant and the applicant's family members in order to calculate to see if the family's income is below 200% of the federal poverty level. The combined countable gross income of the applicant and the applicant's family members is calculated on an annual basis. The income that *must* be counted includes:

- Wages, salary, and tips from work
- Self-employment income (after business expenses)
- Social Security benefits

- Temporary Assistance (Family Assistance, Safety Net Assistance) of family members for cases not categorically or automatically income eligible
- Unemployment Insurance Benefits
- Workers' compensation
- Supplemental Security Income (SSI)
- Child support payments[144] received less the $50.00 disregard (see "Income not counted" below)
- Alimony received
- Interest payments
- Other recurring income

The income that is *not* counted includes:

- Earned income of a minor child;
- Adoption subsidy/foster care payments;
- One-time loans, gifts, lump sum payments or other nonrecurring income;
- Childcare subsidy payments received by the applicant/recipient; and
- First $50.00 of child support received.

Using the *Family Eligibility Checklist*, calculate the family's gross income by listing each family member's name, relationship to applicant and annual income. (See *Family Members Definition* section above) Include only countable income as described above. Subtract any child support payments made on behalf of children not in the household. Enter the net gross income and total number of family members (family size) in the designated lines. Compare the combined gross income to the 200% poverty standard for the applicant's family size to determine if the income is less than the 200% poverty standard:

- If the income is less than 200% of the income poverty level, the applicant meets the requirement.
- If the income is more than 200% of the federal income poverty level, the applicant does not meet the requirement.

See Appendix B for the *200% of Poverty Income Standards Chart*.

Acceptable Documentation:

- Client attestation[145] on the signed the *Application for Services* (**LDSS-2921**) is sufficient; or
- Letter from child's school indicating child is participating in free or reduced price school lunch program; or
- Other income verification documents.

Please insert a copy of the document that verifies the "family income" requirement in the child's eligibility case file.

[144] Deduct from the gross income any child support payments paid on behalf of a child residing elsewhere.

[145] While self-attestation is acceptable, the caseworker may request verification of any item if questionable.

If the response to question 3A or 3B is YES, enter the source of documentation on the designated column of **Section V** of the *Family Eligibility Checklist*. In addition, include a copy of the documentation in the child's eligibility file and indicate on the designated column, where in the file this documentation can be found. If the documentation is attached to the *Family Eligibility Checklist*, check the box in the column labeled, "Attached."

Title XX Below 200% of Poverty Eligibility Decision

If the family is automatically eligible because *all* of the children on the case are in receipt of Temporary Assistance [Family Assistance (FA), Safety Net (SN)], Medical Assistance (MA),[146] Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or the Home Energy Assistance Program (HEAP); or the family meets all three of the requirements and each is appropriately documented, the case is Title XX Below 200% of Poverty eligible. (See below for the instructions on the completion of **Section IV. Eligibility Summary & Signatures/ Supervisory Review**.)

Section IV. Eligibility Summary & Signatures/Supervisory Review **WMS Instructions**
Eligibility Results: → Check the *first* box in this section if the family is eligible for both TANF-EAF and Title XX Below 200% of Poverty (dual eligibility). See Chapter 2, TANF-EAF Eligibility, for more details.

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- For preventive family cases, enter eligibility code "**04**" and suffix code "**D**" in both the direct services and purchase of services (POS) fields.
- For non-preventive family cases, enter eligibility code "**04**" and suffix code "**C**" in both the direct services and purchase of services (POS) fields.
- Submit for data entry; a new *Services Authorization* form (**LDSS-2970**) will be generated.

→ Check the second box in this section if the family is only eligible for TANF-EAF. (See Chapter 2, TANF-EAF Eligibility, for details.)
→ Check the third box of this section if the family is only eligible for Title XX Below 200% of Poverty.

[146] **Medical Assistance Exceptions**: This does *not* include children who are receiving Medical Assistance under the continuous coverage or guaranteed eligibility provisions.

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- For preventive family cases, enter the appropriate federally non-participating program (FNP) code ("**06**," "**07**," "**08**," or "**14**")[147] and suffix code "**D**" in both the direct services and purchase of services (POS) fields.
- For non-preventive family cases, enter the appropriate federally non-participating program (FNP) code ("**06**," "**07**," "**08**," or "**14**")[148] and suffix code "**C**" in both the direct services and purchase of services (POS) fields.
- Submit for data entry; a new *Services Authorization* form (**LDSS-2970**) will be generated.

→ Check the fourth box in this section if the family is not eligible for TANF-EAF or Title XX Below 200% of Poverty (eligible for Title XX). (See Chapter 2, TANF-EAF Eligibility for details.)

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- For preventive family cases, enter the appropriate federally non-participating program (FNP) code ("**06**," "**07**," "**08**," or "**14**")[149] and suffix code "**W**" in both the direct services and purchase of services fields.
- For non-preventive family cases, enter the appropriate federally non-participating program (FNP) code ("**06**," "**07**," "**08**," or "**14**")[150] and suffix code "**P"** in both the direct services and purchase of services fields.
- Submit for data entry; a new *Services Authorization* form (**LDSS-2970**) will be generated.

→ Check the fifth box in this section if the family is not eligible for any funding because none of the children are U.S. citizens or qualified immigrants (costs are not reimbursable by any federal or state funding **except** for child protective, emergency medical services, residential domestic violence services, and non-residential adult protective services).

Prepare the *Services Authorization* form (**LDSS-2970**) as follows:

- Enter eligibility code "**14**"
- Add the "**N**" suffix (for non-reimbursable) to the direct services and purchase of services (POS) fields
- Submit for data entry; a new *Services Authorization* form (**LDSS-2970**) will be generated

[147] Code "**06**" for SSI blind; code "**07**" for SSI disabled (other than blindness); code "**08**" for MA; and code "**14**" for cases where eligibility is to be determined by income (non-categorical).
[148] Ibid.
[149] Code "**06**" for SSI blind; code "**07**" for SSI disabled (other than blindness); code "**08**" for MA; and code "**14**" for cases where eligibility is to be determined by income (non-categorical).
[150] Ibid.

See chart below for summary of WMS coding.

Program/Services	TANF-EAF & Title XX Below 200% of Poverty	Title XX Below 200% of Poverty Only	Regular Title XX
Preventive Services (direct service type **25** or **26**)	Eligibility code "**04**" and suffix code "**D**"	Any eligibility code *other than* **04**[151] and suffix code "**D**"	Any eligibility code other than **04**[152] and suffix code "**W**"
Non-preventive Services, i.e., CPS (**17**), domestic violence (**22**)	Eligibility code "**04**" and suffix code "**C**"	Any eligibility code *other than* **04**[153] and suffix code "**C**"	Any eligibility code *other than* **04**[154] and suffix code "**P**" if a child protective case

→ Sign and date the form in the designated area
→ Obtain the Supervisor's review and signature and date

For detailed WMS instructions regarding processing the Services case, contact the Human Services-Information Technology Services Enterprise Service Desk (HS-ITS Enterprise Service Desk) at:

Fixit@its.ny.gov (listed in the Office 365 Global Address List as: ITS.SM.ESD.HS-ITS) or call the Service Desk at: (518) 408-6487 or (800) 697-1323.

Please DO NOT contact ITS employees directly.

Go to http://ocfs.state.nyenet/it/GeneralResources/CCRSDefault.asp for additional documents with information regarding CCRS coding.

Annual Redetermination

Eligibility for Title XX Below 200% services is certified for a 12-month period. Changes in case or family income that occur during the 12 months do not necessitate a new determination of eligibility. However, at the end of the 12 months, a redetermination of eligibility determination must be done whether or not there has been any change in family income or case circumstances. The redetermination criteria are identical to those used in the initial determination described above.

Medical Assistance Eligibility Decision

Medical Assistance (MA) for family cases should be determined by the local district's MA unit. As the caseworker, please facilitate the MA application process for the family with your local MA unit.

---

[151] Code "**06**" for SSI blind; code "**07**" for SSI disabled (other than blindness); code "**08**" for MA; and code "**14**" for cases where eligibility is to be determined by income (non-categorical).
[152] Ibid.
[153] Ibid.
[154] Ibid.

Title XX Below 200% Eligible Services

Code	Service	DIR	POS	C	D
01	Adoption	X	X	X	X
2A	Rent Arrears		X		X
2B	Special Payments		X		X
03	Day Care	X			X
3A	School Age Child Care		X	X	X
3F	Day Care Home/Relative FT		X	X	X
3G	Day Care Home/Relative PT		X	X	X
04	Education	X		X	
05	Employment	X	X	X	
06	Family Planning	X	X	X	X
07	Placement Services for Adults	X		X	
8C	Crisis Respite (Family)	X	X		X
09	Health Related	X	X	X	X
10	Home Management	X	X	X	X
11	Homemaker	X	X	X	X
12	Housekeeper/Chore	X	X	X	X
13	Housing Improvement	X	X	X	X
15	Adult Preventive	X	X	X	
17	Protective Children	X	X	X	
20	Transportation	X	X	X	X
21	Unmarried Parents	X	X	X	X
22	Personal Care	X	X	X	X
23	Services to Victims of Domestic Violence	X	X	X	
25	Preventive Children (Mandated)	X	X		X
26	Preventive Children (Non Mandated)	X	X		X
27	Housing (Rent) Subsidy		X		X
28	Drug Abuse Treatment Services	X	X	X	X
29	Alcohol Drug Abuse Treatment Services	X	X	X	X
30	Day Care – In-home FT		X	X	X
31	Day Care – In-home PT		X	X	X
32	Day Care – Family FT		X	X	X
33	Day Care – Family PT		X	X	X
34	Day Care – Family Group FT		X	X	X
35	Day Care – Family Group PT		X	X	X
36	Day Care Center FT		X	X	X
37	Day Care Center PT		X	X	X

Title XX Below 200% Eligible Services

Code	Service	DIR	POS	C	D
44	Clinical Services	X	X	X	X
45	Intensive Home Based Services	X	X	X	X
48	Aftercare		X	X	
49	Post Adoption		X	X	
57	Parent Aide Training	X	X		X
58	Emergency Cash	X	X		X
59	Emergency Goods	X	X		X
60	Day Services For Children		X	X	X
83	Foster Care Babysitting		X	X	
90	Alternate Living Arrangement	X	X	X	
91	Provide Room and Board	X	X	X	
92	Adult Protective Services – Locate Services	X	X	X	
93	Arrange Guardianship/Conservatorship	X	X	X	
94	Function as Conservator/Payee	X	X	X	
95	Resident Family Home, Casework	X	X	X	
96	Resident Family Home, Financial Management Services	X	X	X	
97	Resident Other Support Services	X	X	X	
99	Resident Other $$Management	X	X	X	

Appendix A: Checklists

Initial Foster Child Eligibility Checklist

Redetermination of Title IV-E Eligibility Checklist (Foster Care)

Re-entry into Foster Care for Youth Age 18 and Over Eligibility Checklist

Family Eligibility Checklist

Adoption Assistance Eligibility Checklist

Appendix B: Reference Material for Checklists

Title IV-E Federal Resources

Policy Interpretation Question (PIQ) – Qualified Alien
(ACYF-CB-PIQ-99-01)

Title IV-E Aliens/Immigrants FAQ

Immigration Status List

Determining a Specified Relative

Removals that Meet the Specified Relative Requirement

Removals that Do Not Meet the Specified Relative Requirement

Table of Consanguinity

Staff Exclusion List (SEL) Information

WMS ABEL Scratchpad Budgeting Guide

Adoption Definitions

200% of Poverty Income Standards

SSI Benefit Levels Chart

Policy Interpretation Question (PIQ) – Qualified Alien

(ACYF-CB-PIQ-99-01)

Source: Administration for Children, Youth and Families,
U.S. Department of Health and Human Services

The following documents are provided as reference materials for completing the questions on citizenship and specified relative in the *Initial Foster Child Eligibility Checklist* and the *Family Eligibility Checklist*.

To: State and Territorial Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act, Indian Tribes and Indian Tribal Organizations, Regional Administrators, Regions I-X

Subject: The Effects of the Provisions to Restrict Welfare and Public Benefits for Aliens in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on titles IV-B and IV-E of the Social Security Act

Legal And Related References: Titles IV-B, IV-E, XIX and XX of the Social Security Act; Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208); The Balanced Budget Act of 1997 (Public Law 105-33); Attorney General Order No. 2129-97, "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 62 Fed. Reg. 61344 (Nov.17, 1997); HHS Interpretation of "Federal Public Benefit," 63 Fed. Reg. 41658 (August 4, 1998); Proposed Rule, "Verification of Eligibility for Public Benefits;" 63 Fed. Reg. 41662 (August 4, 1998); ACYF-PIQ-84-07; ACYF-PIQ-88-05.

Background: ACF has received numerous questions regarding the impact of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) on Titles IV-B and IV-E of the Social Security Act (the Act). This PIQ synthesizes the answers to those questions.

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) restricts alien eligibility for certain federal, state, and local public benefits. Title IV of PRWORA does so, in part, by limiting eligibility for certain public programs to qualified aliens.

Definition of "Qualified Alien": Per Section 431 of PRWORA, as amended by The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and The Balanced Budget Act of 1997, the term "qualified alien" means:

> "... an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is –

1. an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act;

2. an alien who is granted asylum under section 208 of such Act;

3. a refugee who is admitted to the United States under section 207 of such Act;

4. an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year;

5. an alien whose deportation is being withheld under section 243(h) of such Act, as in effect immediately before April 1, 1997, or section 241(b)(3) of such Act;
6. an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980;

7. an alien who is a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980)..."; or

8. an alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States (see Exhibit B to Attachment 5 of the Department of Justice (DOJ) Interim Guidance, 62 Fed. Reg. 61344 (November 17, 1997), for the requirements that must be met for an alien to fall within this category of qualified alien).

Examples of persons who are not qualified aliens include, but are not limited to: undocumented aliens and aliens legally admitted on a temporary basis for work, study, or pleasure.

Limitations on Receipt of Federal Public Benefits: Federal foster care maintenance payments, adoption assistance payments, and Independent Living services are federal public benefits and, accordingly, only qualified aliens may receive assistance under these programs (see 63 Fed. Reg. 41657 (August 4, 1998). Section 401(a) of PRWORA limits receipt of federal public benefits, with certain specified exceptions, to qualified aliens. The statutory definition of federal public benefit is:

> "(A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and,(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States."

Verification that Recipients of Federal Public Benefits are Qualified Aliens: With a number of exceptions that are not relevant here, providers of federal public benefits are required to verify immigration and citizenship status of applicants in order to ensure that only qualified aliens receive the programs' benefits and services. In compliance with section 432 of the PRWORA, the Department of Justice issued a Notice of Proposed Rule Making, 63 Fed. Reg. 41662 (August 4, 1998), to propose requirements for verifying citizenship or immigration status for receipt of federal public benefits. States must be in full compliance with the verification requirements within two years of publication of a final rule. Until a final rule is published, verification of alien status may be carried out using the DOJ notice, "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 62 Fed. Reg. 61344 (November 17, 1997).

We strongly encourage the state child welfare agencies to familiarize themselves with the DOJ interim guidance and the proposed rule in meeting the PRWORA requirements.

Residency Requirement for Federal Means-Tested Public Benefits: In addition to restricting federal public benefits to qualified aliens, PRWORA, at section 403, requires a qualified alien entering the United States on or after August 22, 1996 (date of enactment of PRWORA), unless excepted, to live in the United States for five years as a qualified alien before becoming eligible for federal means-tested public benefits. However, in accordance with section 403(c)(2)(F) of PRWORA, federal payments for foster care and adoption assistance are excluded from this five-year residency requirement if the child and the foster or adoptive parent with whom he or she is placed are both qualified aliens. Furthermore, this entire restriction does not apply if the child entering the United States after 8/22/96 is in one of the section 403(b) excepted groups: refugees; asylees; aliens whose deportation is withheld; Cuban/Haitian entrants; or Amerasians from Vietnam.

Note: The foregoing "Background" section of this PIQ provides general, limited information on the major provisions in title IV of PRWORA and should not be cited as official Departmental policy. However, the answers to the questions in this PIQ are official Departmental policy.

Question 1: How will title IV of PRWORA affect children who were receiving foster care, adoption assistance, and independent living services under titles IV-E and IV-B prior to August 22, 1996?

Answer 1: Foster Care: Federal foster care maintenance payments may be made only on behalf of otherwise eligible qualified alien children. Children who are not qualified aliens become ineligible for federal foster care maintenance payments at the first redetermination of their eligibility following the date of enactment of PRWORA, August 22, 1996.

Adoption Assistance: Federal adoption assistance agreements signed prior to August 22, 1996 remain in effect irrespective of the child's or adoptive parents' qualified alien status.

Independent Living: Federally funded independent living services may be provided only to qualified alien children. Children who are not qualified aliens become ineligible for federal independent living services after the date of enactment of the PRWORA, August 22, 1996.

Question 2: It is our understanding that qualified aliens, regardless of whether they entered the United States before or after the date of enactment of PRWORA, August 22, 1996, are eligible for federal foster care maintenance and adoption assistance payments. Is this a correct interpretation?

Answer 2: Not entirely. If the child is a qualified alien who is placed with a qualified alien or United States citizen, the date the child entered the United States is irrelevant. However, if the child is a qualified alien who entered the United States on or after August 22, 1996 and is placed with an unqualified alien, the child would be subject to the five-year residency requirement for federal means-tested public benefits at section 403(a) of PRWORA unless the child is in one of the excepted groups identified at section 403(b). As a general matter, we do not expect these situations to arise very often. In the event such situations do arise, State or local funds may be used to support these children.

Question 3: Does the welfare reform legislation concerning benefits for immigrants/aliens have any impact on title IV-E eligibility for legal aliens, persons permanently residing under color of law (PRUCOL), etc.?

Answer 3: Yes. Alien children must be qualified aliens in order to be eligible for federal foster care maintenance and adoption assistance payments and independent living services. Not all legal aliens or aliens with PRUCOL status necessarily meet the criteria for qualified alien status.

Question 4: Does title IV of PRWORA supersede the provision in section 472(a) of the Social Security Act (the Act) which affords title IV-E eligibility to certain alien children who would be otherwise eligible for title IV-E but for their disqualification for the Aid to Families with Dependent Children (AFDC) program due to their alien status?

Answer 4: Yes. States must follow the rule in PRWORA 401(a) that:

> "...[n]otwithstanding any other provision of law ... an alien who is not a qualified alien ... is not eligible for any Federal public benefit..."

Question 5: Section 108(d) of PRWORA (as amended by the Balanced Budget Act of 197, P.L. 105-33) links eligibility for federal foster care and adoption assistance to the AFDC program as it was in effect on July 16, 1996. Section 401(a) of PRWORA limits federal public benefits to "qualified aliens." The term "qualified alien" was not defined or in use on July 16, 1996. How are States to apply these two provisions?

Answer 5: Alien children must be eligible for AFDC under a State's July 16, 1996 plan and must also meet the PRWORA definition of "qualified alien" to be eligible for federal foster care maintenance or adoption assistance (except that, as explained in the answer to Question 1, children receiving adoption assistance pursuant to agreements signed before August 22, 1996 may continue to receive such assistance).

Question 6: Under PRWORA, can those individuals who meet the definition of a qualified alien under section 431 become the foster or adoptive parents of title IV-E eligible children?

Answer 6: Yes. Qualified aliens are eligible to become foster and adoptive parents and to receive title IV-E payments on behalf of the children in their care.

Question 7: Can an unqualified alien similarly become the foster or adoptive parent of a title IV-E eligible child?
Answer 7: Yes. However, the unqualified alien foster or adoptive parent of a child who entered the United States on or after 8/22/96 would be eligible to receive title IV-E payments on behalf of the child only if the child is a United States citizen, is in one of the 403(b) excepted groups, or has lived in the United States as a qualified alien for five years.

This interpretation is consistent with section 401(a) of PRWORA, which requires aliens to be qualified in order to receive federal public benefits. Foster and adoptive parents are not recipients of federal foster care and adoption assistance payments; rather, foster care and adoption assistance payments are made on the child's behalf to meet his or her needs.

Question 8: Both sections 401(c)(1)(A) and 411(c)(1)(A) of PRWORA define federal, state, and local public benefits to include professional or commercial licenses. Is a foster care or adoptive home license/approval considered a federal, state, or local public benefit?
Answer 8: No. Foster care and adoptive home licenses/approvals are not considered a federal, state or local public benefit under sections 401(c)(1)(A) and 411(c)(1)(A) of PRWORA because they are non-professional or commercial licenses.

Question 9: Section 403(a) of PRWORA provides a five year residency requirement for qualified aliens who enter the United States on or after August 22, 1996 and who make application for federal means- tested programs. Section 403(c)(2)(F) of PRWORA lists those programs that are exempted from section 403(a) to include titles IV-B and IV-E, under certain circumstances; however, title XIX is not on the list of programs exempted from section 403(a) of PRWORA. Title IV-E eligible children are categorically eligible for Medicaid. Must qualified alien children who are eligible for title IV-E meet the five-year residency requirement to be eligible for title XIX?
Answer 9: No. All qualified alien children who are eligible for title IV-E retain their categorical eligibility for Medicaid under title XIX, regardless of how long they have been in the United States. Section 402(a)(3) of the Act (as amended by PRWORA) requires States to certify, in their Temporary Assistance for Needy Families Plans, that

"... the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX." The statute makes no distinction between children who are citizens and children who are qualified aliens. Thus the law requires all title IV-E eligible children to receive medical coverage under title XIX.

Question 10: **Are States required to verify the citizenship or immigration status of individuals receiving child welfare services funded under title IV-B or payments under title IV-E?**
Answer 10: States are not required to verify the citizenship or immigration status of individuals receiving child welfare services funded under title IV-B, subparts 1 and 2, because those services do not meet the federal definition of federal public benefit (see 63 Fed. Reg. 41657 (August 4, 1998). Therefore, child welfare services are not subject to the verification requirements at section 432 of PRWORA.

States, however, are required to verify the citizenship or immigration status of all children receiving federal foster care maintenance payments, adoption assistance payments, or independent living services. States are not required to verify the citizenship or alien status of foster or adoptive parents, with one exception. States must verify the citizenship or immigrant status of potential foster or adoptive parents when placing a qualified alien child who entered the United States on or after 8/22/96 and has been in the United States as a qualified alien for less than five years. In order to be exempt from the five-year residency requirement imposed at section 403 of PRWORA, a qualified alien child must be placed with a citizen or a qualified alien; hence, citizenship/alien status of prospective foster or adoptive parents must be verified in such circumstances.

Please see Title IV-E Aliens/Immigrants FAQ for additional information regarding the immigrant child.

Immigration Status List	
This list presents the categories of qualified alien status along with the associated documentation required for proof.	
Status	**Proof**
1. Refugee	1. Immigration and Naturalization Service (INS) Form I-94, INS Form I-551, INS Form I-688B or INS Form I-766
2. Cuban/Haitian Entrant	2. INS Form I-94, INS Form I-551
3. Asylee	3. INS Form I-94, INS Form I-551
4. Amerasian Immigrant	4. INS Form I-94, INS Form I-551
5. Deportation or Removal Withheld	5. Judge's order showing deportation or removal withheld
6. Hmong or Highland	6. INS Status Granted
7. Lawfully Admitted for Permanent Resident (LPR) who entered the U.S. before 8/22/96	7. INS Form I-94, INS Form I-551
8. Lawfully Admitted for Permanent Resident (LPR) and entered the U.S. on or after 8/22/96 and has been in the United States for 5 years or more	8. INS Form I-94, INS Form I-551
9. Parolee (for one year or more) who entered U.S. before 8/22/96	9. INS Form I-94, INS Form I-688B, INS 1-766
10. Parolee (for one year or more) and entered U.S. on or after 8/22/96 and has been in the U.S. for 5 years or more	10. INS Form I-94, INS Form I-688B, INS 1-766
11. North American Indian born in Canada (Eligibility depends on Status Granted.)	11. INS Status Granted
12. Member of a federally recognized Tribe born outside U.S. (Eligibility depends on Status Granted.)	12. INS Status Granted
13. A non-citizen serving or discharged from U.S. Armed Forces or a discharged individual's spouse or child. Discharge must have been honorable and not for reason of "alienage" or lack of citizenship	13. DD-214
14. A battered spouse or child of a U.S. citizen or lawfully admitted permanent resident who entered the U.S. before 8/22/96	14. INS "Notice of Prima Facie Case" dated within 150 days of application
15. A battered spouse or child of a U.S. citizen or lawfully admitted permanent resident who entered the U.S. on or after 8/22/96 and has been in the United States for 5 years or more	15. INS "Notice of Prima Facie Case" dated within 150 days of application

Note: Non-citizens whose immigration status is not listed above are not eligible for services except for certain emergency services.

Determining a Specified Relative

18 NYCRR 369.1(b)

To be eligible for Aid to Dependent Children (ADC), and therefore for Title IV-E, a child must reside with a parent or other adult caretaker relative of the child related to the child by blood, marriage, or adoption (or, for purposes of Title IV-E only, have been residing with at the time of removal from the home or in one of the six months preceding the removal). The term parent or other adult caretaker relative includes the following:

1. The child's father, mother, brother, sister, grandfather, great-grandfather, great-great-grandfather, grandmother, great-grandmother, great-great-grandmother, uncle, great-uncle, great-great-uncle, aunt, great-aunt, and great-great-aunt, of whole or half-blood;

2. The child's first cousin, nephew, and niece, of whole or half-blood;

3. The child's stepfather, stepmother, stepbrother, stepsister, but no other step relative;

4. In the case of a child who has been surrendered to an authorized agency or who has been adopted:

    - Any of the blood or step relatives included in the above; and

    - The child's adoptive parents and:

        - The other children of the adoptive parents and the children of such children;
        - The parents, grandparents and great-grandparents of the adoptive parents;
        - The brothers and sisters of the adoptive parents and the children of such brothers and sisters; and
        - The aunts, uncles, great-aunts and great uncles of the adoptive parents.

5. The spouse of any person described above even though the marriage may have been terminated by death, divorce, or annulment; and

6. In the case of a child born out of wedlock, any relative in the maternal line included above and, if paternity has been adjudicated or acknowledged in writing, any relative in the maternal and paternal lines included above.

Not included as an eligible relative are individuals identified as godparents who have no other relationship to the child.

Removals that Meet the Living with a Specified Relative Requirement

- Example 1 – **Physical** Removal: Based on Child Protective Services (CPS) investigation findings, the LDSS/ACS petitions the court seeking the child's removal from the home of the mother. The child is physically removed from the mother's home due to an Article 10 (abuse/neglect) of the FCA. The child enters foster care on the same day directly from the mother's home. The child meets the requirement as s/he lived with the mother within the defined period (in the month of removal).

- Example 2 - **Physical** Removal: The child is born exhibiting symptoms of drug/alcohol withdrawal. The hospital makes a report to the Statewide Central Register (SCR) alleging child maltreatment. Based on information developed pursuant to the Child Protective Services (CPS) investigation, the child is placed in foster care 10 days later. The child enters foster care directly from the hospital. Therefore, within the defined time period (less than six months), the child was living with a specified relative (the mother) so the child meets this Title IV-E requirement. (A newborn is considered to have been living in the home of his/her mother during the period of hospitalization or incarceration, regardless of the length of this stay.)

Please Note the following: An otherwise eligible child born to a woman who is a prison inmate or a patient in a hospital, and deprived of parental support and care would be eligible for Title IV-E Foster Care Program if removed from the "home of a relative" and placed in foster care in accordance with section 472 of the Social Security Act. This is true when the child is placed in foster care awaiting the mother's release or when parental rights are terminated directly after birth. The inability of the child to return to the mother during her prisoner or patient status (or for any other reason) has no bearing on the child's eligibility for Title IV-E Foster Care.

Eligibility for Title IV-E Foster Care maintenance payments program as defined in section 472(a) of the Social Security Act stipulates that a State shall make foster care maintenance payments on behalf of each child who has been removed from the home of a relative specified in section 406(a) of the Social Security Act (as in effect on July 16, 1996) if among other things, the child was AFDC eligible in the "home" of the specified relative from whom the child was legally removed.

The child born to a mother who was a hospital patient or a prison inmate would be considered to be living with the mother at the time of birth and if placed in foster care would be removed from the home of the relative (the mother) in accordance with section 472(a). The definition of "home" in 45 Code of Federal Regulations (CFR) 233.90(c)(1)(v)(B) is applicable to hospital or prison setting.

- Example 3 – **Physical** Removal: The child is left by the mother with the child's grandmother. The grandmother is the caregiver, but only has physical custody. The grandmother never was awarded legal custody of the child by the court. The child resides with the grandmother for one year. At the end of the one year period, a neglect petition is filed against the grandmother by the LDSS/ACS that leads to a court order physically removing the child from the home of the grandmother and placing the child into the care and custody of the LDSS/ACS. In this case, the best interests and reasonable efforts findings are against the grandmother. The AFDC household would be the grandmother's for purposes of financial eligibility.

- Example 4 – **Physical** Removal: The child is removed from the home of a parent and placed in the *direct legal custody* of a relative under Article 10 of the FCA. A year later, because of neglect of the child by the relative, the LDSS/ACS files a neglect petition against the relative, the child is removed from the relative who had *direct legal custody* and is placed in a certified or approved foster care home. The child meets the requirement for Title IV-E since s/he lived with a relative within six months of the date the LDSS/ACS petitioned the court and was physically removed from that relative's home. In this case, the contrary to the welfare/best interests and reasonable efforts court findings apply to the relative who had *direct legal custody*. The AFDC household would be the relative's and not the parent's for purposes of financial eligibility.

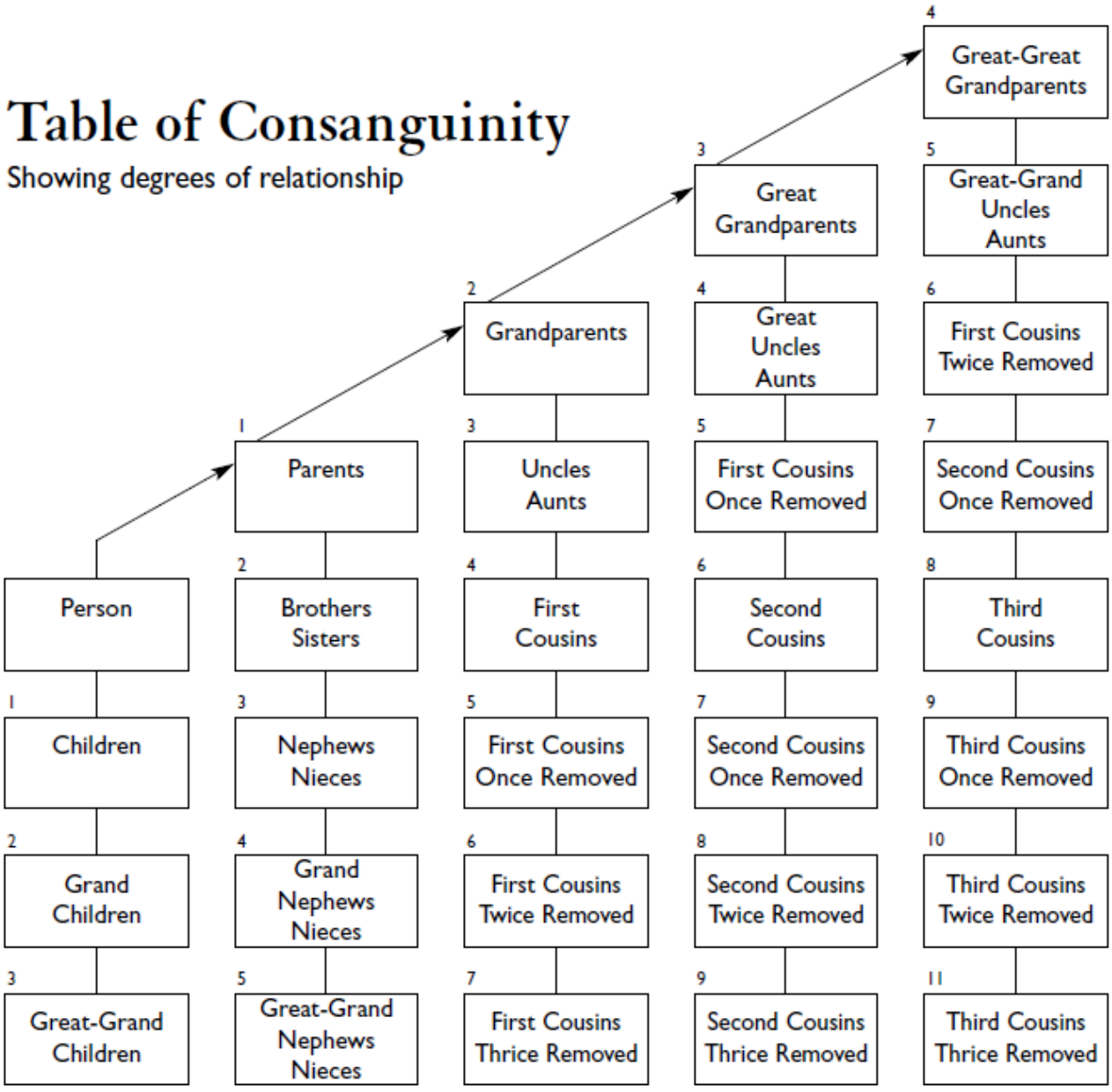
- Example 1 - **Constructive** Removal: The child lived with the mother and grandmother; the mother leaves the home. The grandmother contacts the LDSS/ACS four months later and the LDSS/ACS petitions the court within six months of the date the child lived with the mother in the home. The LDSS/ACS approves the grandmother's home as a foster family home and the child continues to reside in that home in foster care status. The child meets this requirement for Title IV-E since he or she lived with the parent within six months of the LDSS/ACS petition to the court, and was constructively removed from the parent's custody (i.e., there was a paper removal of custody). In this case, the contrary to the welfare/best interests and reasonable efforts findings must apply to the mother. The AFDC household would be the mother's for purposes of financial eligibility.

- Example 2 - **Constructive** Removal: The child lived with either a related or non-related caretaker who does not have legal custody of the child for less than six months prior to the LDSS/ACS petition to the court for removal of the child. The LDSS/ACS certifies or approves the home as a foster family home and the child continues to reside in that home in foster care status. The child meets this requirement for Title IV-E because s/he lived with the parent within six months of the LDSS/ACS petition to the court, and was constructively removed from the parent's custody (i.e., there was a paper removal of custody). In this case, the contrary to the welfare/best interests and reasonable efforts findings must apply to the parent. The AFDC household would be the parent's for purposes of financial eligibility.

Removals that Do Not Meet the Living with a Specified Relative Requirement

- Example 1: The child lived with a related or non-related caretaker for more than six months prior to the LDSS/ACS petition to the court. The LDSS/ACS certifies or approves the home as a foster family home and the child remains in that home in foster care status. The child is ineligible for Title IV-E Foster Care because s/he had not lived with the parent nor was s/he physically removed from the home of a specified relative within six months of the LDSS/ACS petition to the court. The constructive removal does not apply to this situation because it had been more than six months since the child lived with the parent.

- Example 2: The child lives with a legal guardian who is not a specified relative for six months prior to the LDSS/ACS petition to the court. The child is physically removed from the non-related legal guardian and placed in a different home which is a certified or approved foster home. The child does not meet this requirement because section 472(a)(3)(A) of the Social Security Act indicates among other things, that a child must be living with and removed from the home of a specified relative at the initiation of court proceedings.



155

[155] Chart obtained from https://commons.wikimedia.org

Figuring Out Family Relationships[156]

If someone walked up to you and said "Howdy, I'm your third cousin, twice removed," would you have any idea what they meant? Most people have a good understanding of basic relationship words such as "mother," "father," "aunt," "uncle," "brother," and "sister." But what about the relationship terms that we don't use in everyday speech? Terms like "second cousin" and "first cousin, once removed"? We don't tend to speak about our relationships in such exact terms ("cousin" seems good enough when you are introducing one person to another), so most of us aren't familiar with what these words mean.

Relationship Terms
Sometimes, especially when working on your family history, it's handy to know how to describe your family relationships more exactly. The definitions below should help you out.

Cousin (a.k.a "first cousin"): Your first cousins are the people in your family who have two of the same grandparents as you. In other words, they are the children of your aunts and uncles.

Second Cousin: Your second cousins are the people in your family who have the same great-grandparents as you., but not the same grandparents.

Third, Fourth, and Fifth Cousins: Your third cousins have the same great-great-grandparents, fourth cousins have the same great-great-great-grandparents, and so on.

Removed: When the word "removed" is used to describe a relationship, it indicates that the two people are from different generations. You and your first cousins are in the same generation (two generations younger than your grandparents), so the word "removed" is not used to describe your relationship.

- The words "once removed" mean that there is a difference of one generation. For example, your mother's first cousin is your first cousin, once removed. This is because your mother's first cousin is one generation younger than your grandparents and you are two generations younger than your grandparents. This one-generation difference equals "once removed."
- Twice removed means that there is a two-generation difference. You are two generations younger than a first cousin of your grandmother, so you and your grandmother's first cousin are first cousins, twice removed.

Relationship Charts Simplify Everything
Now that you have an idea of what these different words mean, take a look at the chart above. It's called a relationship chart, and it can help you figure out how different people in your family are related. It's much simpler than it looks, just follow the instructions.

Instructions for Using a Relationship Chart
1. Pick two people in your family and figure out which ancestor they have in common. For example, if you chose yourself and a cousin, you would have a grandparent in common.
2. Look at the top row of the chart and find the first person's relationship to the common ancestor.
3. Look at the far left column of the chart and find the second person's relationship to the common ancestor.
4. Determine where the row and column containing those two relationships meet.

Common Ancestor	**Child**	**Grandchild**	**G-grandchild**	**G-g-grandchild**
Child	Sister or Brother	Nephew or Niece	Grand-nephew or niece	G-grand-nephew or niece
Grandchild	Nephew or Niece	First cousin	First cousin, once removed	First cousin, twice removed
G-grandchild	Grand-nephew or niece	First cousin, once removed	Second cousin	Second cousin, once removed
G-g-grandchild	G-grand-nephew or niece	First cousin, twice removed	Second cousin, once removed	Third cousin

[156] Excerpt from http://genealogy.com

WMS ABEL (Scratchpad) Budgeting Instructions

For all cases involving children removed from the home of a parent, staff must complete a Scratchpad Budget for the WMS Automated Budget Eligibility Logic (ABEL) using the July, 1996 date (the look-back date). The resultant budget must be printed and maintained as part of the Title IV-E documentation package in the case record. The budget must cover the date the child was removed from the home to qualify as supporting documentation for the Title IV-E review. During the Dress Rehearsal and the FCER Review, a Scratchpad Budget can be prepared if one is not included in the file.

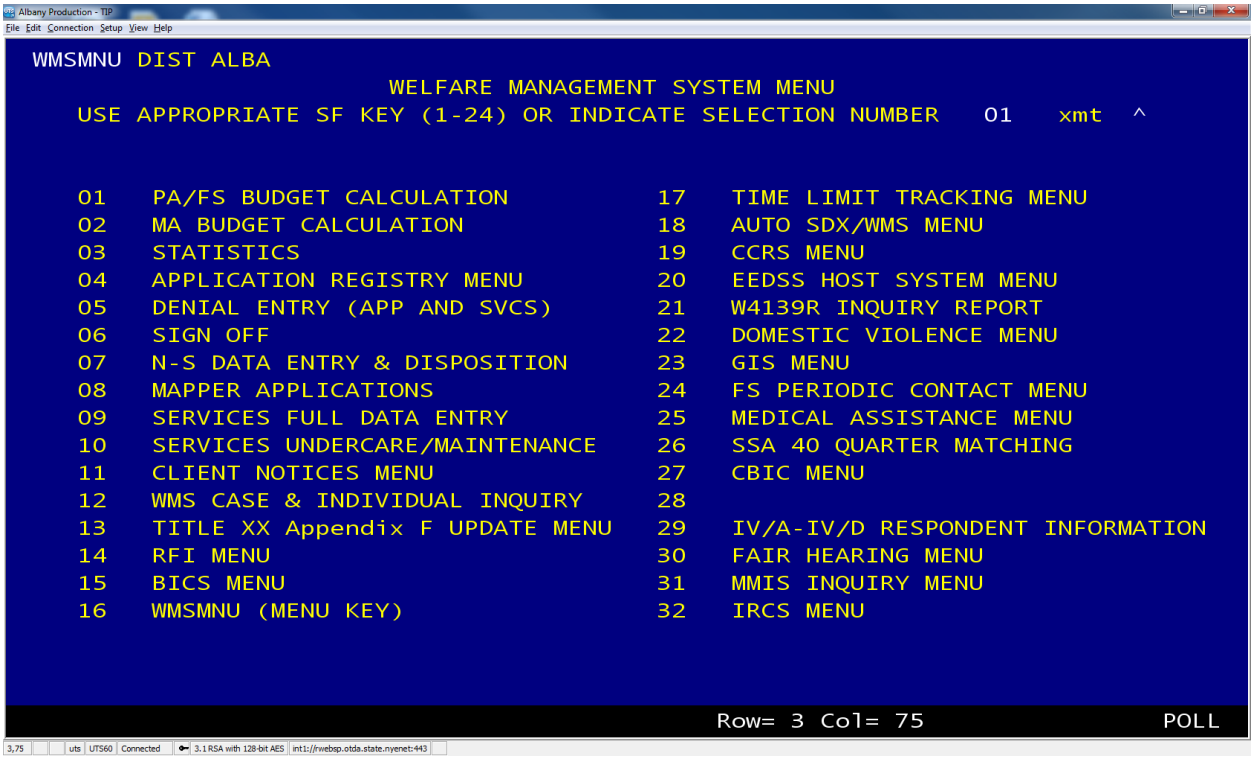
Log on to WMS

BE SURE THAT YOU HAVE ENTERED THE CORRECT COUNTY SO THAT THE PROPER STANDARDS OF NEEDS IS IN PLACE TO COMPLETE THE BUDGET

Ctrl F6 for **WELFARE MANAGEMENT SYSTEM MENU**

INDICATE SELECTION NUMBER - Type **01** (for PA/FS BUDGET CALCULATION)

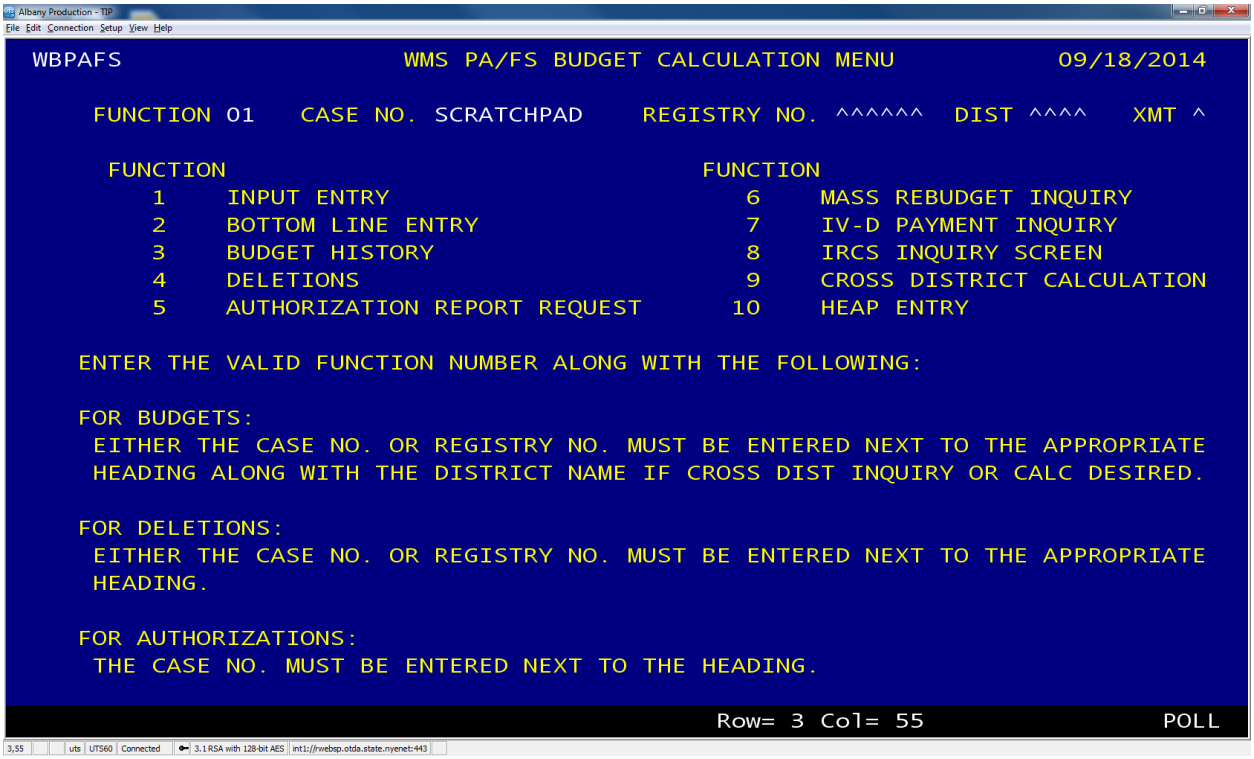
Tab to **XMT** – Hit Enter



FUNCTION - Type **01**

CASE NO. - Type **SCRATCHPAD**

Tab to **XMT** - Hit Enter



ROW 1

CASE NAME - Type Parent's Name
UNIT - 000
WKRK - 000
TRAN - 02
EFFECTIVE DATE - 070196 **TO** 073196
CASE - 11

ROW 2

HH – Enter number of people in the household
CA – Enter the number of people in the case
FUEL: TY - Enter Type (see code list)

ROW 3

SHELTER EXPENSES: TY - Enter Type (see code list)
FRQ - Enter (M)onthly, (W)eekly, or (B)i-weekly,
ACTUAL – Enter amount (For example, if the amount is $204.00, enter 20400)
The following section only applies if there is income
If there is no income, Tab to **XMT** – Hit Enter

ROW 4

EARNED INCOME

LN – Type 01 or see code list

I – Type 2

M – Type 08

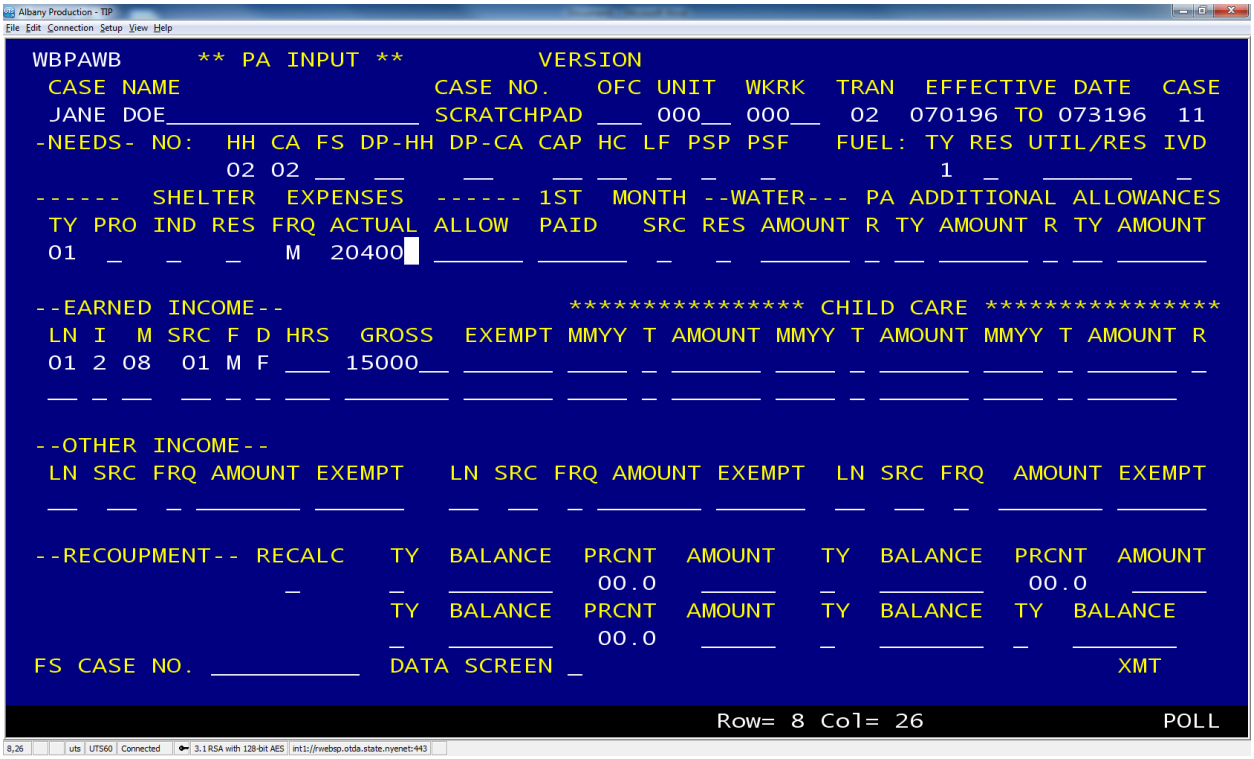
SRC – Type 01 or see code list

F – Type (M)onthly, (W)eekly, or (B)i-weekly

D – Type (F)ull or (P)art time

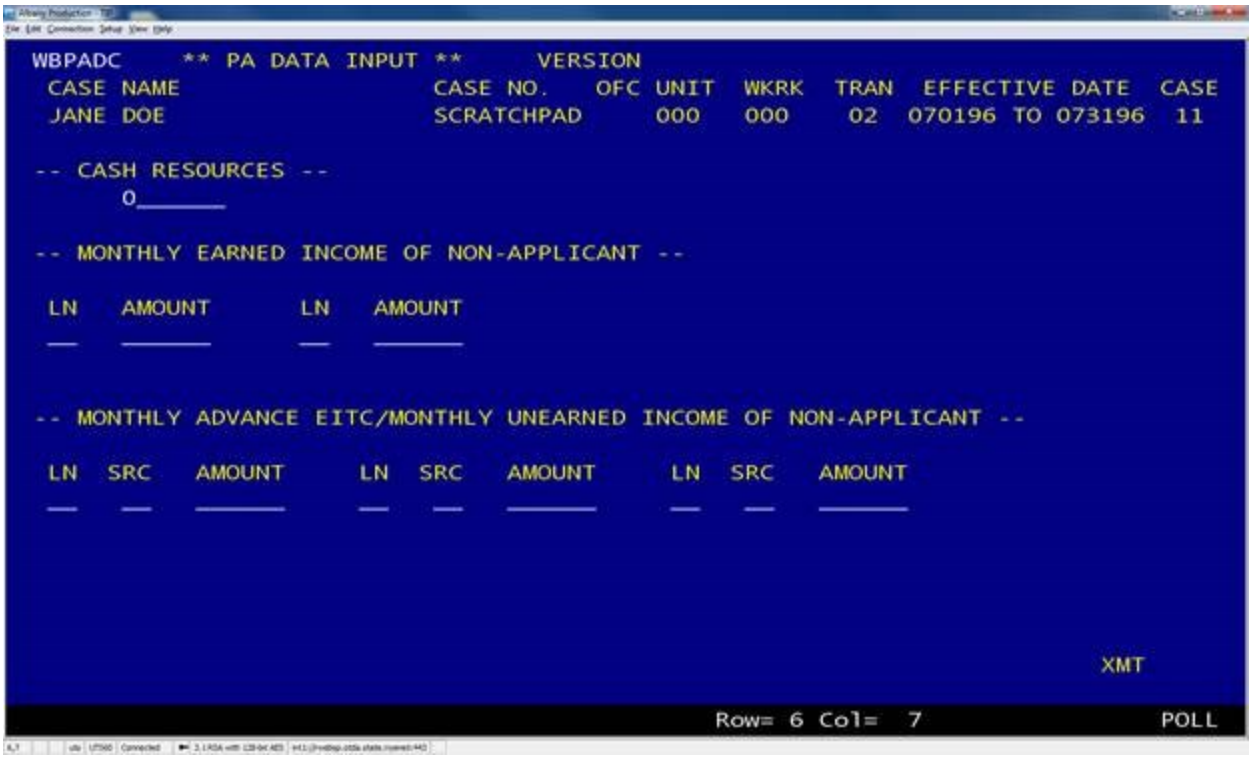
GROSS - Enter amount (For example, if the amount is $150.00, enter 15000)

Tab to **XMT** – Hit Enter



Enter cash resources, if applicable

Tab to **XMT** – Hit Enter



Below is the 7/96 Budget

The needs of the family are shown in the left hand column

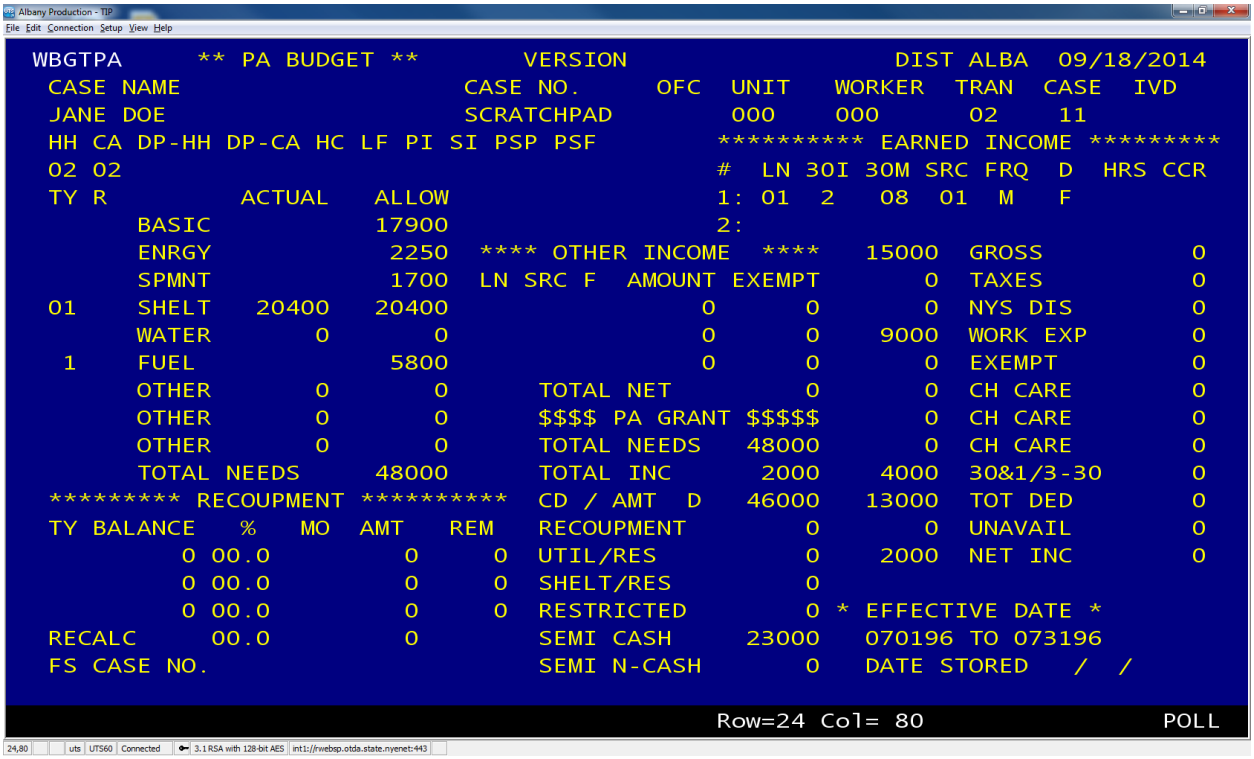
The income of the family is shown in the right hand column

In the center, under **CD/AMT**, an **S** or **D** will be found, followed by a dollar amount

S - Means Budget Surplus

D - Means Budget Deficit

FOR A CASE TO BE ELIGIBLE FOR TITLE IV-E, THERE MUST BE A BUDGET DEFICIT



Please note that a copy of the completed WMS Automated Budget Eligibility Logic (ABEL) must be filed in the child's eligibility case folder to verify whether there is an income deficit or not.

Staff Exclusion List (SEL) Information

The Justice Center maintains a statewide register known as the Staff Exclusion List (SEL) which contains the names of individuals found responsible for serious acts of abuse and neglect of vulnerable persons.

SEL Check procedure:

- Complete and submit an Authorized Person Designation Statement Form. Be sure to include the provider identification number or agency code issued by the Provider's State Oversight Agency where requested on the Form.

  Most providers required to check the SEL should submit the form found on the following link: Authorized Person Designation Statement Form Justice Center Staff Exclusion List (SEL) Check

  Day Care Center (DCC) or School Age Child Care (SACC) providers licensed by NYS Office of Children and Family Services (OCFS) should submit the form found on the following link: Authorized Person Designation Form Justice Center Staff Exclusion List (SEL) Check (For OCFS Day Care Center and School Age Child Care Programs).

  ↳Please note – Family, Group Family and Small Day Care providers licensed by OCFS should not submit this Form.

- Within three business days upon the Justice Center's receipt of a fully completed Authorized Person (AP) form which includes a legible email address for the AP and accurate provider identification/agency code, the Authorized Person will receive an email with a link to the SEL online web-form and instruction to conduct all SEL check requests online.

- When the AP enters the applicant's information and submits the SEL check request in the online web-form, a confirmation number is generated. **A response will be sent from VPCR.Notification@justicecenter.ny.gov on the same day that the SEL check request is submitted.** (Remember to check the spam or junk folder if the response is not received within 24 hours.)

- If an applicant does not have a social security number (SSN) or an alien registration number (ARN), please send an email indicating the lack of a SSN or ARN along with the applicant's name to cbc@justicecenter.ny.gov to initiate the manual SEL check request process.

- OCFS operated, licensed or certified programs conducting an SEL check must maintain a copy of the response from the VPCR.Notification@justicecenter.ny.gov to document compliance with the SEL check requirement.

- For programs conducting SEL checks after June 30, 2013 and prior to December 19, 2013, the SEL check process consisted of reviewing the Justice Center's web page for confirmation that there was no one yet listed on the SEL. As such, the documentation necessary to show that the SEL check was conducted is a screen print of that page from the Justice Center's website.

Adoption Definitions

SSA 473(c)
SSL § 451
18 NYCRR 421.24(a)(1)(2) and (3)

The federal definition of a child "with special needs," Section 473(c) of the SSA, is as follows:

(1) The State has determined that the child cannot or should not be returned to the home of his/her parents; and

(2) The State has first determined (a) that there exists with respect to the child a specific factor or condition (which may include but is not limited to ethnic background, age or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such a child cannot be placed with adoptive parents without providing adoption assistance under this section or medical assistance under Title XIX, and (b) that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as foster child (exception also extends to other circumstances that are not in the child's best interests, as well as adoption by a relative), a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under Title XIX."

New York State definitions [see Section 451 of the SSL and 18 NYCRR 421.24(a)] are as follows:

(1) *Child* means a person under the age of 21 years whose guardianship and custody have been committed to a social services official or a voluntary authorized agency, or whose guardianship and custody have been committed to a certified or approved foster parent pursuant to a court order prior to such person's 18th birthday, except as provided in section 384-b(3)(g) of the Social Services Law and section 631 of the Family Court Act,[157] or a person under the age of 21 whose care and custody have been transferred prior to such person's 18th birthday to a social services official or a voluntary authorized agency pursuant to section 1055 of the Family Court Act or section 384-a of the SSL, whose parents are deceased or where one parent is deceased and the other parent is not a person entitled to notice of an adoption pursuant to sections 111 and 111-a of the Domestic Relations Law, and where such official or agency consents to the adoption of such person in accordance with section 113 of the Domestic Relations Law.

[157] Although the petition to terminate parental rights must be filed prior to the child's 18th birthday, the order committing custody and guardianship can occur after the child's 18th birthday, with the consent of the child.

(2) *Handicapped* child means a child who possesses a specific physical, mental or emotional condition or disability of such severity or kind which, in the opinion of the department, would constitute a significant obstacle to the child's adoption. Such conditions include, but are not limited to:

(i) any medical or dental condition which will require repeated or frequent hospitalization, treatment or follow-up care;

(ii) any physical handicap, by reason of physical defect or deformity, whether congenital or acquired by accident, injury or disease, which makes or may be expected to make a child totally or partially incapacitated for education or for remunerative occupation, as described in sections 1002 and 4001 of the Education Law; or makes or may be expected to make a child handicapped, as described in section 2581 of the Public Health Law;

(iii) any substantial disfigurement, such as the loss or deformation of facial features, torso or extremities; or

(iv) a diagnosed personality or behavioral problem, psychiatric disorder, serious intellectual incapacity or brain damage which seriously affects the child's ability to relate to his peers and/or authority figures, including mental retardation or developmental disability.

(3) *Hard-to-place* child means a child, other than a handicapped child:

(i) who has not been placed for adoption within six months from the date his or her guardianship and custody were committed to the social services official or the voluntary authorized agency; or

(ii) who has not been placed for adoption within six months from the date a previous adoption placement terminated and the child was returned to the care of the social services official or the voluntary authorized agency; or

(iii) who meets any of the conditions listed in clauses (a) through (f) of this subparagraph, which the department has identified as constituting a significant obstacle to a child's adoption, notwithstanding that the child has been in the guardianship and custody of the social services official or the voluntary authorized agency for less than six months:

(a) the child is one of a group of two siblings (including half- siblings) who are free for adoption and it is considered necessary that the group be placed together pursuant to sections 421.2(e) and 421.18(d) of this part; and

(1) at least one of the children is five years old or older; or

(2) at least one of the children is a member of a minority group which is substantially overrepresented in New York State foster care in relation to the percentage of that group to the State's total population; or

(3) at least one of the children is otherwise eligible for subsidy in accordance with the provisions of this subdivision:

(b) the child is the sibling or half-sibling of a child already adopted and it is considered necessary that such children be placed together pursuant to sections 421.2(e) and 421.18(d) of this Part; and

(1) the child to be adopted is five years old or older; or

(2) the child is a member of a minority group which is substantially overrepresented in New York State foster care in relation to the percentage of that group to the State's total population; or

(3) the sibling or half-sibling already adopted is eligible for subsidy or would have been eligible for subsidy if application had been made at the time of, or prior to the adoption;

(c) the child is one of a group of three or more siblings (including half-siblings) who are free for adoption and it is considered necessary that the group be placed together pursuant to sections 421.2(e) and 421.18(d) of this Part; or

(d) the child is eight years old or older and is a member of a minority group which is substantially overrepresented in New York State foster care in relation to the percentage of that group to the State's total population; or

(e) the child is 10 years old or older; or

(f) the child is hard to place with parents other than his/her present foster parents because he/she has been in care with the same foster parents for 12 months or more prior to the signing of the adoption placement agreement by such foster parent(s) and has developed a strong attachment to his/her foster parent(s) while in such care and separation from the foster parent(s) would adversely affect the child's development.

200% of Poverty Income Standards

Below are charts outlining 200% of Poverty income levels for family size for the program years June 1, 2016 through May 31, 2017, and June 1, 2017 through May 31, 2018. Districts will be notified annually of the 200% of Poverty income standards.

200% OF POVERTY INCOME STANDARDS PROGRAM YEAR JUNE 1, 2016 THROUGH MAY 31, 2017		
Family Size	**Monthly Income**	**Annual Income**
1	$1,980	$23,760
2	$2,670	$32,040
3	$3,360	$40,320
4	$4,050	$48,600
5	$4,740	$56,880
6	$5,430	$65,160
7	$6,121	$73,460
8	$6,815	$81,780

For family units with more than eight members, add $693 monthly or $8,320 annually for each additional family member.

200% OF POVERTY INCOME STANDARDS PROGRAM YEAR JUNE 1, 2017 THROUGH MAY 31, 2018		
Family Size	**Monthly Income**	**Annual Income**
1	$2,010	$24,120
2	$2,706	$32,480
3	$3,403	$40,840
4	$4,100	$49,200
5	$4,796	$57,560
6	$5,493	$65,920
7	$6,190	$74,280
8	$6,886	$82,640

For families/households with more than eight persons, add $696 monthly or $8,360 annually for each additional person.

Please note that the above guidelines are applicable to the 48 contiguous states and the District of Columbia.

SSI and SSP Benefit Levels Chart effective January 1, 2018 (reflects the 2.0% federal COLA for January 2018)

Fed L/A Code	State Supp Code	New York State Living Arrangement	Individual			Couple		
			Federal	State	Total[1]	Federal	State	Total
A	A	**Living Alone**	$750	$87	**$837**	$1,125	$104	**$1,229**
A, C	B	**Living With Others**	$750	$23	**$773**	$1,125	$46	**$1,171**
B	F	**Living in the Household of Another** [2]	$500	$23	**$523**	$750	$46	**$796**
A	C	**Congregate Care Level 1 - *Family Care***						
		OCFS certified Family Type Homes for Adults; and OMH or OPWDD certified Family Care Homes						
		NYC, Nassau, Rockland, Suffolk and Westchester Counties	$750	$266.48	**$1,016.48**	$1,125	$907.96	**$2,032.96**
		Rest of State	$750	$228.48	**$978.48**	$1,125	$831.96	**$1,956.96**
A	D	**Congregate Care Level 2 - *Residential Care***						
		OMH or OPWDD certified Community Residences, Individualized Residential Alternatives and OASAS certified Chemical Dependence Residential Services						
		NYC, Nassau, Rockland, Suffolk and Westchester Counties	$750	$435	**$1,185**	$1,125	$1,245	**$2,370**
		Rest of State	$750	$405	**$1,155**	$1,125	$1,185	**$2,310**
A	E	**Congregate Care Level 3 – *Enhanced Residential Care***	$750	$694	**$1,444**	$1,125	$1,763	**$2,888**
		DOH certified Adult Homes and Enriched Housing programs; and OPWDD certified Schools for the Developmentally Disabled						
D	Z	**Title XIX (Medicaid certified) Institutions** [3]	$30	0[4]	**$30**	N/A		
A	Z	(see below) [5]	$750	0	**$750**	$1,125	0	**$1,125**

Minimum Personal Needs Allowances	
Congregate Care Level 1 -	$ 144
Congregate Care Level 2 -	$ 166
Congregate Care Level 3 -	$ 198

Limits on Countable Resources	
Individuals	$2,000
Couples	$3,000

Revised 6 Nov 2017

Statutory References: Chap. 56 of L. 2017

[1] The combined federal and State SSI benefit provided to eligible individuals and eligible couples with no countable income.
[2] The *Living With Others* category includes recipients whose federal benefit has been reduced by the "value of the 1/3 reduction" (VTR) due to the federal determination that they are both: *a)* Living in someone else's household, *and b)* receiving some amount of free or subsidized food and shelter (room and board).
[3] Applies when an SSI recipient is residing in a medical facility, is not expected to return home within 90 days, and Medicaid is paying for at least 50% of the cost of care.
[4] Recipients in nursing homes licensed by DOH receive an additional monthly grant of $25 issued by OTDA called a State Supplemental Personal Needs Allowance (SSPNA). Residents of other medical facilities receive an SSPNA of $5.
[5] No State supplement is provided: a) when an SSI recipient is residing in a private medical facility and Medicaid is paying for less than 50% of the cost of care, or b) when a recipient resides in certain publicly operated residential facilities serving 16 or fewer residents, or c) while a recipient resides in a public emergency shelter for 6 calendar months during a 9 month period.

Administrative Directives (ADM)

18-OCFS-ADM-08
Requesting Records from the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) for the Certification or Approval of Foster Boarding Homes
April 20, 2018

18-OCFS-ADM-07
Foster/Adoptive Home Certification or Approval Process
April 16, 2018

18-OCFS-ADM-05
Criminal History Record Checks of Persons 18 Years of Age or Older Residing in Foster Boarding Homes
March 29, 2018

17-OCFS-ADM-07
Child Directly Relinquished to a Voluntary Authorized Agency: Change in Adoption Subsidy, Non-Recurring Adoption Expenses, and Medical Eligibility
July 11, 2017

17-OCFS-ADM-05
Use of Foster and Adoptive Home Development (FAD) Stage in CONNECTIONS
June 9, 2017

16-OCFS-ADM-20
Fingerprinting and Criminal History Record Checks for Foster and Adoptive Parents
December 20, 2016

15-OCFS-ADM-18
New York Bill of Rights for Children and Youth in Foster Care
September 9, 2015

15-OCFS-ADM-17
Patient Protection and Affordable Care Act and Medicaid to Age 26
September 1, 2015

15-OCFS-ADM-01
Definition of Siblings and Expansion of the Relative Notification Requirements
January 8, 2015

14-OCFS-ADM-03

Adoption Assistance and Federal Reporting Requirement as it Pertains to Delinking
May 8, 2014

13-OCFS-ADM-09
Justice Center Staff Exclusion List Clearance Requirements
August 29, 2013

13-OCFS-ADM-05
Notification to Prospective Adoptive Families of the Federal Adoption Tax Credit
March 13, 2013

12-OCFS-ADM-08
Destitute Child Placement Procedures and Guidelines
September 19, 2012 (rev. 9/21/12)

11-OCFS-ADM-02
Re-entry into Foster Care by Former Foster Care Youth between the Ages of 18 and 21
March 3, 2011

10-OCFS-ADM-11
Payment of Adoption Subsidies to Certain Approved Adoptive Parent(s) Prior to Finalization of Adoption
September 13, 2010

10-OCFS-ADM-10
Title IV-E Foster Care and Adoption to Age 21
September 8, 2010

09-OCFS-ADM-14
Changes in Adoption Subsidy: Medicaid under the Provisions of COBRA, Subsidy Eligibility and the Review and Approval of the Subsidy Agreement
July 28, 2009

09-OCFS-ADM-12
Inter-country Adoptions
July 1, 2009

09-OCFS-ADM-11
Adoption Subsidy and Education Requirements for Adopted Children
May 7, 2009

00-OCFS ADM-3
Temporary Assistance to Needy Families (TANF) Eligibility, Data Reporting and Claiming Requirements for Foster Care Cases
July 13, 2000

97-OCFS-ADM-14

Referral of a Freed Child to New York State Adoption Services
June 27, 1997

94-OCFS-ADM-12
Minor Parent-Infant Foster Care and Adoption
July 7, 1994

Informational Letters (INF)

16-OCFS-INF-02
Release of Foster Children's Social Security Numbers by Local Departments of Social Services for Income Tax Purposes
February 24, 2016

16-OCFS-INF-01
2016 Income Standards for the Child and Family Services Plan
February 22, 2016

10-OCFS-INF-10
Law Invalidating Puerto Rican Birth Certificates
September 8, 2010

08-OCFS-INF-06
Interstate Compact on Adoption and Medical Assistance (ICAMA)
April 28, 2008

08-OCFS-INF-04
Out-of-State Foster Homes Documentation of Licensure for Title IV-E Foster Care Eligibility
March 27, 2008

07-OCFS-INF-06
Title IV-E Foster Care Eligibility Review Supplemental Information
July 25, 2007

Local Commissioner Memorandum (LCM)

18-OCFS-LCM-04
Requirement to Forward Reports of Suspected Child Abuse or Maltreatment to the Local Departments of Social Services and Voluntary Authorized Agencies Charged With the Care, Custody, or Guardianship of a Child in Foster Care
March 19, 2018

16-OCFS-LCM-04

Federal Administration for Children and Families Final Report on the 2015 Subsequent Primary Title IV-E Foster Care Eligibility Review
March 28, 2016

16-OCFS-LCM-02
Changes Impacting Adoption Assistance Payments
February 3, 2016

13-OCFS-LCM-02
Federal Administration for Children and Families Final Report on the 2012 Title IV-E Primary Foster Care Eligibility Review
January 18, 2013

10-OCFS-LCM-02
Federal Administration for Children and Families' Final Report on the 2009 Title IV-E Subsequent Primary Foster Care Eligibility Review
May 14, 2010

09-OCFS-LCM-12
Highlights of Changes in Adoption Assistance Eligibility
October 1, 2009

08-OCFS LCM-01
Ineligibility for Title IV-E Foster Care for Placements in Certain Non-OCFS-Licensed Programs
January 25, 2008

06-OCFS-LCM-11
Federal Administration for Children and Families' Final Report on the Title IV-E Secondary Foster Care Eligibility Review
October 24, 2006

03-OCFS-LCM-20
Title IV-E Special Project – Revenue Maximization
November 5, 2003

01-OCFS-LCM-09
PINS/JD Placements and Title IV-E Reimbursement
August 15, 2001

94-OCFS-LCM-52
Implementation of Emergency Assistance to Families (EAF) in Child Welfare
May 11, 1994

General Information System (GIS)

17-#006
New Activities Absence Modifier for Respite Care
December 7, 2017

16-#004
Respite Care and Services
May 18, 2016

15-#008
Suppression of Pre-Adoption CINS
September 16, 2015

14-#006
Delinked Adoption Subsidy Suffix A
April 7, 2014

14-#004
Suppression of Historical Pre-Adoption CINS
March 3, 2014

14-#001
Prevent the Opening/Reopening of Case Type 13 – Upstate Only
February 12, 2014

10-#007
New WMS Services Purchase of Service Adoption Subsidy Pay Type Codes
September 27, 2010

10-#006
WMS Services Changes to Support Title IV-E Foster Care and Adoption to Age 21
September 29, 2010

10-#005
New WMS Services Purchase of Services (Pay Type) Codes
September 13, 2010

09-#001
Chafee Amendment – Medicaid Coverage for Youth 18 to 21 years of Age Discharged from Foster Care
January 26, 2009

08-#003
Use of Social Security Numbers in MA Cases involving Adopted Children
February 28, 2008

08-#002
New Foster Care and Adoption Individual Category Codes in MA Case
February 15, 2008

07-#004
Eligibility Determination Requirement Changes re: Foster Care and Preventive
June 12, 2007

Other

Title IV-E State Plan Amendment Letter
November 16, 2004