AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT
FOSTER CARE AND ADOPTION ASSISTANCE
STATE/TRIBE OF _New York_

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
CHILDREN'S BUREAU
June 2009

SECTION 1. ORGANIZATION

A. DESIGNATION AND AUTHORITY OF STATE/TRIBAL AGENCY
B. STATE/TRIBAL AGENCY STRUCTURE AND FUNCTION
C. STATE OR SERVICE AREA WIDE OPERATIONS
D. COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS
E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS

A. ELIGIBILITY
B. VOLUNTARY PLACEMENTS (OPTION)
C. PAYMENTS
D. CASE REVIEW SYSTEM
E. MEDICAL AND SOCIAL SERVICES
F. SPECIFIC GOALS IN STATE/TRIBAL LAW
G. PREVENTIVE AND REUNIFICATION SERVICES
H. TERMINATION OF PARENTAL RIGHTS
I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE
J. DOCUMENTATION OF JUDICIAL DETERMINATION
K. TRIAL HOME VISITS
L. TRAINING

SECTION 3. ADOPTION ASSISTANCE PAYMENTS

A. ELIGIBILITY
B. PAYMENTS - AMOUNTS AND CONDITIONS
C. ADOPTION ASSISTANCE AGREEMENT
D. MEDICAID AND SOCIAL SERVICES
E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING
F. ADOPTION TAX CREDIT

SECTION 4. GENERAL PROGRAM REQUIREMENTS

A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS
B. REVIEW OF PAYMENTS AND LICENSING STANDARDS
C. FAIR HEARINGS
D. INDEPENDENT AUDIT
E. CHILD ABUSE AND NEGLECT
F. TIMELY INTERSTATE PLACEMENT OF CHILDREN
G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION
H. KINSHIP CARE
I. SIBLING PLACEMENT
J. SAFETY REQUIREMENTS
K. INTERJURISDICTIONAL ADOPTIONS
L. QUALITY STANDARDS
M. COMPULSORY SCHOOL ATTENDANCE
N. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS

SECTION 5. GENERAL PROVISIONS

A. PERSONNEL ADMINISTRATION
B. SAFEGUARDING INFORMATION
C. REPORTING
D. MONITORING
E. APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS
F. AVAILABILITY OF PLANS
G. OPPORTUNITY FOR PUBLIC INSPECTION OF CFSR MATERIALS
H. NEGOTIATION WITH INDIAN TRIBES

SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION

A. ELIGIBILITY
B. PAYMENTS
C. AGREEMENTS
D. SAFETY
E. MEDICAID AND SOCIAL SERVICES
F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS

SECTION 7. TRIBE OPERATED IV-E PROGRAM REQUIREMENTS

A. GENERAL PROGRAM REQUIREMENTS
B. SERVICE AREA AND POPULATIONS
C. NUNC PRO TUNC AND FOSTER CARE ELIGIBILITY REQUIREMENTS
D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS
E. IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES

ATTACHMENT I: CERTIFICATION
ATTACHMENT II: GOVERNOR/TRIBAL LEADER’S CERTIFICATION
ATTACHMENT III: STATE ASSURANCES
ATTACHMENT IV: 479B TRIBAL ASSURANCES
ATTACHMENT V: 479B TRIBAL CERTIFICATIONS
PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT

FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

STATE/TRIBE OF New York

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

New York State Office of Children and Family Services
(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.
<table>
<thead>
<tr>
<th>References</th>
<th>Requirement</th>
<th>Citations for Each</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 473(d)(3)(A) | A. ELIGIBILITY  
1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that:  
a. the child has been--  
   i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and  
   ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian;  
b. being returned home or adopted are not appropriate permanency options for the child;  
c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and  
d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement. | SSL 458-a-458-f  
Kinship guardianship assistance program  
18NYCRR Part 436  
Kinship guardianship assistance program  
Kinship Guardianship Assistance and Non-Recurring Guardianship Expenses Agreement (OCFS 4431)  
Appendix H – Kinship Guardianship Assistance Eligibility Checklist Instructions  
Kinship Guardianship Assistance Eligibility Checklist (OCFS 4435) |
| 473(d)(3)(B) | 2. Siblings.  
a. The child and any sibling of the eligible child may be | SSL 458-a - 458-f  
Kinship guardianship assistance program |
b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed.
| 473(d)(2) | 2. A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home. |
| 473(d)(1)(A) | C. Agreements  
1. The State/Tribe must:  
   a. negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of 473(d); and  
   b. provide the prospective relative guardian with a copy of the agreement. |
### 473(d)(1)(B) & 473(d)(1)(C)

2. The agreement must specify, at a minimum-
   a. the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;
   
b. the additional services and assistance that the child and relative guardian will be eligible for under the agreement;
   
c. the procedure by which the relative guardian may apply for additional services as needed;
   
d. that the State/Tribal agency will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed $2,000; and
   
e. that the agreement shall remain in effect without regard to the State residency of the relative guardian.

### 471(a)(20)(C)

D. SAFETY

State/Tribal agency provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in 471(a)(20) on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on SSL 458-b Kinship guardianship assistance payments 18 NYCRR 436.4 Kinship guardianship assistance and nonrecurring guardianship expenses agreement

SSL 458-b Kinship guardianship assistance payments 18 NYCRR 436.4 Kinship guardianship assistance and nonrecurring guardianship expenses agreement
behalf of the child under this plan option.

<table>
<thead>
<tr>
<th>473(b)(1) to (4); 479B(c)(1)(C)(ii)(II)</th>
<th>E. MEDICAID AND SOCIAL SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>471(a)(2)</th>
<th>F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Designation and Authority of State/Tribal Agency</td>
<td></td>
</tr>
</tbody>
</table>

| SSL 17   Powers and duties of the commissioner. |
| SSL 20   Powers and duties of the department. |
| SSL 34   General powers of the - |
| 10-3B |
|---|---|
| **B. State/Tribal Agency Structure and Function** | Commissioner. |
| SSL 406 | Department of social welfare designated as state agency. |
| SSL 407 | Powers of department of social welfare. |
| Chapter 436 of the Laws of 1997 | OCFS Organizational Chart and Description of Functions [http://www.ocfs.state.ny.us/main/](http://www.ocfs.state.ny.us/main/) |
| SSL 395 | [http://ocfs.state.nyenet/agencyinfo.asp](http://ocfs.state.nyenet/agencyinfo.asp) |

<p>| 471(a)(3) | State or Service Area Wide Operations |</p>
<table>
<thead>
<tr>
<th>471(a)(4)</th>
<th>Coordination with Titles IV-A and IV-B Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10-3B</strong></td>
<td>Responsibility of public welfare districts for welfare of children.</td>
</tr>
<tr>
<td>SSL 406</td>
<td>Department of social welfare designated as state agency.</td>
</tr>
<tr>
<td>SSL 407</td>
<td>Powers of department social welfare.</td>
</tr>
<tr>
<td>SSL 409-d</td>
<td>District-wide child welfare services plan.</td>
</tr>
<tr>
<td>SSL 458-b</td>
<td>Kinship guardianship assistance payments.</td>
</tr>
<tr>
<td>Chapter 436 of the Laws of 1997</td>
<td></td>
</tr>
<tr>
<td>18 NYCRR Part 426</td>
<td>Title IV-E foster care and adoption assistance.</td>
</tr>
<tr>
<td>SSL 34-a</td>
<td>Services planning requirements.</td>
</tr>
<tr>
<td>471(a)(5)</td>
<td>Personnel Administration</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>SSL 409-d</td>
<td>District's child welfare plans developed in consultation with other government agencies.</td>
</tr>
<tr>
<td>18 NYCRR Part 407</td>
<td>Consolidated services plan.</td>
</tr>
<tr>
<td>SSL 406</td>
<td>Department of social welfare designated as state agency.</td>
</tr>
<tr>
<td>SSL 407</td>
<td>Powers of department of social welfare.</td>
</tr>
<tr>
<td>18 NYCRR 402.4</td>
<td>Merit system.</td>
</tr>
<tr>
<td>Executive Order No. 6</td>
<td>Assigning responsibilities of the State Department of Civil Service, and certain State agencies for insuring equal employment</td>
</tr>
<tr>
<td>471(a)(6)</td>
<td>Reporting</td>
</tr>
<tr>
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<tr>
<td>471(a)(7)</td>
<td>Monitoring</td>
</tr>
</tbody>
</table>

opportunity for minorities, women, disabled persons and Vietnam era veterans in State government and establishing the Governor’s executive committee for affirmative action.

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SSL 406 Department of social welfare designated as state agency.

SSL 407 Powers of department of social welfare.

Chapter 436 of the Laws of 1997

SSL 20 Powers and duties of the department.

SSL 34 General powers and duties of
<table>
<thead>
<tr>
<th>471(a)(8)</th>
<th>Safeguarding Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>the commissioner. SSL 153-a Reimbursement for services to social services districts. SSL 372 Records and reports. SSL 373-a Medical histories. 18 NYCRR Part 357 Confidential nature of records. 18 NYCRR 431.7 Standards for access to and disclosure of confidential HIV-related information. 18 NYCRR Part 465 Confidentiality of information collected by the child care review service. 18 NYCRR 466.4</td>
</tr>
<tr>
<td>471(a)(9)</td>
<td>Child Abuse and Neglect</td>
</tr>
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<tr>
<td>471(a)(12)</td>
<td>Fair Hearings</td>
</tr>
<tr>
<td>471(a)(13)</td>
<td>Independent Audit</td>
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16
<table>
<thead>
<tr>
<th>Reference</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>471(a)(20)(C)</td>
<td>Safety</td>
</tr>
<tr>
<td>471(a)(25)&amp;(26)</td>
<td>Timely Interstate Placement of Children</td>
</tr>
<tr>
<td>471(a)(28)</td>
<td></td>
</tr>
</tbody>
</table>

SSL 458-b Kinship guardianship assistance payments.

18 NYCRR 436.3 Eligibility for kinship guardianship assistance.

SSL 374-a Interstate compact on the placement of children.

18 NYCRR 443.2(g) Interstate placements.

| 471(a)(29) | Kinship Guardianship Payments | SSL 458-b Kinship guardianship assistance payments  
18 NYCRR Part 436 Kinship guardianship assistance program |
| 471(a)(30) | Kinship Care | SSL 409-e Family service plan.  
SSL 409-f Uniform case recording.  
18 NYCRR Part 428 Standards for uniform case records and family and child assessment plans.  
18 NYCRR 430.11 Appropriateness of placement.  
<table>
<thead>
<tr>
<th>471(a)(31)</th>
<th>Compulsory School Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SSL 458-b Kinship guardianship assistance payments.</td>
</tr>
<tr>
<td></td>
<td>18 NYCRR 436.5 Payment of kinship guardianship assistance.</td>
</tr>
<tr>
<td></td>
<td>18 NYCRR 436.6 Annual notification.</td>
</tr>
<tr>
<td></td>
<td>FCA 1027-a Placement of siblings.</td>
</tr>
<tr>
<td></td>
<td>FCA 1055 Placement.</td>
</tr>
<tr>
<td></td>
<td>18 NYCRR Part 428 Standards for uniform case records and family and child assessment and service plans.</td>
</tr>
<tr>
<td></td>
<td>18 NYCRR 430.11 Appropriateness of placement.</td>
</tr>
<tr>
<td></td>
<td>18 NYCRR 431.10</td>
</tr>
<tr>
<td>471(a)(32)</td>
<td>Placement in foster family care of children who have siblings.</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------------</td>
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<tr>
<td></td>
<td>07-OCFS-INF-04 Keeping Siblings Connected – A White Paper on Siblings in Foster Care and Adoptive Placements in New York State</td>
</tr>
<tr>
<td></td>
<td>SSL 39 Indian affairs.</td>
</tr>
<tr>
<td>Negotiation with Indian Tribe</td>
<td></td>
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</tbody>
</table>

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<thead>
<tr>
<th>475(1)(F)</th>
<th>2. Case plan requirements.</th>
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<tbody>
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<td>For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State/Tribal agency shall include in the case plan a description of:</td>
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<td>a. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;</td>
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<td>b. the reasons for any separation of siblings during</td>
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</tbody>
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18 NYCRR 428.5 Progress notes
placement;
c. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;
d. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
e. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and
f. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.