Attachment D

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Expiration Date: 2/28/2019

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
May 2018

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PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT

FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

STATE/TRIBE OF NEW YORK STATE

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
(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.

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(I)	7. Official Documents. Each child leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under 475(8), unless the child has been in foster care for less than 6 months, must be discharged from care with an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records, ~~and~~ a driver's license or identification card issued in accordance with the requirements of section 202 of the REAL ID Act of 2005, and any official documentation necessary to prove that the child was previously in foster care.	18 NYCRR 430.12(l) Diligence of effort (Amended) 15-OCFS-ADM-20 Transition Planning with Youth for a Successful Discharge **18-OCFS-ADM-16 Providing Foster Care Placement Verification to Youth 18 Years of Age or Older Exiting Foster Care**

[1] Statutory references refer to the Social Security Act. Regulatory references refer to Title 45 of the Code of Federal Regulations (CFR).

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	A. II. ELIGIBILITY – Non-applicable Child (Currently effective, but beginning October 1, 2009, decreases based on the criteria in 473(e) until July ~~October~~ 1, 202~~517~~, at which time this authority ends)	
473(a)(1)(A) 473(c)(1)	1. Adoption assistance payments may be made to parents who adopt a child with special needs. In the case of a child who is not an applicable child, as defined in 473(e), for a fiscal year, the child shall not be considered a child with special needs unless:	SSL 450 Statement of legislative intent. SSL 451 Definitions 18 NYCRR Part 426 Title IV-E foster care and adoption assistance 09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility **OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**
473(c)(1)(A)	a. the State/Tribal agency has determined the child cannot or should	SSL 383-c Guardianship and custody of children in foster care

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	not be returned to the home of his or her parents; and	SSL 384 Guardianship and custody of children not in foster care SSL 384-b Guardianship and custody of destitute or dependent children; commitment by court order 18 NYCRR Part 426 Title IV-E foster care and adoption assistance 18 NYCRR 430.12 Diligence of effort 18 NYCRR 431.9 (e) Termination of parental rights by local social services agency 09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility **OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**
473(c)(1)(B)	b. the State/Tribal agency has first determined that a specific factor or condition exists with respect to the child (such as 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 disabilities) because	SSL 451 Definitions 18 NYCRR 421.24 Adoption with subsidy 18 NYCRR Part 426 Title IV-E foster care and adoption assistance

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	of which it is reasonable to conclude that such child cannot be placed for adoption without providing adoption assistance or medical assistance under title XIX; and	09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility 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 **OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**
473(c)(1)(B)	c. a reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.	SSL 372-f Statewide adoption service 18 NYCRR 421.24(b) Adoption with subsidy. *Application for adoption subsidy* 18 NYCRR Part 426 Title IV-E foster care and adoption assistance 09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)
473(a)(2)(A) 473(a)(2)(A)(i) 473(a)(2)(A)(i)(II)	2. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal agency pursuant to section 473(c) to be a child with special needs and:	SSL 372-f Statewide adoption service SSL 383-c Guardianship and custody of children in foster care SSL 384 Guardianship and custody of children not in foster care SSL 384-b Guardianship and custody of destitute or dependent children; commitment by court order SSL 450 Statement of legislative intent SSL 451 Definitions 18 NYCRR 421.24 Adoption with subsidy 18 NYCRR Part 426 Title IV-E foster care and adoption assistance 18 NYCRR 430.12 Diligence of effort 18 NYCRR 431.9(e) Termination of parental rights by local social services agency

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility **OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**
473(a)(2)(A)(i)(I)(aa)	a. was removed from the home of a relative specified in section 406(a) of the Act (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and i. received AFDC, in that relative's home, under the State plan approved under section 402 of the Act (as in effect 7/16/96), or would have received AFDC under such plan had application been made, in or for the month the voluntary placement agreement	18 NYCRR Part 426 Title IV-E foster care and adoption assistance 09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility **OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i) were initiated; or ii. had been living with a relative specified in section 406(a) of the Act within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i), were initiated and would have received AFDC in that relative's home under the State plan approved under section 402 of the Act for that month, if in that month the child had been living with such relative and application had been made; (Tribes, see also section 7 (AFDC))	
473(a)(2)(A)(i)(I)(bb)	b. meets all the requirements of title XVI of the Act with respect to eligibility	18 NYCRR Part 426 Title IV-E foster care and adoption assistance

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	for supplemental security income benefits; or	09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility **OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**
473(a)(2)(A)(i)(I)(cc)	c. is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B).	18 NYCRR Part 426 Title IV-E foster care and adoption assistance 94-ADM-12 Minor Parent-Infant Foster Care and Adoption 09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility **OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**
473(a)(2)(C)(i)	3. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:	18 NYCRR Part 426 Title IV-E foster care and adoption assistance 09-OCFS-LCM-12 Highlights of Changes in Adoption Assistance Eligibility

Federal Regulatory/ Statutory References[1]	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	a. meets the requirements of section 473(a)(2)(A)(i)(II); and b. is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died; and d. fails to meet the requirements of section 473(a)(2)(A)(i) but will meet such requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under section 473 of the Act and the prior adoption is treated as never having occurred.	**OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)**

ATTACHMENT I

Title IV-E Plan – State/Tribe of New York

PLAN SUBMISSION CERTIFICATION

Instructions: This Certification must be signed and submitted by the official authorized to submit the title IV-E plan, each time the state/tribal submits an amendment to the title IV-E plan.

I **Sheila J. Poole** hereby certify that I am authorized to submit the title IV-E Plan on behalf of the New York State Office of Children and Family Services. I also certify that the title IV-E plan was submitted to the governor or tribal leader for his or her review and approval in accordance with 45 CFR 1356.20(c)(2) and 45 CFR 204.1.

Date July 24, 2018 _____ (Signature)

Acting Commissioner
(Title)

APPROVAL DATE_____

EFFECTIVE DATE:_____

_____
(Signature, Associate Commissioner, Children's Bureau)