

## Foster Care Clothing - Questions & Answers

1. **Q:** Is clothing allowable federal and state expense?

**A:** Initial and replacement clothing are allowable federal and state expenses. The Federal Social Security Act (SSA) §475 (4)(A) identifies clothing as allowable expenditures in the federal definition of foster care maintenance. New York State regulation 18 NYCRR 427.16(a) (2) states that local departments of social services (LDSSs) are required to authorize allowances to buy necessary clothing. The Benefits Issuance Control System (BICS) give LDSSs 3 options to process their replacement clothing allowance using purchase of service type 68.

- Pay replacement clothing on an as needed basis.
- Pay replacement clothing based on a rate table to produce monthly clothing payments.
- Include replacement clothing within the room and board payment.

2. **Q:** How do you define Initial Clothing?

**A:** Initial Clothing: For any clothing items the child does not have at the time of admission and which are required for the particular season of the year, the foster boarding home or child care facility shall purchase the needed items and the LDSS must reimburse the foster boarding home or child care facility separately from the Maximum State Aid Rate (MSAR). When a separate payment for initial clothing is made through the LDSS, for a child who is placed in either a foster home or child care facility, POS type 67 Initial Clothing can be used. The receipt for the purchase of Initial Clothing must be kept and readily available upon request. **These expenditures must be prior approved by the LDSS that is responsible for the child.**

3. **Q:** How do you define Replacement Clothing?

**A:** Replacement Clothing: The maximum yearly clothing replacement allowances are based on the age of the child. These allowances are for the replacement of clothing after the child is placed into care. **The agency that is responsible for certifying and approving the foster home** must provide replacement clothing as needed during the child's residence and must furnish the child with a basic outfit suitable for the season of the year at the time of discharge. The State reimbursement for replacement is subject to the Maximum State Aid Rate (MSAR). Upon discharge, the child must be permitted to take all possessions and clothing, including a basic outfit appropriate to the season. POS type 68 can be used for Replacement Clothing if not included in the Regular Service and Maintenance payment. The receipt for the purchase of Replacement Clothing must be kept and readily available upon request.

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Note- Replacement clothing for youth placed in a Child care facility is in the MSAR.

4. **Q:** Is there a Federal regulation, State regulation or OCFS policy requiring LDSSs to grant prior approval for initial or replacement clothing for FBH or Child care facility?

**A:** While there is no Federal or State regulation requiring prior LDSS approval of initial clothing, the OCFS Standards of Payment Manual and the Foster Parent Manual require prior approval of initial clothing by the LDSS that is responsible for the child for both foster boarding homes and child care facilities.

There is not a Federal regulation, State regulation or OCFS policy requiring prior LDSS approval for replacement clothing. Replacement clothing for children placed in foster boarding homes does not require prior approval. For children in child care facility settings, replacement clothing is included in the Maximum State Rate.

5. **Q:** What are the Clothing Guidelines for Children in Foster Care?

**A: CLOTHING GUIDELINES FOR CHILDREN IN FOSTER CARE**

What constitutes an "adequate basic wardrobe" for a child in foster care? There is no definitive answer to that question. Even after the obvious variables of age and gender are considered there are other factors that influence clothing needs.

Because circumstances vary, OCFS does not prescribe definite wardrobe requirements. Caseworkers and foster parents should review initial clothing needs and use their best judgment, depending on individual circumstances, to determine an adequate basic wardrobe. Children who are old enough to make clothing decisions should be involved in the process. The review of the child's clothing should be done in such a way as not to embarrass the child. Certain worn-out or stained articles of clothing may still be important to the child, representing a remaining link with his or her birth family. The caseworker and foster parents should be tactful in dealing with this situation.

The following guidelines are not hard and fast requirements that must be met for each child in foster care. They should be used by caseworkers and foster parents in making judgments as to the adequacy of their foster children's clothing.

These guidelines may also be used to evaluate a foster child's need for replacement clothing. They apply to both children in foster homes and group foster care.

For more information, visit the Standards of Payment for Foster Care of Children Program Manual: STANDARDS OF PAYMENT FOR FOSTER CARE OF

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CHILDREN Appendix E: Clothing Guidelines- Section E. Clothing Guidelines for Children in Foster Care, page 200 using the link provided:

[http://ocfs.ny.gov/main/rates/FosterCare/Manual/SOP-ProgramManual.pdf?sm\\_au=iVV3qQtQVmhNDsPM](http://ocfs.ny.gov/main/rates/FosterCare/Manual/SOP-ProgramManual.pdf?sm_au=iVV3qQtQVmhNDsPM)

6. **Q:** What is the LDSS responsibility for collecting and retaining receipts for clothing for a foster child cared for in a foster boarding home or child care facility?

**A:** It is the responsibility of the LDSS responsible for the foster child to collect and retain receipts for all initial and or replacement clothing for a foster care child cared for in a foster boarding home (FBH). Receipts for initial clothing payments made to a child care facility must also be collected and retained at the local district level. Replacement clothing for foster children cared for in child care facilities, is included in the Maximum State Aid Rate (MSAR) and is not allowed to be an additional payment. Even though, the LDSS can include replacement clothing within room and board payments in foster FBHs, receipts are still required for the replacement clothing. A review of the room and board payment that includes the replacement clothing versus the MSAR for room and board would show the payment exceeding the MSAR for room and board. This would require the explanation that replacement clothing is included in the payment which would then require OCFS to provide to inquiring federal authority's receipts for the additional expenditure. LDSSs are required to provide their room and board contract rates as part of their back up documentation for room and board payments.

There is no Federal or State prescribed timeframe for frequency for LDSSs to receive receipts and LDSSs should determine the best method of monitoring receipts from child care facilities agencies and FBH.

7. **Q:** How Should District's Determine Standard of Payment for Foster Boarding Homes for clothing?

**A:** In the Standards of Payment For Foster Care of Children Program Manual: STANDARDS OF PAYMENT FOR FOSTER CARE OF CHILDREN, Chapter 8; Foster Boarding Homes-Payment to Foster Parents, Section B.- Payment to Foster Parents:

a. Clothing: Replacement and Initial- The maximum yearly clothing replacement allowances are based on age. These allowances are for the replacement of clothing after the children are in care. Since the clothing needs of children at the time of placement may vary, the initial clothing allowance is not subject to the yearly replacement maximum. The placing agency should use its judgment in determining the clothing needs of each child at the time of placement. The initial

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allowance must be approved by the local social services district responsible for the child.

Applicable State Regulation, 427.16 Standards on clothing for children in foster care. (a) Responsibility of social services districts. For each child in foster care, the social services district shall:

- (1) determine clothing needs upon admission to care;
- (2) authorize allowances to buy necessary clothing;
- (3) authorize special allowances to cover the costs of additional clothing for:
  - (i) religious ceremonies;
  - (ii) educational or summer camp activities;
  - (iii) special physical conditions;
  - (iv) replacement of clothing that is stolen or destroyed; and
- (4) review and evaluate the child's clothing needs with the child, when appropriate, and the foster parent to ensure that:
  - (i) additional clothing is provided for the child as needed;
  - (ii) clothing is clean, attractive, and well fitting;
  - (iii) the child's participation in the planning and the selection of his clothes is consistent with his age and maturity; and
  - (iv) advance notice is given for special clothing requests.

(b) For each child placed in a child caring agency or institution, the social services district shall provide a clothing allowance only when the negotiated board rate does not include such an allowance.

**8. Q:** How do you determine Initial clothing for placements in foster Boarding Homes?

**A:** In the Standards of Payment For Foster Care of Children Program Manual: STANDARDS OF PAYMENT FOR FOSTER CARE OF CHILDREN, Chapter 8: Foster Boarding Homes Payments to Foster Parents - Section F-1

### **F. INITIAL CLOTHING ALLOWANCES FOR CHILDREN IN FBHS**

#### **1. Purpose**

This section contains the requirements for providing adequate initial clothing for children in foster family boarding homes.

#### **2. Background**

a. Department Regulations require that for each child in foster care, the social services district shall:

- 1) determine clothing needs upon admission to care; and
- 2) authorize allowances to buy necessary clothing.

b. The purpose of these requirements is to assure that:

- 1) children are placed in foster family boarding homes with adequate clothing. The local district or voluntary agency case-

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workers must review the child's initial clothing needs with the foster parents and, where appropriate, with the child,  
2) foster parents are aware that they are entitled to allowances to purchase an adequate basic wardrobe for the child and  
3) that when foster parents do purchase initial clothing, the expense is reimbursed by the local district.

### 3. Program Implications

Adherence to the provisions of these regulations should:

- a. ensures that children in foster care are provided with adequate initial clothing,
- b. support and improve the self-esteem of children who come into care and improve foster parent-foster child relationships and
- c. ensure that foster parents are not forced to use their own funds to provide an adequate basic wardrobe for their foster children. This should improve parent morale and local district-foster parent relationships.

**Note:** There may be occasions, such as emergency placements, when foster parents will have to use their own funds until a grant can be issued. If this occurs, there should be mutual agreement between the district and the foster parents as to the amount of the grant. Districts should reimburse the foster parents as soon as possible.

### 4. Required Action

- a. When a child is placed in foster care, the caseworker from the district or voluntary agency (if a voluntary agency has planning responsibility) must review the child's wardrobe with the foster parents and (if appropriate) with the child. Together, they should determine the adequacy of the child's clothing.
- b. If additional clothing is needed, the local district must authorize an allowance for necessary initial clothing. Initial clothing needs vary for each child. Therefore, State reimbursement for initial clothing is not subject to the maximum yearly clothing replacement allowances promulgated by the Department. Although the amount of the initial clothing allowance is determined by the local district that places the child in foster care, the allowance must be sufficient to provide an adequate basic wardrobe. The foster parents should not be required to use their own funds for clothing.
- c. Once the child's clothing is at an adequate level, the cost of replacement clothing is subject to the maximum yearly allowances set by the local district. State reimbursement for replacement is subject to the maximum state allowances.
- d. When a child is transferred from one foster home to another, the wardrobe should again be reviewed. If clothing is needed, an initial allowance may be issued for the new home. The allowance is not subject to the maximum yearly replacement allowance. Please note that clothing purchased for a child in care belongs to that child. The child keeps this clothing when transferred to a new home.

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Foster parents should consider maintaining a record of clothing purchases and an inventory of each foster child's clothing. This will help to avoid confusion at the time of transfer or discharge.

e. Local districts must advise all foster parents and applicants of the requirements for providing initial clothing and include them in the foster parent manual that is required by 18 NYCRR 443.3(p).

### 5. Additional Information

Clothing guidelines are found in Appendix E of the Standards of Payment For Foster Care of Children Program Manual.

Although the emphasis is on providing initial clothing for children placed in foster family boarding homes, districts are reminded that all foster children, including those in group foster care, must be provided with adequate initial clothing. The guidelines included in the Standards of Payment For Foster Care of Children Program Manual should also be used for children placed in group foster care.

Children placed in group programs should receive an allowance for initial clothing when the negotiated board rate does not include such an allowance.

The guidelines in Appendix E of the Standards of Payment For Foster Care of Children Program Manual may be used to evaluate a foster child's need for replacement clothing. They apply to both children in foster homes and group care.

For more information on Initial and Replacement clothing documentation visit the following sites:

The Standards of Payment For Foster Care of Children Program Manual Chapter 8: Foster Boarding Homes- Payments to Foster Parents- Section B-1- page-90 using the link provide:

<http://ocfs.ny.gov/main/rates/FosterCare/Manual/SOP-ProgramManual.pdf>

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK, TITLE 18. DEPARTMENT OF SOCIAL SERVICES CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES SUBCHAPTER C. SOCIAL SERVICES, ARTICLE 3. CHILD-CARE AGENCIES PART 443. CERTIFICATION, APPROVAL AND SUPERVISION OF FOSTER FAMILY BOARDING HOMES,

18 NYCRR 443.3(p) –

[https://govt.westlaw.com/nycrr/Document/I50ce448ccd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I50ce448ccd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

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OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK, TITLE 18. DEPARTMENT OF SOCIAL SERVICES  
CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES  
SUBCHAPTER C. SOCIAL SERVICES  
ARTICLE 2. FAMILY AND CHILDREN'S SERVICES  
PART 427. STANDARDS OF PAYMENT FOR FOSTER CARE OF CHILDREN

18 CRR-NY 427.16

18 CRR-NY 427.16

427.16 Standards on clothing for children in foster care.

[https://govt.westlaw.com/nycrr/Document/I50cd5a19cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/nycrr/Document/I50cd5a19cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

06-OCFS-INF-10

Meeting the Clothing Needs of Foster Care Youth ages 12 through 20 Years in Out of Home Placement

[http://ocfs.state.nyenet/policies/external/OCFS\\_2006/INFs/06-OCFS-INF-10%20Meeting%20the%20Clothing%20Needs%20of%20Foster%20Care%20Youth%20ages%2012%20through%2020%20Years%20in%20Out%20of%20Home%20Placement.pdf](http://ocfs.state.nyenet/policies/external/OCFS_2006/INFs/06-OCFS-INF-10%20Meeting%20the%20Clothing%20Needs%20of%20Foster%20Care%20Youth%20ages%2012%20through%2020%20Years%20in%20Out%20of%20Home%20Placement.pdf)