
ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 94 ADM-12

TO: Commissioners of
 Social Services
 Directors of Voluntary
 Foster care Agencies

DIVISION: Services and
 Community
 Development

DATE: July 7, 1994

SUBJECT: Minor Parent/Infant Foster Care and Adoption

 SUGGESTED

DISTRIBUTION: | Directors of Services
 | Child Welfare Staff
 | Fiscal Staff
 | Staff Development Coordinators
 | Medical Assistance Staff
 | WMS Coordinators

CONTACT

PERSON: | See Attachment A (available on-line)

ATTACHMENTS:

| Minor Parent/Infant Regulatory Amendments
 | Attachment B (not available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
93 LCM-94		421.24	Art. 10 FCA		GIS 91MA042 GIS 92MA006
87 ADM-22		426	SSL 453(3)		SSA Title IV-E 1987
81 ADM-10		430.11	SSL 358-a		OBRA
		442.17	SSL 384-a		

DSS-296EL (REV. 9/89)

I. PURPOSE

The purpose of this directive is to advise social services districts of the requirements for establishing financial eligibility and appropriate claiming procedures for the children of minor parents who are placed together with their minor parents, who are themselves foster children, in either family foster homes or residential care facilities, and for the children of minor parents who are placed together in adoptive homes with subsidy. Furthermore, this directive offers guidelines for social services districts as to when commissioner's custody of the child of the minor parent in foster care is appropriate and when custody of such child should remain with his or her minor parent.

II. BACKGROUND

Section 9133 of the 1987 Omnibus Budget Reconciliation Act (P.L. 100-203), amended Title IV-E of the Social Security Act (SSA), effective April 1, 1988, to allow States to include in the foster care maintenance payment of those minor parents who are eligible for foster care assistance under Title IV-E as foster children, and who reside together with their child or children in a family foster home or residential care facility, an amount equal to the foster care rate payable for the minor parent's child or children. Essentially, this provision made it possible for the foster care maintenance payment to be expanded to include the needs of a child living together in foster care with his or her minor parent who is a foster child. Because of the federal requirement that a child must have been removed from his or her home and placed in foster care away from his or her parent, the child of a minor parent, where both are placed together in foster care, is not Title IV-E eligible in his or her own right. An amendment to Section 472 (h) of the SSA does however deem such children eligible for Medicaid under Title XIX and eligible for services under Title XX.

A child whose costs of foster care are covered by a Title IV-E maintenance payment being made on behalf of his or her minor parent, may now be eligible for adoption assistance if that child has otherwise been determined to be a child with special needs pursuant to Section 473(c) of the SSA.

If the minor parent and child or children are separated, the needs of the child can no longer be included in the maintenance payment of the minor parent. In such cases, the child's Title IV-E eligibility must be determined based on the child's current and individual circumstances.

Implementing federal rules, 45 CFR 223.20, promulgated December 9, 1991 by the federal Department of Health and Human Services, established that under Title IV-A, a child may not receive AFDC

benefits if he or she lives with his or her minor parent whose Title IV-E foster care maintenance payment covers the needs of the child. Such child must be excluded from the AFDC assistance unit. The need, income and resources of the child in the determination of eligibility or payment amount to the AFDC family must be disregarded.

In 1992, the Department surveyed social services districts and the NYS Division For Youth, concerning the population of minor parents and their children who are placed together in foster care. Data was gathered about the number of such placements, case practice issues and current local procedures. The survey revealed that during the survey period, twenty-two social services districts, New York City and the NYS Division For Youth had mothers and their infants placed together. A total of 288 minor mothers were found to be in foster care with their infant children. Among them they had 300 infant children.

It should be noted that throughout this administrative directive we refer to "minor parents". Although we did not find any cases of children placed together with their minor fathers during the survey, all program implications and requirements referenced in this administrative directive apply to both minor mothers or fathers who have their children with them in foster care. Additionally, the term "child" or "infant" will be used to refer to the child or children of the minor parent.

III. PROGRAM IMPLICATIONS

A. Custody guidelines for children of minor parents who are in foster care.

Compliance with the federal standards concerning minor parent/infant foster care requires the general rule to be that: when it is necessary to place a minor parent in foster care and a decision is made that it would be in the best interests of both the minor parent and his or her child to be together in the same foster boarding home or residential facility, custody of the minor parent's child should remain with the minor parent. The same rule should be applied if a foster child gives birth while in foster care. Of course, this general rule will not always be applicable in every situation. Protective and non-protective situations are individually described below.

1) Protective Situations

Seeking and obtaining temporary legal custody of a child of a minor parent in foster care, while still allowing the minor parent to retain physical custody, must be made carefully and thoughtfully. Because such a decision is a legal "removal", this decision must be based on the same standards and criteria for "removal" as one would follow when making the decision in any other case. The standards are those contained in Article 10 of the Family Court Act and 18 NYCRR Part 432 which in part define abused, neglected and maltreated children as well as removal procedures and

requirements. Factors such as the minor parent's age, previous history, perceived abilities, etc. should never be the sole criteria for taking legal custody of the child of a minor parent in foster care. Because such a decision would be improper in the community-at-large, it is not an appropriate measure for this particular population.

In some cases, despite the need for protective custody of the child, a determination has been made that the best interests of both the minor parent and his or her child require them to be kept physically together. In order to safely make a determination to place or keep a minor parent and his or her child together in a foster care placement, despite an abuse or maltreatment situation, caseworkers must take into consideration the level of risk occasioned by the presence of the minor parent and how well that risk may be offset by the foster parents or the residential program staff. The abilities and capabilities of the foster care provider to ensure the necessary measure of protection must be evaluated before this type of placement is made or continued.

It also should be noted, as outlined in 93 LCM-94, that the court possesses a non-placement option of having the custody (in this case of the infant) remain with the (minor) parent and ordering the local district to exercise supervision, pursuant to Section 1057 of the FCA.

There may be some instances, however, where concern for the safety of the minor parent's child justifies a decision to obtain temporary legal custody of the minor parent's child and to place the minor parent and his or her child at separate foster care facilities.

In all protective placements caseworkers should consult with supervisory personnel and their social services attorneys to help make appropriate decisions regarding the advisability of locating the minor parent and his or her child together.

2) Non-Protective Situations

For those cases that do not involve child protective situations and resultant court ordered placement of the child of a minor parent in foster care, all minor parent/child placements should be together in the same foster family home (preferably) or residential care facility (if the latter is necessary for the minor parent).

Other than custody taken for protective reasons, a minor parent placed with his or her child should retain custody of that child. As a matter of policy and practice, social services districts are discouraged from taking custody by voluntary agreement. Close scrutiny must be given to any request by the minor parent to temporarily relinquish custody of his or her child by such agreement. Caseworkers should explore with each minor parent in foster care what supports and services are needed to allow custody to remain with them, and then make reasonable efforts to provide these supports and services. Consistent with Section 358-a of the

SSL, only when it is determined, despite reasonable efforts made to prevent or eliminate the minor parent's need to relinquish custody, that the minor parent wishes to temporarily relinquish legal custody through signing a voluntary agreement, should a minor parent relinquish custody.

Decision-making regarding separate placements and/or seeking custody of the child of a minor parent in foster care for non protective reasons must be documented in the Uniform Case Record. Caseworkers should consult with supervisory personnel and their social services attorneys to help make appropriate decisions regarding the children of minor parents in foster care, obtaining custody of such children and determining appropriate placement venue.

3) Type of Placement Facility

If a residential placement facility is necessary for the care of the minor parent, it is consistent with Departmental regulations for the infant to be placed with the minor parent. Pursuant to appropriateness of placement standards contained in 18 NYCRR 430.11 (d) (3) (iv), the following applies to group homes and group residences: "...the placement of any child in a group home or group residence shall be deemed placement at an appropriate level if such placement is necessary for the child to remain with his mother and/or siblings". When placements of this sort are being considered for a facility that has not been specifically approved for infants and/or young children, every care should be taken to ensure that the facility has been adequately "baby-proofed" and can meet the needs of this population. Consultation with the Regional Office is encouraged if there is any question or doubt as to the appropriateness of a facility for an infant or young child.

Pursuant to 18 NYCRR 430.11 (f) (2) and (3) in order to make a minor parent/infant placement at an institutional level, that will involve the institutionalization of a child 12 years of age or under, the program must be approved for such placements by the State Department of Social Services or by his or her representative (i.e. mother and baby facilities - see 18 NYCRR 442.17), or the placement must be approved by the State Commissioner of Social Services or by his or her representative.

4) Title IV-E Provisions and Custody Arrangements

If for any reason the social services district has custody of the child of a minor parent in foster care, including custody established through Article 10 of the Family Court Act (child protective) or the signing of a voluntary agreement pursuant to Section 384-a of the SSL, and such child is in the same foster care facility as his or her minor parent, such children are not eligible for Title IV-E foster care while in such placement. Reimbursement will be limited to 50% State share, 50% local share.

The use of public assistance for the financial support of the child of a minor parent in foster care, although the minor parent has custody of his or her child, is also not permitted under any circumstances.

Refer to Sections V. through VII. for additional information about eligibility and claiming.

5) Current Cases and Transition to New Requirements

In current cases where a social services district has assumed care and custody pursuant to a voluntary placement agreement in accordance with Section 384-a of the SSL, social services districts should take steps to relinquish custody of the child within three months of the effective date of this directive in accordance with the guidelines contained in Section III A. 2).

Where custody was established through Article 10 of the FCA, the situation should be carefully evaluated prior to the next scheduled return to Family Court (generally the annually required extension of placement hearing pursuant to Section 1055 of the FCA). Subject to the Court's direction following a Section 1055 hearing, a child should be returned to his or her minor parent when a determination is made that this is the appropriate course of action. With respect to an order of placement pursuant to FCA 1055, FCA 1058 requires a report to the court not less than sixty days prior to the expiration of the placement, which includes an assessment of whether the child's return to the family would subject the child to imminent risk. It is suggested that the report additionally include information pertaining to the fact that minor parent and child have been living together in the same foster care facility and the positive assessment of this situation.

B. Implications when a minor parent in foster care has custody of his or her child.

Once it is established that a minor parent in foster care has custody of his or her child (or children) and they are in the same foster boarding home or residential facility, Title IV-E allows all costs associated with the needs of the child to be covered. This means that any expenses normally included in a foster care rate, such as room and board, including special and exceptional rates, day care, diaper allowance, special payments, etc. and administrative costs can be claimed through the Title IV-E process. However, all such claiming will be done by applying such costs to the care of the minor parent. As stated earlier, the child is not considered Title IV-E eligible in his or her own right. Additionally, any income and resources of the child of the minor parent, including any child support payments received for the child from his or her non-custodial parent, are not to be considered in determining the minor parent's eligibility for Title IV-E, nor should they be considered available for the purposes of establishing the foster care maintenance payments. Such income, resources or payments should be disregarded, and will not be considered an assignment to the State.

By virtue of establishing Title IV-E eligibility for a minor parent in foster care, his or her child is deemed Medicaid eligible under Title XIX. Refer to MA Implications Section III. E. for details.

The child of a minor parent in foster care is also eligible for Title XX services. Preventive services may be a likely choice in minor parent/infant foster care cases. The role and purpose of preventive services in these cases is to keep the minor parent and his or her child together and includes facilitating a custody arrangement that maintains custody of his or her child with the minor parent. It also may mean providing services to help restore custody of the child to the minor parent when Family Court has given custody to the local commissioner through Article 10 proceedings, except when restoring such custody would place the minor parent's child in imminent risk of abuse or maltreatment.

The assessment and service plan developed for the minor parent must assess the child's needs and provide services to meet those needs in accordance with the standards set forth in 18 NYCRR Part 428 (Standards for Uniform Case Recording). Factors such as the child's physical health, developmental needs, behavior and the presence of age appropriate skills and abilities should be assessed. The minor parent's capabilities to deal with the needs of his or her child should be specifically evaluated as well. Service plans must detail tasks and activities that relate to the child's identified service needs, the individual service needs of the minor parent and the minor parent's service needs with regard to parenting skills or any other needs that relate to his or her child. Service plan reviews conducted as required for the minor parent in foster care also must ensure that a plan and services exist to meet the identified needs of both the minor parent and his or her child.

If the minor parent and his or her child are separated, after both were together in the same foster boarding home or residential facility, the needs of the child can no longer be included in the maintenance payment of the minor parent. A determination of the child's eligibility for Title IV-E maintenance payments must be made separately, based upon the the child's current and individual circumstances.

C. Implications for the foster care provider.

Because of the differences in age, ability, knowledge, etc. among the population of minor parents in foster care, it is impossible to provide a single set of rules regarding the level of responsibility of the minor parent toward his or her child. Determining the division of the tasks, activities, decisions, etc. between the minor parent and the foster care provider requires diligent teamwork between them, and, as necessary, the caseworker. Decision making and the performing of parental responsibility by the minor parent should be encouraged as much as possible, yet this has to be accomplished within the constraints of such things as minor parents' school schedules, their misconceptions about the capabilities of their children, and perhaps a desire to have the

foster care provider do all the mundane tasks associated with the care of their child. On the other hand, where minor parents wish to take on more responsibility than they can adequately handle without harming themselves or their child, foster care providers must guide, direct, or otherwise handle such situations in a way geared to prevent such harm.

For example, the minor parent should be given budgeting and purchasing decision making authority to the extent possible, yet foster care providers, not minor parents, receive the funds that are to be used for both the needs of the minor parent and his or her child. Foster parents must be skillful in managing the potential conflicts that this and other issues may cause. Adequate selection and training of foster care providers for this special population group is the key ingredient to making these placements successful.

D. Implications for adoption.

Our survey revealed that there were several minor parents who were free for adoption and had a permanency planning goal of adoption. In those circumstances where a minor parent is adopted, and the minor parent brings into the adoptive home his or her own child, and the minor parent retains custody of his or her own child, the adoption may qualify for Title IV-E adoption assistance if the minor parent in his or her own right meets all of the requirements of eligibility for Title IV-E adoption assistance as defined in 18 NYCRR 426.5. Just as Title IV-E federal reimbursement is available to cover the costs associated with the needs of the minor parent's child in foster care cases, federal reimbursement may include the needs of the minor parent's child in minor parent/infant adoption cases as described above. Section 453(3) of the SSL requires that adoption subsidy payments not be less than 75 percent of the foster care board rate. Department regulations have been specifically amended to define "board rate" to include amounts necessary to cover the costs associated with the care and maintenance of the child of a minor parent who remains with the minor parent following adoption (18 NYCRR 421.24 (a)(4)). If the minor parent does not qualify under Title IV-E for adoption assistance, but qualifies under State regulations for adoption subsidy, the costs of the child will similarly be covered. Subsidy may only be continued as long as the minor parent remains eligible for adoption assistance or adoption subsidy.

If at any time prior to the finalization of a minor's subsidized adoption, the minor gives birth, the subsidy must reflect the needs of both the minor and infant, consistent with SSL 451 (4) (a) and 453 (3). If at any time prior to the finalization of a minor's subsidized adoption, the minor becomes pregnant, the subsidy agreement can be modified prior to finalization to reflect an increased subsidy amount upon the infant's birth to cover the costs of the infant, provided such infant remains in the minor's custody. If the social services district is not informed of the pregnancy prior to finalization, the adoptive parent(s) may seek a

subsidy adjustment in accordance with 18 NYCRR 421.24 (c) (14), after the infant is born to cover the costs of the infant, provided, however, such infant remains in the custody of his or her minor parent. This regulation gives social services officials discretion to change the amount paid under the subsidy agreement. Social services officials should exercise such discretion where there is proof that the minor was pregnant before finalization. Subsidy adjustments must not be considered or approved if the pregnancy occurs subsequent to finalization.

If the child of a minor parent in foster care is surrendered for adoption, or the parental rights of the minor parent are terminated, thus freeing the child for adoption, such child may be eligible for adoption subsidy in his or her own right, if the child qualifies under Title IV-E for adoption assistance or under State standards for adoption subsidy.

Refer to MA Implications Section III. E. for details about MA eligibility for minor parents who are adopted.

E. MA Implications

1) MA Implications for Foster Care

a. IV-E eligible minor parent with his/her own child

In instances where the minor parent is IV-E eligible and retains legal custody of the child, MA is authorized for the minor parent and the child. (No separate determination is necessary.)

In instances where the minor parent is IV-E eligible and the child is residing in the same household as the minor parent but is not in the legal custody of the minor parent, a separate MA determination must be done for the child. The child will not be IV-E eligible since the child is still residing with the minor parent. When doing a budget for a non IV-E eligible child of a IV-E eligible minor parent in foster care, the child's income and MA eligibility is determined following usual procedures (81 ADM-10).

NOTE: If a IV-E eligible minor parent is placed with his/her infant out of state, either in foster care or adoption, then the state of residence becomes responsible for authorizing MA. Local districts must provide MA to IV-E eligible minor parents placed with their infants in their districts by other states. This policy is consistent with that stated in 87 ADM-22.

b. Non IV-E eligible minor parent and child

If the minor parent has custody of her child, and is not IV-E eligible, a separate MA determination is necessary for the minor parent and child. The income and resources of the minor parent and child, excluding foster care payments, are

compared to the MA level for two or the foster care board rate for the minor parent placed with his/her child, whichever is higher. The child may be eligible under the applicable poverty level program if he or she is not otherwise eligible.

When a child is not in the legal custody of the minor parent or is not residing with the minor parent, MA eligibility for each is determined separately. Usual eligibility procedures apply. The foster care payment is not considered income. The standard to which other available income is compared is the higher of the foster care board rate or the MA level, or applicable poverty level if a child is not otherwise eligible. (81 ADM-10).

NOTE: An infant born to a woman who is eligible for or receiving MA on the date of the child's birth remains eligible for MA until his/her first birthday, as long as the child continues to live with the mother.

2) MA Implications for Adoption Cases

a. IV-E eligible minor parent adopted with subsidy and a child

When a IV-E eligible minor parent is adopted with a subsidy and brings a child into the adoptive home, and the minor parent retains custody of the child, the minor parent and child are eligible for MA. (If the minor parent does not retain custody of the child, usual procedures for determining MA eligibility for a child in foster care apply.) (81 ADM-10)

NOTE: Refer to the "note" under section E. 1) a. for information on authorizing MA for IV-E eligible minor parents with infants adopted across state lines.

b. Non IV-E eligible adopted minor parent with child

When a non IV-E minor parent is adopted and brings his/her own child into the adoptive home, a separate MA eligibility determination must be done.

8 Treatment of adoption subsidy:

When an adoption subsidy is being paid to meet the needs of both the minor parent and the child, the portion of the subsidy attributable to each must be determined. The prorated amounts can be provided by the Services office at the local district.

8 Minor parent's MA eligibility:

Compare the income and resources of the adoptive parents, plus the income and resources of the minor parent, including the minor parent's prorated share of the adoption subsidy,

to the appropriate MA level for the family size (excluding the minor parent's child). (Prior to finalization of adoption, use a household of two and include only the minor parent's and child's income and resources, if applicable.)

NOTE: A minor parent with a non IV-E adoption assistance agreement in effect is eligible for MA when a special medical or rehabilitative need makes his/her placement for adoption difficult without MA coverage and s/he was in receipt of or eligible for MA during the three months prior to the adoption agreement. (Medical coverage will be specified in the adoption agreement. See 87 ADM-22.)

8 Child's MA eligibility (at placement or post finalization):

Compare the total adoption subsidy, plus any income and resources, if applicable, that the minor parent and his/her child may have, to the MA level for two or the applicable poverty level. However, the child's eligibility for the automatic one year extension should be considered first.

IV. REQUIRED ACTION

The following actions must be taken in minor parent/infant foster care cases:

A. When accepting a minor parent into foster care with his or her own child, or if a minor in foster care gives birth to a child, the social service district must not seek custody of the minor parent's child except for child protective reasons or if the minor parent wishes to relinquish custody and there is a justifiable reason for such decision in accordance with the guidelines provided in Section III A (2). Where the social services district already has custody of the minor parent's child pursuant to a voluntary agreement, custody of the minor parent's child should be returned to the minor parent within three months of the effective date of this directive, in accordance with the guidelines provided in Section III A (5). Where custody was established through child protective proceedings, custody should be returned to the minor parent if possible, upon the expiration of the Article 10 placement order consistent with Section 1058 of the FCA and the guidelines provided in Section III A (5).

B. In all situations where a Title IV-E eligible minor parent is in foster care with his or her child and custody of the child is retained by the minor parent, the costs of both must be claimed as IV-E, by using the procedures outlined in Section VII. Similarly, Medical Assistance should be provided to both.

C. The assessment and service plan developed for minor parent/infant foster care cases must address the needs of the minor parent, as well as those of his or her child.

D. In all applicable minor parent/infant adoption subsidy cases as described in Section III C., the costs of both the minor parent and his or her child should be claimed as Title IV-E by using the procedures outlined in Section VII.

V. SYSTEMS IMPLICATIONS

System procedures are outlined below. Where applicable they are delineated separately for Upstate and New York City.

The following procedures apply to all eligibility categories, i.e., IV-E, EAF or any non-federally participating claims.

Upstate -- foster care

Open one WMS Services case. Include the minor parent and his or her child in the case. The child's eligibility must be the same as the minor parent's if the minor parent is Title IV-E or EAF eligible. If the minor parent's eligibility has been determined under EAF it is necessary to do a separate MA determination for the minor parent and his or her child, following the usual MA eligibility procedures. In situations where either the minor parent's or infant's only eligibility is SSI, the non-SSI individual must have a separate eligibility determination completed. Enter the appropriate services, including Direct Service Type 08 for the minor parent and for each child. The minor parent should be authorized a POS line for 61 (Regular Service and Maintenance) or 62 (Emergency Foster Care). POS Code 8D (Minor Parent Child Foster Care) is used for the child's maintenance. The facility ID used on the POS lines must be the same for the POS 61/62 and 8D. Additional costs for the child, such as diaper allowance or day care, can also be combined with the the child's maintenance on this POS line or, at district discretion, individual POS lines using appropriate WMS POS codes can be written. The POS line ("from date") for children born to minor parents already in foster care, should be the child's date of birth. Refer to MA Systems Implications Section VI, for MA eligibility determination and authorization procedures.

In CCRS, follow normal tracking and placement procedures for the minor parent. The child may be tracked for preventive services if appropriate, but the child should not be tracked solely because he or she is living with his or her minor parent who is in foster care.

If the district has legal custody of the minor parent's child, he or she should be authorized foster care services in WMS and tracked in CCRS in the usual manner.

NYC -- foster care

Open one WMS Services case. Include the minor parent and his or her child in the case. The child's eligibility must be the same as the minor parent's if the minor parent is Title IV-E or EAF eligible. However, in situations where either the minor parent's

or infant's only eligibility is SSI, the non-SSI individual must have a separate eligibility determination completed. Enter the appropriate services, including Direct Service Type 08 for the minor parent and for each child. The minor parent should be authorized a POS line for 61 (Regular Service and Maintenance) or 62 (Emergency Foster Care). POS Code 8D (Minor Parent Child Foster Care) is used for the child's maintenance. The facility ID used on the POS lines must be the same for the POS 61/62 and 8D. Additional costs for the child, such as diaper allowance or day care, can also be combined with the the child's maintenance on this POS line or, at district discretion, individual POS lines using appropriate WMS POS codes can be written. The POS line ("from date") for children born to minor parents already in foster care, should be the child's date of birth. The SERMA process will produce MA eligibility for the minor parent and the child.

In CCRS, follow normal tracking and placement procedures for the minor parent. The child may be tracked for preventive services if appropriate, but the child should not be tracked solely because he or she is living with his or his minor parent who is in foster care.

If the social services district has legal custody of the minor parent's child, he or she should be authorized foster care services in WMS and tracked in CCRS in the usual manner.

Upstate and NYC -- adoption subsidy

When a minor parent is adopted with subsidy and takes his or her child into the adoptive placement, while retaining custody of his or her child, open a single WMS services case. The child's eligibility must be the same as the minor parent's. Authorize direct service type 01 (Adoption) for the minor parent and the appropriate POS subsidy code and subsidy rate. The subsidy rate should include the cost of care for both the minor parent and his or her child. Refer to MA Systems Implications Section VI for details concerning authorization of MA.

When a minor parent is adopted with subsidy and his or her child is in the same placement facility and in care as a foster child (i.e. the social services district has custody of the child) open a single WMS services case. Authorize direct service type 01 (Adoption) for the minor parent and the appropriate POS subsidy code and subsidy rate for the minor parent only. Authorize direct service type 08 (Foster Care) for the minor parent's child and a POS code of 61 (Regular Service and Maintenance) and any other appropriate direct or purchase of services. The child should also be tracked in CCRS with all appropriate activities entered. Complete a separate MA determination for the child. MA should be separately authorized for each of them. Refer to MA Systems Implications Section VI for details.

VI. MEDICAL ASSISTANCE SYSTEMS IMPLICATIONS

A. Systems Implications for Foster Care

If a minor parent is IV-E eligible and the minor parent's child remains in his/her custody, then both the minor parent and child can be on the same case. Case type 13 should be used for IV-E foster care cases.

If a minor parent is not IV-E eligible, and the minor parent's child remains in his/her custody, the minor parent and child can be on the same case. A case type 20 is used for non IV-E foster care cases. Please note that, if either the minor parent or the child is eligible for MA based solely on the receipt of SSI, case type 22 is used and separate MA cases are necessary.

In instances when the child does not remain in the legal custody of a IV-E or non IV-E minor parent, then separate cases must be established. Case type 13 is used for IV-E foster care cases and case type 20 is used for non IV-E foster care cases.

B. Systems Implications for Adoption

In minor parent/child adoption cases that are IV-E eligible, the minor parent and child remain on the same case. Case type used is 20.

If the minor parent and infant are not IV-E eligible and the infant remains in the minor parent's custody, and both are eligible as a household of two, then they can be on the same case using case type 20. In instances when the child does not remain in the minor parent's custody, a separate eligibility determination must be made and separate cases opened.

VII. CLAIMING PROCEDURES

Claiming of program expenditures for minor parent/infant foster care should be claimed on the Schedule K (Child Care-Reimbursement Claim for Child Care Expenditures). If the minor parent is Title IV-E eligible and retains custody of his or her child(ren) who are resident in the same foster care facility as their minor parent, then expenditures associated with the minor parent and his or her child(ren) should be claimed in column 2 (FP). This will effect shares of 50% Federal, 25% State, and 25% Local. All expenditures associated with the minor parent and his or her child(ren) should be rolled up together, except tuition for the minor parent, if applicable. Tuition for the minor parent should be identified separately on line 6.

Expenditures associated with a foster home should be claimed on lines 3C or 3D of the Schedule K depending on whether placement of the minor parent was voluntary (3C) or by court order (3D).

Expenditures associated with a residential care facility should be claimed on lines 3E or 3F of the Schedule K depending on whether the placement of the minor parent was voluntary (3E) or by court order (3F).

All expenditures associated with individuals not Title IV-E eligible, including all expenditures associated with children in the custody of the local commissioner of social services, who are resident in the same foster care facility as their minor parents, should be reviewed for EAF eligibility. Those eligible under EAF should be claimed on the newly revised Schedule H in column 2 (EAF), line 8 (EAF-Foster Care). This will effect 50% Federal, 25% State, and 25% local shares. Expenditures to cases not eligible for EAF should be claimed on the Schedule K in column 3 (FNP). This will effect shares of 0% Federal, 50% State, and 50% Local.

Claiming of adoption subsidy expenditures for minor parent/infant units should be claimed on the Schedule K, line 4b adoption subsidy 75%. All adoption subsidy payments associated with the minor parent and his or her child(ren) should be rolled up together.

Administrative costs under this program should be claimed in the normal manner based on the Services SSRR percentage for Upstate, and the RMS percentages in New York City, on the Schedule D-2 (Allocation for Claiming of General Services Expenditures). Administrative costs associated with the children of minor parents should be included.

VII. ADDITIONAL INFORMATION

If a report of child abuse or maltreatment is received concerning the infant of a minor parent in foster care, responsibility for the investigation is determined by the identity of the alleged perpetrator. Whether the minor parent has legal custody of his or her infant is not material to determining the type of investigation to be conducted. If the minor parent is alleged to be the subject (i.e. perpetrator) of the report, as defined in Section 412.4 of the SSL, the local child protective service will conduct the investigation, regardless of the facility type in which the minor parent and infant reside. If the foster parent is the subject of the report, the investigation will also be conducted by the local child protective service, who will then be required to submit appropriate notifications to the designated Regional Office. If a residential staff member is alleged to be the subject of the report, an institutional abuse investigation will be conducted by the designated Regional Office.

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VIII. EFFECTIVE DATE

This directive is effective on August 1, 1994.

Frank Puig
Deputy Commissioner
Division of Services and
Community Development

Attachment A

Contact Person

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Metropolitan: Fred Cantlo (212) 383-1788; USER ID: 0FG010
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