

**AGENCY PLAN AMENDMENT FOR TITLE IV-E OF THE SOCIAL SECURITY ACT
FEDERAL PAYMENTS FOR 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
November 2014

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.

Federal Regulatory/ Statutory References	Requirement	State/Tribal Regulatory, Statutory and Policy References and Citations for Each
	SECTION 4. GENERAL PROGRAM REQUIREMENTS	
471(a)(29) 475(7)	<p>H. KINSHIP CARE</p> <p>2. Within thirty days after the removal of a child from the custody of the parent or parents of the child, the State/Tribal agency shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family violence, that:</p> <p>a. specifies that the child has been or is being removed from the custody of the parent or parents of the child;</p> <p>b. explains the options the relative has under Federal, State, and local law or Tribal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;</p> <p>c. describes the requirements under paragraph 471(a)(10) to become a foster family home and the additional services and supports that are available for the children placed in such a home; and</p> <p>d. if the State/Tribal agency has elected to operate a kinship guardianship assistance program, describes how the relative guardian of the child may subsequently enter into an agreement with the State/Tribal agency under</p>	<p>SSL 384-a Transfer of care and custody of children</p> <p>SSL 409-e Family service plan</p> <p>SSL 409-f Uniform case recording</p> <p>FCA 657 Certain provisions relating to the guardianship and custody of children by persons who are not the parents of such children</p> <p>18 NYCRR Part 428 Standards for uniform case records and family and child assessment plans</p> <p>18 NYCRR 430.11(c)(4) Appropriateness of placement</p>

	<p>473(d) to receive the payments.</p> <p>3. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:</p> <ul style="list-style-type: none"> a. protection; b. education; c. care and control of the person; d. custody of the person; and e. decision making. 	<p>09-OCFS-ADM-04 Handbook for Relatives Raising Children Handbook</p> <p>11-OCFS-ADM-03 Kinship Guardianship Assistance Program (KinGAP)</p> <p>15-OCFS-ADM-01 Definition of Siblings and Expansion of the Relative Notification Requirements</p>
<p>475(12)</p>	<p>O. DEFINITION OF 'SIBLING'</p> <p>For the purposes of the title IV-E of the Act, the term 'sibling' means an individual who satisfies at least one of the following conditions with respect to a child:</p> <ul style="list-style-type: none"> (A) The individual is considered by state/tribal law to be a sibling of the child. (B) The individual would have been considered a sibling of the child under state/tribal law but for a termination or other disruption of parental rights, such as the death of a parent. 	<p>FCA 1027-a Placement of siblings</p> <p>FCA 1055(b)(i)(C) Placement – as it relates to siblings</p> <p>SSL 409-e(1)(d) Family Service Plan – as it relates to siblings</p> <p>18 NYCRR 431.10 Placement in foster care of children who are siblings</p> <p>07-OCFS-INF-04 Keeping Siblings</p>

		<p>Connected: A White Paper</p> <p>92-ADM-24 Foster Care, Adoption: Requirements for Siblings Placement, Visitation and communication</p> <p>15-OCFS-ADM-01 Definition of Siblings and Expansion of the Relative Notification Requirements</p>
	SECTION 6: GUARDIANSHIP ASSISTANCE PROGRAM OPTION	
<p>473(d)(3)(A) 473(d)(3)(C)</p>	<p>A. ELIGIBILITY</p> <p>1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that:</p> <p>a. the child has been--</p> <p>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</p> <p>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;</p> <p>b. being returned home or adopted are not appropriate permanency options for the child;</p> <p>c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian</p>	<p>SSL 458-a-458-f Kinship guardianship assistance program</p> <p>18 NYCRR Part 436 Kinship guardianship assistance program</p> <p>11-OCFS-ADM-03 Kinship Guardianship Assistance Program (KinGAP)</p> <p>15-OCFS-ADM-02 Continuation of The Kinship Guardianship Assistance Program (KinGAP) to a</p>

	<p>has a strong commitment to caring permanently for the child; and</p> <p>d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement; or</p> <p>2. The child has been placed with a successor guardian named in the guardianship agreement in accordance with 473(d)(3)(C).</p>	<p>Successor Guardian</p>
<p>473(d)(3)(B)</p>	<p>3. Siblings.</p> <p>a. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State/Tribal agency and the relative agree on the appropriateness of the arrangement for the siblings; and</p> <p>b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed.</p>	<p>SSL 458-a - 458-f Kinship Guardianship Assistance Program 18 NYCRR Part 436 Kinship guardianship assistance program 07-OCFS-INF-04 Keeping Siblings Connected: A White Paper 11-OCFS-ADM-03 Kinship Guardianship Assistance Program (KinGAP)</p> <p>15-OCFS-ADM-01 Definition of Siblings and Expansion of the Relative Notification Requirements</p>

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

CERTIFICATION

I 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
(Designated State/Tribal Agency)

Date

1/12/2015

(Signature)

Robert Deley

Acting Commissioner
(Title)

APPROVAL
DATE _____

EFFECTIVE
DATE: _____

(Signature, Associate Commissioner, Children's Bureau)