



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #11-68-ELI

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TREATMENT OF ADOPTION SUBSIDY PAYMENTS, FOSTER CARE PAYMENTS, AND KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM (KINGAP) PAYMENTS

Date: August 3, 2011	Subtopic(s): Budgeting
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to inform Job Center and Non Cash Assistance Food Stamp (NCA FS) Center staff of the treatment of adoption subsidy payments, foster care payments, and Kinship Guardianship Assistance Program (KinGAP) payments for Cash Assistance (CA) and Food Stamp (FS) budgeting purposes.</p> <p><u>Adoption subsidy payments for CA</u></p> <p>CA households in receipt of adoption subsidy payments have the option to include the child and the adoption subsidy payment in the budget calculation or to exclude the child and the adoption subsidy payment in the budget calculation.</p> <p>The determination whether to include or exclude the child and the adoption subsidy payment depends on which results in a higher CA benefit. The method that provides the higher CA benefit is to be chosen. In most instances, the higher CA benefit is provided by excluding the child and the adoption subsidy payment.</p> <p>The Job Opportunity Specialist (JOS)/Worker must calculate two scratchpad budgets to determine which method results in a higher CA benefit. When calculating the scratchpad budget that includes the child, budget the adoption subsidy payment using income source code 13. When calculating the scratchpad budget that excludes the child, do not budget the adoption subsidy payment.</p> <p>After both scratchpad budgets have been completed, calculate and authorize a regular budget using the methodology that resulted in a higher CA benefit.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Foster care payments for CA

If a relative or caretaker is receiving foster care payments on behalf of a child, the child is not considered to be residing in the home of the relative or caretaker. Therefore, the child is not considered part of the filing unit and the foster care payment is excluded for CA budgeting purposes.

Adoption subsidy payments and foster care payments for FS

The Food Stamp Reauthorization Act of 2002 permitted the exclusion of certain types of income for purposes of determining FS eligibility and benefit amounts for individuals included in the FS household. New York State determined that the entire amount of adoption subsidy payments and foster care payments should be excluded as income for individuals included in the FS household.

However, based on clarification from the United States Department of Agriculture (USDA) in 2008, New York State may not automatically exclude the entire amount of adoption subsidy payments and foster care payments as income when determining FS eligibility and benefit amounts.

The USDA clarification stated that adoption subsidy payments and/or foster care payments (if the household chooses to include the foster care child in the FS household) received **in excess of allowable, verified reimbursable expenses** must be counted as unearned income when determining FS eligibility and benefit amounts. This means that when determining FS eligibility and benefit amounts, only the payment amount required for a reimbursable expense can be excluded as income to the FS household.

Payments for normal living expenses such as rent or mortgage, utilities, personal clothing or food eaten at home, **may not be excluded** as income. To be excluded as income the reimbursement amount must be for a specifically identified expense that is not a normal living expense. Examples of such expenses include, but are not limited to, school activities, music lessons, camp fees, and therapeutic services not covered by medical insurance. For example:

A FS household in receipt of a \$500 monthly adoption subsidy payment has verified an expense of \$200 monthly for music lessons. As the expense of music lessons is not a normal living expense, the \$200 can be excluded and only the remaining \$300 of the adoption subsidy will be considered as income.

Adoption subsidy payments for FS

FS household composition rules require parents and their children (including adopted children) under the age of 22 to be included in the same FS household.

FS households that have income from adoption subsidy payments in excess of allowable, verified reimbursable expenses must have that excess income budgeted using income source code **13**.

Foster care payments for FS

Children who are in foster care are not required to be included in the FS household of their foster parent(s). The FS household has the option to include the child and the income in excess of allowable, verified reimbursable expenses or to exclude the child and the entire foster care payment from the FS household.

Staff must assist the FS household in this decision by informing them of the FS benefit they would receive in each option.

If the child for whom the foster care payments are received is included in the FS household, the payments in excess of the allowable, verified reimbursable expenses must be budgeted using income source code **59**. If the child is not included in the household, then the total amount of the foster care payments must be excluded.

Kinship Guardianship Assistance Program (KinGAP)

The Office of Children and Family Services (OCFS) has developed the Kinship Guardianship Assistance Program (KinGAP) which is designed to provide a monthly payment and other benefits to qualified relative guardians of foster children who have been discharged from foster care. KinGAP went into effect April 1, 2011.

KinGAP payments for CA

KinGAP payments are to be treated the same way that adoption subsidies are treated for CA purposes, even though the payments are not actually adoption subsidies. The decision whether to include or exclude the child for whom the KinGAP payments are received is based on which budget results in a higher CA benefit.

If the child for whom the KinGAP payments are received is included in the CA case, the KinGAP payment is budgeted using income source code **13**. If the child is not included in the household, then the total amount of the KinGAP payment must be excluded.

KinGAP payments for FS

KinGAP payments are to be treated the same as foster care payments for FS purposes. The FS household has the option to include the child as a FS household member and budget the KinGAP payment in excess of the allowable, verified reimbursable expenses or to exclude the child as a FS household member and exclude the entire KinGAP payment.

Staff must assist these households in making this decision by showing them the amount of FS benefits the household would receive in each option.

If the child for whom the KinGAP payments are received is included in the FS household, the KinGAP payment in excess of the allowable, verified reimbursable expenses is budgeted using income source code **59**. If the child is not included in the FS household, then the total amount of the KinGAP payment must be excluded.

The Food Stamp Benefits Household Composition Desk Guide (**LDSS-4314**) can be used by staff to assist in determining FS household composition.

Effective Immediately

References:

18 NYCRR 352.22 (g)
 18 NYCRR 369.2 (f)(1)(ii)
 18 NYCRR 387.10 (b)(3)(ii)

[11-OCFS-ADM-03](#)

[11-ADM-05](#)


[08-ADM-04](#)

[92 ADM-42](#)

ABEL Transmittal 08-1

Attachment:

LDSS-4314 Food Stamp Benefits Household Composition
 Desk Guide (Rev. 8/09)

 Please use Print on Demand to obtain copies of forms.

FOOD STAMP BENEFITS HOUSEHOLD COMPOSITION DESK GUIDE

All persons, even if they are members of different families, who customarily purchase and prepare meals together are to be considered members of the same Food Stamp Benefits household.

RELATIONSHIPS:	SITUATION RESULT
Spouses Living Together	Must always be considered as a single household.
Parents and their Children, 21 Years of Age or Younger, Living Together (Includes Stepchildren) regardless of whether the children have a spouse or children of their own.	Must be considered as a single household.
Children Under 18 (Except Foster Children) Under the Parental Control of an Adult Household Member Who Is Not the Children's Parent or Stepparent.	Must be considered as a single household. <i>(Reminder: A child under 18 living with their spouse or child is not considered under parental control.)</i>

NOTE: There is no age requirement for an individual not under parental control to receive food stamp benefits.

CIRCUMSTANCES CAUSING INELIGIBILITY:	SITUATION RESULT
Resident of Institution	Ineligible unless a resident of a: <ul style="list-style-type: none"> • Drug/alcohol Treatment facility • Subsidized housing for the elderly • Shelter for the homeless • Certain group living arrangement • Shelter for battered women and children
Ineligible Student	Non-household member. (Income and resources are excluded. The household can claim their prorated share of expenses.)
Work Rules Sanctioned or Intentional Program Violation Disqualified	Excluded household member. (Income and resources are counted in their entirety. The household can claim full expenses.)
Any individual who is ineligible to get a Social Security Number, or any individual who if unable to provide a SSN, fails to apply for a SSN or refuses to cooperate with resolving a SSN validation discrepancy.	Excluded household member. (Income is prorated; resources are counted in their entirety. Expenses paid by or billed to the excluded person are prorated.)
An individual who fails to provide or apply for a Social Security Number (SSN), or any individual who if unable to provide a SSN, fails to apply for a SSN	Excluded household member. (Income is prorated; resources are counted in their entirety. Expenses paid by or billed to the excluded person are prorated.) Applying for or providing the SSN immediately brings the excluded individual into compliance.
A household that fails to or refuses to cooperate in the SSN validation process.	The food stamp case is closed.

FOOD STAMP BENEFITS HOUSEHOLD COMPOSITION DESK GUIDE

Persons residing together who do not meet any of the previous definitions may be separate households if they purchase and prepare food separately from the other persons.

SPECIAL LIVING ARRANGEMENT:

SITUATION RESULT

Boarder (Room and Meals)	Not a part of the household, but may be considered to be a member of a household at the household's request. May never be a separate household. The following can never be considered boarders: <ul style="list-style-type: none"> • Parents and children, age 21 and younger who live together. • A spouse of a member of the household. • Children under 18 years of age who are under the parental control of an adult member of the household including a sibling.
Roomer (Room, No Meals)	Not considered part of household, but may apply as a separate household.
Shared Living (Pays a Share of Shelter Expenses)	Not considered part of household, but may apply as a separate household.
Elderly Individuals and their Spouses	Separate household status may be granted to those elderly individuals and their spouse who cannot purchase and prepare their own meals because they suffer from certain disabilities , even if they are living and eating with others, if they meet certain conditions.*
Foster Children	It is the household's decision to include or exclude foster children as household members. If included, those foster care payments that cannot be excluded as verified reimbursements are counted as income. If excluded, the foster care payments are not counted as income.

SAMPLE

***ALL OF THE FOLLOWING CONDITIONS MUST BE MET:**

- The individual must be 60 years of age or older; **and**
- The individual must suffer from a disability considered permanent under the Social Security Act or from a non-disease related, severe, permanent disability and be unable to purchase and prepare meals; **and**
- The gross income of the others with whom the individual resides (excluding the income of the individual and the spouse) cannot exceed 165% of the poverty level.

STUDENTS:

In order to participate in the Food Stamp Program, a student who is enrolled at least half-time in an institution of higher education and is at least 18 years old but less than 50 years old and is not disabled must meet one of the following criteria:

- Be receiving Family Assistance or Federally funded Safety Net Assistance Benefits.
- Provide more than half the physical care for a child under 6 or an incapacitated person.
- Be enrolled full time and be a single parent responsible for the care of a child under 12.
- Provide more than half the care of a child under 12 and not have adequate child care to work and go to school.
- Be participating during the school year in a State or Federally financed work study program funded under Title IV-C.
- Be employed for an average of 20 hours per week and be paid. If self employed, must be working an average of 20 hours per week and earn an amount equal to the Federal minimum wage x 20 hours.
- Was placed in school through JTPA, FSE&T, JOBS or DOL.