



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #06-68-OPE

NONPARENT CAREGIVER CASES

Date: April 28, 2006	Subtopic(s): Public Assistance, Food Stamps, Medicaid
<p> This procedure can now be accessed on the FIAweb.</p> <p>Definition of “nonparent caregiver”</p> <p>All nonparent caregivers (relative/non-relative)</p>	<p>The purpose of this policy bulletin is to inform staff, in an effort to provide consistency among all public programs, that the Office of Temporary and Disability Assistance (OTDA) has labeled as “Nonparent Caregiver” cases where the payee is not the parent of the child(ren). In addition, this bulletin serves as a reminder to staff of the rules governing such cases.</p> <p>Nonparent caregiver cases are labeled as such to distinguish them from other child-only cases. Other child-only cases contain a parent who is not eligible for public assistance (PA) because s/he may be an ineligible alien, in receipt of Social Security Supplemental Income (SSI) or sanctioned.</p> <p>When referring to a case where there is a non-legally responsible adult caring for a child(ren) for whom s/he is applying for or receiving PA, the phrase “nonparent caregiver” should be used. The nonparent caregivers can be related or not related to the child(ren).</p> <p><u>PA Requirements</u></p> <p>Staff is reminded that for public assistance purposes, nonparent caregivers are <u>not required</u> to:</p> <ul style="list-style-type: none">• provide their:<ul style="list-style-type: none">▪ Social Security number▪ Date of birth▪ Citizenship/alien status▪ Education level▪ Veteran status

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- have court ordered custody of the child(ren);
- pursue guardianship;
- be involved in employment activities;
- be enrolled in the Automated Finger Imaging System (AFIS);
- be subject to PA drug/alcohol screening requirements;
- furnish proof of their income and resources.

Nonparent caregivers are, however, required to:

- comply with child support requirements;
- provide proof of relationship to the child in order to receive Temporary Assistance to Needy Families (TANF) funded assistance (Family Assistance/Safety Net Federally Participating/Emergency Assistance to Families).

Note: Eligibility for PA is based solely on the child(ren)'s income and resources.

Relative nonparent
caregivers

Federal Reporting requirements mandate that relative nonparent caregivers provide their income and resources as a condition of eligibility for the child(ren). However they are not required to verify their income and resources. If a relative nonparent refuses to provide this information, the application must be denied.

Nonrelative nonparent
caregivers

When the nonparent caregiver is not related to the child, the case must be Safety Net Assistance (SNA).

Child Support

The nonparent caregiver must cooperate with the Office of Child Support Enforcement (OCSE) in establishing paternity or establishing, modifying or enforcing child support obligations from both parents. However, nonparent caregivers can only be expected to cooperate to the extent that they can.

The nonparent caregiver may attest to lack of knowledge of the parents' whereabouts, claim good cause for not cooperating, or request a domestic violence (DV) waiver from cooperation when there are safety concerns with cooperating. Additionally, in certain circumstances the child support program may also provide services without the involvement of the nonparent caregiver.

If the nonparent caregiver fails to cooperate with child support requirements and a DV waiver or good cause claim is not approved, the IV-D sanction (Title IV-D of the Social Security Act of 1975) must be imposed, which results in a 25-percent reduction in the needs of the child(ren).

Budgeting

Nonparent caregiver cases can be budgeted either as a regular grant or as a room and board allowance, depending on whether the nonparent caregiver charges the child(ren) room and board or rent. With the shelter schedules that became effective November 1, 2003, in most instances, the regular grant will provide more money for the child(ren) than a room and board rate with the personal needs allowance since the maximum amount that can be granted for room and board is the sum of the basic allowance, HEA, SHEA and the monthly shelter allowance without children.

If the nonparent caregiver is charging rent, a fuel allowance must also be provided if the nonparent caregiver provides documentation that s/he or his/her spouse (living in the household or was living in the household but is now deceased) incurs a heating expense and is the tenant and customer of record for his/her residence.

Dependent Benefits

The nonparent caregiver who is caring for a child(ren) whose parents are disabled or deceased should apply for Social Security benefits on behalf of the child(ren). If the nonparent caregiver adopts the child(ren), they may be able to add the child(ren) to his/her Social Security benefit claim. Workers must close or deny the case for failure to apply for Social Security benefits on the child(ren)'s behalf.

Child Care

Because the inability to pay for child care can jeopardize the nonparent caregiver's employment as well as his/her ability to continue to provide care for the child(ren), assistance can be paid to secure and maintain child care services for nonparent caregiver cases.

See PD #01-74-EMP

Camp Fees

Nonparent caregivers can also receive camp fees for the child(ren). When funds cannot be obtained from another source, camp fees can be paid for children who are in receipt of Federally funded FA and Safety Net Assistance-Federally Participating (SNA-FP). The amount that may be authorized is \$400 per year, not to exceed \$200 per week.

Food Stamp (FS) Requirements

Nonparent caregivers who apply for FS benefits for a child(ren) in their care who is under the age of 18 will usually be included in the child(ren)'s FS household. For each case a determination must be made to see if the child is under the parental control of the nonparent caregiver. If the nonparent caregiver must be included in the FS household, the nonparent caregiver will be required to provide his/her Social Security number, date of birth, citizenship/alien status, income and resources.

An individual who is 60 years of age or older (and the spouse of such individual) who is living with others and is unable to purchase and prepare meals because s/he suffers from a disability considered permanent under the Social Security Act or who suffers from a non-disease-related, severe permanent disability may be a separate household. However, the income of others with whom the individual resides cannot exceed 165 percent of the poverty level.

Medicaid Requirements

Nonparent caregivers may apply for assistance for the child(ren) under 21 years of age.

Nonparent caregivers who are not applying for assistance for themselves are not required to provide their income, resources or demographic information. However, the nonparent caregiver's identity must be verified.

Pamphlet for Nonparent Caregivers

OTDA is issuing an informational pamphlet to enable nonparent caregivers to access public resources more readily for a child(ren) under their care.

The OTDA pamphlet will be issued under separate cover.

Effective Immediately

Related Items:

PB #05-126-ELI
PD #01-74-EMP
PD #03-41-OPE

References:

05-INF-24
00-INF-6
01-INF-12
01 ADM-04
91 ADM-3
FSSB Sec. 18, page 383
GIS 02 TA/DC 010
18 NYCRR 352.7(i)
18 NYCRR 352.30(d)(4)
18 NYCRR 387.1(w)(2)(ii)