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## Informational Letter

### Section 1

<b>Transmittal:</b>	05-INF-24
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Employment and Transitional Supports (DETS)
<b>Date:</b>	November 9, 2005
<b>Subject:</b>	TA Policy: Non-parent Caregiver Cases and Temporary Assistance
<b>Suggested Distribution:</b>	Temporary Assistance Directors Food Stamp Directors Medicaid Directors Staff Development Coordinators Child Support Coordinators
<b>Contact Person(s):</b>	TA Policy Questions: Cash Assistance Bureau at 1-800-343-8859 extension 4-9344 Medicaid: Upstate Regional representatives at (518) 474-8887 New York City representatives at (212) 417-4500
<b>Attachments:</b>	none
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
01 INF-12 01 ADM-4 00 INF-6 99 ADM-5 91 ADM-3 87 ADM-51		351.1(b)(2) 351.2a 352.5 352.29(e) 352.31(d)(e) (f) 352.7(i) 370.3 372 384		TASB 14-B-2; FSSB Section 18	GIS 02 TA/DC 010

### Section 2

#### I. Purpose

The purpose of this release is to provide districts with information that will assist them in serving the needs of non-parent caregivers who apply for or receive Temporary Assistance (TA) for children for whom they are not legally responsible.

## **II. Background**

Parental substance abuse, incarceration, HIV/AIDS and mental health problems have all contributed to an increase in the number of children living with grandparents, other relatives and family friends. In addition, new laws have required that information be provided to grandparents and other relatives when a local social services district (SSD) is removing or placing an abused or neglected child or considering a request for a voluntary placement of a child. As a result, considerable attention has been focused on placing children with non-parent caregivers as an alternative to foster care. Generally, this is more beneficial to the child(ren) and less costly to the district than is foster care. In addition, many grandparents, relatives and family friends, if they have the choice, do not want to become involved in the foster care system for a variety of reasons. In many of these situations, the non-parent caregivers have sufficient income to care for their own needs and that of their family. However, their income is insufficient to provide for the additional needs of the child or children in their care. In order to receive additional financial assistance many of these grandparents, relatives and friends must apply for TA for the child(ren) in their care.

The American Association of Retired People's (AARP) New York State Office in conjunction with the New York Kincare Coalition held a Kincare Summit on November 16, 2004. This summit dealt with the myriad of problems and barriers non-parent caregivers experience as they attempt to raise children that have been either left in their care or who have been placed in their care as an alternative to foster care.

At the conference, TA was identified as one of the five core service areas that non-parent caregivers can utilize as a resource. The conference also focused on identifying barriers that non-parent caregivers face as they try to access TA programs. As a result, this INF will outline some key areas that districts should focus on when dealing with non-parent caregiver cases.

## **III. Program Implications**

### **A. Temporary Assistance**

It is important to remember that children only cases fall into two distinct groups.

**This INF addresses the non-parent caregiver cases.**

#### **Households with Parents not TA eligible**

SSI Parent(s) with TA case for Child(ren)

Ineligible Immigrant Parent(s) with TA case for Child(ren)

Sanctioned Parent(s) with TA case for Child(ren)

#### **Non-parent Cases**

Relative Caregiver with TA case for Child(ren)

Non-relative Caregiver with TA case for Child(ren)

## **Inconsistent Terminology**

Inconsistent terminology is one barrier that was identified by the non-parent caregivers, advocacy organizations, public agencies, service providers and staff from the Division of Employment and Transitional Supports (DETS). For example, “Other Than Grantee (OTG),” “for child,” “non-legally responsible relative” and “Kincare cases” are all terms used by different agencies.

It is strongly recommended that *Non-parent Caregiver* now be used when referring to a case where there is a non-legally responsible caregiver caring for a child(ren) for whom they are applying for or receiving TA. We are recommending that all SSDs adopt this new terminology effective as soon as possible.

## **Sensitivity**

SSD staff should be aware of the sensitivity that is needed when dealing with this population. It may be necessary for staff to question non-parent caregiver applicants to determine if they are applying for the entire household or the child(ren) only. Many non-parent caregivers are overwhelmed with their new responsibilities. Along with this, many have never had to access TA programs before nor do they have knowledge of what programs are available or even that the child they are caring for may be eligible for TA. Because of this, SSDs should expect the non-parent caregivers to ask questions such as: “What is the effect of the child’s TA grant on my SSI?” “Why do I have to answer all of the questions on the application?”; “Can I get a child care subsidy?”; and, “Why do I have to comply with child support requirements?”

Non-parent caregivers may also confuse TA with “Kinship Foster Care.” Kinship foster care involves placement of children in foster care after removals or voluntary placements. In many instances non-parents who have assumed care giving responsibilities are not eligible to become foster parents.

## **Effect of the Child’s TA on the Non-parent’s SSI Benefits**

If the non-parent caregiver is in receipt of SSI and is receiving the live alone rate, currently \$666, the child(ren) moving in with them would move them to the living with others rate, currently \$602.

## **Application Process**

Non-parent caregivers have identified the application process itself as being a barrier to obtaining necessary assistance for the child(ren) in their care. An informational pamphlet is currently being developed to be distributed to non-parent caregivers. This pamphlet will provide information that should enable the non-parent caregiver to access TA resources more readily.

**Non-parent caregivers who seek TA do not need to have court-ordered custody of the child(ren) in their care, nor do they need to pursue guardianship to be eligible for a TA grant for the child(ren).**

Many SSDs mandate pre-interview requirements such as employment activities, compliance with child support and enrollment in the automated finger imaging system (AFIS). While this is acceptable for most applicants, **non-parent caregivers are not required to be involved in employment activities or be enrolled in AFIS.** Therefore, they should be an exception to these pre-interview requirements. The only mandated pre-interview requirement for this population is compliance with child support. Additionally, non-parent caregivers are not subject to TA drug/alcohol (D/A) screening requirements. However, if a D/A problem is apparent workers may offer the services of a CASAC who could provide treatment options.

Questions will arise as to the need for the non-parent caregiver to complete all of the questions on the application form, as well as the need to provide all of the documentation that is required. Federal Reporting requirements mandate that relative non-parent 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 the relative non-parent caregiver refuses to provide information on their income and resources the application must be denied. Relative non-parent caregivers do not have to provide their SS#, date of birth, citizenship/alien status, education level or veterans status. This should be explained to the relative non-parent caregiver. 01 ADM-04 provides clarification on federal reporting requirement mandates and also instructions for WMS and ABEL entries. As always, the need to provide information on income and resources does not apply if the non-parent caregiver is a non-relative.

In order to correctly determine case type, proof of relationship is required, 00 INF-6 addresses the documentation that is acceptable to establish relationship for non-parent caregiver cases.

When the non-parent caregiver is not related to the child(ren), the case must be a Safety Net Assistance case. Normally, Safety Net applicants have a 45-day waiting period. However, it is reasonable for SSDs to view preventing the need for foster care as an emergency need and make payments within the 45-day period.

## **Child Care**

The expense of child care for an employed non-parent caregiver can cause hardship for the household. SSD staff should explore the need for child care with the non-parent caregiver and if needed, make the appropriate referral for child care services. Inability to obtain and pay for child care can jeopardize the non-parent caregiver's employment as well as their ability to continue to provide care for the child(ren).

If a non-parent caregiver paid someone to care for a child or dependent so they could work, they may be able to reduce their tax by claiming the credit for child and dependent care expenses on their federal income tax return. This credit is available to people who, in order to work or to look for work, have to pay for child care services for dependents under age 13. The credit is also available if they paid for care of a spouse or a dependent of any age that is physically or mentally incapable of self-care. SSD staff should advise non-parent caregivers who pay for child or dependent care of the child and dependent care credit.

## **Earned Income Tax Credit (EITC)**

The Earned Income Tax Credit (EITC) is available to families with children, single individuals and childless families who have earned income. It has proven to be the Nation's most effective tool at increasing the labor force participation of low skilled workers, as well as an efficient means of

augmenting the declining real wages paid to such workers. The EITC was originally designed not to provide a work incentive or to supplement income, but to offset the regressive nature of payroll taxes paid by low earners. The EITC is a resource of which the non-parent caregiver may not be aware. While SSD staff may not be able to answer questions regarding the EITC, it would be helpful for them to refer the non-parent caregiver to the IRS website, their local tax preparer or a local Volunteer Income Tax Assistance (VITA) site if one is available.

## **Child Support**

The current policy (99 ADM-5) for cooperation with child support would apply to the non-parent caregiver as it does for a parent when applying for TA on behalf of a child in their care. That is, they would need to cooperate with Child Support Enforcement in establishing paternity or establishing, modifying or enforcing child support obligations from both parents. However, non-parent caregivers can only be expected to cooperate to the extent that they can. They may attest to no knowledge or claim good cause or a domestic violence (DV) waiver from cooperation where there are safety concerns. Additionally, the child support program may also provide services without the involvement of the non-parent caregiver in certain circumstances.

If the non-parent caregiver fails to cooperate with Child Support requirements and a DV waiver or good cause claim is not approved, an IVD sanction must be imposed (01 INF-12) which results in a 25% reduction in the needs of the child (ren).

## **Budgeting**

Eligibility for TA is based solely on the child(ren)'s income and resources. As stated above, for Federal reporting requirements, the relative non-parent caregiver must provide their income and resources. However, they do not need to verify this information.

Non-parent caregiver cases can be budgeted either as a regular grant or as a room and board allowance, depending upon whether the non-parent caregiver charges the child(ren) room and board or rent. With the new shelter schedules that were effective November 1, 2003, the regular grant in most counties will provide more money for the child (ren) than a room and board rate with the personal needs allowance. If the non-parent caregiver is charging rent, a fuel allowance must also be provided if the non-parent caregiver provides documentation that they or their spouse (living in the household or was living in the household but now is deceased) are the tenant and customer of record for their residence. (91 ADM-3)

## **Examples**

- A. Mrs. Adams is applying for her grandson in Albany County. She is charging her grandson \$214 in monthly rent and her fuel is natural gas. Mrs. Adams provides the documentation that she is the tenant and customer of record. The budget for Mrs. Adams grandson would be:

Basic	\$112.00
HEA	\$ 14.10
SHEA	\$ 11.00
Shelter allowance with children	\$214.00
Fuel	\$ 58.00
<b>Total Grant</b>	<b>\$409.00</b>

B. Mrs. Jones is applying for her grandson in Albany County. She is charging him room and board of \$321.00 (Which is the maximum that can be provided). The budget for Mrs. Adams grandson would be:

Personal Needs Allowance	\$ 45.00
Room and Board*	\$ 321.00
<b>Total Grant</b>	<b>\$366.00</b>

\*The maximum amount that can be granted for room and board that is provided by an individual, family or commercially operated boarding house is the sum of the basic allowance, HEA, SHEA and the monthly shelter allowance without children.

C. Mr. Green is applying for his granddaughter in Albany County. He is charging his granddaughter \$214 in monthly rent and his fuel is natural gas. Mr. Green provides the documentation that he is the tenant and customer of record. Mr. Green's granddaughter receives \$88.00 per month in Social Security Survivors benefits. The budget for Mr. Green's granddaughter would be:

Basic	\$112.00
HEA	\$ 14.10
SHEA	\$ 11.00
Shelter allowance with children	\$214.00
Fuel	\$ 58.00
<b>Total Needs</b>	<b>\$409.00</b>
Minus unearned income	<u>-88.00</u>
<b>Total Grant</b>	<b>\$321.00</b>

### Additional Information

- Local districts have the option to request a waiver from the Division of Employment and Transitional Supports (DETS) that would allow one face-to-face TA recertification every 24 months for non-parent caregiver cases. Non-parent caregiver TA cases normally will not have FS authorized through them. However, in the event that a case has FS issued on a non-parent caregiver TA case, the case would not be eligible for the 24 month waiver. Rather, districts should explore the possibility of exempting the client from a face-to face recert under FS exemption rules.

This waiver would require a recertification mailer to be sent in the 11<sup>th</sup> month of the certification period to be returned and processed in the 12<sup>th</sup> month. Also, districts will not be able to assign a 24 month TA certification period on WMS as Medicaid requires that certification periods be limited to 12 months in these specific circumstances. Rather, districts will need to assign a new 12 month TA certification period waiver following the return and processing of the mail-in recertification.

Districts can submit their waiver request to:

Russell Sykes, Deputy Commissioner  
 Division of Employment and Transitional Supports  
 40 North Pearl St. 11<sup>th</sup> Floor  
 Albany, NY 12243

- There are many websites that have valuable information for non-parent caregivers. Districts may find that non-parent caregivers will have questions that do not pertain to TA, such as medical or legal issues. In these cases, it may be helpful for both the district and the non-parent caregivers for the district to give the following websites as a source of information.

[www.grandparentagain.com](http://www.grandparentagain.com)

[www.parentsagain.com](http://www.parentsagain.com)

[www.aarp.com](http://www.aarp.com)

<http://aging.state.ny.us>

[www.grandparentsforchildren.org](http://www.grandparentsforchildren.org)

[www.grandparentsrightsllaw.com](http://www.grandparentsrightsllaw.com)

- Non-parent caregivers who are caring for child (ren) whose parents are disabled or deceased should apply for Social Security benefits on behalf of the child (ren). If the non-parent caregiver adopts the child(ren), they may be able to add the child(ren) to their Social Security benefit claim.
- Camp fees can be utilized to provide respite for non-parent caregivers. When funds cannot be obtained from another source, camp fees can be paid for children who are in receipt of federally funded FA and SNA-FP. The amount that may be authorized is established at \$400.00 per year, not to exceed \$200.00 per week (GIS 02 TA/DC 010 dated 4/10/02).
- The NYS Office of Children and Family Services has recently published a request for proposals that will result in local and regional programs receiving funding to provide services to non-parent caregivers starting in November 2005.

### **Local District Initiatives**

Several local districts have recognized the need to explore alternative procedures for non-parent caregiver cases. The following are examples of initiatives that these local districts are either exploring or have implemented. If your district is interested in more information on any of the initiatives listed, contact the Cash Assistance Bureau at 1-800-343-8859 extension 4-9344.

- Contract with an outside agency to provide full time case managers to work with non-parent caregiver cases. The case managers meet with each family to assess the household's situation, family history, educational issues and substance abuse issues. Once an assessment is made, referrals are made to appropriate providers and the case managers continued to monitor the family.
- Establish a separate caseload for the non-parent caregiver cases. Generally, this is an easier caseload for districts to manage. This allows districts to streamline services to this population.
- Establish a network of resources for non-parent caregiver cases. These include student advocacy services, respite services, support groups for the child(ren) and the non-parent caregiver and charities that could help with the cost of sports equipment, clothes, school trips etc.

- Establish a local district website that lists resources available to non-parent caregivers.
- Provide in-service training for children and family services workers to educate them on what the TA benefits are and the process of applying. Along with this, one local district has developed a packet of information for their services caseworkers to give to non-parents caregivers.

**Note:** Districts must be mindful that client compliance is only mandatory with eligibility requirements articulated in office regulations and, therefore; non-compliance with service related referrals or case management activities not specified in office regulations cannot be required as a condition of eligibility.

## **B. Food Stamps**

Non-parent caregivers who apply for food stamp (FS) benefits for child(ren) in their care who are under the age of 18 usually will be included in the child(ren)'s FS household. For each case, SSDs must determine whether the under-18 child(ren) are under the parental control of the non-parent caregiver. For example, a non-parent caregiver who receives TA for an under-18 year old child would be exercising parental control. As such, the non-parent, his or her spouse, and their own child(ren) under age 22 will be included in the under-18 child's FS household. The district may assign a 24-month FS certification period if all of the adult household members are elderly or disabled and do not have earned income.

An individual who is 60 years of age or older living with others (and the spouse of such individual) and who is unable to purchase and prepare meals because he/she suffers from a disability considered permanent under the Social Security Act (see FSSB Section 18) or 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.

## **C. Medicaid**

For Medicaid purposes, non-parent caregivers may apply for assistance for child(ren) under 21. Non-parent caregivers who are not applying for assistance themselves are not required to provide their income, resources, or demographic information. However, the non-parent caregiver's identity must be verified.

An applying non-parent caregiver may also be categorically eligible as LIF/ADC-related. The LIF/ADC-related non-parent caregiver and child(ren) may be budgeted as a single Medicaid household. However, if only the child(ren) is/are in receipt of TA, the SSD must open a separate Medicaid case for the Medicaid eligible non-parent caregiver. The non-parent caregiver's Medicaid should not be authorized through the child(ren)'s TA case.

Federal Medicaid requirements include recertification periods of no longer than 12 months. Districts that receive a DETS waiver, to allow a 24-month certification period between the face-to-face TA recertifications, must redetermine Medicaid eligibility for the children in non-parent caregiver TA cases by the end of the first 12-month certification period. Medicaid does not require face-to-face



recertifications. A recertification form must be mailed to and completed by the non-parent caregiver by the end of the 12-month certification period in order for Medicaid to continue. Failure to complete and return a Medicaid recertification requires that timely notice be provided and Medicaid discontinued.

**Issued**

**By** \_\_\_\_\_

**Name:**

**Russell Sykes**

**Title:**

**Deputy Commissioner**

**Division/Office:**

**Division of Employment and Transitional Supports**