

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



ARTHUR Y. WEBB
 Acting Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 82 ADM-65
 [Income Maintenance]

TO: Commissioners of Social Services

SUBJECT: Nafziger et al v. Blum

DATE: October 14, 1982

SUGGESTED DISTRIBUTION: All Public Assistance Staff
 All Medical Assistance Staff

CONTACT PERSON: Any questions concerning this release should be directed to Robin Ekler, Income Support Bureau, by calling (800) 342-3715, extension 3-7992 or 4-9107. Questions concerning Medical Assistance should be directed to the County Representative at extension 3-7581 or the New York City Office at (212) 488-7271.

I. PURPOSE

The purpose of this directive is to advise local social services districts that the U.S. District Court has enjoined the enforcement of New York's policy of denying ADC benefits to otherwise eligible minor caretaker relatives because the minor caretaker relative refuses to accept a parent's offer of a home.

II. BACKGROUND

Section 101 of the Social Services Law makes parents, who have sufficient ability, responsible for the support of children under age 21. Additionally, Department Regulation 352.23 requires that applicants and recipients shall generally be required to utilize available resources and to apply for and otherwise pursue potentially available resources. It has been the policy of this Department, for purposes of eligibility for cash assistance, that the offer of a home by a parent to a minor constitutes an available resource that must be evaluated and utilized, if appropriate.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		352.23 370.2(c) (3) (ii) (iii)	Section 101	Bulletin 134	GIS Message #821MDC006 Transmittal 6/16/82 Source Book Sections IX-C-1 and XXI

III. PROGRAM IMPLICATIONS

This court decision may result in additional public assistance expenditures due to increased aid to minor recipients with children as well as increased interaction with the family court system. The court order is currently under appeal.

IV. REQUIRED ACTION

Local districts must not deny or terminate ADC or MA Only benefits based upon the availability of a parent's home as a potential resource to an otherwise eligible minor caretaker relative.


NOTE: A minor caretaker relative is a parent or appropriate other relative, as defined by the ADC program, under 21, who is primarily responsible for the care of a child.

Local districts are still required to initiate proceedings to locate and/or obtain support from parents of all minor children, including ADC minor caretaker relatives.

For Home Relief cases, Department Regulation 370.2(c) (3) (i-v) still applies. This regulation states that the offer of a home by a relative shall be included in the exploration and evaluation of resources.

V. EFFECTIVE DATE

The effective date of this Administrative Directive is June 2, 1982.


Sydelle Stone Shapiro
Deputy Commissioner
Division of Income Maintenance