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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 92 ADM-2

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: January 23, 1992

SUBJECT: ADC for Children Residing With Non-Related Adults

SUGGESTED DISTRIBUTION: Public Assistance Staff
 Medical Assistance Staff
 Food Stamp Staff
 Staff Development Coordinators

CONTACT PERSON: Call 1-800-342-3715 and ask for the following:
 Income Support: Maureen Standish, extension 3-6555

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		Part 369		PASB VIII-A VIII-N-all	

I. PURPOSE

This directive advises social services districts of a clarifying amendment to Department regulation 369.1 which provides for ADC eligibility for certain children residing with non-related adults.

II. BACKGROUND

In general, children may receive ADC payments only through a relative specified in Department regulation 369.1. An amendment was made to Department regulation 369.1 to bring it into compliance with federal regulations and the State's Title IV-A State Plan. This amendment provides that, in emergency situations that deprive a child of the care of the relative through whom the child has been receiving ADC, assistance may be provided through another person; payments through such other person may be made on a temporary basis necessary to make and carry out plans for the child's continuing care and support.

III. PROGRAM IMPLICATIONS

This clarification should result in additional federal reimbursement for PG-ADC cases or HR cases.

IV. REQUIRED ACTION

Social services districts must explore the use of ADC for all PG-ADC or HR children who reside with a non-ADC eligible adult when:

- A. the living situation is the result of an emergency situation that deprives the child of the care of an ADC eligible relative (i.e. hospitalization, death, abandonment, incarceration, entrance into a substance abuse treatment facility, etc.); and
- B. the child was receiving ADC through the ADC eligible relative from whose care the child is now deprived. The child must have received ADC through the ADC eligible relative within six months prior to the child's need for continuing ADC; and
- C. the non-ADC eligible adult is acting as a caretaker on behalf of the ADC-eligible relative through whom the child had been receiving ADC. The caretaker is the person who is primarily responsible for the care of the child; and
- D. the living situation is for a temporary period necessary to make and carry out plans for the child's continuing care and support. This should be reviewed at each recertification.

If all of the above criteria are met, and EAF cannot be authorized according to Department Regulation 372.2(a)(3), ADC must be claimed for assistance provided to the child.

State A&QC staff will assist social services districts in identifying current cases for both retroactive and prospective claiming.

V. ADDITIONAL INFORMATION

Medical Assistance Implications

Children are eligible for federal financial participation for Medical Assistance expenditures until they reach the age of 21 years. This change in categorical eligibility for Public Assistance has no implications for Medical Assistance.

VI. EFFECTIVE DATE

This directive is effective March 1, 1992 retroactive to January 1, 1992.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance