

**Attachment D**

OMB Approval No. 0970-0433  
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**AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
FOSTER CARE AND ADOPTION ASSISTANCE  
STATE/TRIBE OF NEW YORK**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
CHILDREN'S BUREAU  
May 2018

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**ATTACHMENTS**

- ATTACHMENT I: CERTIFICATION
- ATTACHMENT II: ATTORNEY GENERAL/APPROPRIATE TRIBAL OFFICIAL'S CERTIFICATION
- ATTACHMENT III: TITLE IV-E ADOPTION ASSISTANCE PROGRAM SAVINGS REPORTING ASSURANCES
- ATTACHMENT IV: TRIBAL ASSURANCES
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- ATTACHMENT IX: ALTERNATE PROCEDURES FOR CRIMINAL BACKGROUND CHECKS
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**PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT**  
**FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE**

**STATE/TRIBE OF NEW YORK**

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

    New York      
(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, and Policy References and Citations for Each
<p>472(a)(2)(B)&amp;(C)                      472(a)(2)(B)(i)                      472(a)(2)(B)(ii)</p>	<p>c. whose placement and care in a foster family home, with a parent residing in a licensed residential family-based treatment facility for substance abuse, but only to the extent permitted under 472(j), or in a child care institution (as defined in section 472(c) of the Act), but only to the extent permitted under 472(k), is the responsibility of either:</p> <ul style="list-style-type: none"> <li>i. the State agency administering the approved title IV-E plan;</li> <li>ii. any other public agency with whom the State/Tribal agency administering or supervising the administration of the approved title IV-E plan has made an agreement which is still in effect; or</li> <li>iii. a Tribe that has a plan approved under section 471 in accordance with 479B; and</li> </ul>	<p>Not required until 10/1/18</p> <p><b>State Option: NYS is not planning to claim Title IV-E funding for residential family-based treatment facilities for substance abuse at this time.</b></p> <p>SSL 39 Indian affairs                      SSL 398 Additional powers and duties of commissioners of public welfare and certain city public welfare officers in relation to children</p>

<sup>1</sup> Statutory references refer to the Social Security Act. Regulatory references refer to Title 45 of the Code of Federal Regulations (CFR).

<b>Federal Regulatory/ Statutory References<sup>1</sup></b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
		<p>SSL 460-c Inspection and supervision (of residential programs for children)</p> <p>Ex. L 501 General functions, powers and duties of division (OCFS)</p> <p>18 NYCRR Part 426</p> <p>Title IV-E foster care and adoption assistance</p> <p><b>OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)</b></p>

<p>472(a)(3)(A)(i)          472(a)(3)(A)(ii)(I)          472(a)(3)(A)(ii)(II)          472(a)(3)(B)          472(j)(1)</p>	<p>d. who:</p> <p>i. Either:</p> <p>A. received AFDC, in the home referred to in section 472(a)(1), under the State plan approved under section 402 of the Act (as in effect 7/16/96) in or for the month in which either a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated;</p> <p>B. would have received AFDC, in the home, in or for such month referred to in the above clause if application for such aid had been made; or</p> <p>C. had been living with a relative specified in section 406(a) of the Act (as in effect 7/16/96) within six months prior to the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated, and would have received AFDC in or for such month if the child had been living in the home with such relative and an application had been made for AFDC under title IV-A of the Act; and</p> <p>ii. had resources (determined under section 402(a)(7)(B) of the Act as in effect 7/16/96) that</p>	<p><b>State Option: NYS is not planning to claim Title IV-E funding for residential family-based treatment facilities for substance abuse at this time.</b></p> <p>18 NYCRR Part 426          Title IV-E foster care and adoption assistance</p> <p><b>OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)</b></p>
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had a combined value of not more than \$10,000 consistent with section 472(a)(3)(B) of the Act; or

iii. Is not required to meet the AFDC requirements in 472(a)(3) of the Act because the child is placed with a parent residing in a licensed residential family-based substance abuse treatment facility (Tribes, see section 7 for related requirements in section 479B(c)(1)(C)(ii)(II) of the Act.)

472(j)

3. Licensed residential family-based treatment facility for substance abuse, means a treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; ~~and~~ under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

**State Option: NYS is not planning to claim Title IV-E funding for residential family-based treatment facilities for substance abuse at this time.**

**1356.30(f)**  
**471(a)(20)(D)**

d. In order for a child to be eligible for title IV-E funding, the licensing file for a child care institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed. State/Tribal agency shall provide procedures for any child care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal record checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code), and checks described in subparagraph (B) of this paragraph, on any adult working child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, unless the State reports to the Secretary the alternative criminal records checks and child abuse registry checks the State conducts on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the State.

Not required until 10/1/18 unless a legislative delay or title IV-E waiver delay is approved by the Secretary

See ATTACHMENT IX

**NYS submitted a request for delay due to legislative need via Attachment B on August 8, 2018.**