



Local Commissioners Memorandum

Section 1

Table with 2 columns: Field (Transmittal, To, Issuing Division/Office, Date, Subject, Contact Person(s), Attachments) and Value (23-LCM-16, Social Services District Commissioners, Employment and Income Support Programs, October 17, 2023, Temporary Assistance and Non-parent Caregiver Cases, Temporary Assistance Bureau 518-474-9344 or tabureau@otda.ny.gov, None)

Section 2

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to remind social services districts (districts) of information previously made available in 05-INF-24 Temporary Assistance Policy: Non-parent Caregiver Cases and Temporary Assistance (TA). This information will assist districts in serving the needs of non-parent caregivers who apply for or receive TA for children for whom they are not legally responsible.

II. Background

In 2005, OTDA released 05-INF-24 to address the increase in the number of children living with grandparents, other relatives and family friends. Generally, placing children with non-parent caregivers (NPCs) is more beneficial to the child than placement in foster care. However, in many cases, a non-parent caregiver's income is insufficient to provide for the additional needs of the child or children in need of placement. To receive additional financial assistance, many of these non-parent caregivers must apply for TA for the child in their care. The provision of an NPC grant can help to prevent the need for foster care services and allow a non-parent caregiver to maintain the child in their home.

III. Program Implications

Cases with children and no active adult fall into four categories, two of which are households with parents who are not TA eligible and two of which are Non-parent Caregiver cases:

Table with 5 rows: Households with parents who are not TA eligible (SSI Parent(s) with TA case for Child(ren), Ineligible Non-citizen Parent(s) with TA case for Child(ren)), Non-parent Caregiver cases (Relative Caregiver with TA case for Child(ren), Non-relative Caregiver with TA case for Child(ren))

This LCM addresses the Non-parent caregiver cases.

Inconsistent Terminology

It is strongly recommended that the term ***Non-parent Caregiver*** be used when referring to a case where there is a non-legally responsible caregiver caring for a child for whom they are applying for or receiving TA. To eliminate confusion, districts should no longer use terms such as “Child-Only”, “Other than Grantee (OTG)”, “For Child”, “Non-legally responsible relative” and “Kincare cases”, etc. to refer to the NPC population. Consistent terminology will reduce confusion for both district staff and individuals attempting to apply for an NPC grant. There are simplified documentation requirements in place for NPC cases, so it is important for districts to be able to identify these situations upon application.

Application Process and Determination of Case Type

The TA application process is often identified as a barrier to obtaining necessary assistance for the children in the care of non-parent caregivers. It is important for districts to be aware that non-parent caregivers who seek TA do not need to have court-ordered custody of the child in their care or pursue guardianship to be eligible for a TA grant for the child.

Non-parent caregivers must complete the [LDSS-2921 Application for Certain Benefits and Services](#) to apply for TA for the minor child. Federal Reporting requirements mandate that relative non-parent caregivers provide information about their income and resources on the application as a condition of eligibility for the child, however their income and resources cannot be considered when making an eligibility determination on the child’s application. Additionally, they are not required to verify their income and resources by way of additional documentation, however refusal to provide this information on the application will result in denial of the application.

Non-parent caregivers do not have to provide their social security numbers, dates of birth, citizenship statuses, education levels or veteran statuses. In addition, non-parent caregivers are not required to be involved in employment activities and are not subject to TA drug/alcohol screening requirements. However, non-parent caregivers do have to comply with child support requirements, to the extent they are able to do so.

To correctly determine case type, proof of relationship is required. [00 INF-6 Verifying Relationship of the Caretaker Relative to the Child](#) addresses the documentation that is acceptable to establish relationship for NPC cases.

When the non-parent caregiver is related to the child, the case type would be Family Assistance (FA). The exception to this is if the relative non-parent caregiver has exhausted the 60-month time limit and the child was part of the non-parent caregiver’s case for any of those 60 months, in which case the child would only be eligible for Safety Net Assistance (SNA). If the relative non-parent caregiver never had the applying child on their case for any of the 60 months, the child would be eligible for FA.

If children of different parentage are living with the same eligible relative, a single grant must be issued to meet the needs of all children in the household receiving FA.

If the child’s parent moves back into the household but is not exercising their parental rights, the child’s parent must be added to the NPC case. The non-parent caregiver would remain the payee for the case. If the parent refuses to comply with eligibility requirements the case is closed, as the child is ineligible as well.

A district who temporarily places a child with a non-parent caregiver in another county would remain fiscally responsible for the child until a permanent placement has been made.

When the child is living with a relative non-parent caregiver who is without adequate means of support, financial need shall be determined for the family unit in accordance with Public Assistance standards. Therefore, the household would be considered one (1) unit and have one (1) case. In this situation, if the relative non-parent caregiver is no longer eligible for FA due to time limits, the child would also not be eligible for FA but instead would be eligible for SNA. The district would not open an FA case for the child and a separate SNA case for the relative non-parent caregiver.

When the non-parent caregiver is not related to the child, the case must be categorized as SNA. A SNA case for a minor child residing with a non-parent caretaker is subject to time limit tracking. The 24-month SNA time limit applies, and once exhausted the case would be converted to a case type 17. SNA time limit exemptions apply **only** to adults.

Budgeting

Eligibility for TA is based solely on the child's income and resources unless the non-parent caregiver is also applying for or in receipt of TA.

NPC cases can be budgeted with a shelter allowance; with a shelter and fuel allowance; or with a room and board allowance. The budget determination would be dependent upon whether the non-parent caregiver charges the child rent or room and board, or instead provides documentation of their actual shelter and fuel expenses. A discussion should be had with the non-parent caregiver about which scenario most closely resembles the arrangement in place, and which is most financially beneficial to the family in terms of the TA grant. These scenarios are further detailed below:

- If the non-parent caregiver indicates that they charge the child(ren) rent, the shelter allowance is based on the amount of rent the non-parent caregiver charges and no fuel allowance can be given;
- If the non-parent caregiver is charging room and board, the maximum amount of room and board that can be budgeted is the sum of the basic allowance, home energy allowance (HEA), supplemental home energy allowance (SHEA) and the monthly shelter allowance without children. The budget would also include a personal needs allowance for each child on the case; or
- If the non-parent caregiver provides documentation of their actual shelter and/or fuel costs and does not indicate that they charge rent or room and board to the child(ren), then the shelter allowance is based on their documented shelter costs and the budget would also include a fuel allowance (see [91 ADM-3](#)). The non-parent caregiver must be the tenant and customer of record in order to receive a fuel allowance.

The most beneficial budgetary method will be dependent on the number of children in the household and the type of heating fuel used. For example, households with one child would receive a higher monthly benefit from budgeting rent with a fuel allowance. However, due to the personal needs allowance given in room and board situations, a household with two or more children would generally receive a higher monthly benefit from a maximum room and board allowance. This might not be true if electric heat was used.

Note: The district must determine which budgetary method is most beneficial based on the indicated shelter amount charged by the non-parent caregiver.

Example - Non-Parent Caregiver Charges Rent

Adam applies in Albany County on behalf of their two grandchildren. When Adam applies, they advise the district that they charge their grandchildren \$300.00 per month in rent.

The worker enters a shelter expense of \$300.00 in ABEL. This provides the children with a shelter allowance of \$219.00. Together with the basic allowance, HEA and SHEA the total monthly grant is \$508.00.

Example – Non-Parent Caregiver Charges Room and Board

Adam applies in Albany County on behalf of their two grandchildren. When Adam applies, they advise the district they charge their grandchildren \$300.00 per month for room and board.

The worker enters a shelter expense of \$300.00 for room and board. This provides the children with a shelter allowance of \$300.00. Together with the personal needs allowance the total monthly grant is \$390.00.

Example - Non-Parent Caregiver Shelter Expense with Fuel Allowance

Adam applies in Albany County on behalf of their two grandchildren. When Adam applies, they provide the district with verification that they pay \$300.00 per month for rent and a natural gas bill showing they are customer and tenant of record.

The worker enters a shelter expense of \$300.00 and natural gas for the fuel type in Automated Budgeting & Eligibility Logic (ABEL). This provides the children with a shelter allowance of \$219.00 and a fuel allowance of \$58.00. Together with the basic allowance, HEA and SHEA the total monthly grant is \$566.00.

Districts may authorize direct rent or room and board payments to the non-parent caregiver. These direct rent or room and board payments must be restricted in ABEL and authorized to the non-parent caregiver separately from the recurring cash grant using payment type "G1-Shelter/R&B to Guardian". The method of payment for this payment type must be "01-Unrestricted". An Internal Revenue Service 1099 report will not be generated when Welfare Management System (WMS) payment type "G1-Shelter/R&B to Guardian" is used.

Information and Resources for Non-parent Caregivers

Districts are required to provide relative and non-relative non-parent caregivers with information on:

- TA and how to apply for the child(ren) in their care;
- How to become a kinship foster parent and other options for care;
- How to contact kinship programs operated by OCFS or districts; and
- How to contact any resources operating within a district including those that provide supportive services for relative and non-relative kinship caregivers.

This information is required to be provided to non-parent caregivers in writing and must also be available through the district's website.

A brochure titled *Know Your Resources Non-Parent Caregiver Benefits* ([Pub. 5194](#)) is available to assist districts in meeting the requirement.

For additional information please see [20-ADM-05](#) *Requirement to Make Information Available to Nonparent Caregivers Relating to Available Services and Assistance Programs*.

Training

District staff are encouraged to view the Non-Parent Caregiver (NPC) training that is available on www.trainingspace.org. Enrollment by the district's Staff Development Coordinator is required.

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