



NYS Kinship Navigator

KINSHIP (NONPARENT) CAREGIVERS

HOW TO APPLY FOR PUBLIC ASSISTANCE

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IMPORTANT NOTE:

Laws and regulations governing public assistance may change. Information in this publication is no substitute for legal advice or legal counsel. This publication has three parts: part one is general information, part two is a line by line guide to the application and part three is about how to appeal a denial or a reduction of benefits.

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PART I: PUBLIC ASSISTANCE FOR NONPARENT CAREGIVERS OF CHILDREN

Special Nonparent Caregiver Financial Assistance Grants

Grandparents, other relatives, and even non-relatives who are caring for children are eligible for financial assistance from their local New York State public assistance program.

- These grants are AVAILABLE TO NON-LEGALLY RESPONSIBLE ADULTS CARING FOR CHILDREN. This means any caregiver who is not the parent of the children.
- These grants are not for parents and their children, but only for NONPARENTS CARING FOR CHILDREN.
- NONPARENT CAREGIVERS can be related or not related to the child(ren).
- NONPARENT CAREGIVER GRANTS ARE BASED SOLEY ON THE INCOME AND RESOURCES OF THE CHILD(REN)

Nonparent caregivers are required to:

- Comply with child support requirements
- Provide proof of their relationship to the child.

Nonparent caregivers are NOT required to:

Be involved in employment activities

Seek work

Be enrolled in the Automated Finger Imaging System (AFIS)

Submit to drug/alcohol screening

Show PROOF of their income and resources

Provide their social security number, their date of birth, proof of citizenship or alien status

Provide their veteran status

Have court ordered legal custody or guardianship of the child(ren).

Special Requirements Based on Relationship to the Child(ren)

Most of the funding for these grants is provided by the federal Temporary Assistance to Needy Families (TANF) program. The federal government provides funds only to relatives who are nonparent caregivers. For the local district to get these federal funds, the district must collect certain information.

- Relative Nonparent caregivers must inform the local department about their income and resources. They do not have to swear or provide proof. They only have to report their income and resources. If they do not, the federal government will not contribute its share and the local office must deny the application.

- Unrelated nonparent caregivers do not have to report their income and resources, because the federal government does not contribute any funds to these grants. Unrelated nonparent caregivers are paid solely by New York State funds. These grants are called Safety Net Assistance (SNA).

Cooperation with Child Support Collection

Nonparent caregivers are eligible for financial assistance because they are not legally responsible to support the child(ren) in their care. Parents are legally responsible to support their children - that includes children by birth, or children by legal adoption ONLY. The local office will ask you to cooperate in its seeking to collect support payments from the parents. BUT, you do not have to cooperate if you have:

- A good cause (under certain circumstances a good cause may be the reasonable fear of a parent removing the child(ren) from the nonparent's home)
- Fear domestic violence (from the parent)
- No knowledge of the parents whereabouts.

Failure to cooperate will result in a penalty. The penalty is a 25% reduction in the financial assistance grant.

Two Budgeting Option

Room and Board Allowance Grant

Regular Grant & Food Stamps

If the adult applying for the child is receiving public assistance or food stamp benefits, the child(ren) will be added to the cash assistance and food stamp case. In such instances, application for room and board may offer a better result.

Social Security Benefits

Nonparent 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). In the alternative, if the relative caregivers adopt the children, then the children can be added to their Social Security benefits as dependents.

If the parents are dead or disabled, a federal law permits grandparents to add the child(ren) to their Social Security claim, without adopting them.

Child Care

Nonparents can ask for assistance in paying for child care. However, local rules differ regarding eligibility for assistance. Assistance may depend upon your employment but in some circumstances employment is unnecessary, i.e., DSS' Preventive Services can pay for child care costs under some circumstances, even if you are not employed.

Effective April 30, 2007, all local offices must exclude adoption and foster care subsidies when determining eligibility for child care subsidies and calculation of the family share. See, NYSOCFS Local Commissioner's letter, 07 OCFS LCM 5, available at http://www.ocfs.state.ny.us/main/policies/external/OCFS_2007/.

Camp Fees

Camp fees can be utilized to provide respite for nonparent caregivers. When funds cannot be obtained from another source, camp fees can be paid for children who re in receipt of federally funded assistance, up to \$400 per year.

Food Stamps

Food Stamp budgeting follows different rules than the nonparent grants.

Nonparent caregivers who have care and control of child(ren) who are under the age of 18 are included in the Food Stamp household. This is a federal rule. **The only exception is if the nonparent or the child(ren) are disabled and must prepare their food separately.**

Medical Care

All children in New York State are eligible for health care coverage. Nonparents can apply, and the child does not have to prove alien status. The local office will determine whether Medicaid or the Child Health program will provide coverage.

Nonparent's SSI benefits

If the nonparent caregiver is in receipt of SSI and is receiving the live alone rate, the child(ren) moving in with the nonparent caregiver would change the rate from living alone to "living with others", and may result in a decreased monthly payment to the nonparent caregiver.

SPECIAL ISSUES

Parent In Home Is Over 21 Years Old

If the parent is over the age of 21, then you (the nonparent) are not legally responsible for the adult child (the parent). However, the parent must apply for assistance for themselves and their child(ren). The nonparent cannot apply for the child(ren), even if the parent is not contributing to the care of the child(ren).

Parent In Home Is Under 21 Years Old

If the parent is your child then you can apply for assistance. But your income is counted. Even if the parent is not contributing to the care of the grandchild.

Nonparent Is Receiving Public Assistance

Nonparents who are receiving public assistance for themselves cannot apply for a separate nonparent grant for the child(ren) in their care. Instead, the child(ren) will be added to their grant. The result is that the grant will be less.

SSI Benefits

Social Security benefits may no longer change the budgeting for other household members. Applicants are obligated to report any SSI benefits for anyone in the home.

Brothers and Sisters with Different Parents

Any income of half brothers or half sisters is counted against all of them.

Cite as Authority:

The New York State Office of Temporary and Disability Assistance issued an information letter to its Temporary Assistance Directors, Food Stamp Directors, Medicaid Directors, Staff Development Coordinators, and Child Support Coordinators, entitled "[TA Policy: Non-Parent Caregiver Cases and Temporary assistance](#)" in September 2005.

The New York City Human Resources Administration, Family Independence Administration, also issued policy bulletin about nonparent caregiver grants in April 2006. See Policy Bulletin #06-68-OPE.

PART II: HOW TO FILL IN THE APPLICATION

To apply for a nonparent caregiver grant, the 16 page application (LDSS-2921 Statewide) must be completed. This application is used to apply for:

- Temporary Assistance and Medical Assistance
- Temporary Assistance
- Child Care in lieu of TA
- Medical Assistance
- Medicare Savings Program
- Food Stamp Benefits
- Services, Including Foster Care
- Child Care Assistance
- Emergency Payment Only (EMRG).

If you need to apply for food stamps, you will need to apply for the entire household and ALL household income will need to be reported. This tool is not intended to assist with the application for food stamps.

Please be advised:

The Department of Human Services will attempt to recover its expenses by seeking child support from the parents. However, exceptions can sometimes be made by claiming domestic violence, another good cause, or no knowledge of the parent(s)' whereabouts.

Make a copy of your completed application before submitting it to the local office.

It is preferable that the application is hand delivered to the nearest DHS and a receipt is obtained.

The Application

Write on the top of the first page, "NPC/Room and Board"

Section 1: Nonparent caregivers seeking financial assistance for the child in their care should check "temporary assistance" or "temporary assistance and medical assistance" (if needed).

Section 2: Check requested language

Section 3: Put your name as the applicant BUT answer all questions as if the child were applying. All white sections must be completed.

Section 4: Sign section 4 only if you are applying for food stamps.

Section 5: Mark all that apply

Section 6: Indicate all household members and information requested for each family member (DOB, Sex, Relationship, and Social Security Number). If applying for NPC, you will check “TA” for each relative child in your home. If you are only applying for NPC, do not check “TA” for self or spouse, **ONLY CHILDREN**. If you are also applying for medical assistance for that child, you will also check “MA.” Be sure to complete all questions in white section. Section 6 also continues on next page, requesting information on Race/Ethnicity. Mark all that apply for each family member.

Section 7: Provide information requested on any other name for applicant or any other family member.

Section 8: List all family members in household. Indicate citizenship.

Section 9: Applicant can sign for all children under 17 years of age. For NPC application, check “TA” or “MA” for each child applying.

Section 10: Complete requested information to the best of ability. If information is unknown, indicate “Unknown” on application. Any child support that you are receiving for these children must also be included. **If child support is not in effect at the time of the application, DHS will pursue the parents for child support.**

Section 11, 12, and 13: Complete requested information. If questions do not apply, mark “N/A”

Section 14: All income for the child/children applying for NPC assistance must be documented and verified. **Remember, you are only reporting the child’s income.**

Section 15: Provide requested information

Section 16: The applicant (caregiver) must report their income in this section. The income needs to be reported, however it does not have to be verified at your appointment if you are applying for “NPC” only. Answer all questions in white section.

Section 17: Provide information for caregiver and child who are applying.

Section 18: All resource information **for the child** must be documented and verified.

Section 19: Answer all questions in white section for the child.

Section 20: Provide all requested information in white section regarding housing/shelter information. If you are only applying for the “NPC” grant, the non-parent is considered the landlord, even if you do not own the home.

Section 21: Record any other expenses child may have.

Section 22: Provide requested information. Be sure to include any information you have on whether you are receiving DHS assistance now and in the past. Provide case number and type of assistance receiving to the best of ability. Be sure to complete all information in white section.

Page 16 (Back Page): Non-parent signs their own name and dates the application.

Documents Needed:

Birth Certificate(s)

Social Security Card(s)

Proof of Legal Custody or Guardianship or proof of petition or parental designation or parental affidavit or letter

Proof of income (if any) for child (ren)

School verification (if child (ren) in school)

Application Assistance: After completion of packet, it is suggested you review all pages to be sure you have answered all questions in the white section. If you do not provide requested information there is a chance the application will be sent back, marked incomplete. DHS is required to assist the applicant in completing the application. If DHS has a file for the child (ren), the birth certificates and social security numbers may be in the file. DHS should be able to provide them.

PART III: HOW TO APPEAL A DENIAL OR A REDUCTION IN BENEFITS

If you are not permitted to apply, then ask to speak to a supervisor or the Fair Hearing Unit while you are still at the local office. You have the right to apply, no matter what reasons are given to deter you from applying. Write down details, including names of the staff and the reasons that they are giving to you.

If your application for benefits is denied, then you should appeal. Ask for a Fair Hearing as soon as possible, No later than 60 days. You can request a fair hearing at the local office or call 800-342-3444 or fax a request to 518-473-6735 or via mail to NYS OTDA, Office of Administrative Hearings, P. O. Box 1930, Albany, NY 12201.

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