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INFORMATIONAL LETTER

TRANSMITTAL: 93 INF-50

TO: Commissioners of Social Services  
 Directors of Authorized Agencies

DIVISION: Services and  
 Community  
 Development

DATE: December 1, 1993

SUBJECT: Adoption Subsidy Payments:  
 Annual Income Standards

SUGGESTED

DISTRIBUTION: Foster Care Staff  
 Adoption Staff  
 Child Welfare Executive and Supervisory Staff  
 Staff Development Coordinators

CONTACT PERSON: Your Regional Office Director  
 Metropolitan, Fred Cantlo, Dir., [0fg010] 212-383-1788  
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 Buffalo, Linda Brown, Dir., [-89d421] 716-347-3145

ATTACHMENTS: Copy of Amendment to 18NYCRR 421.24(a) and (c)  
 (Not available on line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
92 INF-51		421.24	453(3)		
93 INF-47					

The purpose of this release is to remind social services districts and voluntary authorized agencies that the annual income standards including the "Annual Income Schedule (AD-1)" found in section 421.24 of Department regulations were amended effective December 19, 1992. All districts that use the annual income standards to determine monthly subsidy payments must use the revised standards.

REASONS FOR AMENDMENTS

- \_ Section 421.24(a) and (c) was amended to:
  - more accurately reflect the requirements of section 453(3) of the Social Services Law (SSL) including the provision that the amount of the adoption subsidy payment not be less than 75 percent nor more than 100 percent of the applicable board rate, and the two options which local social services districts are permitted to use to ensure compliance with this provision.
  - replace the annual income standards with standards that are based on the most recent federal income official poverty line, as defined and annually revised by the federal Office of Management and Budget; and
  - extend to the adoption subsidy program the decision made by the Department in 1988 to change the income eligibility standards for services from standards based on state median income levels to standards based on the federal income official poverty level.

CHANGES TO ANNUAL INCOME STANDARDS

- \_ New Definitions - paragraphs (8) and (9) were added to section 421.24(a) to define:
  - State income standard means the most recent federal income official poverty line (as defined and annually revised by the federal Office of Management and Budget) updated by the Department for a family size of four and adjusted by the Department for family size.

This change means that each year the annual income standards used to determine adoption subsidy payments will change in accordance with the annual changes made to the state income standard. This will ensure that the amounts of the adoption subsidy payments more accurately reflect prevailing economic conditions. The State Income Eligibility Standards are published annually by the Department (see 92 INF-51 for the 1993 standards and 92 INF-47 for the 1994 standards which are effective 1/1/94). Adoption staff will be added to the suggested distribution list. The most recent standards must be used by districts when determining adoption subsidy payments and districts should ensure that staff responsible for determining subsidy payment amounts receive the published standards.

- Applicable State income standard means 275 percent of the State income standard.

This means that the State income standards for each family size must be multiplied by 275 percent to obtain the appropriate applicable state income standard. For example, the 1993 state income standard for a family size of two is \$9,792. The applicable state income standard for a family size of two is 275% of \$9,792 which is \$26,928.

PLEASE NOTE: Schedule AD-1 which represented similar calculations for family size but was based on the State median income level for 1987 has been deleted from the regulations. It was deleted because the process for amending regulation made it difficult to provide the most up to date income standards in a timely manner. Instead, the amendments now include a set formula which allows a district to calculate the applicable State income standard for a family size based on the most current State income standards. Consequently, local districts are able to update the annual income standards as soon as the Department publishes its annual State Income Eligibility Standards.

- Amended Procedures for Determining the Monthly Subsidy Payment - (Section 421.24 (c) (7), (9), (11) and (12)).

The annual income of the person adopting a handicapped or hard to place child may be considered only for the purpose of determining the amount of the monthly payment. Income may not be used to determine eligibility for subsidy.

- If the annual income of the person adopting the child is equal to or less than the applicable income standard, the monthly payment must be 100 percent of the applicable board rate.

- If the annual income of the person adopting is greater than the applicable state income standard, a district has two options in determining the amount of the subsidy payment:

1. The district may pay a 100 percent of the applicable board rate regardless of the annual income, or

2. The district may pay less than 100 percent, but not less than 75 percent of the applicable board rate based on the following formula:

(a) calculate the annual income of the person(s) adopting;

(b) determine what percentage the income is of the applicable State income standard; and

(c) use the revised schedule found in section 421.24 (c) (12) (i) (b) (3) (Adoption Subsidy Payment Schedule) of Department regulations to determine the amount of the adoption subsidy to be paid.

The subsidy payment must be based on the percent of the applicable board rate indicated by the annual salary of the person(s) adopting unless the person(s), voluntarily and in writing, requests and agrees to a lower rate.

The social services district is required to use the same option for all subsidized adoptions. If the district wishes to change from one option to the other option, the district must inform the Department in writing of the intended change at least 30 days prior to the effective date of the change. Once the district changes to the newly selected option, that option must be used in all subsidy agreements finalized after the effective date of the change.

a copy of the published regulations is attached for your information. The 92 INF-51 and 93 INF-47 are available in ELIB for those districts "on-line". For those districts not "on-line", hard copies of the releases were distributed to each district.

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Frank Puig  
Deputy Commissioner  
Division of Services  
and Community Development