

**CHAPTER 287. PAYMENT FOR CHILD CARE****GENERAL PROVISIONS**

Sec.  
287.1. [Reserved].

**AFDC-F PROVISIONS**

287.21. Policy.  
287.22. Definitions.  
287.23. Requirements.  
287.24. Procedures.

**Cross References**

This chapter cited in 55 Pa. Code § 225.24 (relating to procedures).

**GENERAL PROVISIONS**

§ 287.1. [Reserved].

**AFDC-F PROVISIONS****§ 287.21. Policy.**

(a) *General.* AFDC-F policy in general will be as follows:

(1) Article IV and sections 701 and 902 of the Welfare Code (62 P. S. §§ 401—448, 701 and 902); sections 401(d) and 405 of the County Institution District Law (62 P. S. §§ 2301(d) and 2305); and sections 2164 and 2168 of the County Code (16 P. S. §§ 2164 and 2168) provide the legal base for furnishing child care in a foster home or children's institution (category symbol, C-F).

(2) The AFDC-F program is intended to underscore the basic objectives of the AFDC program to maintain dependent children in their own homes and to assist parents to provide care for their children essential to their healthy growth and development. The provisions of the program safeguard the rights of the child and his parents and relatives during periods of temporary or prolonged stress when separation of the child is less damaging to the child than their remaining together.

(3) The objective during the separation is to improve conditions so that the child might return to his home or to develop other plans for the child such as placement with other relatives or adoption.

(b) *Department responsibilities in AFDC-F.* The responsibilities of the Department in AFDC-F will be as follows:

- (1) *Responsibilities through County Assistance Offices.* The Department, through its County Assistance Offices, will be responsible for:
  - (i) Providing protective services to AFDC families.
  - (ii) Referring to the County Child Welfare Office those children whose home conditions indicate that removal from their home is necessary.
  - (iii) Determining initial and continuing eligibility for AFDC-F.
  - (iv) Providing services to the family of a foster child when the family continues to receive AFDC.
  - (v) Providing medical assistance to AFDC-F children.
  - (vi) Authorizing payment for AFDC-F children.
- (2) *Responsibilities through regional offices.* The Department, through its regional offices, will be responsible for:
  - (i) Licensing or approving and supervising foster homes, including institutions.
  - (ii) Supervising the child welfare services administered by the county authorities.
  - (iii) Reviewing the service program of the county child welfare agencies for approval for grants under the Department's grant payment program.
- (c) *County child welfare responsibilities in AFDC-F.* The county child welfare agency will be responsible for:
  - (1) Placing children in licensed or approved foster homes and institutions.
  - (2) Applying for AFDC-F for children who appear eligible.
  - (3) Arranging for and purchasing the foster or institutional care for the child.
  - (4) Providing services during placement, including planning for medical and special needs of the child.
  - (5) Providing services to the relatives of the C-F child, except when an active AFDC case continues in the home.
  - (6) Billing the Department for the unmet cost of care it provides to children who are eligible for AFDC-F.

### § 287.22. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Foster care*—Substitute care in a licensed or approved home or a licensed or approved nonprofit private child care institution.

### § 287.23. Requirements.

- (a) *Eligibility for AFDC-F.* AFDC-F payments may be made to the county child welfare agency in behalf of a child who meets all of the following conditions:
  - (1) The child was removed from the home of a parent or other specified relative after April 30, 1961, by a court order based on a judicial finding that

it is contrary to the welfare of the child to remain the home of his relatives. This includes a child who is neglected, abandoned or in an environment injurious to his welfare, or considered dependent because he is without a parent or guardian, or is without proper care because of the mental or physical disability of a parent, or has been voluntarily released for adoption.

(2) The child meets one of the following conditions of dependency:

(i) Received AFDC in the month in which court action for his removal and placement was initiated, or would have received AFDC had an application been made.

(ii) Was not living with a specified relative at the time court action was initiated but had lived with such a relative within 6 months prior to court action and met other AFDC eligibility factors—age, need and deprivation—in the month court action was initiated. Financial need will be determined by applying the assistance standard to the income in the child's home in the month court action was initiated. The cost of the foster care of the child will not be included but the basic needs of the child in his own home will be. AFDC eligibility will be determined by the requirements and standards in effect at the time the court action was initiated.

(3) The child continues to meet the usual eligibility requirements of age, deprivation of parental support or care, including unemployment of the father and need.

(4) The court designates the county child welfare agency responsible for the placement, care, and supervision of the child.

(5) The child is placed in a foster home or a nonprofit, private child-care institution that is licensed or approved as meeting the standards of the Commonwealth.

(6) The county authority enters into a formal agreement with the Department to provide appropriate care and services to the foster child.

#### § 287.24. Procedures.

(a) *Determination of eligibility.* Procedures for determination of eligibility will conform with the following:

(1) *General.* The County Assistance Office will be responsible for determining the eligibility of a child for AFDC-F and for authorizing payment to the county child welfare agency. The county child welfare agency assigned by the court with responsibility for care and custody of the child will be responsible for making application for AFDC-F. The county child welfare agency will complete the Form PA 52 (Application—Foster Child Care) and submit the original and one copy to the County Assistance Office with a copy of the court order removing the child from his home. A new Form PA 52 will be submitted at reapplication. If there is no change in the original court order, a copy of the order need not be sent with the new Form PA 52. Under “Attach a copy of the Court Order,” “Court Order of (date) remains in force” will be entered.

(2) *AFDC-F application for child receiving AFDC when court action was initiated.* The County Assistance Office has the necessary resource information regarding the parents of a child who was receiving AFDC when court action was initiated. Information on the financial situation of the parents, therefore, will not have to be supplied by the county child welfare agency for the child who is identified as an AFDC recipient when the court action was initiated.

(3) *AFDC-F application for non-AFDC child.* AFDC-F application for a non-AFDC child will conform with the following:

(i) For a child who was not receiving AFDC at the time court action was initiated, the County Assistance Office must obtain information about the financial resources of the parents of the child at the time the court action was initiated. The county child welfare agency will be responsible for providing this information. The County Assistance Office will accept the information provided by the county child welfare agency without verification.

(ii) If the child was removed from the home of a relative other than a parent, the expected support from his parents determined according to the scale in § 187.24 (relating to procedures) will be the basis for deciding whether the child might have received AFDC at the time court action was initiated had application been made for him.

(iii) If the child was removed from the home of his parents, the income and other resources will be considered in the same way as for any applicant group for AFDC. The basic needs of the child will be included in the determination of eligibility for AFDC.

(iv) Factors such as the willingness of the parents to obligate real property or other resources, or to develop potential resources for their support, will not be considered in deciding whether the child would have qualified for AFDC at the time court action was initiated had application been made. However, under the Support Law (62 P. S. §§ 1971—1977), real property of the parents of the child is liable for reimbursement for assistance payments in behalf of the child. The County Assistance Office will notify claim settlement division by Form PA 173-S should AFDC-F be granted to a non-AFDC child whose parents own real property. Claim settlement division will take whatever action is appropriate to protect the claim.

(4) *Approved applications for AFDC-F.* The County Assistance Office will notify the county child welfare agency of its action on an application for AFDC-F by returning to the county child welfare agency a completed copy of the Form PA 52.

(b) *AFDC-F monthly allowances.* AFDC-F monthly allowances will be in accordance with the following:

(1) The monthly allowances for the AFDC-F payment will consist of the following:

(i) The actual monthly payment to the foster home or institution for the maintenance of the child.

- (ii) Actual payments made in the month for clothing and incidentals for the child, but not to exceed \$396 for these items in a calendar year.
- (2) No allowance will be made for medical expenses for the child. An AFDC-F child will qualify for the full range of medical services provided under the Medical Assistance Program and this program will be utilized to meet the medical needs of the child.
- (3) The County Assistance Office will issue a Form PA 5A (Medical Identification Card) to the child welfare agency in the name of the eligible child.
- (4) Payment for the medical services obtained by use of the Form PA 5A will be subject to the standards and fees set forth in § 175.71 (relating to policy).
- (c) *Income available to the child.* Income available to a child will be as follows:
  - (1) The county child welfare agency will be responsible for reporting all income available to the agency for support of the child.
  - (2) Earned income of children under age 14 will be disregarded unless the county child welfare agency reduces its payments because of the income. The earnings of a child up to age 21 who is attending school will be similarly disregarded. The income taken into account will include the following:
    - (i) Money derived from a support order on the parents of the child. The county child welfare agency will report the amount of the support order for the non-AFDC child. For the AFDC child, the County Assistance Office will have the information. The amount of the court order will be considered available to the child unless the county child welfare agency has reported to the court that the order is not being carried out. In the latter instance, the county child welfare agency will notify the County Assistance Office of the amount of support actually being paid, and the date and nature of the action it has initiated with the court in respect to enforcement of the original order.
    - (ii) Benefits such as OASDI and Veterans paid in behalf of the child.
    - (iii) Voluntary contributions received on a repetitive and predictable basis.
    - (iv) Payments from trust funds or similar sources.
- (d) *Payments.* Payments will be made in accordance with the following:
  - (1) *Amount of payment (Approved Expenditure) for an AFDC-F child.* The amount of the AFDC-F payment will be determined by the County Assistance Office. The payment will be the difference between the allowances and the child's own income as computed on the Foster Care Authorization Sheet, PA 21-PF.
  - (2) *Date AFDC-F payment begins.* A child placed in foster or institutional care without a court order may, if otherwise eligible, qualify for AFDC-F should a court order be obtained within 6 months of the removal of the child from his home. The AFDC-F payment will begin with the date of the court

order or 30 days prior to the application date, whichever is later. Payment for foster or institutional care for an eligible child will begin the latest of these dates:

- (i) The date the child was placed in foster or institutional care.
  - (ii) The date all eligibility conditions were met.
  - (iii) Thirty days prior to the date of application (Form PA 52).
- (3) *Invoices by the county authority.* Use of Forms PA 53 and PA 53-S will conform with the following:
- (i) By the tenth of the month after the calendar month in which services were provided, the county child welfare agency will send to the County Assistance Offices the original and three copies of the invoices for foster home care and institutional payments, Form PA 53 and Form PA 53-S.
  - (ii) The Form PA 53-S is a summary of the expenditures from the Form PA 53 plus the formula for determining the payment to the county authority.
  - (iii) The total adjusted net cost on the Form PA 53 will be carried forward by the County Assistance Office to the Form PA 53-S, Item A, with appropriate resulting figure changes for Items B and C. The corrected figures will be placed in red in front of the dollar signs. The new figure in Item C will then represent the approved Public Assistance obligation toward the cost of the county for foster and institutional care.
  - (iv) The signature of certification by the child welfare agency and the County Assistance Office must be original and not a facsimile.
- (4) *Transmittal of invoices.* As soon as possible but before the end of the calendar month in which the invoices are received from the county child welfare agency, the County Assistance Office will send to the Division of Finance, Harrisburg, Pennsylvania the original and two copies of the Form PA 53-S with the original and two copies of the Form PA 53 attached. A copy of each invoice will be returned to the county commissioners with the payment for the month.
- (5) *Amount of monthly AFDC-F payment.* The payment to county authorities for AFDC-F cases will be the Federal share of the net expenditures for eligible cases of the county. The net expenditure for foster and institutional care of the county for AFDC-F cases will be the total expenditure for eligible cases less refunds and receipts, adjusted by 50% for payments made by the Department under the CWS grant payment program. The county authorities will be paid 55.39% (existing rate of Federal financial participation) of 1/2 the total net expenditure for foster or institutional care of eligible AFDC-F children.
- (e) *Discontinuance of AFDC-F payment.* A child in foster or institutional care may become ineligible for AFDC-F because of changes in his income, his age, termination of school attendance, or similar circumstances, or because of changes in his parents' circumstances as they relate to deprivation of support or care as provided in § 153.43 (relating to TANF deprivation of support or care requirements). The County Assistance Office will notify the county child welfare agency by Form PA 52-C of the discontinuance of AFDC-F for the child. The effective

date of the discontinuance will be the end of the month in which the child no longer meets the eligibility conditions.

(f) *Overpayments and underpayments.* Overpayments and underpayments will be processed as follows:

(1) Overpayments due to the failure of parents or other specified relative to provide complete or correct information are referred to the Bureau of Claims Settlement as provided in Chapter 255 (relating to restitution).

(2) Other corrections, whether they are overpayments or underpayments, will be adjusted to a subsequent payment to the county authority. The child welfare agency will submit a corrected invoice with the invoice of the current month when the County Assistance Office advises the child welfare agency of a change that affects a payment already submitted to the Bureau of Finance, or when the child welfare agency discovers that information given previously was not correct.

(3) The corrected invoice will be prepared in accordance with the subsection (d)(3) with the following modifications:

(i) The changes will be itemized on a separate Form PA 53.

(ii) "Corrected Invoice" will be typed in the upper right hand corner of the form (more easily identified).

(iii) Only the information for those children for whom a correction is necessary will be listed.

(iv) The period, including the year, covered by the correction in column 3 will be given.

(v) The amount of the correction will be shown, in the appropriate column or columns for the item or items which were not correct previously. A correction that is the result of a previous overstatement of the item must be shown in parentheses.

(g) *Redetermination of AFDC-CF eligibility.* Procedures for redetermination of AFDC-CF eligibility will be as follows:

(1) *Periodic eligibility redeterminations.* Periodic eligibility redeterminations will be in accordance with the following:

(i) The County Assistance Office of the county of the child welfare agency with responsibility for the child will redetermine assistance eligibility as frequently as the situation warrants but no less frequently than every 6 months.

(ii) The eligibility factors reviewed will be as follows:

(A) *Age.* Children through age 17 will be deemed to have met the age requirement without qualification. From age 18 through 20, the child must be in regular attendance in school to qualify.

(B) *Lack of parental support or care.* The condition of the child's own parents will be the determining factor for this eligibility requirement. That is, the child will qualify for AFDC-F only if there exists a lack of parental

support or care such as would have qualified him for AFDC if he had remained in his parents' home.

(C) *Need.* The county child welfare agency with responsibility for the child will be responsible for reporting the support payments and other income available for the care of the child. Verification of information obtained from the county child welfare agency will not be required; additional information may be requested when needed.

(iii) Contacts with the parents of the child will be made by the County Assistance Office only if the parents continue to receive assistance. Discontinuance of the assistance to the parents will be the basis for immediate re-determination of the continued eligibility of the child for AFDC-CF.

(2) *Annual review and report of plan for each child Form PA 52-R.* Use of Form PA 52-R will conform with the following:

(i) The county child welfare agency will review its plan for care of the AFDC-F child at the end of each year of placement. The agency will then prepare a written report, Form PA 52-R which will include the following:

(A) The progress of the child since foster home or institutional care was initiated.

(B) His current development, including problems requiring further care and treatment.

(C) Progress in changing the home environment of the child.

(D) An evaluation of the home conditions relative to the appropriateness of returning the child to his home.

(E) The plan for the child for the ensuing year.

(F) The long range plan for the child with special consideration to alternate plan of care.

(ii) The report, Form PA 52-R, will be sent in duplicate to the County Assistance Office. The County Assistance Office will retain the copy and send the original to the regional office.

(iii) The regional office will review the report to assure that the plans for the child are in his best interest, that possibilities for care in his own home or that of relatives are being explored and developed and that continued placement in a foster home or child-care institution is necessary. The regional office will use the reports to provide technical assistance and consultative help to the county child welfare agency in providing services to children in foster and institutional care and in developing more effective services. This report will include the following:

(h) *County Assistance Office records.* County Assistance Office records will conform with the following:

(1) Information related to the child for whose care the county child welfare agency applies for payment will be included in the record of the case in which the child was a member. The case number of the child will be the record num-



ber suffixed by the appropriate category symbol such as “F” for the first case, “F2” for the second, and so forth. The case record will contain the following:

- (i) A statement of facts related to the conditions for payment.
  - (ii) The originals of Application Foster Care Payment, Form PA 52’s.
  - (iii) Copies of every court order related to the child.
  - (iv) Copies of correspondence related to the child.
  - (v) The income computation sheet.
- (2) The county office may keep a control file as record for quick reference. The method the county uses for processing the application will determine the system of filing, the location of the film, and the amount of information entered on the card.
- (3) If the other persons in the record move to another county and their record material is to be transferred, the following material on the child will be kept in the county whose child welfare agency has been given control: the date and documents mentioned in this section, and a summary of any pertinent information from the rest of the family record. Before transferring the record material to the other county, a summary of pertinent data about the child in foster care will be entered.
- (4) If the child is placed in a foster home or child care institution in another county or state, the record of the child will be kept in the county whose child welfare agency has been given control.

[Next page is 289-1.]

287-10

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