

NEW YORK STATE  
 DEPARTMENT OF SOCIAL SERVICES  
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12242  
 BARBARA B. BLUM  
 Commissioner



Districts of potential field, or of actual or fields of interest]

**INFORMATIONAL LETTER**

TRANSMITTAL NO.: 81 INF-6  
 [Services]

TO: Commissioners of Social Services

DATE: March 2, 1981

SUBJECT: Provisions of P.L. 96-272  
 Relative to Public Institutions

SUGGESTED DISTRIBUTION:  
 All Child Welfare Staff  
 Child Placement Staff  
 Fiscal Staff  
 Administration Staff  
 Medical Assistance Staff

CONTACT PERSON: Any questions concerning this release should be directed to Mr. John R. Quinn, Bureau of Program Assistance, Division of Services, by calling toll free 1-800-342-3715, extension 30658.

**I. PURPOSE**

The purpose of this letter is to inform local social services districts of the need to identify and maintain records on foster care cases likely to be affected by this provision of P.L. 96-272, so that retroactive federal reimbursement can be claimed once 18 NYCRR 369.8(a)(5) is amended.

**II. BACKGROUND**

P.L. 96-272 makes a substantial change in the definition of "child-care institutions" as used in that Section. The term "child-care institutions", as amended by P.L. 96-272 would mean "a nonprofit private child-care institution, or a public child-care institution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved by the agency of such State responsible for licensing or approval of institutions of this type, as meeting the standards established for such licensing; but the term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent".

**FILING REFERENCES**

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
		NYCRR 369.8(a)(5)		

This amendment would be effective with respect to expenditures made on or after the date of enactment of P.L. 96-272 (June 17, 1980).

III. IMPLICATIONS

The effect of this change in the definition of "child-care institutions" is to permit federal matching for maintenance payments made to children in certain public institutions which accommodate no more than 25 children. The language used in P.L. 96-272 is highly ambiguous and, until Federal regulations are promulgated clarifying the statute, it cannot be determined with certainty which public facilities are intended to be included in the Federal definition of child-caring institution.

IV. RECOMMENDED ACTION

Local districts should take necessary steps to identify and maintain records for child care situations which, based upon the new definition of "child care institution", may qualify for federal matching funds for maintenance and medical payments. Records sufficient for claiming purposes should be maintained with respect to all child care provided in public facilities for 25 or fewer children on or after June 17, 1980.

Note: No change in current claiming procedures will occur as a result of this INF. Any future changes in claiming will be clarified in a subsequent release.



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Norris P. Phillips  
Deputy Commissioner  
Division of Services