

# Operations Memorandum

## Medical Assistance OPS-13-03-01

March 20, 2013

**SUBJECT: Act 80 of 2012 and Act 91 of 2012**  
**TO: Executive Directors**  
**FROM: Richard Wallace, Acting Director, Bureau of Operations**

### Purpose

To inform County Assistance Offices (CAOs) of a change in policy regarding children receiving foster care, adoption assistance and permanent legal custodianship (PLC) subsidies due to the enactment of Act 80 of 2012 and Act 91 of 2012. This change is effective with the posting of this Operations Memorandum.

### Background

Act 80 of 2012 and Act 91 of 2012 modify the definition of “child” with regard to foster care, adoption and PLC programs from an individual under age 18 to an individual under age 21, provided certain eligibility criteria are met.

### Discussion

House Bill 1261 was signed by Governor Tom Corbett on June 30, 2012 with an effective date of July 1, 2012 and is known as Act 80 of 2012. Act 80 changes the definition of “child” with regard to receiving foster care, adoption assistance and PLC subsidies to include individuals between the ages of 18 and under 21, as long as they:

- Were 13 years of age or older before the adoption assistance agreement or subsidized PLC agreement became effective; and
- Are meeting at least one of the following:
  - Completing secondary education or an equivalent credential;
  - Enrolled in an institution, that provides post-secondary or vocational education;
  - Participating in a program actively designed to promote or remove barriers to employment;
  - Employed for at least 80 hours per month; or
  - Incapable of doing any of the activities described above due to a medical or behavioral health condition, which is supported by information provided to the County Children and Youth Agency (CCYA).

House Bill 75 was signed by Governor Tom Corbett on July 5, 2012 with an immediate effective date and is now known as Act 91 of 2012. Act 91 modifies the definition of “child” in the Juvenile Act (42 Pa. C.S. 6301 et seq.) to be consistent with Act 80 of 2012 and allows youth to resume dependency and to re-enter the child welfare system.

### **CCYA responsibilities**

- Determine the child’s eligibility for Foster Care, Adoption Assistance or Subsidized PLC and to give the necessary information to the CAO using the CCYA/JPO Request for CAO Action (CY-60) and Application for Initial Determination for Title IV-E Placement and Maintenance Medicaid (CY-61). These forms are being updated to incorporate the criteria listed above.
- Monitor the child’s compliance with the criteria listed above.
- Notify the CAO if the child is no longer eligible for benefits due to age, because the child is no longer in substitute care placement, or because the child is not meeting the criteria listed above.

**NOTE:** A child who is re-entering foster care after reaching age 18 is considered as a new custody episode. The eligibility is based on the child without regard to the parent, legal guardians or others in the home from which the child was removed as a younger child. In these instances, the removal home is the child, as a family of one. The child is considered to be “removed from themselves.”

### **CAO responsibilities**

- Authorize or discontinue MA benefits based on the information provided on the CY-60 or CY-61.
- When a CY-61 is received, calculate income and resources to determine if the child meets the AFDC-relatedness criteria for initial Title IV-E eligibility while in the removal home using the Income Calculation Worksheet for Initial IV-E Eligibility (PA 1745) to compute the income.
- Send a copy of the PA 1745 to CCYA.
- Create an alert for 90 days prior to the child’s 21<sup>st</sup> birthday to contact CCYA to begin exploration for other MA categories to ensure that if other MA criteria are not met, MA is discontinued when the child turns 21.
- If the CAO already has or receives information on the child or the family that is different from the CCYA information, the CAO will contact CCYA. CCYA decides which information is correct.

As noted above, a child who is re-entering foster care after reaching age 18 is considered as a new custody episode. The eligibility is based on the child without regard to the parent, legal guardians or others in the home from which the child was removed as a younger child. In these instances, the removal home is the child, as a family of one. The child is considered to be “removed from themselves.”

A system enhancement is being developed to increase the age cap in the Client Information System (CIS) for foster care (PC 31, PC 33, PC 35), adoption (PC 32, PC 34, PC 35, PC 36) and PLC related (PC 37) MA categories from age 18 to under 21. Until this enhancement is completed, the child must be opened in the PC 00 category. For children already receiving benefits in one of the foster care, adoption, or PLC related categories, no action should be taken on their existing benefits until after the system enhancement is completed, unless requested by CCYA.

- If an override is attempted in a Foster Care, Adoption or PLC Program Status Code, the caseworker will receive an error message.
- CIS will automatically evaluate for PC 00 if the child is 18 or older, due to the current age cap on the foster care, adoption and PLC categories.
- Individuals eligible for benefits under Title IV-B Foster Care and Title IV-E Foster Care, Adoption Assistance and PCL subsidies are excluded from copayments.
- If the child is opened for PC 00, the child’s name, recipient ID number, and eligibility begin date should be forwarded, in an email, to the PW, EmergencyMA mailbox, which can be found in the Global Address book. The information will be tracked and re-disbursed to the appropriate CAOs when the system enhancement is completed so the children may be placed in the appropriate category.

For more information regarding Act 80 of 2012 and Act 91 of 2012 and their impact on foster care, adoption and PLC policy, see attached [Draft Special Transmittal](#) from the Office of Children, Youth and Families.

### **Next Steps**

1. Share and review this information with appropriate staff members.
2. Direct questions regarding this Operations Memorandum to your Area Manager.
3. This Operations Memorandum will become obsolete when this information is incorporated into the Handbooks.