



Cash Assistance for Kinship Caregivers in New York City

I AM TAKING CARE OF A RELATIVE OUTSIDE OF THE FOSTER CARE SYSTEM. AM I ELIGIBLE FOR CASH ASSISTANCE?

A non-parent (such as a grandparent, relative, or friend) caring for a child outside of the foster care system may apply for cash assistance to help cover the costs of raising that child. This form of cash assistance is called a “non-parental caregiver grant” since the caretaker is not a parent. It is also known as a “child-only grant” since the grant only covers the child.

WHO IS ELIGIBLE TO APPLY FOR AND RECEIVE THE GRANT?

Any adult caregiver who is not “legally responsible” for supporting a child is eligible to apply. This means *any caregiver who is NOT the child’s biological or adoptive parent*. A legal custody or guardianship order is not needed. Eligibility for the child is based only on the child’s income, assets, and immigration status. The child must be a U.S. citizen or a lawful permanent resident. The caregiver’s income, assets or immigration status does not matter. There are age limits for coverage of children: a child must be either under 18 or under 19 and a full-time student.

WHAT INFORMATION DOES THE APPLICATION REQUIRE THE CAREGIVER TO PROVIDE?

A caregiver must provide the child’s birth certificate and social security number, documentation of the child’s income and assets, if any, and documentation evidencing his/her relationship to the child. A caregiver must also provide information on his/her income and assets. However, the caregiver will not have to verify this information with documentation. This information will not be taken into account in determining the child’s eligibility.

A caregiver DOES NOT need to provide his/her own social security number, date of birth, immigration status, education level or veteran's status. The grant does not require a caregiver to be employed or to take a drug or alcohol test. However, a caregiver may need to provide this information and meet additional requirements to qualify for other forms of public assistance, such as food stamps.

HOW MUCH WILL THE GRANT BE?

The amount of the grant varies depending on the needs of the child, but may be up to \$400 a month for one child and up to \$125 a month for each additional child.

WILL A CAREGIVER BE REQUIRED TO COOPERATE WITH CHILD SUPPORT ENFORCEMENT?

Yes, a caregiver must cooperate with child support enforcement unless a waiver applies (see below) and transfer the right to collect child support from the child's biological or adoptive parents to the local social services department for the time the child is receiving the grant. A caregiver must attend an appointment with the Office of Child Support Enforcement at which time he/she will be asked questions about the child's biological or adoptive parents. The caregiver may be asked to provide the parent's name, date of birth, address, phone number or other information that can help locate the parents so they can collect child support.

A caregiver who does not know this information may attest (or swear) under penalty of perjury that he/she does not have this information and the amount of the grant will not be reduced.

WHAT IF A CAREGIVER FAILS OR REFUSES TO COOPERATE WITH CHILD SUPPORT ENFORCEMENT?

If a caregiver who fails or refuses to cooperate does not have a "good cause" waiver (see below), the grant will be subject to a "sanction," which will result in the grant being reduced by 25%.

ARE THERE ANY WAIVERS FROM COOPERATING WITH CHILD SUPPORT ENFORCEMENT?

Yes. A caregiver may apply for a waiver if he/she can demonstrate "good cause." Good cause means a reasonable belief that pursuing a child support action against a parent will result in a reasonable likelihood of serious physical or emotional harm to the child or caregiver. Emotional harm includes a reasonable fear that the parent may try to remove the child from the caregiver's home or retaliate, if that fear causes emotional harm of a serious nature to the child or caregiver.

Requests for a waiver must be documented with sufficient evidence. Affidavits (sworn statements) or other documents may be required to support the claim. There will be a periodic review of whether good cause continues to exist.

WILL A CAREGIVER RECEIVE ANY OF THE CHILD SUPPORT THAT IS COLLECTED?

The social services agency will give the caregiver the first \$100 per month for one child and the first \$200 per month for two or more children of child support collected, but the agency will keep the remainder of the money to reimburse it for the public assistance paid. This amount collected will not reduce public assistance payable to the child. If the amount of child support collected is more than the amount of cash assistance, the caregiver is entitled to keep the excess amount.

WILL RECEIVING THIS GRANT REDUCE OTHER BENEFITS A CAREGIVER RECEIVES?

Maybe. If a caregiver is receiving SSI, the SSI amount would be reduced because the caregiver would be moved from the living alone rate to the living with others rate. In addition, the child cannot receive both

this form of cash assistance and SSI. If the child may be eligible for SSI, the child must apply and cooperate in applying for SSI. Contact MFY (see below for contact information) with specific questions about how this cash assistance may impact other benefits.

WHAT HAPPENS IF THE CAREGIVER ADOPTS THE CHILD?

If a caregiver adopts the child, he/she will no longer be eligible for this grant because adopting a child makes the caregiver legally responsible for providing financial support for the child.

HOW DOES A CAREGIVER APPLY?

Apply at a public assistance job center. Call 311 or go to <http://www1.nyc.gov/site/hra/locations/job-locations.page> to find the closest location.

The child and caregiver may be eligible for other forms of public benefits as well, such as food stamps, Medicaid or other health care benefits, social security disability, or subsidized child care.

WHAT IF A CAREGIVER APPLIES FOR THIS GRANT AND IS DENIED?

The caregiver has a right to appeal the denial and request a fair hearing. An appeal must be filed in a timely manner, so the caregiver must make sure not to miss any deadlines.

WHO CAN I CONTACT IF I HAVE QUESTIONS?

If you are a grandparent or other relative applying for cash assistance on behalf of a child for whom you have been caring, you may contact MFY Legal Services, Inc.'s Kinship Caregiver Law Project for advice and possible free legal representation. You can speak with an attorney on Wednesdays and Fridays between 10 a.m. and 5 p.m. by calling 212-417-3850.

If you have been denied a grant you may contact MFY's Government Benefits Project for advice and possible free legal representation. You may speak with an attorney on Mondays between 10 a.m. and 2 p.m. by calling 212-417-3732.

**DISCLAIMER: This fact sheet gives general information
For NYC residents; it is NOT legal advice.**