

**CATEGORICAL FACTORS****CHILDREN IN FOSTER CARE**

**Policy:** All children in foster care who are in the care and custody of the Office for Children and Family Services commissioner or local district commissioner, and who are citizens or have satisfactory immigration status, are categorically eligible for Medicaid. In addition, children adjudicated as juvenile delinquents pursuant to Article 3 of the Family Court Act and placed into the custody of the Office of Children and Family Services, pursuant to Section 353.3 of the Family Court Act, and who are citizens or have satisfactory immigration status, are categorically eligible for Medicaid.

**References:** SSL Sect. 366.3(a)  
Dept. Reg. 360-3.3(a) (4)  
GIS 05MA/041

**Interpretation:** All children in foster care are categorically eligible for full Medicaid coverage, regardless of their Title IV-E status, as long as they are citizens or have satisfactory immigration status and are otherwise eligible. A separate Medicaid financial determination is not necessary.

All children adjudicated as delinquents under Article 3 of the Family Court Act and placed in the care and custody of the Office of Children and Family Services pursuant to Section 353.3 of the Family Court Act are categorically eligible for full Medicaid coverage, regardless of their Title IV-E status, as long as they are citizens or have satisfactory immigration status and are otherwise eligible. A separate Medicaid financial determination is not necessary.

The district making the foster care payment is responsible for the child's Medicaid, as long as the child remains a resident of New York State. If a child enters certain facilities certified by the Office of Mental Health (OMH) or the Office of Mental Retardation and Developmental Disabilities (OMRDD), the State may be