

**TO:** Local District Commissioners, Medicaid Directors

**FROM:** **Deborah McClure**  
Director, Bureau of Medicaid Long Term Care Policy  
Division of Program Management and Development

**SUBJECT:** Legacy Status and Eligibility Criteria for Children Under 21  
Seeking PCS/CDPAP Services

**EFFECTIVE DATE:** Immediately

**CONTACT:** services@health.ny.gov

The purpose of this General Information System (GIS) message is to inform the Local Departments of Social Services (LDSS) about their responsibilities and actions regarding the assessment criteria and Legacy Status of children under 21 years of age seeking personal care services (PCS) and consumer directed personal assistance services (CDPAS).

Children under 21 are not required to meet the Minimum Needs Requirements and must be assessed for PCS/CDPAS using Legacy Criteria. See [25 OHIP/ADM-03](#).

The LDSS will conduct reassessments for children under 21 as follows:

- Children who were assigned PCS/CDPAS Service Legacy on September 1, 2025 retain their Legacy status:
  - The LDSS will assess using Service Legacy Criteria before and after the child turns 21. Because these children have continuing Service Legacy, they do not need education about minimum needs.
- Children who had a valid assessment completed after August 31, 2024, and before September 1, 2025, who were not yet authorized for PCS/CDPAS through the LDSS must be granted Service Legacy status if services are authorized within one year of that assessment.
  - The LDSS will assess using Service Legacy Criteria before and after the child turns 21. Because these children have continuing Service Legacy they do not need education about minimum needs.

**Note:** The LDSS must update Service Legacy status if the PCS/CDPAS authorization happens within one year of the date of the finalized assessment. If services are not authorized, the individual should be referred back to NYIAP for a new assessment.

- Children who were assessed after September 1, 2025 will not be granted continuing Service Legacy. However, these children will be assessed using legacy criteria through age 20.
  - The LDSS will assess these children using Service Legacy Criteria until they turn 21.
  - The LDSS will provide education to children receiving PCS/CDPAS at their reassessment prior to turning 21 that they will be required to meet the Minimum Needs Requirements at the first assessment after turning 21 to continue receiving PCS/CDPAS.
  - The LDSS will assess using the Minimum Needs Requirements once the child turns 21 years of age.