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| ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 93 ADM-39

TO: Commissioners of
Social Services

DIVISION: Services &
Community
Development

DATE: December 29, 1993

SUBJECT: Use of EAF for the Provision of Services

SUGGESTED

DISTRIBUTION: | Child Welfare Executives and Staff
| Public Assistance Staff
| Medical Assistance Staff
| Family & Children Services Staff
| Staff Development Coordinators
| Accounting Supervisors

CONTACT

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ATTACHMENTS: | There are no attachments to this ADM.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
84 ADM-4	77 ADM-21	Part 372 Part 423.5 (i) Part 600.3 Part 628.1 Part 628.2			

I. Purpose

The purpose of this release is to provide clarification and direction to social services districts regarding changes in the Department's approach to the utilization of the Emergency Assistance to Needy Families with Children (EAF) program as it relates to the provision of services including foster care maintenance. To effect these changes, we are cancelling Administrative Directive 77 ADM-21 "Clarification of Department Policy on the Use of Emergency Assistance to Needy Families with Children for the Provision of Services". Administrative Directive 84 ADM-4 "Local Social Services District Implementation of Title IV-E Foster Care Adoption Assistance (FCAA)" was cancelled by 93 ADM-34.

II. Background

Historically, as outlined in 77 ADM-21 and 84 ADM-4, the authorization and claiming of EAF for all services including foster care was related to the estimated periods of time services would be needed or to the general services eligibility redetermination requirements.

More recently, the Department has interpreted the applicable federal regulations and 18 NYCRR Part 372 covering the EAF program to mean that EAF claiming can continue until the needs arising from the emergency cease to exist. For example, federal reimbursement under EAF may continue to be claimed for as long as placement in foster care is required.

III. Program Implications

Any services (e.g., protective, preventive, foster care, etc.) required as a result of the emergency situation which led to the eligibility of the family for EAF shall be provided and are subject to federal reimbursement under EAF as specified in 18 NYCRR 372.4.

As indicated in department regulations (ref. 423.5(i), 600.3, 628.1 and 628.2), districts are required to follow Department claiming requirements and to maximize all available federal reimbursement.

Since all services needed as a result of the emergency can be provided under EAF, EAF eligibility shall not be limited to any specific service and should remain in effect until the emergency is remedied. However, the local district must review the continuation of the emergency situation at each service plan review and must document in the child's uniform case record that the needs arising from that emergency continue. Examples of when there is a determination that the emergency no longer continues is where the permanency planning goal is or has been changed to "independent living" or "adult residential care", when the child is discharged from foster care to a parent or relative without a need for continuing protective or preventive services, or when a child becomes freed for adoption as a result of the termination of parental rights or the surrender of custody and guardianship.

As part of the implementation of the above policy change, the Department is cancelling 77 ADM-21. Instead, local districts should utilize 18NYCRR Part 372 and this ADM for direction on policy and procedures covering the use of EAF for services. An LCM will be released shortly detailing the overall EAF eligibility process for services.

IV. Required Action

Districts should also take steps to ensure that authorization forms establishing eligibility for EAF are prepared as soon as practicable following the determination of an emergency.

Local districts must ensure that all cases are individually assessed for EAF eligibility and that they document their determinations.

To ensure that EAF eligibility and related authorization requirements are accommodated for as long as the services are needed, the Department recommends the continued use of EAF eligibility/authorization forms (i.e., form RES-1 (NYC), and the form entitled, "Determination of Eligibility for EAF" (Upstate)) currently utilized by local districts.

The reimbursement of services under the EAF program in no way relieves Districts from complying with the specific foster care, protective and preventive services program requirements and related conditions for state reimbursement, including but not limited to legal and case management responsibilities such as court orders, case plans (UCR's), foster care home approvals and periodic eligibility redeterminations. Please note that for foster care, Title IV-E remains the program of first choice.

Regional Office staff of Quality Assurance & Audit are available to assist local districts in implementing the requirements outlined in this ADM.

V. Systems Implications/Claiming

WMS Services cases should be opened or updated in the usual manner. For EAF eligible individuals where EAF is the primary category, use the WMS eligibility code 04-EAF and follow the normal conventions in authorizing Direct Services and the corresponding POS lines.

In foster care cases where IV-E (eligibility code 02) is the primary category, a suffix code of E is required to claim both Direct and POS services when they are EAF eligible. For example, the Direct components 08 (Foster Care) and 08E (Foster Care-EAF) would be authorized; to claim room and board as IV-E, authorize a POS line of 61 (regular service and maintenance); to claim tuition as EAF, authorize POS 65E.

A more detailed explanation of the systems coding and claiming requirements will be provided in the LCM referenced in Section III on EAF eligibility.

VI. Effective Date

The effective date of this ADM is December 31, 1993, retroactive to October 1, 1991. This effective date was selected on the basis that retroactive claiming is limited by federal policy to 24 months from the month of payment.

Frank Puig
Deputy Commissioner
Division of Services and
Community Development