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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 93 ADM-39
 REVISED

TO: Commissioners of
 Social Services

DIVISION: Services &
 Community
 Development

DATE: September 30, 1996

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.
93 ADM-34	77 ADM-21 84 ADM-4	Part 372 Part 423.5 (i) Part 600.3 Part 628.1 Part 628.2			(94 LCM-52)

I. Purpose

The purpose of revising this release is to provide updated 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 previously cancelled 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 also subsequently cancelled by 93 ADM-34.

II. Background

Historically, as had been 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.

In 1993, as indicated in the original issuance of this Administrative Directive and 93 ADM-34, the Department 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, and that there are no time limits to the utilization of EAF for services as long as the local district's approach is consistent with the policies of the Division of Temporary Assistance. For example, federal reimbursement under EAF may continue to be claimed for as long as placement in foster care is required. More recently, it has come to our attention that other States are utilizing an even more expansive approach to EAF coverage of Child Welfare services, including Protective, Preventive and Foster Care. On this basis, we believe it appropriate to clarify the examples below in Section III's Program Implications indicating when the emergency is deemed to have ended.

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 are: where the permanency planning goal is or has been changed to "independent living" and the child is indicated in CCRS as in "trial discharge" status, or where the child is discharged from Foster Care to a parent or relative without a need for continuing Protective or Preventive Services. Another example of where the emergency no longer continues is when a foster child with a permanency goal of adoption and who has been legally freed for adoption is placed in an adoptive home. In the situation of a child with a permanency goal of adult residential care, the emergency no longer continues where the child is discharged to such residential program. 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.

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 was provided in 94 LCM-52.

VI. Effective Date

The effective date of this ADM remains December 31, 1993, retroactive to October 1, 1991.

Rose M. Pandozy
Deputy Commissioner
Division of Services and
Community Development