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INFORMATIONAL LETTER

TRANSMITTAL: 95 INF-36

TO: Commissioners of  
 Social Services

DIVISION: Economic  
 Security

DATE: October 18, 1995

SUBJECT: Questions and Answers from the  
 Regional Forums on Article VII

SUGGESTED

DISTRIBUTION: Income Maintenance Directors  
 Medical Assistance Directors  
 Food Stamp Directors  
 Staff Development Coordinators  
 CAP Coordinators

CONTACT PERSON: 1-800-343-8859 and ask for the following:  
 Economic Security - call the contact persons and  
 extensions listed within this letter  
 Medical Assistance-contact Shari Niedbalec ext. 3-5503

ATTACHMENTS: Questions and Answers (Available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
95 ADM-10		310	381	SSL 101	PASB 45 CFR 233.
94 ADM-20		311	384	131.6	V-F-9-all 107
93 ADM-8		313	620		VIII-J-all ABEL Trans-
92 ADM-26		352			VIII-T-1.4 mittal
82 ADM-65		358-3			IX-B-all 95-2
		359			XIII-D-2.2 BICS FISCAL
		369			XIV-H-3.4 UPDATE
		370			XIX-A-all 7/10/95
					XXI-J-all GIS 95 ES/-
					XXII-C-all DC012
					FSSB
					V-A-all

The purpose of this letter is to transmit the attached questions and answers from the regional forums on Article VII changes. It was not possible to answer many of these questions on-site at the regional meetings. The material is divided into twelve parts: Home Relief (HR) Repayment Agreement; Utility Arrears Repayment Agreement; Reduction of State Reimbursement for Security, Broker's/Finder's Fees; Limitations on ADC and HR for New Residents; Intentional Program Violations; Finger Imaging; Learnfare; Living Arrangement - Offer of a Home; Elimination of State Charge Status; Drug/Alcohol Abuse Provisions; and IV-D Same Day Referral.

This material will also be incorporated into an up-coming Administrative Directive and into the appropriate Public Assistance Source Book pages.

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Patricia A. Stevens  
Deputy Commissioner  
Division of Economic Security

INCOME SUPPORT ISSUES

Home Relief (HR) Repayment Agreement

Charles Giambalvo (extension 4-9327)

1. Q. Is this for any repayment, or just utility arrears?
  - A. The HR Repayment Agreement is for all overpayments of HR that have not been repaid at the time of HR case closing. Only the "gross income" provision relates to the Utility Arrears Repayment Agreement, which is separate from the HR Repayment/Assignment of Future Earnings Agreement.
2. Q. Will the State devise a form?
  - A. Yes, there will be State forms for the Repayment Agreement and the Assignment of Future Wages. These forms are expected to be available to the districts in November, 1995.
3. Q. If someone moves from ADC to HR are they considered a new applicant?
  - A. No. They are not considered to be a new applicant and will not be required to sign the Repayment Agreement and Assignment of Future Wages forms when transferred.
4. Q. Is PG-ADC considered HR or ADC?
  - A. PG-ADC persons do not have to sign the HR Repayment Agreement.
5. Q. Will recoveries from wages (assignments) be allowed in addition to assignments which may be assigned to collect child support?
  - A. Yes. Both types of assignments are allowed by law. The amount of the wages will determine the amount of the assignments. Whichever assignment takes effect first must be completed prior to the second assignment becoming effective.
6. Q. Is the Cash Accounting and Management Subsystem (CAMS) system designed to support this overpayment collection process?
  - A. When an overpayment is identified by a social services district (SSD) the overpayment should be established on CAMS. A SSD may periodically request billing statements for all their outstanding overpayments. (See CAMS Procedures Manual, Chapter 6, Page 47.) If a SSD receives an overpayment billing statement on a closed HR case and the ex-recipient is not repaying the overpayment the SSD should process any assignments they have obtained from the HR applicant in accordance with the procedures established for assignment of wages. Information for processing the assignment form will be published under separate cover.

7. Q. Wouldn't any statement to repay an overpayment have to specify the amount required to be repaid to be valid?
- A. The agreement that the applicant signs cannot specify an amount. However, when the case closes the SSD will have to calculate the amount owed and notify the former recipient of the amount owed.
8. Q. Do special provisions need to be made to allow outside department subdivisions such as the County Clerks Office to be involved in overpayment collections?
- A. An HR applicant will, as a condition of eligibility, be required to sign the assignment of wages form. If the former HR recipient does not make payments on an overpayment in accordance with the Repayment Agreement, the SSD is responsible for filing a copy of the signed assignment form with the County Clerks Office in accordance with current procedures. The SSD remains responsible for recovery of the outstanding overpayment by filing a copy of the signed assignment form with the former recipient's employer. Instructions for processing this assignment form will be published under separate cover.
9. Q. Do these Repayment Agreements make it unnecessary to go through the court to institute an assignment of wages for overpayment collections?
- A. Yes. Although there may be situations in which SSDs would be required to go to court for authority to file an assignment with an employer.
10. Q. Can recovery of these overpayments also be taken in conjunction with recoveries from lien agreements?
- A. Yes. However if the former recipient repays part or all of the money owed, this amount must be subtracted from the amount of the lien.
11. Q. Will this overpayment recovery provision apply to pre-July 1995 overpayments?
- A. No. Only to those overpayments incurred after someone signs a Repayment Agreement or assignment, even if they had outstanding overpayments prior to July 1, 1995.
12. Q. Can the provision to take Repayment Agreements be applied at recertification as a condition of eligibility?
- A. No. The law specifies applicants only.
13. Q. Will specific codes be developed in WMS to help identify and track such types of overpayments?

- A. There are presently no plans to develop special WMS codes to help identify or track overpayments for closed HR cases. (See above answer to Question #6 for a way of identifying such cases).
14. Q. Can such overpayments be tracked through WMS clearance reports?
- A. Not at this time.
15. Q. Is there a way to system identify and track such overpayments when they occur as part of Emergency Home Relief cases which are not processed in WMS?
- A. Emergency Home Relief should be processed in WMS. The only exception would be mass emergency authorizations.

Utility Arrears Repayment Agreement

Maureen Standish (extension 3-6555)

1. Q. Is the current budget worksheet which is used to determine a household's gross income still valid in determining whether a Utility Arrears Repayment Agreement is to be signed?
- A. Continue to use the current budget worksheet and procedures until you are notified that the regulations have been filed. We will develop and issue a revised worksheet.

Reduction of State Reimbursement for Security, Broker's/Finder's Fees

Maureen Standish (extension 3-6555)

1. Q. Do we use the Q5 payment type code?
- A. The Q5 payment type code should be used for upfront cash security deposits only; Payment type code 67 should be used for money paid as a result of a security agreement.
2. Q. What is the reimbursement rate for cash security deposits which were coded "67" on WMS prior to July 1995?
- A. As stated in question number 1, payment type code Q5 is to be used for upfront security deposits and payment type code 67 is to be used for money paid as a result of a security agreement. Upfront cash security deposits and money paid as a result of a security agreement will receive normal state reimbursement if paid prior to July 1, 1995.

3. Q. How are "security agreements" affected by this provision?
  - A. Money paid as a result of a security agreement will receive normal reimbursement.
4. Q. Will fair hearings support denials of paying cash security deposits?
  - A. The budget law did not change the conditions for receiving security. Cash security deposits will still be necessary in some rare situations. If the eligibility criteria for receiving a cash security deposit is met and the local district does not provide the cash security deposit, the district will not be upheld in a fair hearing if the only reason that the cash was not paid was because of the lower reimbursement rate.

#### Limitations on ADC and HR for New Residents

Jeffrey Gaskell (extension 4-9343)

1. Q. What about homeless households not eligible for HR; how do we help them?
  - A. If a homeless household is ineligible for HR for six months from establishing residency in New York State because the State, territory or possession from which they came has no general assistance program or if they came from another country and are not eligible for 100% federal benefits under the refugee cash assistance program, they are ineligible for any public assistance, including emergency assistance under the Home Relief program. Referrals should be made to non-profit or charitable organizations or public shelters, if available, which may be able to provide assistance. Referral to Adult Protective Services may be warranted in some cases.
2. Q. Could someone come in every month for 6 months and receive emergency assistance?
  - A. Yes, they could. However, the assistance that could be provided is limited to the payment standard of the state from which they came for any applicable month.
3. Q. What about someone that moves in and had lived in a state with time limited benefits, and the individual had exhausted those benefits?
  - A. It does not matter if the previous state had time-limited benefits or not. Our benefits are limited, for the first six months after establishing residency in New York State, to the payment standard of the previous state. This payment standard will be programmed into WMS and available using the proper state code.

4. Q. When will ABEL have information on other states available?
- A. August 14, 1995.
5. Q. What happened to the 80% rule?
- A. The law which authorized the 80% rule had a sunset clause. There was litigation which we lost. Because the law was scheduled to sunset, we did not appeal the decision. We just let the law sunset.
6. Q. Do we need to track ADC and HR?
- A. Districts will only be required to track the HR cases. The reason these cases need to be tracked is so that when the regulations are filed, the district can begin the appropriate reductions for these cases.
7. Q. Will ADC be retroactive if we get waiver approval?
- A. No. ADC cases will be effective when and if we receive federal approval.
8. Q. If someone applies in August and is not eligible for 6 months, do we process a denial, or pend? Do we advise them to reapply December 15 to avoid another 45 day delay?
- A. If someone applies in August and is not eligible because the State, possession, or territory from which they came does not have a general assistance program or because they came from another country and cannot receive refugee cash assistance, they are to be denied, not pended. They have the right to reapply at any time during this six month period, but they continue to be ineligible until February 1 and should be denied during this time period. When they do reapply after February 1, they will have a 45 day wait.
9. Q. If benefits were authorized on a HR case that should have had to wait six months, is there an overpayment? Do we close, and then make them wait 6 months even though we will collect an overpayment when they come back on, or are they already considered to have served the waiting period if we are collecting an overpayment?
- A. There will not be any overpayments for benefits provided prior to the effective date of the regulations. However, if the recipients are still within the six month period when the regulations are filed, the benefit amount will be reduced or the case will have to be closed. They will not be eligible again for full benefits, or for any assistance for those cases which were closed, until six months from their establishing residence in New York State.

10. Q. What is the status of Social Services Law section 139-a related to persons moving into the state?
- A. This has not been changed. However, it has always been most difficult to prove that a person has entered New York State for the sole purpose of receiving public assistance.
11. Q. Is the State charge reimbursement still available for six months?
- A. No. State charge status has been eliminated for public assistance except for Native Americans and their families residing on reservations in New York State.
12. Q. How do you know/verify when someone comes into the state?
- A. You would determine this by questioning and verifying the applicants' previous residency through the same means that currently are used to properly construct the eligibility interview. You would use landlord statements, employer statements, drivers license, telephone bills, utility/heating bills, etc. You should obtain information when inquiring about past maintenance.
13. Q. Did the State apply for the ADC waiver yet?
- A. No. We are currently in the process of applying for this waiver.
14. Q. Can counties apply the new rule to ADC applicants prior to waiver approval?
- A. No.
15. Q. Do counties have to wait until regulations are filed to implement the HR piece?
- A. Yes.
16. Q. Won't we again experience a court injunction regarding this provision?
- A. We do not know. However, the litigation on the 80% rule was not initiated until the rule had been in effect for quite some time.
17. Q. Can we deny such cases if we have no verification to establish this residency provision?
- A. You cannot deny a case unless you can verify that the person is applying for assistance within six months of establishing New York State residence and came from a state without a general assistance program or from another country.
18. Q. Must a separate determination be made for MA for individuals found PA ineligible under this provision?
- A. Yes.

19. Q. Will the federal waiver also cover EAF assistance?
- A. No. However, if the family comes from a state with a lower benefit level, they will not be eligible for EAF just to supplement the regular PA grant.
20. Q. If there is no general assistance program in the previous state of residence, what PA grant rate amount would the applicant household be entitled to after 6 months of ineligibility?
- A. The normal New York State PA grant amount would be applicable.
21. Q. With this provision, can districts still attempt to send applicants back to their previous state of residence and is there any reimbursement to the counties by doing so?
- A. The district can offer to send the individual or family back to their previous state in accord with Department regulations 310.1 (h) and 352.7 (o). State reimbursement would be 50% of the expenditures, minus any federal reimbursement.
22. Q. Can refugees be excluded from this provision?
- A. Refugee Cash Assistance is not subject to the six month limitation.

Intentional Program Violations

Mark Schaffer (extension 4-9348)

1. Q. Are the new penalties for convictions after July 1st, or do both conviction and offense have to be after July 1st?
- A. The new penalties are for offenses committed after July 1.
2. Q. How will we be able to track offenses committed from other districts?
- A. Districts should be using the WMS IPV codes introduced in the December 10, 1993 WMS Coordinator letter. The codes can be found on WMS Code Cards.
3. Q. Will WMS be designed to track these distinctive IPV offenses?
- A. IPV's can be tracked using the WMS codes previously mentioned.
4. Q. Is the IPV disqualification against the individual or the entire case?
- A. The IPV disqualification is against the individual.

5. Q. Why are the HR sanctions less stringent than the ADC sanctions?
  - A. ADC sanctions are in federal law. The State Legislature chose to impose less stringent standards for HR.
6. Q. The first note in the handout is confusing in stating "he/she can receive HR after he/she has served his/her ADC disqualification period" when permanently disqualified for ADC. How can this be if they are permanently disqualified for ADC?
  - A. After the equivalent HR disqualification period has been served i.e. 18 months, an individual who has been permanently disqualified from ADC can re-establish eligibility under HR.
7. Q. When a permanent ADC sanction is applied to an individual and they remain HR eligible in an otherwise ADC eligible household, must two WMS cases (HR & ADC) be established?
  - A. Yes.
8. Q. Can an IPV be imposed without a hearing?
  - A. Yes, by the client voluntarily waiving their right to a hearing.

#### Finger Imaging

Mark Schaffer (extension 4-9348)

1. Q. Will costs for finger imaging (FI) be part of the administrative cap?
  - A. Finger imaging costs are exempt from the Administrative Cost Cap. Detailed claiming instructions were released in 95 LCM-88.
2. Q. Will additional equipment come automatically to districts?
  - A. No, but districts will be contacted by the State about their equipment needs when finger imaging is expanded to ADC.
3. Q. Do we need a waiver for ADC?
  - A. No. Because finger imaging for ADC will be implemented statewide, there is no need for a waiver, only a State Plan amendment.
4. Q. When will ADC be implemented/required?
  - A. At this time, we anticipate the fall of 1995 for ADC finger imaging implementation.

5. Q. Will our data bank be tied into the criminal data bank of finger prints?
- A. No.
6. Q. Is finger imaging only required for cases receiving cash assistance?
- A. At this time yes, but we are considering it for Food Stamps.
7. Q. Is non-compliance with this provision a case or individual sanction?
- A. It is a case sanction.
8. Q. Will this provision apply to non-dependent relatives or other than grantees?
- A. Yes.
9. Q. Can we use information from these FI matches to prosecute for fraud?
- A. Yes.
10. Q. Will we need to re-evaluate our finger imaging plan with respect to volume due to this provision?
- A. Yes. In some districts, it may be necessary to acquire additional workstations.
11. Q. Can both districts immediately close their PA cases when a finger imaging match takes place?
- A. No. The county which discovered the match can close the case. The other county, if the client was otherwise eligible, would continue the case, but would also take a recoupment and could proceed with an IPV against that client.
12. Q. Can we finger image an individual every time they come to the agency?
- A. The SSD can finger image an individual when it determines it necessary to establish identity.
13. Q. Are fingerprint records destroyed when the case is closed?
- A. Finger images are deleted from the matching data base upon notification by WMS of case closing and subsequently expunged from the system in approximately six months.

14. Q. Is there an implementation date for districts that have yet to submit their HR plan?

A. No later than April 1996.

Learnfare

Jeffrey Gaskell (extension 4-9343)

1. Q. Have the sites been selected yet and how do we indicate interest?

A. Yes. The sites have already been selected for the first phase of implementation. If a district is interested in being a Learnfare site for the second phase of the implementation, they should contact the Division of Economic Security.

2. Q. If a household refuses to participate in Learnfare, is the parent, the whole household, or the child sanctioned?

A. Each child who refuses to comply with the Learnfare requirement will be ineligible for public assistance.

3. Q. Does the sanction carry from county to county, and how does this work when there is a change of school districts?

A. Yes. The sanction will carry from county to county. A change in school district does not change the sanction.

4. Q. What is the definition of unexcused absences, and who set the definition?

A. We will use the State Department of Education's definition of "unexcused absences" which is defined as an unlawful detention or truancy. Unlawful detention is when a parent keeps his/her child out of school for reasons other than educational such as: going on vacation, hunting, fishing, etc. Truancy is when a child skips school on his/her own without permission of the parent or school.

5. Q. Do districts have to contact schools to arrange implementation of this provision?

A. Yes. There should be some type of agreement between the SSD and the local school districts as to who will provide attendance information, how counseling will be provided and to establish liaisons between the two offices.

6. Q. Who is responsible for tracking absences?

A. The school district.

7. Q. Why are we not targeting all school children under this provision?
- A. The law states that we may only have children in grades first through sixth participate in the Learnfare program.
8. Q. How will schools know that a student is on assistance in order to report unexcused absences?
- A. The school will be provided with a list of Learnfare participants either through a tape match or manually.
9. Q. Won't schools have to agree to participate to implement this provision?
- A. No. The law is very specific that school districts must comply with this program.
10. Q. Won't this provision be challenged in the court as discriminatory to the poor?
- A. We don't believe so. This has not been litigated in other states with Learnfare programs. Also, since it will require federal approval prior to being implemented, it is unlikely that this will be challenged in court.
11. Q. Has the federal waiver for Learnfare been granted?
- A. No. We are currently working on the waiver so that this program can be implemented in the first phase by September 1996.
12. Q. Does the State Education Department have funding to do Learnfare?
- A. No. The Department of Education has not been provided any additional funding.
13. Q. What responsibility will the SSD have in funding the school districts?
- A. None.
14. Q. Are absences considered days or school periods?
- A. Days, as defined by the school district.

Living Arrangement

Dottie Mullooly (extension 4-6853)

1. Q. What if the parent does not want the child to live at home?
- A. If the parent will not allow the pregnant or caretaker minor to live at home, then this provision does not apply to the minor at all.

2. Q. If a teen mom refuses to go back home, is her child still eligible?  
A. If an ADC parent under age 18, who is otherwise required to comply with this requirement, will not return home and also refuses to live in an alternative eligible living situation, the parent and the child are ineligible for assistance.
3. Q. If a pregnant or parenting 17 year old lives with a 21 year old sister, would this be acceptable under this provision, excluding the need for the 17 year old to have to live with his/her parent?  
A. Yes. The sister would be considered to be "another adult relative" as defined in Department Regulation 369.1.
4. Q. In the above example, may the 21 year old adult be determined not responsible?  
A. Yes. However, there is no authority in law or in regulation to apply a different standard to adult relatives in these situations than can be applied to ADC caretaker relatives generally.
5. Q. Under this provision, must the first choice of residing with a parent always apply?  
A. IF this provision applies to the individual, then it must already have been determined that the parental home (or the home of the legal guardian) is available and there is no valid health or safety claim. When the minor who is required to live with the parents will not go there, then the individual may choose an alternative; living with another adult relative, or in an adult supportive living situation.
6. Q. Does this new rule apply to all children age 16-18, or does the child have to be pregnant or have a child?  
A. The new ADC living arrangement rule applies to pregnant or parenting individuals under age 18 and their children.
7. Q. Are emancipated minors, as established by the court, excluded under this provision?  
A. No. The rule applies to emancipated minors.
8. Q. What is an adult supportive situation; who determines that?  
A. An adult-supervised supportive living situation is one where the adult assumes responsibility for the care and control of the minor parent and dependent child and provides counseling or supervision or guidance. This can be done in a private family setting or in a more formal setting such as a maternity home. A private family setting is defined as a setting wherein an adult will assume responsibility in a parental capacity for the care and control of the minor parent and dependent child.

If a minor who would be required to return to his/her parent's home, chooses to live with the family of a friend, that could be considered an eligible living situation. However, if the minor (and child) lived with a family that had numerous contacts with the police due to fighting, or domestic abuse situations, that would be a strong indicator that this is not a suitable living situation.

The minor may return to the parent or guardian or to another adult relative or may find an alternative adult-supervised supportive living situation. The agency may determine that a particular adult-supervised situation is not suitable if there is evidence to support that determination. The agency cannot dictate that only one kind of adult-supervised situation is acceptable.

9. Q. If a supportive services residence can be found and the child refuses to live there, can we deny assistance?
- A. Assistance can be denied to a pregnant minor or caretaker who is required to live in an approved living situation but who will not comply. A pregnant or caretaker minor who can live with parents or guardian, but refuses then has the option to live with other adult relatives or in another adult supportive living situation. When the minor will not choose any of those options, assistance must be denied to the minor and to his or her child.
10. Q. Can the supportive adult be a 19 year old boyfriend?
- A. The adult-supervised supportive living arrangement is one where the adult is acting in a parental capacity. A boyfriend/girlfriend relationship is not equivalent to a parent/child relationship.
11. Q. If the teen girl is living with the child and the child's father (who is also under age 18), can we require her to go back home even though we will be breaking up a family?
- A. If the category of assistance is ADC, and if the parent is under age 18, the parent (and child) can be required to accept the offer of a parental home, unless otherwise exempt from this provision.
12. Q. Can a "homeless shelter" qualify as an adult supervised living situation under this provision?
- A. No. An ADC minor in a homeless shelter is not excluded from this rule solely because he or she is in the shelter. The same is true for minors living in homes for run away youth. However, minors in these living situations may be exempt from this rule more often than other minors due to findings of valid health and safety concerns.
13. Q. What is the district's responsibility in meeting emergencies pending a hearing decision?

- A. Unless there has been a change in the circumstances on which the agency made its decision to deny the application or close the case because a health/safety claim was unfounded, the minor (and child) would not be eligible for emergency assistance. This answer is based on the understanding that the local district would have made a separate decision about Food Stamps and Medicaid eligibility.

These individuals, like any individual who has claimed an emergency need, must be given the notice "DSS-4002: Action Taken on Your Request For Assistance To Meet An Immediate Need Or A Special Allowance".

14. Q. Who does the investigation of living situation/individual?

- A. This depends on the level of documentation that is available to support the minor's allegation that returning to the parent's home will be detrimental to the minor (and child). There may be police reports that support the minor's safety claim. The public health nurse may have had experience with the family that would support the minor's claim that the parent's home is not a healthy environment. If that kind of documentation is available, that could be enough to support the IM worker's decision that the minor need not return to the parent's or guardian's home and no involvement by staff outside IM would be necessary.

Some district's have a Service's worker assigned to IM and may decide that these referrals will be handled by that worker.

The SSD may develop a process that may be followed to rule out the home as suitable. However, in order to deny a case when a health and safety claim is made and the home has been found to be suitable, that determination must be the result of a CPS referral and investigation.

Please note that mandatory reporting requirements have not changed. Any situation that would require a mandatory report must be reported to CPS.

15. Q. Is a child protective service referral required to make a physical/emotional evaluation under this provision?

- A. If that is not the procedure in the local district, it is not necessary to involve CPS staff if a home is found to be unsuitable. However, CPS staff must be used if a home is found to be suitable.

16. Q. Are CPS "State Registry" referrals required for health or safety investigations made under this provision?

- A. As stated above, when assistance has been denied after a minor has made a health/safety claim, that determination must have been made as a result of a Child Protective Services investigation.

17. Q. Are there penalties to a district if investigative work is not done in implementing this provision?
- A. If a health or safety claim is made but the agency, for whatever reason, does not conduct an assessment or otherwise does not reach a satisfactory decision that the claim is not valid, then the minor's case cannot be closed or denied for refusal to live with the parent or guardian. The Law requires that no case can be denied when a health/safety claim is made unless, as the result of a Child Protective Investigation, the home has been found suitable. If an investigation is not made, the case cannot be denied under this rule.
18. Q. Do you have to file regulations and do a plan amendment before we can implement?
- A. Regulations must be in place before implementation. A state plan amendment is necessary but implementation may take place before that is in place.
19. Q. Does implementation of this provision require a federal waiver?
- A. No.
20. Q. Why is this provision only enforceable with respect to minors under 18 years old?
- A. Federal regulations provide states with the authority to apply this provision to minor parents. An ADC minor parent is a parent (or pregnant woman) under age 18. We have no authority to apply this provision to ADC individuals age 18 or older.
21. Q. If the teen's family is out of state and the teen is in our state must the teen still be required to go home?
- A. Yes. The pregnant or caretaker ADC minor who is otherwise affected by this provision, will not be exempt solely because the parents live out of state.
22. Q. Will the state identify individuals currently 16-18 years old for counties to contact parents regarding the offer of a home?
- A. There is no plan to do that. For recipient ADC minors, the decision about whether this provision applies should be made at next client contact or at recertification.

Elimination of State Charges

Charles Semowich (extension 4-1559)

1. Q. If someone has been in the State for six months, what will their reimbursement rate be?
  - A. State reimbursement for Home Relief is 50%, excepting Native Americans living on reservations and those covered by refugee cash assistance program.
2. Q. Does this provision impact those residing in institutions or hospitals?
  - A. All State reimbursement for HR is 50%, except the refugees eligible for refugee cash assistance and Native Americans living on reservations including those in institutions.
3. Q. If there are no more State charge provisions for PA but still for MA, how do you code such individuals for reimbursement?
  - A. Because MA still has State charge provisions, all State charge codes excepting those that are PA only, must still be used.
4. Q. If effective April 1st, does this cover only persons who applied after April 1st? What about those who applied prior to April 1st?
  - A. Any active case as of April 1 will no longer receive State charge treatment. However, certain categories, i.e. Native Americans living on reservations and certain refugee categories result in different reimbursements.

As outlined in 95 LCM-92, there is no enhanced State reimbursement for non-resident State Charge expenditure claims paid by the State after April 1, 1995. This change affected claims submitted for the period of October 1, 1994, and forward since the Department did not reimburse such claims until April 1, 1995. Any supplemental claims for older periods, but which were submitted after October 1, 1994, would also be affected.

#### Drug/Alcohol Abuse Provisions

Abe Anolik (extension 4-7218)

1. Q. Do we still need to get a primary diagnosis of addiction, if an HR is permanently unemployable for some other reason?
  - A. Although you do not have to determine if drug/alcohol abuse is a primary cause of the need for HR, if the client is permanently unemployable for some other reason, usually you would have determined the A/R's drug/alcohol status before looking for some other permanent disability.

The question of whether an A/R has a disability separate and apart from drug/alcohol abuse would only come up when the SSD determines that drug/alcohol abuse is a primary cause of the A/R's need for public assistance. Therefore the SSD must make the "a primary cause" judgement in order to determine what additional information is needed to determine eligibility and to where the A/R should be referred.

2. Q. Regarding the loss of SSI eligibility due to non-compliance provision, does this mean at application we'll have to establish if there is an SSI sanction in effect? How will we know this?
  - A. Yes. The SSD must determine whether the HR A/R has lost SSI because of non-compliance with the federal treatment requirement. This information may be discovered in a number of ways, including: a DSS-2474 referral from SSA, noting that an MA-SSI case exists on WMS triggering the question of what happen to SSI cash benefits, and during the interview when exploring past maintenance.

#### IV-D Same Day Referral

Dorothy Mullooly (extension 4-6853)

1. Q. What is the same day referral of applicants for ADC to IV-D; is it the date of application or the date of opening?
  - A. It is neither. It is the day of the eligibility interview.
2. Q. How must this be done?
  - A. This requirement can be met by providing the (DSS-2521): Application for Child Support Services (CSS) to applicants. This will allow the applicants to be aware of the availability of child support services even if they are later determined to be ineligible for ADC.

In SSDs that refer applicants to the Child Support Enforcement Unit (CSEU) on the same day that the eligibility interview is conducted, the SSD may decide if the CSS application will be offered by the PA or the IV-D worker.

In SSDs that do not refer applicants to IV-D until the public assistance case is opened, the PA worker must offer the CSS application. When the applicant wants to apply for child support services, the SSD must send the CSS application to the CSEU that day.

An ADC applicant cannot be sanctioned for refusing to sign the CSS application. Only those who are not categorically eligible for ADC but who still must cooperate with IV-D may be sanctioned for refusal to sign the CSS application. For example, an under 21 year old individual who is applying for public assistance in the HR or PG-ADC category may be required to cooperate in securing support from his parents. Because his category of assistance is not ADC or ADC-U (or ADC-FC) he must sign the DSS-2521 as a condition of eligibility (unless he has good cause for refusing to cooperate with IV-D).

3. Q. Under the provision for IV-D actions, doesn't the law state that the Department cannot file court proceedings for applicants? Isn't there a conflict, therefore, between allowable court and IV-D actions?
- A. It generally takes some time to build a case in IV-D, to decide what action is appropriate and to start that action. An earlier referral to the Child Support Enforcement Unit means that the process can start sooner.

When an applicant is not eligible for assistance, the Child Support Enforcement Unit will still be able to provide child support services if they have a signed CSS application.