

# STATE PLAN

## OUTLINE OF THE GENERAL PROVISIONS OF ITS TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

A. The State intends to do the following:

- i. Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and promotes individual responsibility and family independence. The primary component of such program will be entitled the Family Assistance program (FA). The State will fulfill these goals by conforming to the program policy provisions described herein.

All of the following determinations made as of September 30, 1996, in regard to any individual AFDC recipient shall continue to apply to that recipient under the TANF program:

1. State hearing decisions and any court decisions based thereon
  2. Overpayments and recoupments
  3. Disqualifications, sanctions, and occurrences
  4. Child support arrearages or collections assigned to the State
  5. Time limited income disregards
  6. Accrued months of assistance underlying any claim for transitional Medicaid and child care.
- ii.
    1. Consistent with section 407(e)(2) of the Social Security Act, require a parent or caretaker receiving assistance under the program to engage in work (as defined by the State) once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier. New York will fulfill this goal by requiring all individuals to be assessed and assigned to work, with certain limited exemptions from federally countable work activity requirements, provided that there is no exemption from the twenty-four month work requirement. The following are the only exemptions from federally countable work activities:
      - a. Custodial parents or caretakers of children under one year of age for a total of 12 months (lifetime), with only three months exemption for any one child of the parent or caretaker, unless the district decides to use more than the three months or all of the maximum 12 month period for any one child;

- b. A woman who is pregnant, beginning 30 days prior to the medically verified date of delivery of the child;
  - c. Individuals who are ill, incapacitated, sixty years old or older or disabled pursuant to State law;
  - d. An individual whose presence is required in the home as a caretaker of an incapacitated family member;
  - e. A child who is under sixteen years of age or under the age of nineteen and attending full time a secondary, vocational or technical school.
2. Districts may provide, but are not limited to providing, the following work activities:
- a. unsubsidized employment;
  - b. subsidized private sector employment;
  - c. subsidized public sector employment;
  - d. work experience in the public and non-profit sectors;
  - e. on-the-job training;
  - f. job search and job readiness assistance countable toward participation rate;
  - g. community service;
  - h. vocational educational training;
  - i. job skills training directly related to employment;
  - j. education directly related to employment, in the case of a recipient who has not completed secondary school or high school equivalency;
  - k. satisfactory attendance at secondary school or course of study leading to a high school equivalency;
  - l. provision of child care for an individual who is participating in community service;
  - m. job search and job readiness assistance beyond the level allowed to count toward participation rate;
  - n. certain educational activities;
  - o. Other programs designed to meet the goals of PRWORA and Title 9-B of the New York Social Services Law and included in a social services district's local plan as accepted by the Office of Temporary and Disability Assistance.
3. Work experience and community service must meet the worker displacement requirements enumerated in federal and state law. The maximum period that an individual can be assigned to any combination of activities is forty hours per week. Workers compensation and tort claims protection shall be provided to participants of work experience and community service.

4. State law provides sanctions for individuals who quit employment to obtain benefits, as follows:
    - a. Applicants: disqualified for 90 days from the date of the quit.
    - b. Recipients: sanctioned the same as an individual whose family fails to comply with employment requirements.
  5. Enable parents and caretakers receiving assistance under the program to engage in work activities.
- iii. Take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to the funds provided by the Federal Government. This goal will be accomplished by adhering to the confidentiality requirements outlined in Attachment A, except that information shall be shared with law enforcement agencies and the immigration and naturalization service in accordance with the requirements of federal law.
  - iv. Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy ratio of the State (as defined in section 403(a)(2)(B)) for calendar years 2000 through 2009. In 1996, there were approximately 104,300 Out Of Wedlock births in New York. By 2000, the Out Of Wedlock births had fallen to approximately 95,000. Over this 5-year period under TANF, New York saw a 1-2% annual reduction in Out Of Wedlock births. Data for 2001 through 2003 show a continued reduction from 2000. Through programs operated pursuant to sections B. xxvii. and B. xxix. of this State Plan (e.g., the Adolescent Pregnancy Prevention and Services program, School Collaboration programs and Mentoring projects), New York anticipates a continued 1% annual reduction in the number of Out Of Wedlock births through 2011.
  - v. Conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men. This goal will be accomplished through the development of materials by the pertinent state agencies, in accordance with the program on statutory rape implemented by the Attorney General of the United States pursuant to Section 906 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

B. Special provisions:

- i. The following individuals are eligible for the Family Assistance program, if otherwise eligible:
  1. a United States citizen;
  2. a refugee, admitted under Section 207 of Immigration and Naturalization Act (INA), for the first five years from the date the person entered the United States as a refugee;
  3. an asylee, granted status under Section 208 of INA, for the first five years from the date the asylee was granted status;
  4. a person for whom deportation was withheld, under section 241(b)(3) or section 243(h) of INA, for a period of five years from the date that the deportation was withheld;
  5. a Cuban and Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980) for a period of five years from the date such status was granted;
  6. an alien admitted into the United States as an Amerasian immigrant as described in Section 402(a)(2)(A)(i)(V) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 as amended for a period of five years from the date the person was admitted into the United States;
  7. a person lawfully admitted for permanent residence into the United States who has worked for forty quarters as defined under Title II of the federal Social Security Act, or can be credited with such qualifying quarters exclusive of any quarter after December 31, 1996, in which such person or such person's parent or spouse received any federal means tested assistance whose entry into the United States was at least five years earlier or who entered the United States prior to August 22, 1996;
  8. any qualified alien who is on active duty, other than duty for training, in the United States Armed Forces or who has received a discharge characterized as honorable and not on account of alienage, or their spouse, unremarried surviving spouse, or unmarried dependent child of any such alien who is also a qualified alien;
  9. a qualified alien who entered the United States before August 22, 1996, or who entered the United States on or after August 22, 1996, and has resided in the United States for five or more years.
- ii. New York shall utilize objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment including opportunities for recipients who have been adversely affected to be heard in a State administrative and judicial appeal process, as set forth in Attachment B.
- iii. In accordance with section 408(a)(10)(B), the state has established good cause criteria for minor children who have been, or are

expected to be, absent from the home for 45 days or more as outlined in Attachment C.

- iv. The FA program will include a component entitled Emergency Assistance to Needy Families (EAF). EAF may be provided for aid, care, foster care tuition and services other than care and maintenance, preventive services, child protective services, and other services to meet the emergency needs of a child or the household in which the child meets all the conditions outlined in Attachment D, provided, however, that the child is under age 18, or under age 19 and a full-time student regularly attending a secondary school, or the equivalent level of vocational or technical training; and the child is living with an adult related by blood, marriage or adoption.

In addition, New York shall operate an EAF component (see subsection xxv of this Section) which will adhere to the same eligibility criteria which was used prior to PRWORA pursuant to section 404(a)(2) of PRWORA.

- v. The categories of persons who may be eligible include households containing individuals under eighteen years of age, eighteen-year-olds regularly attending school at the secondary level and women with no children who have a medically verified pregnancy.
- vi. The sixty-month limit on the receipt of TANF-funded assistance was effective in New York on December 2, 1996. In New York, the limitation will be extended to include any months in which State funded cash safety net assistance was received.
- vii. The sixty-month time limit on TANF-funded assistance may be waived on the basis of hardship when an adult family member is unable to work because of an independently verified physical or mental impairment, including those which result from domestic violence, or when the adult family member is in receipt of supplemental security income payments title XVI of the Federal Social Security Act.
- viii. All heads of households and adult applicants of family assistance must be screened for alcoholism and/or substance abuse and all heads of households and adult recipients of FA must be screened for alcoholism and/or substance abuse no later than the next recertification, and thereafter whenever the local district has evidence to indicate potential alcohol and/or drug abuse or no more frequently than every six months. If the screening process indicates that there is reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, the local district will require a formal assessment, which may include drug testing, to be performed by a certified alcohol or substance abuse counselor. If the formal assessment determines that the applicant or recipient is unable to work by reason of alcoholism or substance

abuse, the individual must be referred to an appropriate treatment program. Such person and other members of that household, if otherwise eligible, receive non-cash assistance. A person who fails to participate in the screening and/or assessment process is ineligible for FA. Other members of a household which includes an individual who has failed to participate in the screening and/or assessment process shall, if otherwise eligible, receive non-cash assistance. If an applicant or recipient of FA who is required to participate in an appropriate treatment program fails to participate without good cause or leaves the program prior to completion without good cause, the individual is disqualified from receiving assistance for the time periods listed below.

1. For the first failure to participate in or complete the program, until the failure ceases or for 45 days, whichever period of time is longer;
2. for the second failure, until the failure ceases or for 120 days, whichever period of time is longer; and
3. for the third and subsequent failures, until the failure ceases or 180 days, whichever period of time is longer.

The family of the disqualified person receives non-cash assistance, if otherwise eligible. Persons disqualified for failing to participate in or complete treatment who return to treatment prior to the end of the disqualification who are receiving care in an office of Alcoholism and Substance Abuse certified congregate care level II facility, or residential program, if otherwise eligible, receive non-cash assistance. Whether the applicant or recipient has completed the treatment program will be determined solely by using the guidelines and rules of the treatment program.

Alcohol and substance abuse services, including residential substance abuse treatment for adolescents, will utilize TANF Block Grant funding, where appropriate. If services are provided through a separate State program or exclusively with TANF Block Grant funds, program eligibility may be established for individuals whose incomes do not exceed 200% of the federal poverty level.

- ix. The FA grant will be continued for up to one month after family circumstances change as a result of one of the following eligibility criteria:
  1. the FA adult relative is absent, or
  2. a child age 18 leaves school.
- x. The amount of assets that a family may own and qualify for FA is \$2,000 except for households in which any member is age 60 or over in which case \$3,000 in assets can be owned. The following are exempt assets which are not applied in determining eligibility:
  1. the home which is the usual residence of the assistance unit (this does not preclude the taking of a lien on such property);

2. one automobile, up to \$4,650 fair market value. If the automobile is needed for the applicant or recipient to seek or retain employment or travel to and from work activities, the automobile exemption will be increased to an amount equal to \$9,300, or such other higher dollar value as the local social services district may elect to adopt. However, if the automobile is especially equipped with apparatus for the handicapped, the apparatus must not increase the value of the vehicle;
3. basic maintenance items essential to day-to-day living, such as clothes, furniture and household appliances, and other similarly essential items of limited value;
4. one burial plot per household member;
5. one bona fide funeral agreement per household member up to an equity value of \$1,500 per household member;
6. for a period of six months, real property which the assistance unit is making a good faith effort to sell, but only if the assistance unit agrees in writing to use the proceeds from the sale to repay public assistance received which would not have been granted if the property had been sold immediately. If the property has not been sold within six months or if eligibility stops for any other reason, any payment of aid for that period must, at the time of the disposal, be considered an overpayment;
7. tangible personal property necessary for business or for employment purposes, including, but not limited to, the following types of income-producing property when currently in use or reasonably expected to be used in the near future for their livelihood:
  - a. business and farm equipment,
  - b. tools used for employment, and
  - c. livestock and produce;
8. funds in an individual development account;
9. Earned Income Tax Credits (EITC) are exempt as income or resources; and
10. an amount up to four thousand six hundred fifty dollars in a separate bank account established by an individual while currently in receipt of assistance for the sole purpose of enabling the individual to purchase a first or replacement vehicle for the recipient to seek, obtain or maintain employment, so long as the funds are not used for any other purpose. Funds withdrawn for reasons other than the purchase of first or replacement vehicle nullify the intent of the account. The full amount of the funds in the account prior to the withdrawal become countable toward the public assistance household's resource limit beginning for the month of the withdrawal.

- xi. The standard of need for determining eligibility and the amount of assistance is outlined in Attachment E. The first \$90 and 42% of any remaining earnings of a recipient family will be disregarded in calculating eligibility and the amount of assistance. The percentage of earnings that will be disregarded is initially set at 42%, but this amount will be adjusted annually beginning in 1998 to reflect revised poverty level guidelines issued by the United States Bureau of the Census. In order to qualify for the disregard in the month of application, an applicant must have received assistance in one of the previous four months. The amount of assistance is the standard of need less any income which is not disregarded. The 42% disregard is available from earned income only until gross earned and unearned income equals the poverty level.

In addition, the State does not intend to treat families moving from another State differently from other families under the program.

- xii. In addition to a 185% gross income test there is a gross income poverty level test which applies to recipients of FA. Under this test, gross earned and unearned income cannot exceed the monthly poverty level as determined by the United States Bureau of Census. The poverty level used for the gross income poverty test will be adjusted in the same manner as the earned income disregard. This provision applies only to recipients living in housing for which a shelter allowance is provided to people renting an apartment, living in their own home, living in Section 8 Housing, living in public housing and certain types of room and board arrangements. Except as otherwise specifically provided, if a recipient resides in housing to which this provision applies and has gross earned and unearned income in excess of the poverty level, the recipient is ineligible.
- xiii. The relationship of the caretaker to the child shall be documented. At a minimum, documentation must include the applicant's declaration of the relationship on the application plus a third party statement attesting to the relationship. The Caretaker must cooperate with any attempt by the State to secure additional documentation of relationship.
- xiv. Intentional program violations will result in sanctions based on the number of previous offenses and the dollar value of the offense as follows:

6 Months Disqualification

first offense, and  
offense is less than \$1,000

12 Months Disqualification

second offense, or  
offense is between \$1,000 and \$3,900

18 Months Disqualification

third offense, or  
offense is greater than \$3,900

5 Year Disqualification

any subsequent offense

- xv. The benefits which would otherwise be available to a household must be reduced pro-rata for each individual in the household who willfully and without good cause fails or refuses to comply with work requirements and activities.
- xvi. Individual development accounts may be established by or on behalf of individuals eligible for Family Assistance for post secondary education, first home purchase, or business capitalization. Contributions to accounts may be made from the disregarded portion of the reported earned income, and such accounts are exempt from the resource limits for as long as the funds are held in the account or used for one of the above reasons. The funds may be matched by a not-for-profit organization or a local district acting in conjunction with a not-for-profit organization. However, neither the state nor local districts will be required to match contributions or administer the accounts.
- xvii. The State of New York, under Section 121 of the NYS Welfare Reform Act of 1997, elects to exempt all individuals from the application of subsection (a) of section one hundred fifteen of the federal Personal Responsibility and Work Opportunity Reconciliation Act of nineteen hundred ninety-six.
- xviii. The Child Assistance Program (CAP) will be offered statewide as a local district optional component of the State's FA (TANF-funded) program. CAP eligibility is limited to FA custodial parents who possess a child support order for each child participating in the program, unless the custodial parents do not possess a child support order because:

1. the absent parent is deceased;
2. the custodial parent has good cause for not establishing paternity or pursuing a child support order;
3. despite a diligent effort by the custodial parent, a child support order is not available in a reasonable period of time for reasons outside the custodial parent's control; or
4. the child resides with both parents and paternity has been acknowledged or adjudicated.

The program's financial eligibility guidelines are structured so that an enhanced disregard structure is provided to participants. While program participants must meet the FA resource test at initial certification for CAP, no assets test is applied thereafter, allowing participants to acquire assets in excess of the ordinary FA limits.

- xix. A Safety Net Assistance program will provide assistance for certain categories of persons. To the extent such persons are otherwise eligible for TANF-funded assistance, the State may elect to use federal funding.
- xx. New York has opted to use the TANF Block Grant transfer provision and will transfer TANF funds to both the Title XX and Child Care Development Block Grants.
- xxi. New York offers child care subsidy assistance to eligible families applying for or in receipt of public assistance to enable a child's parent or caretaker relative to engage in work or to participate in an activity, orientation, assessment, or work activity as required in their employment plan or if child care is needed for the child to be protected. For FFY '99 and following, New York provides child care under a separate State program, and as a TANF program in the case of specifically defined State initiatives, to eligible families with income at or below 200 percent of the State Income Standard who are transitioning from public assistance with earned income if child care is needed for the parent or caretaker to work; or who are at risk of becoming dependent on public assistance who need child care for the parent or caretaker to work or who are working and need child care to participate in educational activities. If services are provided through a separate State program, program eligibility may be established for families with income at or below 200% of the State Income Standard or up 275% of the State Income Standard in limited demonstration sites.

The State Income Standard is based on the federal poverty level.

The assets test in paragraph x., the disregard provisions in paragraph xi., and the standard of need provisions in Attachment E do not apply to eligible individuals who are not receiving a cash grant.

- xxii. The State will operate a finger imaging program for purposes of identification of recipients and prevention of fraud. Persons failing to submit to required finger imaging will be ineligible for assistance.
- xxiii. The State has adopted the Family Violence Option and will provide comprehensive screening and referral for victims of domestic violence. These procedures (Attachment F) enable victims of domestic violence receive appropriate alternative services and allow for good cause waivers to certain program requirements.
- xxiv. For FFY '99 and following, the State will provide a fully refundable State or local Earned Income Tax Credit (EITC) to families eligible during the previous calendar year. This may be done as a TANF program or as a separate State program.

Families eligible for TANF or MOE funded EITC payments during a fiscal year are those which included a child living with a parent or other adult relative (or a pregnant woman), if the family met the State's financial criteria established under the State or local EITC program, whichever is appropriate, during the year in which they qualified for EITC.

- xxv. TANF funds may be used for foster care maintenance, tuition and related services and juvenile justice services, including alternatives to detention and community reinvestment, for persons placed pursuant to Articles 3, 7 and 10 of the Family Court Act and for voluntary placements and child protective services and preventive services including determining eligibility therefor, to the same extent as such activities were authorized under the State's emergency assistance program as of September 30, 1995. A child is financially eligible for EAF if the income and resources of the child, at the time of the emergency, are not immediately available to meet all costs of care, maintenance or administrative activities associated with the child's placement and at least one member of the household is in receipt of public assistance or supplemental security income. To be eligible, the child must have been living with a specified relative within six months prior to the emergency situation which has given rise to the need for foster care. In addition, the reason for care must not have arisen due to the parent's refusal to accept training or employment or due to the parent's mismanagement of public assistance funds. Funding is available for emergency assistance which the State authorizes during one period of 30 consecutive days in any given 12 months. Once the initial eligibility is determined and EAF funding is authorized for the case, eligibility continues until the need arising from the emergency ceases to exist without any specified time limits. The continuation of the emergency situation must be re-determined at each case service plan based on the continuing emergency of the child and the needs arising from the emergency that are documented in the case record. Title IV-E remains the program of choice for foster care claiming whenever the child is Title IV-E eligible.

- xxvi. The State will operate a program utilizing TANF Block Grant funding providing services which enable long term, hard to place/serve recipients of TANF with significant barriers to long term independence to overcome these barriers. These services will assist in improving the marketability or preparation of TANF funded recipients for employment. In addition, services may target participants who are employed and have recently left TANF funded assistance and require supports to remain off assistance, former recipients who are, or should be, actively seeking additional employment opportunities or persons who are at risk of requiring TANF funded assistance. These services will be limited to eligible individuals, including but not limited to non-custodial parents, whose incomes do not exceed 200% of the federal poverty level.
- xxvii. For FFY '99 and following, the State may provide TANF funded or State funded benefits and services, either as a TANF program or as a separate State program, to eligible individuals and families whose incomes do not exceed 200% of the federal poverty level or, are eligible to receive benefits and services under the Home Energy Assistance Program (HEAP) or the New York State Child Care Block Grant. Such benefits and services may include, but shall not be limited to, support of food pantries and soup kitchens which serve eligible families, and services and benefits to eligible individuals and families which increase self-sufficiency; job training and work; children to be cared for in their own homes or in the homes of relatives; nurse-family partnership programs; Pre-K programs; counseling and education to prevent the abuse of alcohol and drugs; settlement house programs; caretaker relative programs; promote educational opportunities; prevent or reduce the incidence of out-of-wedlock pregnancy; promote job preparation, work and marriage; and encourage the formation and maintenance of two-parent families. Benefits and services under this provision also include, but are not limited to, the process for determining eligibility for assistance under the State Central Register of Child Abuse and Maltreatment.

The assets tests in paragraph x, the disregard provisions in paragraph xi, and the standard of need provisions in Attachment E do not apply to eligible individuals who are not receiving a cash grant. Determination of income in establishing income eligibility for various services in this Plan will be based upon individual or family income, as appropriate.

- xxviii. The State will provide a fully refundable (amount paid back to the client) State Dependent Care Tax Credit to families eligible therefor during the previous calendar year.

Families eligible for TANF or MOE funded Dependent Care Tax Credit payments during a federal fiscal year are those which included a child living with a parent or other adult relative (or a pregnant woman). For MOE funded payments, the definition of a

needy family will be the definition used in the Dependent Care Tax Credit program and financial eligibility will be determined using the criteria used for financial eligibility for the Dependent Care Tax Credit program.

- xxix. For FFY '99 and following, the State may provide TANF funded benefits and services to eligible individuals and families whose incomes do not exceed 200% of the federal poverty level unless otherwise provided in the program or unless they meet the eligibility definition outlined in 45 USC 263.2(a)(ii), to prevent or reduce the incidence of out-of-wedlock pregnancy; and to encourage the formation and maintenance of two-parent families. The services will be targeted to youth under 25 years of age and other individuals at risk of out-of-wedlock births or single parenthood, and non-custodial parents. Such services may include vocational and educational counseling, job skills training, family life and parenting education, life skills development, case management, pre-pregnancy family planning services, social and recreational programs, programs to provide supervised activities for elementary, middle and high school students during the hours school is not in session, outreach, advocacy, youth development activities and crisis intervention services. If such benefits and services are provided as a separate State program, they will be provided only to needy families.

The assets test in paragraph x, the disregard provisions in paragraph xi, and the standard of need provisions in Attachment E do not apply to eligible individuals who are not receiving a cash grant.

- xxx. The State may provide TANF funded or State funded benefits and services, either as a TANF program or as a separate State program, to eligible individuals and families whose incomes do not exceed 200% of the federal poverty level or, are eligible to receive benefits and services under the Home Energy Assistance Program (HEAP) or the New York State Child Care Block Grant. Such benefits and services may include, but shall not be limited to, providing transitional work support payments, for work related items of need (such as, clothing, meals, transportation and other expenses related to work), to those families that voluntarily close their public assistance case. These work support payments can be an amount up to a maximum of \$200 per month and can be received for up to 24 months in a lifetime, if otherwise eligible.
- xxxi. TANF funds or separate State funds may be used to provide short term benefits to defray heating costs for families whose income does not exceed 200% of the federal poverty level or, are eligible to receive benefits under the Home Energy Assistance Program (HEAP) or the New York State Child Care Block Grant.

The assets test in paragraph x., the disregard provisions in paragraph xi., and the standard of need provisions in Attachment E do not apply to eligible individuals who are not receiving a cash grant.

- xxxii. For FFY '06 and following, separate State funds may be used to provide medical services to non-citizens who are permanently residing under color of law, are not eligible for federally reimbursed Medicaid because of their non-citizen status, and have incomes that do not exceed 200% of the federal poverty level or, are eligible to receive benefits and services under the Home Energy Assistance Program (HEAP) or the New York State Child Care Block Grant.

The assets test in paragraph x., the disregard provisions in paragraph xi., and the standard of need provisions in Attachment E do not apply to eligible individuals who are not receiving a cash grant.

- xxxiii. For FFY '06 and following, TANF funds or separate State funds may be used to provide prospective rent supplements to families who have incomes that do not exceed 200% of the federal poverty level or, are eligible to receive benefits and services under the Home Energy Assistance Program (HEAP) or the New York State Child Care Block Grant.

The assets test in paragraph x., the disregard provisions in paragraph xi., and the standard of need provisions in Attachment E do not apply to eligible individuals who are not receiving a cash grant.

- xxxiv. For FFY '09 and following, TANF funds, TANF Emergency Contingency Funds, State MOE funds or separate State funds may be used to provide one-time payments to families during the current national economic downturn, who have incomes that do not exceed 200% of the federal poverty level or, are eligible to receive benefits and services under the Supplemental Nutritional Assistance Program, Home Energy Assistance Program (HEAP) or the New York State Child Care Block Grant. Such benefits and services may include, but shall not be limited to, providing one-time seasonal allowance for clothing and supplies for children three through seventeen or short term work support payments for work related items of need for individuals leaving welfare for work, or any other one-time, short-term payment needed to assist low-income families during the current economic crisis.

The assets test in paragraph x, the disregard provisions in paragraph xi, and the standard of need provisions in Attachment E do not apply to eligible individuals who are receiving a cash grant.

xxxv. For FFY '09 and following, TANF funds or separate State funds may be used to provide parenting and employment initiatives for non-custodial parents who have incomes that do not exceed 200% of the federal poverty level, or are eligible to receive benefits and services under the Supplemental Nutritional Assistance Program, Home Energy Assistance Program (HEAP) or the New York State Child Care Block Grant or are eligible pursuant to 45 USC 263.2(a)(ii).

The assets test in paragraph x., the disregard provisions in paragraph xi., and the standard of need provisions in Attachment E do not apply to eligible individuals who are receiving a cash grant.

TANF State Plan Effective Date: January 1, 2009.

**OFFICE OF TEMPORARY AND  
DISABILITY ASSISTANCE**

# EXECUTIVE CERTIFICATION

**1. CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.**

New York certifies that during the fiscal year, the State will operate a child support enforcement program under the State Plan approved under part D of Title IV of the Social Security Act.

**2. CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.**

New York certifies that during the fiscal year, the State will operate a foster care and adoption assistance program under the State Plan approved under part E of Title IV of the Social Security Act, and the State will take such actions as necessary to ensure that children receiving assistance under such part are eligible for Medical Assistance under the State Plan under Title XIX of the Social Security Act.

**3. CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.**

New York State certifies that the Office of Temporary and Disability Assistance of the Department of Family Assistance will administer and supervise those portions of the State's program operated with the Temporary Assistance for Needy Families Block Grant funds which relate to financial support, training and work programs. This Office will work cooperatively with the Department of Health, the Office of Children and Family Services and other agencies.

New York also assures that the local governments and the private sector organizations will have been consulted regarding the plan and the design of welfare services in the State so that services are provided in a manner appropriate to local populations; and will have had at least 45 days to submit comments on the plan and design of such services.

**4. CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.**

New York will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the federal government.

**5. CERTIFICATION OF STANDARDS AND THE PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.**

New York certifies that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

**6. PUBLIC AVAILABILITY OF STATE PLAN SUMMARY.**

New York certifies that the State shall make available to the public a summary of any plan submitted by the State under this section.

**7. FAMILY VIOLENCE OPTION.**

New York State has established and is enforcing standards and procedures to (a) screen and identify individuals with a history of domestic violence, while maintaining the confidentiality of such individuals; (b) refer such individuals to counseling and supportive services, where appropriate; and (c) for good cause, waive other program requirements which would make it more difficult for individuals receiving assistance to escape domestic violence or would place individuals at further risk of domestic violence.

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**David A. Paterson**  
**Governor**