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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 91 INF-3

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: January 9, 1991

SUBJECT: 1990 Income Maintenance Regional Meetings Questions
 and Answers

SUGGESTED

DISTRIBUTION: Income Maintenance Directors
 Medical Assistance Directors
 Food Stamp Directors
 Family and Children Services Directors
 Corrective Action Coordinators
 Staff Development Coordinators

CONTACT PERSON: See Attachment II

ATTACHMENTS: Attachment I - Listing of all attachments -
 available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90 ADM-41	90 LCM-45	352.29		PASB	90 LCM-93
90 ADM-31		352.30		XVI-O-all,	
90 ADM-30		404		XII-E-3.1	
86 ADM-30		415		through	
85 ADM-51				XII-F-15	
85 ADM-38				XV-J-6-all	
84 ADM-39				FSSB	
83 ADM-7				V-A-all	
81 ADM-55				V-B-2.1	
90 INF-17				V-D-1.1	
89 INF-66				V-E-3	
86 INF-21				VI-B-2	
				VI-E-3	
				IX-F	
				X-C-3	

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Attached to this release are responses to inquiries raised during the most recent series of Regional Meetings conducted by the Division of Income Maintenance in 1990.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance

Listing of All Attachments

- Attachment II - Listing of Contact Persons - available on-line.
- Attachment III - "1990 Income Maintenance Regional Meetings Questions and Answers" (Meetings held in May and June, 1990) - available on-line.
- Attachment IV - "Dear Commissioner" letter dated 7/26/90 regarding Food Stamps Staggered Issuance procedures - not available on-line.

Notice to all Food Stamp Recipients regarding Staggered Issuance of Food Stamp benefits - not available on-line.

Food Stamp ATP Staggered Issuance schedule - not available on-line.
- Attachment V - Medical Assistance Closing Code Reason Code Matrix - not available on-line.

Listing of Contact Persons

Revised Recertification Guide	Maria Eckhardt 1-800-342-3715, extension 3-6165
Food Stamp Household Composition	FS County Representative 1-800-342-3715, extension 4-9225
Common Benefit Identification Card (CBIC)	FS County Representative 1-800-342-3715, extension 4-9225
Food Stamps Staggered Issuance	FS County Representative 1-800-342-3715, extension 4-9225
Transitional Child Care	Anne Ball 1-800-342-3715, extension 4-9324
Transitional Medical Assistance	MA Eligibility County Representative 1-800-342-3715, extension 3-7581
Filing Unit	Dottie O'Brien 1-800-342-3715, extension 4-6853

1990 Income Maintenance Regional Meetings
Questions and Answers

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I. REVISED RECERTIFICATION GUIDE (DSS-3608, Rev. 6/89)

1. Q: Is completion of the revised Recertification Guide mandatory?
A: Yes, per 85 ADM-38 and 90 INF-17. If local districts would prefer to complete the DSS-3570: "Certification Guide" instead of the DSS-3608, that is acceptable. One or the other must be completed, however.
2. Q: Are local districts now being required to review the case record prior to the actual recertification interview?
A: Ideally, the case record should be reviewed prior to the interview so that the examiner is familiar with the case and can focus on the areas which might be changing. In certain instances, however, the examiner may be unable to do so. If this situation occurs, the examiner should complete the case record review during the interview.
3. Q: Can the examiner complete the case record review after the interview is completed?
A: That would defeat the purpose of the revised Recertification Guide. The revised format with its columns allows the examiner to compare the past with the present and discuss with the recipient those things that have changed. If the case record review column is not completed until after the interview, the examiner would be unable to see what has changed and the recertification could be incomplete.
4. Q: Is the examiner required to complete every checkbox?
A: As examiners become more familiar with the revised Recertification Guide, they will be developing the method of completion that is most effective for them. The important thing to remember is that the documentation/verification necessary to complete the recertification must be recorded completely.
5. Q: It seems like more time will be needed to complete the revised Recertification Guide. Were any time studies done to see if this is so?
A: Initially, new forms usually take longer to complete than the previous versions, since they are unfamiliar to the examiners. It was the feeling of the State and local district staff who designed the revised Recertification Guide that the checkbox format and columnar layout would be a timesaver, once the forms have been in use for a while. There were no specific time studies done, however.

6. Q: Does the revised Recertification Guide correspond with the revised DSS-3174: "Recertification Application" (Rev. 3/90)?
- A: Yes.
7. Q: In the revised Recertification Guide, in Section 14 "Fuel and Utility Expenses", there is no space to document telephone expenses. Can space be added to this section?
- A: It was felt that the "Telephone Allowance Budgeted" box in the "Results of Interview" box is sufficient.
8. Q: On Page One, Section Two, of the DSS-3174: "Recertification Application" (Rev. 3/90) and the DSS-2921/DSS-2921(NYC): "Application" (Rev. 3/90), it states that "If you are applying/recertifying for both Public Assistance and Food Stamps, you will only be required to have a single interview for both programs". Many local districts would need to conduct separate interviews because of local district procedure. Can the wording be changed on the DSS-3174?
- A: The wording for this Section comes directly from the federal Food Stamp regulations. We are aware, however, that separate PA and FS interviews do take place in some cases, such as for expedited food stamps and food stamp mixed households. We are considering qualifying this statement.
9. Q: On Page One of the DSS-3174: "Recertification Application" (Rev. 3/90) and the DSS-2921/DSS-2921(NYC): "Application", (Rev. 3/90) are applicants/recipients who are completing the entire application (i.e., not using their "short form filing rights") required to sign in Section Two if they're going to be signing Page Six?
- A: No.
10. Q: In the DSS-3174: "Recertification Application" (Rev. 3/90) if the entire application is being completed and Page One is signed, must Page Six be signed also?
- A: Yes.
11. Q: Who is required to sign Page Five of the DSS-3174: "Recertification Application" (Rev. 3/90).
- A: As stated in 89 INF-66: Introduction of "Authorization for Reimbursement of Interim Assistance Granted Pending An Initial Post-Eligibility SSI Determination" (DSS-4143), all adult HR, VA and PG-ADC A/Rs must sign. At the next revision of the DSS-3174, we will modify the form so that no separate Interim Assistance Reimbursement (IAR) authorization signature will be required. The signatures on the last page of the form will then be sufficient to

allow districts to receive both initial and initial-post interim assistance from the Social Security Administration.

12. Q: On Page Three of the DSS-3174: "Recertification Application" (Rev. 3/90), must Section Eight be completed if all the appropriate signatures are already in the case record, either on the DSS-2921/ DSS-2921(NYC): "Application" or the DSS-4060: "Declaration of Citizenship/Immigration Status?"
- A: If the worker is certain that all the appropriate citizenship certifications are in the case record, and no new signatures must be obtained, it is not mandatory that Section Eight be completed. However, there would be no problem if the section were to be completed again. Also, if all necessary signatures have been obtained, and the case is closed and reopened, the signatures do not need to be obtained again, unless there is reason to believe that the alien status has changed.
13. Q: Concerning Section 7 of the Application (DSS-2921/2921NYC) and Section 8 of the Recertification Application (DSS-3174), the "Declaration of Citizenship/Alien Status": If a parent is signing for a child under 18, should the parent sign "Mary Jones for Brian Jones" or can the parent simply sign, "Mary Jones"?
- A: The line number of the "signatures" section will associate the parent's signature with the name of the child listed in the "Household Members" section of the applications. When signing for a child under 18, the parent's signature must go on the child's line. For example, Mrs. Mary Jones, when signing for her infant child, Brian Jones, must sign "Mary Jones".
14. Q: Why can't the Recertification Application (DSS-3174) and the Recertification Guide (DSS-3608) be combined into one form to be used both by the client and by the worker? In this way, all of the recertification information, including that information to which the client is legally attesting, would be in one place during the recertification interview.
- A. In connection with the Department's commitment to work simplification/mandated procedures reduction, we will be looking at the feasibility of developing such a form and conducting a demonstration project in one of the larger local districts.
15. Q: It is our understanding that the new client books, DSS-4148A: "What You Should Know About Your Rights and Responsibilities (When Applying For or Receiving Social Services)" and DSS-4148B: "What You Should Know About Social Services Programs", will be replacing some mandated forms. How will we know which ones?

A: An ADM has been issued (90 ADM-41, November 2, 1990), and an LCM was previously issued (90 LCM-93, June 28, 1990), which explain which forms will no longer be necessary at application and recertification.

16. Q: If the Application (DSS-2921/DSS-2921NYC) or Recertification Application (DSS-3174) are mailed to an applicant/recipient for completion prior to a face-to-face interview, is it necessary to mail the client information books (DSS-4148A, DSS-4148B), or can they be presented at the interview?

A: In order to guarantee that all applicants/recipients are aware of all of their rights and responsibilities at the time that they are filling out the application forms, the client information books must be mailed with the appropriate application form and its companion "How to Complete..." pamphlet.

II. FOOD STAMP HOUSEHOLD COMPOSITION

1. Q: Can a 17 year old residing with his or her parents ever be a separate household if purchasing and preparing meals separately from them?

A: A 17 year old child residing with his or her parents may be a separate household if one of the parents is elderly or permanently disabled and the 17 year old child is not under the parents' parental control. A 17 year old child residing with his or her parents may also be a separate household if the 17 year old child has their own minor child and the 17 year old is not under his or her parents' parental control.
2. Q: Can a minor parent with a child who purchases and prepares meals separately from his or her parents be a separate household from his or her parents if one of the parents is not elderly or disabled?

A: The minor parent and the child may be a separate household provided the minor parent is not under parental control.
3. Q: How is parental control defined for determining separate household status in the case of a minor child residing with his or her parents?

A: Parental control is generally determined based on the minor's capability of providing for 50% or more of his or her own financial support. This support may be from sources such as wages from employment or receipt of his or her own PA grant. A minor child residing with a spouse or receiving support from a spouse may also be determined as not under parental control.
4. Q: If a woman, her infant and her boyfriend live together, and the boyfriend does not admit paternity for her child, does he have to be included in the same FS household?

A: If the boyfriend does not admit to being the father of the child and legal paternity has not been established, he would not have to be included in the food stamp household of the mother and child unless he purchases and prepares his meals with them.
5. Q: Can a child living with a parent(s) be a separate household due to being a diabetic or a recipient of SSI?

A: For a child to be considered separate from a parent(s), the parent(s) would have to be elderly or disabled, not the child. There are also no specific provisions to allow separate household status based on someone requiring a special diet.

6. Q: If a 19 year old is determined by PA to be supported by a parent who lives in the same household, can the 19 year old still qualify for separate FS household status?

A: Yes. PA's determination of the 19 year old being supported by a parent who lives in the same household does not prohibit the 19 year old from qualifying as a separate food stamp household if the 19 year old purchases and prepares meals separate from the parent, and

1. the parent of the 19 year old is elderly or disabled, or

2. the 19 year old has a minor child.

It must be assessed if the "support" provided by the parent includes purchasing food for the 19 year old in common with the food purchased for the rest of the household. If "support" consists only of receiving cash contributions from the parent, it is possible for the 19 year old to be purchasing and preparing separately from the parent.

7. Q: Can an individual who appears to meet the definition of "homeless" by taking temporary accommodations in the residence of another be eligible for food stamps as a separate household if the person providing the temporary accommodations is a parent or sibling?

A: An individual (regardless of whether or not he or she meets the definition of homeless) who temporarily takes occupancy in the household of another must qualify for food stamps as a separate household based on current household composition rules in order to be granted separate household status. For example, a daughter, with no children of her own, temporarily moves in with her mother because she has lost her apartment. The mother and daughter must be considered together as a food stamp household, unless the mother is elderly or disabled.

8. Q: What factors regarding determining household composition must be explained to an applicant household at time of application?

A: An explanation is provided in the "How to Complete Your Application" Publication 1301 and "How to Complete Your Recertification Application" Publication 1313 informing an applicant household that food stamps household composition is determined by considering all individuals who purchase and/or prepare meals together. A specific question is asked on the initial and recertification applications regarding whether each person listed on the application purchases or prepares meals with the others they live with. This question should be carefully reviewed by the eligibility worker at the time of the eligibility or recertification interview.

The "How To Complete" pamphlets also inform applicants that under certain circumstances people who purchase and/or prepare meals separately may receive more food stamps. It is advisable to inform the household of these circumstances at the time of the eligibility interview in order to maximize the amount of food stamp benefits for which they may qualify.

9. Q: How do we treat an individual who enters a household for a temporary period of time and would otherwise qualify as a household member?

A: An individual who moves into a household, and will remain in the household for a majority of the month following the individual's reported entry into the household, shall be added to the household as follows:

- (1) If adding the individual to the household would increase the household's benefits, the addition must be made for the month following the individual's reported entry into the household.
- (2) If adding the individual to the household would decrease the household's benefits, the individual would not be added until the household is issued a timely notice of decrease. However, no notice of decrease action is required prior to adding the individual if the month following the individual's reported entry into the household is the first month of the household's certification period following recertification. If an individual will be in the food stamp household for an unknown period following the individual's addition to the household, the local district should consider monitoring such cases more closely for changes in household composition. One method of monitoring may include establishing shorter certification periods for such cases.

(3) If an individual subsequently moves out of the household, the household must be issued a timely notice of adverse action (or action taken notice if subject to recertification) before removing the individual, if removing the individual would result in a decrease in benefits to the household.

10. Q: How can someone who has no income and who is residing with others be allowed separate household status?

A: At time of application, the household must indicate which individuals purchase and prepare meals together. Prior to application they may have purchased and prepared their meals with others with whom they reside because they had no income. However, as of the date of application they are entitled to indicate that they now purchase and prepare their meals separately. This change of purchasing and preparing circumstances may also occur at any time in existing cases or for reapplicants. The household's statement regarding purchasing and preparing meals must be accepted when determining FS household composition.

11. Q: If an individual temporarily leaves a PA household to enter a residential treatment facility for drug addicts or alcoholics (RTC), is the person entitled to food stamps?

A: The individual may be eligible for food stamps if the institution meets the requirements of an eligible institution, as defined in Food Stamp Source Book V-D-1.1. The individual must be removed from the PA/FS household for the month following the month of placement in the institution, provided the individual will be in the institution for a majority of the month following the move.

12. Q: In which household should a child be included when two parents apply separately for food stamps when they have joint custody of a child and they each provide 50% of the child's meals?

A: The decision, as to in which household the child should be included, must be determined by the parents.

13. Q: How do you verify the disability of an applicant who is elderly and disabled and wishes to be granted separate household status, if the applicant is unable to purchase and prepare meals separately from the others with whom the applicant resides?

A: Local districts are to use SSA's most current list of disabilities as one way of verifying if an individual has a disability considered permanent under the Social Security Act. However, only those individuals who suffer from one of the disabilities mentioned in the SSA list, who are unable to purchase and prepare meals separately from the others with whom they reside because of such disability, may be granted separate household status, provided the others' income does not exceed 165% of the federal poverty level.

If it is obvious to the eligibility worker that the individual is unable to purchase and prepare meals separately because the individual suffers from a severe physical or mental disability, the individual shall be allowed separate household status. If the disability is not obvious to the eligibility worker, the worker must verify the disability by requiring a statement from a physician or licensed or certified psychologist certifying that the individual (in the physician's/psychologist opinion) is unable to purchase and prepare meals because the individual suffers from one of the disabilities mentioned in the SSA list, or is unable to purchase meals because the individual suffers from some other severe, permanent physical or mental disease, or nondisease-related disability.

14. Q: How do you proceed in processing a food stamp applicant who is elderly and disabled, and who is unable to provide income information to determine if the income of the others with whom the applicant resides does not exceed 165% of the federal poverty level, in order to allow separate household status?

A: The elderly and disabled applicant has the primary responsibility for providing documentary evidence regarding the income of those with whom the applicant resides in order to determine separate FS household status. However, if it would be difficult or impossible for the elderly or disabled applicant to obtain documentary evidence in a timely manner, or insufficient documentation has been presented, the local district must either offer assistance in obtaining the documentary evidence or must use a collateral contact or home visit. If information cannot be obtained despite efforts of both the applicant and the agency, the application will have to be treated as if all members residing with the elderly and disabled member, who purchase and prepare meals together, constitute one household. Failure of household members to then cooperate in providing required verification would result in the household being denied for refusal to cooperate.

15. Q: If we verify household size by a home visit, can we also require a landlord statement?
- A: Only one form of verification can be required to verify household size.
16. Q: What are the questionable situations for which we can require verification at recertification?
- A: At recertification the local district is required to verify changes in income, actual utility expenses or medical expenses if the source has changed or the amount has changed by more than \$25. Other information that has changed may be verified. Unchanged information, however, may not be verified unless questionable. To be questionable, there must be information available which is inconsistent with current record information or information available that is inconsistent with information provided on the recertification form. This determination must be made on a case-by-case basis. Information at recertification which is incomplete, inaccurate or outdated may also be subject to verification. The rationale for verifying information, other than that which is required at recertification, must be documented in the case file.
17. Q: If an individual is an ineligible alien, how do we budget the individual's income and determine shelter expenses for remaining household members?
- A: A pro rata share of the income of an ineligible alien is counted as income to the remaining household members. For example, if there are four individuals and one is an ineligible alien, 3/4 of the ineligible alien's income would be counted toward the remaining three members. Shelter costs paid by or billed to the ineligible alien are divided evenly among the household members, including the ineligible alien, with all but the ineligible alien's share counted as a deductible shelter expense for the remaining household members. Standard utility allowances to be used are calculated by determining the ineligible aliens prorated share of the agency's SUA and subtracting it from the agency's full SUA. The greater of the household's prorated actual expense or prorated SUA allowance would be used. On upstate ABEL the greater amount must be entered with FS indicator "A" - actual.
18. Q: Who is to be sanctioned if a household member quits his or her job, and the household member is not the household's principal wage earner?
- A: No one. The voluntary quit provision sanction applies to the entire household only when the household's principal wage earner quits without good cause.

III. COMMON BENEFIT IDENTIFICATION CARD (CBIC)

1. Q: Can someone use their CBIC in another county?
A: Yes. The CBIC can be used statewide for Medicaid purposes and upstate for FS and PA.
2. Q: Will the CBIC be used for group home residents?
A: Yes. Each resident of a group home will receive a CBIC card.
3. Q: What happens when residents transfer from one group home to another?
A: Residents will use the same CBIC. The card is linked to the recipients' CIN, not to their address.
4. Q: Why will each household member receive a CBIC when on MA?
A: Because family members seem to be frequently moving in and out of households, it was felt that if each household member had a card, fewer cards would have to be replaced whenever someone moves.
5. Q: In a household of six people, if one person's card is lost, do all six members have to get a new card or is just the lost card replaced?
A: Just the lost card is replaced.
6. Q: If someone loses their Electronic Medicaid Eligibility Verification System (EMEVS) card two weeks before conversion, is it replaced by a CBIC replacement card?
A: Yes. Two weeks before conversion, counties should begin issuing CBIC replacement cards off the MET terminal.
7. Q: Will the expiration date on the CBIC replacement cards be automatic?
A: Yes. The card will expire in 30 days until the entire State is converted to CBIC. In January, when conversion is completed, the card will expire in 15 days.
8. Q: What is the turnaround time for producing the permanent CBICs?
A: Under contract cards are supposed to be produced within 5 days after the receipt of the I.D. card request.

9. Q: Can you issue a temporary CBIC before full data entry?
- A: Yes. The application just has to be registered. However, until full data entry has been completed and the contractor receives the eligibility information, the temporary CBIC card cannot be used for MA.
10. Q: If someone is applying for PA/FS and MA and will be issued temporary cards, will they need one temporary card for PA/FS and another one for MA?
- A: Yes. The temporary CBIC cannot be used for MA. However, until full data entry has been completed and the contractor receives the eligibility information, the temporary CBIC card cannot be used for MA. DSS-2831A will still be used for MA applicants in need of immediate care. Once the permanent CBIC is received by the recipient, it can be used for MA, FS, and PA.
11. Q: Will cases with EMEVS card codes be automatically converted?
- A: Yes. The 11 existing card codes will be converted to the 4 revised card codes at conversion.
12. Q: When do counties begin to use the new card codes?
- A: Counties begin to use the new card codes on the Monday after conversion.
13. Q: What does the term "FS Cardholder" mean?
- A: The FS Cardholder is one or two individuals in a case who are authorized to obtain FS benefits for the case.
14. Q: When do counties begin to assign FS Cardholders?
- A: Counties begin to assign FS Cardholders on the Monday after conversion.
15. Q: How do you assign the FS Cardholder?
- A: Examiners will have to identify which clients are to receive Food Stamp Benefits by coding the appropriate recipients as the cardholders on Screen 5. A value of "x" means yes; blank, no. A maximum of two recipients per case can be coded as FS Cardholders.
16. Q: Do you need to photograph people who currently have a photo EMEVS card?
- A: No. FDR will use the EMEVS photo that is on file to produce the photo CBIC card.

17. Q: Who has to be photographed for FS purposes?
- A: There are no photo requirements for FS purposes but a FS recipient may have a photo CBIC because of other benefits that the recipient receives.
18. Q: Who has to be photographed for MA purposes?
- A: Each adult in the household, unless aged, blind or disabled. Children aged 13 to 21 may be photographed.
19. Q: Is it an eligibility requirement that individuals over age 13 have a photo card for CBIC?
- A: No. During conversion these individuals will be coded P. The worker can later change the card code to N.
20. Q: Is it an eligibility issue for an individual who refuses to be photographed for MA purposes?
- A: We do not have regulatory authority to make this a condition of eligibility at this time.
21. Q: Who notifies the banks concerning the CBIC card?
- A: Notification is the county responsibility. Procedures and sample correspondence are included in the January 18, 1990 Dear Commissioner Letter.
22. Q: How will the CBIC affect authorized representative procedures?
- A: In the time period between CBIC and Alternate Food Stamp Issuance (AFSI) current procedures are in effect. When AFSI is implemented, the authorized representative will use the client's CBIC and the client's PIN.
23. Q: When using a CBIC for MA, can a 15 year old obtain services without any parental control?
- A: A 15 year old can obtain benefits without any parental control.
24. Q: Is the State going to train examiners on CBIC/AFSI?
- A: The State will be providing Regional CBIC/AFSI and Screen Training. Counties will be responsible to train the examiners.

IV. FOOD STAMPS STAGGERED ISSUANCE

1. Q: During the first month of staggered issuance, clients whose case number ends with a 9 will not receive their benefits until the ninth day of the month. Is there a provision for supplementation?

A: According to USDA regulations, there is no provision for supplementation. However, recent clarification to federal regulations provides that no more than 40 days shall elapse between any two food stamp issuances provided to a participating household. In order to meet this requirement it is imperative that, during the first month of staggered issuance, all ATP's are mailed for receipt by the 9th of the month. To reduce the impact on clients whose case number ends in 7, 8, 9, counties also may opt to phase in the staggered issuance cycle over several months. It is also essential that food stamp recipient households be notified in writing at least one month prior to the start of the staggered cycle concerning the availability of emergency assistance. The above information was further clarified in the attached 7/26/90 letter (Attachment IV), from Oscar Best, that was sent to Region III.

2. Q: Is this a fair hearing issue?

A: No, it is not.

3. Q: If a client whose case number ends with a 9 is due to get benefits July 10, and on June 29 the agency finds out about a change, how does the 10 day notice work?

A: Even though clients will be receiving benefits on a staggered basis, the household's situation on the first day of the month will determine how the benefits will be issued. Therefore, the current procedures in regard to the 10 day notice will continue to be in effect and will continue to be based on the first of the month.

V. TRANSITIONAL CHILD CARE

1. Q: What information has to be sent out to PA recipients at the time of case closing?

A: ADC cases as well as HR cases closed due to reasons other than employment are required to receive the "Notice of Potential Eligibility for Transitional Child Care Benefits" (Attachment C to 90 ADM-31) or an approved local equivalent.

PA cases closed due to an increase in earned income, increased hours of employment, or loss of the earned income disregards are required to receive, at the notice of the PA closing or at the actual case closing, the following: The "Notice of Potential Eligibility for Transitional Benefits" (Attachment A to 90 ADM-31) or an approved local equivalent; the "Applicant Questionnaire" (Attachment B to 90 ADM-31); and the DSS-2921 or DSS-2921(NYC): "Application", the "How to Complete...Application" (PUB-1301/PUB-1301(NYC)) and the DSS-4148A and DSS-4148B, client information books. The family is allowed to mail the Application and Applicant Questionnaire and appropriate documentation back to the district. A face-to-face interview is not required. If the district cannot resolve questions concerning the application for Transitional Child Care Benefits in any other manner, the family may be asked to arrange an interview.

2. Q: Should Services or Income Maintenance take the application for Transitional Child Care Benefits?

A: The district determines which organizational unit should process an application for Transitional Child Care benefits. However, the application must be processed as a Services case in WMS, and financial eligibility determined according to Services rules and regulations. (Refer to Department Regulations, Sections 404 and 415 and Bulletin 195).

3. Q: Are PG-ADC cases eligible for Transitional Child Care?

A: At the time of the May and June IM Regional Meetings we stated that PG-ADC cases were not eligible for Transitional Child Care. Since then, the Job Opportunities and Basic Skills Training Program has extended Transitional Child Care Benefits to HR cases. This extension was made retroactive to April 1, 1990.

Since PG-ADC is an HR funded category, such case closings should be sent the "Notice of Potential Eligibility for Transitional Benefits" or the "Notice of Potential Eligibility for Transitional Child Care".

4. Q: Are ADC-U families eligible for Transitional Child Care?

A: ADC-U families are eligible provided that all eligibility requirements are met. The parental deprivation factor is not applicable to the ADC-U population for Transitional Child Care eligibility purposes.

5. Q: If the ADC case is closed due to an increase in unearned income and the individual is employed, is the family eligible for Transitional Child Care?

A: If an increase in unearned income causes the PA case to be ineligible, then the family is not eligible for Transitional Child Care. When a family is determined to be ineligible for Transitional Child Care benefits, the district should consider the family's eligibility for Title XX or Low Income Day Care.

6. Q: A recipient, who is employed, requests the PA case to be closed even though the family income is within PA eligibility limits and requests Transitional Child Care benefits. Is the case eligible for Transitional Child Care Benefits?

A: The family is not eligible for Transitional Child Care benefits, since the family has not lost eligibility for PA due to increased earned income, increased hours of employment, or loss of the earned income disregards.

Districts are required to inform recipients who request their case to be closed that they may be ineligible for Transitional Child Care benefits if the PA case is closed for reasons other than employment.

7. Q: The PA case is closed at the recipient's request or for non-compliance, or for non-employment reasons. The recipient applies for Transitional Child Care and states the family had asked for the PA case to be closed because they found employment and would have been ineligible for PA. Is the family eligible for Transitional Child Care?

A: If the family can document that they had been employed and would have been ineligible for PA at the time of the closing, the family would be eligible for Transitional Child Care benefits, provided they meet the other requirements.

8. Q: Can the recipient apply for Transitional Child Care at any time after PA case closing and receive benefits retroactively?
- A: The recipient may apply for Transitional Child Care benefits anytime during the twelve-month eligibility period. Benefits must be made retroactive if the recipient can document they were eligible. Documentation should include income and child care expenses.
9. Q: Is a parent fee charged for Transitional Child Care if the family's income is below 200% of the state income standards?
- A: The district must require each family receiving Transitional Child Care to contribute toward the payment of child care costs based upon family income. The district should apply the fee schedule currently in place for day care to the Transitional Child Care Program. The fee schedule has to be adjusted to assess Transitional Child Care families a minimum fee of \$1 per week. The district has the option to collect the fee or to have the provider collect the fee.

VI. TRANSITIONAL MEDICAL ASSISTANCE

1. Q: Is the extension supposed to begin the month following "PA closing" or "PA ineligibility"?

A: The Transitional Medical Assistance (TMA) period (as initiated in WMS) starts on the first day of the month, immediately following the month the PA case closed. We are not requiring districts to review any specific cases. We are asking for a periodic review of a sample of cases and targeting PA closing code 109 (increased earnings/other person).

2. Q: If a client calls to report increased earnings and the PA case is closed/extension begins, does the client have to document the increase to prove his or her eligibility for the extension?

A: The agency should not wait for documentation to grant TMA. However, they should ask the client to send in the documentation and give TMA coverage while awaiting documentation.

3. Q: Once the extension begins, would an EAF or EAA opening force close the MA case or would the "Emergency Indicator" overrule this?

A: EAA & EAF cases do not force close existing MA cases. From a policy perspective, receipt of EAA or EAF should not stop or impact the TMA coverage.

4. Q: If the county elects to send the "Notice of Potential Eligibility for Transitional Benefits" (Attachment III, 90 ADM-30) for services purposes separate from the closing letter (i.e, a week later), is it necessary for MA purposes to send it also at the time the closing letter is sent?

A: For Medical Assistance purposes, the "Notice of Potential Eligibility for Transitional Benefits" must be sent with the PA closing notice.

5. Q: What if a client requests his or her PA case closed due to a new job and provides no documentation for the PA worker to determine ongoing PA eligibility, but meets all TMA criteria. Is this case entitled to the extension? (This case is truly a client request since technically it is not known if the client would have been financially ineligible for PA).

A: The client should be given the extension. One of the purposes of TMA is to provide medical care services for PA clients attempting to become self-sufficient. This is the population that the legislation was intended to target.

6. Q: What if, as in question 5, the client requests his or her case closed due to a new job, and documentation reveals continued eligibility for PA. If the client still wants the PA case closed and meets TMA criteria, must the extension be given?

A: Yes, if the client indicates they want to continue receiving MA.

7. Q: Is a PG-ADC case treated as an ADC or HR case?

A: PG-ADC is considered HR. Recent changes allow HRs to receive the same TMA extensions as ADC families, if all the criteria is met.

NOTE: The Reason Code Matrix that was distributed as a handout at the IM Regional Meetings has been revised. Attachment V of this INF is the revised Reason Code Matrix.

VII. FILING UNITA. Lump Sum and the Filing Unit

1. Q: A man is a member of a three-person household including his wife and child when he receives a lump sum. The period of ineligibility is calculated based on the three person household. If the man leaves that household before the period of ineligibility ends and leaves the remaining household members without any of the lump sum, would the period of ineligibility be recomputed and lengthened?

A: No. Once a household has received proper notice of the period of ineligibility, there is no provision in regulation for lengthening that period.

2. Q: If the wife and child, who are left without any of the lump sum, reapply for and are accepted for public assistance before the period of ineligibility is over, what would happen if the husband came back into the household?

A: If the husband returned to the household where he resided when he received the lump sum, and if the period of ineligibility was not completed, the wife and child could not continue to receive assistance. Even if the husband had none of the lump sum left, since the wife and child were persons covered by the notice of lump sum period of ineligibility, they could not receive assistance when he returned unless there were good reasons for shortening the period of ineligibility.

3. Q: In the example at the regional meeting, the husband received a lump sum, the period of ineligibility was calculated for the unit (3 person household) and was to last for more than two years. He left his family taking his lump sum with him and had a relationship and a child with another woman. When he later moved in with the woman and their child, why didn't the period of ineligibility apply to that woman and child?

A: Since that woman and child were not members of the same assistance unit at the time of the receipt of the lump sum, then the lump sum provisions cannot be applied to them.

4. Q: Why can a minor dependent child get public assistance when the child's father is in the household and is ineligible for public assistance because of a lump sum received before he was part of the child's household?

A: Such a child (or other household member) can get public assistance if otherwise eligible once the agency makes the determination that the child was not a member of the same assistance unit as the father when he received the lump sum. Department regulation 352.29(h) sets the method of calculating a lump sum period of ineligibility. As part of the calculation the "... household needs for a family which consists of the ... assistance unit plus any other individual whose needs are taken into account in determining eligibility and the amount of the grant ..." are taken into account. Thus, any household member who was not in the assistance unit when the lump sum was received can get public assistance if otherwise eligible.

The method of determining the eligibility of the child is addressed in the following question and answer.

5. Q: What if an assistance unit is ineligible for a period of time and during that time a baby is born; would the period of ineligibility be redetermined?

A: The answer to this question is both yes and no. The period of ineligibility would be recalculated to take into account special needs such as the pregnancy allowance or expenses such as medical costs not covered by medical assistance or medical insurance or increased shelter costs but the new baby would not be included in that calculation. Rather, the new baby's eligibility would be determined according to the procedures shown on Page XVI-0-2 of the Public Assistance Source Book.

6. Q: If the legally responsible relative who got a lump sum still had a portion of the lump sum left, would that money be applied against the needs of his/her otherwise eligible dependents?

A: No. The lump sum period of ineligibility was calculated on that money and since that person cannot get assistance during that period (unless there is a good reason for shortening the period) the money must

meet that person's needs. However, resources that are not part of the lump sum, or recurring income, can be used to determine the eligibility and degree of need for the lump sum recipient's dependents who were not part of the assistance unit when the lump sum was received.

7. Q: What if the legally responsible relative who doesn't have to apply because of a previously received lump sum refuses to document income and resources?

A: Such a refusal would make it impossible for the agency to make a determination of the eligibility of the unit. The unit would be ineligible.

B. Apply vs. Comply

1. Q: Can a district be cited for a QC error if a case member becomes incapacitated, the agency is not informed, and the incapacity influences who must apply in the filing unit?

A: Districts can be cited for changes that go unreported. In households where some children are on ADC but their half-siblings are not required to apply because they do not have an ADC deprivation, an unreported incapacity could result in an error. If the incapacitated person is a parent whose illness results in the non-applying children having an ADC deprivation factor, then those children and the parent would have to be included in the filing unit.

Let's say that Ms. Smith and her two children by a previous relationship receive ADC. Also in the household is Mr. Ames and the two children of Ms. Smith and Mr. Ames. Mr. Ames has a good job and does not want to apply for assistance for himself and his two children. Because there is no categorical deprivation, the worker determines that Mr. Ames and the two Ames children don't have to apply. At recertification the worker finds out that Ms. Smith has been ill for the past three months. Ms. Smith is told to provide a medical statement and she does. Because the common children now have a deprivation factor, they and their father should have been in the filing unit and Mr. Ames' income applied to the needs of the unit consisting of Ms. Smith and her children and Mr. Ames and their children in common. Even though the agency did not know of the change in circumstances, if the QC review month was one of the months when the common children had the deprivation, the case would be cited for an error.

2. Q: If the household refuses to provide a medical statement, can you close the case?

A: The medical statement is needed so the agency can make determination on category, which children are required to be in the filing unit, whether or not a person should apply for Social Security Disability or SSI, and other determinations. If the applicant/recipient will not provide the medical statement when they have stated a case member is ill or when the worker observes an obvious incapacity, the case is ineligible.

3. Q: Should we require medical statements from all adults?

A: No. You would require a medical statement when the applicant/recipient states someone is ill or incapacitated or if the worker has a good indication that someone may be ill or incapacitated.

4. Q: Does a sanctioned person still have to comply with eligibility requirements?

A: Yes. The sanctioned person must cooperate to the same extent as a non-sanctioned case member in order to allow the agency to establish ongoing eligibility for other unit members. If the agency can make the necessary eligibility determination, then the continuing refusal of the sanctioned person to comply with the original sanction issue results in the needs of that person being excluded from the grant but would not result in ineligibility for the unit.

5. Q: What if a sanctioned person refused to comply at recertification? Would the unit be ineligible?

A: No. As stated above, if the sanctioned person cooperates with procedural requirements but still refuses to comply, that refusal alone does not cause the ineligibility of the unit.

C. Legal Custody and the Filing Unit

1. Q: Can a non-legally responsible relative who is the caretaker of an ADC child continue to be included in the ADC grant if a natural parent of the child returns?

A: When a natural parent returns to the household, the parent must be included in the filing unit. If the reason for the parent's absence was related to some physical, mental or emotional incapacity, the non-legally responsible relative who cared for the child during the parent's absence may qualify as an Essential Person.

Because of the great number of questions we get in this area, we are preparing an Informational Letter addressing the issues related to legal custody and filing unit.

2. Q: Can we make two co-op ADC cases with the natural parent in one case and the child in another when the natural parent is experiencing emotional/psychological difficulties? In that way, we could be sure a responsible protective payee could have control of the child's share of the grant.

A: No. You cannot separate the parent and child. They must be in the same case. However, a responsible person can be made payee of the full grant when a parent has demonstrated an inability to handle the grant.

D. Category and the Filing Unit

1. Q: A household consists of a man and woman and their children and the child of the woman by a previous relationship. If the wife applies for her child and herself, and the agency requests information to establish the category for the common children which the applicant fails to provide, are the applicant and her child denied?

A: A worker should accept the applicant's answer to questions regarding incapacity or employment of the parent of the common children unless an inconsistent statement or information from another source gives the worker reason to believe documentation or verification is needed to establish category. In such a case, if the applicant does not provide the documentation necessary to clearly establish the category of the non-applying siblings, the application would be denied. That is because the worker must have the documentation to determine if the non-applying siblings and parent must apply.

2. Q: In a household that consists of a woman and her husband and the woman's child by a previous relationship, can all household members be in an ADC case?

A: Only the child and the child's natural parent, the mother, can be in the ADC case unless the step-parent meets the Essential Person criteria. That is because a second dependent relative in an ADC case must be a natural or adoptive parent. If there were no natural parent in the household but only the child and the step-parent, the step-parent would qualify as an ADC caretaker relative.

3. Q: If all the children who are siblings or half-siblings have an ADC deprivation but some have the deprivation of an absent parent and others an unemployed parent, should they all be in the same case or in co-op cases?
- A: Blood related siblings who are minor dependent children must be in the same unit. Therefore, they must be in the same case. The worker must be careful to remove case members whose only eligibility for ADC is based on an unemployed parent if those members lose ADC-U eligibility. (The three month ADC extension should be given to those same members, if appropriate).
4. Q: A woman receives ADC for herself and her child. She lives with her boyfriend and they have just had a child. Do both the new baby and the father have to apply?
- A: If that common child has a deprivation factor, then the child and father must apply. The mother may state she is not incapacitated after the child is born but since she could reasonably be expected to have some medical limitations during the post-partum period, the worker must request a medical statement and the client must cooperate in securing one. If an ADC deprivation is established for the common child, then the child and father must be included in the filing unit during the period of incapacity and for the three following months.
5. Q: In such a case as described in question 4 above, could the mother take her older child off the case and get assistance for only herself?
- A: Filing unit depends on there being a minor dependent child applying in the case. If the mother requests that the child be deleted, then the new baby and the baby's father cannot be required to apply. The mother can get assistance for only herself if otherwise eligible.
6. Q: If the applying minor dependent child has no ADC deprivation factor, must blood related siblings who are ADC related apply?
- A: Yes. Refer to 85 ADM-51 for complete information on how to budget income in these cooperative cases.

E. What breaks the link in the filing unit chain?

1. Q: A household consists of a woman and her 17 year old child, a man and his 17 year old child and the 16 year old common child (who is no longer attending school). The man is applying for assistance for himself and his child because the woman receives unemployment insurance benefits and has enough money to support herself, her 17 year old and the common child. Since all the children have a deprivation factor, all household members must apply. If the 16 year old who is work rules eligible does not comply with work rules, does that mean that the mother and her child are no longer drawn into the filing unit?

A: No. The mother and half-sibling of the common (linking) child are still required to be in the filing unit, and the mother's income must be applied against the needs of the unit. A sanction does not break the filing unit "chain."

2. Q: What if a case consists of two adults and their 16 year old child who is work rules eligible but will not comply?

A: In this example, there are no other minor dependent children so you must be asking how this situation would affect the parents. Sometimes an adult will apply for assistance but the spouse does not wish to apply. The non-applying individual has that option unless there is an applying minor dependent child in the household. That applying child draws in the natural or adoptive parents. If the only minor dependent child is sanctioned, a natural parent who does not want to apply would still have to unless the family requested that both the sanctioned child and the parent who didn't want assistance be deleted. Even though the sanctioned child's needs are not included in the budget, such a child is considered a member of the unit.

3. Q: When a "linking" child is in receipt of SSI, that breaks the filing unit chain. Is that the only time the link could be broken?

A: No. We have already discussed category. The "linking" sibling of applying ADC children must also have an ADC deprivation. If not, that child would not be drawn in and in turn draw in other family members. (For further discussion of this, refer to Section D "Category and the Filing Unit" of this INF.)

Also, a child who by statute would not be included would break the link if such a child was the only "link." In addition to a child in receipt of SSI, a child ineligible due to receipt of a lump sum, a child who is an illegal alien or a child who is a sponsored legal alien would not be included.

F. Three Generation Households

1. Q: If a teenage mother who lives with her own parent applies for assistance for herself and her child, does the income of the teenager's own parent have to be documented and applied to the unit?

A: The answer to this question depends on the age of the teen mother.

If the teen mother is under age 18, the income of the parent(s) with whom she resides must be documented. Grandparental deeming is then done to determine the eligibility and degree of need of the unit consisting of the teen mother and her child. If the parent(s) will not provide the necessary documentation of income, the agency is unable to determine eligibility and the application would be denied.

If the teen mother is age 18 or older (up to age 21), then documentation of the parent's income is required only if the parent claims to be unable to meet the teen mother's needs. Even then, if the income is not documented, that would not affect the eligibility of the unit. Rather the unit consisting of the teen mother would be eligible for one-half the needs for two. Once the teen mother reaches age 18, the income of the grandparents cannot be applied to the needs of the teen mother's child.

2. Q: What if there were a filing unit consisting of minor parents, both age 17 and their infant who live in the home of the 17 year old father's parents. Would the income of his parents be budgeted against the whole unit or just their son and the baby?

A: The regulations regarding grandparental deeming say that the deemed income is to be applied to the unit. So, if the income was enough to meet the needs of the three member unit, then all, including the 17 year old mother, would be ineligible. However, if the 17 year old mother decided to apply for only herself, then no income from the 17 year old father's parents could be applied to her needs.

The following questions are all based on the household of single parent Arthur Stubbing and his children, Tony, James and Vikki (all under age 18). Also in the household is Vikki's baby, Catherine.

3. Q: If the daughter Vikki applies for assistance for herself and Catherine, do her brothers and her father also have to apply?

A: No. The reason is that in this situation Vikki is a minor parent. That is, since she is applying for assistance for her child, Catherine, she is drawn into the unit because she is the parent of an applying minor dependent child.

There are no siblings of an applying minor dependent child in this situation. Catherine is the minor dependent child. Tony and James are not her siblings and so are not drawn into the unit. Arthur is not the parent of the applying minor dependent child. He is the grandparent so he is not drawn in either.

Arthur would have to verify his income so that grandparental deeming could be done to determine the eligibility and degree of need of the unit (Vikki and Catherine).

4. Q: If Arthur applies for assistance for Tony, James and himself, does Vikki have to apply?

A: Yes. In this situation Vikki is the sibling of applying minor dependent children. Since she is under age 18, she is drawn into the unit even though she has a child. (Her child, Catherine, is not drawn into the unit.)

The following are based on the same household except that one member is added - Tom Cruise, the father of Catherine.

5. Q: If Vikki and Catherine were on assistance when Tom moved in, would he be drawn into the unit if paternity were not adjudicated?

A: As long as he has acknowledged paternity in writing, he would be drawn into the unit.

6. Q: If all household members applied and all were ADC related, would Arthur and his children be in one case and budgeted cooperatively with the case of Catherine and Tom?

A: No. They would all be in one case. That is because when a person is required to be in more than one filing unit, the units must be combined. Vikki is required to be a member of the unit of her father and brothers. She must also be in the unit of her child and Tom. The units must be combined.

7. Q: If the units are combined, can Tom be coded as an ADC dependent relative?

A: Yes. Tom is the natural parent of a minor dependent child, Catherine.

8. Q: What if the baby Catherine did not have an ADC deprivation? Would the baby and her parents be a PG-ADC case budgeted cooperatively with Arthur and Tony and James' ADC case?

A: Only Catherine and Tom would be in the PG-ADC case. Vikki would remain in the ADC case with her father and siblings. A case member who, like Vikki, is drawn into more than one unit will always, when unit categories differ, be included in the ADC unit.

9. Q: If we should combine units in some situations, there could be times when there are more than two dependent relatives in a case. Is that right?

A: Yes. For the sake of illustrating this point let's assume a case scenario that is not too probable.

A husband and wife have triplet daughters, age 17. Two of the three daughters have infants. The fathers of each of the infants are also in the household. All are applying, and all of the minor dependent children have an ADC deprivation. This household would be one ADC unit. So, in this case there will be four people coded as ADC dependent relatives (Individual Categorical Code 13) - the two parents of the triplets and each of the fathers of the infants.