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INFORMATIONAL LETTER

TRANSMITTAL: 93 INF-48

TO: Commissioners of  
 Social Services

DIVISION: Economic  
 Security

DATE: November 16, 1993

SUBJECT: EAF Policy Clarification, New EAF Authorization,  
 and Questions and Answers on Training of Federal  
 Maximization of ADC and EAF for PG-ADC Cases

SUGGESTED

DISTRIBUTION: Directors of Income Maintenance  
 Directors of Food Stamps  
 Directors of Medical Assistance  
 Directors of Quality Assurance and Audit  
 CAP Coordinators  
 Staff Development Coordinators  
 Forms Coordinators

CONTACT PERSON: Call 1-800-342-3715 and ask for contact persons on  
 Attachment 1.

ATTACHMENTS: Attachment 1: Questions and Answers - available  
 on-line  
 Attachment 2: DSS-4403: Determination of Eligibility  
 for Emergency Assistance - not  
 available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		Part 369 Part 372		PASB X-all VIII-all IX-G	

This release transmits questions and answers that were the result of recent training of certain selected districts on maximizing federal reimbursement for cases that are categorized as PG-ADC (HRPG in NYC), or HR in some cases. The release also contains a summary of the EAF policies that were discussed at the training. The policies transmitted in this training have been incorporated into the IM Institute's training curriculum and the Public Assistance Source Book.

This release also transmits an EAF program authorization form (DSS-4403) which will now be the state prescribed EAF authorization form. This form will be used in addition to the DSS-3209, which will remain as the payment authorization form.

#### Federal Maximization

For several years a major objective of the Department has been to increase federal funding whenever possible. Toward this goal the Department's Division of Quality Assurance and Audit (QA and A) has been involved in back-end reviews of PG-ADC (HRPG in NYC) cases for several years in attempts to reclassify these PG-ADC (HRPG in NYC) cases to ADC, or to claim the assistance as EAF because the case met EAF criteria. This effort has been quite successful. However, the federal reconciliation process on retroactive adjustments is very time-consuming and slow.

The Department is committed to front-end error prevention activities and joint State/local district cooperation toward shared goals. Toward these ends, the federal maximization effort was begun as a joint effort to increase federal reimbursement by correctly categorizing a case as ADC or claiming EAF at case acceptance by developing the ADC or EAF eligibility criteria more fully at intake.

#### Emergency Assistance to Families with Children (EAF)

EAF is a federally participating program to deal with crisis situations threatening a family with children under age 21 and to meet needs resulting from a sudden occurrence or a set of circumstances demanding immediate attention. The child for whom EAF is provided must be currently residing with a relative described in Department regulation 369.1 or have resided within the past six months with such relative. Medically verified pregnant women with no other children are also categorically eligible for EAF if they have an emergency. EAF can be authorized only once within a 30 day period within any 12 consecutive months. However, EAF can be used to make payments for emergency needs before this 30 day program authorization period or beyond it, as long as the payments can be tied to the same emergency for which the EAF is being authorized. In other words, as long as the client's needs continue as a direct result of that emergency, the district can continue to claim payments of all cash assistance as EAF. Likewise, any eligible expenses incurred by the client prior to the application for assistance that are the direct result of the documented emergency can be paid and claimed as EAF.

EAF Payment Authorization (DSS-3209)

When claiming EAF for a recurring PG-ADC (HR-PG in NYC) or Home Relief case, the case type upstate remains PG-ADC or Home Relief and the special claiming code "f" must be entered on Section 6 of the DSS-3209 for all payments for which EAF is being claimed. When claiming EAF for a recurring HR-PG case or HR case in NYC, the case type remains HRPG or HR and an F is placed in the Emergency Indicator Field (Item 270) on the DSS-3517 (WMS/NYC Authorization Document). As long as the case remains open and no change is made to this item, the case can be claimed as EAF. The EAF case type cannot be used because it does not automatically generate Medical Assistance coverage, a budget cannot be stored and there are edits that may interfere with continuing EAF claiming. These cases are recurring cases that must meet all the normal requirements of PG-ADC (HRPG in NYC) or Home Relief; they are different from the traditional one-time only EAF cases. The EAF is a claiming issue in these recurring cases. If at recertification upstate, continuing EAF eligibility is determined to exist based upon the original EAF authorization, special claiming code "f" must be entered on section 6 payment lines being reauthorized on the DSS-3209 to ensure continued EAF claiming.

EAF Program Authorization Form (DSS-4403)

Using the DSS-3209, as both the payment and the program authorization, confuses the audit trail because multiple EAF payments could occur even though EAF can only be programmatically authorized once within a 30 day period in any 12 consecutive months. This new form (Determination of Eligibility for Emergency Assistance to Families (DSS-4403)) or an approved equivalent, will clarify that EAF is being authorized only once within a 30 day period, even if multiple payments are made over a period of time as a result of the one program authorization. The attached EAF authorization form, or an approved equivalent, should be completed for all cases that are claimed as EAF, both recurring PG-ADC (HRPG in NYC) and Home Relief cases being claimed as EAF, as well as EAF cases opened to meet a specific need(s) only.

Delivery of this form to the Albany and NYC/HRA Warehouses was in September 1993. Your district will automatically receive copies. Until your district receives its copies, Attachment A should be photocopied and used.

Note: All requests for approval of local equivalent forms must be submitted in accordance with the procedures described in 89 INF-53 and pages 12-1 through 12-7 of the Local District Manager's Guide.

Future requests for the DSS-4403 (Rev. 5/93) should be submitted on Form WMS-47 (Rev. 9/89) and should be sent to:

New York State Department of Social Services  
Welfare Management System  
P.O. Box 1990  
Albany, New York 12243  
Attention: Office of Systems Development

Questions concerning ordering forms should be directed to the Office of Systems Development (OSD) by calling 1-800-342-3715, Extension 6-6223.

Food Stamp Implications

Any one time payment made under EAF for a special need is excluded as income in determining eligibility for food stamps. Recurring EAF payments made to meet ongoing needs, as part of a regular public assistance grant, are counted as income for food stamps in accordance with current procedures.

Examples

If categorically EAF eligible individuals or families who are ineligible for ADC apply for recurring assistance as a result of an emergency situation, the recurring assistance can be claimed as EAF if all other EAF criteria are met. The following examples help to illustrate the kinds of situations in which recurring assistance can be claimed as EAF:

Example 1

A family consisting of two parents and two children come in to apply for recurring assistance. The father had been working at a local food store and supporting his family. He reported to work and found that the store had burned to the ground and would not be rebuilt, if at all, for quite some time. He is ineligible for UIB because he does not have sufficient work history and also ineligible for ADC-U for the same reason. The family is found eligible for recurring assistance in the PG-ADC (HRPG in NYC) category. However, the family does meet EAF criteria:

- an emergency occurred: the sudden job loss (NOTE:loss of employment in and of itself does not constitute an emergency. However, if the loss is sudden and without advance notice it is an emergency.);
- there are children under age 21;
- all assistance is the direct result of the emergency;
- the assistance is necessary to prevent the children's destitution or to provide living arrangements in a home.

Assistance can be claimed as EAF for as long as recurring assistance is provided without a break and as long as there is a child under 21.

Example 2

A 22 year old woman is kicked out of her mother's home when her mother discovers that the 22 year old is 2 1/2 months pregnant. Her mother had been supporting her but will no longer do so. The woman moves in with friends who say she can live there, but must contribute towards the expenses. She applies for assistance and is found eligible for recurring PG-ADC. She will be eligible for ADC in her 6th. month of pregnancy. In the meantime, she meets EAF eligibility criteria:

- she has a medically verified pregnancy;
- there is an emergency-her mother suddenly deprived her of a place to live and support;
- the need for assistance resulted from this emergency.

Assistance can be claimed as EAF until the sixth month of pregnancy, when she becomes eligible for ADC.

Example 3

A father lives with his 18 year old son who is no longer in school. The father suffers a heart attack and is unable to work. He applies for assistance for himself and his son. They are determined eligible for recurring assistance in the HR category. The assistance that is provided can be claimed as EAF because EAF criteria are met:

- emergency (sudden heart attack) causing inability of father to meet his son's needs;
- child under 21 years of age;
- assistance necessary to prevent the destitution of child;
- the need for assistance is directly related to the emergency.

Assistance can be claimed as EAF for as long as the assistance includes the son and the son is under 21.

Example 4

A 19 year old boy lives with his sister and her husband until their apartment is destroyed by fire. The boy's sister and her husband are able to move in with the husband's parents but there is no room for the boy, who goes to live with friends. He can stay there, but must contribute to the costs. He applies for assistance and is found eligible for recurring Home Relief. His parent's are both deceased.

Assistance can be claimed as EAF because:

- he is under age 21 and has resided with an eligible relative (his sister) within the past six months;
- the assistance is necessary because of an emergency;
- the assistance is necessary to prevent his destitution.

Assistance can be claimed as EAF as long as assistance is continuously provided and he is under age 21.

Example 5

A 19 year old girl has been residing with friends for the past 4 months when they are notified that the house in which they are living has been sold and they will have to vacate because the new owner will be moving in. The roommates are able to return to their parent's homes, but our applicant is unable to return to her mother's home, with whom she resided prior to moving in with her friends, because her mother is now in a nursing home. The 19 year old is working part-time and going to nursing school. She locates a place to live, but does not make enough money to pay all the rent, etc. so she applies for assistance and is found eligible for recurring Home Relief.

Assistance can be claimed as EAF because:

- she is under age 21;
- she resided with an eligible relative within the past six months;

- she is faced with a set of circumstances demanding immediate attention(potential homelessness);
- assistance is necessary to prevent her destitution and to provide living arrangements for her in a home;
- the assistance is necessary because of the circumstances demanding immediate attention (having to vacate and inability to afford housing on her own.

Assistance can be claimed as EAF as long as assistance is continuously provided to her and she is under age 21.

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Oscar R. Best, Jr.  
Deputy Commissioner  
Division of Economic Security

EMERGENCY ASSISTANCE TO ADULTS (EAF)

Contact Person: Maureen Standish(extension 3-6555)

1. Q. Can you claim the JOBS lunch and transportation money as EAF in a PG-ADC (HRPG in NYC) or Home Relief case where the assistance that is being provided is claimed as EAF?
  - A. No. JOBS took these supportive services out of the "special needs" that can be provided under a public assistance program. Lunch and transportation are now separately funded.
  
2. Q. A 19 year old woman applies for assistance and meets the categorical and emergency criteria for EAF claiming. Assistance is claimed as EAF. The woman becomes pregnant a month before her 21st. birthday. The assistance will be provided continuously based upon the original emergency situation. Does the EAF claiming continue after the 21st. birthday based upon the medically verified pregnancy? The emergency remains the same, but the EAF categorical factor changes. After the sixth month, the case will be ADC.
  - A. Yes. The assistance is still being provided based upon the original emergency. The EAF categorical eligibility factors have merely changed. The case can be claimed EAF until ADC can be used.
  
3. Q. For EAF claiming purposes, would a categorically EAF eligible refugee who has fled for his life to the U.S. be considered to have required public assistance as a result of an emergency situation and therefore be eligible for EAF claiming?
  - A. A SSD cannot automatically assume that a person granted refugee status is considered to have an emergency and therefore be eligible for EAF. However, if the SSD can document that a categorically EAF eligible refugee has been granted refugee status in the U.S. because he/she was fleeing for his/her life, the SSD can authorize EAF benefits for the refugee.
  
4. Q. The woman and children in a PG-ADC (HRPG in NYC) family flee to a residential program for victims of domestic violence. They leave the program and return home to the batterer. The woman continues in non-residential counseling while living home. Can the assistance that you are providing now be claimed as EAF because of the domestic violence?
  - A. The recurring assistance cannot be claimed as EAF because the need for it was not the result of the domestic violence situation; the family had been receiving it prior to the incident. However, the special need item of the cost of the residential program can be claimed as EAF. In this situation, ADC incapacity should be explored.

5. Q. A 19 year old was in a Level II alcohol treatment facility which was being claimed as EAF. The 19 year old completes the program and moves into the community and continues to receive Home Relief. He also continues to receive regular outpatient counseling in the community. Can the assistance that is provided be claimed as EAF until he reaches age 21?
- A. Yes. As long as any kind of outpatient treatment is continued.
6. Q. Would this be true if the 19 year old was in a psychiatric facility or in another type of Level II facility?
- A. Yes. But eligibility for SSI should be pursued.
7. Q. How can we tell if someone received EAF within the past 12 months?
- A. Currently, there are systems edits for the EAF case type. In situations where the case remains PG-ADC and an EAF payment line is used, there are no current systems edits in place that would assist in identifying when EAF was last authorized. However, the WMS authorization payment history can be inquired against to see if any payments authorized within the past 12 months were claimed EAF. However, EAF eligibility is based upon 12 months from the original 30 day authorization period, not the last month in which EAF was claimed. In any event, the EAF authorization form should be in the case record in these situations, so this is how you would tell when EAF was last authorized. For example, based upon the 30 day authorization period, EAF is claimed for assistance provided to a family for eight months until their case closes. The original EAF authorization was in February of 1992 and they received assistance claimed as EAF until the end of September when their case was closed. Five months later the family is again in to apply for assistance. Assuming that they are again requiring assistance because of an emergency situation, they are eligible for EAF again in February of 1993.
- New York City WMS allows a worker to inquire on the system as to a recipient's EAF history. Screen NQCS8A CASE COMPOSITION-EAA/EAF Indicator Summary provides this information.
8. Q. How far do we have to go to document that an emergency situation exists (i.e., if the person was really kicked out of the home)?
- A. The emergency situation must be documented. However, the documentation can consist of a telephone call to the person who did the "kicking out", with case notes, or third party statements.
9. Q. A grandmother, not on public assistance, is caring for her granddaughter of whom she has legal custody. The grandmother is working full-time and must put the child into daycare in order for her to continue working. If she cannot receive assistance with child care she will either have to quit her job or place the child into foster care, neither of which she wishes to do. If she cannot obtain child care through a services funded child care funding source, can the child care be paid under EAF? Does it matter that the grandmother has legal custody of the child?



- A. Yes, EAF can be used if the result of not paying the child care is either the grandmother's loss of employment or the child's placement in foster care. Custody does not matter as the results mentioned above can occur whether or not the grandmother has legal custody of her granddaughter. It should be noted that legal custody does not make a person a legally responsible relative for social services purposes.
10. Q. A couple applies for recurring assistance because of an emergency. The wife is two month's pregnant and her assistance can be claimed as ADC in her sixth month. The father's assistance cannot be claimed as ADC until the child is born. If the case meets the EAF criteria and is claimed as EAF until the sixth months can the assistance provided to the father under PG-ADC continue to be claimed as EAF until he too is eligible for ADC?
- A. Yes, it can, as long as the EAF criteria are met.

Aid to Families with Dependent Children (ADC)

Contact Person: Patricia Monks(extension 4-9348)

1. Q. One parent is working full-time and one parent is receiving UIB. Who is the principle wage earner and what is the category?
- A. The answer to this depends on which parent earned the most during the past two years. Once this is determined, then all of the other ADC-U factors must be looked at relative to that parent.
2. Q. What happens if a husband in the case is the principal wage earner but refuses to cooperate with employment requirements?
- A. If the principal earner refuses to cooperate with employment requirements, then the local district must follow the procedures stated in 93 ADM-1 to call in the second parent to find out if that parent will cooperate. If the second parent will cooperate, the case remains on ADC-U, but the needs of the first parent are eliminated from the budget (a four person household would become a three person household). If the second parent refuses to cooperate, the case remains ADC-U, but the needs of both parents are eliminated from the budget (a four person household becomes a two person household). Please note that although the second parent can claim an employment exemption, the second parent may not receive a JOBS exemption for providing care to a child under age three or providing care to an incapacitated adult.
3. Q. In a two parent family case, do the parents have a choice of who cooperates with employment requirements?
- A. No, the parents do not have a choice. The principal earner is expected to cooperate.

4. Q. How do you separate out an EP's grant from the rest of the case?

A. For cases outside NYC, when the EP requests his or her own benefit, then that portion of the grant that represents the EP's needs is sent directly to the EP. The payment to the EP is considered a restricted payment and, in order to do this, the ADC Head of Household must agree in writing to the restriction.

ABEL will calculate the correct grant amount, depending on whether the EP and the ADC members are a single economic unit or separate economic units, but workers must determine the EP's share of that calculated grant manually and issue the EP's share by writing a payment line using Payment Type "E1". This will result in the generation of a worker advisory since the calculated ABEL budget amount does not match the amount of the case's regular recurring grant (Payment Type "05"). If the shelter (or fuel) is restricted, then the EP's portion of the shelter/fuel needs is NOT sent to the EP. Those portions of the EP's share of the grant continue to be paid to the vendor(s).

When the "E1" Payment Type is used on screen 6, an entry must be made on screen 7, the associated name screen. The worker may enter the line number of the essential person and associated name code "17", Essential Person. No additional entry is needed. A paper check, not an electronic benefit, will be issued in the EP's name.

For NYC cases, when the EP requests his or her own benefit, the EP is placed into a separate suffix. Again, the ADC Head of Household must agree in writing to the restriction.

5. Q. If a single, non-legally responsible person moves in with an ADC case and applies for assistance, does he/she have to wait 45 days?

A. If that person is not eligible for ADC or PG-ADC (HRPG in NYC), then the person is HR and must wait 45 days. After that, the person must be included in the ADC household as an essential person.

6. Q. If an HR person resides with an ADC family, can we automatically make them an essential person after the 45 day waiting period?

A. Yes, we can. The DSS:4148B, "What You Should Know About Social Services Programs" contains the information that EP's will be added to the ADC case and that the ADC head of household has the right to tell us that the person is not essential. The presumption is that the ADC head of household agrees to this unless that person states otherwise. In those rare cases where the ADC recipient objects, the worker must find out why and attempt to resolve the reason for the objection. If this cannot be resolved, then the person cannot be included as an essential person. The person would be opened PG-ADC ((HRPG in NYC)).

7. Q. We have situations where the unmarried father in the house is on parole and is not working. A condition of his parole is that he cannot be on public assistance. What category do we use? Do we have to include him as a member of the filing unit?

A. It may be necessary to verify with the Department of Corrections, the status of a person released to home. The person may be on parole OR the person may still be a "prisoner" but one who is permitted to live outside the correctional facility some (or all) days of the week. If the person is such a "prisoner", then he/she is considered "absent" for the purposes of determining category. The person cannot be included in the filing unit.

If the parent is actually on parole, then this would be considered a two parent household and a deprivation factor must still be determined for ADC eligibility.

There is no regulatory basis for excluding a person from the filing unit, who would otherwise be required to be a member, solely because the conditions of parole prohibit the person from receiving public assistance.

We are researching the Department of Corrections' position on parolees and the terms of parole that may conflict with public assistance regulations.

8. Q. The children in an ADC case are all placed into temporary foster care. The mother becomes homeless so we discontinue the shelter/fuel. Does the mother's category remain ADC?

A. Yes. The category would not change solely because the children go into foster care.