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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 94 ADM-1

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: January 20, 1994

SUBJECT: Interim Assistance Reimbursement (IAR) For
 Non IV-E Child Welfare (CW) Benefits

SUGGESTED
 DISTRIBUTION:

Income Maintenance Directors
 Services Directors
 Accounting Directors
 Medical Assistance Directors
 CAP Coordinators
 Staff Development Coordinators

CONTACT
 PERSON:

Call 1-800-342-3715:
 Income Support Programs: Charles Giambalvo,
 extension 4-9327
 Medical Assistance: MA Eligibility County
 Representative, 1-800-342-3715, extension 3-7581
 or MA NYC Representative, (212) 417-4853
 IV-E: Veronica Lynch, extension 4-9452

ATTACHMENTS:

None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		NYCRR 359 370.5 370.7	Chapter 41 of the Laws of 1992	PASB IX-I-All XIX-G-All	

I. PURPOSE

This release notifies social service districts (SSDs) of an expansion of the State's definition of "interim assistance". This new definition is authorized under Chapter 41 of the Laws of 1992.

II. BACKGROUND

Interim assistance is assistance provided to a Supplemental Security Income (SSI) applicant while the applicant is waiting for an SSI eligibility determination. The SSD recovers this assistance from the initial retroactive SSI check(s).

Prior to the passage of Chapter 41, Section 211 of Social Services Law limited interim assistance reimbursement (IAR) to home relief (HR) payments. Chapter 41 expands the definition of interim assistance to include not only home relief but also any other payments made from State or local funds furnished for basic needs. Benefits financed in part with federal funds are not recoverable. As a result of this statutory change, Department regulations sections 370.5 and 370.7 have been amended and a new Part 359 has been added.

III. PROGRAM IMPLICATIONS

This change will result in recovery of benefits that previously were not recoverable.

Specifically, SSD's can now recover interim assistance (IA) from Child Welfare (CW) foster care (non IV-E) benefits provided to individuals awaiting an SSI determination if the individual has been discharged from foster care and the SSD is also recovering HR.

IV. REQUIRED ACTION

A. Public Assistance

When a SSD receives the initial SSI grant for an HR recipient, the SSD must review the recipient's records to determine the amount of HR benefits the recipient received during the IA period.

The IA period begins on the date on which the recipient's SSI eligibility begins or the date to which the recipient's SSI benefits are reinstated after a period of suspension or termination. The IA period ends in the month in which the SSD receives the initial or reinstated SSI check(s) or the following

month if the social services district cannot stop delivery of the final public assistance payment during the month the individual's SSI check(s) is received.

When the amount of the initial SSI payment is significantly greater than the amount of HR that can be recovered, the district must now also review child welfare services records to determine if the same recipient had received non IV-E child welfare (CW) foster care benefits during the IA period. SSDs may use 25% or more as a guide to determine when an initial SSI payment is significantly greater than the amount of HR that can be recovered. If the HR recipient had received CW foster care benefits during the IA period, the district must determine the amount of these CW payments and recover such payments from the client's initial SSI payment in the same manner as HR payments are currently recovered.

NOTE: The maintenance expenses paid by a SSD for a child placed into residential care by a school district's Committee on Special Education is not considered IA and therefore cannot be recovered.

An SSD will be able to identify most persons who potentially received CW foster care which can be recovered by targeting clients who applied for SSI prior to the person's 21st birthday.

The SSD can determine if the SSI recipient applied for SSI prior to his/her 21st birthday by comparing the individual's date of birth found on WMS, against the SSI eligibility date provided by the Social Security Administration (SSA) on the SSA-8125.

Example: An SSD receives a \$6,000 initial SSI check (about 12 months of retroactive SSI benefits) for a 19 year old who has only been on HR for the past 3 months. The SSI application date is one year ago. Since the amount of SSI is far greater than the amount of HR that can be recovered and the client is under 21, CW is consulted. CW indicates that this individual also received CW payments for 6 months after the SSI application date. The SSD must recover the HR payments for the 3 months and the CW payments for the 6 months during the interim period.

B. Family and Children Services

IAR is frequently not available for former CW foster care cases who have not moved onto HR because, without an HR application, there might not be a signed IAR authorization. However, if a SSD determines that a signed IAR authorization was obtained, the SSD may recover the amount of CW it authorized during the IA period.

C. Food Stamps

This change has no effect on food stamps. However, since these clients are SSI households, normal procedures regarding consideration for separate household status or additional deductions must be followed. These procedures are outlined in the Food Stamp Source Book, Section X-I-4.

D. Medical Assistance

For Medical Assistance-Only purposes, retroactive SSI benefits are disregarded as income in the month received and as a resource for six months following the month of receipt.

V. EFFECTIVE DATE

This Administrative directive is effective February 1, 1994 to November 3, 1993.

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