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TRANSMITTAL: 95 INF-7

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: March 16, 1995

SUBJECT: Emergency Assistance to Families (EAF) Reminders

SUGGESTED

DISTRIBUTION: Public Assistance Staff
 Accounting Staff
 Staff Development Coordinators
 CAP Staff

CONTACT PERSON: Call 1-800-343-8859 and ask for the following:
 Economic Security: Maureen Standish, extension 3-6555

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
86 ADM-7		372 352.5 352.7	350-j	PASB X-C IV-F VIII-A	DSS-4403

The Emergency Assistance to Families (EAF) Program is a federal program which provides assistance to deal with crisis situations threatening a family with a child(ren) under 21, or a woman with a medically verified pregnancy, and to meet needs resulting from a sudden occurrence or a set of circumstances demanding immediate attention. EAF can be provided on behalf of a needy child under 21 and any other member of the household in which the child is living.

In early 1994 the State Comptroller's Office conducted an audit of the EAF Program which focused on EAF used to meet one-time immediate needs. The audit cited a number of areas where they found problems in the administration of EAF to meet one-time immediate needs. The purpose of this release is to remind social services districts (SSDs) of the requirements in these areas so that they can improve their administration of EAF to meet one-time immediate needs.

The areas cited by the audit and a discussion of these areas follow:

I. EAF Authorization

EAF can be authorized during only one period of 30 consecutive days in any twelve month period. This includes EAF paid by another SSD. However, EAF payments may meet needs which arose before the 30 day period or which extend beyond it. EAF is programmatically authorized by completing the DSS-4403: "Determination of Eligibility for Emergency Assistance to Families (EAF)". If a "second" emergency need arises, it can be paid within the 12 month period if it is related to the emergency for which the initial EAF was authorized. In this case, a second DSS-4403 would not be completed. The initial DSS-4403 would be sufficient to authorize the "second" need as long as there are notations in the case record which relate this need to the prior emergency.

SSDs must ensure, to the extent possible, that EAF had not been authorized within the previous 12 months for an unrelated emergency. Whenever EAF is programmatically authorized, the DSS-4403 must be completed and placed in the case record.

II. Documentation of Eligibility Criteria for Receiving EAF

The following eligibility factors must be verified and documented in the case record. This includes documentation of third party verification when that is the only verification available.

- A. There is a needy child under age 21 and the child is (or, within six months prior to the month in which emergency assistance is requested, has been) living with one of the ADC eligible relatives specified in Section VIII-A of the PASB in a place of residence maintained by one or more of those relatives as his or her own home. There is a woman of any age with a medically verified pregnancy.
- B. The child is without resources immediately accessible to meet his or her needs and those needs cannot be met under recurring public assistance by an advance allowance.
- C. Emergency assistance is necessary to avoid destitution of the child or to provide living arrangements for him or her in a home.
- D. The child's destitution or need for living arrangements did not arise because the child or a relative with whom the child lives refused without good cause to accept employment or training for employment.
- E. For a recipient of public assistance, such destitution did not arise from the mismanagement of a public assistance grant, or the emergency grant being applied for will not replace or duplicate a public assistance grant already made. This does not prohibit the issuing of EAF to replace a lost or stolen public assistance grant.

III. Availability of Resources

Although there are no income or resource limits for EAF eligibility, any income or resources that are actually available to meet the emergency must be used by the applicant towards meeting his or her emergency needs before EAF can be used.

Resources include cash, money in bank accounts, money in certificates of deposits, advances on wages, community resources such as soup kitchens, churches, charitable organizations, family and friends. For non-public assistance families applying for EAF only, resources also include loans from a credit union or bank as well as credit cards when the credit card has credit available and the applicant has sufficient income to repay the credit without causing undue hardship.

The presence of income or resources, including community resources, and their availability to meet or help to meet the emergency must be explored and documented in the case record. Also the reason for the unavailability of any income or resources must be documented in the case record. For example, the applicant may have \$300 in the bank, but this \$300 is not available to pay a property repair because it must be used later in the month to pay the property taxes.

IV. Recovery/Recoupment of EAF

Department regulation 352.7 (g) (3) authorizes the recoupment/recovery of shelter arrears, paid to applicants, which exceed the maximum shelter standard. Applicants include applicants for EAF only. Thus, if shelter arrears are paid under EAF and they exceed the maximum shelter standard, the amount above the maximum is recoverable or recoupable. If the applicant did not immediately become a recipient of recurring public assistance, recovery would be pursued. If the person later becomes a recipient of public assistance and there is an outstanding balance on the excess arrears payment, recoupment should be initiated.

Department regulation 352.5 authorizes payment essential to continue or restore utility service for an applicant for assistance, including EAF. If the household's gross income exceeds the public assistance standard of need for that household size, an agreement to repay the assistance within one year of the date of the payment must be signed. If this assistance has not been paid within the year, recovery of any unpaid balance must be pursued.

Whenever an SSD determines that an EAF payment that was made was incorrect, for example it is later determined that the applicant did have available resources to meet his or her emergency need (i.e., through a subsequent RFI match), the SSD should take appropriate steps to recover the incorrect payment.

In order for the recovery to be pursued or the recoupment to be initiated, the eligibility worker must make a referral to the accounting unit (or whatever unit is responsible for pursuing overpayments) so that an accounts receivable record will be established and the overpayment tracked.

Robert N. Seaman
Acting Deputy Commissioner
Division of Economic Security