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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 96 LCM-58

Date: June 24, 1996

Division: MSQI

TO: Local District Commissioners

SUBJECT: Update to Emergency Assistance to Families
Claiming for JD/PINS

ATTACHMENTS: None

The Department recently issued 95 LCM-138 which indicated that a Federal Action Transmittal (ACF-AT-95-9) stated that, effective January 1, 1996, Federal funding is no longer available under Emergency Assistance to Families program (EAF) for benefits and services provided to children in the juvenile justice system.

The Federal policy change means that no EAF reimbursement is available for costs associated with providing benefits or services to children in the juvenile justice system who have been removed as a result of the child's alleged, charged, or adjudicated delinquent behavior, or who have otherwise been determined to be in need of State supervision by reason of the child's behavior.

The Department formally objected to this policy change in a letter to Mary Jo Bane, Assistant Secretary for the Department of Health and Human Services, Agency for Children and Families. The California Chief Probation Officers recently lost a challenge to this Federal policy change. The Department has joined a coalition of States which will be submitting an Amicus brief before the Court of Appeals for the Ninth Circuit in support of the Chief Probation Officers' appeal.

Local districts, however, should continue to authorize eligible cases as EAF. However, as stated in 95 LCM-138, effective with January 1996 expenditures, local districts should not initially claim EAF reimbursement for adjudicated JD/PINS placements on the Schedule H Non-Title XX Services to Recipients. The maintenance and tuition, cancellation and refund amounts for non-IV-E eligible JD/PINS should be claimed directly to the Division for Youth on the DFY-10. Districts should then file informational claims for maintenance and/or tuition costs which are EAF eligible on the DSS-3922 Special Project Claim form.

Expenditures, cancellations, and refunds made on behalf of Title IV-E eligible youths who are in either DSS or DFY custody, who are adjudicated as JD/PINS and have been placed in voluntary agencies or DSS-operated group care, should be entered on line 1 of the Schedule K. JD/PINS maintenance costs are entered on line 1, column 2, and JD/PINS tuition costs are entered as FNP on line 1, column 3. The costs for IV-E JD/PINS in Foster Homes should be reported on line 3c.

Local districts should also adjust claiming to Federally Non-Participating for youth who are not adjudicated JD/PINS, but whose placement is due to the youth's behavior as defined above.

Local districts should consider this policy change in their 1997 budget planning and notify appropriate County officials of this change.

If you have any questions regarding this LCM, please contact:

Fiscal - Region I-IV - Roland Levie at 1-800-383-8859, extension 4-7549, or dial direct at (518) 474-7549. User ID# FMS001.

Region V - Marvin Gold at (212) 383-1733. User ID# OFM270.

Program - Richard Rocco at 474- 8164. User ID# 90B145.

Stephanie O'Connell
Acting Director
Office of Financial Management