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TRANSMITTAL: 99 INF-5

TO: Commissioners of
 Social Services

DIVISION: Temporary
 Assistance

DATE: March 19, 1999

SUBJECT: Child Assistance Program (CAP): Questions and
 Answers

SUGGESTED

DISTRIBUTION: CAP Coordinators
 CSEU Coordinators
 Income Maintenance Directors
 Food Stamp Directors
 Employment Coordinators
 Medicaid Directors
 Staff Development Coordinators

CONTACT PERSON: Regional Representatives: Region I (518-473-0332);
 Region II (518-474-9344); Region III (518-474-9307);
 Region IV (518-474-9300); Region V (518-473-1469);
 Region VI (212-383-1658)

ATTACHMENTS: None.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
98 ADM-7, 97 ADM-24, 98 INF-6		Part 366, 351.2(1), 352.14(a)	SSL 131(z)	CAP Operational Manual, PASB (XVI-C -4.1), FSSB (VI-B-2.1)	97 LCM-61

The purpose of this letter is to share with social services districts (SSDs) questions and answers that have been raised regarding CAP policy. The questions and answers are divided into distinct topics. The topic and page location in this letter are:

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Initial Eligibility

Question #1: Family Assistance (FA) recipients who have made a "diligent effort" to obtain a child support order can now enroll in CAP. How do we document in the case record that a recipient has made a diligent effort?

Answer: There are three things a district must document to establish that a "diligent effort" has been made. These are:

- the name of the non-custodial parent and a verifiable address must be provided to the district; and
- the custodial parent must cooperate with the Child Support Enforcement Unit (CSEU). This must be confirmed by the CAP case manager prior to enrollment in CAP; and
- the custodial parent must wait a reasonable period of time (4 months) after the name and a verifiable address have been provided to allow CSEU to attempt to obtain a child support order.

The CAP case manager must note in the recert form (DSS-3174) on page 2 that these three criteria have been met. The start and end date of the four month period must be specifically referenced.

Question #2: If the custodial parent has informed the district that the non-custodial parent is in prison, must the custodial parent's family still wait the four month period before being eligible to transfer to CAP?

Answer: Yes. To meet the "diligent effort" criteria, the custodial parent must wait the four month period.

Question #3: A Family Assistance (FA) recipient provided CSEU with the name and verified address of the non-custodial parent who is receiving SSI. Must the FA recipient still wait the four month period required under the "diligent effort" provision?

Answer: Yes. The "diligent effort" criteria includes waiting the four month period from the date the FA recipient provides the FA worker or the CAP case manager with the name and a verifiable address of the non-custodial parent. There are no exceptions to the four month waiting period.

Question #4: CAP applicants must be provided with an initial certification interview within two weeks of providing the district with a recertification form requesting to transfer to CAP. May a district delay providing an FA recipient who wants to transfer to CAP a recertification form until an eligibility interview can be scheduled?

Answer: No. Any FA recipient who wants to transfer to CAP must be immediately provided with a recertification form and a CAP certification interview scheduled within two weeks of the date the FA recipient submits the completed recertification form.

Question #5: A CAP applicant claims that the father of her children is deceased. Paternity has never been acknowledged or adjudicated. Must the CAP applicant wait the four month period before enrolling in CAP?

Answer: No. This is not a case involving "diligent effort". Therefore, there is no four month period involved. When the absent parent is deceased the four month rule is not involved in determining CAP eligibility. In these instances, the custodial parent must simply cooperate with CSEU and furnish as much information (i.e. death certificate etc.) as is available regarding the deceased.

Question #6: A two parent family transfers from FA to CAP. After six months in CAP, the husband leaves the household permanently. Must the family now transfer back to FA?

Answer: No. The child support order requirement, and exceptions to the child support order requirement, are initial eligibility prerequisites. Once these have been satisfied the family may participate in CAP. It is not necessary for the family to continue to meet these initial eligibility prerequisites once enrolled in CAP. However, the mother must still cooperate with CSEU in pursuing child support.

Question #7: A family that has just recertified for FA, wants to transfer to CAP. Is it necessary that the family complete a new recertification form prior to CAP?

Answer: No. If the request to transfer is within 30 days of the FA recertification, and there has been no change in the client's circumstances, the recertification form used for the FA recertification can simply be signed and dated again.

Budgeting

Question #1: In a three generation household (grandparent, middle parent and grandchild) in which the grandparent is not applying for CAP, how is the grandparent's income budgeted for CAP?

Answer: CAP regulations (366.6(e)) require that districts follow the same deeming procedures that are used for FA, except that CAP deeming substitutes the 1989 monthly poverty level for the FA work disregard and standard of need disregard. The FA regulation (352.14(a)) governing grandparent deeming distinguishes the extent to which deemed income must be applied based on the age of the middle parent. When the middle parent is under age 18, the entire amount of income available after the deeming calculation is considered available to the FA filing unit and must be budgeted. When the middle parent is 18 to 20 years of age, the amount of income available after the deeming calculation is only considered available and budgeted to the extent that it meets the middle parent's portion of the FA grant.

The same guidelines apply to CAP. For example, the middle parent (age 20) in a three generation household residing in Schenectady County applies for CAP for herself and her son. After the deeming calculation, it is determined that the grandparent has \$650 available to be deemed to the CAP household. The FA rules only allow this income to be applied to the middle parent's portion of the CAP grant. Since an adult and child on CAP in Schenectady County are entitled to a maximum grant of \$280, the full \$650 cannot be budgeted against the CAP grant. Rather, \$140 must be budgeted as unearned income since this represents the middle parent's portion of the CAP grant.

Question #2: If a CAP family moves out of district, which district's CAP standard must be used for determining the CAP benefit for the month of move and the month following?

Answer: The new district's standard must be used. For example, a Monroe county CAP family moves to Madison County. The Madison County maximum CAP benefit rate must be used to determine the CAP grant.

Question #3: How must a district budget garnisheed unearned income or wages for CAP?

Answer: As with FA, the CAP policy is to count the gross unearned income or wages. In addition, please note that Social Services Law section 137-a prohibits employers from garnisheeing the wages of public assistance recipients. This law applies to CAP participants as well as FA recipients. There is a notice in the PA Source Book (XVI-C-4.1) that must be sent to the employer advising them of this section of law when a CAP participant's wages are garnisheed.

CAP/MA Delinkage

Question #1: TMA authorized in a CAP case may end before the scheduled annual CAP recertification. Can a CAP mailer be used to continue Medicaid?

Answer: Because the CAP mailer does not include resource information, it does not suffice to recertify for Medicaid. The DSS-3174, "Recertification for Public Assistance, Medical Assistance or Food Stamps" must be completed. A personal recertification for Medicaid is not required since an annual face-to-face is done for all CAP cases.

Question #2: When the CAP case closes during TMA, should closing code E31, Excess Income - Increased Earnings - TMA eligible, be used?

Answer: Reason code E31 should not be used to close a CAP case that has already begun TMA. E31 generates the required two TMA mailers in the third and sixth months of TMA. The CAP mailers suffice for the required TMA mailer. If the CAP/TMA case has already received two mailers since TMA began, no additional mailers are necessary. Closing code, Y99, Other (1 month extension), should be used to close the CAP case. The CAP worker will also need to advise the Medicaid worker to continue the TMA and how many months of TMA remain.

Question #3: If TMA is initiated in the CAP case, and then the income falls below the FA standard, should TMA be stopped and LIF be provided?

Answer: TMA should be continued because it can guarantee up to 12 months of Medicaid.

Case Management

Question #1: What if the CAP aspirant refuses to sign the "How To Become A CAP Graduate" form?

Answer: If an aspirant refuses to sign the "How To Become A CAP Graduate" form, the Case Manager should question the aspirant to determine the specific objection (e.g., the aspirant does not like the 12-18 month goal). The Case Manager should address the aspirant's objections but should also explain that this form acts as an agreement and demonstrates that the aspirant understands what will be required and is committed to CAP. If the aspirant refuses to sign, the aspirant must not be allowed entry into CAP.

Question #2: How closely will the 12-18 month self-sufficiency goal be monitored by the State?

Answer: Since a successful CAP program depends heavily on intensive case management, State and county CAP staff agreed that the 12-18 month goal was a reasonable guideline to incorporate into CAP. Also, with the 60 month TANF time limit, it will be imperative that all aspects of an agency work toward assisting recipients with achieving self-sufficiency as quickly as possible. As such, the State will be monitoring the 12-18 month goal extensively and will be working with CAP counties closely to aid them in achieving the 12-18 month goal in as many cases as possible.

Question #3: Will any case management training be available soon?

Answer: Yes. The Professional Development Program of SUNY/Rockefeller College is revising the case management training that was offered to CAP counties at the initial start-up of CAP. This revised one-day training is expected to be available to counties in 1999. The State will notify CAP counties when this revised training is available.

Question #4: Will any of the new case management forms be revised? We have some suggestions for improvements to the forms.

Answer: Yes. As discussed at the CAP Coordinator's meetings, both the Self-Sufficiency Plan and the Trend Graph will be revised. If CAP counties have suggestions for improvement to these two forms they should be submitted to Dale Peterson on Team III (518-486-3415). Counties should continue to use the current forms until the revised forms are available.

Question #6: What if a participant is working part-time but is close to achieving a degree? Should we require the participant to work full-time and quit school?

Answer: Situations like this must be treated on a case-by-case basis. The object of CAP is to assist participants in achieving self-sufficiency as quickly as possible. However, the meeting of participation rates is a concern for all agencies, and all CAP participants must, at a minimum, participate in employment activities (including work) for the number of hours specified for the participant's employability plan.

If a CAP participant is participating the minimum hours required by the participant's employment plan, the agency cannot require the participant to do more hours but may want to counsel and encourage the participant to continue school or increase the hours. If, however, the CAP participant is not participating the minimum number of hours required by the participant's employability plan, then that individual could be required to meet the specifications of the employability plan. Case Managers can then refer participants to available night programs or other alternative degree programs so that participants can finish their studies on their own.

Question #7: What is the best way to promote CAP and its successes?

Answer: The three critical elements of CAP, personal responsibility, employment and self-sufficiency, should always be explained in any discussions about CAP. In addition, statistical information, such as numbers regarding shorter lengths of stay and lower recidivism rates, should be gathered, recorded and used as outreach material. The new 12-18 month goal and the newer, more intensive case management procedures should provide increasing numbers of enrollments and graduations.

Miscellaneous

Question #1: Do the domestic violence provisions of 98 ADM-3 apply to CAP participants?

Answer: Yes. CAP participants are covered by the domestic violence regulations found at 18 NYCRR 351.2(1). This includes screening for domestic violence, assessment, service referrals, and temporary waivers of public assistance and CAP requirements.

Question #2: If a CAP/FS participant reports a change during a payment quarter that results in a decrease in FS benefits, must the district recalculate the FS benefits before the start of the next payment quarter?

Answer: Yes. There used to be a specific unique CAP/FS quarterly reporting waiver. This waiver provided that changes in household circumstances which occurred during a payment quarter and resulted in a FS decrease would be made for the next payment quarter. When CAP's demonstration status was terminated effective November 1, 1997 this waiver also ended. This means that for CAP/FS cases districts must follow normal PA/FS quarterly reporting guidelines. These guidelines state that if a CAP/FS household voluntarily reports a change, or reports to fulfill a CAP requirement, the district is required to take appropriate action on the change to increase or decrease upon verification the FS benefit.

Question #3: Do the Learnfare provisions outlined in 98 ADM-7 apply to CAP?

Answer: Yes. Failure to comply with Learnfare provisions results in a grant reduction rather than the loss of eligibility for the CAP case.

These questions and answers will be included in the next update of the CAP Operational Manual.

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance