

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

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| LOCAL COMMISSIONERS MEMORANDUM |
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Date: September 27, 2000

Division: Transitional
Supports and Policy

TO: Local District Commissioners

SUBJECT: TANF Services for Individuals and Families with Incomes up
to 200% of the Federal Poverty Level

ATTACHMENTS: Attachment A: New York State TANF 200% Programs
Attachment B: TANF Services Certification Form
Attachment C: TANF Services Certification Review Form
Attachment D: Non-Custodial Parent Information Referral
Form

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I. Purpose

This guidance advises social services districts and others of the certification requirements and services for Temporary Assistance for Needy Families (TANF) funded programs serving eligible individuals and families with incomes at or below 200% of the federal poverty level. The requirements established in this Directive are the minimum requirements established by the State for 200% TANF services; however, individual programs with authority to use TANF funds to serve this population may include additional program requirements as established by State budget appropriation language or the administering agency.

The certification requirements and other elements discussed in this guidance do not pertain to other TANF-funded programs, including Family Assistance or Emergency Assistance to Families.

II. Background

The federal TANF Block Grant offers flexibility to provide services to individuals and families beyond traditional welfare programs. For certain programs, New York is using TANF funds to expand services available to eligible individuals and families with gross income at or below 200% of the federal poverty level, including non-custodial parents. There is no resource test for 200% services. These expanded services offer new opportunities to provide the supports necessary to help families avoid public assistance and to strengthen the economic and social stability of families.

Not all TANF services/benefits are available to the 200% population. For example, 200% services do not include ongoing cash assistance or most long-term supportive services available to public assistance recipients. As discussed in more detail below, all 200% services must be those that meet the definition of "TANF non-assistance". Many of the federal certification and reporting requirements that apply to TANF assistance payments do not apply to non-assistance services.

In general, the process of certifying an individual for TANF-funded 200% services should be relatively simple and most certification requirements may be documented through self-attestation.

Throughout this guidance, the term "200% services" or "200% benefits" is defined as those services/benefits described in Section III of this guidance and the term "200% population" refers to persons determined to have met the certification requirements included in Section IV of this guidance.

III. 200% Services and Benefits

Several programs providing a range of services are authorized to use TANF funds to serve eligible individuals and families with incomes equal to or below 200% of the federal poverty level. Not all TANF funds may be used to serve the 200% population. The benefits and services available to the 200% population are a subset of those available to individuals eligible for public assistance. Certification for 200% services does not constitute eligibility for public assistance.

A description of the services and benefits available to the 200% population is provided in the program release governing each particular 200% program (e.g. TANF Services Plan, Consolidated Application for State-Administered Programs (CASP), etc.). Attachment A includes a brief description of the services available through each TANF-funded program with authority to serve the 200% population and identifies the lead State agency administering the program. Expanding services to the 200% population is typically an option for the entity receiving the TANF funds. Such examples of 200% services are:

- _ Job skills training provided through the Department of Labor's InVEST Program
- _ Parenting skills services offered through the Office of Children and Family Services
- _ Job coach/mentor programs offered through the Department of Labor's New York Works Block Grant
- _ Wrap-around services for persons in need of substance abuse services through the Office of Temporary and Disability Assistance's TANF Services Block Grant
- _ Wage subsidies offered by the Department of Labor
- _ Health care worker recruitment and training offered by the Department of Health

Any TANF-funded service or benefit, including a service available to the 200% population, must meet one of the four purposes of TANF. The four purposes of TANF are:

1. Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
2. End the dependence of needy parents on government benefits by promoting job preparation, work and marriage;
3. Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
4. Encourage the formation and maintenance of two-parent families.

In addition to meeting a TANF purpose, all eligible 200% services and benefits must be included under the TANF definition of "non-assistance". TANF non-assistance services are those services/benefits that are not intended to provide ongoing basic income support. More information and examples of non-assistance services that may be provided through a given 200% program are provided in the program release governing that particular 200% program.

It is important that all 200% services meet the definition of non-assistance in order to avoid certain significant TANF requirements that apply to assistance benefits. For example, non-assistance benefits do not count toward the federal 60-month limit on TANF, many of the TANF reporting requirements do not apply, and cases receiving only non-assistance are not included in federal work participation rate calculations. Distinctions between what constitutes TANF assistance versus TANF non-assistance are not always straightforward. Therefore, social services districts and service providers should consult with the administering State agency to determine whether each service provided to the 200% population meets the definition of TANF non-assistance and is an allowable expenditure under the given 200% program.

IV. 200% Population

Certain individuals will be categorically eligible for TANF-funded 200% services by virtue of already being determined eligible for Family Assistance or federally-funded Safety Net Assistance. Certification for all other individuals must be determined by applying the certification requirements listed below in Section IV-B. In all instances, the service/benefit must be determined as necessary and appropriate for the applicant. Applicants for 200% programs must complete the State prescribed TANF Services Certification form included in Attachment B. Additionally, providers of services must use the TANF Services Certification Review form included in Attachment C.

Whenever services are provided to public assistance recipients (Family Assistance or Safety Net), the service should be coordinated with the social services district. Providers should pay particular attention to coordination of services with the district to determine whether or not a program/service is consistent with public assistance requirements.

All applicants for 200% services must provide identifying information such as name, address and social security number, as reflected on the TANF Services Certification Form. A social security number must be provided for all individuals for whom services are requested.

A. Categorical Eligibility

An individual who is currently receiving Family Assistance or federally-funded Safety Net Assistance from a social services district is categorically eligible for TANF-funded 200% services. That is, the eligibility requirements for these programs include the requirements necessary to be certified for 200% services; therefore, an individual who is receiving one of these programs is automatically eligible for 200% services.

Only a social services district may confer categorical eligibility.

Categorical eligibility may be conferred for a period of twelve months starting from the date of the initial certification.

B. Non-Categorical Certification

Individuals who are not categorically eligible for 200% services must meet the four certification requirements outlined below. In brief, to be eligible for 200% services, an individual must be:

1. A resident of New York State;
2. A member of a family that includes a minor child or a pregnant woman. A non-custodial parent must also provide certain information related to child support;
3. A United States citizen or TANF qualified non-citizen; and
4. A member of a family whose gross income does not exceed 200% of the federal poverty level.

Documentation

Self-attestation is acceptable documentation to support each certification requirement except non-citizen status, which requires additional documentation as specified below. Self-attestation is provided through an individual completing and signing the application. As noted on the application, an individual who signs the application attests under penalty of perjury to the validity of the information provided. When the applicant for services is a child under the age of 18, or under the age of 19 and in secondary school, a parent or guardian must sign and attest to the information provided on the application. The social services commissioner or his or her designee should attest to the information provided by a foster care child in those instances where parental signature is not practicable.

Applicant for TANF Services

The person who is requesting TANF Services is the applicant. When more than one person is requesting TANF Services, an adult family member is listed as the applicant.

When the primary caretaker of a minor child is a relative who is not the child's parent and when the TANF services that the family needs are child protective or preventive services, the applicant for the services is the MINOR CHILD. These services relate only to enabling the primary caretaker of the child to continue to care for the minor child in the home safely or to return the minor child from foster care to the relatives home. For all other services, the applicant is the person who will actually be receiving services.

Additional information regarding each of the four certification requirements is provided below.

1. The applicant must be a resident of New York State.
2. The applicant must be a member of a family that includes a minor child or a pregnant woman. A minor child is defined as a child under age 18 or under age 19 if attending secondary school or an equivalent level of vocational or technical training.

The following terms are used in deciding who is a family member and whose income will be counted.

"Minor Child": For these purposes, a minor child is a child under 18 years of age or under 19 years of age and attending secondary school (high school) or an equivalent level of vocational or technical training (for example, a BOCES program).

In order for a minor child to be eligible for TANF Services, the minor child must be living with a parent or other adult relative, who is the primary caretaker of the child, or be in foster care with a plan to return home.

"Family Members": The term "family members" is used to determine who can receive TANF services. Additionally, the income of all of the family members is used to calculate if the family meets the 200% of poverty guidelines. For these purposes, "family members" are the following individuals who live together:

- | the applicant's husband or wife;
- | the applicant's minor children and their siblings who are also minor children (including half and step-siblings);
- | if the applicant is a minor child, the applicant's parents and the applicant's siblings who are minor children; and
- | the father or mother of any children listed above, even if he/she is not married.

Married Minors: A minor child who is married is not included as a minor child family member. If the minor child who is married is the applicant or the applicant's spouse, the family members do not include the married minor child's parents or siblings.

Children in Foster Care: A minor child in foster care who meets one of the definitions above is included as a family member, but only if there is a plan to return the child to the home. When the applicant for services is a child in foster care, the foster care child is considered a family of one.

Other Relatives: Other relatives may be residing in the household and not be considered family members for purposes of 200% certification. For example, a 20 year old son would not be included as a family member.

An adult relative who is the primary caretaker of a minor child who does not live with his or her parents may have that minor child considered for purposes of 200% certification, although the minor child is not included as a family member as defined above. That is, the adult primary caretaker may be eligible for TANF services even if he or she does not have any minor children. An adult relative with whom a minor child lives may be considered the primary caretaker of the minor child if he or she makes the majority of the decisions about the child's well-being.

"Non-Custodial Parents": A non-custodial parent is the parent who does not live with or have physical custody of the child, but is legally responsible for providing financial and medical support to the child.

The non-custodial parent of a minor child may be eligible for TANF services if he or she meets the other guidelines and complete the "Non-Custodial Parent Information Referral" form, which has been prescribed by the State to collect identifying information to facilitate the establishment or enforcement of a child support order. The Non-Custodial Parent Information Form is included as Attachment D.

3. The applicant, and in certain instances his or her family members, must be a United States citizen or a TANF qualified non-citizen.

Individuals who are United States citizens may self-attest to this fact. To be eligible for TANF-funded services, a non-citizen must be a TANF qualified non-citizen as identified in the TANF Services Certification form (LDSS-4726). An individual may be a legal immigrant, but not be eligible for a TANF-funded service.

An individual who is a non-citizen and who indicates that his or her non-citizen status is one of the qualifying statuses must provide documentation to verify such status. An individual's case file must indicate what documents were reviewed, the alien registration number and any other numerical codes on the alien registration card. Common documentation for each qualified non-citizen status is included on page eight of the Certification Form (Attachment B).

Only family members who are applying for TANF Services must be either United States citizens or qualified non-citizens. Citizenship information does not need to be obtained for family members who are not applying for services. For example, when the service provided is a job skills training program, only the applicant must be a United States citizen or qualified non-citizen. However, when a service is provided for all family members, such as family counseling, all members of the family must be citizens or qualified non-citizens.

4. The gross countable income of the family members must not exceed 200% of the federal poverty level.

Certain individuals will meet the income standard for TANF-funded 200% services by virtue of having been determined eligible for certain other programs. All other individuals must establish income certification by applying an income test as outlined below.

Program Income Status

Individuals who are currently receiving certain benefits automatically meet the income standard for 200% services because these qualifying programs all have income standards that are equal to or less than 200% of the federal poverty level. Individuals currently receiving Family Assistance, Safety Net Assistance, Medicaid, Food Stamps, Supplemental Security Income (SSI), or Home Energy Assistance Payments (HEAP) meet the 200% income standard. (As noted above, those receiving Family Assistance or federally-funded Safety Net Assistance are not only income eligible, but are wholly categorically eligible for 200% services.)

Income Tested Status

An income test must be conducted for all individuals who do not meet the income test by virtue of Program Status as discussed above.

The current gross countable income of the applicant's family must not exceed 200% of the federal poverty level for the applicant's family members size.

Family Size: For purposes of determining the 200% income standard for an applicant, family size is equivalent to the number of family members, as defined in IV.B.2. A foster care child is included in the definition of family size only if there is a plan for the child to return to the home. An individual's non-custodial children are not included in the calculation of family size.

Income: All current countable income of all individuals included as family members, as defined in IV.B.2, must be included in determining family income. Gross income, before taxes and other deductions, is considered.

Current income is income that has been or is expected to be received in the calendar month of the application for TANF Services, and is expected to continue beyond that month.

or

If income in the calendar month of application is higher than the family members' regular monthly income, an individual may provide information based on annual income (income from the prior twelve months). This annual income must be adjusted for any change in income known or expected to occur. For example, if an applicant got a new job, he or she should include the income from this job to calculate annual income.

For non-custodial parents, the income test is on the non-custodial parent and his or her family members who reside in the same household; the income of the child's custodial household is not considered. Additionally, any child support payments made by a non-custodial parent in accordance with a court order for children who do not reside in his or her household are deducted from the non-custodial parent's income.

Countable income is defined as all earned and unearned income including, but not necessarily limited to:

- Wages, salary and tips
- Self-employment income (after business expenses)
- Social Security benefits
- Public assistance (Family Assistance, Safety Net Assistance)
- Unemployment Compensation
- Workers' Compensation
- Supplemental Security Income (SSI)
- Interest payments
- Child support received
- Alimony received
- Other recurring income that is not excluded below

Exempted income is defined as:

- Earned income of a minor child
- Adoption and foster care payments
- One-time loans, gifts and other non-recurring income
- Child care subsidy payments

Child support payments made in accordance with a court order are deducted from a non-custodial parent's gross income.

The 200% income standards are displayed below for both annual and monthly income levels. The 200% income standards will be revised annually by the State effective June 1 of each year.

200% of Poverty Income Standards
Program Year June 1, 2000 through May 31, 2001

<u>Family Size</u>	<u>Monthly Income</u>	<u>Annual Income</u>
1	\$1,392	\$16,700
2	\$1,875	\$22,500
3	\$2,358	\$28,300
4	\$2,842	\$34,100
5	\$3,325	\$39,900
6	\$3,808	\$45,700
7	\$4,292	\$51,500
8	\$4,775	\$57,300

For family units with more than eight members, add \$483 monthly or \$5,800 annually for each additional family member.

V. Non-Custodial Parents

Certain non-custodial parents are eligible for 200% services. A non-custodial parent must meet the same basic requirements as any other applicant for 200% services, with one additional test. In addition to the minor child, income, citizenship and residency tests, a non-custodial parent who is not also a custodial parent must complete the Non-Custodial Parent Information Form prescribed by the State (Attachment D) to collect identifying information.

If the non-custodial parent does not have access to all of the requested information, he or she must provide all available information. The entity responsible for certifying individuals for 200% services must provide the Non-Custodial Parent Information Form to the county social services child support office where the provider agency is located. The child support office will use this information, as needed, in those instances where the custodial parent is receiving child support (IV-D) services.

VI. Certification Period

All applicants for 200% services must complete the State prescribed TANF Services Certification Form (Attachment B). Additionally, all entities authorized to complete TANF 200% certifications must use the "TANF Services Certification Review Form" (Attachment C) when making a determination on each application.

A determination of certification for 200% services must be completed within 30 days of the certifying entity receiving the signed application. Certification for 200% services must be redetermined not less frequently than every 12 months. All certification factors must be considered. Administering entities may elect to certify more frequently than every 12 months.

An individual who begins participation in a service/program that is expected to last 12 months or less does not need to recertify for purposes of completing the service/program.

VII. Required Applicant Notification and Consent

Each applicant for 200% services must be informed of his or her approval to participate in a program in accordance with guidelines of the State agency administering the program. In some instances, an individual may participate in a program even if he or she does not meet the 200% certification requirements if the provider has an alternative source of funds to support such participation.

An applicant for TANF 200% Services must be notified and consent to certain elements regarding his or her application for 200% services. These elements are stated on the State prescribed TANF Services Application/Certification Form and include:

- | An applicant for 200% services must be informed of the opportunity to have his or her 200% certification reviewed by another qualified certification worker. Whenever possible, the second review must be conducted by an individual at a level above that of the original reviewer.

- | All applicants must be informed and consent that information provided on the application may be shared with other entities, such as the county social services office, for purposes of certifying for 200% services and that related information may also be collected from the county social services district. Applicants must be informed and consent that county, state or federal agencies and their designees may use his or her social security number for many purposes including to check identity, to identify and verify income and to determine whether or not he or she is receiving certain program services.

- | A non-custodial parent must be informed that his or her social security number, current address and other information may be used for purposes of facilitating the establishment or enforcement of a child support order.

VIII. Outreach Strategies

Social Services districts and other providers of 200% services may identify eligible clients in many ways including:

- | Targeting services to eligible individuals and families who leave welfare for work to help ensure such individuals to retain employment and to upgrade skills to obtain better paying jobs;

- | Targeting recipients of other programs that have income standards equal to or less than 200% of poverty. Such programs include Food Stamps, HEAP, Medicaid and Supplemental Security Income;

- | Providing services as part of the local workforce development system through One-Stop employment services centers; and
- | Informing community-based organizations of available services so they may refer families for services.

IX. Entities Authorized to Certify 200% Participants

For those 200% programs that are not directly administered by social services districts, the State agency responsible for administering the program will determine which entities are authorized to certify persons for participation. Social services districts have sole discretion in determining what entities may certify for 200% programs that are operated by the district. A social services district may choose to perform all 200% certifications or it may contract out this function to other entities such as non-profit community-based organizations or other governmental entities.

When an entity is given authorization by the State or social services district to perform 200% certifications, the State or social services district must establish what entity is accountable for any ineligible expenditures made as a result of inaccurate certifications.

X. Confidentiality and Maintenance of Records

Entities authorized to certify persons for 200% services must agree to maintain the confidentiality of individual specific information in accordance with all applicable federal and State law including Section 136 of the Social Services Law, Title IV-A of the Social Security Act and 18 NYCRR Part 357. Use of individual specific information is limited to the purposes necessary to implement the program.

Any organization approved to certify persons for 200% services must:

- | Submit program and financial reports as required by the administering State agency.
- | Maintain program and financial reports for a period of not less than six years.
- | Keep records involving matters in litigation for a period of six years following the termination of the matter in litigation.
- | Make available for audit by appropriate county, state and federal agencies all applicant/participant documentation and related program records.
- | Keep certifications for each individual/family who applies for 200% services in order by month of certification, and in alphabetical order within the month. Certification forms for those who are not certified for services should also be maintained. Copies of the certification forms should also be kept in the individual/family case file, if applicable.

| Store all certifications in a locked location.

XI. Reporting Requirements

Specific reporting requirements for 200% programs are provided in the program release governing each particular 200% program (e.g. TANF Services Plan, CASP, etc.). In all cases, administering entities will be required to track on a monthly basis the number of families served in total and the number of non-custodial parents served, since this information is necessary to comply with federal reporting requirements. Federal regulations also require that non-assistance expenditures be tracked on a monthly basis and claimed by discrete categories. The agency release governing each 200% program should specify program and financial reporting requirements.

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