

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 01 ADM-3

DIVISION: Temporary Assistance

TO: Commissioners of
 Social Services

DATE: March 28, 2001

SUBJECT: Exemptions to the State Sixty-Month Cash Time Limit/
 Evaluation for Safety Net Assistance

 SUGGESTED

DISTRIBUTION: | Temporary Assistance Directors
 | Food Stamp Directors
 | Medical Assistance Directors
 | WMS Coordinators
 | Staff Development Coordinators
 | CAP Coordinators
 | Employment Coordinators
 | Domestic Violence Liaisons

CONTACT

PERSON: | Call 1-800-343-8859 and ask for the following:
 | Central Team ext. 4-9344

ATTACHMENTS:

- | 1. Fifty-four Month Client Letter
 | 2. Fifty-eight Month Client Letter
 | 3. Time Limit Recategorization Notice to Non-Cash SNA
 | 4. Time Limit Recategorization Notice to Cash SNA
 | All attachments are available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
99 ADM-7		351.2	PRWORA	Source	2/14/01 -
97 ADM-24		369.4	WRA	Book VIII-	WMS
97 ADM-23		370.4		L	Coordinator
97 ADM-21					Letter
97 ADM-20					
98 ADM-3					

I. Purpose

This directive explains the criteria for exemption of Family Assistance cases, Child Assistance Program (CAP) cases or family cases receiving Federally Participating (FP) non-cash Safety Net Assistance (Case Type 12) from the State Sixty-Month Time Limit. It provides specific guidelines for determining which Temporary Assistance cases qualify for a time limit exemption and for reporting such cases.

II. Background

A. Federal Time Limits and Allowable Exemptions

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) abolished the Aid-to-Families with Dependent Children (AFDC) program of public assistance and replaced it with block grant funding for the Temporary Assistance for Needy Families (TANF) program. PRWORA specified that a family was not eligible for TANF funded assistance if it included a head-of-household (adult or minor) or the spouse of the head-of-household (adult or minor) who had received more than sixty months of TANF funded assistance, whether or not consecutive, in his or her lifetime. Time on TANF-funded assistance used by a minor who is not the head of household or the spouse of the head of household does not count toward the sixty-month time limit. PRWORA included a provision for time limit exemptions. Families that included an individual who reached the sixty-month time limit could continue to receive TANF-funded assistance due to hardship or if a family member tracked for the time limit had been battered or subjected to extreme cruelty. The specific definition of hardship was left to state discretion.

Time limit exemptions are permissible in federal law to protect families who fail to achieve self-sufficiency within sixty months due to circumstances beyond their control. If these families have a continuing need, TANF-funded benefits can be continued based upon the exemption. However, time-limited assistance is a major principle of the federal welfare reform legislation. Time limit exemptions are not an open door for families to escape time limits. The expectation is that only a small percentage of families would have a need for a time limit exemption. States are subject to a federal fiscal penalty if they exempt more than twenty percent of their average monthly TANF-funded caseload in any given federal fiscal year. If a state exceeds the twenty-percent limit on time limit exemptions and can show it was the result of good cause domestic violence waivers the penalty is waived.

The twenty-percent limitation on time-limit exemptions applies to New York's average monthly total TANF-funded caseload on a statewide basis. There are no specific levels of allowable recipient time limit exemptions for each district. Districts will grant time limit exemptions based on the objective criteria contained in regulation and explained in this directive.

B. State Time Limits and Allowable Exemptions

New York State agreed to the provisions of PRWORA in a State Plan amendment effective December 2, 1996. In the summer of 1997, the State Legislature passed the Welfare Reform Act of 1997 (WRA). The legislation recognized the sixty-month time limit for TANF-funded assistance in State law and replaced AFDC with Family Assistance (FA). In addition, WRA replaced Home Relief with Safety Net Assistance (SNA) in cash and non-cash forms. A twenty four-month life time limit on receipt of cash Safety Net was imposed on all individuals not exempt from work requirements. WRA requires that State regulations on time limits be more inclusive than federal regulations. Under State law and regulations, cash SNA received by an adult recipient counts toward the sixty-month limit on TANF-funded assistance. This created an overall State time limit of sixty months of cash assistance from any combination of time limit trackable types of assistance (FA, CAP, cash SNA, non-cash SNA/FP). State regulations also makes essential persons and sanctioned individuals who are deleted from the case subject to the sixty-month time limit. Time limit exemptions can be granted when an individual in receipt of FA, CAP or non-cash SNA/FP reaches the State sixty-month time limit. WRA defined what constitutes a hardship for the purpose of granting an adult an exemption to the State sixty-month time limit.

Under WRA, a time limit related hardship exists, and is the basis for a time limit exemption, when the adult family member is unable to work because of an independently verified physical or mental impairment. The impairment must be expected to prevent the adult family member from working for more than six months to be considered a hardship. WRA also allows districts to regain federal reimbursement for children that went to Safety Net Assistance when their only parent or caretaker reached the State sixty-month time limit and subsequently qualifies for Supplemental Security Income (SSI) payments. In this situation, the family is returned to Family Assistance. The SSI parent or caretaker would be entered on the WMS Family Assistance Case as an inactive individual with an exemption from the time limit.

WRA gives some special consideration to domestic violence victims. They can receive a time limit exemption if they would not be required to participate in work or training activities because of an independently verified physical or mental impairment resulting

from domestic violence. Impairments caused by domestic violence do not have to be long-term. WRA allows a domestic violence victim to have a time limit exemption for short-term impairments (3-months or more). A parent or caretaker can also receive a time limit exemption if she is unable to work because she has to care for a child who was disabled as result of domestic violence.

OTDA regulations allow any trackable adult, at the time limit, to have a time limit exemption if they are unable to work because they are needed in the home to care for an incapacitated household member.

This directive instructs local districts on how to apply these criteria to determine whether or not a time limit trackable recipient of Family Assistance, CAP or non-cash Safety Net/FP qualifies for a time limit exemption that allows the family to continue to receive TANF funded assistance.

III. Temporary Assistance Implications of Time Limits and Time Limit Exemptions

Time limits and associated system support are discussed in detail in 99-ADM-7 (Time Limit Tracking and System Support). Time limit counts for TANF-funded assistance (FA, CAP, non-cash SNA/FP) began on December 2, 1996 and for cash Safety Net on August 4, 1997. In November 2001, the first group of Family Assistance recipients will reach the State sixty-month time limit, and must be converted to non-cash SNA/FNP effective December 1, 2001, unless an exemption is granted. When a time limit trackable recipient of FA, CAP, or non-cash SNA/FP reaches the sixty-month time limit (as a result of any combination of these programs and cash SNA), this milestone will have consequences for the assistance household in which the individual is included. The primary consequence of reaching the time limit is that the household must receive any necessary subsequent assistance through non-cash Safety Net/FNP (Case Type 17) or cash safety net if the head-of-household is exempt from work requirements. However, if the individual meets the criteria for a time limit exemption, his or her household will continue to receive TANF funded assistance.

Districts should utilize the WMS Tracking Function described in 99-ADM-7 to manage the time limit perspective of their caseloads. One of the scheduled reports produced from the Tracking Function is the Time Limit Milestone Report. This report informs workers of cases reaching sixty-month time limit milestones (1 year, 2 years, 3 years, 4 years, and 4.5 years) and cases at the 58-month time limit count or over the 58-month time limit count. It is sorted by office, unit and worker. District's should find this report helpful for identifying recipients needing time limit exemption determinations. A time limit exemption may not be granted until a family actually reaches the sixty-month time count. However, OTDA recognizes that districts cannot wait until the sixty-month count to review cases and make the necessary changes. Districts may want to plan for scheduling an interview no later than the 58-month count.

IV. Required Action

A. Monitoring Recipient Time Limits

Districts must begin to change FA, CAP and TANF-funded non-cash SNA cases to cash or non-cash SNA/FNP with authorizations effective from December 1, 2001. In preparation for this recategorization, districts need to actively monitor the time limits of these cases. Recipients need to be advised of their time limit count at every case opening and at each case action to re-certify, change case type or close the case. The WMS Tracking Function will facilitate time limit monitoring and notification to the recipients.

B. Identification of Potential Time Limit Exemptions

An integral part of district time limit monitoring is the identification of cases with potential time limit exemptions. For ease of administration, OTDA regulations will provide that recipients or inactive household members who may qualify for a time limit exemption will be identified by certain employability codes. The following employability codes will alert districts to cases that may have a trackable individual who would qualify for a time limit exemption.

<u>Code</u>	<u>Definition</u>
36	Incapacitated/Disabled (More than 6 months)
38	Needed in the Home to Care for Incapacitated Household member
43	Incapacitated (SSI Application Filed)

Individuals who currently have one of these employability codes do not automatically receive a time limit exemption. This is because recipients' employability status is dynamic and can change in a relatively short time. No time limit exemption can be granted until a recipient has received sixty months of cash assistance. Each recipient who nears the sixty-month time limit must have an individual evaluation to insure that his or her employability code is correct.

Recipients coded with one of the three employability codes above give districts an indication of their potential universe of recipients who may qualify for time limit exemption at any point in time. Employability codes now have significance both for employment purposes and time limit impact. It is imperative that districts ensure that employability codes are kept current for each recipient so that districts can make proper employment assignments and gauge the number of cases that might qualify for a time limit exemption.

C. Applying Time Limit Exemption Criteria

When a trackable individual is near the sixty-month time limit for TANF-funded assistance the district must reassess the individual's situation to know what the correct category of assistance would be after the sixty-month time count. Every trackable individual must have a face-to-face reassessment interview. At the reassessment interview the local district must make the following determinations:

1. Are there services and interventions that would help this family achieve self-sufficiency?
2. Does the individual qualify (and, therefore, the family) for a time limit exemption?
3. Does the individual qualify for an employment exemption that would also exempt him or her (and, therefore, the family) from the twenty-four month time limit on cash Safety Net Assistance?
4. What case processing changes are needed for the family to begin receiving Safety Net Assistance?

If a district has not already done so, it should begin calling in individuals approaching the time limit and explore new self-sufficiency strategies for them. All avenues for these families to achieve self-sufficiency or alternative means of support should be considered before a time limit exemption is granted. District cannot grant a time limit exemption any earlier than six months prior to when an individual would reach the sixty month time limit count.

Districts must use the existing procedures in Department of Labor Regulation 1300.2(d) for obtaining medical verification of any physical or mental impairments that prevents the individual from working. Trackable individuals who, upon reaching the time limit, that have one of the conditions discussed below qualify for an exemption from the State sixty-month time limit. They and their families will continue to receive TANF funded assistance (FA, CAP, non-cash SNA/FP) until the exemption condition no longer exists. Time limit exemptions are reported by the posting of a time limit indicator. Every individual granted a time limit exemption must have a time limit indicator entered on WMS. On Upstate WMS a "T" indicator ("TANF funded assistance) is entered in the LMT EXM field on the individual's line on Screen 3. In NYC an "X" indicator is entered either on eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen). Cases granted an exemption to the State sixty-month time limit should generally be reviewed no less frequently than every six months to determine if the time limit exemption is still warranted.

Districts are reminded that the time limit status of inactive individuals in the household who would be on the case except for their sanction or ineligible status also affects families. For example, a parent under an IPV penalty who reaches the State sixty-month time limit would send the family to non-cash SNA/FNP, unless a time limit exemption is granted to the inactive individual.

In addition, whenever an individual is added to the household as an inactive member who would be an active member except for a sanction or ineligible condition, the district must determine the individual's time limit status. If the individual has a State count of sixty-months or more, an exemption determination must be made as if the inactive individual were a member of the case.

1. Incapacitated More Than Six Months

At the end of the time limit, trackable individuals who have a physical or mental health problem expected to last more than six months which makes them unable to work qualify for a time limit exemption. The health condition must exist when the individual is at the time limit and must be medically verified. Individuals properly coded with Employability Code 36-Incapacitated More Than Six Months meet this criteria. Districts must update the individual's employability code as necessary. When granting a time limit exemption, districts must enter the time limit indicator "T" (TANF funded assistance) in the LMT EXM field on the individual's line on Screen 3 (upstate). In NYC an "X" indicator is entered either on eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen).

2. Incapacity Expected to Last More than Six Months Due to Drug or Alcohol Abuse

Time limit exemptions cannot be granted to every individual who is unable to work due to drug or alcohol abuse. Districts must individually review these cases when they are reaching the end of the sixty-month time limit. Time limit exemptions can only be granted to individuals who have a mental or physical incapacity that is caused by drug or alcohol abuse and the incapacity is expected to last more than six months. This policy is not a change to existing definition of the employability code (Code 63 Substance Abuser - In rehabilitation or Waiting Rehabilitation - Exempt). Districts must review these cases and identify the subset of this population that qualifies for a time limit exemption (those individuals unable to work more than six months). Districts report time limit exemptions for these individuals not by the employability code but by the posting of the time limit exemption indicator. In upstate, districts must enter the "T" indicator (TANF funded assistance) in the

LMT EXM field on the individual's line on Screen 3. In NYC an "X" indicator is entered either on the eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen).

3. Incapacitated SSI Application Filed

Employability codes provide for a subset of incapacitated individuals who have an application filed for Supplemental Security Income (SSI). These individuals are incapacitated at least to the same degree as individuals given Employability Code 36. These individuals are identified with Employability Code 43-Incapacitated SSI Application filed. An individual granted a time limit exemption under employability, Code 43, must have the time limit exemption indicator "T" (TANF funded assistance) placed on the LMT EXM field on individual's line on Screen 3. In NYC an "X" indicator is entered either on the eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen).

If the parent or caretaker begins receiving SSI he or she must be entered on the WMS Family Assistance Case as an inactive individual with time limit exemption indicator "T" (TANF funded assistance) in the LMT EXM field on the individual's line on Screen 3 (upstate). In NYC an "X" indicator is entered either on the eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen).

4. Needed in the Home to Care for Incapacitated Household Member

Trackable adults at the time limit who are unable to work because they are needed in the home to provide full-time care to an incapacitated household member qualify for a time limit exemption. The incapacity of the household member and the need for full-time care must be medically verified. Individuals properly coded with Employability Code 38 - Needed in Home to Care for Incapacitated Household Member meet this criteria. Individuals granted a time limit exemption under this criterion must have the time limit exemption indicator "T" (TANF funded assistance) entered in the LMT EXM field on the individual's line in Screen 3 (upstate). In NYC an "X" indicator is entered either on the eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen). The time limit exemption continues for as long as the individual is unable to work because he or she is needed to provide full-time care.

5. Time Limit Exemptions for Domestic Violence Victims

Victims of domestic violence reaching the sixty-month time limit may qualify for a domestic violence good cause time limit waiver and time limit exemption due to domestic violence. Both terms are defined identically in State Social Services Law. A domestic violence victim qualifies for a good cause time limit waiver (and time limit exemption) if at sixty months of Family Assistance the victim is unable to work or participate in a training program due to a physical or mental disability caused by domestic violence. The disability must be medically verified and be expected to last three months or more. Domestic violence victims' impairments do not have to be long-term (more than 6 months) for a time limit exemption to be granted. State law on time limit exemptions allows domestic violence victims to have a time limit exemption for short-term disabilities (expected to last between 3 and 6 months) that were the result of the domestic violence. The law also allows a parent or caretaker to have a time limit exemption if she is unable to work because she needs to care for a child who was disabled by domestic violence. Letters sent to recipients approaching the time limit will include language advising them that they may be eligible for a good cause time limit waiver because of disabilities they or their children received because of domestic violence that precludes them from working or attending training programs.

Before a good cause time limit waiver can be granted, the domestic liaison must establish credibility for the victim in accordance with the procedures in 98 ADM-3 (Family Violence Option under the Welfare Reform Act of 1997). A credible victim, who chooses to disclose that she or her children have disabilities caused by domestic violence that precludes her from working, must have her claim evaluated by the domestic violence liaison. The liaison must make this evaluation to keep the victims' confidence and protect their identity. Domestic violence victims disclosing that their or their children's disabilities were the result of domestic violence will do so by making a verbal attestation of facts to the domestic violence liaison. The liaison should inform the victim that anything disclosed will be kept confidential with the exception of child abuse and neglect. The victim's verbal attestation is sufficient evidence for the liaison to accept that the victim's or the child's disabilities were the result of domestic violence. The liaison needs to document the attestation in the domestic violence liaison's file and obtain medical verification that the victim is unable to work or participate in training programs because of disabilities if the district does not already have such verification. The liaison should use the local district's standard procedure

for requesting medical documentation. The only change to the standard procedure is that necessary medical forms will be given out by and returned to the domestic violence liaison. Medical documentation requested to verify disability does not need to state that the disability was caused by domestic violence.

When reviewing the medical documentation, the liaison can consult as necessary with the staff normally responsible for reviewing medical documentation and determining employability status. The liaison must document the victim's file and enter the time limit waiver on the Domestic Violence Subsystem. The domestic violence liaison also must insure that an appropriate service plan is completed for every domestic violence victim granted a good cause time limit waiver. The continuing validity of domestic violence good cause time limit waivers must be reviewed no less frequently than every six months.

Granting a good cause time limit waiver means that the district must also grant a time limit exemption because they are defined the same in State Social Services Law. It is not necessary for districts to do a separate determination of a time limit exemption for a domestic violence victim granted a good cause time limit waiver. However, for time limit tracking, domestic violence victims with time limit waivers must also be identified as having a time limit exemption. They are identified through one of the following employability codes:

<u>Code</u>	<u>Definition</u>
47	Incapacitated/Disabled Time Limit Exemption (more than 6 months)
48	Needed in the home to care for Incapacitated Child Time Limit Exemption
49	Incapacitated Time Limit exemption (3 to 6 months exemption)

These employability codes are only used for identifying domestic violence victims who reached the sixty-month limit and were granted a time limit waiver. They should be available for use in April 2001. The codes do not include domestic violence as an identifying term to protect victims confidentiality. Appropriate district staff should be aware that Employability 49 is for reporting time exemptions for short-term disabilities (3-6 months) caused by domestic violence. The district staff normally responsible for changing an employability code can change the employability code for an individual granted a time limit waiver. The domestic violence liaison only needs to advise the

appropriate staff that an individual qualifies for time limit exemption and the employability code must be changed. The liaison should provide the specific code from the list above based on the medical documentation. Staff changing the employability code must also enter the time limit exemption indicator "T" (TANF funded assistance) in the LMT EXM field on the individual's line on Screen 3 (upstate). In NYC an "X" indicator is entered either on eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen).

When the victim no longer qualifies for a time limit waiver, the domestic violence liaison needs to remove the waiver from the Domestic Violence Subsystem. The liaison also needs to advise appropriate staff to change the individual's employability code, remove the time limit exemption indicator and change case category to cash or non-cash SNA.

Districts will have instances where a domestic violence victim receiving a time limit waiver had an employment waiver. Domestic violence victims were granted employment waivers for reasons of safety. They were also identified through employability codes. Employability Code 45 (Work Requirements Waivable Exempt) was used when a domestic violence victim could not participate in work or training activities because any public exposure would compromise the victim's safety. Employability Code 46 (Work Requirements Waivable Not Exempt) was used when a domestic violence victim could participate in some work or training activities as long as the placement accommodated the victim's particular safety needs.

Employment waivers are not applicable to domestic violence victims granted a time limit waiver. A domestic violence victim cannot have an employment waiver and a time limit waiver at the same time. A victim granted a time limit waiver meets the criteria for an exemption from work activities so the need for an employment waiver is moot. Individuals granted a time limit waiver and coded with either employability code 45 or 46 must have their employability codes changed to one of the new ones that would identify the individual as having a time limit exemption.

Disclosure of disabilities caused by domestic violence is strictly voluntary on the victim's part. However, the only way a domestic violence victim can obtain a time limit exemption for a short-term disability is to disclose that domestic violence was the cause of the disability. When the victim does not disclose that her disability is the result of domestic violence, the domestic violence liaison is not involved and the determination of time limit exemption is made by district staff who normally evaluate client's claims that they are unable to work.

Time limit waivers must be entered on the Domestic Violence Subsystem because they may help the State avoid a federal fiscal penalty. In the event the State exceeds the twenty-percent limit for time limit exemptions and it can show that it was due to domestic violence good cause time limit waivers, the federal penalty for exceeding the twenty-percent limit on time limit exemptions will not be imposed.

D. Timely Deletion of Absent Individuals or Essential Persons at the Time Limit

Districts must delete individuals who move out of the assistance household as soon as possible after discovering the change in household composition. This applies to individuals who are under sanction at the time of leaving the household, as well as non-sanctioned members of the case. Unless the individual is deleted in the month of the move, months of assistance may be incorrectly counted toward the State Sixty-Month limit for that individual. If the time limit for a household is reached solely upon the time limit count for an essential person, the essential person must be deleted from the case so that Family Assistance can continue for the rest of the household. The essential person must then receive assistance through non-cash SNA/FP (Case Type 17) or case SNA (case Type 16) if he or she is exempt from work requirements.

E. Two-Parent Families

A two-parent family at the 60-month time limit can only have a time limit exemption if both parents meet one of the exemption criteria. A family with a parent needed in the home full time to care for the second parent who has a long-term disability and is unable to work would be an example of a two-parent family where both parents would meet the time limit exemption criteria.

F. Receipt of SSI after the State Sixty-Month Cash Time Limit

Districts will have trackable FA parents or caretakers reach the time limit and transfer with their families to non-cash SNA because they do not have a physical or mental disability that qualifies for a time limit exemption. Subsequently, the parent or caretaker may begin receiving SSI. In these situations local districts must return the family to FA, if otherwise still eligible. State law on time limits specifically allows a time limit exemption for cases in which a parent or caretaker begins receiving SSI. These cases returned to FA will not be tracked for the time limit for there is no longer a trackable individual active on the case and they are not subject to time limit tracking. The trackable individual's Employability Code should be changed to 44 - In Receipt of SSI. He or she also must be entered on the WMS Family Assistance case as an inactive individual with an exemption indicator posted on WMS.

G. Time Limit Exemption for Family Cases Receiving Safety Net Assistance

The ability to grant a time limit exemption does not end when a formerly TANF-funded case is receiving Safety Net Assistance. Cases in SNA because of the time limit are returned to TANF-funded assistance, if the time limit trackable individual develops a condition that meets the time limit exemption criteria. When returning these cases to TANF Assistance, districts must appropriately update the individual's employability code and enter a time limit exemption indicator on WMS. Cases returned to Family Assistance or Non-Cash SNA/FP because of a time limit exemption should generally be reviewed no less frequently than every six months to determine if their condition still qualifies them for a time limit exemption.

H. Dependent Relative-Only Family Assistance Cases

Districts should recertify adult only cases no later than their 58-month time limit count. At the recertification interview these clients should be advised that if they have to begin receiving SNA, they will have to apply for assistance for their children and all other mandatory filing unit members. If they do not, they will be ineligible for SNA. This is true unless the child receives SSI or is a related foster child.

V. Emergency Assistance for Families (EAF) after the Sixty-Month Time Limit

Families who are no longer receiving TANF-funded assistance because an adult family member has reached the State sixty-month cash time limit can still receive EAF if they meet the eligibility criteria (Office Regulations Part 372). EAF payments made to families beyond the sixty-month time limit can only be used for addressing a need created by a discrete crisis and cannot extend beyond four months. The families may receive EAF more than once but EAF cannot be used to meet an ongoing or recurring need.

Families that have passed the sixty-month time limit can still receive federally reimbursed EAF because EAF payments meet the federal definition of non-assistance. There are no time limits on TANF-funded non-assistance payments. Non-assistance payments address one time or short time needs.

VI. TANF Funded Services After the Sixty-Month Time Limit

Families who are no longer receiving TANF funded assistance because an adult family member has reached the State sixty-month cash time limit can still receive TANF funded services as long as their income does not exceed 200% of poverty. TANF funded services meet the definition of non-assistance.

VII. Aliens Lawfully Admitted for Permanent Residence

Aliens and their families admitted to the U. S. on or after August 22, 1996 for permanent residence are barred by PRWORA from receiving TANF-funded benefits for five years from the date they were admitted to the country. Under State law these aliens are eligible SNA. However, cash SNA received by alien adults counts toward the State sixty-month time limit and is tracked accordingly. Therefore, after these alien families are no longer subject to the PRWORA five-year bar on federally funded benefits the amount of time they can receive Family Assistance will depend on what their time limit count is for cash SNA.

VIII. Families Moving to Safety Net Assistance

When a family must move to Safety Net Assistance at the sixty-month limit count districts must complete the following actions:

- | Determine if the family will receive cash or non-cash SNA. Families who reach the sixty-month time limit and do not meet the exemption criteria for remaining in FA must go to SNA. If the head of the household is exempt from work requirements or HIV positive and not required to participate in alcohol/drug rehabilitation, the case will receive cash SNA (Case Type 16) instead of non-cash SNA (Case Type 17) as required by WRA and 18 NYCRR 370.4(b)(1)(ii). Therefore, a second decision about whether or not cash or non-cash is appropriate must be made. The family will continue to receive cash SNA as long as the head of house meets the exemption criteria.
- | Re-examine the household composition - Unlike Family Assistance, a SNA parent may not decline to apply for eligible children in his or her care. Once the child(ren) applies other household members may be required to be included in the filing unit.
- | Adults who were essential persons in the FA case cannot be included in Safety Net Case Type 16 (cash SNA) or Case Type 17 (non-cash SNA). They must have their own separate SNA case. Families receiving non-cash SNA must have their benefits restricted following the procedures outlined in 97-ADM-7, 99-LCM-20 and 00-ADM-7.
- | If the family has an overpayment recovery, the rate of recovery must be changed from 10% to 15% after appropriate notice and processing of any good cause claims.
- | Bona fide loans: Consider if the family has such income, which was exempt under FA, but must be counted for SNA.
- | Require the head-of-household to sign the Repayment Agreement (DSS-4529) and Assignment of future earnings (DSS-4530).
- | Send the family an adequate notice on the change in assistance category or a timely and adequate notice if the family's benefits or method of payment change.

- | Be prepared to explain the Interim Assistance Agreement if a family member is pending SSI.
- | Cases with an absent parent or putative father - The Application for Child Support Services (DSS-2921) must be completed by IV-A and transmitted to IV-D.
- | Co-op cases have to be recombined if any family member was TANF ineligible, i.e., TANF ineligible alien receiving Safety Net Assistance.
- | Identify Family Assistance cases moving to Safety Net Assistance as eligible for MOE claiming by using federal/State change code 63 for both upstate and NYC cases.

IX. Time Limit Exemption Indicator

Upstate WMS Screen 03 (item #393 in NYC WMS) now has an Exemption Indicator field. When a recipient or inactive individual is given a time limit exemption from the sixty-month time limit, the district must enter one of these codes in the LMT EXM field on the individual's line. In NYC the time limit indicator is entered either on eligibility screen NCEM15 (individual data) or the undercare screen NUCMCL (unformatted screen).

A. Upstate WMS

"T" (TANF) - Signifies that a FA, CAP, or non-cash SNA/FP case continues to receive TANF-funded assistance after the time limit because a time exemption has been granted.

"A"-Indicates that TANF-funded assistance continues beyond the time limit because of pending fair hearing on the time limit count.

B. NYC WMS

An "X" in the Exemption field will establish the time limit exemption for a FA or non-cash SNA/FP case. An "A" will also indicate aid continuing for NYC cases.

Note: When TANF assistance continues beyond the time because of a pending fair hearing, districts must use special claiming code "P" for every payment made to these cases so they will not be claimed for federal reimbursement.

Data entry of the time limit exemption indicator is essential for the reports available through the WMS Tracking Function to have maximum effectiveness.

X. Automated Time Limit Letters

Automated informational letters will be sent to recipients approaching the time limit at the 54 (Attachment I) and the 58 (Attachment II) month intervals. These letters will explain the consequences of reaching the time limit and will advise recipients on the criteria for a time limit exemption. Recipients who believe that they may be eligible for a time limit exemption will be advised to contact their eligibility worker or the domestic violence liaison. The 54-month letter will begin June 2001, with the 58-month letter following in October 2001. Both letters will be produced daily.

XI. Time Limit Recategorization Notice to the Recipient

If the change from FA, CAP, or non-cash SNA/FP to cash or non-cash SNA/FNP does not cause a change in the grant amount, an adequate notification of the category change is appropriate. If the grant amount or the method of payment changes as a result of the category change, a timely notice must be issued. Attachment III provides language workers should use for the category change notification paragraph FA/SNA-FP to non-cash SNA (FNP). Attachment IV provides language workers should use for the category change notification paragraph FA/SNA-FP to cash SNA.

XII. System Support

The WMS Tracking Function now available to districts provides system support for tracking recipient time limit counts. District staff can utilize the Tracking Functions Individual Tracking Summary (Screen WTRK 11) to identify current cases exempted from the time limit. If a time limit exemption indicator has been entered on WMS Screen 03 (item #398 in NYC WMS) the Individual Tracking Summary will display the Time Limit Exemption Indicator Code in the Exemption field. In addition, the WMS Milestone Report (WINR 8111 upstate, WINRO 792 NYC) reports cases reaching the 1 year, 2 year, 3 year, 4 year, 4.5 year milestones and cases at or over 58 months that are trackable for the State sixty-month time limit count. The report also indicates whether the case has been exempted from the time limit and is sorted by office, unit and worker.

Upstate districts can view a recipient's current employability code on Screen 3 of the Case Comprehensive Inquiry or by looking at 3209. In NYC employability codes can be found on the WMS Inquiry Screen NQIN2A - Client Information or on the TAD. Districts are reminded that an individual given an exemption from the State sixty-month cash time limit must have one of the employability codes discussed in this directive. A complete description of the WMS Tracking Function is found in 99-ADM-7.

The PA Caseload Tracking Report (WINR 8113) is another report, which can be helpful to districts in managing cases approaching the time limit. For all active cases (FA and SNA) the WINR 8113 displays time limit counts and the number of months remaining before the end of the

time limit for the individual code with Relationship Code "01 - Applicant Payee" as entered on the case record. The following supporting information is included with the time limit counts:

- Case Type - the Case Type of the case on which the information is based.
- Case Name - Self-explanatory
- Case Number - Self-explanatory
- PA/FS - the PA/FS Indicator Code as entered on the case record
- PAR IND - the number of parents in the case (0, 1 or 2) as previously calculated by WMS
- 60 CT - the number of months used toward the State Sixty-Month Time Limit
- 24 CT - the number of months used toward the Safety Net Twenty-Four Month Cash Time Limit
- EXEMPT - the Time Limit Exempt Indicator (S, T, or A), if present
- EMPL Code - the Employability Code of the individual
- INDIV REASON - the PA Individual Reason Code, if present
- INDIV STATUS - the Individual Status Code
- HRS WORKED - the Number of Hours Worked per Month (if any) as entered on the PA ABEL Budget
- REM - the number of months remaining before the case reaches the State Sixty-Month Time Limit or Safety Net Twenty-Four Month Cash Time Limit.

Report totals are provided showing, by Case Type, the total number of cases for each number of months remaining, e.g., "Case Types 12" - 10 cases with 0 months remaining, 100 cases with 1 month remaining, 250 cases with 2 months remaining, etc. The WINR 8113 is available monthly through BICS and is sorted by Office/Unit/Worker and page broken down by worker. It is also available as a data file which districts can use to create customer variations of the report or on-the-demand ad hoc reports.

XIII. Medicaid Implications

Federal and State time limits for TANF-funded assistance do not apply to Medicaid.

XIV. Food Stamp Implications

Federal and State time limits for Temporary Assistance do not apply to Food Stamps. Applicants or recipients who withdraw or close their Temporary Assistance case in order to conserve time limits must be informed that they can continue to receive food stamps, if eligible with no time limit implications.

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XV. Effective Date

The provisions of this directive are effective beginning for TANF-funded cases which are reaching the State sixty-month time limit beginning December 2001.

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

IMPORTANT INFORMATION ABOUT YOUR TEMPORARY ASSISTANCE

Attachment 1

54 MONTH TIME LIMIT LETTER
Case Type: Family Assistance

D R A F T

Case Number:
Loc. Off./Unit/Worker:

General Telephone No. for
Questions or Help:

Line 1. TIME LIMIT COUNT:
Line 2. AS OF:

Dear Temporary Assistance Recipient:

This letter is for informational purposes only. Your benefits are not being changed.

The Welfare Reform Act of 1997 limited the amount of time an individual could receive Temporary Assistance through Family Assistance (FA), the Child Assistance Program (CAP), cash Safety Net Assistance (SNA), or non-cash Safety Net Assistance/Federal Participating (non-cash SNA/FP). An adult individual may not receive more than sixty-months of assistance through one or any combination of these assistance programs. The purpose of this letter is to inform you about the number of months that now apply to the time limit on your Temporary Assistance case and help you plan for the future effect that the time limit may have upon you.

The "Time Limit Count" in line 1 reports the number of months we have counted for your case. According to our records, you or some one in your assistance case has received assistance through one or some combination of FA, CAP, cash SNA or non-cash SNA/FP for fifty-four months as of the date shown in line 2. This is the count for you or for the individual in your Temporary Assistance case who has received benefits from any combination of these assistance programs for the longest period of months since December, 1996 as of the date in line 2. After an adult individual has received sixty-months of assistance through any combination of FA, CAP, cash SNA or non-cash SNA/FP, that individual and everyone else in the household must be evaluated for non-cash or cash SNA/Federally Non-Participating (FNP), if there is a continuing need.

If your need continues beyond the sixty-month limit, you will begin receiving non-cash SNA/FNP on the first day of the month after the month that an individual in your case reaches the sixty-month limit. For example if your Time Count report for November 2001 is 54, your case would reach a count of sixty in six months or May 2002. Beginning June 1, 2002 your case would start receiving non-cash SNA/FNP, if there was a continuing need for benefits. There is no time limit on non-cash SNA/FNP.

This notice is only to inform you about the time limit. Your social services worker will send you a separate notice from this one before the change to non-cash SNA/FNP. If you are unable to work when you reach the sixty-month limit you may be eligible for a time limit exemption. Cases granted a time limit exemption will not be transferred to non-cash SNA/FNP and benefits will continue to be issued under the current category of assistance. Information on time limit exemptions will be sent to you in a separate notice, if you are still receiving assistance when your time limit count reaches 58 months.

You should keep track of your time limit count. The time limit is a lifetime limit, so if you do not need public assistance for several years, then again find yourself in need, your time limit count will begin at the count reached in your last assistance month. For example, if your time limit count in July 2001 is 56 and your case is closed in July, you would start with a time limit count of 56 months if you should require assistance in some future month.

D R A F T

IMPORTANT INFORMATION ABOUT YOUR TEMPORARY ASSISTANCE

Attachment 2

58 MONTH TIME LIMIT LETTER
Case Type: Family Assistance

D R A F T

Case Number:
Loc. Off./Unit/Worker:

General Telephone No. for
Questions or Help:

Line 1. TIME LIMIT COUNT:
Line 2. AS OF:

Dear Temporary Assistance Recipient:

This letter is for informational purposes only. Your benefits are not being changed.

According to our records, you or someone in your assistance case has received assistance through the Family Assistance (FA), the Child Assistance Program (CAP) or the non-cash Safety Net Assistance/ Federal Participating (non-cash SNA/FP) program for fifty-eight months. The "Time Limit Count" in line 1 reports the number of months we have counted for your case as of the date shown in line 2. An adult individual may not receive more than sixty months of assistance through the FA, CAP and non-cash SNA/FP programs in a lifetime, unless the individual is exempted from the time limit. (For an explanation of the exemption rules, see the "Exemption Rules" section on the back of this notice.) Any assistance that you received as an adult from the cash Safety Net Assistance (cash SNA) program also counts toward the sixty-month limit. We began to count the months of assistance in December, 1996.

If any adult person in a FA, CAP or non-cash SNA/FP household reaches a Time Limit Count of sixty months, the whole family must be evaluated for non-cash or cash SNA/ Federal Non-Participating (non-cash SNA/FNP), if need continues. Because of this rule, if your need continues more than two months after the above month, your assistance must be paid in non-cash form through the SNA program without funding from the federal government (FNP) starting the first day of the month after your time limit count reaches sixty. The amount of your benefits will remain the same unless you receive a notice about a change in the amount of your benefits. However, under non-cash SNA the following amounts must be restricted out of your cash grant and be paid directly to a vendor by social services:

1. Your shelter expense.
2. Your fuel for heating allowance, if you pay this separately from rent.
3. Your domestic utility cost for lights and cooking, if you pay these separately from your rent.
4. Your water payments, if you pay these separately from your rent.

After all these amounts are restricted out of your grant, you will receive the remainder in cash. However, State Law requires further restrictions when the Electronic Benefit Transfer System (EBT) can accommodate them. You will be further notified when this will occur. If you now receive non-cash SNA/FP, these expenses are already restricted out of your grant. If you receive FA now, it is possible that some or all of these expenses are already restricted out of your grant. If you are participating in work activities and are receiving payments for expenses incidental to your participation those payments will continue in cash. Your Food Stamps will continue unchanged unless you receive a notice about change in the amount of your Food Stamps. Your medical Assistance and any child care assistance you receive will also continue unchanged unless you receive a notice about changes in these benefits.

Since setting up restricted payments for rent and for fuel and utilities involves contact by social services with your landlord and fuel and utility providers, it is important that you assist your social services worker in making these arrangements. It is also important that you plan for the possible reduction in the amount of cash you will have if your rent and fuel/utility payments are not already restricted.

If your worker needs information from you to complete the necessary changes to restrict payments, he or she will contact you sometime in the next month. Save your most recent fuel, rent, and utility bills, if you receive them, so that you can answer any questions your worker may have. If your worker does contact you, be sure to provide the requested information on time. You will also receive a separate notice from your worker notifying you of the change to non-cash assistance and the effective date before the change is made. This letter is for your advance information only.

If you have more questions regarding this information, ask your worker.

D R A F T

Back of Notice

EXEMPTION RULES FOR FA AND FOR NON-CASH SNA/FP: A family must remain in the Family Assistance (FA), or non-cash Safety Net Assistance/Federal Participation (non-cash SNA/FP) if the adult family member is unable to work in any capacity because of one of the following reasons:

1. A physical or mental impairment that is expected to last more than 6 months.
2. A physical or mental impairment that is the result of domestic violence and is expected to last three or more months.
3. A physical or mental impairment of a child that is the result of domestic violence that requires the adult family member to remain in the home to care for the child.
4. A physical or mental impairment of another household member that requires the adult family member to remain in the home to provide full time care.

If you think you meet any of these conditions, you should contact your worker and discuss your situation. If you have an impairment that prevents you from working in any capacity you will have to provide medical documentation to verify the impairment as required by the regulations of the Department of Labor.

If you or your children are victims of domestic violence and have physical or mental impairments as described in 2 or 3 above that were directly caused by domestic violence that prevent you from working or participating in a training activity, you can contact your social services agency domestic violence liaison to discuss your situation. Anything you tell the liaison about your situation will be kept confidential, with the exception of child abuse and neglect. Disclosure of impairments that are the result of domestic violence is purely voluntary on your part. You would need to tell us that your disability was caused by domestic violence if you needed a time limit exemption for a short-term disability lasting between three and six months. If you do not wish to disclose that your impairment was the result of domestic violence, you can still qualify for a time limit exemption if you have an impairment that is expected to last at least six months that prevents you from working in any capacity or there is another household member with a physical or mental impairment that requires you to remain in the home to provide full time care when you reach the sixty month limit.

D R A F T

Attachment 3 - Time Limit Recategorization Notice to the Recipient - Non-Cash SNA

If the change from FA, CAP, or non-cash SNA/FP to non-cash SNA/FNP does not cause a change in the grant amount, an adequate notification of the category change is appropriate. If the grant amount or the method of payment changes as result of the category change, a timely notice must be issued.

For the category change notification paragraph, FA/SNA-FP to non-cash SNA(FNP) workers should use the following language:

We are changing your category of assistance to non-cash Safety Net Assistance.

Families with at least one adult who has received sixty-months of assistance through one or some combination of Family Assistance (FA), Child Assistance Program (CAP), cash Safety Net Assistance (SNA), or non-cash Safety Net Assistance federal participating (SNA/FP) must be evaluated for non-cash Safety Net Assistance federal non-participating (SNA/FNP).

In this category, most of the temporary assistance benefit is paid directly to service providers such as your landlord, utility company, and fuel dealer.

There is at least one adult in the case who has received sixty months of assistance through some combination of the assistance programs listed above. The adult does not qualify for an exemption from the time limit.

This decision is based upon Office Regulation 369.4 (5)(7)

EXEMPTION RULES FOR FA AND FOR NON-CASH SNA/FP: A family can remain in or return to Family Assistance (FA), or non-cash Safety Net Assistance/Federal Participation (non-cash SNA/FP) if the adult family member is unable to work because of one of the following reasons:

1. A physical or mental impairment that is expected to last more than 6 months.
2. A physical or mental impairment that is the result of domestic violence and is expected to last three or more months.
3. A physical or mental impairment of a child that is the result of domestic violence that requires the adult family member to remain in the home to care for the child.
4. A physical or mental impairment of another household member that requires the adult family member to remain in the home to care for the other household member.

If the adult becomes unable to work for one of the above reasons, the family may be able to return to FA or non-cash SNA(FP). Let your worker know about that change in the adults ability to work. Also let your worker know if the adult begins receiving Supplemental Security Income (SSI) or State Supplemental Payments (SSP) because he or she is aged, blind or disabled.

When an adult thinks that he or she would be eligible for an exemption due to impairment caused by domestic violence, the adult may contact the social services agency domestic violence liaison to discuss the situation in the strictest confidence. If the adult does not want to disclose that the impairment was caused by domestic violence, the adult may still qualify for one of the other exemptions.

D R A F T

Attachment 4 - Time Limit Recategorization Notice to the Recipient - Cash SNA

For the category change notification paragraph, FA to cash SNA, workers should use the following language:

We are changing your category of assistance to Safety Net Assistance.

Families with at least one adult who has received sixty-months of assistance through one or some combination of Family Assistance (FA), Child Assistance Program (CAP), cash Safety Net Assistance (SNA), or non-cash Safety Net Assistance federal participating (SNA/FP) must be evaluated for Safety Net Assistance federal non-participating (SNA/FNP).

There is at least one adult in the case who has received sixty months of assistance through some combination of the assistance programs listed above. The adult does not qualify for an exemption from the time limit.

This decision is based upon Office Regulation 369.4 (5)(7)

EXEMPTION RULES FOR FA AND FOR NON-CASH SNA/FP: A family can remain in or return to Family Assistance (FA), or non-cash Safety Net Assistance/Federal Participation (non-cash SNA/FP) if the adult family member is unable to work because of one of the following reasons:

1. A physical or mental impairment that is expected to last more than 6 months.
2. A physical or mental impairment that is the result of domestic violence and is expected to last three or more months.
3. A physical or mental impairment of a child that is the result of domestic violence that requires the adult family member to remain in the home to care for the child.
4. A physical or mental impairment of another household member that requires the adult family member to remain in the home to provide care for the other household member.

If the adult becomes unable to work for one of the above reasons, the family may be able to return to FA or non-cash SNA(FP). Let your worker know about that change in the adults ability to work. Also let your worker know if the adult begins receiving Supplemental Security Income (SSI) or State Supplemental Payments (SSP) because he or she is aged, blind or disabled.

When an adult thinks that he or she would be eligible for an exemption due to impairment caused by domestic violence, the adult may contact the social services agency domestic violence liaison to discuss the situation in the strictest confidence. If the adult does not want to disclose that the impairment was caused by domestic violence, the adult may still qualify for one of the other exemptions.