

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 01 ADM-4

DIVISION: Temporary Assistance

TO: Commissioners of
 Social Services

DATE: April 2, 2001

SUBJECT: Reporting Requirement for TANF Assistance: Reg. 351.1(b)(2)

SUGGESTED

DISTRIBUTION: Temporary Assistance Directors
 Food Stamp Directors
 Staff Development Coordinators
 WMS Coordinators
 Fair Hearing Staff
 Medical Assistance Staff

CONTACT

PERSON: Temporary Assistance - Central Team at 1-800-343-8859, extension 4-9344.
 Medical Assistance - Upstate Regional Representative at 518-474-9130; New York City Representative at 212-268-6855

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
99 ADM-7		351.1(b)(2)	SSL358		GIS 99DC024
93 ADM-4					I.M.
00 LCM-8			PRWORA		Director Letters - 10/8/99, 1/27/00
OTDA-296EL (Rev. 11/98)					GIS 01DC006

I. PURPOSE

This directive explains a revision to Office Regulation 351.1(b)(2) - "Responsibility for furnishing information." The revised regulation became effective January 10, 2001, and makes it a condition of eligibility that applicants for and recipients of TANF-funded assistance cooperate with social services districts (SSDs) in furnishing information required by federal reporting requirements. This eligibility requirement includes caretaker relatives applying for children when the caretaker relative is not an applicant for or recipient of assistance. The same requirements also apply to assistance provided through Separate State Programs (SSP) that qualify as "Maintenance of Effort" (MOE), as addressed in Section III.B., below. The revised regulation also extends the information requirement to other individuals in the household who are not receiving TANF-funded or SSP assistance nor applying for it themselves.

II. BACKGROUND

Under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and subsequent regulations, the federal government requires reporting of information on individuals in households that are receiving TANF-funded or SSP assistance. These reporting rules affect individuals in Family Assistance (FA) and non-cash Safety Net Assistance/FP (non-cash SNA/FP) households. Also affected are individuals in cash SNA or non-cash SNA/FNP if they are ineligible for TANF-funded assistance as a result of PRWORA. These latter individuals are in a "Separate State Program" (SSP) for federal reporting purposes. The federal rules apply the reporting requirement to individuals in these households for whom information was not previously collected, including individuals not included in the Temporary Assistance (TA) case. Caretaker relatives of children for whom the caretaker is not legally responsible must report required information on themselves even when the caretaker is not applying for or receiving Temporary Assistance. In addition, the applicant/recipient (A/R) must report information on any non-applicant/recipient (non-A/R) minor siblings of minor children applying for or receiving assistance when the minor siblings live in the assistance household. Finally, adult A/Rs must report information for their non-A/R children residing in the household.

In order to assure compliance with the new reporting rules, federal law and regulation specify that a penalty of four percent of the TANF block grant be assessed for failure to submit an accurate report. As of 1999, this penalty, if assessed, would amount to \$98 million.

Districts were advised of the new reporting requirements in GIS Message 99TA/DC024 (11/19/99). The GIS message advised districts of the need to collect information on previously unreported individuals, but also explained that the provision of the necessary information was not yet a condition of eligibility, nor a basis for the denial of an application or the closing of a case. In addition, two I.M. Director letters from this Division dated 10/08/99 and 1/27/00 provided further clarification of the new reporting requirements and explained interim WMS procedures.

Most of the report items required under federal rules are not new and are items that affect the TA eligibility decision - for example, dates of birth, marital status, and sources of income. SSDs must deny or discontinue assistance when an A/R refuses to fully cooperate in furnishing such information relevant to the eligibility decision. SSDs have a basis to obtain information on individuals in the household who are applying for or receiving assistance or for whom an A/R is legally responsible. In addition, districts have a more limited basis to collect information on individuals who are not applying for TA but who are legally responsible for A/Rs in the same household. However, the new federal rules add additional requirements that SSDs collect and report information for individuals for whom there is no previous basis in eligibility to obtain the necessary information.

The revised Department Regulation in 351.1(b)(2) is intended to assure fulfillment of the State's and the SSDs' federal reporting responsibilities in two ways: 1) by extending the basis in eligibility for obtaining information in TANF-funded or SSP assistance to previously unaffected members of the assistance household (for example, non-A/R caretaker relatives), and; 2) by tying the eligibility of all TANF and SSP recipient households directly and specifically to cooperation in furnishing all information necessary to meet federal reporting requirements.

III. PROGRAM IMPLICATIONS

A. Federal Reporting Requirements for TANF and SSP Assistance

Federal regulations define a "family" for TANF and SSP purposes as including the following individuals who live in the dwelling unit:

1. all individuals receiving assistance as part of a family under the State's TANF-funded or SSP program, and;
2. the following additional individuals living in the household, if not included in (1):
 - a. parents or caretaker relatives of any minor child receiving assistance;

- b. minor siblings (including unborn children) of any child receiving assistance, and;
- c. any person whose income or resources is counted in determining the family's eligibility or grant amount.

As a result of this federal definition, all of the above individuals must be included in the TANF and SSP case-based reporting to the federal government. Department regulations in 351.1(b) have been revised to provide a regulatory basis for the collection of necessary information for all such individuals when individuals in the household are applying for or receiving TANF assistance (FA, or non-cash SNA/FP), or cash SNA or non-cash SNA/FNP through an SSP.

The case-based rules apply to recipients of "assistance", which means TA that is counted toward the federal time limit. For purposes of this directive, therefore, "TANF-funded assistance" includes FA and non-cash SNA/FP in the TANF-funded category, and cash SNA and non-cash SNA/FNP in the SSP category. It does not include EAF since EAF is not "assistance" in the federal sense, with the exception of EAF for recurring needs such as emergency shelter expected to last more than four months, or EAF for foster care. For reporting purposes and for purposes of this directive, "assistance" means any TANF-funded payment to a non-EAF case which is counted toward the federal time limit. It also means any payment countable toward the time limit in a cash SNA case for an SSP household, or a payment that would be counted toward the time limit except for the case type in a non-cash SNA/FNP case for an SSP household. (See 99 ADM-7.)

B. Clarification of Separate State Program (SSP)

Under PRWORA, the State may meet the Maintenance of Effort (MOE) requirement through the expenditure of TANF funds to eligible families, and through the expenditure of non-TANF funds (State and local) to families who would be eligible for TANF assistance except for the time limit on TANF-funded assistance or the PRWORA restrictions on benefits to aliens. Provision of non-TANF-funded assistance to such families is defined as a "Separate State Program" (SSP) for federal reporting purposes. The federal TANF reporting rules apply to SSP households. As a result of these provisions, there are three SSP situations in the State at this time:

1. SNA for aliens who lost TANF eligibility solely due to the PRWORA restrictions on alien status;
2. SNA Non-Cash/FNP (case type 17) for former FA recipients who have exceeded the State sixty-month time limit.
3. Cash SNA (case type 16) for former FA recipients who have exceeded the State sixty-month time limit and do not have a TANF exemption to the time limit based upon hardship, but who do have a 24-month cash SNA time limit exemption, based upon exemption from employability requirements.

While the population of aliens receiving SNA as a result of PRWORA is relatively small, the number of families who become ineligible for FA as a result of the time limit, beginning in December 2001, will be relatively large. All requirements described in this directive will apply to these categories of cases as well as to TANF-funded cases.

C. Summary of Revision to 18 NYCRR 351.1(b)

The revisions to Regulations at 351.1(b)(2) and 351.1(b)(2)(v) specify that applicants for and recipients of TA must cooperate in furnishing information necessary to meet federal reporting requirements, as a condition of eligibility for themselves or others. The reporting cooperation requirement applies to the following individuals:

- All persons applying for TANF-funded or SSP TA for themselves
- All recipients of TANF-funded or SSP TA
- All non-applicant/recipient caretaker relatives of minor children who are applicants for or recipients of TANF-funded or SSP assistance

Effective with the revised regulations, applicants for and recipients of TANF-funded or SSP assistance, including non-A/R caretaker relatives, must supply required federal reporting information as part of the application and recertification processes. If the individual fails to cooperate in furnishing the required information, the application must be denied or assistance discontinued for the assistance household, including other individuals for whom the non-cooperating individual is applying or acting as the caretaker relative.

D. Reportable Individuals in TANF Household

The following summary identifies individuals in a TANF or SSP household who must be included in federal reporting. Since the source of the report is the WMS case, information on the following individuals must be included in the WMS case record to support the reporting process. With the revisions to Regulation 351.1(b), the responsible individual applying for or receiving TANF-funded or SSP assistance must, as a condition of eligibility, furnish necessary information for all of the following individuals in the household:

1. Reportable Adults

- Adult recipients of TANF or SSP, including all sanctioned individuals
- Non-recipient parent(s) of a TANF or SSP child
 - +SSI parent
 - +Parent with ineligible alien status
 - +Parent incrementally-sanctioned
 - +Other non-recipient parent

- Non-recipient caretaker/relative of TANF or SSP child (grandmother, aunt, etc.)
- Non-recipient individual whose income or resources impact the eligibility determination or budget
 - +Three generation hh - parent of 18-20 year-old parent
 - +Three generation hh - parent of under 18 year-old parent
 - +Step-parent deeming situation

2. Reportable Children

- Child recipients of TANF or SSP
- Non-recipient siblings of TANF or SSP child
 - + Minor sibling on SSI
 - + Sibling with ineligible alien status
 - + Other non-recipient minor sibling (adoption subsidy, ineligible lump sum)
- Non-recipient child(ren) in adult-only cases
 - + Child(ren) on SSI
 - + Children with ineligible alien status
 - + Child(ren) not applied for
 - + Other child(ren) not on case

3. Cooperative Cases: One Case Safety Net Assistance (Upstate WMS)

When individuals who are part of the "family" unit receive assistance in FA/SNA cooperative cases, all family members as defined in III-A above must be entered into each cooperative WMS case. Depending upon the composition of each cooperative case, family members must be entered as "active" or as "inactive" according to the procedures detailed in VI - "Systems Implications" - below. For example, if a parent is an alien who is ineligible for TANF-funded assistance and must receive cash SNA cooperatively with an FA case containing a spouse and children, the SNA parent must be entered into the FA case as "inactive". The FA spouse and children must also be entered on the alien's SNA case as "inactive".

E. Informational Booklets Revisions

New language will be added to DSS-4148A - "What You Should Know About Your Rights and Responsibilities" - and to Publication 1301 - "How To Complete the Social Services Application" - to inform both non-applicant/recipient caretakers and applicant/recipients about the new information requirements.

IV. REQUIRED ACTION

A. General: Eligibility

Districts must review all application and recertification documents to assure that information has been accurately and completely entered for all persons in the household who are subject to reporting requirements. (See table in III-B above.) If the responsible individual - either the applicant/recipient or the non-A/R caretaker relative - refuses to furnish the necessary reporting information for a TANF-funded or SSP household, the application for TA must be denied or the assistance case closed. The denial and the closing actions must be taken for the assistance household, not only for the individual who refuses to furnish the required information.

B. Non-Applicant/Recipient Household Members

For persons in the assistance household who are included in the reporting requirements but who are not applying for or receiving assistance themselves, some items of individual information are not required to be reported:

- Social Security Number (except as required by 93 ADM-4)
- Citizenship/Alien Status
- Date of Birth
- Educational Level
- Veterans Status

For non-A/R individuals (see "non-recipient" bullets in III-C above), "Citizenship/Alien Status," "Veteran Status Indicator," and "Educational Level" may be omitted from the Application (LDSS-2921) or Recertification (LDSS-3174) forms, and from WMS input. If the non-A/R individual refuses to provide his or her date of birth, the worker should enter an estimated DOB. When a Social Security Number is not furnished by such an individual, SSN Code 4 - "SSN Not Applied For" - should be entered into WMS, unless the individual is subject to the requirements of 93 ADM-4 because the individual's needs and income are considered in determining the TA grant.

For these five WMS fields, workers should not pursue collection of the information if the non-A/R individual expresses an unwillingness to provide it. The failure to provide this information for the specified individuals must not be used as the basis for denial of an application or closing of the TA case. For such individuals, however, all other individual items except the non-required five items must be furnished as a condition of eligibility for TA.

C. Applicant/Recipients

For persons applying for themselves or receiving assistance themselves, all individual items requested in the Application and Recertification documents must be furnished as a condition of

eligibility for FA, non-cash SNA/FP, or for SSP TA, including the five items identified in IV-B above as not required for non A/Rs. This group of individuals includes parents and eligible relatives of minor children in the household. As the responsible adult or minor head of household, these A/Rs must furnish individual information about themselves and also about children under their care and minor siblings of the child on whose behalf the application for TA is made, regardless of whether such children are applying for or receiving TA.

D. Summary: Timely and Accurate Federal Reporting

SSDs adherence to the procedures explained in this directive will assure that timely and accurate reports are made to the federal government and that the State and SSDs avoid the substantial federal penalty for failure to do so.

E. Action for Households not Subject to Federal Reporting

Many individuals and families without children in cash SNA and non-cash SNA/FNP are not MOE cases and therefore are not subject to federal reporting. For these households only, districts must attempt to collect the federally-required information but not deny or close based upon failure to supply the requested information. Collection of the information for these cases must be attempted due to the frequent changes possible in the reporting status of a household. However, there is no regulatory requirement for the non-TANF, non-SSP household to comply with this request for information.

V. MEDICAID IMPLICATIONS

The new TANF reporting requirements do not apply to Medicaid. Non legally responsible relatives are not required to report information about themselves when that person is not also applying for Medicaid. If a TANF case is closed for failure or refusal to furnish the necessary reporting information regarding non legally responsible caretaker relatives or non applying children, then the case should be referred for a separate Medicaid determination.

VI. FOOD STAMP IMPLICATIONS

There must be a separate determination of FS eligibility for TA cases that are closed or denied for the reasons explained in this directive. The food stamp benefits of a TA/FS recipient household whose TA case is closed or reduced for failure to comply with a means-tested program must not increase as a result of that adverse TA action. In practice this means that the amount of TA income that the TA/FS household had prior to the TA adverse action must be used in the food stamp budget.

VII. SYSTEMS IMPLICATIONS (UPSTATE WMS):

A. WMS (Upstate) Input of Non-Recipients

Workers must input data into WMS for the following individuals living in the TANF or SSP household but not in receipt of assistance themselves:

- Non-A/R parents or caretaker relatives of any minor child receiving assistance - for example, SSI parents, grantees, and ineligible alien parents who live in the household.
- Minor siblings of any child receiving assistance - for example, SSI siblings, and ineligible alien siblings who live in the household.
- Any person in the household whose income or resources must be counted in determining the family's eligibility for or amount of assistance - for example, grandparents with deemed income.

B. WMS (Upstate) Codes for Non-Recipient Individuals

Individual entry fields in WMS must be completed for these individuals as for an applicant/recipient. Special consideration must be given to completion of the following fields on WMS for the non-recipients described above. Please note as you read the following that each direction applies specifically to non-applicant/recipients:

- Screen 2 - SOCIAL SECURITY NUMBER CODE: Enter the appropriate code; however, if none available, enter code "4 - SSN Not Applied For".
- Screen 2 - DATE OF BIRTH: If a date of birth is not provided by a non-a/r individual, enter an estimated DOB.
- Screen 2 - RELATIONSHIP CODE:
 - Enter 01 - Applicant/Payee for the head of household, regardless of whether or not the individual is an applicant/recipient.
 - Enter codes of other persons in the household based upon their relationship to the head of household.
- Screen 3 - INDIVIDUAL CATEGORICAL CODE: Enter code "09 - FA/SN/LIF Child (No Deprivation) or SCC Single Individual or Childless Couple (Not Aged or Disabled)".
- Screen 3 - EMPLOYABILITY CODE: Enter the code that is most likely applicable to the non-A/R. Employment participation calculations will not be affected by non-case members entered for reporting purposes only.

- Screen 3 - HIGHEST DEGREE, EDUCATIONAL STATUS, CITIZENSHIP, VETERANS STATUS INDICATOR: These fields may be left blank for non-A/Rs.
- Screen 5 - INDIVIDUAL STATUS CODE: Enter code "08" for non-A/R individuals. Note this code is redefined as "Inactive-Excess Restricted Income/Non-Applying HH Member".
- Screen 5 - MA COVERAGE CODE: Enter code "04 - No Coverage-Ineligible" for non-A/Rs.
- Screen 5 - MA COVERAGE DATES: When adding a non-applicant/recipient to WMS in a change (05) transaction, the FROM Date must be T (Transaction Date) +10, and the TO Date the same as for other case members. (This date entry is intended only to process the inactive non-A/R with MA Coverage Code of '04' through the change transaction.
- Screen 5 - CARD CODE/EBICS CODE: The CARD CODE field on screen five is completed to indicate whether a client should be issued a CBIC card. A CARD CODE of "P" generates a photo card if a photo is on the file. A card code of "N" always issues a non-photo card even if a photo is on file. A CARD CODE of "X" prevents card generation. The EBICS CODE field is completed to indicate whether the card is to be activated in EBICS and in EBT in the future. An EBICS code of "X" activates cards in EBICS/EBT. Given these purposes, the following procedures should be followed in completing the CARD CODE AND EBICS fields on screen 5 for non-recipients who are included in federal reporting requirements:
 - For non-recipients who are known to have active MA coverage on any case statewide, the CARD CODE entry should be "P" (Photo). It will be necessary to evaluate the clearance report and cases associated with the client on that report to make this determination.
 - A CARD CODE of "P" should also be entered for those individuals who would require a CBIC card to obtain benefits as a TA grantee, FS grantee, or FS recipient. Such individuals must also have an "X" entered in the EBICS field to activate the card in EBICS.
 - For non-recipients who have no MA coverage on any case, or who have no need to access cash or FS benefits as described above, enter an "X" in the CARD CODE field.
 - CARD CODE entry "N" should not be used for required TANF-reporting non-recipients.
- REQUIRED ENTRIES ON ALL OTHER SCREENS - Enter the code or information that most closely applies to that individual.

C. Special Cases (Upstate)

1. Entry of MA Only Individuals in a TA Case

In two special situations, individuals are entered into WMS as "active" (Individual Status = 07) even though the individual is not a TA recipient. This situation will occur in FA cases when a "newborn" is added for MA only purposes (MA Coverage Code = 01 and Individual Categorical Code =41). It will also occur in CAP cases if one or more children are not CAP-eligible but remain MA-eligible (MA Coverage Code =01 and Individual Categorical Code = 40). This method of WMS entry for MA-only coverage remains valid for these situations and will support necessary reporting requirements.

2. Entry of Individuals at Case Closing

Case closings are sometimes initiated when an individual with income or resources returns to the TA household. For example, a parent or step-parent with income returns and renders the household ineligible based upon income. The appropriate sequence for WMS case entry in these situations is to first add the additional individual to the case, rebudget based upon the new household composition and income, then to initiate the closing. It is important for the reporting reasons explained in this directive that all individuals impacting the eligibility decision or the amount of assistance be identified in WMS. Obviously, such entry is also important for accurate system conformity to the eligibility decision.

3. Entry of Individuals in non-TANF/non-SSP Households

As explained in Section IV-E. above, the information required for federal reporting of TANF-funded and SSP cases must also be requested from non-TANF/non-SSP cases - for example, single individuals in cash SNA cases when other individuals are in the household. The above input guidelines will also apply to these situations.

D. ABEL (Upstate) - Non A/R Information

Federal regulations also require reporting of income and resource information regarding these individuals. In the future, this information will be captured on a redesigned ABEL PA Input screen. An ABEL Transmittal will provide information when this redesigned screen becomes available.

E. Closing and Denial Reason Codes

1. Upstate WMS

When an a/r or non-a/r subject to reporting requirements refuses to provide information required for federal reporting, upstate workers must use one of the following WMS Reason Codes:

- V20 - Failure to provide verification (Closing)
- V21 - Failure to provide verification (Denial)

The federal reporting requirements for non-applicant/recipients in TA cases do not affect the MA eligibility of TA recipients or applicants in those households. The upstate denial and closing codes will generate appropriate MA and FS notice language.

2. NYC WMS

NYC workers should use the following case action codes:

- Y99 - Other - for closings
- 285 - Other - for denials

Workers must insert manual MA and FS call-in language in the closing notice for separate determination.

3. MA: Upstate and NYC

As noted in Section V - MA Implications above, the federal reporting requirements for non applicant/recipients in TA households do not affect the MA eligibility of TA recipients or applicants in those households. The upstate codes noted above will produce appropriate MA notice language to continue MA eligibility. NYC workers must insert manual language to assure proper MA disposition.

F. Other: Clearance Reports

Entry of non-a/r individuals into WMS will result in assignment of a CIN to these individuals. As a result of CIN assignment, clearance reports and RFI clearances will be produced on the non-a/r individuals. This information is subject to all confidentiality requirements and must accorded the same treatment as the same documents for a/r's, according to district procedures.

VIII. WMS IMPLICATIONS - NEW YORK CITY

Most of the individuals that meet the additional reporting requirements are NPA/FS individuals in PA cases. The necessary data will be available for them. For those individuals such as aliens, for whom we do not currently collect this information, we will request a new individual status code. When this code is available, you will be advised in a separate communication.

Date April 2, 2001

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IX. EFFECTIVE DATE

This directive is effective immediately, based upon the January 10, 2001 effective date of the revisions to Regulation 351.1(b).

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance