

Time Limit/Tracking Regional Meetings  
Questions and Answers

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## **Acronym Definitions**

ABEL	-	Automated Budgeting and Eligibility Logic
CNS	-	Client Notices System
DOL	-	Department of Labor
DV	-	Domestic Violence
DVL	-	Domestic Violence Liaison
EAF	-	Emergency Assistance to Families
EID	-	Earned Income Disregard
EP	-	Essential Person
FA	-	Family Assistance
FS	-	Food Stamp
IAR	-	Interim Assistance Reimbursement
IPV	-	Intentional Program Violation
MA	-	Medical Assistance (Medicaid)
MOE	-	Maintenance of Effort
NYS	-	New York State
OTDA	-	Office of Temporary and Disability Assistance
PASB	-	Public Assistance Source Book
SNA	-	Safety Net Assistance
TA	-	Temporary Assistance
TANF	-	Temporary Assistance for Needy Families
WMS	-	Welfare Management System

## **QUESTIONS AND ANSWERS** **FROM TIME LIMITS/TRACKING REGIONAL MEETINGS**

### **TRACKING**

1. Q. Is there a notice requirement to clients when the case's State sixty-month time limit count changes because a trackable adult has returned to the household?

A. No, legal notice (i.e. adequate or timely and adequate) is not required, unless the new household member has already reached the State sixty month time limit. However, local districts must make every effort to keep individuals informed of the time limit count. This normally would be done at a minimum at opening and recertification. Since the new household member would be an applicant, this should be addressed at the application interview. The application registry for the individual would list the month count for the individual.

In addition, families will receive an informational notice at the fifty-fourth and fifty-eighth month of the State sixty-month time limit. Finally, the State sixty-month time limit count is listed on CNS recertification, closing and category change legal notices that are issued.

2. Q. In a two-parent FA household, if one parent becomes eligible for SSI and is deleted from the case, does the case's State sixty-month time limit count revert to the other parent's count?

A. Not necessarily, the SSI parent is no longer a trackable adult, but his or her accumulated time limit count remains. The case's time limit count is the higher count of either parent in the household. The case's time limit count would automatically revert to the non-SSI parent, only if the SSI parent left the household.

3. Q. What CNS notices provide State sixty-month time limit count information?

A. CNS closing, recertification and recategorization notices provide time limit count information. When CNS produces opening notices, they will also provide time limit counts.

4. Q. Does WMS track the reason for a time limit exemption?

A. The WMS tracking function does not directly track the reason for a State sixty-month time limit exemption. OTDA uses certain employability codes to identify the reason a family has a State sixty-month time limit exemption. An individual's employability code and the time limit exemption indicator appear on the monthly Milestone Report (WINR 8112) and the Caseload Tracking Report (WINR 8113; NYC-WINR 0792). Local districts may also create their own reports from the data file version of the WINR 8113 (NYC-WINR 0792).

5. Q. Is TA received prior to December 1996 ignored when determining the State sixty-month time limit?
  - A. Yes, unless an individual received TANF benefits in a state that began its TANF funded program(s) prior to December 1996.
6. Q. Does out of state TANF funded assistance count toward the State sixty-month time limit clock when the case comes to NYS and applies for TA?
  - A. Yes, the start of time limit counting in any state is determined by the effective date of a state's TANF State Plan. Local districts should refer to PASB Section VIII-L-20 or 98 LCM-45 for a list of contacts for other states' time limit counts.
7. Q. For the TANF time limit, if a person comes into NYS from another state where TANF started before it started in NYS (December 1996), when does the clock start in NYS for this person?
  - A. A person's time limit clock begins with first month they began receiving TANF funded assistance in any state in the country. If a person began receiving TANF funded assistance in Tennessee during September 1996, this is the beginning of his/her time limit count in every state. If this person moved to NYS in January 1997, the months of assistance in Tennessee (four months) would have to be added manually by the local district to the WMS tracking function. At the end of January 1997, this person's TANF and State sixty-month time limit count would be five months (four months in Tennessee, 1 month in NYS). Local districts should refer to 99 ADM-7: Time Limit Tracking and System Support.
8. Q. When an applicant previously received TANF funded assistance in another state, is there an automated time limit count? If not, how is the time limit count obtained?
  - A. No, there is not an automated count. Local districts must manually contact the other state. Local districts should refer to PASB Section VIII-L-20 or 98 LCM-45 for a list of contacts for other states' time limit counts.
9. Q. For the State sixty-month time limit, does federal law require New York State to use the household member with the highest number months of assistance received, or may local districts choose the person?
  - A. Federal law requires states to use the case count concept. The trackable individual with the highest time limit count determines the case's time limit count. This is the time limit count used to determine when the case reaches the State sixty-month time limit.
10. Q. How are time limits tracked when the household consists of cooperatively budgeted cases?
  - A. Time limit tracking is based on the individual with the highest count in each case.
11. Q. What is the effect on the State sixty-month time limit count when a parent in a single caretaker situation gets SSI prior to the State sixty-month time limit? What if the household consists of two caretakers?

- A. The time limit clock would stop for the single caretaker and the case would become a “child only” case. In the case of two caretakers, the clock would stop for the SSI recipient and continue running for the non-SSI recipient.
12. Q. A FA case member who has applied for SSI reaches the State sixty-month time limit and is otherwise eligible to receive SNA. Subsequently the person becomes eligible for SSI retroactive to the time they applied for SSI while they were receiving FA. If the person found eligible for SSI is the trackable adult, does this affect the time limit count for FA? In other words, does it “wipe out” the time limit count back to the date of SSI application?
- A. No, a person becomes a SSI recipient in the month of actual receipt of SSI and there is no retroactive effect on the State sixty-month time limit count.
13. Q. What is the impact on the State sixty-month time limit exemption if a FA recipient receives SSI before the State sixty-month time limit and if they receive SSI after the FA case has been receiving SNA.
- A. In a single parent case, if the parent begins receiving SSI before the end of the State sixty-month time limit the clock stops and the case becomes “child only” for tracking purposes. If the parent receives SSI after the passage of the State sixty-month time limit, the family can be returned to FA. However, because the parent received sixty-months of assistance he/she must be included in the time limit exemptions. The employability code must be “44-Incapacitated (In Receipt of SSI)” and the “T” time limit exemption indicator must be entered on screen three of the DSS-3209. NYC does not have the “T” time limit exemption indicator. NYC uses a “X-Exempt” indicator for adults exempt from the State sixty-month time limit.
14. Q. If a parent of a two-parent household is exempt from the State sixty-month time limit, does time limit tracking revert to the remaining non-exempt parent?
- A. No, time limit tracking continues for adults with employment codes that may exempt the case from the State sixty-month time limit. The time limit count for the case is based on the trackable adult with the highest time limit count.
15. Q. Did State or Federal welfare reform determine who was going to be tracked for the State sixty-month time limit?
- A. Federal law created time limited federal assistance and required certain individuals (head-of-household, spouse of the head-of-household) be tracked for the time limit. State Law accepted the federal time limit concept and expanded on the individuals who would be tracked. For example, NYS requires EPs to be tracked for the State sixty-month time limit, whereas Federal Law does not.
16. Q. Does the State sixty-month time limit apply to a person who was sanctioned in another state?
- A. It depends on whether the sanction is non-incremental (pro-rata reduction) or incremental (removal). Individuals in other states who receive a pro-rata sanction will have the period of sanction included in his or her time limit count from the other state. Incremental sanctions in which the individual is deleted from the case do not incur time limit counts in other states. The total time count from the other state must be

added to TANF and State sixty-month time limits in NYS. Adjustments to time limits are accomplished by means of the manual override capability of the Tracking System.

17. Q. Are EAF payments, made to a SNA case that has an EAF recurring payment line, tracked for time limits? For example, the case of a 17 year old who resided with the parent within the past year?
- A. No, there should no longer be any SNA cases that have the special EAF claiming code (see 00 INF-21). EAF is funded from the TANF Block Grant and must meet TANF requirements. In the example provided, the case does not meet TANF requirements; the 17-year-old must be currently residing with an eligible relative to be TANF/EAF eligible.
18. Q. If an individual is convicted of fraud and must repay the FA they received how does this affect the time limit clock?
- A. When a family that received countable assistance is later found ineligible for the month of receipt, due to fraud, agency error or client error and after such assistance has been fully repaid/recovered, local districts must adjust the time limit count downward to reflect the repaid/recovered month(s). The adjustment to the time limit count is accomplished by means of the manual override capability of the Tracking System.  
Repayments/recoveries of correctly paid assistance, (i.e. lien, child support) do not reduce the time limit count.
19. Q. A person who previously received cash SNA and is a mandatory filing unit member moves into the FA household. This new person has a time limit count greater than that of the FA case. What time limit count takes precedence?
- A. The trackable person with the highest time limit count takes precedence and, as long as that person remains in the case, that is the State sixty-month time limit count for the entire FA case.
20. Q. Does the State sixty-month time limit apply to a minor head of household who is still in school?
- A. Yes, minor head-of-households are tracked for the State sixty-month time limit regardless if they are in or out of secondary school.
21. Q. In a two-parent household, when one parent's time limit count is greater than the other, can the parents each have their own cooperatively budgeted case when one parent reaches the sixty-month time limit? If not, why is this different than the treatment of a case with an EP who reaches the sixty-month time limit before the rest of the case?
- A. Federal law requires that the head-of-household and the spouse of the head of household be tracked against the State sixty-month time limit. Federal law subscribes to the case count concept, which means the individual in the case with the highest time count determines when the case reaches the time limit. The head-of-household and spouse or unmarried parent of a common child are mandatory filing unit members and cannot be separated into separate cases when one of them causes the case to

reach the State sixty-month time limit. Local districts must not cooperatively budget cases in order to circumvent the time limit rules.

An EP is not a mandatory filing unit member and is time limit tracked under State Law. If the EP causes the case to reach the State sixty-month time limit, the EP, if otherwise eligible, must receive SNA and the remainder of the household will continue to receive FA.

22. Q. Is the amount of time that a recipient received TANF funded assistance in another state automated or is it a manual process?

A. No, it is not currently automated, and is unlikely ever to be available through a nationwide automated process. The federal government originally planned to build a national tracking system. However, after some initial meetings, the process stalled and it appears that it will not come to fruition. Time limit counts from other states must be obtained by direct communication with the state in question (See 98 LCM-45). A time limit count from another state must be added by the local district to the tracking system via its manual override function.

23. Q. Can the "Paris" match (TA in concurrent states) be used in some way to determine the TANF funded assistance received in another state?

A. No.

24. Q. A two-parent FA case reaches the State sixty-month time limit and is otherwise eligible to receive non-cash SNA. One parent has a much lesser time limit count than the other parent. Which parent determines the case count? Do both parents have to meet exemption criteria to remain in FA?

A. The parent with the highest State sixty-month time limit count determines the time limit count for the entire case. In order to be exempt from the State sixty-month time limit and remain in FA, both parents must meet the exemption criteria. If only one parent meets the exemption criteria, the case receives SNA, if otherwise eligible. Once in SNA, the employment and HIV status of one of the legally responsible adults determines whether the case receives cash or non-cash SNA.

25. Q. What happens when the adult with the highest State sixty-month time limit count moves out of the FA household?

A. The case count reverts to the count of the trackable individual with the next highest State sixty-month time limit count.

26. Q. Why does a local district need all of the data elements listed on the WINR 8112 and 8113 reports?

A. The WINR 8112 and 8113 reports include all the data elements that were requested by local districts. Additional items on the WINR 8113 were selected as they maybe indicators of barriers to self-sufficiency. The WINR 8113 is available in a date file so that local districts can custom tailor it to their particular needs.

27. Q. Does the cash SNA a recipient receives beyond the twenty-four month cash SNA limit, due to a non-cash SNA exemption, count towards the State sixty-month time limit?

A. Yes.

28. Q. On the WINR 8112 and 8113 tracking reports, whose name is identified on the report?

A. The name on the WINR 8112 and WINR 8113 (NYC-WINR 0792) is the individual with relationship code 01(Applicant/Payee). This is usually the person with the highest time count, which determines the case count.

29. Q. In a two-parent household, are both parents listed on the WINR 8112 and 8113 tracking reports?

A. No, only the Applicant/Payee is listed on the WINR 8112 and 8113 reports.

30. Q. Is there a time limit or employability exemption indicator field on the WINR 8112 and 8113 tracking reports?

A. Both the WINR 8112 and 8113 include the individual's (applicant/payee) employability code and the time limit exemption indicator, if it has been entered on WMS. In NYC, the WINR 0792 is the center's report that list totals of each milestone for each worker, including FA and SNA exempt counts and the case/suffix details which does not include the exemption indicator.

31. Q. If a New York State recipient moves to another state, can they get TANF funded assistance in the new state.

A. Yes, New York State recipients who move to another state can receive TANF, if they are otherwise eligible in the other state and have not reached the other state's limit for TANF funded assistance.

32. Q. Is there a limit on the number of times that EAF can be issued before it is counted and tracked for the State sixty-month time limit?

A. No, EAF is not tracked, on the presumption that it is used for short-term emergency assistance.

33. Q. Is an under eighteen-year old FA recipient trackable for the State sixty-month time limit?

A. Yes, if the under eighteen-year-old is:

- a minor head of household-WMS relationship code "01", or
- a spouse of a minor head of household-WMS relationship code "02".

The under eighteen-year old is trackable with any of the above conditions, regardless of attendance in a secondary school.

9. Q. A person receiving cash SNA reaches the twenty-four month cash SNA limit, is transferred to non-cash SNA and subsequently the person's non-cash SNA case is closed. The person gets married and has a family and applies for assistance as a family. How is the new application treated?



- A. They are treated as an FA applicant case that already has a two-year count against the State sixty-month time limit count (from the previous twenty-four months of cash SNA).
10. Q. How is the State tracking the State sixty-month time limit of an undocumented alien parent case?
- A. The undocumented alien parent is ineligible for TA so he or she is not tracked. Therefore, there is no trackable person for the case. This is one type of “child only” cases. “Child only” cases are not part of the twenty percent statewide limit on time limit exempted cases and do not need an exemption indicator because they are not tracked.
11. Q. If cash SNA counts toward the State sixty-month time limit, does this mean that the local district may not get sixty months of federal reimbursement for all FA cases?
- A. Yes.
12. Q. How are sanctions counted for time limits?

A. **Pro-rata or percentage reduction sanction with a durational period (drug/alcohol and employment):**

1. **State Sixty-Month Limit:** Months for the durational period of the sanction are automatically counted. At the end of the sanction durational period the time count is incremented at the issuance of countable payments to the household containing the sanctioned person, for all countable case types: FA, non-cash SNA/FP and cash SNA.
2. **24-Month Cash SNA Limit:** Months for the period of sanction are automatically counted. At the end of the sanction period, the time limit count is incremented at the issuance of countable payments to the household containing the sanctioned person for cash SNA.
3. **TANF Time Limit:** Time limit is incremented for months that countable payments are issued to the household containing the sanctioned person for FA and non-cash SNA/FP.

**Pro-rata or percentage reduction sanction with no minimum duration period (drug/alcohol screening or assessment and IV-D):**

1. **State Sixty-Month Limit:** Time limit count is incremented at issuance of countable payments to the household containing the sanctioned person, for all countable case types: FA, non-cash SNA/FP and cash SNA.
2. **24-Month Cash SNA Limit:** Time limit count is incremented at issuance of countable payments to the household containing the sanctioned person for cash SNA.
3. **TANF Time Limit:** Time limit count is incremented at issuance of countable payments to the household containing the sanctioned person for FA and non-cash SNA/FP.

**Non-pro-rata (removal or incremental) sanction with durational period (IPV and applicant job quit/reduction)**

1. **State Sixty-Month Limit:** Automatic time limit count for the period of sanction. At the end of the sanction, the time limit count is incremented at issuance of countable payments to the household containing the sanctioned person for all-countable case types: FA, non-cash SNA/FP and cash SNA.
2. **24-Month Cash SNA Limit:** Automatic time count for the period of the sanction. At the end of the sanction, the time limit count is incremented at issuance of countable payments to the household containing the sanctioned person for cash SNA.
3. **TANF Time Limit:** No months are counted toward the TANF Time Limit for individuals under an incremental sanction for FA or non-cash SNA/FP.

**Non-pro-rata (removal or incremental) sanction with no minimum period (failure to sign a lien, failure to apply for group health insurance, etc)**

1. **State Sixty-Month Limit:** Time limit count is incremented at issuance of countable payments to the household containing the sanctioned person, for all-countable case types – FA, non-cash SNA/FP and cash SNA.
  2. **24-Month Cash SNA Limit:** Time limit count is incremented at issuance of countable payments to the household containing the sanctioned person for cash SNA.
  3. **TANF Time Limit:** No months are counted toward the TANF Time Limit for individuals for any or these reasons, for FA or non-cash SNA/FP.
9. Q. Does the State sixty-month time limit apply to non-cash SNA-federally participating (case type 12)?
- A. Yes, non-cash SNA case type 12 is TANF funded, and therefore counts against the State sixty-month time limit.
10. Q. When an eighteen-year-old (in school) on the parent's FA case has a child, does the eighteen-year old become a trackable individual and begin with month one of the State sixty-month time limit count?
- A. When an individual no longer meets the FA child definition or becomes a minor head of household (regardless of school attendance) the person is tracked for the State sixty-month time limit. However, as long as the eighteen-year old remains on the FA case, with their FA parent, the case is governed by the parent's time limit count. If the individual leaves the parent's FA household, then their State sixty-month time limit count is applied to their case. The FA case, with any remaining siblings, retains the parent's time limit count.

11. Q. How can a state start their time limit count prior to the Personal Responsibility and Work Opportunity Reconciliation Act?
- A. A State cannot start a time limit count prior to the federal acknowledgment of a complete TANF State Plan. The earliest acknowledgment of a completed TANF State Plan was the state of Tennessee, effective September 1996. NYS's TANF State Plan was acknowledged as complete effective December 2, 1996.
12. Q. The State sixty-month and cash SNA time limit counts do not always add up on screen 17 on the tracking system on WMS. Why?
- A. Individuals who only received FA will not have a time limit count for SNA. Concurrent State sixty-month and SNA time limit counts for FA recipients will only occur when the recipient in the FA household received SNA prior to receiving FA. Local districts should not expect the State sixty-month and SNA time limit counts for FA recipients to be the same.
13. Q. What time limit counts should a local district be concerned with?
- A. In New York State, recipients are tracked against the State sixty-month time limit and the twenty-four month cash SNA time limit. The TANF time limit is used only for federal reporting and providing other states with recipient time limit counts. It has no operational significance for local districts.
14. Q. Does the time limit indicator appear on a report?
- A. Yes, it appears on the WINR 8112 and 8113 reports. In NYC, the WINR 0792 is the center's report that list totals of each milestone for each worker, including FA and SNA exempt counts and the case/suffix details which does not include the exemption indicator.
15. Q. Does a time limit exemption stop the count toward the State sixty-month time limit?
- A. No, but it allows the case to continue to receive TANF funded assistance beyond the State sixty-month time limit.
16. Q. Would months of FA count against the cash SNA twenty-four month time limit?
- A. While FA is not directly counted against the cash SNA time limit, there is an overall State sixty-month time limit on cash assistance. For example, if an EP receives sixty months of cash on FA, they cannot receive cash SNA, unless exempt from work requirements or HIV positive. Or if a family received sixty months of FA, they would receive non-cash SNA (unless exempt from employment requirements or HIV positive whereas they would receive cash SNA), if otherwise eligible.
17. Q. If a person received TANF funded assistance in another state and a local district is unaware of it, is the local district penalized if it is discovered in a single audit?
- A. Penalties are placed on the state and the state would decide if the penalty would be passed onto the local district.

47. Q. What happens if one of the parents in a two-parent FA case receives SSI before the case reaches the sixty-month time limit?
- A. The SSI parent becomes inactive for FA and his or her time limit count is no longer increased (tracked). Time limit tracking continues for the non-SSI parent. The case's time limit count is the higher count of whichever parent in the household.
48. Q. If an EP receives four years of FA and then receives SNA, do they have one more year of cash left?
- A. Yes, time in FA does not count towards the twenty-four month cash SNA limit but FA and cash SNA count against the State sixty-month time limit.
49. Q. If one parent, in a two-parent FA case, has a higher time limit count than the other parent, what happens?
- A. Both parents are tracked for time limits and the entire case, if otherwise eligible, will receive SNA when one of the parents has reached the State sixty-month time limit.
50. Q. If the caretaker adult of a FA case is not receiving assistance (child only case), are the children tracked?
- A. No.
51. Q. If the Welfare Reform Act was not enacted until 1997, why is the State sixty-month time limit count from December 1996?
- A. The TANF State Plan determined when the TANF and State sixty-month time limit count began in New York State. The TANF State Plan was approved effective December 1996.
52. Q. If a person received general (non-TANF funded) assistance in another state, what impact, if any, is there on our statewide count?
- A. There is no impact.
53. Q. What happens to participants in the Child Assistance Program (CAP) when they reach the State sixty-month time limit?
- A. Participants in CAP must meet the categorical and time limit requirements for FA. Families that are not FA eligible because of the State sixty-month time limit cannot continue to participate in CAP. Some of the CAP cases that reach the State sixty-month time limit may not be financially eligible for SNA because CAP has a higher income eligibility limit than SNA.
54. Q. If a short-term physical/mental disability becomes long-term and the recipient is exempt from the State sixty-month time limit, can the time limit count be reduced back to the date when the recipient became exempt from the State sixty-month time limit?
- A. No, there are no retroactive exemptions or claiming for time limits. The recipient is exempt from the State sixty-month time limit only at the sixty-month point.

55. Q. What is the effective date that represents the tracking totals on screen one of the DSS-3209?
- A. The tracking information on the DSS-3209 is current as of the transaction date on that DSS-3209. The NYC equivalent is the “60mo” and “24mo” fields in Section 10 (Case Suffix Data) on the DSS-3517 of the Turnaround Document (TAD).
56. Q. Is there any age at which point an adult is no longer considered trackable for time limits?
- A. No.
57. Q. How will the local district know which cases are reaching the State sixty-month time limit and, if otherwise eligible, should receive SNA?
- A. The WINR 8112 and 8113 reports identify cases approaching the State sixty-month time limit and the local district will determine cases that may receive SNA.
58. Q. Can an agency mandate a home visit to complete the reassessment?
- A. Yes, 18 NYCRR 351.28(a) provides authority that a scheduled home visit may be conducted as part of an investigation of eligibility or continuing eligibility.

## **REASSESSMENT**

59. Q. Can the reassessment process begin before the fifty-fourth month of the State sixty-month time limit?
- A. Yes, the self-sufficiency review component of the reassessment process would clearly be most beneficial the earlier the local district starts the process. This type of reassessment interview is a condition of eligibility under Office regulation 351.21. At the regional time limit meetings, it was mentioned that local districts could not enter the time limit exemption “T-TANF/60 Month Exemption” on WMS for cases with a time limit exemption until the fifty-sixth month. This was not intended to imply that local districts could not begin the self-sufficiency reassessments earlier.
60. Q. When can the reassessment interviews begin?
- A. The first purpose of the reassessment interview is to take another look at the family’s needs for self-sufficiency services. Local districts should start the reassessment interview as soon as practical. Self-sufficiency interventions should be implemented before the family is evaluated for a State sixty-month time limit exemption.
61. Q. Are both parents required to be interviewed at a face-to-face reassessment interview?
- A. All adults in the household must be included in the face-to-face reassessment interview. One of the primary purposes of the face-to-face reassessment interview is to discuss why the family was not able to achieve self-sufficiency within the State sixty-month time limit. Local districts need to go beyond a traditional employment assessment and determine how each adult’s situation affects the family’s ability to become self-sufficient.
62. Q. When is it appropriate to make a determination regarding an exemption to the State sixty-month time limit?
- A. Time limit exemption determinations should not be made any earlier than six months before the end of the State sixty-month time limit. The time limit exemption indicator can be put on screen three of the DSS-3209 in the fifty-sixth month. This allows local districts to make a determination before the end of the time limit and is linked to the expectation that the disability will last six months or more. In NYC, updating the Time Limit Exemption Indicator (TAD item 393/TL-EX) is accomplished through the Undercare subsystem.
63. Q. If a person is obviously disabled and will be exempt from the time limit, are they still required to complete a reassessment interview?
- A. If it is certain that nothing can be done to increase the person’s self-sufficiency and there is sufficient medical documentation, the reassessment interview can be waived.

64. Q. When a case voluntarily closes and the family would still be eligible for a small TA cash grant, can they get transitional MA automatically at case closing? The other methods for providing transitional MA in this situation are too cumbersome.
- A. When a client with earnings requests his or her case closed while still eligible, the appropriate case closing reason “client request – written – PA only” (M94 upstate or G92 NYC) or “client request – verbal – PA only” (M95 upstate or G96 NYC) must be used. Since the family is still financially eligible for TA, they are eligible for Low Income Families (LIF) Medicaid. The Transitional Medicaid Assistance (TMA) period should start only after they lose eligibility for LIF.
65. Q. Is there specific language for the call in letter for the reassessment?
- A. Yes, suggested language and citations were provided in GIS 01TA/DC019 dated June 1, 2001. The reassessment call-in can be produced on CNS. Please see the “Dear WMS/CNS Coordinator” letter of July 3, 2001, attachment 2, page 1, #1 for instructions.
66. Q. If a recipient fails to come in for the reassessment interview, is the person ineligible or is the entire case ineligible?
- A. The entire case is ineligible because the reassessment is a case eligibility requirement.
67. Q. If the employment unit is the local district staff designated to call people in for reassessments, is conciliation required for cases that fail to complete the reassessment?
- A. No, the reassessment is an eligibility assessment to determine the proper category of assistance; it is not an employability assessment.
68. Q. Is the reassessment interview also an employability assessment interview?
- A. No, the reassessment interview is for eligibility assessment.
69. Q. Can the employment unit’s staff conduct the reassessment interviews?
- A. Local districts determine what staff within their agencies does the time limit reassessment interviews. Employment staff can do these interviews, but local districts are reminded that these are not an employment interview or traditional employability assessment.
70. Q. If the TA case is closed for failure to come to the reassessment interview, is a separate determination required for FS and MA?
- A. Yes, compliance with the reassessment call-in appointment is not a FS or MA eligibility requirement.
71. Q. Can the State add information about eligibility for supportive services to closing notices?

A. The notices already tell the effect of the TA closing on FS and MA and give the information about potential eligibility for childcare. Adding information about supportive services is being considered.

72. Q. Who should conduct the reassessment interview?

A. This would be determined by local district procedures.

73. Q. Will there be a reassessment interview guide/checklist to assist local districts in conducting/completing reassessment interviews?

A. Yes, one is under development with an anticipated release date in the fall of 2001.

74. Q. A case is closed for not complying with the reassessment call-in letter and reapplies for assistance. Would they have to comply with all eligibility requirements, including the reassessment interview?

A. Yes, applicants previously closed for failure to keep the reassessment appointment must cooperate with the reassessment and all other eligibility requirements.

75. Q. If a time-limit reassessment interview is completed and the case closes, is another reassessment required at reapplication?

A. Yes, if the family/individual reapplies for assistance, the case must complete face-to-face reassessment since the family situation may have changed since the previous reassessment.

76. Q. Who assigns employability codes?

A. Local districts decide what staff within their agencies is responsible for determining an individual's employability code.

77. Q. Does the call-in letter for the reassessment interview have to be an adequate (fair hearable) notice?

A. The reassessment call-in letter is not a "notice of intent" so it contains no fair hearing language. If the person fails to keep the appointment, and a "notice of intent" is issued, that notice must be timely and adequate.

78. Q. Is a face to face interview required for a reassessment?

A. Yes, generally, a face to face interview is required for cases approaching the end of the State sixty-month time limit. The purpose of this interview is to "reassess" the family's situation and determine what the family's category of assistance will be after they reach the State sixty-month time limit. This reassessment has four distinct actions: self-sufficiency assessment, State sixty-month time limit exemption assessment, SNA category assessment and category issues on moving families to SNA. The reassessment is not necessarily limited to one interview. It is the beginning of a process that could require several interviews depending on the family's needs. The only exception to the face to face reassessment is for adults where the local district recently (within the past three months) required the adult to file an application for SSI. Any other adults in the household are subject to a time limit reassessment.



79. Q. Will there be support from IV-D to assist in identifying households with low or no child support monies?
- A. Yes, each local district's Child Support Enforcement Unit (CSEU) has been provided with lists that identify cases approaching the State sixty-month time limit, cases that need paternity action and cases with no or low support orders.
80. Q. Will the call in process for reassessment include those persons currently on a sanction?
- A. Yes.
81. Q. What regulation provides the authority to call in persons for a face-to-face reassessment interview?
- A. The authorizing regulations are 18 NYCRR 351.2(f) and 351.21(a), (d) and (f).
82. Q. Does the CNS support case closings when a recipient fails to complete a reassessment?
- A. Yes.
83. Q. Can a call-in appointment notice for a reassessment interview be combined with a call-in appointment for another reason (i.e. recertification)?
- A. Yes, the reassessment interview can be conducted at the same time as an interview for another reason, such as recertification. If different workers conduct each interview, coordinated appointments can be scheduled and the client must be notified of each appointment. Currently, there is no plan to create a combined recertification/reassessment call-in letter. However, the application call-in letter may not be combined with other appointment call-in letters.

## **EXEMPTIONS**

84.Q. What is the penalty if the State exceeds the twenty-percent limit on time limit exemptions, without considering the number of DV good cause time limit waivers?

A. There is a severe penalty of five percent of the State's TANF block grant, which will be assessed against the State under federal statute. This is why it is so important that exemptions to the State sixty-month time limit must be carefully documented and coded on WMS. If the employability code is "47", "48" or "49", the State will be assured of proper DV related credit.

85.Q. Can time limit exempt individuals be required to participate in activities that will restore them to employability?

A. Yes, these individuals may be assigned to activities that are appropriate based on the individual's exempt status. Consistent with other individuals who are exempt due to a disability, the individual is exempt from participation in work activities, but may be assigned to activities (treatment, therapy, etc.) the local district determines are necessary to restore the individual's ability to work.

86.Q. Do local districts that have been working with disabled clients to help them to become self-sufficient, exempt these disabled persons from the State sixty-month time limit and employment activities? What about the participation rates?

A. In order for a recipient to be eligible for a time limit exemption, they have to be unable to work due to their incapacity. If a recipient is work limited and the local district is working with him or her to become self-sufficient, that person is not eligible for a time limit exemption because they are not exempt from employment requirements. Persons, who remain in FA because they have a time limit exemption, stay in the denominator for determining participation rates.

87.Q. Can persons that have been granted a State sixty-month time limit exemption still be referred for employment activities?

A. Individuals on cases determined to be exempt from the State sixty-month time limit because they meet the exemption criteria may be assigned to activities that are appropriate based on the individual's exempt status. Consistent with other individuals who are exempt due to a disability, the individual is exempt from participation in work activities, but may be assigned to activities (e.g., treatment, therapy) the local district determines are necessary to restore the individual's ability to work [see Department of Labor regulations 1300.2(e)].

88.Q. How do the time limit exemptions work?

A. The exemptions are based on sections 349-a(5)(c) and 350(2)(a) of the Social Services Law (SSL) and are designed to deal with hardship based on long-term disability. Operationally, current employment exemptions that deal with disability will be used. Cases that approach the time limit should already have employability exemption codes that relate to disability if the case is exempt for that reason. However, local districts are required to review the employability coding to be sure that

cases that approach the time limit have the employability codes that truly reflect the employability status at that time. The local district will then provide a time limit exemption to cases with the employability exemption codes related to long-term disability and codes that relate to disability caused by DV. This is so local districts can provide the special DV exemption required by SSL 349-a(5)(c) and so that the State can track such cases for Federal good cause purposes if the State exceeds the twenty-percent limit on time limit exemptions.

89.Q. Would information from a Child Protective Services (CPS) worker regarding a child's disability be sufficient for an adult's employability code of "38-Needed in the Home to Care for Incapacitated Household Member", or would the local district need a statement from a medical doctor?

A. If the CPS case contains appropriate and current medical documentation about the child's disability, the local district may consider such information when determining if the individual is exempt from participation in work activities. A local district may not, however, make the exempt/non-exempt decision based solely on the CPS worker's recommendations or observations.

90.Q. If a recipient has an employability code of "63-Substance Abuser Exempt", but also meets the requirements for employability code "36-Incapacitated/Disabled (More Than 6 Months)", which employability code is used?

A. They should remain employability code "63", but if they are in non-cash SNA, case type "12", the case may be eligible for a time limit exemption and, if so, the time limit exemption indicator must be used.

91.Q. What happens when an absent spouse returns to the FA household of a single parent with a time limit exemption?

A. If the returning absent parent does not qualify for a time limit exemption, the case can no longer receive FA, since both adults must have exemptions from the State sixty-month time limit in order to continue to receive FA.

92.Q. In a two-parent family in which one parent is employable and the other has applied for SSI, is the case exempted from the State sixty-month time limit?

A. No, both parents must meet the criteria for exemption in order for the case to be exempt from the time limits.

93.Q. Must both parents in a two-parent household have a qualifying employability exemption in order to be exempt from the State sixty-month time limit?

A. Yes.

94.Q. What is the impact on a person's time limit exemption if their application for SSI is denied?

A. The case can still be exempt from time limits if the person meets the criteria for employability code "36-Incapacitated/Disabled (More Than 6 Months)".

95.Q. A FA case coded with an employability code of “41-Temporary Illness (1 to 3 Month Exemption)”, reaches the State sixty-month time limit and is otherwise eligible to receive SNA. While receiving SNA, the case is coded with an employability code of “36-Incapacitated/Disabled (More Than 6 Months)”. Is the case eligible to be recategorized as FA and is there any retroactive claiming of FA?

A. If categorical eligibility still exists, the case is eligible to be recategorized as FA. There is no retroactive claiming of FA. Local districts received MOE credit while the case was receiving SNA.

96.Q. What is the definition of “incapacitated” in the context of employability code “38-Needed in the Home to Care for an Incapacitated Household Member”? Can anyone residing in the household, regardless of relationship or receipt of TA, have this employability exemption code?

A. The only requirements for the exemption are that the individuals reside together in the same household, the impairment and need for care has been medically verified and that the local district has determined no other individual in the household is appropriate to provide care. The individuals need not be related, nor is it required that the individual in need of care be in receipt of assistance.

97.Q. Do individuals undergoing substance abuse rehabilitation and have employability code “63-Substance Abuser-Exempt” meet the exemption criteria for a State sixty-month time limit exemption?

A. Individuals who are just in treatment for substance abuse are not necessarily eligible for a time limit exemption. They would have to have a diagnosis of another medical or psychological condition that would make them unable to work for more than six months in order to qualify for an exemption to the State Sixty-Month Time Limit.

98.Q. Is the Office of Disability Determinations (ODD) match of those cases approaching the time limit, with a pending SSI application, based upon employability code “43-Incapacitated(SSi Application Filed)” or “44-Incapacitated (In Receipt of SSI)”?

A. No, it is a match against those cases approaching the State sixty-month time limit and those cases with a pending SSI application.

99.Q. Are individuals sanctioned for non-compliance with drug/alcohol requirements, eligible for an employability code that will exempt them from the State sixty-month time limit?

A. Time limit exemption criteria is based upon medical verification of an incapacity that is expected to last more than six months, it is not based upon the need for substance abuse treatment or compliance with substance abuse requirements.

100.Q. Can a recipient remain coded as “43-Incapacitated (SSi Application Filed)” through the SSI appeals process?

A. Yes, a person can remain coded as employability code “43” through the SSI appeals process as long as the local district believes that the SSI application and appeals are proper.

- 101.Q. Should persons who applied for SSI on their own have the employability code “43-Incapacitated (SSI Application Filed)”?
- A. Individuals would have employability code “43” only if the SSI application is warranted. This includes those persons who apply on their own and those persons referred for a SSI application.
- 102.Q. Can one parent have an employability code of “38-Needed in the Home to Care for Incapacitated Household Member” in a two-parent household? If so, under what conditions?
- A. Yes, if the local district has determined that no other member of the household is appropriate to provide care to the incapacitated household member.
- 103.Q. What constitutes medically verified documentation of an individual's health condition?
- A. Any time an applicant or recipient claims a mental or physical impairment, the individual must provide medical documentation from his/her health care practitioner and/or the local district can send the applicant/recipient to its own health care practitioner certified by Office of Disability Determinations. There must be a written medical report that documents the individual's mental or physical impairment that makes him unable to work.
- 104.Q. Where on screen three of the DSS-3209 is the time limit exemption indicator entered?
- A. In the field identified as: “LMT/EX”.
- 105.Q. How current must a medical report be for determining a State sixty-month time limit exemption?
- A. The medical report must reasonably document that the exempting medical condition will exist when the individual reaches the state sixty-month time limit. The nature of the individual's disability will determine how current the medical report needs to be.
- 106.Q. What is the definition of a “full-time caretaker” for employability code “38-Needed in the Home to Care for Incapacitated Household Member”? What if the incapacitated household member is a child who attends school for part of the day?
- A. There is no specific requirement regarding the number of hours the individual must be providing care in order for the local district to determine that the individual is exempt as a caretaker and some local discretion is appropriate. However, if the local district determines that the caretaker exemption (employability code “38”) is appropriate, the individual is exempt from participation in work activities and the local district should not assign the individual to concurrent work activities. The individual, however, counts as participating in community service for participation rate purposes to the extent the person is providing care.
- 107.Q. PRWORA states that an exemption to the TANF sixty-month time limit cannot be allowed until the sixtieth month, so how can a time limit exemption code be entered in the system before the sixtieth month?

A. Yes, federal law does not allow an individual to have a time limit exemption until he/she reaches the time limit. Local districts may report a time limit exemption at an individual's fifty-six-month time limit count. This gives local districts time for case processing prior to the end of the State sixty-month time limit. Local districts must have documentation that would reasonably support that the condition that allowed the time limit exemption will exist when the individual actually reaches the State sixty-month time limit.

108.Q. Can persons with employability code "63-Substance Abuser Exempt", who would otherwise meet the criteria for exemption from the State sixty-month time limit because they are incapacitated for more than six months, remain in SNA-TANF funded case type "12"?

A. Yes, persons with employability code "63" that have a medically verified mental or physical impairment that will last six months or more when the case reaches the State sixty-month time limit, can remain in non-cash SNA-TANF funded, case type "12".

109.Q. Local districts receive quarterly reports from substance abuse treatment providers that include an expected date the recipient will be employable. Can this information be used to determine when the person no longer meets the State sixty-month time limit exemption criteria?

A. No, only substance abusers with a medically verified mental or physical impairment that is expected to last more than six months, can have a time limit exemption. Medical doctors must provide documentation. Reports from substance abuse treatment providers are not appropriate because they cannot address the medical condition.

110.Q. The twenty-percent statewide limit on time limit exemptions is calculated using the average monthly TANF funded caseload of what year?

A. The twenty-percent can be calculated against the average monthly caseload for the previous federal fiscal year (October through September) or the current one, whichever is more advantageous for the State.

111.Q. What is the definition of an incapacitated child for purposes of giving a recipient a time limit exemption for being needed in the home to care for an incapacitated child?

A. DOL regulation 1300.2 (b)(5) requires that in order for an individual to be determined exempt from participation in work activities because he or she is needed in the home to care for another household member, including a child, the individual requiring care must have a verified mental or physical impairment. A licensed physician or certified psychologist must have made the determination that the impairment exists and that the household member is in need of care. The local district must also determine that the individual is the only appropriate individual to provide care.

112.Q. Why are employability codes "36-Incapacitated/Disabled (More Than 6 Months)" and "47-Incapacitated/Disabled Time Limit Exemption (More Than 6 Months)" the same?

A. Employability code "47" is used to identify persons whose incapacity was the result of DV. This is necessary for purposes of penalty relief if NYS should exceed the twenty percent statewide time limit exemption limit.

113.Q. Does a "T" time limit exemption indicator on a case with an employability code of "20-Non-Exempt" create a WMS error?

A. Yes, there is a WMS edit that limits the use of the "T" time limit indicator to employability codes of "36-Incapacitated/Disabled (More Than 6 Months)", "38-Needed in the Home to Care for Incapacitated Household Member", "43-Incapacitated (SSI Application Filed)" and DV codes of "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 (4 to 6 Months Exemption)".

114.Q. Are individuals with an employability code of "16-Work Limited" exempt from the State sixty-month time limit?

A. No, employability code "16-Work Limited" does not exempt an individual from work activities, therefore individuals coded as such are not exempt from the State sixty-month time limit.

115.Q. At sixty months, are SSI applicants recoded from employability code "43-Incapacitated (SSI Application Filed)" to "44-Incapacitated (In Receipt of SSI)" before the time limit exemption indicator is used?

A. No, an individual with employability code "43 (SSI Application Filed)" qualifies for an exemption to the State sixty-month time limit. Local districts would only change the employability code to "44 (In Receipt of SSI)" when the individual actually receives SSI.

116.Q. If a SSI applicant does not receive SSI prior to the State sixty-month time limit, is the employability code changed from "43-Incapacitated (SSI Application Filed)" to "36-Incapacitated/Disabled (More Than 6 Months)"?

A. No, a SSI applicant with an employability code "43-Incapacitated (SSI Application Filed)" qualifies for a time limit exemption. Local districts would review the individual under employability code "36-Incapacitated/Disabled (More Than 6 Months)" if the application for SSI is denied.

## **DOMESTIC VIOLENCE**

- 117.Q. Will the LDSS-4583: “Domestic Violence-Screening Form” be revised to indicate whether the person has a medical condition that is the result of DV?
- A. The “Domestic Violence-Screening Form” is not being revised because medical conditions related to DV are only relevant for victims who are at the end of the State sixty-month time limit.
- 118.Q. Who will receive employability code “47-Incapacitated/Disabled-Time Limit Exemption”?
- A. Persons who have disabilities that will last more than six months and the disabilities are a result of DV.
- 119.Q. If a person was abused as a child and was consequently incapacitated as a result; does this qualify the person for a DV time limit waiver and thus one of the DV employability exempt codes? Does DV include child abuse?
- A. In order to be a victim of DV a person must be at least sixteen years of age. Therefore, an individual who was a victim of child abuse and was incapacitated as a result, would not qualify for a DV time limit waiver or one of the DV employability exempt codes. In order for a child to be incapacitated “as a result of DV”, the child must be incapacitated because of DV perpetrated on the parent. However, if the incapacity otherwise met the criteria (incapacity expected to last more than six months) the person could qualify for a time limit exemption.
- 120.Q. How are children’s injuries, due to DV, documented?
- A. In order for an individual to be determined exempt from participation in work activities because he or she is needed in the home to care for another household member (i.e. child), the household member requiring care must have a verified mental or physical impairment. A licensed physician or certified psychologist must have made the determination that the impairment exists and the household member is in need of care. The local district must also determine that this “potentially exempt” individual is the only appropriate provider of care. When this verification is received, the DVL then would accept the individual’s attestation that the mental or physical impairment was the result of DV.
- 121.Q. If a person had employability code “45-Work Requirements Waivable Exempt” or “46-Work Requirements Non-Exempt” and reached the sixty-month time limit, and was otherwise eligible to receive SNA, would the case receive cash or non-cash SNA?
- A. Persons with employability codes “45” and “46” have DV employment requirements waivers. They are not exempt from employment requirements, so they would receive non-cash SNA.
- 122.Q. If a person is already coded with employability code “36-Incapacitated/Disabled (More Than 6 Months) and then discloses to the DVL that their incapacity is the result of



DV, does the local district change the employability code to “47-Incapacitated/Disabled-Time Limit Exemption (More Than 6 Months)”?

- A. Yes, a DV time limit waiver must be put on the DV subsystem and the time limit exemption indicator put on WMS.

123.Q. What if a person who is nearing the State sixty-month time limit discloses that he/she is incapacitated due to DV. What actions should the DVL take in securing medical verification?

- A. It is likely that the person has already disclosed the incapacity to the employment or TA worker, had his/her incapacity medically verified through the employment process and is already exempt from employment requirements. Then the DVL would accept the attestation that this incapacity was the result of DV and give a DV time limit waiver. The DVL would also arrange for the employability code to be changed to one of the DV employability exemption codes and a time limit exemption given. If the person was not already determined to be incapacitated through the employment process when he/she discloses an incapacity to the DVL, the DVL would have to arrange for the medical verification of incapacity through the local district process. This process is most likely through the employment process because the person is claiming to be exempt from employment requirements due to incapacity.

124.Q. Are DV exempt employability codes only used when a case is at or very near the State sixty-month time limit?

- A. Yes, employability codes “47-Incapacitated/Disabled-Time Limit Exemption (More Than 6 Months)”, “48-Needed in the Home to Care for Incapacitated Child-Time Limit Exemption” and “49-Incapacitated-Time Limit Exemption (4 to 6 Months Exemption)” are used to report DV victims who have been granted a time limit waiver by the DVL. A DV victim can not have a time limit waiver before their fifty-sixth month time limit count.

125.Q. If debilitating abuse, resulting from DV, occurred prior to the State sixty-month time limit, can a DV waiver be granted?

- A. Yes, it does not matter when the DV occurred, as long as the incapacity that resulted from it is expected to last three months or more when the person reaches the State sixty-month time limit.

126.Q. Can a DV exemption/waiver be based on mental as well as physical abuse?

- A. Yes.

127.Q. If a recipient has a DV employment requirements waiver (employability code “45-Work Requirements Waivable-Exempt” or “46-Work Requirements Waivable-Non-Exempt”), are they exempt from the State sixty-month time limit?

- A. Employability codes “45” and “46” denote employment requirements waivers given to DV victims for reasons of safety. Code “45” waives all employment requirements because, if the victim participated in employment activities, the assailant would have access. Code “46” is used for DV victims who can be assigned to employment activities, but activity assignments must accommodate the victim’s safety needs.

Employment requirements waivers must be reviewed by the DVL at the end of the waiver period. Employment requirements waivers do not exempt a victim from the State sixty-month time limit. Victims given a time limit exemption do not need an employment requirements waiver, because they are unable to participate in employment activities due to incapacity.

128.Q. The DVL will now have new responsibilities. Will they be informed of this? Will they have to get medical documentation for children to determine if they are incapacitated by DV?

A. The DVL will only have new responsibilities when a DV victim that is approaching the time limit, chooses to disclose that he/she or his/her child has disabilities caused by DV that make his/her unable to work. For these victims the DVL would have to establish the victim's credibility and insure that there is medical documentation to support his/her claim of disabilities for either him/herself or child. The DVL would use the agency's existing procedure for obtaining medical documentation. For many of these cases the documentation would already exist within the agency. The DVL would have to determine if the victim qualified for a time limit waiver and report any waivers granted on the DV Subsystem. The DVL would also have to inform staff, responsible for changing a recipient's employability code, that this person has a DV time limit waiver, so the victim's employability code could be appropriately updated and time limit exemption indicator entered in WMS. This information will be incorporated into the four day DVL training and will be discussed at upcoming DVL regional meetings.

129.Q. What is the difference between employability codes "45-Work Requirements Waivable-Exempt" and "46-Work Requirements Waivable-Non-Exempt"?

A. Employability codes "45" and "46" denote employment requirements waivers given to DV victims for reasons of safety. Employability code "45" waives all employment requirements because, if the victim participated in employment activities, the assailant would have access. Employability code "46" is used for DV victims who can be assigned to employment activities, but activity assignments must accommodate the victim's safety needs. Employment requirements waivers must be reviewed by the DV liaison at the end of the waiver period. Employment requirements waivers do not exempt a victim from the State sixty-month time limit. Victims given a DV time limit waiver do not need an employment requirements waiver, because they must be unable to participate in employment activities due to incapacity to get the DV time limit waiver.

130.Q. What is entered into the DV subsystem regarding time limit exemptions?

A. The DV time limit waiver goes into the DV subsystem. The time limit exemption indicator ("T") is entered on screen three of the WMS DSS-3209.

131.Q. Does the State sixty-month time limit clock continue for those persons with DV employment requirements waivers (employability codes "45" and "46")?

A. Yes. Employment requirements waivers are granted for reasons of safety and do not exempt a DV victim from the State sixty-month time limit.

- 132.Q. In order to get a DV time limit waiver does the impairment have to be caused by DV?
- A. Yes.
- 133.Q If the DVL gets medical documentation, is the medical information kept in the DVL, TA or employment file?
- A. The medical information must be kept in the employment, DVL and any other file the local district deems appropriate.
- 134.Q. Is there a time period in which a DV time limit waiver must be reviewed?
- A. Yes, at the end of the waiver period.
- 135.Q. What documentation is required by the DVL to establish that a DV related incapacity (three or more months) is credible?
- A. No documentary evidence is required to establish that the disability was the result of DV. The victim's attestation of such is sufficient. Obviously, medical documentation of the incapacity is still required.
- 136.Q. Is new DV training going to be available to address the DVL's new responsibilities involving the State sixty-month time limit related exemptions?
- A. DV regional meetings are scheduled to be conducted in the fall of 2001.
- 137.Q. How are DV related time limit exemptions coded on the DV subsystem?
- A. Time limit good cause waivers would be indicated on the subsystem the same as any other good cause waivers. This Office is tracking the DV related incapacity good cause waivers through the use of employability codes "47", "48" and "49".
- 138.Q. If a client claims to a worker that an incapacity is related to DV, but does not want to see the DVL, must the client be referred to the DV liaison? Should the new DV related employability codes "47", "48" and "49" be used?
- A. No, compliance with DV provisions is voluntary and referral to the DV liaison must not be made. The DV related employability codes would not be used.
- 139.Q. How long can a DV good cause time limit waiver last?
- A. There is no specific time limit. The DVL must reevaluate these waivers at a minimum of at least every six months.
- 140.Q. Are there any special WMS edits on the new employability code "49-Incapacitated-Time Limit Exemption (4 to 6 Month Exemption)"?
- A. No, however, workers need to be aware, when using any of the new employability codes ("47", "48", or "49") related to DV good cause time limit waivers, of the following:

These codes are only to be used after a trackable individual in the household has reached the State sixty-month time limit on cash benefits. They are not to be used at any other time.

The local DVL will identify and advise examiners when these codes must be used. This will only be after a good cause time limit waiver has been granted by the DV liaison to the DV victim.

These codes supersede all other employability codes and are not to be confused with employability codes "45" or "46", which either provide a total waiver from employability requirements ("45") or a partial waiver from some particular aspect of employment requirements ("46").

The new DV employability codes also carry with them an exemption from employment requirements. All FA clients, regardless of whether they are DV related or not, that receive a time limit exemption, have been determined to be exempt from employment requirements.

## TRANSITION

- 141.Q. How do the sponsor provisions apply to aliens who, are admitted for permanent residence, receive SNA, and then go to FA? Is there a difference between FA and SNA sponsor provisions?
- A. Under State law, alien sponsor deeming provisions cannot be applied to SNA applicants or recipients. Local districts must consider and pursue a sponsor's support and income as an available resource for a SNA applicant/recipient. Most aliens subject to sponsor deeming provisions will be legal permanent residents who are **not eligible** for federal means-tested benefits for the first five years they are in the U.S. Alien sponsor deeming provisions may apply to these aliens if they apply for FA after the five year bar.
- 142.Q. Is State & Federal Charge Code "63-TANF Individual Exceeding 5 Year Limit" the only State & Federal Charge code that should be used on cases that are no longer eligible for TANF funded assistance solely due to time limits?
- A. No, while State & Federal Charge Code "63" is the most commonly used code, State & Federal Charge Code "64" is also used for these cases when the case includes a Native American on a NYS reservation exceeding the State sixty-month time limit. Since there are a limited number of cases that will use State & Federal Charge Code "64", this letter will focus on State & Federal Charge Code "63".
- 143.Q. If an FA case is no longer eligible for FA because of the State sixty-month time limit, and the case is comprised of a parent, two-year-old son and nineteen-year-old EP daughter, can all the individuals be on the SNA case and just code the nineteen-year-old as a daughter?
- A. Yes, However the nineteen-year-old should not have State & Federal Charge Code "63" on her WMS line. Assistance provided to her cannot be claimed as MOE.
- 144.Q. Does the forty-five day application period apply to families that receive SNA and are subsequently closed then reapply under SNA?
- A. Yes.
- 145.Q. Diversion payments are limited to families who are categorically eligible for FA. Will this limitation be modified so that diversion payments can be authorized to families that have reached the State sixty-month time limit and are categorized as SNA?
- A. SNA families with State & Federal Charge Code "63" are categorically eligible for FA, therefore eligible for diversion payments under the current policy detailed in 00 INF-3.
- 146.Q. What is the correct payment type to be used when making payments to a contractor for the DOL STEP program? Currently WMS payment type "T3-Training Tuition and Fees" is used, which counts the open/close transaction month in which the STEP payment is made, as a month of assistance.

- A. An open/close transaction (Transaction Type Code “09”) does not cause a time limit count with **any** payment type. If payment type “T3-Training Tuition and Fees” is used with another transaction type (i.e. 02, 05, 06) the payment would cause a time limit increment.

147.Q. If a TA family is residing with non-TA (NTA) family and rent is required to be restricted, who is the shelter payment made to, the actual landlord or the NTA family?

- A. The rent should be restricted to whomever the family is paying rent (either the landlord or the NTA family). A vendor account must be established for the shelter payment of the TA household. If the NTA family does not want to establish a vendor account, the shelter payment can be restricted to the actual landlord.

148.Q. Is there a limit on the number of months that rent can be authorized and held while waiting for the landlord to complete the request for a vendor number?

- A. No.

149.Q. When an FA case reaches the State sixty-month time limit and is otherwise eligible to receive SNA, is the State & Federal Charge Code “63-TANF Individual Exceeding 5 Year Limit” entered on just the payee’s line or also on children’s lines?

- A. In order for local districts to claim MOE credit on cases receiving SNA due to time limits, the State & Federal Charge Code “63” should be entered on all individual lines on Screen three of the DSS-3209. While there should only be very few former EPs on family cases receiving SNA, a person who was only FA eligible due to EP status, must not be coded with State & Federal Charge Code “63”.

150.Q. When a FA case reaches the State sixty-month time limit and is otherwise eligible to receive SNA, does the standard of need change?

- A. No, when families reach the State sixty-month time limit and are otherwise still eligible to receive assistance under the SNA program, their standard of need will not change. The standard of monthly need, applicable to all categories of assistance, is established by Social Services Law 131-a. However, the method of payment for providing those benefits may change under non-cash SNA.

Those cases where a legally responsible adult is exempt from employment requirements or HIV positive will continue to receive **cash** in SNA as long as he or she is not unable to work due to substance abuse

Families who do not meet the cash SNA criteria will receive assistance under **non-cash** SNA. In non-cash SNA, the shelter allowance and the utilities (including heat) must be sent directly to the shelter and/or utility provider. Any remaining budget deficit after these restrictions will be provided to the family. Many of the families approaching the time limit already have these restrictions in place.

151.Q. When a FA case reaches the State sixty-month time limit and is otherwise eligible to receive SNA, will the FS and MA benefit change when the case is SNA?

- A. No, FS and MA are not subject to time limits.

- 152.Q. Will FA cases that reach the State sixty-month time limit and are otherwise eligible to receive SNA continue to receive the EID?
- A. The EID continues unchanged, as long as the household includes a dependent child who is applying for or is in receipt of SNA or if the only child (or all children) cannot be included in the case because the child:
- receives SSI, or
  - receives an exempt adoption subsidy, or
  - is an ineligible alien, or
  - is in a lump sum period of ineligibility, or
  - is temporarily in foster care and expected to return to the household.
- 104.Q. Can a “pregnant woman only” case receive the EID when in receipt of SNA?
- A. No, a SNA case is eligible for an EID only if the household includes a dependent child who is applying for or is in receipt of SNA or if the only child (or all children) cannot be included in the case because the child:
- receives SSI, or
  - receives an exempt adoption subsidy, or
  - is an ineligible alien, or
  - is in a lump sum period of ineligibility, or
  - is temporarily in foster care and expected to return to the household.
- However, a proposed regulatory change is pending that will allow a “pregnant women only” SNA case to receive the EID.
- 104.Q. After a FA case reaches the State sixty-month time limit and is otherwise eligible to receive SNA can they participate in services for families with income up to two hundred percent of the federal poverty level?
- A. A family’s eligibility for TANF services is unaffected by the State sixty-month time limit.
- 105.Q. Is IAR treated differently for SNA recipients than for recipients of FA?
- A. Yes, IAR is provided for payments of basic needs to or on behalf of an applicant for SSI during the period in which the SSI application is pending an eligibility determination. These payments are made exclusively from State and/or local funds. Local districts can recover the amount of IAR provided to a SNA recipient from the initial retroactive SSI check. The IAR provided to a FA recipient is not recoverable from the initial retroactive SSI check.
- 106.Q. Is the recovery of overpayments different for SNA recipients than for FA recipients?
- A. Recovery of overpayments is authorized by 18 NYCRR 352.31(d). This regulation has been amended to make the recoupment rate consistent at no more than ten-percent for FA and SNA, effective December 1, 2001. ABEL will support this policy with budgets that have a “from” date of December 1, 2001 or later.
- 107.Q. Can FA cases that have reached the State sixty-month time limit and are otherwise eligible to receive SNA, receive EAF?

- A. Yes, families who receive SNA because of the time limits, can receive EAF if they meet the eligibility criteria. EAF as short-term or one-time only payments are considered non-assistance under federal rules and therefore not subject to the time limit.

108.Q. Can SNA recipients have an Individual Development Account (IDA)?

- A. Only recipients of FA are authorized to have an IDA. Once families become SNA recipients, they can retain the IDA as an exempt resource but cannot create or contribute to the IDA.

109.Q. Are employment requirements for SNA recipients different from the employment requirements for FA recipients?

- A. The allowable work activities are the same for SNA and FA families. There are differences in how activities are counted for employment participation rates and other areas. DOL will release guidance to local districts on employment issues for families that move from FA to SNA.

110.Q. Are FA cases that reach the State sixty-month time limit and are otherwise eligible for SNA, counted toward the employment participation rate?

- A. Yes, families who receive SNA because of the time limits will be counted toward the participation rate. DOL will release guidance to local districts on employment issues for families that move from FA to SNA.

111.Q. Does a family's child support and childcare benefits change when the assistance category changes from FA to non-cash SNA?

- A. No, there is no change to a family's child support or childcare benefits.

112.Q. Are sanctions for failure to comply with employment requirements the same for SNA and FA recipients?

- A. The duration of sanctions for failure to comply with employment requirements is the same for families with dependent children receiving SNA. SNA families with dependent children are subject to sanctions that are: until compliance (curable sanction), three and six months.

113.Q. In accordance with the mandated restriction hierarchy of non-cash SNA, if the entire actual shelter is restricted, how is the utility (including heat) restriction handled?

- A. Local districts have several budgeting methodologies available to satisfy the mandated restriction hierarchy of non-cash SNA. Each of the methodologies may produce a different amount of remaining budget deficit after the mandated restrictions. The non-cash SNA budgeting methodologies are detailed in the Energy/HEAP Manual, Section IV-"Methods of Payment", "Mandated Restricted Payments".

114.Q. Is the State/Local funding share the same for SNA case type "16" and "17"?

- A. Yes, both categories are funded fifty-percent state and fifty-percent local.



115.Q. If an FA case consists of a parent and SSI child and the parent reaches the sixty-month time limit and is otherwise eligible, does the parent receive SNA as an “adult only” case?

- A. Yes, a parent that is residing with a minor child can receive SNA if that minor child is in receipt of TA or if the only child (or all children) cannot be included in the case because the child:
- receives SSI, or
  - receives an exempt adoption subsidy, or
  - is an ineligible alien, or
  - is in a lump sum period of ineligibility.

104.Q. Will the consideration of SSI legally responsible relatives for Rice budgeting have any filing unit implications?

- A. No, the SSI individual is not a TA recipient. Therefore, the individual is not subject to filing unit rules.

105.Q. What does “administrative ease” mean in regards to grant restrictions in cash SNA?

- A. Local districts **may**, as a matter of administrative ease and in accordance with Office Regulation 381.3, place a cash SNA recipient on restricted payment when the local district determines that restricted payment is less expensive or is a more easily controlled method of payment than providing cash to the recipient. Such restrictions do **not** require the written permission or request from the recipient. The mandated restriction hierarchy that must be used for non-cash SNA cases does **not** apply to cash-SNA cases which have been placed on restricted payment(s) for administrative ease or for mismanagement.

106.Q. If a parent fails to sign the LDSS-4529 “Repayment Agreement” and the LDSS-4530 “Repayment of Future Earnings”, is the parent ineligible or is the entire case ineligible?

- A. The parent’s refusal to sign the “Repayment Agreement” or the “Repayment of Future Earnings” makes the entire SNA case ineligible. However, FS must continue, if otherwise eligible, since this is not an eligibility requirement for FS.

107.Q. Is CNS language in place for all of the changes that will take place when a family transitions from FA to SNA because of time limits?

- A. Yes, all necessary language is expected to be in place. It is very important workers pay very close attention to correct coding since various codes will drive the correct reason language.

For example, if State & Federal Charge Code “63” is not present on the line of the active case members, when the category is changing from FA to SNA, the system will not recognize that this is a change due only to the time limit. The category change language that is generated will not be correct.

108.Q. How can there be a two-parent household with one parent receiving SSI in SNA? If the SSI person is "head of household" how would the case not meet TANF exemption criteria and remain in FA?

A. In order for a two-parent family to meet the exemption criteria from the State sixty-month time limit and remain in FA, both parents must meet the exemption criteria. If only one of the parents meets the criteria, the family would go to SNA.

104.Q. In a cash SNA grantee case where the child is residing with an unrelated adult, does the child go to non-cash SNA when the child has received twenty-four months of cash SNA?

A. Yes, all individuals receiving cash SNA are subject to the twenty-four month cash SNA limit, regardless of age unless otherwise exempt.

105.Q. What happens when a family is receiving non-cash (TANF funded) SNA, case type 12, and reaches the State sixty-month time limit?

A. If they meet the criteria for exemption to the State sixty-month time limit, they remain in non-cash SNA case type "12" with a time limit exemption indicator. If they do not meet the time limit exemption criteria and are otherwise eligible, they receive non-cash SNA, non-federally participating, case type 17. State & Federal Charge Code "63" must be entered on each individual's WMS line to ensure appropriate MOE credit.

106.Q. When a trackable FA individual with employability code "32-Advanced Age" reaches the State sixty-month time limit and is otherwise eligible to receive SNA, will the case receive cash or non-cash SNA?

A. Individuals who are exempt from employment requirements or HIV positive and not required to participate in substance abuse rehabilitation are exempt from non-cash SNA, therefore the employability exemption code of "32" qualifies the individual for the exemption from non-cash SNA.

107.Q. A FA recipient applies for SSI and their SSI application is pending. In the meantime the FA case reaches the State sixty-month time limit and is otherwise eligible to receive SNA. After they are receiving SNA, the SSI application is accepted. How does the Social Security Administration (SSA) know to adjust the FA and the IAR for the time the individual was in receipt of SNA?

A. The current IAR system will automatically identify the recipient when that person's category of assistance is changed to SNA on WMS. The current IAR system continually matches pending SSI applicants against active TA cases. When a pending SSI applicant matches an active SNA case, that person is identified and a file sent to SSA instructing them to put a code on the State Data Exchange (SDX) file so that, if this individual is ultimately found eligible for SSI, the initial SSI benefit will be used to reimburse the State for the IAR it provided.

If a person received both FA and SNA during the interim period, the local district must inform SSA and process the case in the following manner. The local district must inform SSA of how much FA it provided to the individual during the interim period. SSA will count this FA as income and reduce that person's retroactive SSI benefits for

the effected months. At the same time, the local district must inform SSA of how much SNA (interim assistance) it provided for the balance of the interim period. The local district will receive IAR for these months. The SSA is informed by an electronic process in NYC and a manual process (LDSS-3021) in upstate local districts.

108.Q. How is the employment participation rate affected when a two-parent household is changed from FA to SNA?

A. DOL will be issuing guidance to local districts on employment issues as FA families move to SNA.

109.Q. Should a pregnant woman who timed out of FA, have the State & Federal Charge Code "63-TANF Individual Exceeded 5 Year Limit" entered on screen three of the DSS-3209 of the SNA case?

A. Yes, because, if not for the time limit, she would have remained a FA case. This is true for any case that would have been otherwise eligible for FA but for time limits.

110.Q. Will WMS produce a "warning" when there is no longer any children under nineteen on a SNA case with a State & Federal Charge Code "63-TANF Individual Exceeded 5 Year Limit" entered on screen three of the DSS-3209?

A. Not currently. However, the inclusion of such a "warning" is under consideration. A manually entered Anticipated Future Action (AFA) Code "338-Review State Charge Code 63" is being added to WMS.

111.Q Will WMS produce a "warning" that a SNA case may be potentially eligible for FA due to an employability code that would make a case exempt from the State sixty-month time limit?

A. Not currently. However, the inclusion of such a "warning" is under consideration.

112.Q. Who is required to sign the SNA repayment and assignment of future earnings form, the head of household or all persons over the age of eighteen?

A. As a condition of SNA eligibility, the LDSS-4529: "Agreement To Pay Any Safety Net Assistance Overpayments Still Owed After Case Is Closed" and LDSS- 4530: "Assignment Of Wages, Salary, Commissions Or Other Compensation For Services" must be signed by each adult SNA applicant/recipient.

113.Q. Under what conditions is the State & Federal Charge Code "63-TANF Individual Exceeding 5 Year Limit" used on screen three of the DSS-3209?

A. If the case would have been otherwise eligible for FA, but for the State sixty-month time limit.

114.Q. When a FA case reaches the State sixty-month time limit and is otherwise eligible to receive SNA, is the categorical code changed to the SNA code for MA?

A. No, think of the Individual Categorical Codes (ICCs) as related to the individual's and family's MA category, not to the TA category of assistance. When the TA category of

assistance is changing only because the family has exhausted their State sixty-month time limit, the family remains eligible for MA under the Low Income Families (LIF) program. Therefore, when the case receives SNA due to time limits, the ICCs should remain the appropriate LIF codes.

If the category change is for a reason other than the State sixty-month time limit, then the ICCs may have to change. For example, if the only child leaves the household and the parent is changed to SNA for that reason, then the ICC for the parent should be changed to a Singles/Childless Couples (S/CC) code.

If the category change is from SNA to FA, it is likely that the reason for the family's FA categorical eligibility will also mean categorical eligibility for MA in the LIF program and the ICCs should be changed accordingly.

115.Q. What are the criteria for a case to be exempt from non-cash SNA in order to receive cash SNA when the State sixty-month time limit is reached?

A. Cases with an adult who is exempt from employment requirements (as outlined in DOL regulations 1300.2) or HIV positive and not unable to work due to substance abuse, will receive cash SNA.

116.Q. Is there a time limit on a case that has been exempted from non-cash SNA due to an adult with an employability exemption or HIV and not required to be in substance abuse rehabilitation.

A. No, a case is exempt from non-cash SNA as long as an adult continues to meet the criteria for receiving cash SNA.

117.Q. If an FA recipient is employment exempt when the State sixty-month time limit is reached, and if otherwise eligible, does the FA case receive cash or non-cash SNA?

A. Those cases where an adult is exempt from employment requirements or HIV positive and not unable to work due to substance abuse, the case will receive cash SNA.

118.Q. When an FA case reaches the State sixty-month time limit and is otherwise eligible to receive SNA, why doesn't the case receive SNA case type "12" in order to receive federal funding?

A. Federal law limits an individual to sixty months of federally funded (TANF) assistance for life. Non-cash SNA case type "12" is TANF funded assistance and is included in New York's State sixty-month time limit. Once a case reaches the State sixty-month time limit, it is ineligible for continued federal reimbursement unless a time limit exemption is granted.

119.Q. Can aliens who were ineligible to receive TANF funded assistance for five years from the date of entry, but received SNA for five years, receive FA after their five-year period of federal ineligibility?

A. An alien family that received two years of cash SNA and three years of non-cash SNA would be eligible for three years of FA at the end of the five year bar on federal benefits.

120.Q. What is Rice budgeting?

A. As a result of the Rice v. Perales court decision, Office regulation 350.30(e) was amended to change the method of calculating budgets for SNA recipients living with legally responsible relatives in receipt of SSI. Local districts must prorate the SNA needs of a child under twenty-one years of age or a spouse when a legally responsible SSI parent or spouse is in the SNA household. The SSI relative's presence is considered in the determination of the SNA benefit, however, the SSI relative's income or resources are not counted against the SNA household's prorated needs. See PASB XII-E-2.1 and 94 ADM-10 for more detailed information.

121.Q. Can an alien be required to pursue citizenship as an available TA resource? If so, what negative action can be initiated for non-compliance?

A. No, aliens admitted to the U.S. for permanent residence are not required under federal or State law to become citizens. However, as a condition of eligibility for the Food Assistance Program (FAP) an applicant/recipient must apply for citizenship if they are eligible to do so.

122.Q. Will there be a WMS edit to prevent opening a FA case that has reached the State sixty-month time limit?

A. No, but the Clearance Report states the months used and the current exemption status would need to be evaluated.

123.Q. Why can't a FA case that reached the State sixty-month time limit, without using a full sixty months of TANF, continue to use TANF?

A. State Law mandates that after an individual reaches the State sixty-month time limit, the only assistance available is SNA.

124.Q. Will there be an indicator to identify FA cases that reached the State sixty-month time limit and were otherwise eligible to receive non-cash SNA case type "17"?

A. The SNA Indicator on screen one of the DSS-3209 identifies the reason a case in is non-cash SNA. The "C-Cash Limit" indicator is used to identify cash time limits for case type "11-FA" or "16-cash SNA" that now receive case type "17-non-cash SNA".