



**George E. Pataki**  
Governor

**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

**Brian J. Wing**  
Commissioner

## Informational Letter

### Section 1

<b>Transmittal:</b>	03 INF 7
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	February 14, 2003
<b>Subject:</b>	State Sixty-Month Time Limit and Essential Persons
<b>Suggested Distribution:</b>	Temporary Assistance Directors Child Assistance Program Coordinators Staff Development Coordinators
<b>Contact Person(s):</b>	Contact Central Team at 1-800-343-8859, extension 4-9344
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
01 ADM - 4 97 ADM - 20 99 ADM - 07 01 ADM - 03 01 INF - 19		369.4	PRWORA WRA	Public Assistance Source Book VIII- L	2/14/01 WMS Coordinator Letter

### Section 2

#### I. Purpose

This release clarifies policy regarding essential persons (EPs) who are moving from Family Assistance (FA) to Safety Net Assistance, because of the State Sixty-month time limit.

#### II. Background

The Temporary Assistance for Needy Families (TANF) program is limited to sixty months of federal reimbursement. New York State Social Services Law recognizes this limitation by the State sixty-month time limit.

As a means to ensure a continued level of State funding for families receiving public assistance, TANF includes a maintenance-of-effort (MOE) requirement. States are mandated to spend at least 75% of the amount of state funds spent on temporary assistance families in federal fiscal year 1995, before drawing on TANF block grant funds.

Local districts receive MOE credit for individuals who remain categorically eligible for FA, but must receive SNA because of the time limit. In the Spring 2001 regional training on time limits, districts were instructed to enter State/Federal Charge Code 63 for all individuals who were FA eligible, but had reached the State sixty-month time limit.

EPs are by definition categorically ineligible for FA independent of their being “essential” to the FA family. There are no essential persons in SNA. When cases with EPs reached the sixty-month time limit, districts were advised to move these individuals to their own SNA case or a cooperative SNA case (separate suffix in NYC).

In cases where legal responsibility existed between the FA family and the EP (18 year old children not in full-time secondary school or equivalent, 19-21 year old children), districts were advised that these EPs could stay in the same SNA case with the appropriate relationship code:

- Son (04) or daughter (05) of the caretaker who are 19 and 20 year old siblings to the FA child and 18 year old siblings not attending secondary school.
- Legal spouse (02) of the caretaker – stepparent of the FA child(ren).

State/Federal Charge Code 63 was not to be entered for these EPs, as they are not categorically eligible for FA. The policy was reiterated in 2001- INF-19 (Responses to Questions Raised at Time Limit/Tracking Regional Meetings) in question 143.

This policy cannot be supported by WMS, because the edit requiring the entry of State/Federal Charge Code 63 must apply to all of the individuals in the household, or none of the individuals in the household. WMS cannot select which individuals require the entry of State/Federal Charge Code 63. It is important that the existing edit requiring all individuals in the household to have State/Federal Charge Code 63 entered be maintained, because it ensures that local districts receive correct federal and state reimbursements.

### **III. Program Implications**

No individuals who were EPs to the FA case may remain in the same case after the FA case reaches the sixty-month time limit and is eligible for and categorized as Safety Net Assistance (SNA). They are ineligible for MOE credit. Districts must place them in a separate cooperative SNA or, in NYC separate SNA suffix.

Districts are reminded that to comply with federal reporting requirements, (01-ADM-4) former EPs with income that is counted against the household, e.g., a stepparent, must be entered in WMS on the FA case as 08/04(inactive) individual. Likewise, the family members would have to be entered on the stepparent’s 3209 as 08/04 individuals. Older siblings, who were EPs, are not required to be included on the LDSS-3209 for reporting purposes.

The answer to question 143 in 2001 INF- 19, stated that children who would be EPs in a FA case could be in the same SNA with the other family members after the sixty-month time limit. That answer is incorrect and should be replaced with the procedure outlined in this INF.

**Issued By**

**Name: Patricia A. Stevens**

**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**