



NEW YORK STATE
David A. Paterson, Governor

**Office of Temporary and
Disability Assistance**
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**Office of Children and
Family Services**
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Administrative Directive

Section 1

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Subject:	2008-09 Flexible Fund for Family Services (FFFS)
Suggested Distribution:	Temporary Assistance Directors, Services Directors, Accounting Directors, and Employment Coordinators
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Attachments:	<p>Attachment 1: 2008-09 District FFFS Allocations Attachment 2: FFFS 2008-09 Plan Application Attachment 3: FFFS 2008-09 Plan Instructions Attachment 4: 2008-09 Child Welfare Thresholds Attachment 5: FFFS Desk Reference Guide Attachment 6: OTDA TANF Outcome Measures Guide</p>
Attachment Available On – Line:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs		Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-23	06 LCM-09		385	SSL 331, 333, 335, 335-a, 336, 339	OCFS CW Eligibility Manual, Chapter 2 Temporary Assistance and Food Stamp Policy Employment Manual Fiscal Reference Manual Volumes 2,3 and 4	Ch 53 of the Laws of 2008 Ch 57 of the Laws of 2008
98 ADM-03	03 INF-35					
01 ADM-10	03 OCFS-LCM-19					
05 ADM-11	07 OCFS-LCM-12					
06 ADM-08	07 OCFS-LCM-13					
06 ADM-17	08 OCFS-LCM-07					
07 ADM-04	08 OCFS-LCM-09					
00 LCM-20						

Section 2

I. Summary of the 2008-09 FFFS Administrative Directive (ADM)

The Flexible Fund for Family Services (FFFS) has been enacted for a fourth year in the 2008-09 State Fiscal Year (SFY) Budget at a level of \$654 million. In addition, the Budget again provided separate Temporary Assistance for Needy Families (TANF) funding for Child Care, Non-Residential Domestic Violence Services and Summer Youth Employment (SYEP). Federal TANF funding for these programs, including FFFS, totals \$1,048,300,000. This Administrative Directive (ADM) provides local social services districts (districts) with the individual district FFFS allocation amounts, pertinent planning information, the forms and instructions for completing the 2008-09 FFFS Plan and instructions on amending plans and submitting claims. Finally, the ADM provides guidance on the collection of performance and accountability data as required by Article VII provisions governing the Enacted 2008-09 SFY Budget.

II. Purpose

The purpose of this ADM is to provide districts with allocations (Attachment 1), information, forms and procedures necessary to implement the FFFS, including requirements for submission of performance and accountability information for the 2008-09 FFFS. This year the FFFS plan has two components: a multiple tab file in Microsoft Excel[®] that is similar to last year's plan and a modified TANF Reporting and Control System (TRACS 2) application for entering project descriptions and budget information on TANF-funded Services projects and TANF-funded Employment programs. Districts must submit to the Office of Temporary and Disability Assistance (OTDA) the Microsoft Excel[®] file (Attachment 2) and enter TANF Services and TANF Employment project description and service level information into TRACS 2 by **Monday, July 28, 2008**, for review and approval by the Office of Children and Family Services (OCFS) and OTDA. Detailed instructions for completing the Microsoft Excel[®] workbook of the 2008-09 FFFS Plan are set forth in Attachment 3.

III. Background

New York State has enacted the FFFS to provide districts with flexibility in meeting the non-assistance needs of TANF eligible temporary assistance and low income families. The total funding for the FFFS for SFY 2008-09 is \$654 million.

The programs that may be funded in the FFFS are as follows: allowable non-assistance services (such as employment preparation, placement and retention services), TANF Services (including services to support receipt of transitional benefits), Child Welfare Services, New York City (NYC) Emergency Assistance to Families (EAF) Foster Care Tuition Costs, PINS/Preventive Detention Diversion Services, Pregnancy Prevention, Drug/Alcohol (D/A) Assessment and Monitoring, Domestic Violence (DV) Screening and Assessment, Child Care and Title XX Services (TANF-funded portion). FFFS funds may also be used for EAF JD/PINS Foster Care and related costs, districts' administrative costs for all TANF related activities, or for any other allowable TANF purpose.

The FFFS allocation is an important resource to support employment services which help TANF-eligible families to gain vital work readiness and job skills that will support workforce entry, job retention and opportunities for future wage advancement. Additionally, funds are critical to support districts' efforts to achieve or maintain compliance with federal work participation rate standards as well as a high level of job placements. Districts must ensure that sufficient resources are allocated from the FFFS allocation for programs, services and staffing that assist the district in meeting these goals. Failure to meet the effective work participation rate and required work verification and documentation standards expose the State and districts to the risk of significant federal penalties.

In addition to the FFFS, the Enacted Budget included separate federal and State allocations for child care services to assist families to become self-sufficient. OCFS will issue a separate Local Commissioner's Memorandum that sets forth the districts' child care allocations and the rules governing those funds. However, districts may transfer a portion of their FFFS funds to the Child Care Development Fund (CCDF) to supplement their child care allocations. The Enacted Budget included separate funding for Non-Residential Domestic Violence Services Programs. Districts may supplement the Non-Residential Domestic Violence programs using FFFS funds.

Like last year, a separate appropriation for SYEP was included in the SFY 2008-09 Budget. In an April 23, 2008 letter, districts were notified of their allocation for the 2008 program and advised that up to 8.5% of their SYEP allocation could be transferred to support FFFS plan activities. Districts choosing this option should include this figure in the "Summer Youth Transfer In" box in their FFFS plan to have this amount become part of their total FFFS allocation. Should it be determined that a portion or all of this transfer is required for Summer Youth activities, a plan modification can be submitted moving funds back to the Summer Youth Program.

The SFY 2008-09 Enacted State Budget appropriated \$373.3 million in Child Care transfers from the State's TANF Block Grant. Of the \$373.3 million, \$356.3 million was appropriated for local district child care subsidies. The remaining \$17 million was appropriated for other subsidy and quality activities. Therefore, in addition to \$356.3 million, districts may transfer a maximum of \$359.5 million from the \$654 million FFFS program to the CCDF and the Title XX Block Grant. Of this \$359.5 million additional amount, districts may transfer a maximum of \$244 million in the aggregate from the FFFS to the Title XX Block Grant.

Thus, district block grant transfers should remain within the following percentages against the \$654 million FFFS for SFY 2008-09 and the potential \$3 million in additional FFFS funds transferred from the SFY 2008-09 Summer Youth program. A review of the statewide total amount of the transfers will be completed when all plans are submitted and exceptions to the following percentages may be considered on an individual district basis:

- 54 percent to the CCDF
- 37 percent to the Title XX Block Grant
- 54 percent combined to the CCDF and Title XX Block Grant

All programs funded through the FFFS must serve at least one of the following four TANF purposes:

1. Assist needy families so that children may be cared for in their own homes or in the homes of relatives;

2. End the dependence of needy parents on government benefits by promoting job preparation, work and marriage;
3. Prevent and reduce the incidence of out-of-wedlock pregnancies; or
4. Encourage the formation and maintenance of two-parent families.

Allowable services must meet the federal definition of non-assistance. FFFS funds cannot be used to provide “*assistance*” for expenditures other than those made as a result of transferring FFFS funds to Title XX (Title XX Below 200 Percent) or the CCDF; or for EAF for JD/PINS foster care costs funded directly with FFFS funds, and as noted in the discussion of transportation services found below.

Assistance for federal purposes consists of any payment or benefit designed to meet ongoing basic needs - food, clothing, shelter, utilities, household goods, personal care items and general incidental expenses. Assistance also includes supportive services such as transportation or child care provided to unemployed individuals. Assistance paid to a Family Assistance (FA) or Non-Cash Safety Net Assistance/Federally Participating (SNA/FP) recipient is counted toward the 60-month TANF time limit. Assistance counts toward the support offset. Payment types defined as assistance, when paid to a trackable person in a trackable case type (FA, Cash SNA, Non-Cash SNA/FP) will trigger time limit counts, be reported to the Department of Health and Human Services (DHHS) as assistance, be counted toward the support offset, and include the case in the calculation of the combined federal work participation rate. New York State does not have a separate diversion program. However, districts should ensure that current local procedures include information on the use of diversion payment codes, as appropriate, for families who apply for temporary assistance, are categorically eligible for TANF services and whose situation meets the circumstances required in order to be considered diversion, as described in 03 INF-35, which will also prevent such families from being included in the participation rate calculation.

Transportation is permissible for employment or other allowable activities, as long as the transportation service does not constitute assistance or, if it does constitute assistance, it can only be provided to people receiving TANF-funded Family Assistance. FFFS funds may also be used to provide a transportation benefit that is necessary to enable an eligible TANF or Safety Net MOE applicant to participate in applicant job search, since this use constitutes a diversionary activity.

NOTE: Transportation services (other than those provided to support applicant job search) provided to families receiving Safety Net Assistance must be charged as a State/local assistance cost, since such families are ineligible for TANF-funded services which constitute assistance.

FFFS funds cannot be used for medical services.

With the exception of FFFS funds used for EAF child welfare services, EAF JD/PINS foster care costs, NYC EAF foster care tuition costs, pregnancy prevention purposes, or PINS/Prevention/Detention Diversion services, FFFS funded services may be provided only to TANF eligible recipients of Temporary Assistance (TA) and to individuals and families not in receipt of TA who meet TANF eligibility requirements as outlined in 00-LCM-20, including having income at or below 200 percent of the federal poverty level. The income standards for June 2008 - May 2009 are noted below. Districts are notified annually via GIS of the changes in these amounts.

**200% of Poverty Guidelines Chart
June 1, 2008 through May 31, 2009**

<u>Family Size</u>	<u>Monthly Income</u>	<u>Annual Income</u>
1	\$1,733	\$20,800
2	\$2,333	\$28,000
3	\$2,933	\$35,200
4	\$3,533	\$42,400
5	\$4,133	\$49,600
6	\$4,733	\$56,800
7	\$5,333	\$64,000
8	\$5,933	\$71,200

For family units with more than eight members add \$600 monthly or \$7,200 annually, for each additional family member.

The FFFS planning process provides districts with a good opportunity to use the needs assessments conducted as part of the required County Child and Family Services Plan in relation to the district's child care, child welfare and adult services needs. Included among the factors to be considered are: district administrative costs; child welfare services and other services historically funded with TANF funds transferred to Title XX (Title XX Below 200 Percent funds); child care services historically funded by a district's CCDF allocation that include funds transferred from TANF; the adequate overall level of supporting child care services necessary for districts to engage TA families in work or work preparation services and to serve other low income families; the availability of work preparation, skill development and job placement and retention services which help families secure and retain employment and also enable the district to achieve the federal participation rate requirement; and the availability of other services necessary to meet the needs of individuals and families to support economic and social stability.

In addition, it is important to inform you that Chapter 57 of the Laws of 2008 continues the requirement that FFFS performance data is collected and posted on the OTDA website. This year each district is required to report outcome measures, in addition to families served, associated with TANF Services Projects and TANF Employment Programs. For OCFS Child Preventive Services programs provided pursuant to section 409-a of the Social Services Law, the requirements set forth in 07-OCFS-LCM-12 remain in effect for SFY 2008-09.

TRACS 2 is the vehicle that districts will use to provide program descriptions for TANF-funded Services projects and TANF-funded Employment programs. TRACS 2 also will be used by districts to report outcome measures and families served for these projects/programs. This information will be used to highlight the importance of these services for TA applicants and recipients, and other low income families served by districts. OTDA also seeks to secure information that can be used by the State and districts to evaluate programs and to promote effective models throughout the state.

NOTE: The original TRACS system is unchanged and districts will continue to use it to submit claims for FFFS, TANF Block Grant programs, the Safety Net Assistance Program (SNAP), Non-Residential Domestic Violence programs, and the Local Administration Fund (LAF), as well as to

report outcomes for the Intensive Case Services program and enter program information and outcomes for SNAP. In the future, TRACS and TRACS 2 will be combined into one application with one entry point. District staff authorized for TRACS will have access to TRACS 2 without having to secure authorization from the district's Entitlement Administrators or LAN Administrators. Both TRACS and TRACS 2 will be accessible from the OTDA website and Centraport.

Instructions for providing program descriptions and performance data for OTDA programs funded through the FFFS are contained in Section V.E., pages 28 – 31.

IV. Program Implications

A. Description of FFFS Components

The FFFS is designed to provide districts with maximum flexibility in determining how best to respond to identified local needs for services based on their caseload composition, local labor market and other unique factors. Each district may use its FFFS for the categories described below.

1. TANF Services Projects

Districts may choose to utilize FFFS funds for innovative interventions that can prevent dependency, provide the extra support needed to prevent return to receipt of temporary assistance and help families take the next steps towards economic independence. TANF services projects include, but are not limited to, case management services, after school programs for at-risk youth, home visiting for families with multiple barriers to self-sufficiency, child-only projects and the Transitional Opportunities Program (TOP) or other services to ensure low income families access available work support benefits. TANF Services project types and descriptions are as follows:

Adult or Juvenile Justice/Criminal – Services to preserve families and reduce recidivism among youths and adults involved in the criminal justice system.

Case Management – Comprehensive and coordinated services to identify and as possible, help resolve barriers to self-sufficiency through frequent assessment, goal development and progress monitoring/goal adjustment to ensure that people receive all the benefits, services, and supports they are eligible for and in need of to increase family well-being and self-sufficiency.

Child Only Services – Provides supports and services to children and/or caregivers in TA “child-only” cases (TA cases with no adult active on assistance). These cases are primarily children living with non-parent caregivers (usually a grandparent), but also include children living with an SSI parent and children living with ineligible alien parents. These services are designed to preserve families and promote self-sufficiency.

Child Well-Being - Services designed to preserve the family and reduce institutional placements.

Enhanced Domestic Violence – Enhancement of core services and/or optional services (18 NYCRR Part 462) to promote self-sufficiency and safety from abuse, improving outreach and awareness. Services may include training local district and D/A treatment provider staff to increase awareness of DV and to help workers interact better with DV victims.

Enhanced Drug and Alcohol – Wrap around services designed for individuals mandated to treatment to help individuals achieve sobriety, stability and self-sufficiency. Services may include parenting programs, peer support, family counseling, and intensive case management.

Non – Temporary Assistance Emergency/Diversion – Services to minimize or avoid the need for ongoing TANF assistance through one time or non-recurring services. Services may include access to free clothing, budgeting classes, school supplies, gas cards, vehicle repair and assistance with housing location and retention.

Healthy Families/Home Visiting – Services aimed at the health and well-being of infants/children by promoting positive parenting skills and parent-child interaction, optimal prenatal care and child health and development. Home visits are often part of other larger programs that have a case management component. Home visiting identifies barriers to self-sufficiency not easily uncovered in an office setting.

Housing – Services that promotes safe, permanent housing. Services designed to identify and address barriers to securing and maintaining safe, adequate housing.

Program Support and Training – Provides training to district and contract agencies. Services may include administrative oversight to improve effectiveness of programs.

SSI Maximization – Services to assist disabled clients and applicants in applying for federal disability benefits and/or appealing adverse decisions. Activities may include assistance in securing needed medical or other documentation that supports the client’s condition and functioning, completing applications, and accompanying clients to meetings or hearings.

Transitional Benefits/Work Supports [e.g., the Transitional Opportunities Program (TOP)] – A specialized district approach to maximizing client receipt of work supports/transitional benefits such as Food Stamps, Medicaid, EITC, and other non-assistance services for low income families. This may include special work support/earned income units (e.g. TOP), outreach efforts, and promotional campaigns to increase the participation in these programs aimed at increasing family stability through maximizing available assets (income/resources) to support family economic stability.

Youth Supports/School/Community Collaboration – Services to increase the ability of young people to constructively function in the family unit, in school and in the workplace by increasing positive behaviors and reducing negative ones. Services designed to encourage

youth to remain in school and improve attendance and grades through local interventions, including incentive programs. Services support pregnancy prevention efforts.

Other – Programs that do not fit under the other Services or Employment Services project types, such as assistance with accessing food.

2. Drug/Alcohol Assessment and Monitoring

All districts are required by statute to screen adult TA applicants and recipients for drug and/or alcohol abuse that could preclude them from working and becoming self-sufficient. Districts may use FFFS funds to pay the costs of assessing TANF clients who screen positive and for monitoring the client's attendance and progress in mandated substance abuse treatment. Districts may also use their FFFS funds to provide a variety of support services to individuals and families with substance abuse problems. These services are supplemental to the individual's actual drug/alcohol treatment and include such services as parenting programs, family counseling and intensive case management. Funding for these enhanced drug/alcohol support services projects must be included as a TANF Services Project (as noted above).

The D/A program assurances in accordance with 97 ADM-23 and 01 ADM-10 and subsequent releases apply.

3. Domestic Violence Screening and Assessment

Districts may use FFFS funds to meet the requirement for DV screening and assessment. Under statute, all applicants for and recipients of TA are offered screening for domestic violence at application and recertification. The purpose of the screening is to give victims of domestic violence the option of receiving a waiver from temporary assistance requirements if these requirements would place the victim and/or the children in harm's way.

The Domestic Violence Program assurances in accordance with 98 ADM-3 and subsequent releases apply.

4. TANF Employment Services

Helping low income families enter the workforce and achieve economic stability continues to be a primary goal of the TA program. Districts also are required to achieve the combined federal participation rate requirements for TANF/SN MOE families. Districts must ensure that sufficient resources have been devoted from the FFFS allocation and other sources (e.g., state funds provided via the LAF, local funds) to help TANF eligible individuals achieve the skills necessary to support workplace entry and job retention as well as to achieve the federal participation rate and thereby avoid significant fiscal penalties. Districts should continue to review their employment programs and develop a plan for continuous increases in participation to achieve the required federal participation rate while concurrently engaging clients in services that support job placement and retention goals. As part of these efforts,

districts should review job skills, vocational education and basic education needs of temporary assistance recipients when making decisions on the use of FFFS funds.

Employment programs funded through FFFS may include, but are not necessarily limited to:

Assessment and Employment Plan Development – assessment of temporary assistance recipient’s skills, employment goals and support services needs in accordance with 18 NYCRR 385.6 and development of an employment plan to outline the activities in which the individual will be engaged and services the district will provide to reduce barriers to employment, to prepare for workplace entry, to support job retention and/or enhance current employment status.

Case Management and Monitoring of Nonexempt and Exempt Adults - the coordination and monitoring of TANF and SN MOE adults activities and services to ensure compliance with their employment plans and to provide interventions to help individual’s overcome barriers to program participation and reaching plan goals.

Educational and Training Activities - enrollment and participation in educational, job skills training or vocational education activities that may be coordinated or offered concurrently with other work activities to increase program participant’s skills to support workplace entry and job opportunities.

Employability Determination/Disability Determinations - completion of employability determination interviews and medical reviews to determine the extent to which an individual is able to participate in work activities and to identify treatment or services that would improve an individual’s ability to work.

Specialized Employment Services - programs developed to meet the varied needs of adults with barriers to employment including enhanced job readiness training and specialized work placements intended to accommodate or improve work limitations. Such services may be targeted to individuals with physical or mental health barriers to employment, ex-offenders, or other groups.

Job Placement and Retention Services - activities and services to help individuals locate employment, retain employment and/or advance in the workplace.

Transportation Supports - programs or activities developed to provide the support necessary for the employed or engaged individuals to obtain or maintain employment such as car loans or other transportation supports including bus tokens or passes (see page 4 of this ADM for limitations on the use of FFFS for transportation services).

Outreach/Re-engagement of Noncompliant Adults - additional outreach or other enhanced services designed to assess reasons for noncompliance and secure participation of noncompliant adults in appropriate work or work preparation activities which are supported by FFFS funds in addition to the outreach/services supported by the Intensive Case Services (ICS) allocation made available to districts.

General Employment Services - activities that do not fit within the description of other employment services described above but which are intended to support district's efforts to provide job preparation, job placement and retention and advancement services.

Employment Services for Youths (including Summer Youth) - educational or training programs or activities targeting youths designed to help them prepare for or experience the workplace, as well as services to help youth attain their High School diploma or GED.

Employment Program Requirements

Section 331 of the Social Services Law requires the establishment of programs which provide employment services to applicants and recipients of TA which assist individuals in achieving economic independence. Districts must operate TA and food stamp (FS) employment programs which meet the requirements of applicable federal and State laws and regulations, and in accordance with the requirements outlined in 06 ADM-17 and the local plan required by Section 333 of the Social Services Law and approved by OTDA. The Office intends to issue a new ADM to provide information regarding federal work participation rate requirements for households with dependent children in effect as of October 1, 2008, as required by the Final TANF regulations published by DHHS on February 5, 2008.

Districts are afforded considerable flexibility in developing and implementing employment programs but must meet the program's requirements established in 18 NYCRR Part 385 and the Temporary Assistance and Food Stamp Employment Policy Manual, including, but not limited to:

- Determine the employability status (including an assessment of medical and non-medical work limitations) of each TA client.
- Complete an employment assessment, including, but not limited to; a review of the individual's educational level, basic skills proficiency, prior work experience, training and vocational interest and child care and other supportive services needs for all TA recipients who are age 18 or older (including individuals who are 16 or 17 years old and not satisfactorily attending secondary school and have not completed high school or an equivalent program).
- Develop an employment plan consistent with the individual's employment assessment, which identifies:
 - the services that the district will provide, including child care,
 - the work activities to which the recipient will be assigned; and
 - the individual's employment goal.
- Engage TA and FS recipients in work and work preparation activities as required to achieve work participation rates and to maximize participants' employment outcomes.

The FFFS Allocation may be used to support employment services for TANF eligible individuals and families. Districts are reminded that employment services provided to Safety Net (SN) Families that have exhausted their 60 month limit for receiving federally funded assistance, but remain eligible for TANF services, must constitute non-assistance. While virtually all employment services constitute non-assistance, certain services such as transportation benefits for unemployed safety net families must not be funded with FFFS. Funds from the LAF allocation may be used to support the non-federal share of costs for employment services provided to families receiving FA or SN assistance and non-TANF eligible applicants and recipients of safety net assistance.

NOTE: Although certain two parent households are removed from the federal TANF/SN MOE work participation rate because their associated assistance costs are administratively claimed (see 06 LCM-09 for additional information on the claiming of expenditures for this population) as SN non-MOE, two parent families are subject to TA work requirements in the same manner as any other household with dependent children and funding from the FFFS allocation may be used to support non-assistance employment services provided to TANF eligible two parent families. However, transportation costs for unemployed two parent families, other than applicant job search as described on page 4 of this ADM, cannot be funded by FFFS and would need to be claimed as a SN non-MOE cost against the LAF allocation or local funds.

Districts also may elect to use funds made available through the FFFS allocation to provide employment services to TANF eligible individuals and families with gross income up to 200 percent of the federal poverty level, including non-custodial parents (see 00-LCM-20).

5. Child Welfare and Social Services Other Than Foster Care Services

a. Title XX Transfer (Title XX Below 200 Percent)

Districts may choose to transfer a portion of their FFFS allocation to Title XX for child welfare services, adult protective, domestic violence and/or other services. As in recent years, there are no separate TANF allocations for these purposes. Under the SFY 2008-09 Budget, a district may transfer up to 37 percent of its FFFS allocation to Title XX, provided that the total amount the district chooses to transfer to the CCDF and Title XX combined may not exceed 54 percent of the district's FFFS allocation. As previously discussed in the Background section of this ADM, a review of the statewide total amount of the transfers will be completed when all plans are submitted, and exceptions to the maximum percentages may be considered on an individual district basis to the degree that aggregate transfers from all districts have not exceeded federally allowable maximums.

Any FFFS allocation transferred to Title XX (Title XX Below 200 Percent) must be expended for services to children and their families with incomes below 200 percent of the federal poverty level for the family size. Recipients of Title XX Below 200 Percent funds also must be either U.S. citizens or qualified aliens as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). All Title

XX rules apply to these funds, including the prohibition against the use of the funds for foster care maintenance payments.

No additional eligibility criteria are required for child welfare services funded with FFFS allocations transferred to Title XX (Title XX Below 200 Percent). A complete discussion of the eligibility requirements for this expenditure type is found in the OCFS Child Welfare Eligibility Manual, Chapter 3. Any child welfare services expenditures not reimbursed via FFFS allocations transferred to Title XX (Title XX Below 200 Percent) for child welfare services or directly from FFFS funds may be eligible for 98 percent of 65 percent State child welfare financing reimbursement subject to the child welfare threshold provisions and performance or outcome based provisions for child preventive services requirements set forth below. The expenditures that are subject to 98 percent of 65 percent State reimbursement will also assist the State in meeting the maintenance of effort (MOE) and match requirements for Federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

Any FFFS funds transferred to Title XX for services other than child welfare services, including adult protective and domestic violence (AP/DV) services, require additional eligibility criteria including that the household contain at least one child under the age of 18.

There is a separate set aside in the regular Title XX funds for expenditures for AP/DV services (08-OCFS-LCM-07). Any claims for AP/DV services that exceed a district's Title XX allocation and any FFFS funds the district chooses to transfer to Title XX for such purposes are eligible for 98 percent of 50 percent State reimbursement.

There is a separate set aside in the regular Title XX funds for expenditures for services other than child welfare services. There is **no** State reimbursement available for other Title XX services that exceed the amount of other Title XX regular funds available to the district and the amount of FFFS funds the district chooses to transfer to Title XX for non-AP/DV services. Districts should consider these facts when making FFFS allocation decisions for these services.

The district's transfer amounts are fixed once submitted by OTDA to DHHS. Any SFY 2008-09 FFFS funds transferred to Title XX are to be used for expenditures made from October 1, 2007 through September 30, 2008, and must be claimed by March 31, 2009.

b. Child Welfare Services Directly Funded Under FFFS

A district may choose to use a portion of its FFFS allocation directly to provide child welfare services without transferring the funds to Title XX. As in recent years, there are no separate TANF allocations for TANF EAF Child Welfare Services. Districts continue to have greater flexibility in how they may use their FFFS allocations directly for child welfare services. As in the past, these FFFS funds may be used directly for child welfare services for families that meet the TANF EAF child welfare eligibility criteria. In addition, FFFS funds may be used directly to fund child welfare services for families

with incomes up to 200 percent of the federal poverty level based on family size. See Section III, page 5, for the federal income standards. Districts are advised that the authorization form for TANF 200 percent and the OCFS authorizations for TANF-EAF and Title XX Below 200 Percent support eligibility for FFFS funding.

The eligibility standards for TANF-EAF child welfare services are found in the OCFS Child Welfare Eligibility Manual Chapter 2.

Certain Child Protective Investigative activities are eligible for TANF-EAF without an authorization for TANF-EAF being made, as the activity is considered the first step in making a TANF-EAF authorization. As such, even if the investigation results in an unfounded determination or the district determines it is not necessary to open a services case, the activity can be claimed as a TANF-EAF program cost even though no authorization for TANF-EAF was made. These costs are allocated for districts to the appropriate funding categories by the Services Random Moment Study (SRMS).

Although a district may now use a portion of its FFFS allocation directly to provide child welfare services for families with incomes up to 200 percent of the federal poverty level regardless of whether the family is eligible for EAF, the child welfare claim forms and RMS observations currently do not support such claiming. Special claims forms (LDSS-3922) must be used for FFFS Child Welfare Services for families with incomes up to 200 percent; the project name should be FFFSCW Direct 2008. The FFFS allocation may be used directly for EAF or TANF for families within 200 percent of the federal poverty level Child Welfare Services expenditures retroactive to October 1, 2007.

Child welfare services expenditures not reimbursed via the FFFS allocation or FFFS allocation transferred to Title XX (Title XX Below 200 Percent) for child welfare services may be eligible for 98 percent of 65 percent State child welfare financing reimbursement subject to the child welfare threshold provisions and performance or outcome based provisions for child preventive services requirements set forth below. The expenditures that are subject to 98 percent of 65 percent State reimbursement will also assist the State in meeting the MOEs and match requirements for Federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

It should be noted that districts may not use a portion of these FFFS allocations directly for Preventive Housing Subsidy costs. These costs are considered assistance under the federal TANF rules, which impact on a family's five-year funding limitation and the district's reporting requirements. However, a district may choose to transfer a portion of its FFFS allocation to Title XX Child Welfare (Title XX Below 200 Percent) to use for its Preventive Housing Subsidy costs.

Any SFY 2008-09 FFFS funds dedicated to EAF Child Welfare and Child Welfare TANF Direct are to be used for expenditures made from October 1, 2007 through September 30, 2008, and must be claimed by March 31, 2009. Districts may adjust their indicated amount of the FFFS allocation dedicated to EAF Child Welfare Services and Child Welfare TANF Direct **prior to March 31, 2009**. After March 31, 2009, **no**

changes to the amount of the FFFS allocation dedicated to EAF Child Welfare Services or Child Welfare TANF Direct can be made, in order for the SFY 2008-09 child welfare services settlement to take place. However, during the settlement process the State may request the district to make a plan amendment in order to maximize federal reimbursement.

c. PINS/Prevention/Detention Diversion Services

A district may choose to use a portion of its FFFS allocation to initiate program modifications and/or to provide services to avoid or reduce detention for juvenile delinquents (JDs) and Persons in Need of Supervision (PINS) of any age. It also may use a portion of its FFFS allocation to provide services to PINS 16 to 17 years of age. Allowable services include, but are not limited to:

- Substance abuse and mental health counseling;
- Services to divert youth at risk of placement in detention programs;
- Services to reduce the length of placement of youth receiving detention services; and
- Preventive and other supportive services to alleged or adjudicated PINS 16 and 17 years of age.

These FFFS funded services may be provided without regard to the family's income, thereby eliminating the need to determine the family's financial eligibility. However, all such services must be related to TANF Purpose 3 – Reduction of Out-of-Wedlock Pregnancy. Pregnancy prevention may be bolstered in a variety of ways, all of which may be components of these in-home services and intervention strategies. For example, pregnancy prevention can be supported by keeping youth in school, increasing educational achievement, obtaining or maintaining employment, expanding independent living skills, counseling and building self-esteem. Youth and family members receiving these FFFS funded services must be citizens or qualified immigrants. In cases involving U.S. citizens, an attestation of citizenship is sufficient. However, for cases involving qualified immigrants, documentation of that status must be secured. Districts may refer to the OCFS *Eligibility Manual for Child Welfare Services, Appendix B, "Immigration Status List"* for definitions of qualified immigrants and acceptable documentation.

PINS/Prevention/Detention Diversion services expenditures must be claimed through the TANF Reporting and Control System (TRACS) using project label DET PREV FFFS 08. The costs should be reported in either the non-administration or the administration columns depending on the nature of the expenditures. Districts also may have PINS/Prevention/Detention Diversion funds allocated from SFY 2007-08 available. In SFY 2007-08, districts may have two separate sources: FFFS Funds the district chose to dedicate to PINS/Prevention/Detention Diversion (DET PREV FFFS 2007) or State Funds (DET_ PREV ST 07) allocated by OCFS. For more information on the SFY 2007-08 funds please refer to 07-OCFS-LCM-13. A separate LCM announcing the availability of SFY 2008-09 PINS/Prevention/Detention Diversion State funds will be issued. It is recommended that districts claim against and consider these available balances as they develop their FFFS allocation planning strategies.

PINS/Prevention/Detention Diversion services expenditures not reimbursed via the FFFS allocation or the State 100 percent allocations may be eligible for 98 percent of 65 percent State child welfare financing reimbursement subject to the child welfare threshold provisions and performance or outcome based provisions for child preventive services set forth below. (Note: The amount of TANF funds a district received in SFY 2004-05 for PINS/Prevention/Detention Diversion Services is not included in the calculation of the district's child welfare threshold nor will the amount of the FFFS allocation that a district chooses to use in SFY 2008-09 for such services count toward the district meeting its child welfare threshold.) Those district expenditures for PINS/Prevention/Detention Diversion services that become subject to 98 percent of 65 percent State reimbursement also will assist the State in meeting the MOE requirements for federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

NOTE: Child Welfare Threshold

A district should consider the child welfare threshold that was first enacted as part of the SFY 2005-06 State Budget and continues in the SFY 2008-09 State Budget and performance or outcome based provisions for child preventive services requirements (see below) when determining how much of its FFFS allocation it wishes to transfer to Title XX or to use directly for child welfare services. The child welfare threshold relates to the amount of FFFS allocation a district must use for child welfare services if it wishes to receive an increase in 98 percent of 65 percent State child welfare services funding for child protective, preventive, after care, independent living and adoption services and administration costs over the amount it received in SFY 2004-05. The intent of the child welfare threshold language is to preclude a district from replacing federal funds for child welfare expenditures with State reimbursement. It also is intended to encourage districts to maintain or increase total spending for these essential programs.

Under the threshold, a district may receive 98 percent of 65 percent State reimbursement for child welfare services up to the level it received in SFY 2004-05, as long as it has expenditures to support the same level of 98 percent of 65 percent State reimbursement regardless of the amount of federal FFFS allocation it uses for such services in SFY 2008-09. However, if a district wishes to receive an increase in the amount of State 98 percent of 65 percent child welfare services reimbursement in SFY 2008-09 over the level it received in SFY 2004-05, then the district either must: (1) maintain the level of specified Federal funding for such services at the same or higher level than it had for SFY 2004-05 and have sufficient child welfare claims to support an increase in 98 percent of 65 percent State reimbursement; or (2) increase its gross child welfare services claims.

If a district chooses the first option, it must use from its FFFS allocation (either directly and/or through transfer to Title XX) an amount that is equal to or greater than the amount of the assigned child welfare threshold amount. Each district's SFY 2008-09 child welfare threshold is set forth in Attachment 4. For SFY 2008-09 and thereafter, each district's child welfare threshold will be equal to the amount originally issued in SFY 2005-06. A district meeting this requirement will be eligible for 98 percent of 65 percent

State reimbursement for all of its child welfare expenditures, net of the available federal funding. However, if a district chooses the second option, it will be eligible for the same amount of State reimbursement as in SFY 2004-05. In addition, the district will be able to receive State reimbursement for 98 percent of 65 percent of the amount the district's gross child welfare claims in SFY 2008-09 exceed its gross child welfare claims for SFY 2004-05. The SFY 2008-09 child welfare settlement period is for expenditures incurred October 1, 2007 through September 30, 2008, and claimed by March 31, 2009; therefore, the threshold timeframe is also October 1, 2007, through September 30, 2008, in order to be counted towards the district's SFY 2008-09 threshold.

The following example has been developed to demonstrate how the threshold applies:

Pearl District's child welfare threshold was \$150.00 with the inception of FFFS in SFY 2005-06; therefore its child welfare threshold remains \$150.00 in SFY 2008-09 and thereafter.

Pearl District's Gross child welfare services claims for SFY 2004-05 totaled \$250.00; therefore, it received \$150.00 in federal TANF EAF and TANF to Title XX reimbursement combined and \$65.00 in State reimbursement. The chart below reflects three scenarios if Pearl District chose to decrease the amount of federal funds dedicated to child welfare services from \$150.00 to \$100.00.

	SFY 2004-05 State Reimbursement At 65%	SFY 2008-09 Maintain Gross State Reimbursement at 98% of 65%	SFY 2008-09 Lower Gross State Reimbursement at 98% of 65%	SFY 2008-09 Increase Gross State Reimbursement at 98% of 65%
Gross	\$250.00	\$250.00	\$225.00	\$300.00
Federal	\$150.00	\$100.00	\$100.00	\$100.00
State	\$ 65.00	\$ 63.70	\$ 63.70	\$ 95.55
Local	\$ 35.00	\$ 86.30	\$ 61.30	\$104.45

In the last example, the district would receive \$95.55 in State reimbursement: \$63.70 as the base amount from 98% of the SFY 2004-05 reimbursement, plus \$31.85, which is 98 percent of 65 percent of the \$50.00 increase in the gross amount.

NOTE: Performance or Outcome Based Provisions for Child Preventive Services

In addition to the child welfare threshold, part H of Chapter 27 of the Laws of 2007 enacts performance or outcome based provisions proposed by the Governor for preventive services provided by districts which require performance or outcome based provisions for Social Services Law (SSL) §409-a preventive services beginning January 1, 2008. In the absence of performance or outcome provisions, OCFS may limit any increase in reimbursement over the amount claimed by the district for the period

October 1, 2005 through September 30, 2006 (as claimed through March 31, 2007). There are waiver provisions for districts with current contracts that extend past January 1, 2008 that cannot be amended.

NOTE: Child Welfare Settlement

The SFY 2008-09 child welfare services settlement is based on child welfare expenditures made from October 1, 2007 through September 30, 2008, claimed by March 31, 2009. The amount a district chooses to dedicate out of its FFFS allocation for Title XX Below 200% child welfare services, EAF Child Welfare and Child Welfare TANF Direct Services will be applied to eligible expenditures claimed by March 31, 2009. Other available federal funds for the child welfare settlement include Title IV-E Chafee Independence Act funding, Title IV-E, Title IV-B Subpart 1, and Title IV-B Subpart 2, where the expenditure has been deemed eligible. After the appropriate federal funding is applied against the district's expenditures for these services from October 1, 2007 through September 30, 2008, that are claimed by March 31, 2009, these expenditures are eligible for 98 percent of 65 percent State reimbursement, subject to the child welfare threshold and performance or outcome based provisions for preventive services.

Also settled during this time are SFY 2008-09 Title XX Adult Protective/Domestic Violence Services, Title XX All Eligible Services, Title XX All Eligible Services Below 200% Adult Protective/Domestic Violence Services, and Title XX All Eligible Services Below 200% non-Adult Protective/Domestic Violence Services. In regard to Adult

Protective/Domestic Violence Services, after the appropriate federal funding is applied against the district's expenditures for these services from October 1, 2007 through September 30, 2008, that are claimed by March 31, 2009, these expenditures are eligible for 98 percent of 50 percent State reimbursement. In regard to All Eligible Services, after the appropriate federal funding is applied against the district's expenditures for these services from October 1, 2007 through September 30, 2008, that are claimed by March 31, 2009, these expenditures are not eligible for State reimbursement. However, during the settlement process, the State may request a district to make a plan amendment in order to maximize federal reimbursement.

6. Foster Care Services

a. EAF JD/PINS (Foster Care/Tuition)

A district may use a portion of its FFFS allocation for expenditures for the care, maintenance, supervision and tuition of Juvenile Delinquents (JDs) and Persons in Need of Supervision (PINS) who are placed in residential programs operated by authorized agencies and who are eligible for EAF. These expenditures may be made under the PRWORA's "*grandfather*" provisions that allow payments for programs previously paid under the Title IV-A program in effect in 1995. Payments under the FFFS allocation for JDs and PINS in foster care are only eligible for cases authorized as EAF pursuant to the

instructions in the OCFS Child Welfare Eligibility Manual, Chapter 2. The non-federal share of these EAF JD/PINS expenditures may not be counted towards TANF-MOE.

Any SFY 2008-09 FFFS funds dedicated to EAF JD/PINS foster care and tuition are to be used to reimburse expenditures made from October 1, 2007 through September 30, 2008, and claimed by March 31, 2009. After March 31, 2009, **no** changes to the amount of FFFS allocation dedicated to EAF JD/PINS foster care and tuition can be made.

Expenditures that a district opts not to reimburse with FFFS funds will be subject to State reimbursement to the extent of the district's SFY 2008-09 Foster Care Block Grant (FCGB) allocation (08-OCFS-LCM-09).

b. New York City EAF Foster Care Tuition Costs

New York City may use a portion of its FFFS allocation to fund EAF-eligible foster care tuition expenditures under the PRWORA "grandfather" provision that allow payments for programs previously paid under the Title IV-A programs in effect in 1995. Payments under the FFFS allocation for NYC EAF foster care tuition expenditures are eligible only for cases authorized as EAF pursuant to the instructions in the OCFS Child Welfare Eligibility Manual, Chapter 2. Foster care tuition expenditures are not counted towards TANF-MOE. Expenditures that NYC opts not to reimburse with FFFS funds will be subject to State reimbursement to the extent of NYC's FCBG allocation.

Any SFY 2008-09 FFFS funds NYC dedicates to reimburse EAF foster care tuition is to be used for expenditures made from October 1, 2007 through September 30, 2008, and claimed by March 31, 2009. After March 31, 2009, **no** changes to the amount of FFFS allocation dedicated to EAF JD/PINS foster care and tuition can be made.

NOTE: Separate TANF Reimbursement for EAF Foster Care Services

A district may **NOT** use its FFFS allocation for any other EAF Foster Care Services. Instead, the TANF foster care swap provisions continue in the SFY 2008-09 Enacted State Budget. The TANF funds that are available to districts for TA benefits will be used to reimburse the districts for 100 percent of their EAF foster care services expenditures other than their EAF JD/PINS expenditures and NYC EAF foster care tuition costs. These TANF funds are separate from the FFFS allocation. Federal financial participation in the costs of eligible TA expenses will be reduced dollar for dollar to the extent TANF funds are provided for these EAF foster care services costs.

Since TANF related administration is used when necessary to complete the TA/Foster Care swap, there is a possibility that the process may continue when needed in order to meet the TANF MOE requirements. Districts need to include that possibility as part of their evaluation of the use of the FFFS dollars.

7. Other TANF Eligible Programs

a. Child Care

The SFY 2008-09 Enacted State Budget includes separate Federal and State allocations for child care services. OCFS has issued a separate Local Commissioners Memorandum, 08-OCFS-LCM-08, that sets forth the districts' child care allocations and the rules governing those funds. However, a district may choose to supplement its child care allocation by transferring a portion of its FFFS allocation to the CCDF. A district may transfer up to 54 percent of its FFFS allocation to the CCDF and Title XX combined, with no more than 37 percent of its FFFS allocation being transferred to Title XX. As previously discussed in the Background section of this ADM, a review of the statewide total amount of the transfers will be completed when all plans are submitted and exceptions to the maximum percentages may be considered on an individual district basis.

A district may only fund child care services costs with FFFS funds by transferring those funds to the CCDF. Any FFFS funds that are transferred to the CCDF are governed by the Federal and New York State Child Care Block Grant (NYSCCBG) rules for such funds, including the five percent cap on funding for administrative activities. Eligibility is determined and expenditures are reported and claimed in the same manner as NYSCCBG Claims.

Any FFFS funds transferred to the CCDF from a district's SFY 2008-09 FFFS Allocation may be used for expenditures for the period October 1, 2007 through September 30, 2008 (FFY 2007-08) and/or for the period October 1, 2008 through September 30, 2009 (FFY 2008-09). Any FFY 2007-08 funds transferred to the CCDF must be claimed by March 31, 2009. Any FFY 2008-09 funds transferred to the CCDF will be subject to the claim deadlines for the FFY 2008-09 NYSCCBG.

b. Non-Residential Domestic Violence Services

The SFY 2008-09 enacted State Budget includes a separate State allocation for Non-Residential Domestic Violence Services. OCFS has issued a separate Local Commissioners Memorandum, 08-OCFS-LCM-06, that sets forth the district's Non-Residential Domestic Violence Services allocations and the rules governing those funds. However, a district may choose to supplement its Non-Residential Domestic Violence Services allocation by dedicating a portion of its FFFS allocation to Non-Residential Domestic Violence Services. Additional Non-Residential Domestic Violence Services funding may be used for core and/or optional services provided by approved Non-Residential Domestic Violence Services Programs only. For a complete list of approved non-residential domestic violence services programs, refer to the OCFS website at www.ocfs.state.ny.us. Any SFY 2008-09 FFFS allocation dedicated to Non-Residential Domestic Violence Services is to be used for expenditures made from October 1, 2007 through September 30, 2008, and claimed by March 31, 2009. Districts may adjust their indicated amount of the FFFS allocation dedicated to Additional Non-Residential

Domestic Violence Services prior to March 31, 2009. After March 31, 2009, no changes to the amount of the FFFS allocation dedicated to Additional Non-Residential Domestic Violence Services can be made, in order for the SFY 2008-09 Adult Protective/Domestic Violence Services settlement to take place.

c. State Administered Program/Contracts

The SFY 2008-09 Enacted Budget includes additional funds to continue most State administered programs and contracts, but did not for certain Welfare To Work (WTW) initiatives.

1. Programs/Contracts Not Receiving Additional SFY 2008-09 Funds – The following chart lists the OTDA program that did not receive additional State funding and the impact this will have on the program’s continuation.

Program/Contract	Impact
EDGE	The 32 existing contracts will be extended to 9/30/08 for all payment milestones, and to 12/31/08 for the 30 and 90 job retention payment milestones. Those contractors supported with district’s FFFS remain open until 12/31/08.

The Education for Gainful Employment (EDGE) contracts are scheduled to end on 12/31/08 with the final three months only reimbursing 30-day and/or 90-day milestones. Certain districts elected to use a portion of their 2006-07 and/or 2007-08 FFFS to support EDGE. This remains an option for local districts with the 2008-09 FFFS, but only for services until December 31, 2008 when the five year State procurement period for the EDGE Program ends.

2. Programs Receiving Additional SFY 2008-09 TANF Funds – The following chart lists each contract/program, its status and how existing and/or newly appropriated funds will impact its continuation. While the additional funding is sufficient to continue these programs well into 2009, districts can use FFFS to expand current service levels.

Program/Contract	Status of Program Funding	SFY 08-09 TANF Funds
Summer Youth Employment	Allocations have been made for the 2008 SYEP which will operate from 5/1/08 to 9/30/08.	\$35M
Wage Subsidy	15 organizations funded until 9/30/08. Using the SFY 08-09 funds, a new RFP is being developed to support contracts beginning 10/1/08.	\$4M
Educational Resources for Adult and Family Literacy	30 organizations funded through 9/30/08. Using funds from 08-09 and prior budget years, a new RFP is being developed to support contracts beginning 10/1/08.	\$2M
Local Interagency VESID Employment Services (LIVES)	11 contracts are funded through 4/30/09	\$1.5M
Wheels for Work	28 organizations funded through 2/28/09	\$4M

Program/Contract	Status of Program Funding	SFY 08-09 TANF Funds
RGRTA	Currently funded through 1/31/09. 08-09 funds will be used to continue services beginning 2/1/09.	\$2M
Community Solutions for Transportation	40 districts funded through 6/30/08. A forthcoming LCM will outline the application procedures for accessing the 08-09 funds for the period 7/1/08 to 6/30/09.	\$2.2M
Centro of Oneida	Currently funded through 6/30/08. 08-09 funds will support transportation services for the period from 7/1/08 to 6/30/09.	\$.1M
Bridge	20 projects funded through 8/31/08. 08-09 funds will support employment and training plans developed with the districts for the period beginning 9/1/08.	\$8.503M
ATTAIN Technology Labs	08-09 funds will support the labs funded through 3/31/09.	\$7.0M
Build NY	Contract with B&C Trades Council of LI ends 6/30/09. 08-09 funds will be used to continue.	\$.75M
AFL-CIO WDI	Contract currently being extended to 3/31/09.	\$.4M
Intensive Case Services	Intensive Case Services 1 funded from SFY 06-07 will not be extended. The end date for expenditures is June 30, 2008 and claims need to be submitted by August 15, 2008. The Intensive Case Services 2 funded from SFY 07-08 expenditure end date has been extended from June 30, 2008 to December 31, 2008 and the final claims for that program period must be submitted by February 15, 2009. New allocations for the next cycle of Intensive Case Services will be developed for the period January 1, 2009 - December 31, 2009 and will factor in any unused balances from the SFY 06-07 and SFY 07-08 ICS programs in addition to SFY 08-09 funds. Allocations for a new annual program cycle operating from January 1, 2009 - December 31, 2009 will be released as soon as possible.	\$3M
Career Pathways	The 08-09 Enacted Budget included new funding to expand access to education and training services for low-income individuals. An RFP will be released June-July to support contracts beginning in the fall of 2008.	\$2.5M

3. Options for Using FFFS to Support State Contracts/Programs - Districts interested in expanding and/or continuing these initiatives may do so in one of two ways:
 - a. Local Agreement – districts may enter into an agreement directly with an existing provider.
 - b. Revenue Intercept – districts can request that OTDA withhold a portion of their FFFS to support the State program/contract. OTDA or OCFS, as appropriate, will consult with the districts and make the necessary modifications to the State contract documents. Any FFFS funds used are subject to the same terms and conditions outlined in the RFP that these organizations were selected through. OTDA or OCFS staff, as appropriate, will continue to be responsible for

monitoring the contract and will provide districts with the results of monitoring visits, reports and performance activity.

Districts opting to support State Administered contracts with FFFS funds identified in line 8 of the Plan must complete the Revenue Intercept Authorization. This Authorization is incorporated into the FFFS Plan file in Microsoft Excel[®]. The Authorization must list the programs, providers, and the amount of funding to be reserved for each contract. It is not necessary to print, sign, and fax or mail the completed Authorization to OTDA, but it is necessary to complete the Authorization prior to sending the Plan for approval. Please refer to the FFFS Plan instructions for additional details regarding completion of the Revenue Intercept Authorization.

4. FFFS Plan Completion – districts choosing the revenue intercept option would complete the State Administered Contract List in the FFFS Plan file.
5. Questions – to obtain more specific information about a particular contract please contact the appropriate representative below:

Program/Contract	Contact
<ul style="list-style-type: none"> • Wage Subsidy • Build NY • LIVES • AFL-CIO • HIV-AIDS Welfare-to-Work 	Peter Lansburg (518) 473-2513 Peter.Lansburg@otda.state.ny.us
<ul style="list-style-type: none"> • Wheels for Work • Utica Food Resources • Hamilton & Metropolitan College 	Gloria Hessell (518) 473-2522 GloriaA.Hessell@otda.state.ny.us
<ul style="list-style-type: none"> • EDGE • Educational Resources • Bridge • ATTAIN • Career Pathways 	Kathleen Dougherty (518) 473-2552 Kathleen.Dougherty@otda.state.ny.us
<ul style="list-style-type: none"> • Summer Youth Employment 	Lucinda Briggs (518) 473-3018 Lucinda.Briggs@otda.state.ny.us
<ul style="list-style-type: none"> • Intensive Case Services 	Libby McGinn (518) 486-6157 Elizabeth.McGinn@otda.state.ny.us

6. TANF Administration

A district may use a portion of its FFFS Allocation for administrative costs associated with TANF benefit assistance and services subject to the following guidance. (Note: Districts also will receive separate State share allocations from the LAF that may be used for these costs. A separate LCM with each district’s LAF allocation will be issued.) Districts need to ensure costs are allocated to benefiting programs when more than one program is involved in a particular activity whether done by district staff or

contractor staff. Cost allocation rules are contained in the Fiscal Reference Manual, Volume 3 and Volume 4 for NYC and in Federal Circular OMB A-87 for districts, OMB Circular A-122 for non-profit organizations other than hospitals and institutions of higher education, or those specifically excluded, are governed by OMB Circular A-122 or OMB Circular A-21 for Education Institutions and for-profit organizations by 48 CFR 31.

Guidance on Administrative Costs 15 Percent Rule

The maximum amount the **State** can spend on administration is 15 percent against the TANF Block Grant after transfers to other block grants. When plans are received, the total amount that the 58 districts intend to transfer to other block grants will be calculated and an amount for State administrative costs will also be considered in determining whether plans can be accepted or revisions are necessary for the State to remain within the statewide administrative limit. Since FFFS represents only a portion of the amount subject to the 15% Federal limit, the total administrative costs funded with FFFS (TANF and Child Welfare Administration) can be greater than 15% of the FFFS allocation. However, plan approvals will be based on the projection for **Statewide** TANF funded administrative costs.

Fiscal Reference Manual Volumes 3 & 4, Chapters 5 & 10 contain additional information related to the distinction between TANF program and administration. In addition, a matrix illustrating these distinctions is contained in 05 ADM-11 and 06 ADM-08

TANF Administrative Costs

FFFS allocations may be used to pay for administration claims beginning with the April – June 2007 quarter. Claims are applied to FFFS allocations based on the effective dates established by the districts in their FFFS plans. The criteria defining the claims that liquidate each category of the FFFS allocation on the FFFS ceiling report are contained in claim schedule mappings that will be sent to local district Finance offices once the revised ceiling report for SFY 08-09 is available.

Child Welfare Administrative Costs

Any SFY 2008-09 FFFS funds dedicated to Child Welfare Administration are to be used for expenditures from October 1, 2007 through September 30, 2008, and must be claimed by March 31, 2009. Districts may adjust their indicated amount of the FFFS allocation dedicated to Child Welfare Administration prior to March 31, 2009. After March 31, 2009, no changes to the amount of the FFFS allocation dedicated to Child Welfare Administration can be made, in order for the SFY 2008-09 child welfare services settlement to take place. However, during the settlement process the State may request a district to make a plan amendment in order to maximize federal reimbursement.

If districts choose to engage contractors to provide services, they are reminded that they need to obtain assurances from providers that costs being charged to TANF are done pursuant to an appropriate cost allocation methodology.

B. TANF Maintenance of Effort (MOE) Requirements

Under the Federal TANF legislation, New York State must continue to meet its requirement to spend State and local dollars (75% of State spending as of the 1994 base year or \$1.7 billion annually as long as work participation rate requirements are met, but increasing to 80% of base year spending or by \$114 million if the State fails to meet work participation rate requirements). Further, State appropriation language requires that local plans show gross amounts spent related to the FFFS Allocation programs. For these reasons, the FFFS Plan has columns for gross and federal shares. The inclusion of MOE countable State and local shares, along with the federal share in the gross column, will assist OTDA in projecting MOE countable expenditures.

The local and State funded portions of the following programs are eligible to be MOE countable:

- TANF Programs such as Family Assistance (including child support pass-through);
- TANF Services and Employment Programs;
- Child Care;
- Administration (up to 15 percent);
- Safety Net Assistance FFP; and
- Safety Net Assistance for former Family Assistance Recipients who exceed the Five Year Time Limit and Safety Net Assistance for Aliens who lost Eligibility Solely Due to PRWORA.

C. FFFS Liquidation Requirements

While districts have three years to fully liquidate their FFFS allocation, they must submit claims according to the Federal and State deadlines applicable to the expenditure period and category. For example, expenditures for the period October 2007 through September 2008 must be obligated by September 30, 2008 and liquidated by September 30, 2009. In order for the State to determine the amount of un-liquidated FFY 08 obligation which must be re-obligated against FFY 09 TANF funds, applicable claims must be finalized by June 30, 2009. Therefore, FFFS plan revisions for expenditure periods prior to October 1, 2008 cannot be approved after June 30, 2009. Consequently, claims for expenditures prior to October 1, 2008 must be submitted by June 30, 2009. However, SFY 2008-09 FFFS allocations may still be used for subsequent expenditure periods until the final allocation liquidation deadline of March 31, 2011. Any SFY 2008-09 FFFS funds dedicated to Child Welfare, Title XX Transfer, Foster Care Services, and Non-Residential Domestic Violence Services are to be used for expenditures made from October 1, 2007 through September 30, 2008, and claimed by March 31, 2009.

Please note that districts must liquidate the full amount of their SFY 2006-07 FFFS allocations by March 31, 2009, the SFY 2007-08 FFFS allocations by March 31, 2010, and the SFY 2008-09 FFFS allocations by March 31, 2011.

D. TANF Prior Years' Rollover Funds

While not specific to the discussion of FFFS planning and implementation requirements, districts are reminded that they may have rollover funds from prior years' TANF allocations. Districts

are notified by OTDA's Finance Division of the amounts and restrictions related to these funds. The availability of such funds may be a factor for districts to consider when planning for use of their 2008-09 FFFS funds.

V. Required Action

A. 1. The FFFS Plan File

Again for 2008-09, a file has been developed in Microsoft Excel[®] which allows districts to allocate their FFFS funding to various programs (see Attachment 2). The application incorporates various documents into one file and automatically transfers data from a single source to the different pages of the plan. As demonstrated with last year's FFFS Plan this increases the efficiency of the plan process, eliminates the need for repetitive data entry, and reduces the potential for error. The file contains a data entry section for district information, allocations and program periods, Summary and Detail FFFS Plan reports, a listing of State-Administered Contracts, an authorization for Revenue Intercept(s), and the Plan Certification. Instructions for completing the FFFS Plan file are contained in Attachment 3.

This year TANF Services Project (Lines 1a. and/or 1b. of the FFFS Plan Detail Page) and TANF Employment Program (lines 2a. and/or 2b. of the FFFS Plan Detail Page) information will be collected via TRACS 2 as described below. The information included in TRACS 2 is considered to be part of the 2008-09 FFFS Plan. Therefore, districts that allocate funds to these categories must enter the required information on TRACS 2 for their plans to be approved.

The district must submit the 2008-09 FFFS Plan electronically by **Monday, July 28, 2008**, to the OTDA mailbox at otda.sm.dta_btp@otda.state.ny.us. Required information related to allocations to TANF Services Projects and TANF Employment Programs entered on TRACS 2 also is due by **Monday, July 28, 2008**.

OTDA related questions should be directed to Jane Wagner or John James at the telephone number or e-mail address listed on the first page of this Directive.

Plan development and submissions for OCFS-related costs are through the Integrated County Planning or Consolidated Service Planning requirements found in 03 OCFS-LCM-19. For questions on OCFS plan issues, please contact the appropriate OCFS Regional Office. Contact individuals for all other issues are noted on the first page or in the body of the ADM.

2. The TANF Reporting and Control System 2 (TRACS 2)

Districts allocating 2008-09 FFFS funds to either TANF Services projects (Lines 1a. and/or 1 b. of the FFFS Plan Detail Page) and/or to Employment programs (Lines 2a. and/or 2b. of the FFFS Plan Detail Page) must utilize a new application, TRACS 2, to provide basic information on each project/program. The following information must be entered into TRACS 2: project name; district contact information; brief project description; the unduplicated number of families to be served by the project [broken out by TA (TANF and SN MOE Families) and/or 200% of Poverty]; project budget amount; target population; services; client eligibility type(s) and

provider information. Instructions for accessing TRACS 2 and entering the required information will be sent as a separate communication.

Districts will be required to choose at least one outcome measure for the TANF Services Projects, with the exception of Domestic Violence Enhanced projects that have two outcome measures that must be used. Most TANF Employment Program areas will rely on information that already is reported by districts to demonstrate district employment program outcomes (engagement rate, participation rate, employment entries and number of assessments). Additional outcome information will be required to identify the number of employability/disability determinations conducted, the outreach and reengagement of noncompliant adults, and for youth and transportation services.

District staff currently authorized to access TRACS for submitting claims or reporting on the Intensive Case Services or Safety Net Assistance Program (SNAP) will automatically be provided access to TRACS 2 with their current role.

TRACS 2 can be accessed via the Internet, Intranet or through Centraport as follows:

Internet – Click on *Internet Explorer* (using other browsers may adversely affect your ability to navigate and enter data); access the New York State OTDA Internet Home Page (<http://www.otda.state.ny.us>); click on the “TRACS 2: restricted access” link; enter your TRACS or TRACS 2 Username and Password into the Nynet logon page.

Intranet - Click on *Internet Explorer* (using other browsers may adversely affect your ability to navigate and enter data); access the New York State Human Services Intranet Site (<http://sdssnet5>); enter the URL for the New York State OTDA Internet Home Page (<http://www.otda.state.ny.us>) or click on link at top; click on the “TRACS 2: restricted access” link; enter your TRACS or TRACS 2 Username and Password into the Nynet logon page.

Centraport –Enter the Centraport Home Page; Click on Applications, then click on the “TRACS 2” button.

Detailed information on accessing TRACS 2 and instructions on completing project/program information will be sent separately. A link from TRACS 2 to the most current instructions for using the application will be provided.

Contact individuals for TRACS 2 are listed on the first page of this ADM.

B. District Certification

As part of the FFFS Plan, each district is required to provide a certification which constitutes the district’s assurances that the programmatic and fiscal requirements that are necessary for proper program administration and accountability will be maintained. This certification constitutes an acceptance by the district to be bound by the assurances, including the provision of all statutorily required services and activities, and an agreement to bear full responsibility for implementation

of programs in accordance with the applicable federal and State statutory and regulatory requirements. The certification again is contained in the FFFS Plan workbook.

Statutorily required services and activities include, but are not limited to:

- basic eligibility;
- substance abuse and domestic violence screening and assessments;
- services for victims of domestic violence;
- child support referrals;
- employment requirements, including conducting employability determinations and assessments and achieving federal work participation rate requirements;
- proper notices;
- conferences and fair hearings;
- determining eligibility within application timeframes;
- special allowances;
- emergency and immediate needs;
- guaranteed child care services;
- foster care services;
- mandated child prevention services; and
- child protective services.

C. Claiming Instructions

Districts will continue to report their expenditures via the RF-2 and RF-2A claiming packages in the Automated Claiming System, the LDSS-3922 (rev date 12/00) Reimbursement Claim for Special Projects, or TRACS. Claiming instructions are contained in Fiscal Reference Manual Volumes 2, 3 and 4 available on the OTDA intranet site at <http://otda.state.ny.net/bfdm/>. Fiscal Reference Volume 3 is “Rest of State” and Volume 4 is “NYC.” The FFFS ceiling reports are available in each district’s county folder (go to this link and select your county: [\\mscotda0a1ah/county](http://mscotda0a1ah/county)).

A reference desk guide is provided as Attachment 5 which provides programs, claiming methods, TRACS labels, dates for claiming, and Plan revision submission dates for both 2007-08 and 2008-09 plans.

D. FFFS and Plan Amendments

The 2008-09 FFFS Plans, as well as the 2006-07 and 2007-08 FFFS Plans, may be amended during the course of the fiscal year as districts perceive the need to make service adjustments. The exceptions to this provision are the amount of the CCDF and Title XX transfers. Any SFY 2008-09 FFFS funds dedicated to reimburse EAF JD/PINS, NYC foster care tuition, EAF Child Welfare, including Child Welfare TANF Direct, and Non-Residential Domestic Violence Services are to be used for expenditures made from October 1, 2007 through September 30, 2008, and claimed by March 31, 2009. After March 31, 2009, **no** changes to the amount of FFFS allocation dedicated to EAF JD/PINS, NYC foster care tuition, EAF Child Welfare,

including Child Welfare TANF Direct, nor Non-Residential Domestic Violence Services can be made.

Please note that districts must liquidate the full amount of the SFY 2006-07 FFFS allocations by March 31, 2009, the SFY 2007-08 FFFS allocations by March 31, 2010, and the SFY 2008-09 FFFS allocations by March 31, 2011. Each year's plan is a standalone document and continues to be active until all funds associated with that plan are expended and claimed. A district must notify OTDA of any changes to its plan(s) within 30 days of implementing the change by submitting a revised Plan(s) to the OTDA mailbox at otda.sm.dta_btp@otda.state.ny.us. In addition, for 2008-09 plan revisions the district must make any necessary changes to TANF Services Projects or TANF Employment Programs on TRACS 2. The revised Plan(s) will be reviewed jointly by OCFS and OTDA.

NOTE: Please refer to the 2008-09 FFFS Plan instructions for details regarding how to clear previously entered plan information and how to prepare the file for submitting an amendment. The plan amendment process and forms to be used for 2006-07 and 2007-08 FFFS plans are set forth in 06-ADM-08 and 07-ADM-04, respectively.

E. Reporting and Accountability

1. SFY 2008-09 Performance and Accountability Requirements

As noted in the Background section, Chapter 57 of the Laws of 2008 requires OTDA to provide quarterly performance and expenditure data for programs funded through the 2008-09 FFFS and to include this information by county on its website. The performance and accountability requirements also apply to TANF-funded contract programs administered at the State level as well as the Intensive Case Services allocations made to districts.

As it did in 2007, OTDA will use existing reporting mechanisms whenever possible. However, as provided in Section V.A.2., pages 25 and 26, this year districts will be required to enter TANF Services and TANF Employment Services Project information into the TRACS 2 as part of their FFFS Plans. TRACS 2 will be used in place of Attachment 6 – “2007-08 Flexible Fund for Family Services Performance Report” from 07-ADM-04 to report families served and outcomes for TANF Services Projects. Certain TANF Employment Programs outcomes, number of TANF and Safety Net MOE Drug/Alcohol Assessments, number of Safety Net Drug/Alcohol Assessments and number of Non-Custodial Parents Participating in Work Activities also will be reported on TRACS 2. Information reported on TRACS 2 will be one of the sources of data used to develop performance results for the Performance and Accountability Matrix on the OTDA website. Other sources include the Welfare Management System (WMS), the Welfare to Work Caseload Management System (WTWCMS) and the New York City Work, Accountability and You (NYCWAY) system for NYC. In addition, aggregate quarterly expenditure data from local district claim submissions will be posted on the OTDA website.

OTDA will utilize the Performance and Accountability Matrices that are posted on the OTDA website. The 2008-09 Matrices will be updated quarterly based upon monthly data. OTDA

staff will maintain the Matrices using information provided by districts. Each program area's goals, outcomes and source of outcome data are described below.

OCFS advised districts of performance requirements for Preventive Services via 07-OCFS-LCM-12. No additional performance requirements for OCFS programs funded by FFFS were established for SFY 2008-09.

TANF Services Projects

TANF Services Projects are designed to provide districts with flexibility in delivering services to families in receipt of temporary assistance and low-income families with income below 200% of poverty. Depending on local needs, districts may direct TANF funding to a variety of projects as specified in their FFFS Plan.

As part of the 2008-09 plan submission each district that allocates funds to a TANF funded Services project or projects (lines 1a. and/or 1b. of the FFFS Plan Detail Page) must enter program information for each project on TRACS 2. Districts also must choose at least one outcome measure per project to report on in TRACS 2. An exception is the Enhanced Domestic Violence Project which has two required outcome measures.

To meet the Performance and Accountability reporting requirement, beginning **April 2008**, districts must enter the number of families served for that month [broken out by TA (TANF and SN MOE Families) or 200% of Poverty] for each project included in the district's 2008-09 FFFS plan. If no families are served the district must enter zeros for the month. Beginning **October 1, 2008** (for the period starting October 1, 2008), project outcomes must be entered into TRACS 2 by the 15th of the month following the reporting month. Districts must report monthly on at least one outcome measure per project. If no outcome measures are achieved for the reporting month, the district must enter a zero. Available outcome measures are set forth in Attachment 6. Please note that performance/outcome results are for the activity that occurs during the reporting month, and does not necessarily reflect exclusive use of 2008-09 TANF funds.

In order to have consistent reporting, the number of families reported each month is to be unduplicated within each project. A family that is served more than once per month in a project should be counted only once. A family that receives services from more than one project in a month should be counted once per month in each project.

Districts that do not allocate any 2008-09 FFFS funds for one or more TANF Services Projects will not enter any families served or report on any outcome measures for these projects. However, these districts are required to enter monthly in TRACS 2 the number of TANF and Safety Net MOE Drug/Alcohol Assessments, the number of Safety Net Drug/Alcohol Assessments and the number of Non-Custodial Parents Participating in Work Activities. The requirements for reporting families served and outcomes for TANF Employment Programs are described below.

Please see Attachment 6 for a summary of the reporting requirements.

Drug and Alcohol Assessment and Monitoring

Many districts utilize FFFS funds for the costs of assessing TANF clients for drug and alcohol abuse and for monitoring the client's attendance and progress in mandated substance abuse treatment. Since provision of assessments are based upon the number of individuals identified as appropriate for assessment there is no established goal. Performance data for Drug and Alcohol Assessment and Monitoring will come from TRACS 2 and from WMS employability codes. (Please note that Safety Net drug and alcohol assessments that are reported on TRACS 2 will not be included in the Performance and Accountability Matrices).

Effective April 2008, Drug and Alcohol Assessment reporting must be done on TRACS 2.

Please direct any program questions to the Temporary Assistance Bureau at (518) 474-9344.

Statutory Domestic Violence Liaison

Districts often use FFFS funds for the costs associated with screening temporary assistance applicants and recipients for domestic violence. The purpose of the screening is to give victims of domestic violence the option of receiving a waiver from eligibility requirements that would place the victim and/or children in danger. Performance of this function is the goal. Performance data will come from the DV reporting subsystem of WMS.

Please direct any program questions to the Temporary Assistance Bureau at (518) 474-9344.

TANF Employment Services Programs

TANF Employment Programs are designed to provide districts with flexibility in delivering specialized employment services to families in receipt of temporary assistance and low income families below 200% of poverty. Depending on local needs, districts may direct TANF funding to a variety of employment programs as specified in their FFFS Plan. Please note that districts should include funds budgeted for TANF Employment Administration (line 2b.) unless the district is fully contracting out the employment function.

Each district that allocates funds to those specified TANF Employment program or programs (lines 2a. and/or 2b. of the FFFS Plan Detail Page) must enter program description information for each program on TRACS 2.

For most employment program areas districts will not be required to report new outcome information as data already collected (via WTWCMS for all districts other than NYC and NYCWAY system for NYC) and reported will be used to evaluate district employment efforts where possible. For example, OTDA will continue reporting elements such as number of individuals assessed, individuals engaged, individuals counting toward work participation rates and employment entries. However, OTDA is seeking also to measure job retention pending access to necessary data sources.

Participation in employment programs, including paid and unpaid work activities, for the purpose of calculating the federal participation rate must continue to be reported using

existing reporting mechanisms (WTWCMS for all districts other than NYC and NYCWAY system for NYC). Requirements for documenting and reporting hours of participation in work activities for households with children are detailed in 06-ADM-17.

To meet the Performance and Accountability reporting requirement, beginning October 1, 2008, districts must enter the transaction based counts (or zero) for the outcome measures associated with the following three programs: Employability Determinations-Disability Determinations; Transportation Supports; and Outreach/Re-engagement Noncompliant Adults. Outcomes must be reported on TRACS 2 broken out by TA, SN MOE or 200% of Poverty.

For the following three programs only the number of families served (or zero) must be reported on TRACS 2: Case Management and Monitoring for Nonexempt or Exempt Adults; General Employment Services; and Employment Services for Youth (including SY).

For the following four programs no additional outcome information beyond using existing systems (WTWCMS and NYCWAY) will be required and therefore for these four programs no outcome information is to be reported on TRACS 2: Assessment and Employability Planning; Educational and Training Activities; Specialized Employment Services; and Job Placement and Retention Services.

Please see Attachment 6 for a summary of the reporting requirements.

In order to have consistent reporting, the number of families reported each month is to be unduplicated within each project. A family that is served more than once per month in a project should be counted only once. A family that receives services from more than one project in a month should be counted once per month in each project.

2. Non-Custodial Parents Participating in Work Activities

Section 411(a) (4) of PRWORA requires states to report, on a monthly basis, the number of non-custodial parents participating in TANF or MOE funded federal work activities, as defined in section 409(d) of the Act.¹ Failure to report in an accurate and timely way on this and other data elements can result in large financial penalties that could severely limit the amount of TANF funding for programmatic purposes.

¹ Include non-custodial parents participating in any of the following activities: (1) unsubsidized employment; (2) subsidized private sector employment; (3) subsidized public sector employment; (4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available; (5) on-the-job training; (6) job search and job readiness assistance; (7) community service programs; (8) vocational educational training (not to exceed 12 months with respect to any individual); (9) job skills training directly related to employment; (10) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; (11) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and (12) the provision of child care services to an individual who is participating in a community service program.

As a result of this requirement, and because most or all districts use some of their FFFS allocation to support federal work activities, districts are required to enter into TRACS 2 the monthly unduplicated number of non-custodial parents participating in work programs funded through FFFS. If a non-custodial parent is served in more than one month, include them for every month they are served. If no non-custodial parents are served in a month, enter zero for that month. Information on non-custodial parent status can be obtained directly from the program participant or from the LDSS-4726 *TANF Services Application/Certification*, either from the cover sheet or from question F in Section 1. In the latter instance clients may not be required to answer question F if they qualify for services in some other way.

Note that there are two situations where a district does not need to include a participating non-custodial parent in the report. First, it is not necessary to include non-custodial parents who are verified as active in a Family Assistance or Safety Net Assistance case containing a minor child. Second, districts do not have to report non-custodial parents who are served by state contracted providers you are allocating funds to since these providers are required to report directly to the state on the number of non-custodial parents they serve.

Effective April 2008, monthly reporting of Non-Custodial Parents Participating in Work Activities must be done on TRACS 2.

3. Other Reporting Requirements

For programs funded as Title XX Below 200 Percent, FFFS Direct Child Welfare Services, Child Care, EAF JD/PINS, EAF NYC Tuition and PINS/Prevention/Detention Diversion Services, the planning requirements will be met through the district's Child and Family County Service Plan. A new LCM regarding the Guidelines and Instructions for Preparing Child and Family County Service Plans along with any updated plan requirements and deadlines is expected to be released shortly.

VI. Systems Implications None

VII. Effective Date Immediately

Issued By

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