Administrative Directive

Section 1

Transmittal:	09-ADM-21
	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports (CEES) and Center for Child Well-Being (CCWB)/Division of Child Support Enforcement
Date:	November 13, 2009
Subject:	Temporary Assistance Excess Support Process and Procedures for Reviewing Cases that have Support Collections in Excess of the Temporary Assistance Deficit
Suggested Distribution:	Child Support Enforcement Coordinators Support Collection Unit Supervisors Temporary Assistance Directors Employment Coordinators Staff Development Coordinators Accounting Staff Resource and Recovery Staff
Contact Person(s):	Division of Child Support Enforcement at 1-800-343- 8859 Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344
Attachments:	1. Sample Part B for the CSMS 8649 Report for Upstate Local Districts 2. Sample Part B for the CSMS 8649 Report for New York City 3. Calculation Worksheet for Cases Reported on <u>PART B</u> of the CSMS 8649 Report- "Obligation and Collection Greater Than Assistance Granted" 4. Case Examples for Completion of the Calculation Worksheet 5. Request for a First-Level Desk Review of the Distribution of Child Support Payments 6. Information and Instructions for Completing the "Request for a First-Level Desk Review of the Distribution of Child Support Payments" 7. Calculations Worksheet Desk Review of Excess Current Support 8. Information and Instructions for Completing the "Calculations Worksheet Desk Review of Excess Current Support" 9. Determination of the Request for a First-Level Desk Review of the Distribution of Child Support Payments
Attachment Available On – Line:	☒

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
04 INF-17 04 INF-20 06 ADM-16 08 ADM-08 09 INF-10 09 ADM-04 09 ADM-11		18 NYCRR: 347.12 347.13 347.25 352.15 352.31(a)(6) and (7) 369.2(b)	SSL §111-c(2) SSL §131-a SSL §158 SSL §336 45 CFR 302.51(b)	TASB, Chapter 9, Section S ABEL Manual Fiscal Reference Manual: Volume 1, Chapter 4 Volume 2, Chapter 3	Federal OCSE-AT-07-05, dated July 11, 2007 Federal OCSE AT-97-17, dated October 21, 1997 Federal OCSE IM-00-04, dated May 8, 2000 LDSS-4148A Dear Colleague Letter dated November 21, 1995 Dear TA Director letter dated November 17, 2005. Dear Colleague Letter dated April 22, 2008 GIS 04 TA/DC006

Section 2

I.   **Summary**

This Administrative Directive (ADM) advises local districts of the continuance under the Federal Deficit Reduction Act of 2005 (DRA) of the requirement to calculate and distribute support collections which exceed the cumulative unreimbursed assistance (URA), and the discontinuance of the calculation and distribution to recipients of temporary assistance (TA) on a monthly basis of any excess amount of current support payments collected during the month, often referred to as *excess current support*. Further, this Administrative Directive provides local districts with instructions for identifying cases that must be reviewed when the current child or child and spousal support collections (hereinafter referred to as *support collections*) are greater than the TA deficit for the month, a process which complements the continuing requirement to distribute collections exceeding the cumulative URA amounts to the TA family. Throughout this Administrative Directive, the excess arrears support process that continues will be referred to as *cumulative excess support* and the monthly excess support process that is hereby discontinued will be referred to as *excess current support*.

This Administrative Directive provides (1) information regarding the impact of these changes upon the child support and TA programs; (2) a new Calculation Worksheet that will assist in reviewing cases appearing on Section B of the CSMS 8649 report; and (3) a new TA payment type code for use in specific circumstances. Additionally, desk review forms, worksheets and

instructions, and financial reporting changes impacted by the discontinuance of the excess current support process are addressed in this Administrative Directive.

II. Purpose

The purpose of this Administrative Directive is to advise local district Social Services Districts (SSDs) and Support Collection Units (SCUs) of the continuation of the automated cumulative excess support process where collections exceed URA, and of the discontinuance of the excess current support process which provides for the monthly manual distribution of excess current support payments to recipients of TA where such support collected exceeds the TA deficit for that month. This Administrative Directive also provides SSDs with instructions for identifying cases that must be reviewed when the current support collections are greater than the TA deficit for the month.

Further, this Administrative Directive provides information regarding the impact of this change upon the TA program, including:

- The review and processing of cases where the current support collections exceed the TA deficit;
- The review and processing of Transitional Employment Advancement Program (TEAP) cases where the current support collections exceed the TA deficit;
- Expanded use of the CSMS 8649 report;
- The development of a Calculation Worksheet that will assist SSDs in reviewing cases appearing on Section B of the CSMS 8649 report; and
- Use of a new TA payment type code N2 and limited continued use of the TA payment type codes D3 for rest of state (ROS) and 71 for New York City (NYC).

Note: *Current support* is defined as support collections made in the month in which the support is due. Current support does not include any past-due support or arrears that are collected in a *given month. TA deficit* is defined as the amount of benefits a household is eligible to receive resulting from the difference between total income and total needs.

In addition, this Administrative Directive provides information regarding the impact of the change upon both the Child Support Enforcement and TA programs with regard to desk reviews of the distribution of support payments.

III. Background

Effective October 1, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) preserved the TA recipient protection provided for in former section 302.51(b)(5) of Title 45 of the Code of Federal Regulations (45 CFR 302.51[b][5]) by ensuring that states never retain more in child support reimbursement than is paid to the TA family as assistance. This requirement is continued with the DRA. When a recipient leaves assistance, any arrears in excess of the amount needed to reimburse the state and local district for the total amount of TA granted to the family (cumulative URA) become unassigned. Collections made toward these arrears will be disbursed to the TA family pursuant to the child support distribution hierarchy. Likewise, while a family is in receipt of TA (during an assignment period), support collections which exceed cumulative URA are considered excess support payments and are distributed to the recipients of TA through the automated cumulative excess support process.

SSDs were advised of the automation of the calculation and issuance of excess support payments in the *Dear Temporary Assistance Directors* letter dated November 17, 2005.

Former 45 CFR 302.51(b)(3) required that monthly current support amounts in excess of the amount of assistance issued to the family <u>for the month</u> be paid to the family. For purposes of effecting timely TA case closures, New York State continued the monthly excess current support process in which SSD workers were required to manually review certain pre-identified TA cases during a month and pay to the family the difference between the TA payment plus the pass-through/disregard amount for the month and the support obligation collected for the month as an excess current support payment. However, the automated cumulative excess support process provides for payment of excess support to the family where appropriate and therefore obviates the need to manually review and calculate additional excess support due to the family. As such, the Office of Temporary and Disability Assistance (OTDA) has discontinued the excess current support process **effective July 1, 2009**. The cumulative excess support process provided for in the *Dear Temporary Assistance Directors* letter dated November 17, 2005, will remain.

All recipients of TA, absent good cause or a domestic violence waiver, are required to cooperate with the child support program to establish paternity and establish, modify, and enforce child support. This cooperation requirement applies to recipients of TA participating in TEAP, the subsidized employment program funded through grant diversion. This is because the TA case remains open during the TEAP contract period even when there is a small or zero TA grant amount. (Refer to Administrative Directive 09 ADM-11, *Transitional Employment Advancement Program (TEAP)*, dated June 19, 2009, for more information on this topic.) Because the TA case remains open during the TEAP contract period, collections received for these cases have been treated the same as any other TA case. Thus, when the support collected exceeds the small or zero TA grant amount in such cases, that excess amount is issued to the family as an excess support payment. Therefore, the changes identified in the previous paragraph are applicable to all TEAP cases as well.

New York State regulations at 18 NYCRR 352.31(a)(6) provide that upon notification by the child support enforcement program of the amount of current support collected for a month for a recipient of TA, the local district must review the household's eligibility for TA. This review must be conducted no later than the second month after the month in which the SSD receives the information from the child support enforcement program that current support collected exceeds the TA deficit for the month being reported. There are several mechanisms through which the SSD may learn about support collections, including: the CSMS 8649 report, *Obligation and Collection Greater Than Assistance Granted*; the MRB/A eligible and exception list; through communication directly from the SCU; and from information provided by the TA applicant/recipient. Although there are several mechanisms through which the SSDs may learn about support collections that exceed the TA deficit, the primary tool is the CSMS 8649 report.

Pursuant to the *Dear Colleague* letter dated November 21, 1995, the monthly CSMS 8649 report provides the SSD with the <u>current support collected</u> for the month and should be used to identify cases in which TA households are receiving support payments during the month which may be in excess of assistance granted. Although the excess current support process is discontinued effective July 1, 2009, SSDs must continue to review cases reported on the CSMS 8649 report timely to determine the household's continued eligibility for TA. In preparation for the discontinuance of excess current support, enhancements were made to the ROS and NYC CSMS 8649 reports (Attachments 1 and 2, respectively). 09 INF-10, *Modifications made to the Upstate CSMS 8649: "Obligation and Collection Greater Than Assistance Granted" Report and New York City CSMS 8649: "Obligation and Collection Greater Than Assistance Granted" Report,*

dated April, 28, 2009 provided local districts with information concerning the modifications to the enhanced CSMS 8649 report. Refer to 09 INF-10 for further information regarding modifications to the report.

IV.   Program Implications

The discontinuance of the monthly excess current support process along with continuance of the automated cumulative excess support process will ensure consistency and timeliness in distributing excess support to families entitled to such payments in compliance with DRA and PRWORA requirements.

A.   Temporary Assistance Implications

Discontinuance of Excess Current Support. Effective July 1, 2009, SSDs are no longer required to manually distribute excess current support payments to recipients of TA as payment type code D3 and 71, except as provided for in Section IV.B. of this Administrative Directive. Where support collections exceed the cumulative URA, cumulative excess support payments will be calculated and issued through the automated cumulative excess support process as TA payment type code D4 (*Excess Support Arrears*) for ROS or 72 (*Excess Arrears Support Payment*) for NYC.

Review for TA Eligibility. As provided in 18 NYCRR 352.31(a)(6), SSDs must continue to comply with the requirement that they review the household's eligibility to receive TA upon notification by the child support program of the amount of current support collected for a month for a recipient of TA. This review must be conducted no later than the second month after the month in which the SSD receives notification of such collection information.

A TA household is determined to have current support that exceeds the TA deficit when the household's current support collected (up to the obligation amount), less the amount of the support pass-through/disregard, exceeds the TA deficit. If the household is ineligible for TA, the case must be closed as soon as possible, but no later than the second month after the month in which the SSD receives notification from the child support program that enables the SSD to determine if current support collected exceeds the TA deficit. The notification from the child support program will assist the SSD in identifying TA cases that require a timely review to determine the household's continued eligibility for TA. If an SSD fails to timely meet the requirements listed in 18 NYCRR 352.31 (a)(6) as stated above, any support money incorrectly retained by the State and due to the family must be issued to the family and coded as a new WMS payment type N2 (see below), or any overpayment that results from an SSDs' failure to act timely must be recovered.

New IV-A Payment Type - Period of Ineligibility. The new TA non-assistance payment type code for support payments that are incorrectly retained by the State and due to recipients whose cases appear on Section B of the CSMS 8649 report (Attachments 1 and 2) is:

N2 - *Child Support Due Client - Period of Ineligibility*

After the SSD completes the *Calculation Worksheet for Cases Reported on <u>PART B</u> of the CSMS 8649 Report - "Obligation and Collection Greater Than Assistance Granted"* (Attachment 3), hereinafter referred to as *Calculation Worksheet*, the new code will be used to issue support collections incorrectly retained by the State due to untimely TA case closure. The code will be used for both Rest of State (ROS) and New York City (NYC) and will only be allowed for payment periods with a "from" date greater than June 30, 2009. The N2 payment type requires claiming category code N - non-reimbursable, and does not count toward TANF 60 month or Safety Net Assistance 24 month time limits. N2 payments are reported to CSMS.

Note: N2 payments may only be issued on cases which appear on Section B of the CSMS 8649 report. A Calculation Worksheet must be completed in order to issue an N2 payment.

New Calculation Worksheet. To assist SSDs in processing TA cases which may be ineligible for assistance due to current support collection exceeding the TA deficit, a new Calculation Worksheet (Attachment 3) has been developed. The Calculation Worksheet will:

- Identify households that may require an N2 payment(s);
- Calculate N2 payment(s) due to the household;
- Determine the time period of the TA case closing;
- Establish overpayments that must be recovered; and
- Allow for use of the correct closing code.

TEAP Households and Current Support that Exceeds the TA Deficit. SSDs must not take any action to discontinue TA assistance when the SSDs are notified by the child support program that a household participating in TEAP has current support collections that exceed the TA deficit. If a household participates in TEAP, pursuant to 09 ADM-11, the TA case remains open during the contract period even when there is a small or zero TA grant amount. The TA case must <u>not</u> be closed until the end of the TEAP contract period even if current support payments make the household ineligible for assistance. Where support collections exceed the cumulative URA, cumulative excess support payments will be automatically calculated and issued through the automated cumulative excess support process as discussed in the *Dear Temporary Assistance Directors* letter dated November 17, 2005.

Using the CSMS 8649 Report to Identify Cases Where Current Support Collected Exceeds the TA Deficit. The CSMS 8649 report must continue to be used to identify households that may be potentially ineligible for TA because the household may have current support collections in excess of the TA deficit. A TA household will appear on the report when the following conditions are met:

- the sum of all current support obligations exceeds the TA deficit and the pass-through amount set at default of $100; **and**

- the sum of all current support collections for the month exceeds the TA deficit amount and the pass-through amount set at default of $100.

The CSMS 8649 report is comprised of two parts; Section A and Section B. If the above conditions are met, a TA household will appear on Section A of the CSMS 8649 and if required action is not taken timely, the case may remain on Section A for three consecutive months. If a case remains on Section A for three consecutive months, the case will appear on section B of the report. Section B of the report will contain the same data elements as cases listed on Section A of the report.

To accurately determine a household's continued eligibility for TA, SSDs must be aware of the following when reviewing the report:

- The report is used to identify TA households that **may** have current support that exceeds the TA deficit and households that may require the issuance of a N2 payment. The presence of a TA household on the report does not mean the household is ineligible for TA. SSDs must review each household listed on the report for continued eligibility for TA.

- The data that is provided and used in the CSMS 8649 report does not distinguish one-time current support collections from recurring current support collections. For example, recurring current support collections may be received from a noncustodial parent on a weekly basis or a one-time non-recurring collection may be received from a bank account seizure. Since the CSMS 8649 report does not distinguish between the types of current support collection, the household may still be eligible for TA and the TA case must not be automatically closed without further review.

- A TA household that participates in TEAP is not systematically identified, which may result in TEAP households appearing on both Section A and Section B of the CSMS 8649 report. Despite this, TEAP households must <u>not</u> receive N2 payments because the case must not be closed during the TEAP contract period. The TEAP participant will receive a cumulative excess support payment where appropriate. These cases will remain on Section B of the report until case circumstances change.

- The CSMS 8649 report will not determine if the amount of the current support collected (up to the obligation amount), less the pass-through/disregard amount, actually exceeds the TA deficit.

- The CSMS 8649 report does not identify the actual amount of the pass-through payments issued to the household. The pass-through amount identified on the report is set at the default of $100.00 and will remain at that amount despite the forthcoming increase in the maximum pass-through payment a TA household may receive effective January 1, 2010. Further information regarding this pass-through change will be forthcoming.

- The CSMS 8649 report will also show support collections for months when there are five weekly pay periods in a month, which may result in inflated income. TA households that appear on Section A of the report due only to an artificial inflation of income caused by a five week month must not be closed. However, if the TA household appears in Section B during a five week month, SSDs must review the household for continued eligibility for TA.

Excess Current Support TA Payment Types. The TA non-assistance payment types for excess current support payments are: D3 for ROS and 71 for NYC. These codes, as provided for in Administrative Directive 09 ADM-04, *Temporary Assistance (TA) Payment Type Codes – Designations as Assistance or Non-Assistance,* dated March 4, 2009, are being modified as follows:

> D3 - *Excess Current Support -* **through June 30, 2009**
> 71 - *Excess Current Support –* **through June 30, 2009**

The revised codes will be used solely for the purpose of desk review requests received for collections up to and including June 30, 2009. Upon expiration of a recipient's right to a desk review of excess current support payments on January 31, 2011, these payment types will be rescinded. Upon such expiration, SSDs will be advised which payment types will be disabled. All other instructions provided for in 09 ADM-04 remain the same.

Adjusting Time Limits. As provided for in 18 NYCRR 352.31(a)(7), time limit accruals which are a result of an individual continuing to receive TA after the household was ineligible pursuant to 18 NYCRR 352.31(a)(6) must be adjusted. Therefore, if a case appears on Section A or Section B of the CSMS 8649 report, upon case closing SSDs must remove the months of ineligibility in which the individual continued to receive TA and should not have. In addition, SSDs must contact their Time Limit Coordinators to adjust the Time Limit Count accordingly.

B.   Child Support Enforcement and Temporary Assistance Desk Review Implications

When a current or former recipient of TA believes that the distribution of support payments made was incorrect, New York State Regulation 18 NYCRR 347.25 provides that a desk review of support payments may be requested for the month(s) during which an assignment of support rights was in effect, and that the desk review is limited to an accounting of the collections and disbursements made *during* the calendar year in which the desk review is requested and the calendar year *preceding* the calendar year in which the desk review is requested (a desk review request received in the month of January is considered to have been made in the prior calendar year). As provided for in Administrative Directive 06 ADM-16, *Desk Reviews of the Distribution of Child Support Payments,* dated December 13, 2006, a desk review request may include a review of excess current support distribution. With the discontinuance of the excess current support process beginning July 1, 2009, current and former recipients of TA will continue to have the right to a desk review of excess current support payments for collections made up through and including June 30, 2009. The last date on which such review can be requested is January 31, 2011.

The SCUs and SSDs are to continue to receive and conduct joint desk reviews for excess current support, but only for desk review requests pertaining to collections up through and including June 30, 2009. Revisions have been made to the desk review forms, worksheets, and instructions in accordance with this change. Local district must destroy the prior versions of the desk review forms identified in Administrative Directive 08 ADM-08, *Increase in Pass-through and Disregard of Support Payments*, dated October

29, 2008, and replace those forms with the versions of the forms included with this Administrative Directive which are effective July 1, 2009.

When the rights to a desk review of excess current support distributions expire on January 31, 2011, OTDA will remind SSDs of the expiration, revise the desk review request form and instructions, and rescind the excess current support worksheet and instructions.

Note: Section S, 14(h)(1)(c) - (e),   14(h)(2), and 14(i), within Chapter 9 of the Temporary Assistance Source Book (TASB) provide SSDs with the process for excess current support. The TASB instructions will be revised to eliminate the requirement to issue monthly excess current support payments to TA households which appear on the CSMS 8649 report. However, the SSD must continue to follow the instructions provided when calculating, issuing and budgeting for excess current support payments for purposes of desk review requests for excess current support through January 31, 2011. At that time additional revisions will be made to the TASB to remove the monthly calculation, issuance, and budgeting for excess current support payments. All other SSD worker responsibilities, as identified in Chapter 9 of the TASB, remain unchanged. For desk review purposes, SSDs are reminded that up through September 30, 2008, the pass-through and disregard of support collections was limited to up to the first $50.00 of current support collected.

C.   **Food Stamps Implications**

For purposes of Food Stamps (FS), there is no change to the current program. Excess current support payments made to TA households (payment types D3 and 71) are not counted as income for FS. New payment type N2 is considered a nonrecurring source of income that covers a period of TA ineligibility. Therefore, payment type N2 will be treated the same as payment types D3 and 71 and will not be counted as income for FS. If a TA case closes as a result of excess income from child support, the case must continue to be reviewed with a separate determination for FS eligibility.

Most households leaving Family Assistance (FA) or Safety Net Assistance–federally participating (SNA-FP) for excess income due to support collection will qualify for Transitional Benefit Assistance (TBA), as will TEAP households with a zero TA grant. Non-TBA households will need to have FS eligibility separately determined.

D.   **Medicaid Implications**

For purposes of Medicaid, there is no change to the current program. If a TA case closes as a result of the payments discussed in this Administrative Directive, the case must be reviewed under existing procedure which requires a separate determination for Medicaid eligibility.

V.   Required Action

A.   Temporary Assistance

1.   Discontinuance of Excess Current Support

Effective July 1, 2009, SSDs are no longer required to manually calculate and distribute excess current support to recipients of TA as payment type code D3 (ROS) or 71 (NYC), except as provided for in Section V.B. of this Administrative Directive.

2.   Monthly Review of the CSMS 8649 Report

SSDs must continue to timely review the monthly CSMS 8649 report <u>and manually determine the TA household's continued eligibility</u> to receive TA. This review must be conducted no later than the second month after the month in which the SSD receives the CSMS 8649 report.

If the SSDs fail to act timely the following will occur:

a.   FA household's federal time limits count will require an adjustment; and

b.   A Calculation Worksheet (Attachment 3) must be completed.

If the SSDs fail to act timely, the following may occur:

a.   N2 payments may need to be issued to the households; or

b.   Overpayments may need to be established due to incorrect issuance of pass-through payments to the family.

3.   Evaluation of TA Financial Eligibility

SSDs must evaluate every TA household that appears on the CSMS 8649 report each time the household appears on the report because the case circumstance may have changed which may result in the household's ineligibility for TA.

The CSMS will not automatically determine if the amount of the current support collected up to the obligation amount exceeds the TA deficit. SSDs must follow the instructions below to manually determine if the amount of current support collected in a month exceeds the TA deficit for the same month:

a.   Complete an ABEL budget. The ABEL budget must be recalculated for the evaluation month by entering the current support collections up to the obligation amounts for each of the support obligations, using unearned income source code 06 (*Child Support Payments)* for ROS, or unearned income source code 14 (*Court Ordered Alimony, Spousal Support, Child Support Payment)* for NYC.

b. Verify the amount of the current child support collected for the evaluation month. The current support collected up to the support obligation amount is made available on the CSMS 8649 report by **comparing column 4 to column 9, second line, and entering the lesser of the two amounts.** The amount must be documented in the case record.

c. Retain case records. Case records must be retained for at least six years.

4. Household Determined to be Ineligible for TA

If a TA household appears on the CSMS 8649 report and is determined to be ineligible for assistance (except for cases which include an individual participating in TEAP), the case must be closed <u>as soon as possible but no later than</u> the second month after the month in which the SSD receives notification from the child support program via the CSMS 8649 report.

The SSDs must provide timely and adequate notice to the family when the household's assistance is discontinued due to excess child support income. SSDs must **not** close TEAP participating households that appear on the CSMS 8649 report.

SSDs must verify and document the amount of the current child support obligation at the time of any budget changes including recertification and when there is a household composition change. The amount must be documented in the case record.

Note: When the SSD closes a TA case, the SCU will be automatically notified of the effective date of the TA household's case closure through the use of the daily IV-A/IV-D Interface Report. At that time, support payments will be redirected to the family.

5. Accessing the CSMS 8649 Report

For Upstate, the CSMS 8649 report continues to be a Benefit Issuance Control System (BICS) report and is available by accessing the BICS queue on the first Friday of each month. Upstate districts' BICS operators must process the monthly report for immediate distribution to SSDs. The report is also available on the Computer Output to Laser Disk (COLD) system's CSMS worker reports as a report named "MSUPPGTRGRNTD."

For NYC, a text file of the NYC CSMS 8649 report is sent to NYC Human Resource Administration (HRA) for monthly processing.

6. Section B of the CSMS 8649 Report

SSDs must use the Calculation Worksheet for cases that appear on Section B of the CSMS 8649 report (Attachments 1 and 2), do not participate in TEAP, and are determined ineligible for TA. This Calculation Worksheet will ensure that cases appearing on Section B of the CSMS 8649 report are closed appropriately, the family receives any current support collected and incorrectly retained by the State

that they may be entitled to, and any overpayments are established. This Calculation Worksheet must be retained in the TA case file.

If SSDs appropriately close eligible TA cases when they appear on Section A of the CSMS 8649 report, the number of cases which appear on Section B of the CSMS 8649 report will be greatly reduced. In addition, the occurrences of overpayment that must be recovered and situations which require the issuance of N2 payments will also be reduced.

7.   **Instructions for Completing the Calculation Worksheet**

In order to complete the Calculation Worksheet, the SSD will need the following information:

a.   **The date the case was first reported on Section A of the CSMS 8649 report.** In order to determine the date that the case was first reported on the CSMS 8649 report, the SSD must compare the current CSMS 8649 report to previous CSMS 8649 reports. If the previous CSMS 8649 reports are unavailable to the SSD, they must contact their SCU and request the previous reports. SCUs can access the reports through Computer Output to Laser Disk (COLD), with the report name MSUPPGRTGRNTD.

Note: The review period for the Calculation Worksheet is limited to the date the case was first reported on Section A of the CSMS 8649 report through the date the Calculation Worksheet is completed.

b.   **The cumulative excess support payments (payment type D4 for ROS or payment type 72 for NYC) the case has received for each month of the review period.** D4 (ROS) and 72 (NYC) payment types are automatically authorized within two (2) business days following the end of the child support accounting month. ROS SSDs should review the Benefit Issuance Control System (BICS) to determine if the case received a D4 payment. NYC SSDs should review WMS benefit issuance inquiry screen to determine if the case received any payment type 72 payments.

Note: The cumulative excess support process compares the total support collected and disbursed to the SSD on behalf of a TA recipient to the amount of assistance issued on the TA recipient's case (non-assistance payments are not included in this amount). Any support collections disbursed to the SSD which exceed the amount of assistance granted are issued to the TA household as a cumulative excess support payment (payment type D4 for ROS or payment type 72 for NYC). For a list of assistance payment types, refer to 09 ADM-04.

c.   **The current support collected per month up to the monthly support obligation amount.** The CSMS 8649 report is the primary source of this information. The SSD will find this information on Section A or Section B of the CSMS 8649 report but may contact their SCU for this information if necessary.

d. **The amount of "assistance" payments the case has received for each month that falls in the review period.** ROS SSDs must review BICS to determine the sum of the assistance payments for each month within the review period. NYC SSDs must review WMS benefit issuance inquiry screens. All SSDs must also review the ABEL budget for each month of the review period to determine if a percentage of the grant was applied to a recoupment. If, for any month of the review period, there has been a percentage of the grant applied to a recoupment, this amount must be added to the assistance payments for the month and entered in column (d) of the Calculation Worksheet. For a list of assistance payment types see 09-ADM-04. SSDs must not include non-assistance payment types.

e. **The amount of the support pass-through payment the case has received for each month that falls in the review period.** A pass-through payment is based on the previous month's collection of current support. Although pass-through payments are considered non-assistance payments, they must be included when determining the amount which can be recovered on cases which have not been reviewed timely and therefore improperly received a pass-through payment.

Once this information has been obtained, the SSD must complete the new Calculation Worksheet. The Calculation Worksheet must be completed before taking action on the case. Once the Calculation Worksheet has been completed the SSD must maintain the Calculation Worksheet in the case record and either:

a. **Close the case with a timely notice using CNS reason code E32** (*Excess Income Increased Support Collection)* when the case is closed within the same month the case is reported on Section B of the CSMS 8649 report; or

b. **Establish an overpayment claim and close the case with a timely notice using CNS reason code E32** when the case is <u>not</u> closed within the same month the case is reported on Section B of the CSMS 8649 report; or

c. **Issue the amount of support collections incorrectly retained by the State using payment type N2 and close the case with a timely notice using CNS reason code E32** when the case is <u>not</u> closed within the same month the case is reported on Section B of the CSMS 8649 report.

Time limit counts which accrue for individuals who received assistance while they were determined to be ineligible may need to be adjusted.

For case examples based on review of the CSMS 8649 report and completion of the Calculation Worksheet, refer to Attachment 4, *Case Examples for Completion of the Calculations Worksheet*.

B. **Child Support Enforcement and Temporary Assistance Desk Review**

1. **Desk Review Requests**

   The SCU and SSD are to continue to receive and conduct joint desk reviews for excess current support payments with respect to collections up through and including June 30, 2009, when requested on or before January 31, 2011. The periods for which a recipient may request a desk review for excess current support includes the current year, for collections January 1 through June 30, 2009, and the prior calendar year of January 1 through December 31, 2008. (This assumes the individual is otherwise eligible for review during these months, i.e., an assignment was in effect.) Effective with collections beginning on July 1, 2009, and thereafter, no further excess current support payments are to be issued. Any desk review requests for review of excess current support collections received on or after July 1, 2009, and thereafter, must be denied.

   Instructions for handling desk review requests can be found in Administrative Directive 06 ADM-16.

2. **Use of Revised Desk Review Forms, Worksheets and Instructions**

   To support the discontinuance of excess current support on July 1, 2009, revisions have been made to the desk review request form, worksheets, instructions, and determination letter that were included with 08 ADM-08. The revised documents, which are to be used for their respective purposes beginning July 1, 2009, are attached as follows:

   - Request for a First-Level Desk Review of the Distribution of Child Support Payments form (Attachment 5)
   - Information and Instructions for Completing the "Request for a First-Level Desk Review of the Distribution of Child Support Payments" (Attachment 6)
   - Calculations Worksheet Desk Review of Excess Current Support (Attachment 7)
   - Information and Instructions for Completing the Calculations Worksheet Desk Review of Excess Current Support (Attachment 8)
   - Determination of the Request for a First-Level Desk Review of the Distribution of Child Support Payments (Attachment 9)

   In order to ensure that use of these revised desk review documents begins in a timely manner, SCUs and SSDs must destroy all prior versions of these documents and begin use of the revised forms, worksheets, and instructions noted herein effective with release of this Administrative Directive. Local districts will be reminded when the right to a desk review for excess current support expires and Attachments 7 and 8 above, respectively, are rescinded.

3. **Availability of Desk Review Forms**

   While current and former recipients of TA who wish to request a desk review may obtain a desk review request form and instructions by telephoning the New York

State Child Support Customer Service Helpline at 1-888-208-4485, they may also obtain this form and instructions in person at SCUs. See the April 22, 2008 *Dear Colleague* letter entitled *Availability of Desk Review Request Form and Instructions* for further information. The desk review form and instructions will be posted to ERS for SCU workers access should an in-person request be received.

VI. Systems Implications

A. ROS WMS and ABEL

The TA payment type code D3 and claiming category code N - *non-reimbursable*, is revised effective July 1, 2009, as provided in Section IV.A. of this Administrative Directive. For purposes of excess current support desk review requests through January 31, 2011, the revised TA payment type code and respective instructions for using this payment code on WMS and ABEL will continue.

B. NYC WMS and ABEL

The TA payment type code 71, claiming category code N - *non-reimbursable*, is revised effective July 1, 2009, as provided in Section IV.A. of this Administrative Directive. For purposes of desk review requests for excess current support through January 31, 2011, the revised TA payment type code and respective instructions for using this payment code on WMS and ABEL will continue.

C. Automated Processing

The automated cumulative excess support process discussed in the *Dear Temporary Assistance Directors* letter dated November 17, 2005 will continue for all current assistance cases which are eligible for excess support payments. Note that 09-ADM-04 provides all current payment type codes and their designations.

VII. Additional Information

A. Claiming Instructions

To claim payment types N2, D3 (for ROS), 71 (for NYC – code 71P in the Fiscal Reference Manual), D4 (for ROS), and 72 (for NYC – code 72P in the Fiscal Reference Manual), local districts should identify, from the BICS-produced LDSS 2517 Schedule A-1 composite rolls and CRM 100 report (for NYC), the CS Due Client- Period of Ineligibility payments and the Excess Child Support payments for Family Assistance Federally Participating (FA FP) cases, Safety Net Federally Participating (SN FP) cases, and Safety Net Federally Non-Participating (SN FNP) cases.

The payment type N2 payments made for Case Types 11 (*Family Assistance*) and 12 (*SN Federally Participating*) will appear on the composites as item IV-D-FA-CS-DUE-CLIENT-INEL payments. The payment type N2 payments made for case types 16 (*Safety Net Cash Assistance*) and 17 (*SN Federally Non Participating*) will appear on the composites as item IV-D-SN-CS-DUE-CLIENT-INEL payments. The payment types D3 and D4 payments made for Case Type 11 and 12 will appear on the composite rolls as

item IV-D-FA-EXCESS-CURRENT or IV-D-FA-EXCESS-ARREARS payments. The payment types D3 and D4 payments made for Case Type 16 and 17 will appear on the composite rolls as IV-D-SN-EXCESS-CURRENT or IV-D-SN-EXCESS-ARREARS payments. For NYC, excess child support payments will be paid to the recipient using payment types 71 (code 71P) and 72 (code 72P).

The *CS Due Client – Period of Ineligibility* and excess support payment amounts should be manually reduced from the amounts reported on the CSMS A-1, Title IV-D Summary of Collections and Distributions from line 12 (*Dist as Assist Reimb*), Columns 2 (*Current IV-A Assistance*), 4 (*Former IV-A Assistance*) and 6 (*Safety Net Federally Non Participating*) and added to the amounts reported on the CSMS A-1, line 14 (*Dist Family*), Columns 2, 4, and 6.

The custodial parent's *Passed Through (Disregard)* amount is issued from collected child support using payment type D1 (*IV-D Payment*) for upstate districts, and codes 54P (*Child Support Bonus Payment - Manual Issuance*) and 70P (*Child Support Bonus Payment - System Generated*) for NYC. These amounts are ultimately reported on the ACS Schedule A-1, Section 2, line 12, *Collections Passed Through (Disregards).*

The *Passed Through Collections (Disregards)* distributed to families should not be included on the ACS Schedule A-1, line 14, *Distributed as Assistance Reimbursement*, effective October 1, 2008. Local districts will also need to manually reduce the amount *Distributed as Assistance Reimbursement* reported on the CSMS A-1, line 12, Column 2 and Column 6 by the amount identified as *Passed Through Collections* on the BICS Composites for districts other than NYC, and the CRM 100 report for NYC.

After adjusting for *CS Due Client – Period of Ineligibility* payments, excess child support payments and *Passed Through Collections*, the net results from the CSMS A-1, lines 12 and 14 will be entered on the Automated Claiming System (ACS) Schedule A-1, line 14 (*Distributed as Assistance Reimbursement*), and to ACS Schedule A-1, line 16 (*Distributed to Family*), Columns 2 (*Current IV-A Assistance*), 4 (*Former IV-A Assistance*) and 6 (*Safety Net FNP Assistance*), respectively.

B.   **Fiscal Reference Manual**

Please refer to Fiscal Reference Manual (FRM) Volume 2, Chapter 3, for Schedule A-1 Title IV-D Summary of Collections and Distributions (LDSS-2517) claiming instructions. The Fiscal Reference Manuals are accessible to local districts at the following intranet site address: http://otda.state.nyenet/bfdm.

Upon expiration of the right to a desk review of excess current support payments on January 31, 2011, the fiscal instructions within the Fiscal Reference Manuals for excess current support payments for desk reviews only will be rescinded. Local districts will be advised upon such expiration.

VIII.   Effective Date

This Administrative Directive is effective immediately.

Issued By
Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Center for Employment and Economic Supports

Issued By
Name: Scott E. Cade
Title: Deputy Commissioner and Director
Division/Office: Center for Child Well-Being/
                     Division of Child Support Enforcement