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**Administrative Directive**

**Section 1**

<b>Transmittal:</b>	13-ADM-05
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office :</b>	OTDA Center for Employment and Economic Supports OCFS Division of Administration
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<b>Suggested Distribution:</b>	Accounting Directors Employment Coordinators Services Directors Temporary Assistance Directors
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<b>Attachments:</b>	<a href="#">Attachment 1: FFFS 2013-14 District Allocations</a> <a href="#">Attachment 2: FFFS 2013-14 Plan Application</a> <a href="#">Attachment 3: FFFS 2013-14 Plan Instructions</a> <a href="#">Attachment 4: 2013-14 Child Welfare Thresholds</a> <a href="#">Attachment 5: FFFS Desk Reference Guide</a> <a href="#">Attachment 6: Grandfathered COPS FFFS Dedications</a>
<b>Attachment Available On – Line:</b>	x

## Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-23 01 ADM-10 05 ADM-11 06 ADM-08 08 ADM-07 12 ADM-06 00 LCM-20 06 LCM-09 13 LCM-02 03 INF-35 07-OCFS-LCM-12 10-OCFS-LCM-08 10-OCFS-LCM-16 12-OCFS-LCM-14 13-OCFS-LCM-06 13-OCFS-LCM-07 13-OCFS-LCM-08		385 462	SSL 331, 333, 335, 335-a, 336, 339	OCFS CW  Eligibility Manual, Chapter 2  Temporary Assistance and Food Stamp Employment Policy Manual  Fiscal Reference Manual Volumes 2, 3	Ch 53 of the Laws of 2013

## Section 2

### I. Summary of the 2013-14 FFFS Administrative Directive (ADM)

The Flexible Fund for Family Services (FFFS) has been enacted in the 2013-14 State Fiscal Year (SFY) Budget at a level of \$964,000,000, which is equivalent to the SFY 2012-13 appropriation. This Administrative Directive (ADM) provides social services districts (SSDs) with FFFS allocation amounts, pertinent planning information, the forms and instructions for completing and submitting the SFY 2013-14 FFFS plan and instructions on submitting claims. Finally, the ADM provides guidance on the collection of required performance and accountability data.

### II. Purpose

The purpose of this ADM is to provide SSDs with information, forms and procedures necessary to implement the FFFS, including requirements for submission of performance and accountability information for SFY 2013-14. The FFFS plan template is a multiple tab file in Microsoft Excel<sup>®</sup> that is similar to last year's plan template. The FFFS Microsoft SharePoint<sup>®</sup> site is used to host the SFY 2013-14 FFFS plan submission and approval process. Additionally, the FFFS SharePoint<sup>®</sup> site provides useful resources for SSD users.

The TANF Reporting and Control System 2 (TRACS 2) is used for SSDs to provide updated SFY 2013-14 TRACS 2 plans, with current and detailed program and budget information on FFFS-funded Employment, Non-recurrent costs and Services projects. SSDs must submit their completed SFY 2013-14 FFFS plan Application (Attachment 2) via the FFFS SharePoint site and the corresponding SFY 2013-14 OTDA TRACS 2 plan detailing TANF Employment, Non-recurrent, and Services project information, for review and approval by OTDA and OCFS by **July 15, 2013**.

### III. Organization and Content

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### IV. Background

FFFS funds are allocated by the State to each SSD to support a range of services to address the needs of low income families consistent with local priorities. The total funding for the FFFS for SFY 2013-14 is \$964,000,000. This amount is equivalent to the SFY 2012-13 appropriation.

The programs that may be funded in the FFFS are as follows: allowable non-assistance TANF Employment programs (such as employment preparation, placement and retention services), TANF Services (including services to support receipt of transitional benefits and other work supports), D-1 Case Management Services provided to TANF eligible families, Child Welfare Services, Emergency Assistance to Families (EAF) Foster Care Maintenance, Administration and Tuition Costs, PINS/Preventive Detention Diversion Services, Pregnancy Prevention, Drug/Alcohol (D/A) Assessment and Monitoring, Domestic Violence (DV) Screening and Assessment, EAF JD/PINS Foster Care and related costs, SSDs' administrative costs for TANF related activities, and for any other allowable TANF purpose. SSDs may also transfer funds from FFFS to Child Care, and/or Title XX Services (TANF-funded portion).

## TANF FFFS Eligible Programs and Services

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

1. Provide assistance to 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 supported with FFFS must meet the federal definition of non-assistance. FFFS funds can be used to provide “assistance” only for expenditures made as a result of transferring FFFS funds to Title XX (Title XX Below 200 Percent) or the Child Care Development Block Grant (CCDBG) or for EAF JD/PINS Foster Care or EAF Foster Care Administration, Maintenance or Tuition costs funded directly with FFFS funds and/or transportation services for Family Assistance (FA) recipients.

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 household is counted toward the 60-month TANF time limit. Payment types defined as assistance (see 09-ADM-04), when paid to a trackable individual in a trackable case type will trigger time limit counts, be reported to the U.S. Department of Health and Human Services (DHHS) as assistance, be reimbursed with assigned child support collections, and include the case in the calculation of the federal work participation rate. SSDs should ensure that current local procedures include information on the use of non-assistance diversion payment codes, as appropriate, for families who apply for public assistance (PA), are categorically eligible for TANF funded services and whose situation meets the circumstances required to be eligible for diversion assistance, as described in 03-INF-35, which also will prevent such families from being included in the participation rate calculation.

According to federal TANF rules, ongoing transportation benefits are generally considered assistance, and only meet the definition of non-assistance if provided to an employed family or provided on a short-term nonrecurring basis to meet a specific episode of need that will not extend beyond four months in accordance with 00-LCM-20 and the federal TANF regulations at 45 CFR 260.31. A transportation benefit that is necessary to enable a TANF-eligible public assistance applicant to participate in applicant job search is not considered assistance, but is identified as a diversionary payment. Therefore, FFFS funds can be used only to provide transportation benefits when the payment meets the definition of non-assistance (for employed or short-term including applicant job search) or provided to those already receiving ongoing TANF funded FA. Other transportation costs, including ongoing transportation benefits to families and childless couples receiving Safety Net Assistance (SNA) cannot be funded with FFFS and would need to be claimed as SNA non-Maintenance of Effort (non-MOE) cost.

FFFS funds cannot be used for medical services or treatment.

With the exception of FFFS funds used for EAF Child Welfare Services, EAF JD/PINS Foster Care costs, EAF Foster Care Maintenance, Administration, and Tuition costs, pregnancy

prevention purposes, or PINS/Prevention/Detention Diversion services, FFFS funded services may be provided only to TANF eligible recipients of PA, and to individuals and families not in receipt of PA 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 2013-May 2014 are noted below. SSDs are notified annually via GIS (13 TA/DC012) of the changes in these amounts.

**200% of Poverty Guidelines Chart  
June 1, 2013 through May 31, 2014**

<u>Family Size</u>	<u>Monthly Income</u>	<u>Annual Income</u>
1	\$1,915	\$22,980
2	\$2,585	\$31,020
3	\$3,255	\$39,060
4	\$3,925	\$47,100
5	\$4,595	\$55,140
6	\$5,265	\$63,180
7	\$5,935	\$71,220
8	\$6,605	\$79,260

For family units with more than eight members add \$670 monthly, or \$8,040 annually for each additional family member.

Employment Services and Work Supports

The FFFS allocation is an important resource to support employment services to help TANF-eligible families 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 SSDs' efforts to achieve or maintain compliance with federal work participation rate and work verification standards as well as a high level of job placements. SSDs must ensure that sufficient resources are allocated from the FFFS allocation for programs, services and staffing that assist the SSD in meeting these goals. Failure to meet the effective work participation rate and required work verification and documentation standards would expose the State and SSDs to the risk of significant federal fiscal penalties. We also encourage the use of FFFS funds to support SSD efforts to maximize access to the array of work supports available to lower wage workers, as well as to those individuals who may be underemployed or recently unemployed and are determined to be TANF eligible in accordance with 00-LCM-20.

\$25 million in TANF funds were appropriated to support the 2013 Summer Youth Employment Program (SYEP). In 13-LCM-02, SSDs were notified of their allocation for the 2013 SYEP program and advised that up to 8% of their SYEP allocation could be transferred to support FFFS plan activities. Districts choosing this option will see the Summer Youth Transfer amount figure in the "Summer Youth Transfer In" box in their FFFS plan which will 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 requested asking for funds to be returned back to the Summer Youth Program no later than November 29, 2013. A review of the statewide total amount of the transfers will be completed when all transfer requests are submitted and final claims have been processed. At that time, exceptions to this percentage may be considered on an individual basis.

## Child Care and Title XX

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 issued a separate Local Commissioners Memorandum (13-OCFS-LCM-06) on May 29, 2013 that sets forth the districts' child care allocations and the rules governing those funds. SSDs may transfer a portion of their FFFS funds to the Child Care Development Block Grant (CCDBG) to supplement their child care allocations.

District block grant transfers should remain within the following percentages against the \$964,000,000 FFFS for SFY 2013-14. A review of the state-wide 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:

- 32 percent to the CCDBG; or
- 25 percent to the Title XX Block Grant; or
- 32 percent combined to the CCDBG and Title XX Block Grant.

The FFFS planning process provides SSDs 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 SSDs' child care, child welfare and adult services needs. Included among the factors to be considered are: SSD 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 an SSD's CCDBG allocation that include funds transferred from TANF and; the adequate overall level of supporting child care services necessary for SSDs to engage PA families in work or work preparation services and to serve other low income families.

## Outcomes

Each SSD is required to report outcome measures and the number of families served associated with TANF Services Projects and certain TANF Employment Programs on TRACS 2. The 2012 plans on TRACS 2 will be copied over into new 2013 plans. These plans must be reviewed and modified as necessary to reflect the SSD's 2013 projects and programs funded by the 2012-13 and/or 2013-14 FFFS, during SFY 2013-14. See Section VI.E.1 for additional information.

For OCFS Child Preventive Services programs provided pursuant Social Services Law (SSL) 409-a, the requirements for performance or outcome provisions set forth in 07-OCFS-LCM-12 remain in effect for SFY 2013-14.

## **V. Program Implications**

### **A. Description of FFFS Components**

The FFFS is designed to provide SSDs with flexibility in determining how best to respond to identified local needs for services based on their caseload compositions, local labor markets and other unique factors. Each district may use its FFFS as described in the following categories.

## 1. TANF Employment Services

Helping low income families enter the workforce and achieve economic stability continues to be a primary goal of the PA program and FFFS funds are an important resource to support employment services to TANF eligible individuals. SSDs also are required to meet the federal participation rate requirements for TANF/SNA MOE Families. SSDs must ensure that sufficient resources are devoted from the FFFS allocation and other sources (e.g. State contracts, Other TANF allocated programs, local funds) to help TANF eligible individuals, including SNA MOE families and SNA two-parent families achieve the skills necessary to support workplace entry and job retention, as well as to achieve the required federal participation rate and thereby avoid significant fiscal penalties. SSDs should continue to review their employment programs to maximize the extent to which adults are engaged in job preparation and employment. Additionally, each SSD is expected to achieve the required federal participation rate and to ensure compliance with federal work verification requirements, while concurrently engaging clients in services that support job placement and retention goals. As part of these efforts, SSDs should review job readiness, job skills, and basic education needs of TANF eligible PA 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 a PA recipient’s skills, employment goals and support services needs in accordance with 18 NYCRR Part 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, prepare for workplace entry, support job retention and/or enhance current employment status.

Case Management and Monitoring of Nonexempt and Exempt Adults - the coordination and monitoring of participation in activities and services to ensure compliance with the individual’s employment plans and to provide interventions to help individuals 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 and to support workplace entry and job opportunities.

Employability Determination/Disability Determinations – completion of employability determination reviews and employability evaluations 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 difficult to place job seekers.

Subsidized Employment Programs – programs that provide employment in the public or private sector for which the employer receives a subsidy supported by FFFS funds to offset some or all of the wages and costs of employing and training PA recipients and

other eligible individuals. Subsidized employment placements must be consistent with SSL 336-e and 336-f. All costs associated with this project type should be claimed on the D-3, Column 2, line 4, as directed in the Fiscal Reference Manual, Volume 3, Chapter 10.

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

Transportation Supports – programs or activities developed to provide the support necessary for 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.

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

Employment Services for Youth (including Subsidized Summer Employment Programs for Youth) – educational or training programs or activities targeting eligible youth 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

SSL 331 requires the establishment of programs which provide employment services to applicants for and recipients of PA to help individuals achieve economic independence. SSDs must operate PA and Supplemental Nutrition Assistance Program (SNAP) employment programs, which meet the requirements of applicable federal and State laws and regulations, and in accordance with the requirements outlined in 08-ADM-07 and the local plan required by SSL 333 and approved by OTDA.

The SSDs 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 employment status (including an assessment of medical and non-medical work limitations) of each PA client.
- Complete an employment assessment, including, but not limited to; a review of the individual's education level, basic skills proficiency, prior work experience, training and vocational interests and child care and other supportive service needs for all PA 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:



- supportive services that the district will provide, including child care;
  - work activities to which the recipient will be assigned; and
  - individual's employment goals.
- Engage PA and SNAP recipients in work and work preparation activities, as required to achieve work participation rates and to maximize participants' employment outcomes.
  - Ensure hours of participation are consistent with federal definitions and actual hours of participation reported towards the federal participation rate are documented and reported in accordance with federal requirements.

The SSDs 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 (NCPs) of minor children (see 00-LCM-20). Please note, SSDs are required to report monthly in TRACS 2, the number of NCPs participating in FFFS work activities. If no NCPs are participating in FFFS work activities, the SSD must enter "0" for the month.

## 2. Non-Recurrent Costs (Emergency Assistance/Diversion)

SSDs may choose to use FFFS funds for services that are intended to minimize or avoid the need for ongoing TANF funded assistance through one time or non-recurring supports. These are characterized as payments designed to deal with a specific crisis situation or episode of need, that do not extend beyond four months and are not intended to meet recurrent or ongoing needs. Some examples of these services may include access to free clothing, budgeting classes, school supplies, gas cards, vehicle repair and assistance with housing location and retention. If a district allocates FFFS funding to this type of project(s), it must show the funds allocated on line 2, "TANF Services Non-Recurrent Costs" in the SFY 2013-14 plan template.

## 3. TANF Services Projects

The SSDs may choose to use FFFS funds for innovative programming that can prevent cash assistance dependency, provide the extra support needed to reduce recidivism to PA and help TANF-eligible families achieve greater economic independence. The TANF services projects include, but are not limited to: case management services, enhanced drug/alcohol services, after school and summer programs for at-risk youth, home visiting for families with multiple barriers to self-sufficiency, child-only projects and services to support low income, working families as they access available work support benefits. The 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 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 for which they are eligible and in need of to increase family well-being and economic security.

Child Only Services – Provides supports and services to children and/or caregivers in PA "child-only" cases (PA cases with no adult active on assistance). These cases are

primarily children living with non-parent relative 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 Prevention – Enhancement of core services and/or optional services (18 NYCRR Part 462) to promote self-sufficiency and safety from abuse, as well as improving outreach and awareness. Services may include training SSD and D/A treatment provider staff to increase awareness of DV, and to help workers interact effectively with DV victims.

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

Financial Education – Services designed to promote economic independence through enhanced knowledge of the skills needed to make informed and effective decisions about personal finances.

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

Nutrition – Services or short-term non-recurrent benefits designed to help families supplement their food budgets and enable healthy food choices and increased nutrition.

Program Support and Training – Provides training to SSD staff 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 providing help in securing needed medical or other documentation that supports a client's condition and functioning, completing applications, non-recurring transportation to attend a hearing with an administrative law judge, if not otherwise covered by the Social Security Administration (SSA) and accompanying clients to meetings or hearings.

Transitional Benefits/Work Supports – A specialized SSD approach to maximizing receipt of work supports/transitional benefits such as SNAP, Medicaid, Earned Income Tax Credits (EITC), and other non-assistance services for low income families. This may include special units that provide case management for employed individuals, 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 also could include support for pregnancy prevention efforts.

Other – Allowable programs/services that do not fit under the current available project types or the employment project types.

#### 4. Drug/Alcohol (D/A) Assessment and Monitoring

All SSDs are required by statute to screen adult PA applicants and recipients for drug and/or alcohol abuse that could preclude them from working and becoming self-sufficient. SSDs may use FFFS funds to pay the costs of assessing TANF funded recipients who screen positive, and for monitoring the recipient's attendance and progress in mandated substance abuse treatment. The SSDs also may use their FFFS funds to provide a variety of support services to TANF eligible 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, 01-ADM-10 and subsequent releases apply.

#### 5. Domestic Violence (DV) Screening and Assessment

The SSDs may use FFFS funds to meet the requirement for DV screening and assessment for TANF eligible families. All applicants for and recipients of PA are offered DV screening at application, recertification and at any point when a recipient indicates DV. All applicants and recipients who indicate they are DV victims must be provided the opportunity to meet with a DV Liaison for an assessment to determine if they may need a waiver from specific PA requirements that may place the victim and/or the children at risk or make it more difficult for them to escape an abusive situation.

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

#### 6. Child Welfare and Social Services Other Than Foster Care Services

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

The SSDs may choose to transfer a portion of their FFFS allocation to Title XX for Child Welfare Services, Community Optional Preventive Services (COPS), adult protective, DV and/or other services. Under the SFY 2013-14 Budget, an SSD may transfer up to 25 percent of its FFFS allocation to Title XX, provided that the total amount the SSD chooses to transfer to the CCDBG and Title XX combined may not exceed 32 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 SSDs 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 (PRWORA) of 1996. 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. 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, other than COPS, not reimbursed via FFFS allocations transferred to Title XX for Child Welfare Services or directly from FFFS funds, may be eligible for 62 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 62 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 COPS are subject to the same requirements as the State funds provided in a separate appropriation. These requirements will be published shortly in an OCFS Local Commissioners Memorandum that will announce the availability of \$11,124,750 in State funding for COPS programs in SFY 2013-14. An additional \$1,000,000 has been set aside to be used to fund COPS programs that will be outlined in a separate OCFS Local Commissioners Memorandum. In total, the SFY 2013-14 Enacted Budget provides \$12,124,750 for COPS programs in a capped appropriation separate from the open-ended Child Welfare Services funding. This capped appropriation provides 63.7 percent, net of any eligible federal funds, for the State share of COPS programs provided from October 1, 2012 through September 30, 2013, up to the limits of available funding. The expenditures that are subject to 63.7 percent State reimbursement may also assist the state in meeting the MOE and match requirements for Federal Title IV-B, Subpart 1 and 2 funds for Child Welfare Services.

As in SFY 2012-13, SSDs with grandfathered COPS allocations may apply Title XX Below 200 percent COPS FFFS expenditures up to the amount dedicated in SFY 2010-11 as of March 31, 2011 to their CWS threshold. Any amount dedicated or expended above this amount will not count towards the district's CWS threshold (see Attachment 6).

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

There is a separate set aside in the regular Title XX funds for expenditures for AP/DV services (13-OCFS-LCM-07). Any claims for AP/DV services that exceed an SSD's Title XX allocation and any FFFS funds the SSD chooses to transfer to Title XX for such purposes are eligible for 49 percent State reimbursement.

There is a separate set aside in the regular Title XX funds for expenditures for All Other 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 SSD and the amount of FFFS funds the SSD chooses to transfer to Title XX for non- AP/DV services. The SSDs should consider these facts when making FFFS allocation decisions for these services.

The SSD's transfer amounts are fixed once submitted by OTDA to DHHS. Any SFY 2013-14 FFFS funds transferred to Title XX are to be used for expenditures made from October 1, 2012 through September 30, 2013, and must be claimed by March 31, 2014.

b. Child Welfare Services Directly Funded Under FFFS

An SSD 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. The SSDs continue to have greater flexibility in how they may use their FFFS allocations directly for Child Welfare Services. 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 IV, page 5, for the federal income standards. The SSDs 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 SSD 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 SSDs to the appropriate funding categories by the Services Random Moment Study (SRMS).

An SSD may 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). 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, 2012.

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 other than COPS may be eligible for 62 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 62 percent State reimbursement also will 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 SSDs 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 60 months funding limitation and the SSD's reporting requirements. However, an SSD 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 2013-14 FFFS funds dedicated to EAF Child Welfare and Child Welfare TANF Direct are to be used for expenditures made from October 1, 2012 through September 30, 2013, and must be claimed by March 31, 2014. The SSDs may adjust their indicated amount of the FFFS allocation dedicated to EAF Child Welfare Services and Child Welfare TANF Direct **prior to March 31, 2014**. After March 31, 2014, **no** changes to the amounts of the FFFS allocation dedicated to EAF Child Welfare Services or Child Welfare TANF Direct can be made, in order for the SFY 2013-14 Child Welfare Services settlement to take place. However, during the settlement process, the State may request the SSD to make a plan amendment in order to maximize federal reimbursement.

c. PINS/Prevention/Detention Diversion Services

An SSD 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. The SSDs may refer to the OCFS *“Eligibility Manual for Child Welfare Services, Appendix B, “Immigration Status List”* for definitions of qualified immigrants and acceptable documentation.

The SSDs also may have FFFS funds available that they chose to dedicate to PINS/Prevention/Detention Diversion (DET PREV FFFS 2012) in SFY 2012-13. Separate correspondence announcing the availability of SFY 2013-14 Supervision and Treatment Services for Juveniles funds will be issued. It is recommended that SSDs consider these available balances as they develop their FFFS allocation planning strategies.

The PINS/Prevention/Detention Diversion services expenditures not reimbursed via the FFFS allocation or the allocations in the separate notification may be eligible for 62 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 FFFS funds an SSD chooses to dedicate in SFY 2013-14 for PINS/Prevention/Detention Diversion Services does count toward the SSD meeting its child welfare threshold.) Those SSD expenditures for PINS/Prevention/Detention Diversion services that become subject to 62 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.

d. Child Welfare Services Threshold

SSDs need to be aware of their portion of the \$342,322,341 statewide Child Welfare Services threshold when determining their FFFS dedications. Under the threshold, to the extent that SSDs have eligible claims, they must meet the Child Welfare Threshold through Child Welfare Services expenditures under FFFS and FFFS funds transferred to Title XX, in order to receive 62 percent State Child Welfare Services funding for any child protective services; child preventive services other than COPS; after care services; independent living services; and adoption services and administration costs. Additionally, an SSD needs to be aware of the performance or outcome based requirements for child preventive services (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 following are counted towards a district's Child Welfare Services Threshold:

- Child Welfare (EAF or 200%) Program;
- Child Welfare (EAF or 200%) Administration;
- Child Welfare Services Directly Funded Under FFFS;
- Title XX Below 200% Child Welfare; and
- Title XX Below 200% COPS (up to the amount dedicated in the Title XX Under 200% COPS for SFY 2010-11 as of March 31, 2011 - see Attachment 6).

Each SSD's SFY 2013-14 Child Welfare Services threshold is set forth in Attachment 4. An SSD meeting its Child Welfare Services threshold may be eligible for 62 percent State reimbursement after available federal funding for its eligible Child Welfare Services expenditures, other than COPS. The SFY 2013-14 Child Welfare Service settlement period is for expenditures incurred October 1, 2012 through September 30, 2013, and claimed by March 31, 2014; therefore, the threshold timeframe is also October 1, 2012, through September 30, 2013, in order to be counted towards the SSD's SFY 2013-14 Child Welfare Services Threshold.

The following example has been developed to demonstrate how the Child Welfare Services Threshold applies:

Pacific District's Gross Child Welfare Services claims for SFY 2013-14 totaled \$11,000,000. Pacific District's Child Welfare Services Threshold is \$3,100,000. The chart below reflects three scenarios if Pacific District chooses to either meet the Child Welfare Services Threshold, exceed the Child Welfare Services Threshold, or not meet the Child Welfare Services Threshold.

	Meeting Threshold	Exceeding Threshold	Not Meeting Threshold
<b>A. Gross</b>	11,000,000	11,000,000	11,000,000
<b>B. Other Federal</b>	3,500,000	3,500,000	3,500,000
<b>C. Dedicated to Threshold</b>	3,100,000	4,000,000	2,000,000
<b>D. Net of Federal</b>	4,400,000	3,500,000	5,500,000
<b>E. State (62%)</b>	2,728,000	2,170,000	0
<b>F. Local</b>	1,672,000	1,330,000	5,500,000

Net of Federal = A-B-C

In the last example, the district would **NOT** receive State reimbursement since it had sufficient child welfare claims and did not dedicate enough of its FFFS allocation to its Child Welfare Services Threshold.

**NOTE:** "Other Federal" includes 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 for the child welfare settlement.

e. Performance or Outcome Based Provisions for Child Preventive Services

In addition to the Child Welfare Services Threshold, part H of Chapter 57 of the Laws of 2007 enacted performance or outcome based provisions for preventive services provided by SSDs which require performance or outcome based provisions for SSL §409-a preventive services beginning January 1, 2008. The applicable OCFS regulations are set forth in 18 NYCRR section 423.5. In the absence of meeting performance or outcome provisions, OCFS may limit any increase in reimbursement over the amount claimed by the SSD for the period October 1, 2005 through September 30, 2006 (as claimed through March 31, 2007).

f. Child Welfare Services Settlement

The SFY 2013-14 Child Welfare Services settlement is based on child welfare expenditures made from October 1, 2012 through September 30, 2013, claimed by March 31, 2014. The amount an SSD dedicates out of its FFFS allocation for Title XX Below 200% Child Welfare Services, EAF Child Welfare Services and Child Welfare TANF Direct Services will be applied to eligible expenditures claimed by March 31, 2014. Other available federal funds for the Child Welfare Services 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 SSD's expenditures for these services from October 1, 2012 through September 30, 2013, that are claimed by March 31, 2014, these expenditures are eligible for 62 percent State reimbursement, subject to the Child Welfare Services Threshold and performance or outcome based provisions for preventive services.

Also, settled during this time are SFY 2013-14 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 SSD's expenditures for these services from October 1, 2012 through September 30, 2013, that are claimed by March 31, 2014, these expenditures are eligible for 49 percent State reimbursement. In regard to Title XX All Eligible Services Below 200% non-Adult Protective/Domestic Violence Services, after the appropriate federal funding is applied against the SSD's expenditures for these services from October 1, 2012 through September 30, 2013, that are claimed by March 31, 2014, these expenditures are not eligible for State reimbursement. However, during the settlement process, the State may request an SSD to make a plan amendment in order to maximize federal reimbursement.

## 7. Foster Care Services

The SSDs continue to be able to charge EAF Foster Care Maintenance, Administration and Tuition expenditures to the SFY 2013-14 FFFS plan. In the SFY 2013-14 FFFS plan, EAF Foster Care Maintenance and Tuition will maintain calendar year reimbursement (January 1, 2013 through December 31, 2013) and EAF Foster Care Administration will maintain Federal fiscal year reimbursement (October 1, 2012 through September 30, 2013).

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

An SSD 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 for 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 2013-14 FFFS funds dedicated to EAF JD/PINS Foster Care and Tuition are to be used to reimburse expenditures made from October 1, 2012 through September 30, 2013, and claimed by March 31, 2014. After March 31, 2014, **no** changes to the amount of FFFS allocation dedicated to EAF JD/PINS foster care and tuition can be made.

Expenditures that an SSD opts not to reimburse with FFFS funds will be subject to State reimbursement to the extent of the SSD's SFY 2013-14 Foster Care Block Grant (FCBG) allocation. OCFS issued a separate Local Commissioners Memorandum (13-OCFS-LCM-08) that sets forth district FCBG allocations and the rules governing those funds.

### b. EAF Foster Care Maintenance and Tuition

An SSD may use a portion of its FFFS allocation to fund EAF eligible Foster Care Maintenance and Tuition expenditures. These expenditures may be made under the PRWORA's "grandfather" provisions that allow payments for programs previously paid for under the Title IV-A program in effect in 1995. Payments under the FFFS allocation for EAF Foster Care Maintenance and Tuition expenditures 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 Foster Care

Maintenance and Tuition expenditures may not be counted towards TANF-MOE. Expenditures that an SSD opts not to reimburse with FFFS funds will be subject to State reimbursement to the extent of the SSD's FCBG allocation.

Any SFY 2013-14 FFFS funds dedicated to EAF Foster Care Maintenance and Tuition are to be used to reimburse expenditures made from January 1, 2013 through December 31, 2013, and claimed by March 31, 2014. After March 31, 2014, no changes to the amount of FFFS allocation dedicated to EAF Foster Care Maintenance and/or Tuition can be made.

c. EAF Foster Care Administration

An SSD may use a portion of its FFFS allocation to fund EAF eligible Foster Care Administration expenditures. Payments under the FFFS allocation for EAF Foster Care Administration expenditures 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 foster care administration expenditures may not be counted towards TANF-MOE. Expenditures that a district opts not to reimburse with FFFS funds will be subject to State reimbursement to the extent of the SSD's FCBG allocation.

For SFY 2013-14, FFFS funds dedicated to EAF Foster Care Administration are to be used to reimburse expenditures made from October 1, 2012 through September 30, 2013, and claimed by March 31, 2014. After March 31, 2014, no changes to the amount of FFFS allocation dedicated to EAF Foster Care Administration can be made.

8. Other TANF Eligible Programs

a. Child Care

The SFY 2013-14 Enacted State Budget includes separate Federal and State allocations for child care services. OCFS issued a separate Local Commissioners Memorandum (13-OCFS-LCM-06) on May 29, 2013 that sets forth the districts' child care allocations and the rules governing those funds. However, an SSD may choose to supplement its child care allocation by transferring a portion of its FFFS allocation to the CCDBG. An SSD may transfer up to 32 percent of its FFFS allocation to the CCDBG and Title XX combined, with no more than 25 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.

An SSD may only fund child care services costs with FFFS funds by transferring those funds to the CCDBG. Any FFFS funds that are transferred to the CCDBG 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 CCDBG from an SSD's SFY 2013-14 FFFS Allocation may be used for expenditures for the period October 1, 2012, through September 30, 2013 (FFY 2013), and/or for the period October 1, 2013, through

September 30, 2014 (FFY 2014). Any FFY 2013 funds transferred to the CCDBG must be claimed by March 31, 2014. Any FFY 2014 funds transferred to the CCDBG will be subject to the claim deadlines for the FFY 2014 NYSCCBG.

b. Non-Residential Domestic Violence Services

The SFY 2013-14 enacted State Budget includes a separate State allocation for Non-Residential Domestic Violence Services. OCFS will issue a separate Local Commissioners Memorandum that sets forth the district's Non-Residential Domestic Violence Services allocations and the rules governing those funds. However, an SSD 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 <http://www.ocfs.state.ny.us/main/>. Any SFY 2013-14 FFFS allocation dedicated to Non-Residential Domestic Violence Services is to be used for expenditures made from October 1, 2012, through September 30, 2013, and claimed by March 31, 2014. The SSDs may adjust their indicated amount of the FFFS allocation dedicated to additional Non-Residential Domestic Violence Services prior to March 31, 2014. After March 31, 2014, **no changes** to the amount of the FFFS allocation dedicated to additional Non-Residential Domestic Violence Services can be made for the SFY 2013-14 Adult Protective/Domestic Violence Services settlement to take place.

c. State Administered Program/Contracts

In past years, the State Budget included special appropriations to support a variety of programs and services administered at the State level. The SFY 2013-14 Enacted Budget provides funding for some of these programs. In the absence of other resources, some of these programs will end or will continue with reduced capacity. A county specific listing of OTDA funded employment services contracts can be found on OTDA's website at <http://otda.ny.gov/programs/employment/Employment-Training-Contractors.pdf>.

The SSDs interested in supporting these initiatives with FFFS funding may do so in one of two ways:

1. Local Agreement – SSDs may enter into an agreement directly with an existing provider.
2. Revenue Intercept – SSDs can request that OTDA withhold a portion of their FFFS allocation to support the State administered program/contract. OTDA or OCFS, as appropriate, will consult with the SSDs 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 through which these organizations were selected. OTDA or the other respective State agency staff, as appropriate, will continue to be responsible for monitoring the contract and will provide SSDs with the results of monitoring visits, reports and performance activity.

The SSDs opting to support State Administered contracts with FFFS funds identified on 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.

The SSDs choosing the revenue intercept option would complete the State Administered Contract List in the FFFS plan file.

## 9. Administrative Costs

An SSD may use a portion of its FFFS Allocation for administrative costs associated with TANF funded public assistance and services subject to the following guidance. SSDs need to ensure costs are allocated to benefiting programs when more than one program is involved in a particular activity whether done by SSD staff or contractor staff. If SSDs choose to engage contractors to provide services, they are reminded that they need to obtain assurances from providers that the costs being charged to TANF are done pursuant to an appropriate and acceptable cost allocation methodology. Cost allocation rules are contained in the Fiscal Reference Manual, Volume 3. They can also be found in Federal Circular OMB A-87 for SSDs, OMB Circular A-122 for non-profit organizations other than hospitals and institutions of higher education. 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 against the TANF Block Grant after transfers to other block grants is 15%. For SFY 2013-14, based on the total projected administrative costs against TANF, SSDs may budget a maximum of 25% in administration against their FFFS plans. As the FFY closes, should it be determined that additional TANF administrative costs can be allowed, the SSDs will be notified.

Administrative expenditures should be scrutinized to ensure that they are properly classified as a program cost or an administration cost for TANF purposes. Fiscal Reference Manual Volume 3, 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. Costs that are not being properly classified as program costs, according to the TANF definitions, could hamper a district's ability to use FFFS for administrative costs with respect to the 15% cap.

#### a. TANF Administrative Costs

The FFFS allocations may be used to pay for administration claims beginning with the January – March 2013 quarter provided the FFFS SFY 2012-13 plan is revised so that the end date for the FFFS SFY 2012-13 plan components that are claimed through the RF2A package is December 2012. Claims are applied to FFFS allocations based on the effective dates established by the SSDs 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 SSD Finance offices once the revised ceiling report for SFY 2013-14 is available.

**NOTE:** Please be aware that certain administrative expenditures are categorized as case management services as a result of the Random Moment Survey (RMS). These

expenditures are identified on the Schedule D1 Section 4 (refer to Fiscal Reference Manual Volume 3 Chapter 8) and are considered program expenditures for TANF reporting purposes. As such, they are not counted as administrative expenditures subject to the 15% cap (refer to the Guidance on Administrative Costs 15% Rule above). These costs are now automatically reported under TANF Services. When determining plan allocations, these expenditures should be factored into the amount allocated for TANF Services. If an SSD chooses to allocate funds to account for this shift, use line 1g (Case Management Shift from D1) on the SFY 2013-14 FFFS plan template.

**b. Child Welfare Administrative Costs**

Any SFY 2013-14 FFFS dedicated to Child Welfare Administration are to be used for expenditures from October 1, 2012, through September 30, 2013, and must be claimed by March 31, 2014. The SSDs may adjust their indicated amount of the FFFS allocation dedicated to Child Welfare Administration prior to March 31, 2014. After March 31, 2014, **no** changes to the amount of the FFFS allocation dedicated to Child Welfare Administration can be made, in order for the SFY 2013-14 Child Welfare Services settlement to take place. However, during the settlement process the State may request an SSD to make a plan amendment in order to maximize federal reimbursement.

If SSDs choose to engage contractors, please refer to the Administrative Costs section above for cost allocation information.

**B. TANF Maintenance of Effort (MOE) Requirements**

Under the federal TANF law, New York must continue to meet its requirement to spend a certain level of State and local dollars (75% of spending in 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 New York fails to meet work participation rate requirements). Additionally, these MOE expenditures are necessary to enable the State to qualify for any TANF Contingency funds, which require a 100% MOE spending level as well as MOE funds to match any federal grant. New York again qualified for the TANF Contingency Fund in FFY 2013.

OTDA requires that local plans show gross amounts spent related to the FFFS Allocation programs. 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 Services and Employment Programs;
- Child Care (however not for Contingency funds);
- Administration (up to 15 percent); and
- SNA for former FA recipients who exceed the 60 month State time limit and SNA for Aliens who lost eligibility solely due to PRWORA changes to the law.

**C. FFFS Liquidation Requirements**

SSDs have three years to fully liquidate their FFFS allocations. Claims for expenditures prior to October 1, 2013 and the corresponding FFFS plan revisions for these expenditure periods must be submitted by June 30, 2014.

Any SFY 2013-14 FFFS funds dedicated to Child Welfare, Title XX Transfer, EAF JD/PINS or EAF Foster Care Administration, Maintenance, or Tuition, and Non-Residential Domestic Violence Services are to be used for expenditures made from October 1, 2012, through September 30, 2013, and claimed by March 31, 2014.

Please note that SSDs must liquidate the full amount of their SFY 2011-12 FFFS allocations that were rolled to their SFY 2012-13 plans by March 31, 2014; the SFY 2012-13 FFFS allocations by March 31, 2015; and the SFY 2013-14 FFFS allocations by March 31, 2016.

## VI. Required Action

### A.

#### 1. FFFS Plan File

The OTDA will continue to support the central SharePoint® [FFFS site](#) for SFY 2013-14 FFFS plan processing. The SSD staff will use this site to complete, submit, revise, and view their SFY 2013-14 FFFS plans. The OTDA and OCFS staff will use this site to upload the initial plans for SFY 2013-14, receive, review, and approve or return to SSDs plans that require further clarification. The site houses FFFS and TRACS 2 resources such as ADMs, user guides and related useful information. The FFFS site automates and streamlines FFFS plan processing through systemic e-mail notifications at critical points in the plan process including plan approval, storing the plan history and supporting the plan working copy that is readily available for district revision. SharePoint® FFFS plan site user instructions for SFY 2013-14 are unchanged from last year and available in SharePoint® in the [Shared Documents library](#). It is recommended the user instructions be referenced when completing FFFS plan tasks in SharePoint®. Please note, the Microsoft Excel 2007® SharePoint® Guides are applicable to Microsoft Excel 2010® version users as well.

As in previous years, a file has been developed in Microsoft Excel® which allows SSDs to complete the fiscal requirements of the FFFS plan (see Attachment 2). Attachment 2 is a sample only. Please note, SFY 2013-14 FFFS plan templates are available in each SSD's SharePoint® folder for completion and submission.

Basic plan information, including the SSD's allocation, has been entered on each SSD's plan template. The application incorporates various documents into one file and automatically transfers data from a single source to the different pages of the plan. The file contains a data entry section for SSD 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. The "Project Details for TANF Services, Non-Recurrent and TANF Employment" page should continue to include the specific programs for TANF Services, Non-Recurrent and TANF Employment. Instructions for completing the FFFS plan file are contained in Attachment 3. Districts should use these instructions when completing, submitting, and revising SFY 2013-14 FFFS plans.

The SSDs must submit their SFY 2013-14 FFFS plans via SharePoint® by **July 15, 2013.**

The OTDA plan related questions should be directed to Sue Haag, Norma MacDonald or Elida Tomasulo at the telephone number or e-mail address listed on the first page of this ADM.

Plan development and submissions for OCFS related costs are made through the Integrated County Planning or Consolidated Service Planning requirements found in 11 OCFS-LCM-10. 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. TANF Reporting and Control System 2 (TRACS 2)

The TANF TRACS 2 system is an Internet based application that allows SSDs to provide program information and to report families served and outcome data for Services and certain Employment projects funded with FFFS funds. The SSDs that allocate FFFS funds from either their SFY 2012-13 or SFY 2013-14 funding to Services projects (FFFS Plan Detail screen Lines 1a. and/or 1b.), Non-Recurrent costs (Line 2) and/or to Employment programs (FFFS Plan Detail screen Line 3a. and/or 3b.) must use TRACS 2 to provide program and budget information on each project. In addition, TRACS 2 is the sole data collection point for Drug and Alcohol Assessment information and Non-Custodial Parents participating in work activities. The SSDs are required to report these data elements and the additional reporting requirements discussed throughout this directive, in a timely manner.

### TRACS 2 SFY 2013-14 Plans

To assist SSD staff, certain data elements from the 2012 TRACS 2 plans have been copied into new 2013 TRACS 2 plans. The new plans are labeled **2013 OTDA FFFS Plan-Active**. The SSD staff must review and update the 2013 TRACS 2 plans, as appropriate. Updated TRACS 2 detailed instructions are available on the TRACS 2 main page –“[Instructions.](#)”

Although SSDs may choose to operate program periods that are outside of the SFY and reflect these periods on the FFFS Plan Detail Page, information entered and data reported on the 2013 TRACS 2 plans must reflect the actual project budget and corresponding outcomes for the SFY: April 1, 2013-March 31, 2014 period.

SSDs are to complete entry of a **SFY 2013-14 Project Budget** only, as this information is necessary for the determination of program reasonableness, for the 12 month SFY time period.

**SFY 2013-14 Project Budget Field:** SSDs must enter the FFFS funds from current or prior year allocations that they plan to use to support the project for any months that fall within the twelve month SFY (April 1, 2013 – March 31, 2014).

NOTE: The Project Period must be within the FFFS Project Period (Start Date-End Date) entered on the Employment Services Program (line 3a.) and TANF Services Program (line 1a.) of the FFFS Plan TANF Allocation Plan Data Page.

### Example:

Pearl County plans to fund a Services project that will end in June 2014, beyond the end of SFY 2013-14.

The total budget the SSD will use to support this project for the time period of April 1, 2013 – June 30, 2014 is \$100,000.

The portion of the \$100,000 supporting the project during the 12 month SFY is \$80,000. In TRACS 2, the SFY 13-14 Project Budget entered is \$80,000.

The 2013 TRACS 2 plan reporting that is done monthly reflects activities that are supported by the \$80,000. Monthly TRACS 2 reporting by staff at Pearl County provides a vehicle to determine costs per family served in this project. Furthermore, there is a direct relationship between that cost and the performance outcomes reported.

#### Reporting Requirements:

It is important that SSDs continue to dedicate staff to collecting and entering timely TRACS 2 reporting data. Section VI. E outlines the full reporting requirements, and please note the following:

- Monthly Reporting of **number of families served** and **outcome measures** associated with the 2013 TRACS 2 plan is for the SFY April 2013 – March 2014. The SSDs should collect and retain program data until such time that their 2013 TRACS 2 plan is made available by OTDA. At such time, SSDs should enter the reporting data for any past months. TRACS 2 has been updated to allow reporting for projects regardless of the TRACS 2 plan status. Districts may now report on projects while the plan is under development and/or submitted status and do not need to wait until the plan is approved. It is important to note that TRACS 2 is programmed to allow entry of number of families served and outcome measures only when they are required. Certain Employment Projects do not require these entries. Please review the revised TRACS 2 2013-2014 User Guide for additional information on reporting requirements for TANF Employment Projects.

Reporting on Drug/Alcohol Assessments and Non-Custodial Parents participating in work activities is **NOT** associated with a plan year. Data should be entered on an ongoing monthly basis by the 15<sup>th</sup> of the month following the report month in TRACS 2.

Reporting is often a collaborative local effort between program staff, fiscal staff and others. It is strongly recommended that one staff person be responsible for the data entry of monthly reporting. To become an authorized user of TRACS 2, contact your local LAN Administrator or local Entitlement Administrator.

#### **Instructions for getting to the TRACS 2 application are 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.ny.gov>); click on “Resources and Data”; scroll down to the TANF



Reporting and Control System 2 (TRACS 2) link; click on the TRACS 2 link; enter your Username and TRACS 2 password into the Nyenet 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>). Users also can access the TRACS 2 application from the OTDA Intranet site, by entering the application's URL <https://tracs2.otda.ny.gov>. The user then would be prompted to enter their LDAP Username and Password.

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

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

## **B. District Certification**

As part of the FFFS plan, each SSD is required to provide a certification which constitutes its 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 SSD 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 is contained in the FFFS plan application.

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

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

## **C. Claiming Instructions**

The SSDs will report their expenditures via the RF-2, RF-2A and the RF-17 Claim Package for Special Project Claiming in the Automated Claiming System. Claiming instructions are contained in Fiscal Reference Manual (FRM) Volumes 2, and 3 available on the OTDA intranet site at <http://otda.state.nyenet/bfdm/>. The FFFS ceiling reports are available in each SSD's county folder (go to this link and select your county: [\mscotda0a1ah\county](#)).

A desk reference guide is provided as Attachment 5 which provides programs, claiming methods, RF-17 project labels, dates for claiming, and plan revision submission dates for both SFY 2012-13 and SFY 2013-14 plans.

#### **D. FFFS Plan Amendments**

The SFY 2013-14 FFFS plans, as well as the SFY 2012-13 FFFS plans, may be amended during the course of the fiscal year as SSDs perceive the need to make service adjustments, subject to the limitations set forth in this document. The exceptions to this provision are the amount of the CCDBG and Title XX transfers for expenditures made from October 1, 2012, through September 30, 2013. The FFY 2013 CCDBG and Title XX transfers may not be adjusted once the SSD's initial FFFS plan is approved. As noted previously, an SSD may transfer SFY 2013-14 FFFS funds to CCDBG for FFY 2013 and FFY 2014. The SSDs may amend their FFFS transfers to the CCDBG for the FFY 2014 period until March 31, 2014.

Any SFY 2013-14 FFFS funds dedicated to reimburse EAF JD/PINS, EAF Child Welfare, including Child Welfare TANF Direct, and Non-Residential Domestic Violence Services are to be used for expenditures made from October 1, 2012, through September 30, 2013, and claimed by March 31, 2014. Any SFY 2013-14 FFFS funds dedicated to reimburse EAF Foster Care Maintenance and Tuition are to be used for expenditures made from January 1, 2013, through December 31, 2013, and claimed by March 31, 2014. Any SFY 2013-14 FFFS funds dedicated to reimburse EAF Foster Care Administration are to be used for expenditures made from January 1, 2013 through September, 30, 2013 and claimed by March 31, 2014. After March 31, 2014, **no** changes can be made to the amount of FFFS allocation dedicated to EAF JD/PINS, EAF Foster Care Maintenance, Administration or Tuition, EAF Child Welfare Services, including Child Welfare, TANF Direct, or to Non-Residential Domestic Violence Services.

Please note that any SSD that had a rollover of the SFY 2011-12 FFFS allocation to the SFY 2012-13 plan must liquidate the full amount by March 31, 2014; the SFY 2012-13 FFFS allocations by March 31, 2015; and the SFY 2013-14 FFFS allocations by March 31, 2016. Each year's plan is a standalone document and continues to be active until all funds associated with that plan are either expended and claimed or rolled over into the following year's plan. An SSD must notify OTDA of any changes to its plan(s) within 30 days of implementing the change by submitting a revised plan through the SharePoint® Process. As always, the revised plan(s) will be reviewed jointly by OCFS and OTDA.

Any plan revision(s) that an SSD makes to its FFFS plan also must include any necessary changes to the TANF funded Services Projects or TANF funded Employment Programs listed on TRACS 2. Revisions to an FFFS plan cannot be approved until any necessary corresponding changes are made to the TRACS 2 plan and submitted.

#### **E. Reporting and Accountability**

##### **1. SFY 2013-14 Performance and Accountability Requirements**

OTDA must provide on its website quarterly performance and expenditure data by SSDs for programs funded with FFFS. The performance and accountability requirements also apply to TANF funded contract programs administered at the State level as well as allocations made to SSDs.

OTDA will continue to use existing reporting mechanisms such as 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 to meet some of the SFY 2013-14 FFFS Performance and Accountability data requirements. The rest of the performance data is provided directly by the SSDs, via TRACS 2 monthly reporting.

The SSDs are required to enter timely reporting data for Services and certain Employment Projects in TRACS 2 on:

- Number of families served;
- Outcomes;
- Number of TANF and SNA MOE Drug/Alcohol Assessments completed;
- Number of SNA Drug/Alcohol Assessments completed; and
- Non-Custodial Parents participating in FFFS work activities.

Using the data sources noted above, OTDA will develop Performance and Accountability Matrices (PAMs) that are posted on the OTDA website. The SFY 2013-14 Matrix will be updated quarterly based upon monthly data. Detailed information on the reporting required on TRACS 2 is outlined below.

OCFS advised SSDs of performance requirements for Preventive Services via 07-OCFS- LCM-12. Performance requirements for Community Optional Preventive Services (COPS) programs funded by FFFS were established for SFY 2013-14.

### **Services Projects Reporting**

The TANF funded Services Projects are designed to provide SSDs with flexibility in delivering services to families in receipt of public assistance and low-income families with income at or below 200% of poverty. Depending on local needs, SSDs may direct TANF funding to a variety of projects.

As part of this SFY 2013-14 FFFS plan submission, each SSD that allocates FFFS funds to a Services project(s) must enter or revise information for each project in their 2013 TRACS 2 plan. The SSDs also must choose at least one outcome measure per project from the standard TRACS 2 list. Note: the Enhanced Domestic Violence project type has two required outcome measures. Reporting of outcome measures and families served must be entered into TRACS 2 by the 15<sup>th</sup> of the month following the reporting month.

#### **Number of Families Served**

To meet the performance and accountability reporting requirement, SSDs must enter the number of families served for each month of the SFY, under the appropriate category [TA (TANF and SN MOE Families) or 200% of Poverty] for each Services project in the 2013 TRACS 2 plan. 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. If no families are served, the SSD must enter zeros for the month.

#### **Project Outcomes**

To meet Program Accountability Matrix (PAM) reporting requirements, SSDs must report monthly on at least one outcome measure per project. If more than one outcome is selected for any given project, individuals/families should be counted for each outcome achieved during the report month. If no outcome measures are achieved for the reporting month, the SSD must enter a zero. Please note that performance/outcome results are for the activity that occurs during the reporting month. Once an outcome is selected and the 2013 TRACS 2 Plan is approved, the selected outcomes will remain part of the Plan for the entire SFY. Districts may add outcomes as the year progresses, but approved outcomes cannot be deleted.

### **Drug and Alcohol Assessment and Monitoring**

Many SSDs utilize FFFS funds for the costs of assessing TANF clients for drug and alcohol abuse and for monitoring the clients' attendance and progress in mandated substance abuse treatment. Since assessments are conducted only for those individuals identified as appropriate for assessment, there is no established goal. Performance data for Drug and Alcohol Assessment and Monitoring must be reported on TRACS 2 and the number of individuals identified as having substance abuse problems will be identified by WMS employability codes.

Please note that SNA non-MOE drug and alcohol assessments should be reported on TRACS 2, but will not be included in the Performance and Accountability Matrices.

Drug and Alcohol Assessment reporting must be done on TRACS 2. If no individuals were assessed for drug/alcohol treatment, zeros should be entered in the reporting fields. It is important to remember that only the number of individuals assessed, not those simply referred for assessment must be counted.

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

### **Statutory Domestic Violence Liaison (DVL)**

The SSDs often use FFFS funds for the costs associated with providing at least one trained DVL. The tasks of the DVL are to perform a credibility determination and assessment of the PA applicant/recipient's DV claim; determine the need for waivers of specific PA requirements that may place the victim and/or the children at risk or make it more difficult for them to escape an abusive situation; to refer the victim to appropriate services depending on their situation; and to enter the information into WMS via the DV subsystem. Performance of these tasks is the goal. Performance data comes from the DV reporting subsystem of WMS.

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

### **Employment Services Programs**

The TANF funded Employment Programs are designed to provide SSDs with flexibility in delivering specialized employment services to TANF-eligible families in receipt of PA and low income families below 200% of poverty determined to be TANF eligible in accordance with 00-LCM-20. Depending on local needs, SSDs may direct TANF funding to a variety of employment programs as specified in their FFFS plans. Please note that each SSD should include funds budgeted for Employment Administration (line 3b.), unless

the SSD fully contracts out the employment function and the contract services are primarily program activities. Each SSD that allocates funds to those specified TANF funded Employment Program or Programs (lines 3a. and/or 3b. of the FFFS Plan Detail Page) must enter/revise information for each program on TRACS 2.

For most employment program areas, SSDs are not required to report new outcome information as data already collected (via WTCMS for all SSDs other than NYC and NYCWAY system for NYC) and reported will be used to evaluate district employment efforts, whenever possible. For example, OTDA will continue reporting elements such as the number of individuals assessed, individuals engaged, individuals counting toward work participation rates and employment entries.

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 (WTCMS for all SSDs 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 08-ADM-07.

#### Number of Families Served

For the following two programs only, the number of families served (or zero) must be reported on TRACS 2: Subsidized Employment Programs and Employment Services for Youth (including Subsidized Summer Employment for Youth). Families served must be broken out by TANF/SNA MOE or 200% of Poverty.

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.

#### Project Outcomes

To meet the Performance and Accountability reporting requirement, SSDs must enter the transaction based counts 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. If more than one outcome is selected for any given project, individuals/families should be counted for each outcome achieved during the report month. If no outcome measures are achieved for the reporting month, the district must enter a zero. Please note that performance/outcome results are for the activity that occurs during the reporting month. Once an outcome is selected and the 2013 TRACS 2 Plan is approved, the selected outcomes will remain part of the Plan for the entire SFY. Districts may add outcomes as the year progresses, but approved outcomes cannot be deleted.

For the following six programs no additional outcome information beyond using existing systems (WTCMS and NYCWAY) will be required and, therefore, for these six programs, no outcome information is to be reported on TRACS 2: Assessment and Employability Planning; Educational and Training Activities; Specialized Employment Services; Case Management and Monitoring for Nonexempt and Exempt Adults; General Employment Services; and Job Placement and Retention Services.

## 2. Non-Custodial Parents Participating in Work Activities

Section 103 of PRWORA requires states to report, on a monthly basis, the number of non-custodial parents participating in TANF or SNA MOE funded federal work activities, as defined in section 407(d) of the Social Security Act<sup>1</sup>. 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. See 00-LCM-20 for conditions governing the provision of TANF funded services to non-custodial parents.

As a result of this requirement, SSDs 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 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 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.

Please note that there are two situations for which an SSD 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 an FA/SNA-MOE case containing a minor child. Second, SSDs do not have to report non-custodial parents served by State contracted providers to whom you are allocating FFFS funds, since these providers are required to report directly to the State on the number of non-custodial parents served.

Monthly reporting of all other Non-Custodial Parents participating in FFFS funded work activities must be completed 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 Foster Care Administration, Maintenance and Tuition and Alternatives to Detention, the planning requirements will be met through the SSDs' County Child and Family Service Plans (11-OCFS-LCM-10).

**VII. Systems Implications:** None

**VIII. Effective Date:** Immediately

**Issued By:**

**Name:** Phyllis Morris  
**Title:** Deputy Commissioner, Center for Employment and Economic Supports  
**Division/Office:** NYS Office of Temporary and Disability Assistance  
**Name:** Mikki Ward-Harper  
**Title:** Acting Deputy Commissioner for Administration  
**Division/Office:** NYS Office of Children and Family Services

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<sup>1</sup> 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 equivalency, 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.