



# Office of Temporary and Disability Assistance

**ANDREW M. CUOMO**  
Governor

**SAMUEL D. ROBERTS**  
Commissioner

**MICHAEL PERRIN**  
Executive Deputy Commissioner

## Local Commissioners Memorandum

### Section 1

<b>Transmittal:</b>	16-LCM-10
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Child Well-Being (CCWB) and Center for Employment and Economic Supports (CEES)
<b>Date:</b>	July 14, 2016
<b>Subject:</b>	Adoption of New York State Regulatory Amendments Impacting the Child Support and Temporary Assistance Programs
<b>Contact Person(s):</b>	Division of Child Support Enforcement at 1-800-343-8859, extension 3-0574 Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344 Office of Legal Affairs at 1-518-474-9502
<b>Attachments:</b>	<a href="#">Attachment 1 - Information and Instructions for Completing the Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections Form</a> <a href="#">Attachment 2 - Confirmation of Receipt of Your Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections</a> <a href="#">Attachment 3 - First-Level Desk Review Determination</a> <a href="#">Attachment 4 - Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections</a> <a href="#">Attachment 5 - Information and Instructions for Completing the Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections</a> <a href="#">Attachment 6 - Second-Level Desk Review Determination</a>
<b>Attachment Available Online:</b>	<input checked="" type="checkbox"/>

### Section 2

#### I. Purpose

This Local Commissioners Memorandum (LCM) advises local Social Services Districts (SSDs) of revisions to regulations impacting both the child support program and the Temporary Assistance (TA) program. In addition, this LCM provides information regarding forms and notices that have been revised in response to the regulatory amendments.

## II. Background

Regulatory amendments were recently made to several sections of Title 18 of the New York Codes, Rules and Regulations (NYCRR). These regulatory amendments became effective May 4, 2016, and included the following:

- A new section 18 NYCRR § 300.13 was added to reflect the requirements of 18 NYCRR § 347.25. Both sections address desk reviews of the distribution and disbursement of support collections.
- An amendment to 18 NYCRR § 346.2 was made to update a cross-reference to 18 NYCRR § 347.17. Both of these sections concern child support services for individuals who are not eligible for temporary assistance and care or foster care.
- A new section 347.2 was added to provide definitions for 18 NYCRR Part 347. The new definitions conform to federal requirements and provide consistency throughout Part 347.
- The amendments to 18 NYCRR § 347.12 were made to address reporting support collections for temporary assistance, medical assistance-only, and foster care cases. These amendments were needed, in part, to reflect references to the revised 18 NYCRR § 347.13.
- The following sections of 18 NYCRR were added or amended to provide consistency with Title IV-D of the federal Social Security Act and with State options provided by the Deficit Reduction Act of 2005:
  1. § 347.13 regarding the distribution and disbursement of support collections;
  2. § 352.15 regarding support payments;
  3. § 352.22 regarding noncountable income and resources;
  4. § 352.31 regarding estimates of need and application of income; and
  5. § 369.1 regarding applications for or receipt of temporary assistance as an assignment to the State and the SSDs of rights to support.
- The amendments to 18 NYCRR § 347.17 were made to update a cross-reference and provide guidance for the social services district child support enforcement units and support collection units (collectively CSEUs) whenever an individual in receipt of child support services becomes ineligible for temporary assistance and care or the individual's child is ineligible for foster care. The amendments addressed notice requirements and the continuation of child support services.
- The amendments to 18 NYCRR § 347.25 were made to update the regulations regarding a desk review of the distribution and disbursement of support collections.

## Amendments to 18 NYCRR 347.25 – Desk Reviews

While the regulatory amendments summarized above generally align State regulations with existing policies and procedures of the child support and TA programs, the specific amendments to 18 NYCRR § 347.35 included timeframe changes from calendar days to business days in several stages of the process for conducting a desk review of child support collections.

As a reminder, a desk review is a procedure for current or former recipients (collectively referred to as *recipients*) of TA who are or were receiving child support services to dispute the amount of, or claim non-receipt of, a pass-through payment or a cumulative excess support payment. It is conducted jointly by the CSEU and TA Unit within the SSD upon the written request of a recipient who believes that the distribution and disbursement of support collections made for the period(s) during which an assignment of support rights was in effect is incorrect. A second-level desk review is available to the recipient from the Office of Temporary and Disability Assistance (OTDA) only after completion of a first-level desk review by the CSEU and TA Unit if the recipient does not agree with the first-level determination. See 11-ADM-04, *Desk Reviews of the Distribution and Disbursement of Support Collections*, issued May 24, 2011, for further details.

The regulatory changes to the desk review process timeframes impact the child support and TA programs as follows:

### First Level Desk Reviews

- The SSD must now complete the first-level desk review within forty-five (45) business days. Previously, the local SSD was required to complete the first-level desk review within forty-five (45) calendar days.
- The CSEU must now conduct a conference with the recipient, if requested by the recipient on the desk review request form, within seven (7) business days of receipt of the first-level desk review form. Previously, the timeframe for the CSEU to conduct a conference with the recipient was seven (7) calendar days.
- The CSEU now must conduct a review of the distribution and disbursement of support collections and forward the results of the review to the local public assistance unit no later than fifteen (15) business days from the date of receipt of the completed request. Previously, the CSEU was required to complete these actions within fifteen (15) calendar days.
- The TA Unit now must complete the first-level desk review within thirty (30) business days, but no later than forty-five (45) business days from the date that the CSEU received the first-level desk review request. Previously, the TA Unit was required to complete the first-level desk review within thirty (30) calendar days, but no later than forty-five (45) calendar days from the date that the CSEU received the first-level desk review request.

## Second Level Desk Reviews

- A recipient may request a second-level desk review within twenty (20) business days of the date of the first-level desk review determination. A second-level review must be requested by a recipient by submitting to OTDA a completed, standard second-level request form signed by the recipient specifying the facts in dispute. Prior to the amended regulation, the recipient must have made the request within (20) calendar days of the date of the first-level desk review determination.
- OTDA must now issue a written response to the recipient within thirty (30) business days of receipt of the recipient's second-level desk review request. However, if OTDA needs to ascertain information or obtain documentation from the local CSEU or TA Unit to complete the second-level review, the review period is extended for no more than thirty (30) additional business days in order to provide sufficient time for response. Prior to the amended regulation, OTDA was required to issue a written response to the recipient within thirty (30) calendar days of receiving the request for a second-level desk review.

### **III. Program Implications**

#### Revised Forms and Notices

The following documents used in association with the first-level and second-level desk review processes have been revised to align with the amended regulations described above. The revised versions replace previous versions referenced in 11-ADM-04. All other forms and notices provided in 11-ADM-04 remain in effect.

- Attachment 1 - *Information and Instructions for Completing the Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections Form*
- Attachment 2 - *Confirmation of Receipt of Your Request for a First-Level Desk Review of the Distribution and Disbursement of Child Support Collections*
- Attachment 3 - *First-Level Desk Review Determination*
- Attachment 4 - *Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections*
- Attachment 5 - *Information and Instructions for Completing the Request to New York State for a Second-Level Desk Review of the Distribution and Disbursement of Child Support Collections*
- Attachment 6 - *Second-Level Desk Review Determination*

Upon the release of this LCM, all previous versions of the documents listed above must be replaced with the current versions. SSDs may only distribute the July 2016 versions of these documents, but must accept and process any desk review request forms submitted by recipients using the previous versions of these forms.

Revised notices and forms to be used by local CSEUs and TA Units for first-level desk reviews will be available on ASSETS as templates in the *State Folder* of the *Local Correspondence* tab in the *Document Generation* module for local district use. Additionally, all desk review notices and forms used for first-level and second-level desk

reviews may be viewed on the Electronic Resource System (ERS) under *Forms, Distribution – Desk Review*.

SSDs will be notified when the translated versions of the first and second-level desk review request forms and instructions into languages other than English become available on ERS. To provide meaningful access in the interim, SSDs must not use previous versions of these documents that have been translated into languages other than English. SSDs must utilize interpreter services for recipients with limited English proficiency (LEP) who require assistance with the completion of the newest versions of these forms. For further information regarding the provision of services to LEP individuals, SSDs should refer to 06-ADM-05, “Providing Access to Temporary Assistance Programs for Persons with Disabilities and/or Limited English Proficiency (LEP).”

Recipients who wish to request a desk review may obtain a desk review request form by:

- Telephoning the New York State Child Support Customer Service Helpline at 1-888-208-4485 (TTY: 1-866-875-9975) (Relay Service [www.fcc.gov/cgb/dro/trs\\_providers.html](http://www.fcc.gov/cgb/dro/trs_providers.html));
- Visiting their local CSEU reception areas (see the *Dear Colleague* letter dated April 22, 2008, titled *Availability of Desk Review Request Form and Instructions*, for further information); or
- Accessing the *Custodial Parent Services* link within the New York State child support website at [newyorkchildsupport.com](http://newyorkchildsupport.com).

This LCM is effective immediately.

**Issued By**

**Name: Eileen Stack**

**Title: Deputy Commissioner and Director**

**Division/Office: Center for Child Well-Being**

**Name: Phyllis Morris**

**Title: Deputy Commissioner**

**Division/Office: Center for Employment and Economic Supports**