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Administrative Directive Memorandum

Section 1

Table with fields: Transmittal (21-ADM-03), To (Social Services Districts Commissioners), Issuing Division/Office (OTDA Employment and Income Support Programs, OCFS Division of Administration), Date (June 21, 2021), Subject (2021-2022 Flexible Fund for Family Services (FFFS)), Suggested Distribution (Accounting Directors, Employment Coordinators, Services Directors, Temporary Assistance Directors), Contact Person(s) (OTDA: FFFS Plan, TANF Services and Employment Projects - Emily Maher; OCFS: Budget - Shonna Clinton)

- Attachments: Attachment 1 - 2021-2022 FFFS District Allocations, Attachment 2 - 2021-2022 Grandfathered COPS FFFS Dedications, Attachment 3 - 2021-2022 FFFS Child Welfare Thresholds, Attachment 4 - 2021-2022 FFFS System District User Manual, Attachment 5 - 2021-2022 FFFS Desk Reference Guide

Filing References

Table with 6 columns: Previous ADMs/INFs, Releases Cancelled, Dept. Regs., Soc. Serv. Law & Other Legal Ref., Manual Ref., Misc. Ref. Rows include ADM numbers 97-19 and corresponding references to laws and manuals.

19 ADM-11 20-ADM-11 00 LCM-20 08 LCM-06 14 LCM-04 17 LCM-04 18 LCM-08 03 INF-35 GIS 18 TA/DC031 07-OCFS-LCM-12 10-OCFS-LCM-08 19-OCFS-LCM-12 19-OCFS-LCM-15 19-OCFS-LCM-16 19-OCFS-LCM-18 19-OCFS-LCM-19 19-OCFS-LCM-22 20-OCFS-LCM-04				Fiscal Reference Manual Volumes 2,3	
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## Section 2

### I. Summary

The Flexible Fund for Family Services (FFFS) has been enacted in the 2021-2022 State Fiscal Year (SFY) Budget in the amount of \$964,000,000, which is equivalent to the SFY 2020-2021 appropriation. The FFFS 2021-2022 district allocations are included in Attachment 1. This Administrative Directive (ADM) provides social services districts (districts) with pertinent planning information, the forms and instructions for completing and submitting the SFY 2021-2022 FFFS plan, and instruction on submitting claims. This ADM also provides guidance on the collection of required performance and accountability data.

### II. Purpose

The purpose of this ADM is to provide districts with information and procedures necessary to implement the FFFS, including requirements for submission of performance and accountability information for SFY 2021-2022. The FFFS System web application will be used for the SFY 2021-2022 FFFS Plan submission and approval process. The FFFS System also hosts a document repository and legacy TANF Reporting and Control System (TRACS 2) plans that districts can access via a report screen. The FFFS SharePoint site will continue to host legacy FFFS plans as appropriate according to state retention policies.

Districts must submit their completed SFY 2021-2022 FFFS Plan via the FFFS System for review and approval by the New York State Office of Temporary and Disability Assistance (OTDA) and the New York State Office of Children and Family Services (OCFS) by July 21, 2021.

### III. Organization and Content

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#### IV. Background

The \$964,000,000 in SFY 2021-2022 FFFS funds are allocated by the state to each district to support a range of services to address the needs of low-income families consistent with local priorities. The programs/services that may be funded by FFFS are:

- Allowable non-assistance TANF employment programs (such as employment preparation, placement, and retention services)
- TANF services
- 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 if authorized under prior law
- Persons in Need of Supervision (PINS)/Preventive Services
- Pregnancy prevention
- Drug/Alcohol (D/A) assessment and monitoring
- Domestic Violence (DV) screening and assessment
- EAF PINS foster care and related costs
- EAF juvenile delinquent (JD) and related costs only if authorized under prior law
- Districts' administrative costs for TANF-related activities
- Other allowable programs/services that meet a TANF purpose
- Districts 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.
4. Encourage the formation and maintenance of two-parent families.

Allowable services supported with FFFS must meet the federal definition of non-assistance. Districts must ensure that current local procedures include information on the use of non-assistance diversion payment codes, as appropriate, for families who apply for Temporary Assistance (TA), are categorically eligible for TANF-funded services and whose circumstances meet the eligibility requirement for diversion assistance, as described in [03 INF-35](#). This will also prevent such families from being included in the participation rate calculation.

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%) or to the Child Care Development Block Grant (CCDBG),
- EAF PINS foster care and related costs,
- EAF JD and related costs only if authorized under prior law,
- EAF foster care administration, maintenance, or tuition costs funded directly with FFFS or Transportation services for Family Assistance (FA) recipients.

Assistance for federal TANF 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 state 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.

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 TA 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, as described above 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.

In addition to the services described above, FFFS funds cannot be used for medical services or treatment. FFFS funds also cannot be used for juvenile justice services that were not authorized under prior law. The only juvenile justice services for which FFFS funds may be used are those authorized under prior law, which are funded through EAF Assistance/Non-Assistance. As an example, expenditures for residential care as well as assessment or rehabilitative services, including services provided to children in the juvenile justice system, do not meet any of the purposes of the TANF program. In these instances, the principal purpose for placement is to protect the child or to protect society because of the child's behavior, not to care for the child in his or her own home (TANF Purpose 1). Since the focus is to address the child's needs, expenditures to care for the child in these living situations does not end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage (TANF Purpose 2). TANF purposes 3 and 4 also do not apply in these situations.

FFFS-funded services may be provided only to TANF-eligible recipients of TA, and to individuals and families not in receipt of TA who meet TANF eligibility requirements as outlined in [00 LCM-20](#), including having income at or below 200% of the federal poverty level. The exceptions to this rule are EAF child welfare services; EAF PINS foster care costs; EAF JD costs authorized under prior law; EAF foster care maintenance, administration, and tuition costs; pregnancy prevention purposes; and PINS/Preventive Services.

The income standards for June 2021 – May 2022 are noted below. Poverty guidelines for income standards for June 1, 2020 – May 31, 2021, can be found in last year’s FFFS ADM ([20-ADM-11](#)).

**200% of Poverty Guidelines Chart**  
**June 1, 2021 Through May 31, 2022**  
(Federal Register 86;7732 [February 1, 2021])

<u>Family Size</u>	<u>Monthly Income</u>	<u>Annual Income</u>
1	\$2,146	\$25,760
2	\$2,903	\$34,840
3	\$3,660	\$43,920
4	\$4,416	\$53,000
5	\$5,173	\$62,080
6	\$5,930	\$71,160
7	\$6,686	\$80,240
8	\$7,443	\$89,320

For family units with more than eight members, add \$756 monthly or \$9,080 annually for each additional family member.

*Employment Services and Work Supports*

The FFFS allocation is an important resource in supporting 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. These funds are critical to support districts’ efforts to achieve or maintain compliance with federal work participation rates and work verification standards as well as job placement outcomes. Failure to meet the effective work participation rate and required work verification and documentation standards would expose the state and districts to the risk of significant federal fiscal penalties. For this reason, districts must ensure that they allocate sufficient resources from their FFFS allocation for program, services and staffing to assist them in meeting their work participation and work verification goals. OTDA also encourages the use of FFFS funds to support districts’ 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](#).

The SFY 2021-2022 budget appropriated \$45,000,000 in TANF funds to support the 2021 Summer Youth Employment Program (SYEP). A Local Commissioners Memorandum (LCM) will notify districts of their allocation for the 2021 SYEP and advise them that up to 11% of their SYEP allocation can be transferred to support FFFS plan activities. Districts choosing this option will see

the “Summer Youth Transfer” figure in the “Summer Youth Transfer In” field in their FFFS plan header when the allocation becomes available. That figure 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 SYEP no later than November 30, 2021.

### *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 low-income families. OCFS issues a separate LCM that sets forth each district’s child care allocation and the rules governing those funds. Districts may transfer a portion of their FFFS funds to the 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 2021-2022:

- 30% to CCDBG, or
- 25% to the Title XX block grant, or
- 30% combined to the CCDBG and Title XX block grant.

A review of the statewide total amount of the transfers will be completed when all plans are submitted, and exceptions to the above percentages may be considered on an individual district basis.

The FFFS planning process provides districts with an opportunity to use the needs assessments conducted as part of the required County Child and Family Services Plan in relation to each district’s child care, child welfare and adult services needs. Among the factors to be considered are: district’s administrative costs, child welfare services and other services historically funded with TANF funds transferred to Title XX (Title XX below 200% funds), child care services historically funded by a district’s CCDBG allocation that include funds transferred from TANF, and the adequate overall level of supporting child care services necessary to engage TA families in work or work preparation services and to serve other low-income families.

### *Outcomes*

Each district is required to report the number of families served associated with TANF services projects and TANF employment projects in the FFFS System. Additionally, districts are responsible for defining, measuring, and maintaining performance for all projects funded through FFFS. Districts who use FFFS funding to contract with providers for services must maintain appropriate oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts and are in accordance with FFFS guidelines. The performance outcomes for FFFS projects shall be made available for state review as requested. See Section VI.E.1 for additional information.

For OCFS Child Preventive Services programs provided pursuant to 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 2021-2022.

## **V. Program Implications**

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

The FFFS is designed to provide districts 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 allocation as described in the following categories.



Note: Districts must ensure costs are correctly allocated when a project has more than one contracted program and when projects serve both TANF and non-TANF eligible individuals, regardless of who is providing the services (either district staff or contractor staff). If districts choose to engage contractors to provide services, they are reminded that they need to obtain assurances from those contractors 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 the federal Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* (Uniform Guidance). (The Uniform Guidance publication supersedes OMB A-21, A-50, A-87, A-89, A-102, A-110, A-122, and A-133.)

## 1. TANF Employment Services

The continued primary goal of the TA program is to help low-income families enter the workforce and achieve economic stability and FFFS funds are an important resource to support employment services to FA-eligible individuals. Districts 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. Additionally, each district is required to achieve federal participation rate standards and to ensure compliance with federal work verification requirements for TANF-funded/SNA-MOE families. As part of these efforts, districts should review job readiness, job skills, and basic education needs of TANF-eligible TA recipients when making decisions on the use of FFFS funds to maximize client engagement, job placement, and job retention outcomes.

### Employment Program Requirements

SSL § 331 requires the establishment of programs that provide employment services to applicants for and recipients of TA to help individuals achieve economic independence. Districts must operate TA and Supplemental Nutrition Assistance Program (SNAP) employment programs. These plans must meet the requirements of applicable federal and state laws and regulations, be in accordance with the requirements outlined in [08 ADM-07](#) and subsequent policy directives, follow the local plan requirements set forth in SSL § 333 and receive OTDA approval.

The districts are afforded considerable flexibility in developing and implementing employment programs, but must meet the programs' requirements established in 18 NYCRR 385 and in the *Temporary Assistance and Supplemental Nutrition Assistance Program Employment Policy Manual*, which include but are not limited to the following:

- Determine the employability status (including an assessment of medical and non-medical work limitations) of each TA applicant and recipient.
- 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 TA recipients who are age 18 or older (including individuals who are 16 or 17 years old and not satisfactorily attending secondary school and have not completed high school or an equivalent program).
- Develop an employment plan consistent with the individual's employment assessment, which identifies the following:
  - 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 TA and SNAP recipients in work and work preparation activities, as required, to achieve work participation rates and maximize participants' employment outcomes.
- Ensure hours of participation are consistent with federal definitions, the actual hours of participation reported towards the federal participation rate are documented and reported in accordance with federal requirements.

The districts also may elect to use funds made available through the FFFS allocation to provide employment services to TANF-eligible individuals and families with gross income up to 200% of the federal poverty level, including non-custodial parents (NCPs) of minor children (see [00 LCM-20](#)). Please note: districts are required to report monthly in the FFFS System the number of NCPs participating in FFFS work activities. If no NCPs are participating in FFFS work activities, the districts must enter "0" for the month.

The following are examples of employment programs districts may fund through FFFS:

**Assessment and Employment Plan Development** – These programs assess a TA recipient's skills, employment goals and support services needs, in accordance with 18 NYCRR 385.6; develop an employment plan to outline the activities in which the individual will be engaged; and determine which 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** – These programs coordinate and monitor an individual's participation in activities and services to ensure compliance with their employment plan and provide interventions to help them overcome barriers to program participation and reach their plan goals.

**Educational and Training Activities** – These programs enroll and aid the 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 Determinations/Disability Determinations** – These programs assist with completing an individual's employability determination review and employability evaluation to determine to the extent to which they are able to participate in work activities and to identify any treatment services that would improve their ability to work.

**Specialized Employment Services** – These programs have been 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, formerly incarcerated individuals, or other difficult-to-place job seekers.

**Subsidized Employment Programs** – These programs 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 TA 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 Schedule D-3, Column 2, line 4 of the RF-2A Claiming Package, as directed in the *Fiscal Reference Manual*, Volume 3, Chapter 10.

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



Transportation Supports – These programs or activities have been developed to provide the support necessary for employed or engaged individuals to obtain or maintain employment. These supports can include car loans or bus tokens, metro cards or passes (see page 4 of this ADM for limitations on the use of FFFS for transportation services).

Outreach/Reengagement of Noncompliant Adults – This includes 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 – This includes activities that do not fit within the description of other employment services described above, but which are intended to support a district's efforts to provide job preparation, job placement and retention, and advancement services.

Employment Services for Youth (including Subsidized Employment Programs for Youth) – These educational or training programs and activities are designed to help eligible youth prepare for or experience the workplace, as well as services to help youth attain their high school diploma or High School Equivalency (HSE).

Transitional Benefits/Work Supports – This is a specialized district approach to supporting employed families and maximizing receipt of work supports/transitional benefits such as Supplemental Nutrition Assistance Program (SNAP), Medicaid, Earned Income Tax Credit (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 economic stability.

## 2. Nonrecurrent Costs (Emergency Assistance/Diversion)

Districts 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 nonrecurring supports. These are characterized as payments designed to deal with a specific crisis situation or episode of need that does not extend beyond four months and is not intended to meet recurrent or ongoing basic needs. Some examples of these services may include emergency assistance and diversion payments, emergency housing and short-term homelessness assistance, emergency food aid, short-term utilities payments, burial assistance, clothing allowances, and back-to-school payments. The nonrecurrent costs category does not include child care, transportation, or short-term education and training costs; and such expenditures should be reported under other project types as appropriate. If a district allocated FFFS funding to this type of project(s), it must show the funds allocated on line 2, "TANF Services Nonrecurrent Costs" in the SFY 2021-2022 Fiscal Data Entry screen of the FFFS System.

## 3. TANF Services Projects

Districts may choose to use FFFS funds for innovative programming that can prevent cash assistance dependency, provide the extra support needed to reduce recidivism to TA, 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, and child-only case projects.

The TANF services project types are listed below:

**Financial Education and Asset Development** – These projects and initiatives are designed to support the development and protection of assets, including contributions to Individual Development Accounts (IDAs) and related operational costs (that fall outside the definition of administrative costs), financial education services, tax credit outreach campaigns, and tax filing assistance programs, initiatives to support access to mainstream banking and credit and debt management counseling.

**Supportive Services** – These projects include services such as domestic violence services, health, mental health, substance abuse, disability services, housing counseling services, and other family supports. (Note: Federal TANF funds cannot be used on expenditures for medical services.)

**Services for Children and Youth** – These projects are designed to support and enrich the development and improve the life-skills and educational attainment in children and youth. This may include after-school programs and mentoring or tutoring programs. (Note: If there is another project type that more specifically relates to the activities provided, it is that specific category that should be chosen and related expenditures should be reported under that category rather than under Services for Children and Youth. For example, subsidized youth employment programs should be reported under subsidized employment.)

**Prevention of Out-of-Wedlock Pregnancies** – These projects provide sex education or abstinence education and family planning services to individuals, couples, and families in an effort to reduce out-of-wedlock pregnancies. Expenditures related to comprehensive sex education or abstinence programs for teens and preteens may also be included in these programs. Other benefits or services provided under TANF purpose 3 (to prevent and reduce instances of out-of-wedlock pregnancies), should be reported under a more appropriate subcategory; e.g., “Services for Children and Youth”.

**Fatherhood and Two-Parent Family Formation Programs** – These projects aim to promote responsible fatherhood and/or encourage the formation and maintenance of two-parent families. For example, activities in these programs may include marriage education, marriage and relationship skills, fatherhood skills, parenting skills workshops, advertising campaigns on the value of marriage and responsible fatherhood, education regarding how to control aggressive behavior, financial planning seminars, and divorce education and reduction programs.

**Family Support/Family Preservation/Reunification Services** – These community-based services are designed to provide families involved in the child welfare system with increased strength and stability, so children may remain in or return to their homes. These services may include respite care for parents and relative caregivers; individual, group, and family counseling; parenting skills classes; and case management, etc.

**Additional Child Welfare Services** – These are services provided to children and families who are involved in the child welfare system or are at risk of being in the child welfare system. They may include independent living services, service coordination costs, legal action, developing case plans, assessment/evaluation of family circumstances, and transportation to or from any of the services or activities described above.

**Home Visiting Programs** – These projects have nurses, social workers, or other professionals/paraprofessionals provide services to families in their homes, including evaluating the families’ circumstances, providing information and guidance around maternal health and child health and development, and connecting families to necessary resources and services. (Note: Federal TANF funds cannot be used on expenditures for medical services.)

Administrative Costs – This includes projects that provide general administration and coordination of TANF programs as well as other activities defined in 45 CFR Part 263.0. Also, see Volume 3 of the *Fiscal Reference Manual* for detailed information on TANF administrative expenditure requirements. See section on “Cumulative Grant Year Reports” above for more information on monitoring the 15% cap on administrative costs.

Assessment/Service Provision – This includes costs associated with screening and assessing individuals (including substance abuse screening), Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI) application services, case planning and management, and providing direct services that are not “administrative costs,” as defined in 45 CFR Part 263.0, or cannot be otherwise allocated to another expenditure category. For example, case management for a TANF-eligible recipient related to providing multiple services.

#### 4. Substance Use Disorder (SUD) Assessment and Monitoring

All districts are required by statute to screen adult TA applicants and recipients for drug and/or alcohol use that could preclude them from working and becoming economically stable. Districts may use FFFS funds to pay the costs of assessing TANF-funded recipients who screen positive SUD and for monitoring the recipients’ attendance and progress in mandated SUD treatment. Districts may also use their FFFS funds to provide a variety of support services to TANF-eligible individuals and families with substance use problems. These services are supplemental to an individual’s SUD 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 18 NYCRR 351.2(i), [97 ADM-23](#), [01 ADM-10](#), [GIS 18 TA/DC031](#), and subsequent releases apply.

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

Districts may use FFFS funds to meet the requirement for DV screening and assessment for TANF-eligible families. All applicants for and recipients of TA are offered DV screening at application, recertification, and at any point when a recipient indicates the need for assistance with DV. All TA 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 TA requirements that may place the victim and/or their children at risk or make it more difficult for them to escape an abusive situation.

The DV program requirements in accordance with 18 NYCRR 408, [98 ADM-03](#), [19 ADM-05](#), [19 ADM-11](#), and subsequent releases apply.

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

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

Districts may choose to transfer a portion of their FFFS allocation to Title XX for child welfare services, community optional preventive services (COPS), adult protective, domestic violence, and/or other services. Districts may transfer up to 25% of their FFFS allocation to Title XX, provided that the total amount the district chooses to transfer to the CCDBG and Title XX combined may not exceed 30% of the district’s FFFS allocation. As previously discussed in the “Background” section of this ADM, a review of the statewide total amount of the transfers will be completed when all plans are submitted, and exceptions to the maximum percentages may be considered on an

individual district basis to the degree that aggregate transfers from all districts have not exceeded federally allowable maximums.

Any FFFS allocation transferred to Title XX (Title XX below 200%) must be expended for services to children and their families with incomes below 200% of the federal poverty level for the family size. Recipients of Title XX below 200% funds also must be either U.S. citizens or qualified aliens as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). All Title XX rules apply to these funds, including the prohibition against the use of the funds for foster care maintenance payments.

No additional eligibility criteria are required for child welfare services funded with FFFS allocations transferred to Title XX. 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% state child welfare financing reimbursement subject to the child welfare threshold provisions and performance or outcome-based provisions for child preventative service requirements set forth below. Any FFFS funds transferred to Title XX for COPS are subject to the same requirements as the state funds provided in a separate appropriation. OCFS issues separate LCMs that set forth district allocations and rules governing COPS.

For services other than child welfare services, including adult protective and domestic violence (AP/DV) services, any FFFS funds transferred to Title XX have additional eligibility criteria, including that the household contain at least one child under the age of 19 years. There is a separate set-aside in the regular Title XX funds for expenditures for AP/DV services. OCFS issues a separate LCM that sets forth district allocations and rules governing Title XX.

Any claims for eligible AP/DV services that exceed a district's Title XX allocation and any FFFS funds the district chooses to transfer to Title XX for such purposes are eligible for 49% state reimbursement pursuant to state appropriation.

There is **no** state reimbursement available for claims that are entered as "Other" Title XX services on Schedule G that exceed the amount of other Title XX regular funds available to the districts and the amount of FFFS funds the district chooses to transfer to Title XX for non-AP/DV services. The districts should consider these facts when making FFFS allocation decisions for these services.

It should be noted that districts may not use any portion of their FFFS allocations to provide a direct preventive housing subsidy. These costs are considered assistance under the federal TANF rules, which affect a family's 60-month funding limitation and the district's reporting requirements. However, a district may choose to transfer a portion of its FFFS allocation to Title XX Child Welfare (Title XX below 200%) to use for its preventive housing subsidy costs.

#### b. COPS Transfer

Any FFFS funds transferred to Title XX for COPS are subject to the same requirements as the state funds provided in a separate appropriation. OCFS issues separate LCMs that set forth district allocations and rules governing COPS.

As in SFY 2020-2021, districts with grandfathered COPS allocations may apply Title XX below 200% COPS FFFS expenditures up to the amount dedicated in SFY 2010-2011 (as of March 31, 2011), to their child welfare services threshold. Any amount dedicated or expended above this amount will not count toward the district's child welfare services threshold (see Attachment 2).

c. Child Welfare Services Directly Funded Under FFFS

A district may choose to use a portion of its FFFS allocation directly to provide child welfare services. As in recent years, there are no separate TANF allocations for TANF EAF child welfare services. Districts continue to have greater flexibility in how they may use their FFFS allocations directly for child welfare services. These FFFS funds may be used directly for child welfare services for families that meet the TANF-EAF child welfare eligibility criteria.

FFFS funds may be used directly to fund child welfare services for families with incomes up to 200% of the federal poverty level based on family size. See section IV, page 5, for the federal income standards. The districts are advised that the authorization form for TANF 200% and the OCFS authorizations for TANF-EAF and Title XX below 200% support eligibility for FFFS funding. The eligibility standards for TANF-EAF child welfare services are found in Chapter 2 of the OCFS [Child Welfare Eligibility Manual](#).

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

A district may use a portion of its FFFS allocation directly to provide child welfare services for families with incomes up to 200% of the federal poverty level regardless of whether the family is eligible for EAF (the child welfare claim forms and SRMS observations currently do not support such claiming). The FFFS allocation may be used directly for EAF or TANF for families within 200% of the federal poverty level child welfare services expenditures retroactive to October 1, 2020.

Child welfare services expenditures not reimbursed via the FFFS allocation or FFFS allocation transferred to Title XX (Title XX below 200%) for child welfare services other than COPS may be eligible for 62% 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.

During the child welfare settlement process, the state may ask the districts to make a plan amendment to maximize federal reimbursement.

d. PINS/Prevention Services

A district may choose to use a portion of its FFFS allocation to initiate program modifications and/or to provide services to 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 the following:

- Substance abuse and mental health counseling (non-medical)
- Services to divert youth at risk of placement in detention programs
- Services to reduce the length of placement of PINS youth



- Preventive and other supportive services to alleged or adjudicated PINS who are 16 and 17 years old

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 U.S. citizens or in a qualified/satisfactory immigration status. All applicants/recipients must provide the district with documentation for each member of the applying/recipient household of the person's U.S. citizenship or qualifying immigration status granted by the United States Citizenship and Immigration Services (USCIS). For acceptable proof of U.S. citizenship please refer to [LDSS-2642, Documentation Requirements](#). For information on acceptable USCIS documentation for non-U.S. citizens, please refer to [LDSS-4579, Alien Eligibility Desk Aid](#), and reference the "Family Assistance" column to determine eligibility for TANF-funded assistance programs including FFFS.

The district also may have FFFS funds available that they chose to dedicate to PINS/Preventive Services (PINS PREV FFFS 2020) in SFY 2020-2021. Separate correspondence announced the availability of SFY 2021-2022 Supervision and Treatment Services for Juveniles funds. It is recommended that districts consider these available balances as they develop their FFFS allocation planning strategies.

The PINS/Preventive Services expenditures not reimbursed via the FFFS allocation or the allocations in the separate notification may be eligible for 62% 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 the FFFS funds a district dedicated in SFY 2020-2021 for PINS Preventive Services is not included in the calculation of the district's child welfare threshold nor will the amount of the FFFS allocation that a district chooses to use in SFY 2021-2022 for such services count toward the district meeting its child welfare threshold.)

Please note that the only juvenile justice services that FFFS funds may be used for are EAF Assistance/Non-Assistance juvenile justice services that were authorized under prior law.

Part K of Chapter 57, Laws of 2020 enacted PINS reform. Effective January 1, 2020, there is no state funding for PINS pre-dispositional placement or post-dispositional placements. Sixty-two percent state reimbursement will continue to be provided for eligible PINS Preventive Services not funded through FFFS.

#### e. Child Welfare Services Threshold

Districts need to be aware of their portion of the \$382,322,341 statewide child welfare services threshold when determining their FFFS dedications. Under the threshold, to the extent that districts have eligible claims, they must meet the "Child Welfare Services Threshold" through child welfare services expenditures under FFFS and FFFS funds transferred to Title XX to receive 62% state child welfare services funding for any child protective services, child preventive services other than COPS; after-care services, independent living services, adoption services, and administration costs. Additionally, a district 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 toward a district's 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
- Title XX Below 200% COPS (up to the amount dedicated in the Title XX Under 200% COPS for SFY 2010-2011 as of March 31, 2011 (See Attachment 2.)

Each district's SFY 2021-2022 threshold is set forth in Attachment 3. The methodology for determining the threshold is based on an apportionment using SFY 2019-2020 district threshold shares. The methodology also applies a ceiling, which prevents a district's threshold from exceeding 50% of its total FFFS allocation. A district meeting its threshold may be eligible for 62% state reimbursement after available federal funding for its eligible child welfare services expenditures other than COPS. The SFY 2021-2022 child welfare service settlement period is for expenditures incurred October 1, 2020, through September 30, 2021, and claimed by March 31, 2022; therefore, the threshold time frame is also October 1, 2020, through September 30, 2021, to be counted toward the district's SFY 2021-2022 threshold.

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

Pearl County's Gross Child Welfare Services claims for SFY 2021-2022 totaled \$11,000,000. Pearl County's Child Welfare Services threshold is \$3,100,000. The chart below reflects three scenarios:

- Pearl County meeting the threshold
- Pearl County exceeding the threshold
- Pearl County not meeting the 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 = A-B-C</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

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 threshold.

**Note:** "Other Federal" includes Title IV-E Foster Care Independence Act of 1999, Chafee Independence Act funding, Title IV-E, Title IV-B Subpart 1 and 2, where the expenditure has been deemed eligible for the child welfare settlement.

f. 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 districts, 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 423.5. In the absence of meeting performance or outcome provisions, OCFS may limit any increase in reimbursement over the amount claimed by the district for the period of October 1, 2005, through September 30, 2006 (as claimed through March 31, 2007).

g. Child Welfare Services Settlement

The “SFY 2021-2022 Child Welfare Services” settlement is based on child welfare expenditures made from October 1, 2020, through September 30, 2021, claimed by March 31, 2022. The amount a district 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, 2022. Other available federal funds for the child welfare services settlement include Title IV-E Foster Care Independence Act of 1999 funding, Title IV-E, Title IV-B Subpart 1 and 2, where the expenditure has been deemed eligible. After the appropriate federal funding is applied against the district’s expenditures for these services from October 1, 2020, through September 30, 2021, that are claimed by March 31, 2022, these expenditures are eligible for 62% state share reimbursement, subject to the threshold and performance or outcome-based provisions for preventive services.

The following are also settled during this time: SFY 2021-2022 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. For Adult Protective/ Domestic Violence Services, after the appropriate federal funding is applied against the district’s expenditures for these services from October 1, 2020, through September 30, 2021, as long as they are claimed by March 31, 2022, these expenditures are eligible for 49% state share reimbursement. For Title XX All Eligible Services Below 200% Non-Adult Protective/Domestic Violence Services, after the appropriate federal funding is applied against the district’s expenditures for these services from October 1, 2020, through September 30, 2021, and are claimed by March 31, 2022, these expenditures are not eligible for state reimbursement. However, during the settlement process, the state may request that a district make a plan amendment to maximize federal reimbursement.

7. Foster Care Services

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

A district may use a portion of its FFFS allocation for expenditures for the care, maintenance, supervision, and tuition of JDs and 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 2021-2022 FFFS funds dedicated to EAF JD/PINS foster care and tuition are to be used to reimburse expenditures made from October 1, 2020, through September 30, 2021, and claimed by March 31, 2022. After March 31, 2022, no changes to the amounts of FFFS allocation dedicated to EAF JD/PINS foster care and tuition can be made.

Part K of Chapter 57, Laws of 2020 enacted PINS reform. Effective January 1, 2021, there is no state funding for PINS pre-dispositional or post-dispositional placements.

Please note that the only juvenile justice services that FFFS funds may be used for are EAF Assistance/Non-Assistance juvenile justice services that were authorized under prior law.

b. EAF Foster Care Maintenance and Tuition

A district 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 payment 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 toward TANF-MOE. Expenditures that a district opts not to reimburse with FFFS funds should be claimed as state share on the respective claims and will be subject to state reimbursement to the extent of the district's FCBG allocation. Any SFY 2021-2022 FFFS funds dedicated to EAF foster care maintenance and tuition are to be used to reimburse expenditures made from January 1, 2021, through December 31, 2021, and claimed by March 31, 2022. After March 31, 2022, 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

A district may use a portion of its FFFS allocation to fund EAF 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 toward TANF-MOE. Expenditures that a district opts not to reimburse with FFFS funds should be claimed as state share on the respective claims and will be subject to state reimbursement to the extent of the district's FCBG allocation.

For SFY 2021-2022, FFFS funds dedicated to EAF foster care administration are to be used to reimburse expenditures made from October 1, 2020, through September 30, 2021, and claimed by March 31, 2022. After March 31, 2022, 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 2021-2022 Enacted State Budget includes separate federal and state allocations for child care services. OCFS issues a separate LCM that sets forth the districts' child care allocations and the rules governing those funds. A district may choose to supplement its child care allocation by transferring a portion of its FFFS allocation to the CCDBG.

A district may transfer up to 30% of its FFFS allocation to the CCDBG and Title XX combined, with no more than 25% of its FFFS allocation being transferred to Title XX. As previously discussed in the "Background" section of this ADM, a review of the statewide total amount of the transfers will be completed when all plans are submitted

and exceptions to the maximum percentages may be considered on an individual district basis.

A district may only fund child care services costs with FFFS funds by transferring those funds to the 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 5% cap on funding for administrative activities. Eligibility is determined and expenditures are reported and claimed in the same manner as NYSCCBG Claims.

FFFS funds transferred to the CCDBG from a district's SFY 2021-2022 FFFS allocation may be used for expenditures for the period October 1, 2020, through September 30, 2021 (FFY 2021), and/or for the period October 1, 2021, through September 30, 2022 (FFY 2022). Any FFFS funds transferred to CCDBG FFY 2021 must be claimed by March 31, 2022. FFFS funds transferred to CCDBG FFY 2022 will be subject to the FFY 2022 NYS CCDBG claim deadlines.

b. Non-Residential Domestic Violence Services

The SFY 2021-2022 Enacted State Budget includes a separate state allocation for non-residential domestic violence services. OCFS issues a separate LCM that sets forth the district's non-residential domestic violence services allocations and the rules governing those funds. A district may choose to supplement its non-residential domestic violence services allocation by dedicating a portion of its FFFS allocation to non-residential domestic violence services.

Additional non-residential domestic violence services funding may be used for core and/or optional services provided by approved non-residential domestic violence services programs only. For a [complete list](#) of approved non-residential domestic violence services programs, refer to the OCFS website.

Any SFY 2021-2022 FFFS allocation dedicated to non-residential domestic violence services is to be used for expenditures made from October 1, 2020, through September 30, 2021, and claimed by March 31, 2022. The districts may adjust their indicated amount of the FFFS allocation dedicated to additional non-residential domestic violence services prior to March 31, 2022. After March 31, 2022, no changes to the amount of the FFFS allocation dedicated to additional non-residential domestic violence services can be made for the SFY 2021-2022 Adult Protective/Domestic Violence Services settlement to take place.

c. State-Administered Programs/Contracts

As part of its core mission, OTDA provides funding to support a variety of employment programs and services administered at the state level. A [county specific listing](#) of OTDA-funded employment service contracts can be found on OTDA's website.

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

1. Local Agreement – Districts may enter into an agreement directly with an existing provider.
2. Revenue Intercept – Districts can request that OTDA withhold a portion of its FFFS allocation to support the state-administered program/contract. OTDA, OCFS, or other state agencies, as appropriate, will consult with the districts and make the necessary modifications to the state contract documents. Any FFFS funds used are subject to

the same terms and conditions outlined in the RFP through which these organizations were selected. OTDA, OCFS, or the other respective state agency staff will continue to be responsible for monitoring the contract and will provide districts with the results monitoring visits, reports, and performance activity.

The districts opting to support state-administered contracts with FFFS funds identified on line 9 of the plan must complete the Revenue Intercept Authorization. The Revenue Intercept Authorization will be provided to the district for completion following a plan submission that includes an allocation and contract name on line 9. The authorization must list the programs, provider, and the amount of funding to be reserved for each contract. The completed authorization must be provided back to OTDA for plan approval.

## 9. Administrative Costs

A district may use a portion of its FFFS allocation for administrative costs associated with TANF-funded TA and services subject to the guidance provided below.

Districts need to ensure that costs are allocated to benefiting programs when more than one program is involved in a particular activity and when the services are provided to individuals who are not TANF-eligible, whether done by district staff or contractor staff. If districts 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 the federal Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* (Uniform Guidance). (The Uniform Guidance publication supersedes OMB A-21, A-50, A-87, A-89, A-102, A-110, A-122, and A-133.)

### **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 2021-2022, based on the total projected administrative costs against TANF, districts may budget a maximum of 25% in administration against their FFFS plans. As the federal fiscal year closes, should it be determined that additional TANF administrative costs can be allowed, the districts 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. The *Fiscal Reference Manual* Volume 3, Chapters 5 and 10, contain additional information related to the distinction between TANF program and administration. Districts are reminded that employment activities need to be broken out between program and administrative activities in the Combined TANF Allocation submittal and when claiming employment activity costs. Many employment activity costs and contracts would be excluded from the definition of TANF administration. A matrix illustrating these distinctions was provided in [05 ADM-11](#) and is shown below:

	Non-Administrative	Administrative
<b>TANF SERVICES</b>		
Direct Staff	X	
Direct Non-Salary	X	
Overhead		X
A-87		X
Contractor - if providing services to client	X	
Contractor - if not providing services to client, but instead responsible for monitoring program evaluation.		X
District Planning Coordinator		X
Claims Preparation, Contractor Monitoring/Evaluation		X
RFP Development		X
<b>CHILD WELFARE SERVICES</b>		
Direct Staff	X	
Direct Non-Salary	X	
Overhead		X
A-87		X
Purchased Services	X	
EAF Eligibility		X

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 April to June 2021 quarter. 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 districts' finance offices once the revised ceiling report for SFY 2021-2022 is available.

Note: Please be aware that certain administrative expenditures are categorized as case management services as a result of the Random Moment Study (RMS). Expenditures are identified on 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 a district chooses to allocate funds to account for this shift, use line 1m (Case Management Shift from D1) on the SFY 2021-2022 FFFS plan template.



## b. Child Welfare Administrative Costs

Any SFY 2021-2022 FFFS dedicated to child welfare administration are to be used for expenditures from October 1, 2020, through September 30, 2021, and must be claimed by March 31, 2022. Districts may adjust their indicated amount of the FFFS allocation dedicated to child welfare administration prior to March 31, 2022. After March 31, 2022, no changes to the amount of the FFFS allocation dedicated to child welfare administration can be made, in order for the SFY 2021-2022 Child Welfare Services settlement to take place. However, during the settlement process the state may request that a district make a plan amendment to maximize federal reimbursement.

If districts 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 in the same federal fiscal year). These MOE expenditures are necessary to enable the state to qualify for any TANF contingency funds, which require 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 2021.

OTDA requires that local plans show gross amounts spent on projects funded with their FFFS allocation. 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 FFFS plan has columns for gross and federal shares. OTDA requests that the gross column be accurately completed to reflect total commitment to programs, including what is being paid through TANF.

The locally funded 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%)
- 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.

## VI. Required Action

### A. FFFS Plan Submission

#### 1. FFFS Plan

OTDA will continue to support the web-based FFFS System for FFFS plan processing. Districts’ staff will use the FFFS System to complete, submit, revise, and view their respective SFY 2021-2022 FFFS plan. OTDA and OCFS staff will use the FFFS System to release the initial plans for SFY 2021-2022, receive, review, and approve or return to districts plans that require further clarification. The FFFS System houses resources such as ADMs, the FFFS user manual and legacy TRACS 2 data. The FFFS System is also used for the districts’ reporting requirements and districts’ reports.

Basic plan information, including the districts' allocation, has been entered on each district's plan. The plan contains a Fiscal Data Entry (FDE) screen for district information, allocations, and a listing of state-administered contracts. The Project Details screen for TANF Services, Nonrecurrent and TANF Employment projects must be completed prior to plan submission. Instructions for completing the FFFS plan are contained in **Attachment 4 – FFFS System District User Manual**. Districts should use these instructions when completing, submitting, and revising SFY 2021-2022 FFFS plans.

The districts must submit their SFY 2021-2022 FFFS plans via the FFFS System by July 21, 2021.

Plan development and submissions for OCFS-related costs are made through integrated county planning or consolidated service planning requirements found in [20-OCFS-LCM-04](#). For questions on OCFS plan issues, please contact the appropriate OCFS regional office contact individuals noted on the first page or in the body of this ADM.

### Reporting Requirements

It is important that districts continue to dedicate staff to collecting data and to reporting timely. Section VI-E outlines the full reporting requirements. Please note the following:

- Monthly reporting of the **number of families served** associated with the 2021-2022 FFFS plan is for the SFY April 2021–March 2022. Districts should collect and retain program data until such time that their 2021-2022 FFFS plan is made available by OTDA. At such time, districts should enter the reporting data for any past months. Districts should report on projects on an ongoing basis regardless of the plan status.
- Reporting on “Drug/Alcohol Assessment” and NCPs 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 the D/A Assessments and NCP’s section of District Reporting in the FFFS System.
- Reporting is often a collaborative local effort between program staff, fiscal staff, and others. It is strongly recommended one staff person be responsible for the data entry of monthly reporting.

### Subrecipient Monitoring

Districts who use FFFS funding to contract with providers for services must ensure that the activities funded are not otherwise available from that provider on a non-reimbursable basis. If not a performance-based contract, districts must include a statement in their contracts that a cost allocation methodology that satisfies Generally Accepted Accounting Principles, as well as the requirements of U.S. Office of Management and Budget Circulars A-122 for nonprofit organizations, and A-21 for educational institutions, or A-87 for state and local governments will be used. Districts must have monitoring procedures in place to maintain appropriate oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts.

### Instructions for accessing the FFFS System are as follows:

**Intranet** – Users can access the [FFFS System](#) from the OTDA intranet site. The user then would be prompted to enter their NY.GOV ID and password.

**CentraPort** – Enter the CentraPort home page; click on “Application,” then click on the link for the Flexible Fund for Family services (FFFS).

The OTDA plan and FFFS Systems-related questions should be directed to Emily Maher at the telephone number or email address listed on the first page of this ADM.

## B. District Certification

As part of the FFFS plan, each district is required to provide a certification, which constitutes 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 district to be bound by the assurances, including the provision of all statutorily required services and activities; and an agreement to bear full responsibility for the implementation of programs in accordance with the applicable federal and state statutory and regulatory requirements. The certification is contained in the FFFS plan and is completed upon submission of the plan.

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

- 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 time frames
- Providing special allowances
- Meeting emergency and immediate needs
- Providing guaranteed child care services
- Providing foster care services
- Providing mandated child prevention services
- Providing child protective services

## C. Claiming Instructions

Districts must 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 the [Fiscal Reference Manual](#), Volumes 2 and 3, available on the OTDA site. The FFFS ceiling reports are available in the Ceiling Reports folder within the [BFDM County Report Library](#).

A desk reference guide is provided as Attachment 5, which provides programs, claiming reimbursement criteria, RF-17 project labels, dates for claiming, and plan revision submission dates for both SFY 2020-2021 and SFY 2021-2022 plans.

## D. FFFS Plan Amendments

The SFY 2021-2022 FFFS plans may be amended during the course of the fiscal year as districts 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, 2020, through September 30, 2021. The FFY 2021 CCDBG and Title XX transfers may not be adjusted once the district's initial FFFS plan is approved. As noted previously, a district may transfer SFY 2021-22 FFFS funds to CCDBG for FFY 2021 and FFY 2022. The districts may amend their FFFS transfers to the CCDBG for the FFY 2022 period until March 31, 2022.

Any SFY 2021-2022 FFFS funds dedicated to reimbursing EAF JD/PINS, EAF Child Welfare, including Child Welfare TANF Direct, PINS/Preventive Services, and Non-Residential Domestic Violence Services are to be used for expenditures made from October 1, 2020, through September 30, 2021, and claimed by March 31, 2022. Any SFY 2021-2022 FFFS funds dedicated to reimbursing EAF Foster Care Maintenance and Tuition are to be used for expenditures made from January 1, 2021, through December 31, 2021, and claimed by March 31, 2022. Any SFY 2021-2022 FFFS funds dedicated to reimbursing EAF foster care administration are to be used for expenditures made from October 1, 2020, through September 30, 2021, and claimed by March 31, 2022. After March 31, 2022, 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, PINS/Preventive Services, or to Non-Residential Domestic Violence Services.

A district must notify OTDA of any changes to its plan(s) within 30 days of implementing the change by submitting a revised plan through the FFFS application. As always, the revised plan(s) will be reviewed jointly by OCFS and OTDA. Any plan revision(s) that a district makes to its FFFS plan allocations also must include any appropriate corresponding updates to the TANF-funded services projects or TANF-funded employment programs within the Project Details section of the FFFS application. A brief explanation for significant (greater than 10%) changes should be included within the project details.

## **E. Reporting and Accountability**

### **1. SFY 2021-2022 Performance and Accountability Requirements**

Districts must report the number of individuals/families served monthly supported by FFFS funding for all TANF Services and TANF Employment Projects timely. Districts are also required to report the following:

- The number of TANF-funded and SNA MOE Drug/Alcohol Assessments completed
- The number of SNA Drug/Alcohol Assessments completed
- The number of NCPs participating in FFFS work activities

Using the data sources noted above, OTDA will develop Performance and Accountability Matrices (PAMs) for all programs funded with FFFS and TANF-funded contract programs administered by both the state and local districts. These data are posted to the OTDA website and updated biannually based upon monthly data. More detailed information on reporting requirements is outlined in the next section.

Districts are required to appropriately define, document, and maintain performance goals and measures, and establish proper oversight and monitoring of outcomes for all FFFS funded projects. Established outcomes will be subject to state review, as requested. Districts are also reminded that all projects must meet a TANF purpose and districts must indicate what the most appropriate TANF purpose is in the corresponding field of all projects within the project details screen.

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 New York City to meet some of the SFY 2021-2022 FFFS Performance and Accountability data requirements. The remaining performance data is provided monthly by the districts directly via the FFFS System.

OCFS advised districts of performance requirements for preventive services via [07 OCFS- LCM-12](#). Performance requirements for COPS programs funded by FFFS were established for SFY 2018-2019.

## **TANF-Funded Services Reporting**

The TANF-funded services are designed to provide districts with flexibility in delivering services to TANF-eligible families in receipt of TA and low-income families with income at or below 200% of federal poverty level determined to be TANF-eligible in accordance with [00 LCM-20](#). Depending on local needs, districts may direct TANF funding to a variety of projects.

As part of this SFY 2021-2022 FFFS plan submission, each district that allocates FFFS funds to any services project must enter an estimate of the individuals/families to be served for each project in its 2021-2022 FFFS plan. The actual individuals/families served must be entered into the FFFS System by the 15<sup>th</sup> of the month following the reporting month. The system will calculate the actual average individuals/families served per month for each project in the project details section of the FFFS plan.

### **Number of Individuals/Families Served**

To meet the PAM reporting requirement, districts must enter the number of families served for each month of the SFY, under the appropriate category: TA (TANF) and SNA MOE Families or 200% of poverty for each TANF Services, Nonrecurrent Cost or TANF Employment project in the 2021-2022 FFFS Plan. To have consistent reporting, the number of individuals/families reported each month is to be unduplicated within each project. An individual/family that is served more than once per month in a project should only be counted one time for each month they are served by that project. If no individuals/families were served, the districts must enter zeroes for the month. Please note that if a project is not operational for any months during a plan year, the non-operational months can be unchecked within the project details. Reporting is not required for months a project is not operational, as long as the months are indicated as not operational in the project details.

### **Substance Use Disorder (SUD) Assessment and Monitoring**

Districts may use FFFS funds for the costs of assessing TANF clients for drug and alcohol abuse and for monitoring 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 in FFFS, and the number of individuals identified as having substance abuse problems will be identified by WMS employability codes. If no individuals were assessed for drug/alcohol treatment, zeroes 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 note that non-federally funded SNA non-MOE drug and alcohol assessments should be reported in FFFS, but are not reimbursable under FFFS, and will not be included in the PAM.

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

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

Districts may use FFFS funds for the costs associated with providing at least one trained DVL who will make a determination and assessment of the TA applicant's/recipients' DV claim; determine the need for waivers of specific TA requirements that may place the victim and/or the children at risk or make it more difficult for them to escape an abusive situation; refer the victim to appropriate services depending on their situation; and enter the



information into WMS via the DV subsystem. Performance of these tasks is the goal and performance data come 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 districts with flexibility in delivering specialized employment services to TANF-eligible families in receipt of TA and low-income families below 200% of the federal poverty level determined to be TANF-eligible in accordance with [00 LCM-20](#). Depending on local needs, districts may direct TANF funding to a variety of employment programs as specified in their FFFS plans. Please note that each district should include funds budgeted for "Employment Administration" (Line 3.) unless the district fully contracts out the employment function and the contract services are primarily program activities. Each district that allocates funds to those specified TANF-funded employment programs must enter information for each program on FFFS.

Districts must continue to use existing reporting mechanisms (WTWCMS for all districts other than New York City and NYCWAY system for New York City) to report participation in employment programs, including paid and unpaid work activities, for the purpose of calculating the federal participation rate. Requirements for documenting and reporting hours of participation in work activities for households with children are detailed in [08 ADM-07](#) and subsequent policy directives.

## **2. Non-Custodial Parents (NCP) Participating in Work Activities**

Section 103 of PRWORA requires states to report, on a monthly basis, the number of NCPs participating in TANF-funded or SNA-MOE-funded federal work activities, as defined in section 407(d) of the Social Security Act,<sup>i</sup> Failure to report this and other data elements in an accurate and timely way can result in large financial penalties that could severely limit the amount of TANF funding the state receives for programmatic purposes. See [00 LCM-20](#) for conditions governing the provision of TANF-funded services to NCPs.

As a result of this requirement, districts are required to enter into the FFFS System the monthly unduplicated number of NCPs participating in work programs funded through FFFS. If a NCP is served in more than one month, include them for every month served. If no NCP is served in a month, enter zero for that month. Information on NCP 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 a district does not need to include a participating NCP in the report. The first situation is if the NCP is verified as active in an FA/SNA-MOE case containing a minor child. The second situation is when the NCP is served by a state contracted provider to whom the district is allocating FFFS funds. These providers are required to report directly to the state on the number of NCPs served.

## **3. Other Reporting Requirements**

For programs funded as Title XX below 200%, FFFS direct child welfare services, child care, EAF foster care administration, maintenance and tuition, and alternatives to detention, the planning requirements will be met through the district's "Child and Family Service Plans" ([20-OCFS-LCM-04](#)).



## VII. Systems Implications

None

## VIII. Effective Date

Immediately

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### Issued By:

**Name:** Barbara C. Guinn  
**Title:** Executive Deputy Commissioner  
**Division/Office:** Office of Temporary and Disability Assistance

**Name:** Derek J. Holtzclaw  
**Title:** Deputy Commissioner  
**Division/Office:** Administration and Financial Management, NYS OCFS

<sup>i</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 equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and, (12) the provision of child care services to an individual who is participating in a community service program.