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General

1. **Q. Is the New York State Enhanced Driver's Licenses/Non- Driver's ID acceptable as documentation for proof of citizenship?**

   A. Yes. The enhanced driver's license/non-driver's ID may be accepted for proof of identification and proof of citizenship since individuals will have had to document identity and citizenship to obtain the license.

2. **Q. Who is responsible for meeting the costs associated with notarizing the LDSS-4530, "ASSIGNMENT OF WAGES, SALARY, COMMISSIONS OR OTHER COMPENSATION FOR SERVICES"?**

   A. Upon request, local districts must provide or arrange to provide this service at no cost to the applicant for or recipient of Safety Net Assistance (SNA), or for those cases converting from Family Assistance to SNA because of the 60-month time limit. Local districts may utilize a Commissioner of Deeds as a substitute for a notary when attesting to the signature(s) on this document.

Emergencies

3. **Q. When determining eligibility for Emergency Assistance to Families (EAF), should local districts look at a savings account as an available resource if it includes money received from an adoption subsidy?**

   A. Yes. The savings account is an available/accessible resource and an applicant for EAF, or any emergency program, must use all available resources to alleviate the emergency.

4. **Q. May a local district use Emergency Assistance for Adults (EAA) when authorizing a payment for back property taxes?**

   A. There is no authority in 18 NYCRR § 397 to pay for back property taxes. The worker must evaluate eligibility for payment to meet the emergency under Emergency Safety Net Assistance (ESNA) or Emergency Assistance to Needy Families (EAF).

Child and Spousal Support

5. **Q. An applicant and his/her children applying for on-going TA benefits presents a court order indicating he/she shares custody of the children with the other parent and prohibiting either party from pursuing support. Does the local district pursue support?**

   A. Yes. The eligibility worker must refer the applicant to the child support enforcement unit (CSEU). As a condition of eligibility, the applicant must assign support rights. The CSEU determines the appropriateness of pursuing child support.

6. **Q. An applicant for TA is currently married but separated from her husband, and has children from a previous marriage. There are no children from her current marriage. The local district requires applicants who were legally married to pursue spousal support. The applicant complies with child support requirements but fails to seek spousal support. Can the local district take a negative action against her for failure to pursue spousal support?**

   A. Yes. As part of the eligibility process for TA, the applicant must pursue all resources to eliminate or reduce her need for TA. As such, the applicant must pursue spousal support as a condition of case eligibility unless she can claim and demonstrate good cause for not pursuing this potential resource.

A. Child Support: Family Arrears

7. **Q. If a TA applicant is receiving child support payments, are these payments included in the TA budget?**

   A. Yes. However, a distinction must be made between the types of child support payments. Current child support payments must be included in the budget at case opening as unearned income source Code "06-Child Support Payment." Payments for child support arrears (or *regular* arrears) must be included in the budget at case opening are included as ABEL Unearned Income Source Code "99-Other".

   Note: Payments for arrears owed to the TA recipients as family arrears payments are included as ABEL unearned income source code "69-Family Support Arrears".

8. **Q. Will a TA applicant have *family arrears payments* that the worker must include in the TA budget at case opening?**

   A. No. A TA applicant will not have family arrears payments at the time of application or at case opening. Family arrears payments are child support collections paid directly to TA recipients through the Child Support Processing Center. A TA applicant should not have unearned income source code "69-Family Support Arrears" included in the TA budget at case opening.

9. **Q. Will a TA applicant have *child support arrears* that the worker must include in the TA budget at case opening?**

   A. Yes. TA applicants may be in receipt of child support arrears (or *regular* arrears) at the time of application. Local districts must distinguish the amount of child support arrears (or *regular* arrears) from the amount of current child support received by the applicant. Child support arrears (or *regular* arrears) must be included in the budget at case opening as ABEL Unearned Income Source Code "99-Other". Current child support must be included in the budget at case opening as unearned income source Code "06-Child Support Payment".

10. **Q. When a local district begins collecting and retaining child support payments and ABEL Unearned Income Source code "06-Child Support Payments" the local district changes to ABEL Unearned Income Source Code "13-Child/Spousal Support Assigned to Agency". Must the local district change child support arrears (or *regular* arrears) from ABEL Unearned Income Source Code "99-Other" to Unearned Income Source Code "69-Family Support Arrears"?**

    A. No. Child support arrears (or *regular* arrears) are not the same as family arrears payments. Once a local district converts ABEL Unearned Income Source Code "06" to "13", the local district must delete child support arrears (or *regular* arrears) coded as "99" from the TA budget. ABEL Unearned Income Source Code "69" should only be included in a TA budget when a TA case appears on the IV-D MRB/A Exception list and it has determined that the TA household is in receipt of **recurring** family arrears payments.

11. **Q. When reviewing the IV-D MRB/A exception report, if family arrears payments are already included in the TA budget and the current month's family arrears payment is $0, are local districts required to remove family arrears payments (ABEL Unearned Income Source Code "69-Family Support Arrears") from the budget?**

A. Yes. Local districts must remove family arrears payments (ABEL Unearned Income Source Code "69-Family Support Arrears") from the budget by the 20th calendar day of the month in which the local district receives the report.

12. Q. Are local districts required to provide a supplement to the TA household when the current month's family arrears payment is $0?

A. Yes. If family arrears payments (ABEL Unearned Income Source Code "69-Family Support Arrears") are removed from the TA budget due to a $0 family arrears payment, local districts must provide the TA household with a supplement for the period of time when family arrears payments were included in the TA budget for the month covered by the report. The local district should issue the supplement by the 20th calendar day of the month in which the local district receives the report.

Budgeting

13. Q. How is the income of an ineligible alien parent budgeted for TA when the applying family includes two children who are ineligible aliens and one child who is a US citizen?

A. The TA worker uses Allen budgeting in these cases. Using the family composition provided in the question as the example:

The worker must calculate a TA budget to determine if the parent's income is sufficient to meet her share of the needs for a household of two. (Parent and US citizen child). All ineligible alien household members who do not have income would be invisible when determining this budget. Income disregards apply (the first $90 plus the earned income disregard).

If the parent's countable income is less than their share of the needs, then their needs and income are not included in the TA budget. The case would consist only of the US citizen child.

If the parent's countable income is sufficient to meet their share of the needs, then their income and needs are included for TA budgeting purposes only. The budget for the citizen child should be calculated using the needs of a household of two, reduced by the mother's countable income.

14. Q. Are room/room and board cases eligible for shelter allowance supplementation in accordance with 09 ADM-10?

A. No. Only Safety Net Assistance(SNA) recipients eligible for a rent allowance under 18 NYCRR §352.3(a) are potentially eligible for supplementation of the shelter allowance maximum operating under a plan submitted to and approved by the Office of Temporary and Disability Assistance and the Division of the Budget. There is no supplementation available to a room/room and board grant.

15. Q. Is the value of a gift card or gift certificate resulting from a TA recipient's endeavor to provide some type of service or work counted as income in the TA budget?

A. Yes, unless the provider gives the gift card or gift certificate as a reimbursement of earmarked expenses resulting from the TA recipient's endeavor. For example, a TA recipient participates in some type of survey and the person conducting the survey provides the TA recipient a reasonable amount of reimbursement for lunch and transportation expenses such as parking reimbursement or bus fare through a gift card. Otherwise, TA considers the funds as earned income in the month received.

16. Q. Is the unearned income of a child now turning 18 years old who formerly received Supplemental Security Income (SSI) but who now begins receiving Social Security Disability income (SSDI) rather than SSI counted in the TA budgeting process when determining eligibility and degree of need for TA?

Yes, the SSDI is countable as income for TA because the child no longer receives SSI. However, if the child's family received Family Assistance (FA) and since filing unit rules no longer apply, the local district must not presume that the child is an essential person on the family's FA case in accordance with 09 ADM-09, "Essential Persons" to avoid any negative impact to the family's FA case.

17. Q. TA recipients receiving Social Security Disability income (SSDI) payments below Supplemental Security Income (SSI) levels are generally eligible for SSI. However, sometimes the Social Security Administration denies the SSI benefit based on income when the SSDI recipient remains active on TA. Can the local district remove the SSDI recipient from the TA case in anticipation of the SSI eligibility?

A. No, as long as the individual is not in receipt of SSI, their income and needs are included in the TA budget calculation.

18. Q. How does work release differ from parole?

A. A former prisoner on parole who served a minimum sentence, whose parole violation could return him/her to prison, is no longer an inmate. A person in work release is an

inmate under the supervision of the Department of Corrections and, as such, is not eligible for temporary assistance.

19. Q. What are the stages of work release?

A. There are three stages of work release. Stage-one is referred to as 4/3. The inmate spends four days a week out of the correctional facility while looking for work, and three days inside the facility. Stage two is referred to as 5/2. In that stage, the inmate lives outside the correctional facility five days a week and inside two days. In both these stages, the inmate must turn his/her earnings over to the correctional facility. The facility releases money to the inmate as needed. Corrections may require a small payment toward room and board and the rest of the money is deposited into an account for the inmate. Inmates are encouraged to provide support to their dependents, but are discouraged from giving money to family members receiving temporary assistance.

Inmates may enter the final stage, 7/0, when they are within six months of release. These inmates live outside the correctional facility and may report to a parole officer, but they remain inmates and are not on parole. The inmate must verify income and the number of hours worked each week, but they retain their pay. Other than a possible participation fee charged by the correctional facility, there are no restrictions on their income.

20. Q. Is the inmate in the final stage of work release included in the household and case counts if he/she returns to live with his/her children who are receiving temporary assistance?

A. The person in the final stage of work release is still considered an inmate; however, his/her income is unrestricted by the correctional facility. Although he/she remains ineligible for temporary assistance, when the inmate is in the final 7/0 stage of work release, his/her family's eligibility for temporary assistance must be determined by applying Allen budgeting. If the inmate's income is sufficient to meet his/her prorated standard of need, when determining the family's eligibility and standard of need, the inmate is included in the household and case counts, and all of his/her income is counted against the needs of the household. Although the inmate is included in the budgeting process, he/she remains ineligible for temporary assistance.

Time Limits and Exemptions

21. Q. Does an individual with a time limit exemption because he/she is needed in the home full-time to care for an incapacitated/disabled household member (Employability Code "38") need medical verification every six months when the diagnosis and prognosis has indicated the household member will need care indefinitely?

A. No. If the medical diagnosis and prognosis for the incapacitated/disabled household member indicates that he/she will need full-time care indefinitely, the local district only needs to confirm the diagnosis/prognosis once every 12 months.

District of Fiscal Responsibility (DFR)

22. Q. When a local district requires that a client comply with an outpatient drug treatment program and the client moves voluntarily to another district, is the district of origin responsible to maintain DFR because the individual is in a non-residential drug treatment program?

A. No. The outpatient treatment program has no DFR implications. After the transition period, the local district where the individual now resides is now the DFR and that local district must determine the proper treatment modality.

23. Q. Can a local district use a client completed "DFR Legal Residence Statement" [LDSS-4733(8/00)] as proof of residence?

A. Yes. Local districts must accept the client signed LDSS-4733 as proof of residence absent information or documentation that contradicts the information provided by the client on the completed form.

24. Q. What is meant by the phrase "mandated by Parole to reside in a district" as it is used in 06 INF-22?

A. When a parolee is not able to form intent as to which district the parolee will reside in **upon** leaving prison, the parolee is not able to establish residence. Forced relocation does not change residence. Therefore, when the district in which the parolee must reside is mandated as an initial condition of parole (this may or may not be the district where the arrest or conviction took place), the DFR is the district of last known residence at the time the individual was arrested.

This is different than a parolee being able to choose what district the parolee would like to reside in upon leaving prison and then being restricted to staying in that district as a condition of parole.

Two examples may illustrate: John Doe was a resident of County A before entering prison. He leaves prison and has the opportunity as to what district in which to reside. John selects County C. Once John is in County C, parole restricts him to not leaving this district (County C) for the period of parole. I n this instance, John has changed residence, as this was not a forced relocation. John was able to form residential intent upon leaving prison.

The same scenario except that Parole advises John at the time of prison release that he may not return to County A upon leaving prison. While John would like to return to County A, he cannot and therefore decides County C is the best alternative residence to County A. In this scenario, since John was not able to form intent he remains a resident of County A until such time as he is able to freely move about.

25. Q. A client applies for temporary housing in County A. Since there is no available temporary housing in County A, someone advises the client to withdraw his/her application and apply in County B. Which district is the DFR?

A. County A is the DFR. Local districts must allow individuals to apply for assistance. In no instance, may a local district refuse acceptance of an application (or advise the individual to withdraw an application) and/or send the individual to another district. Districts must adhere to the county recommended and OTDA established protocols outlined in 00 INF-19 for processing DFR applications.

In this instance, County A is the DFR since its referral of the client to County B constitutes placement of a homeless client as detailed in 06 ADM-7.

Drug and Alcohol

26. Q. A treatment provider determined that the appropriate arrangement for an individual on TA in treatment would be in an out of district halfway house. The district's Credentialed Alcohol and Substance Abuse Counselor (CASAC) has determined that in county treatment with supportive living is appropriate. Is the local district required to comply with the provider's recommendation?

A. No, barring a court order, the local district makes the decision to approve any changes in care. While local districts are encouraged to work with the service providers the local district has the right to require treatment in county.

Domestic Violence (DV)

27. Q. A family with a teenage son seeks shelter due to domestic violence. There is no local DV provider in the local district that accepts males over the age of 12. Can the local district place the family in an out-of-district hotel or other shelter it believes to be secure?

A. A local district may not choose to place a family in a hotel or other shelter deemed to be secure simply to avoid an out of county placement. If the applicant refuses to leave the county or if a DV shelter cannot be located that can accept the family then the local district may place the client in the most appropriate shelter available; this may include out of county placement in a non-DV shelter if a local shelter/hotel is not safe.

28. Q. A DV provider is requesting payment for a family of three that includes an ineligible alien parent and two US citizen children. Can the local district use TA to pay for their stay in the DV shelter?

A. The eligibility worker must evaluate potential eligibility as a "battered immigrant". However, regardless of immigrant status the local district must pay for the DV shelter of any individual who needs DV shelter and otherwise complies with eligibility requirements. The local district will continue to submit requests for reimbursement of the state share to OTDA for family members who are qualified immigrants. The local district must seek reimbursement for household members who are not qualified immigrants through OCFS.

29. Q. If a victim is residing in a DV shelter, can a local district request collateral evidence from a provider to substantiate a claim of DV prior to making a payment?

A. DV shelters make the initial determination about an individual's status as a victim when the victim goes directly to a residential program. The DV shelter provider makes this determination based on their shelter specific criteria. A local district must not request additional documentation or verification to validate the applicant's status as a victim of DV.

Family Violence Option (FVO)

30. Q. Who is responsible for entering the correct employment code when an individual has an employment waiver?

A. When the domestic violence liaison (DVL) enters an employment waiver into the DV subsystem, a SYSTEM GENERATED Employability code results. A full waiver generates an Employability Code "45-Work Requirements Waivable-Exempt". A partial waiver generates an Employability Code "46-Work Requirements Waivable-Non-Exempt". A worker does not manually enter these codes.

Any efforts to change the code will error out as long as there is an active employment waiver in the subsystem. When the employment waiver expires, (the DVL should notify the appropriate workers when an employment waiver has ended) the responsible worker can change the employability code to the appropriate code for the client.

31. Q. Can the local district require that an individual with an employment waiver complete an employment assessment?

A. Not if the DVL granted the individual a full employment waiver. A local district must not require an individual with a full employment waiver to comply with any employment activities, including the employment assessment. A partial waiver permits the local district and the DVL to select which activities require completion based on the individual's circumstances.

32. Q. Is it correct to require that custodial parents provide information about any absent parents even if the DVL granted a child support waiver?

A. No, it depends on whether there are DV issues with a particular absent parent (if there is more than one) and it would depend on the type of waiver issued by the DVL. If the waiver is a full waiver, all child support enforcement activities must stop and the information cannot be required. If the waiver is a partial waiver, the child support activities would proceed with certain precautions and the information would be required.

33. Q. Can the DVL provide information regarding individuals who meet with them to other workers for any reason?

A. The files maintained by the DVL are for the purposes of determining the need for waivers. The only information the DVL can share is the status of an individual's waiver request. Conversations are confidential; the only exception is any indication of child abuse or neglect. Barring a court order, the DVL must maintain that confidentiality.

Interim Assistance Reimbursement (IAR)

34. Q. Can childcare payments (WMS Payment Type Codes "30-38") be included when calculating the amount of recovered interim assistance?

A. Childcare payments are not recoverable during the interim assistance calculation process because federal funding covers a portion of the childcare payment and local districts exclude federally funded payments from the interim assistance process.

35. Q. Can the amount of money spent to pay for the basic needs for "Certain Two-Parent Families" outlined in 06 LCM-09, with a case type "11" or "12" and a parent indicator of "2" on screen one of the WMS 3209, be recovered as interim assistance?

A. Yes. Non-disabled two-parent families identified by the two-parent indicator of "2" on screen one of WMS will be claimed as Safety-Net Assistance Non-MOE . The program and administrative costs for these cases are funded solely with state and local funds. Case types "11" and "12" payments on a case with a parent indicator of "2" will be reported outside of New York City in BICS category "16"-(Safety Net Cash), must be claimed as Federally Non Participating (FNP) and cannot be applied to the TANF MOE. For New York City, expenditures associated with households with a "2" in the parent indicator field will be identified as Safety Net Non-MOE on the CRM100 report. For more information, see 06 LCM-09 *Claiming Process for Certain Two-Parent Families.*

36. Q. Can a local district recover payments for domestic energy costs as Interim Assistance Reimbursement (IAR) if the local district made the payments during the Interim Assistance (IA) period?

A. Yes, if the domestic energy costs were paid during the IA period. Any payments made for basic needs from 100% State or local funds paid during the IA period regardless of whether or not the payments are for expenses incurred during the IA period can be recovered. For example, an SSD can recover the amount of SNA paid for domestic energy during the IA period even if the bill was for utility services provided prior to the IA period. Conversely, a bill for domestic energy received during the IA period but paid by the SSD after the IA period cannot be recovered. There is no exception to this policy for domestic energy payments even if the energy payments are restricted from a single SNA recipient's ABEL budget. If domestic energy costs are restricted from the ABEL budget the SSD can recover the actual utility bill paid during the IA period. The Filing Reference is 08 ADM-11.

Grants of Assistance for Guide Dogs

37. Q. Under what case type does a local district authorize payments for grants of assistance for guide dogs?

A. The local district should open a Case Type "18-Emergency Assistance for Adults (EAA)" for individuals who are recipients of SSI who are eligible for this assistance. Local districts must issue Grants of Assistance for Guide Dogs as Payment Type "A4-Grant Assistance to Guide Dogs". This payment type is only valid on Case Types 18, "17-Safety Net Non-Cash Assistance", and "16-Safety Net Cash Assistance".