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**Local Commissioners Memorandum**

<b>Transmittal:</b>	05-OCFS-LCM-10
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development
<b>Date:</b>	August 5, 2005
<b>Subject:</b>	Temporary Assistance to Needy Families–Emergency Assistance to Families (TANF-EAF)
<b>Contact Person(s):</b>	See page 4
<b>Attachments:</b>	N/A
<b>Attachment Available On – Line:</b>	N/A

**I. Purpose**

The purpose of this memorandum is to advise Local Departments of Social Services (LDSS) of clarifications to policy and procedures governing the use of Temporary Assistance to Needy Families–Emergency Assistance to Families (TANF-EAF) for certain child welfare and foster care services.

**II. Background**

The federal Personal Responsibility and Work Opportunity Act (PROWRA) has as a key principle that assistance under Temporary Assistance for Needy Families (TANF) may not be granted to a family that includes an adult who has received a cumulative total of 60 months (five years) of TANF-funded assistance. For this purpose, the

definition of an adult includes an individual who is age 19 or older, or age 18 if not attending full-time secondary school or the equivalent. The federal government requires states to report and track all cases receiving assistance and to perform case reviews on a sample basis of recipients receiving assistance funded under TANF, which includes use of TANF-EAF funding for foster care and preventive housing.

The Title XX Below 200% of Poverty program that is funded by a transfer of TANF funding to Title XX is not subject to the TANF five-year limitation and associated reporting and tracking rules, nor is the Title XX Below 200% of Poverty program (no transfer to Title XX). Under the Flexible Fund for Family Services (FFFS), the LDSS decision as to what category to claim any eligible expenditure governs whether the TANF assistance rules apply.

It should be noted that possible loss of federal funds may impact the LDSS's costs. However, the amount of state funds provided to LDSS has not decreased over the last five years, notwithstanding the significant drop in children in foster care, and OCFS believes that LDSS have sufficient funds to meet this possible loss of federal revenue.

### **III. Program Implications**

The Office of Temporary and Disability Assistance (OTDA) has advised the Office of Children and Family Services (OCFS) of potential problems in the use of TANF-EAF funding for the two following programs administered through OCFS that meet the definition of assistance under PROWRA.

- Foster Care

Youth authorized as TANF-EAF prior to the age 18 who remain in foster care past that age have previously had such authorizations continue because TANF-EAF authorizations are not subject to redeterminations. However, because foster care funded by TANF-EAF is considered a form of assistance and initiates the TANF five-year lifetime limitation for cases involving youth age 18 or older, TANF-EAF authorization must be ended at the time a youth in foster care turns 18. TANF-EAF may not be claimed on behalf of any case involving youth in foster care age 18 and over.

- Preventive Housing

Preventive Housing is authorized under 18 NYCRR Part 423.2 to supplement payments for housing needed to avoid a family disruption and removal of children from the home, to facilitate the return of a child in foster care to his or her family, or to enable a youth to be discharged to independent living. Preventive housing funding had been deemed eligible for several funding sources including TANF-EAF, Title XX Below 200%, Title XX, and State 65% child welfare funding.

OCFS has determined that TANF-EAF must not be claimed for preventive housing expenditures because preventive housing assistance payments when claimed as TANF-EAF would require tracking and reporting under the PROWRA rules, and initiate the recipient's five-year lifetime TANF limitation. This is a particular problem for recipients not on Family Assistance during the full duration of the TANF-EAF coverage.

#### **IV. Required Actions**

Upon receipt of this memorandum, all LDSS must review their TANF-EAF caseloads and take immediate steps to discontinue claiming TANF-EAF for any child who is in foster care as soon as the child reaches the age of 18, and for all preventive housing recipients. OCFS is requiring the termination of EAF for any and all children in foster care at the age of 18, including those who may meet the secondary school requirement that delays the start of the five-year lifetime limit, in order to avoid potential errors in claiming for youth age 18 or over who do not meet the exception requirement.

The LDSS must identify cases that include children who are approaching 18 years of age for review. The LDSS may find it helpful to request data warehouse reports on their TANF- EAF foster care caseload for cases involving foster care youth age 17 years and 9 months and over. A Welfare Management System (WMS) anticipated future action (AFA) code of "323" (end of EAF authorization) or code "105" (individual turning 18) may be utilized to facilitate this purpose. The LDSS must terminate the TANF-EAF authorization as of the first of the month the youth turns 18. For foster care cases dually eligible for Title IV-E and EAF, the LDSS must also determine if Title IV-E eligibility remains in effect if the youth remains in school and is expected to complete his or her secondary education before turning age 19. WMS system changes must be made as described in Section IV. CONNECTIONS Build 19 will contain edits to preclude the authorization of TANF-EAF for youth when they reach the age of 18.

OCFS also requires that the LDSS discontinue claiming of TANF-EAF for preventive housing payments. The complete exclusion of preventive housing in the TANF-EAF claims will provide better control over inadvertent inclusion of this expenditure. OTDA will not honor any TANF-EAF or FFFS direct claims for preventive housing expenditures effective with the August 2005 claims. For preventive housing cases eligible for that funding program, LDSS may instead claim the Title XX Below 200% of Poverty if the district chooses to transfer FFFS funds to Title XX for Child Welfare purposes. The LDSS may claim expenditures that will be subject to 65% State funding if the child welfare threshold is met by reporting the costs on the Schedule G as Title XX. The Services Benefits Issuance Control System (BICS) will be modified to preclude TANF-EAF claims for preventive housing subsidies.

## V. System Instructions and Claiming

For foster care, when the youth reaches age 18, the LDSS is to end the EAF authorization and update the WMS eligibility code by replacing the existing EAF code of "04" with eligibility code "08" (MA) or "14" (income eligible). For foster care cases dually eligible for Title IV-E and EAF, the LDSS must remove the suffix code "E" from the WMS authorization. The claims processing in the Benefits Issuance Control System (BICS) will then appropriately end the EAF claiming.

For preventive housing payments with an eligibility code of '04" (EAF), it will be necessary to perform a BICS claims adjustment to reclassify the payment from EAF to either Title XX or Title XX Below 200% of Poverty program, if the case is eligible for that program. These instructions are effective with the August 2005 claims.

## VI. Contact Information

Any program questions regarding this memorandum should be directed to the regional office contacts listed below.

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*s/s Nancy Martinez*

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