



NEW YORK STATE
DEPARTMENT OF FAMILY ASSISTANCE
George E. Pataki, Governor

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Office of Temporary &
Disability Assistance

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Office of Children &
Family Services

Administrative Directive

Section 1

Transmittal:	05-ADM-11
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Supports
Date:	May 27, 2005
Subject:	Flexible Fund for Family Services
Suggested Distribution:	Temporary Assistance Directors, Services Directors, Accounting Directors, and Employment Coordinators
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Attachments:	<p>Appendix A – TANF Funded State Level Contracts</p> <p>Attachment 1 – FFFS Allocations</p> <p>Attachment 2 – Flexible Fund Plan Template (blank)</p> <p>Attachment 3 – Flexible Fund Plan Template (sample)</p> <p>Attachment 4 – FFFS Certification Letter</p> <p>Attachment 5 – Sample Revenue Intercept Letter</p> <p>Attachment 6 – Sample Family Served Reporting Form</p> <p>Attachment 7 – Modified Claim Schedules</p> <p>Attachment 8 – 2004-05 District Child Welfare Thresholds</p>
Attachment Available On – Line:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-23 98 ADM-03 01 ADM-10 00 LCM-20 03 OCFS-LCM-19			SSL 331		Ch. 53 of the Laws of 2005

I. Summary

Summary of the Flexible Fund for Family Services (FFFS) ADM

- FFFS has been enacted in the 2005-06 State Fiscal Year (SFY) budget. The purpose of this Administrative Directive (ADM) is to provide local social services districts (LSSDs) with allocation amounts, pertinent information, forms and procedures for implementing the FFFS program.
- FFFS encompasses nearly all Temporary Assistance for Needy Families (TANF) programs administered by LSSDs which are funded with the TANF Services Block Grant including statutory Drug/Alcohol assessment and monitoring and Domestic Violence liaison, locally designed TANF services projects and New York Works Block Grant funded employment services, certain child welfare services and fund transfers for Title XX. Note that a basic state-level Child Care Block Grant transfer has been funded separately. However, LSSDs may choose to supplement this transfer with FFFS allocation funds.
- A number of contracts have been funded at the State level and are available for LSSDs to expand with their FFFS funds. These include BRIDGE, Wage Subsidy and Employment and Training contracts, employment services, home visiting, after school and pregnancy prevention contracts, as well as a variety of miscellaneous contracts administered through the Office of Temporary and Disability Assistance (OTDA), the Office of Children and Family Services (OCFS), or the Department of Health (DOH).
- The LSSDs are required to review their FFFS allocations in light of locally identified service needs and determine the manner and amounts of funding distributions which will best respond to these needs. LSSDs should also consider the availability of non-FFFS resources in their planning.
- **When determining how to use FFFS funds, districts are reminded to consider the level of resources necessary to achieve the TANF work participation requirements and to help ensure a continued focus on work for applicants and recipients of TANF and Safety Net Family Assistance. Those districts not currently achieving the required 50 percent TANF rate should develop a plan for continuous increases in participation to achieve this level.**
- This is a good opportunity to use the needs assessments conducted as part of the required Consolidated Services Plan or Integrated County Plan in relation to the LSSD's child care, child welfare and adult services needs. Included among the factors to be considered are LSSD administrative costs, child welfare services historically funded by TANF EAF funds and by TANF funds transferred to Title XX (Title XX Below 200 Percent funds), other services historically funded with TANF funds transferred to Title XX (Title XX Below 200 Percent funds), employment services, the level of supporting child care services necessary for districts to meet federally prescribed work participation rates and to serve low income families, and the needs of individuals and families in the caseload that must be addressed to assist them to achieve self sufficiency and personal responsibility.
- The SFY 2005-06 Enacted State Budget allows for a transfer of \$379 million from the State's TANF Block Grant to the Child Care Development Fund. Therefore, LSSDs may transfer a maximum of \$353 million in the aggregate from the FFFS to the Child Care Development Fund and Title XX. Of this \$353 million, LSSDs may transfer a maximum of \$244 million in the aggregate from the FFFS to the Title XX Block Grant.

Thus, LSSD block grant transfers should remain within the following percentages against the \$600 million FFFS for SFY 2005-06. A review of the statewide total amount of the transfers will be completed when all plans are submitted and exceptions to the following percentages may be considered on an individual district basis:

- 59 percent to the Child Care Development Fund
 - 40 percent to the Title XX Block Grant
 - 59 percent combined to the Child Care Development Fund and Title XX Block Grant
- LSSDs must notify OTDA of the results of their fund distribution decisions by submitting a Flexible Fund Plan and a certification letter no later than July 15, 2005. The Flexible Fund Plan will be shared with OCFS.
 - Plans may be amended during the course of the fiscal year as LSSDs perceive the need to make service adjustments. The exception to this provision is the amount of the Child Care Development Fund transfer and the Title XX transfer which are fixed once submitted by OTDA to the U.S. Department of Health and Human Services. An LSSD must notify OTDA of any changes to its plan within 30 days of implementing the change by submitting a revised Flexible Fund Plan. The revised Flexible Fund Plan will be shared with OCFS.
 - OTDA contacts for plan development and submission issues are Jane Wagner and Susanne Haag, by phone or by e-mail at otda.sm.dfa_btp@otda.state.ny.us. Plan development and submissions for OCFS related costs are through the Integrated County Planning or Consolidated Service Planning requirements found in 03-OCFS LCM-19. For questions on OCFS plan issues, please contact Larry Pasti at (518) 561-8740, or via e-mail at Larry.Pasti@ocfs.state.ny.us. Contact individuals for all other issues are noted in the ADM.

II. Purpose

The purpose of this ADM is to provide LSSDs with allocations (see Attachment 1), information, forms and procedures necessary to implement the FFFS. The FFFS requires the submission of a Flexible Fund Plan and certification letter to OTDA by July 15, 2005 for approval by OTDA and OCFS. The plan template, as well as program and fiscal guidelines, are included in this release.

In preparing their Flexible Fund Plans, LSSDs are urged to maintain the focus on work for applicants and recipients of TANF and Safety Net Family Assistance, and to carefully consider the level of resources necessary to achieve required TANF work participation rates.

III. Background

For many years, LSSDs have requested more flexibility and local discretion in the expenditure of TANF funds. Recognizing that needs vary in New York State – a rural, small county might have very different needs from those in New York City – the State enacted the new FFFS.

This new fund incorporates certain TANF funding into a \$600 million flexible allocation for the LSSDs. The programs that may be funded in the FFFS are as follows: allowable non-assistance services, such as, Job Placement Services, Work Activities, Employment-related Transportation, Child Welfare Services, New York City (NYC) EAF foster care tuition costs, Local Administration, PINS/Preventive Detention Diversion Services, Pregnancy Prevention, Substance Abuse Assessment and Monitoring, Domestic Violence Screening, Title XX Services (TANF-funded portion), and Transitional Supports. FFFS funds also may be used for Emergency Assistance to Families (EAF) JD/PINS foster care and related costs, and for the LSSDs' administrative costs for all TANF related activities, or for any other allowable TANF purpose.

In addition to the FFFS, the enacted budget included separate federal and State allocations for child care services to assist families to become self-sufficient. OCFS will issue a separate release providing the allocations for, and guidance on the use of, these funds. However, LSSDs may transfer a portion of their FFFS allocations to the Child Care Development Fund to supplement their child care allocations.

The FFFS does NOT include the TANF funds for temporary assistance (TA) benefit costs. LSSDs' costs for TA benefits are subject to 50 percent federal reimbursement from separate TANF funds and 25 percent State reimbursement provided that the State meets the TANF Maintenance of Effort (MOE) requirements.

IV. Program Implications

A. Description of Flexible Fund for Family Services (FFFS) components

The FFFS is designed to provide the LSSDs with maximum flexibility in determining how best to respond to identified local needs for services. Each LSSD may use its allocation for any of the following components:

- TANF Services and Employment Services
 - TANF Services (including the Transitional Opportunities Program)
 - TANF Employment Services (including Employment-Related Transportation)
 - Drug and Alcohol (Statutory D/A Assessment/Monitoring)
 - Domestic Violence (Statutory DVL Function)

- Title XX Transfer
 - Child Welfare Services
 - Other Title XX Services
- Child Welfare Other Than Title XX Transfer
 - Child Welfare (EAF and 200 percent)
 - EAF JD/PINS (foster care/tuition)
 - NYC Foster Care Tuition
 - PINS/Prevention/Detention Diversion Services
- Other Costs
 - Child Care Transfer
 - State Administered Contracts
- Administration
 - TANF Administration
 - EAF Child Welfare Administration
- Any other non-assistance activities that fit within the federal TANF rules and stay within the statewide limits for administration or block grant transfers. These costs should be included on the TANF Services line.

Program descriptions and associated eligibility and claiming issues for each of these components are discussed below. Reporting and plan requirements for these components are discussed in Section V.E.

1. EMPLOYMENT AND OTHER TANF SERVICES

- TANF Employment Services
- TANF Services (including the Transitional Opportunities Program)
- Drug and Alcohol (Statutory D/A Assessment/Monitoring)
- Domestic Violence (Statutory DVL Function)

An LSSD may choose to use a portion of its FFFS allocation for Employment and other TANF Services provided to families, children and non-custodial parents who are at or below 200 percent of the federal poverty level, and who otherwise meet the TANF categorical eligibility standards including the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) U.S. citizenship or qualified alien requirements.

These programs must serve at least one of the following four **TANF Purposes**:

1. Assist needy families so that children may be cared for in their own homes or in the homes of relatives.
2. Encourage the formation and maintenance of two-parent families.
3. End the dependence of needy parents on government benefits by promoting job preparation, work and marriage.
4. Prevent and reduce the incidence of out-of-wedlock pregnancies.

Services Requirements

- The Drug and Alcohol program assurances in accordance with 97 ADM-23 and 01 ADM-10 and subsequent releases apply.
- The Domestic Violence program assurances in accordance with 98 ADM-3 and subsequent releases also apply.
- Allowable services must meet the federal definition of non-assistance. FFFS funds cannot be used to provide “assistance” for expenditures other than those made as a result of transferring

FFFS funds to Title XX (Title XX Below 200 Percent) or the Child Care Development Fund; or for EAF for JD/PINS foster care costs funded directly with FFFS funds, and as noted in the discussion of transportation services found below.

Assistance for federal purposes consists of any payment or benefit designed to meet ongoing basic needs - food, clothing, shelter, utilities, household goods, personal care items, general incidental expenses. Assistance also includes supportive services such as transportation or child care provided to unemployed recipients. Assistance paid to an FA or Non-Cash SNA/FP recipient is counted toward the 60-month TANF time limit. Assistance counts toward the support offset. Payment types defined as assistance, when paid to a trackable person in a trackable case type (FA, Cash SNA, Non-Cash SNA/FP) will trigger time limit counts, be reported to Department of Health and Human Services (DHHS) as assistance, be counted toward the support offset, and include the case in the calculation of the federal work participation rate.

- FFFS funds may be utilized only to provide transportation when it is incidental to the services being provided. Transportation is permissible for employment or other allowable activities, as long as the transportation service does not constitute assistance or, if it does constitute assistance, it can only be provided to people receiving Family Assistance.
- FFFS funds cannot be used for medical services.
- FFFS Services may be provided only to recipients of TA and to individuals and families not in receipt of TA who are at or below 200 percent of the Federal poverty level as outlined in 00 LCM-20 other than FFFS funds used for EAF child welfare services, EAF JD/PINS foster care costs, NYC EAF foster care tuition costs, pregnancy prevention purposes or PINS/Prevention/Detention Diversion services. For CY 2005, the income standards are as noted below:

2005 HHS Poverty Guidelines (effective June 1, 2005-May 31, 2006)

Persons in Family Unit	Poverty Level	200 Percent of Poverty
1	\$ 9,570	\$19,140
2	\$12,830	\$25,660
3	\$16,090	\$32,180
4	\$19,350	\$38,700
5	\$22,610	\$45,220
6	\$25,870	\$51,740
7	\$29,130	\$58,260
8	\$32,390	\$64,780
For each additional person, add	\$3,260	\$6,520

Employment Implications

The first goal of TANF remains moving families off welfare and into employment. Past success on this front will not be sufficient as federal expectations increase. In deploying resources from the FFFS and other sources, this central goal must be a priority. LSSDs must devote the resources necessary from FFFS and other sources to achieve increased participation and to provide needed ongoing job preparation and placement services to clients. As noted above, employment services for TANF eligible individuals and families must be supported by funding provided through the FFFS allocation. Employment services provided to Safety Net Families that have exhausted their TANF eligibility must constitute non-assistance. Funds from the Local Administration Fund (LAF) Allocation must be used to support the State share of costs for employment services provided to non-TANF eligible applicants and recipients of TA (See Commissioner Doar's letter to LSSD Commissioners on the Local Administration Fund dated February 25, 2005.)

Section 331 of the Social Services Law requires the establishment of programs which provide employment services to applicants and recipients of TA that assist participants to achieve economic independence. LSSDs must operate Welfare-To-Work (WTW) employment programs which meet the requirements of applicable Federal and State laws and regulations and in accordance with the local plan required by Section 333 of the Social Services Law and approved by OTDA. LSSDs are afforded maximum flexibility in developing and implementing WTW employment programs but, at a minimum, must meet the program's requirements established in 12 NYCRR Part 1300 and the Welfare-To-Work Employment Policy Manual, including, but not limited to:

- Determine the employability status of each TA client and assess client supportive services needs to support job entry.
- Engage TA and Food Stamp recipients in work and work preparation activities as required to achieve work participation rates and to maximize job placements. Currently, the TANF rates are TANF All Families – 50 percent and TANF Two Parent Families (a subset of the All Families rate) – 90 percent. LSSDs must keep in mind that the federal All Families participation rate is virtually certain to increase over time from 50 percent to 70 percent and that the current federal caseload reduction credit is likely to be either eliminated or substantially reduced. Many LSSDs are currently below the 50 percent work participation rate and will have to ramp up activities to meet expected new federal requirements. Failure to meet defined participation rates may result in fiscal sanctions although the State budget for 2005-06 does not impose any sanctions.

In addition to WTW employment programs that provide employment services to applicants and recipients of TA, LSSDs should consider using funds made available through the FFFS Allocation to continue employment related programs previously supported through the New York Works Block Grant program or other initiatives that have been used to expand the employment services available to eligible individuals and families with gross income at or below 200 percent of the federal poverty level, including non-custodial parents.

Note: The Child Assistance Program (CAP) which is administered by four LSSDs will no longer have a separate state general fund administrative allocation. The LSSDs should consider these costs when developing FFFS allocations.

2. CHILD WELFARE AND SOCIAL SERVICES OTHER THAN FOSTER CARE SERVICES

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

LSSDs may choose to transfer a portion of their FFFS allocations to Title XX for child welfare services, adult protective, domestic violence and/or other services. Unlike in prior years, there are no separate TANF allocations for these purposes. Under the SFY 2005-06 Budget, an LSSD may transfer up to 40 percent of its FFFS allocation to Title XX, provided that the total amount the LSSD chooses to transfer to the Child Care Development Fund and Title XX combined may not exceed 59 percent of the LSSD's FFFS allocation. As previously discussed in the Summary 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.

Any FFFS funds transferred to Title XX (Title XX Below 200 Percent) must be expended for services to children and their families with incomes below 200 percent of the federal poverty level for the family size. Recipients of Title XX Below 200 Percent funds also must be either U.S. citizens or qualified aliens as defined by 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 funds transferred to Title XX (Title XX Below 200 Percent). A complete discussion of the eligibility requirements for this expenditure type is found in the OCFS Child Welfare Eligibility Manual, Chapter 3. These Title XX Below 200 Percent Child Welfare Expenditures are reported and claimed on the RF-2 Schedule G (columns 5 and 7) and RF-2A Schedule D-2. Any child welfare services expenditures not reimbursed via FFFS funds transferred to Title XX (Title XX Below 200 Percent) for child welfare services or directly from FFFS funds may be eligible for 65 percent State child welfare financing reimbursement subject to the child welfare threshold provisions set forth below. The expenditures that are subject to 65 percent State reimbursement will also assist the State in meeting the MOE for federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

Any FFFS funds transferred to Title XX for services other than child welfare services, including adult protective and domestic violence services require additional eligibility criteria including that the household contain at least one child under the age of 18. These Title XX Below 200 Percent Other Services Expenditures are reported and claimed on the RF-2 Schedule G in column 9 and column 11, and RF-2A Schedule D-2.

There is a separate set aside in the regular Title XX funds for expenditures for adult protective and domestic violence services. Any claims for adult protective and domestic violence services that exceed an LSSD's Title XX allocation and any FFFS funds the LSSD chooses to transfer to Title XX for such purposes are eligible for 50 percent State reimbursement. There is no State reimbursement available for other Title XX services that exceed the amount of other Title XX regular funds available to the LSSD and the amount of FFFS funds the LSSD chooses to transfer to Title XX for such other services. LSSDs should consider these facts when making FFFS decisions for these services.

Any FFFS funds transferred to Title XX may be used for expenditures from October 1, 2004 and thereafter. Any FFY 04-05 funds transferred to Title XX must be liquidated by September 30, 2006; and any FFY 05-06 funds must be liquidated by September 30, 2007.

b. Child Welfare Services Directly Funded Under FFFS

An LSSD may choose to use a portion of its FFFS allocations directly to provide child welfare services without transferring the funds to Title XX. Unlike in prior years, there are no separate TANF allocations for TANF EAF Child Welfare Services. This year, LSSDs have greater flexibility in how they may use their FFFS allocations directly for child welfare services. As in the past, these FFFS funds may be used directly for child welfare services for families that meet the TANF EAF child welfare eligibility criteria. In addition, FFFS allocations may now be used directly to fund child welfare services for families with incomes up to 200 percent of the federal poverty level based on family size (See Section IV.A.1. for the federal income standards). LSSDs are advised that the authorization form for TANF 200 percent and the OCFS authorizations for TANF-EAF and Title XX Below 200 Percent support eligibility for FFFS funding.

The eligibility standards for TANF-EAF child welfare services are found in the OCFS Child Welfare Eligibility Manual Chapter 2. TANF-EAF expenditures for child welfare are claimed on the RF-2 Schedule H and the RF2A Schedule D-2. Further details can be found in the Fiscal Reference Manual Volumes 2, 3 and 4.

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 LSSD 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 LSSDs to the appropriate funding categories by the Services Random Moment Study (SRMS).

Although an LSSD may now use a portion of its FFFS funds directly to provide child welfare services for families with incomes up to 200 percent of the federal poverty level regardless of whether the family is eligible for EAF, the child welfare claim forms and RMS observations currently do not support such claiming. Instructions for using the special project claim form for this purpose are found in Section V, Required Actions, D. Claiming Instructions. FFFS Funds may be used directly for EAF or TANF for families within 200 percent of the federal poverty level Child Welfare Services expenditures retroactive to January 1, 2005.

Child welfare services expenditures not reimbursed via the FFFS or FFFS funds transferred to Title XX (Title XX Below 200 Percent) for child welfare services may be eligible for 65 percent State child welfare financing reimbursement subject to the child welfare threshold provisions set forth below. The expenditures that are subject to 65 percent State reimbursement will also assist the State in meeting the MOE for federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

It should be noted that LSSDs may not use a portion of these FFFS allocations directly for Preventive Housing Subsidy costs. These costs are considered assistance under the federal TANF rules, which impact on a family's five-year funding limitation and the LSSD's reporting requirements. However, an LSSD may choose to transfer a portion of its FFFS allocation to Title XX Child Welfare (Title XX Below 200 Percent) to use for its Preventive Housing Subsidy costs.

NOTE: Child Welfare Threshold

An LSSD should consider the child welfare threshold that was enacted as part of the SFY 2005-06 State Budget when determining how much of its FFFS allocation it wishes to transfer to Title XX or to use directly for child welfare services. The child welfare threshold relates to the amount of FFFS funding an LSSD must use for child welfare services if it wishes to receive an increase in 65 percent State child welfare services funding for child protective, preventive, after care, independent living and adoption services and administration costs over the amount it received in the 2004-05 SFY. The intent of the child welfare threshold language is to preclude an LSSD from replacing federal funds for

child welfare expenditures with State reimbursement. It also is intended to encourage LDSSs to maintain or increase total spending for these essential programs.

Under the threshold, an LSSD may receive 65 percent State reimbursement for child welfare services up to the level it received in SFY 2004-05, as long as it has expenditures to support the same level of 65 percent State reimbursement regardless of the amount of federal FFFS funds it uses for such services in SFY 2005-06. However, if an LSSD wishes to receive an increase in the amount of State 65 percent child welfare services reimbursement in SFY 2005-06 over the level it received in SFY 2004-05, then the LSSD either must: (1) maintain the level of specified federal funding for such services at the same or higher level than it had for SFY 2004-05 and have sufficient child welfare claims to support an increase in 65 percent State reimbursement; or (2) increase its gross child welfare services claims.

If an LSSD chooses the first option, it must use from FFFS (either directly and/or through transfer to Title XX) an amount that is equal to or greater than the amount of federal reimbursement the LSSD received in SFY 2004-05 for child welfare services from TANF EAF and TANF to Title XX combined. The State has not yet finalized the SFY 2004-05 settlements for all these funds. To facilitate LSSD planning during the first year of the FFFS, the State will use the amount the LSSD was allocated or actually received from those two funding streams in SFY 2004-05, whichever is lower, as the LSSD's 2005-06 child welfare threshold amount. Each LSSD's 2005-06 child welfare threshold is set forth in Attachment 8. For SFY 2006-07 and thereafter, each LSSD's child welfare threshold will be equal to the combined settlement amount that the LSSD received for TANF EAF Child Welfare and TANF to Title XX (Title XX Below 200 Percent) for child welfare services for SFY 2004-05. An LSSD meeting this requirement will be eligible for 65 percent State reimbursement for all of its child welfare expenditures, net of the available federal funding. However, if an LSSD chooses the second option, it will be eligible for the same amount of State reimbursement as in SFY 2004-05. In addition, the LSSD will be able to receive State reimbursement for 65 percent of the amount the LDSS's gross child welfare claims in SFY 2005-06 exceed its gross child welfare claims for SFY 2004-05.

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

Pearl District's allocations for SFY 2004-05 TANF funds for Title XX Below 200 Percent and TANF-EAF combined for child welfare services was \$150.00; therefore its SFY 2005-06 threshold is \$150.00.

Pearl District's Gross child welfare services claims for SFY 2004-05 totaled \$250.00; therefore it received \$150.00 in federal TANF EAF and TANF to Title XX reimbursement combined and \$65.00 in State reimbursement. The chart below reflects three scenarios if Pearl District chose to decrease the amount of federal funds dedicated to child welfare services from \$150.00 to \$100.00.

	SFY 2004-05 Threshold	SFY 2005-06 Maintain Gross	SFY 2005-06 Lower Gross	SFY 2005-06 Increase Gross
Gross	\$250.00	\$250.00	\$225.00	\$300.00
Federal	\$150.00	\$100.00	\$100.00	\$100.00
State	\$ 65.00	\$ 65.00	\$ 65.00	\$ 97.50
Local	\$ 35.00	\$ 85.00	\$ 60.00	\$102.50

In the last example, the LSSD would receive \$97.50 in state reimbursement: \$65.00 as the base amount from the SFY 2004-05, plus \$32.50, which is 65 percent of the \$50.00 increase in the gross amount.

c. PINS/Prevention/Detention Diversion Services

An LSSD may choose to use a portion of its FFFS allocation to initiate program modifications and/or to provide services to avoid or reduce detention for juvenile delinquents (JDs) and Persons in Need of Supervision (PINS) of any age. It also may use a portion of its FFFS allocation to provide services to PINS 16 to 17 years of age. Allowable services include, but are not limited to:

- Substance abuse and mental health counseling;
- Services to divert youth at risk of placement in detention programs;
- Services to reduce the length of placement of youth receiving detention services; and
- Preventive and other supportive services to alleged or adjudicated PINS 16 and 17 years of age.

These FFFS funded services may be provided without regard to the family's income, thereby eliminating the need to determine the family's financial eligibility. However, all such services must be related to TANF Purpose 3 – Reduction of Out-of-Wedlock Pregnancy. Pregnancy prevention may be bolstered in a variety of ways, all of which may be components of these in-home services and intervention strategies. For example, pregnancy prevention can be supported by keeping youth in school, increasing educational achievement, obtaining or maintaining employment, expanding independent living skills, counseling and building self-esteem. Youth and family members receiving these FFFS funded services must be citizens or qualified immigrants. In cases involving U.S. citizens, an attestation of citizenship is sufficient. However, for cases involving qualified immigrants, documentation of that status must be secured. LSSDs may refer to the OCFS *Eligibility Manual for Child Welfare Services, Appendix B, "Immigration Status List"* for definitions of qualified immigrants and acceptable documentation.

PINS/Prevention/Detention Diversion services expenditures must be claimed on an LDSS-3922(rev. date 12/00) Reimbursement Claim Form for Special Projects with "DET PREV-FFFS" indicated in the project name box. The costs should be reported in either the non-administration or the administration columns depending on the nature of the expenditures. LSSDs may have funds remaining from their PINS/Prevention/Detention Diversion allocations from the prior year. It is recommended that LSSDs claim against and should consider these available balances as they develop their FFFS planning strategies.

PINS/Prevention/Detention Diversion services expenditures not reimbursed via the FFFS may be eligible for 65 percent State child welfare financing reimbursement subject to the child welfare threshold provisions set forth above. (Note: However, the amount of TANF funds an LSSD received in SFY 2004-05 for PINS/Prevention/Detention Diversion Services is not included in the calculation of the LSSD's child welfare threshold nor will the amount of FFFS funds that an LSSD chooses to use in SFY 2005-06 for such services count toward the LSSD meeting its child welfare threshold.) Those LSSD expenditures for PINS/Prevention/Detention Diversion services that become subject to 65 percent State reimbursement also will assist the State in meeting the MOE for federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

3. FOSTER CARE SERVICES

a. EAF JD/PINS (foster care/tuition)

An LSSD may use a portion of its FFFS funding for expenditures for the care, maintenance, supervision and tuition of Juvenile Delinquents (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 PRWORA's "grandfather" provisions that allow payments for programs previously paid under the Title IV-A program in effect in 1995. Payments under FFFS 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.

Claiming for these expenditures is made on the RF-2 Schedule H and the RF2-A Schedule D-2.

FFFS funds may be used to reimburse EAF JD/PINS foster care and tuition costs retroactive to October 1, 2004.

Any expenditures that an LSSD opts not to reimburse with FFFS funds will be subject to State reimbursement to the extent of the LSSD's Foster Care Block Grant (FCBG) allocation. In previous years, 50 percent of an LSSD's Federal TANF-EAF JD/PINS funds was used to offset the LSSD's FCBG allocation. In SFY 2005-06, there no longer are any offsets taken against the FCBG appropriation for any portion of an LSSD's EAF JD/PINS Foster Care costs reimbursed under the FFFS. Therefore, the full \$373.5 million allocation is available under the FCBG for the LSSDs, as well as the amounts the LSSDs opt to use out of their FFFS allocations to cover these associated expenditures.

b. New York City EAF Foster Care Tuition Costs

New York City may use a portion of its FFFS allocation to fund EAF-eligible foster care tuition expenditures under PRWORA's "grandfather" provisions that allow payments for programs previously paid under the Title IV-A programs in effect in 1995. Payments under FFFS for NYC EAF foster care tuition expenditures are eligible only for cases authorized as EAF pursuant to the instructions in the OCFS Child Welfare Eligibility Manual, Chapter 2. Foster care tuition expenditures are not counted towards TANF-MOE. Any expenditures that NYC opts not to reimburse with FFFS funds will be subject to State reimbursement to the extent of NYC's FCBG allocation. In SFY 2005-06, there is no offset against NYC's FCBG allocation for any portion of its EAF Foster Care Tuition costs reimbursed under the FFFS.

Claiming for these expenditures is made on the RF-2 Schedule H and the RF2-A Schedule D-2.

NYC may use its FFFS funds to reimburse EAF foster care tuition costs retroactive to October 1, 2004.

NOTE: Separate TANF Reimbursement for EAF Foster Care Services

An LSSD may NOT use its FFFS allocation for any other EAF Foster Care Services. Instead, the TANF foster care swap provisions continue in the SFY 2005-06 Enacted State Budget. The TANF funds that are available to LSSDs for TA benefits will be used to reimburse the LSSDs for 100 percent of their EAF foster care services expenditures other than their EAF JD/PINS expenditures and NYC EAF foster care tuition costs. These TANF funds are separate from the FFFS funds. Federal financial participation in the costs of eligible temporary assistance expenses will be reduced dollar for dollar to the extent TANF funds are provided for these EAF foster care services costs.

Since TANF related administration is used when necessary to complete the TA/Foster Care swap, there is a possibility that that process may continue when needed in order to ensure TANF Maintenance of Effort is met. LSSDs need to include that possibility as part of their evaluation of the use of FFFS dollars.

4. OTHER TANF ELIGIBLE PROGRAMS

a. Child Care

The SFY 2005-06 enacted State Budget includes separate federal and State allocations for child care services. OCFS will issue a separate Local Commissioners Memorandum that sets forth the LSSDs' child care allocations and the rules governing those funds. However, an LSSD may choose to supplement its child care allocation by transferring a portion of its FFFS allocation to the Child Care Development Fund (CCDF). Under federal statute, an LSSD may transfer up to 59 percent of its FFFS allocation to the CCDF and Title XX combined with no more than 40 percent of its FFFS allocation being transferred to Title XX. As previously discussed in the Summary section of this ADM, a review of the statewide total amount of the transfers will be completed when all plans are submitted and exceptions to the maximum percentages may be considered on an individual district basis.

An LSSD may only fund child care services costs with FFFS funds by transferring those funds to the CCDF. Any FFFS funds that are transferred to the CCDF are governed by the federal and State rules for such funds and eligibility is determined and expenditures are reported and claimed in the same manner as CCDF Claims.

Any FFFS funds transferred to the CCDF may be used for expenditures from October 1, 2004 and thereafter. Any FFY 04-05 funds transferred to the CCDF must be liquidated by September 30, 2006; and any FFY 05-06 funds must be liquidated by September 30, 2007.

b. State Administered Contracts

The SFY 2005-06 enacted State Budget earmarked TANF funds for state level contracts for a variety of services. These programs should be viewed as supplemental to the LSSDs' FFFS activities. As such, the LSSDs may refer families eligible for FFFS services, and clients determined eligible for Title XX Below 200 Percent, to these services, to the extent slots are available. A list of the programs, responsible State agencies and funding amounts is contained in Appendix A. OTDA is developing provider and county specific funding amounts for WTW programs and will distribute them shortly. LSSDs may utilize these contracts to the extent slots are available and/or expand local service capacity by supplementing the contracts with their own FFFS funds by notifying OTDA via a revenue intercept letter. LSSDs choosing to supplement the state contracts should contact the designated State agency contact person, listed below, if more information is needed regarding the contract. LSSDs that decide to supplement a state contract must complete a revenue intercept letter listing each program it is supplementing.

A sample revenue intercept letter is attached (Attachment 5). The letter must be signed by the LSSD Commissioner or his or her designee. The letter must be sent to Richard Radzyminski, NYS OTDA, Office of Budget, Finance and Data Management, 40 N. Pearl Street 14C, Albany, NY 12243. The district's FFFS Plan should reflect the allocation, if any, of FFFS funds the LSSD wishes to make to expand the State Administered Contract(s). The state may be limited in accommodating a LSSD's request to add FFFS funds to a state contract that is about to expire, or operates on a particular cycle (e.g., school year). Efforts will be made to deal with these issues on an individual basis. Note: These funds must be used according to the terms and conditions outlined in the RFP used to select these contractors. An LSSD may need to enter into a Memorandum of Understanding (MOU) with the responsible state agency regarding the use of the funds. The responsible state agency will advise the LSSD if an MOU is required. Please contact your OTDA plan contact listed on the first page of this ADM if you are interested in adding on to any OTDA or DOH contracts.

OCFS Contacts:

Home Visiting – Joy Griffith (518-474-3166)

Advantage After School – Matt Murell (518-402-3830)

Adolescent Pregnancy and Prevention Services – Robert Reisnick (518-402-6775)

5. TANF ADMINISTRATION

An LSSD may use a portion of its FFFS allocation for administrative costs associated with TANF benefit assistance and services subject to the following guidance. (Note: LSSDs also will receive separate State share allocations from the LAF that may be used for these costs. See 05 LCM-06 for each LSSD's LAF allocation.)

LSSDs need to ensure costs are allocated to benefiting programs when more than one program is involved in a particular activity whether done by local district staff or contractor staff. Cost allocation rules are contained in the Fiscal Reference Manuals and in Federal Circular OMB A-87 for LSSDs, OMB Circular A-122 for non-profit organizations other than hospitals and institutions of higher education or those specifically excluded are governed by OMB Circular A-122. OMB Circular A-21 for Education Institutions and for profit organizations by 48 CFR 31.

Guidance on Administrative Costs 15 Percent Rule

- The maximum amount the state can spend on administration is 15 percent against the TANF Block Grant after transfers to other block grants. Since OTDA will not know until July 15, 2005 how much will actually be transferred to other block grants, OTDA must assume the maximum amounts will be transferred. This translates to a statewide maximum (including state administrative costs) of \$256 million. This is calculated as follows: (\$2.44B - \$733M potential transfers to other block grants = net TANF Block Grant of \$1.71B) x 15 percent = \$256M. When plans are received, the total amount that the 58 LSSDs intend to transfer to other block grants will be calculated and an amount for state administrative costs will also be considered. At that point, a determination can be made as to whether plans can be accepted or revisions are necessary for the state to remain within the statewide administrative limit. We would like to provide LSSDs with the maximum flexibility in regards to limits on administrative expenditures. Imposing such a limit prior to receiving information on block grant transfers could result in the state arbitrarily imposing a lower limit on administrative expenditures than is absolutely necessary.
- The federal definition of administration is different from the State definition and when TANF costs are claimed to the federal government, they are claimed according to the federal definition. However, the State definition of administrative costs applies to the treatment of costs toward the LAF. The final federal regulations clarify the definition of "administrative costs" by including language specifying the type of cost not included in the definition. Excluded are the direct costs, including salaries and benefits costs for staff providing program services and the direct administrative costs associated with providing these program services (e.g., supplies, equipment, travel, postage, utilities, rental costs, and maintenance). For example, the cost of providing diversion benefits and services, providing program information to clients, screening and assessment, development of employability plans, work activities, post-employment services, work supports, and case management services, including those involving child welfare case management, except for performing the eligibility determinations, are all excluded from the federal definition of administration. Also excluded are costs for contracts devoted entirely to program activities.

The revised federal definition of administration costs specifically includes contract costs (except those excluded totally or in part as program activities), all indirect and overhead costs, and

activities related to eligibility determinations. Examples of administrative costs included in the regulations are:

- o Salaries and benefits of staff performing administrative and coordination functions;
- o Preparation of program plans, budgets, and schedules;
- o Monitoring programs and projects;
- o Fraud and abuse units;
- o Procurement activities;
- o Public relations;
- o Services related to accounting, litigation, audits, management of property, payroll, and personnel;
- o Costs for the goods and services required for administration of the program (supplies, equipment, travel postage, utilities, office rent, and maintenance), provided that such costs are not excluded as program services;
- o Travel costs incurred for official business and not excluded as program costs;
- o Management information systems not related to tracking and monitoring (such as state payroll staff);
- o Preparing reports and other documents; and
- o Overhead and A-87 costs must be budgeted for any program for which local district staff is budgeted.

To assist LSSDs in determining administrative vs. non-administrative costs, the following matrix is provided to aid in filling out the attached template and preparing claims.

	<u>Non-Administrative</u>	<u>Administrative</u>
<u>TANF Services (example #1)</u>		
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
<u>TANF Services (example #2)</u>		
District Planning Coordinator		X
Claims Preparation, Contractor Monitoring/Evaluation		X
RFP Development		X
Overhead		X
A-87		X
<u>Child Welfare Services (example #3)</u>		
Direct Staff	X	
Direct Non-Salary	X	
Overhead		X
A-87		X
Purchased Services	X	
EAF Eligibility		X

FFFS allocations may be used to pay for administration claims beginning with the April – June 2005 quarter including prior period supplementals accepted after May 2, 2005, the Quarterly Expenditure Report deadline for the January – March quarter.

If LSSDs choose to engage contractors to provide services, they are reminded that they need to obtain assurances from providers that costs being charged to TANF are done pursuant to an appropriate cost allocation methodology.

B. TANF MAINTENANCE OF EFFORT (MOE) REQUIREMENTS

Under the Federal TANF legislation, New York State must continue to meet its requirement to spend state and local dollars (\$1.7 billion annually as long as work participation rate requirements are met). Further State appropriation language requires that local plans show gross amounts spent related to the FFFS programs. For these reasons, the Flexible Fund Plan template (Attachment 2) has columns for gross and Federal shares. The inclusion of MOE countable state and local shares along with federal share in the gross column will assist OTDA in projecting MOE countable expenditures.

The Local and State funded portions of the following Programs are eligible to be MOE countable:

- TANF Programs such as Family Assistance (including child support pass-through);
- TANF Services and Employment Services;
- Child Care (up to the amount spent in the base year); this amount is captured through claiming;
- Administration (up to 15 percent);
- Safety Net FFP; and
- Safety Net for former Family Assistance Recipients who exceed the Five Year Time Limit and Safety Net for Aliens who lost Eligibility Solely Due to PRWORA.

C. FFFS LIQUIDATION REQUIREMENTS

LSSDs must liquidate, that is claim to the State, the full amount of their FFFS allocations by March 31, 2008. However, the time frames for liquidating any FFFS funds that are transferred to Title XX and/or the Child Care Development Fund are governed by the requirements for those programs as follows:

Title XX: FFY 04-05 funds must be liquidated by September 30, 2006; FFY 05-06 funds must be liquidated by September 30, 2007.

CCDF: FFY 04-05 funds must be liquidated by September 30, 2006; FFY 05-06 funds must be liquidated by September 30, 2007.

D. TANF PRIOR YEARS' ROLLOVER FUNDS

While not specific to the discussion of FFFS planning and implementation requirements, LSSDs are reminded that they may have rollover funds from prior years' TANF block grants. LSSDs will be notified by letter from OTDA's Finance Division of the amounts and restrictions related to these funds. The availability of such funds will be a factor for LSSDs to consider when planning for use of their 2005-06 FFFS funds. In addition, please note that these funds have been reappropriated allowing for services to be provided to families/individuals with incomes up to 200 percent of the federal poverty level.

Due to the reappropriation of certain appropriations in the SFY 2005-06 budget, LSSDs can continue to claim against available balances in the following programs: TANF Supportive Services

Block Grant (BG CY2004-05), Domestic Violence Liaison (DV CY 2004-05), Drug Alcohol (Drug Alcohol CY2004-05), Non-Residential Domestic Violence (Non Res DV 4) and PINS/Prevention/Detention Diversion Services. These funds will not be combined with the FFFS allocation. They will remain open and separate until such time that they are either completely spent or no longer reappropriated. It is recommended that LSSDs claim against and should consider these available balances as they develop their FFFS planning strategies. LSSDs should continue to use current claiming mechanisms for rollover funds. It is unknown how long the existing older appropriations (BG CY2004-05, DV CY 2004-05, Drug Alcohol CY2004-05, and Non-Res DV 4) will remain open. In the unlikely event that these funds are not reappropriated in next year's enacted SFY 2006-07 budget, LSSDs may incur expenditures for the above-mentioned programs through June 30, 2006 with claims received by August 15, 2006.

The SFY 2005-06 budget reappropriated funds to support the continuation of the New York Works Block Grant (NYWBG) and Community Solutions for Transportation (CST) program. LSSDs should follow existing procedures to expend/claim any remaining funds by the following deadlines:

Allocation	Expenditure Deadline	Claiming Deadline
NYWBG 3	6/30/05	8/15/05
NYWBG 4	6/30/05	8/15/05
NYWBG 5	6/30/06	8/15/06
CST 1, 2, 3, 4	9/30/05	11/15/05

V. REQUIRED ACTION

A. The Flexible Fund Plan Template

Each LSSD must submit a completed Flexible Fund Plan template, Attachment 2, via e-mail to OTDA at the following address: otda.sm.dta_btp@otda.state.ny.us. The Flexible Fund Plan will be shared with OCFS. Included is a sample Plan Template, Attachment 3. The Plan will provide OTDA and OCFS with the distribution of FFFS funds that the LSSD chooses to utilize in SFY 2005-06, and will serve as a summary table for decision points in the LSSD's development of its FFFS allocation. Note that LSSDs will not be limited by the claiming system to the 15 percent maximum for administrative costs. LSSDs are responsible to ensure that they do not exceed the maximum.

Listed below are detailed instructions for the completion of the Flexible Fund Plan. A sample Plan Template, Attachment 3, is also included.

The Gross and TANF portion of the project should be listed for each noted item. In calculating Gross amounts, LSSDs should only include TANF or MOE countable expenditures.

- In order to arrive at final allocations, the following topics should be considered **in whatever order is most appropriate to your LSSD's circumstances:**
 - Sections 1, 2 and 3: Assess the caseload to determine the amount of funding that is needed for employment programs to achieve federal work participation rates and to fund other service projects. Review service levels for drug and alcohol assessment and monitoring and domestic violence screening. Although there is a separate TANF allocation for Non-Residential Domestic Violence Services, LSSDs can also choose to designate a portion of their FFFS funds for Non-Residential Domestic Violence Services, if so desired. Enhanced drug and alcohol and domestic violence services should be shown as part of TANF service projects in Section 1.

- Section 4: Determine the amount the LSSD wishes to transfer to Title XX for Title XX Below 200 Percent Services based on program needs and the amount available for transfer taking into consideration the proposed child care transfer amount in Section 6 and the child welfare threshold discussed on page 9. Under federal statute, an LSSD may transfer up to 59 percent of its FFFS allocation to the Child Care Development Fund and Title XX combined with no more than 40 percent of its FFFS allocation being transferred to Title XX. As previously discussed in the Summary 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.

Separately designate the amount of the Title XX transfer the LSSD wishes to be used for Child Welfare; Adult Protective/Domestic Violence and Other Services categories on the appropriate lines. Transfer amounts for a single State Fiscal Year typically span two or more Federal TANF Grant years. As such, the State will assign transfer amounts across Federal Fiscal Years as permitted. OTDA will notify an LSSD if its proposed transfer amount exceeds an allowable percentage.

- Section 5: Determine other Child Welfare Services needs and EAF JD/PINS foster care costs, NYC EAF Tuition costs and PINS/Prevention/Detention Diversion Services costs, and enter on the appropriate lines.
- Section 6: Although the SFY 2005-06 Enacted State Budget has separate State, federal and TANF appropriations for Child Care services, LSSDs may designate additional FFFS funds in this section to be transferred to the Child Care Development Fund for child care services, if needed. See the discussion in Section IV.A.4 regarding the statutory limitations on the transfers to the Child Care Development Fund and Title XX.
- Section 7: Assess what portion of TANF Employment and/or other TANF service projects should be funded by State administered contracts. Although the SFY 2005-06 enacted State Budget has separate appropriations for State Administered TANF contracts, LSSDs may designate a portion of their FFFS allocations to supplement these contracts.
- Sections 8 & 9: Project administrative needs, including EAF Child Welfare Administration using TANF (to 15 percent federal limit), the State share Local Administrative Fund and local resources. Other costs include staffing and services needed to determine eligibility for TA and prevent fraud and abuse.

- Timeframes

Each LSSD must submit its Flexible Fund Plan to OTDA. The Plan will be shared with OCFS. The Plan must include the amount of its FFFS funds, if any, it wants to have transferred to the Title XX and Child Care Development Fund programs. The Plan and certification letter must be submitted together, via e-mail to otda.sm.dta_btp@otda.state.ny.us, by **July 15, 2005**. OTDA and OCFS will jointly review the Plans and issue approval letters to LSSDs.

Plans for the FFFS funds that remain after the Title XX and Child Care Development Fund transfers may be amended at any time by an LSSD as it deems necessary. An LSSD must notify OTDA (a copy will be shared with OCFS) within 30 days of any such change by submitting a revised Flexible Fund Plan.

B. Local District Certification

Local District Assurance Letter: Along with the Flexible Fund Plan, each LSSD is required to submit a certification assurance letter signed by the Commissioner as contained in Attachment 4. This letter constitutes the LSSD's assurances that the programmatic and fiscal requirements that are necessary for proper program administration and accountability will be maintained. This letter constitutes an acceptance by the LSSD 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.

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

- basic eligibility;
- substance abuse and domestic violence screening;
- child support referrals;
- employment requirements, including conducting employability determinations and assessments and achieving federal work participation rate requirements;
- proper notices;
- conferences and fair hearings;
- determining eligibility within application time frames;
- special allowances;
- emergency and immediate needs;
- guaranteed child care services;
- foster care services;
- mandated child prevention services; and
- child protective services.

C. Claiming Instructions

Until the claim forms and the Automated Claiming System can be revised to accommodate the changes required by the Flexible Fund, LSSDs will continue to report their expenditures for the FFFS via the RF-2 and RF-2A claiming packages, the LDSS-3922 (rev. date 12/01) Reimbursement Claim Form for Special Projects, or the TANF Reporting and Control System (TRACS), as applicable.

Copies of the claims schedules G Title XX Services For recipients (LDSS-1372); Schedule H Non-Title XX Services For Recipients (LDSS 4283); the Schedule K Child Care Reimbursement for Foster Care and Adoption Expenses (LDSS 3479) and the Schedule D-2 Allocations For claiming General Services Administrative Expenditures are attached to this ADM as Attachment 7. The schedules are annotated to reflect expenditures eligible under FFFS and other federal reimbursements and also are colored coded to identify applicable State funding streams.

Special Claims forms (LDSS-3922) must be used for PINS/Prevention/Detention Diversion Services and FFFS Direct Child Welfare Services for families with incomes up to 200 percent. For PINS Prevention /Detention Diversion Services the project name should be FFFS PINS PREV/DET and for Direct Child Welfare Services, the project name should be FFFS CW TANF DIRECT.

A ceiling report will be developed which will track expenditures against each LSSD's respective FFFS allocation and will be made available to each LSSD via its respective LSSD folder.

D. Contact Person

Each LSSD must provide an LSSD contact person who will be responsible for responding to any questions concerning the LSSD's FFFS program. The name, telephone number and e-mail address should be included with the LSSD's submission of its Flexible Fund Plan and certification letter.

E. Reporting and Accountability

Regular ongoing reporting: LSSDs are reminded that monthly reports on service activity in projects funded with FFFS are still required. The following guidelines must be adhered to:

- LSSDs must report to OTDA on the total numbers of households served in TANF Services, Employment Services, and Drug and Alcohol Services projects each month. (Please see Attachment 6.) These numbers should be reported via an email message sent to otda.sm.dta_btp@otda.state.ny.us by the 15th of each month following the report month. OTDA will issue further instructions on reporting once the implications of the anticipated federal TANF reporting requirements are analyzed.
- Employment activity for the purpose of calculating work participation rates must continue to be reported using existing reporting mechanisms (e.g. Welfare to Work Caseload Management System).
- Domestic Violence activity must continue to be reported on the DV reporting subsystem of WMS.
- For FFFS EAF Child Welfare; Title XX transfers (Title XX Below 200 Percent for both Child Welfare, Adult Protective/Domestic Violence and Other Services); CCDF transfers; and EAF JD/PINS and NYC EAF foster care tuition: families and children served reporting will continue to come from claims submissions.
- Special Claims forms (LDSS-3922) must be used for PINS/Prevention/Detention Diversion Services and FFFS Direct Child Welfare Services for families with incomes up to 200 Percent.
- For programs funded as Title XX Below 200 Percent, FFFS Direct Child Welfare Services, Child Care, EAF JD/PINS, EAF NYC tuition and PINS/Prevention/Detention Diversion Services, the planning requirements will be met through the LSSD's Consolidated Services Plan or Integrated County Services Plan requirements. Please refer to 03 OCFS-LCM-19 Guidelines and Instructions for Preparing County Services Plans for further information on these plan requirements and deadlines. OCFS will be issuing guidelines on the Annual Plan Updates to these plans in the near future.

VI. Systems Implications

None

VII. Effective Date: April 1, 2005

Issued By

Name: Russell Sykes

Title: Deputy Commissioner, Division of Employment and
Transitional Supports

Division/Office: NYS Office of Temporary and Disability
Assistance

Issued By

Name: Susan A. Costello

Title: Deputy Commissioner for Administration

Division/Office: NYS Office of Children and Family
Services

SFY 2005-2006 TANF Funded State Level Contracts

TRANSPORTATION (OTDA)	\$8,400,000
SUMMER YOUTH EMPLOYMENT (OTDA)	25,000,000
BRIDGE (OTDA)	9,553,000
ADVANTAGE SCHOOLS (OCFS)	20,200,000
HOME VISITING (OCFS)	17,600,000
YEETP (OTDA)	4,000,000
FOOD PANTRIES (DOH)	12,350,000
PREGNANCY PREVENTION (DOH)	2,100,000
DISPLACED HOMEMAKERS (OTDA)	2,300,000
APPS (OCFS)	5,870,000
SCHOOL-BASED HEALTH CENTERS (DOH)	3,500,000
WIC (DOH)	5,000,000
ATI (OTDA)	4,000,000
WAGE SUBSIDY PROGRAM (OTDA)	4,000,000
PREVENTIVE SERVICES INITIATIVE (OCFS)	15,000,000
TECHNOLOGY TRAINING (OTDA)	8,500,000
LANGUAGE IMMERSION/ENGLISH TRAINING/ESL (OTDA)	2,000,000
ADULT AND FAMILY LITERACY (OTDA)	1,000,000
VESID/LIVES (OTDA)	1,500,000
HOMELESS ASSISTANCE (OTDA)	4,000,000
ACCESS – WELFARE TO CAREERS (OTDA)	1,000,000
EMERGENCY HOMELESS (OTDA)	1,000,000
DAP (OTDA)	1,000,000
SUPPORTIVE HOUSING FOR FAMILIES (OTDA)	2,500,000
KINSHIP/GUARDIANSHIP/PINS/CARETAKER (OCFS)	1,150,000
BUILD NY (OTDA)	1,000,000
AFL-CIO (OTDA)	600,000
BASIC EDUCATION (OTDA)	2,000,000

**FLEXIBLE FUND FOR FAMILY SERVICES
SFY 2005-06 ALLOCATIONS**

Attachment 1

DISTRICT	2005-06 FFFS Allocation
Albany	\$9,008,000
Allegany	\$2,031,000
Broome	\$5,866,000
Cattaraugus	\$2,936,000
Cayuga	\$2,145,000
Chautauqua	\$3,318,000
Chemung	\$3,324,000
Chenango	\$1,440,000
Clinton	\$1,894,000
Columbia	\$2,223,000
Cortland	\$1,646,000
Delaware	\$1,358,000
Dutchess	\$6,444,000
Erie	\$24,707,000
Essex	\$911,000
Franklin	\$1,567,000
Fulton	\$1,875,000
Genesee	\$1,451,000
Greene	\$1,512,000
Hamilton	\$102,000
Herkimer	\$1,508,000
Jefferson	\$2,631,000
Lewis	\$804,000
Livingston	\$1,821,000
Madison	\$1,482,000
Monroe	\$15,759,000
Montgomery	\$1,279,000
Nassau	\$15,783,000
Niagara	\$5,028,000
Oneida	\$7,794,000
Onondaga	\$13,280,000
Ontario	\$1,872,000
Orange	\$7,681,000
Orleans	\$1,116,000
Oswego	\$4,544,000
Otsego	\$1,559,000
Putnam	\$996,000
Rensselaer	\$4,035,000
Rockland	\$6,342,000
St Lawrence	\$2,689,000
Saratoga	\$3,146,000
Schenectady	\$5,730,000
Schoharie	\$1,315,000
Schuyler	\$914,000
Seneca	\$1,467,000
Steuben	\$2,838,000
Suffolk	\$21,986,000
Sullivan	\$2,079,000
Tioga	\$1,400,000
Tompkins	\$2,499,000
Ulster	\$4,693,000
Warren	\$1,455,000
Washington	\$1,336,000
Wayne	\$1,891,000
Westchester	\$20,823,000
Wyoming	\$977,000
Yates	\$690,000
New York City	\$351,000,000

Flexible Fund Plan for
 Pearl County

Total Allocation \$ **3,000,000** % of Total Allocation

Specific Allocation: The allocations should be considered in the order most appropriate to your district's circumstances.

		SFY 05-06		
		GROSS****	TANF	
1. TANF Services and Employment Services		\$ -	\$ 1,050,000	35%
•TANF Services			\$ 525,000	
•TANF Employment Services			\$ 525,000	
2. Drug/Alcohol (Statutory D/A Assessment/Monitoring)		\$ -	\$ 25,000	1%
3. Statutory Domestic Violence Liaison Function (DVL)		\$ -	\$ 5,000	0%
4. Title XX Transfer below 200%			\$ 390,000	13%
•Child Welfare*			\$ 300,000	
•Other			\$ 90,000	
•AP/DV			\$ 30,000	
•Non AP/DV			\$ 60,000	
5. Child Welfare Other Than Title XX Transfer (exclude administrative expenses)			\$ 663,000	22%
•Child Welfare (EAF or 200%)**			\$ 600,000	
•EAF JD/PINS (foster care/tuition)			\$ 25,000	
•NYC Tuition FC			\$ -	
•PINS/Prevention/Detention Diversion Services*			\$ 38,000	
6. Child Care Transfer			\$ 200,000	7%
7. State Administered Contracts***		\$ -	\$ 217,000	7%
	(Type/Service Period)			
PEARL ASSOC	BRIDGE 1/1/06-6/30/06	\$ -	\$ 42,000	
PEARL CHARITIES INC.	APPS 10/1/05-6/30/06	\$ -	\$ 75,000	
THE PEARL HOMELESS COALITION	SHIP 1/1/06-6/30/06	\$ -	\$ 100,000	
Sub-Total Program Allocations		\$ -	\$ 2,550,000	85%
8. TANF Administration		\$ -	\$ 300,000	10%
9. Child Welfare Administration****			\$ 150,000	5%
Sub-Total Administration Allocations		\$ -	\$ 450,000	15%
Grand Total		\$ -	\$ 3,000,000	100%
Balance to Allocate/ Reserve			\$ -	0%
Calculation of Administration Percentages				
•TANF Administration		\$ -	\$ 300,000	10%
•Child Welfare Administration			\$ 150,000	5%
Administration Totals (15% Cap)		\$ -	\$ 450,000	15%
Calculation of Amount towards Child Welfare Threshold				
•Title XX below 200% Child Welfare			\$ 300,000	10%
•Child Welfare other than Title XX Transfer (EAF or 200%)			\$ 600,000	20%
•Child Welfare Administration			\$ 150,000	5%
Child Welfare Threshold Total			\$ 1,050,000	35%

*Eligible for 65% funding net of available federal funds, subject to the child welfare threshold.

**Amounts count toward the child welfare threshold or are eligible for 65% state funding net of available federal funds, subject to the child welfare threshold.

***Identify the State administered contract(s) that the district wants the State agency(ies) to expand on behalf of the district, e.g., Bridge, APPS, etc.

****Sub-set of EAF child welfare amount as identified on the D-2.

*****Gross expenditures include the Federal share for FFFS and State/local funding related to MOE countable expenditures as explained in the TANF MOE section (IV.B) of the ADM.

Please note that Federal statute prohibits the transfer of more than 30 percent (no more than 10 percent to Title XX) from each TANF Grant to Child Care or Title XX combined. Transfer amounts for a single State Fiscal Year typically span two or more Federal TANF Grant years. For SFY 2005-06, the State will assign transfer amounts across Federal Fiscal Years as permitted: 59% to the Child Care Development Fund, 40% to the Title XX Block Grant, and 59% combined to the Child Care Development Fund and Title XX Block Grant.

INSERT IN HIGHLIGHTED AREAS ONLY

Certification

The Local District Commissioner of _____ hereby submits its Flexible Fund for Family Services (FFFS) Plan. It certifies that funds will only be used in a manner consistent with federal and State law and regulations and for a purpose permitted under 42 USC §601 or §604 and consistent with 05 ADM-11.

Funds will be used to provide services only to recipients of public assistance who are recipients of Family Assistance or recipients of Safety Net Assistance whose current case includes a child under the age of 18 or under the age of 19 if the child is attending secondary school, or to eligible individuals and families whose income does not exceed 200 percent of the federal poverty level, except as specifically authorized in 05 ADM-11.

No funds shall be used to provide assistance as that term is defined in the federal regulations for the Temporary Assistance for Needy Families block grant program, except as specifically authorized in 05 ADM-11.

It is further certified that although my local social services district has flexibility in determining for which programs it wishes to use its FFFS allocation in accordance with its FFFS Plan, that the social services district is still required to provide all services mandated by the State Social Services Law.

Commissioner

Date

Sample Revenue Intercept Letter

Date

Mr. Richard Radzyninski
NYS OTDA
Office of Budget, Finance and Management
40 N. Pearl Street 14th Floor
Albany, NY 12243

Dear Mr. Radzyninski:

This letter is to notify the Office of Temporary and Disability Assistance (OTDA) that _____ County/District wishes to use the services of New York State staff and/or supplement the existing funding for the purpose of contracting with selected provider(s) for the following Program/Projects.

List the Program/Project, provider and the dollar amount for each State Administered contract you wish to expand with funds from your Flexible Fund for Family Services (FFFS) allocation. Additional Programs/Projects may be added at the bottom of this letter.

Program/Project Name	Provider	Amount from FFFS allocation
_____	_____	_____
_____	_____	_____

As a result, I authorize OTDA to set aside a total of _____ of my County's/District's FFFS allocation for State Fiscal Year _____ - _____.

Should this Program/Project not be able to be continued or the funding authorized in this letter in whole or part not be utilized, OTDA will so advise me so that my County/District may re-direct the remaining funds to other authorized uses.

Sincerely,

Commissioner or Commissioner's
Designee

Sample Reporting on Households Served

Total Households Served*: _____

FA/TANF Households: _____

SN/MOE Households: _____

Non-TA/200% of Poverty Households: _____

Non-Custodial Parents Participating in Work Activities: _____

(Note: This number would include any non-custodial parents served in work activities under the 200% provisions and would not include members of TANF assistance households.)

Number of Drug/Alcohol Assessments: _____

****Excludes DVL data reported via WMS.***

Numbers are not unduplicated.

County: _____

Month/Year: _____

Contact Person: _____

Claim Schedules References for the Flexible Funding for Family Services (FFFS)

Flexible Funding for Family Services (FFFS) provides local social services districts with the ability to manage federal Temporary Assistance for Needy Families (TANF) funds that are available for a variety of services, which can be reported and accounted for in varying ways. The FFFS funds expended on child welfare and other services that are in the purview of the Office of Children and Family Services must be reported on the Automated Claims System (ACS) using the:

RF-2 package, Schedule G “Title XX Services for Recipients” and Schedule H “Non Title XX Services for Recipients” for program costs, and RF-2A Schedule D-2 for administrative costs.

These schedules are attached and have been modified for purposes of illustrating in this ADM which services can be funded with FFFS with the annotation of “**FFFS**” in the header of the appropriate columns for the schedule G and in the expenditure cells for the Schedules H and D-2. The Schedule G also notes those expenditure cells that report expenditures for Title IV-B, Subpart 2 funds. Please note that all expenditures reported on the Schedule G in the child protective and child preventive columns are eligible for Title IV-B Subpart One reimbursement. The OCFS will use those expenditures reported in columns **4** and **6** to reimburse under that program.

The three schedules have also been color coded to indicate which expenditures are eligible for various State funding after federal funds have been applied. Expenditures eligible for child welfare 65% funding once the local social services district meets its child welfare threshold requirement under FFFS are color coded blue, those expenditures for adult protective and domestic violence services eligible for 50% State funding are color coded yellow and those that are part of the State’s Foster Care Block Grant are color coded red. All other cells not color coded appear as grey and are not eligible for additional State funding except for those state funds in the Child Care Block Grant (columns 12 and 13 on Schedule H).

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**SCHEDULE D-2
ALLOCATION FOR CLAIMING GENERAL SERVICES ADMINISTRATION EXPENDITURES**

SECTION 1A: PROCEDURES FOR CALCULATING SHARES

ITEM	TOTAL COSTS (1)	IDENTIFIED COSTS (2)	TOTAL TO BE ALLOCATED BY RMS %S (3)	RMS PERCENTAGES (4)	COSTS ALLOCATED BY RMS (5)	TOTAL COSTS DISTRIBUTED (6)	FEDERAL SHARE (7)	BALANCE (8)	STATE SHARE (9)	LOCAL SHARE (10)
1. Total General Services (Schedule D)										
2. EAF Child Preventive	FFFS									
3. EAF Foster Care										
4. EAF Child Protective	FFFS									
5. EAF All Other	FFFS									
6. Child Care Block Grant										
7. Title IV-E Preventive Services										
8. Title IV-E Protective Services										
9. Title IV-E Foster Care										
10. Title IV-E Adoption										
11. Foster Care Non-IV-E										
12. XIX-MA Health Related Services										
13. Title XX/Title IV-B Services										
14. Family Type Homes For Adults										
15. Unaccompanied Minors										
16. Non-Reimbursable										

SECTION 1B: CALCULATION OF CHILD CARE BLOCK GRANT SUBJECT TO 5% FEDERAL CAP (MEMO ENTRY ONLY)

ITEM	PERCENTAGE % (1)	OVERHEAD COSTS (2)	TOTAL OVERHEAD COSTS (3)	RMS PERCENTAGE (4)	DIRECT COSTS (5)	TOTAL DIRECT COSTS (6)	IDENTIFIED COSTS (7)	A-87 COSTS (8)	TOTAL COSTS (9)
CHILD CARE BLOCK GRANT									

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**SCHEDULE D-2
ALLOCATION FOR CLAIMING GENERAL SERVICES ADMINISTRATION EXPENDITURES**

SECTION 1C: CALCULATION OF EAF PROGRAM COSTS UNDER TANF (MEMO ENTRY ONLY)

ITEM	TOTAL SERVICES PROGRAM COSTS (1)	TOTAL SERVICES PROGRAM AND ADMINISTRATIVE COSTS (2)	PROGRAM PERCENTAGE (3)	EAF SERVICES COSTS (4)	EAF TANF PROGRAM COSTS (5)	EAF TANF ADMINISTRATIVE COSTS (6)	
1. Total Services Costs							
2. EAF Preventive	FFFS						
3. EAF Foster Care							
4. EAF Protective	FFFS						
5. EAF All Other	FFFS						

SECTION 2: CALCULATION OF FEDERAL SHARE OF GENERAL SERVICES A-87

ITEM	TOTAL (1)	IDENTIFIED COSTS (2)	TOTAL TO BE ALLOCATED BY RMS %S (3)	RMS PERCENTAGES (4)	COSTS ALLOCATED BY RMS (5)	A-87 TOTAL COSTS DISTRIBUTED (6)	FEDERAL SHARE (7)	LOCAL SHARE (8)
1. Total General Services A-87 (Sch. D)						0	0	0
2. EAF Foster Care						0	0	0
3. EAF All Other						0	0	0
4. Child Care Block Grant						0	0	0
5. Title IV-E Preventive Services						0	0	0
6. Title IV-E Protective Services						0	0	0
7. Title IV-E Foster Care						0	0	0
8. Title IV-E Adoption						0	0	0
9. Foster Care Non-IV-E						0	0	0
10. XIX- MA Health Related Services						0	0	0
11. XX Services						0	0	0

65% State Funding

FCBG

50% State Funding

0% State Funding

12. Family Type Homes For Adults						0		0
13. Unaccompanied Minors						0		0
14. Non-Reimbursable						0		0

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SCHEDULE D-2					
ALLOCATION FOR CLAIMING GENERAL SERVICES ADMINISTRATION EXPENDITURES					
SECTION 3: COMPONENTS REQUIRING SEPARATE IDENTIFICATION FOR FUNDING					
PROGRAM	Sec. 1A, Line 1, Column 3	RMS %	Allocation	Identified Costs	Total
A. 1. Title XX/Title IV-B Child Protective					
2. Title XX/Title IV-B Child Preventive					
3. Title XX/Title IV-B Adoption					
4. Title XX/Title IV-B Domestic Violence					
5. Title XX Adult Protective					
6. Title XX/Title IV-B Child Protective under 200%	FFFS				
7. Title XX/Title IV-B Child Preventive under 200%	FFFS				
8. Title XX/Title IV-B Adoption under 200%	FFFS				
9. Title XX Domestic Violence under 200%					
10. Title XX Other under 200%					
11. Title XX under 200% A-87					
B. 1. IV-E Foster Care - Case Planning					
2. IV-E Foster Care - Eligibility					
3. IV-E Foster Care - Preplacement					
4. IV-E Foster Care - Other					
5. Case Planning A-87					
6. Eligibility Determ. A-87					
7. Preplacement A-87					
8. Other A-87					

SCHEDULE G TITLE XX SERVICES FOR RECIPIENTS												
TYPE OF SERVICE	GROSS EXPENDITURES	REFUNDS & CANCELLATIONS	NET EXPENDITURES	CHILD PREVENTIVE		CHILD PROTECTIVE		ADULT SERVICES/DV		OTHER		NR Services
				IV-B 1 & TITLE XX	TITLE XX UNDER 200% (FFFS)	IV-B 1 & TITLE XX	TITLE XX UNDER 200% FFFS	TITLE XX	TITLE XX UNDER 200%	TITLE XX	TITLE XX UNDER 200% (FFFS)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1. Adoption Services				IV-B2	IV-B 2							
2. Day Care Services for Children				IV-B 2		IV-B 2						
3. Day Services				IV-B 2		IV-B 2						
4. Family Planning Services				IV-B 2		IV-B 2						
5. Home Management Services				IV-B 2		IV-B 2						
6. Homemaker Services				IV-B 2		IV-B 2						
7. Housekeeper/Chore Services				IV-B 2		IV-B 2						
8. Housing Improvement				IV-B 2		IV-B 2						
9. Information and Referral Services												
10. Adult Preventive												
11. Protective Services for Adults-General												
12. Protective Services for Adults-Homemaker												
13. Protective Services for Adults-Housekeep												
14. Clinical Services				IV-B 2		IV-B 2						
15. Other Services				IV-B 2		IV-B 2						
16. Emergency Cash				IV-B 2		IV-B 2						
17. Emergency Good and/or Shelter				IV-B 2		IV-B 2						
18. Residential Placement for Adults												
19. Social GRP for Senior Citizens												
20. Transportation Services				IV-B 2		IV-B 2						
21. Parent Services				IV-B 2		IV-B 2						
22. Domestic Violence												
23. Health Services				IV-B 2								
24. Aftercare Services				IV-B 2								
25. Post Adoption Services				IV-B 2								
26. Total Expenditures												
27. Fees Collected												
28. Net Expenditures												
29. Donations												
30. Balance												
31. Federal Share - Title XX												
32. Federal Share - Title XX Under 200%												

NOTES

65% State Funding and Meets FFFS Threshold
50% State Funding
0% State Funding

All Child Protective and Child Preventive Expenditures are eligible for Title IV-B subpart 1

Services Eligible For Title IV-B subpart 2 are:
 Family Preservation
 Family Support
 Pre-Adoption Services
 Family Reunification

Child Welfare Threshold for Flexible Fund for Family Services

DISTRICT	THRESHOLD	DISTRICT	THRESHOLD
Albany	3,331,465	Oneida	2,922,892
Allegany	436,358	Onondaga	5,966,730
Broome	2,160,713	Ontario	769,031
Cattaraugus	660,389	Orange	3,673,263
Cayuga	535,082	Orleans	311,398
Chautauqua	1,183,545	Oswego	1,564,818
Chemung	931,235	Otsego	728,822
Chenango	377,754	Putnam	491,743
Clinton	817,027	Rensselaer	1,156,918
Columbia	653,490	Rockland	2,808,908
Cortland	535,940	St. Lawrence	1,004,557
Delaware	859,978	Saratoga	899,355
Dutchess	1,970,376	Schenectady	2,531,323
Erie	8,306,247	Schoharie	316,867
Essex	376,868	Schuyler	225,072
Franklin	426,165	Seneca	440,589
Fulton	366,984	Steuben	1,086,383
Genesee	549,813	Suffolk	7,893,461
Greene	424,457	Sullivan	846,781
Hamilton	16,935	Tioga	385,209
Herkimer	427,700	Tompkins	895,128
Jefferson	954,318	Ulster	2,109,672
Lewis	194,114	Warren	424,518
Livingston	577,219	Washington	476,273
Madison	579,462	Wayne	619,866
Monroe	7,314,790	Westchester	9,402,154
Montgomery	343,198	Wyoming	230,109
Nassau	6,266,744	Yates	176,104
Niagara	1,579,749	New York City	130,523,893
		New York State	224,039,952