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Informational Letter

Section 1

Transmittal:	06-INF-22
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Supports
Date:	June 26, 2006
Subject:	Clarification of DFR Procedures for Parolees
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Medicaid Directors Staff Development Coordinators
Contact Person(s):	TA Policy Questions: TA Bureau at 1-800-343-8859 ext. 4-9344
Attachments:	none
Attachment Available On – Line:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
05 INF-26 00 INF-19 99 LCM-32 97 INF-6 94 ADM-11 86 ADM-40 OMM/ADM 97-1		Part 311	SSL 62.5	TASB XXIX-D	

Section 2

I. Purpose

The purpose of this release is to provide districts with clarification of District of Fiscal Responsibility (DFR) policy when an individual has been released from prison and the State Division of Parole (DOP) has placed conditions restricting the district in which the individual can reside until parole is completed.

II. Background

97 INF-6 and 00 INF-19 contain guidelines for processing Temporary Assistance (TA) applications and cases when a person found in one district is the financial responsibility of another district. These releases however did not discuss DFR policy when a parolee released from prison is mandated to reside in one district until the conditions of parole are completed. Recent questions from local districts regarding the DFR when sex-offenders and drug/alcohol parolees are mandated to reside in a particular district are indicative of the need to provide policy clarification for these situations. Normal DFR guidelines do not apply in these instances since the DOP is involved in the placement and is not considered an entity acting directly on behalf of the district of last residence.

This release does not in anyway impact those situations involving **medical parole** which are addressed by section 62.5 (g) of the Social Service Law. These instances are rather rare for TA, but when medical parole is involved the DFR is the district in which the person was convicted and sentenced to the custody of the Department of Correctional Services.

III. Program Implications

A. Temporary Assistance:

The State DOP may mandate a parolee to reside in a particular district as a condition of his/her parole. There may be several reasons for this, including but not limited to a mandate to attend a particular residential substance abuse or other non-medical treatment. The mandated residence may or may not be the district of last residence. When a parolee is unable to exercise his/her intent to establish residence due to the DOP mandate, residence does not change until the conditions of parole are completed and the parolee can exercise intent about where to reside.

Therefore, when the district in which the parolee must reside is mandated as a 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. Once the mandate is ended or the parole is completed, the parolee regains the freedom to exercise his/her intent as to his/her district of residence. At that time, if the individual chooses to reside in the where-found district, the transition rule would be adhered to requiring the district of prior residence to continue assistance for the month the parolee regains the freedom to exercise his intent of residence and the month following unless some other DFR provision applies.

Districts are reminded that emergency needs are the responsibility of the where-found district.

Example 1:

Mr. Smith is a resident of County A. He commits a crime and subsequently serves a 1 year incarceration in state prison. Upon his release in November, Mr. Smith is mandated to a living arrangement in County B as a condition of his parole. The DOP mandate continued until March 2nd.

In this case County A would be the DFR. When Mr. Smith's parole is completed and he is free to reside where he chooses, he chooses to remain in County B. County A is responsible under the transition rule for Mr. Smith for the remainder of March and the month of April.

Example 2:

Mr. Zwicki resided in County A prior to his incarceration. For several reasons, including the public nature of Mr. Zwicki's offense, DOP determined that it was unwise for Mr. Zwicki to return to the district of residence at the time of incarceration. DOP located an apartment in County B and mandated that Mr. Zwicki reside there upon his release on parole.

County A is the DFR as Mr. Zwicki was a resident of County A at the time of his arrest and the DOP mandate makes it impossible for Mr. Zwicki to exercise intent about where he wants to live.

If not for his arrest while residing in County A, under normal DFR procedures, Mr. Zwicki would not be the fiscal responsibility of County A for two reasons:

1. DOP is not an entity that is considered to be acting on behalf of the district of residence; and
2. The "placement" is not one that qualifies under the placement rule; it is not a formal residential program providing room and/or board and other non-medical specialized services or care which has been licensed, certified or approved by an authorized New York State agency. (97 INF-6)

Example 3:

From example 2 – While mandated to reside in County B, Mr. Zwicki enters a hospital for treatment purposes. During his hospital stay his parole is completed and Mr. Zwicki would remain the responsibility of County A as the medical rule now applies. Mr. Zwicki would continue to be the responsibility of County A until there is a break in need of one calendar month or longer.

B. Welfare-to-Work:

As with other DFR situations, these individuals continue to be a consideration in the DFR's participation rate. An attempt should be made to engage the individual in countable employment activities, both in order to assist the DFR in meeting their SNA participation rate and to assist the individual in reaching self-sufficiency.

There is no requirement for the district of residence to cooperate with the DFR in assessing and/or assigning these individuals to work activities. However, we urge cooperation and communication between the districts so this might be accomplished. In other DFR cases, the individuals may be required to return to the DFR to be assessed, etc. if transportation is provided. In DFR cases where the DOP has mandated a parolee to reside in a particular district as a condition of his/her parole, this may not be possible without the permission of the parole officer.

C. Medicaid:

For Medicaid applicants/recipients, districts must follow the DFR policy for non-medical parolees as outlined in the TA section of this letter. This information supersedes information contained in OMM/ADM 97-1.

This information will be included in a future update of the TA Source Book.

Issued By _____

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