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OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
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Robert Doar
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Informational Letter

Section 1

Transmittal:	06-INF-27
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Supports
Date:	August 31, 2006
Subject:	Revision of the LDSS-4731: "District of Fiscal Responsibility (DFR) Desk Guide" (Rev. 7/06)
Suggested Distribution:	Temporary Assistance Staff Food Stamp Benefits Staff Medicaid Directors CAP Coordinators Employment Coordinators WMS Coordinators Staff Development Coordinators
Contact Person(s):	Forms Questions: Bob Gullie 1-800-343-8859 Extension 6-1095 Program Questions: Food Stamp Benefits Bureau - (518) 473-1469 Temporary Assistance - (518) 474-9344 HEAP - (518) 473-0332 Metro Region - (212) 961-8207 WMS Questions: (518) 474-8749
Attachments:	LDSS-4731: "District of Fiscal Responsibility (DFR) Desk Guide" (Rev. 7/06)
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.
94 ADM-11 86 ADM-40 00 INF-19 97 INF-6			SSL 62.5 (b) - (g)	TASB - Chapter 29 pp.536-540	

Section 2

I. Purpose:

The purpose of this INF is to introduce the revised camera ready master copy of the LDSS-4731: “District of Fiscal Responsibility (DFR) Desk Guide” (Rev. 7/06).

The primary reason for this revision is to clarify the “Domestic Violence Residential Program” information in the “Special Situations” section of this form.

II. Background:

The LDSS-4731 was originally developed to aid local district workers in the determination of which district in the State is fiscally responsible for an applicant/recipient of Temporary Assistance physically located in the district.

III. Revisions:

The “Domestic Violence Residential Program” paragraph in the “Special Situations” section was changed to read:

DOMESTIC VIOLENCE RESIDENTIAL PROGRAM: Social Services Law § 62.5(f) provides that the social services district where the victim of domestic violence was residing at the time of the alleged domestic violence shall be responsible for the cost of shelter and care provided to such victim and his or her children at a residential program for victims of domestic violence located in another district. This is true if the victim was receiving public assistance at the time of entry to the program or applies for public assistance and care while residing in such program and is found eligible. The district’s responsibility continues for the transition period, if appropriate (for the month the victim leaves the residential program and the following month). If ineligible for Temporary Assistance the district must consider Title XX or 50 State/ 50 local funding to pay for the residential program.

IV. Forms Ordering Information:

- This form is not printed but requests for a camera ready master copy of the 7/06 version of the LDSS- 4731 can be submitted on OTDA-876 “Request For Forms or Publications”, and should be sent to:

Office of Temporary and Disability Assistance
BMS Document Services and Operational Support
P.O. Box 1990
Albany, New York 12201

Questions concerning ordering forms should always be directed to BMS Document Services at 1-800-343-8859, ext. 4-9522.

- Upon receipt of the revised master copy, all previous versions of the LDSS-4731 should be destroyed and the 7/06 versions must be used.

- A camera ready copy of the LDSS-4731 may also be ordered through Outlook. To order the form you must obtain an OTDA-876 electronically by going to the OTDA Intranet Website at <http://otda.state.nyenet/> then to Division of Program Support & Quality Improvement page, then to PSQI E-Forms page to Bureau of Management Services section (this section contains the electronic OTDA-876).
- For those who do not have Outlook but who have Internet access for sending and receiving email, the Internet email address is: gg7359@dfa.state.ny.us. For a complete list of available forms, please refer to OTDA Intranet site: http://otda.state.nyenet/ldss_eforms/default.htm.

Issued By _____

Name: **Russell Sykes**
Title: **Deputy Commissioner**
Division/Office: **Division of Employment and Transitional Supports**

DISTRICT OF FISCAL RESPONSIBILITY (DFR) DESK GUIDE

DFR RULES (APPLY IN THE ORDER PRESENTED)

1. **Medical Facility Rule:** An individual who leaves his/her home district and goes into a medical facility in a **different** district, (or who goes into a Title XIX OMH/OMRDD facility located in the home district or in another district), and is in need of assistance while in the facility or immediately thereafter, is the fiscal responsibility of the from-district.

(To distinguish between a residential treatment facility that IS a medical facility and one that is not, look at who pays the bill. If Medicaid pays for some treatment while the individual is in the facility, but not the room and board, then that is NOT a medical facility. For example, a Congregate Care Level II substance abuse residential treatment facility is NOT a medical facility.)

A Veteran's Administration hospital is also considered a medical facility for the purpose of DFR. A VA Domiciliary facility is NOT a medical facility.)

2. **Placement Rule:** The applicant/recipient is the fiscal responsibility of the district of legal residence if:

the applicant/recipient is in a formal or licensed residential care facility; **AND**,

a social services district, either the original district or any other district, was directly or indirectly involved in placing the eligible person. Social services district involvement means involvement by any county agency or official governmental entity of **any** county including courts, mental health, probation departments, etc.

ONCE A DISTRICT'S RESPONSIBILITY IS ESTABLISHED UNDER EITHER THE MEDICAL RULE (#1) OR THE PLACEMENT RULE (#2), THAT RESPONSIBILITY CONTINUES NO MATTER HOW MANY MOVES BETWEEN COUNTIES HAS OCCURRED SINCE THE RELEASE FROM THE MEDICAL OR RESIDENTIAL FACILITY (UNLESS THE TA/MA INDIVIDUAL HAS A BREAK IN NEED OF LEAST ONE CALENDAR MONTH). IF NEITHER #1 NOR #2 APPLY, CONSIDER ONE OF THE FOLLOWING.

3. **Temporary Absence:** An individual who is a legal resident of one county entered a new district for a specific purpose and intends to return to the county of legal residence after the purpose is completed.
4. **Transition Rule:** The former district is responsible for Temporary Assistance and Food Stamp Benefits (if Food Stamp Benefits were authorized on that Temporary Assistance case) for the recipient who moves for the month of the move and the month following **IF** the recipient remains eligible for Temporary Assistance. For Medical Assistance only cases, the former district is responsible for the recipient, the month of the move and may continue assistance for the month following the month of the move.

SPECIAL SITUATIONS

EMERGENCY NEEDS: When the individual has an emergency need in the where-found district, the where-found district is fiscally responsible for meeting that need. This is true unless a homeless individual was placed into emergency housing by another district in NYS. Then, the district (*) responsible for the placement is also responsible for the emergency needs.

Note: "Homeless" - For the purpose of DFR, the definition of Homeless is a person or family who is undomiciled, has no fixed address, lacks a fixed regular night time residence, resides in a place not designed for or ordinarily used as a regular sleeping accommodation for human beings, resides in a shelter, or resides in a hotel/motel on a temporary basis."

DOMESTIC VIOLENCE RESIDENTIAL PROGRAM: Social Services Law 62.5(f) provides that the social services district where the victim of domestic violence was residing at the time of the alleged domestic violence shall be responsible for the cost of shelter and care provided to such victim and his or her children at a residential program for victims of domestic violence located in another district. This is true if the victim was receiving public assistance at the time of entry to the program or applies for public assistance and care while residing in such program and is found eligible. The district's responsibility continues for the transition period, if appropriate (for the month the victim leaves the residential program and the following month). If ineligible for Temporary Assistance the district must consider Title XX or 50 State/ 50 local funding to pay for the residential program.