



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

David A. Paterson
Governor

Administrative Directive

Section 1

Transmittal:	09-ADM-19
To:	Local District Commissioners
Issuing Division/Office:	Center for Employment and Economic Supports (CEES)
Date:	November 3, 2009
Subject:	Changes to Assignment of Support Rights and Child Support Distribution for Recipients of Temporary Assistance
Suggested Distribution:	Temporary Assistance Directors Employment Coordinators Staff Development Coordinators Accounting Staff Resource and Recovery Staff Food Stamp Directors Medicaid Directors Foster Care Supervisors Child Care Unit Supervisors Child Support Enforcement Coordinators Support Collection Unit Supervisors
Contact Person(s):	Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344 Division of Child Support Enforcement at 1-800-343- 8859

Attachments:	<p>Attachment 1 - <i>Revised Assignment of Support Rights Language for LDSS-2921, New York State Application for: Temporary Assistance (TA) - Medical Assistance (MA) - Medicare Savings Program (MSP) - Food Stamp Benefits (FS) - Services (S), including Foster Care (FC) - Child Care Assistance (CC)</i></p> <p>Attachment 2 - <i>Revised Assignment of Support Rights Language for LDSS-3174, New York State Recertification Form For: Temporary Assistance (TA) - Medical Assistance (MA) – Medicare Savings Program (MSP) - Food Stamp Benefits (FS)</i></p> <p>Attachment 3 - LDSS-4279, Notice of Responsibilities and Rights for Support</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.
09 INF-17 03 ADM-10 05 INF-10		18 NYCRR 347.12, 347.13, 347.15, 347.18, 351.1, 351.24(d), 352.15, 369.1, 369.2(b)(1) (ii) and (b)(1)(iii)(f), 369.7, 370	45 CFR 301.1, 302.32, 302.50, 302.51, 302.52; SSL §§111-c; 158, 348; SSA §§457, 458B; DRA of 2005 Public Law 109-171		ABEL Transmittal 09-5 ; “Dear Colleague” letter dated December 29, 1998; Federal OCSE- AT-07-05, dated July 11, 2007; Federal OCSE- AT-97-13, dated September 15, 1997; TASB CH.18 Section U

Section 2

I. Summary

This Administrative Directive (ADM) advises local social services districts (SSDs) of changes resulting from the Federal Deficit Reduction Act (DRA) of 2005 that impact the assignment of support rights for Temporary Assistance (TA) applicants, and the distribution and disbursement of support collections to families who are on TA.

Information regarding the impact of the changes upon various program areas including TA, Food Stamps (FS), child care and Medical Assistance (MA) will be provided. Additionally, official forms, notices, publications, and financial reporting changes, all impacted by the changes, are addressed in this ADM.

Information regarding the impact upon the child support program will be provided in a separate ADM.

II. Purpose

The purpose of this ADM is to advise SSDs of the changes to the assignment of support rights at application for TA effective October 1, 2009. SSDs are advised of changes in how child support collections received for a current TA case will be distributed and disbursed. This ADM provides specific information regarding the impact of these changes upon each program area and introduces a new disbursement of child support collections for TA recipients known as *family arrears payments*. This ADM also provides instructions on the budgeting of family arrears payments for TA purposes, introduces revised common application and recertification application language, and introduces the new unearned income source code “69- Family Support Arrears”.

III. Background

The DRA of 2005, Public Law 109-171, contains both mandatory and optional provisions that impact TA. The DRA provides for mandatory provisions that modify TA assignments executed on or after the effective date of October 1, 2009, which will be limited to the amount of support that accrues during the assistance period, not to exceed the cumulative amount of unreimbursed assistance (URA). Social Services Law §§ 111-c (2)(a), 158(5) and (6)(i), and 348(2) and (3) were amended by Part Z of Chapter 57 of the Laws of 2008 to reflect the new limitation upon assignments made on or after October 1, 2009, which attach only to support rights that accrue during the period that a family receives TA.

Effective October 1, 2009, as a result of DRA limits to assignment of support rights, arrears that are due to the family, including but not limited to arrears that accrued during a period of time while the TA household was not in receipt of assistance, will now be disbursed directly to TA households if collected by the Support Collection Unit (SCU). 45 CFR 302.32(b)(2) provides that when support collected on behalf of TA recipients is paid to the family, the payments must be disbursed within two (2) business days of the end of the month in which the payment was received. Thus, effective October 1, 2009, disbursements for arrears due to the family will be made through the child support program’s State Disbursement Unit (SDU). This means that collections received which are distributed as arrears due to the family will be disbursed directly to the family, and those payments will be reported to the TA unit for purposes of determining continued TA eligibility and respective separate eligibility determinations for continued MA, FS, and child care benefits.

IV. Program Implications

All individuals who apply for TA on or after October 1, 2009 are no longer required to temporarily assign child support arrears that accrued while the household was not in receipt of TA. However, any support rights that were assigned by an individual prior to October 1, 2009

will remain subject to the prior assignment. Since all recipients of TA are required to have their child support collected by the SSD's SCU, all child support collections that are designated as *arrears due to the family* will be disbursed directly to the TA household by the SDU. SSD's must consider these disbursements to the family as a source of countable income and must include these disbursements in the household's ABEL budget as described within this ADM.

A. Temporary Assistance Implications

1. Assignment of Support Rights

TA assignments executed on or after the effective date of October 1, 2009, will be limited to the amount of support that accrues during the assistance period, not to exceed the cumulative amount of URA.

2. Arrears due to the family

Effective October 1, 2009, the SDU will begin disbursing collections distributed as *arrears due to the family* directly to TA recipients under the existing distribution hierarchy, as impacted by the new DRA assignment and distribution provisions.

Disbursements of support collections distributed as *arrears due to the family* will be known as "**family arrears payments**" for TA purposes and will be referred to as family arrears payments throughout this ADM. *SSDs must note that the term "family arrears payments" for TA purposes is more expansive than the term "family arrears" which will be described in a separate ADM discussing the impact of DRA changes on the child support program.*

In order for TA recipients to receive a family arrears payment, the following two conditions must be met:

- The TA recipient applied for assistance on *or* after October 1, 2009; **and**
- A support collection has been received, distributed to arrears that are due to the family, and disbursed to the family.

It is anticipated that the TA population that will be eligible for family arrears payments will be very small upon implementation, but will increase as new TA applications are submitted on or after October 1, 2009.

3. Reporting of Family Arrears Payments

IV-D MRB/A lists Rest of State (ROS)

Beginning with the November 2009 IV-D MRB/A run, family arrears payment information will be reported to TA via the monthly IV-D MRB/A Eligible and Exception lists for Rest of State (ROS) districts only. A new family arrears column containing two fields will be added to both lists:

- Current family arrears payment (CUR FA)
- Previous month's family arrears payment (PRE FA)

The family arrears column will report the dollar amount of family arrears payments received by the TA household for the current month and the previous month. The IV-D MRB/A lists (Eligible and Exception) are the primary source of information to determine if family arrears payments have been received by a TA household. SSDs may also contact the SCU if additional information is needed.

New York City (NYC)

Beginning with the November 2009 IV-D MRB/A run, family arrears payment information will be reported to NYC HRA via a separate report as discussed in Section VI.A. of this ADM. The report will include the dollar amount of family arrears received by the TA household for the current month and the previous month. The report received by NYC HRA is the primary source of information to determine if family arrears payments have been received by a TA household. SSDs may also contact the SCU if additional information is needed.

4. New Unearned Income Source Code

The new unearned income source code for family arrears payments is “**69 - Family Support Arrears**”. The new code will be used to identify family arrears payments in the ABEL budget. The code will be used for both ROS and New York City.

Note: Unearned income source code “69” must only be used for TA *recipients*; TA *applicants* will not have family arrears payments at time of application. TA applicants may have an existing court order that includes, or has resulted in, a support arrears amount which, for TA budgeting purposes, is known as *regular* child support arrears. For example, a custodial parent in receipt of child support services, who is not in receipt of TA, may have *regular* child support arrears under any support order that was established prior to application for TA. *Regular* child support arrears must be entered in the ABEL budget upon verification as income source code “99 - Other”. The *regular* child support arrears must remain in the budget until the child support income is budgeted as unearned income source code “13 Child/Spousal Support Assigned to Agency”.

B. Food Stamp Program Implications

Effective October 1, 2009, family arrears payments that are determined to be recurring income for TA also will be considered recurring income for FS benefits and must be budgeted concurrently for FS benefits.

As noted above, family arrears payments may be received by TA *recipients*. Applicants for TA and FS will not be in receipt of family arrears payments at the time of application. Budgeting of recurring family arrears income should be reviewed at recertification or when performing any transaction that requires storing a new budget.

Family arrears payments that are non recurring and therefore are not counted as income for TA also will not be considered income for FS purposes. Lump sum, non-recurring family arrears payments that result in a TA closing for excess income require a separate determination for continued FS eligibility. Most households leaving Family Assistance

(FA) or Safety Net Assistance–federally participating (SNA-FP) for excess income qualify for the FS Transitional Benefit Alternative (TBA).

C. Medicaid Program Implications

For purposes of MA eligibility determinations, current policy for the treatment of family arrears payments will not change. A separate determination for continued MA must be completed for all TA/MA recipients who become ineligible for Temporary Cash Assistance as a result of receiving family arrears payments. The policy regarding the budgeting methodology for Medicaid cases that include child support arrears is outlined in Section V. C. below.

D. Child Care Program Implications

For purposes of child care, a TA recipient’s eligibility for child care subsidies is based on their continued eligibility for TA. Regardless of how TA budgets the recurring family arrears payment, if the TA recipient remains eligible for TA they continue to fall under the child care guarantee.

If the recipient becomes ineligible for TA benefits because of a lump sum, they may still be eligible for the child care guarantee for up to twelve (12) months, if they are employed and the family's income is at or below 200% of the State Income Standard as defined in 18 NYCRR § 415.1(k). Under SSL §410-w(3), families are entitled to a child care guarantee (previously referred to as transitional child care) for a period up to 12 months after the month in which their TA is terminated or has ended due to increased income from either employment or child support.

In determining the TA recipient's eligibility for child care benefits, the SSD must not count lump sum payments or other payments received for child support arrears as income (see 05-OCFS-ADM-03, page 63).

E. Foster Care Program Implications

For purposes of IV-E Foster Care and Non-IV-E Foster Care, there is no impact to the program.

V. Required Action

A. Temporary Assistance

1. Assignment of Support Rights

a. LDSS-2921

Effective October 1, 2009, SSDs must provide the *Revised Assignment of Support Rights Language for LDSS-2921, New York State Application for: Temporary Assistance (TA) - Medical Assistance (MA) - Medicare Savings Program (MSP) - Food Stamp Benefits (FS) - Services (S), including Foster Care (FC) - Child Care Assistance (CC) (Attachment 1)* to applicants when distributing the LDSS-2921. The *Revised Assignment of Support Rights Language for LDSS-2921, New York State Application for: Temporary Assistance (TA) - Medical Assistance (MA) - Medicare Savings Program (MSP) - Food Stamp Benefits (FS) - Services (S), including Foster Care (FC) - Child Care Assistance (CC)* must be signed and dated by the applicant and stored in the TA case record.

b. Recertification

Effective October 1, 2009, SSDs must provide the *Revised Assignment of Support Rights Language for LDSS-3174, New York State Recertification Form for: Temporary Assistance (TA) - Medical Assistance (MA) – Medicare Savings Program (MSP) - Food Stamp Benefits (FS) (Attachment 2)* to recipients when distributing the LDSS-3174. The *Revised Assignment of Support Rights Language for LDSS-3174, New York State Recertification Form for: Temporary Assistance (TA) - Medical Assistance (MA) – Medicare Savings Program (MSP) - Food Stamp Benefits (FS)* must be signed and dated by the applicant and stored in the TA case record.

2. Family Arrears Payments

Effective October 1, 2009, the SDU will begin disbursing family arrears payments directly to TA recipients under the existing distribution hierarchy, as impacted by the new DRA assignment and distribution provisions.

Family arrears payments will fall into two categories for TA budgeting purposes: *recurring family arrears payments* or *non-recurring family arrears payments*.

3. Recurring Family Arrears Payments

A family arrears payment is recurring, when the household has received a family arrears payment for the current month and it is the second consecutive month in which a family arrears payment has been received.

Example

Mrs. Lewis, a TA recipient, received her first family arrears payment in November 2009, in the amount of \$50.00. In December 2009, she received her second family arrears payment for \$45.00.

Mrs. Lewis has received two consecutive family arrears payments therefore; she is in receipt of recurring family arrears payments.

4. Non-recurring Family Arrears Payments

A family arrears payment is non-recurring when the household has received a family arrears payment for the current month and has not received a family arrears payment in the previous month.

Example

Mrs. Davis, a TA recipient, receives a family arrears payment in November 2009. She did not receive a family arrears payment in October or December 2009.

Mrs. Davis has received a non-recurring family arrears payment.

5. Recurring Family Arrears Payments for TA Recipients

When recurring family arrears payments criteria are met, the TA worker must apply the amount of family arrears payments received by the household to the TA budget as unearned income by the 20th calendar day of the report month. The TA worker must average the two family arrears payments reported and enter the amount in the ABEL budget using unearned income source code “69 - Family Support Arrears”.

Example

A TA household received their first family arrears payment of \$60.00 in November 2009 and a family arrears payment of \$55.00 in December 2009. The family arrears payment amounts must be added together and divided by two to get an average dollar amount for entry on the WMS ABEL input screen:

$$\$60 + \$55 = \$115$$

$$\$115 / 2 = \$57.50$$

Effective January 2010, \$57.50 must be entered as a monthly amount in the ABEL budget as unearned income source code “69”.

6. Non-recurring Family Arrears Payments for TA Recipients

For TA recipients, when non-recurring family arrears payments criteria are met, the TA worker must not apply the amount of family arrears received by the household to the TA budget unless the amount of family arrears payment received by the household when combined with other income exceeds the TA deficit of the case.

7. Family Arrears payments that exceed the TA deficit

a. Non-recurring family arrears payments that exceed the TA deficit

Non-recurring family arrears payments that exceed the monthly grant deficit must be treated as a lump sum payment. Lump sum rules, including lump sum set-aside provisions may be applicable in these instances. See 03 ADM-10, dated November 19, 2003, entitled *TA Policy Changes: Lump Sum Set Asides and Resource Two-Year College Fund Exemption*, for further information.

Note: When a lump sum payment provides a period of ineligibility and results in TA case closure, separate determination for FS and MA must be performed where appropriate.

b. Recurring family arrears payments that exceed the TA deficit

A recurring family arrears payment that exceeds the monthly grant deficit must be treated as countable income. The TA worker must apply the recurring family arrears payment that exceeds the monthly grant deficit to the budget by averaging the last two family arrears payments (the family arrears payment that exceeds the TA deficit for the current month and the previous month's family arrears payment) and enter the amount in the TA ABEL budget as unearned income source code "69". If all countable income exceeds that TA deficit the TA worker must immediately discontinue assistance.

8. Adjusting family arrears income in the TA budget

Once family arrears payments have been entered in a TA budget as income ("family arrears income"), the TA worker must adjust the family arrears income by entering the current month's family arrears payment when the following occurs:

- If the family arrears payment is \$0 for the current month, the TA worker must delete family arrears income from the budget; or
- If the TA recipient notifies the SSD of a decrease in the family arrears payment, the TA worker must provide a supplement to the TA household. See Section V.9.

Additionally, the TA worker must adjust family arrears income by averaging the last two reported months of family arrears payments and enter the new family arrears income amount in the TA budget when:

- Family arrears payments have increased or decreased for the past two consecutive months;
- A recurring family arrears payment exceeds the TA grant deficit;
- A new TA budget is stored; or
- A TA case is recertified.

9. Providing a supplement to the TA household

When a TA recipient notifies the district of a decrease in family arrears payment, the TA worker must explore the need for a supplement by completing the following steps:

a. ROS

- Create a new budget and enter the last family arrears payment made to the household, as verified on the current month's IV-D MRB/A Eligible or Exception list, using unearned income source code "69 - Family Support Arrears";
- Compare the TA budget deficit of the new budget to the TA budget deficit of the stored budget; and
- Issue the difference to the TA recipient as a supplement and store the new budget.

b. NYC

When a TA recipient notifies the district of a decrease in a family arrears payment, the TA worker must explore the need for a supplement by completing the following:

- Re-budget the case with the new family arrears income amount and supplement the difference with a single issue.

10. Report of family arrears payments

a. ROS

Beginning with the November 2009 IV-D MRB/A run, family arrears payment information will be reported to TA via the monthly IV-D MRB/A Eligible and Exception lists. TA workers are required to review both the Eligible and Exception lists each month to assess family arrears payment information **and** child support pass-through information and take appropriate case action thereafter.

IV-D MRB/A Exception list; Family Arrears Payments (ROS)

A case will appear on the IV-D MRB/A Exception list when the family arrears payment amount displayed for the current month:

- Is greater than the case budget deficit (requires the worker to do a scratchpad budget)

- Requires family arrears income to be added to or deleted from the ABEL budget.

If family arrears payments received by the TA household do not meet the two criteria listed above the case will appear on the *IV-D MRB/A Eligible list* provided the case is otherwise eligible.

IV-D MRB/A Eligible list; Family Arrears Payments (ROS)

A case will appear on the IV-D MRB/A Eligible list each month family arrears payments received by the TA household do not meet the criteria to be placed on the IV-D MRB/A exception list, including when family arrears income is stored in the ABEL budget and the TA worker is required to adjust the family arrears income.

A case will appear on the IV-D MRB/A Eligible list with a special alert each time the average of the last two family arrears payments differs from the family arrears income amount currently stored in the ABEL budget. (See ABEL Transmittal 09-5 dated October 8, 2009.)

b. NYC

Beginning with the November 2009 IV-D MRB/A run, family arrears payment information will be reported to NYC HRA via a separate report as discussed in Section VI.A. of this ADM. NYC HRA is required to review the report each month to assess family arrears payment information and take appropriate case action.

11. Role of the TA worker

After reviewing the reports of family arrears payment information, the TA worker must determine if an action needs to be taken on the TA case based on the receipt of family arrears payments. One of the following six actions will be taken:

- The recurring family arrears payments must be added to the TA budget using unearned income source code “69 – Family Support Arrears” when the household is in receipt of recurring family arrears payments; or
- If a non-recurring family arrears payment exceeds the TA budget deficit, the non-recurring family arrears payment must be treated as a lump sum payment. TA workers must apply lump sum provisions and allow lump sum set-asides prior to determining if the lump sum closes the case; or
- The family arrears income currently budgeted in the TA case must be adjusted when a recurring family arrears payment exceeds the TA deficit; or

- The family arrears income currently budgeted in the TA case must be adjusted when there has been a change in the amount of family arrears payments for two consecutive months; or
- The family arrears income currently budgeted in the TA case must be adjusted when the recipient notifies the TA worker of a decrease in the amount of family arrears; or
- The family arrears income currently budgeted in the TA case must be deleted from the TA budget when the family arrears payment for the current month equals \$0.

12. Separate Determinations at TA case closure for MA

A separate determination for continued MA must be completed for all TA/MA recipients who become ineligible for TA as a result of receiving family arrears payments.

B. Food Stamps

As stated above, family arrears payments that are not considered to be recurring and that are not budgeted as income for TA purposes must not be budgeted as income for FS purposes.

Once family arrears payments have been determined to be recurring and entered into both the TA and FS budget, the TA worker should also adjust the FS budget when:

- A household has family arrears income budgeted and the report of family arrears payments shows the household did not receive a family arrears payment for the month; or
- There has been a change in the amount of family arrears payments the household received for two consecutive months.

If, after reviewing the report of family arrears payments, the TA worker determines that a budget adjustment is required for TA, then he/she must follow these same guidelines and perform the same required actions to adjust the FS budget:

- If family arrears payments have not been previously budgeted and family arrears payments increase to an amount greater than \$0 for the past two consecutive months, add recurring family arrears income to the FS budget.
- If family arrears payments are previously budgeted and family arrears payments are \$0 for the current month, delete family arrears income from the FS budget.

- If family arrears payments are previously budgeted and they have increased or decreased for the past two consecutive months, average the past two consecutive family arrears payments and update the FS budget with the new amount.
- If a non-recurring family arrears payment exceeds the TA budget deficit, the TA worker must treat the non-recurring family arrears payment as a lump sum payment, apply lump sum provisions, and allow lump sum set-asides prior to determining if the lump sum closes the case. If the lump sum payment closes the TA case, a separate determination of continuing eligibility for either TBA or regular FS benefits must be done.

Additionally, as noted above, the TA worker must recalculate family arrears income for FS purposes, based on the last two reported months of family arrears payments as verified on the report of family arrears payments:

- at recertification, or
- when a new budget is stored

C. Medicaid

Current Medicaid policy for the treatment of child support payments (including family arrears payments) will not change. Child support arrearage payments are treated differently depending on the category of the applicant/recipient.

1. Low Income Families, TANF/ADC Related, Medically Needy and Federal Poverty-Level Applicants/Recipients:

All **non-recurring** child support payments which are considered lump sum payments, including family arrears payments, are treated as unearned income using the source code of “99” (Other) in the MA budget for the month following the month in which the payment is received by the household, and then as a resource thereafter.

For **recurring** child support payments, including family arrears payments, continue to budget the arrears amount together with the regular monthly obligation that is received as one total amount to be budgeted as unearned income with the unearned income source code of “06” (Child Support).

2. SSI-Related Children:

If the **non-recurring** child support payment, including family arrears payments, is treated as a lump sum payment, budget the full amount in the same month in which it is received. Enter this amount into MBL using the unearned income exemption code of “11” (One-Third SSI Child Support). This code systemically excludes one-third of the payment amount from the budget.

If the child support payment, including family arrears payment is a **recurring** amount, budget all arrearage payments together with the regular monthly child support as one amount in the same month in which it is received, and enter into MBL with the unearned income exemption code of “11” (One-Third SSI Child Support).

If one child support or arrears payment of any type is made for several children in the same household, a per capita portion of the payment is calculated as unearned income to the SSI-Related child.

Workers must notate on case comment sheets and budget records whether the child support payments are recurring or non recurring, and whether they are *regular* child support arrears or family arrears payments to explain and support the resulting Medicaid eligibility decisions.

VI. Systems Implications

A. Temporary Assistance

ROS

Beginning with the November 2009 IV-D MRB/A, the Eligible and Exception lists will have two new fields added to report the dollar amount of family arrears payments received by the TA household for both the current and previous months. They will appear under a new heading that reads:

- CUR FA (Current family arrears payment)
- PRE FA (Previous month’s family arrears payment)

A new Alert will be added to the Eligible list to show when the amount of family arrears income a case currently has stored on ABEL needs to be updated. The Exception list will have three new exceptions added. These will inform workers when a case needs to either add or delete an amount stored as family arrears income, or when the amount paid for Family Arrears exceeds the deficit amount. (Look for further information in a forthcoming ABEL Transmittal.)

As described in ABEL Transmittal 09-4, Information #2: New Unearned Income Source “69-Family Support Arrears”, ABEL will now allow for the budgeting of family arrears payments as unearned income source “**69-Family Support Arrears**” on TA and FS budgets with budget FROM DATES of 10/1/2009, or later.

NYC

Beginning with the November 2009 IV-D MRB/A, a separate family arrears payment report will be transferred to NYC HRA as a secure data file. The File Transfer Protocol (FTP) details will be determined at a later date. This report will identify the cases that need to be budgeted with unearned income source code “69-Family Support Arrears”.

Further information regarding the family arrears payment report will be released in an upcoming policy document.

B. Medicaid

There are no systems changes for NYC, or for the ROS as Department of Health policy regarding the budgeting of child support is not changing.

VII. Forms and Publications

The changes to assignment, distribution, and disbursements are effective October 1, 2009. This requires that the revised forms and publication inserts identified herein be used for their respective purposes beginning October 1, 2009.

Revisions have been made to required forms and publication inserts regarding the changes to assignment of rights, as follows:

- LDSS-2921, *New York State Application for: Temporary Assistance (TA) - Medical Assistance (MA) - Medicare Savings Program (MSP) - Food Stamp Benefits (FS) - Services (S), including Foster Care (FC) - Child Care Assistance (CC)* (Attachment 1 shows changed language)
- LDSS-3174, *New York State Recertification Form For: Temporary Assistance (TA) - Medical Assistance (MA) – Medicare Savings Program (MSP) - Food Stamp Benefits (FS)* (Attachment 2 shows changed language)
- LDSS-4279, *Notice of Responsibilities and Rights for Support* (Attachment 3)
- LDSS-4279S, *Notice of Responsibilities and Rights for Support*

Use of Revised Forms

Effective October 1, 2009, SSDs must provide each TA applicant with a copy of the *Revised Assignment of Support Rights Language for LDSS-2921, New York State Application for: Temporary Assistance (TA) - Medical Assistance (MA) - Medicare Savings Program (MSP) - Food Stamp Benefits (FS) - Services (S), including Foster Care (FC) - Child Care Assistance (CC)*, and each TA recipient who is recertifying with a copy of the *Revised Assignment of Support Rights Language for LDSS-3174, New York State Recertification Form for: Temporary Assistance (TA) - Medical Assistance (MA) – Medicare Savings Program (MSP) - Food Stamp Benefits (FS)*. Each document must be signed and dated as required, until the official LDSS-291 and LDSS-3174 forms are revised.

SSDs must destroy all previous versions of the LDSS-4279, *Notice of Responsibilities and Rights for Support* immediately, make copies of the attachment provided in this ADM, and provide those copies to applicants/recipients until they order and receive, or otherwise prepare, a supply of the revised forms. See below for ordering and availability information.

In addition, a new publication in the LDSS-4148 series has been developed which must be distributed with Book 1 and Book 2 until the revised versions of the Books are finalized. The publication will be known as LDSS-4148D. The LDSS-4148D was introduced to districts in 09 INF-17, *Addendum to the client information books – LDSS-4148D: “New information about Temporary Assistance and Food Stamps”* dated October 6, 2009. Please note that the LDSS-4148D will be translated into each language the 4148 publication series is normally translated.

Ordering and Availability of Forms and Publications

SSDs must request printed copies of the revised LDSS forms by completing and submitting an OTDA-876 “Request for Forms or Publication,” to:

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

Documents may also be ordered through Outlook. To order the forms 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 and 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 e-mail, the Internet email address is: gg7359@otda.state.ny.us. For a complete list of forms available for downloading, please refer to OTDA Intranet site: http://otda.state.nyenet/ldss_eforms/default.htm.

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

VIII. Effective Date

This ADM and the revised documents implementing the changes discussed herein are effective immediately.

Issued By

Name: Russell Sykes

Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports

Changes to the LDSS-2921 Statewide (Rev. 1/05), New York State Application for: Temporary Assistance (TA) - Medical Assistance (MA) - Medicare Savings Program (MSP) - Food Stamp Benefits (FS) - Services (S), including Foster Care (FC) - Child Care Assistance (CC), effective October 1, 2009

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Support – Applying for or receiving Family Assistance (FA), Safety Net Assistance (SNA) or Title IV-E foster care services operates as an assignment to the State and the social services district of rights to support from any other person that the applicant/recipient may have in his or her own right or on behalf of any other family member for whom the applicant/recipient is applying for or receiving assistance. The assignment by persons applying for or receiving FA or SNA is limited to support which accrues during the period that the applicant/recipient or family member receives assistance. However, any support rights assigned to the State prior to October 1, 2009 continue to be assigned to the State (Social Services Law §§ 158 and 348). Other sections of this application contain additional assignments.

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Assignment of Support Rights – I assign to the State and social service district any rights I have to support from persons having legal responsibility for my support, and any rights to support on behalf of any family member for whom I am applying for or receiving assistance. Where applying for or receiving FA or SNA, my assignment of support rights is limited to support which accrues during the period that I and/or any family member receives assistance. However, any support rights that I assigned to the State on behalf of myself or any family member prior to October 1, 2009 continue to be assigned to the State.

Applicant/Representative Signature: _____

Husband or Protective Representative Signature: _____

Date Signed: _____

Language Changes for the LDSS-3174 Statewide (Rev. 5/05), New York State Recertification Form For: Temporary Assistance (TA) - Medical Assistance (MA) – Medicare Savings Program (MSP) - Food Stamp Benefits (FS)

The following language changes have been made to the LDSS-3174 and are effective for any recertification requirements on or after October 1, 2009:

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Applicant/Representative Signature: _____

Husband or Protective Representative Signature: _____

Date Signed: _____

NOTICE OF RESPONSIBILITIES AND RIGHTS FOR SUPPORT

YOUR RESPONSIBILITIES

When you sign a Temporary Assistance (TA) Medical Assistance (MA) application, and for as long as you get TA and/or MA, you must:

- I. **Tell your worker if you are pregnant or were pregnant in the last two months because some of the requirements below may not apply to you at this time.**
- II. **Turn over ("assign") to the State and your local Department of Social Services ("the Department") your rights and the rights of any applying family member to get support (including medical support) from anyone else. [Social Services Law (SSL) 158 and 348] The assignment of support is limited to support which accrues during the period that you and/or any family member receives assistance. If you are applying only for MA, you assign to the State and the Department your rights and the rights of any applying family member to get medical support including the rights to any medical benefits. [SSL 366(4)(h)]**
- III. **Cooperate with the Department to legally name who the father of your child is ("establish paternity") and to get any support (including medical support) owed to you and any child living with you [SSL 132-a, 158, 349-b and 366(4)(h)]. If you have a good reason not to cooperate, be sure to read the "YOUR RIGHTS IF YOU DO NOT COOPERATE" section below.**

To cooperate means you will have to:

- ◆ Go to the TA office and, if required, to the child support office and court to sign papers or tell what you know about the absent parent. Some things that you may be asked you may already know. See the back of this form for the section on **"Information You May Already Have On The Absent Parent"**.
- ◆ Name the absent parent of any child applying for or getting TA or MA, and tell what you know to help find that parent.
- ◆ Help the court in establishing paternity of any child who was born to unmarried parents.
- ◆ Tell what you know about the absent parent's income and whether the absent parent has access to health insurance benefits to help the Department help you or any child getting TA or MA to get financial and/or medical support.
- ◆ Turn over to the Department any money given to you by the absent parent for you or any child getting TA; you still will be able to get your full TA grant.

NOTE: By signing the TA/MA application, you are attesting under penalty of perjury that you will give true and complete information. If you don't know information about the parent of your child, you must sign a form saying you don't know.

A child should get support from both parents. By cooperating, you are investing in your child's future. Some of the benefits of cooperating are:

- ◆ Finding the absent parent
- ◆ Establishing the paternity of your child is (see the back of this form for the section on **"Fathers' Rights When Paternity is Established in Court"**)
- ◆ Up to **\$100** per month of current support collected is given to you if there is one child active on your TA case (this is called a "pass-through").
- ◆ Getting support that could help you so that you might not need TA
- ◆ Your child gains inheritance rights to medical and life insurance
- ◆ You and your child gain rights to future Social Security, Veteran's or other government benefits.

YOUR RIGHTS IF YOU DO NOT COOPERATE

- I. **If you feel that cooperating would not be good for you or your child:**
 - A. You have the right to make a "good cause claim" for not cooperating. The following are reasons that the Department will use to see if it can approve your good cause claim:
 - ◆ Your cooperation is likely to cause physical or emotional harm to you or your child
 - ◆ Your child came from a pregnancy due to incest or rape
 - ◆ You are working with the court or an authorized adoption agency to have your child adopted.
 - B. You have the right to make a "good cause claim" at any time by telling a worker. If you make a good cause claim, you must:
 - ◆ Give evidence to the Department to prove this. See the back of this form for the section on **"Examples Of Evidence You Can Give For A Good Cause Claim"**. If you need help getting the evidence, the Department will give you reasonable help. If your claim is due to fear of physical harm, and you cannot get the evidence, the Department may still be able to approve your good cause claim.
 - ◆ Give your evidence **within 20 days** of making your good cause claim. You may only have 20 days even if you have a hard time getting evidence.

NOTE: If you are applying for TA or MA, you must give evidence and tell what you know about the absent parent, or you will get less TA and you will not get MA for yourself.

Once you make a good cause claim, the Department will do one of the following:

 - ◆ Approve your claim based on the evidence you have given to prove one of the good cause reasons listed in Section I.A. above. If your claim is approved, you will not have to cooperate with the Department.
 - ◆ Deny your claim because the evidence you gave was not enough to prove one of the reasons listed in Section I.A. above.
 - ◆ Look into ("investigate") your claim further so that the Department can get the information it needs to see if it can approve your claim. You may have to tell what you know about the absent parent, such as their name and address. The Department will not contact the absent parent without telling you first.

NOTE: The Child Support Enforcement Unit (CSEU) may review the Department's findings and the good cause decision. If you ask for a hearing on your good cause claim, the CSEU may be involved with that hearing. If your good cause claim is approved, the CSEU may try to establish paternity or collect support only if the Department decides that this can be done without risk to you or your child. This will not be done without telling you first.
- II. If you do not cooperate and do not have a good cause claim or domestic violence waiver that was approved:
 - ◆ You will get less TA and will not get MA for yourself.
 - ◆ TA for your child may be paid to someone else called a "protective payee".

I have read the **front and back** of this notice,

I **can** cooperate in pursuing child support without exposing my children or myself to physical or emotional harm.

I **cannot** pursue child support, as it would expose my children or myself to physical or emotional harm.

I have given the applicant/recipient a copy of this notice.

SIGNATURE OR APPLICANT/RECIPIENT

DATE

SIGNATURE OF WORKER

DATE

I. INFORMATION YOU MAY ALREADY HAVE ON THE ABSENT PARENT(S)

You will be asked to give as much information about the absent parent(s) as possible. Social Security Number(s) and date(s) of birth are especially important. This information may be found on the absent parent's following documents:

- ◆ Pay stubs
- ◆ Tax returns (may be joint returns)
- ◆ Tax Department forms and letters
- ◆ Unemployment Benefits (UIB) booklet
- ◆ Social Security/Veterans Administration records
- ◆ Workers' Compensation statement
- ◆ School/College records
- ◆ Life and auto insurance policies
- ◆ Bank books (current and old)
- ◆ Medical/Dental records and bills
- ◆ Marriage certificate
- ◆ ID cards (health insurance, school ID, alien registration)
- ◆ Other personal records

II. EXAMPLES OF EVIDENCE YOU CAN GIVE FOR A GOOD CAUSE CLAIM:

- ◆ Birth Certificate, or medical or law enforcement records, which show that your child came from a pregnancy due to incest or rape
- ◆ Court records or other records which show that action on a legal adoption is pending in court.
- ◆ Court, medical, criminal, child protective services, social services, psychological or law enforcement records which show that the alleged or absent parent might physically or emotionally harm you or your child.
- ◆ Medical records which show emotional health history and present health history and present health status of you or your child; or written statements from mental health staff showing a diagnosis or prognosis on the emotional health of you or your child.
- ◆ A written statement from a public or private agency that you are being helped to decide whether to keep or give up your child for adoption.
- ◆ Sworn statements from people including friends, neighbors, clergy, social workers and medical staff who would know your situation and could confirm the basis of your good cause claim.

If you need help in getting evidence, ask the Department. The Department will give you reasonable help in getting the evidence you need.

III. FATHERS' RIGHTS WHEN PATERNITY IS ESTABLISHED IN COURT

When a court has established who is the father of a child, or when a mother and father acknowledge that he is the child's father by signing an Acknowledgment of Paternity form anytime after the child is born, the father may ask to:

- ◆ Get custody of the child
- ◆ Visit with the child
- ◆ Take part in any adoption or foster care plans for the child
- ◆ Disagree with any adoption or foster care placements of the child
- ◆ Inherit from the child