

David A. Paterson *Governor*

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

David A. Hansell
Commissioner

Local Commissioners Memorandum

Section 1

Transmittal:	09-LCM-02					
To:	Local District Commissioners					
Issuing Division/Office:	Center for Child Well-Being/Division of Child Support Enforcement					
Date:	March 13, 2009					
Subject:	Child Support Incentives — Federal Fiscal Year 2007 (FFY2007)					
Contact	Program questions: Kevin Dommer at 800-343-8859, ext. 4-9081,					
Person(s):	Kevin.Dommer@otda.state.ny.us					
	Fiscal Questions:					
	Regions I-IV - James Carroll at (518) 474-7549, <u>James.Carroll@otda.state.ny.us</u> .					
	Region V - Michael Borenstein at (631) 854-9704,					
	Michael.Borenstein@otda.state.ny.us.					
	Region VI - Marian Borenstein at (212) 961-8250,					
	Marian.Borenstein@otda.state.ny.us.					
Attachments:	Attachment #1 Adjustment of Actual to Reported Incentives—FFY 2007					
	Attachment #2 Estimated Incentives—FFY 2009					
Attachments Av Online:	railable Yes					

Section 2

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to provide information about the method for allocating local district child support incentives and provide you with the reconciliation of incentives allocated to incentives claimed for federal fiscal year (FFY) 2007.

II. Background

Beginning with FFY 2000, federal child support regulations at 45 CFR 305, *Performance Measures, Standards, Financial Incentives and Penalties*, significantly changed the method for allocating incentive payments to states. These changes were phased in over FFY 2000 (October 1, 1999 through September 30, 2000) and FFY 2001 (October 1, 2000 through September 30,

2001). States' ability to earn federal incentives is based entirely upon a formula that takes into consideration several factors including:

- States' performances in the five key child support areas of paternity establishment, support order establishment, current collection percentage, percentage of cases with arrears collections, and cost effectiveness. Percentages in each of the five areas are applied against a collection figure (determined by doubling the current and former assistance collections and adding never-assistance collections), which is then summed to determine a state's collection base. States receive incentives based upon their respective percentage of the national collection base as applied against the total "capped" amount of incentives available to all states.
- States' ability to earn incentives are limited or "capped" at the federal level, which has the potential for reducing a state's individual allocation when compared to the previous incentive methodology.
- States are subject to data reliability audits of their reported performance measures. Failure to meet the data reliability audit criteria for one or more performance measure has the potential for significantly reducing a state's individual allocation when compared to other states. In addition, failure to meet the data reliability audit criteria in a specific category for two consecutive years can result in a reduction of the Temporary Assistance for Needy Families (TANF) block grant.
- States are required to reinvest an amount equal to the amount of incentive funds received. States must expend this amount to supplement, and not supplant, other funds used by states to carry out IV-D program activities or other approved activities that may contribute to improving the effectiveness or efficiency of a state's IV-D program. This reinvestment requirement also applies to political subdivisions, i.e., local social service districts. In meeting the reinvestment requirement, those entities receiving incentives must expend an amount of funds equal to its incentive amount received over and above a base expenditure level (FFY 1998 state and/or local expenditures or the average of FFYs 1996-1998 state and/or local share expenditures).

III. Program Implications

ACTUAL INCENTIVE CALCULATION

The Office of Temporary and Disability Assistance (OTDA) has been notified that the actual IV-D child support incentives earned by New York State from the U. S. Department of Health and Human Services, Office of Child Support Enforcement (OCSE), for FFY 2007 was \$25,865,261.

Of the \$25,865,261 statewide incentives received for FFY 2007, OTDA will allocate \$14,539,526 to local districts. Attachment 1, column 6, contains the adjusted incentive amounts for FFY 2007, which is the difference between estimated incentives reported on Schedule A-1 and actual incentives allocated. These amounts will be processed on an upcoming settlement for each district. **Please do not submit a supplemental claim for these adjustments.**

OTDA 09-LCM-02 (Rev. 3/2009)

ESTIMATED INCENTIVE CALCULATION

Attachment 2 is a schedule of estimated incentives for the remainder of FFY 2009. The county-specific allocation is based upon actual FFY 2008 collection figures. Since final incentive figures for FFY 2008 are not expected from federal OCSE until late calendar year 2009, we are continuing to provide a conservative claiming figure (\$10 million in the aggregate) to avoid the potential for future negative adjustments. **Local districts should report the monthly estimated incentives consistent with Attachment 2.** These amounts should be reported each month beginning with the next original claim after this LCM is issued. In accordance with the A-1 instructions found in the Fiscal Reference Manual, Volume 2, Chapter 3, local districts must enter the estimated monthly incentive amount in column 2 "Current Assistance" of the A-1. This amount will automatically be entered as the column 1 "Total."

As the result of the Deficit Reduction Act of 2005, no federal funds will be paid to a state for amounts expended from incentives payments made to the state effective October 1, 2007. Therefore, states must identify expenditures made with incentive funds as Federally Non-Participating (FNP). The fiscal impact of this action is that states lose federal reimbursement equal to 66% of their incentive funds. Districts must report on *Line 16 of Schedule D-8 (Expenditures funded with Title IV-D Incentives)* the amount of incentives that are reported on Schedule A-1 for the corresponding month. Refer to the Fiscal Reference Manual, Volume 3 (Volume 4 for NYC), Chapter 15 for detailed instructions. (On February 17, 2009, the President signed the American Recovery and Reinvestment Act of 2009, which temporarily restored the ability to receive federal reimbursement as occurred prior to the Deficit Reduction Act of 2005, for the federal fiscal years covering October 1, 2008 through September 30, 2010. As the details become available, claiming instructions will be provided.)

Although the incentive allocation to each local district is based on collections, attaining and maintaining high standards for each of the five federal performance measures is extremely important to ensure that New York State:

- Provides full services to its entire child support caseload.
- Maintains a consistent level of incentive revenue.
- Does not incur a federal program penalty for poor performance.
- Maximizes the statewide incentive amount, thereby maximizing the amount available for local districts.

Child support program questions should be directed to Kevin Dommer, at (800) 343-8859, extension 49081 or (518) 474-9081. His e-mail address is Kevin.Dommer@otda.state.ny.us.

OTDA fiscal questions should be directed to:

Regions I-IV

James Carroll at (518) 474-7549. His e-mail address is <u>James.Carroll@otda.state.ny.us</u>.

Region V

Michael Borenstein at (631) 854-9704. His e-mail address is Michael.Borenstein@otda.state.nv.us.

OTDA 09-LCM-02 (Rev. 3/2009) Region VI

Marian Borenstein at (212) 961-8250. Her e-mail address is Marian.Borenstein@otda.state.ny.us.

Issued By:

Name: Scott E. Cade

Title: Deputy Commissioner and Director **Division/Office:** Center for Child Well-Being/

Division of Child Support Enforcement

District	1	2	3	4 Actual	5 FFY 2007	6 Adjustment
NEW YORK CITY	DISTRICT	Collections	Percent	Incentives Allocated	Total Reported	Actual to Reported
REST OF STATE \$990,736,470 61.88% \$8.996,909 \$6,143,363 \$2.853,546 ALBANY 28,559,980 1.78% \$259,354 \$180,780 \$78.574 ALLEGANY 6.309,383 0.39% \$57,296 \$38,787 \$18.509 BROOME 17,631,320 1.10% \$160,111 \$111,333 \$48,778 CATTARAUGUS 10,799,038 0,67% \$98,066 \$68,781 \$29,295 CAYUGA 9,766,197 0,61% \$88,066 \$68,781 \$29,295 CAYUGA 9,766,197 0,61% \$88,066 \$68,781 \$29,295 CHEMUNG 9,600,252 0.52% \$98,541 \$85,073 \$24,468 CHEMUNG 9,600,252 0.56% \$80,115 \$36,765 \$39,662 CHEMUNG 9,600,252 0.56% \$90,115 \$36,765 \$39,662 CHEMUNG 9,600,252 0.56% \$90,115 \$36,765 \$39,662 CHENANGO 5,518,685 0.34% \$50,115 \$36,765 \$39,662 CLINTON 8,927,005 0.56% \$81,072 \$57,378 \$22,069 CULUMBIA 5,790,479 0.36% \$25,644 \$33,303 \$12,244 CORTLAND 5,081,742 0.32% \$46,147 \$33,303 \$12,244 DELAWARE 4,647,803 0.29% \$42,207 \$28,812 \$13,395 DUTCHESS 29,432,224 1.84% \$267,275 \$183,216 \$84,059 ERIE 86,314,583 4.27% \$620,367 \$432,255 \$188,112 ESSEX 3,900,289 0.24% \$35,419 \$27,732 \$7,667 FULTON 6,565,535 0.41% \$596,622 \$42,438 \$17,184 CENESEE 5,902,918 0.37% \$53,605 \$38,689 \$17,184 CENESEE 5,902,918 0.37% \$54,106 \$37,887 \$16,219 FULTON 6,565,535 0.41% \$596,622 \$42,438 \$17,184 CENESEE 5,902,918 0.37% \$53,605 \$38,689 \$17,184 CENESEE 5,902,918 0.37% \$53,605 \$38,689 \$17,184 LEFIENSON 13,458,700 0.84% \$66,878 \$22,946 \$842 HERKIMER 6,983,102 0.44% \$63,414 \$44,410 \$19,004 LEFFERSON 13,458,700 0.84% \$66,878 \$22,946 \$34,294 HERKIMER 6,983,102 0.44% \$66,878 \$22,946 \$39,992 MADISON 6,007,785 0.38% \$54,557 \$38,289 \$16,268 MONROC 65,511,292 0.38% \$54,557 \$38,289 \$16,268 MONROC 65,511,292 0.38% \$34,557 \$38,289 \$16,268 ONEDDA 11,581,686 0.70% \$11,790 \$213,603 \$81,577 STLAWRENCE 12,266,269 0.77% \$31,900 \$41,900 \$41,460 \$11,910 \$4	NEW YORK STATE	\$1,601,087,523	100.00%	\$14,539,526	\$9,901,425	\$4,638,101
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WARREN 9,037,738 0.56% \$82,072 \$52,857 \$29,215 WASHINGTON 7,756,296 0.48% \$70,435 \$50,088 \$20,347		7,688,140	0.48%	\$69,816	\$49,356	\$20,460
WASHINGTON 7,756,296 0.48% \$70,435 \$50,088 \$20,347						
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WESTCHESTER 63,476,016 3.96% \$576,428 \$389,628 \$186,800						
WYOMING 4,136,506 0.26% \$37,564 \$26,658 \$10,906						
YATES 2,285,739 0.14% \$20,757 \$10,793 \$9,964	YATES	2,285,739	0.14%	\$20,757	\$10,793	\$9,964

1	2	3	4	5		
			Estimated	Estimated		
	Total	District	Incentives	Monthly		
	Collections	Percent	through 9/30/09	Incentives		
DISTRICT	FFY 2008	of Total	(col 3 X \$10M)	(col 4 / 12)		
NEW YORK STATE	\$1,701,088,829	100.00%	\$10,000,000	\$833,333		
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NEW YORK CITY	\$657,902,786	38.68%	\$3,867,539	\$322,295		
REST OF STATE	\$1,043,186,043	61.32%	\$6,132,461	\$511,038		
ALBANY	30,230,208	1.78%	\$177,711	\$14,809		
ALLEGANY	6,898,509	0.41%	\$40,553	\$3,379		
BROOME	18,371,030	1.08%	\$107,996	\$9,000		
CATTARAUGUS	11,083,132	0.65%	\$65,153	\$5,429		
CAYUGA	10,146,385	0.60%	\$59,646	\$4,971		
CHAUTAUQUA	15,982,614	0.94%	\$93,955	\$7,830		
CHEMUNG	10,154,069	0.60%	\$59,692	\$4,974		
CHENANGO	5,494,971	0.32%	\$32,303	\$2,692		
CLINTON	9,433,053	0.55%	\$55,453	\$4,621		
COLUMBIA	5,905,308	0.35%	\$34,715	\$2,893		
CORTLAND	5,430,128	0.32%	\$31,921	\$2,660		
DELAWARE	4,870,411	0.29%	\$28,631	\$2,386		
DUTCHESS	31,016,565	1.82%	\$182,334 \$432,830	\$15,194 \$26,060		
ERIE ESSEX	73,628,237	4.33% 0.23%	\$432,830 \$32,732	\$36,069 \$1,803		
FRANKLIN	3,865,185 6,338,263	0.23%	\$22,722 \$37,260	\$1,893 \$3,105		
FULTON	6,823,763	0.40%	\$40,114	\$3,343		
GENESEE	6,238,634	0.37%	\$36,674	\$3,056		
GREENE	5,242,897	0.31%	\$30,821	\$2,568		
HAMILTON	427,248	0.03%	\$2,512	\$209		
HERKIMER	7,153,970	0.42%	\$42,055	\$3,505		
JEFFERSON	14,241,623	0.84%	\$83,721	\$6,977		
LEWIS	3,815,597	0.22%	\$22,430	\$1,869		
LIVINGSTON	7,760,226	0.46%	\$45,619	\$3,802		
MADISON	6,458,446	0.38%	\$37,967	\$3,164		
MONROE	69,074,105	4.06%	\$406,058	\$33,838		
MONTGOMERY	6,092,598	0.36%	\$35,816	\$2,985		
NASSAU	97,665,122	5.74%	\$574,133	\$47,844		
NIAGARA	19,121,370	1.12%	\$112,407	\$9,367		
ONEIDA	16,779,478	0.99%	\$98,640	\$8,220		
ONONDAGA	47,476,420	2.79%	\$279,094	\$23,258		
ONTARIO	11,755,447	0.69%	\$69,105	\$5,759		
ORANGE ORLEANS	35,684,804 4,673,414	2.10% 0.27%	\$209,776 \$27,473	\$17,481 \$2,280		
OSWEGO	15,053,909	0.27 %	\$88,496	\$2,289 \$7,375		
OTSEGO	5,516,143	0.32%	\$32,427	\$2,702		
PUTNAM	7,605,577	0.45%	\$44,710	\$3,726		
RENSSELAER	19,275,592	1.13%	\$113,313	\$9,443		
ROCKLAND	27,464,853	1.61%	\$161,455	\$13,455		
ST.LAWRENCE	12,899,700	0.76%	\$75,832	\$6,319		
SARATOGA	19,947,715	1.17%	\$117,264	\$9,772		
SCHENECTADY	16,818,690	0.99%	\$98,870	\$8,239		
SCHOHARIE	3,986,525	0.23%	\$23,435	\$1,953		
SCHUYLER	2,117,751	0.12%	\$12,449	\$1,037		
SENECA	4,476,389	0.26%	\$26,315	\$2,193		
STEUBEN	11,252,488	0.66%	\$66,149	\$5,512		
SUFFOLK	139,162,809	8.18%	\$818,081	\$68,173		
SULLIVAN	8,059,960	0.47%	\$47,381 \$32,443	\$3,948 \$3,704		
TIOGA	5,513,663	0.32%	\$32,413	\$2,701		
TOMPKINS	8,005,668	0.47%	\$47,062 \$105,111	\$3,922 \$9,750		
ULSTER WARREN	17,880,370	1.05%	\$105,111 \$54,819	\$8,759 \$4,569		
WARREN WASHINGTON	9,325,264 8,027,118	0.55% 0.47%	\$54,819 \$47,188	\$4,568 \$3,932		
WAYNE	12,098,069	0.47%	\$71,120	\$5,932 \$5,927		
WESTCHESTER	66,591,505	3.91%	\$391,464	\$32,622		
WYOMING	4,384,370	0.26%	\$25,774	\$2,148		
YATES	2,388,686	0.14%	\$14,042	\$1,170		
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