



**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY**  
**ASSISTANCE**  
 40 NORTH PEARL STREET  
 ALBANY, NY 12243-0001  
**Andrew M. Cuomo**  
*Governor*

**Administrative Directive**

**Section 1**

<b>Transmittal:</b>	12-ADM-04
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports (CEES) NYS Department of Corrections and Community Supervision (DOCCS)
<b>Date:</b>	June 4, 2012
<b>Subject:</b>	New York State Parolees and Temporary Assistance/Temporary Housing Assistance District of Fiscal Responsibility (DFR) Policy
<b>Suggested Distribution:</b>	Staff Development Coordinators Temporary Assistance Directors Fair Hearings Staff Housing Directors DFR Liaisons
<b>Contact Person(s):</b>	TA Policy: TA Policy Bureau at 1-800-343-8859 ext. 4-9344
<b>Attachments:</b>	<a href="#">Attachment A – DFR Parolee Questions and Answers</a>
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

**Filing References**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
10 ADM-07 06 ADM-7 94 ADM-11 86 ADM-40 10 INF-09 06 INF-22 05 INF-26 04 INF-18 00 INF-19 97 INF-6 99 LCM-32		Part 311 349.4 352.36	SSL 62.5	TASB XXIX-D	GIS 09 - TA/DC028

## **Section 2**

### **I. Summary**

This ADM provides more detailed guidance regarding the New York State Department of Corrections and Community Supervision's (DOCCS's) procedures in the parolee release process, and subsequent district of fiscal responsibility (DFR) Temporary Assistance (TA) issues that might arise at the time of release.

### **II. Purpose**

This administrative directive is a collaborative effort between DOCCS and the Office of Temporary and Disability Assistance (OTDA). Its purpose is to provide more detailed policy guidance regarding the procedures social services districts (SSDs) must adhere to in determining the DFR when a parolee is released from a correctional facility to a SSD requiring TA [possibly including Temporary Housing Assistance (THA)] and to outline the DOCCS's procedures involved in the parolee release process.

### **III. Background**

Questions from SSDs regarding the DFR when a parolee is released from a correctional facility to a particular SSD in need of TA/THA continue to arise. 97 INF-6 and 00 INF-19 contain guidelines for processing TA/THA applications and cases when a person found in one district is the financial responsibility of another district. 06 INF-22 discusses DFR policy when a parolee released from a correctional facility is mandated to reside in one SSD and is not allowed initial input in determining residency at the time of prison release. 10 ADM-7 addresses procedures and protocols concerning the placement and/or approval of housing for certain sex offenders who are under parole or probation supervision or who have applied for, or are receiving, THA in an emergency shelter.

Determining the SSD to which a parolee is released remains the responsibility of the DOCCS; whereas the TA/THA application processing and DFR determination processes remain the responsibility of the SSDs.

This directive does not change the DFR policy outlined in the releases noted above: Rather, it provides more detail and additional operational information to assist SSDs in processing parolee TA/THA applications and determining the DFR. Questions and answers (including some extraordinary scenarios) posed by SSDs on parolee DFR TA/THA issues are attached to provide further guidance (see Attachment A – DFR Parolee Questions and Answers).

### **IV. Program Implications**

#### **A. DOCCS Parolee Release Policy**

In order to enhance public safety and to facilitate an offender's successful release to the community, DOCCS staff investigates the post-release plan of each inmate being released to supervision (including certain sex offenders subject to the provisions of Chapter 568 of the Laws of 2008) through a community preparation process. When sufficient time allows, this process normally begins approximately four months prior to an anticipated release date. Staff consider the appropriateness of the community program plan proposed by the offender, with the objective of obtaining the best available suitable residence, access to services and positive social supports, while also considering the impact of the plan on community safety.

Additionally, upon the request of an SSD pursuant to Chapter 568 of the Laws of 2008 (see 10 ADM-7), DOCCS may investigate residence proposals for undomiciled sex offenders who will be released to the community at maximum expiration of sentence without supervision services.

Assignment of community preparation investigations is based on information provided by the offender, in the following order:

1. the area where the inmate proposes to live (requires established ties and/or residential history and/or residential/program acceptance);
2. the area of last known address (if last known address was a shelter, the investigation will be assigned to the area where the shelter is located; if it was a residential treatment program in a county other than the county of commitment, the case will be assigned to where there was last an approved address other than the residential treatment program or to the county of commitment);
3. SSD or precinct of sentence where the instant offense occurred.

In all cases, staff are required to investigate the residence proposal in person and to consider whether there are any issues or concerns that may impact DOCCS's approval or denial of an inmate proposed community release plan, including but not limited to, history of domestic violence, orders of protection, staff safety, local residency restrictions and refusal by family or friends to provide residence to the offender.

Any inmate proposed residence plan that is not approved results in a re-interview of the offender for any possible alternative residences. New proposals are then investigated.

Approval of the final community program plan occurs once an approvable residence, proposed employment, treatment plan (applicable to case needs) and supervision plan are finalized. If an inmate proposed residence plan was not secured (for instance, because the investigation revealed the occupant(s) of the proposed residence refused to provide residence to the parolee), the inmate will be approved to reside in the area of last known address. If there is no last known New York address, the case will be approved for the SSD or precinct of sentence and commitment.

## **B. Temporary Assistance DFR Policy for Parolees**

When a parolee in need of TA/THA is released from prison to an SSD, that SSD becomes the "where-found" district. At that time, the where-found district will normally be the district of residence and the DFR (see exception below) for TA/THA.

The where-found district is the SSD of residence in those instances in which the parolee was able to propose an approvable post-release residence plan or otherwise has input into determining the SSD of residence prior to or at the time of release. If the parolee is involved in making the initial determination of residence upon release, it does not matter for residency purposes that after the parolee has established his/her SSD of residence that DOCCS then restricts the parolee to staying in that SSD as a condition of parole.

**Exception** - However, when a parolee is not able to form initial intent as to which SSD the parolee will reside in **upon** leaving prison, the parolee is not able to establish residence for DFR purposes. Forced relocation does not change residence. When a parolee is initially unable to exercise his/her intent to establish residence due to a DOCCS release mandate, residence does not change until the conditions of parole are completed and the parolee is

free to exercise intent about where to reside. Therefore, when the SSD in which the parolee must reside is mandated as an initial condition of parole (this may or may not be the SSD where the arrest or conviction took place), the DFR for ongoing TA (but not emergency assistance including THA) is the district of last known residence at the time the individual was arrested.

DOCCS may mandate a parolee to reside in a particular SSD as a condition of his/her parole. There may be several reasons for such requirement including, but not limited to a mandate to attend a particular residential substance abuse program or receive other non-medical treatment, prevent recurrence of domestic violence or otherwise prevent recidivism. Once the mandate is ended or the parole is completed, the parolee regains the freedom to exercise his/her intent as to his/her SSD of residence. At that time, if the individual chooses to reside in the where-found SSD, 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 controls.

SSDs can contact DOCCS if there are questions regarding whether the parolee was mandated to reside in the where-found SSD upon leaving prison and the reason why. This information must be used by SSDs in the DFR determination and will be fundamental to mediation decisions and inter-district jurisdictional dispute fair hearing decisions. All cases supervised by DOCCS can be found on Centraport under "Other Websites" using the Parolee Look-up link (provided by DOCCS) function. This website address is: <https://www.parole.ny.gov/lookup.html>. Contact information for the supervising Parole Officer (PO) is available at this site. (Note: If the Parole Officer, Senior Parole Officer or Area Supervisor is not available at the time of contact, the Duty Officer should be specifically requested).

Districts are reminded that emergency needs are the responsibility of the where-found SSD. This requirement may be applicable if a parolee is temporarily outside of the district of residence and has an emergency need such as requiring THA.

Outlined below are step-by-step procedures that SSDs must follow when DFR cases are involved. These same procedures apply regardless of whether or not a TA applicant is a parolee.

Before detailing these procedures there are several points that need to be reviewed to help ensure that the DFR administrative process is effective. These are:

- It is imperative that all SSDs cooperate in following the procedures below. The general DFR procedures were developed at the behest of SSDs and approved/modified by a district comprised New York Public Welfare Association (NYPWA) workgroup, and are intended to make the DFR administrative process work as effectively and efficiently as possible for all.
- When an applicant applies in a where-found SSD, the where-found SSD is to treat the application presuming it will be the district of responsibility. For parolees, this normally should be the release SSD. **Where-found districts must not prevent parolees from applying in the where-found district and redirect them to another SSD because they believe the other district to be the DFR.** It is important that DFR liaisons develop and have working relationships with PO's serving their geographical area.
- Where-found districts should not forward applications when they believe another SSD is the DFR without first speaking with a representative of the assumed DFR. DFR contacts (liaisons) are now posted in county profiles found on CentraPort.

- Both the where-found SSD and the SSD of assumed DFR must work together to exchange documentation of an applicant's eligibility and DFR.

The following are step-by-step guidelines for processing DFR cases:

**Step #1:** The where-found SSD must take the application from the client and arrange an interview with the assumption that it will be the district of fiscal responsibility.

**Step #2:** The where-found SSD should obtain relevant documentation including releases to cover the SSD involved. It should also register the application and complete finger imaging.

**Step #3:** The where-found SSD should contact the assumed DFR and explain that it has an application involving a question of DFR. The where-found district then will complete and fax, as soon as possible but within five business days of application, LDSS-4732-A and B, the DFR Cover Letter and Response Form and the DFR Worksheet along with a completed Documentation Requirements form (DSS-2642 or approved local equivalent) to the assumed DFR.

**Step #4:** The assumed DFR should assess which SSD it believes is the DFR and complete its section of the LDSS-4732-A, the DFR Cover Letter and Response Form, either accepting or rejecting fiscal responsibility. The assumed DFR must ensure that if it denies DFR responsibility that the reason for this is clearly indicated on the DFR "Cover Letter and Response Form." The decision by the assumed DFR to accept or deny responsibility should be made as soon as possible, but no later than five business days from the receipt of the Cover Letter and Response Form and DFR worksheet.

**Step #5:** If the where-found SSD receives no response from the assumed DFR within five business days, or if the assumed DFR rejects responsibility, the where-found SSD is to proceed as the responsible SSD. A decision should then be made by the where-found SSD as to whether or not to bring the dispute to mediation (see Section V of 00 INF-19) and/or to proceed with an inter-district jurisdictional dispute (IDD) in accordance with 18 NYCRR §311.3(c). Please note that if a decision is made to proceed with an IDD, Office regulation 18 NYCRR §311.3(c) requires the SSD to, among other things; notify the other SSD that they are filing an IDD.

**Step #6:** If the SSD of assumed responsibility accepts that it is the DFR, then the where-found SSD withdraws the application and forwards a completed application packet to the DFR. The packet must contain, in addition to the completed application, the completed certification guide, available documentation, the results of finger imaging, the DSS-4571 "Alcohol/Substance Abuse Screening Instrument," and other forms as needed, such as the Safety Net Repayment (DSS-4529) and the Safety Net Assignment of Future Earnings (DSS-4530) forms, as well as information, where appropriate, about the applicant's child support status. The DFR must then notify the applicant of acceptance or denial of the application.

## V. Required Action

SSDs must review DFR operational procedures and modify them as appropriate to reflect the policy outlined above.

## VI. Systems Implications

None.

**VII. Effective Date**

Immediately.

**Issued By**

**Name:** Phyllis Morris

**Title:** Acting Deputy Commissioner

**Division/Office:** Center for Employment and Economic Supports

## Attachment A – DFR Parolee Questions and Answers

**Question #1:** How does TA/THA DFR policy apply when federal probation is involved and not State parole?

**Answer:** Federal probation officers supervise felons convicted of federal crimes who are released into society on either Supervised Release or Probation. Individuals on federal probation normally will be where found for TA/THA DFR purposes. DFR policy does not apply to other states. Therefore, an individual that was previously a resident of another state will normally be where found for DFR purposes when they are released to this State.

At times the conditions of federal probation may restrict the ability of an individual placed on federal probation to establish residence. In such instances, an individual that was a resident of a district in this state prior to incarceration would remain the DFR of that district until such time as the individual can form intent. For example, a resident of Wyoming County enters federal prison. Several years later the individual is released on federal probation and required to attend a specific drug/alcohol treatment facility in Warren County. This individual would remain Wyoming County's fiscal responsibility until the individual was able to determine where he/she will reside (intent) and then for the normal two month transition period that accompanies an out-of-district move.

**Question #2:** A parolee is released to District A and advised by the Parole Officer (PO) to apply for TA in that SSD since the parolee is homeless and without means of support. When released the Parolee doesn't go to District A, but instead enters a City Mission in District B. The parolee then applies for TA in District B. Which district is the DFR?

**Answer:** Emergency needs (THA), if any would be met by District B. If the parolee is only temporarily in District B and still intends to reside in District A, ongoing TA benefits would be the responsibility of District A. This parolee would be considered temporarily absent from District A. District B must process the TA applications following the DFR protocols outlined in this ADM and 00 INF-19.

**Question #3:** In the same scenario presented in the immediately preceding question, shouldn't District B just have the client withdraw the application and tell the parolee to go to District A to apply?

**Answer:** No. The where found district must always follow the DFR protocols. This is true even if the where-found district is convinced that it is not the DFR. These protocols are intended to prevent TA applicants from being shuttled back and forth between SSDs with neither SSD accepting responsibility.

**Question #4:** If a prisoner has completed his entire sentence and there are no conditions of parole, will DSS be notified of release?

**Answer:** Generally, no. There is no DOP oversight in these instances. The DFR is the SSD of residence – this is where the former prisoner determines to reside. However, if the case is an undomiciled sex offender and DOCCS provides information regarding where they may seek services upon release, the SSD will receive a notice from DOCCS.