

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



CESAR A. PERALES
 Commissioner

[An Informational Letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.]

INFORMATIONAL LETTER

TRANSMITTAL NO.: 86 INF-21

TO: Commissioners of Social Services

SUBJECT: Income Maintenance Regional Meetings'
 Questions and Answers

DATE: October 6, 1986

SUGGESTED DISTRIBUTION:
 IM Directors
 IM Staff
 Staff Development Coordinators

CONTACT PERSON: Any questions should be directed to the person listed under each topic by calling (800) 342-3715 and asking for the extension.

Attached are the following items:

Attachment A: "Questions and Answers" which were raised at the Income Maintenance Regional Meetings held in late May and June; and

Attachment B: "A reference chart which provides basic information regarding the various child care programs currently administered by this Department." This chart will assist your staff in becoming aware of the variety of child care options that are currently available.

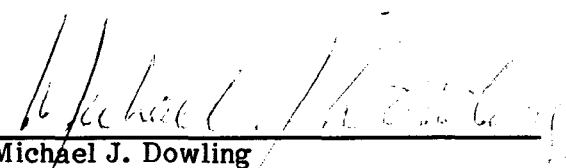
At the Regional Meetings, we distributed a flow chart regarding immediate needs. Apparently, this chart was confusing. Therefore, I request that you ask your staff to disregard the flow chart and rely on the other explanatory material regarding immediate needs that was distributed at the meetings.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References

DSS-329 (REV. 8/82)

At the meetings, we also stated that the visitor's allowance could only be provided in cases of overnight stays. You will be receiving, in a future Administrative Directive, new instructions which will allow you to provide the visitor's allowance in situations where the child visits the parent all day but does not remain overnight.



Michael J. Dowling
Deputy Commissioner
Division of Income Maintenance

Questions and Answers

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LUMP SUM

CONTACT PERSON: Ed Hennessy, 3-8839

1. Question: Are insurance payments for lost or back wages (\$500-1000 in amount) considered a lump sum or a resource?
Answer: Insurance payments for lost or back wages would be considered a resource.
2. Question: A trust fund released at age 18, is this a lump sum or a resource?
Answer: This is a resource.
3. Question: What happens when a single HR receives a lump sum and "blows it" and then comes in homeless?
Answer: The district must evaluate how the lump sum was spent. If lump sum provisions apparently should be upheld, the district must consider other options, such as community resources or local funds.
4. Question: If PA grandmother who is payee for grandchildren gets lump sum, how is lump sum calculated?
Answer: The lump sum is calculated on basis of needs of one. The grandchildren would stay on assistance, because she is not legally responsible for them.
5. Question: Should you petition court for recovery of past PA when LDSS knows a client will be getting an inheritance, rather than wait to count as lump sum?
Answer: Yes, the district may do this per Section 104 of Social Services Law.
6. Question: Is there potential retroactivity involved in the referenced Woodruff v. Perales ADM?
Answer: Yes, individuals disadvantaged since October 1984 will get special notice.
7. Question: Will the Woodruff notice eliminate the need for a regular closing notice?
Answer: No, clients still need to receive normal 10 day notice.

NOTICES

CONTACT PERSON: Robin Johnson, 4-6853

1. Question: Does an increase in the grant require that a notice be sent?
Answer: No, but it is desirable to keep recipients informed as to what their grants will be.
2. Question: Would it be possible to combine the food stamp notice with the public assistance and medical assistance notice?
Answer: This was considered at one time. However, food stamps is required to use completely different wording. Therefore, it was determined that there would be no advantage to doing so.
3. Question: Is there a separate adequate notice form?
Answer: The State has not mandated an adequate notice form. However, such a notice must specify that if the recipient requests a fair hearing within 10 days of the mailing of the notice and the agency determines that the action resulted from other than the application of State or Federal law or policy or a change in State or Federal law, assistance shall be reinstated and continued until a decision is rendered after the fair hearing.
4. Question: Is there a mandated recoupment letter?
Answer: A recoupment must receive the mandated "Notice of Intent to Change or Discontinue", DSS-3514.
5. Question: Is a notice required when an applicant/recipient fails to appear for a hearing?
Answer: No notice is required when an applicant/recipient fails to appear for a hearing. The original decision would be enforced. However, if payments made during "Aid Continuing" will be recouped, the DSS-3514 must be sent.
6. Question: Is the notification of availability of family planning services still a requirement?
Answer: Yes. The Department Regulation that requires this is Reg 463.2.
7. Question: Is the Milne notice (78-ADM-11) in conflict with the Crawford notice?
Answer: The Milne notice as contained in 78-ADM-11 only applies to sanctions for persons who voluntarily terminate employment or reduce their earning capacity for the purpose of qualifying for initial or increased assistance.

It gives specific wording to use when denying or discontinuing a case for this reason. The instructions and mandated notice contained in 78-ADM-11 remain applicable. The Crawford notices reaffirm the right of an individual to apply for public assistance while an individual is sanctioned for willful failure without good cause to comply with employment program requirements.

8. Question: Can the Milne notice be combined to include Medicaid information or does county have to send Milne notice plus another notice regarding MA eligibility.

Answer: When a "Milne situation" exists, the mandated Milne language is included on DSS-3514 or 3515, (the denial, discontinuance or reduction letter). This notice includes Medicaid information.

FACE-TO-FACE RECERTIFICATIONS

CONTACT PERSON: Ed Hennessy, 3-8839

1. Question: Can you require face-to-face recertification for part of the caseload and mail-in others?
Answer: Yes, this may be done.
2. Question: Doesn't a recertification waiver imply that a recert isn't so important?
Answer: Absolutely not. We will continue to emphasize the importance of recertification, whether it is a face-to-face or mail-in.
3. Question: NYC's error rate is declining. How often do they perform recertifications?
Answer: New York City does face-to-face three times a year. In addition, they do selective mailouts.
4. Question: Is the resource check list required on mail-out?
Answer: No, the checklist is not required.

\$50 PASS-THROUGH

CONTACT PERSON: Robin Johnson, 4-6853

1. Question: What information is contained on the statement of child support letter which is utilized in certain counties?

Answer: The statement advises recipients of the amount of support collected by social services on their behalf. It also tells them that they may receive up to \$50.00 of that amount.

2. Question: How is the statement generated?

Answer: The statement is sent by WMS based on information received from IV-D.

SOCIAL SECURITY NUMBER

CONTACT PERSON: Robin Johnson, 4-6853

1. Question: On the SSN Validation Process, what information will come back to the district to indicate why a social security number did not match?

Answer: A list of message/errors will be sent to the district which will indicate one of the following:

- SSN is not on SSA file
- Sex code does not match
- DOB does not match
- DOB and sex code do not match
- Name does not match

2. Question: For recipients, will a match be done all at once?

Answer: We anticipate one initial match of all cases. Thereafter, applicants will be matched on a monthly basis.

3. Question: Will code 7 (SSN-SSA input) still exist?

Answer: Yes. An individual may still obtain a code 7 through the SSA "SSN Enumeration" batch process.

4. Question: Applicants that present a card are coded as 1 (SSN present). If the card has a different name than the PA name, how should this be handled?

Answer: Ask the individual which name they would like to be known by for both programs. If they choose their SSA name, the worker would change the name on the Public Assistance records. If they choose their PA name, than a new SS-5 would be completed which will update the SSA files.

5. Question: Is the natural parent the only person that can sign the SS-5?

Answer: Whoever has legal custody or guardianship of the child would sign the SS-5. If the Department of Social Services has legal custody or guardianship of the child, the caseworker can sign his/her name in item 13 on the Form SS-5. Also, in item 14, "X" the other box and write "child in custody of the state".

6. Question: Can the "crib card" be used to verify age?

Answer: The crib card would be more appropriately used to verify identity.

7. Question: What about a newspaper announcement as a means of verification?

Answer: A newspaper announcement could be used to verify identity.

8. Question: What will be the primary match for social security numbers in the validation process?

Answer: The first item that will be matched will be the social security number.

JOINT CUSTODY

CONTACT PERSON: Ed Hennessy, 3-8839

1. Question: How do you verify who is the primary caretaker?
Answer: It will depend on case circumstances - which parent has applied, how forthright they are. The primary source of information is the applying parent(s).
2. Question: Is divorce an automatic deprivation factor?
Answer: Not any longer. If both parents are providing care and maintenance, there is no deprivation because of absence. Shared responsibility by parents means there is no absent parent. Usually, however, there is a primary caretaker, and the other parent is considered absent.
3. Question: Can ADC-U be used in shared responsibility (joint custody) situations?
Answer: No, not at this time because the federal government states that the ADC-U cases must be two-parent households.
4. Question: Could you have ADC-U if one of joint custody parents remarries?
Answer: Yes, we could use ADC-U in these circumstances.
5. Question: Do you need court ordered paternity for shared responsibility?
Answer: Yes. Until there is paternity established, the child is considered deprived of parental support due to continued absence.
6. Question: Does joint custody have to be court ordered?
Answer: No, it does not. Many arrangements are informal and other arrangements may, by mutual agreement, be different than the parents originally agreed to.
7. Question: Can we assume that if one parent is given visitation rights, the other parent is the custodial parent?
Answer: Yes, that is a safe assumption.
8. Question: Does an income tax claim indicate primary caretaker?
Answer: No. This may be an indicator, but the decision must take into account all the circumstances of the case.
9. Question: If the father pays child support, does this mean no shared responsibility?
Answer: This may be an indication of no shared responsibility. However, each case will still need to be reviewed on an individual basis.

10. Question: What if the father is in California?
- Answer: The mother in New York would be considered the primary caretaker, since shared responsibility is virtually impossible in such a situation.
11. Question: If the child is away from home for six months, and is the only child, should case go back to HR?
- Answer: Yes, the category should change in this circumstance.
12. Question: HR mother will have child for over one month in summer. Is this still Home Relief?
- Answer: Yes, if the other parent is the primary caretaker.
13. Question: When there is shared responsibility and both parents are on PA and applying for the child, how are these cases budgeted?
- Answer: Both cases get a shelter allowance and a fuel allowance, if appropriate, for the child. The basic allowance, HEA, and SHEA are computed by using the \$4.00 per day visitor's allowance for each visit of the child to the parent's household. For example, if the child spends 10 days with mother and 20 days with father, mother would get $\$4.00 \times 10 = \40.00 , and father would get $\$4.00 \times 20 = \80.00 .
14. Question: What if one parent is NPA and both parents are sharing the responsibilities for the child?
- Answer: The PA case will be HR, the PA parent will get the shelter allowance for the child, and \$4.00 per day for each visit to the PA household.
15. Question: Why do you include child in both shelter allowances in shared responsibility situations?
- Answer: This reflects the difference between shared responsibility and primary caretaker situations. In shared responsibility situations, the child is considered to have two homes, one with each parent. Therefore, both parents are entitled to the shelter allowance.
16. Question: Is there a time limit on the time a parent can receive the regular visitor's allowance of \$4.00 per day for the non-custodial parent before it becomes a shared responsibility situation?
- Answer: No, there is no time limit on the visitor's allowance. However, if the child spends a great deal of time with the non-custodial parent, the case should be re-evaluated for shared responsibility.

17. Question: Is it necessary to obtain verification of visits made by child?
- Answer: Generally, a statement by client is sufficient. If the agency has reason to doubt the statements made, they should check with the other parent.
18. Question: Can a NPA father receive the \$4.00 per day visitor's allowance for his child while visiting him?
- Answer: No, this allowance is a special need of the father, not of the child, Therefore, the father must be PA eligible to receive this money.
19. Question: Does the \$4.00 visitor's allowance count toward food stamps for the non-custodial parent who is receiving food stamps for himself?
- Answer: No, it does not.
20. Question: Is primary caretaker entitled to money when child isn't there?
- Answer: Yes, the child is considered temporarily absent from the home.
21. Question: If both parents are working, and sharing responsibility, who gets the \$30 and 1/3?
- Answer: Both are entitled to the full four months of \$30 and 1/3.
22. Question: How do you budget a case in which a child goes from one district to another?
- Answer: You will need to work with the other district to determine if you have a primary caretaker or shared responsibility. The general budgeting rules then follow.
23. Question: In shared responsibility cases, who is responsible for FS?
- Answer: If only one parent is on PA, that parent gets FS. If both parents are on PA, only one parent may receive FS for child.
24. Question: How is food stamp household composition determined in joint child custody situations? In which household is the joint custody child placed?
- Answer: Household composition must be decided on a case-by-case basis in joint custody situations. The fundamental applicable rule is that no individual can receive food stamps as a member of more than one household in any month. Therefore, such factors as parental control, the court order, if any, and similar considerations must be evaluated. However, the duration of time, per se, which a child spends with one parent in joint situations

is not the primary determining factor in whether or not the child is a member, for food stamp participation, of that parent's household. So long as a parent has joint custody of a child, the child may be included in the parent's food stamp household provided only that the child is not a member of another participating food stamp household. The child would remain a member of the parent's food stamp household unless:

1. The child is removed on a long-term basis, such as for a summer vacation of several months duration; or,
2. It becomes appropriate to add the child to a different food stamp household. Once in receipt of food stamps as a member of one household, the child must be deleted from that household in order to be added to a different food stamp household.

All decisions regarding household composition in joint custody situations should be thoroughly and accurately documented in the case record for Quality Control purposes. If both parents in a joint custody situation wish to receive benefits for the same child, the issue must be resolved between the parents. Local district responsibility only requires insuring against duplicate participation by any individual. In addition, it is always preferable to include a joint custody child in a food stamp household than to make a determination which results in the child being ineligible for food stamps at all.

25. Question: What if the parent not receiving food stamps for the child complains that there is not enough money for food?

Answer: Food stamps represent only a portion of the food allowance. In addition, food stamp regulations prohibit the child from being in more than one case. This issue should be discussed with both parents to determine if the correct parent is getting food stamps.

26. Question: A person gets shelter for two, fuel for two, how much of the PA grant is income counted for FS purposes (does excess shelter and fuel count)?

Answer: The individual who does not receive food stamps for the "shared" child is eligible for food stamps in their own right; however, the excess shelter and fuel are budgeted. The \$4.00 visitor's allowance is not.

27. Question: Which district is responsible for MA for a child in both cases in two districts?

Answer: The rule of thumb is that whichever county as the child on food stamps will also have the child on MA.

28. Question: What if both parents are equally responsible for medical care (and one is not on PA)?
- Answer: The child would receive MA coverage through the PA case and the other parent's responsibility would be considered as in any other third party situation.
29. Question: If responsibility is shared, is the child's name put on only one DSS-3209 authorization?
- Answer: The child's name will appear on the authorization for the case that will have the Food Stamps and/or Medicaid for the child.
30. Question: Can a child be in both cases?
- Answer: No, the district must make a decision on the child.
31. Question: How does shared responsibility affect ABEL?
- Answer: The case(s) must be done as bottom line budgeting.
32. Question: Is the visitor's allowance to be considered a special payment (separate payment line) or as an additional item of need within the budget?
- Answer: It is considered a special payment.
33. Question: What is necessary to have an audit trail to show the decision on a primary caretaker or shared responsibility?
- Answer: The primary source of information on this issue is the parent(s). The worker must fully document in the case record the reasoning behind the decision.
34. Question: What kind of documents will Q.C. look for regarding primary caretaker?
- Answer: Primarily, they will be looking for social comments and notes by the worker in the case record.
35. Question: If child is under six, which parent gets work exemption?
- Answer: The work exemptions are based on the category and case circumstances, as in other PA cases.
36. Question: If both parents are on PA, is there an IV-D referral?
- Answer: No, there is no absent parent.

UNEARNED INCOME MATCH

CONTACT PERSON: Robin Johnson, 4-6853

1. Question: When will the federal government make the information from the previous year available?
Answer: We will be able to obtain information approximately six or seven months after the end of that year.
2. Question: When will the 1099 match begin?
Answer: It has not as yet been determined.
3. Question: Will the new UIB match be for all applicants or just 20%, similar to Cintrak?
Answer: All applicants will be matched.
4. Question: How will the UIB match be processed?
Answer: The implementation of this match is still under development. Eventually, it will be added to the WMS/RFI subsystem.

JENSEN COURT SUIT

CONTACT PERSON: Tom McGraw, 4-9313

1. Question: In what direction are discussions going regarding notification, will it only be posted in offices?

Answer: This is being negotiated. Plaintiffs, however, feel we should identify more cases by WMS and posting is insufficient.

2. Question: When were the regulations actually filed?

Answer: The regulations were filed on an emergency basis on November 19, 1985. They were refiled as permanent regulations on January 17, 1986.

3. Question: Does Jensen apply to food stamps?

Answer: No, it does not.

4. Question: Should counties wait for ADM release to begin retroactivity?

Answer: Yes.

5. Question: What is the effect of retroactivity on fraud, criminal prosecution, overpayments recouplements?

Answer: The amount of the overpayments will have to be adjusted in accordance with the upcoming ADM on retroactivity.

CHILD CARE

CONTACT PERSON: Bob Sharkey, 4-9107

1. Question: Can child care be paid for a recipient who is in literacy training?
Answer: Child care can be paid under the Expanded Child Care Demonstration for recipients in literacy training. (see 18 NYCRR 352.7(1))
2. Question: When are funds to be allocated for the transitional child care program?
Answer: A letter allocating funds for the TCCP was sent to Commissioners on July 16, 1986.
3. Question: Can child care be provided to someone looking for housing?
Answer: If otherwise eligible, child care can be paid under EAF for someone who is homeless and seeking permanent housing. (See August 15, 1983 letter to all Commissioners)
4. Question: Up to what age can child care be paid?
Answer: Services regulations allow for payment up to age 14; for over 14 use a case by case determination to determine if child care is necessary.
5. Question: What is involved in tracking the payment of child care under the Expanded Child Care Demonstration?
Answer: Districts should keep track of results; are people completing the training program and getting jobs with the help of the expanded child care?
6. Question: Does 77 ADM-21 cover situations when mother is sick, but still at home?
Answer: Yes; child care can be paid in "emergency" situations such as this as long as the case record documents the need (i.e. doctor statement, etc.)
7. Question: Are forms mentioned in 77 ADM-21 still necessary?
Answer: It is no longer necessary to complete a separate services application since all programs use the common application. Either an EAF case or an EAF claiming code on a PA payment would be used to authorize the child care.
8. Question: How is extension of daycare authorized under the Transitional Child Care Program?
Answer: It's authorized under a separate EAA case opened on WMS.

9. Question: How does a district know when funding for the Transitional Child Care Program runs out? Do you just automatically give it for 9 months?
- Answer: The July 16, 1986 letter to Commissioners on TCCP addresses this matter.
10. Question: Is there a cap on funding for child care for those "over 21" completing high school?
- Answer: Yes, there are some limitations. Specific allocations have been made to individual districts. However, it does not currently appear that any district will exceed this cap. If this happens we will make adjustments.
11. Question: Explain the issue of relationship and who can provide child care that is reimbursable?
- Answer: If relationship exists within the same public assistance case, it is deemed to be child care without cost. Also, child care can never be paid to a legally responsible relative. In the case of student/parent child care (18 NYCRR 352.7(j)), child care cannot be paid to other ADC eligible relatives living in the household.
12. Question: Is Title XX Child Care constrained by the \$160.00 maximum?
- Answer: No.
13. Question: Is \$160 a reasonable limit or could it be some other amount for occupational training?
- Answer: If child care is readily obtainable in the area at that amount, it would be considered "reasonable"; otherwise a higher maximum should be set by the local district.
14. Question: In one district working poor get supplemented under Title XX. However, PA recipients can only pay \$160?
- Answer: Title XX can be used to supplement the PA child care disregard as well, but the regulations do not require this.
15. Question: If a client calls and requests that a case be closed, must transitional child care be opened?
- Answer: If a district is participating in the TCCP program, the child care should be offered.

16. Question: If transitional child care is paid, is the PA case closed? How are payments issued?
- Answer: The PA case must be closed and an EAA case is opened on the WMS system as a convenient operational procedure (An EAA case is not actually opened).
17. Question: Regarding approved training, what about G.E.D.?
- Answer: Yes, that would be covered under student/parent child care (352.7(j)).
18. Question: G.E.D. programs are difficult to get a handle on because there are no set time periods involved, e.g. some will participate for an hour a day and then nothing for three months.
- Answer: Generally, if the G.E.D. program is sanctioned by the State Education Department, it's approvable.
19. Question: Is an explanation of Emergency Child Care written down anywhere?
- Answer: Yes. This is covered in 77 ADM-21 (and mentioned in passing in 372.2).
20. Question: Do student parents need to be in high school or will two year colleges providing GED make parent eligible for student/parent child care?
- Answer: Any institution providing GED will qualify.
21. Question: Is child care included in the budget?
- Answer: No, child care should be authorized separately from PA grant and separate payment lines are written as well.
22. Question: Hasn't there been an addition to cases which can receive Transitional Child Care Program?
- Answer: Yes, TEAP cases which have "0" budgets can now be covered under the Transitional Child Care Program.
23. Question: Is there a specific payment type for child care allowances?
- Answer: There are approximately twelve specific WMS payment type codes for child care.

AIDS

CONTACT PERSON: Abe Anolik, 4-7218

1. Question: Since medical science sometimes makes mistakes, how can we really be sure that casual contact with a person with AIDS will not expose a worker to AIDS?

Answer: In medical science, as in life in general, there are no guarantees. However, the NYS Department of Health has provided us with the most accurate and up-to-date information available in this country. Consistently, this research confirms the fact that a person cannot contract the HTLV-III virus from casual contact with persons with AIDS. The fact that thousands of medical personnel and family members, who have often had far more intimate contact with persons with AIDS than a DSS worker would, have not developed AIDS lends even greater credibility to this fact.

2. Question: Persons with AIDS are sometimes placed in isolation when in hospitals. Doesn't this mean that they are contagious?

Answer: No, hospital isolation of a person with AIDS is usually designed to protect the person with AIDS from infection from other people not vice versa.

3. Question: Can AIDS be transmitted through the air or between open wounds while shaking hands?

Answer: As the Department of Health's publication on AIDS "100 Questions and Answers" states, there is no evidence that AIDS can be transmitted through casual contact. We note that, for general health reasons, a worker with an open wound should not be shaking hands etc. with anyone and should have the wound cleansed and covered.

4. Question: It has been estimated that 1-2 million people in the United States have been exposed to the HTLV-III virus, that 10-20% of those individuals will come down with ARC, and that 10-20% of persons with ARC will be diagnosed as having AIDS. Are these percentages expected to continue?

Answer: These percentages are estimates based on our 5 years of experience with AIDS and the HTLV-III virus. Researchers differ as to their predictions as to what will happen in the future.

5. Question: Why are Haitians no longer considered to be a risk group for AIDS?

Answer: For a variety of reasons, persons from Haiti originally appeared to have a higher proportional incidence of AIDS. Further investigation revealed that this was not the case, and the incidence of AIDS among persons from Haiti is associated with the same risk behaviors as in the rest of the general public.

6. Question: Should a presumptive SSI check be treated as a lump sum payment?

Answer: No, presumptive SSI payments should be treated as regular income. If the income exceeds the PA standard of need, the case should be closed.

7. Question: How can we tell that a person has received a presumptive SSI payment?

Answer: The receipt of a presumptive SSI payment is not currently indicated on the version of the SDX received by local districts. Unless informal arrangements are made with local Social Security Office, a LDSS will not be informed that a person is receiving presumptive SSI payments.

However, since the decision to provide presumptive SSI benefits to a person with AIDS is usually made at the time of the initial SSI application or shortly thereafter, a local district should be alert to the possibility that a PA recipient is receiving presumptive SSI payments around the time of the initial SSI application.

8. Question: In the situation in which a PA recipient receives SSI presumptive payments, later is denied ongoing SSI, and continued to receive PA while his SSI application was pending, can the SSI presumptive payments be considered PA overpayments?

Answer: Yes. SSI presumptive payments are considered to be regular income for PA purposes. If this income was not budgeted and, as a result, the individual receives more PA than he should have, the overpayment should be recovered.

In contrast, SSA will not attempt to recover SSI presumptive payments because such payments are considered correct even when the applicant is later denied ongoing SSI benefits.

9. Question: Must a DSS worker interview a person with AIDS?

Answer: As noted in the handout provided at the regional meetings, a local district must make itself available for face-to-face interviews. Also as noted in the handout, a designated representative can file and even sign an application in certain circumstances.

Each local district should educate their staff about AIDS to lessen worker anxiety. Sensitivity to the concerns of individual DSS workers and to persons with AIDS must guide the local district decisions. In most districts in which concerns have arisen, education and sometimes the designation of special staff to work with persons with AIDS have alleviated any problems.

10. Question: Can a LDSS ask a person: "Do you have AIDS?"

Answer: A person's medical condition is their own business except when it is relevant to a DSS concern. For our purposes, a LDSS can inquire into a persons medical condition: 1) in order to determine whether a referral for SSI is appropriate (and is therefore a condition of eligibility) and 2) when a person states that he is unemployable due to his medical condition.

11. Question: When a person is homeless and a LDSS is involved in placing an individual, may we and/or are we required to disclose information to the landlord (or facility operator) that the person has AIDS?

Answer: The general rules of confidentiality which apply to all public assistance applicants/recipients apply to persons with AIDS. Therefore it would be a violation of confidentiality to inform a landlord of a PA recipient's medical conditions.

Because of the great public concern about AIDS and because of the progressive episodic nature of AIDS, extra effort should be made to develop housing alternatives in which issues of confidentiality do not arise.

12. Question: Will the Division of Income Maintenance be issuing any special instructions to local districts regarding the treatment of PA applicants/recipients with AIDS?

Answer: No. As noted during the regional meeting, persons with AIDS or ARC should be treated in the same manner as any other PA applicant/recipient with a serious and/or debilitating disease. While we see a need for information and education about AIDS, there is no need for any special administrative procedures or instructions for IM workers.

Instruction and information have been released by State DSS dealing with the special problem presented in caring for children with AIDS and in Adult Homes.

13. Question: Should a local district report to the local Health Department that a person has AIDS?

Answer: No. Such a report is unnecessary and would probably violate client confidentiality. In addition, statistics and other information about the incidence of AIDS are currently being gathered under the auspices of the health care system.

14. Question: Have public employee unions taken a position on their members dealing with persons with AIDS?

Answer: Public employee unions have requested information and training and the establishment of protocols (procedures) to insure the safety of their members.

15. Question: Is the purpose of permitting NYC to pay the hotel/rate to a person with AIDS living in his own home to prevent homelessness? If so, can this be extended to all the homeless?

Answer: The rationale for this policy is solely to prevent homelessness. In responding positively to NYC HRA's request to authorize a higher shelter maximum to persons with AIDS, we considered the special social and medical needs particular to persons with AIDS. In particular, the difficulties faced in finding low-cost alternative regular housing in NYC and the relative high cost of institutional housing made the provision of the hotel/motel rate to maintain the residence of a person with AIDS the most cost-effective approach to avoiding homelessness for this group.

We do not anticipate expanding this policy to other homeless individuals or to other parts of the state. However, should your district be faced with serious housing problems that could effectively and efficiently be addressed by a special shelter rate for a particular target group, please contact Seymour Katz, Director of our Bureau of Income Support Programs at 1-800-342-3715, extension 4-9107 to discuss your situation.

IMMEDIATE NEEDS

CONTACT PERSON: Maureen Standish, 4-9365

1. Question: When a medicaid determination is pending, can EAF be used to purchase necessary prescription drugs when a hospital will only provide one day of prescriptions?
Answer: Yes, this can be done either through a cash payment or a voucher payment to a pharmacy.
2. Question: Does the same provision for emergency medical assistance apply to EHR?
Answer: No. Department Regulation 370.2(a) states that HR does not include medical assistance.
3. Question: Shall a special file be developed to track the cases that a prescreener determined over the phone have no immediate need?
Answer: Yes. Prescreeners should develop a file to track these cases when there is no written application.
4. Question: Does every telephone contact require a notice?
Answer: A notice does not have to be provided every time a telephone contact is made. However, if a determination is made that there is or isn't an immediate need, a notice must be sent. Districts that do immediate need determinations over the phone must provide this notice. If a determination is not made a notice does not have to be sent.
5. Question: When deeming of income from an alien sponsor applies and alien comes in with an immediate need, should immediate need be met?
Answer: If district determines there is deemed income, immediate needs cannot be met by district.
6. Question: Are sanctioned individuals eligible to receive assistance to meet an immediate need?
Answer: No, they are not eligible for public assistance of any kind. However, the local district should consider the availability of a public home or shelter or of assistance from private organizations.
7. Question: What constitutes an emergency housing need?
 - Landlord's verbal indication of eviction?
 - 30 day eviction notice?
 - 3 day eviction notice?

Answer: While intervention is required as early as possible to avoid homelessness, this does not necessarily mean financial intervention. A pre-investigation grant is not required until an eviction is imminent.

8. Question: Does Agency have to provide security deposits?

Answer: No, but Agency must do what is necessary to ensure housing. Therefore this means that the local district may have to secure housing through use of security deposit.

9. Question: Is it permissible to issue security deposits as "cash"?

Answer: Yes, but only as a last resort per Department Regulations 352.6.

10. Question: Do local churches that sponsor refugees have to provide statements regarding financial support for aliens?

Answer: Yes, unless the refugee meets one of the criteria of exempt groups listed in 18 NYCRR 349.3(b). If they do not, follow deeming procedures if appropriate.

11. Question: If the sponsor is parent of dependent child would deeming apply?

Answer: No, only children over age 21 would subject to deeming from a parent.

Child Care Programs
New York State Department of Social Services

8/21/86

<u>Child Care</u>	<u>Eligibility</u>	<u>Authority</u>	<u>Limitations</u>	<u>Funding</u>	<u>Reimbursement Fed/State/Local</u>	<u>Responsibility</u>
Income Disregard	<ul style="list-style-type: none"> Employed recipients of ADC & HR 	352.19(b) 81 ADM-55 82 ADM-49	<ul style="list-style-type: none"> deduction from income up to \$160 mo/child for F/T up to \$159.99 mo/child for P/T 	ADC HR (deduction)	50/25/25 0/50/50	IM (ISP)
Occupational Training Related Child Care	<ul style="list-style-type: none"> Recipients of ADC and HR in approved occupational or vocational training (In WIN Demo districts, also covers Educational, Rehabilitative, Vocational, Employment related Training and Work Experience) 	352.7(e)(1)	<ul style="list-style-type: none"> special needs allowance districts may set reasonable limit excludes 4 yr college & literacy training 2 yr college program must have specific vocational objective 	ADC HR	50/25/25 0/50/50	IM (ISP)
Student Parent	<ul style="list-style-type: none"> Recipients of ADC & HR under age of 21 pursuing a high school degree or GED 	352.7(j) 81 ADM-56 IM Comm. Letter 2/24/86	<ul style="list-style-type: none"> special needs allowance not to exceed district's Title XX limit not to person who is LRR to student, or other relative with whom student lives 	ADC HR	50/25/25 0/50/50	IM (ISP)
WIN-Demo Daycare	<ul style="list-style-type: none"> participants in all WIN-Demo activities vocational training educational (can include GED or high school degree) rehabilitative training employment related training work experience 	392.5	<ul style="list-style-type: none"> special needs allowance or purchase of service cc for OJT or unsubsidized employment limited to 30 days (dist. may extend to 60 days) may include 2 week "waiting period" 	WIN-Demo: Subject to program fund- ing levels	90/5/5	IM (EMP)
Emergency Child Care - EAF -	<ul style="list-style-type: none"> EAF eligibility 	372.2 77 ADM-21	<ul style="list-style-type: none"> emergency (eg. sudden illness; homelessness) 	EAF	50/25/25	IM (ISP)

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Expanded Child Care Demo	<ul style="list-style-type: none"> ● ADC & HR recipients participating in employment related training approved by LDSS ● ADC & HR recipients over 21 seeking high school degree or GED 	352.7(1) 352.7(j) IM Comm. Letter 2/24/86 5/16/86	<ul style="list-style-type: none"> ● special needs allowance ● supervised classroom training including: <ul style="list-style-type: none"> ● English as second language ● Literacy Training ● Employment readiness ● Job Club ● Life Skills ● not to exceed districts Title XX limit 	ADC HR Aid to Localities State Budget \$1.4M SFY 86-87. Funds allocated to districts.	50/25/25 0/50/50	IM (ISP)
Transitional Child Care Program-TCCP (formerly extended child care demo)	<ul style="list-style-type: none"> ● Former PA recipients whose case is closed due to earned income ● TEAP cases that are zero budgeted during contract period 	IM Comm. Letter 9/19/85 2/2/86 4/23/86	<ul style="list-style-type: none"> ● authorized for 9 months from: <ul style="list-style-type: none"> ● case closing or ● beginning of TEAP contract period ● 160/mo/child ● optional for districts 	Aid to Localities State Budget \$1.3M SFY 86-87 Funds allocated to districts	0/87.5/12.5	IM (EMP)
Comprehensive Employment Opportunity Support Centers (CEOSC)	<ul style="list-style-type: none"> ● ADC parents with children under six 	State Legislation		Aid to Localities \$2M SFY 86-87	50/50/0	IM (EMP)
School Age Day Care (SACC-School Age Child Care) (After School Day Care) (Latch Key Day Care)	<ul style="list-style-type: none"> ● School Districts or Private providers ● For start-up costs for after school daycare programs 	Chapter 460 of Laws of 1984	<ul style="list-style-type: none"> ● Start up costs only 	<ul style="list-style-type: none"> ● available through a RFP grant process ● SFY 86-87 Budget \$600,000 	0/100/0	SVS
Child Care Resource & Referral Centers (Child Care Development centers)	Centers providing: <ul style="list-style-type: none"> ● Development of family daycare programs ● Technical assistance & training to family daycare providers ● Referrals to people in need of daycare 	Chapter 804 of Laws of 1985		<ul style="list-style-type: none"> ● available through a RFP grant process ● SFY 86-87 Budget \$775,000 	0/100/0	SVS

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Working Poor (Low Income Daycare) (Expansion of Income Eligible Daycare)	<ul style="list-style-type: none"> families with income less than 125% of poverty level (may be up to 175% with waiver) not eligible for ADC/HR goal of self-support 	416.2	<ul style="list-style-type: none"> sliding parent fee scale purchase of service cannot supplant other daycare funds 	<p>Aid to Localities State Budget \$10.67M SFY 86-87 Funds allocated to districts.</p> <p>Administrative funds limited to the greater of 5% of allocation or \$5,000, with an upper cap of \$50,000.</p>	0/87½/12½	SVS
Title XX	<ul style="list-style-type: none"> State income eligibility standard adjusted by family size 	400 consolidated services plan	<ul style="list-style-type: none"> optional for districts parent fee dependent on income, family size, # of children in daycare, (sliding scale) 	Social Services Block Grant (SSBG)	75/12½/12½ for expenditures under the Title XX ceiling	SVS
Preventive/Protective	<ul style="list-style-type: none"> preventive service cases protective service cases 	416.2(d) 81 ADM-12	<ul style="list-style-type: none"> daycare must be core service of service plan purchase of service 	<ul style="list-style-type: none"> Title XX If Title XX ceiling and maintenance of effort level is exceeded, then eligible for state funding 	75/12½/12½ 0/75/25 for mandated preventive 0/50/50 for protective and non-mandated preventive	SVS

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Day Care for Adolescent Parents (Teen Parents)	<ul style="list-style-type: none"> ● custodial parent under 21 ● income less than 273% of Federal Poverty Level ● Pursuing high school or equivalency degree ● not eligible for ADC/HR 		<ul style="list-style-type: none"> ● purchase of service 	<ul style="list-style-type: none"> ● Aid to Localities State Budget \$2M SFY 86-87 ● Local funds may be provided by district, contributions or fees ● reimbursement is subject to districts allocation ● cannot supplant other daycare funds 	0/87.5/12.5	SVS