

Chapter Three
Title XX Below 200% Eligibility

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1. Background

This chapter is designed to assist social services staff in determining, documenting, and authorizing eligibility for Title XX Below 200% of Poverty funding. Title XX Below 200% funding results from the transfer of TANF funds to Title XX. TANF funds transferred to Title XX are distinguished from traditional Title XX by using the phrase “Title XX Below 200%” to denote the criteria that the countable income received by all case members must be under 200% of the U.S. federal poverty income standards. The transfer allows for greater flexibility in using the TANF funds than would otherwise be possible for such funds directly expended as TANF. Under provisions of Title IV-A of the Social Security Act states are allowed to transfer up to 10% of their TANF Block Grant each year to the Title XX Program.

Title XX Below 200%’s Relationship to TANF-EAF

Districts are to determine eligibility for both TANF-EAF and Title XX Below 200% for services provided in the home. Title XX Below 200% cannot be used for foster care room and board but can be used for services provided to foster care cases. The requirement to determine eligibility for TANF-EAF, which is discussed in Chapter Two of this manual, applies only to child welfare services. The TANF-EAF determination must be made *at the time the services case is opened, however Title XX Below 200% can be evaluated at any time during the case.* Regardless of the TANF-EAF determination, districts must do a determination for Title XX Below 200% funding. If the case is found eligible for TANF-EAF and Title XX Below 200%, the case has dual eligibility. Using Title XX Below 200% in addition to TANF-EAF allows districts to access the 100% federal funding under Title XX Below 200% once the district’s TANF-EAF funding is fully expended.

2. Summary of Title XX Below 200% Eligibility

Title XX Below 200% funding does not require that any of the four purposes of TANF be met. Instead any program or service funded under Title XX is eligible for funding under Title XX Below 200%. Generally, any child protective, child preventive (which includes preventive services provided for foster children and their families), adoption, or domestic violence service involving families with children may be covered if the case is eligible for Title XX Below 200%. Services not covered by Title XX, such as foster care maintenance payments and medical services covered by Title XIX, cannot be funded by Title XX Below 200% funds. A list of services and programs eligible for Title XX Below 200% of Poverty is found at the end of this chapter.

As noted earlier, a Title XX Below 200% determination can be made at any point in the case. This can include determining eligibility retroactively. For example, if in June 2003 you wish to establish eligibility effective January 2003, all eligibility criteria must have existed in January 2003. If the case is eligible, Title XX Below 200% is valid for a 12-month period regardless of changes in the family’s situation, including income status, as long as the case remains open. A re-determination of Title XX Below 200% must be done at least every 12 months thereafter. The re-determination can be done earlier. A re-determination done at any time provides for a full 12 months of eligibility as long as the case remains open.

For child welfare cases, the following criteria apply:

- As the recipient of the service is always the child or children, the citizenship/immigration status of caretaker relatives is irrelevant.
- In considering income, if all the children are in receipt of Public Assistance, Food Stamps, Medicaid, HEAP or SSI, it is not necessary to calculate gross income as receipt of these forms of assistance means that the family's income is below 200% of poverty.

 **Note: Medicaid Exceptions** – Children who are receiving Medicaid under continuous coverage or guaranteed eligibility provisions are not automatically eligible for Title XX Below 200%.

Title XX Below 200% Criteria

To determine eligibility for Title XX Below 200%, four issues must be considered:

- Who the applicant is and who the family members of the applicant are;
- The child's U.S. citizenship/qualified immigrant status;
- Whether the services are for a child or a child's family; and
- Establishing that family income is below the current 200% of poverty standard.

The Applicant

The person requesting the services is the applicant. When more than one person is requesting services, the adult family member applying for services must be listed as the applicant. If there is no adult family member applying for services, the applicant is the oldest child requesting these services.

To receive services funded under the Title XX Below 200%, the applicant must sign the Application for Services (LDSS-2921), an application form approved by OCFS for establishing TANF 200% eligibility, the Voluntary Agency Questionnaire which has been developed for the purpose of collecting client-related income and citizenship information or a local equivalent that has been approved by the New York State Office of Temporary and Disability Assistance (OTDA). The applicant must attest to, among other items, the name of each member of the family, the date of birth of each family member, and the type and amount of income received by each family member living in the same household and his/her relationship to the applicant. In addition, for Title XX Below 200% or regular Title XX funded services, the citizenship/immigrant status of each child must be provided. Although not previously required for services cases, these items *must be completed* on one of the types of forms noted above, which serves as the attestation to document eligibility as well as source data for WMS data entry. The worker may request verification of any item; qualified immigrant status *must* be documented.

In determining income eligibility, it is necessary to consider who is in the family as well as the relationships of the relatives, taking into account their legal responsibilities to one another. In New York State, spouses are responsible for each other; parents and step-parents are responsible for their minor children. However, when counting income for determining 200% of poverty, i.e., not all children are in receipt of PA, MA, FS, HEAP or SSI assistance, the income of all services case members residing in the household who are responsible for a recipient, as well as siblings

and step-siblings, must be considered. For children in foster care for whom a Title XX Below 200% determination made, only the income available to the child is considered.

All of the following persons *who live with the applicant* are family members:

- The applicant’s husband or wife;
- The applicant’s minor children and their siblings who are also minor children (including half and step-siblings);
- If the applicant is a minor child, the applicant’s parents, step-parents, and the applicant’s siblings who are minor children; and
- The father, mother, stepfather, or stepmother of any minor child listed above, even if the parent is not married.

Only the income of household members noted in the above four bullets is counted.

Income of legally responsible relatives who are not living with the family and whose income is not available to the family is not counted in determining the 200% of poverty income level.

Establishing Eligibility

Once the applicant and the family composition has been established, the remaining requirements include the child’s citizenship/qualified immigrant status; establishing whether there is a qualified child; and a calculation of family income to determine if it is below 200% of poverty.

A worker can establish eligibility for Title XX Below 200% of Poverty in one of two basic ways:

- Verifying automatic eligibility; or
- Certifying that the case meets each requirement for Title XX Below 200%, i.e., that at least one of the children in the case is a U.S. citizen or qualified immigrant; that the case contains at least one eligible minor (or is related to an eligible minor in the case of non-custodial parents) or a pregnant woman; and that the family’s income is below 200% of poverty.

1. Automatic Eligibility

Families in which all children in the child welfare case receive public assistance – Family Assistance (FA), federally funded Safety Net (SN) Assistance-- Medicaid (see **Medicaid Exceptions**, pages 2-11), SSI, Food Stamps or HEAP (qualifying non-services)—are automatically eligible for Title XX Below 200% services in child welfare cases. The eligibility requirements for the qualifying non-services case programs are the same as those necessary to be certified for Title XX Below 200%.

First determine whether the applicant is receiving one of the qualifying non-services noted above. This information can be secured through inquiry on the non-services WMS. If the applicant is in receipt of one of these forms of assistance, information on the applicant’s family members, their dates of birth, and their relationship to the applicant must be provided.

The worker must then determine whether all the children in the case who are applicants or recipients of the service(s) are included in the open services case and are also in receipt of Family Assistance, Safety Net, Supplemental Security Income (SSI), Medicaid (see **Medicaid Exceptions**, pages 2-11), Food Stamps or HEAP. When all children who are case members are on at least one of these forms of qualifying non-services assistance, automatic eligibility is met.

2. Certifying Title XX Below 200% Eligibility

Cases in which all the children in the case not are receiving at least one form of non-services assistance are not *automatically eligible* for Title XX Below 200%. Cases that are not found automatically eligible must be determined eligible by meeting all the criteria listed below:

- **U.S. Citizen/Qualified Immigrant.** For child welfare services, when the parent or caretaker/relative is not a U.S. citizen or qualified immigrant, the following applies: If the caretaker relative is not a parent of the child, the child is regarded as the applicant, and the caretaker relative's citizenship/qualified immigrant status is not considered. That relative's income is also not considered, as the relative is not regarded as a family member. If the case involves a parent who is not a U.S. citizen or qualified immigrant, the child is regarded as the applicant, and the parent's citizenship/qualified immigrant status is also not considered. *However, the parent's income is always considered when determining 200% of poverty income level.* In any event, only one of the children in the case must be a U.S. citizen or qualified immigrant to meet the U.S. citizenship/qualified immigrant test.
- **Minor Child, Pregnant Woman, or Non-Custodial Parent.** A minor child is defined as a child under the age of 18, or under the age of 19 and attending secondary school (high school) or equivalent level of technical training (e.g., a BOCES program) regardless of living arrangements. A pregnant woman also qualifies because of the unborn child.

A non-custodial parent can qualify for Title XX Below 200% of Poverty in situations where services are provided to assist the parent in reunifying with a child. The non-custodial parent case is treated separately from the case containing the child. The non-custodial parent must provide child support and/or must complete the Non-Custodial Parent Information Referral form (LDSS-4728) that can be used to facilitate the establishment or enforcement of a child support order. The non-custodial parent must supply the name, address, and social security number for each child.

- **Income Below 200% of Poverty.** The gross income level of the family must be below 200% of the federal poverty level. For cases not found automatically eligible, it is necessary to calculate the family's income.

Calculation of Gross Income: The combined gross income of the applicant's family members is calculated on an annual basis. Income that *must* be counted includes:

- Wages, salary, and tips from work
- Self-employment income (after business expenses)
- Social Security benefits

- Public Assistance (Family Assistance, Safety Net Assistance) of family members for cases not categorically or automatically income eligible
- Unemployment compensation
- Workers' compensation
- Supplemental Security Income (SSI)
- Child support payments received less the \$50.00 disregard (see "Income not counted" below)
- Alimony received
- Interest payments
- Other recurring income

☛ **Note:** *Deduct from the gross income any child support payments paid on behalf of a child residing elsewhere.*

Income *not* counted includes:

- Earned income of a minor child;
- Adoption subsidy/foster care payments;
- One-time loans, gifts, lump sum payments or other nonrecurring income; and
- Childcare subsidy payments received by the applicant/recipient.
- First \$50.00 of child support received.

The calculated annualized income is then compared to the current federal 200% of poverty income standard for the appropriate family size.

200% of Poverty Income Standards

See Appendix B for the current 200% of Poverty Income Standards chart.

Annual Re-determination

Eligibility for Title XX Below 200% services is certified for a 12-month period. Changes in case or family income that occur during the 12 months do not necessitate a new determination of eligibility. However, at the end of the 12 months, a re-determination of eligibility determination must be done whether or not there has been any change in family income or case circumstances. The re-determination criteria are identical to those used in the initial determination.

3. WMS System Instructions for Claiming Title XX Below 200%

To identify the eligibility for Title XX Below 200% on the Welfare Management System (WMS) districts must use:

- Suffix code “D” for preventive services in both the DIR and POS fields; or
- Suffix code “C” for all service types other than preventive services (e.g., an open child protective case, or a domestic violence case in a family with a child, or adoption services, or adult protective services in a family with a child) in both the DIR and POS fields.

Families found eligible for both TANF-EAF and Title XX Below 200% are considered to have dual eligibility. Encode WMS as shown in the chart below:

Program\ Funding	Title XX Below 200% Only	TANF-EAF and Title XX Below 200% (Dual Eligibility)	Regular Title XX
Preventive Services (direct service type 25 or 26)	Any eligibility code other than 04* and suffix code “D”	Eligibility code 04 and suffix code “D”	Any eligibility code other than 04* and suffix code “W”
Non-Preventive Services [e.g., CPS (17), domestic violence (22)]	Any eligibility code other than 04* and suffix code “C”	Eligibility code 04 and suffix code “C”	Any eligibility code other than 04* and suffix code “P” if a child protective case

*As appropriate, enter the eligibility code, as follows:

06 – SSI-Blind

07 – SSI-Disabled

08 – MA

14 – IE (Eligibility to be determined by income – Non-Categorical)

If the case is ineligible for any funding because no family member is a U.S. citizen or qualified immigrant (costs for the case are not reimbursable, except for child protective services, emergency medical services, non-residential domestic violence services, and non-residential adult protective services) enter eligibility code 14 and add “N” suffix (for non-reimbursable for direct services and POS, except for the emergency services listed here).

4. Instructions for Completing the Family Eligibility Checklist (Title XX Below 200% Sections)

Instructions for completing the Family Eligibility Checklist (Title XX Below 200% sections) are presented in the following pages. The organization of the instructions corresponds to the organization of the Checklist. It is recommended that you place these instructions beside the Checklist as you complete the Checklist. *(See Appendix A for a sample copy of the Checklist.)*

The symbol → indicates a direction to enter information. When necessary, the directions are followed by an *Explanation* of the item and the *Documentation* required for the item.

 **Note:** It is recommended that the Checklist with the attached documentation be kept in a separate, identified section of the case record that is maintained for eligibility determination purposes. For Title XX Below 200% services, self-attestation is sufficient except for documentation of qualified immigrant status.

Section I. Case Information	<i>Already completed when determining eligibility for TANF-EAF.</i>
Section II. TANF-EAF Eligibility	<i>Already completed when determining eligibility for TANF-EAF.</i>
Section III. Title XX Below 200% Eligibility	<p>Automatic Eligibility. Are all the children who are applying for or receiving services in receipt of public assistance (Family Assistance, Safety Net), Medicaid (see Medicaid Exceptions, pages 2-11), Food Stamps, Supplemental Security Income (SSI) or HEAP?</p> <p>→ Check YES if all children in the case are in receipt of Family Assistance, Safety Net, Medicaid, Food Stamps, Supplemental Security Income (SSI) or HEAP.  If YES, go to Section IV and indicate ELIGIBLE FOR TITLE XX BELOW 200% ONLY.</p> <p>→ Check NO if not all children in the case are in receipt of Family Assistance, Safety Net, Medicaid, Food Stamps, Supplemental Security Income (SSI) or HEAP.  If NO, answer the questions below.</p> <p>Certifying Title XX Below 200% Eligibility</p> <p>Applicant(s) must meet all requirements below for Title XX Below 200% eligibility:</p> <p>1. Citizenship. Is at least one child who is applying for or in receipt of services a U.S. citizen or a qualified immigrant as defined under the federal PRWORA?</p>

<p>Section III. Title XX Below 200% Eligibility continued</p> <p><i>Explanation:</i></p>	<p>→ Check YES if at least one child who is applying for or in receipt of services is a U.S. citizen or a qualified immigrant as defined under the federal PRWORA.</p> <p>→ Check NO if at least one child who is applying for services is not a U.S. citizen or qualified immigrant as defined under the federal PRWORA. ☞ Go to Section IV and indicate INELIGIBLE FOR ANY FUNDING.</p> <p>Explanation: At least one child in receipt of Title XX Below 200% services must be a citizen of the United States or a qualified immigrant as defined by the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). For child welfare services, the recipients are the children in the case. Therefore, as long as at least one child is a U.S. citizen or qualified immigrant, the case is eligible. Note: The citizenship status of the adult caretakers does not have to be considered. (See Appendix B for the ACFY-CB-PIQ-99-01 and the Immigration Status List.)</p> <p>Documentation: Documentation is only required for qualified immigrants. The required documentation is referenced in the Immigration Status List in Appendix B. Children under the age 14 are not provided documentation of immigrant status by the United States Citizenship and Immigration Services (USCIS), formerly known as the BCIS. An adult’s client’s attestation of immigrant status is acceptable.</p> <p>2. Minor Child, Pregnant Woman, or Non-Custodial Parent. Does the family include: (a) a child under the age of 18, or under the age of 19 and attending secondary school (high school) or an equivalent level of vocational or technical training, regardless of living arrangement; or (b) a pregnant woman; or (c) a non-custodial parent?</p> <p>→ Check YES if the family includes a member as described above.</p> <p>→ Check NO if the family does not include a member as described above. ☞ Go to Section IV and indicate INELIGIBLE FOR TITLE XX BELOW 200%.</p> <p>Explanation: Title XX Below 200% funded services may be used to support only families that include the following: (a) a minor child under the age of 18, or under the age of 19 and in secondary school (high school) or an equivalent level of vocational or</p>
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<p>Section III. Title XX Below 200% Eligibility <i>continued</i></p>	<p>technical training, regardless of the child’s living arrangement; (b) a pregnant woman; or (c) a non-custodial parent who is providing child support and/or has completed the Non-Custodial Parent Information Referral form (LDSS-4728), which is used to facilitate the establishment or enforcement of a child support order.</p> <p>Documentation: <i>Application for Services (LDSS-2921)</i></p> <p>3. Family Income. Is the combined gross income of all the family members below the 200% of poverty income level?</p> <p>→ Calculate the family’s gross income by listing each family member’s name, relationship to applicant, and annual income. (<i>See page 3-4 for definition of family members.</i>) Include only countable income as described on page 3-9. Subtract any child support payments made on behalf of children not in the household. Indicate net gross income and total number of family members (family size). Compare combined gross income to the 200% of poverty income standard for the applicant’s family size to determine if the income is less than the 200% standard. (<i>See Appendix B for current 200% of Poverty Income Standards.</i>)</p> <p>→ Check YES if the income test is met based on calculation of combined gross income of applicant’s family members based on applicant’s family size.</p> <p>→ Check NO if the combined gross income of all the family members is not below the 200% level of poverty. ☞ Go to Section IV and indicate INELIGIBLE FOR TITLE XX BELOW 200%.</p> <p>Explanation:</p> <p><i>The gross income level of the family members must be under 200% of the federal poverty level. In all instances, information on the gross income of the applicant and the applicant's family members must be provided. Resources are not included in the calculation.</i></p> <p>Documentation:</p> <p><i>A calculation of combined gross income for the applicant based on family size that is below the 200% level of poverty. Client attestation on the Application for Services (LDSS-2921) or other acceptable documents.</i></p>
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<p>Section IV. Eligibility Summary & Signatures/ Supervisor’s Review</p>	<ul style="list-style-type: none"> → Check the ELIGIBLE FOR TANF-EAF AND TITLE XX BELOW 200% box if the family is eligible for TANF-EAF and Title XX Below 200%. Encode family 04 (eligibility code) and add “D” suffix for preventive services and “C” suffix for any non-preventive services (direct service and POS lines) as needed on WMS. → Check the ELIGIBLE FOR TITLE XX BELOW 200% box if the case or at least one child is eligible for Title XX Below 200%. Encode family with any appropriate eligibility code other than 04, and add “D” suffix for preventive services and “C” suffix for any non-preventive services (direct service and POS lines) as needed on WMS. → Check the INELIGIBLE FOR TANF-EAF AND TITLE XX BELOW 200% box if no child in the case is eligible for TANF-EAF and Title XX Below 200%. Encode family 14 (eligibility code) on WMS. → Check the INELIGIBLE FOR ANY FUNDING box (other than child protective, non-residential adult protective, non-residential domestic violence and emergency medical services) as no child in the case is a U.S. citizen/qualified immigrant. Encode family 14 (eligibility code) and add "N" suffix to direct service and POS lines as needed on WMS. → Sign and enter the date. → Obtain the supervisor’s signature and date.
<p>Section V. Documentation of Eligibility</p>	<p>Note: For Title XX Below 200% services, self-attestation by signing the Application for Services (LDSS-2921) is sufficient except for qualified immigrant. However, the worker may request verification of any item.</p> <p>Indicate the documentation used for each item of eligibility.</p> <p>Indicate where that documentation is located in the case record <i>or</i> that it is attached to the Checklist form.</p> <ul style="list-style-type: none"> → List the documentation used for each item. → Enter the location of the documentation in the case record, <i>or</i> check the box if attached to the Checklist. <p><i>Explanation:</i> It is recommended that the Checklist with any attached documentation (e.g., Application for Services, correct documentation for qualified immigrants, income calculation) be</p>

<p>Section V. Documentation of Eligibility <i>continued</i></p>	<p>kept in a separate, identified section of the case record that is maintained for eligibility determination purposes.</p>
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Title XX Below 200% Eligible Services
That Accept Suffix Code "C" and/or "D"

Code	Service	DIR	POS	C	D
01	Adoption	X	X	X	X
2A	Rent Arrears		X		X
2B	Special Payments		X		X
03	Day Care	X			X
3A	School Age Child Care		X	X	X
3F	Day Care Home/Relative FT		X	X	X
3G	Day Care Home/Relative PT		X	X	X
04	Education	X		X	
05	Employment	X	X	X	
06	Family Planning	X	X	X	X
07	Placement Services for Adults	X		X	
8C	Crisis Respite (Family)	X	X		X
09	Health Related	X	X	X	X
10	Home Management	X	X	X	X
11	Homemaker	X	X	X	X
12	Housekeeper/Chore	X	X	X	X
13	Housing Improvement	X	X	X	X
15	Adult Preventive	X	X	X	
17	Protective Children	X	X	X	
20	Transportation	X	X	X	X
21	Unmarried Parents	X	X	X	X
22	Personal Care	X	X	X	X
23	Services to Victims of Domestic Violence	X	X	X	
25	Preventive Children (Mandated)	X	X		X
26	Preventive Children (Non Mandated)	X	X		X
27	Housing (Rent) Subsidy		X		X
28	Drug Abuse Treatment Services	X	X	X	X
29	Alcohol Drug Abuse Treatment Services	X	X	X	X
30	Day Care – In-home FT		X	X	X
31	Day Care – In-home PT		X	X	X
32	Day Care – Family FT		X	X	X
33	Day Care – Family PT		X	X	X
34	Day Care – Family Group FT		X	X	X
35	Day Care – Family Group PT		X	X	X
36	Day Care Center FT		X	X	X
37	Day Care Center PT		X	X	X

Title XX Below 200% Eligible Services
That Accept Suffix Code "C" and/or "D"

continued

Code	Service	DIR	POS	C	D
44	Clinical Services	X	X	X	X
45	Intensive Home Based Services	X	X	X	X
48	Aftercare		X	X	
49	Post Adoption		X	X	
57	Parent Aide Training	X	X		X
58	Emergency Cash	X	X		X
59	Emergency Goods	X	X		X
60	Day Services For Children		X	X	X
83	Foster Care Babysitting		X	X	
90	Alternate Living Arrangement	X	X	X	
91	Provide Room and Board	X	X	X	
92	Adult Protective Services – Locate Services	X	X	X	
93	Arrange Guardianship/Conservatorship	X	X	X	
94	Function as Conservator/Payee	X	X	X	
95	Resident Family Home, Casework	X	X	X	
96	Resident Family Home, Financial Management Services	X	X	X	
97	Resident Other Support Services	X	X	X	
99	Resident Other \$\$Management	X	X	X	