

## Questions and Answers TANF-EAF

### Questions as of March 2005

**Question 1: If a child goes on trial discharge, does the EAF end? What if the child re-enters foster care if trial discharge doesn't work? Do we have to charge the eligibility when a child goes on trial discharge?**

Answer 1: No, except that EAF must be ended for any child who has a goal of independent living. Services are always provided during the trial discharge period as the Commissioner still has custody.

If child is replaced into Foster Care and more than 12 months have elapsed since the earlier EAF authorization was written then you can do a new determination as 12 month rule has elapsed since the previous authorization.

#### *From the Eligibility Manual page 2-12*

The emergency is defined as ending when the child is: discharged from foster care with no continuing need for services; or freed for adoption and placed in an adoptive home; or placed in adult residential care; or on trial discharge with a goal of independent living; or the youngest child in the case turns 18 (or 19 if still in secondary or equivalent education). Federal regulations require that all services to be covered by TANF-EAF be authorized in one 30-day period. In New York State, this requirement is met by issuing one TANF-EAF authorization covering all services necessary to address the emergency situation.

**Question 2: If a family is on TANF-EAF and then a child goes into foster care, do you have to do a separate TANF-EAF determination on that child? (Same emergency)**

Answer 2: No.

**Question 3: Once a TANF-EAF eligible child is freed for adoption and placed in an adoptive home but the adoption is not finalized, is the child still eligible for TANF-EAF?**

Answer 3: No

#### *From Eligibility Manual page 2-3*

TANF-EAF for a case may be *authorized* only once within any 12-month period. This authorization remains in effect for as long as the needs arising from the emergency continue - i.e., until the emergency ends. In a *foster care case*, the emergency is defined as **ending** when the child is:

- Discharged from foster care with no continuing need for services;
- **Freed for adoption and placed in an adoptive home;**
- Placed in adult residential care;
- On trial discharge with a goal of independent living; or  
When youngest child in the case turns 18 (or 19 if still in secondary or equivalent education).

**Question 4: In the WMS instructions, you mention code 65E. What does that code mean?**

Answer 4: According to the WMS Services Coding Guide, the response is code **65** indicates funding for tuition and the suffix code **E** indicates that the tuition services are funded through TANF-EAF.

**Question 5: Can the income (SSI or TA) of a live-in boyfriend who is not the biological father of any of the children count for the “insufficient resources” requirement for the family to receive TANF-EAF? No one else in the household has income.**

Answer 5: No. Boyfriend has no legal responsibility.

**Question 6: If TANF-EAF family case is closed (solely because they are moving out of the county), can they get TANF-EAF in the receiving county (still need preventive services for same emergency)?**

Answer 6: Yes. If the case closing is administrative, then the emergency continues, as does EAF eligibility.

**Question 7: Unaccompanied refugee minor is covered 100% under other federal funding. Why do we need to make a TANF-EAF determination?**

**Answer 7:** If the unaccompanied refugee minor passes all the TANF-EAF criteria and documentation requirements, placements made under the provisions of that program may be claimed as such.

*From Eligibility Manual page 2-10*

**The emergency situation is due to the following circumstances:**

→ Check all applicable boxes:

FCA Article 10 court ordered removal/placement.

FCA Article 7 court ordered placement

FCA Article 3 court ordered placement

SSL 358-a court order

SSL 384-a placement made by Voluntary Placement Agreement

SSL 384 placement made by Voluntary Surrender Agreement

**FCA 651(b) placement of unaccompanied refugee minor**

**Question 8: If we don't get to do the TANF-EAF eligibility determination by the 90<sup>th</sup> day, can we still make it say six months later or is the case not eligible because of the lapsed time?**

Answer 8: No.

*From the Eligibility Manual page 2-3*

Since TANF-EAF applies to all child welfare services (except adoption), local districts are required to determine TANF-EAF eligibility in all cases in which a case initiation date (CID) is to be established on the Child Care Review Service (CCRS). Workers assigned responsibility for eligibility determinations should perform TANF-EAF determinations on all foster care cases, including those found Title IV-E eligible, and on all family (in-home services) cases. **TANF-EAF determinations must be done at the time the case is opened. TANF-EAF authorizations cannot be written more than 90 days retroactive beyond the CID. Failure to determine and authorize TANF-EAF at the time the case is opened precludes subsequent authorization for TANF-EAF.** In such instances a Title XX Below 200% eligibility review is made without a TANF-EAF determination.

**Questions as of September 2004**

**Question 1: When making a TANF-EAF eligibility determination for a child in foster care and the child is in receipt of SSI, does the district have to do a comparison as we do when doing a Title IV-E eligibility determination to see which would be most cost beneficial to the county?**

Answer 1: Although the regulations that govern TANF-EAF do not clearly prohibit concurrent receipt of both TANF-EAF and SSI, the SSI regulations are clear that ongoing assistance from other federal/state grant programs must be considered unearned income that reduces the SSI benefit. It is up to the local district, as you do with Title IV-E, to determine which federal program, SSI or TANF-EAF, will provide the most federal dollars to the case. The district should notify the Social Security office if the child is in receipt of TANF-EAF, so they can take the appropriate action.

**Question 2: The previous version of the Eligibility Manual indicated that TANF-EAF ended when the permanency-planning goal (PPG) for independent living was established. The updated manual seems to indicate that TANF-EAF ends when the child is on trial discharge with a PPG of independent living - which is correct?**

Answer 2: The 2004 version of the Eligibility Manual is correct. In a foster care case, the emergency is defined as ending when the child is on trial discharge with a goal of independent living among the list of options.

See manual page 2-3 under Continuing Authorization.

**Question 3: PINS/JDs go in and out of placements. Sometimes they receive TANF-EAF funding. If this is the case, the next eligibility determination will disclose that the child received TANF-EAF in the prior 12 months. Based on the TANF-EAF rules, this means that the child is not eligible for another TANF-EAF authorization. Is this true?**

Answer 3: A TANF-EAF authorization remains in effect for as long as the needs arising from the emergency continue. If a child is discharged from foster care and services continue, the TANF-EAF authorization would remain in effect. If the child were discharged from foster care with no continued need for services, the TANF-EAF authorization would end. Remember, it is the date the prior TANF-EAF authorization was written that is considered when reviewing whether there was a TANF-EAF authorization in the past 12 months not the date the EAF authorization ended.

See manual page 2-5 under “No previous EAF Authorization” for details.

**Question 4: Can it be considered the same emergency if the case is closed but reopened within the 12 months based on the same PINS petition?**

Answer 4: No, once a decision has been made that the services are no longer needed and the services case is closed, the TANF-EAF authorization ends. If services were required again, a new TANF-EAF determination would have to be completed. Note, it is the date the prior TANF-EAF authorization was written that is considered when reviewing whether there was a TANF-EAF authorization in the past 12 months not the date the EAF authorization ended.

See manual page 2-5 under “No previous EAF Authorization

**Question 5: What constitutes a family member for TANF-EAF?**

Answer 5: A “family member” refers to anyone in the household receiving services or receiving services on behalf of the child.

**Question 6: From what date does the funding start for a TANF-EAF case since there are no retroactive payments? Workers may not be able to accept case until the 60<sup>th</sup> day.**

3/22/2005

Answer 6: Authorization must be done at the time of case opening. The child or family checklist that is used to determine TANF-EAF becomes the authorization upon appropriate dated signature. OCFS has allowed for up to 90 days to determine EAF eligibility and authorize a payment. If eligible, claiming can begin for the next payment going out. The federal government is quite clear that you cannot retroactively claim EAF once a payment is made if an authorization was not written prior to or concurrent with that payment.

**Question 7: Should the parent's of a foster child also be coded TANF-EAF in WMS if they are receiving services?**

Answer 7: Yes, the services provided on behalf of the child to facilitate the child's return home are eligible for TANF-EAF funding. For example, this can include services such as parenting skills training provided to parents.