

Questions and Answers

Title XX Below 200% of Poverty

Questions as of March 2005

Question 1: There is a household with Mom, minor child and live in boyfriend. He is receiving services, all are “services case members” but he is not in the family members’ list. Should his income be counted?

Answer 1: No, he is not a responsible relative or sibling in a child welfare case. If this is child welfare case the child (ren), not the parents or other adults, are the recipients of the services; although parents may receive services on behalf of or for the benefit of their children.

Question 2: What WMS code do we use to provide Title XX Below 200% of Poverty for foster care cases found eligible for all three funding streams: Title IV-E, TANF-EAF and Title XX Below 200% of Poverty?

Answer 2: The eligibility code for any individual (eligibility is person not case specific) would be 02 (IV-E). Any service such as education would require an 08E and a 64E which would put any educational expenses in the EAF claim.

A “C” suffix code is used to designate eligibility for Title XX Below 200% of Poverty, however, our current system does not allow for recording of “triple” eligibility. This will change in CONNECTIONS Build 19.

Question 3: Would the income of an uncle/aunt/grandparent with legal custody count toward the 200% income determination for Title XX Below 200% of Poverty?

Answer 3: No.

From Eligibly Manual page 3-4

“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.”

Question 4: For Title XX Below 200% of Poverty, is the system programmed to automatically recognize a weekly amount that was converted to monthly amounts using the methodology of multiplying the weekly amount by 4.3?

Answer 4: There are codes that indicate the time period that can be found in section 18 of the WMS coding guide. There is a code that indicates the dollar figure is for weekly income.

Question 5: Since NYC does not use the suffix codes as indicated in the Eligibility Manual, participants would like a list of all the codes as they relate to authorizing Title XX Below 200% of Poverty.

Answer 5: Users should follow this path and they will have access to the codes:

- select public folders/all public folders/dfa.state.ny.us/OCFS/TSU/ wms services reference documents.
- open document entitled “Title XX Under 200% C,D suffix matrices”.

From the Eligibility Manual page 3-13 and 3-14.

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	

Questions as of December 2004

Question 1: When making a Title XX Below 200% of Poverty eligibility determination using the “Electronic Eligibility Worksheet” there is no code for “other recurring unearned income.” The rules indicate that recurring unearned income must be counted. How can workers enter it into the system so that it is counted?

Answer 1: The worker should enter the combined yearly income of all family members – this includes total gross earned and unearned income. A comment that “other unearned income was included” would suffice.
See Eligibility Manual page 3-6.

Question 2: The non-custodial parent lives in our county and the custodial parent lives in another state. The court ordered our county to provide services to the non-custodial parent.

A. Can the non-custodial parent without a child have a preventive case opened?

B. Can the non-custodial parent be eligible for Title XX Below 200%?

Answer 2: A. Yes, a local district may provide preventive services to a non-custodial parent to assist that parent in reunifying with a child residing in this or another state. The non-custodial parent's case would be opened by the LDSS and would be treated separately from the case containing the child.

B. A non-custodial parent, if determined eligible, may receive services funded with Title XX Below 200% funding.

See Eligibility Manual page 3-5 for further information on determining Title XX Below 200% eligibility for a non-custodial parent.

Question 3: Do we need another Application for Services or local approved equivalent for re-determination of Title XX Below 200% of Poverty?

Answer 3: Yes. Eligibility for Title XX Below 200% of Poverty is certified for a 12-month period. A re-determination must be done at least every 12 months thereafter. The LDSS may use the Application for Services (LDSS-2921), or an application form approved by OCFS for establishing Title XX Below 200% of Poverty eligibility or a local equivalent that has been approved by OTDA to have applicants (or the commissioner's representative for foster care cases) sign and attest to the information necessary to re-determine Title XX Below 200% eligibility.

See Eligibility Manual pages 3-3 under the Applicant and 3-6 Annual Re-Determination

Question 4: A. If a child is removed from the home of his/her biological mother and placed with the grandmother, is the grandmother's income used in determining Title XX Below 200% of Poverty?

B. What if there were two children in the home and the second child remains with the mother and receives preventive services, are they treated as two separate cases?

Answer 4:

A. No. The grandmother is not legally responsible and in a child welfare case, is not considered as a case member for purposes of determining eligibility for Title XX Below 200%.

B. Yes. The two children reside in separate households, thus requiring two separate determinations. For the child living with the grandmother, the income of the mother is not considered unless the mother is making contributions to support the child. For the case involving the child living with the mother, the mother's income is considered less any contributions made to support the child living with the grandmother.

Question 5: A Services case consists of Mom, Dad, 22-year-old son and 10-year-old son. Dad is not in the household and his income is not available but he receives services.

A. Does the income of the 22-year-old count?

B. How do we determine eligibility for Title XX Below 200% of Poverty?

Answer 5: In short, the eligibility of the family would be based only on two members, the minor child and the mother. Thus, only the income of these two family members would be counted. So, to specifically answer the questions:

A. No. The income of the 22-yr-old son would not be considered in determining eligibility as he is not in receipt of services and is not legally or financially responsible for his mother or sibling.

B. In Mom's case, Dad's income would not be used in determining the child's eligibility since he does not reside in the household. Only support payments received from Dad would be counted as income in determining the child's eligibility for Title XX Below 200% of Poverty. Dad would be considered a non-custodial parent and as such, his eligibility would be determined separately. His income must be used and determined to be below 200% of the poverty level in order for him to be eligible. A non-custodial parent can qualify for Title XX Below 200% of Poverty for services provided to assist the parent in reunifying with the child. See Eligibility Manual page 3-5, Minor child, Pregnant Women, or Non-Custodial Parent.

Question 6: For a foster care case ineligible for Title IV-E, what form do we use to make a Title XX Below 200% of Poverty determination?

Answer 6: The Family Eligibility Checklist (LDSS-4811) Section III: Title XX Below 200% Eligibility can be used to determine eligibility for foster care cases.

Question 7: If one family member is sanctioned for non-compliance with Temporary Assistance rules, is the family still categorically eligible for Title XX Below 200% of Poverty?

Answer 7: Yes, if the sanction is the only reason for ineligibility for Temporary Assistance.

Question 8: If a family's case situation changed: they begin receiving Temporary Assistance and may now be eligible for Title XX Below 200% of Poverty, do they receive it from the date they starting receiving

Temporary Assistance or is it from the date that the new Title XX Below 200% of Poverty eligibility determination is made?

Answer 8: This case would be eligible for Title XX Below 200% of Poverty funding as of the date the family started receiving Temporary Assistance. Title XX Below 200% of Poverty eligibility determination can be made at any point in the case. This can include determining eligibility retroactively. See Eligibility Manual page 3-2 last paragraph

Question 9: If there is a stepfather in the household with substantial income and he is not the father of any of the children, is his income counted when making a Title XX Below 200% of Poverty determination?

Answer 9: Yes, if he is living in the household, he is considered a family member and his income must be counted.