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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 95 LCM-54

Date: May 11, 1995

Division: Services and
Community
Development

TO: Local District Commissioners

SUBJECT: Emergency Assistance to Families (EAF) for Division for Youth
Placements

ATTACHMENTS: EAF Authorization Forms (DFY)
Verification of Assistance Worksheet (VOA)
Household Economic Profile (HEP)

Not Available On-line

A Memorandum of Understanding (MOU) has been signed by the NYS Department of Social Services and the NYS Division for Youth (DFY) on the implementation of EAF eligibility and claiming for DFY custody youths placed in EAF eligible programs. The standards for the provision of Emergency Assistance to Families (EAF) are contained in 18 NYCRR Part 372. Procedures for foster care, child protective and preventive services for local departments of social services are addressed in 94 LCM-52. This LCM will address Juvenile Delinquents (JD) or Persons In Need of Supervision (PINS) placed in the custody of the NYS Division for Youth either in voluntary agencies, or in DFY licensed foster boarding homes and non-secure facilities.

I. BACKGROUND

The Department issued 93 ADM-39 to provide clarification and direction to social services districts regarding changes in the Department's approach to the utilization of EAF as it relates to the provision of services, including foster care. Those youth adjudicated as JD's pursuant to Article 3 of the Family Court Act (FCA) or PINS pursuant to Article 7 of the FCA and placed in DFY custody in EAF eligible settings, should be processed for EAF eligibility. At this time, the identified costs of residential care and services provided to DFY custody eligible children by certain facilities and programs, which can be claimed for reimbursement under EAF are:

1. Services provided in non-Title IV-E eligible, non-secure programs operated by DFY;
2. Services which are not Title IV-E eligible (social services and any other allowable costs) provided to Title IV-E eligible youth in Title IV-E eligible programs operated by the Division;
3. Services provided to non-Title IV-E eligible youth in DFY operated Title IV-E eligible programs;
4. Services provided to non-Title IV-E eligible youth, and services which are not Title IV-E eligible (social services and any other allowable costs) provided to Title IV-E eligible youth in facilities or programs operated by voluntary child care agencies.

II. POLICY IMPLICATIONS

The benefit from the EAF MOU with DFY is significant and results in savings to both social services districts and the State. Federal reimbursement is 50% of EAF expenditures.

As is the case for foster children in the custody of the commissioner of a social services district, some DFY youths will have applications submitted for Title IV-E, Medicaid, and EAF eligibility determinations, depending on where they are placed. Other DFY youths may have applications submitted for EAF determinations only, as they may be placed in DFY facilities which are eligible for EAF only. These would be youths in DFY operated facilities which are not secure settings, but are larger than 25 beds. Public institutions which have more than 25 beds, are not eligible for IV-E foster care (see Section 472 (c)(2) of the Social Security Act) or Medicaid.

DFY has submitted EAF applications to NYSDSS Office of Quality Assurance and Audit (QA&A) for DFY custody youths who were placed in EAF eligible settings, prior to the effective date of the MOU (9/94). This population would include all placements in EAF eligible DFY operated facilities, as well as voluntary agencies.

For those youths who have had previous applications submitted to social services districts (i.e., for services, Title IV-E, or Medicaid), retroactive EAF eligibility can be determined for up to two years in a eligible EAF setting.

For those youths who have not had any previous applications submitted, federal regulations allow EAF to be determined only for placements within the six months prior to the MOU effective date (9/94).

III. PROCEDURES

1. DFY Custody Youth Placed in Voluntary Agencies

A. New Cases

Social services districts will now be processing applications for Title IV-E, EAF and Medicaid eligibility. DFY will submit to social services districts a completed and signed Common Application (DSS-2921) including the following forms:

- o Verification of Assistance Worksheet (VOA)
- o Household Economic Profile (HEP)
- o Determination of Eligibility and Authorization for Emergency Assistance to Families (EAF). This form is in lieu of the DSS 638QA already in use for local DSS custody cases. DFY will prepare the form for local districts, to make the EAF determination and authorization and sign the form. New York City Child Welfare Administration will have the option of using this form or the RES-1.

Procedures for opening cases on WMS are addressed in 94 LCM-52, page 7, Part V: SYSTEM INSTRUCTIONS FOR CLAIMING EAF IN CHILD WELFARE SERVICES. Social services districts should be prepared to fully utilize EAF for DFY custody youth placed after February 1, 1995.

B. Retroactive Cases

Prior to implementation of this LCM, social services districts received applications from DFY requesting Title IV-E eligibility determinations and Medicaid coverage for all DFY youth placed in voluntary agencies. The applications consisted of the Common Application (DSS-2921), VOA, and HEP forms. DFY has identified cases eligible for EAF determinations and submitted the Determination of Eligibility and Authorization for Emergency Assistance to Families (EAF) forms to the NYSDSS' QA&A for authorization. Social services districts will be notified of those cases authorized as EAF by QA&A.

For DFY youth still in placement, social services districts will implement systems instructions addressed in 94 LCM-52 at time of recertification. No action on WMS is necessary for youth already discharged from a voluntary agency.

2. DFY Custody Youth Placed in Title IV-E, EAF, and Medicaid Eligible DFY Facilities

This population would be youth placed in DFY foster boarding homes, and DFY operated non-secure facilities under 25 beds.

A. New Cases

DFY will submit applications in the same manner as for voluntary agencies, if the youth's initial placement is in a Title IV-E/EAF eligible setting.

B. Retroactive Cases (EAF)

This category includes youths whose initial placement was not in a Title IV-E eligible DFY facility. In cases where youth were placed prior to issuance of this LCM, DFY has already submitted EAF eligibility forms to NYS DSS QA&A, for these youth through February 1, 1995. Upon application for Title IV-E, EAF, and Medicaid, an EAF authorization form should be placed in the case record.

For youth who have already been determined eligible for Title IV-E and Medicaid coverage and are still in an eligible DFY facility, DFY will include the EAF form at time of recertification for the purpose of continuing eligibility.

Procedures for opening cases or recertifying cases on WMS for DFY youth in DFY facilities are unchanged. Social services districts will continue to open cases as Title IV-E eligible and/or Medicaid Only.

3. DFY Custody Youth in EAF ONLY Eligible DFY Facilities

These are DFY operated facilities that are not limited secure or secure settings but are larger than 25 beds. Public institutions which have more than 25 beds are not eligible for Title IV-E foster care or Medicaid. DFY has only two EAF ONLY eligible facilities. These are the Allen Residential Center and Tryon Residential Center.

A. New Cases

DFY will submit a VOA and a EAF eligibility form and cover sheet for youth in these facilities. Social services districts will determine eligibility and authorization for EAF and place the forms in the youth's case record.

B. Retroactive Cases

DFY has already submitted EAF forms to NYS DSS QA&A for youth in these facilities through February 1, 1995. Social services districts have already received VOA's on these cases. It is DFY policy to submit VOA's to local districts on all youth placed in DFY custody.

Procedures on these cases are unchanged. Social services districts are not required to open a case on WMS. Social services districts will receive federal reimbursement credit on the quarterly DFY Cost of Care Bill which is addressed under the CLAIMING INSTRUCTIONS section of this LCM.

4. DFY Custody Youth in Ineligible Limited Secure DFY Facilities

Procedures are exactly the same as for youth in EAF ONLY eligible facilities. Although there is no federal reimbursement for youth while in these facilities, many will transfer to eligible programs before discharge from DFY. Since EAF determinations must be made within six months of the

youth's removal from home, DFY will submit the VOA and EAF forms. This is to insure federal reimbursement if the youth transfers to an eligible facility AFTER six months in these facilities. No data is to be input on WMS.

5. DFY Custody Youth in Ineligible Secure Facilities

Most youth in these facilities have been adjudicated as Juvenile Offenders which prohibits application for Title IV-E, EAF or Medicaid. Social services districts will continue to receive VOA's only on these youth. A very small number of Restrictive Juvenile Delinquents (RJD's) are initially placed in secure settings but could transfer to an eligible program. DFY will submit VOA's and EAF forms on these youth. No data is to be input on WMS.

IV. EAF CLAIMING INSTRUCTIONS

Youth Placed in Voluntary Agencies

Regardless of custody (DFY or DSS), all EAF eligible JD/PINS expenditures should be reported to the DFY on a MONTHLY basis via the Schedule H NON-TITLE XX Services for Recipients - Form DSS-4283.

Required Forms:

1. Schedule H (DSS-4283)
2. Expenditure Summary (DFY-11)
3. Monthly Statement of Care Provided by Facility (DFY-12)
4. Statement of Collections (DFY-13)

Claim data should be submitted in the same manner as reported for non-IV-E JD/PINS (DFY-10 claims) or Title IV-E JD/PINS (Schedule K, line 2).

Claim data should correspond to the amounts listed on lines 10 and 11 of the Schedule H. Also, the DFY should only receive ONE COPY of all forms. The Bureau of Local Financial Operations of the NYSDSS should receive the Schedule H as part of the normal submission of the RF-2A claim package. No DFY required forms should be sent to NYSDSS. Please refer to Chapter 3 of the Fiscal Reference Manual, Vol. 2 for a complete description of the Schedule H instructions.

DFY will notify each district of any disallowances via a Report on Audit.

DFY Custody PINS and JD's in Non-Secure Facilities

Social services districts do not submit claims for DFY youth in DFY operated facilities. EAF reimbursement will appear on the DFY Quarterly Cost of Care Bill after DFY receives authorization to credit claims submitted to NYS DSS for retroactive cases on behalf of social services districts.

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V. CONTACT STAFF

Questions and issues relating to Title IV-E, EAF or Medicaid should be directed to Veronica Lynch (89A594) at 1-800-345-5437, extension 4-9605.

For questions and issues relating to claiming on the Schedule "H", the contact persons for Local Financial Operations are:

Regions I - IV: Roland Levie (FMS001): 1-800-343-8859, extension 4-7549
Region V: Marvin Gold (OFM270): (212) 383-1733

For questions and clarifications of issues regarding the claiming of PINS and JD's in non-secure facilities operated by the State Division for Youth, the contact person is:

Robert L. Fabbricatore, Supervisor
DFY Revenue and Reimbursement
(518) 474-0131

For questions and clarification of issues regarding the claiming of PINS and JD's in voluntary agencies the DFY contact person is:

Gerald Judd, Supervisor
Care and Maintenance Unit
(518) 473-9351

Donald K. Smith