

## Overview

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## 1. Eligibility for Federal Funding Streams

The Office of Children and Family Services (OCFS) developed this *Eligibility Manual For Child Welfare Programs* to provide social services districts with up-to-date, accurate guidance and requirements for determining eligibility for federal funding of child welfare programs. The manual is designed to contain all relevant policy materials and procedural information for determining and authorizing eligibility, and for encoding the State's information systems that will lead to appropriate federal claiming of funding for programmatic and administrative expenses. It will also assist districts in how best to document the eligibility decisions made and how to respond to federal and State audits of the eligibility decisions and resultant claims. Without the correct eligibility determination process, social services districts are not entitled to claim reimbursement.

This manual is not meant to provide guidance on what services children and families need, i.e., programmatic eligibility. Standards for those decisions are set forth in NYCRR Title 18 in section 400 and subsequent sections. The manual discusses funding eligibility that includes requirements governing areas such as citizenship and living with caretaker relatives. Other issues are financial and legal in nature, and ineligibility for one funding stream based on income, for example, does not preclude eligibility for the services to the family that can be reimbursed under other funding programs.

One criterion of eligibility, however, does affect all funding programs – citizenship/qualified immigrant status. Under provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Congress mandated that only U.S. citizens and immigrants deemed eligible under the Act could receive assistance and services that were reimbursed by the federal or State governments. This requirement applies to all the funding programs discussed in this manual as well as Title XX and State funding with a few exceptions: child protective services (all CPS services are deemed emergency services), medically verified pregnancy (MA only), emergency medical services, non-residential domestic violence services, and non-residential adult protective services may be reimbursed with State only funds. The manual describes the process for meeting the U.S. citizenship/qualified immigrant test.

Accessing federal funding of child welfare services depends on knowing specific eligibility rules for each funding stream and what services are covered, and then determining for each individual foster child or family (in-home services) case the eligibility for that funding. The funding streams include Title IV-E for foster care and adoption subsidies, Temporary Assistance to Needy Families-Emergency Assistance to Families (TANF-EAF), Title XX Below 200% of Poverty, Title XX, and Title XIX-Medicaid. Federal and State rules establish a priority in funding streams when a service and case can meet the criteria for more than one program. Generally speaking, federal funding always takes priority over State and local revenue sources. Within federal funding sources, uncapped funding programs must be used prior to accessing capped (or block grant) sources. For example Title IV-E must be used before accessing TANF funds for foster care even though both sources can pay for room and board expenses. The following chart notes the various federal funding sources and the programs to which they apply. It also indicates the significant advantages and disadvantages of each program.

## 2. Comparison of Funding Categories

What is Covered	Funding Availability	Documentation Criteria Issues	Other Comments
TITLE IV-E			
Foster care maintenance, clothing, administration, and supervision. Adoption subsidies and related administrative costs.	Open-ended 50% federal match for every eligible dollar claimed.	Technical and restrictive documentation dependent in part on outside sources, e.g., Family Court.	Program of choice for funding foster care maintenance. Use of look-back date to establish ADC eligibility.
TANF-EAF			
All payments and services covered by Title IV-E Foster Care, plus services and tuition costs for foster care and family (in-home services) cases.	Block granted and limited by appropriations in State Budget.	Fairly straight- forward. Most documentation can be found in existing records maintained by social service districts.	Cannot be used to pay for services covered by Title IV-E if the case is eligible for that funding program. Financial standards vary between foster care and family (in-home services) case types.
TITLE XX			
Social services only.	Block granted; appropriations further restrict how much is available for certain social services.	Title XX has no financial test of eligibility.	May not be used for assistance like payments, e.g., foster care room and board. Citizenship/qualified immigrant requirements apply.
TITLE XX BELOW 200%			
All services that are covered by Title XX, including services for children in foster care.	Block granted and limited by appropriations transferred from TANF to Title XX in State Budget. Currently this is \$241 million.	Income information must be secured from clients. Most documentation requirements are met through self-attestation; other standards are met through case record documentation.	The Title XX Below 200% allocation funds cannot be reimbursed to pay for services that are TANF-EAF eligible until the district expends its TAN-EAF allocation for those services.*
TITLE XIX (MEDICAID)			
Medical services and related case management activities.	Open-ended 50% federal match for every eligible dollar claimed (certain exemptions exist).	Income tests can be extensive.	Provided automatically with Title IV-E eligibility; must be independently established for recipients of other child welfare funding sources.

*\* Districts will be provided with additional guidance on how Title XX Below 200% claiming will be processed for cases with dual eligibility.*

### 3. Prioritization of Eligibility Determination for Child Welfare Services

The prioritization of funding requires consideration and elimination of one funding program before applying for the next funding program (as listed below). This is particularly significant in funding foster care and preventive services as indicated in this chart.

Eligibility Category	Eligibility Determination Requirements
Title IV-E	Must be done for all foster care cases on a child-by-child basis.
TANF-EAF	<p>A. Must be done for all foster cases on a child-by-child basis. Includes Title IV-E eligible children in order to cover services not reimbursed by Title IV-E. If eligible, the EAF authorization will also include all related preventive/protective services provided to family members at home.</p> <p>B. Must be done for all open preventive and protective (in-home services) cases.</p>
Title XX Below 200% of Poverty	Must be done for all cases, except for foster care cases that have been determined eligible for Title IV-E <i>and</i> TANF-EAF. Otherwise, for service cases eligible for TANF-EAF, that category must first be determined, but regardless of the determination, Title XX Below 200% must then be determined.

 **Note:** Medicaid eligibility determinations must be completed for all children in foster care.

#### 4. Alternative Eligibility Process – Eligibility Worksheet and User's Guide

OCFS provides an alternative method for determining eligibility for initial Title IV-E foster care, TANF-EAF, and Title XX Below 200%: the *Eligibility Worksheet and User's Guide*. The worksheet is an Excel application formatted in a user-friendly design with input screens that facilitate eligibility determinations with once-only data entry. It has built-in logic to calculate the ADC financial eligibility for determining the scratchpad budget for ADC criteria effective July 1996 and eliminating the need to go to WMS to use the ABEL data entry. It has a separate function for determining family income and for Title XX below 200% of Poverty and uses current federal 200% of poverty income standards. If the case is audited, the ADC budget and 200% of poverty functions are built into the spreadsheet for documentation purposes as long as the “save” feature is used and the file is retrieved.

The worksheet is the first step toward a CONNECTIONS-based eligibility function, although it is not yet a part of CONNECTIONS. OCFS encourages districts to seriously explore using this alternative to the paper processes discussed in this manual. If districts elect to use the worksheet there is no need to use the forms provided in this manual. This manual is, however, the complete guidance document for eligibility policy information.

## 5. When Not To Complete the Eligibility Forms

When funding for Title IV-E, TANF-EAF, and Title XX Below 200% of Poverty is claimed, it is required that full documentation, as described in this manual or in the User's Guide, be completed. However, when such funding is clearly not available, completing the eligibility forms in their entirety is not necessary nor does it serve any purpose. One example is when no member of the applicant group is either a U.S. citizen or a qualified immigrant, and thus the case is ineligible for any reimbursement for all but a few emergency services. In such situations, the case record must contain the information supporting the ineligibility for reimbursement, and the eligibility forms need not be completed.

One exception is for those cases where the child is a citizen or qualified immigrant, and an initial Title IV-E Foster Care eligibility is being determined, the form should be completed regardless of whether all criteria are met. The purpose for completing the form is that a case may be determined as not eligible for IV-E Foster Care, but may be eligible for IV-E Adoption Assistance, if the child is later freed for adoption and is a **special needs child**. The eligibility for IV-E Adoption Assistance (for court ordered Article 3, 7, or 10 placements) is based on some but not all of the criteria required for the IV-E Foster Care eligibility: i.e. best interests must be addressed in the initial order which results in the child's removal from home, and ADC eligibility both at the time of removal and when the adoption petition is filed. So, completing the form and attaching the documentation will facilitate determining eligibility for a Title IV-E Adoption Subsidy, when a case was not initially found eligible for IV-E Foster Care.