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INFORMATIONAL LETTER

TRANSMITTAL: 00 INF-15

TO: Commissioners of
Social Services

DIVISION: Temporary
Assistance

DATE: July 24, 2000

SUBJECT: Temporary Assistance Questions and Answers

SUGGESTED

DISTRIBUTION: Temporary Assistance Staff
Food Stamp Staff
Directors of Services
Staff Development Coordinators
CAP Coordinators

CONTACT PERSON: Call 1-800-343-8859 and ask for the following:
Central Team, Extension 4-9344.

ATTACHMENTS: Questions and Answers (Available on line)

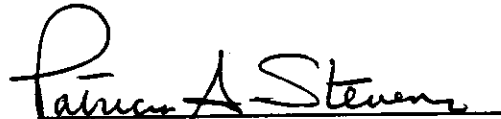
FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
99 ADM-2					
99 LCM-20					94 ES/DC039
99 INF-15					
97 ADM-23					
97 ADM-07					
95 INF-19					
94 INF-45					
94 ADM-11					
94 ADM-10					
93 ADM-20					
93 ADM-13					
90 ADM-18					

"providing temporary assistance for permanent change"

The Division of Temporary Assistance (DTA) Central Team members were charged with responding to inquiries from districts on a variety of Temporary Assistance (TA) issues over the past year. The attachment represents a cross section of TA questions received during this time. The questions and answers attached to this document relate only to TA and do not include questions and answers from Food Stamps (FS) or the Home Energy Assistance Program (HEAP), although DTA continues to be responsible for all issues and questions relating to TA, FS and HEAP.

If you have questions regarding this release, please contact the Central Team directly at the above referenced number. Policy issues relating to FS and HEAP should continue to be directed to the appropriate policy or regional team.



Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

ATTACHMENT

Temporary Assistance Questions and Answers

Index

General.....Page 1

Emergencies.....Page 4

Energy.....Page 5

Filing Unit.....Page 6

Aliens.....Page 6

Sanction/IPV.....Page 7

Overpayment/Underpayment.....Page 8

Resources.....Page 9

Income/Budgeting.....Page 11

District of Fiscal Responsibility.....Page 14

GENERAL

1. Q. Are districts required to provide the Client Information Books I, II and III, and the Supplements to all applicants for Temporary Assistance (TA)?

A. Yes, Client Information Books must be mailed or given with the application (and recertification). Please see the Public Assistance Source Book (PASB) IV-B-1 and V-B-2.

2. Q. Can a college student who lives on campus be considered temporarily absent from a Family Assistance (FA) case? If so, are there any time limits for the eligibility?

A. Yes, a college student may be considered temporarily absent from the FA household. However, they must continue to comply with all eligibility requirements, including employment requirements.

3. Q. Can a non-applying stepparent charge a stepchild rent?

A. No. Aside from the shelter considered in the stepparent deeming process, the stepparent married to the child's natural or adoptive parent is legally responsible for the stepchild under 21 years of age.

4. Q. If a recipient contacts the district prior to the effective date of a timely notice and promises to cooperate after the effective date of the notice and then fails to comply, does the action of the original timely notice become effective?

A. No. A recipient must comply by the effective date of the notice. There must be demonstrated good cause to reactivate the case after the negative action has been taken.

5. Q. What is the definition of a summer camp?

A. A Summer camp is defined in Public Health Law 225. Summer camps are broken into three categories. Summer day camps, a place occupied at least five days a week between June 1 and September 15 by children under 16 years of age, primarily for the purpose of outdoor organized group activities, for a period less than 24 hours a day, on any day the property is occupied. A children's traveling summer day camp operates for a period of less than 24 hours on any day between May 15 and September 15, and transports children under 16 years of age on a regular schedule to any place primarily for the purpose of organized group activity. A children's overnight camp is a place occupied by children under 18 years of age for the purpose of organized activities and for which provisions are made for overnight occupancy of more than 72 continuous hours.

6. Q. What is the category of a relative (other than the parent) who is applying for assistance and residing in a household containing a child and the child's natural or adoptive parent?

- A. If the "other relative" is not imposing parental control over the child, the case is authorized under Safety Net Assistance (SNA). The essential person category must be explored if the child and parent are in receipt of Family Assistance (FA).
7. Q. If a case goes from cash Safety Net Assistance (SNA) to non-cash SNA, does the recipient have Fair Hearing rights?
- A. Yes. Adequate notice must be given unless a grant change or a change in the method of payment occurs as a result of the change in category. In this case, a timely and adequate notice must be provided.
8. Q. Can a district require a grantee (OTG) to attend life skills training?
- A. No, the OTG may not be required to attend life skill training as part of the Temporary Assistance (TA) eligibility requirements.
9. Q. If a grantee (OTG) is not paying their rent, can a local district withhold the shelter allowance included in the child's grant?
- A. No, there is no statutory or regulatory authority to do so.
10. Q. Does a district provide timely notice when placing an "other than grantee (OTG)" case on direct payments?
- A. Yes. Timely and adequate notice must be provided when the method of payment of the cash benefit changes.
11. Q. Is the Documentation Requirements (DSS-2642) form optional?
- A. No. The form was mandated by 93 ADM-20 as a tool to assist districts.
12. Q. May a district authorize a Temporary Assistance (TA) case for one year without a scheduled recertification?
- A. No, a TA case must be re-certified at least twice a year (18 NYCRR 351.21).
13. Q. If a case closes prior to the imposition of an Intentional Program Violation (IPV), is the applicant/recipient (A/R) eligible for an emergency since the IPV was not imposed?
- A. No, the IPV is "pending" on the closed individual until his/her next application for Temporary Assistance (TA). The actual IPV penalty period begins from the date that the re-application for TA benefits is approved.

14. Q. Does the 45-day application period apply to a 17 year old child coming into a household after a sanction has ended, and applying to be added to the non-cash Safety Net Assistance (SNA) parent only case?
- A. Yes, the 45-day application period applies to all applicants for SNA.
15. Q. Can more than one case action be listed on a single notice?
- A. Yes.
16. Q. What alternative does a district have if a landlord refuses to supply their social security number (SSN) for direct payments or two party checks, as required for non-cash Safety Net Assistance (SNA)?
- A. The shelter expense must be included in the budget as an item of need. If the landlord refuses to accept mandated direct payments under non-cash SNA the district should continue to restrict the rent and hold the payments in an escrow account. When the landlord demands payment, the district then can make arrangements with the landlord, but must still make a direct payment and would still require a SSN.
17. Q. In the case of joint custody, how is the Temporary Assistance (TA) case of each absent parent, who has joint custody, budgeted?
- A. The needs of the child are allowed in the case of the parent that demonstrates that he/she exerts parental control over the child (where the child attends school for example). The other case may be eligible to receive a visitor's allowance for the times when the child is in the household of the other parent. For further information see 94 INF-45.
18. Q. What are the programmatic differences between Emergency Home Relief (EHR) and Emergency Safety Net Assistance (ESNA)?
- A. There are no programmatic differences between EHR and ESNA. ESNA replaced EHR in August 1997.
19. Q. Can a grantee (OTG) case receive a visitors allowance for children in foster care?
- A. No. The visitors allowance is based on a need of the adult recipient of TA in the household.
20. Q. Can a Family Assistance (FA) eligible child receive FA based on a parent's temporary absence? Additionally, when the parent returns to the household, does the parent receive benefits from the date of return or the date of Temporary Assistance (TA) compliance?
- A. If the parent is temporarily absent and intends to return to the household (e. g. out of county caring for a relative) and the child remains in the household, the case would remain FA and the benefits would remain unchanged unless the parent's standard of need changes during the absence, e. g. entering a drug and alcohol treatment facility.

EMERGENCIES

21. Q. Are all identified emergencies considered immediate needs that must be resolved the same day?

A. No, an emergency is a set of circumstances that will require an action before the eligibility determination is complete. An immediate need is an emergency situation that must be dealt with the same day to ensure the health and safety of the individual or family. Whenever an applicant indicates that an emergency situation exists, he/she must be interviewed that same day to determine whether the emergency situation constitutes an immediate need.

22. Q. Is a formal eviction notice required before the situation is considered an emergency?

A. No, the district must make a determination of whether or not an immediate need exists on the same day that the applicant or recipient (A/R) requests assistance to prevent an eviction or foreclosure, whatever the status of the eviction. A formal eviction notice is not required to begin the process of determining if the A/R is eligible for a shelter arrears payment. See 93 INF-3, #31 for further information.

23. Q. Is monthly rent up to the local agency monthly shelter maximums the most that can be authorized to prevent an eviction?

A. No. Applicants for emergency assistance may receive an amount in excess of local agency maximum monthly shelter allowance paid towards the monthly arrears. This excess amount above the shelter maximum is an overpayment subject to recovery and recoupment [18 NYCRR 352.7(g)(3)(v)]. Also, to receive this, the applicant must be able to demonstrate an ability to meet future rental obligations, or if the applicant can, in the judgement of the district, secure alternative housing, no payment is authorized. For recipients facing eviction or foreclosure during a period for which grant has been previously issued, an amount in excess of the shelter maximums may be authorized. The recipient must agree to use all available liquid resources to prevent eviction, demonstrate an ability to pay shelter expenses in the future, agree to the future restriction of rent or mortgage payments and must not have previously received a shelter arrears payment and subsequently requested a discontinuance of restriction of the shelter. For a recipient, the entire arrears payment-allowance plus excess amount-is an advance payment, subject to recoupment [18 NYCRR 352.7(g)(4)].

24. Q. Is transportation considered an emergency need?

A. No, unless it is required to meet an emergency (e. g. to get to a food pantry, repairs to automobiles necessary for employment).

25. Q. Can a district pay a water shut off?

A. No, there is no authority in law or regulation to pay a water bill arrears.

ENERGY

26. Q. When are the Home Energy Allowance (HEA) and the Supplemental Home Energy Allowance (SHEA) used in restriction budgeting?

A. The only time HEA and SHEA are restricted for a domestic energy account, is when the recipient requests assistance to prevent a shut-off or restore service, fails the energy management test and the HEA and SHEA are less than the actual monthly domestic energy average. For restriction purposes, other than in the case of mismanagement, the district must use an average of the actual monthly domestic energy costs. The average may be based on the actual bills or an amount provided by the energy provider.

27. Q. Is an energy reconciliation underpayment authorized to the current case payee or to the case payee of the reconciled period?

A. Payment should be made to the case payee of the reconciled period.

28. Q. If the mandated shelter restriction of non-cash Safety Net Assistance (SNA) results in no remaining deficit to restrict domestic energy or fuel, must the district make direct payment for utilities (including heat) and create an overpayment?

A. No, the district has the options allowed by regulation. The district may restrict \$0.00 and pay the actual bill and reconcile the account, or make no restricted energy payment. See 99 LCM 20 for further information.

29. Q. If a Temporary Assistance (TA) recipient is customer of record to a fuel vendor but is not the tenant of record, can they be provided with a fuel allowance?

A. No, in order to be eligible for a fuel allowance a TA recipient must be both the customer and tenant of record. If the TA recipient is not eligible for a fuel allowance, the case is budgeted with a fuel type code of "X" in the ABEL budget.

30. Q. An applicant for emergency energy assistance is participating in a low income affordable energy program (such as the NYSEG's Power Partners Program). The applicant presents with a shut-off notice for a date within 72 hours. How do we deal with this applicant?

A. The program in which the applicant is participating is an arrears forgiveness program offered by the applicant's utility company. To participate in this program, the customer must meet current obligations, although they may be carrying old arrears. For TA, the applicant is only in an emergency situation if the applicant is no longer in the low income affordability program and will actually be shut-off. The worker may need to contact the utility company to determine this.

31. Q. What fuel type code is used in ABEL for "pellet" burning heating equipment?

A. ABEL fuel type code "9 - other fuel". Though most pellets are made of wood, using this fuel type code will give the "wood" allowance amount and also be correct for pellet materials other than wood. The pellet burning equipment must be the primary source of heating for the dwelling.

FILING UNIT

32. Q. If a family in a Family Assistance (FA) case receives a shelter and/or fuel allowance for a child in foster care subsequently closes, and one of the parents re-applies at a later date, do filing unit rules apply?

A. If the parent is applying for themselves and not the child's portion of the shelter and/or fuel allowance, the case would be an adult only FA case and filing unit rules would not apply. If the parent is applying and requests that the needs (shelter and fuel) of the absent child be considered and the child's foster care plan is to return the child to the home, filing unit rules apply and the case would be FA.

33. Q. When an individual is under a conditional release, still under the control of the correctional facility, is the individual exempt from filing unit requirements?

A. No. However, if this is the case, the individual is still considered to be incarcerated for TA purposes and Allen budgeting methodology applies.

34. Q. If a biological child was given up at birth for adoption and subsequently returns to the natural parent's Temporary Assistance (TA) household that includes the children of the natural parent, must the biological child be part of the filing unit?

A. Yes, because a blood relationship exists between the children.

35. Q. Who must be included on a single Safety Net Assistance (SNA) case? (siblings, spouses)

A. Filing unit rules apply to all Temporary Assistance (TA) programs although SNA spouses may be subject to specific budgeting practices such as Rice budgeting or Allen budgeting. In addition, a parent cannot apply for SNA without including his/her children who reside with the parent.

ALIENS

36. Q. Are illegal, undocumented persons or aliens with a temporary immigration status, who are ineligible for Temporary Assistance (TA) but have a TA case for their children exempt from complying with eligibility requirements for the children's TA case?

A. No, these ineligible individuals are viewed as part of the filing unit and must comply with eligibility requirements in order to allow the district to establish eligibility for the other unit members. The TA case would be subject to negative action if the ineligible individual fails to comply with eligibility requirements.

37. Q. Can a shelter allowance be provided to a sponsored alien who is renting an apartment from the sponsor?

A. Yes. Based on the outcome of Minino and Ruiz v. Perales, a shelter allowance must be provided regardless of who the landlord is when sponsor deeming is not applicable or does not eliminate need according to the criteria specified in 93 ADM-13 and 99 ADM-2.

38. Q. Can employment outside of the United States and its territories count for the "forty quarters" to qualify an alien?

A. No.

SANCTIONS/INTENTIONAL PROGRAM VIOLATIONS (IPV)

39. Q. Can a person under an Intentional Program Violation (IPV) receive Emergency Assistance to Needy Families (EAF)?

A. Generally, EAF may not be provided on behalf of the person subject to an IPV. Other members in the household may receive a prorated share of the payment to meet their needs. However, when the EAF payment is made to meet a utility related emergency authorized under SSL 131-s, the needs of the person subject to the IPV are included. Please refer to 99 INF-15 for further information.

40. Q. Can an individual be sanctioned for failing to cooperate with IV-D when they are receiving voluntary support payments from the absent parent?

A. Yes. The voluntary support received by the Temporary Assistance (TA) household cannot be budgeted against the household's TA standard of need after the initial month of eligibility. The obligation of the absent parent must still be entered as other income code "13-Alimony/Spousal Support Assigned to Agency" in order for ABEL to accurately perform income tests.

41. Q. Can a sanction imposed by another state on an individual be applied to a NYS applicant/recipient (A/R)?

A. No. However, please remember that assistance provided in other states out of Temporary Assistance to Needy Families (TANF) funds does count toward the time limits established under the 1997 Welfare Reform Act.

42. Q. If a pregnant woman is subject to a pro-rata sanction (Drug/Alcohol or Employment related), does the pregnancy allowance continue to be budgeted?

A. Yes. The case will receive a pro-rated share of the total of the benefit including the pregnancy allowance.

43. Q. What sanction rules apply to an essential person (EP) on a federally funded case, Family Assistance (FA) (Case Type 11) or Safety Net Assistance (SNA) (Case Type 12)?

A. If the EP is on a FA case, FA rules and if the EP is on a non-cash SNA-FP case, SNA rules. Please note, sanctioning the EP cannot negatively impact the FA or SNA case. The EP must be deleted as an EP prior to imposing the sanction.

OVERPAYMENT/UNDERPAYMENT

44. Q. When are recouped amounts posted in CAMS?

A. Recoupments are posted in CAMS when benefits are redeemed.

45. Q. Since the threshold is \$125.00 for required collection of non-fraud overpayments, can a district ignore calculating overpayments of less than \$125.00? Additionally, is the \$125.00 threshold per occurrence or case total?

A. The district cannot ignore the calculation of overpayments that appear to be less than \$125.00 since the \$125.00 threshold applies to the case total.

46. Q. When calculating an overpayment due to the receipt of earned income to a Section 8 certificate household, should the shelter allowance be changed to Section 8 certificate - with earnings when calculating the overpayment even though the earnings have since ceased?

A. Yes, the budget for the overpayment period must reflect the household circumstances at that time with appropriate budgeting methodology applied.

47. Q. If a recipient fails to report that they are no longer employed, is it correct to calculate the underpayment from the date the reported decrease of income was reported?

A. No. The under/overpayment must be calculated from the date the employment ceased. See 95 INF-19.

48. Q. May a district recover an overpayment from a former Temporary Assistance (TA) recipient now in receipt of Supplemental Security Income (SSI)?

A. Yes, although recovery methods are limited (e. g. collection agencies, liens, etc.).

49. Q. Can an underpayment from a previous month be applied against any outstanding overpayments or an overpayment currently being recouped?

A. Yes, please see 18 NYCRR 352.31(d)(4). However, a current month underpayment cannot be used to offset an outstanding overpayment.

50. Q. Can the recoupment of a new overpayment be started consecutively at the end of a current one without notice?

A. Yes, if the applicant/recipient (A/R) has been previously sent a notice with Fair Hearing rights regarding the new overpayment at the time it was calculated and pended, and the new overpayment recovery does not change the A/R's benefit.

RESOURCES

51. Q. When an applicant/recipient (A/R) fails to apply for Supplemental Security Income (SSI) as a potentially available resource, is the entire case denied or closed?

A. No. Pursuing available resources is a condition of eligibility for the entire case except when the resource is SSI. For Family Assistance and federally funded Safety Net Assistance (SNA), 18 NYCRR 369.2(h) states that failure to pursue SSI is an incremental sanction, therefore only the needs of the individual are deleted. For non-federally funded single person SNA cases, failure to pursue SSI eligibility results in the case closing. For non-federally funded SNA cases with more than one person, the district must assume the person required to apply for SSI is eligible for SSI, and apply Rice budgeting. For information on Rice budgeting, see 94 ADM-10.

52. Q. An applicant for Temporary Assistance (TA) indicates that he/she owns a timeshare(s). Does the applicant have to sell their timeshare(s)?

A. If the equity value of a timeshare(s) exceeds the resource limit, a timeshare(s) must be treated as real property and must be sold within six months. In either case, the applicant must sign a lien against future sale of the timeshare(s).

53. Q. When a resource is liquidated are the proceeds a resource or is it now a lump sum?

A. It remains a resource.

54. Q. Except for emergency assistance, can an applicant or a recipient be forced to liquidate resources if the value of the resource is less than the established resource limits?

A. No.

55. Q. Are resources counted at equity value, valued at gross or net worth at the time of liquidation?

A. The resource is valued at net worth (proceeds to the recipient after liquidation or sales expenses).

56. Q. Is a life insurance benefit paid to a Temporary Assistance (TA) recipient, who is the beneficiary, a resource or lump sum payment?
- A. A one-time payment is considered a lump sum. Installment payments are considered unearned income. Lump sum provisions do not apply to applicants.
57. Q. Can the parent of a dependent child, who is willing to have the minor child return home, be considered an available resource?
- A. Yes. Please see 97 ADM-23 for further information.
58. Q. If an applicant/recipient (A/R) owns a building jointly with another person and the rent income is less than expenses, can the district require the A/R to sell the building?
- A. No, unless the other person is willing to sell. However, the district may require the A/R to sign a lien against the A/R's share of the building and the district must calculate rental income for the A/R.
59. Q. Does the failure to pursue third party health insurance (TPHI) result in an incremental or entire case sanction?
- A. Currently, it is an incremental sanction for applicants/recipients (A/R's) based on 18 NYCRR 352.30(d)(iii). We are reviewing this policy.
60. Q. If the Supplemental Security Income (SSI) retroactive check of an SSI child is placed into the parent's bank account, is it considered accessible to the parent and countable as income or as a resource?
- A. No. Please see Public Assistance Source Book (PASB) XXI-B-3 for further information.
61. Q. Can a vehicle be exempted from the Temporary Assistance (TA) resource limit if it is used for job search?
- A. Yes. A TA household with an automobile used for travel to and from work, to seek or retain work or to participate in a work activity may receive one exemption of the fair market value of the automobile equal to two times the amount exempted for food stamps. The district may establish a higher amount and apply it across their caseload.
62. Q. If a Temporary Assistance (TA) household has been granted a work related automobile exemption, but the employed individual becomes temporarily incapacitated and cannot work, does the household lose the exemption?

A. No. If the incapacity is temporary and the household member is expected to return to work, or if the employment was terminated, is expected to begin seeking work or participate in work activities, the exemption continues.

63. Q. Is a trust fund that is released to a Temporary Assistance (TA) recipient considered a resource or a lump sum?

A. It is considered a resource.

INCOME/BUDGETING

64. Q. Can an applicant residing in a substance abuse treatment facility be considered temporarily absent from his/her non-Temporary Assistance (NTA) family household and receive Family Assistance (FA) benefits?

A. Yes. The additional congregate care Level II amount is added to the family's recognized community standard of need by using Additional Allowance Code 40-"Temporarily Absent Person-In Congregate Care" and any income is budgeted. Please reference 90 ADM-18 for further information.

65. Q. Can an emergency payment be authorized to a case ineligible for ongoing Temporary Assistance (TA) due to the receipt of a lump sum payment? If so, can payment be denied if the household fails to verify what happened to the lump sum?

A. No, a household is ineligible for all Temporary Assistance (TA) benefits during the lump sum ineligibility period. However, the district should review the household circumstances to determine if the ineligibility period can be shortened. Lump sum provisions do not apply to utility related emergencies under Social Services Law (SSL) 131-s. However, districts must explore the availability of resources thoroughly to meet the emergency need.

66. Q. An applicant receives a lump sum shortly before applying for TA. How does the lump sum factor into the eligibility determination?

A. A lump sum received prior to application is not used to determine a period of ineligibility. The amount that remains available to the applicant at the time of application would be considered a resource. Lump sum periods of ineligibility apply only to recipients of TA.

67. Q. How are reverse annuity mortgages treated under Temporary Assistance (TA)?

A. Social Services Law 131-x requires that a reverse mortgage loan made in compliance with section 280 or 280-a of the real property law, or exempted pursuant to subdivision four of section 280 or subdivision four of section 280-a of the real property law is not considered as income or resources for Temporary Assistance (TA). Workers may wish to check with the financial institution for more information on each particular loan.

68. Q. Are child support arrears counted as income to a Temporary Assistance (TA) case?

A. Child support arrears are not counted in determining the eligibility of the TA household (97 ADM-7, page 3). For ongoing cases, only the assigned current support obligation is entered on the ABEL budget (Unearned Income Code "13" Upstate and "61" in New York City). However, when excess current support or excess support arrears is paid to the family, the income is counted in the month following the month of receipt (97 ADM-7, page 10).

69. Q. How do lump sum payments affect cases that include a non-legally responsible relative?

A. Lump sums are only considered in cases where legal lines of responsibility exist. For example, a grandmother in receipt of Temporary Assistance (TA), who receives a lump sum may be ineligible for ongoing TA because of the lump sum, but will not cause her grandchildren to be ineligible for TA.

70. Q. If the district discovers an unreported lump sum after the recipient's case is closed for another reason and the former recipient re-applies for assistance and claims the lump sum is gone, what action should the district take?

A. If the lump sum was received during a period when the case was open, the district should calculate the period of ineligibility from the date of receipt and deny the applicant. The district must always review the case to see if the period should be shortened.

71. Q. How is New York State deferred compensation income treated?

A. The treatment depends on the method of payment of the benefit. If the benefit is a one time non-recurring payment received by a recipient, it is treated as lump sum. If the benefit is paid on a regular basis (monthly, biannually, annually, etc.), it is treated as unearned income.

72. Q. If a case member receives a one-time Supplemental Security Income (SSI) lump sum and recurring Social Security Administration (SSA) benefits begin in the same month, how is this budgeted?

A. Both sources of income are invisible in the month the SSI lump sum is received. The SSI remains invisible in the following month, but the SSA income must be budgeted. Any remaining SSI funds become a resource in the second month after their receipt. SSI invisibility rules never apply to non-federally funded Safety Net Assistance cases.

73. Q. Is the income of a dependent child, not currently in school, but planning on returning to school in the Fall, budgeted?

A. If the dependent child is a full-time student on a scheduled break from school, Summer vacation for example, the earnings of that child are exempted from the point that the child becomes employed for six months. The six months may not be consecutive. If the child is not currently a

full-time student on a scheduled break, but returning to school after a period of absence, the child had quit school, the earnings exemption begins on the date the child resumes attending school.

74. Q. Are the six-month income exemption or gross income exemption for student income a yearly or a lifetime limit?

A. The six-month exemptions must be applied every calendar year.

75. Q. A case includes a parent and four children, two of the children receive Supplemental Security Income (SSI). If the household receives a lump sum child support payment for the four children, how does the district treat this lump sum?

A. If the support order does not allocate the lump sum to an individual child, the district must apply the entire amount to the Temporary Assistance (TA) household.

76. Q. Can an Intentional Program Violation (IPV) be pursued against a recipient on a sanction for not reporting that a child is out of household for more than 45 days?

A. Yes, if intent can be proven.

77. Q. When should a district provide notice to a recipient that an overpayment has occurred?

A. There is no rule that specifically directs a district to issue this type of notice in a timely manner. However, it is strongly suggested that the district provide the recipient adequate notice that an overpayment has occurred as soon as it is established. This allows recipients time to challenge the reason for and the amount of the overpayment while the information is still readily available. Also, if notice is given at the time of the establishment of the overpayment, the local district is not required to provide additional timely and adequate notice when the recoupment is begun.

78. Q. How are back wages or severance pay, paid by installments, treated?

A. Such income is treated as earned income in the month received.

79. Q. How is an insurance settlement treated when it is not used to replace/repair the insured property?

A. If the settlement is the result of damage to personal property, the district may not take a claim against the settlement if the amount of the settlement is used to repair or replace the damaged property. The amount of the settlement becomes a resource to the household, and an excess resource determination must be made, if the settlement is not used to repair/replace the damaged asset.

80. Q. Does GIS 94ES/DC039, "Definition of Shared Living and Roomer for PA Household" apply to room and board?

A. No. The shared living concept does not apply to persons in receipt of Temporary Assistance (TA).

81. Q. How is a lump sum payment treated when it is used to pay medical bills from previous years?

A. Medical bills that are incurred prospectively during a month of ineligibility under the lump sum may reduce the amount of the lump sum considered available to the household. Payments made on bills incurred previously will not reduce the period of ineligibility.

82. Q. If the verification of a lump sum reports a gross and net payment amount, which is used in lump sum budgeting methodology?

A. The gross payment amount is used to calculate the initial period of ineligibility. However, the initial period of ineligibility may be shortened in accordance with the criteria set forth in the Public Assistance Source Book XVI-O-4.

DISTRICT OF FISCAL RESPONSIBILITY (DFR)

83. Q. If a foster care child goes to a substance abuse treatment facility in another district, which district is responsible for payment (DFR)?

A. The child remains the responsibility of the district from which they are in receipt of foster care, the placing district, until such time as the child is released from foster care back to the family or into an independent living situation.

84. Q. An applicant in County A claims domestic violence (DV) and is placed in a shelter in County B during the application period. However the applicant is evicted from the DV shelter and placed into emergency housing by County B. Which county is responsible for the emergency housing costs?

A. Once the applicant left the DV shelter, the transition rule would be in effect, however, emergency needs must be provided by the "where found" district. See 94 ADM-11 for further information.

85. Q. A recipient in a county B supportive living apartment, who is the fiscal responsibility of County A, is joined by a non-Temporary Assistance (NTA) required filing unit household member applying for assistance, which county has the fiscal responsibility of the applicant?

A. The county where found unless the applicant fulfills one of the district of fiscal responsibility (DFR) exceptions criteria. The only exception is if the new member is a child born to a mother who is the fiscal responsibility of County A (SSL 62.5(b)).