

TO: Local District Commissioners, IM Directors, CAP Coordinators,
FS Directors, WMS Coordinators, CSEU Coordinators
FROM: Patricia A. Stevens, Deputy Commissioner, Division of Temporary
Assistance
SUBJECT: PA Sanctions for Child Support Non-Cooperation

EFFECTIVE DATE: October 19, 1998

CONTACT PERSON: PA questions - Regional representatives: Region I
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Recent legislation changes the PA sanction budgeting methodology local districts will use when an individual fails, without good cause, to cooperate with child support (IV-D) requirements. Detailed instructions for calculating the new budgets in Upstate ABEL will be included in ABEL Transmittal 98-3. Instructions for NYC WMS will be transmitted under separate cover.

For IV-D sanctions imposed on or after October 19, 1998, the non-complying individual is included in the PA household and PA case count, but the total monthly PA needs amount is reduced by 25 percent for each non-complying individual. All of the non-complying individual's non-exempt income is counted. The 25% IV-D reduction is applied before any pro-rata sanction or Learnfare reduction. The 25% IV-D sanction also applies to cases where the non-complying individual is not a member of the PA household, e.g., a person in receipt of SSI.

For PA cases currently budgeted with an incremental IV-D sanction, the new IV-D sanction calculation must be imposed at the next case recertification.

A PA applicant or recipient who fails, without good cause, to cooperate with IV-D requirements is ineligible for MA, unless she is pregnant or in the 60-day postpartum period. The individual on the PA case should be coded in Upstate WMS with Individual Reason Code 'V30', Individual Status Code 'Active' and MA Coverage Code '04' (No Coverage) or '01' (Full Coverage), as appropriate.

Currently, the non-complying individual is not sanctioned for FS, but the 25% PA needs reduction is counted as FS income. As described in ABEL 98-3, Upstate ABEL will calculate the correct FS income amount based on the number of IV-D sanctioned individuals in the PA budget.