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Revised 7-23-80

Compilation of Requirements
for the
Provision of Social Services

NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
NORTH PEARL STREET, ALBANY, NEW YORK 12243



BARBARA B. BLUM
Commissioner

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3-4073 for any question pertaining to
the revision of and the content of this
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B-7, B-8, All of Appendix C, D-2, F-19,
F-20, F-21, All Appendices G, H and I

These revisions of Bulletin 195 take into consideration changes necessitated by the continuing implementation of WMS. They also incorporate needed refinements, among which were these brought to the Department's attention by district staff. With these revisions, Bulletin 195 continues to be the basis for the provision of social services.

The major changes that went into this revision include the following:

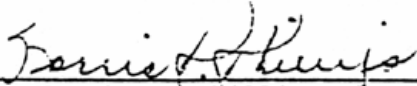
- 1) Noting the use of the DSS-2921, Application for Public Assistance, Medical Assistance, Food Stamps and Services, in all WMS districts (to be found in these paragraphs which refer to the DSS-2560).

LAST TRANSMITTAL

79-MB-8 (March 30, 1979)

- 2) Change of the application process for pre-indicated protective services for children cases which are referred to a non-protective unit for services (III.C.3.C., page 8A).
- 3) Waiver of the use of the Day Care Supplement to Application for Services, DSS 2561, in WMS districts (III.C.7.C. page 11 and Appendix B, page B-1).
- 4) Use of the WIN Service Plan, DSS 3133, for the Individual/Family Services Plan - Initial, DSS 2943 (III.C.8.a., page 12).
- 5) Limitation in the provision of services to illegal aliens and entitlement to services for individuals here under “color of law” (III.C.12.b and c, page 13a).
- 6) A statement to the effect that programmatic eligibility must be reestablished no less often than every 6 months by completion of a DSS 2943 or 2944 or their equivalents, except for certain services and eligibilities (III.D.3.b., page 14a).
- 7) Change in the method of redetermining financial eligibility for clients receiving PA, MA or SSI (III.D.3.b.iv., page 14a).
- 8) An amplified discussion of Fair Hearing requirements (III.D.4.d.vi., page 16A).
- 9) Changes in the definitions of protective related Day Care and Homemaker Services (III.D.6.d., page 17).
- 10) Revised definition of eligibility for pre-placement activities in Foster Care (III.D.7.a.iv., page 17a).
- 11) Exemption of payments to foster parents and adoption subsidies from calculation of income in determining financial eligibility (III.D.7.b.vi., page 20).
- 12) A change in the source for determining how long a closed case record must be retained (III.F.1.C., page 32).
- 13) Elimination of the use of the Random Moment Study (RMS) except for New York City Human Resources Administration (III.F.2.b., page 33).
- 14) Use of the DSS 2921 as the State-approved application in WMS districts (Appendix A, page A-1) and instructions for the completion of that form (Appendix A, pages A-9 - A-14).
- 15) Changes in the coding for Protective Day Care on the Application (Appendix A, page A-2).
- 16) Revised Eligibility Status Codes for the Application. (Appendix A, page A-4).
- 17) Changes in the eligibility for Day Care Services during Vocational Training (Appendix B, page B-2).

- 18) Changes in the requirement to seek employment during the receipt of Day Care Services (Appendix B, page B-3).
- 19) Revised time frame for Protective Related Day Care (Appendix B, page B-5).
- 20) Instructions for establishing eligibility for the USDA Child Care Food Program (Appendix B, page B-7).
- 21) Revised coding of the claiming category in the DSS 2561 (Appendix B, page B-8).
- 22) Appendix C has been revised to reflect changes in the latest CASSPP in Income Eligibility Standards and the fee schedule for Day Care Services (Entire Appendix C).
- 23) Removal of the requirement to include provisions of section 103-a and 103-b of the General Municipal Law of New York within a purchase of service contract (Paragraph 24, Appendix F, page F-19).
- 24) Addition of “Disclosure about ownership and control interests” and “Disclosure of information about individuals convicted of crimes” statements within a purchase of services contract (Paragraph 97, Appendix F, page F-21).
- 25) Addition of a clause regarding non-discrimination on the basis or handicap within a purchase of services contract (paragraph 28, Appendix: F, page F-21).
- 26) Updating Appendices G, H and I to reflect, among other things, changed reporting procedures to report time expended in protective services, I and R and home finding (Appendix G, H, I, entire appendices).
- 27) Addition of a suggested format for a written notice-of determination of - eligibility for use with Protective Services for Children cases (Appendix L, page L-4).
- 28) Addition of a new Appendix dealing with joint WIN – Title XX cases (Appendix M. entire Appendix).



Norris P. Phillips
Deputy Commissioner
Division of Services

STATE OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES

BULLETIN OR CHAPTER TITLE		NUMBER	0
Compilation of Requirements for the Provision of Social Services		195	1
INDEX CLASSIFICATION		PROGRAMS TO WHICH APPLICABLE	2
Comprehensive Annual Social Services Program Plan Purchase of Services Social Services Social Services Reporting Requirements		Social Services under the Comprehensive Annual Social Services Program Plan	
DISTRIBUTION			3
Commissioners of Social Services; Directors and Supervisors of Social Services; and Professional Staff of Social Services			
FORMS USED			
FORMS NUMBER AND TITLE		CLASSIFICATION - SEE BULLETIN 35A	
DSS 2560 - Application for Service (Non-WMS Districts)		Class A: Required form, supplied by the Department.	
DSS 2921 - Application for Public Assistance, Food Stamps and Services		Class A: Required form, supplied by the Department.	
DSS 2561 - Day Care Supplement to Application for Services		Class A: Required form, supplied by the Department.	
DSS 2562 - SSRR Services Authorization/Reporting Record		Class A: Required form, supplied by the Department.	
DSS 2562A- SSRR Services Authorization/Reporting Record (WMS Districts)		Class A: Required form, supplied by the Department.	
DSS 2563 - SSRR Services Authorization/Reporting Record Deletion -- Key Correcting Form (Non-WMS Districts)		Class A: Required form, supplied by the Department.	
DSS 638 - Authorization for Grant (Non-WMS Districts)		Class A: Required form, supplied by the Department.	
DSS 2943 - Individual/Family Services Plan - Initial		Class A: Required form, supplied by the Department.	
DSS 2944 - Individual/Family Services Plan - Evaluation		Class A: Required form, supplied by the Department.	
DSS 3130 - WIN Service Plan		Class A: Required form, supplied by the Department.	

FORMS USED	
FORMS NUMBER AND TITLE	CLASSIFICATION - SEE BULLETIN 35A
DSS 2970 - Authorization/Authorization Change Form (WMS Districts)	Class A: Required form, supplied by the Department.
SFED/T - Services Financial Eligibility Display/Turnaround (WMS Districts)	Class A: Computer Generated.
Recertification Change Form (WMS Districts)	Class A: Computer Generated.

FORM DSS-331 (7/67)

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DSS-521 (Rev. 2/68)

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- (Revised) B. Instructions for Completion of Form DSS-2561, Day Care Supplement to Application for Services
- (Revised) C. Income Eligibility Standards and Fee Schedules
- (Revised) D. Amendments to Final Comprehensive Annual Social Services Program Plan
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- (Revised) I. Procedures and Instructions for Information and Referral (I & R) Activity Reports
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- (Revised) L. Models of written Notices of Determination of Eligibility and Ineligibility for Services
- (New) M. Work Incentive Program (WIN)

I. Purpose and Scope

A. Purpose

The purpose of this Bulletin is to promulgate policies and procedures governing the administration of the social services program by social services districts.

B. Scope

The scope of this Bulletin includes general principles, organizational and program requirements, eligibility determination and redetermination purchase of services by social services districts, and social services reporting requirements.

II. Legal Basis

A. Federal Law and Regulations

1. Title XX of the Social Security Act.
2. Code of Federal Regulations - Part 228 - Social Services Programs for Individuals and Families Under Title II of the Social Security Act.

B. State Law and Regulations

1. Social Services Law §§20 and 34
2. Department Regulations §400-406.

III. Official Policies and Procedures

A. General Principles - Department Regulations §400.1 and 401

1. Supervisory Responsibility

The social services district shall administer, in conformity with Federal and State laws and regulations, the social services programs under the supervision of the State Department of Social Services, hereinafter referred to as the Department.

2. Provision of Social Services

Social Services shall be made available by the social services district in accordance with this Bulletin and the then effective Comprehensive Annual Social Services Program Plan to individuals and families who are eligible to receive such services.

3. Goal-Oriented Services

Social services provided to individuals and families under the then effective Comprehensive Annual Social Services Program Plan shall be

III. A. 3. (Cont'd)

directed toward one or more-of the following goals:

- 1) Self-Support - achieving or maintaining economic self-support to prevent, reduce or eliminate dependency;
- 2) Self-Sufficiency - achieving or maintaining self-sufficiency, including reduction or prevention of dependency;
- 3) Prevention and Protection - preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests or preserving, rehabilitating or reuniting families;
- 4) Community Based Care - preventing or reducing inappropriate institutional care by providing for community-based care, home-based care or other forms of less intensive care; or
- 5) Institutional Care - securing referral or admission for institutional care when other forms of care are not appropriate or providing services to individuals in institutions.

In the provision of Day Care Services, sub-goals exist under goals 1-4 above. They can be found in Appendix B, pages B1 -- B6.

4. Comprehensive Annual Social Services Program Plan
 - a) The Department shall prepare annually in accordance with the requirements of the Title XX of the Federal Social Security Act a proposed and a final services plan with statewide applicability to be called the "Comprehensive Annual Social Services Program Plan" under which a program of social services shall be administered by the Department and the social services district under the supervision of the Department.
 - b) The social services district shall develop and submit annually to the Department for approval in accordance with Part 401 of Department Regulations a proposed and a final district component appropriate for incorporation by the Department as part of the proposed and final Comprehensive Annual Social Services Program Plan.
 - c) The then effective Comprehensive Annual Social Services Program Plan shall be treated as supplemental to this Bulletin as far as the policies and procedures of the Department are concerned.
5. Amendments to the Comprehensive Annual Social Services Program Plan
 - a) The social services district may propose amendments to the district component of the final Comprehensive Annual Social Services Program Plan. Amendments shall be prepared and submitted to the Department for approval.
 - b) The accepted procedures for amending the district component of the final Comprehensive Annual Social Services Program Plan are described in Appendix D of this Bulletin.

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B. Organizational Requirements - Department Regulations §402

1. Organizational Responsibilities

The social services district shall be responsible for developing and implementing the social services program as required by the Department.

The specific responsibilities of the social services district include, but are not limited to, the following:

- a) maintaining a resource inventory of services provided by the social

III. B. 1. a. (Con'd.)

services district and of services available from other public and private community agencies;

- b) assessing needs of the people in the community;
- c) developing the district component of the Comprehensive Annual Social Services Program Plan;
- d) determining programmatic and financial eligibility for services;
- e) developing individual plans for services;
- f) authorizing service provision, including payments to providers (or under certain circumstances to clients directly) in order to achieve a service goal;
- g) providing or arranging for the provision of services; and
- h) evaluating the provision of services.

2. Staffing

a) Kinds of Staff

i) Professional Staff

There shall be adequate numbers and suitable qualifications for full-time personnel drawn from social work and other appropriate disciplines to plan, develop and supervise social services and to provide specialized services to families and individuals.

ii) Para-Professional Staff

Provision shall be made for the recruitment, training and effective use of para-professional staff in the programs of services to families and individuals, including part-time or full-time employment of financial assistance recipients and other persons of low income. The term para-professional as used in this subparagraph means persons with less than college education.

iii) Volunteers

Provisions shall be made for the recruitment, training and effective use of non-paid or partially paid volunteers who represent various age groups specifically including senior citizens and young adults in the service programs for families and individuals.

III. B. 2. (Cont'd)

b) Use of Social Services Staff

The social services district may allow the social services staff who are involved in the supervision and operation of the social services program to perform not only those functions relating to the provision of social services, with the exception of the child protective staff under Section 432.2 of the Department Regulations, but also other functions relating to the provision of income maintenance. In the case where staff is engaged in both services and income maintenance functions, an appropriate cost allocation method shall be used for reimbursement purposes as prescribed by the Department.

c) Staff Development

There shall be a staff development program in accordance with requirements as prescribed by the Department on a continuing, progressive, and comprehensive basis for all staff responsible for the provision of the service.

3. Reception

a) The social services district shall establish reception procedures which provide ready access for those individuals and families inquiring about or seeking services.

b) Procedures shall be designed to maintain a reception unit to perform the activities by which inquiries about or application for services are received and referred for appropriate action.

c) There may be a separate unit for services or a common unit for services, income maintenance, and medical assistance.

d) Staff of the reception unit must be knowledgeable about district and community programs and resources.

4. Program Coordination and Utilization - Department Regulations §401.3

a) For better coordination and utilization, appropriate communication linkages shall be developed and maintained by the social services district with the following programs:

1) Income Maintenance Program (ADC, including WIN, HR and EAF);

2) Supplemental Security Income Program (SSI);

3) Medical assistance Program (MA); and,

4) Other related human services program of the public and private agency, e.g., programs for the aging, children, developmentally disabled; and programs in correction, public education, vocational rehabilitation, mental health, housing, medical and public health, employment, and manpower.

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III. B. 4. (Cont'd.)

- b) The linkage system should achieve the following objectives:
 - 1) To assure maximum feasible utilization of services in the geographic area to meet the needs of the low income population;
 - 2) To secure maximum utilization of other Federally funded programs;
 - 3) To assume the efficient delivery of social services through the elimination of duplication and fragmentation; and
 - 4) Provide mechanisms to verify income maintenance status and to report to services division on status changes of income maintenance recipients.

C. Program Requirements - Department Regulation §403

1. Selection of Services

a) The Exclusive Authority of the Department

The Department shall have the following exclusive authority with respect to social services for which Federal and/or State financial participation is available:

- i) definition of services;
- ii) specification of the categories of individuals to whom services shall be available;
- iii) specification of the methods of provision by which services may be delivered;
- iv) establishment of income levels, if any, required for eligibility for services;
- v) specification of the categories of individuals to whom a fee will be charged; and
- vi) establishment of appropriate fee schedules.

b) Federally Mandated Services

The social services district shall provide the following services:

- i) Family planning service for ADC recipients (including minors who are considered sexually active) to be offered and provided upon request of such services; and
- ii) Foster Care services for recipients of ADC/FO as described in Section 358-a of the Social Services Law.

III. C. 1. (Cont'd.)

c) State Mandated Services

The social services district shall provide, in accordance with stated limitations, if any, the following services:

- i) Services required to be provided without regard to the availability of State or Federal funds
 - a) Protective services for children as defined in the then effective Comprehensive Annual Social Services Program Plan; and
 - b) Information and referral services to all persons without regard to financial eligibility criteria.
- ii) Services required to be provided so long as State reimbursement is available for those services:
 - a) Adoption services for children;
 - b) Day care services for employment purposes for recipients of ADC;
 - c) Family planning services for persons in receipt of ADC, MA, HR, and SSI;
 - d) Foster care services for children to meet the goal of protection;
 - e) Health related services, home management, homemaker, housekeeper/chore, and housing improvement services for persons eligible for SSI;
 - f) Foster care for adults;
 - g) Protective services for adults; and
 - h) Unmarried parents services.

(Revised)

d) Optional Services

- 1. The social services district may select services for provision in addition to those mandated services, in accordance with stated limitations as prescribed by the Department.
- 2. The social services district may not elect services which are not included in the State listing of services.

e) Conditions in the Selection of Services

- i) For purposes of developing the district component of the Comprehensive Annual Social Services Program Plan, the social services

III. C. 1. e. (Cont'd.)

district shall consider the following conditions in selecting services as prescribed in this subdivision:

- a) At least one service to be directed toward each of the five goals as described in Part III. A. 3. of this Bulletin. A service may be directed toward more than one goal.
- b) At least three services to be designated as available to recipients of the SSI program.
- ii) For each service selected by the social services district for provision, the social services district shall:
 - a) assure conformity with the definitions of each service as prescribed by the Department;
 - b) include specifications of the methods of delivery selected by the district within the limits prescribed by the Department;
 - c) identify the relationship of the services to one or more of the five goals as described in Part III. A. 3. of this Bulletin; and
 - d) include specifications of one or more categories of individuals to whom the services are to be provided, within the limits prescribed by the Department.

2. Case Management

- a) Staff of the social services district shall have basic responsibility for case management, which means those activities necessary for initiating and continuing the provision of services on a case basis. Such responsibility includes:
 - i) determining eligibility for services;
 - ii) developing a plan of services on the basis of an evaluation or re-evaluation of the recipient's situation for the purpose of achieving an agreed service goal;
 - iii) authorizing the scope, type and duration of services to be provided;
 - iv) assessing the quality and appropriateness of services provided;
 - v) maintaining such recipient and services information as required by the Department; and

III. C. 2. a. (Cont'd)

(NEW)

- vi) reporting information as required by the Department.
- b) These activities shall not be delegated or purchased. When services are purchased by the social services district, the district may request the provider agency to obtain and transmit to the district the information necessary to perform the case management functions. Such an arrangement shall be clearly specified in the purchase of services contract with the provider agency.
- c) In managing cases in which multiple services are being provided by more than one case worker, one case worker should be designated as case manager with responsibility to coordinate the case flow and provide for unity of direction. This will reduce confusion on the part of both clients and case workers, and decrease costly duplication of effort.

3. Application for Services

a) Provision of Information to Applicants

The social services district shall:

- i) provide applicants, recipients and others who may inquire with clear and detailed information concerning social services programs, eligibility requirements, documentation requirements, and the right to a fair hearing;
- ii) inform each applicant and recipient at the time of application or redetermination of his/her initial and continuing responsibility:
 - a) to provide accurate, complete and current information on income and family composition;
 - b) to notify the district of any changes in such information during the period of services being provided;
 - c) to cooperate in the verification and documentation of eligibility whenever required.
- iii) inform each applicant or recipient that he/she has the right to accept or reject services without consequence, except as specified in subdivision (6) of this section.

b) Completion of Application Form

- i) Each individual wishing to apply for social services shall be assumed the opportunity to do so without delay.

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ii) The application shall be in writing on the State prescribed form, be dated and signed under penalty of perjury and shall include all information necessary.

b) Completion of Application Form

iii) The application may be filed by the applicant him/herself, his/her authorized representative, or someone acting responsibly for him/her.

iv) An application shall be required as a condition of authorization for all social services identified and defined in the district component of the then effective Comprehensive Annual Social Services Program Plan except:

a) No application is required for the provision of information and referral services and social group services for senior citizens; and

b) Completion by the child protective service worker of an application for protective services for children, as defined in the then effective Comprehensive Annual Social Services Program Plan, is required only after investigation of a report of alleged or suspected child abuse or neglect has determined that there is some credible evidence of abuse or neglect. However, an application shall be completed for an indicated case when further services are to be provided.

New

NOTE: Application procedures, forms and case processing of pre-indicated and indicated cases in WMS districts will be found in Sections 3642-3656 of the Services Operations Manual.

c) If the child protective service worker refers a client to another unit for other services, the new unit is responsible for completion its usual requirements as delineated by this manual and other procedures. These requirements could include an application for service, the establishment of programmatic and financial eligibility (except as otherwise noted), written notice of determination of eligibility for services, individual family service plan, and such other requirements specific to the new service. In order to maintain confidentiality, if the CPS unit in a WMS district refers a pre-indicated case to another unit or protective day care services or protective homemaker services, the new unit will not complete an application. However, the CPS unit will supply the new unit with a written referral which, at a minimum, identifies the child, specifies the reason the service is required and states the amount of time the service will be provided (for Protective Day Care Services, see Appendix B, page B-5, item 9).

New

III. C. 3. b. iv. (Cont'd)

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d) When services are being provided to a family, only one application should be used except in those rare instances when it is advisable to separate services given to one member of the family from services given to the family as a whole. In this instance, the family income must still be calculated in establishing financial eligibility for the separated family member, unless it is possible to consider that individual a family of one. In those districts utilizing the Common application, DSS 2921, this form is household based and may contain several family units as defined in III.C.3.C.

Revised /

v) Detailed instructions for completion of the application for services on the State Prescribed Form and the Day Care Supplement to the Application for Service, DSS 2561, (used in non-WMS districts only) are found in Appendix A and B respectively.

New /

Note: Detailed instructions for completion for services on the State Prescribed Form (WMS districts) shall be found in the appropriate sections of the Services Operations Manuals.

c) Definition of Family for the Provision of Services

The following definition of family shall be used for all determinations and re determinations of eligibility for services:

Family means the basic family unit consisting of one or more adults and children, if any, related by blood, or law, and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each shall be considered a separate family by the State. Emancipated minors and children living under the care of individuals not legally responsible for that care shall be considered one-person families by the state.

d) Disclosure of Social Security Number - Department Regulations §351.2

i) A person making application for social services shall disclose the social security number or any person for whom a service is requested. Refusal to disclose it shall be a basis for a determination of ineligibility. However, failure to disclose the social security number of any person for whom a service is requested shall not be a basis for a determination or ineligibility for service if the person makes immediate application for a social security number. A person receiving a service while awaiting the issuance of a social security number shall, upon receipt of a social security number, disclose the social security number to the social services district. A person shall not be redetermined eligible for a service if he/she has not disclosed his/her social security number to the social services district unless he/she can demonstrate that he/she has satisfied all requirements of the Social Security Administration for

III. C. 3. d. (Cont'd.)

issuance of a social security number but that a number has not yet been assigned by the Social Security Administration.

- ii) In the case of infants/children ultimately need and placed for adoption, the service worker shall do the following immediately after the final adoption decree for the protection of the child and his/her prior relationship:
 - a) Advise the new adoptive parent(s) that their child did have a social security number while in care of the local department and it was registered under his/her original name and parent(s) and should no longer be used;
 - b) Recommend that the adoptive parent(s) immediately apply for a new social security number for their adopted child; and
 - c) Indicate that they should use the child's new name; list themselves as parents and mark the social security number application form to reflect that the child did not have a previous social security number.

4. Information on availability of Social Services

a) Social Services Program Information

Social services districts shall provide pertinent information to applicants for and recipients of financial assistance, medical assistance and social services, and other individuals and groups in the community expressing interest in the availability of services. This shall include, but not be limited to, the distribution of pamphlets prepared by the Department for this purpose about the available services, the eligibility and other requirements governing receipt of such services, the right to present views and complaints on services, and right to request a fair hearing.

b) Information and Referral

The social services district shall, in accordance with Part 392 of Department Regulations, provide, either directly or through purchase, information about and referral to community social services resources to any individual or family who requests such information, without regard to income.

5. Relationship to and Use of Other Agencies

There shall be maximum utilization of, and coordination with, other public and voluntary agencies providing similar or related services which are available without additional cost. "Without additional cost" means that

III. C. 5. (Cont'd.)

a particular service can be provided to an eligible individual or family at no cost to the Department or social services district for which financial participation will be claimed, other than the cost of agency staff who arrange for the use of community resources and refer appropriate individuals and families.

6. Freedom to Accept Services

a) Eligible individuals and families shall be free to accept or reject services, including those services offered as part of a protective treatment plan for children and adults in need of protection. In those cases involving children in need of protection in which an appropriate offer of services is refused and it is determined that the best interests of the child require court action, the Child Protective Service Unit should initiate the action or make a referral to the appropriate District Attorney, or both. In those cases involving adults in need of protection in which an appropriate offer of services is refused and it is determined that the best interests of the adult require such services, the Protective Services for Adults staff should monitor the case, offer services and initiate court proceedings when appropriate.

b) acceptance of a service shall not be a prerequisite for the receipt of any other service or assistance, except for the conditions relating to the Work Incentive Program, a program for vocational rehabilitation or other approved work program. In such instances, the services unit of the social services district shall immediately notify the income maintenance unit (or the WIN/SAU unit regarding a WIN participation) of the individual's refusal to accept a service.

7. Individual Recipient Basic Data File - Department Regulations §406.2

a) A basic data file shall be maintained by the social services district on each individual services recipient, except for those recipients of social group services for senior citizens. The file may be either a manual or an automated one.

b) The data file shall contain the following information about the recipient:

- i) identifying information;
- ii) basis for eligibility;
- iii) services provided;
- iv) goal toward which each se-vice is directed;
- v) provider agency for each service; and
- vi) such other data as the Department may from time to time require.

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c) Such data file shall be established by completing the following forms as prescribed by the Department:

- i) Application for Services on the State prescribed form.
- ii) Day Care Supplement to Application for Services (DSS-2561), if applicable, in non-WMS districts.

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III. C. 7. c. (Cont'd)

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- iii) SSRR-Services Authorization Reporting Record, DSS 2562, which is manual in non-WMS districts and automated in WMS districts.
- iv) In non-WMS districts, Authorization of Grant, DSS 638, or the approved local equivalents in the case of purchasing services. Districts utilizing WMS will use Authorization/Authorization Change Form, DSS 2970, for purchase of services, and no local equivalents will be permitted.
- v) Services Financial Eligibility Display/Turnaround, SFED/T - (WMS Districts)
- vi) Recertification Change Form in WMS districts. Refer to Section 4430 of the Services Operation Manual.
- d) At time of recertification, the basic data file for each service recipient shall be updated to reflect changes in circumstances and services provided.

8. Individual/Family Services Plan

- a) An individual/family service plan shall be developed and maintained for each service applicant as soon as the determination of eligibility is made except for the following situations:
 - i) An individual/family service plan is not required if only information and referral services and social group services for senior citizens are provided;
 - ii) For Day Care services, the recording of the individual/family service plan is made by completing form. DSS-2561, Day Care Supplement to Application for Services and attachment of required support documents;
 - iii) For Foster Care services for children, standards as described by the Department Regulations 427.12 through 427.16 shall be the basis for the individual/family services plan and are found in Appendix E.
 - iv) For protective services for children, "Follow-up Report Children in Need of Protection" (DSS-2223) may be substituted for "Individual/Family Services Plan" (DSS-2943 and 2944), if a copy of the DSS-2223 is maintained in the casefolder.
 - v) For WIN registrants, the WIN service Plan, DSS 3133, will be instituted for the Individual/Family Services Plan--Initial, DSS 2943. The Plan will be evaluated and/or updated by use of the Individual/Family Service Plan--Evaluation, DSS 2944. Title XX services that are not related to WIN will require the use of the DSS 2944 in order to be added to the plan. For further information, see Appendix M.

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- b) The following shall be, at a minimum, included in such a plan and be furnished with the Individual/Family Services Plan forms (DSS-2943 and 2944), or the local equivalent form as approved by the Department:
 - i) presenting problem(s)
 - ii) assessment of individual problem(s) and needs;
 - iii) goal(s) to be achieved;
 - iv) services to be provided to attain the goal(s);
 - v) expected duration of services to be provided;
 - vi) concurrence and acceptance of services by the applicant;
 - vii) name of the provider if the services are purchased;
 - viii) progress evaluation at time of review; and
 - ix) signature of worker and supervisor
- c) The service plan shall be reviewed:
 - i) as often as necessary to insure that the services provided continue to be necessary and appropriate, especially when there is any change in the recipient's situation.

III. C. B. c. (Cont'd)

- ii) when the planned duration of service expires, an extension of service beyond the planned time shall be justified and incorporated into the plan; or
- iii) within six months, whichever is earlier

(NOTE: The format of the Individual Service Plan and instructions for completing it are found in Appendix J.)

9. Public Comments and Complaints

a) Public Comment

In order to assure public participation, recipients of services or their representatives and the public shall have an opportunity to present comments about the social services program and the planning process either orally or in writing throughout the program year. Social services districts shall establish procedures for recording and processing such comment.

b) Complaints

Applicants for or recipients of services, or their representatives, shall have an opportunity to present complaints, either orally or in writing, to the social services district in accordance with Part 356 of Department Regulations.

10. Fair Hearings

In accordance with Part 3S8 of Department Regulations, an applicant for service whose application has been denied or not acted upon within thirty days or a recipient of a service whose service has been reduced or terminated by a social services district, shall be entitled to a fair hearing by the Department, provided the request is made within sixty days after such action or failure to act.

11. Monitoring and Evaluation

The social services district shall monitor and evaluate the services provided either directly or by purchase of services to assure their correctness, efficiency, effectiveness, and conformity with Department requirements.

12. Residency and Citizenship

- a) No requirements as to durational residency or citizenship shall be imposed as a condition of participation in a services program.

III. C. 12 (Cont'd)

- Revised
- b) An alien who is unlawfully residing in the United States or who fails to furnish evidence that he/she is lawfully residing in the United States, shall not be eligible for any social services except information and referral services and protective services for adults and children. In the case of protective services, the social services district may provide such services considering the nature of the problem and the degree of its emergency and, at the same time, shall report the cases to the United States Immigration and Naturalization Service or the nearest consulate of the country of the applicant or the recipient for its appropriate action. The provision of protective services is limited until such time when an appropriate consulate or Immigration and Naturalization Service assumes its responsibility for such cases.
- New
- c) An individual who has been granted indefinite voluntary departure or indefinite stay of deportation under "color of law" shall for the purpose of eligibility determinations for Title XX services, be considered an alien lawfully admitted for permanent residence in the United States. Such an individual shall therefore be eligible to apply for any social services as provided by the district component of the then effective comprehensive annual social services program plan.

III. C. (Cont'd.)

13. Safeguarding Information

The social services district shall safeguard the use and disclosure of information on applicants for and recipients of services in accordance with Part 357 of Department Regulations and Section 422.4 of the Social Services Law.

D. Determination and Redetermination of Eligibility for Social Services - Department Regulations §404

1. Determination of Eligibility

- a) A determination of eligibility means a decision, which shall be recorded on a completed, dated and signed application with sufficient information or documentation obtained from or on behalf of an individual which would lead a reasonable person to conclude that the eligibility standards have been met.
- b) A determination of eligibility must be made by the local social services district within 30 days from the date the application form was signed.

2. Responsibility for Eligibility Determination

- a) The social services district shall be solely responsible for the determination of eligibility for services.
- b) If the acceptance o. applications is delegated to a provider under a contract executed in accordance with the purchase of services requirements specified in Part III., E., 3. of this Bulletin, responsibility for eligibility determinations shall remain with the social services district; any requirements that a provider obtain and transmit to the social services district data necessary to make a determination of eligibility shall be specified in the purchase of services contract.

3. Time Period for Determination of Eligibility

a) Initial Determination of Eligibility

- i) A determination of eligibility shall be completed for all applications or reapplications for services within 30 days of the date of application.
- ii) No reimbursement is available for the provision of services prior to the date of actual determination of eligibility unless such determination is made within 30 days of the date of application and the individual is determined to have been eligible when services were initiated. In no event may the date of eligibility precede the date of application.

b) Redetermination of Eligibility

- i) Redetermination of eligibility shall be made periodically but not less frequently than every six months, except for:

III. D. 3. (Cont'd)

b) Redetermination of Eligibility

- i) Redetermination of eligibility shall be made periodically, but not less frequently than every six months. Programmatic eligibility must be determined no less often than every six months by updating the Individual/Family Services Plan (DSS 2943 and 2944) for those services utilizing these forms or by the completion of the appropriate forms and/or case recording in those services not using the DSS 2943 and 2944. Income eligible cases must also have a financial redetermination every six months except in the following instances:
 - a) those recipients of services whose family gross income at the time of initial determination of eligibility is derived exclusively from pensions or social security benefits, SSI or combination thereof. They shall have their financial eligibility redetermined at intervals of 12, months rather than 6 months; and
 - b) those recipients o social group services for senior citizens because its eligibility criterion is irreversible.
- ii) Redetermination of eligibility shall be made within 30 days of indication of change in an individual's circumstances which may render the individual ineligible or may change the decree of need for services.
- iii) At the time of redetermination, current documentation shall be obtained to verify family size and either income maintenance, income status, or continuing eligibility without regard to income, as appropriate.
- iv) In both WMS and non-WMS districts, cases require no financial redetermination of eligibility if the eligibility for services is based on the client receiving PA, MA or SSI. However, in non-WMS districts, clients' redetermination of financial eligibility can be accomplished by inserting a statement into the record that the client's categorical relatedness remains unchanged as of the date of the redetermination. The case record must also show how this was ascertained, and the statement must be signed by the caseworker and case supervisor. This will replace completing a new application. The statement will be retained as part of the Individual Recipient Basic Data File. If there is a change in categorical relatedness, redetermination of financial eligibility must be completed in the usual manner.
- v) For use of the Recertification Change Form in WMS districts, refer to Section 4430 of the Services Operation Manual.

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III. D. 3. b. (Cont'd)

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- a) those recipients of services whose family gross income at the time of initial determination of eligibility is derived exclusively from pensions or social security benefits, SSI or combination thereof. They may have their eligibility redetermined at intervals of 12 months rather than 6 months; and
 - b) those recipients of social group services for senior citizens because its eligibility criterion is irreversible.
- ii) Redetermination of eligibility shall be made within 30 days of indication of change in an individual's circumstances which may render the individual ineligible or may change the degree of need for services.
 - iii) At the time of redetermination, current documentation shall be obtained to verify family size and either income maintenance, income status, or continuing eligibility without regard to income, as appropriate.

4. Documentation

a) General

No determination or eligibility shall be made solely on the basis of information given on the application. Documentation shall be part of the eligibility determination process. Documentation means the collection, verification and recording of information necessary to determine eligibility.

- i) Applications for services based on income maintenance status shall be supported by documentation of the actual receipt of, or eligibility of, the income maintenance benefit or payment;
- ii) Applications for services based on income eligible status shall be supported by documentation of current family size and monthly gross income as specified in subdivision 7. (b) of this section;
- iii) Applications for services based on need without regard to income shall be supported by documentation of the existence or the requisite programmatic factors except that no such documentation shall be required for the provision of information and referral;
- iv) All applications for service shall be supported by the documentation of the need for services as evidenced by an individual plan for service;
- v) If the application is filed by an applicant's authorized representative or someone acting responsibly for him/her, the relationship of the authorized representative or the responsible person to the applicant and the reasons for such representative filing shall be recorded.

III. D. (Cont'd)

4. Documentation

a) General

No determination or eligibility shall be made solely on the basis of information given on the application. Documentation shall be part of the eligibility determination process. Documentation means the collection, verification and recording of information necessary to determine eligibility.

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- i) Applications for services based on income maintenance status shall be supported by documentation of the actual receipt of the income maintenance benefit or payment;
- ii) Applications for services based on income eligible status shall be supported by documentation of current family size and monthly gross income as specified in subdivision 7. (b) of this section;
- iii) Applications for services based on need without regard to income shall be supported by documentation of the existence or the requisite programmatic factors except that no such documentation shall be required for the provision of information and referral;
- iv) All applications for service shall be supported by the documentation of the need for services as evidenced by an individual plan for service;
- v) If the application is filed by an applicant's authorized representative or someone acting responsibly for him/her, the relationship of the authorized representative or the responsible person to the applicant and the reasons for such representative filing shall be recorded.

III. D. 4. (Cont'd)

- b) Documentation of Eligibility Based on Income Status
- i) When an eligibility determination is based on a family's income status, the family size and the amount and source of each component of gross income as defined in subdivision 7. (b) of this section shall be identified and documented prior to a determination of eligibility for social services.
 - ii) Family size need not be documented beyond the information on the signed application unless there is reason to suspect that the information is not correct.
 - iii) Applicants shall be required to provide documentation for all income received.
 - iv) Adequate documentation of gross income can include pay stubs, business records, and/or correspondence from employers, the Social Security Administration, Veteran's Administration, State Employment Agencies, State Welfare Agencies and/or providers of pensions.

c) Recording and Maintenance of Records

The social services district shall maintain for each applicant or recipient a record which contains, in accordance with Part III. c.7. of this Bulletin, information necessary to support an eligibility determination.

d) Notice of Eligibility Determinations

Written notice of determination of eligibility or ineligibility for service shall be sent to the applicant or recipient as follows:

- i) Such notice shall be sent to the applicant or recipient within 15 calendar days after the social services district makes a decision.
- ii) A notice of eligibility shall include information concerning the type of service to be provided; the duration of service planned; the payment of fee, where required; the name of the worker or unit responsible for case management and his/her telephone number; a statement regarding the continuing responsibility of the applicant or recipient to report any change in his/her status; and the right of the recipient to accept or reject the service(s).
- iii) A notice of ineligibility shall include information concerning specific reasons for denial or termination and Department policy on which the decision is based.

NOTE

Models of a written notice of determination of eligibility and ineligibility that meet the above specifications can be found in Appendix L

III. D. 4. (Cont'd)

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 - iv) All notices of determination of eligibility or ineligibility shall include information concerning the right of an applicant or recipient to request a fair hearing.
 - v) If continuing eligibility for services is maintained upon recertification, no written notice of determination of eligibility is required.
 - vi) If a redetermination of eligibility results in a discontinuance or -reduction of services, then provisions of the regulations pertaining to fair hearings must be adhered to (Departmental Regulations §358). In particular, the individual must receive a timely and adequate notice regarding the changed eligibility status. This notice must be mailed at least 10 days prior to the date upon which the action becomes effective, and it must contain the information detailed in the regulations pertaining to fair hearings, especially §358.8.a.(2).
 - vii) A written notice of determination of eligibility for services is not necessary, if, at the time of eligibility determination, the client is either under the care and custody or the guardianship and custody of the Commissioner. If the client is under the care and custody of the Commissioner, the caseworker should consider sending a copy of the written notice to the parents or guardian if, in his/her professional judgment, this would enhance the casework relationship and possibly assist in the reuniting of the family unit.

e) Provision of Services with Reasonable Promptness

The social services district and/or the provider agency shall provide a service within 15 calendar days after making notification of eligibility to the applicant in those instances when a written application is taken and within 30 calendar days after acceptance of a request for service in all other instances. "Providing a Service" means actual provision of the service or arrangement for its provision at an appropriate later date.

5. Verification of Eligibility Determination

- a) The social services district shall establish procedures to verify the accuracy of eligibility determinations.
- b) The Department will, through audits and case review on a sampling basis, conduct additional verification of social services district implementation and application of eligibility criteria.

III. D. (Cont'd)

6. Programmatic Eligibility

Asocial service defined in the then effective Comprehensive Annual Social Services Program Plan and included for provision in the district component shall be provided only when the following programmatic conditions are met:

- a) Need for the service has been established by the social services district in accordance with the Department Regulations where applicable.
- b) The applicant for such service is included in a category of individuals specified in the then effective Comprehensive Annual Social Services Program Plan to be eligible.
- c) In order for a client to be programmatically eligible for Protective Services for Children, a report must have been received by the New York State Abuse and Maltreatment Register. This eligibility ceases when a report is judged to be unfounded.
- d) “Protective related Homemaker Services can be provided without regard to income for up to six months, and protective related Day Care Services can be provided without regard to income for twelve months, as long as the protective case remains open and programmatic need for these services, relative to a plan of protection, can be established and maintained. These services cannot be provided under the above provisions until a report has been received by the State Central Register.”
- e) Homemaker and Housekeeper/Chore Services may be provided without regard to income for up to six months when provided as an integral but subordinate part in the provision of Protective Services for Adults to meet the goal of protection for adults who demonstrate specified functional deficits.

7. Financial Eligibility

a) Income Maintenance Status

- i) For the purposes of financial eligibility for services, the following persons have income maintenance status:
 - a) recipients of ADC - an ADC recipient is any individual who is certified eligible for case assistance under the ADC program and receives such payments during the period upon which eligibility for social services is based;
 - b) individuals whose needs are taken into account in computing, the grant for eligible persons under the ADC program - these include children and other relatives in the home not eligible for ADC in their own right but whose presence is significant to ADC recipients as “essential persons”;

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III. D. 7. a. (Cont'd)

- c) recipients of SSI benefits, including recipients of State supplementary payments - an SSI recipient is an individual who is certified eligible for cash assistance under the SSI program and receives such payments, including State supplementary payments, during the period upon which eligibility for social services is based.
- ii) Persons with income maintenance status shall be financially eligible for services in accordance with provisions of the then effective Comprehensive Annual Social Services Program Plan.
- iii) When financial eligibility for services is based on the income maintenance status of the applicant, such status shall be verified as of the date of application.

(NOTE: HR recipients are to be treated under the income eligible status in considering the financial eligibility for social services.)

- iv) Eligibility for pre-placement activities in Foster Care services for children shall be based on the child's income as soon as custody has been transferred to the Commissioner.

b. Income Eligible Status

- i) Individuals other than those described in paragraph (a) of this subdivision shall be financially eligible for services on the basis of income eligible status if the monthly gross income of

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III. D. 7. b. i. (Cont'd)

the family is equal to or less than the appropriate income eligibility level contained in the then effective Comprehensive Annual Social Services Program Plan;

- ii) The determination of family monthly gross income shall be based on the average monthly income for a period of not less than one month nor in excess of three months prior to application, adjusted for any changes in income known or expected to occur during the period of authorization.
- iii) If income fluctuates significantly, the average monthly amount shall, be computed based on income received during a period of not less than three nor more than six immediately preceding months.
- iv) Computation of monthly gross income shall be based on a factor of four and one-third of the weekly income.
- v) Monthly gross income - monthly gross income means the monthly sum of income received from the following sources:
 - a) Monthly wages or salary - i.e., total money earnings received for work performed as an employee, including wages, salary, Armed Forces pay, commissions, tips, piece-rate payments, and cash bonuses earned before deductions are made for taxes, bonds, pensions, union dues and similar purposes;
 - b) Net income from non-farm self-employment - i.e., gross receipts minus expenses from one's own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Expenses include costs of goods purchased, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (not personal income taxes) and similar costs. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income;
 - c) Net income from farm self-employment - i.e., gross receipts minus operating expenses from the operation of a farm by a person on his own account, as owner, renter or sharecropper. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, the incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include cost of feed, fertilizer, seed and other farming supplies, cash wages paid to farm hands, depreciation charges, cash rent, interest on farm building repairs, farm taxes (not State and Federal income taxes) and similar expenses. The value of fuel, food or other farm products used for family living is not included as a part of net income;

III. D. 7. b. v. (Cont'd)

- d) Social Security benefits – include Social Security pensions and survivor benefits, and permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance and railroad retirement checks from the U.S. Government;
- e) Dividends, interest (on savings or bonds), income from estates or trusts, net rental income or royalties – including dividends from stockholdings or membership in associations, interest on savings or bonds, periodic receipts from estates or trust funds, net income from rental of a house, store or other property to others, receipts from boarders or lodgers, and net royalties;
- f) Public assistance or welfare payments include public assistance payments such as ADC, SSI (including State Supplemental Payments), and Home Relief;
- g) Pensions and annuities – include pensions or retirement benefits paid to a retired person or his survivors by a former employer or by a union, either directly or through an insurance company, and periodic receipts from annuities or insurance;
- h) Unemployment compensation – means compensation received from government unemployment insurance agencies or private companies during periods of unemployment and any strike benefits received from union funds;
- i) Workmen’s compensation – means compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the individual;
- j) Alimony;
- k) Child support; and
- l) Veteran’s pensions – means money paid periodically by the Veteran’s Administration to disabled members of the Armed Forces or to survivors of deceased veterans, subsistence allowances paid to veterans for education and on-the-job training, as well as so-called “refunds” paid to ex-servicemen as GI insurance premiums.
- vi) Exclusions from monthly gross income – excluded from computation of monthly gross income are the following:
 - a) Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims;

III. D. 7. b. vi. (Cont'd)

- b) Money received from sale of property, such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from self-employment);
- c) Withdrawals of bank deposits;
- d) Money borrowed;
- e) Tax refunds,
- f) Gifts;
- g) Lump sum inheritances or insurance payments;
- h) Capital gains;
- i) The value of coupon allotments under the Food Stamp Act of 1964, as amended, in excess of the amount paid for the coupons;
- j) The value of USDA donated foods;
- k) The value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act;
- l) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- m) Earnings of a child under 14 years of age (no inquiry shall be made);
- n) Loans and grants, such as scholarships obtained and used under conditions that preclude their use for current living costs;
- o) Any grant or loan to any undergraduate student for educational purposes made or insured under the Higher Education Act;
- p) Home produce utilized for household consumption.
- q) The value of any rent subsidy for the principal abode of the family provided under Section 8 of the U.S. Housing Act if paid directly to the landlord by the U.S. Dept. of HUD or by a public housing agency authorized to provide Housing Assistance Payments.
- r) Payments to foster parents.
- s) Adoption subsidies.

III. D. 7. b. vii. (Cont'd)

- vii) [Need to find this text and insert here – Bookmarked this place IID7bvii]

III. D. 7. b. vii. (Cont'd)

income level for each of the 21 services under the State listing by the percentage of the State median income for a family of four. Table B includes the lower income eligibility levels selected by the districts and shows appropriate annual and monthly gross income amounts under each level by the family size. As for the relationship between the services and the income eligibility level, Table A is to be used by all districts, except those districts which have elected the lower income eligibility levels. The latter must check their own district component which is effective.

Table C contains the special income eligibility standards for Day Care services to be used by the New York City district only.

[NOTE: These three tables are found in Appendix C.]

III. D. 7. (Cont'd)

c) Status Without Regard to Income

Notwithstanding paragraphs (a) and (b) of this subdivision, individuals and families who are programmatically eligible shall be determined eligible for the following services without regard to financial eligibility criteria:

- i) Information and Referral Services;
- ii) Protective Services for Adults; and
- iii) Protective Services for Children.

d) Resources

Financial eligibility for services contained in the district component of the Comprehensive Annual Social Services Program Plan shall be based only on the monthly gross income of the family as defined herein. No exploration of resources shall be made in the determination of eligibility for services.

8. Categories of Individuals

a) The categories of individuals and families with children are used for the purpose of application, social services reporting requirements (SSRR) and others in which to identify the eligibility status.

b) The following criteria and standards shall be used to determine the category of individuals and families with children:

i) AFDC-WIN

An AFDC recipient who has registered in the WIN program.

ii) AFDC-FC

A child who, in or for the month in which the court action was initiated, was receiving AFDC, or would have received AFDC if application had been made, or who lived with a relative specified in the AFDC plan within 6 months prior to the month in which the court action was initiated, and who would have received AFDC in or for such month if in such month he/she had been living with (and removed from the name of) such relative and application had been made for him/her. Eligibility for AFDC-FC and Medicaid eligibility for non-AFDC-FC children must be determined separately by staff of the appropriate programs.

iii) AFDC-Non-WIN

A recipient of ADC financial assistance who is not a registrant in the WIN Program.

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III. D. 8. b. (Cont'd)

- iv) Emergency Assistance to Families (EAF)
All aid, care and services granted under Department Regulations Part 372 to families with children, including migrant families, to deal with crisis situations threatening the family and to meet urgent needs resulting from a sudden occurrence or set of circumstances demanding immediate attention.
- v) Supplemental Security Income - Aged (SSI-A)
Any aged individual who receives monthly cash payments from the Social Security Administration and any additional State supplementary payments during the period upon which eligibility for social services is based.
- vi) Supplemental Security Income – Blind (SSI-B)
Any blind individual who receives monthly cash payments from the Social Security Administration and any additional State supplementary payments during the period upon which eligibility for social services is based.
- vii) Supplemental Security Income – Disabled (SSI-D)
Any disabled individual who receives monthly cash payments from the Social Security Administration and any additional State supplementary payments during the period upon which eligibility for social services is based.
- viii) Medical Assistance (MA)
An individual receiving social services on the basis of income and eligibility for Medical Assistance in accordance with the approved State Plan under Title XIX and who is not an AFDC recipient, SSI recipient, or an individual whose income and resources are taken into account in determining the amount of assistance (Includes HR/MA-FP).
- ix) Home Relief (HR)
An individual or a family who is not eligible or presumptively eligible for ADC, SSI, or EAF, and who are current recipients of home relief (Does not include MA-FP).
- x) Income Eligible
An individual who receives social services on the basis of income only and who is not an AFDC recipient, SSI recipient, or an individual whose income and resources are taken into account in determining the amount of assistance, and who is not eligible for Medicaid.

III. D. 8. b. (Cont'd)

xi) Without Regard to Income

An individual who is eligible to receive a service without regard to financial circumstances. Only information and referral services, and protective services for adults and children as defined in the then effective Comprehensive Annual Social Services Program Plan are to be provided without regard to income.

xii) Child Welfare Services (CWS)

A recipient of public social services that supplement or substitute for parental care and supervision for the purpose of:

- a) preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;
- b) protecting and caring for homeless, dependent or neglected children;
- c) protecting and promoting the welfare of children of working mothers, and
- d) otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or where needed, the provision of adequate care of children away from their homes in foster family homes, or day care, or other child care facilities.

xiii) Federal Non-Participation (FNP)

An individual or family who does not meet the criteria or conditions stated in the above categories of client status but whose situation does qualify them for State reimbursement.

xiv) Non-Reimbursable

An individual or family whose particular circumstances make them ineligible for both Federal and State reimbursement.

xv) Group Eligibility

An individual who is eligible for a service on the basis of membership in a specific group. Both the service and the characteristics of the group are defined in the then current CASSPP.

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III. D. 9. (Cont'd)

9. Fees for Social Services
 - a) General
 - 1) Fee for Service
 - i) The social services district shall impose and provide for the collection of such fees for service as are required in the then effective Comprehensive Annual Social Services Program Plan. Failure of the service recipient to pay the fee as required herein shall lead to termination of the service for which a fee was imposed and not paid. No subsequent

III. D. 9. a. 1. i. (Cont'd)

Application nor any re-application by the service recipient for any service terminated by reason of the failure to pay the required fee shall be considered until such time as the delinquent fee is paid.

Notwithstanding the foregoing, failure of the service recipient to pay the fee shall not be a basis for denial or discontinuance of services as part of a plan of protective services for an adult or a child or to prevent placement of a child in foster care.

- ii) Day Care Services for Children under the then effective Comprehensive annual Social Services Program Plan shall be required to charge fees to recipients of such services if their monthly gross family income is above the certain income level as prescribed by the Department. The fee schedule(s) for Day Care services is found in Appendix D.

b) Methods of Collection

- i) The social services district shall advise the recipient in writing at the time of eligibility determination and redetermination of the required fee amount, the date due, and payment procedures to be followed. The notice of fee requirement shall be included in the written notice of eligibility. A provider shall also be notified when a recipient is required to pay a fee, if the purchase contract specifies that the provider shall collect fees for service. Such notification to the provider shall contain the amount of the fee and date due.
- ii) If a fee is not paid by the specified date, the social services district or the provider, when appropriate, shall immediately give a written notice of the fee past due in person or by mail to the recipient. Such notice shall include a warning of impending termination of the service for continued non-payment. If payment is not received within the time period specified in the written notice of fee past due, such time period to be no less than 7 days and no more than 30 days, the social services district shall give written notice of termination of service in person or by mail to the recipient. The notice of termination of service shall state that the service will be terminated 10 days subsequent to the date of notice unless payment for fee is received prior to date of termination. Copies of warning and termination notices shall be maintained in the recipient basic data file.

III. D. 9. (Cont'd)

c) Claiming

Fees imposed upon service recipients in accordance with this section shall be deducted from the amount of expenditures for such services for which Federal and State reimbursement is claimed.

10. Authorization for Services

- a) An authorization for services shall be required for the provision of any service either by the social services district directly or by purchase. An authorization for services is not required for Information and Referral Services.
- b) The social services district shall use form DSS-2562, Services Authorization/Reporting Record, as the basic authorization for all services. In addition, form DSS-638, or a local equivalent approved by the Department, shall be completed for the purpose of authorization for services provided by purchase.
- c) An authorization for services shall require the following data as a minimum:
 - i) name of recipient;
 - ii) identification of the basis for eligibility, i.e., income maintenance, income, or without regard to income status;
 - iii) identification of the service or services to be provided;
 - iv) identification of goal(s);
 - v) period of authorization for the services to be provided;
 - vi) name and title of authorizing person; and
 - vii) for purchased services, the name of the provider shall be added.

E. Purchase of Social Services by Social Services Districts - Department Regulations §405

1. Policies Governing the Purchase of Services

- a) The social services district may purchase services and foster care maintenance for eligible individuals from local public agencies,

III. E. 1. a. (Cont'd)

Private non-profit or proprietary agencies or organizations, and from individual providers subject to the following conditions:

- i) Only services defined in the then effective Comprehensive Annual Social Services Program Plan and authorized for purchase therein may be purchased by the social services district.
- ii) Purchase of services and foster care maintenance shall only be made pursuant to a written contract in accordance with the requirements of subdivision 3 of this section unless otherwise excepted therein.
- iii) A provider may not subcontract provision of services and foster care maintenance unless expressly permitted to do so by the social services district and the provider shall at all times be responsible for the performance of any subcontractor.
- iv) Services and foster care maintenance may be purchased only if and to the extent that such services and care are not available without cost.
- v) Providers of services and foster care maintenance shall be licensed as required by law and shall comply with all applicable mandatory State and Federal standards.
- vi) Services and foster care maintenance may be purchased from a private proprietary agency or organization by the social services district only with the prior written approval of the Commissioner of the Department. The social services district shall submit required documentations as prescribed by the Department in order to obtain the prior written approval of the Commissioner of the Department.
- vii) The quantity and cost of services and foster care maintenance actually provided pursuant to contract or letter of intent agreement shall be documented.
- viii) The social services district shall determine the eligibility of individuals for services and foster care maintenance and shall authorize the type and duration of service and foster care maintenance to be provided.
- ix) The social services district shall, except when rates of payment have been established by the Department, negotiate rates of payment for purchased services and foster care maintenance which do not exceed amounts reasonable and necessary to assure quality of services and care and, in the case of services or care purchased from other public agencies, are in accordance with the cost reasonably assignable to such services and care. In no event shall the Commissioner of the social service district negotiate a rate which is in excess of the rate charged to private consumers.
- x) The social services district shall document the methods used in establishing and maintaining rates negotiated in accordance with

III. E. 1. a. (Cont'd)

subparagraph (ix) of this paragraph and maintain information to support such rates of payment in a form accessible for audit purposes by State and Federal officials.

- xi) Payment for services and foster care maintenance purchased in accordance with this section shall be made by the social services district directly to the provider except:
 - 1) When payment is permitted to be made to the recipient for payment to the vendor, the social services district shall:
 - a) specify to the recipient the type, cost, quantity and vendor of such services; and
 - b) establish procedures to insure proper delivery of the service to, and payment by, the recipient.
 - 2) When reimbursement to the recipient is specifically authorized by the Department in which case the following requirements must be satisfied:
 - a) The recipient shall present a receipt or bill to the social services district which evidences payment by or payment due from the recipient of a specified amount to a provider for specified service or care.
 - b) The service or care received shall have been approved by the social services district prior to purchase by the recipient.
 - c) The service or care shall have been secured by the recipient within a period of time and at a cost authorized by the social services district.
- xii) Overall planning for purchase of services and foster care maintenance and monitoring and evaluation of such services and care shall be performed by staff of the social services district.
- b) In the case of services provided by purchase under Emergency Assistance to Needy Families with Children (EAF) the conditions of subparagraphs (ii), (v), (vi), (ix) and (x) of paragraph (a) of this subdivision need not be met, but only to the extent and for the period necessary to deal with the emergency situation.
- c) Services and foster care maintenance provided by purchase shall be subject to all other applicable requirements of this Bulletin.

2. Authorization

Non-WMS districts shall use form DSS-638 or an approved local equivalent form for authorizing the purchase of services and shall comply with all applicable requirements of Part 3.D.10 of this Bulletin. In WMS districts, form 2870 will be used, and no local equivalent will be allowed.

III. E. 3. a. (Cont'd)

3. Contract Requirements

- a) The commissioner of the social services district shall be required to negotiate a written purchase of services contract, as prescribed by this part, with each public agency, private agency or individual from whom social services are to be purchased whenever State and/or Federal funds are to be utilized for payment therefor except as outlined in subdivisions (b) and (c) of this section. A provider may not subcontract performance under a purchase of service contract unless expressly permitted by the contract. Any permitted subcontract shall conform to all requirements of paragraph (g) of this subdivision. The provider shall be responsible for the performance of any subcontractor. These requirements may be satisfied by a simple printed contract form so long as all requirements set forth are contained therein
- b) A written letter of intent may be used in lieu of a formal written contract when services are purchased from an individual provider who has no direct service employees or subcontractors, and in those instances where the social services district places six or fewer individuals in a foster family boarding home or where purchase of foster care maintenance in a foster family boarding home is intermittent or occasional; (however, no purchase of foster care in a group home, group residence, or institution shall be made without a written purchase of services contract).
- c) The requirements of this section do not apply to purchase of services wherein the recipient is reimbursed by the social services district for payments made by the recipient for services in accordance with subparagraph (xi)(2) of paragraph (a) of subdivision 1 of this section or to purchase of day care by employed recipients of public assistance
- d) Model formats¹ for local purchase of services contracts developed by the Department shall be used by the social services district. They may be modified, as necessary, to cover additional details or to reflect in greater detail the specifications and terms under which payment will be made for services rendered. They shall be prepared in accordance with instructions promulgated by the Department.
- e) Contract Period
- i) A contract may not remain in effect for a period exceeding twelve months. Contracts may be negotiated for a period of less than twelve months if the nature of the service provision is clearly expected to be for a shorter period or if a shorter trial period justified
- ii) Contracts shall be reviewed by the social services district at least every six months for verification of conformance by the contracting parties. Any contract which is not being properly fulfilled shall be immediately terminated in accordance with the terms of the contract. All contracts shall be renegotiated as required to ensure timely renewal.
- f) The social services district shall maintain copies of all contracts and letters of intent to permit ready access and audit by Federal and State officials

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¹ Model formats are found in Appendix F

III. E. 3. (Cont'd)

- g) The written contract shall:
- i) include all terms of the contract in one instrument, be dated and be executed by authorized representatives of all parties to the contract prior to the date of implementation;
 - ii) have a definite effective and termination date;
 - iii) contain a detailed description of the services to be provided and the methods of provision, including subcontracting to be used by the provider in carrying out its obligations under the contract;
 - iv) specify any delegated function such as accepting applications and transmitting information pertaining to the eligibility determination, if any;
 - v) provide for a stated number of units of service at a specific dollar rate or for a specific dollar amount or for costs to be determined in accordance with acceptable cost allocation methods;
 - vi) specify the method and source of payment to the provider, including collection and disposition of fees, if applicable;
 - vii) include a statement that the provider meets applicable State or Federal standards;
 - viii) specify the locations of the facilities to be used in providing services;
 - ix) provide for informing individuals of the right to request a fair hearing in accordance with provisions prescribed by the Department;
 - x) provide that the provider will comply with the requirements of the Civil Rights Act of 1964 and Part 357 of Department Regulations for safeguarding information;
 - xi) provide that any subcontracts permitted by the contract shall be subject to the requirements of this section and that the provider is responsible for the performance of a subcontractor;
 - xii) specify the requirements for fiscal and program responsibility, billing, records, controls, reports and monitoring procedures; and
 - xiii) provide for access to financial and other records pertaining to the program by State and Federal officials.

4. Implementation

The requirements set forth herein are applicable to purchase of services contracts becoming effective on or after the inception date of the current Comprehensive Annual Social Services Program Plan. A contract in

III. E. 4. (Cont'd)

effect prior to October 1, 1975 and not terminated in the interim period may be given continuing effect through March 31, 1976 notwithstanding failure to satisfy all requirements of this section provided it relates to provision of a service defined in the district component of the then effective Comprehensive annual Social Services Program Plan and authorized for purchase therein and satisfies all Department requirements in existence on the original effective date of the contract.

5. Procedures for Implementation

- a) The social services district shall establish a procedure for the administration of purchase of services contracts. As part of such procedures, the social services district shall assign responsibility to one or more staff members for maintenance and monitoring of purchase of services contracts.
- b) Maintenance and monitoring of contracts includes the following as a minimum:
 - i) maintaining contracts files and implementing a system for orderly renewal of lapsing contracts or termination of contracts no longer required;
 - ii) developing an effective system for evaluation and review of contracts at the specified six month interval and the quality of services being provided under contracts in force.
- c) The social services district shall compile and maintain a master index of all existing or newly executed contracts. Such index shall include, but need not be limited to, the following records:
 - i) name of provider;
 - ii) status of provider, i.e., public, private, etc.;
 - iii) status of license or approval of the provider, if required, and notations of any exceptions granted by the Department;
 - iv) services purchased;
 - v) number of individuals to be served pursuant to such contracts;
 - vi) estimated contract dollar amount;
 - vii) date of execution of contract; and
 - viii) date of termination of contract.

F. Social Services Recording and Reporting Requirements – Department Regulations §406

1. Maintenance of Records

- a) The social services district shall maintain all records necessary for proper and efficient operation of the social services program. This

III. F. 1. a. (Cont'd)

includes records regarding application, determination of eligibility, authorization and provision of social services, administrative costs, and such statistical, fiscal and other records as are necessary for reporting and accountability.

- b) Records necessary for proper and efficient operation of the social services program are:
- i) Individual Recipient Basic Data File in accordance with Part III. C. 7. of this Bulletin
 - ii) Individual Services Plan in accordance with Part III. C. 8. of this Bulletin;
 - iii) Notification of eligibility determination in accordance with Part III. D. 4. of this Bulletin;
 - iv) Other records as the Department may from time to time require the social services districts to furnish.
- c) The social services district shall retain such records for 10 years after the case was closed.

In the case of retaining SSRR Services Authorization/Reporting Record (DSS-2562), the social services district shall keep in the case folder, at a minimum, the documentations that reflect the following actions:

- 1) Opening;
- 2) Updating required in connection with changes in the client's circumstances and redetermination; and
- 3) Closing

- d) The social services district which maintains a manual data file shall retain all the records mentioned in subparagraph (b) of this paragraph in the case folder of each case.

2. Social Services Reporting

- a) Social Services Reporting Requirements (SSRR)
- i) The social services district shall meet the social services reporting requirements established by the Department.
 - ii) The objectives are:
 - a) to obtain basic statistical information on recipients or social services;
 - b) to establish a base to measure the impact of the services in achieving the goals described in Part III. A. 3. of this Bulletin; and

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III. F. 2. (Cont'd)

2. Social Services Reporting

a) Social Services Reporting Requirements (SSRR)

- i) The social services district shall meet the social services reporting requirements established by the Department
- ii) The objectives are:
 - a) to obtain basic statistical information on recipients of social services;
 - b) to establish a base to measure the impact of the services in achieving the goals described in Part III.A.3. of this Bulletin; and
 - c) to establish a base for social services program planning.
- iii) The frequency of reporting shall be described by the Department.
- iv) Non-WMS districts shall use the Social Services Authorization/Reporting Form, DSS-2562. In WMS districts, locally designed or state standard logs are used for recording direct service time.
- v) Instructions for the SSRR Services Authorization/Reporting Record and for others related to it are found in Appendix G. Instructions for the SSRR Services Reporting Record will be found in Section 3690 of the Services Operations Manual.

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III. F. 2. (Cont'd)

b) Random Moment Study (RMS)

(1) For the purpose of determining costs of providing Social Services, New York City shall participate in a random moment study which shall be conducted in a manner prescribed by the department.

(2) The Commissioner of the District of New York City shall designate a staff person with administrative responsibility for the operation and monitoring of the random moment study. Sufficient additional staff shall be assigned as needed.

c) Other Reporting

The social services district shall provide additional data in such form and at such times as the Department may require and shall cooperate with the Department in verifying the accuracy of reports.

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