

STATE OF ALABAMA
DEPARTMENT OF HUMAN RESOURCES

PROGRAM PROCEDURES

EMERGENCY ASSISTANCE PROGRAM FOR
FAMILIES WITH CHILDREN

Revised March, 2016

TITLE IV-A EMERGENCY ASSISTANCE PROGRAM FOR FAMILIES
WITH CHILDREN

A. INTRODUCTION

Background

The Alabama Department of Human Resources implemented the Emergency Assistance to Families with Children Program, effective December 1, 1993. Federal funds may be utilized for state and local child welfare expenditures for eligible families through this program.

The Emergency Assistance (EA) Program is aimed at maximizing federal funding for child welfare services in order to provide for improved services to families and for earlier return of children to their own homes. Certain Title IV-A eligibility requirements remain with the EA program. Funds are available for new eligible cases for up to twelve months following the emergency.

The social service worker will continue to approve and authorize services and payments based on the policy and procedures contained in Out-of-Home Care Policy. Eligibility for Emergency Assistance will not affect services or assistance that are provided. Children's services are provided based on the professional judgment of the workers and the specific needs of the children and families and not on the source of funding. However, when a family that is eligible for Emergency Assistance receives certain staff-provided or purchased services, these costs can be claimed as Emergency Assistance costs.

In addition to concrete services, the Child Protective Services (CPS) investigation is an assessment of whether an emergency exists and is, therefore, a part of the Emergency Assistance eligibility determination. The cost of the investigation is claimable to the EA program. The investigation/cost is determined by the DHR work sampling system. All CPS investigation activities, inclusive of the process used to determine risk, should be coded as an Emergency Assistance Assessment during the work sampling observation. A family Emergency Assistance application is not necessary to be able to claim EA for the investigation activity.

B. OVERVIEW OF APPLICATION/ELIGIBILITY/AUTHORIZATION

Emergency Assistance for Families with Children requires: (1) completion of an Application for each family, (2) determination of the family's eligibility, and (3) authorization for care and services. All three of these activities are documented in FACTS in the additional eligibility module. The module application is completed by the County DHR worker who has the initial family contact or who determines that an emergency exists. It is signed by the responsible parent/relative if they are willing and available. The County DHR worker determines the family's eligibility for Emergency Assistance and authorizes services, eligible for Federal reimbursement.

The Application/Eligibility/Authorization Form

The Emergency Assistance Application must be completed in FACTS on every new case when action is taken beyond conducting an investigation. The County DHR worker is responsible for completing the application. The worker determines that an emergency condition exists based on communications with the child and parent(s). (Refer to *iDHR, FS Policy, Out-of-Home Care, Introduction*, for definition of “Family”). The Emergency Assistance Application should be completed within 72 hours after services are initiated to assure that EA eligibility is addressed. Emergency Assistance eligibility must be established within thirty (30) days of the initiation of any services (45 CFR 233.120). If this has not been done within thirty (30) days of initiating services, no EA eligibility can be given for the specific emergency. The risk of removal, or removal, of the child is the emergent condition that requires services to be delivered. See your county FACTS mentor for assistance.

C. APPLICATION COMPLETION PROCESS

Determination of an Emergency

The determination of an Emergency shall be based on the initial assessment and/or investigation made in the case. The DHR worker determines whether an emergency exists. An emergency exists if a child (a) is being or has been removed from his or her home and placed into publicly funded care or supervision, or (b) is at risk of such removal as determined by a DHR worker.

NOTE: A child is not considered to be "at risk" for purposes of the Emergency Assistance Program if the case is not opened, or is closed immediately after the initial contact without further service. In the case in which it has been determined that no emergency exists as defined above, the completion of the application is not required.

Application Process

An application for Emergency Assistance must be completed for each family by a service worker after the worker determines that an emergency exists and that in-house or purchased services are needed for the family and child(ren), i.e., when the case is opened. The application is to be signed by a child's responsible parent/relative or by the service worker if the parent/responsible relative is not available or unwilling to participate in the application.

If a family refuses to cooperate in the application process, the worker shall encourage the parent to apply and will explain that this application is necessary to secure federal support for children and youth services programs. The parent

should be reassured that his/her child will be treated the same regardless of the parents' willingness to sign. Only one parental signature is required. If the family absolutely refuses to cooperate, the worker can apply on behalf of the child.

Emergency Assistance for Foster Care Children

Foster Care children may be eligible for Emergency Assistance. EA eligibility may co-exist with IV-E, Title XX or Medicaid eligibility for foster care children. The EA eligibility determination procedure is the same for foster care children. Parents of foster care children may be eligible for EA if there is at least one child remaining in the home. If all children in a family are in foster care, the parents of the children are not open cases and are therefore ineligible for EA.

Title IV-A Eligibility Requirements Applied to Emergency Assistance

Age

To be eligible for Emergency Assistance, there must be a child in the family under the age of 21 who is residing with the family (parent or specified relative). Parents or specified relatives and those children under the age of twenty-one in the family may be eligible for Emergency Assistance.

Specified Relative

In order for a child to be eligible for Emergency Assistance, the child must have resided with a parent or specified relative sometime within the six months prior to the application date. "At some time" means that the child must have resided at least for one day or night with a parent or other relative within the last six months. The child or relative's statement may be accepted by the worker as evidence.

"Specified Relatives" for purposes of the Emergency Assistance Program are the same as those defined in the TANF program. Relatives are:

1. FEMALE:

- Mother, adoptive mother, stepmother (but not her parents);
- Sister, adoptive sister, stepsister, sister-in-law;
- Aunt, great-aunt, great-great aunt, aunt-in-law;
- Grandmother, great grandmother, great-great grandmother, great-great-great grandmother, step-grandmother (meaning subsequent wife of the child's natural grandfather), adoptive grandmother (meaning the mother of a parent who was adopted);

- Niece
- First cousin, first cousin once removed (meaning the first cousin of the dependent child's parent or the child of the dependent child's first cousin.)
- Spouses of any individual listed in "2" below

2. MALE:

- Father, adoptive father, stepfather (but not his parents);
- Brother, adoptive brother, stepbrother, brother-in-law;
- Uncle, great uncle, great-great uncle, uncle-in-law;
- Grandfather, great grandfather, great-great grandfather, great-great-great grandfather, step grandfather (meaning the subsequent husband of the child's natural grandmother), adoptive grandfather (meaning the father of a parent who was adopted);
- Nephew
- First cousin, first cousin once removed (meaning the first cousin of the dependent child's parent or the child of the dependent child's first cousin.)
- Spouses of any individual listed in "1" above.

A child who has not lived with a specified relative at any time within the six months prior to this application, but who has resided in a foster home, group home, or other institution, even if publicly-supervised, does not meet this test and completion of this application is not required and should be discontinued.

Income Verification

The worker shall make a determination of need based on the annual income of the family. The family's annual income must be less than twice the states median income of \$57,376. (This amount is based on two times the median income per year for a family in 1990).

If a family states they have no income and cooperates with the application process and in the worker's judgment, there is no reason to doubt the family's statement; a declaratory statement is all that is needed. The parent or relative should sign and date the application.

If the family states they have no income or refuses to cooperate but the worker has reason to believe that income exists, the worker must seek out other means available (existing service records, computer capabilities) to verify the family's statement. If the service worker does not have IEVS clearance, the service worker may wish to enlist the assistance of Family Assistance staff to inquire into IVES, which maintains income verification information. The SSN of the parent/head of household will be required. If the verification efforts show no income or income less than \$57,376, the family meets the income criteria. If the worker has reason to believe that there is no family income other than the child's income, the child's income alone is considered.

For families (individuals within the family) who receive categorical assistance (recipients of SSI, Food Stamps, TANF, VA Pension) the worker should utilize computer capabilities (IVES) and documentation already available to the Department to verify the income.

For families who indicate there is income from employment, the worker should request the most recent pay stub and then estimate their annual income based on this documentation. For families whose monthly income fluctuates, the worker should request two pay stubs which reflect this fluctuation, then average the two and estimate for the year. When pay stubs are not available, the worker may contact the employer to determine the hourly wage paid to employees.

Income to be considered in Determining Eligibility

Earned Income

1. Money, wages, or salary - total gross money earnings (exclusive of earnings of children under 14) received for work performed as an employee, including wages, salary, armed forces pay, commissions, tips, and cash bonuses earned, before deductions are made for taxes, bonds, pensions, union dues, and similar purpose.
2. Net Income from Non-Farm Self-Employment - gross receipts minus expenses from one's own business, professional enterprise, or partnership.
3. Net Income from Farm Self-Employment - gross receipts minus operating expenses from the operation of a farm by a person on his own account, as an owner, renter, or sharecropper.

Unearned Income

Unearned income is income received without activities involving the individual's own efforts. Examples of unearned income are unemployment compensation, social security benefits, SSI, TANF, Veteran's benefits, and child support.

Current policy regarding child support has not changed. Refer to *iDHR, Family Services, FS Policy, Out-of-Home Care, VIII. Policy Specific Subsections Applicable To Any Type of Out-of-Home Care, D. Child Support.*

Determining the Authorization Effective Date on a Completed, Signed Application

The Authorization Effective Date is the first date of purchased care or service for which Emergency Assistance support may be claimed, and the date from which the twelve-month maximum service period for EA is computed. The worker should select the first date in which the child is in publicly-funded care, custody/supervision, or when purchased services are to be delivered as the Authorization Effective Date. Emergency Assistance applications shall be completed and signed by the worker within 72 hours of initiation of services. The Authorization Effective Date cannot be more than thirty days prior to the date the worker signs the application. Federal regulations require that Emergency Assistance eligibility be determined and services authorized within thirty (30) days of initiating services. For example, if services are initiated on July 15 following a CPS investigation, the EA application must be completed and signed before August 14 with an authorization date of July 15 to assure that eligibility is determined and services authorized within thirty days of initiating services.

The Authorization Effective Date can be later than the application date; however, the Authorization Effective Date cannot be more than 30 days after the application date. The worker shall select the first date that purchased care or services will actually start. If the service will not start within the next 30 days, then the Authorization Effective Date shall be 30 days from the date of the application. The intent is to preserve the maximum coverage of the twelve-month federal claim period by authorizing the services as close to the time that they will actually start. A family is eligible for the Emergency Assistance Program for up to 12 continuous months from the Authorization Effective Date.

D. ELIGIBILITY DETERMINATION PROCESS

At this point, the county worker responsible for the case, may either continue with the completion of the eligibility determination or may send the application to a designated employee who will perform the actions necessary to complete the process of eligibility determination. Computer mainframe and data entry capabilities are necessary to complete the eligibility determination for EA.

A family's Emergency Assistance eligibility is based on the information contained on the Emergency Assistance Program application in FACTS and whether the family has had a prior Emergency Assistance authorization within the past 12 months. The case record should provide source documentation for an audit trail.

NOTE: See your FACTS mentor for questions on completing the Emergency Assistance Program application in FACTS.

ELIGIBILITY TEST AND VERIFICATION

The first test of eligibility is based on the answers to the four questions in the EA module in FACTS. It is mandatory that the four check boxes on the application be completed. If the answer to questions 1 and 2 is NO, then the family is not eligible for the Emergency Assistance.

If the answers to questions are YES, the family passes the first test for eligibility. Answering YES to these questions indicates that an emergency exists, that the child has lived with a relative at some time during the past six months, and the family's or the child's income meets the income test.

If the family passes the first test, a determination must be made to determine whether a family has had a prior Emergency Assistance authorization within the past 12 months which is the final eligibility test. FACTS will automatically make this determination.

There are three situations relative to EA authorizations within the prior 12 months. These are discussed below.

A. No Current or Prior Authorization:

If FACTS does not have any match for the child, head of household, or spouse that is listed on the application, then this is the first Emergency Assistance authorization for this family within the prior 12 months. The family shall be certified for EA following usual procedures.

B. Current Authorization:

If FACTS does have a match for the child, head of household or spouse that is listed on the application and this current application has an Authorization Effective Date that is still within 12 months of the original (first) authorization effective date, the family is still eligible under the original authorization time period.

C. Continuous Authorization:

If a family has had a prior Emergency Assistance Authorization period during the past 12 months, and a new emergency arises that is beyond the 12 months of original EA eligibility, the family may be EA eligible under the new emergency. The worker must document that the family is experiencing a new emergency. If this situation exists, the application under consideration should be considered as a new application. The worker should complete a new application in FACTS. The family is eligible for a new authorization period beginning with the new authorization effective date and going forward 12 months.