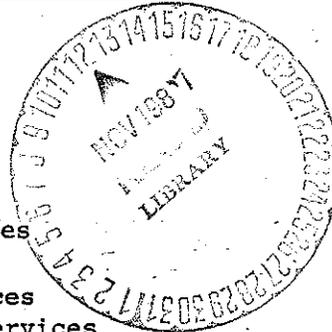


# ADMINISTRATIVE DIRECTIVE

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES  
40 North Pearl Street  
Albany, New York 12243  
Cesar A. Perales, Commissioner



TRANSMITTAL NO:

87 ADM-42

DATE:

November 9, 1987

DIVISION:

Family and Children Services

TO:

Family and Children Services  
Commissioners of Social Services

SUBJECT:

Provision of Family and Children Services  
to Homeless Families Placed Outside their  
County of Origin - District of Responsibility

SUGGESTED  
DISTRIBUTION:

Directors of Services  
Child Welfare Supervisors  
Income Maintenance Supervisors  
Staff Development Coordinators

CONTACT PERSON:

Any questions regarding this release should be directed  
to the appropriate Family and Children Services regional  
office:

Karen Schinke, Director, Buffalo Regional Office, 1-716-847-3145;  
Frank Petrus, Director, Rochester Regional Office, 1-716-238-8200;  
John O'Connor, Director, Eastern Regional Office, 1-518-473-1095;  
Fred Cantlo, Director, Metropolitan Regional Office, 1-212-488-3485.  
Jack Klump, Director, Syracuse Regional Office, 1-315-428-4301

### FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Department Regs.	Social Services Law and Other Legal References	Manual References	Miscellaneous Reference
		18 NYCRR 311 352 404 423 428 430 431 432	SSL 62 395		
				BLDG. NY	

DSS-296 (Rev. 6/87)

## I. Purpose

The purpose of this directive is to advise local social services districts of their responsibilities to ensure necessary services are provided to homeless families that the district temporarily relocates in another district. This directive specifies the responsibilities of the district of origin and the district of temporary residence.

## II. Background

The need to issue this policy directive arose when it became necessary for some local districts to place homeless families in temporary quarters (hotels, motels or shelters) outside the local district, due to the unavailability of temporary shelter within the district. While that practice may be unavoidable and hence not feasible to prohibit, it does generate confusion about the respective responsibilities of the two local districts to provide family and children's services to the families, should the need for such services arise during the period of the family's temporary relocation.

The obligation on the part of the sending local district (also referred to as the district of origin) to provide public assistance as defined under Section 2 of Social Services Law subsection 18 to a family that the local district has temporarily relocated outside its boundaries is clear. Section 62 of the Social Services Law sets forth the responsibilities of local districts for public assistance recipients in a variety of situations. Generally, the local district in which a person maintains legal residence is responsible for that person's public assistance. A temporary relocation, absent any affirmative act or intent on the part of the person to change residence, does not constitute a change of residence. Hence, the local district that places a family or assists a family in locating temporary shelter in another district continues to be responsible for that family's public assistance for the duration of the temporary relocation.

With regard to the provision of family and children's services, Social Services Law, in Section 395, requires a local district to be responsible for the welfare of children who are "residing or found in its territory", yet it does not go on to define the terms "residing" or "found in". The nature of family and children's services requires a capacity on the part of local districts to respond to emergency situations and to promptly investigate child protective reports. It is therefore necessary for the local district in which a family is physically located (whether it be a temporary relocation, a visit or a permanent residence) to have primary responsibility for the investigation of reports of suspected child abuse and maltreatment and for the response to emergency requests for foster care placement or preventive services.

Non-emergency requests for services as well as on-going services should be handled by the district of origin (the district which placed the family in or referred the family to the temporary shelter) regardless of the length of time of the temporary relocation.

III. Program Implications

A. The policy determination expressed in this ADM will have a dual impact.

1. The method of determining the district of responsibility will be made more understandable.
2. The services rendered to clients will be continued without interruption.

B. Determination of District of Responsibility: The following definitions have been established.

1. District of Origin

The district of origin is the district in which the family last had a permanent residence. This ADM applies only to situations in which the district of origin has had a role in the family's relocation to the temporary shelter, hotel or motel. Examples of such a role include: arranging the relocation, or giving the family the name and address of the shelter, hotel or motel, or advising the family to contact the shelter, hotel or motel for the purpose of finding a temporary residence. In such instances the district of origin is responsible for providing public assistance towards the costs of the temporary shelter.

Situations in which a family relocates on its own to another district are not the subject of this ADM, as such situations are covered in existing regulation, including standards governing application for services (18 NYCRR 404.1(6)(ii)) and are subject to existing procedures relative to the transfer of cases from the former district to the new district of residence.

2. District of Temporary Residence

This is the district in which the temporary shelter, hotel or motel in which the family is staying is located.

IV. Fiscal Implications

A. District of Origin

By continuing to be responsible for case management and the provision of services, other than emergency needs and child protective investigations, the district of origin will bear the bulk of costs incurred in serving these homeless families.

B. District of Temporary Residence

Because there are no provisions in Social Services Law to allow the chargeback of costs, the district of temporary residence will bear the costs of any emergency intervention and child protective investigation involving these homeless families.

V. Required Action

Attempts to limit the amount of disruption to be faced by a homeless family that must be temporarily relocated outside the district of origin require information sharing and cooperation between the involved districts. It is incumbent on the district of origin to inform the district in which the family is temporarily relocated about the family's relocation, to continue to assist the family's search for permanent housing and to fulfill the role of case manager and provider of on-going services. In instances in which an emergency need for foster care or preventive services arises or a child protective report is received, it is incumbent on the district of temporary residence to respond to the emergency, and then to inform the district of origin of the actions taken.

A. District of Origin

When a family is placed in or referred by a district to a hotel, motel or other temporary shelter located in another social services district, the referring district, considered the district of origin, must take the following steps to ensure that family members receive any services for which they are eligible:

(1) assess the need for providing or continuing the provision of services that were planned or being provided prior to the relocation and provide directly, or through contract with an authorized agency, such services in accordance with the plan for services established in the case record; if the family is in receipt of child protective services, foster care for children or preventive services for children, the assessment and plan for services must be documented in the uniform case record in accordance with Department regulation Part 428 of 18 NYCRR 428;

(2) assume or retain case management responsibilities for the case;

(3) notify by telephone, as soon as practicable and in no event later than 3 business days after the relocation, the district in which the temporary residence is located of the family's relocation and the anticipated duration of their stay; follow such notice with written notice within 10 days. Such written notice must include a summary of the family's service needs and services being provided by the district of origin;

(4) continue to work with the family in an effort to locate permanent housing within the district of origin.

B. District of Temporary Residence

The district of temporary residence must provide any services needed by the family on an emergency basis for which the family is determined to be eligible and must conduct the investigation of any report of suspected child abuse or maltreatment concerning such family made during the family's stay in the district of temporary residence. As soon as possible, after the emergency needs of the family have been met, the district of temporary residence must notify the district of origin of the nature of the emergency, the location and status of all the family members and of any new or changed service needs which the family may have. It will be the responsibility of the district of origin to provide case management and any needed on-going services to the family, to establish and maintain case recording and reporting requirements pursuant to Department regulations.

VI. Systems Implications

This policy determination requires no new systems procedures or processing.

VII. Effective Date

This directive will be effective on December 1, 1987.

  
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Joseph Semidei  
Deputy Commissioner  
Division of Family and  
Children's Services

