



Telephone:
(916) 445-0255

Thomas W. Hayes
Auditor General

STATE OF CALIFORNIA
Office of the Auditor General
660 J STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

May 11, 1982

Letter Report 225

Honorable Walter M. Ingalls
Chairman, and Members of the
Joint Legislative Audit Committee
925 L Street, Suite 750
Sacramento, California 95814

Dear Mr. Chairman and Members:

In response to a request of the Joint Legislative Audit Committee, we have reviewed the efforts of the Department of Social Services (department) to seek federal funding for an emergency assistance program for the families of unemployed parents and for children who are in immediate danger of neglect, abuse, or exploitation. Currently, the State is not receiving any of the 50 percent federal funding that is available to all states for this purpose because the federal government has not approved the department's amendments to the state plan for Aid to Families with Dependent Children (AFDC). Department officials estimated in 1981 that approximately \$10.3 million of state money would have been saved in fiscal year 1981-82 by implementing an emergency assistance program for needy families with children. Our review was conducted under the authority vested in the Auditor General by Sections 10527 through 10528 of the Government Code.

This letter describes the department's efforts to obtain federal approval of the amendment to the State's AFDC plan that is necessary for federal financial participation. It also describes the Federal Department of Health and Human Services' objections to the department's first amendment proposal and provides a chronology highlighting the State's attempts to establish an emergency assistance program. Finally, in Appendix D, we provide statistical data on other states that receive federal funding for their emergency assistance programs. To gather this information, we met with state and federal officials, obtained relevant documentation, and reviewed state and federal laws.

Honorable Walter M. Ingalls
Chairman, and Members of the
Joint Legislative Audit Committee
May 11, 1982
Page 2

BACKGROUND

The Social Security Amendments of 1967 allow states the option of establishing emergency assistance as a component of the Title IV AFDC program. The purpose of this component is to provide temporary emergency assistance to needy families with children. In contrast to the basic AFDC program, which is a comprehensive system of income maintenance, the emergency assistance component is designed to allow rapid responses to immediate needs. Emergency situations that require such assistance can range from natural disasters to the hospitalization or incarceration of a needy child's parent or caretaker.

In order to secure federal financial participation in emergency assistance payments, a state must develop an emergency assistance plan as an amendment to its existing AFDC state plan to include these services. This amendment, which requires approval by the Federal Department of Health and Human Services, must specify eligibility requirements, indicate whether migrant workers and their families will be included in the program, state what emergency needs will be met, and identify the services to be provided. The plan must also ensure that the state will provide emergency assistance without undue delay. If a state's plan meets these conditions, the state can receive 50 percent federal funding for emergency assistance provided to or on behalf of any needy child under the age of 21 and, under specified conditions, any household member with whom the child is living. Federal regulations allow for only one 30-day period of emergency assistance funding in any 12-month period.

Currently, emergency assistance is provided in California through various programs with differing levels of state, local, and federal financial participation. Examples of these programs are the Emergency Response Program, the Family Reunification Program, and the State's AFDC-Unemployed Parent program.

Honorable Walter M. Ingalls
Chairman, and Members of the
Joint Legislative Audit Committee
May 11, 1982
Page 3

STUDY RESULTS

Since 1979, the Legislature has enacted three statutes for the purpose of obtaining federal funding for an emergency assistance program in California. Although the Department of Social Services has submitted amendments to its AFDC state plan, federal approval has not been obtained and, as of the end of April 1982, it had not implemented such a program. Although they have expressed concerns over implementing such a program, department officials estimated in 1981 that the State would save approximately \$10.3 million annually by implementing an emergency assistance program as proposed in the department's initial amendment.

Legislative Mandates and the Department's Activities

In 1979, the Legislature enacted Chapter 1170, Statutes of 1979, which requires maximizing federal financial participation in the funding of emergency assistance for needy families when the parents are unemployed. Federal funding was to be provided according to Section 406(e) of Title IV-A of the Social Security Act.

In 1980, legislation was passed (Chapter 1193, Statutes of 1980) requiring the department to implement by July 1, 1981, an emergency assistance program for needy families with dependent children as defined by Section 406(e)(1) of the Social Security Act. Such a program would provide emergency out-of-home care for these children. The legislation also required the department to submit by April 1, 1981, a report on implementing the program to the appropriate legislative committees.

Then, in 1981, the 1980 statute was amended by Chapter 69, Statutes of 1981. This legislation provides that an emergency assistance program may be funded under a federal block grant as temporary assistance or low income emergency assistance instead of under Title IV-A of the Social Security Act.

Honorable Walter M. Ingalls
Chairman, and Members of the
Joint Legislative Audit Committee
May 11, 1982
Page 4

In response to these three statutes, the department on June 12, 1981, submitted two amendments to the state plan to the Federal Department of Health and Human Services' Region IX office in San Francisco. (These two amendments to the state plan are presented in Appendix A.) Before submitting these amendments, the department engaged in several planning activities, including legal reviews, fiscal analyses, and feasibility studies. As part of its planning function, the department consulted with county welfare departments and sought information on emergency assistance programs from other states.

On August 10, 1981, the Department of Health and Human Services' regional office informed the department that its proposed amendments to the state plan could not be approved as submitted. Federal regulations allow federal regional offices 90 days in which to provide written approval of a state plan or an amendment to a state plan. The department subsequently granted two successive 90-day extensions to the regional office so that it could identify in detail all of the federal objections to the State's amendments.

On February 19, 1982, following these two 90-day extensions, the Region IX office presented to the department its conditions for approving the proposed amendments to the state plan. (The federal response to the department's amendments to the state plan are provided as Appendix B.) Regional office officials asked the department to take the following steps to make the amendments acceptable:

- Clarify the unemployment conditions that would constitute an emergency;
- Include the basic criteria for determining eligibility and the amount of emergency assistance;
- Combine into one amendment the amendments for emergency assistance for the State's unemployed population and for children who are in immediate danger of neglect, abuse, or exploitation; and
- Correct an inconsistency in the use of terms in the state amendments.

Honorable Walter M. Ingalls
Chairman, and Members of the
Joint Legislative Audit Committee
May 11, 1982
Page 5

Federal officials have expressed an additional concern about the State's plan to provide emergency assistance to abused, neglected, or exploited children. These officials maintain that the purpose of federally funded emergency assistance is to provide services that were not previously provided. They further claim that California has provided such assistance in the past through a mix of local, state, and federally-funded programs. The officials state that this could result in federal disapproval of the State's amendment proposals.

On March 8, 1982, department officials asked the federal regional office to grant them a 90-day extension to enable department staff to review the federal objections to the amendment to the state plan. On April 28, 1982, the department completed a revised amendment. This amendment and its cover letter are included in Appendix E.

Appendix C presents a chronology that highlights the State's efforts to implement an emergency assistance program.

Departmental Concerns and Fiscal Effect of Implementing an Emergency Assistance Program

In its report to the Legislature, officials from the Department of Social Services indicated that several issues have led to delays in implementing an emergency assistance program for needy families with children. They said that because the Social Security Act mandates such broad eligibility requirements for the program, the department could lose control over the program's scope, and it would therefore not be economically feasible to implement the program. Although the U.S. Supreme Court ruled (*Quern vs. Mandley*, 1978) that states could limit the scope of their emergency assistance programs, department officials remain concerned that the enabling legislation was not specific about recipient eligibility. The officials believe that this lack of specificity could lead to increased General Fund obligations for the program.

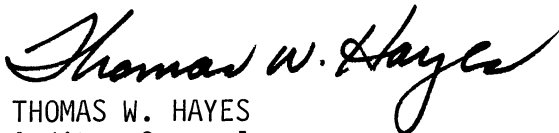
Furthermore, department officials indicated that problems arise because the current federal administration is in favor of providing block grants to finance programs for human services. According to the block grant funding process, the federal government makes allotments to individual states based on a

Honorable Walter M. Ingalls
Chairman, and Members of the
Joint Legislative Audit Committee
May 11, 1982
Page 6

percentage of the total expenditures for human services programs in a base period. These allotted federal funds may subsequently be used for any human service activity that the states deem necessary. Department officials believe that the financial advantages of an emergency assistance program would be diminished or nonexistent if Congress enacts a block grant system with a base period prior to 1983. Because there was no federally funded emergency assistance program in past years, any calculations based on expenditures for human services would not include the additional funds necessary for emergency assistance programs.

The department estimated in 1981 that the State would save approximately \$10.3 million annually by using Title IV-A funding for an emergency assistance program. The department estimated that, of this amount, approximately \$5.6 million would come from the AFDC component for foster care and approximately \$4.7 million would come from the AFDC component for unemployed parents. The department also estimated that the counties' program costs would increase by \$214,300 for the foster care component and decrease by \$569,000 for the AFDC unemployed parents component. Department officials stated, however, that these estimates will change as amendments are modified to meet federal requirements.

Respectfully submitted,



THOMAS W. HAYES
Auditor General

Staff: Robert E. Christophel, Audit Manager
Samuel D. Cochran
Mark A. Lowder
Gary Colbert
Janet L. McDaniel

Attachments: Response to the Auditor General's Report
Department of Social Services
Appendices

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 7, 1982

- Mr. Thomas W. Hayes
Auditor General
660 J Street, Suite 300
Sacramento, CA 95814

Dear Mr. Hayes:

AUDITOR GENERAL'S DRAFT REPORT ENTITLED "DEPARTMENT OF SOCIAL SERVICES:
EMERGENCY ASSISTANCE PROGRAM"

We have reviewed your "Department of Social Services: Emergency Assistance Program" draft letter report and find it properly reflects efforts made by the Department of Social Services to obtain federal funding for an Emergency Assistance Program for families of unemployed parents and for children who are in immediate danger of abuse, neglect or exploitation. We believe the following minor technical changes should be made in order to improve the overall clarity and accuracy of the report:

1. Page 2, paragraph 3: First sentence should be revised to reflect that local funds are also presently used to fund emergency assistance services and benefits.
2. Page 3, paragraph 1: Second sentence should be amended to read; "Although the Department of Social Services has submitted amendments to its AFDC state plan, federal approval has not been obtained and, as of the end of April 1982, the department has not implemented such a program."
3. Page 3, paragraph 4: The statement made in this paragraph is inaccurate. Chapter 69, Statutes of 1981 mandated that the department implement an Emergency Assistance Program provided federal funds are available. The statute did not "allow emergency assistance for needy children to be funded as temporary emergency assistance if federal block grants were used as a method of funding" as you suggest.
4. Page 5, paragraph 2 and Appendix C-3: Change April 29, 1982 to April 28, 1982.
5. Page 5, paragraph 4, line 6: Change "would" to "could".
6. Page 6, first paragraph: Change "...a base period of either 1979-80 or 1980-81" to "...a base period prior to 1983." We also suggest that the next sentence be changed to read "Because there has not been a federally funded emergency assistance program in past years, . . .etc."

If you have any questions about these comments or we can be of further assistance to you, please call Gale Wright of my staff at 323-1263.

Sincerely,

A handwritten signature in cursive script that reads "Marion J. Woods".

MARION J. WOODS
Director

Auditor General Comment: Changes were made to reflect the above comments. While we could not comply with the department's suggested wording in Comment 3, we did change the text to avoid misinterpretation.

DEPARTMENT OF SOCIAL SERVICES'
AMENDMENTS TO THE STATE PLAN
FOR EMERGENCY SERVICES TO NEEDY FAMILIES
WITH DEPENDENT CHILDREN

This attachment contains the two amendments submitted by the Department of Social Services to the Federal Department of Health Services. The section concerning the families of unemployed parents is on pages A-2 through A-4. The section pertaining to abused, neglected, or exploited children begins on page A-5.

IV-A

STATE OF California

Regulation

SECTION 3 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR
233.120

Emergency assistance to needy families with children under the age of 21 is provided in accordance with 45 CFR 233.120.

No.

(b)

Yes, as specified below.

A. Emergency assistance is provided forthwith to the family of a child who --

(i)

1. is currently living with one of the relatives specified in Sec. 406(a)(1) of the Social Security Act as interpreted in 45 CFR 233.90(c)(1)(v), or has lived with such relative within six months prior to application;

(ii)

2. is without resources immediately accessible to meet his needs;

(iii)

3. needs emergency assistance to avoid destitution or to provide living arrangements for him in a home, and

(iv)

4. whose destitution or need for living arrangements did not arise because he or the relative with whom he is or was living refused without good cause to accept employment or training for employment.

(a)(2)

B. Families of migrant workers are covered:

No.

Yes, on a Statewide basis.

Yes, but only in the following areas of the State:

(continued)

IV-A

STATE OF California

Regulation

233.120

C. Other eligibility requirements are in effect.

No.

Yes, as specified below:

1. The family is destitute due to the unemployment of a parent who is living in the home.
2. The family's income and resources are within the limits specified in section 2.3C of this plan.

(a)(1)
& (3)

D. The kinds of emergency situations which are covered by this program and the kinds of assistance and services provided to meet the emergency needs or crisis situations are detailed in Attachment 3-A.

(b)(3)

E. Procedures are maintained to assure that Federal financial participation under this plan is claimed for assistance authorized during only one period of no more than 30 consecutive days within any 12 consecutive months, including payments to meet needs which arose before or extend beyond the 30-day period.

(b)(3)

F. There is a reasonable method of determining the value of goods in kind or services provided for emergency assistance.

The method is specified in the State's manual and operating materials submitted to the Regional Office.

Approval Date _____ Effective Date _____

State of _____

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR 233.120

A. Kinds of emergencies covered.

Emergency Assistance is provided to families in which both parents are unemployed, neither of the unemployed parents has been unemployed 30 days and/or has not established a prior connection with the labor force as defined under section 2.4 of this plan.

B. Kinds of assistance provided to meet emergency needs.

Emergency Assistance is provided in the form of cash in accordance with the "Statewide Standard of Assistance" referred to in section 2.3A of this plan.

C. Kinds of service provided to meet the emergency needs or crisis situations.

1. Eligibility and grant determinations are provided on an expedited basis to assure that emergency assistance payments are delivered to eligible applicants within 15 days of the date of application. Medi-Cal eligibility is authorized concurrently with the delivery of the emergency assistance cash payment.
2. Food stamp eligibility determinations are provided concurrently with the above determinations.

Approval Date _____ Effective Date _____

Regulation

233.120

C. Other eligibility requirements are in effect.

No.

Yes, as specified below:

- 1. Emergency Assistance services and payments for emergency in-home caretakers, respite care, transportation and parent education shall be provided without regard to income or resources.
- 2. Out-of-home care payments for children shall be made in accordance with AFDC-FC income and resources eligibility standards.

(a)(1)
& (3)

D. The kinds of emergency situations which are covered by this program and the kinds of assistance and services provided to meet the emergency needs or crisis situations are detailed in Attachment 3-A.

(b)(3)

E. Procedures are maintained to assure that Federal financial participation under this plan is claimed for assistance authorized during only one period of no more than 30 consecutive days within any 12 consecutive months, including payments to meet needs which arose before or extend beyond the 30-day period.

(b)(3)

F. There is a reasonable method of determining the value of goods in kind or services provided for emergency assistance.

The method is specified in the State's manual and operating materials submitted to the Regional Office.

State of California

Page 1 of 3

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR 233.120

A. Kinds of emergencies covered.

Emergency Assistance is provided when a child is being abused, neglected or exploited or when a child is in immediate danger of being abused, neglected or exploited. Emergency Assistance benefits are aimed at providing immediate response in emergency situations in order to: a) maintain the child in a safe home environment or; b) provide short-term out-of-home care for children who cannot remain in their own homes.

State of California

Page 2 of 3

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR 233.120

B. Kinds of assistance provided to meet emergency needs.

1. **Emergency In-Home Caretaker:** Caretaker provided in the home when the parent/relative is incapacitated, absent or otherwise unable to provide proper care for the child.
2. **Emergency Out-of-Home Care:** A safe shelter provided for a short term for a child who cannot remain in a hazardous home situation. Such shelter would satisfactorily relieve and reduce circumstances threatening the mental and/or physical health of the child.
3. **Respite Care:** Services or payments (e.g., day care) which are preplanned and arranged as agreed upon by the parent and social worker as part of a service plan for specific situations where the parent is ill and unable to provide proper care or where the parent requires time away from the child to: a) fulfill obligations required by the service plan agreement; or; b) prevent abusing or neglecting the child as a reaction to parental responsibility and stress.
4. **Transportation:** Funds provided to convey a recipient from one place to another when no other means is available and mobility is necessary to support a specific service plan.
5. **Parent Education:** Payment for parenting, personal care, child rearing, nutrition, and money management education and training through group meetings, classes or other training programs when necessary to satisfactorily relieve and reduce circumstances threatening the mental and/or physical health of the child where not provided at no cost to the parent/family.

Approval Date _____ Effective Date _____
A-8

State of California

Page 3 of 3

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR 233.120

C. Kinds of service provided to meet the emergency needs or crisis situations.

1. Social Work Services: Case management and counseling activities which assure the appropriate assessment of recipient need and provision of services.
2. Information and Referral: Activities provided by social service staff which enable persons to receive accurate and current knowledge about available public and private resources established to help alleviate socioeconomic and health problems and provide short-term help to enable persons to identify and gain access to resources appropriate to their needs.
3. Transportation: Transporting recipient(s) from one place to another when no other means is available and mobility is necessary to support a specific service plan.
4. Parent Education: Provide parenting, personal care, child rearing, nutrition, and money management education and training through group meetings, classes or other training programs when necessary to satisfactorily relieve and reduce circumstances threatening the mental and/or physical health of the child.

FEDERAL RESPONSE
TO THE DEPARTMENT OF SOCIAL SERVICES'
AMENDMENTS TO THE STATE PLAN

Marion J. Woods, Director
Department of Social Services
744 P Street
Sacramento, California 95814

Dear Mr. Woods:

As I informed you on August 10, 1981, California's IV-A State Plan Transmittal 81-4 is not approvable as submitted. The following changes are needed to make this Transmittal approvable:

1. Clarify the unemployment conditions that would constitute an emergency. Furthermore, Federal regulations at 45 CFR 233.120(a)(4) require the State to specify which services will be provided that meet the needs attributable to the emergency situations. Therefore, the kinds of assistance and services that will be provided to meet needs under the specified conditions must be identified in the preprint.
2. The "abused, neglected, or exploited children" component of the proposed Emergency Assistance program states that assistance shall be provided without regard to income or resources. This is not approvable. Basic criteria required by 45 CFR 233.120 must be applied in determining eligibility and the amount of assistance, including a determination that children are without resources immediately accessible to meet their needs [45 CFR 233.120(b)(1)(ii)].
3. Rather than separate the two Emergency Assistance program components (unemployment of parents, and abused, neglected, or exploited children), they should be combined under Section 3 and Attachment 3-A.
4. Section 3.C.1 of the preprint states that Emergency Assistance is to be provided "due to the unemployment of a parent." However, Attachment 3-A states that Emergency Assistance is to be provided "to families in which both parents are unemployed." This discrepancy needs to be corrected. Any eligibility requirement contained under item A on preprint page 1 of Attachment 3-A should be included under and consistent with item C on page 2 of Section 3 of the preprint.

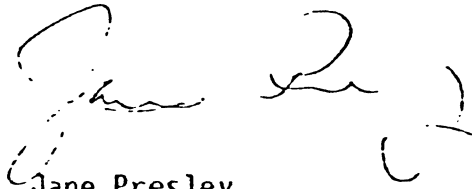
Under the kinds of assistance and services that the State plans to provide to meet the emergency needs of the "abused, neglected or exploited children component", we note that such assistance and services have traditionally been provided through other State agencies such as child welfare, foster care and the child abuse and neglect program, whose staffs are skilled and trained to handle these difficult situations. The Emergency Assistance program is designed as a temporary measure to meet an immediate need that would otherwise be met.

Page 2

I hope these comments will be helpful to your staff in the preparation of a revised State Plan Transmittal. Currently, a decision by this office is required by March 8, 1982. To avoid the need for further extension beyond this date, I suggest withdrawing Transmittal 81-4 and submitting a new State Plan Transmittal addressing the concerns raised in this letter.

If further information is needed, please contact Jack Harris, Assistant Regional Commissioner for Family Assistance, at (415) 556-1642.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Presley".

Jane Presley
Regional Commissioner

cc: Stephen Larsen
David Clements

CHRONOLOGY HIGHLIGHTING THE STATE'S
EFFORTS TO IMPLEMENT AN
EMERGENCY ASSISTANCE PROGRAM

<u>Date</u>	<u>Action</u>
April 1979	The Department of Social Services (DSS) began analyzing Assembly Bill 381, which would use available funds to provide emergency assistance to needy families with unemployed parents.
September 30, 1979	Assembly Bill 381 was enacted into state law as Chapter 1170, Statutes of 1979.
March 1980	The DSS began analyzing Assembly Bill 2980, which would provide emergency assistance with available federal funds to needy children. AB 2980 also required a report to the Legislature by April 1981 on the DSS' implementation of an emergency assistance program.
September 29, 1980	Assembly Bill 2980 was enacted into state law as Chapter 1193, Statutes of 1980.
November 24, 1980	The DSS completed draft regulations for Chapter 1170, Statutes of 1979.
January 30, 1981	The DSS submitted for review draft regulations for Chapter 1170, Statutes of 1979, to the Federal Department of Health and Human Services' Region IX office.
June 12, 1981	The DSS submitted state plan amendments to the Region IX office.

<u>Date</u>	<u>Action</u>
June 17, 1981	Senate Bill 633 was enacted as Chapter 69, Statutes of 1981. This bill directed the DSS to use available federal funds to implement an emergency assistance program for needy children by July 1, 1981. The bill reiterated the requirements for a report to the Legislature by April 1, 1981. The DSS submitted to the Legislature its report on the implementation of an emergency assistance program.
August 10, 1981	The Region IX office informed the DSS that the state plan amendments could not be approved as submitted.
August 1981	The DSS asked for clarification of the federal officials' position.
September 8, 1981	The Region IX office asked the DSS for a 90-day extension to determine and explain all of the federal objections.
September 28, 1981	The DSS granted the 90-day extension.
December 7, 1981	The Region IX office asked the DSS for another 90-day extension to allow staff in Washington, D.C., more time to review the amendment.
December 31, 1981	The DSS granted the second 90-day extension.
February 19, 1982	The Region IX office specified the changes needed in the amendment to the state plan.

<u>Date</u>	<u>Action</u>
March 8, 1982	The DSS requested a 90-day extension to allow a full review of the federal objections.
March 12, 1982	The Region IX office granted the 90-day extension.
April 23, 1982	The DSS was in the process of responding to the federal objections.
April 28, 1982	The DSS completed a revised amendment to the state plan.

FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES'
STATISTICS ON EMERGENCY ASSISTANCE
PROGRAMS IN OTHER STATES

The information contained in this appendix was taken from the U.S. Department of Health and Human Services' publication entitled, Characteristics of State Plans for Aid to Families with Dependent Children, 1981 edition.

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH DEPENDENT CHILDREN

Federal requirement: This amendment to Title IV-A makes Federal financial participation available in aid to families where both parents are present and able-bodied or employed but a child is threatened by destitution or homelessness because of an emergency situation. It may also be used to meet emergency needs of families that are eligible for or receiving AFDC. The program is optional, and its broad legislative base makes possible many variations as each State defines the scope of its program.

The State plan must specify the eligibility conditions in addition to those in the Federal act; the emergency needs that will be met; what services will be provided; provision that emergency assistance will be given forthwith; if migrant workers with families will be included, whether emergency assistance will be available to them Statewide or for what part(s) of the State. (FFP is available only for assistance authorized during one period of 30 consecutive days in any 12 consecutive months.

I. Eligibility Conditions

A. States with plans for emergency assistance 28 States

Arkansas	Maryland	New Jersey	Vermont
Connecticut	Massachusetts	New York	Virgin Islands
Delaware	Michigan	Ohio	Virginia
D.C.	Minnesota	Oklahoma	Washington
Illinois	Missouri	Oregon	West Virginia
Kansas	Montana	Pennsylvania	Wisconsin
Kentucky	Nebraska	Puerto Rico	Wyoming

1. Include migrant workers with families 23 States

Delaware ¹	Michigan	Ohio	Virgin Islands
D.C.	Minnesota	Oklahoma	Washington ²
Kansas	Montana	Oregon	West Virginia
Kentucky	Nebraska	Pennsylvania	Wisconsin
Maryland	New Jersey	Puerto Rico	Wyoming
Massachusetts	New York	Vermont	

¹Limited to children and family members who are AFDC money payment recipients (including migrant families who are eligible as AFDC recipients).
²Age of children limited to 18 years as in the AFDC program.

2. Do not include migrant workers with families 5 States

Arkansas	Illinois	Missouri	Virginia
Connecticut			

B. Program not in effect 26 States

Alabama	Guam	Mississippi	Rhode Island ¹
Alaska ¹	Hawaii	Nevada	South Carolina
Arizona ¹	Idaho	New Hampshire	South Dakota ¹
California	Indiana	New Mexico ¹	Tennessee
Colorado	Iowa	North Carolina	Texas
Florida	Louisiana	North Dakota	Utah ¹
Georgia	Maine		

¹Program terminated. ALASKA, effective 1/2/75; ARIZONA, effective 9/28/70; ILLINOIS, effective 11/21/75; NEW MEXICO, effective 7/1/70; RHODE ISLAND, effective 10/1/73 (State Plan withdrawn 12/15/80); SOUTH DAKOTA, effective 12/29/76; UTAH, effective 8/1/77.

II. Emergencies Covered

A. Causes specified

1. Natural disasters (e.g., floods, fires, storms) 16 States
- | | | | |
|----------|-----------------------|------------|------------|
| Arkansas | Massachusetts | New Jersey | Virginia |
| Kansas | Michigan ¹ | New York | Washington |
| Kentucky | Missouri | Ohio | Wisconsin |
| Maryland | Montana | Oklahoma | Wyoming |

¹Also chemical disaster.

2. Unspecified crisis threatening family or living arrangements 13 States
- | | | | |
|---------------|----------|--------------|----------------|
| Delaware | Missouri | Oregon | Vermont |
| D.C. | Nebraska | Puerto Rico | Virgin Islands |
| Massachusetts | New York | Pennsylvania | West Virginia |
| Minnesota | | | |

3. Death 5 States
- | | | | |
|---------------|---------|----------|---------|
| Arkansas | Montana | Oklahoma | Wyoming |
| Massachusetts | | | |

4. Civil Disorders 5 States
- | | | | |
|----------|----------|------|------------|
| Kansas | Michigan | Ohio | Washington |
| Maryland | | | |

5. Eviction or potential eviction 8 States
- | | | | |
|----------|----------|---------------|--------------|
| Arkansas | Kansas | Massachusetts | Oregon |
| Illinois | Maryland | Michigan | Pennsylvania |

6. Illness 7 States
- | | | | |
|----------|----------|----------|--------------|
| Arkansas | Michigan | Nebraska | Pennsylvania |
| Kentucky | Montana | Oklahoma | |

7. Failure to pay delinquent utility bills or emergency need 6 States
- | | | | |
|-------------|----------|--------|----------|
| Arkansas | Kansas | Oregon | Virginia |
| Connecticut | Michigan | | |

8. Homelessness 13 States
- | | | | |
|----------|-----------|--------------|----------------|
| Arkansas | Maryland | New Jersey | Vermont |
| D.C. | Michigan | Pennsylvania | Virginia |
| Illinois | Minnesota | Puerto Rico | Virgin Islands |
| Kentucky | | | |

9. Loss of employment 4 States
- | | | | |
|-----------|----------|-----------------------|---------|
| Minnesota | Oklahoma | Virginia ¹ | Wyoming |
|-----------|----------|-----------------------|---------|

¹Due to energy shortage or severe weather conditions (12/1/77 through 3/31/80).

10. Accident 2 States
- | | |
|----------|--------------|
| Arkansas | Pennsylvania |
|----------|--------------|

11. Mass care and assistance situations 2 States
- | | |
|---------------|----------|
| Massachusetts | New York |
|---------------|----------|

12. Wage garnishment 2 States
- | | |
|------|----------|
| Ohio | Oklahoma |
|------|----------|

II. Emergencies Covered (Continued)

B. Other causes specified by a single State		15 States
Arkansas	peacetime radiological incident.	
Illinois	malfunctioning of major appliances, medical need for telephone, transportation, lodging and meals away from home.	
Kansas	energy-conserving repairs.	
Kentucky	imprisonment.	
Maryland	theft of possessions or money; complete breakdown of essential appliances and furnishings for those receiving public assistance.	
Michigan	need for or mechanical failure of appliance; health hazard; need for removal of child from home to prevent harm.	
Missouri	any unexpected natural or human occurrence or circumstance causing need to prevent suffering.	
Montana	injury beyond family's control.	
New York	serious injury to persons or damage to property.	
Ohio	victims of crimes of violence. For applicants, any non-deferable need such as clothing or medical care.	
Oklahoma	foreclosure which would deplete the family's capital resources from which essential income is derived.	
Oregon	situation which threatens a child with destitution or loss of shelter; one time special need items if necessary to prevent destitution or provide living arrangements.	
Washington	child in emergent need.	
West Virginia	short-term financial emergency that cannot be met with regular categorical assistance for families and children faced with crisis needs.	
Wyoming	divorce; temporary incapacity or other factors which prevent family from remaining self-sufficient; desertion.	

III. Methods of Payment—Total 28 States

A. Money payments and vendor payments **20 States**

Arkansas	Massachusetts	New Jersey	Vermont
D.C.	Michigan ²	New York ²	Virginia
Kansas	Minnesota	Ohio	Virgin Islands
Kentucky	Montana ²	Oregon	Washington
Maryland ¹	Nebraska	Pennsylvania	Wyoming

¹\$250 maximum within 30-day period within any 12-month period; some payment in kind. \$130 for fuel.
²Payment in kind in certain instances. In MONTANA, also protective payments.

B. Other methods of payment and/or money or vendor payments **7 States**

Connecticut	vendor payment.
Delaware	vendor payment.
Illinois	vendor payment.
Missouri	vendor payment.
Oklahoma	warrant issued to the responsible person by the State office.
Puerto Rico	cash payment and/or provision of goods in kind.
West Virginia	money payments; payments in kind; loan or vendor payments; medical or remedial care.

C. Method not specified **1 State**

Wisconsin

THE DEPARTMENT OF SOCIAL SERVICES'
REVISED AMENDMENTS TO
THE STATE PLAN

744 P Street, Sacramento, CA 95814
(916) 323-1263

APR 28 1982

Ms. Jane Presley
Regional Commissioner
Department of Health and Human Services
100 Van Ness Avenue
San Francisco, CA 94102

Dear Ms. Presley:

We are responding to your February 19, 1982 letter in which you detailed your concerns regarding California's IV-A Emergency Assistance (EA) State Plan Transmittal 81-4. We have reviewed the four points you raised and revised the state plan amendment to address your concerns. The following is a summary of the amendment revisions.

1. The conditions that constitute an emergency have been clarified and the types of services to be provided are specified for the unemployed parent component.
2. The plan now specifies that EA payments and services will be provided only to families and children who do not have resources immediately available to meet their needs.
3. The two Emergency Assistance state plan amendments have been combined into a single amendment covering the unemployed parent component and the abused, neglected or exploited children component.
4. The plan has been revised to clarify that EA is to be provided due to the unemployment of "the principal wage earner."

The February 19th letter also contained a statement that the payments and services provided under California's proposed Emergency Assistance Program are currently provided "through other State agencies" and that the "Emergency Assistance program is designed as a temporary measure to meet an immediate need that would not otherwise be met." Although it is not clear whether you are raising this as a formal concern, we would like to reaffirm our understanding of a policy clarification set forth in the Quern v. Mandley U. S. Supreme Court decision addressing this issue. Specifically, that decision clarified that states have the right to design their own EA Programs and held that the program design is not determined by what may or may not be provided for under another section of a state's plan.

We believe the attached state plan amendment satisfactorily addresses the concerns raised in your February 19th letter and meets all conditions set forth in 45 CFR 233.120. We are requesting immediate EA Program plan approval and will not agree to any additional extensions pending your decision.

Again, I would like to stress the urgency of resolution of this matter. California is anxious to implement an Emergency Assistance Program. Your decision is critical to our immediate management planning and operations activities. If we can be of assistance in expediting this matter, please contact Debra Sherman of my staff at (916) 323-1263.

Sincerely,



MARION J. WOODS
Director

GW:la

bcc: Dir's File 17-11	J. Brown 9-101
Dir's Reading 17-11	B. Campbell 17-14
XXXXXX	D. Clements 9-110
R. E. Reich 17-11	B. Holcomb 9-101
K. McKinsey 17-8	M. Martinez 16-25
D. Boyle XXXX 7-171	PCB 16-30
S. Larsen 16-26	PSE 16-31
D. Sherman 16-29	PCB 16-25
G. Wright 16-29	FC 16-29

IV-A

STATE OF California

Regulation

SECTION 3 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR
233.120

Emergency assistance to needy families with children under the age of 21 is provided in accordance with 45 CFR 233.120.

[] No.

(b)

[X] Yes, as specified below.

A. Emergency assistance is provided forthwith to the family of a child who --

(i)

1. is currently living with one of the relatives specified in Sec. 406(a)(1) of the Social Security Act as interpreted in 45 CFR 233.90(c)(1)(v), or has lived with such relative within six months prior to application;

(ii)

2. is without resources immediately accessible to meet his needs;

(iii)

3. needs emergency assistance to avoid destitution or to provide living arrangements for him in a home, and

(iv)

4. whose destitution or need for living arrangements did not arise because he or the relative with whom he is or was living refused without good cause to accept employment or training for employment.

(a)(2)

B. Families of migrant workers are covered:

[] No.

[X] Yes, on a Statewide basis.

[] Yes, but only in the following areas of the State:

(continued)

Regulation

233.120

C. Other eligibility requirements are in effect.

[] No.

[X] Yes, as specified below:

Unemployed Parent Component:

- 1. The family is destitute due to the unemployment of the principal wage earner who is living in the home.
- 2. The family's income and resources are within the limits specified in Section 2.3C of this plan.

Neglected, abused or exploited children component:

- 1. Payments and services shall be provided to children who are in danger of abuse, neglect or exploitation and to families of such children.
- 2. Payments and services shall be provided to children ~~and families who are without resources immediately accessible to meet their needs.~~

(a)(1)
& (3)

D. The kinds of emergency situations which are covered by this program and the kinds of assistance and services provided to meet the emergency needs or crisis situations are detailed in Attachment 3-A.

(b)(3)

E. Procedures are maintained to assure that Federal financial participation under this plan is claimed for assistance authorized during only one period of no more than 30 consecutive days within any 12 consecutive months, including payments to meet needs which arose before or extend beyond the 30-day period.

(b)(3)

F. There is a reasonable method of determining the value of goods in kind or services provided for emergency assistance.

The method is specified in the State's manual and operating materials submitted to the Regional Office.

Approval Date _____ Effective Date _____

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR 233.120

A. Kinds of emergencies covered.

Unemployed parent component

Emergency Assistance is provided to families in which both parents are in the home and the principal wage earner is unemployed, has not been unemployed for 30 days and/or has not established a prior connection with the labor force as defined under Section 2.4 of this plan.

Abused, neglected or exploited children component

Emergency Assistance is provided when a child is being abused, neglected or exploited or when a child is in immediate danger of being abused, neglected or exploited. Emergency Assistance benefits are aimed at providing immediate response in emergency situations in order to:

- a) maintain the child in a safe home environment or;
- b) provide short-term out-of-home care for children who cannot remain in their homes.

B. Kinds of assistance provided to meet emergency needs.

Unemployed parent component

Emergency Assistance is provided in the form of cash in accordance with the "Statewide Standard of Assistance" referred to in Section 2.3A of this plan.

Abused, neglected or exploited children component

1. Emergency In-Home Caretaker: Caretaker provided in the home when the parent/relative is incapacitated, absent or otherwise unable to provide proper care for the child.
2. Emergency Out-of-Home Care: A safe shelter provided for a short term for a child who cannot remain in a hazardous home situation. Such shelter would satisfactorily relieve and reduce circumstances threatening the mental and/or physical health of the child.

Approval Date _____ Effective Date _____

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR 233.420

3. Respite Care: Services or payments (e.g., day care) which are preplanned and arranged as agreed upon by the parent and social worker as part of a service plan for specific situations where the parent is ill and unable to provide proper care or where the parent requires time away from the child to: a) fulfill obligations required by the service plan agreement or; b) prevent abusing or neglecting the child as a reaction to parental responsibility and stress.
 4. Transportation: Funds provided to convey a recipient from one place to another when no other means is available and mobility is necessary to support a specific service plan.
 5. Parent Education: Payment for parenting, personal care, child rearing, nutrition, and money management education and training through group meetings, classes or other training programs when necessary to satisfactorily relieve and reduce circumstances threatening the mental and/or physical health of the child where not provided at no cost to the parent/family.
- C. Kinds of service provided to meet the emergency needs or crisis situations.
- Unemployed parent component
1. Expedited eligibility and grant determination with emergency assistance payment within 15 days.
 2. Concurrent Medi-Cal and Food Stamp eligibility determination.
 3. Employment services, including work registration, employment appraisal and job search assistance.
 4. The mandated Title XX Social Services and, where provided, certain elective Social Services.

Approval Date _____ Effective Date _____

EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

45 CFR 233.120

Abused, neglected or exploited children component

1. Social Work Services: Case management and counseling activities which assure the appropriate assessment of recipient need and provision of services.
2. Information and Referral: Activities provided by social service staff which enable persons to receive accurate and current knowledge about available public and private resources established to help alleviate socioeconomic and health problems and provide short-term help to enable persons to identify and gain access to resources appropriate to their needs.
3. Transportation: Transporting recipient(s) from one place to another when no other means is available and mobility is necessary to support a specific service plan.
4. Parent Education: Provide parenting, personal care, child rearing, nutrition, and money management education and training through group meetings, classes or other training programs when necessary to satisfactorily relieve and reduce circumstances threatening the mental and/or physical health of the child.

Approval Date _____ Effective Date _____