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DATE: June 1998			TO: ALL INCOME MAINTENANCE MANUAL HOLDERS		

Please find indicated below instructions concerning the revisions contained herein effective July 1998.

A. EMERGENCY ASSISTANCE

TOC -i --Item B-8 "Public Assistance" has been omitted from this title.

Page 3-6-- Item 3 "Citizenship" has been revised to be more specific about those who qualify and who do not qualify for Emergency Assistance. Item 4 "Cases in Penalty Status" now includes instructions not to penalize certain persons who are excluded by law from participating in certain Departmental programs.

Page 17-18--Item 8 "Medicaid and Food Stamps" has been revised to exclude TANF from being used to eliminate or prevent the applicant's emergency.

Page 29-30--c."Determining the Amount of Payment" now contains additional considerations that affect the amount of the utility payment. These considerations are spelled out in the last three paragraphs.

Pages 35 - 38-- In determining the amount of the food order, the worker may authorize payment up to a maximum of 7 days.

B. INDIGENT BURIAL PROGRAM

Two revisions have been made in the Burial Program. The Financial Clerk may not enter a claim against the estate in excess of \$600 as allowed in the state code. Accounts payable will no longer send a copy of the burial payment check and the DF-67A form to be submitted to the County Court with the OFS-BU-3 Affidavit. Instead, a new report entitled,

"Accounts Payable Monthly Burial Report" will be sent once monthly to all counties that submitted an invoice for payment. This report will have a list of names of the deceased for a monthly period beginning from the 1st to the last day of the reporting month. The report will be sent by the Office of Family Support after it is received from Accounts Payable. (Please refer to the manual revisions.)

Form OFS-BU-3 Affidavit of Burial Costs has been revised to accomodate the revisions referred to above. Please order forms to begin use effective July 1998.

Call Bob Kent at 558-8290 if you have any questions.

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2. Time Limitation

Emergency financial assistance can be authorized once up to the maximum allowable payment for each item of need covered by the emergency assistance program to an eligible recipient for emergency situations during one period of thirty (30) consecutive days in any twelve consecutive months. Payments may be made to meet such needs which arose before this thirty day period or needs which may extend beyond the thirty day period. The first day of the thirty day period of eligibility begins with the date the Authorization for Payment (DF-67) is approved for payment (the date entered below the space designated "approval" on the DF-67 form) and ends twenty nine (29) days later.

The limitation of authorizing emergency financial assistance "once" as described above, does not mean that only one item of need may be authorized during one period of thirty (30) consecutive days in any twelve consecutive months. The applicant may request and be found eligible for more than one item of need provided that need is covered by the program. In addition, the applicant may return and make an additional application for another item(s) of need within the thirty (30) day period of eligibility and be found eligible provided he meets the program eligibility requirements. However, when the applicant reapplies during the thirty (30) day period of eligibility for the SAME item of need that he previously received the maximum allowable payment, the application must be denied.

**EXAMPLE:** An individual made application for Emergency Assistance on May 5, 1990, because he received a written notice from his landlord notifying him of an impending eviction June 1, 1990. His application was approved and the DF-67 was approved on May 10, 1990. Later, he returns on June 1, 1990 to request food and payment of a utility bill. Another application is taken, and the client is found eligible for payment of both items of need. Unless he is found eligible for

emergency assistance based upon natural or man-made disaster, fire, or civil disorder, he will not be eligible to receive an additional authorization for emergency assistance until May 11, 1991.

THE ONLY EXCEPTION TO THIS RULE IS WHEN THE APPLICANT QUALIFIES FOR EMERGENCY ASSISTANCE BASED UPON NATURAL OR MAN-MADE DISASTERS, AND/OR FIRE.

The time limitation policy applies only to AUTHORIZATIONS for emergency assistance. For example, if an application is denied or withdrawn, this does not mean that the applicant cannot receive an authorization for emergency assistance via a second application within twelve months provided, of course, he meets the eligibility requirement.

The local office will be responsible for developing and maintaining a control for all Emergency Assistance applications. This can be accomplished through the use of the CHET System inquiry. Please refer to Section 19.4, CHET System, Item B, 4.

Authorizations for IV-A Homeless Benefits -

Emergency Assistance applicants on whose behalf IV-A Homeless benefits were authorized during the past twelve months do not meet the time limitations policy as it relates to Title IV-A funded Emergency Assistance benefits. Therefore, a IV-A eligible case can receive IV-A funded benefits from only one program (EA or Homeless) during one period of thirty consecutive days in any twelve consecutive months.

### 3. Citizenship

An applicant for Emergency Assistance does not have to be a resident of West Virginia. However, the applicant must be a United States Citizen, a national of the United States or an Eligible Alien (Qualified Alien) as shown in Chapter 18.4, Benefit Programs, Item B. Those who do NOT qualify for Emergency Assistance will be the following ineligible aliens:

- Illegal Entrants
- Visitors, Tourists, Students and Diplomats
- Aliens who status is questionable or unverified

4. Cases in Penalty Status

Situations may occur when the applicant is a member of a benefit group in which any Departmental program benefit was reduced, denied or closed because of a penalty for fraud, non-cooperation or failure to pursue potential resources. When this occurs, the applicant and members of THAT PROGRAM benefit group will be ineligible to receive Emergency Assistance.

In making this determination, the Worker will apply the following guidelines:

- The applicant and members of the benefit group for Emergency Assistance must have been an applicant or recipient of the Departmental program that was reduced, denied or closed.
- The other Departmental program case is in the penalty period at the time the application for Emergency Assistance is received.
- This policy applies to all other Departmental programs that apply penalties for non-cooperation, fraud or failure to pursue potential resources.

When the situations outlined above exist, the benefit group will be ineligible to receive Emergency Assistance until the penalty period ends or action is taken to pursue potential resources. This policy does NOT apply to applicants who were denied as a result of failure to provide required information needed to determine eligibility because this would create double jeopardy with the policy of requiring applicants of Emergency Assistance to apply for other program benefits to eliminate the emergency.

In addition, this policy does not apply to persons who are disqualified or excluded by law from participating in certain Departmental programs such as Food Stamps or WV WORKS Program. Please refer to Chapter 9 for specific information concerning these persons. These persons may apply in their own right for Emergency Assistance benefits.

In order to maintain controls, the local offices should compile a list of those cases which would be found ineligible for Emergency Assistance under this policy and provide this to the Emergency Assistance Intake Worker(s).



5. Income

a. Income Policy

The Worker must determine availability of income to the applicant and any other member of the household who is a member of the benefit group. All countable income received by any member of the benefit group within the 30 day period of income consideration must be counted in determining eligibility for Emergency Assistance.

When considering countable income to determine eligibility for emergency assistance, the Worker must use the following guidelines:

- Only countable income shall be compared to the Monthly Allowable Income Schedule. (Refer to the schedule located in the Appendix).
- The total countable income of all members of the benefit group must be compared to the income schedule.
- Only countable income to be received by members of the benefit group beginning with date of application and ending 29 days later will be applied to the Monthly Allowable Income Schedule.
- Do not prorate income received prior to the 30 day period of income consideration as countable income.
- The Worker will use the current policy in making the decision whether to request verification of income. (Refer to Item D, Application Process, 2).

b. Determination of Countable Income

(1) Income Exclusions

The following sources of income will be excluded for determining eligibility for emergency assistance:



TO AN AVAILABLE COMMUNITY RESOURCE WILL BE DENIED EMERGENCY ASSISTANCE.

8. Medicaid and Food Stamps

If there is an indication that the applicant may be eligible for Medicaid and/or Food Stamps, the Worker must explore this as a method to eliminate or prevent the applicant's emergency. TANF will not be used to eliminate or prevent the applicant's emergency.

If the applicant is found eligible for Medicaid or Food Stamps and he can obtain the benefits in time to prevent the emergency, the applicant will be expected to accept this as a resource instead of Emergency Assistance. If the applicant refuses to cooperate in this situation, his application for Emergency Assistance will be denied.

If the applicant is eligible for Medicaid and/or Food Stamps but cannot obtain this assistance in time to prevent the emergency, the Worker will complete the Emergency Assistance application and authorize payment if the applicant is found eligible.

9. Applicant's Acceptance of Social Services

Individuals who come to the Department requesting Emergency Assistance are often in need of ongoing social services. The mis-management of income, for example, is a major reason that individuals and families are in need of Emergency Assistance. However, the client's refusal to accept ongoing social services will NOT be considered in determining the applicant's eligibility for Emergency Assistance.

For example, the Worker has determined a client is eligible to receive Emergency Assistance and that the client is in need of money management counseling. The client refuses to accept the referral. The Worker cannot refuse to authorize payment for Emergency Assistance.

10. Work Stoppage

All applicants for Emergency Assistance who are voluntarily or involuntarily participating in a

work stoppage will be evaluated in the same manner as any other applicant. The fact that the individual is participating in a work stoppage will not be a consideration in determining eligibility for Emergency Assistance.

11. Applicant's Social Security Number

The applicant's Social Security number must be verified to maintain the integrity of the CHET system. Failure on the part of the applicant to verify his Social Security number will result in the denial of the application. Verification may consist of the Worker viewing the Social Security card or some other document (driver's license, award letter, etc.)

Applicants having no Social Security number will receive case identification from the back-up identification system provided by CHET. However, all such applicants must be informed by the Worker that a Social Security number must be obtained in order to receive future benefits under the Emergency Assistance Program.

12. Specific Eligibility Requirements for Federally Matched Emergency Assistance (Title IV-A)

If a family or benefit group meets certain eligibility requirements, a percentage of the cost of emergency financial assistance they receive will be reimbursed to the Department by the Department of Health and Human Services.

Any family with children under the age of 21 or any individual child under 21, including migrant families and children, may be eligible for Federally matched assistance providing the child is living with a specified relative.

If the individual child is not currently living with a specified relative, he may still be eligible, providing he lived with a specified relative within six months prior to the month in which Emergency Assistance is requested. Families and children faced with emergency needs and eligible for Federal matching funds include:

- Families and children who are recipients of financial assistance.

Payment may be authorized for clients who are without utility services or who face imminent termination of these services. In determining whether or not the applicant is eligible for payment of utility services, the following requirements must be met:

- The applicant must submit a written notice of termination from the provider that indicates a specific date on which the service was or will be terminated, and the amount of the OVERDUE bill, or
- The applicant must submit a written statement from the provider (such as fuel oil, bottled gas, or coal company) that indicates no future orders will be filled, and
- The utility services must be in the name of the applicant or a member of the benefit group EXCEPT in the following situations:
  - \* When it is determined that the utility service is not in the name of the applicant or benefit group member because that person is deceased, has left the household with the intention of not returning, or the applicant is unable to pay the security deposit.
  - \* When it is determined that the utility service is in the name of the landlord, mobile home park owner/manager, etc., this person becomes, in effect, the utility provider. Therefore, the applicant must obtain from this provider a written notice of termination as specified above.
  - \* In situations where the water and sewage bills are billed separately, it is legal for the supplier to terminate water service for the non-payment of sewage bills even when water bills are current. In these situations, a notice of

termination for water service may be submitted by the applicant for an overdue sewage bill. This may be accepted as verification of the emergency.

c. Determining the Amount of Payment

In determining the amount of payment, the Worker must give consideration to the following:

- Type of utility service being requested for payment.
- Cost of the overdue utility bill which covers a billing period up to thirty (30) days.
- The average daily amount of the overdue bill when the overdue billing period exceeds 30 days.
- Reconnection charges required by the utility provider when the service has been terminated.
- Service charges required by the utility provider to start service in new living quarters when the applicant has moved to a new housing facility as a result of an eviction, fire, condemnation, etc., or some other EMERGENCY that has forced the applicant to move into new living quarters. Service charges are NOT utility deposits. UTILITY DEPOSITS ARE NOT INCLUDED AS AN ITEM FOR PAYMENT UNDER THE EMERGENCY ASSISTANCE PROGRAM.
- "Late fees" added to delinquent or overdue payments will be considered as part of the overdue bill and will not be deducted from the overdue bill when computing the average daily amount.
- Payments made by the customer in an attempt to reduce or eliminate the overdue bill will not be deducted from the ongoing overdue bill when computing the average daily amount.

- Payments made on behalf of the customer from other agencies plus reductions via the 20% discount program will be deducted from the ongoing overdue bill when computing the average daily amount.
- (1) Payment Amount for Gas, Electric, Water and Sewage

**NOTE:** "Sewage utility service" shall NOT include garbage pick-up service.

When the client is eligible to receive payment for any of the utility services indicated above, the Worker will consider the following:





<u>TYPE</u>	<u>UNIT</u>	<u>MAXIMUM AMOUNT</u>
Bottled Gas	Gallons	135
Bottled Gas	Pounds	300
Coal	Tons	1
Wood	Cords	1
Fuel Oils	Gallons	150

The following statement must be entered on all DF-67 forms authorizing any type of liquid fuel: "The client must specify the correct grade and type of fuel." (Please refer to Section 19.4 item C-7 for instructions in completing the DF-67 form).

A situation may exist when the provider refuses to make a delivery because of an existing unpaid balance. In this case, the Worker should allow the client and provider to determine what item will be paid. (The unpaid balance or the maximum amount of fuel allowed for payment.)

PAYMENT CANNOT BE AUTHORIZED FOR BOTH ITEMS. IF THE CLIENT AND VENDOR AGREE TO PAYMENT OF THE UNPAID BALANCE, THE AMOUNT AUTHORIZED CANNOT EXCEED THE EQUIVALENT COST OF THE MAXIMUM AMOUNT OF FUEL SHOWN IN THE CHART ABOVE.

If either or both parties (client or vendor) refuse to accept payment as outlined in this section, the Worker will deny the application.

### 3. Food

Payment may be authorized for eligible clients who have an emergency need for food. However, in the majority of instances, emergency food needs will be met by using Food Stamps provided the applicant meets the eligibility requirements of the Food Stamp Program. If the applicant refuses to accept the Food Stamp Program as a resource to meet his

emergency food needs, the application for emergency assistance will be denied.

When the applicant is found eligible for Food Stamps, the Food Stamp application will be processed as quickly as possible to prevent or eliminate the emergency. If the applicant needs food prior to the receipt of his Food Stamps, the Worker may authorize payment of a food order if the applicant is eligible to receive emergency assistance.

When the applicant is ineligible for Food Stamps or when the emergency cannot be eliminated or prevented because of the time involved in determining eligibility for Food Stamps, the Worker will authorize payment for emergency food provided the applicant is otherwise eligible.

In situations when recipients of Food Stamps apply for an emergency food order, the worker must carefully evaluate the reason for the request. Generally, the worker should determine if the need was created by an unusual or catastrophic event (such as lost, damaged, destroyed or stolen food coupons) or if the need was created by the misuse of the coupons. After the worker has carefully evaluated the situation, a decision must be made to determine if an actual emergency need for food exists.

In determining the amount of payment, the Worker will refer to the Food Stamps Program schedules. ONLY THE HOUSEHOLD ALLOTMENT AT ZERO INCOME WILL BE CONSIDERED IN DETERMINING THE DAILY FOOD ALLOWANCE TO ARRIVE AT THE TOTAL AMOUNT OF PAYMENT. Because of the availability of expedited service via the Food Stamp program, payment may be authorized up to a maximum period not to exceed seven days.

**EXAMPLE:** A seven-person benefit group is approved for Food Stamps. The Worker anticipates the receipt of stamps in seven days. The benefit group has an immediate need for food and meets the eligibility criteria for emergency assistance. The Worker will compute the amount of payment as follows:

Monthly allotment at zero income for a seven-person benefit group divided by 30 days equals a daily amount. The daily amount times seven days equals the amount of payment to be authorized via DF-67 for emergency food for seven persons. In the event the benefit group is in a situation where food preparation is not possible, authorization may be made for payment to purchase food at a cafeteria or a low cost restaurant. This method may also be used to provide meals for the eligible transient benefit group returning to their home.

In determining the amount of payment to be authorized, the Worker needs to consider the following:

- \* A maximum payment will be made of up to \$9 per day per eligible person.
- \* The number of days in which the benefit group needs this service shall be up to, but not exceeding, seven days.
- \* The Worker should carefully discuss this arrangement with the client to be sure he understands how the funds are to be used.

When the benefit group plans to utilize a local restaurant or cafeteria, the Worker will authorize payment to the local vendor.

When the clients are transients returning to their home and plan to use non-local restaurants or cafeterias, the Worker will authorize payment by having a check made out to a responsible member.

#### 4. Household Supplies or Furnishings and Clothing

Household supplies or furnishings and clothing may be considered an item of need for Emergency Assistance only when a fire or some other man-made or natural disaster has destroyed such items. The only exception to this is an abandoned child or children in need of clothing and when household supplies or furnishings are needed for a homeless person or family as noted below.

a. Household Supplies or Furnishings

An applicant may be eligible to receive payment for emergency household supplies or furnishings when:

- The household supplies or furnishings were destroyed in a fire or some other natural disaster.
- Emergency household supplies or furnishings are needed for a homeless person(s) for whom the Department is seeking or has located housing.
- Emergency household supplies or furnishings may include such basic items as bedding, eating and cooking utensils, towels and linens, soap or a necessary good used appliance limited to a refrigerator or stove.

b. Clothing

An applicant may be eligible to receive payment for emergency clothing when:

- Their clothing supplies have been destroyed by a fire or some other disaster.
- A child or children have been abandoned without adequate clothing.

c. Determining the Amount of Payment

(1) Household Supplies or Furnishings

A maximum payment of up to \$100 per eligible benefit group may be authorized to a vendor for household supplies and furnishings. Because of the limited maximum payment, the Worker should assist the recipient in planning his purchases wisely. For example, the recipient should be discouraged from selecting such items as he may desire for his convenience rather than basic needs. In arriving at those items to be purchased, the Worker must carefully

7. Application Submittal Deadline

Payment for burial expenses CANNOT BE MADE unless the application form has been completed and the applicant found eligible for payment AND the date of interment or cremation did not occur more than 30 days prior to the date of application.

C. Burial Rate

The burial rate of \$750 is the MAXIMUM amount that will be disbursed by the Department. This rate will apply for ALL burials. Under no circumstances is this rate negotiable regardless of the specific burial plan desired by the applicant.

D. Development of Resources

The development of resources is a joint responsibility of both the Department and the funeral home director. However, the Department's activity in the development of resources is limited to the estate of the deceased and only in situations when the estate is sufficiently valued to obtain up to \$600 reimbursement to the Department.

The funeral director may develop resources from many different sources. Whenever the director develops an amount of resources that exceeds the exempted resource amount (\$1,200) the Department will deduct this amount from the rate. When the funeral director receives resources which exceed the exempted resource amount AFTER payment is received from the Department, the Department must be reimbursed by the funeral home director.

**EXAMPLES:**

#1 The funeral director receives payment of resources on a burial for \$1,400.

\$1,400	Resources
<u>-\$1,200</u>	Exempted resource amount
\$ 200	Excess
\$ 750	Burial Rate
<u>-\$ 200</u>	Excess
\$ 550	Amount of payment received by the funeral director from the Department.

\$1,400	Resources
<u>+\$ 550</u>	Burial Payment
\$1,950	Maximum allowable payment (total payment received by the funeral director)

#2 The funeral director receives payment of resources on a burial for \$500.

\$ 500	Resources
<u>-\$1,200</u>	Exempted resource amount
\$ 0	Excess
\$ 750	Burial Rate
<u>-\$ 0</u>	Excess
\$ 750	Amount of payment received by the funeral director from the Department.

\$ 500	Resources
<u>+\$ 750</u>	Burial Payment
\$1,250	Total payment received by the funeral director

In example #2, the Funeral Director is entitled to receive \$700 in additional resource before the maximum allowable payment of \$1,200 is reached. Assume further that the funeral director receives \$800 in additional resources after the burial payment from the Department was received. The funeral director must reimburse the Department \$100 because the maximum allowable payment was exceeded by \$100.

1. Resources Obtained for Burials

Resources of up to \$1,200 may be obtained toward the cost of a burial for a total maximum payment

of \$1,950 before the resources are deducted from the burial rate.

Examples:

	Resources	Program Benefit	Total Maximum Payment
#1	\$1,200	\$750	\$1,950
#2	\$1,350	\$600	\$1,950

2. Resources Due the Department

The Department is entitled to receive resources from the following sources:

- The deceased's estate and
  - Reducing the amount of the appropriate burial rate by applying that amount of resources (developed by the funeral director) which exceeds the exempted resource amount as explained above.
- a. Form OFS-BU-3, Affidavit of Burial Costs and Supporting Documentation

The Department will seek reimbursement of burial costs by filing the Affidavit of Burial Costs with the office of the County Clerk having jurisdiction of the deceased's estate (the county in which the deceased maintained his residence or the county in which the deceased owned real estate). This action is taken only when the value of the deceased's estate warrants such action. The Worker must attempt to obtain sufficient information about the deceased's estate in order to make decisions to seek reimbursements. If the Worker determines that the minimum value of the estate is \$600 after the costs of administration are deducted, the decision should be to seek reimbursement.

According to the West Virginia Code, supporting documentation must be submitted

with the ES-BU-3 form when it is submitted to the Office of the County Clerk. This documentation will be a copy of the DF-67-A Burial Billing Form (Refer to Item F, Burial Payment Process) and a copy of the Accounts Payable Monthly Burial Report. The Monthly Burial Report is a list of names of the deceased for each county with the vendor name, document I.D. number, warrant number, warrant date and the amount of payment made by the Department to the vendor. This document fulfills the requirement that verification of an actual payment must be made just as the DF-67-A form verifies that an actual request for payment was made by the vendor. The ES-BU-3 form establishes that the Department has filed a claim against the estate. Each month, Accounts Payable, Office of Financial Services will prepare the Monthly Burial Report showing a list of deceased persons based on the DF-67-A forms submitted for that month. The Financial Clerk will submit to the County Clerk one copy of the Monthly Burial Report plus one copy of the DF-67-A and one copy of the OFS-BU-3 Affidavit of Burial Costs for each name on the list. If it has been determined that an estate does not exist or insufficient resources in the estate precludes the necessity of establishing a claim, the Financial Clerk will cross out the deceased's name on the list and not submit supporting documentation for that burial.

b. Instructions for Completing Form OFS-BU-3

The Financial Clerk will complete the OFS-BU-3 form on those cases in which it has been determined that the estate after administrative costs have been deducted is valued at \$600. The Affidavit of Burial Costs is a form letter and is completed as follows:

Introductory Statement

The Financial Clerk will enter the name and address of the County Clerk. The name of the



director. The purpose of this procedure is to provide authorization for payment since payment to the funeral director is handled through the Office of Financial Services.

3. Responsibilities of the Financial Clerk

The Financial Clerk will receive the DF-67-A, Burial Billing Form, from the funeral director. Upon receipt of this invoice, the Financial Clerk will be responsible for pre-auditing and editing. Items to be reviewed before submittal for payment are:

- F.E.I.N. in the upper right-hand corner
- County number and mailing address
- Legible vendor name and mailing address
- Correct payment amount on Line Item 7 or Item 9
- Date of Death
- Date of Interment
- Proper signatures and dates entered

Upon completion of the audit, the Financial Clerk must stamp the DF-67-A with a certification stamp and sign and date the spaces made by the stamp. Next, an original and four copies of the DF-67-A will be submitted to the Office of Family Support. All back-up material pertaining to the burial will remain in the county office.

In order for the Financial Clerk to have a record of burials submitted for payment, a Log for Burial Payments will be maintained in each county office. On this log, the following items are suggested:

- Date DF-67-A received for payment
- Name of vendor
- Name of deceased
- Date DF-67-A submitted to the Office of Family Support
- Date Accounts Payable Monthly Burial Report was received from the Office of Family Support

Situations may occur when the funeral director has indicated on the DF-67-A form (#10) that he has applied for but did not receive certain resources at the time of burial.

When this occurs, the Financial Clerk must develop a control to contact the funeral director every 60 days from the date entered on the DF-67-A form to determine if he received the resource.

If the funeral director receives any resources at a later date, he will be required to reimburse the Department if these resources:

- are in excess of the exempted resource amount
- when added to the resource received at the time of burial are in excess of the exempted resource amount.

**EXAMPLE:** Funeral director submits a DF-67-A for a burial. Resources received at the time of burial are \$550. Since the resource of \$550 did not exceed the exempted resource amount of \$1,200, the funeral director received a check for \$750 from the Department. Later, the Financial Clerk has determined that the funeral director received additional resources in the amount of \$745.

Total resources received by the funeral director comes to \$1,295 ( $\$550 + \$745 = \$1,295$ ). The exempted resource amount has been exceeded by \$95 ( $\$1,295 - \$1,200 = \$95$ ).

The funeral director must reimburse the Department for \$95.

Computation procedures when the actual cost of burial is less than the amount of payment