



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

April 1, 2011

Temporary Assistance for Needy Families Manual

Transmittal # 46

The purpose of this transmittal is to provide new, clarified, and revised guidance and forms for the Temporary Assistance for Needy Families (TANF) Program. The provisions included in this transmittal are effective for all TANF eligibility determinations completed on or after February 1, 2011.

This transmittal and manual are available on the Intranet through SPARK at <http://spark.dss.virginia.gov/divisions/bp/tanf/manual.cgi> and on the Internet at <http://www.dss.virginia.gov/benefit/tanf/index.cgi>.

Significant changes to the manual are as follows:

Page(s) Changed	Significant Changes
Section 201.10, pages 3, 3a, 3b, and 3c	Guidance has been added regarding the new DCSE Noncooperation Work List which began to be produced in February, 2011. The Eligibility Worker (EW) no longer receives an ADAPT alert or a copy of the "Cooperation/Noncooperation Notification" form from the Division of Child Support Enforcement (DCSE) worker when an individual has either failed to cooperate or has begun to cooperate after a period of noncooperation. Instead, the individual is listed on the monthly Work List and the EW has 10 calendar days to take the required action (closure or reduction in benefits) on the case.

Section 601.2, pages 2a, 3, and 3a

Guidance has been removed at 201.10 3C regarding the minimum time frame a case must remain closed due to noncooperation. It should be noted that when the EW receives notification indicating that the recipient initially failed to cooperate with DCSE and later cooperated during the same month, no penalty should be imposed.

On page 2a, clarification has been added that the EW should complete an “Attesting To the Lack of Information” form when the applicant/recipient cannot provide the name and at least three identifying pieces of information about the absent parent(s).

On pages 3 and 3a, guidance about automated communication between TANF and DCSE has been revised to incorporate the new DCSE Noncooperation Work List and related procedures. Clarification has been added regarding the screen (within the automated 501 system) where paternity establishment information is located as well as the definitions for the DCSE codes used on the screen. Also, the word “policy” has been changed to “guidance” on page 3.

Questions about this transmittal should be directed to regional program consultants or Mark Golden, Economic Assistance and Employment Program Manager, at (804) 726-7385 or mark.golden@dss.virginia.gov.



Martin D. Brown
Commissioner

- B. ACTION TO BE TAKEN UPON DETERMINATION OF NONCOOPERATION - Noncooperation may occur with respect to an individual's failure to cooperate with either the local department of social services or DCSE.
1. Noncooperation exists in the following circumstances. The applicant/recipient:
 - a. failed to provide identifying information, including the first and last name of the father or of all individuals who may be the father of the child(ren), and at a minimum three additional informational items to identify the parent, and the exception in Section 201.10 A.1.c. is not applicable; or
 - b. failed to respond to two consecutive requests to provide information; or
 - c. missed two consecutive scheduled appointments (other than genetic testing and court appearance) and did not contact the worker to reschedule them; or
 - d. failed to appear in court for a scheduled paternity, establishment of support, or enforcement hearing and did not contact DCSE to reschedule (one occurrence); or
 - e. missed a scheduled appointment for genetic testing and did not contact DCSE to reschedule (one occurrence); or
 - f. does not name another individual who may be the father after the only man named as the putative father is excluded; or
 - g. the putative fathers listed on the "List of Putative Fathers" form are excluded from paternity as a result of genetic testing; or
 - h. fails or refuses to pay for further genetic testing after DCSE has paid for the first five potential fathers to be tested; or
 - i. otherwise fails to comply with the requirements in Section 201.10 A.
 2. The finding of noncooperation must be documented **on the Comment screen for the Absence Documentation (AEMCAG) screen in ADAPT.**
 - a. Noncooperation must be due to one of the reasons listed in 1.a. - h. above.
 - b. If noncooperation was determined by DCSE, the DCSE worker will update the noncooperation indicator in APECS. **On a monthly basis, a list of the individuals who are not cooperating and the noncooperation reason(s) will be available (in ADAPT) to the Eligibility Worker. This new "DCSE Noncooperation Work List" will also contain the names of individuals who failed to cooperate in the past but have begun to cooperate. A report regarding the action taken on the case based on this list will be available in Data Warehouse.**

- If the EW has cases on the DCSE Noncooperation Work List, she will have 10 calendar days to take the required action in ADAPT to close the case or reduce the TANF benefits as appropriate.

Note: If the EW has failed to take action on the case by the end of the 5th calendar day after the report is received, the EW's supervisor will receive an alert on the 6th calendar day stating that the EW has noncooperation items on the Work List that have not been addressed.

- If no action has been taken by the EW by the end of the 10th calendar day after the report is received, ADAPT will automatically close the case if paternity has not been established for the child for whom the caretaker has failed to cooperate and the child has received TANF for at least six months.

If paternity has been established or, if the child has not been on TANF for at least six months, the system will not automatically close the case. For these cases, it will be the responsibility of the EW to take the action in ADAPT to reduce the grant by the appropriate amount as determined by guidance at 201.10C. The reduction will be effective for the following month and the action to reduce the grant must be completed at least 10 days prior to the effective date of the action (excluding the date of the mailing and the effective date of the action).

The EW must manually update the DCSE Noncooperation Work List when no action is required and when the client's status changes from noncooperation to currently cooperating.

Detailed information is to be maintained in the DCSE case record to document the noncooperation and must be made available, upon request, if the penalty resulting from the noncooperation finding is appealed. If the action is appealed, the EW must contact the DCSE worker to inform him that an appeal has been filed and to request the supporting documentation required to be included in the appeal summary. The DCSE worker will attend the hearing or participate in the telephonic hearing to testify as to the applicant/recipient's failure to cooperate.

3. The local agency must impose the appropriate penalty for noncooperation as soon as administratively possible, as follows:

Send an advance notice advising the recipient that the agency will impose a penalty on him. The penalty imposed must be determined in accordance with Section 201.10.C. below and must be effective the following month, if administratively possible.

- a. The notice must explain that his needs will be added back to the grant once he cooperates with DCSE. DCSE will be notified of the penalty through the computer systems interface by entering the appropriate ADAPT delete reason or closure code.

- b. If the penalty is due to failure to redirect support, the agency must also explain that the support, minus the \$100 disregard, will count as income to the assistance unit.
- C. PENALTIES FOR NONCOOPERATION - Failure to cooperate, absent good cause or an exception to identification requirements, will result in the following action:

1. Noncooperation During First Six Months of Receipt of Assistance - When the applicant/recipient or a minor parent fails to cooperate during the first six months of receipt of assistance, the individual will be ineligible for assistance. The individual will remain ineligible and any penalty reduction must continue until he has cooperated or the information not previously provided has been obtained from another source, or all children for whom the individual did not cooperate have left the home. The worker shall:

- a. Exclude the caretaker's needs from the grant, reducing the grant by the amount of the caretaker's needs or by 25 percent, whichever is greater, effective the month following noncompliance, if administratively possible. Note: If the individual not cooperating is a minor parent who is a member of an assistance unit that include her sibling(s), the agency must notify the applicant/recipient that the penalty may be avoided by withdrawing the request for assistance for the minor parent's child.

Procedures for calculating the amount of the reduction are as follows:

- 1) If the caretaker's needs are currently included on the grant, the caretaker must be removed. If the resulting grant reduction is less than 25 percent of the amount of assistance that would otherwise be provided to the family, the grant reduction must be increased to 25 percent. In addition to removing the caretaker, document the record as to the basis for imposing the additional penalty amount.
- 2) If the caretaker's needs are not included on the grant due to the caretaker's categorical ineligibility (i.e., receives SSI, or is an ineligible alien) the grant must be reduced by 25 percent. Document in the record the amount of the grant that the family would otherwise have received.
- 3) If the caretaker's needs are not included on the grant due to failure or refusal to cooperate in meeting a requirement of eligibility, the grant must be reduced by 25 percent. Document in the record the amount of the grant that the family would otherwise have received.

See Appendix X to Chapter 201 for examples of the above calculations.

- b. Recalculate the penalty reduction to ensure that the penalty reduces the grant by the greater of the amount of the caretaker's needs or 25 percent whenever:
 1. there is a change in the assistance unit size or the grant amount.
 2. the caretaker subsequently complies with the eligibility requirement that had caused his needs to be removed.
 - c. Lift the penalty reduction if all children for whom the client did not cooperate have left the client's home. Reimpose the penalty if the children subsequently return to the home.
 - d. Add the recipient to the grant by the month following the month in which he cooperates with DCSE or the information not previously provided is obtained from another source. Note: If the caretaker complies with the support enforcement requirement but continues to be ineligible due to noncompliance with another requirement, the penalty reduction (amount in excess of the caretaker's needs) must be removed but the caretaker's needs must continue to be excluded.
 - e. If, in the sixth month TANF is received, the recipient is still not cooperating, the local agency must complete a special review to determine if the case continues to be eligible in accordance with C.2 below.
2. Noncooperation After the Sixth Month of Receipt of Assistance - When noncooperation continues after the sixth month of receipt of assistance, the local agency must conduct a special review of the case. The purpose of the special review is to verify, through contact with DCSE, whether the recipient has begun to cooperate in establishing paternity or in fulfilling other child support requirements as outlined at 201.10A.
- a. If the recipient has not begun to cooperate, but paternity has been established, the recipient will continue to be ineligible for assistance and the penalty imposed will continue until the individual cooperates or all children for whom the individual did not cooperate have left the home.
 - b. If the recipient has not begun to cooperate and paternity has not been established, the local agency must close the entire TANF case as soon as administratively possible and document the case record accordingly. The case is ineligible effective the following month and must remain closed until cooperation has been achieved, the information not previously provided is received from another source*, or all children for whom the individual did not cooperate have left the home. If the determination of noncooperation is based on the exclusion of the individual(s) named as the father based on genetic testing, the recipient cannot be considered to be cooperating until paternity has been established for the child or the recipient signs the Attesting to the Lack of Information (ATL) form.

* Code of Virginia, Section 63.2-602

It is the responsibility of the eligibility worker to obtain as much information as possible at the time of application and when an individual is added to the TANF case. When any new information regarding the absent parent becomes known to the agency at each redetermination or during the interim, this information is to be transmitted to DCSE via on the Absence Deprivation/Paternity 501 series screens in ADAPT.

In order for DCSE to have a "workable case," it is vital that certain key information be obtained by the Eligibility Worker when completing the form or transmitting information on the Absence Deprivation /Paternity 501 series screens in ADAPT.

When interviewing the applicant/recipient, concentrate on securing the following information:

- AP's name
- AP's residence address (current and past)
- AP's Social Security Number
- AP's employer's name and address (current and past)
- AP's date of birth
- AP's parents' name and address (even if deceased)

Any of the above information, either in whole or a combination thereof will be beneficial to DCSE in locating the absent parent.

If the applicant/recipient cannot give the AP's name or can only provide the AP's name and no other identifying information, the Eligibility Worker should obtain a **signed Attesting To the Lack of Information (ATL) form and enter a code "75" in the "Good Cause" field on the Absence Deprivation/ Paternity Absent Parent Data - Screen 1 (AEDEP1) in ADAPT. This coding will ensure that a referral on this noncustodial parent will not be sent to DCSE.**

The following criteria are to be applied when referring an absent parent to DCSE:

1. In all cases where the child's parents are married or were married at the time of the child's birth and when someone other than that parent is identified as the child's father, the putative or acknowledged father is to be referred as well as the legal father.
2. If the father's name appears on the child's official birth certificate issued in 1996 or later by the Virginia Department of Health, Division of Vital Records, or by the vital records section of any other state government, evidence of paternity exists for TANF purposes.

3. When there is no legal parent or acknowledged father and more than one individual is named as a child's parent, refer all named individuals.
4. If an applicant/recipient claims that the father of the child is unknown, a referral must be made. The reason that the father is unknown must be evaluated with the applicant/recipient to determine if failure to cooperate or good cause exists. (201.10 A.1.c and 201.10)
5. For an otherwise eligible child who has been emancipated by court order (Sections 16.1-331 through 16.1-334 of the Code of Virginia), a referral must be made on the absent parent(s). For an otherwise eligible child who has been emancipated by marriage, the referral will also be made on the absent parent(s).

B. TANF-UP Cases

The natural or adoptive parents residing in the home in a TANF-UP case are not referred to DCSE. Determine if an absent parent of a child(ren) in the assistance unit must be referred as per **guidance** in this section.

C. Changes to TANF and TANF-UP Cases

Changes to TANF and TANF-UP case information will be transmitted to the Division of Child Support Enforcement by computer.

When a child is added to an existing case, all identifying information regarding the absent parent must be provided to DCSE on the Absence Deprivation/Paternity 501 series screens in ADAPT concurrent with action to add the child in accordance with Section 601.2 A.

When a child is removed from an existing case because he becomes ineligible, or leaves the household, the information will be communicated electronically from ADAPT to the DCSE automated system.

D. Contact with the Absent Parent

When the local agency determines that contact with the absent parent is necessary, such contact will be limited to verifying contributions being made directly to the assistance unit.

E. Automated Communication with DCSE

Non-cooperation information on the custodial parent is displayed to the **EW on the "DCSE Noncooperation Work List" that is produced in ADAPT each month.**

Address change information will automatically update absent parent case information in the **automated** 501 system.

Paternity data information from DCSE will be displayed in the "Individual Child Data Screen" (AEDEP7) of the 501 System (in ADAPT). The IVD field will indicate paternity establishment (E) or paternity exclusion (X) by DCSE.

Receipt of information that the child is not living with the recipient or that the absent parent lives with the recipient requires that the Eligibility Worker investigate these circumstances for any possible effect on TANF eligibility.

A referral to the DSS agency to evaluate a claim of mental incapacity or undocumented rape or to reassess a good cause decision requires the worker to respond to DCSE as per Sections 201.10 A and 201.10 J.