



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**April 1, 2013**

### **Temporary Assistance for Needy Families Manual**

#### **Transmittal # 51**

The purpose of this transmittal is to provide new, clarified, and revised guidance and forms for both the TANF and VIEW Program. Unless otherwise stated, the provisions included in this transmittal are effective for all TANF eligibility determinations and VIEW Program assessments and reassessments completed on or after April 1, 2013.

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:

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Page(s) Changed	Significant Changes
Main Table of Contents, pages 4 and 5	<p>The section heading for 401.1B in the Main Table of Contents was corrected to read, "Where/How Applications are Made."</p> <p>The reference to New Hires has been removed because the agency no longer receives New Hire matches.</p>
201.1, pages 3a and 3b	<p>A statement has been added to clarify that all members of an assistance unit become ineligible once the adult, as defined, has received 60 months of assistance.</p> <p>Additionally, a statement has been added</p>

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201.3, pages 4, 4a, and 4b	<p>that clarifies that the TANF case of a former minor caretaker who becomes eligible for herself and her child when she becomes 18 will be subject to a new 60-month clock.</p> <p>Item 3 at the top of page 3b which addressed the 60-month clock provisions in regard to a minor caretaker has been removed and the subsequent item renumbered. Information about the minor caretaker and the 60-month clock is now addressed in the first paragraph of section G.</p> <p>Section 201.3A has been expanded to include guidance provided by the Virginia Department of Education (DOE) to local school systems regarding truancy. A statement reaffirming that the local school division determines truancy has been added. A link to the DOE guidance document, Improving School Attendance, has also been added.</p> <p>At 201.3B, information about the Learnfare Coordinator’s Guide for School Systems has been added along with a link to the Guide on SPARK. The Guide will be of use to local agencies working with school systems that are unfamiliar with Learnfare.</p> <p>The VDSS contacts for local agencies or school systems with technical Learnfare questions have been updated. Minor corrections have been made at 201.3D.</p>
201.7, page 1c	<p>The food stamp reference has been changed to Supplemental Nutrition Assistance Program (SNAP).</p>
201.10, page 3b	<p>The TANF case must be reduced by 25% when a non-parent caretaker payee is not cooperating, pursuing support or establishing paternity.</p>
201.12, page 7	<p>We have clarified the initial payment date for new applications when determining the ten-month grace period for the family cap.</p>

Page(s) Changed	Significant Changes
201, Appendix II, page 3	<p>The word “check” was changed to “payment.”</p> <p>Typos in the second and third bullet items under “Documentation” for Cuban-Haitian Entrant Aliens have been corrected.</p>
201, Appendix X, page 7	<p>An example was added to show how to calculate the 25% penalty for noncooperation for a non-parent caretaker payee case.</p>
302.8, page 4c and 5	<p>Revisions were made to existing guidance at 302.8A and a paragraph added explaining that the decision to close a minor caretaker case when the minor caretaker becomes 18 must be based on the status of her child as an AU member.</p>
302.8, page 5a	<p>The word “check” was changed to “payment” in 302.8A, Sections 1 and 2.</p> <p>A correction has been made to Section 302.8A (2) b. A minor caretaker living with a relative who is not needy or not requesting assistance should be coded as a PC in ADAPT (not PR). The coding for the relative as NR is correct.</p>
305.4, page 23	<p>Item 11 at 305.4 has been expanded to include a reference to Independent Living payments as a type of foster care payment to be excluded in determining eligibility for assistance.</p>
401.1, page 1a	<p>Section 401.1B has been expanded to address applications, renewals, and changes made electronically through CommonHelp.</p>
401.1, page 2	<p>The local agency must assist the client if needed when completing an application or entering an application.</p> <p>A statement has been added clarifying that the forms required as part of the application process, and listed 401.1D, must be signed by the applicant.</p> <p>A statement has been added clarifying that for applications made by a Request for Assistance, the</p>

Page(s) Changed	Significant Changes
401.1, page 2a,	Statement of Facts must be reviewed and signed by the applicant.
401.1, page 4	For applications made through CommonHelp, the applicant's name on the signature line serves as the signature.
401.1, page 5, and 401.2, page 2a	The name of the form "Notice to Client of Action" was changed to "Notice of Action."
401.2, page 2b	The Beginning Date of Assistance (BDOA) has been clarified for situations in which there is an agency delay.
401.5, page 10 and 10a	The name of the form "Notice to Client of Action" was changed to "Notice of Action."
401.5-401.9, pages 14 and 14a	The request for the TANF Assistance Unit (AU) to report changes to telephone numbers was added to 401.2.
402.1, page 1	The client is requested to report telephone number changes to the agency.
502.7, page 7b	Clients may report changes on the Change Report, through CommonHelp or in person.
	The Eligibility Worker (EW) must inform the client that he/she may receive benefits through one of three methods: check, direct deposit, or debit card. The EW must also explain to the client that changes and renewals may be made through CommonHelp.
	The reference to New Hires was taken out of guidance because the agency does not receive New Hire matches.
	SDX was changed to SPIDeR system.
	A revision was made under Item F, Medicaid Coverage, updating the Medicaid manual reference for instructions in transferring a TANF case with Medicaid.

Page(s) Changed	Significant Changes
503.1 - 503.2, page 1	<p>In item G.3, it has been clarified that the sending agency must process the application when an applicant is transferring to another agency.</p> <p>Guidance was changed to reflect language from the 2002 Budget Bill regarding overpayments.</p>
801.5, page 2	<p>A statement has been added to 801.5A clarifying that citizenship or alien status has to be determined only for individuals who will be part of the Diversionary Assistance (DA) unit.</p>
801.5 – 801.6, page 3	<p>New language was added to section 801.5C, second paragraph, to clarify that lost or reduced income that might qualify a family for DA must be the income of an adult. Child support payments made on behalf of a child in the household will be counted as income of the applicant or other adult.</p> <p>Additionally, a statement has been added clarifying that income cannot be lost or reduced voluntarily in order to qualify for DA.</p> <p>The final two sentences of the paragraph were revised to include this information and to increase clarity. The separate paragraph addressing income losses or reductions from TANF or Refugee Cash Assistance was combined with this paragraph.</p>
801.7 – 801.8, page 5	<p>An assistance unit member in a DA Period of Ineligibility (POI) is not eligible for TANF until the POI has ended. It has also been clarified in guidance that an assistance unit member in a DA POI who moves to another assistance unit is not eligible to receive TANF in that assistance unit until the POI for DA has ended.</p>
901.6, page 6	<p>A statement was added to 901.6D to explain that in a sanction situation when the client requests that her case be closed, the EW must enter the sanction in ADAPT prior to closing the case.</p>
901.6, page 6a	<p>An exception to the requirement that a VIEW</p>

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Page(s) Changed

Significant Changes

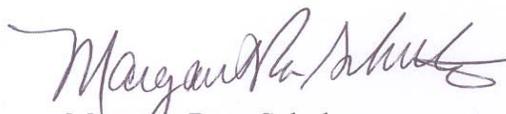
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	<p>sanction be implemented the month following the month the EW receives notification was added to 901.6E. The exception requires that, in a TANF-UP case, the sanction be delayed until the end of a Full Employment Program (FEP) placement when the non-compliance was caused by the other parent on the case.</p>
901.6 – 901.7, pages 7 and 7a	<p>The example following item 1 in Section 901.6J was rewritten to clarify that a partial month of assistance counts as a full month toward a fixed sanction period.</p> <p>Additionally, a reference was added that the case would be approved in a suspended status based on the client's sanction status at application.</p> <p>Item 2 was revised to clarify that the client was on assistance when the fixed sanction period ended. Dates in both examples were changed to a day/month format and a minor error in the second example was corrected.</p>
901.14, pages 13 and 14	<p>A statement has been added to item 2, section 901.14B, clarifying that the loss of TANF eligibility by a FEP participant due to a VIEW sanction would be based on the FEP participant's own sanction. A reference was added to 901.6 which explains the impact on a FEP placement when a VIEW sanction is imposed on the other parent in a TANF-UP household.</p>
1000.8, page 25	<p>Item 7.1., page 25, which referenced the requirement for the Employment Services Worker (ESW) to discuss Intentional Program Violations (IPV) reporting requirements and penalties as part of the initial assessment, has been removed. This information is now included on the Agreement of Personal Responsibility (APR) and discussed when that form is reviewed. Subsequent items have been renumbered.</p>
1000.9, page 26	<p>A statement has been added to 1000.9A that references the inclusion on the APR of the VIEW</p>

Page(s) Changed	Significant Changes
1000.13, page 42	client's responsibility to notify the EW of changes referenced on the Change Report and the consequences of withholding or giving false information.
1000.13, page 52	The Employment Services Worker (ESW) will give the FEP participant the FEP Information Sheet which provides information about FEP.
1000.20, page 76	For consistency, we have changed the conversion factor for Community Work Experience Program (CWEP) to 4.33.
1000.22, page 83a	A statement was inserted at 1000.20J (4) to explain that in a sanction situation when the client requests that her case be closed, the EW will enter the sanction in ADAPT prior to closing the case. Existing items 4 and 5 were renumbered.
1000.22, page 84	TANF case closure for "unable to locate" has been added to 1000.22B (2a) as a reason a VIEW Transitional Payment (VTP) cannot be opened.
Index, page 3	The reference to the number of regular job follow-ups in the VTP section at 1000.22B (3) has been changed from six to three. (The change in the minimum number of job follow-up contacts required was made to the job follow-up section at 1000.18 effective 7/11.)
Index, page 3	The index has been revised to include references to CommonHelp.
Forms	FEP Agreement - Lines have been added on the FEP Agreement for the frequency of pay.
Forms	FEP Information Sheet - A new form has been created to inform the FEP participant about the FEP Program and the participant's responsibilities. It also includes that his SNAP and Medicaid benefits could be affected because of his salary.
Forms	FEP Brochure - A brochure has been developed promoting the benefits of the FEP program for the

Page(s) Changed	Significant Changes
Forms Instructions	<p>client.</p> <p>Advance Notice of Proposed Action - Instructions were created for the use of the form and the website location was provided.</p>
Forms Instructions	<p>Notice of Action - Instructions were created for the use of the form and the website location was provided.</p>
Forms	<p>Notice of Personal Responsibility for the TANF Program - Under the Family Cap section of the form, the word “check” was changed to “payment.”</p> <p>Under the section “Cooperation in Obtaining Support” on the form, a statement was added regarding the signing of the “Attesting to the Lack of Information” form when a client declares she has no information regarding an absent father.</p>
Forms	<p>Notice of Intentional Program Violations and Penalties - The form was modified to request that the client report telephone number changes.</p>
Forms	<p>Request for Repayment form - The form was corrected to state that the client has 30 days from the date of the form to let the agency know how he/she will repay the overpayment.</p>
Forms	<p>Repayment Agreement - The form instructs the client to return the agreement to the local agency no later than 30 days after receipt of the form.</p>

Questions about this transmittal should be direct to regional program consultants or Mark Golden, TANF Program Manager, at (804) 726-7385, or [mark.golden@dss.virginia.gov](mailto:mark.golden@dss.virginia.gov).



Margaret Ross Schultze  
Acting Commissioner

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- E. An individual convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance is ineligible to receive TANF unless the individual presents court documentation showing that the offense(s) has been expunged from his record. The applicant must state, in writing, whether he or any other required member of the assistance unit has been convicted of such a crime. This restriction shall not apply if the conviction is for conduct occurring on or before August 22, 1996.\*
- F. An individual is ineligible if he is:
1. fleeing to avoid prosecution or custody for a felony under the laws of the place from which the individual flees; (Note: To be considered "fleeing" an individual must have knowledge of an outstanding warrant. An individual must have an opportunity to document that he has fulfilled the requirements of the warrant) or
  2. fleeing to avoid confinement after conviction for a felony under the laws of the place from which the individual flees; or
  3. in violation of a condition of probation or parole imposed under federal or state law.\*
- G. SIXTY (60) MONTH LIMIT ON RECEIPT OF TANF - An assistance unit that includes an adult who has received 60 months of assistance under TANF as defined below, is not eligible for assistance.\* "An assistance unit that includes an adult" means an assistance unit where the adult's needs are included in the grant or a case where the adult's needs are not included in the grant but the adult is required to participate in VIEW. (See 901.2.) **(Note: At the time the adult on the case has received 60 months of TANF assistance, all members of the assistance unit, including minor caretakers included on the case as children (PC), become ineligible. A former minor caretaker who subsequently applies for TANF for herself and her child when she becomes 18 will be the parent on the new case [PR] and the case will be subject to a new 60-month clock.)** The 60 months of TANF eligibility is an accumulated period of time. The 60-month clock will reflect each month for which a TANF payment is issued. For example, if TANF benefits are issued in November for both October and November, both October and November will appear on the clock.

Effective March, 2008, the 60-month time limit applies to the following individuals whose needs are included in the TANF grant: an adult caretaker on a case, the spouse of the caretaker, a minor caretaker with her own case, and the spouse of the minor caretaker. Both parents in a TANF-UP case will have a 60-month clock regardless of marital status.

The 60-month time limit will apply to an individual who has been removed from the TANF grant due to one of the following reasons:

- 1) SSN requirement is not met
- 2) IPV disqualification
- 3) Questionable citizenship
- 4) Failure to cooperate with child support enforcement
- 5) Ineligible alien excluded due to sponsor's income
- 6) Ineligible parent excluded due to spouse's income
- 7) Questionable legal presence
- 8) Felony drug conviction/fleeing felon/parole violator.

The 60-month time limit will not apply to the following individuals:

- 1) an adult who is excluded from the TANF grant due to the receipt of SSI
- 2) an adult who is excluded from the TANF grant due to his status as an ineligible alien

- 3) a non-parent caretaker who has been removed from the TANF grant due to VIEW non-compliance.

A month in which an individual received TANF benefits in another state (which for the purposes of determining the months of TANF assistance includes the District of Columbia and the territories of Guam, Puerto Rico, and the Virgin Islands) counts toward the 60-month limit. If an applicant states on the application for TANF benefits that he received assistance in another state, the eligibility worker must verify any TANF months to be counted by contacting the appropriate state and recording those months in the ADAPT system.

Note: The effective date for TANF implementation will vary from state to state. When contacting other states to verify the number of months already accrued, the worker should request the number of months counted by that state toward the 60-month limit. If the other state tracks days of receipt instead of months, the EW will need to verify the exact dates of receipt of TANF. The EW will then count any month in which the individual received TANF as a month toward the 60-month limit. The following website identifies each state's contact person:

<http://dpaweb.hss.state.ak.us/training/map/map.html>

If contacted by another state to verify TANF benefits received in Virginia, the worker should provide the number of months countable under Virginia's TANF program since February 1, 1997. Prior to March, 2008, these would have only been months that were included on the VIEW 24-month clock. Beginning March, 2008, these would be months in which a TANF payment was issued (and may or may not have been countable on the 24-month VIEW clock).

The following months of receipt of TANF in Virginia do not count toward the 60-month limit:

- 1) Months of receipt of Aid to Families with Dependent Children (AFDC). Thus, months of financial assistance received in Virginia prior to February 1, 1997 do not count;
- 2) Any months that an individual receives assistance as a minor child (not a caretaker);
- 3) Months during which the adult lived on an Indian reservation during the month;
  - (a) at least 1,000 individuals were living on the reservation; and
  - (b) at least 50 per cent of the adults living on the reservation were unemployed;
- 4) Months in which the case was a "control" case. (Petersburg, Portsmouth, Prince William, Wise, and Lynchburg were research sites for the VIP evaluation. Cases in these localities were assigned a research or control status.
- 5) Months that the TANF case is suspended and no payment is issued.
- 6) Months in which the individual received Diversionary Assistance.

Note: When the client has received 58 months of TANF, a 60-month letter will be sent to the agency printer dedicated to print system generated notices. The letter will notify the client that she is approaching her lifetime limit for the receipt of TANF benefits. The EW will mail the original letter to the client and file a copy of the letter in the TANF case record.

201.3 SCHOOL ATTENDANCE\* - To be eligible for assistance, children in the assistance unit under age 18, including minor parents, must comply with the compulsory school attendance requirement. School attendance must be verified by the client during the 30-day application processing period. (Note: A child who is 18 years old meets the school attendance requirement, regardless of actual attendance, as long as he is enrolled and expected to complete high school or an equivalent program as stated in Section 201.2 above.) If school attendance is not verified, the child is considered truant and guidance at 201.3 C and D should be followed.

For applications made during the summer months, verify that the child was in attendance at the end of the school year. If attendance cannot be verified, or if the child has moved to a new school system after the end of the school year, approve the case if otherwise eligible. Set an alert in ADAPT for the month school is scheduled to begin and verify attendance at that time. Allow the client 10 days from the beginning of the school year to provide verification of enrollment or attendance. If the client does not furnish the school enrollment form within the time frame, the child is **considered** truant. If school attendance is not verified, the child is considered truant and the EW should follow guidance at 201.3 C and D.

- A. Definition of Truancy - Truancy is defined as noncompliance with State compulsory school attendance requirements as determined by the local school division.\*\*

Local school boards may set additional rules deemed necessary to carry out the intent of the compulsory attendance laws. Such rules may also be applied by the local school division in identifying children who are truant.

**(Note: The Virginia Department of Education (DOE) provides the following guidance regarding truancy to local school systems: "In the absence of a legal definition, the Virginia Department of Education is using a proxy measure to report truancy: the number of students with whom a conference was scheduled after the student had accumulated six absences during the school year, in accordance with §22.1-258, Code of Virginia." \*\*\*) The determination of truancy is always made by the local school system.**

- B. Notification of Truancy - The "Learnfare" provisions of the Virginia Code establish responsibilities for both the local agency and local school system in addressing truancy. When the local school division determines that a child receiving TANF is truant, it will notify the local department of social services. When a child attends a private, denomination, or parochial school, the local agency must arrange with the school to receive notification when the child is truant.

School divisions will identify truant TANF recipients using one of the following methods:

1. State Department of Social Services provides all local school divisions with a list of all individuals ages five through 17. Per Learnfare requirements, this information is e-mailed to a designated contact person in each school division monthly. **The Learnfare Coordinator's**

\* Code of Virginia, Section 63.2-606

\*\* Code of Virginia, Sections 22.1-254 et seq.

\*\*\* **Improving School Attendance: A Resource Guide for Virginia Schools, 2005.**  
[http://www.doe.virginia.gov/support/prevention/dropout\\_truancy/improving\\_school\\_attendance.pdf](http://www.doe.virginia.gov/support/prevention/dropout_truancy/improving_school_attendance.pdf)

**Guide for School Systems can be accessed on SPARK under TANF/VIEW Training. The Guide provides detailed information for the school system in identifying truant children who are TANF recipients and in sharing that information with the local agency.**

**Note: Local agency staff who encounter technical issues related to the Learnfare program can contact Gloria Stauffer at (804) 726-7364 or [gloria.stauffer@dss.virginia.gov](mailto:gloria.stauffer@dss.virginia.gov) (primary contact) or Evelyn Robinson at (804) 726-7393 or [evelyn.robinson@dss.virginia.gov](mailto:evelyn.robinson@dss.virginia.gov) (secondary contact) for assistance.**

2. The local department of social services and local school division may develop an alternate method (local option) for identifying TANF children who are truant, provided the method is mutually acceptable.

Note: If the agency receives notification from a source other than the school, such as the applicant/recipient, the agency must verify truancy through the school.

- C. Notifying the Applicant/Recipient of Truancy - The local department of social services must do the following when notified by the school of truancy:

Notify the caretaker, in writing, of the truancy of a member of the assistance unit. Exception: When the caretaker is a minor parent whose TANF payments are made to a protective payee, the notice must be sent to the protective payee.

The notice must include the following:

1. that the truant recipient is in jeopardy of losing eligibility for TANF benefits;
2. that the caretaker must contact the local department within five working days of the notice to cooperate in developing a plan to achieve compliance with compulsory school attendance laws; and
3. that failure to contact the local department may result in the truant recipient's ineligibility for TANF due to noncooperation.

Note: The "Advance Notice of Proposed Action" form must not be used to meet this notification requirement.

- D. Development of and Cooperation with the Plan - If the caretaker contacts the agency, the agency is to work with him to establish a plan to resolve the child's truancy and to bring him into compliance with school attendance laws.

Each local agency and local school division shall mutually develop a model plan which the agency must follow in developing individual case plans. The model plan shall allow the school and local agency flexibility in fitting the plan to the truant child's situation. The model plan must include the following:

1. a determination of the reason for non-attendance;
2. a time frame for achieving compliance;

3. a schedule of **actions** which the caretaker agrees to complete; and
4. **a description of the performance that will** constitute compliance.

The worker and caretaker, in consultation with the school, shall mutually develop the individual case plan in accordance with the agency model. At the time the plan is developed, the worker must explain to the caretaker that failure to follow the plan will result in removal of the truant child due to noncooperation. The plan must be in writing, with a copy given to the caretaker and a copy filed in the case record. Once implemented, the agency must verify that the caretaker is cooperating with the plan. The truant individual meets the school attendance requirement during this time provided the caretaker continues to cooperate in meeting plan requirements.

The local agency must determine what agency staff will be responsible for establishing individual case plans and for verifying cooperation with the plans. The local agency must monitor individual case plans to assure consistent application of the above guidelines.

E. Failure to Establish or Cooperate with the Plan -

1. If no response is received to the written notice within five working days as specified in Section 201.3 C, the local department must do the following:
  - a. make reasonable efforts to personally contact the applicant/recipient. This may include a direct telephone contact or a face-to-face contact to explain the requirement to develop a plan to return the child to school and the result of not cooperating with the requirement. The case record must be documented as to the agency's attempts to contact the applicant/recipient; and
  - b. if, after reasonable efforts, the local department is unable to make personal contact, the local department must mail an "Advance Notice of Proposed Action" to the caretaker advising him that the truant child will be ineligible for TANF benefits if the caretaker fails to contact the agency to develop a plan to return the child to school.
2. If the caretaker responds to the written notice specified in Section 201.3 C or to the personal contact, but fails to cooperate in developing or complying with the plan, the agency must take action effective the next month, if administratively possible, to remove the truant recipient from the grant due to noncooperation.

The child's failure or refusal to cooperate with the plan is considered noncooperation by the caretaker, as the caretaker is responsible for the child's actions.

If the truant child is the only eligible child, the case is ineligible for assistance and must be closed. If the caretaker and child subsequently decide to cooperate with the plan, the caretaker must reapply for TANF.

make every effort to assist the individual to obtain the required evidence. If the alien can provide an alien registration number, the worker should file Form G-845S Document Verification Request along with the alien registration number and a copy of any expired USCIS document presented with the local USCIS office to verify status.

Note: If a USCIS receipt for a replacement document was used to verify qualified alien status, obtain a copy the actual replacement document at the next renewal.

B. Sponsored Aliens

Aliens may be sponsored by either an individual or an agency/organization. Sponsorship satisfies a requirement of the USCIS that an individual petitioning to come to the U.S. is not likely to become a "public charge".

1. Agency/Organization Sponsor - If sponsored by an agency/organization, eligibility for TANF does not exist for the first three years of U.S. residence unless the agency/organization no longer exists or is financially unable to provide support.

Certain Soviet Jewish refugees have been admitted to the United States under a Memorandum of Understanding (MOU) between the U.S. Department of State and two private Jewish agencies, the Council of Jewish Aid and the Hebrew Immigrant Aid Society. The MOU states that the sponsoring agency will ensure that these refugees do not require cash, medical or **SNAP** assistance for two years after their admission to the U.S. Refugees admitted under MOU will possess USCIS Arrival-Departure Records (I-94) which contain the following statement:

"This refugee is sponsored by the Hebrew Immigrant Aid Society and (name of local Jewish organization). Private resources are available. If assistance is sought, please call (name of local Jewish agency) at (phone number)."

The sponsorship statement is to be regarded by the worker as a lead that other income and resources may be available to meet the refugee's needs. The sponsoring agency must be contacted to determine the actual availability of any income and/or resources and use such verified information in the determination of the unit's eligibility. It is not, however, appropriate to deny an application for assistance solely on the basis of the sponsorship statement on the refugee's I-94.

2. Individual Sponsor - Individuals who petition USCIS to become a sponsor of an alien must execute an affidavit of support. In some situations, an alien may be sponsored by more than one individual. Refer to Section 305.4.D. regarding sponsor deeming requirements.

C. Declaration of Citizenship or Alien Status

Federal law requires that all TANF applicants/recipients, as a condition of eligibility, provide, or have provided on their behalf, a signed statement attesting, under penalty of perjury, to their citizenship or alien status.\* The declaration of citizenship is to be obtained at the time of application

\* Social Security Act, Title 11, Section 1137(d) (1)

- 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) **The grant must be reduced by 25 percent if the caretaker's needs are not currently included on the grant because**
  - a. **the caretaker is categorically ineligible (e.g., receives SSI, is an ineligible alien, etc.);**
  - b. **the caretaker has failed or refused to cooperate in meeting a requirement of eligibility; or**
  - c. **the caretaker is a non-parent caretaker not on the grant (a payee).**

See [Appendix X](#) to Chapter 201 for penalty calculation examples.

201.12 - FAMILY CAP PROVISION\* - An additional child born during the period when a family is eligible for TANF is not eligible to have his needs included in the grant. The family cap provision applies to a child born while the family is eligible for TANF whether the parent's needs are included in the grant or not. Once a child has been capped, he continues to be capped during any subsequent period of eligibility subject to the provisions below.

For cases active on July 1, 1995, the family cap provision applies to a child born on or after May 1, 1996.

For applications on or after July 1, 1995, the family cap provision applies to a child born after the ten full months following the month in which the initial TANF payment was issued for the case. For new applications, the issuance of the initial payment is the **date the payment shows on the TANF payment history under "PYMNT DT"**. For reapplications, the EW will need to determine if there has been a break in the receipt of TANF assistance. A new ten-month period will begin at reapplication when there has been at least a one month break in assistance prior to the date the client reapplies for TANF. If the household has continuously received TANF benefits prior to reapplication, the previous ten-month period will resume. The ten-month period is a fixed period of ten calendar months and is not affected by suspensions. Months in which the household receives a VIEW Transitional Payment (VTP) will not count toward the ten-month period.

Example 1: Ms. Brown's application was approved August 3, 1995, and the **payment date** of the initial payment was August 5, 1995. The first month of the 10 month grace period is September. The tenth month is June. Therefore, the effective date of the family cap provision for Ms. Brown is July 1, 1996. The family cap applies to an additional child born to her on July 1, 1996 or later while she is eligible for TANF.

If Ms. Brown's application had not been approved until August 30th and the check date of the first payment was September 1st, the 10-month period would have begun in October and ended in July, with the family cap applicable to a child born on or after August 1.

Example 2: Continuing with the previous example, Ms. Brown closes her case effective March 31<sup>st</sup>. Ms. Brown reapplies and is approved for TANF on April 10<sup>th</sup>. As she has received a TANF payment each month since the original case approval the previous August, the original ten-month period will resume. Her tenth month will still be June. Additionally, if Ms. Brown's application was not approved until May, the original ten-month period would resume **because Ms. Brown** applied in the month (April) immediately following the month of the case closure (March).

Example 3: Ms. Solos has been a recipient of TANF for the past three years. She has two children, one of whom is capped. In March 1999 her case was closed. She reapplies in July 1999 and reports that she is pregnant. Ms. Solos' case is approved for herself and the older child. Her younger child continues to be ineligible due to his capped status. Two months later, she gives birth to her third child. This child is not capped, since the child was born during the 10-month period following issuance of her initial **payment**.

Aliens With Deportation Withheld	Documentation
<p>Aliens whose deportation has been withheld under Section 241(b) (3) or 243(h) of the INA</p> <p><b>Arrival on or after 8/22/96:</b> <i>If the alien's deportation is being withheld under Section 241(b) (3) or 243(h) of the INA, he must meet the requirements outlined; or, if his status is now LPR, verify previous deportation or removal withheld by filing a G-845S along with a copy of the alien's I-551.</i></p>	<ul style="list-style-type: none"> <li>• Employment Authorization Card (I-688B) annotated "274.a12(a) (10); or,</li> <li>• Employment Authorization Document (I-766) annotated "A10"; or,</li> <li>• Immigration Judge's Order showing deportation withheld under section 243(h) of the INA; or,</li> <li>• Immigration Judge's Order showing removal withheld under section 241(b) (3) of the INA</li> </ul>
Cuban-Haitian Entrant Aliens	Documentation
<p>Cuban-Haitian Entrants are defined by Section 501(e) of the Refugee Education Assistance Act of 1980 as:</p> <ul style="list-style-type: none"> <li>• An individual who has been granted parole by USCIS for humanitarian or public interest reasons, unless a final order of deportation or exclusion has been issued; or,</li> <li>• An individual who has an application for asylum pending with USCIS, unless a final order of deportation or exclusion has been issued; or,</li> <li>• Is subject to USCIS exclusion or deportatation proceedings, unless a final order of deportation or exclusion has been issued</li> </ul> <p><b>Arrival on or after 8/22/96:</b> <i>If the Cuban-Haitian Entrant's arrival was on or after 8/22/96, he must meet the requirements outlined.</i></p>	<ul style="list-style-type: none"> <li>• Alien Registration Receipt Card (I-551) with the code CU6, CU7, or CH6;; or</li> <li>• An unexpired temporary I-551 stamp in a foreign passport or on an I-94 with the code <b>CU6</b> or CU7; or,</li> <li>• An <b>I-94</b> with stamp showing parole as "Cuban/Haitian Entrant" under section 212(d) (5) of the INA</li> <li>• Note: Document that a Cuban-Haitian Entrant is subject to exclusion or deportation using letters or notices which indicate ongoing exclusion or deportation proceedings for that person.</li> <li>• Note: Contact USCIS if information indicates that a final order of exclusion or deportation has been issued.</li> </ul>

Example 9

A non-parent caretaker in a Group II locality receives TANF for one child. The non-parent caretaker is not in the AU. There is no countable income. The Eligibility Worker is notified of the caretaker's failure, without good cause, to cooperate with DCSE. Calculate the revised grant amount as follows:

Step (1) -           \$173.00       SOA for 1 person

Step (2) -           Calculate 25% reduction:  
                          .25 x \$173 = \$43.25

Step (3) -           Net payment calculation:

\$173.00	SOA for 1 person/Grant amount
-43.25	Penalty
\$129.75	Net payment
\$129.00	Actual payment amount

See Section 201.10 and 201.10.C.2. regarding cooperation with DCSE, Section 901.2 regarding the VIEW exemption criterion of caring for a child under 12 months of age and Section 401.1D regarding who must complete the application in a minor caretaker household.

In all instances when assistance is requested for the child of a minor parent, the minor parent must also be included in the assistance unit. (Note: the child of a minor parent does not have to be included in the assistance unit if assistance is requested only for the minor parent and siblings of the minor parent, if any).

**When the minor parent and her child are the only children in the assistance unit**, the case must be closed effective the month following the month the minor parent turns 18. (Exception: If the minor parent turns 18 on the first of the month, the case must be closed for the birthday month.) The 18 year-old may then apply for assistance for herself and her child, and, if approved, will be the caretaker on the new case and the TANF benefits will be issued in her name.

**An assistance unit in which the minor parent is included as the only child on the case, but which does not include the minor parent's child, will be closed effective the month following the month the minor parent turns 18 (unless the case must be closed for the birthday month because the minor parent turns 18 on the first day of the month). Exception: If the minor parent is enrolled in secondary school or a vocational/ technical program which she is expected to complete prior to, or in the same month as, her 19<sup>th</sup> birthday, the case may remain open until that time. (See 201.2)**

1. Unmarried Minor Parent Living with Needy Parent(s) or Other Relative(s)
  - a. Minor Parent Living With One Needy Parent or Other Relative
    1. Cases in which the minor parent and her child live with a needy senior parent (including a step-parent), or other relative, will be formed with the needy parent or other relative as caretaker, and the minor and her child as children. (Senior Parent/Other Relative = PR; Minor Parent = PC; Minor's Child = PC). The TANF **payment** will be in the name of the senior parent or other caretaker relative. Any siblings who have applied for or are receiving assistance will be part of the same assistance unit.
    2. Cases in which assistance is requested for the minor parent, but not for the minor parent's child, and the senior parent (including a step-parent) or other relative is needy, will be formed with the senior parent or other relative as the caretaker and the minor parent as a child. (Senior Parent/Other Relative = PR; Minor Parent = PC). The minor's child does not have to be included in the assistance unit. The TANF **payment** will be in the name of the senior parent or other relative. Any siblings of the minor parent who have applied for or are receiving assistance will be part of the same assistance unit.

3. When assistance is requested for the minor's child, but not for the minor parent, and the minor parent is living in the home, both must be included in the assistance unit. The case will be formed with the needy senior parent (including step-parent) or other relative as caretaker and the minor and minor's child as children. (Senior Parent/Other Relative = PR; Minor Parent = PC; Minor's Child = PC). The TANF benefits will be in the name of the senior parent or other relative. Any siblings of the minor parent who have applied for or are receiving assistance will be part of the same assistance unit.

b. Minor Parent Living With Both Needy Parents

When assistance is requested for an unmarried minor parent and the minor's child, and both senior parents are in the household and are needy, form the case with both needy senior parents as caretakers and both the unmarried minor parent and the minor's child as children. (Senior Parent = PR; 2nd Senior Parent = PR; Minor Parent = PC; Minor's Child = PC). The TANF benefits will be in the name of one of the senior parents. If the second senior parent is a step-parent, he/she can be included in the assistance unit as a PR only when he/she is the parent of an eligible child residing in the home.

Note: If the natural senior parent is disabled, a step-parent may be included in the home as an OA if he/she meets EWB criteria (and he/she is not the parent of an eligible child residing in the home).

c. Minor Parent Living With Needy Relative and Relative's Spouse

When assistance is requested for an unmarried minor parent and the minor's child living with a relative and relative's spouse, and both the relative and spouse are needy, form the case with the needy relative as the caretaker. The spouse of the needy relative cannot be included as a PR, but can be included as an EWB if he/she meets EWB criteria. (Other Relative = PR; Minor Parent = PC; Minor's Child = PC). The TANF check will be in the name of the caretaker relative.

2. Unmarried Minor Parent Living with Parent(s) or Other Relative(s) Who is Not Needy or is Not Requesting Assistance

a. Minor Parent Living with Parent Who is Not Needy or is Not Requesting Assistance

When assistance is requested for an unmarried minor parent and the minor's child, and the senior parent is not needy or does not request assistance, form the case with the senior parent as an excluded caretaker and both the minor parent and the minor's child as children. (Senior Parent = XA; Minor Parent = PC; Minor's Child = PC). The TANF benefits will be in the name of the excluded senior parent. A senior parent cannot be treated as an excluded adult if any siblings of the minor parent have applied for or are receiving assistance.

- b. Minor Parent Living with a Relative Who is Not Needy or Who is Not Requesting Assistance

When assistance is requested for an unmarried minor parent and the minor's child, and the relative is not needy or does not request assistance, form the case with the relative as a caretaker not requesting assistance. The minor parent will be included as a **child**. The case will be formed with the relative as NR and protective payee, the minor **parent as a child**, and the minor's child as a child. (**Minor parent, coded as child = PC**; Minor's Child = PC; Caretaker Relative = NR). The TANF benefits will be in the name of the protective payee, the NR relative.

3. Unmarried Minor Parent Living with a Person Standing In Loco Parentis (See Definitions of *in loco parentis* at 201.5A and 201.5D).

When assistance is requested for an unmarried minor parent and the minor's child by a person standing in loco parentis, form the case with the minor as the parent, and the minor's child as a child. (Minor parent = PR; Minor's Child = PC). The person standing in loco parentis will not be part of the assistance unit. The TANF benefits will be issued in the name of the protective payee, the person standing in loco parentis.

4. Married Minor Parents

A married minor parent is a minor who is married and living with his/her spouse. A married minor parent living with a spouse is not eligible for assistance as a minor caretaker. If the minor parent and spouse are eligible for assistance, the case will be established as a regular TANF or TANF-UP case.

Note: If a married minor parent, spouse, and child are living with the parent of the minor parent, that parent's income is not counted when determining the eligibility of the minor parent's TANF or TANF-UP household.

- B. Households with Multiple Groups of Children - A group of children can be a single child, or natural or adoptive siblings, or other children in a household. When the household consists of more than one group of children the determination of which children will comprise one assistance unit is based on legal responsibility. A natural or adoptive parent is the only person who has legal responsibility for a child.

Children for whom the applicant has legal responsibility will make up one assistance unit. All other children in the home for whom assistance is requested will make up a second assistance unit. If the applicant does not have legal responsibility for any of the children, there will be only one assistance unit. (Exception: While a senior parent has legal responsibility for the minor parent, a household consisting of a needy senior parent, a minor parent, and the minor parent's child will make up one assistance unit. If the needy senior parent requests assistance for siblings of the minor caretaker, those children, if eligible, will be included in the same assistance unit).

8. Any portion of an SSI payment and/or Auxiliary Grant.\*
9. Payments to VISTA Volunteers under Title I, when the monetary value of such payments is less than minimum wage as determined by the Director of the action office,\*\* and payments for services of reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and other programs pursuant to Titles II and III, of Public Law 93-113, the Domestic Volunteer Service Act of 1973, including Americorps VISTA.\*\*\* The worker must contact the Action Office at the following address or telephone number when VISTA payments are reported; Action Office, 400 N. 8th Street, Richmond, Virginia 23219, (804) 771-2197.

Exception: This disregard does not apply to payments to participants in Americorps USA and Americorps NCCC. These programs are under the authority of the National and Community Service Trust Act of 1993 which contains no requirement to disregard payments to participants applying for or receiving TANF.

10. The Veterans Administration educational benefit for the caretaker 18 or older is disregarded in its entirety when it is the veteran's only source of assistance for education. No verification beyond the award letter or benefit payment check is needed.

If the veteran receives additional assistance in the form of a grant, loan, or scholarship, the VA educational benefit is to be disregarded in its entirety as long as any portion of the benefit is used to pay for tuition, books, fees, equipment required by the education/training program, transportation if the education/training institution is more than one mile from the veteran's residence, and/or child care services necessary for school attendance.

Exceptions:

- Any funds included in the benefit amount specifically for dependents are to be counted as income to the assistance unit.
- Any separate housing allowance, including an allowance authorized under the Post 9/11 GI Bill, is to be counted as income to the assistance unit.

11. Foster care payments, **including payments for Independent Living Assistance**, received by anyone in the assistance unit.
12. All payments for supportive services under the Workforce Investment Act of 1998 (WIA).

Additionally, all payments issued to a student under age 18 or, if age 18, scheduled to graduate no later than the month he/she turns 19 under the Workforce Investment Act of 1998 (WIA), including Job Corps payments. (Note: Wages paid to an adult WIA participant are counted as earned income.)

\* 45 CFR 233.20(a) (3) (x)

\*\*\* 45 CFR 233.20(a) (4) (ii) (g)

\*\* 45 CFR 233.20(a) (4) (ii) (h)

The Food Stamp Act of 1997 requires that each applicant who is applying for TANF and also wishes to apply for Supplemental Nutrition Assistance Program (SNAP) benefits, must be allowed to do so in one interview if all members of the TANF assistance unit will be the same as those individuals who comprise the SNAP household.\*

All applications for TANF, except on those on which the household has indicated that it does not want SNAP benefits, shall be regarded as SNAP applications. (At application the household will indicate if it does not want SNAP.) If the household's intention to apply for SNAP is unclear, the local agency shall determine at the interview, or in other contact with the household, whether or not the household wants to apply for SNAP benefits. The local agency shall conduct a single interview at initial application for both TANF and SNAP purposes. TANF households shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs. (Refer to the SNAP Manual, Volume V, Part II, H.)

- B. Where/How Applications are Made - **An application may be made either electronically or in writing.\*\*** Forms must be made freely available to the public upon request. The request for assistance must be made with the local department of social services in the county/city in which the applicant resides on either a permanent or temporary basis. **Applications may be completed in the local agency and an intake interview conducted. Applicants may also apply, make changes and complete renewals at <https://commonhelp.virginia.gov>.**

Any individual may request that an application be mailed to him. This must be done. An applicant may also file the TANF application by fax. **When an application is filed** the applicant must be advised that an interview with an eligibility worker is required in order to complete the processing of the application. This interview must be scheduled at the earliest date convenient to the applicant and may be conducted either in the local department, in the applicant's home, or by telephone. Any individual may request an application on someone else's behalf. If an individual requests an application on someone else's behalf, the local department must provide an application to the individual or mail the application directly to the person on whose behalf the application has been requested.

- C. Definition of Applicant - In TANF, the applicant is the parent or relative with whom the child is living who has, either directly or through an authorized representative, made application for assistance and whose eligibility has not been determined. An authorized representative must be at least 18 years of age and must have sufficient knowledge of the applicant's circumstances to provide the necessary information. The authorized representative is usually a spouse, a guardian, or another relative who is able to provide the essential information. If there is doubt about whether an individual has been authorized to act on behalf of the applicant, the applicant must be contacted to verify that she/he wishes the other person to act for her/him and a signed statement must be obtained from the applicant and filed in the case record.

\* 7 CFR 273.2(j)

\*\*63.2-501

D. Who Completes the Application - If an individual is able to complete the application him or herself, the individual should do so. However, the local agency must assist individuals who have disabilities or language barriers who need assistance **filling out the application**. This help may consist of reading the application to the individual, explaining the meaning of the questions on the application, writing in the answers, or providing other forms of help. The local agency must inform all applicants verbally that this help is available when the DSS office provides the individual with the application **or when providing access to CommonHelp from an agency computer**, and must offer this assistance during the interview if there is an indication that the individual has had difficulty completing the application. If the individual needs help completing the application, this help must be provided. If help is needed, the interactive interview must include time to read each section of the application to the applicant, with sufficient explanation and rephrasing to make the meaning clear. During the interview the eligibility worker will enter the information provided into the ADAPT system. Additionally, the following forms must be reviewed and completed with the applicant, **and signed by the applicant**, prior to case approval:

- Do You Have a Disability? (032-03-0670)
- Notice of Personal Responsibility for the TANF Program (032-03-0750)
- Notice of Cooperation and Good Cause (032-03-0036)
- Notice of Intentional Program Violations and Penalties (032-03-0646)

After the interview is completed, the information entered must be reviewed with the applicant. **If application was made using the Request for Assistance, the Statement of Facts (SOF) must be reviewed with the client and the client's signature on the SOF obtained.** The eligibility worker must also read and explain to the applicant/spouse the statements pertaining to the applicant's responsibilities including the responsibility for providing accurate information and the penalties for withholding or providing false statements. The case entering record must contain the Rights and Responsibilities form (032-03-0440-00) or be otherwise documented to show that the applicant was provided with oral and written information about his rights and responsibilities and acknowledged receipt of the information.

If the application is made by an adult, including an authorized representative, or by a married minor parent living with a spouse, only the signature of the person making the application is required on the application and required forms. The signature of the spouse should be obtained if the spouse participates in the interview. However, the absence of the spouse's signature will not negate the validity of an application. **For an application filed through CommonHelp, the application is signed by entering the applicant's name on the signature line.**

If the application is made by a minor parent who is single, separated, or divorced and who is living with a parent or relative, or with an individual standing in *loco parentis*, the application must also be signed by the parent or relative or individual standing in *loco parentis*. If the minor parent does not live with a parent, relative or an individual standing in *loco parentis*, and the agency determines that the minor parent meets an exemption to the minor parent residency requirement at 201.5C, only the minor's signature is required.

If the applicant wishes to change any of the information he has provided or any information as it appears on the application, the worker must make the change in the ADAPT system.

- E. Time Standard for Processing Application - The local agency must provide assistance units that complete the initial application process a decision on their application by the 30<sup>th</sup> calendar day following the application filing date. This time standard covers the day following the date of receipt of the signed application to the date the assistance payment is issued or the notification of denial of assistance is mailed to the applicant. (The applicant must be informed of the time standard at the time of application.) When the 30<sup>th</sup> calendar day following the application date falls on a weekend or holiday, the worker must provide a decision on the application on the last working day prior to the 30<sup>th</sup> day.
1. Exception to the 30 day processing standard may apply when:
    - a. the applicant has limitations that hinder him from securing verifications. In this instance the local agency must assist the applicant in securing verifications. The BDOA will be the first of the month following the month of application.
    - b. an emergency beyond the agency's control occurs - If an agency delay occurs, and the application was otherwise eligible, the BDOA must be the date of application.
  2. At no time should the application remain pending beyond 60 days.

If action is not taken within the 30 day processing standard, the EW must document the case to explain the cause for delay and the applicant must be notified via the notice of action of the status of his application, the reason for delay, and his right to appeal. Additionally, the EW will need to enter the reason for the delay - client or agency caused - in ADAPT on the 30<sup>th</sup> calendar day following the date of application. This will ensure that the case is correctly identified in the monthly timely processing statistics.

Each application must be disposed of by a decision of eligibility or ineligibility, supported by the facts recorded in the case record and on the appropriate comment screens in ADAPT.

Exception: Applications disposed of for reasons other than approval or denial will be treated in accordance with the provisions of Section 401.1 (J), Disposition of Application under Special Conditions.

Upon action to approve or deny an application, the applicant must be notified immediately that assistance has been authorized, including the amount of the money payment, or that his application has been denied. The notice must include a statement of the reasons for the action and an explanation of the individual's right to appeal. The **Notice of Action** must be used to notify the applicant of approval, denial, or delay beyond the time standard.

- b. If the individual requesting to be added to an approved case is not a required unit member, the date of application is the date of the individual's request.

2. Persons Added to a Pending Application - When an individual is added to a pending application, the individual's date of application is the same as for the application already pending.

- H. Effective Date - Effective date means the date that benefits begin or change or are no longer issued. When action is taken to approve a case, the term "effective date" is the same date as the beginning date of assistance (BDOA). When action is taken that results in a change in benefit level, "effective date" means the first day of the month the new benefit amount is issued. When the change involves the suspension or termination of benefits, the effective date of the change is the first day of the month that benefits are no longer issued.

(Note: So that the client understands that no benefits will be issued in the month following a suspension or termination, the language on the ANPA references the last month and day for which assistance is received rather than the month for which benefits will not be issued. The ANPA statement reads, for example: Your benefits will be terminated effective January 31, 20\_\_\_. ADAPT is programmed so that it will count the last day of the month in computing the time available for the 10-day notice for the change that is effective on the first day of the following month, in this case, February 1, 20\_\_\_. In the case of a manual ANPA completed by the worker, the effective date will also be the last month and day for which assistance is received.)

- I. Beginning Date of Assistance (BDOA) - When eligibility for financial assistance is determined within 30 days following the date of application, eligibility shall begin effective the date of application. The date of application is the date the signed application was received by the local agency. No payment shall be made for a period prior to the date of application.

If eligibility is not determined within 30 days following the date the application was received **due to a client delay**, the BDOA will be the first of the next month (month following the month in which the application is received, provided eligibility is determined to exist). **If eligibility is not determined within 30 days following the date the application was received due to an agency delay, the BDOA will be the date the signed application was received by the local agency.**

Eligibility must be determined for each month of the application period. Applicants may be ineligible for the month of application and the month of processing, however, if eligibility exist for the future month, approve the application, deny benefits in ADAPT for the month of application and the next month, and grant for the future month.

Refer to Section [401.2.B.2.c. and d.](#) for adding persons to an existing case.

- J. Disposition of Application Under Special Conditions\* - An application may be disposed of for reasons other than approval or denial under the following special conditions. In such cases the **"Notice of Action"** must be sent.
1. Withdrawal - An applicant may voluntarily withdraw his application at any time during the initial determination of eligibility. This may be done by a signed statement indicating the wish to withdraw the application or may be done by verbal request. The "Notice of Action" must be sent to confirm the applicant's notification that he wishes to withdraw. It can be printed and given to the applicant during the interactive interview.
  2. Inability to Locate - If reasonable efforts to locate the applicant are unsuccessful, the agency must include on the notice to client of action the agency's attempts to locate him or request that he contact the agency. If the applicant does not contact the agency so that a decision can be made within the time standard, the application will be denied.
  3. Death - If the applicant dies before action can be taken on his case, his application is denied and a letter must be sent to the next of kin, if known, advising that an application for public assistance on behalf of the eligible children had been made and is being denied. The case record must contain verification of death, including the date of death.

When an application is disposed of under one of the conditions described above, board action on the case is not required, but the basis for termination must be recorded in the case record. Cases denied under these conditions are recorded statistically as applications withdrawn and should be reported to the local board at its next meeting.

\* 45 CFR 206.10(a)(8)

When the responsibility for obtaining verification has been assumed by the worker, the client must be advised that if the agency or person from whom verification has been requested does not respond to the request, eligibility cannot be established. In these situations, the **Notice of Action** must be sent and the case record documented to reflect attempts made to obtain verification. Copies of all relative correspondence must also be in the case record.

If eligibility is established within the original 30-day processing time, the original application date is protected when an application is denied as a result of lack of required verification. The initial application date must be used if subsequent information substantiates the applicant's eligibility. (See [401.3.F.5.](#))

## 2. Ongoing Eligibility

When changes occur within the renewal period that affect eligibility or benefit amount, the agency must evaluate the change and take action to adjust the benefit amount, if necessary. The responsibility for changes lies with both the TANF AU and local agency. The individual must report changes in the household income and assistance status. Unless exempt, ongoing cases are subject to interim reporting requirements and must file an Interim Report about their circumstances between renewals. The agency must make adjustments in entitlement and benefit amount based on reported changes and for changes the agency initiates.

### a. Changes That Must Be Reported

1) The following changes must be reported by the TANF AU following case approval:

- Changes in address (a new physical or mailing address);
- Changes in income that places the monthly income of the household above 130 percent of the federal poverty level (FPL) for the number of people in the TANF AU (composition at approval or most recent renewal). ("Household," for the purposes of determining income changes that must be reported, means the AU plus any other required unit members who reside together with the AU members. These required unit members include step-parents, parents who are not U.S. citizens or eligible aliens, and others whose needs are not included on the grant. See 302.7D and 302.7E for a comprehensive list of these individuals. The income of these related, but ineligible individuals, would have been considered in determining the TANF grant amount for AU);
- Changes in household composition resulting from one of the following individuals entering or leaving the home:
  - an eligible child, including a newborn,
  - the father or mother of an eligible child, including a newborn;
- Changes that affect participation in the Virginia Initiative for Employment Not Welfare (VIEW) Program.

This would include changes in the need for transportation, child care, or any other supportive service.

Assistance units must report the changes listed above within 10 calendar days from the date the unit knows of the change, but the report is timely if reported by the tenth of the following month. The 10-day period begins the day the change becomes known to the assistance unit. If the assistance unit is uncertain of the exact date or the exact amount of income that has changed, the 10-day reporting period begins the day the change occurs. The change may be reported on the Change Report form, by telephone, face-to-face, by mail, or electronically.

**In addition, the assistance unit is requested to report changes in their telephone numbers.\* Because telephone number changes do not effect eligibility or benefits the agency will not take negative action if the change is not reported.**

The unit may also report a change of its circumstances with the filing of the Interim Report. Changes may be reported by an assistance unit member or any person having knowledge of the assistance unit's circumstances. When the report is made by mail, it may not reach the local agency within the 10-day period. The assistance unit will have met the reporting requirement if the letter is postmarked within the 10-day period. Substantiation of eligibility factors or verification of any change requested by the worker must be provided by the recipient as soon as possible but no later than 10 days from the date the information is requested.

## 2) Local Agency Action on Changes

The agency must act promptly to terminate or to adjust benefits when changes in the assistance unit's circumstances or income are reported by the recipient, including information about an impending change reported at application. The TANF case must reflect the following changes:

- changes reported by the assistance unit;
- changes put into ADAPT to meet reporting requirements or guidance requirements of another program;
- changes to prevent duplicate receipt of benefits including information provided through a PARIS Match; and
- changes that are considered verified upon receipt, such as notification by the foster care worker that a child has been removed from the home and placed in foster care.

Information may become known to the agency through means other than listed above such as information provided by the ESW regarding a VIEW participant. If the change is one that the assistance unit was required to report, the agency must act on the information. If the change is a change that was not required to be reported, the agency must hold the information and evaluate it at the next interim report or renewal, whichever comes first.

Action will be taken according to Section 305.1, page 11.

## 401.5 INFORMATION TO BE GIVEN APPLICANT/RECIPIENT -

In the process of determining eligibility, the worker must provide the applicant/recipient with the following information:

- a. The applicant/recipient's responsibility to provide accurate and complete information to the best of his ability.
- b. Information Regarding Timely Reporting of Changes.
  1. Applicants are responsible for reporting required changes within 10 days of the date of the Notice of Action to approve. Required changes that occurred after the initial interview, but before the Notice of Action to approve must be reported within this 10-day time frame.
  2. Recipients of TANF must report income changes when the income of the household exceeds 130 percent of the federal poverty level for the number of people in the TANF assistance unit at the time of approval or the Interim Report evaluation, as outlined in Section 401.2.B.2. For the purpose of determining income changes that must be reported, "household" includes members of the AU plus required unit members residing with the AU whose income is considered in determining eligibility but whose needs are not included on the grant. See 401.2B(2)(a).
  3. Recipients are required to report address changes (a new physical or mailing address) within 10 days of the change.
  4. **Recipients are requested to report changes in their telephone number(s).\***
  5. Recipients must report when an eligible child or the parent of an eligible child enters or leaves the home.
  6. VIEW participants are required to report changes in gross countable income of greater than 130 percent of the federal poverty level based on size of the assistance unit, other changes pertinent to participation in VIEW, including changes in the need for supportive services.
  7. Assistance units must complete an annual renewal, unless a shorter renewal period is required by SNAP. In addition, an interim report must be submitted by the sixth month of the renewal period.

Applicants/recipients must be advised of changes not required to be reported that may increase benefits, such as loss of income and additional family members in the home.

\*63.2-501.1

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- c. Liability for failing to report changes.
- d. Methods of Reporting

The Change Report (032-03-0051) must be given at each application, reapplication, and renewal, with an explanation of its use.

**Recipients may report changes on the Change Report 032-03-0051-28, in writing, through CommonHelp, in person or by telephone.**

- e. The agency's responsibility to complete the application within 30 days following the date of application or make indicated changes in amount of payment as necessary.
- f. The applicant/recipient's right to appeal if action is not taken on his application or request for an increase within the required time period of if he is dissatisfied with the agency's action.
- g. The requirements with respect to nondiscrimination.
- h. Social services provided by the agency.
- i. Family planning and early screening, diagnosis, and treatment.

All applicants must be informed of the availability and importance of preventive health screenings (EPSDT) for children up to age of 21. EPSDT or Early and Periodic Screening, Diagnosis and Treatment is a program that focuses on the early identification of health problems through periodic well-child assessment, immunization and follow-up care to resolve any identified health problems. All Medicaid recipients up to the age of 21 are eligible to receive EPSDT services. EPSDT does not require any additional enrollment procedures. Discussion about EPSDT services should be supplemented by reviewing the Department of Medical Assistance Services (DMAS) EPSDT fact sheet with the applicant.

Most recipients will be enrolled in a Medicaid managed care program and, as a result, should be encouraged to contact their MEDALLION Primary Care Physician (PCP), Health Maintenance Organization (HMO) or the MEDALLION Care Helpline at 1-800-643-2273. Non-managed care eligible recipients should also call the MEDALLION Care Helpline to receive a list of Medicaid enrolled doctors or clinics that provide EPSDT services. The recipient should be informed that transportation is provided for EPSDT services at no charge. If the recipient has any difficulty accessing EPSDT

3. Help with filing appeals or grievances if needed as the result of a disability;
- ee. The fact that the individuals with disabilities should request reasonable accommodations if they feel they need them.
- ff. Inform the client that he may receive the TANF benefits in the form of debit card, direct deposit or check.**
- gg. Explain to the client that changes and renewals may be made through CommonHelp.**

The worker must explain that certain contacts, when appropriate, require written consent (i.e., doctors, banks, etc).

#### 401.6 IMPACT ON MEDICAID

See the Medicaid Manual, Volume XIII, to determine Medicaid eligibility for TANF applicants/recipients.

#### 401.7 TRANSITIONAL CHILD CARE BENEFITS

When a case is closed to TANF, ADAPT generates a notice of potential eligibility for transitional child care which is sent to the agency PID dedicated to print service notices. The agency is responsible for mailing the notice to the client and filing a copy in the case folder.

Refer to the Services Manual, Volume VII, Section II, Chapter D, to determine eligibility for transitional child care.

#### 401.8 REFERRAL FOR VICTIMS OF FAMILY ABUSE

When the eligibility worker learns about a situation where an applicant/recipient of TANF may be a victim of family abuse, the individual should be referred to local resources for supportive services. If local resources are not available, the Family Violence Hotline number, 1-800-838-8238, should be given.

Family abuse is defined in the Virginia Code of Section 16.1-228 as "any act of violence, including any forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily injury which is committed by a person against such person's family or household member".

#### 401.9 PROTECTIVE SERVICES

Federal regulations require that protective services be made available to any child on whose behalf TANF is being requested or received when it appears that the child is being neglected, abused, or exploited or in a situation which is otherwise detrimental to his welfare. If the eligibility worker has reason to believe that a child, on whose behalf TANF is being applied for, or received, is in an unsuitable environment because of known or suspected instances of physical or emotional injury, it is the responsibility of the eligibility worker to make a referral to the services staff for protective service.

Known or suspected instances of physical or emotional injuries include instances of sexual abuse or exploitation, and negligence and/or maltreatment of such child under circumstances which indicate that the child's health or welfare is threatened.\*

\* 45 CFR 233.90(a)(2)

402.1 INCOME ELIGIBILITY VERIFICATION SYSTEM (IEVS)

Section 1137 of the Social Security Act requires states to coordinate data exchanges with other federally assisted benefit programs and to use that information when making eligibility determinations for TANF recipients. The federal statute requires that information obtained through these data exchanges be verified by a third party, not the IEVS source, prior to impacting the eligibility of the TANF case or the amount of benefits. The exception to the prior statement is Social Security benefits. Chapter D, page 7, of the IEVS Manual provides instruction to local departments of social services in the use of the information obtained through IEVS. Local workers must complete a Benefit Impact Statement (BIS) for each TANF case for which it receives an IEVS match. The IEVS match must NEVER be printed.

The Income Eligibility Verification System (IEVS) provides information by running matches of the client population against the files of other state and federal agencies. These include:

- the Social Security Administration for SSI benefit information (SDX) and earnings information from the Benefit Exchange Earnings Records (BEERS);
- the Internal Revenue Service for unearned income, such as interest (RES).

The purpose of the matches is to determine whether available information is known to the local social services department.

Information about SSI benefits from the **SPIDeR system** is considered verified upon receipt because the provider of the benefits (SSA) is also the source of the information. The local agency must take action to terminate, deny or reduce benefits, including proper notices to the assistance unit, without needing additional verification. If the information, however, is questionable, the agency must resolve the discrepancies before taking action.

Information from other IEVS matches is considered unverified. Prior to taking action to terminate, deny or reduce benefits, agencies must independently verify the amount of the asset or income involved, and whether the asset or income is or was accessible to the assistance unit.

The agency must obtain independent verification of information obtained from IEVS by contacting the assistance unit and/or the appropriate source of the income. If the agency opts to contact the assistance unit, the contact must be in writing, informing the assistance unit of the information received, and requesting that the assistance unit respond within 10 days. If the assistance unit fails to respond in a timely manner, the agency must send an advance notice to suspend or terminate the case. The agency may contact the appropriate source of the information. Once independent verification is provided, either by the assistance unit or the source, the agency must properly notify the assistance unit of the action it intends to take and provide the assistance unit with an opportunity to request a fair hearing prior to any adverse action.

The Regional Hearings Officer will send the receiving locality a copy of the appeal validation and notify them as to the original amount of assistance which must be restored. If the case continues to be eligible, the receiving locality will be responsible for recouping any overpayments. If the case is found to be ineligible, the transferring locality will be responsible for recovering any overpayments.

3. If an appeal is filed due to a decrease resulting from adjustments in the standards of assistance, the hearing will be ALLOWED.

F. MEDICAID COVERAGE

**To assure continued Medicaid coverage, the transferring locality must follow instructions in the Medicaid Manual at Volume XIII, M1520.600.**

G. SITUATIONS AFFECTING THE TRANSFER PROCESS

1. Subsequent Moves During the Transfer Process - If the recipient moves to a third locality before the receiving locality can complete their redetermination, the redetermination does not have to be completed. The procedures outlined earlier in this section will be followed to effect this subsequent transfer.
2. Reapplications in Another Agency After Case Closings - If a former recipient of TANF reapplies in another locality, that locality may request the case record from the former locality. The former locality must comply with this request and forward the case record to the requesting locality within five working days of receipt of the request. The former locality should retain the financial and statistical forms.
3. Applicant Moving to Another Locality within the State - In the event an applicant moves to another locality, with the intent to remain there, prior to completion of the initial determination of eligibility, the **sending** agency must process the application. If eligibility exists, the case must be transferred following guidance under Transferring Agency Responsibilities (502.6.B.). If the application is denied, the agency will notify the applicant using the Notice of Action.

Note: There are no provisions for interstate transfer of cases. If a recipient moves to another state, assistance must be terminated and timely notice sent advising the recipient of the case action.

503.1 DEFINITION OF IMPROPER PAYMENT - A TANF payment made by a local department is improper when the payment is incorrect because: (1) the assistance unit does not meet eligibility requirements in the category (payment received in error/payment to an ineligible case); or (2) payment is in an amount greater than the amount to which the assistance unit is entitled under established guidance (overpayment); or (3) payment is in an amount less than the amount to which the assistance unit is entitled under established guidance (underpayment); or (4) a VIEW participant is found to have committed an IPV for receiving a payment or purchase on his behalf which is in an amount greater than what he is eligible for or for which he is ineligible.\*

Improper payments may occur as a result of overdue reviews or other agency errors or because of erroneous or incomplete information supplied by the client. Improper payments may be revealed by several sources, not necessarily limited to the following: Local Agency Reviews, Federal Program Reviews, Fair Hearings, or earnings reports furnished by the Virginia Employment Commission.

503.2

503.2 STATUTORY PROVISIONS FOR REFUND OF OVERPAYMENTS AND PAYMENTS - If a payment or overpayment is made to an individual who is ineligible, the amount of such overpayment shall be returned to the Virginia Department of Social Services by the locality. Repayments will not be required if the Department determines that the payments or overpayments are the result of vague or conflicting regulations issued by the Department, or the failure of the Department to make statutes, rules, regulations, and guidance decisions available to the locality in a timely manner. Repayments will not be required in situations in which the locality exercised due diligence, yet received incomplete or incorrect information **from the client** which caused the overpayment. If a locality fails to return an overpayment as required, the Department of Social Services shall withhold an equal amount from the next disbursement made by the Department to the locality.\*

The criteria used for determining if a locality exercised due diligence are as follows:

- A. A redetermination was not outstanding (overdue) in the case in question because the agency has received permission from the State to suspend reviews.
- B. The error had not occurred at the time of the completion of a scheduled review.
- C. It can be shown that the error was the result of the client willfully withholding information which would not have been discovered by verifications required at the time of the review.
- D. The error was not the result of an anticipated change that was overlooked.
- E. The error was not the result of the client reporting a change that the agency failed to follow-up on.
- F. The error was not the result of failure to use available management tools.

The case record must be thoroughly documented regarding efforts to obtain **all** necessary information.

\* 2002, Acts of Assembly, **Chapter 899, Item 362 (Budget Bill, HB30.)**

## 801.5 ELIGIBILITY FACTORS

Only applicants may be approved for diversionary assistance. Current recipients of TANF are not eligible. Additionally, a recipient who chose to receive TANF at the time of application may not close her TANF case after approval and become eligible for diversionary assistance based on her circumstances at the time the TANF application was approved. Example: client applies for TANF on March 15 due to her spouse's incarceration (his wages were the only income for the household); she chooses to receive TANF assistance and is approved for March; on April 18, client requests her TANF case be closed; on May 1, client reapplies for assistance and requests diversionary assistance based on the loss of income when her husband became incarcerated in March; the client is not eligible for diversionary assistance.

Receipt of diversionary assistance will not count toward either the 24 or 60-month limit on the receipt of TANF. However, an assistance unit that is in a period of ineligibility for TANF due to either the 24 or 60-month limit on the receipt of TANF will also be ineligible for diversionary assistance. The applicant must verify all of the following factors and the worker must document the case record accordingly before an assistance unit can receive diversionary assistance:

- A. The assistance unit is eligible to receive TANF. A child is eligible for TANF by meeting the TANF requirements in Section 201.1 A (categorical requirements of age, relationship/living arrangements, residency, citizenship/alien status, and financial need).

The conditions of eligibility in 201.1 B do not have to be met (provision of a social security number, compliance with the school attendance requirement, participation in VIEW, and cooperation with DCSE) to be eligible for diversionary assistance, but citizenship or alien status of each applicant **or other adult who will be included in the assistance unit for Diversionary Assistance** must be verified prior to case approval. (Note: The legal presence provision that allows up to 90 days for an applicant age 19 and over to verify his status (201.7D) does not apply to Diversionary Assistance.)

The caretaker shall be eligible for TANF unless one of the exceptions specified in 302.7 D or E is applicable. The caretaker does not have to meet the conditions of eligibility (including VIEW participation and cooperation with DCSE). However, if the caretaker is under a VIEW sanction or the TANF case was previously closed due to DCSE noncooperation, the entire assistance unit is ineligible for diversionary assistance. Note: Case closure due to failure to sign the Agreement of Personal Responsibility (APR) is not a VIEW sanction. Therefore, a diversionary assistance case may be approved after a TANF case was closed for failure to sign the APR.

The "Do You Have a Disability?" form (032-03-0670) must be completed for a Diversionary Assistance application. The Notice of Personal Responsibility for the TANF Program (032-03-0750), the Notice of Cooperation and Good Cause (032-03-0036), and the Notice of Intentional Program Violations and Penalties (032-03-0646) forms are not required for a Diversionary Assistance application.

- B. The assistance unit meets TANF income limits based on Diversionary Assistance guidelines for the treatment of terminated and anticipated income at 801.6;

- C. The assistance unit has:
- experienced a loss of income in the six months prior to the date of application which has resulted in the current emergency, or
  - experienced a reduction in income in the six months prior to the date of application which has resulted in the current emergency, or
  - a delay in starting to receive income resulting in the current emergency. (The income must be scheduled to start within 60 days following the date of application.)

The income that is lost or reduced must be the earned or unearned income of the applicant or other **adult** household member who would be part of the assistance unit for TANF purposes or whose income would be considered available to the assistance unit. (See 302.7) **Income from child support payments made on behalf of a child in the household will be considered income of the applicant or other adult household member.**

**Income cannot have been voluntarily lost or reduced in order to qualify for Diversionary Assistance.** The lost or reduced income cannot be the income of a minor child or the income of an individual who **cannot** be included in the assistance unit. **The lost or reduced income cannot have been received by the household as a gift. The lost or reduced income cannot be from TANF or Refugee Cash Assistance.**

The loss or reduction of income requirement will not be met if the loss or reduction of earned income is due to a voluntary quit without good cause. Good cause includes circumstances beyond the applicant's control, such as but not limited to, loss of child care, transportation, illness of the applicant or a family member, or another emergency situation.

- D. The worker must have verification of the loss of income, reduction in income, or the anticipated start date of new income.
- E. The worker must determine that diversionary assistance will resolve the one-time emergency or crisis situation.
- F. The emergency or crisis situation does not result from debts owed as a result of receipt of TANF assistance in any state (including Virginia). This will include all previous TANF overpayments, overpayments for services, and debts incurred for child support. Note: Diversionary Assistance funds cannot be used to pay for debts owed as a result of the receipt of TANF assistance in any state.

#### 801.6 DETERMINING THE AMOUNT OF THE PAYMENT

The exact amount of the diversionary assistance payment will be the maximum TANF amount for four months or the amount of the applicant's needs, whichever is less. The payment cannot exceed the total TANF payments that the recipient would otherwise be eligible to receive in four months. The diversionary assistance payment for applicants reapplying for TANF with four or less months remaining on the VIEW clock or the TANF 60 month clock will be calculated following the same guidelines as for other applicants.

In determining the applicant's need for assistance, consider the applicant's immediate ongoing income only. Do not include terminated income or anticipated income in determining the applicant's need. Do not enter terminated or TANF anticipated income in ADAPT. Follow these steps to determine the amount of the diversionary assistance payment:

3. Divide the diversionary payment amount by the daily amount determined in Step 2 to determine how many days are covered in the payment amount. Round up to the next whole number.
  4. Determine the number of days of ineligibility by multiplying the number of days determined in Step 3 by 1.33. Round up to the next whole number. This number cannot exceed 160 days.
  5. Using the number of days determined in Step 4, determine the date that the period of ineligibility ends. Note: this date is automatically calculated by ADAPT and pre-filled on the AESANC screen.
- B. **An assistance unit, which has received diversionary assistance is not eligible for TANF again until the period of ineligibility expires. During this period of ineligibility, the case will be considered a public assistance (PA) case for SNAP purposes. Any AU member that is in a POI for Diversionary Assistance is not eligible to receive TANF in any assistance unit until the POI has ended.**
- Example: Mr. Raymond received Diversionary Assistance in one AU. He is now in a POI for Diversionary Assistance. He moves to another AU. Mr. Raymond is not eligible to receive TANF in that AU until his POI for Diversionary Assistance has ended.**
- C. A child(ren) born to a client who is in a period of ineligibility for TANF due to receipt of a diversionary assistance payment is not eligible for TANF until the period of ineligibility expires.
- D. An assistance unit can receive diversionary assistance only once in a twelve-month period.

#### 801.8 VENDOR PAYMENTS

Supervisory approval is required for all diversionary assistance payments.

Diversionary assistance payments are to be made in the form of vendor payments whenever possible in order to ensure that the specific emergency or crisis situation is resolved. These payments are issued as TANF supplemental checks to be sent directly to the vendor and are entered in ADAPT on the BATASC screen. The account number, and name on the account, if different from the case name, must be entered on the "secondary line" so the payment can be correctly credited by the vendor. The client should be instructed to contact the vendor when diversionary assistance has been approved and advise the vendor to expect the check from the Virginia Department of Social Services. The EW should include a reminder about this on the Notice of Action.

Note: If the worker cannot issue a vendor payment due to systems limitations, or if a vendor payment is not appropriate based on the circumstances of the case, a payment may be made directly to the recipient. The recipient should be advised that she is expected to use the payment to pay the vendor.

Prior to beginning the process to reissue a check when a vendor reports non-receipt of a Diversionary Assistance check, the worker should review the Check Actions Due Listing in ADAPT. If the check does not appear on the list, the worker should contact the Fiscal Processing Unit at Home Office to confirm that the check has not already been cashed.

901.6 SANCTIONS - Participants who fail to participate in the VIEW Program will be sanctioned.

- A. The sanction will be imposed by suspending the TANF payment for the period of time specified at 901.6F.
- B. For needy non-parent caretakers, the caretaker is to be removed from the grant, rather than suspending the payment. The caretaker may not be added back to the TANF grant during the current period of TANF assistance. If the caretaker files a new TANF application, and will be included on the TANF grant, she will be referred to VIEW unless otherwise exempt.
- C. The ESW must advise the EW of the decision to sanction and the sanction count.
- D. The EW is to sanction the participant unless otherwise advised by the VIEW worker. **If the participant requests that the TANF case be closed following the referral of the case for sanctioning, the EW will enter the sanction in ADAPT prior to closing the case.**
  - 1. If the EW is aware that the participant might have been exempt during the required participation period, or was unable to participate for reasons of disability or language barrier, the EW must advise the ESW.

The ESW is responsible for making the final decision as to whether to proceed with the sanction. If the ESW determines that the participant was exempt, or was unable to participate for reasons of disability or language barrier, the ESW will advise the eligibility worker to not impose the sanction.

Exception: The EW will not impose the first sanction when the client obtains and provides verification of full-time employment (at least 30 hours per week) prior to the effective date of the proposed sanction. The EW will delete the sanction information from ADAPT and inform the ESW of the employment and that the 1st sanction was not imposed. Employment prior to the imposition of a 2nd or 3rd sanction will not impact the proposed sanction; the eligibility worker will impose 2nd and 3rd sanctions regardless of client employment status.

2. When a participant becomes exempt during a sanction period and the verified exemption still exists at the end of the minimum fixed sanction period, the EW may remove the sanction.

If the EW is notified by the ESW that the sanction was imposed in error or that the client's failure to participate was due to disability or language barrier, the sanction must be lifted immediately by the ESW and deleted from the automated system by the EW. The sanction will not be included in the client's overall sanction count.

3. When a sanctioned individual becomes disabled or becomes required to care for a disabled family member living in the household during the 24-month POI, and such disability or situation prevents the individual from being self-supporting, the individual must serve the fixed sanction period before the individual can be eligible for TANF due to his/her disability, or need to care for the disabled family member, during the 24-month POI.

Example: A VIEW sanction was imposed effective July 1, 2008 for six months. The client's 24<sup>th</sup> month of assistance is September 2008. The 24-month POI begins October 1, 2008. The client becomes disabled (unable to work) and applies for TANF on October 13, 2008. She still has to serve the remaining two months of the fixed sanction period (in this example, six months) before she can be eligible for TANF due to disability. The earliest date that she can be eligible for TANF due to disability is January 1, 2009.

- E.** The EW must apply the sanction effective the month following the month in which they receive notice to sanction, if administratively possible. If this cannot be done, the action must be taken for the second month. The EW must mail the Advance Notice of Proposed Action as soon as possible after receipt of the Notice to Sanction. The advance notice must indicate the duration of the sanction.

**Exception: In the case of a TANF-UP household, when one parent is participating in a FEP placement and the VIEW sanction is the result of non-compliance by the other parent, the ESW will advise the EW to delay imposition of the sanction until the month following the end of the FEP placement. This will allow the FEP placement to continue and not be disrupted by the closure of the TANF-UP case due to the sanction**

- F.** The sanction time frames are as follows:

1. For the first sanction, the grant will be suspended for a minimum period of one month and will continue to be suspended until the client complies.
2. For the second sanction, the grant will be suspended for a minimum period of three consecutive months and will continue to be suspended until the client complies
3. For the third and subsequent sanctions, the grant will be suspended for a minimum period of six consecutive months and will continue to be suspended until the client complies.

In determining the length of time that the sanction will be imposed, if the VIEW worker determines that a previous sanction was due to an

unaccommodated disability which prevented compliance, the current sanction should be imposed as if the previous sanction had not occurred. For example, if this would have been the second sanction but the ESW determines that non-compliance with program requirements that resulted in the first sanction was the result of a disability, the second sanction will be treated as if it is the first sanction and the penalty for a first sanction will be applied.

- G. While a grant is suspended for a sanction period, the assistance unit members are considered TANF recipients for all other purposes. The time clock for VIEW participants continues during the sanction.
- H. The ESW will advise the eligibility worker of the effective date of compliance. If the date of compliance is during the fixed sanction period, the sanction will be lifted effective the first day of the month following the end of the fixed period. (Note: If the case is approved in a sanction, and the payment suspended, each of the month(s) of suspended payment, including a partial month, will count toward the fixed sanction period.) If the date of compliance is after the fixed period has ended, the sanction will be lifted as of that date and the grant for that month will be prorated.
- I. When the sanctioned individual becomes exempt after the minimum sanction period has elapsed, the sanction will be lifted effective with the date the exemption was verified.

An underpayment will not exist when an exemption change which should result in an increased benefit amount is reported or verified late.

Exception: If the ESW verifies that the non-compliance with program requirements that resulted in the sanction was the direct result of a disability, the need to care for a household member with a disability, or limited English proficiency, the ESW will notify the EW, who will immediately lift the sanction, reinstate benefits, and enter the exemption information into the computer system.

- J. Sanctions when a client reapplies following case closure:

- 1. If the sanction is in the fixed period when the case closes, the sanction resumes at approval at the point it left off when the case closed.

**Example - A second VIEW sanction was imposed effective 1/1. Client requested that her TANF case be closed effective 1/31. Client reapplied for TANF on 6/15. The application is approved on 7/12 with payments suspended for June and July since the minimum sanction period has not been served. June (though a partial month) and July will count as the second and third months of the three-month sanction period.** Once the fixed period has ended and the client has complied with program requirements, the ESW will schedule the client for reassessment at which time a new APR will be signed.

- 2. If the fixed sanction period passed **while the client was on assistance, but she did not cure the sanction, the TANF case will be approved in a suspended status if she applies for assistance again.**

The eligibility worker will not issue a payment until notified by the ESW that the client has complied.

EXAMPLE: The client failed to complete her job search assignment and was sanctioned for one month beginning **4/1**. She notified the worker on **4/12** that she had moved and was now living out of state. Her case was closed effective **4/30**. On **8/15**, the client reapplied for assistance. Because the sanction was still in place, she was instructed to contact the VIEW worker in order to cure the sanction. She agreed to complete a job search assignment, but because she did not do so by the end of the 30-day processing timeframe, her application was approved in a suspended status (case approved for the first month in ADAPT; those benefits immediately deleted so they will not be issued; then, case suspended for future months). The client successfully completed the job search assignment on **10/27** thereby curing the sanction. The VIEW worker notified the EW of the client's compliance on that date, the suspension was lifted and the client's benefits began **10/27, the date she completed the activity**.

In **both** sanction situations, the time clock for the twenty-four month time limit, which includes months in which partial payments were made, resumes at reapproval. The client is still allowed the VIEW disregards when employed and in a sanction.

- K. Sanctions when a client moves to another case: When a sanctioned individual moves from one case to another, the sanction continues uninterrupted. The sanction always follows the adult VIEW participant; it does not follow the children or the case.
- L. VIEW Appeal Procedures - The following procedures must be followed at all appeals involving VIEW Sanctions:
1. A representative from the Employment Services Program Service Staff (VIEW) must be present during the appeal hearing.
  2. The hearing officer will notify Employment Services Staff of the date and time of the appeal hearing.
  3. The summary of facts must be prepared jointly by the Eligibility Staff and Employment Services Staff to ensure that both ESP eligibility and participation issues are stated in the summary.
  4. If the appeal is filed timely and benefits continue pending the hearing decision, the sanction must be imposed as soon as administratively possible when the decision sustains agency action. There is no overpayment in this situation.

901.7 VIEW PAYMENT CALCULATION - To reward work, a VIEW participant may earn up to the assistance unit's federal poverty level (or up to 150% of the federal poverty in the case of TANF-UP households) and remain eligible for TANF for up to twenty-four months from the date that the initial Agreement of Personal Responsibility is signed.

1) no eligible children remain in the home and 2) a VIEW sanction is imposed on the FEP case **as a result of non-compliance with the VIEW program by the FEP participant. See 901.6.**

Eligibility continues during FEP participation even though changes reported would otherwise cause the case to be ineligible, e.g., a parent with income in excess of 130 percent of the federal poverty level.

1. During placement in FEP employment, the recipient must continue to report required changes (Section 401.2.B.2.), and the changes must be entered in ADAPT. Although the information entered does not affect eligibility of the TANF case, the changes must be evaluated in accordance with SNAP and Medicaid requirements and may impact the assistance unit's eligibility for SNAP or Medicaid.
  2. If a redetermination is due anytime during the FEP placement and the case is receiving TANF and SNAP, the redetermination must be completed when due. Changes in the participant's circumstances will not affect TANF eligibility during the FEP placement, except as noted in paragraph B above.
  3. If the case is TANF only, the eligibility worker may postpone the redetermination until the last month of the FEP placement, since a full evaluation of eligibility must be completed at that time. In determining ongoing eligibility following termination of the FEP placement, the EW must take into account any changes that have occurred during the placement. If the FEP participant is retained by the employer following termination of the placement, wages received are evaluated the same as for unsubsidized employment.
  4. If the FEP participant meets the criteria for interim reporting during the FEP placement, an Interim Report will be sent. However, no negative action can be taken if the Interim Report is not returned and/or completed. ADAPT keeps FEP cases active so as not to interrupt issuance of the stipend to the employer.
- C. ISSUANCE OF STIPEND PAYMENTS TO THE EMPLOYER - The employer stipend is a monthly payment paid as partial reimbursement of expenses incurred by the employer for wages and training provided to the FEP participant. The stipend is a predetermined, fixed amount of \$300 monthly. Stipends are normally issued on the first of each month through the monthly batch process. However, the first stipend must be issued through Benefit Adjustment when ADAPT cannot be updated because of the 10-day timely notice period.
- Stipends are paid beginning the month after the participant enters a FEP placement. FEP stipends are issued for up to six consecutive months unless notified by the VIEW worker to discontinue the payments prior to the end of the placement. In no instance are stipends to be paid for more than six months.
- D. ISSUANCE OF TANF PAYMENTS DURING THE FEP PLACEMENT - A supplemental payment to the recipient may be issued in the following situations:
1. The EW is notified by the ESW that the participant worked less than

an average of 20 hours per week, with good cause. Good cause means that the failure to work was outside the control of the FEP participant, such as, but not limited to, loss of child care, transportation, illness of the FEP participant or a family member, or another emergency situation. The number of hours worked and good cause are determined by the VIEW worker. If the ESW determines good cause does not exist, no supplement is to be issued.

The EW will issue a supplemental payment through Benefit Adjustment using gross earnings information provided by the ESW and other countable income received in the month for which the supplement is issued. The amount of the payment is determined using the VIEW calculation. Use ADAPT Option 11 to create the payment. If an overpayment or penalty is in effect, the payment to the FEP participant must be reduced accordingly.

2. Both a TANF payment and monthly FEP stipend must be issued in the final month of the FEP period.
- E. ISSUANCE OF EMPLOYER BONUS - The VIEW worker will notify the eligibility worker on the Full Employment Program Communication Form (032-03-655) when a bonus payment must be issued. The bonus payment is a predetermined, fixed amount of \$500 payable to the employer. A bonus is paid if the participant is hired permanently at any time during the placement period or within 30 calendar days after the placement has ended. The EW will issue the bonus payment through Benefit Adjustment. Only one bonus payment may be issued per VIEW participant per FEP placement.
- The bonus cannot be issued in the same month a stipend has been issued. For example, if the final stipend payment is issued in October, the bonus payment cannot be issued until November.
- F. TREATMENT OF CHILD SUPPORT PAYMENTS - FEP participants must continue to redirect all support to the Division of Child Support Enforcement (DCSE) while in a FEP placement. DCSE will issue to FEP participants all child support payments they would otherwise be entitled to receive. This includes \$100 disregard payments and other support payments they would receive if they were receiving a TANF payment.
- G. REPLACEMENT OF STIPEND OR BONUS CHECKS - The FEP employer will contact the ESW if check replacement is necessary, and the ESW will notify the EW using the Full Employment Program Communication Form (032-03-655). If a stipend is reported as lost, stolen, or mutilated, follow procedures in Section 502.5.D and [Appendix I](#) to Chapter 500 to stop payment.

The employer must complete the required three copies of the Affidavit on Check Endorsement. The employer will determine the appropriate person to complete and sign the affidavit. This is usually an employee in the accounting department with responsibility for endorsing checks received. If the employer endorses his checks with a stamp, the endorsement stamp should be stamped once on the signature section at the end of the affidavit.

considered in making program assignments. They are not the basis on which hours of participation can be reduced except in the case of domestic violence when the specific VIEW assignment is identified as putting the family's safety in jeopardy. All other reductions in the hours of participation must be based on a Medical Evaluation signed by a medical professional. (See 901.2C)

7. An explanation to the client of the following:
  - a. program goals and philosophy
  - b. program requirements, including an explanation of the responsibilities and expectations of participants in the VIEW program
  - c. the right to disclose a disability to the agency, and the benefits of doing so
  - d. role of the Agreement of Personal Responsibility in describing the mutual responsibilities of the client, worker, and agency
  - e. the consequences of not signing the Agreement of Personal Responsibility
  - f. the beginning of the two-year limitation on the receipt of TANF benefits which begins the month after the month the Agreement of Personal Responsibility is signed
  - g. the requirement to be involved in work activities throughout the two-year period of VIEW participation
  - h. the benefits of immediate employment (eligibility for the enhanced disregard, increase in skill level, employability, and income)
  - i. the benefits of "banking" months in order to save TANF eligibility
  - j. penalties for failure to comply with program requirements including sanctions and consequences for hardship exception requests
  - k. good cause reasons for not complying with program requirements
  - l. the requirement to respond to all agency correspondence
  - m. the name and phone number of the ESW and/or other agency contact
  - n. the availability of the VIEW Transitional Payment (VTP) as an incentive for retaining employment
8. Signing the Agreement of Personal Responsibility (APR)
9. Following the interview, the ESW will assign the client to the appropriate program activity. The assignment will be located within a reasonable distance of the participant's home. The Activity and Service Plan (032-02-0302-05) will be used to record this information.

## 1000.9 – VIEW AGREEMENT OF PERSONAL RESPONSIBILITY

- A. The Agreement of Personal Responsibility (032-03-0310) outlines the participant's responsibility:
1. to seek employment to support her own family;
  2. to participate in assignments made by the ESW;
  3. to notify the ESW of any change in circumstances which would impact the participant's ability to satisfactorily participate in the program;
  4. **to notify the eligibility worker of changes as indicated on the Change Report form and the consequences for withholding or giving false information.**
  5. to accept a job offer. Refusal to accept a bona fide job offer will result in a full household sanction;
  6. to arrange and find transportation and child care. The ESW will assist the participant when the participant has tried but has been unable to find transportation and child care.

Additionally, it provides notification to the client of the two year time period for receipt of TANF benefits, and the enhanced disregards available to the participant if unsubsidized employment is obtained.

- B. The participant and the ESW will sign a new Agreement of Personal Responsibility (APR) at the time of the initial assessment; at each subsequent referral following approval of a TANF reapplication; at re-referral following a period in which the individual was exempt; and when a former VIEW participant whose TANF case closed while she was subject to a VIEW sanction reapplies and subsequently returns to the VIEW program after the sanction has been lifted. (The sanction will not be lifted until the minimum fixed sanction period has been served *and* the individual has completed an act of compliance.) If the client refuses to sign the APR at the initial assessment, the worker must sign it and date it. The worker must note on the APR that the client refused to sign. The worker must also document the case record that the client refused to sign.

Examples of when a new APR must be signed:

Example 1: At each reapplication for TANF.

Client is approved for TANF effective 08/11/07 and is mandatory for VIEW participation. Client signs the APR 09/03/07 and remains on TANF as a VIEW participant until 03/31/08 when the TANF case is closed. Client reapplies for TANF and is approved effective 06/01/08. Client is again mandated to participate in VIEW and is referred using a VA code. Client must sign a new APR. Failure to sign the APR will result in case closure.

Example 2: In a TANF UP household, each time one of the parents is referred.

TANF-UP case is approved effective 09/01/07 and the dad is mandatory for VIEW. The mom is exempt based on caring for a child under 12 months old. The dad signs the APR on 09/15/07 and eligibility continues. The child turns 12 months old on 12/23/07, and mom is referred to VIEW. She is required to sign an APR, but refuses. The TANF case will close.

Example 3: In an ongoing case, each time an individual cycles in and out of the VIEW program due to exemptions.

TANF is approved effective 03/01/07; client is mandatory for VIEW. The client signs the APR on 03/11/07. Client provides a medical on 06/04/07. (Medical exempts the client for 06/04/07 – 09/04/07). The EW will code the client as a V5 on AEGNFS and the ESW will close the ESPAS enrollment with a closure code of 02.

interests and the position description;

- b. The employer agrees to provide needed training to do the job; and
- c. The net monthly wages (take home pay) estimated by the employer exceed the amount of monthly TANF benefits the participant was last paid. The ESW can obtain the most recent TANF payment amount by reviewing the participant's TANF payment history in ADAPT or by contacting the EW.

#### 4. Criteria for the FEP Participant

- a. The participant must be able to perform the minimum requirements for entry into the job and be capable of performing the duties of the job with the provision of training by the employer at the end of the placement.
- b. The supportive services needed by the participant can be provided.
- c. The participant may participate in FEP more than one time but must not have been previously sanctioned while assigned to a FEP placement.
- d. A participant cannot enter a FEP placement if she is in the process of being referred for a 2<sup>nd</sup> or 3<sup>rd</sup> sanction.

If the participant has been referred for a 1<sup>st</sup> sanction and a FEP placement is available and the participant signs the Full Employment Program Agreement prior to the effective date of the sanction, the 1<sup>st</sup> sanction can be avoided. For a participant in a first sanction, a participant may be referred for FEP participation. As long as the fixed period has been served, the FEP assignment is the verified act of compliance and the sanction may be lifted.

- e. More than one participant may be screened and referred to an employer for an interview for the FEP positions.
  1. The ESW should complete the VIEW Referral to Work Site form (032-02-0300) to be given to each referred participant to take to the job interview.
  2. After the employer indicates his selection on the participant's VIEW Referral to Work Site form (032-02-0300) and signs the Full Employment Program Agreement (032-02-0309) for the participant's placement, the participant is to be assigned to the FEP position on the Activity and Service Plan (032-02-0302) and in ESPAS. **The ESW will give the participant the FEP Information Sheet, (032-03-0440-00).**
  3. The ESW will complete the Full Employment Program Communication Form (032-03-0655) and forward it to the EW as notification of a FEP placement. This form is available on the intranet at <http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms.cgi> and can be completed online and emailed to the EW. The eligibility worker is responsible for updating ADAPT to pay the employer's stipend in place of the TANF grant as indicated on the Full Employment Program Communication Form (032-02-0655) from the ESW.

- d. The weekly number of hours of a CWEP assignment equal the total TANF dollar amount plus the SNAP benefit amount divided first by the federal minimum wage and then by **4.33**.

The number of hours of a CWEP assignment is calculated at the time of the placement and is fixed. They do not vary from week to week or month to month. The hours are recalculated at each reassessment and at any time there is a change in the size of the assistance unit which also changes the benefit amount. Note: Mass changes to the SNAP allotment amounts and changes to the federal minimum wage amount will be addressed at the next reassessment after the change.

- f. CWEP hours are not reduced by travel time to and from the placement. All CWEP hours are to be worked; meals and breaks can be included with hours worked or can be subtracted based on how they are treated for paid employees of the work site.
- g. Calculation of Work Hours for TANF and TANF-UP Cases: Combine the total TANF dollar amount with the SNAP benefit amount received by members of the TANF household. Do not include the value of SNAP benefits received by household members who are not included in the TANF grant. Divide the total of the TANF grant plus SNAP benefits by the federal minimum wage, to determine the number of CWEP hours to be worked each month. Divide that result by 4.33 and round the final result down to the next whole number to determine the number of hours to be worked each week in the CWEP assignment.

CWEP placements cannot exceed 32 hours a week. The weekly CWEP assignment will be reduced to 32 hours if the calculated hours exceed that number.

- h. CWEP Assignments for TANF-UP Cases: Both parents in a TANF-UP case may be placed in CWEP. In that circumstance, each will be required to participate the calculated hours. For example, if the calculation requires 25 hours of participation, and if both parents are assigned to CWEP, each individual will participate 25 hours a week. Additionally, each individual will have to be assigned to another activity for an additional 10 hours per week to meet his/her VIEW participation requirement.
5. Referral of the Client to the Work Site: After the client's hours of CWEP participation are determined, and a good work site match is made, the ESW will work with the client and the work site to schedule an appointment for the client to be interviewed for a position. The ESW will complete the VIEW Referral To Work Site (032-02-3000), make a copy for the record, and give the referral to the client to take to the interview. The work site supervisor will complete the bottom portion of the form, copy it for the work site, and send it back to the ESW showing the outcome of the interview. If the work site accepts the client for the placement, the worker will proceed with putting the client in CWEP and in arranging any needed supportive services.

If the client does not have Medicaid coverage, the worker will provide both the client and the work site supervisor with a signed copy of the Notification of Workers' Compensation Requirements and Procedures form (032-03-675) and will explain the responsibilities of all parties should there be an injury at the work site.

6. Concurrent Assignments: Since it is not possible for a CWEP assignment to meet the 35 hour participation requirement, all participants assigned to CWEP must also be assigned to another component that will enhance employability.

is the beginning of the sanction period for purposes of suspending assistance. This date will be entered in ESPAS as the closure date of the VIEW enrollment.

- 3) The sanction will be imposed the first month following the month in which the case was referred for sanctioning, if administratively possible. If not, the sanction will be imposed the following month.
- 4) **If the participant requests that the TANF case be closed following the referral of the case for sanctioning, the EW will enter the sanction in ADAPT prior to closing the case.**
- 5) In an open TANF case, if the recipient terminates employment, the EW may obtain the information first. If so, the EW will notify the ESW. The ESW will contact the employer and/or participant to determine if sanctioning is appropriate.
- 6) If a non-parent caretaker is subject to a VIEW sanction, the caretaker is to be removed from the TANF grant and the VIEW enrollment closed. The non-parent caretaker will not be added back to the TANF grant during the current period of TANF assistance. The caretaker may only be added to the grant after the TANF case closes and the caretaker completes a new application requesting assistance for herself and the child(ren).

#### K. Sanction Periods

A TANF or TANF-UP recipient will have her TANF grant suspended for the following periods:

- 1) For the first sanction, the grant will be suspended for a minimum period of one month and will continue to be suspended until the client complies.
- 2) For the second sanction, the grant will be suspended for a minimum period of three consecutive months and will continue to be suspended until the client complies.
- 3) For the third and subsequent sanctions, the grant will be suspended for a minimum period of six consecutive months and will continue to be suspended until the client complies.
- 4) A participant may perform a verifiable act of compliance during the fixed sanction period. The TANF payment, however, will not be reinstated until after the fixed sanction period has ended.
- 5) The months during which the participant is sanctioned will count toward the two year time period limitation. The "VIEW Sanction Reminder Notice" (032-03-643) will be generated by ADAPT 15 days prior to the end of the minimum time period for the sanction. A second notice will be generated 90 days after the first notice is sent. The notices will be sent to the local agency's printer. The agency will send the letters to the participants. The notice can be located on the intranet at <http://www.localagency.dss.state.va.us/divisions/dgs/warehouse.cgi>.
- 6) When an individual is receiving TANF and the category changes to TANF-UP or vice versa, the sanction count continues. For example, if an individual is sanctioned in a TANF case and the category changes to TANF-UP, the original sanction continues and must run its course in the TANF-UP case. Any new sanctions the individual incurs as a recipient of TANF-UP count as being in addition to the sanctions the individual received while being required to participate as a TANF case. If the sanctioned individual leaves one TANF-UP assistance unit

continue to meet all of the VTP eligibility requirements after she relocates. If the client will no longer be eligible for VTP, the EW will send the client a Notice of Action regarding the VTP case closure.

2) When to open and close a VTP

a) VTP should be opened when:

1. the client is in VIEW at TANF case closure;
2. the TANF case is closed for any reason, except when no eligible children are in the home, **or when the agency is unable to locate the client;**
3. the VIEW participant is employed an average of 30 hours or more per week;
4. the VIEW client is earning the federal minimum wage or higher;
5. the VIEW participant is not in a sanction or referred for sanction at case closure.

b) VTP must be closed when:

1. the client reapplies for TANF;
2. the VTP recipient fails to provide verification of employment by cutoff in month six of the VTP period;
3. there are no eligible children in the home (including a child who is ineligible due to truancy);
4. the worker is unable to locate the client;
5. the client requests closure of the VTP;
6. the client is no longer working or client's hours decrease to less than 30 hours per week.
7. the client's wages decrease to less than the federal minimum wage;
8. the VTP recipient moves to another locality that is not in Virginia; or
9. the twelve-month VTP period ends.

### 3) VTP Follow-up

When the client is eligible for a VTP payment, regular job follow-up will end even if the **minimum three** monthly job follow-ups have not been completed. The worker will close the VIEW record with closure code 23, "eligible for VTP, close VIEW record." The VIEW closure date should be at the end of the same month that the TANF case closes. The ESW will then open a VTP enrollment using the hours and wage information for the 1<sup>st</sup> job follow-up and for the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>. The six job follow-ups will be entered at the same time. Enter the 1<sup>st</sup> job follow-up and transmit. Enter the 2<sup>nd</sup> job follow-up and transmit. Continue until all six have been entered.

Example: The ESW receives notification that the TANF case will close effective December 31<sup>st</sup> and the client is eligible for VTP. On or after January 1<sup>st</sup>, the ESW enters the December follow-up information, verifies the GT status of the TANF case, and then closes the regular VIEW enrollment in ESPAS. After the regular VIEW enrollment has been closed, the ESW will open a VTP enrollment using January 1<sup>st</sup> as the employment start date.

Note: Regular VIEW job follow-ups end when VTP follow-ups begin. Regular VIEW follow-ups made while the client had an open TANF case do not count toward the required number of VTP follow-ups.

ALERT #1024 will remind the worker on the 1<sup>st</sup> day of the 5<sup>th</sup> month to send out the VIEW Transitional Job Follow-up letter for the 7<sup>th</sup> month. The letter is due back the 5<sup>th</sup> day of the 6<sup>th</sup> month. Access to the Job Follow-Up letter is from the ESPAS Main Menu Option 4. If the worker puts in one client ID, the letter will print for that client. If the worker does not put in a client ID, letters will print for all the VTP cases that will be due a 7<sup>th</sup> month job follow-up. On the 1<sup>st</sup> day of the 6<sup>th</sup> month ALERT #1025 will remind the ESW to enter the 7<sup>th</sup> through 12<sup>th</sup> month job follow-ups if the client is still eligible for the VTP. The ESW must enter the 7<sup>th</sup> through 12<sup>th</sup> job follow-ups no later than the 15<sup>th</sup> day of the 6<sup>th</sup> month. If the job follow-ups are not entered in ESPAS by the 15<sup>th</sup> of the month, ALERTS will go to the EW on the 16<sup>th</sup> day instructing the EW to close the VTP in ADAPT effective the first day of the 7<sup>th</sup> month.

If the job follow-up is not returned or the job follow-up and documentation does not show the client is employed at least 30 hours per week earning at least the federal minimum wage, the payment is to stop. If the hours are less than 30 per week when the 7<sup>th</sup> job follow-up information comes back, close the VTP with closure code 20. The client is no longer eligible for the VTP. The ESW will also send an Employment Services Communication Form (032-02-0072-08) to the EW requesting her to close the VTP in ADAPT.

The VTP should be terminated and the communication form sent when employment ends, hours fall below 30 per week, wages decrease to below the current federal minimum wage, when the client changes jobs causing a break in employment which results in the average hours for the month falling below 30 per week, when the only eligible child leaves the home, and when the client does not send the job follow-up back by the due date with appropriate documentation. The VTP must also be terminated when the employment is with an educational or training institution that closes for the summer (longer than thirty days) and the client cannot work.

Official closures by educational or training institution employers for quarter or semester breaks (lasting less than thirty days) during which the client cannot work will not impact the VTP.

Once the client loses employment and the VTP is stopped, she continues to be ineligible for VTP as long as she is in the transitional period even if she becomes employed again.

SUBJECT	SECTION/PAGE(S)
Changes	
Income	305.1, p. 9-10
Information Reviewed on Application	401.1, p. 2d
Parent Returns Home	401.2, p. 2b-2d
Reflecting the Change in the Case	401.2, p. 2a-2d
Removing Income	305.1, p. 9a
Removing Persons with Income	305.1, p. 10
Support	602.5, p. 6
Time Frame for Reporting	305.1, p. 9; 401.2, 2a-2c; 401.6, p.11
Verification Time Frame	305.1, p. 9a; 401.2, p. 2a
Child Care Disregard	305.3, p. 17-21
Child Support Disregard (\$100)	305.4, p. 24; 602.3, p.1-1a
Child Care - Transitional	401.7
Gifts of Income	305.2, p. 12
Citizenship	201.1, p. 1; 201.7, p. 1; 305.4, p. 35
Coding of VIEW Components in ESPAS	Section 1000 Appendix H
<b>CommonHelp</b>	<b>401.1, pg 1a; 401.2, pg 2; 401.5, pg10, 10a &amp; 14;</b>
Complaints	101.2, p. 1c
Cohabitant Contribution	305.4, p. 37
Conditions of Eligibility	
For Children	201.1, p. 1-1a; 201.8, p. 1; 201.9, p. 1;201.1, p. 6; 801.1, p. 1
For Parents	201.1, p. 1a; 201.8, p. 1; 201.9, p. 1 201.11, p. 6; 801.4, p. 1
For Virginia Initiative For Employment Not Welfare (VIEW)	901.1, p. 1-2b
Confidentiality	103.1; 103.2
Contracts	1000.28, p. 95-97
Cooperation with Division of Child Support Enforcement (DCSE)	201.10, p. 1-2a

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
VIEW PROGRAM**

**VIEW FULL EMPLOYMENT PROGRAM (FEP) AGREEMENT**

The goal of FEP is to match Virginia Initiative for Employment not Welfare (VIEW) participants with employers who will provide a period of subsidized training, developing work experience, job skills, and work social skills. At the conclusion of the training period it is hoped that the employer shall hire the participant as a permanent employee.

This is an agreement for the benefit of \_\_\_\_\_, \_\_\_\_\_ and is between  
VIEW Participant Case Number

\_\_\_\_\_ and \_\_\_\_\_  
Agency Employer Name

This agreement is a statement of understanding between the local agency and the employer regarding the training of the participant, listed above.

The employer will hire the participant as a(n) \_\_\_\_\_ at \$ \_\_\_\_\_ an hour  
Position

for \_\_\_\_\_ hours a week. Estimated net monthly wages are \_\_\_\_\_. This training-oriented employment will not exceed six months, beginning on \_\_\_\_\_ and ending on \_\_\_\_\_.  
MM/DD/YY MM/DD/YY

**Frequency of Pay:** weekly \_\_\_\_\_ bi-weekly \_\_\_\_\_ semi-monthly \_\_\_\_\_ monthly \_\_\_\_\_

During this training period, the participant will receive job training necessary to perform the duties of the job to include the following knowledge, skills, and abilities:

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Department of Social Services Responsibility:

- Explain all policies and procedures relative to the FEP program to designated employer staff.
- Make every effort to insure the Virginia Initiative for Employment not Welfare (VIEW) participant's skills, abilities, and interests are a good match for the placement.
- Pay to the employer during the training period a fixed stipend of \$300 each month as reimbursement for the participant's training for the months in which the participant worked an average of 20 hours a week.
- Issue a bonus of \$500 to the employer if the VIEW participant is hired on a permanent basis during FEP participation or within 30 days following termination of the placement.
- Terminate this agreement with written notice, within (5) working days prior to cancellation, for any reason, including but not limited to, if termination is in the interest of the program, if the employer has failed to provide any of the services specified, or if the employer has failed to comply with any of the provisions contained in this agreement.

Employer Responsibility:

The employer agrees to:

- Begin placements on or about the first of the month, but under no circumstances during the last 11 days of the month.
- Provide no fewer than 20 work hours per week for the participant at a rate of pay not less than the current Federal Minimum Wage.
- Maintain time sheets, attendance, and payroll records for the participant as a basis for payment and reporting to the local agency.
- Provide sick leave, holiday and vacation benefits to the same extent provided to other employees performing the same work and having similar experience and tenure.
- Maintain healthy, safe working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same work.
- Pay to the participant wages comparable to wages paid to other employees doing similar work and working similar hours.
- Provide to the participant the same benefits, worker's compensation coverage, and considerations afforded other employees doing similar work and working similar hours.
- Not displace any other worker in order to enter into this agreement.
- Not discriminate against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability.
- Not assign the participant to political, electoral, or partisan activities.
- Notify the Case Manager immediately if the participant fails to carry out the requirements of the job, is having employment-related problems, quits, or is terminated.
- Report to the Case Manager by the 5<sup>th</sup> calendar day of the following month when the participant's hours average less than 20 hours per week.
- Return the stipend for a month in which the participant did not work an average of 20 hours a week for the weeks the FEP Agreement was in effect during the month. Include as a note on your check: FEP and the participant's name.

Virginia Department of Social Services  
Division of Financial Management  
P. O. Box 606  
Richmond, VA 23219

Either party can terminate this agreement by giving written notice five working days prior to the cancellation. Termination can be for any reason, such as but not limited to: it is in the best interest of the program or the participant; the employer fails to provide the services specified or to comply with any of the provisions of this agreement; the participant fails to fulfill the requirements of the job; the agency fails to comply with the provisions of this agreement.

I have read, understand, and agree to the provisions of this agreement.

\_\_\_\_\_, Company Name

\_\_\_\_\_, Employer Telephone #: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_, Case Manager Telephone #: \_\_\_\_\_ Date \_\_\_\_\_

## FULL EMPLOYMENT AGREEMENT (FEP)

FORM NUMBER 032-02-309/4

**PURPOSE OF FORM** – This form provides the required documentation of the terms of the agreement between the agency and the employer for the benefit of the participant.

**USE OF THE FORM** – This form is used to ensure understanding between the agency and the employer regarding the responsibilities of each. The form states the stipend amount to the employer and conditions for termination of the placement.

**NUMBER OF COPIES** – Original and two copies

<b>DISTRIBUTION OF COPIES</b> –	Original	– VIEW Worker
	1 <sup>st</sup> Copy	– Employer
	2 <sup>nd</sup> Copy	– Participant
	3 <sup>rd</sup> Copy	- Eligibility Worker

### INSTRUCTIONS FOR PREPARATION OF FORM

After discussion with the employer regarding Full Employment and the FEP placement, this agreement will be completed indicating that the parties have an understanding of their individual responsibilities and agree to them.

Information contained in this agreement should be clearly defined on the participant's VIEW/TWA/ Transitional Activity and Service Plan that corresponds to this assignment.

There must be a signed agreement for each VIEW participant assigned to a FEP placement.

## **Full Employment Program (FEP) Information Sheet**

### **The Goal of a FEP Placement is:**

- To provide you with work experience,
- To provide you with job skills and assist with work place social skills, and
- To increase the chances that you will be hired for the job.

### **What kind of employment is FEP?**

FEP is like a regular job. FEP is a work activity in which you are placed in a public or private job setting and is paid an hourly wage for the work done. The employer is to provide training while you work on the job.

### **What kind of training will I receive?**

You will receive on-the-job training for a specific job, which will assist you in finding employment in the job market.

### **Will I receive my TANF benefits?**

TANF benefits are not paid to you while you are in FEP. You will receive a paycheck from the employer.

FEP is a job and you will be paid a pay check. The paycheck amount could affect Supplemental Nutrition Assistance Program (SNAP) benefits and Medicaid. Your SNAP benefits may be reduced depending on the amount of the paycheck. If the job provides medical benefits you may be found ineligible for Medicaid. Your eligibility worker will notify you of any changes to your benefits.

If you have any problems on the FEP placement, **you must contact** your Employment Services Worker (ESW). If you are unable to go to the placement any day for any reason you must call your supervisor as well as your Employment Services Worker.

If you are terminated from the FEP placement without good cause, you can be sanctioned for VIEW. TANF benefits will be suspended and SNAP benefits could be affected.



# Need Help in Finding the Right Job?

## Give FEP a Try!

### What is FEP?

FEP is the Full Employment Program, a special program for people on TANF who would rather be working.

### I'd rather be working – who wouldn't – but why should I give FEP a try?

FEP lets you trade your TANF benefits for a real paycheck from a real job. Start by talking with your worker about a FEP job you'd be interested in, then interview with the employer, and, if it seems like a good match for both of you, accept the job offer and start working!

### I may need to increase my job skills before I have much to offer an employer. Can FEP help with that?

Definitely. One of the great advantages of FEP is that you actually get training on the job – while you work and while you get paid!

### This sounds like a good opportunity. But, what happens to my TANF?

It is a wonderful opportunity – it's a job! Your TANF case will stay open, but you won't get benefits because you'll be getting a regular paycheck instead. If you work full time, you'll probably earn more money in a week than you get from TANF in a month. You'll probably need less in SNAP benefits because you'll have more income so you'll want to ask about that. If the employer provides health care, you may also not need Medicaid anymore.

### What's in it for the employer?

There are several benefits for the employer – beginning with you, a good employee! Additionally, the employer will receive a stipend to help offset the costs of training and running the program. If the FEP job works out, the employer may be able to hire you permanently which will save the business the cost of hiring and training someone new.

### OK. I'm convinced. How do I sign up?

Give your VIEW worker a call at \_\_\_\_\_ to learn more about FEP – one of the many opportunities through VIEW (The Virginia Initiative for Employment not Welfare program).

\_\_\_\_\_ Department of Social Services

## Advance Notice of Proposed Action

Form Number-032-03-0018-33-eng (6/12)

This form and instructions are available at  
[www.localagency.dss.state.va.us/divisions/bp/forms.cgi](http://www.localagency.dss.state.va.us/divisions/bp/forms.cgi).

**PURPOSE OF FORM** – The purpose of this form is to inform applicants or clients of the action and the date of the action a change will take place in their SNAP Benefits, Financial Assistance and/or Medicaid or FAMIS Plus case.

**USE OF FORM** – The form notifies the client a change is about to take place as a result of a reported, non-reported or other proposed actions. If the client disagrees with the action that will be taken, they can appeal using the attached Appeal and Fair Hearings instructions.

**NUMBER OF COPIES** – Two

**DISPOSITION OF FORM** – The eligibility worker of the SNAP, Financial Assistance, Medicaid or FAMIS Plus programs will send the applicant or client by mail the original copy of the form and a copy of the notice is filed in the case record.

**INSTRUCTIONS FOR PREPARATION OF FORM** – The information on the form will be completed by the eligibility worker according to the change or action that applies and will take place on the date specified.

## Notice of Action

Form Number-032-03-0017-19-eng (01/10)

This form and instructions are available at  
[www.localagency.dss.state.va.us/divisions/bp/forms.cgi](http://www.localagency.dss.state.va.us/divisions/bp/forms.cgi).

**PURPOSE OF FORM** – The purpose of this form is to inform applicants or clients of the action and the date of the action a change will take place in their TANF, TANF-UP, TANF-EA, GR, and AG cases.

**USE OF FORM** – The form notifies the client a change is about to take place as a result of a reported, non-reported or other proposed actions. If the client disagrees with the action that will be taken, they can appeal using the attached Appeal and Fair Hearings instructions.

**NUMBER OF COPIES** – Two

**DISPOSITION OF FORM** – The eligibility worker of the TANF, TANF-UP, TANF-EA, GR, and AG eligibility worker will send the applicant or client by mail the original copy of the form and a copy of the notice is filed in the case record.

**INSTRUCTIONS FOR PREPARATION OF FORM** – The information on the form will be completed by the eligibility worker according to the change or action that applies and will take place on the date specified.

CASE NAME
CASE NUMBER

## Notice of Personal Responsibility for the TANF Program

**Please Read the Following Explanations of your Personal Responsibilities Carefully**

### Minor Parent Residency

- If you are an unmarried minor parent and have a dependent child in your care, you must reside in a home maintained by your parent or guardian to be eligible for TANF, unless an exception applies.
- The exceptions are: (1) you are married, (2) neither of your parents is living or their whereabouts are unknown, (3) or living with either parent will jeopardize you or your dependent child's physical or emotional health or safety.
- If an exception applies, your worker will tell you whether you may live with an adult relative, legal guardian, or an individual standing in place of your parent.
- If none of the above living arrangements exist, the agency will search for an adult-supervised supportive living arrangement for you and require you to live there.

### Family Cap

- If you give birth to or adopt a child ten months after your first TANF payment is issued, that child will not be added to your TANF case.
- As a custodial parent, you will receive any child support collected for the child ineligible under this family cap provision. The child support will not be counted as income in your TANF case.
- If you are a minor, any additional child you have or adopt during the time period described above will not be added to your TANF case.

### Compulsory School Attendance

- Any child between the ages of 5 and 18, including a minor parent, must attend school to be eligible for TANF unless he/she has a high school diploma or a GED.
- The school will notify the agency if he/she is not attending school regularly unless he/she has an excused absence.
- After this notification, the worker will contact you to develop a plan to help your child comply with attendance requirements.
- If you or your child do not cooperate with the plan, your child will be ineligible for TANF.

### Immunizations

- A child must receive his/her immunizations as required by Virginia law for you to receive your total TANF check. A doctor, the agency, or the health department will help you comply with this requirement.
- "Shot Records" are sufficient to verify that the child has received his/her required immunizations. The worker can provide a form to take to the doctor or the health department if you do not have the "shot records".
- If a child has not received immunizations due to medical reasons, you must provide a written explanation from a doctor or the health department. If the child has not received immunizations for other reasons, you should tell your worker.
- Failure to meet the immunization requirements will result in the TANF check being reduced by \$50 for one child and \$25 for each additional child until the immunization requirements are met.

### Cooperation in Obtaining Support

- You must cooperate in identifying and locating the absent parent of any child for whom TANF is requested, establishing paternity of any child born out of wedlock, and in obtaining support payments for yourself and for any child for whom TANF is requested or received.
- If you do not know the absent parent's name or other identifying information, you should tell your worker. You may be required to sign an "Attesting to the Lack of Information" form which declares, under penalty or perjury, that you have no knowledge of the information requested.
- Your worker will review the "Notice of Cooperation and Good Cause" form with you and answer any questions you may have about the cooperation requirements, situations in which cooperation is not required (good cause), and penalties for not cooperating without good cause. You must complete this form for each absent parent and indicate whether you agree to cooperate or wish to claim good cause not to cooperate.
- If you do not cooperate and do not meet an exception to cooperating, your TANF benefits will be reduced or terminated.

The Agency has explained each of the above provisions to me. By signing this form, I acknowledge that I have read this form and understand each of the above provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## NOTICE OF PERSONAL RESPONSIBILITY FOR THE TANF PROGRAM

FORM NUMBER – 032-03-0750-04-eng

PURPOSE OF FORM – To insure that applicants and recipients understand the major program requirements.

USE OF FORM - This form must be completed at the time of application. The form must be explained and signed during a face-to-face interview.

NUMBER OF COPIES – Original and one copy.

DISPOSITION OF FORM – The original is given to the applicant and the copy is filed in the case record.

INSTRUCTIONS FOR PREPARATION OF FORM – The form must be signed and dated by the applicant.

**Commonwealth of Virginia  
 Department of Social Services  
 Temporary Assistance for Needy Families**

<b>AGENCY USE ONLY</b>
Case Name _____
Case Number _____
Eligibility Worker Number _____

**NOTICE OF INTENTIONAL PROGRAM VIOLATIONS AND PENALTIES**

Virginia law requires TANF applicants and recipients to let the local department of social services know of certain changes that might cause a change in his or her assistance. If you withhold information or give false information, you may be prosecuted for perjury, larceny, or welfare fraud. You may be subject to a disqualification hearing. If you are found guilty, you will be ineligible to receive TANF for yourself for six months for the first offense, 12 months for the second offense, and permanently for the third offense.

The following changes must be reported within 10 days of the day they occur, but at the latest, you have until the 10th day of the following month to report the change. If you are not sure whether to report a particular change, please discuss the change with your worker.

1. Changes of address (also let us know if your telephone number changes so we can contact you if needed)
2. Changes in the household composition resulting from one of the following individuals entering or leaving the home:
  - An eligible child, including a newborn, or
  - The father or mother of an eligible child, including a newborn
3. Changes that may affect VIEW participation including changes in the need for transportation, child care, or any other supportive services.
4. Income from your household goes over the limit below.

Number of People in your Household	Report Income Change When Household Income Exceeds These Amounts			
	Monthly	Weekly	Every 2 weeks	Twice a month
1	\$1,211	\$281.63	\$ 563.26	\$ 605.50
2	1,640	381.40	762.79	820.00
3	2,069	481.16	962.33	1,034.50
4	2,498	580.93	1,161.86	1,249.00
5	2,927	680.70	1,361.40	1,463.50
6	3,356	780.47	1,560.93	1,678.00
7	3,785	880.23	1,760.47	1,892.50
8	4,214	980.00	1,960.00	2,107.00
For each additional Person	+ \$429	+ \$99.77	+ \$199.53	+ \$214.50

These amounts are good through 9/30/2013.

I have read this notice and understand my responsibility to report the above changes by the 10th day of the month following the change.

Applicant/Client Signature \_\_\_\_\_ Date \_\_\_\_\_

Worker Signature \_\_\_\_\_ Date \_\_\_\_\_

## NOTICE OF INTENTIONAL PROGRAM VIOLATIONS AND PENALTIES

FORM NUMBER – 032-03-0646-13-eng (4/13)

PURPOSE OF FORM – The purpose of the form is to advise the client of Intentional Program Violations (IPV) and the penalties. It also informs the client of the TANF and VIEW changes that must be reported.

USE OF FORM – The form advises the client of the types of information that must be reported, and the IPV penalties that may be imposed, and the time period of the penalties.

NUMBER OF COPIES – Two.

DISPOSITION OF THE FORM – The eligibility worker will explain the notice to the applicant when processing a TANF application. The eligibility worker and client will sign the form and date it. The original is filed in the TANF record and a copy is given to the client.

INSTRUCTIONS FOR PREPARATION OF FORM – Explain the information on the form to the client. The client and the worker are to sign the form and date it.

**Commonwealth of Virginia  
 Department of Social Services  
 Temporary Assistance for Needy Families (TANF) Program**

**Request for Repayment  
 of TANF Benefits and/or Payments for VIEW Services**

<b>CASE NAME:</b>		<b>DATE:</b>
<b>ADAPT Case Number:</b>	<b>Legacy Number:</b>	
<b>Current Agency:</b>	<b>Worker's Name:</b>	
<b>Agency Where Overpayment occurred:</b>	<b>Worker's Telephone #:</b>	

**Your TANF assistance unit received an improper payment (more benefits than you were eligible to receive) by receiving either:**

- a TANF payment(s) **that** you were not eligible to receive **OR**
- Virginia Initiative for Employment not Welfare (VIEW) supportive services payments that were issued as a result of an Intentional Program Violation.

**These payments or services were received** during the following months.

Beginning Date: \_\_\_\_\_ Ending Date: \_\_\_\_\_

The total of these payments or services was: \$ \_\_\_\_\_

The reason you were not eligible to receive these payments or services was:

Federal regulations require that all improper payments must be repaid. Failure to pay back the total amount that you were overpaid may result in court action. You may repay this overpayment by using cash, money order, or by a reduction in your monthly TANF payment or a VIEW Transitional Payment (VTP). Please complete the enclosed Repayment Agreement to tell us how you will repay this overpayment. Please note that, if you are currently receiving benefits and we do not hear from you within **30** days, we will automatically reduce the amount of your monthly TANF payment or VTP to \$\_\_\_\_\_.

If you do not agree that you owe this debt, you can request an agency conference to discuss the information related to the amount you owe. You may also request a fair hearing. At the hearing you will have an opportunity to explain why you think we made a mistake. A hearing officer will decide if you are right. You must request your agency conference or hearing within the next 30 days. To request a fair hearing, call me at the telephone number listed above or write to:

Manager, Appeals and Fair Hearings  
 Virginia Department of Social Services  
 801 East Main Street  
 Richmond, VA 23219

**Commonwealth of Virginia  
Department of Social Services  
Temporary Assistance for Needy Families (TANF) Program**

**Repayment Agreement**

<b>Case Name:</b>	<b>Claim Number:</b>
<b>Worker's Name:</b>	<b>Worker Number:</b>

Please indicate below which method(s) of repayment you prefer. Please sign and date this agreement and return it to the \_\_\_\_\_ Department of Social Services not later than **30** days of receipt of this letter.

You may change your method of repayment at any time. If your financial situation changes and you want to change the method of repayment or the monthly amount of repayment, please contact your worker immediately.

- LUMP SUM PAYMENT:** I agree to pay the full amount owed in one payment. I will make this payment not later than 30 days from the date of this letter. I will make the payment on \_\_\_\_\_.
- INSTALLMENT PAYMENT:** I agree to pay \$\_\_\_\_\_ each month, by cash or money order, until the full amount owed is paid back. I will make the first payment not later than 30 days from the date of this letter. I will make payments on the \_\_\_\_\_ of each \_\_\_\_\_.
- RECOUPMENT:** You must be currently receiving TANF or VTP to select this method.
  - I agree that the monthly TANF payment or VTP that my assistance unit receives will be reduced to \$\_\_\_\_\_.
  - If you would like to have your TANF payment reduced by more than the amount listed above, please list the amount that you would like your monthly TANF benefits to be reduced to here: \$\_\_\_\_\_.

This reduction in your monthly benefit amount will begin within 30 days of this letter.

Please be aware that, if payment is not received by the due date and the debt becomes delinquent, you may be subject to other collection actions.

Signing this agreement means that you agree to pay back the debt you owe.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date