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TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) **GUIDANCE** MANUAL

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201.1 ELIGIBILITY FACTORS

A. A child will be categorically eligible for TANF if he meets the following requirements:

1. Is under the age of 18 years* or if 18 but not yet 19 is enrolled and attending a secondary school or vocational/technical school of secondary equivalency, and is expected to complete the high school or vocational/technical program prior to or in the month he attains age 19. **(201.2)**

2. Is living in the home of a parent or a relative (201.5) or is in foster care under certain conditions.

3. Is a resident of Virginia.*(201.6)

4. Is a citizen of the United States or an eligible alien.** (201.7)

5. The family is in need of financial assistance.* (**302.3**)

   Exception: A child who meets all of the above requirements may be ineligible for assistance due to the family cap provision. (201.12)

B. To be eligible, a child who meets the requirements above, a parent, or a caretaker-relative other than the parent, must meet the following conditions:

1. Provide a social security number or proof of application for an SSN. **(201.1, 201.8)**

2. Participate, as required, in the Virginia Initiative for Employment Not Welfare Program unless otherwise exempt.*** (901.2)

3. Provide, or have provided on his behalf, a written declaration of citizenship or alien status.**** The declaration requirement is met for all members of the assistance unit when the applicant/recipient age 18 or older completes and signs the "Application for Benefits". (201.7)

* Code of Virginia, Section 63.2-602
** Public Law 104-193
*** Code of Virginia, Section 63.2-608
**** Social Security Act, Section 1137(d)(1)(A)

4. Comply with the compulsory school attendance requirement if he is a child or minor parent.* (201.3)

5. Cooperate in identifying the parents of a child, establishing paternity, and obtaining support unless he is a child.** (201.10)

C. The parent or caretaker/relative shall be eligible for TANF unless one of the exceptions specified in 302.7.D. or E. is applicable. Eligibility of the caretaker/relative may exist even though:

1. The only eligible child in the home receives SSI. The SSI child must meet all of the eligibility criteria listed in 201.1.A. and B. (school attendance) for the caretaker to be determined eligible for TANF.

2. The only eligible child in the home receives an adoption assistance payment. Even though the child who receives an adoption assistance payment may not be eligible to have his needs included in the TANF **payment** amount, he is deemed eligible for TANF for purposes of qualifying the caretaker-relative for TANF.*** (Refer to **302.7.C.4**.)

3. The only eligible child in the home receives a federal, state, or local foster care maintenance payment. Even though the child who receives a foster care maintenance payment is not eligible to have his needs included in the TANF **payment** amount, he is deemed eligible for TANF for the purpose of qualifying a non-parent caretaker, but not a parent, for TANF. **(Refer to 302.7.C.5)** (**See** 201.5.B. regarding ineligibility of the natural parent or other caretaker-relative to receive TANF for this child in his prior home.)

* Code of Virginia, Section 63.2-606
** Code of Virginia, Section 63.2-602
*** ACF, Region III, IM 93-6

D. IMMUNIZATIONS - All applicants and recipients for TANF must supply verification that all otherwise eligible children have received the immunizations required by the Code of Virginia.* The agency must inform applicants of the immunization requirement at initial application. The immunization schedule is established by the State Board of Health.

1. ACTION AT FIRST REDETERMINATION OR TWELVE MONTHS AFTER NOTIFICATION - By the first redetermination or twelve months, whichever is later after being informed of the immunization requirement, the recipient must provide the following or the worker must reduce the TANF **payment**:

   a. Verification that the child has received all immunizations appropriate to his age;

   b. Verification that the child has received at least one dose of each of the required immunizations as appropriate for the child's age and that the child's physician or the local health department has prepared a plan for completing the immunizations. The plan needs only to indicate when future immunizations are due; or

   c. Verification that the child is exempt.

2. ACTION AT SECOND REDETERMINATION AFTER NOTIFICATION - At the second redetermination and subsequent redeterminations after being informed of these requirements, the recipient must provide verification of compliance with the immunization schedule or the plan prepared by the physician or health department, until the child has received all required immunizations. Failure to provide the necessary verifications shall result in a **payment** reduction.

3. ADDING A CHILD TO THE ASSISTANCE UNIT AND TRANSFERS - When a child is added to the assistance unit, the eligibility worker must advise the parent/caretaker of the immunization requirement. The parent/caretaker shall be allowed at least twelve months to provide verification that the child has met the immunization requirement. As verification of immunizations is only required at redetermination, penalties shall not be imposed for such a child until the first redetermination occurring at least twelve months after the child is added.

   Example: On February 1, Ms. I reports a new child, Tom, in the assistance unit. The worker advises Ms. I of the immunization requirement for Tom. On April 15, Ms. I has a redetermination interview. No immunization verification is required for Tom. At the next redetermination in March, Ms. I fails to provide verification of Tom's immunizations. The **payment** is reduced for April.

   For cases that are transferred, the receiving agency must ensure that the recipient has been **advised** of the immunization requirement.

* 45 Code of Virginia, 63.2-603

The receiving agency shall not impose an immunization penalty unless the transferring locality initiated the penalty or the receiving locality's redetermination occurs at least six months after notification of the requirement.

4. VERIFICATION - Workers should attempt to use the Virginia Immunization Information System (VIIS) to verify childhood immunizations whenever possible. When the VIIS verification has returned no results, or when the client disagrees with the VIIS results, then workers should use the Childhood Immunization Certification form (032-03-0960) to verify receipt of immunizations. Physicians or medical personnel should complete this form indicating that the child is age appropriately immunized, medically exempt, or in the process of being brought up to date.

   If the client provides another form of verification that does not clearly indicate whether or not the child has the required immunizations, the worker should seek assistance by contacting the locality's Immunization Action Plan coordinator at the Health Department, or by calling the Bureau of Immunization hotline at 1- 800-568-1929.

5. EXEMPTIONS - If the eligible child meets any one of the following criteria, he is exempt from immunization verification requirements:

   a. The child is enrolled in school (public school, private or parochial school, or Head Start classes operated by the school division), or has been enrolled in school up to grade six;

   b. The child is enrolled in a licensed family day home or a licensed child day center;

   c. The parent of the child objects on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices; or

   d. The parent or guardian of the child presents a statement from a physician licensed to practice medicine in Virginia which states that the physical condition of the child is such that the administration of one or more of the required immunizing agents could be detrimental to the health of the child.

      (1) If a child is exempt from meeting the immunization requirements under part d. above, then the caretaker/ relative shall provide the local department of social services with a plan developed by the child's physician or the local health department for completing the immunizations.

      (2) The caretaker/relative must verify compliance with the plan for completing the immunizations at subsequent redeterminations of eligibility for TANF until the child has received all required immunizations. If a child is not in compliance with the plan for completing immunizations, the worker must reduce the TANF **payment**.

6. TANF **PAYMENT** REDUCTION - The worker must reduce the TANF **payment** for failure to comply with the immunization requirement. However, the worker must first identify and remove any barriers to accessing immunizations over which the agency has control before imposing a penalty.

   Failure to comply with the immunization requirement shall result in a reduction of the monthly TANF amount by:

   a. Fifty dollars for one child who fails to meet the immunization requirement; and

   b. Twenty-five dollars for each additional child who fails to meet the immunization requirement.

   c. The worker must impose this reduction until the caretaker/- relative provides verification to the local department of social services that the child is in compliance with the immunization requirement. Upon receipt of verification that a child has received all required verifications, the worker must take action to end the **payment** reduction by the month following the month in which the verification was received, if administratively possible.

   Example: Ms. I is approved for TANF in January and is notified of the immunization requirement at that time. At the redetermination in December, Ms. I has not obtained any immunizations for her three children, John, Tom, and Mike. The **payment** is reduced for January by $100 ($50+$25+$25). In March she provides verification that John has received all immunizations. The **payment** reduction is changed to $75 ($50+$25) for April. In May, Ms. I provides verification that Mike is immunized. The **payment** reduction is changed to $50 for June. In July, Ms. I provides verification that Tom has received required immunizations. The **payment** reduction is removed for August.

   d. If this reduction results in a TANF amount of zero, the local agency must consider the assistance unit TANF recipients with no payment.

7. AGENCY RESPONSIBILITIES - The local agency has the responsibility of:

   a. Providing assistance to the TANF recipient in obtaining verification from providers if necessary and administratively feasible. (Note: The Code of Virginia Section 32.1-46 states "A physician or local health department administering a vaccine required by this sections shall provide to the person who presents the child for immunizations a certificate which shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.")

   b. Notifying applicants and recipients of the immunization requirements.

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 **payment** or a case where the adult's needs are not included in the **payment** 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 eligible** children, 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 **as an eligible adult** 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, even if it is a partial payment. 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 **payment**: 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, including minor parents, will have a 60- month clock regardless of marital status. (Note: Prior to March, 2008, the 60-month clock was not based on months of TANF receipt in Virginia. Instead, only VIEW months, including months in a VIEW sanction, and months of TANF received in another state, were counted on the clock. The individual 60-month clocks of parents in TANF-UP or TANF two-parent households were identical in terms of months counted that were based on VIEW participation; months of TANF counted in another state may have been different for each parent.)

The 60-month time limit will apply to an individual who has been removed from the TANF **payment** 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.

*Public Law 104-193

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

1) an adult who is excluded from the TANF **payment** due to the receipt of SSI
2) an adult who is excluded from the TANF **payment** due to his status as an ineligible alien. Ineligible aliens include individuals, who are in the country illegally, as well as lawful permanent residents and other individuals who are not eligible for TANF for five years from date of entry.
3) a non-parent caretaker who has been removed from the TANF **payment** 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 **VaCMS** 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 receives Diversionary Assistance.

Note: When the client has received 58 months of TANF, **VaCMS will automatically generate a 60-month TANF Lifetime Limit letter to the client and a copy will be retained in the forms history within VaCMS.** The letter will notify the client that she is approaching her lifetime limit for the receipt of TANF benefits.

Example 1: Client moved to Virginia 7/10/00 and subsequently applied for TANF. She indicated receipt of TANF in North Carolina approximately six months prior to this application. EW contacts the local agency in North Carolina and verifies that client received TANF there from February 1999 through January 2000. The EW will add February 1999 through January 2000 to the 60-month clock because these months are on the client's federal 60-month clock in that state.

Example 2: Client is participating in VIEW and her clock has run from April 2007 through July 2008. On July 8, 2008 the VIEW worker placed the client in an Inactive status. The ESW places the client back in an active status on August 22, 2008. July will count as a month on her 24-month and 60-month clocks. August will not count on the 24-month clock because of the inactive status on the first of the month. August will count on the 60-month clock because the client received a TANF payment for the month. The 24-month clock count will resume with the month of September.

Example 3: Client and her three children received 60 months of TANF, with the March 1, **2017** payment. The TANF case was closed effective March 31, **2017**. On April 12, **2017** the client was incarcerated and her three children moved in the grandmother's household. The grandmother applied for TANF for the three children on May 1, **2017**. The TANF application was approved on May 29, **2017. Note: If all eligibility criteria are met for the children to continue assistance beyond the 60-month limit, the case will be approved. The POI information will be stored for each child in a non-financial table under their individual VaCMS client ID number that is not viewable to the worker.** The children are eligible because they now live with an adult who is not included in the **payment** and does not have a 60- month clock. In **January**, **2018**, the grandmother becomes financially needy and requests to be added to the AU. When she is added to the AU, she will become subject to a 60-month clock.

Continuing the same scenario above, the client was released from jail on March 1, 2018. She applied for TANF for herself and three children on March 10, 2018. The grandmother's case closed on March 31, 2018 because the children no longer resided with her. On April 2, 2018, the client's TANF application was denied due to exhaustion of the 60-month clock for herself and three children. Note: When eligibility was determined, VaCMS automatically applied the POI information stored within the VaCMS non-financial tables for the client and her children.

Example 4: Client and her two children have 60 months on her 60-month clock as the result of federal clock months from another state and/or months in Virginia. As long as the children remain in the home with this client, this family of three have reached their lifetime limit of TANF and will not be eligible again unless the client becomes totally disabled or becomes needed on a substantially continuous basis to care for a disabled family member who is living in the household.

Example 5: The children in example #4 leave the client's home and go to live with their father. The father has been a TANF recipient but has less than 60-months on his clock. The father and children can receive TANF until he has reached his 60-month time limit.

Note: If all eligibility criteria are met for the children to continue assistance beyond the 60-month limit, the case will be approved. The POI information will be stored for each child in a non-financial table under his individual VaCMS client ID number that is not viewable to the worker.

Example 6: Client receives TANF for herself and three children. The client has cycled in and out of TANF/VIEW and reaches her 24-month and 60- month limits. If the children go to live with their father or any relative, no one can receive TANF for the children during the two year period of ineligibility due to the VIEW limit. Note: The client may become eligible to receive TANF assistance again during the two year period of ineligibility due to the VIEW limit if she becomes totally disabled or becomes needed on a substantially continuous basis to care for a disabled family member who is living in the household.

Example 7: Mr. and Mrs. X are in the same AU and each has 30 months on the 60-month clock. Mr. X moves out and does not receive TANF while he is gone. When Mr. X moves back in with Mrs. X, she has 50 months on her clock. Ten months later, the TANF case is closed because Mrs. X reaches the 60-month lifetime limit on her clock. Mr. X has 40 months on his 60-month clock at the time of the TANF case closure.

Subsequently Mr. X moves out, taking one of the children with him. He applies for TANF for himself and the child. The TANF application will be approved if all other TANF eligibility criteria are met. Mr. X may remain eligible until he has accumulated 60 months on his 60-month clock.

H. Eligibility beyond the 60-month limit - An assistance unit may be eligible to receive additional months of TANF assistance beyond the 60-month time limit when either

1) the caretaker (both caretakers in a two-parent TANF household) is totally physically or mentally disabled (according to a Medical Evaluation 032-03-0654 completed by a medical professional which shows that the client is unable to work 20 hours or more per week) and is not able to be self-supporting due to the disability; or

2) the caretaker is needed on a substantially continuous basis to care for a family member who is living in the household. (The family member does not have to be included on the TANF **payment**.) The family member must have a verified physical or mental disability and must have caretaking needs that prevent the caregiver from being self-supporting. These "caretaking needs" include the need for attendance, supervision, and home care, and other needs related to the family member's disability. A medical professional must complete a Statement of Required Presence of Caregiver form (032- 03-0020) to verify the family member's condition, and the need for the caregiver to be available on a substantially continuous basis. If the disabled family member is out of the home for substantial portions of the day, the caregiver will not be considered to be needed on a substantially continuous basis. Additionally, if the caregiver is employed outside of the home, the caregiver will not be considered to be needed to care for the disabled individual on a substantially continuous basis. In both of these situations, the TANF benefits will not be extended beyond the 60th month.

See Appendix IV for instructions on continuing assistance beyond the sixty-month clock.

The total disability of the caretaker or the need for the caretaker to act as a caregiver for a disabled family member living in the household must be re-evaluated based on new verification at the end of the anticipated duration as noted on the medical form or every 90 days, whichever occurs first. If the medical form is incomplete, the eligibility worker must contact the medical professional to obtain the missing information before acting on the medical.

The TANF case is to be closed as soon as administratively possible upon verifying that the caretaker is no longer totally disabled or is no longer needed to care for a disabled family member living in the household.

When the disabled caretaker is eligible to receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), additional verification of the disability will not be required.

When the disabled family member who requires a caregiver is eligible to receive SSI or SSDI, additional verification of the need for a caregiver for the disabled family member will be required annually. In addition, when the medical professional has indicated a specific duration that the caregiver will be needed, the eligibility worker will request verification of the need for the caregiver at the end of the anticipated duration as noted on the Statement of Required Presence of Caregiver form. If the individual subsequently becomes ineligible to receive SSI or SSDI and is no longer disabled, the TANF case is to be closed as soon as administratively possible.

201.2 AGE - The month, day, and year of the child's birth must be established and evidence thereof entered in the eligibility case record, except that, pending the securing of such evidence, assistance must not be denied an other-wise eligible child who is obviously under 12.

The following documents may be used to verify age:

- Birth certificate
- Notification of birth
- Hospital record
- Physician or midwife record
- Baptismal record
- School record
- Birth form VS95 from the State Bureau of Vital Records and Health Statistics

If the day and month cannot be established, July 1 is assumed to be the birth date.

Continuing Eligibility* - The child is eligible until he reaches the age of 18. He is eligible for the month in which his 18th birthday falls if he has not attained the specified age on the first day of that month.

An 18 year old child may be eligible if he is a student enrolled in a secondary school or vocational/technical school of secondary equivalency if he is expected to complete the high school or vocational/technical program prior to or in the same month as his 19th birthday. Verify with the school that the child is enrolled and expected to complete the program no later than the month of his 19th birthday. The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes. The child will be eligible for the month in which completion of the school program occurs; however, eligibility cannot be extended past that month. The case record must be well documented in this area.

A child 18 years old is not eligible if he is in college, enrolled in school part- time, or not in school at all.

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 a **task and reminder** in **VaCMS** 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 Guide for School Systems can be accessed on **Fusion** under

* 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/attendance-truancy/index.shtml

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 Michele Atkinson at (804) 726-7929 or at michele.atkinson@dss.virginia.gov 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 **payment** 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.

F. Reinstatements Following Noncooperation in Establishing or Following the Plan - The child's needs are to be reinstated once the agency has verified that the caretaker is again cooperating. If noncooperation occurred in relation to development of the plan, development of the plan must be completed for cooperation to exist. If noncooperation occurred in following the plan once developed, the caretaker must demonstrate her cooperation before the child's needs can be reinstated. The child's needs must be added to the **payment** effective the month following the month in which cooperation occurs. If the caretaker contacts the agency prior to the actual removal of the child and cooperates in developing the plan, the child's needs will not be removed from the **payment**.

G. Truant Applicants - During the application process, if the assistance unit member is truant, the local department must do the following:

1. notify the applicant of the requirements listed in Section 201.3 C;

2. allow the applicant an opportunity to comply with the school attendance requirement during the 30-day processing period by either enrolling the child or by cooperating with the agency in establishing a plan for compliance; and

3. notify the applicant of the child's eligibility or ineligibility on the "Notice of Action" form when action is taken on the application.

H. Notification of Court Conviction and Subsequent Reinstatement - If the agency receives notification that a court has found a member of the assistance unit guilty of a violation of compulsory school attendance laws, the eligibility worker must remove the truant recipient from the **payment** effective the following month, if administratively possible. The child will remain ineligible until the caretaker notifies the local agency, and the agency verifies through the school division, that the child is no longer truant. The child's needs must be added to the **payment** effective the month following the month in which compliance was achieved.

I. Children in Job Corps - The Job Corps Program is an alternative education program which meets compulsory school attendance requirements. A child who is in the Job Corps is considered to be in compliance with school attendance requirements without regard to actual attendance records.

J. Compulsory School Attendance Requirements Applicable to SSI Children - The school attendance requirement applies to an SSI child only when the SSI child is the only eligible child in the assistance unit. In such cases, the eligibility of the case is based upon the child's meeting TANF eligibility requirements, including school attendance. The requirement does not apply to other SSI children in the home. If the SSI child who is the only eligible child does not meet the school attendance requirement, the case is ineligible.

K. Children Excused by the Local School Board* - Children may be excused from school attendance by the local school board.

1. Children excused for the reasons below are not truant and no further action is required:

   a. children who are home schooled or tutored by someone other than the parent;

   b. children whose parents are conscientiously opposed to attendance at school for religious reasons;

   c. children whose parents are opposed to attendance at school for health or safety reasons; and

   d. children age five who will not reach their sixth birthday until after September 30 of the school year, whose parent or guardian notifies the school board that he does not wish the child to attend school until the following year because the child is not mentally, physically, or emotionally prepared to attend school.

2. The agency must explore the availability of alternate programs for children excused for the following reasons:

   a. children in violation of school board policies, including weapons, alcohol or drugs charges, or intentional injury to another person; and

   b. children who cannot benefit from education at the school.

   If a program is located in which the child can participate, a plan must be developed. If no program is available or appropriate, the child is not truant and must not have his needs removed from the **payment**.

* Code of Virginia, Section 22.1-257

201.4 DEPRIVATION OF PARENTAL SUPPORT OR CARE - Repealed effective July 1, 1999.

201.5 LIVING ARRANGEMENTS - The child must be living with a parent or other relative (Subsection A., below) in a residence maintained as a home (Subsection B., below) by one or more such relatives. For TANF-UP, both natural or adoptive parents of at least one child must be living in the home. (Refer to 701.2.) Note: In some situations, a child who is in foster care may be placed with a parent or relative on a temporary basis, such as for a trial visit, and would be considered living with the parent or relative. No foster care maintenance payment would be made on behalf of the child and the family could be eligible for TANF assistance during the temporary placement.

A. Relatives - The relative with whom the child is living, who is designated as the caretaker, must be a relative by blood, marriage, or adoption. Relationships by marriage exist even after the marriage has been terminated by death or divorce. **(Note: A marriage is a legal relationship between two individuals. Depending on the laws of a state at the time of a marriage, a marriage can be between individuals of the opposite sex or between individuals of the same sex. Same sex marriages performed legally in other states are recognized by Virginia effective 2/14/14, including marriages performed prior to that date. While same sex marriages became legal in Virginia as of 2/14/14, the first same sex marriages performed legally in Virginia occurred on or after 10/6/14.)**

Example 1: Mrs. Green applies for assistance for her two children and her step-daughter Marcia following the death of Mrs. Green's husband who was Marcia's father. Mrs. Green can receive assistance for her own children and for Marcia to whom she is related by marriage. Because Mrs. Green has no legal responsibility for Marcia, two separate assistance units will be established.

Example 2: Ms. Johnson applies for assistance for two children after her son Ronnie abandons them when he moves to another state. Ronnie was married to Sarah, the children's mother, and was their stepfather until he and the mother divorced. Ms. Johnson can receive assistance for the children because she was their step-grandmother during the time Ronnie and Sarah were married. Ms. Johnson will have to establish her relationship to Ronnie, and prove that Ronnie and Sarah were married, and that Sarah is the parent of both children.

Neither severance of parental rights nor adoption is considered to terminate the relationship to biological relatives. Therefore, biological relatives may receive assistance for someone who has been adopted, when there is no other relative by adoption in the home to receive assistance on the individual's behalf. However, this provision does not require individuals who have been adopted to be included in the assistance unit of the biological relative and his/her children.

Example 1: Jane Doe had two children who were adopted by Jane's parents. Jane's parents died leaving their adopted children in the care of Jane. Jane is considered a biological relative for TANF purposes and can receive assistance for the two children, however, they are not to be included in the same assistance unit as any other children Jane may have since she has no legal responsibility for these children.

Example 2: Mary Smith's child, Michael, was adopted by a family friend. When Michael's adoptive parent died, there was no other relative to care for him. Michael went to live with Mary. Since Mary and Michael are biologically related, she can receive assistance for him. However, Michael is not to be included in the same assistance unit as any other children Mary may have.

The identity of the parent or other relative must be established prior to determining relationship. (Appendix III lists documentation that can be used to verify identity). Additionally, documentation that is adequate to trace the relationship of each child to the parent or caretaker relative must be provided. The case record must document the verification methods used to establish identity and each relationship.

The following documents may be used to establish relationship:

- Birth certificate
- Hospital certificate
- Adoption papers or court record of adoption
- Baptismal certificate
- Hospital or physician's record
- Church record
- Bureau of Vital Records/Health Statistics record
- Marriage record
- Court support and/or divorce orders which clearly identify the relationship of the caretaker/relative to the children
- Court document which clearly identifies an individual by name and relationship as a relative of the child
- Genetic testing report from a licensed and accredited laboratory identifying relationship based on DNA match that affirms at least 98% probability of relationship. Chain of custody for the DNA samples must be documented.

Documents must be adequate to trace relationship completely, except that, if the applicant is the mother, initial eligibility can be established based on birth verification for the child.

In the case of a relative who will be the caretaker (though not a father not married to the child's mother, or a relative of such a father), a notarized statement by an individual, other than the applicant/recipient, who has sufficient knowledge to attest to the relationship may be used to establish initial eligibility. A copy of the child's birth certificate or other documentation used to establish relationship must be obtained no later than the next renewal.

If the applicant is a father not married to the child's mother, or relative of such father, evidence of paternity must be provided. The following documents may be used as evidence of paternity:

- Court record establishing paternity
- Court order stating that child is living with paternal or maternal relative
- Birth certificate from any state where father's name is included

A father, not married to the child's mother, who does not have one of the documents listed above at the time of application, will be given a Referral to Division of Child Support Enforcement From Local DSS form (032-03-0431-00) and will be referred to the Division of Child Support Enforcement District Office so he can obtain DNA testing that will establish his relationship to the child. If the applicant father is otherwise eligible, and produces results of the DNA testing that verify relationship, the TANF application will be approved. If he is not able to establish relationship within the standard processing period, the application must be denied. The father will be required to reapply if he subsequently secures verification of relationship.

If the caretaker is a relative of the father who is not married to the child's mother, the relationship between the relative and the father must be established once evidence of paternity has been provided.

B. Living in a Home* - A home is the family setting maintained, or in the process of being established, by the relative, as evidenced by the presence of the child. A home may exist in situations where the assistance unit lacks a fixed home address or is otherwise considered homeless.

A home exists even though the child or relative is temporarily absent from the customary family setting. A temporary absence based on admission or commitment to a **psychiatric hospital** or institution, **including a psychiatric ward in a general hospital,** or **to a** correctional facility, is limited to 30 consecutive days. Other temporary absences, including absences for other types of hospitalization, employment, education or training, vacations, or visits, are limited to 60 consecutive days. A parent or child who is absent from the home for longer periods cannot be considered to be living in the home.

Exception:
A parent who is absent from the home due to active duty in the uniformed services is considered living in the home and is not subject to the 60 consecutive day time limit.

The following individuals do not meet the living in a home requirement and are ineligible for TANF:

1. A parent or other caretaker who has been absent from the home for a period of 60 consecutive days (30 days if the absence is due to admission or commitment to a mental hospital or correctional facility).

2. A child who has been, or is expected by the caretaker to be, absent from the home for a period of 60 consecutive days (30 days if the absence is due to admission or commitment to a mental hospital or correctional facility). The child may be eligible in another assistance unit.

   Exception: A newborn may be added to the AU as of his date of birth even if he remains in the hospital. If the newborn is still in the hospital 60 days after his birth, he will be removed from the AU. The child may be added back to the AU when he enters the home.

The caretaker must report to the local agency after it becomes clear to the caretaker that the caretaker or minor child will be absent from the home for 60 consecutive days (30 consecutive days in the case of a mental institution or correctional facility). (Refer to Section 401.2.B.2.a.1)

If the caretaker fails to report the change within the required time frame as described above, the caretaker or the child who is absent from the home is ineligible. If the absent child is the only child in the home, the case will also be ineligible. (See 502.4 regarding establishment of an emergency payee when the caretaker is absent from the home.)

* Public Law 104-193

The primary source for verification of living arrangements for children who attend school, including nursery schools, pre-schools, or child care centers, is the school record which shows the name of the child, the name of the relative the child lives with and the address where they reside. For pre- school age children who are not in nursery school, pre-school, child care, etc. the following documents can be used to verify living arrangements as long as the documents are current and contain the child's name, the relative's name, and their residence address: hospital or physician's record, court or public agency record, or military record. (These records may also be used as secondary sources of verification for children attending school or primary verification for children who are home schooled.) If these documents are not available, the worker can verify living arrangements for a pre-school age child through contact with the landlord, public housing authority, or a friend or family member who can attest to the living arrangements. In all cases, the case record must be documented to reflect the verification obtained. Client statement cannot be used to meet the verification requirement.

Note: While VIIS is a public agency record, it cannot be used to verify living arrangements as there is no requirement to update the child's address in the VIIS system.

If verification cannot be obtained from one of the sources listed above, the case record must be documented to reflect all the attempts that were made to secure verifications from primary or secondary sources. The case record must also contain documentation of all evidence obtained by the worker that substantiates the child's presence in the home.

If the agency is unable to verify the child's presence in the home, and the applicant/recipient continues to maintain that the child lives in the home, the agency must evaluate any evidence provided by the individual before taking action to exclude the child.

C. Living with a Relative for a Part of Each Month or Year - It is the responsibility of the local department of social services (LDSS) to determine whether a child who is in the home of the applicant/recipient for part of a month or part of a year should be included as a member of the TANF assistance unit. The child must actually live in the home, not simply be in the home temporarily for a few days a week, or for a weekend, or for a vacation, in order to meet the "living with" requirement.

The "living with" determination will require an evaluation of both the child's presence in the home and the parent's responsibility for the child while in the home and may include information about

- the child's entry into the applicant/recipient's home;
- the child's status in the home as a resident or as a visitor;
- the extent of the parental responsibilities the applicant/recipient will exercise on behalf of the child while the child is in the home; and
- the applicant/recipient's responsibility to maintain a home and meet the basic day-to-day needs of the child for food, shelter, and clothing.

1. Visits and Vacations: A minor child who usually lives with a custodial parent or caretaker relative, and who is visiting the other parent (or other caretaker relative), is considered to be temporarily absent from the home of the custodial parent and does not meet the "living with" requirement in the other home. (Note: the custodial parent may or may not be a current TANF recipient).

Example 1: The child lives with his mother and siblings. He spends his summer vacations with his father who lives in another county. His father would not be eligible for assistance for the child if he applied for TANF during the child's summer vacation because the child does not actually live in the father's home but is only there temporarily for a visit.

Note: If the child's mother receives TANF for him, and he is gone from her home more than 60 consecutive days, the child will no longer meet the "living in a home requirement" for her household as outlined at 201.5B. In this circumstance, he would not be eligible in either household until he returns to his mother's home following his summer vacation with his father.

Example 2: The child lives with his grandmother during the week and visits his mother every weekend. His grandmother receives TANF for him. His mother, who receives TANF for the child's three younger siblings, requests that he be added to her assistance unit. The child is not eligible, however, since he lives with his grandmother and only visits his mother.

2. Shared Living Arrangements: In some cases, a child lives with each parent for portions of a month or for several months of the year. These shared arrangements may be formal arrangements as in the case of legal joint custody in which an agreement legally establishes that both parents are to share physical custody of the child. The arrangements may also be informal arrangements established by the parents or caretaker relatives. In either case, the agency must determine the child's actual living arrangements. This determination may include examination of visitation schedules, written statements from each parent or caretaker relative, or other verifications. A statement by the applicant without additional documentation cannot be accepted as verification of the living arrangements except as outlined below.

The child is considered to be "living with" the parent or other caretaker relative with whom the child spends 51% or more of the time when the living arrangements are examined on an annual basis. (Note: If the living arrangements have not been in effect for at least one year, they will be examined based on the period they have been in effect. If the shared living arrangements have just begun, and the applicant states that the child will be living with her 51% or more of the time and there is no evidence to the contrary, the application can be approved. **At the next review,** the agency must verify the child's actual living arrangements and determine whether the "living with" requirement continues to be met.)

If the child lives with both parents an equal amount of time and no parent has the child 51% or more of the time, both parents meet the "living with" requirement and either can apply and be granted assistance for the child if otherwise eligible.

If the agency is unable to determine the amount of time the child spends with each parent for any reason, "living with" cannot be determined and the child is ineligible.

Example 1: The parents have shared joint legal and physical custody. The child lives with his mother from Monday through Friday. The child lives with his father on the weekends. The agency verifies the living arrangements. The child lives with the mother more than 51% of the time and would meet the "living with" requirement if his mother applied for assistance for him; he would not meet the "living with" requirement if his father made the application.

Example 2: The agency verifies that the parents have 50/50 joint legal custody and that the child actually spends 50% of the time with each parent in alternating weeks. The child will meet the "living with" requirement with either parent; either the father or mother could receive assistance for him if otherwise eligible.

3. Local Agency Custody: A child living with his parent(s) may be eligible for TANF even though custody is held by the social services agency, if all other eligibility factors for TANF are met. A child living with a relative other than a parent may also be eligible for TANF, even though custody is held by the social services agency, unless the home is an approved foster home. No foster care maintenance payment will be made on behalf of a child in agency custody while he is included in the TANF assistance unit of a parent or non-parent caretaker.

It should be noted that for TANF eligibility purposes, a child can only have one home, as defined above in this section. Therefore, a child in agency custody cannot be considered temporarily absent from the home of the parent or other relative with whom the child was living before coming into care if another parent or relative is currently eligible for TANF based on the presence of the child in his/her home.

The case record must be documented relative to the local agency's finding that the child is living in the home.

A child may not be denied TANF, either initially or subsequently, on the basis that the home is considered "unsuitable" because of conditions existing in the home, unless provision is otherwise made for his adequate care and assistance.* If such conditions appear to exist, referral for protective services must be made.

D. Minor Parent Residency Requirement ** - A minor parent is an individual under 18 years of age who is the natural parent of the child. A minor parent and the dependent child in her care must reside in the home maintained by her parent or person standing in loco parentis, unless she meets an exception. (*In loco parentis* is defined as standing in place of or taking the role of a parent. For TANF, the *in loco parentis* role may be filled by a relative [see 201.5A], the legal guardian of the minor child, or a person 21 years of age or older who is acting as a parent. By definition, the *in loco parentis* role may not be filled by a person such as a boyfriend or girlfriend whose relationship to the minor parent is other than parental.) Minor applicants must be informed about the residency requirement at the time of application. If the minor cannot make arrangements to live in the home of a parent or person standing in loco parentis within the standard 30 day processing time, and does not meet an exception, then the worker must deny the application.

* 45 CFR 233.90(b)
** Section 63.2-607, Code of Virginia

The priority order for living arrangements of all minor parents is the following: with a parent, with a relative, with a legal guardian, or with a person 21 years of age or older who is standing in place of the parent. If the minor parent does not reside with her parent, the local agency shall consider this priority order by encouraging the minor to move, when a more appropriate placement is found in a higher priority level. If the minor parent does not live with her parent(s) and the local agency determines that living with the parent(s) is more appropriate, the worker must make reasonable efforts to advise the parent(s) of their legal responsibility for the minor parent.

Example 1: Sue is a minor parent living with her daughter in the home of her grandmother. Sue states she does not like her mother's rules. Sue's grandmother does not make Sue attend school and does not impose a curfew. Sue's mother provides appropriate supervision. The agency encourages Sue to move in with her mother to receive TANF, and sends a letter to Sue's mother advising her of her legal responsibility for Sue.

1. Exceptions - The minor parent residency requirement shall not apply if one of the following situations exists:

   a. The minor parent is married;

   b. The minor parent has no parent or person standing in loco parentis who is living;

   c. The minor parent has no parent or person standing in loco parentis whose whereabouts are known; or

   d. The physical or emotional health or safety of the minor parent or his dependent child would be jeopardized if the minor parent and dependent lived in the same residence with the minor parent's parent or person standing in loco parentis. Such a claim shall be corroborated by clear and convincing evidence from court, medical, criminal, child protective services, psychological or law enforcement records.

   If the minor parent meets an exception, then TANF is to be approved (if otherwise eligible).

2. Locating Adult-Supervised Living Arrangements - If the minor parent meets an exception b through d above and no parent or person standing in loco parentis is available, the local department of social services must assist the minor parent in locating an adult-supervised supportive living arrangement. This is to be done by determining, with the minor parent, why she does not live with a parent or person standing in loco parentis and what her needs are. The local agency must attempt to find an appropriate adult-supervised supportive living arrangement such as, but not limited to, a group home.

When an appropriate adult-supervised supportive living arrangement is located, the minor parent and child shall be required to live there to continue receiving TANF. The worker must give the minor parent 30 days advance notice to move. If the minor parent fails or refuses to move to the adult-supervised living arrangement in the 30 day time period, the worker must close the case.

Example: Maybelle is a teen parent who moved in with her grandmother after her parents died. When Maybelle's grandmother died, she did not know where any other relatives lived, and now lives alone with her child. The agency approved the case for TANF and began the search to locate an adult-supervised living arrangement.

3. Protective Payment - When a minor parent and her dependent child are required to live with the minor parent's parent or person standing in loco parentis, then TANF must be paid in the form of a protective payment to the parent or person standing in loco parentis (See 502.7). **The worker should select the name of the protective payee from the TANF Benefit Recipient drop-down on the SNAP/TANF Case Level – Details screen in VaCMS.**

201.6 RESIDENCE - Federal regulations* require that a child be considered a resident of the state in which he is living, other than on a temporary basis, regardless of the reason for which he entered the state or the residence of his parents. A caretaker is a resident of the state in which he is living even though he may be homeless or may have entered the state seeking employment or with a job commitment as long as he, or the child, is not receiving assistance from another state. Temporary absence from the state, with subsequent return to the state or intent to return does not affect eligibility.

Residence must be verified except in unusual cases, such as homeless assistance units, migrant farm worker assistance units or assistance units newly arrived in a locality, where verification of residence cannot reasonably be accomplished. In the case of an applicant/recipient who is participating in the Address Confidentiality Program (as referenced in Broadcast 6976 dated June 22, 2011), residency is established by the applicant/recipient's verbal statement that the family is residing in the locality where they have applied or are currently receiving assistance. The Office of the Attorney General will issue an Address Confidentiality Program (ACP) authorization card to each participant in the program. The card will have the participant's unique ACP authorization code on it (PMB#). The card will be used by the LDSS agency to verify participation in the ACP. If the LDSS has questions about the participant's status in the ACP or legal documents need to be served to the participant, the ACP Coordinator at the Office of the Attorney General should be contacted.

The actual physical address of the applicant/recipient must not be entered into any of the department's automated systems. The mailing address for the ACP (PO Box 1133, Richmond, Virginia, 23218-1133) should be used.

* 45 CFR 233.40

Verification of residence should be accomplished to the extent possible in conjunction with the verification of other TANF information. If verification cannot be accomplished in conjunction with the verification of other information, the worker can use a collateral contact or other readily available documentary evidence such as statements from migrant service agencies, letters from the people with whom the assistance unit is staying, hotel check-in receipts, day care enrollment forms and health clinic records for the family. Any document or collateral contact which reasonably establishes the applicant/recipient's residence must be accepted and no requirement for a specific type of verification may be imposed.

Continuing Eligibility - If a person receiving TANF moves to make his home in another state, eligibility for TANF in Virginia no longer exists.

201.7 CITIZENSHIP AND ALIENAGE - Federal law* and state law** require anyone whose needs are considered in determining the amount of assistance for TANF be a citizen of the United States or an eligible alien. Citizenship and alien status must be verified by the local agency using documents specified in Appendix II or Appendix III in Chapter 200. Citizenship and alien status are not verified when the client meets the declaration of citizenship requirement outlined at 201.7C or when the client provides a Social Security number in order to meet the condition of eligibility requirement outlined at 201.1B.

A. Citizenship/Alienage Status

1. Citizenship - An individual is a U.S. citizen if he is:

a. born in the United States, regardless of the citizenship of his parents (Note: This does not apply to children of foreign heads of state or children of foreign diplomats. These children do not automatically obtain citizenship even when born in the United States or in U.S. jurisdictions.); or

b. born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or

c. born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.

2. Alienage - An alien must be a qualified alien as defined below or meet the exception in d.3) below. If the alien does not meet the definition of a qualified alien or the exception, he does not meet the alienage requirement. If he meets the definition of a qualified alien, he must then be evaluated in accordance with b., c., and d.1) and d.2) below, depending on the date he entered the U.S.

a. "Qualified alien" is defined as:

1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), without regard to the number of the alien's SSA qualifying quarters;

2) an alien granted asylum under Section 208 of the INA;

3) a refugee admitted to the U.S. under Section 207 of the INA, or an Afghan or Iraqi alien granted special immigrant status,*** or an alien who is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, **as amended), *or an alien who is a victim of human of human trafficking.**

* 45 CFR 233.50
** 63.2-503.1
*** Public Law 111-118, Section 8120

4) an alien paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;

5) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208);**

6) an alien granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980;

7) an alien, and/or alien parent of battered children and/or an alien child of a battered parent who is battered or subjected to extreme cruelty while in the U.S.; or

8) an alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.***

Note: The State assists qualified aliens to the full extent permitted by federal law***

b. If the qualified alien entered the U.S. prior to August 22, 1996, he is an eligible alien for TANF purposes.

c. If the qualified alien entered the U.S. on or after August 22, 1996, he is ineligible for assistance for five years from the date of entry, unless he is:

1) an alien granted asylum under section 208 of the INA;

2) an alien admitted to the U.S. as a refugee under section 207 of the INA, or an Afghan or Iraqi alien granted special immigrant status, or an alien admitted as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended);*

3) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208); or

* Public Law 105-33
** Public Law 104-208
*** 1997 Acts of Assembly

4) an alien who is a Cuban-Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.*

d. Exception for Veterans and Persons on Active Duty and Their Relatives - An alien lawfully residing in the state meets the alienage requirement regardless of the date of entry into the U.S., provided he is:

1) a qualified alien and is a veteran discharged honorably and not on account of alienage and who has served a minimum of 24 months or the period for which the person was called to active duty. "Veteran" also includes individuals who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war;**

2) a qualified alien and is on active duty (other than active duty for training) in the Armed Forces of the U.S.; or

3) the spouse or unmarried dependent child of an individual (not deceased) described in 1) or 2) above, or the surviving spouse of an individual (deceased) described in or 2) above, provided the surviving spouse has not remarried and was married to the deceased veteran:

(a) before the end of a 15-year period following the end of the period of military service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(b) for one year or more; or

(c) any period of time if a child was born of the marriage or was born to them before the marriage.**

The spouse or unmarried dependent child is not required to be a qualified alien.

3. Verification of immigration status is required at application, redetermination, and as individuals are added, using U.S. Citizenship and Immigration Services (USCIS) documents provided by the alien or, if the individual is a victim of human trafficking, using documentation from the federal Office of Refugee Resettlement. A copy of the document must be filed in the case record and the comment screen documented. If an applicant/recipient's alien status changes or an individual who was an alien becomes a U.S. citizen, his eligibility for assistance must be evaluated under the new status. Exception: When the status of an alien changes to legal permanent resident, eligibility for assistance must be evaluated under the original status.

* Public Law 96-442
** Public Law 105-33

If an alien presents expired documents as evidence of his immigration status, or has no documentation, refer the alien to the local USCIS office to obtain documentation of status. In unusual cases involving aliens who have physical or mental disabilities that limit their ability to obtain or provide the required evidence, the worker should 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 of 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 this 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 **and alien groups exempt from sponsor deeming. Sponsor deeming requirements apply only to individual sponsors.**

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 or when a new member, including a newborn, is requested/required to be added to the assistance unit. While required, the declaration of citizenship is a statement only. It is the responsibility of the agency to verify the applicant's or recipient's claim of citizenship or alien status following procedures outlined at 201.7D.

The declaration requirement is met when the applicant/recipient age 18 or older completes and signs **an** "**application for benefits**". In the absence of an adult in the assistance unit, the applicant will sign for all unit members.

Any individual, for whom there is no declaration of citizenship or alien status, shall not be included in the assistance unit. If the individual is a required member of the assistance unit, the income of the individual will be considered available to the assistance unit as provided in Section 305.4.E.1.e.

D. Verification of Citizenship or Alien Status; Legal Presence

Children and Other Applicants under age 19 - Citizenship or Alien Status: In order to meet TANF categorical eligibility requirements, the citizenship or eligible alien status of each applicant child, including newborns, and other applicants under age 19, must be verified before the individual can receive assistance. Citizenship or alien status can be verified by birth certificate or by other documents as specified in Chapter 200, Appendix II or Appendix III. Note: In the case of a newborn, the proof-of-birth letter furnished by the hospital to the parent is sufficient documentation to add the child to the assistance unit. A copy of the child's birth certificate, or other documentation verifying citizenship as specified in Chapter 200, Appendix III, should be obtained no later than the next renewal.

Applicants age 19 or older - Citizenship or Alien Status; Legal Presence: The citizenship or alien status of an applicant age 19 or over must be verified by the documents specified in Chapter 200, Appendix II or Appendix III. When citizenship or alien status is verified, the legal presence requirement is also met.

If the applicant is not able to prove citizenship or alien status at the time of application, a provision in the legal presence requirement allows the applicant to receive assistance while seeking to verify his status. Under this circumstance, assistance is limited to a maximum of 90 days, or until it is determined that the applicant is not legally present, whichever comes first.* If the case closes and the individual subsequently reapplies, he will not be given another 90-day period to provide verification of legal presence. If the verifications are not provided with the standard 30-day processing time, the individual is not eligible for assistance.

E. Systematic Alien Verification for Entitlements (SAVE) Program

1. The Immigration Reform and Control Act of 1986 (IRCA), requires the verification of the immigration status of aliens applying for certain types of benefits, including TANF.

* Code of Virginia, 63.2-503.1

Local agencies should not use the SAVE system to confirm the status of human trafficking victims since their status is verified by the federal Office of Refugee Resettlement.

2. Aliens, except victims of human trafficking, must submit documentation of their immigration status before eligibility can be determined. Once documentation has been provided, the agency must determine the validity of the documentation by comparing the alien information with current immigration records maintained by USCIS. This is accomplished through the Systematic Alien Verification for Entitlements (SAVE) Program and is intended to prevent the issuance of benefits to ineligible aliens.* SAVE verification must be received prior to case approval or action to add a person.

   Verification is obtained through two processes:

   a. Primary verification - a direct access to USCIS files via telephone or personal computer;

   b. Secondary verification - a manual procedure completed in addition to primary verification via the Document Verification Request, Form G-845S. (Refer to Appendix V to Section 201.) Certain situations may arise where it may not be possible to access primary verification and secondary verification must be accessed or additional information is needed that can only be obtained through the secondary procedure. These situations are addressed in Section 201.7.E.4.

   Once verification has been obtained through SAVE, aliens with permanent resident status will no longer be subject to the SAVE process. Aliens with temporary or conditional status will be subject to SAVE when their temporary status expires.

3. Primary Verification

   Primary verification is the automated method of accessing the **SAVE system (**the USCIS database**)**. The automated access to **SAVE** must be attempted before attempting the manual, paper-trail method of secondary verification. However, there are some specific instances when the secondary method must be used without attempting to access the USCIS database. These reasons are listed in the Secondary Verification section.

   SAVE is accessible through the seven, eight, or nine-digit Alien Registration Number (A-Number) which should be displayed on the alien's USCIS documents. SAVE is accessible via online access by authorized personnel to immigration files by logging on at https://save.uscis.gov/Web/vislogin.aspx?JS=YES

   A total of nine digits must always be used when keying the A-Number to access the USCIS database. A zero is to be substituted for the letter "A" in eight-digit A-Numbers, and two zeros must precede a seven-digit number. When the A-Number is nine digits, omit the "A" and enter the nine-digit number.

* Public Law 99-603, Section 121

Information obtained through SAVE must be compared with the original immigration document. If discrepancies are noted, the secondary verification process must be initiated. No negative action may be taken on the basis of the automated verification only.

4. Secondary Verification

In some instances verification of the alien status may not be completed through the automated/primary system. Secondary verification will be required in the following situations:

a. Primary verification generates the message "Institute Secondary Verification" or "No File Found;"

b. Discrepancies are revealed when comparing primary verification to the original immigration document or the primary verification does not clearly indicate whether the individual is a qualified alien;

c. Immigration documents have no Alien Registration Number (A- Number) or documents presented are not identified in 201.7;

d. Immigration documents contain an A-Number in the A60 000 000 or A80 000 000 series;

e. The document presented is a USCIS fee receipt;

f. The document presented is a foreign passport and/or I-94 that is endorsed "Processed for I-551, Temporary Evidence of Lawful Permanent Residence," and the passport and/or I-94 is over one year old.

g. Any of the items presented as documentation appears to be counterfeit or altered.

h. The document presented is a USCIS receipt indicating the alien has applied for a replacement document for one of the qualified alien statuses.

i. Additional information is needed regarding sponsorship status, including whether the affidavit of support executed is a "213A" affidavit and the name and address of the sponsor(s).

j. Documentation is needed to substantiate status as a victim of abuse.

k. Documentation is needed to verify U.S. citizenship.

l. The documents presented are expired and the alien has a physical or mental disability that precludes obtaining new documents from the local USCIS office.

5. Secondary Verification Procedures

a. Once the requirement to obtain secondary verification is determined, the agency must initiate the request within 10 work days. Complete the top portion (Section A) of the USCIS Form G- 845S, Document Verification Request. A separate form must be completed for each alien. A copy of the G-845S form is included in Appendix V to Section 201.

b. Staple readable copies (front and back) of original immigration documents to the upper left corner of Form G-845S. Copies of other documents used to make the initial alien status determination must also be submitted. Other documentation could include marriage records or court documents that indicate the identity or immigration status of the holder.

c. Retain a copy of the completed G-845S in the case record. Mail the completed form to the USCIS office listed below:

U.S. Citizenship and Immigration Services
10 Fountain Plaza, 3rd Floor
Buffalo, NY 14202

Attn: Immigration Status Verification Unit

Do not send bulk mailings.

d. While awaiting the secondary verification from USCIS, do not take any negative action against the case or individual on the basis of alien status.

e. Upon receipt of the G-845S, compare the information with the case record. If eligibility of the alien is confirmed, the verification from USCIS must be filed in the case record with the current application. Timely notice must be given to delete the individual from the TANF assistance unit if verification proves an individual's ineligibility. Additionally, if the secondary verification reveals the individual is not an eligible alien, an overpayment has occurred which must be recouped/recovered per 503.8.

201.8 SOCIAL SECURITY ACCOUNT NUMBER (SSN) - As a condition of eligibility, each applicant is required to provide an SSN or show proof of application for a Social Security number for each person for whom assistance is requested. An applicant must meet this condition prior to approval of the case. Only those members of the assistance unit who have met this condition are to be approved for TANF. The agency must refer each applicant/recipient who does not have an SSN or cannot provide proof of application for an SSN to the Social Security Administration (SSA) District Office. The agency must also discuss with the applicant the types of evidence of age, identity, and U.S. citizenship or alien status documents which the SSA will require prior to issuing an SSN.

A. Obtaining a Social Security Number - For those individuals who provide SSNs prior to approval or at any other time the agency shall record the SSN in **VaCMS** and attempt to verify the SSN according to 201.8 E. As soon as all other steps necessary to approve an application are completed except for verification of the social security number the agency shall approve the application.

For those individuals who do not have an SSN, who do not know if they have a number, are unable to find a number and therefore cannot provide a number, or whose number appears to be questionable, the agency will direct the assistance unit to submit form SS-5, Application for Social Security Number to the Social Security Administration (SSA). The agency must advise the assistance unit where to file the application for an SSN and discuss what evidence the assistance unit will need to obtain a SSN.

Evidence needed to secure a Social Security number includes a U.S. public record of birth established before age five or other verification of birth, such as religious records whose validity is not questionable, or hospital records, if they can be verified by the SSA. While religious and hospital records will entitle the individual to an SSN, further proof of birth is required by the SSA to establish eligibility for Social Security benefits.

The agency shall advise the assistance unit that proof of the application for an SSN from SSA will be required prior to approval and suggest that the assistance unit member asks the SSA for proof of the application for an SSN. SSA has a form SSA-5028, Receipt for Application for a Social Security Number for this purpose. Local agencies may also devise their own form for this purpose; however, these must receive the approval of the Regional TANF Specialist.

B. Assistance to Newborns - An electronic application for a social security number for the newborn will be made by the hospital before the mother is discharged. The parent should be able to provide the agency with verification that the social security number was applied for when requesting that the child be added to the **payment**. If for some reason the parent cannot provide this information, the child can be added to the assistance unit, but the parent must provide the child's social security number or proof of application for the number, at the next case renewal, or within six months, whichever is later.

C. Failure to Comply - In instances where the recipient refuses to furnish an SSN or application for an SSN for anyone for whom assistance is requested or received, assistance is terminated for that individual. To determine if the recipient is refusing to provide the needed information, the recipient must be given the opportunity to cooperate, and must clearly demonstrate that he/she will not obtain the necessary information.

D. Determining Good Cause - In determining if good cause exists for failure to comply with the requirements to provide an SSN, the local agency must consider information from the assistance unit and SSA. The agency must verify and evaluate the recipient's circumstances to determine if there is good cause for the recipient not correcting either agency or SSA records by the next renewal of eligibility. Good cause for failing to apply for a number includes documentary evidence or collateral information that the assistance unit has made every effort to supply SSA with the necessary information to complete an application for an SSN. Good cause does not include delays due to illness, lack of transportation or temporary absences, because SSA makes provisions for mailing in applications for SSNs. If an assistance unit can show good cause why an application for an SSN has not been completed, the member in question shall be allowed to be included for one month in addition to the month of renewal for TANF. Good cause for failure to apply must be shown monthly thereafter in order for such an assistance unit member to continue to be eligible.

If the assistance unit is unable to obtain the documents required by SSA in order to apply for an SSN, the eligibility worker shall assist the individual in obtaining these documents.

The case record must be thoroughly documented to indicate the agency's determination of good cause for the recipients not providing the requested information concerning an SSN. Assistance will not be terminated for any individual if good cause is determined to exist for that individual. If good cause is not established, only the assistance for the individual not providing needed information will be terminated.

E. SSN Verification and Documentation

The local agency shall verify the SSNs reported by the assistance unit by submitting them to the Social Security Administration (SSA) through the State Verification and Exchange System (SVES) or the State Online Query- Inquiry System (SOLQ-I) **via SPIDeR**. The print out from SVES or SOLQ-I must also be filed in the case record. When proof of an application for a social security number has been obtained, the worker will enter **the SSN application date and select the SSN application verification source on the Client - SSN Application screen in VaCMS.**

When the inquiry indicates that SSA is unable to verify the SSN provided by the client, the EW must re-contact the assistance unit to determine if the information the assistance unit provided is correct and obtain the correct information as appropriate. Entering the corrected data into **SVES or SOLQ-I** will result in another match being initiated with SSA to verify the SSN.

If the information the agency has is correct, but the information SSA has is incorrect, the assistance unit must be notified that it must appear at the SSA office to provide them with the necessary information such as a change of name due to marriage.

If the assistance unit refuses to provide the necessary information that would allow the verification of a SSN, the individual shall be determined ineligible. For a determination of refusal to be made, the assistance unit must be able to cooperate, but clearly demonstrate that it will not take actions that it can take.

Once the worker determines that the assistance unit must provide information or documentation to either the agency or the SSA, the assistance unit must complete such action prior to the next renewal or show good cause why it was unable to do so.

If an assistance unit claims it cannot cooperate for reasons beyond its control, the worker must substantiate the assistance unit's inability to cooperate. For example, an assistance unit may claim it cannot verify a name change because official records were destroyed in a fire. The worker must verify this to the point that he/she is satisfied the claim is accurate, i.e., documentation of the name change no longer exists. In these cases, a SSN match cannot be accomplished since SSA records cannot be corrected without the missing documentation. If the worker verifies that the assistance unit is unable to cooperate in the verification of the SSN, the individual shall not be terminated. The case file must adequately document the assistance unit's inability to cooperate.

If the worker is unable to substantiate the assistance unit's claim that it cannot cooperate, the individual shall be found to have refused to cooperate and shall be terminated.

F. Ending Ineligibility

Once a person has been removed from the assistance unit for refusal or failure to provide a SSN, the ineligible member must provide a SSN before eligibility can be established.

201.9 ASSIGNMENT OF RIGHTS - As a condition of eligibility, each applicant for or recipient of TANF **must** assign to the State any rights to support from any other person as the applicant or recipient may have. This assignment is also applicable to any support the applicant or recipient was due but was not paid and which has accrued at the time of assignment. The assignment is applicable to all support rights the applicant or recipient may have in his own behalf or in behalf of any other family member for whom assistance is requested.

State law* provides for an automatic assignment by receipt of public assistance. This law states that "by accepting public assistance for or on behalf of a child or children, the applicant/recipient is deemed to have made an assignment...." This requirement should be thoroughly explained to the applicant/recipient along with the penalties for failure to cooperate in forwarding any support received after receipt of public assistance.

201.10 COOPERATION IN OBTAINING SUPPORT

As a condition of eligibility, each applicant/recipient of TANF must cooperate with the Division of Child Support Enforcement (DCSE) or local department of social services, unless good cause for refusing to do so is determined to exist, in:

- identifying and locating the parent of a child for whom aid is claimed,
- establishing the paternity of a child born out of wedlock for whom aid is claimed;
- obtaining support payments for the applicant or recipient and for a child for whom aid is claimed; and
- obtaining any other payments or property due the applicant or recipient or the child.

When a minor parent who receives assistance for her child is included in the same assistance unit with her parent and/or minor siblings, the minor parent is required to meet the cooperation requirements and provide information about the absent parent of her child to the same extent as if she were receiving assistance in her own right.

A. <u>COOPERATION DEFINED</u> - Cooperation means all of the following actions necessary for the identification and location of noncustodial parents (including putative fathers) and the establishment and collection of child support:

1. Providing identifying information on the noncustodial parent of a child for whom aid is requested.

* Code of Virginia, Section 63.2-1909

a. Name of Parent

1) The applicant or recipient must provide, under penalty of perjury, the first and last name of the individual against whom paternity or an obligation to provide support is sought to be established, modified, or enforced.

2) If the applicant/recipient is not certain of the child's paternity, she must identify all individuals with whom she had sexual intercourse who may be the father. The "List of Putative Fathers" form (032-03-0880) must be completed by the applicant/recipient, listing the individuals who may be the father in rank order of their probability of being the father.

a) The applicant/recipient must designate, in writing, the men most likely to be the father. If the putative fathers designated are excluded from paternity as a result of the genetic testing, the applicant/recipient will be considered as not cooperating and the agency will impose a **penalty** until paternity has been established for the child. **Note: DCSE will provide genetic testing for up to five potential fathers at its expense. After five potential fathers have been tested, the parent must assume full responsibility for additional testing. If the parent fails or refuses to pay for further genetic testing, this will be considered to be noncooperation.**

b) If an applicant/recipient has named only one putative father, and subsequent genetic testing determines that this individual is not the father, the applicant/ recipient must be given an opportunity to provide another name(s) for the putative father. The applicant/recipient is considered to be cooperating with the identification requirement if she provides the name of another individual(s) with whom she had sexual intercourse who may be the father. If the men named are excluded from paternity through genetic testing, the applicant/recipient will be considered as not cooperating and the agency will impose a **penalty** until paternity has been established for the child unless the applicant/recipient signs the Attesting to the Lack of Information form (032-03-0423). Note: Individuals **for whom a penalty was imposed** prior to October 2006 must be given an opportunity to name all putative fathers upon reapplication. Each man named must be excluded from paternity through genetic testing before the applicant/recipient will be considered as not cooperating.

c) If the genetic testing determines that an individual named is not the father and the applicant/recipient maintains there are no other men who could be the father, the applicant/recipient must be advised of her right to meet with the DCSE worker and have her case reviewed. DCSE will review the case and offer

the applicant/recipient an opportunity to view the photograph of the individual tested. If the individual in the photograph is not the man named by the applicant/recipient, DCSE will initiate action to administer another test to the appropriate parties.

If the individual in the photograph is the man named by the applicant/recipient, DCSE may refer the matter to the court if the applicant/recipient insists that he is the father. During that time, the applicant/recipient will be considered to be cooperating.

3) A mother who was married at the time of the child's birth, but names someone other than her husband as the child's father, must refer both men to DCSE. The man to whom she was married at the time of the child's birth is the legal father and is considered the child's father until a court has determined that he is not. After the court has excluded the husband as the father, DCSE can proceed to determine the paternity status of the man named by the mother.

b. Additional Information to Identify the Noncustodial Parent - For each noncustodial parent referred to DCSE, including the legal father if the mother was married at the time of the child's birth, the applicant/recipient must provide, under penalty of perjury, additional informational items including, at a minimum, three of the following:

1) social security number;
2) race;
3) date of birth;
4) place of birth;
5) telephone number;
6) address;
7) schools attended;
8) occupation;
9) employer;
10) driver's license number;
11) make and model of motor vehicle;
12) motor vehicle license plate number;
13) places of social contact;
14) banking institutions utilized;
15) names, addresses, or telephone numbers of parents, friends, or relatives; or
16) other information that the agency determines is likely to lead to the establishment of paternity.

c. Exception to the Requirement to Provide the Name of and Identifying Information on the Noncustodial Parent - If the applicant or recipient attests to the lack of information under penalty of perjury, cooperation exists even though identifying

information required in 201.10 A.1.a. and/or b. is not provided and no penalty is to be imposed. If the applicant/recipient cannot provide the name of the noncustodial parent and at least three pieces of identifying information, she must sign an Attesting to The Lack of Information (ATL) form (032-03-0423). The client will be considered to be not cooperating if she states that she is unable to provide the name and other identifying information for a noncustodial parent but also refuses or fails to sign the ATL. (Note: A separate ATL form must be completed for each noncustodial parent.) **When an ATL form is completed, "yes" must be selected from the "Agree to Cooperate" drop-down and "ATL" must be selected from the "Good Cause" drop-down on the Absent Parent Information Details screen in VaCMS.** This coding will ensure that a referral will not be sent to DCSE.

At the time of each renewal, the eligibility worker is to ask the client to provide information on each noncustodial parent. If the client continues to be unable to provide the name and at least three pieces of identifying information on a noncustodial parent, the eligibility worker will have the client complete a new ATL form for that noncustodial parent.

Note: An applicant/recipient who is the grandparent of the child for whom assistance is requested, is expected to be able to provide the first and last name and at least three additional pieces of identifying information for the noncustodial parent who is her own child. If she fails to do so, she will be subject to noncooperation penalties outlined in guidance at 201.10 B and C.

2. Appearing at an office of the local department of social services or the Division of Child Support Enforcement, as requested, to provide:

   a. verbal or written information, or

   b. documentary evidence known to, possessed by, or reasonably obtainable by the applicant/recipient about the noncustodial parent.

3. Appearing as a witness at judicial or administrative hearings or proceedings.

4. Appearing for a scheduled appointment to have testing completed to establish paternity.

5. Paying to DCSE any money directly received from the noncustodial parent after approval of the TANF case.

6. Paying for all additional genetic testing after the first five potential fathers have been tested and excluded as the father of the child.

Note: If a problem is identified that interferes with the recipient's ability to cooperate, such as, lack of transportation, hospitalization, etc., the local agency must assist the applicant/recipient, if requested.

B. ACTION TO BE TAKEN UPON DETERMINATION OF NONCOOPERATION - Noncooperation may occur with respect to an individual's failure to cooperate with either the local department of social services or DCSE.

1. Noncooperation exists in the following circumstances. The applicant/recipient:

   a. failed to provide identifying information, including the first and last name of the father or of all individuals who may be the father of the child(ren), and at a minimum three additional informational items to identify the parent, and the exception in Section 201.10 A.1.c. is not applicable, or the exception in Section 201.10A.1.c is applicable but the client fails or refuses to sign the ATL; or

   b. failed to respond to two consecutive requests to provide information; or

   c. missed two consecutive scheduled appointments (other than genetic testing and court appearance) and did not contact the worker to reschedule them; or

   d. failed to appear in court for a scheduled paternity, establishment of support, or enforcement hearing and did not contact DCSE to reschedule (one occurrence); or

   e. missed a scheduled appointment for genetic testing and did not contact DCSE to reschedule (one occurrence); or

   f. does not name another individual who may be the father after the only man named as the putative father is excluded; or

   g. the putative fathers listed on the "List of Putative Fathers" form are excluded from paternity as a result of genetic testing; or

   h. fails or refuses to pay for further genetic testing after DCSE has paid for the first five potential fathers to be tested; or

   i. otherwise fails to comply with the requirements in Section 201.10 A.

2. The finding of noncooperation, including noncooperation for failure/refusal to sign the ATL after attesting to a lack of information, **must be documented on the Case Narrative - Details screen in VaCMS**.

   a. Noncooperation must be due to one of the reasons listed in 1.a. - i. above.

   b. If noncooperation was determined by DCSE, **the VaCMS will be notified via the APECS interface. On the Absent Parent Information Details screen, the "Agree to Cooperate" drop-down will be updated to "No", and a task and reminder will be sent to the worker to inform him of the noncooperation status.**

- **VaCMS will automatically take action to close or reduce the TANF benefits, as appropriate, and send a 10-day Advance Notice of Proposed Action. A copy will be retained in the Forms History.**

- **VaCMS** will automatically close the case if paternity has not been established for the child for whom the caretaker has failed to cooperate and the child has received TANF for at least six months.

  If paternity has been established or, if the child has not been on TANF for at least six months, **VaCMS will** reduce the **payment** by the appropriate amount as determined by guidance at 201.10C. The reduction will be effective the following month or as soon as administratively possible based on Advance Notice requirements.

The EW **must manually update the task and reminder when the action to reduce or terminate benefits has been completed. It is the responsibility of the worker to ensure that VaCMS takes the appropriate actions in accordance with this section.**

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

3. The local agency **must ensure the appropriate penalty for noncooperation is imposed the following month or as soon as administratively possible in accordance with Section 201.10.C., as follows:**

   Check the Forms History to ensure an advanced notice has been sent advising the recipient of the penalty.

   a. DCSE will be notified of the penalty through the **VaCMS** system **interface when the action to reduce or close the benefits in VaCMS has been certified and authorized.**

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 the 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 must ensure VaCMS performs the following actions:**

a. Exclude the caretaker's needs from the **payment**, reducing the **payment** 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 includes 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 in the **payment**, the caretaker must be removed. If the resulting **payment** reduction is less than 25 percent of the amount of assistance that would otherwise be provided to the family, the **payment** reduction must be increased to 25 percent. In addition to removing the caretaker, document the case record as to the basis for imposing the additional penalty amount.

2) The **payment** must be reduced by 25 percent if the caretaker's needs are not currently included on the **payment** 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 **payment** (a payee).

See Appendix X to Chapter 201 for penalty calculation examples.

b. Recalculate the penalty reduction to ensure that the penalty reduces the **payment** by the greater of the amount of the caretaker's needs or 25 percent whenever:

1. there is a change in the assistance unit size or the **payment** amount.
2. the caretaker subsequently complies with the eligibility requirement that had caused his needs to be removed.

c. Lift the penalty reduction if all children for whom the client did not cooperate have left the client's home. Reimpose the penalty if the children subsequently return to the home.

d. Add the recipient to the **payment** by the month following the month in which he cooperates with DCSE or the information not previously provided is obtained from another source. Note: If the caretaker complies with the support enforcement requirement but continues to be ineligible due to noncompliance with another requirement, the penalty reduction (amount in excess of the caretaker's needs) must be removed but the caretaker's needs must continue to be excluded.

e. If, in the sixth month TANF is received, the recipient is still not cooperating, the local agency must complete a special review to determine if the case continues to be eligible in accordance with C.2 below.

2. Noncooperation After the Sixth Month of Receipt of Assistance - When noncooperation continues after the sixth month of receipt of assistance, the local agency must conduct a special review of the case. The purpose of the special review is to verify, through contact with DCSE, whether the recipient has begun to cooperate in establishing paternity or in fulfilling other child support requirements as outlined at 201.10A.

a. If the recipient has not begun to cooperate, but paternity has been established, the recipient will continue to be ineligible for assistance and the penalty imposed will continue until the individual cooperates or all children for whom the individual did not cooperate have left the home.

b. If the recipient has not begun to cooperate and paternity has not been established, the local agency must close the entire TANF case as soon as administratively possible and document the case record accordingly. The case is ineligible effective the following month and must remain closed until cooperation has been achieved, the information not previously provided is received from another source*, or all children for whom the individual did not cooperate have left the home. If the determination of noncooperation is based on the exclusion of the individual(s) named as the father based ·on genetic testing, the recipient cannot be considered to be cooperating until paternity has been established for the child or the recipient signs the Attesting to the Lack of Information (ATL) form.

* Code of Virginia, Section 63.2-602

3. Counting the Six Months of Receipt of Assistance - In counting the six months of receipt of assistance, count the month of entitlement as the first month of assistance when noncooperation began prior to case approval. If noncooperation occurred after approval, the six months are still counted from the date of entitlement.

Exception: For a child added to the **payment** subsequent to case approval, the six-month period begins with the first month of receipt of assistance for the child.

Example 1: At the time of application Ms. Rageolla refuses to name the father of her child. The agency determines that Ms. Rageolla is not cooperating in identifying the father of one of her children, and that good cause does not exist. Her case is approved in March, with her needs removed. The date of entitlement is March 20. The case is reviewed in August, the sixth month of receipt of assistance, to determine whether the case must be closed in accordance with C.2 above.

Example 2: Ms. Zorda cooperates at application (April) in identifying the putative father of her child. Her case is approved effective May 1. In the second month assistance is received (June), she is notified that she must come to the DCSE office for genetic testing. Ms. Zorda fails to keep the appointment, and DCSE notifies the eligibility worker that Ms. Zorda is not cooperating. Good cause for not cooperating does not exist and her needs are removed from the **payment**. In October, Ms. Zorda has received six months of assistance, and the agency must determine whether the case must be closed in accordance with C.2 above.

Example 3: If Ms. Zorda's refusal to cooperate had occurred more than six months after entitlement, i.e., entitlement is in January and refusal to cooperate occurs in November, the sixth month of receipt of assistance would have been June and the agency would immediately evaluate continuing eligibility of the case in accordance with C.2 above.

Example 4: Ms. Bonnewit has been receiving TANF for several years. A child (not subject to the family cap), who had been residing elsewhere, comes to live with his mother, Ms. Bonnewit. His paternity has not been established. In determining the child's eligibility, Ms. Bonnewit refuses to name the father. At the same time the child is added to the **payment**, the mother's needs are removed. In this situation, the six-month period begins with the first month of receipt of assistance for the child, which is January 1. On April 15, Ms. Bonnewit requested that her case be closed. The case closes April 30. Ms. Bonnewit later reapplies and is determined eligible for TANF in June. Her six month period resumes in June. June will be her fifth month for the non-cooperation penalty.

D. CLAIM OF GOOD CAUSE FOR NOT COOPERATING WITH THE DIVISION OF CHILD SUPPORT ENFORCEMENT - If an applicant/recipient believes that cooperation would be harmful to the child or himself, he may claim good cause for not cooperating. The applicant/recipient must provide evidence to support the claim to be excused from cooperating. If the claim is substantiated, no attempt will be made to establish paternity or collect support.

The local agency may determine that cooperation would be harmful to the child only if one or more of the following circumstances exists:

1. The agency believes that the applicant/recipient's cooperation will result in:

   a. physical or emotional harm to the child; or

   b. physical or emotional harm to the caretaker which would impair ability to care for the child.

2. The agency believes that proceeding to establish paternity or to secure support would be detrimental to the child because one of these circumstances exists:

   a. the child was conceived as a result of forcible rape or incest;

   b. legal proceedings for the adoption of the child(ren) are pending; or

   c. the caretaker, assisted by a public or licensed private adoption agency, is deciding whether to keep or relinquish for adoption the child for whom aid is requested.

E. ADVISING THE CLIENT OF THE RIGHT TO CLAIM GOOD CAUSE - At the time of application or redetermination, the agency must advise each applicant or recipient of the right to explain all reasons for refusing to cooperate in establishing paternity or securing support. The agency must explain the provisions in the "Notice of Cooperation and Good Cause" (form 032-03-0036) to the applicant/recipient. The applicant/recipient and eligibility worker must sign the form indicating **for each absent parent** whether or not the client claims good cause for refusing to cooperate.

A signed copy of the "Notice of Cooperation and Good Cause" shall be filed in the case record and a duplicate copy will be given to the applicant/recipient. If the applicant/recipient wishes to change the claim subsequent to signing one "Notice of Cooperation and Good Cause" then he must sign another form indicating the change of claim. Otherwise, only one "Notice of Cooperation and Good Cause" is necessary per case record unless the case is closed and another application is made subsequently. Because the notice outlines the rights and responsibilities of the applicant/recipient, the eligibility worker shall review each condition with the applicant/recipient to assure a complete understanding. The agency must also advise the applicant/recipient that if a finding is made that no good cause for not cooperating exists, cooperation will be required.

Note: When a minor parent is receiving assistance for her child in the unit with her parent, the good cause provision may also apply to the minor parent. The minor parent must sign a separate "Notice of Cooperation and Good Cause."

F. ACCEPTABLE EVIDENCE TO SUBSTANTIATE GOOD CAUSE CLAIM - Each applicant or recipient who claims to have a good cause for not cooperating must provide acceptable evidence, or provide sufficient information to permit an investigation to determine if good cause exists. The applicant/recipient must provide the evidence within twenty (20) days from the day he makes the good cause claim or the agency will determine that good cause does not exist. The agency must base the determination of good cause on evidence provided by the applicant or recipient and/or through an investigation by the agency.

The agency will determine that good cause exists when the information obtained provides evidence of good cause for not cooperating. The following specified evidence will be sufficient to determine the existence of the good cause claimed circumstance.

1. Incest Or Forcible Rape - Birth certificates or court, medical, criminal, child protective services, social services, or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

2. Adoption - Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction or a public or licensed private adoption agency is currently assisting the applicant/recipient to place the child for adoption and such discussions have not gone on for more than three months. The agency must obtain a written statement from the adoption agency.

3. Physical Or Emotional Harm - Court, medical, criminal, child protective services, social services, psychological, law enforcement records, sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim, or a written statement from a domestic violence services program or sexual assault crisis center professional indicating that the putative father or noncustodial parent might inflict physical or emotional harm on the child or caretaker-relative.

A determination that good cause exists due to the emotional harm factor may only be based upon a demonstration of an emotional state that would substantially affect the individual's functioning if the agency required cooperation with support enforcement. Medical records which indicate the emotional health history and present emotional status of the caretaker-relative or the child for whom support would be sought may also substantiate good cause. Additionally, written statements from a psychiatrist or psychologist which indicate the diagnosis or prognosis of the caretaker-relative or the child(ren) may be used for this purpose.

While the applicant or recipient has the responsibility to provide the agency with the required documented evidence, the agency will, upon request, assist the applicant or recipient in obtaining the required evidence.

G. DETERMINATION OF THE GOOD CAUSE CLAIM - Based on the evidence gathered, the eligibility worker must evaluate whether the evidence substantiates the existence of the claimed circumstance. If so, to grant a good cause exemption, the worker must further determine that requiring cooperation would be detrimental to the child because that circumstance exists. The worker will make this evaluation by considering the possible impact of cooperating, in view of the existing circumstances. In short, existence of the circumstance does not automatically exempt the client from cooperating.

On every claim of good cause, the worker will make the final determination that:

1. good cause does not exist, or

2. good cause exists and the Division of Child Support Enforcement may not pursue support.

The agency must document the final determination regarding good cause in the case record, specifying the agency's findings and the basis for the decision.

H. Advising the Client of the Good Cause Determination - The agency must advise each applicant/recipient who claims good cause for not cooperating of the final determination using the Notice of Action form. If the agency determines that good cause does not exist, it must refer the case to the Division of Child Support Enforcement. The agency must inform the applicant/recipient that cooperation will be required and provide a clear explanation of what is expected under the cooperation provision. The agency must allow him the opportunity to withdraw the application or request termination. Should the Division of Child Support Enforcement notify the local agency of evidence of failure to cooperate, the local agency must **ensure that action is taken upon** such information in accordance with Section 201.10 B and C.

I. Time Frame for Determining Good Cause - The agency must make the final determination that good cause for refusing to cooperate does or does not exist with the same degree of promptness as any other determination or redetermination of eligibility. However, the agency must not delay, deny, or discontinue assistance for the caretaker and children pending a determination of good cause if the applicant/recipient furnishes the required documented evidence or information necessary for the agency to obtain such. EXCEPTION: If the applicant/recipient reapplies following denial or closure due to noncooperation in establishing paternity, the agency cannot approve the application unless good cause has been verified, the applicant has cooperated, or the information not previously provided has been received from another source.

J. Referral to Support Enforcement When the Client Has Claimed Good Cause - When the recipient has claimed good cause for not cooperating, the local agency will make the final decision regarding good cause. The worker will document the record explaining the approval or denial of the good cause claim.

If the agency has determined that the client has good cause, the following information must be entered on the **Absent Parent Information Details screens in VaCMS: name, sex, race, the appropriate good cause reason, the good cause determination date and the verification used to determine good cause. Additionally, the fields regarding the AP's receipt of benefits, and probation/parole must be completed. The worker can transmit through the remaining information to access the Absent Parent - Child Link screen where the child must be linked to each parent for which good cause has been claimed. As long as a good cause reason is selected from the Good Cause drop-down, a DCSE case will not be opened.**

On a newly approved case in which the applicant has claimed good cause and the recipient has previously received public assistance or DCSE services, the worker must complete the "Good Cause Communication Form" and send it to the appropriate DCSE district office. If the information is questionable as to whether the client has previously received public assistance or DCSE services, the form must be completed and sent to the DCSE district office.

K. Fair Hearings Related to Good Cause Claims - The appeal procedures are equally applicable in this section and, upon notification of the decision, the Division of Child Support Enforcement will have the opportunity to participate in any hearings that result from an appeal of any action required by this section.

L. Periodic Review of Good Cause Claims - The agency must review evidence used in making the determination of good cause at least as frequently as each redetermination. This review is to determine whether good cause for not cooperating continues to exist. If good cause no longer exists, the eligibility worker must notify the client of this determination using the Notice of Action. The eligibility worker must allow the applicant/recipient the opportunity to request termination of assistance, advise him of the cooperation requirement, and enter the new information on the **Absent Parent Information Details screens in VaCMS**.

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 **payment**. 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 **payment** 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 applications on or after July 1, l995, 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 **Issuance Summary/Search screen under the "Issuance Date" field**. 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, **2017**, and the **issuance** date of the initial payment was August 5, **2017**. 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, **2018**. The family cap applies to an additional child born to her on July 1, **2018** or later while she is eligible for TANF.

If Ms. Brown's application had not been approved until August 30th and the **issuance** 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 31st Ms. Brown reapplies and is approved for TANF on April 10th. 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 **2017** her case was closed. She reapplies in July **2017** 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.

* Code of Virginia, Section 63.2-604

Example 4: Continuing the the previous example, Ms. Solos closes her case effective March 31st, **2018**. Ms. Solos reapplies for TANF on May 5th, **2018**. She is approved for TANF on May 10th. As she did not reapply for (or receive) TANF assistance in April, she will receive a new ten-month period. The first month of the ten-month grace period will be June. The tenth month is March. The family cap will apply to an additional child born to Ms. Solos on April 1, **2019** or later while she is eligible for TANF.

A. CHILD SUPPORT FOR THE CHILD SUBJECT TO THE FAMILY CAP PROVISION - DCSE shall send the total value of child support collected for the child subject to the family cap provision to the child's single custodial parent. This child support shall be disregarded as income and resources for the purpose of TANF eligibility and **payment** determination.

Any information entered on the **Absence Information Details screens in VaCMS** as part of the application process for the cap child WILL NOT be transmitted to DCSE. The applicant must complete an application for services at the local DCSE office if the applicant wishes to receive child support for a capped child.

NOTE: Anyone who is not the natural or adoptive parent of a "capped" child is not eligible to receive the total value of child support collected for the child.

B. MINOR MOTHERS - If a minor is an eligible child on a **payment**, the provision does not apply to the first child of the minor, but does apply to additional children born to the minor within the specified time frames.

C. ADOPTIVE PARENTS - The family cap guidance applies to adoptive parents in the same manner that it applies to biological parents except the date of entry of the interlocutory order is the date used instead of the child's birth date.

D. INCOME OF THE "CAPPED" CHILD - The income of the child is deemed unavailable to the assistance unit.

E. CHILDREN WHO MOVE INTO THE HOME OF THE PARENT RECEIVING TANF - A child who was not subject to the family cap provision is subsequently not subject to the provision when he moves into the parent's home.

F. OTHER CARETAKER/RELATIVES - The family cap provision does not apply to foster parents or caretaker/relatives who are not the biological or adoptive parents of the child. A child who was subject to the family cap in the home of a parent and subsequently moves into the home of a relative may be eligible for TANF, if otherwise eligible. Exception: A child who is subject to the family cap provision and whose parent is in a period of ineligibility due to the time limit for receipt of TANF is not eligible to receive assistance with another caretaker/relative until the parent's period of ineligibility expires. (See 901.11.)

G. DURATION OF THE FAMILY CAP - The provision applies to a "capped" child when he lives with or returns to the home of a parent after living for a period of time in another living arrangement.

H. CLIENT NOTICE OF FAMILY CAP PROVISION - Applicants for TANF shall receive an explanation of the family cap provision at the time of the interview. When the application is approved, the Client Notice of Action must inform the mother of the effective date of the specified periods described above.

In addition, applicants and recipients must sign and date the Notice of Personal Responsibility form. The form states that the local department has explained and that the individual understands the terms of the family cap provision. The form must be retained in the permanent document section of the TANF case record.

I. CHILD CONCEIVED AS A RESULT OF VERIFIED RAPE OR INCEST - A child conceived as a result of verified rape or incest is not subject to the family cap provision. Birth certificates and medical or law enforcement records are required to verify rape or incest.

J. CHILD CAPPED IN ANOTHER STATE - A family cap imposed under another state's TANF program does not affect the child's eligibility under Virginia's TANF program.

NONIMMIGRANT ADMISSION CODES

SYMBOL	CLASSES OF NONIMMIGRANTS
A-1, A-2	Foreign government officials, employees, and their families
A-3	Employees of A-1 or A-2 aliens and their families
B1, B-2	Visitor for business or pleasure
C-	1, C-3 Alien in transit through the U.S.
C-2	Alien in transit to U.N. headquarters
TROV	Transit without visa
D-	1, D-2 Crewmen discharged from vessel or aircraft
E-	1, E-2 Treaty traders
F1, F-2	Students and their families
G1, G-2 G-	Representatives of international organizations and their 3, G-4 families
G-5	Employees of G-1, G-2, G-3, G-4 and their families
H-1	Temporary workers of distinguished merit
H-	1A Registered nurse
H-1B	Alien in a specialty occupation
H-2	Temporary worker
H-3	Trainee
H-4	Spouse and minor children, accompanying or following to join H-1, H-2, or H-3
I	Foreign information representatives and their families
J-	1, J-2 Exchange visitors and families
K-	1, K-2 Fiance orFiancee and their children
L-1	Intra-company transferees
L-2	Spouse and minor children accompanying or following to join L-1
NATO 1, NATO 2	NATO representative and families NATO 3, NATO 4

NONIMMIGRANT ADMISSION CODES

SYMBOL	CLASSES OF NONIMMIGRANTS
NATO 5, NATO 6 NATO 7	Employees of NATO representative and their families
N-8	Parent of alien classified as SK-3 (unmarried son or daughter of an employee of an international organization)
N-9	Child of N-8, retired employee of an international organization or spouse (SK-1, SK-2, or SK-4)
O-1	Aliens with extraordinary ability
O-2	An assistant to O-1
0-3	Spouse and minor child of O-1 or O-2
P-1	Internationally recognized athletic or entertainment groups
P-2	Reciprocal exchange program for individuals and groups
P-3	Artists and entertainers in a culturally unique program
P-4	Spouse and child of P-1, P-2 or P-3
Q	International cultural exchange program
R-1	Members of a religious denomination that have a bonafide non-profit religious organization in the United States
R-2	Spouse and child of R-1

DOCUMENTATION FOR QUALIFIED ALIENS BY ALIEN GROUP

All qualified aliens who entered the U.S. prior to 8/22/96 and whose status can be documented are eligible for assistance.

Certain qualified aliens (some refugee categories, aliens granted asylum, aliens whose deportation is being withheld, and Cuban-Haitian entrants) who entered the on or after 8/22/96 and whose status can be documented are eligible for assistance. If the status cannot be documented, the alien is ineligible for five years from date of entry into the U.S.

SECTION A - QUALIFIED ALIENS	
Lawful Permanent Resident Aliens	**Documentation**
Lawful Permanent Resident Aliens are aliens lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (without regard to the number of SSA qualifying quarters of work).	• Alien Registration Receipt Card I-551; or, • Unexpired temporary I-551 stamp on foreign passport or on I-94 • Note: Earlier versions of the I-551 are the I-151, the AR-3, and the AR-3a. If the alien has only an older version, refer him to USCIS to apply for the I-551.
Lawful Permanent Resident Aliens who are American Indians born in Canada and covered by Section 289 of the INA.	• Alien Registration Receipt Card I-551 with code "S13"; or, • Letter or other tribal document certifying at least 50% American Indian blood plus a birth certificate or other evidence of birth in Canada.
Aliens Granted Asylum	**Documentation**
Aliens granted asylum under Section 208 of the INA. ***Arrival on or after 8/22/96:*** *If the alien granted asylum under Section 208 arrived on or after 8/22/96, he must meet the requirements outlined; or, if his status is now LPR, verify that the alien was previously granted asylum by filing a G-845S Document Verification Request form along with a copy of the alien's I-551.*	• Arrival Departure Record (I-94) with stamp showing grant of asylum under Section 208 of the INA; or, • Employment Authorization Card (I-688B) bearing "Provision of Law" citation 274a.12(a)(5); or, • Employment Authorization Document (I-766) annotated "A5"; or, • Grant letter from Asylum Office; or, • Order of an immigration judge granting asylum

Refugees	Documentation
Refugees admitted under Section 207 of the INA ***Arrival on or after 8/22/96:*** *If the refugee admitted under Section 207 arrived on or after 8/22/96, he must meet the requirements outlined; or, if his status is now LPR, verify admission as a refugee by code RE-6, RE- 7, RE-8, or RE-9 on the I-551.*	• Arrival Departure Record (I-94) with stamp showing admission under Section 207 of the INA; or, • Employment Authorization Card (I-688B) bearing "provision of Law" citation 274.12(a)(3) or (4); or, • Employment Authorization Document (I-766) annotated "A3"; or, • Refugee Travel Document (I-571)
Refugees admitted as Amerasian immigrants ***Arrival on or after 8/22/96:*** *If the Amerasian immigrant admitted under Section 207 arrived on or after 8/22/96, he must meet the requirements outlined; or, if his status is now LPR, verify admission as a refugee by code RE-6, RE-7, RE-8, or RE-9 on the I- 551.*	• An I-94 coded AM1, AM2, or AM3; or, • An I-1551 coded AM6, AM7; or • A temporary I-551 stamp in a foreign passport
Refugees admitted as victims of human trafficking	• Letter from the Office of Refugee Resettlement that certifies or documents the
Paroled Aliens	**Documentation**
Aliens paroled into the U.S. for at least one year under Section 212(d)(5) of the INA	• Arrival Departure Record (I-94) with stamp showing admission under Section 203(a)(5). • Note: Periods of admission of less than one year cannot be added together to meet the one- year requirement
Conditional Entrant Aliens	**Documentation**
Aliens admitted as conditional entrants Under Section 203(a)(7) of the INA	• Arrival Departure Record (I-94) with stamp showing admission under Section 203(a)(7) of the INA; or, • Employment Authorization Card (I-688B) bearing citation 274a.12(a)(3); or, • Employment Authorization Document (I-766) annotated "A3"

Aliens With Deportation Withheld	Documentation
Aliens whose deportation has been withheld under Section 241(b)(3) or 243(h) of the INA ***Arrival on or after 8/22/96:*** *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.*	• Employment Authorization Card (I-688B) annotated "274.a12(a)(10); or, • Employment Authorization Document (I-766) annotated "A10"; or, • Immigration Judge's Order showing deportation withheld under section 243(h) of the INA; or, • Immigration Judge's Order showing removal withheld under section 241(b)(3) of the INA
Cuban-Haitian Entrant Aliens	**Documentation**
Cuban-Haitian Entrants are defined by Section 501(e) of the Refugee Education Assistance Act of 1980 as: • 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, • An individual who has an application for asylum pending with USCIS, unless a final order of deportation or exclusion has been issued; or, • Is subject to USCIS exclusion or deportation proceedings, unless a final order of deportation or exclusion has been issued ***Arrival on or after 8/22/96:*** *If the Cuban-Haitian Entrant's arrival was on or after 8/22/96, he must meet the requirements outlined.*	• Alien Registration Receipt Card (I-551) with the code CU6, CU7, or CH6;, or • An unexpired temporary I-551 stamp in a foreign passport or on an I-94 with the code **CU6** or CU7; or, • An **I-94** with stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA • 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. • Note: Contact USCIS if information indicates that a final order of exclusion or deportation has been issued.

Battered Aliens	Documentation
A battered alien is an alien parent and/or alien child who is battered or subjected to extreme cruelty while in the U.S. The alien must have a petition approved by or pending with the USCIS for: • Status as an immediate relative (spouse or child) of a U.S. citizen; or, • Classification changed to immigrant; or, • Status as the spouse or child of a lawfully admitted permanent alien (LAPR); or • Suspension of deportation and adjustment to LAPR status based on battery or extreme cruelty by a spouse or parent who is a U.S. citizen or LAPR alien Battery/cruelty criteria: • The perpetrator is a spouse, parent, or other household member of the spouse or parent's family who was residing in the home at the time of the incident but is no longer in the home. The alien must not now be residing in the same household as the person responsible for the battery or extreme cruelty, and • The alien was battered or subjected to extreme cruelty while in the U.S. by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien, and the spouse or parent consented to or acquiesced in such battery or cruelty; or,	• Document the battery/cruelty situation using information from the applicant/recipient and other knowledgeable sources. • Examine documents provided by the applicant/recipient to determine if one of the USCIS status categories is met • Prior to the approval of benefits, the agency must determine that the situation meets the criteria outlined, the individual meets a USCIS status, and that there is a substantial connection between the battery or cruelty and the need for benefits; these findings must be documented

Battered Aliens	Documentation
• The alien's child was battered or subjected to extreme cruelty while in the U.S. by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery or cruelty and the alien did not actively participate in the battery or cruelty, or • The alien child resides in the same household as a parent who has been battered or subjected to extreme cruelty while in the U.S. by that parent's spouse, or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to the battery or cruelty.	
Iraqi Special Immigrants	**Documentation**
• **Principal Iraqi applicant**	• **Iraqi passport with immigrant visa stamp noting IV (Immigrant Visa) Category SQ1 or DHS stamp or notation of passport of I-94 showing date of entry.**
• **Spouse of Principal Iraqi applicant**	• **Iraqi passport with immigrant visa stamp noting IV Category SQ2 or DHS stamp or notation of passport of I-94 showing date of entry.**
• **Unmarried child under 21 of Iraqi applicant**	• **Iraqi passport with immigrant visa stamp noting IV Category SQ3 or DHS stamp or notation of passport of I-94 showing date of entry.**
• **Principal Iraqi Applicant Adjusting Status in U.S.**	• **DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with IV code of SQ6.**

Iraqi Special Immigrants	Documentation
• **Spouse of Principal Iraqi Applicant Adjusting Status in U.S.**	• **DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with IV code of SQ7.**
• **Unmarried Child Under Age 21 of Principal Iraqi Applicant Adjusting Status in U.S.**	• **DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with IV code of SQ9.**
Afghan Special Immigrants	**Documentation**
• **Principal Afghan applicant**	• **Afghan passport with immigrant visa stamp noting IV (Immigrant Visa) Category SQ1 or SI1.**
• **Spouse of Principal Afghan applicant**	• **Afghan passport with immigrant visa stamp noting IV Category SQ2 or SI2.**
• **Unmarried child under 21 of Afghan applicant**	• **Afghan passport with immigrant visa stamp noting IV Category SQ3 or DHS stamp SI3.**
• **Principal Afghan Applicant Adjusting Status in U.S.**	• **DHS Form I-551 ("green card") showing Afghan nationality (or Afghan passport), with IV code of SQ6 or SI6.**
• **Spouse of Principal Afghan Applicant Adjusting Status in U.S.**	• **DHS Form I-551 ("green card") showing Afghan nationality (or Afghan passport), with IV code of SQ7 or SI7.**
• **Unmarried Child under 21 of Principal Afghan Applicant Adjusting Status in U.S.**	• **DHS Form I-551 ("green card") showing Afghan nationality (or Afghan passport), with IV code of SQ9 or SI9.**

SECTION B: EXCEPTIONS FOR ALIENS WHO ARE VETERANS OR ACTIVE DUTY SERVICE MEMBERS AND THEIR FAMILIES WITHOUT REGARD TO DATE OF ENTRY	
Aliens Who Are Veterans	**Documentation**

A qualified alien who is a veteran living legally in the state who served a minimum of 24 months, or other required period of active duty and who was honorably discharged (not for reasons of alienage), without regard to date of entry. This category includes veterans of the Philippine Commonwealth Army during WWII, veterans of the Philippine Scouts after the war.	• Document lawful alien status. (The status must be other than illegal).
	• Verify qualified alien status (Section A)
	• Verify military status using documents from the individual, or through military records (Form DD 214).
	• Document active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard
	• There is no minimum duty requirement if the original enlistment is prior to 9/7/80. If enlistment is on or after 9/7/80, two or more years of continuous active duty are necessary to meet the minimum duty requirement. (Form DD 214)
	• Document "Honorable Discharge." (A discharge "Under Honorable Circumstances" does not meet this requirement).
	• Refer aliens to VA office to determine status when:
	  o The individual has no papers showing service or discharge
	  o Service is in any other branch, or duty is other than "active" (e.g., "Active Duty for Training)
	  o When DD 214 shows active duty service of less than two years and original enlistment on or after 9/7/80, or
	  o When DD 214 is not available

Aliens Who Are On Active Duty	Documentation

A qualified alien who is on active duty (except for training) in the
U.S. Armed Forces – Army, Navy, Air Force, Marine Corps, or Coast Guard
- without regard to date of entry.
	• Verify qualified alien status (Section A)
	• Verify military status using documents from the individual, or through military records (Form DD 2 – Active)
	  o DD 2 must show an expiration date of more than one year from the date of determination
	  o If the DD 2 is due to expire within one year from the date of determination, verify active duty through a copy of the current military orders

Relatives of Alien Veterans or Active Duty Service Members	Documentation
The spouse, or unmarried dependent child of a qualified alien veteran or qualified alien service member as described above. The spouse, or unmarried dependent child does not have to be a qualified alien.	• Verify qualified alien status of veteran(Section A) • Verify military status as outlined above using documents from the individual, or through military records. (Form DD 214 or DD 2). • Verify relationship of the spouse or unmarried dependent to the veteran or active duty service member. • In the case of an unmarried dependent child, document the dependent status by the child's military ID card, and that the child is under age 18, or is under 22 if a full-time student.
The unremarried surviving spouse of a qualified alien veteran or qualified alien service member as described above who was: • married to the veteran or active duty alien within 15 years after the end of the period of service in which the injury or disease causing death was incurred or aggravated, and was • married to the veteran or active duty alien for one year or more, or	• Verify qualified alien status of veteran(Section A) • Verify military status as outlined above using documents from the individual, or through military records. (Form DD 214 or DD 2). • Verify relationship of the unmarried surviving spouse to the veteran or active duty service member.
• The unremarried surviving spouse of a qualified alien veteran or qualified alien service member as described above who was the parent of a child born of the relationship with the veteran or active duty service member either before or during the marriage.	• Verify qualified alien status of veteran(Section A) • Verify military status as outlined above using documents from the individual, or through military records. (Form DD 214 or DD 2). • Verify relationship of the unremarried surviving spouse to the veteran or active duty service member. • Verify the relationship of the unremarried surviving spouse and the veteran or active duty service member to the child born of the relationship.

EVIDENCE OF U.S. CITIZENSHIP AND IDENTITY

AN INDIVIDUAL IS A U.S. CITIZEN IF HE IS:

a. born in the United States, regardless of the citizenship of his parents (Note: A child born in the United States or U.S. jurisdiction to a foreign head of state or foreign diplomat does not automatically obtain U.S. citizenship); or

b. born outside the United States of a U.S. citizen parent or parents; or

c. born outside the United States of alien parents and has been naturalized as a U.S. citizen; or

d. born outside the United States of an alien parent/parents who are naturalized before he becomes 16 years of age.

A. DOCUMENTATION OF CITIZENSHIP AND IDENTITY FOR U.S. CITIZENS

An individual establishes citizenship and identity by providing one of the following documents that show a U.S. place of birth, or that the person is a citizen:

- U.S. Passport (unless the passport was issued with a limitation). The passport does not have to be currently valid to prove citizenship/identity.
- Certificate of Naturalization (N-550 or N-570)
- SAVE verification of naturalization
- Certificate of Citizenship (N-560 or N-561)

Client statement cannot be used to establish citizenship and identity.

B. DOCUMENTATION OF CITIZENSHIP FOR U.S. CITIZENS (ADDITIONAL DOCUMENTATION MUST BE PROVIDED TO ESTABLISH IDENTITY. SEE SECTION C. BELOW).

The following documents establish citizenship. Additional documentation must be provided to establish identity:

- U.S. Public Birth Record showing birth in
  - One of the 50 states
  - District of Columbia
  - Puerto Rico (if birth on or after 1/13/1941)
  - U.S. Virgin Islands (if birth on or after 1/17/1917)
  - Northern Mariana Islands (if birth on or after 11/4/1986)
  - American Samoa
  - Guam
- Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240)
- United States Citizen Identification Card (I-197 or I-179)
- Final adoption decree showing child's name and U.S. place of birth
- Official military record of service showing U.S. place of birth

- Official written statement or record from the hospital at which the individual was born, or from the attending physician showing U.S. place of birth.

- Written affidavit attesting to citizenship or naturalization. (Note: A written affidavit is only acceptable if no other proof of citizenship can be provided. The affidavit must be signed by at least two individuals, at least one of whom is not related to the applicant, who have personal knowledge supporting the claim of citizenship. The individuals signing the affidavit must both have proof of identity and their own citizenship. The applicant must provide a separate affidavit explaining why evidence of citizenship does not exist or cannot be obtained).

Client statement cannot be used to establish citizenship.

Note: Medicaid enrollees who do not provide proof of citizenship at application but whose citizenship is subsequently verified by the **Federal HUB** will automatically be coded **"yes" under the "Verified by the Federal HUB" field on the Client Demographics screen in VaCMS**. **The Federal HUB is not an acceptable verification source for the TANF Program and cannot be used to verify citizenship**. In the case of an individual who has not provided the required documentation of citizenship by the 90th day after application, and for whom citizenship remains unverified on the **Client Demographics screen**, the EW must **take** action to remove the individual's needs from the **payment**.

If citizenship has been verified for Medicaid and the client is coded **"yes" under the "Verified by the Federal HUB" field, the EW will change the Citizen Verification source for TANF on the Client Demographics screen to an acceptable verification source if provided, or an unacceptable verification source if not provided to produce a Verification Checklist and document that the Federal HUB verification used for Medicaid is not acceptable for TANF**. (See 201.7D)

C. DOCUMENTATION OF IDENTITY FOR U.S. CITIZENS (ADDITIONAL DOCUMENTATION MUST BE PROVIDED TO ESTABLISH CITIZENSHIP. SEE ACCEPTABLE DOCUMENTATION FOR CITIZENSHIP ONLY IN B. ABOVE. SEPARATE DOCUMENTATION OF IDENTITY DOES NOT HAVE TO BE PROVIDED IF CITIZENSHIP WAS VERIFIED BY U.S. PASSPORT, CERTIFICATE OF NATURALIZATION, OR CERTIFICATE OF CITIZENSHIP SINCE THESE SERVE TO VERIFY IDENTITY AS WELL AS CITIZENSHIP).

- A state photo driver's license
- A state issued photo ID card
- A school issued photo ID card
- U.S. Military ID card (active, reserve, retired)
- U.S. Military draft record
- U.S. Military dependent ID card
- U.S. Coast Guard Merchant mariner Card

Note: For a minor caretaker who is under 16 and is not receiving TANF as an eligible child in the home of his/her parent, the following can be used:

- Doctor, clinic, or hospital record
- School record
- Child care record

Client statement cannot be used to establish identity.

D. DOCUMENTATION OF IDENTITY ONLY FOR INDIVIDUALS WHO ARE NOT U.S. CITIZENS. IMPORTANT: THESE DOCUMENTS ARE USED TO ESTABLISH IDENTITY OF THE PARENT PRIOR TO ESTABLISHING RELATIONSHIP TO THE CHILD. THEY ARE USED ONLY FOR INDIVIDUALS WHO ARE NOT CITIZENS OR ELIGLBLE ALIENS. THESE DOCUMENTS DO NOT ESTABLISH CITIZENSHIP OR ALIEN STATUS.

- U.S. Military ID card (active, reserve, retired)
- U.S. Military draft record
- U.S. Military dependent ID card
- U.S. Coast Guard Merchant Mariner Card

- Identification card issued by the Federal, State, or local government that includes the individual's name and address, and incorporates a photo as an integral part of the card

- Three or more corroborating documents such as employer identification cards, high school or college diplomas, including GEDs, from accredited institutions, marriage certificates, divorce decrees, or property deeds/titles that together reasonably corroborate the identity of the individual. The agency must first ensure that no other evidence of identity is available to the individual prior to accepting such documents.

- Written affidavit attesting to identity. (Note: A written affidavit is only acceptable if absolutely no other proof of identify can be provided.) The affidavit must be signed by at least two individuals, at least one of whom is not related to the applicant, who have personal knowledge of the individual's identity. Examples of such individuals might include landlords, relatives or friends. The individuals signing the affidavit must both have proof of their own identities. The applicant must provide a separate affidavit explaining why proof of identity does not exist or cannot be obtained.

Client statement cannot be used to establish identity.

How To **Continue Assistance Beyond the** TANF 60-Month-Clock In **VaCMS**

A TANF case may receive beyond 60 months of TANF if the client makes a request and verifies a mental or physical disability. The case may also receive more than 60 months of TANF if the client is providing care on a substantially continuous basis for a relative living in the home that is physically or mentally incapacitated. If it is a **two-parent** household, both adults must be disabled or one adult caring for a disabled family member who is living in the household. The following instructions **enable the assistance unit to continue to receive assistance** beyond 60 months and the TANF 60-month clock **continue to increment** when the case is on-going, on a new application, or being rescinded, because the client is disabled or the client is providing care on a substantially continuous basis for a relative in the home that is disabled. Code **VaCMS** following the instructions below:

When the client has a disability, follow the steps 1-7 below.

1. **From Data Collection, select Individual Information, then Questions.**
2. **From the Disability field, select "yes" from the drop-down and select the next button.**
3. **On the Disability - Details screen, enter the disability information for the individual and select the save and continue button.**
4. **Run eligibility for the case.**
5. **If all eligibility criteria are met, the Eligibility Result will display approved on the Eligibility Summary screen.**
6. **Certify and authorize the results.**
7. **The TANF 60-month clock will automatically continue to increment without requiring further action by the worker.**

When the client is providing care for a disabled family member, follow steps 1-7 below.

1. **From Data Collection, select Individual Information, then Client Demographics.**
2. **On the Client Demographics screen, select "yes" from the "Is the individual taking care of the disabled individual in the household?" drop-down.**
3. **Run eligibility for the case.**
4. **If all eligibility criteria are met, the Eligibility Result will display approved on the Eligibility Summary screen.**
5. **Certify and authorize the results.**
6. **The TANF 60-month clock will automatically continue to increment without requiring further action by the worker.**
7. **Set a task and reminder to re-evaluate the need for a caretaker to act as a caregiver. (See 201.1H)**

Rescinding a closure after 60 months are already on the clock, because the client is physically or mentally incapacitated or a relative in the home is incapacitated for whom the caretaker is providing care on a substantially continuous basis. For this process, 60 months have to already be on the clock- and the TANF case closed.

1. **From Data Collection, select Case Action, then reinstate from the "What Action Do You Want to Perform?" drop-down and select next.**
2. **On the Initiate Reinstate screen, select a reinstate reason from the "Reinstate Reason" drop-down and select next.**
3. **From Individual Information, select Questions.**
4. **From the Disability field, select "yes" from the drop-down and select the next button.**
5. **On the Disability - Details screen, enter the disability information for the individual and select the save and continue button or;**
6. **On the Client Demographics screen, select "yes" from the "Is the individual taking care of the disabled individual in the household?" drop-down.**
7. **Run eligibility for the case.**
8. **If all eligibility criteria are met, the Eligibility Result will display approved on the Eligibility Summary screen.**
9. **Certify and authorize the results.**
10. **The TANF 60-month clock will automatically continue to increment without requiring further action by the worker.**
11. **Set a task and reminder to re-evaluate the need for a caretaker to act as a caregiver. (See 201.1H)**

OMB No. 1615-0101; Expires 06/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

SAVE

G-845S, Document Verification Request

Section A. To Be Completed by the Submitting Agency

To: **U.S. Citizenship and Immigration Services (USCIS)**

From: Typed or Stamped Name and Address of Submitting Agency

Attn: **Immigration Status Verification Unit**

(USCIS may use above address with a No. 10 window envelope)

1. Alien Registration Number or Form I-94 Number
2. Applicant's Name (Last, First, Middle)
3. Nationality
4. Date of Birth (mm/dd/yyyy)
5. U.S. Social Security Number
6. Verification Number
7. Photocopy of Document Attached.
   (If printed on both sides, attach a copy of the **front and back**.)
   Other Information Attached *(Specify documents)*

8. *(Benefit)*	(Your Case Number)
☐ TANF	
☐ Education Grant/Loans/Workstudy	
☐ Food Stamps	
☐ Housing Assistance	
☐ Medicaid/Medical Assistance	
☐ Unemployment Insurance	
☐ Employment Insurance	
☐ **Other** *(specify)*	

9. Name of Submitting Official
10. Title of Submitting Official
11. Date (mm/dd/yyyy)
12. Telephone Number ( )

Section B. To Be Completed by USCIS

USCIS RESPONSES: From the documents or information submitted and/or a review of our records, we find that:

1. ☐ This document appears valid and relates to a **Lawful Permanent Resident alien** of the United States.
2. ☐ This document appears valid and relates to a **Conditional Resident alien** of the United States.
3. ☐ This document appears valid and relates to an alien **authorized employment** as indicated below:
   - ☐ **a.** Full-Time
   - ☐ **b.** Part-Time
   - ☐ **c.** No Expiration (Indefinite)
   - ☐ **d.** Expires on (Specify mm/dd/yyyy below):
4. ☐ This document appears valid and relates to an alien who has an **application pending** for:
   (Specify USCIS benefit below)
5. ☐ This document relates to an alien having been **granted asylum/ refugee status** in the United States.
6. ☐ This document appears valid and relates to an alien **paroled** into the United States pursuant to Section 212 of the I&N Act.
7. ☐ This document appears valid and relates to an alien who is a **Cuban/Haitian entrant**.
8. ☐ This document appears valid and relates to an alien who is a **conditional entrant**.
9. ☐ This document appears valid and relates to an alien who is a **nonimmigrant**.
   (Specify type or class below)
10. ☐ This document appears valid and relates to an alien **not authorized employment** in the United States.
11. ☐ Continue to process as legal alien. USCIS is searching indices for further information.
12. ☐ This document is not valid because it appears to be:
    (Check all that apply)
    - ☐ **a.** Expired
    - ☐ **b.** Altered
    - ☐ **c.** Counterfeit

USCIS Stamp

Form G-845S (Rev.05/16/08) N

Comments

☐ **13.** No determination can be made from the information submitted. Please obtain a copy of the original alien registration documentation and resubmit.

☐ **14.** No determination can be made without seeing both sides of the document submitted. (Please resubmit request.)

☐ **15.** Copy of document is not readable. (Please resubmit request.)

"PRUCOL"

For Purposes of Determining Only. If Alien Is Permanently Residing Under Color of Law!

☐ **16.** USCIS is actively pursuing the removal of an alien in this class/category.

☐ **17.** USCIS is not actively pursuing the removal of an alien in this class/category at this time.

☐ **18.** Other.

Instructions

1. **Submit copies (*front and back*) of alien's original documentation.**
2. **Make certain a *complete return address* has been entered in the "From" portion of the form.**
3. The Alien Registration Number (A-number) is the letter "A" followed by a series of seven, eight or nine digits. The number found on Form I-94 may also be recorded in the block. (Check the front and back of the Form I-94 document. If the A-number appears, record that number when requesting information, instead of the longer admission number, because the A-number refers to the most integral record available.)
4. If Form G-845 is submitted without a copies of the applicant's original documentation, it will be returned to the submitting agency without any action taken.
5. Address this verification request to the local office of U.S. Citizenship and Immigration Services.

Form G-845S (Rev. 05/16/08) N Page 2

Example: 1

A family of three, the mother and two children, apply for TANF. The mother fails to cooperate, without good cause, and is ineligible to be included on the **payment**. The family resides in a Group **III** locality and has no countable income. The children are eligible for benefits and the **payment** is calculated as follows:

Step (1) Calculate reduction by removing caretaker's needs:

$419.00	SOA for 3 persons
- 347.00	SOA for 2 persons
$72.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

.25 x **$419** = **$104.75**

Step (3) Calculate additional penalty amount:

$104.75	25% reduction
_- 72.00	SOA reduction
$32.75	Additional penalty amount

Step (4) Net payment calculation:

$347.00	SOA for 2 persons/**Payment** amount
_- 32.75	Additional penalty
$314.25	Net payment
$314.00	Actual Payment Amount

Example: 2

A family residing in a Group II locality has been receiving benefits in the amount of **$274** for two persons (the mother and one child). The mother is determined not to be cooperating, without good cause, and must be removed from the **payment**. The calculation of the new **payment** amount is as follows:

Step (1) Calculate reduction by removing caretaker's needs:

$274.00	SOA for 2 persons
- 187.00	SOA for 1 person
$87.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

.25 X **$274** = **$68.50**

Example: 2 Continued

Step (3) Calculate additional penalty amount:

$68.50	25% reduction
-87.00	SOA reduction
$0.00	Additional penalty amount

Step (4) - Net payment calculation:

$187.00	SOA for 1 person/**Payment** amount
- 0.00	Additional penalty
$187.00	Net payment

Example: 3

A family residing in a Group III locality is composed of the mother and her four children. The mother receives $120 monthly in countable unearned income. TANF benefits are currently **$458** (**$578** SOA - $120 income). The mother is determined not to be cooperating, without good cause, and must be removed from the **payment**.

Step (1) Calculate reduction by removing caretaker's needs:

$458.00	(**$578.00** SOA for 5 persons - $120.00 Countable income)
- 366.00	(**$486.00** SOA for 4 persons - $120.00 Countable income)
$92.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

.25 X **$458** = **$114.50**

Step (3) Calculate additional penalty amount:

$114.50	25% reduction
- 92.00	SOA reduction
$22.50	Additional penalty amount

Step (4) Net payment calculation:

$486.00	SOA for 4 persons
- 120.00	Countable income
$366.00	**Payment** amount

$366.00	**Payment** amount
- 22.50	Additional penalty
$343.50	Net payment

$343.00 **Actual Payment Amount**

Example: 4

A family residing in a Group III locality is composed of the mother, father, and their three children. A child by a previous relationship of the mother enters the home. The mother does not cooperate, without good cause, in providing information about the child's father. The child's needs are added to the **payment**; however, the mother's needs must be removed. Calculation of the revised benefits is as follows:

Step (1) Calculate reduction by removing caretaker's needs:

$614.00	Maximum payment - SOA for 6 persons exceeds maximum
-578.00	SOA for 5 persons
$36.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

.25 X **$614** = **$153.50**

Step (3) Calculate additional penalty amount:

$153.50	25% reduction
- 36.00	SOA reduction
$117.50	Additional penalty amount

Step (4) Net payment calculation:

$578.00	SOA for 5 persons/**Payment** amount
-117.50	Additional penalty
$460.50	Net payment
$460.00	Actual Payment Amount

Example: 5

A family consists of the mother and two children. Assistance is being provided only for the children because the mother has failed to apply for or furnish a Social Security number for herself. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. The family resides in a Group **III** locality and has no countable income. Calculate the revised **payment** amount as follows:

Step (1) Calculate reduction by removing caretaker's needs:

This step is not applicable since the mother's needs have already been removed from the **payment** for failure to comply in meeting the SSN requirement.

$347.00	SOA for 2 persons

Example: 5 Continued

Step (2) Calculate 25% reduction:

.25 X **$347** = **$86.75**

Step (3) Net payment calculation:

$347.00	SOA for 2 persons/**Payment** amount
- 86.75	Penalty
$260.25	Net payment

If the caretaker provides her SSN while she is still subject to a penalty due to noncooperation with DCSE, the **payment** amount must be recalculated as follows:

Step (1) Calculate reduction by removing caretaker's needs:

$419.00	SOA for 3 persons
-347.00	SOA for 2 persons
$72.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

.25 X **$347** = **$86.75**

Step (3) Calculate additional penalty amount:

$86.75	25% reduction
- 72.00	Amount of SOA reduction
$14.75	Additional penalty amount

Step (4) Net payment calculation:

$347.00	SOA for 2 persons/**Payment** amount
- 14.75	Additional penalty
$332.25	Net payment
$332.00	Actual payment amount

Example: 6

A mother residing in a Group II locality receives TANF for one child. The mother's needs are not included in the **payment** since she receives SSI. There is no countable income. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. Calculate the revised **payment** amount as follows:

Step (1) Calculate reduction by removing caretaker's needs:

This step is not applicable since the mother is categorically ineligible to receive benefits for herself while receiving SSI.

$187.00 SOA for 1 person

Step (2) Calculate 25% reduction:

.25 X **$187** = **$46.75**

Step (3) Net payment calculation:

$187.00	SOA for 1 person/**Payment** amount
- 46.75	Penalty
$140.25	Net payment
$140.00	Actual payment amount

Example: 7

A mother residing in a Group **II** locality receives TANF for herself and seven children. There is no countable income. The Eligibility Worker is notified of the mother's failure to cooperate with DCSE, without good cause. Calculate the revised **payment** amount as follows:

Step (1) Calculate reduction by removing caretaker's needs:

$516.00 Maximum payment - SOA for 8 persons **($678)** exceeds maximum
$516.00 Maximum payment - SOA for 7 persons **($607)** exceeds maximum

Because the SOAs are above the maximum payment amount of **$516**, there is no reduction when the caretaker is removed.

Step (2) Calculate 25% reduction:

.25 X **$516** = **$129.00**

Example: 7 Continued

Step (3) Calculate additional penalty amount:

$129.00	25% reduction
- 0.00	SOA reduction
$129.00	Additional penalty amount

Step (4) Net payment calculation:

$516.00	SOA for 7 persons **($607)** exceeds maximum. Use maximum.
-129.00	Additional penalty
$387.00	Net payment
$387.00	Actual payment amount

Example: 8

A family of four - a mother, her son, her daughter who is a minor caretaker, and the daughter's baby - apply for TANF. The family resides in a Group II locality and has no countable income. The mother cooperates with DCSE, but her daughter, the minor caretaker, refuses, without good cause, to cooperate in securing support for her child. (Note: The minor caretaker does not claim that the father of the baby is unknown, and so cannot sign the ATL.) She is ineligible to be included on the **payment**. (See 201.10.C regarding cooperation requirements for a minor caretaker). The mother, son, and the daughter's baby are eligible for benefits and the **payment** is calculated as follows:

Step (1) Calculate reduction by removing the minor parent's needs:

$411.00	SOA for 4 persons
-344.00	SOA for 3 persons
$67.00	Amount of SOA reduction

Step (2) Calculate 25% reduction:

.25 X **$411** = **$102.75**

Step (3) Calculate additional penalty amount:

$102.75	25% reduction
-67.00	SOA reduction
$35.75	Additional penalty amount

Step (4) Net payment calculation:

$344.00	SOA for 3 persons/**Payment** amount
-35.75	Additional penalty
$308.25	Net payment
$300.00	Actual payment amount

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 **payment** amount as follows:

Step (1) **$187.00** SOA for 1 person

Step (2) Calculate 25% reduction:

.25 X $187 = $46.75

Step (3) Net payment calculation:

$187.00	SOA for 1 person/**Payment** amount
- 46.75	Penalty
$140.25	Net payment
$140.00	Actual payment amount

Example: 10

A non-parent caretaker in a Group II locality receives TANF for one child. The non-parent caretaker is not in the AU. The child receives $50 monthly in countable unearned income. The Eligibility Worker is notified of the caretaker's failure, without good cause, to cooperate with DCSE. Calculate the revised **payment** amount as follows:

Step (1) **$187.00** SOA for 1 person

Step (2) Calculate **payment** amount:

$187.00	SOA for 1 person
- 50.00	Countable unearned income
$137.00	**Payment** Amount

Step (3) Calculate 25% reduction:

.25 X $137.00 = $34.25

Step (4) Net payment calculation:

$137.00	**Payment** amount
- 34.25	Penalty
$102.75	Net payment
$102.00	**Actual Payment**

203.1 Emergency Assistance – Emergency assistance may be provided to needy families with children who are eligible for TANF or are receiving TANF (including recipients whose TANF case is currently suspended due to a VIEW sanction), when the family has experienced a natural disaster or a fire which has destroyed items necessary for maintaining the household or the home itself. Natural disasters may include, but are not limited to, a tornado, hurricane, or flood. The EW should note that the applicant does not simply declare an event a disaster.

The application for Emergency Assistance must be made no later than 30 days from the date the disaster or fire occurred. If the applicant has been hospitalized during the 30 day period following the disaster or fire, the application for emergency assistance must be made within 60 days from the date the disaster or fire occurred.

Conditions of Eligibility/Categorical Eligibility:
When the family has experienced a natural disaster or fire within the timeframes listed above, and all of the following conditions exist, EA must be granted immediately:

A. The family includes at least one child who is under eighteen years or if 18 but not yet 19 is enrolled full time in a secondary school or vocational/technical school equivalency from which the child is expected to graduate prior to attaining age 19.

B. The child is a resident of Virginia, as defined in Section 201.6.

C. The child, and all members of his family for whom assistance is provided must be a citizen of the United States or, if an alien, meet requirements, specified in Section 201.7. A child may be eligible for or receive TANF or Emergency Assistance even when other members of the family are ineligible.

D. The child is living with a relative in a place of residence maintained by the relative as his own home. (See Section 201.5 B.)

E. The emergency assistance is necessary (1) to avoid destitution of the child or (2) to provide living arrangements for him in a home (203.2).

F. For current TANF recipients, needs can be met through EA in addition to the regular assistance payment. The EA payment does not affect the regular TANF payment. An EA payment <u>may not</u> be issued, however, to replace money lost by the recipient or for the loss of earnings.

203.2 EMERGENCY ASSISTANCE FOR DISASTER OR FIRE

A. NEEDS COVERED - Emergency Assistance shall be used to cover an applicant's immediate needs resulting from a disaster or fire. The case record must include documentation that the disaster or fire occurred and the date of the event. The immediate needs which can be covered include items such as food, shelter items, clothing, repair or replacement of household equipment which has been destroyed or rendered unusable and moving or storage of household equipment.

The total amount granted to a family under the EA Program shall not exceed $500.00 during any one period of thirty (30) consecutive days in any twelve (12) consecutive months.

To determine eligibility for Emergency Assistance, the case will be screened at 185% of the Standard of Assistance if the applicant is not currently a TANF recipient. (If the applicant is currently receiving TANF assistance, the screening is not necessary.) The EW will evaluate all income that is available to the AU to determine if the income will meet all of the AU's needs. If the available income will not meet all of the AU's needs, EA may be granted to meet the unmet needs, up to the $500 EA maximum.

Example 1: A case passes the 185% screening and is otherwise eligible. Current income is used to pay rent, utilities, etc., and there is $100 remaining to cover the emergency. In this case, EA will be issued for $400.

Example 2: A case passes the 185% TANF income screening and is otherwise eligible. Current income is used to pay rent, utilities, etc., and there is $00.00 remaining to cover the emergency. In this case, EA will be issued for $500.

B. AVAILABLE RESOURCES - Emergency Assistance cannot be granted when other resources are available to meet the family's needs EA cannot be granted when there is another agency in the community, insurance policies, or other immediate resources which are known to meet the particular need promptly in that particular type of emergency. If other resources are available but are insufficient to meet the particular immediate needs, EA may be granted. Evidence must be entered in the case record that specific community resources have been investigated.

Example: On May 2, a TANF household experiences an emergency as a result of a fire. The household sought emergency housing and other necessary items. An application was submitted for the emergency assistance program. The emergency needs of $500 exceeded the amount of $300, which was provided by community resources. EA of $200 was granted to supplement the community resources.

Income immediately available to the family, such as cash on hand or money in the bank at the time of application, must be evaluated in determining the amount of assistance granted. Note: Anticipated wages must be evaluated even though they may not be available to meet the emergency need. The provisions of Section 305 are generally applicable except that income disregards are not applicable.

C. METHOD OF PAYMENT - Payment for purchase, repair, moving or storage of household equipment must be made by the vendor method to the provider of goods or services.

Payment to meet other needs may be either a money payment to the recipient or a vendor payment to the provider, whichever is most practicable and advantageous to the family.

203.3 AUTHORIZATION FOR TANF-EA - Emergency Assistance must be authorized during a period not to exceed thirty consecutive days within any twelve consecutive months. This thirty-day period begins with the date of the first authorization of payment by agency action. Payment may cover specified needs arising prior to the date of authorization, retroactive to the date the emergency occurred, as specified in Section 203.1 **F**. Payment also covers needs anticipated during the thirty-day period following the initial authorization of emergency assistance, provided it is established that such need will continue to exist for that period.

If it is established at a later date within the thirty-day period that other allowable needs exist, additional payments may be authorized within the time limit up to the maximum specified in Section 203.2.

203.4 REFERRAL FOR SERVICE - In all cases in which EA is requested, referral must be made to staff or other appropriate agency for any other services that meet needs attributable to the emergency.