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## Chapter 800 - Diversionary Assistance Program

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## Appendix 1 – Diversionary Assistance Examples

### 801.1 PURPOSE

The diversionary assistance program was established by HB 2001, passed by the 1995 General Assembly. Authorized by Section 63.2-617 of the Code of Virginia, this program is intended to prevent potential TANF recipients from becoming ongoing TANF recipients. If immediate intervention with short-term aid will resolve a one-time emergency or crisis situation and prevent the need for ongoing TANF, the assistance unit may be granted diversionary assistance.

It is anticipated that the applicant's emergency or crisis situation will be related to basic needs such as food, shelter, medical expenses, child care expenses or the costs associated with getting or keeping employment, including transportation costs. Local agencies shall strive to provide the most cost effective, appropriate solution to the one-time crisis or emergency situation. (This may include referrals to other community organizations for assistance when the receipt of diversionary assistance will not resolve the situation.)

### 801.2 SCREENING

The worker must explain the diversionary assistance program to all TANF applicants. The worker must screen all TANF applicants for eligibility for diversionary assistance at the time of application. The applicant will declare if she has a one-time emergency or crisis situation. The worker will determine whether diversionary assistance can resolve it.

### 801.3 VOLUNTARY

The eligibility worker and the applicant must discuss the appropriateness of diversionary assistance to the applicant's situation. If the applicant meets the eligibility factors for diversionary assistance, he may decide whether or not to receive diversionary assistance rather than TANF. Receipt of diversionary assistance is voluntary. **In every case, an Acceptance of Terms of Issuance for Diversionary Assistance must be provided to applicants and a copy retained in the VaCMS Forms History.**

### 801.4 ELIGIBILITY DETERMINATION PERIOD

Local social services agencies must determine eligibility for diversionary assistance within five working days of the receipt of the final verification that substantiates eligibility, or within 30 calendar days following the date of receipt of the signed application, whichever occurs first. If the applicant fails to provide all needed verifications by the 30<sup>th</sup> calendar day after application, the application will be denied. (Note: When the 30<sup>th</sup> calendar day falls on a weekend or holiday, the worker must provide a decision on the application on the last working day prior to the 30<sup>th</sup> day.) The applicant may file a new application for TANF or diversionary assistance at a future date.

## 801.5 ELIGIBILITY FACTORS

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

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

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

The following conditions of eligibility in 201.1.B (complying with the school attendance requirement, signing the VIEW APR or participating in VIEW, cooperating with DCSE) do not have to be met to be eligible for diversionary assistance, but citizenship or alien status of each applicant or other adult who will be included in the assistance unit for diversionary assistance must be verified prior to case approval. (Note: The legal presence provision that allows up to 90 days for an applicant age 19 and over to verify his status (201.7.0) does not apply to diversionary assistance.)

The caretaker shall be eligible for TANF unless one of the exceptions specified in 302.7. D or E is applicable. The caretaker does not have to meet the conditions of eligibility (including VIEW participation and cooperation with DCSE). However, if the caretaker has been referred for or is in a VIEW sanction or if the TANF case was previously closed due to DCSE noncooperation and the caretaker is not in good standing with DCSE at the time of the diversionary assistance application, the entire assistance unit is ineligible for diversionary assistance. The client cannot "cure" the sanction, or begin to cooperate with DCSE, in order to become eligible for diversionary assistance. Note: Case closure due to failure to sign the Agreement of Personal Responsibility (APR) is not a VIEW sanction. Therefore, a diversionary assistance case may be approved after a TANF case was closed for failure to sign the APR.

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

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

The assistance unit has:

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

The income that is lost or reduced must be the ongoing earned or unearned income of the applicant or other adult household member who would be part of the assistance unit for TANF purposes or whose income would be considered available to the assistance unit. A lump sum or other one-time payment does not meet the definition of ongoing earned or ongoing unearned income. (See 302.7) Income from child support payments made on behalf of a child in the household will be considered income of the applicant or other adult household member.

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

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

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

#### 801.6 DETERMINING THE AMOUNT OF THE PAYMENT

**The total diversionary assistance amount will be the maximum TANF amount for four months or up to \$1,500. The diversionary assistance payment amount cannot exceed the total needs of the applicant.** The diversionary assistance payment for applicants reapplying for TANF with four or less months remaining on the VIEW clock or the TANF 60-month clock will be calculated following the same guidelines as for other applicants.

**Example: Diversionary Assistance application for mom and one child in Goochland County, Group II. The Diversionary Assistance payment amount the customer would be eligible for is  $\$332 \times 4 = \$1328$ . However, the maximum Diversionary Assistance amount the family could receive would be \$1,500 provided all other eligibility criteria are met.**

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

- A. Calculate a maximum diversionary assistance amount - Compute the monthly grant amount for the assistance unit. Any ongoing income, such as social security income, will be counted. (Income from a terminated source, or income that has not started, is not considered ongoing income for diversionary assistance purposes.) Multiply the monthly grant amount by four.
- B. Determine the basic needs (as described in 801.1) of the assistance unit -The diversionary assistance amount can cover more than one basic need and can include items such as shelter payments, utility payments, and transportation assistance. (Note: When the need is vehicle repair, the vehicle must be registered -either solely or jointly -in the name of at least one of the household members applying for assistance.) Document the case as to the needs that will be covered and the verified cost of providing for each need. The case record must contain copies of documents (such as bills, cut-off notices, rental agreements, and automobile repair estimates) that verify each need.

Choose the most cost-effective, appropriate solution to the applicant's needs. For example, if the emergency has created a need for transportation, the agency may calculate the cost of bus tickets versus the price of repairing the car.

- C. Compare the amounts in A and B -The lesser amount of A and B is the amount of the diversionary assistance payment.

Example: Ms. Z applies for diversionary assistance for herself and two children. Her car broke down, and she is unable to get to work. As there is no countable income, the maximum she can receive is **\$1,668** ( $\$417 \times 4 = \$1,668$ ). There is no other transportation available, and Ms. Z needs her car to get to work. Ms. Z provides verification that the repairs to her car will cost \$900. Since \$900 is less than the maximum available diversionary assistance payment amount of **\$1,668** and Ms. Z did not report any additional needs, the diversionary assistance amount would be \$900.

- D. Supervisory approval is required for all diversionary assistance payments. It is the responsibility of the supervisor to ensure that the payment is made by a check to the vendor, or when that is not possible, by a check to the client. In no case is a diversionary assistance payment to be made by debit card.

#### 801.7 PERIOD OF INELIGIBILITY (POI)

- A. If an assistance unit receives a diversionary assistance payment, it shall be ineligible for TANF for up to **180** calendar days beginning with the date that the diversionary assistance is **certified and authorized**. To determine the period of ineligibility follow these steps:
  1. Determine the monthly amount of TANF for which the applicant is eligible. If an Intentional Program Violation (IPV) has been committed, exclude the disqualified individual's needs from the monthly grant amount. Follow IPV procedures in Section 102.3.A. Note: To determine how many months will be counted as months of disqualification to be deducted from the individual's IPV penalty period, divide the number of days that are covered in the payment amount (as determined in step 3 below) by 30. Round up to the next whole number.

2. Divide the amount determined in Step 1 by 30. This is the daily amount of assistance.
  3. Divide the diversionary assistance payment amount by the daily amount determined in Step 2 to determine how many days are covered in the payment amount. Round up to the next whole number.
  4. Determine the number of days of ineligibility by multiplying the number of days determined in Step 3 by 1.33. Round up to the next whole number. This number cannot exceed **180** days.
  5. Using the number of days determined in Step 4, determine the date that the period of ineligibility ends. Note: this date is automatically calculated by VaCMS and pre-filled on the Acceptance of Terms of Issuance for Diversionary Assistance.
- B. An assistance unit which has received diversionary is not eligible for TANF again until the POI expires. During this POI, the case will be considered a public assistance (PA) case for SNAP purposes. Any AU member that is in a POI for diversionary assistance is not eligible to receive TANF in any assistance unit until the POI has ended.
- Example: Mr. Raymond received diversionary assistance in one AU. He is now in a POI for diversionary assistance. He moves to another AU. Mr. Raymond is not eligible to receive TANF in that AU until his POI for diversionary assistance has ended.
- C. A child(ren) born to a client who is in a period of ineligibility for TANF due to receipt of a diversionary assistance payment is not eligible for TANF until the POI expires.
- D. An assistance unit can receive diversionary assistance only once in a twelve-month period.

#### 801.8 VENDOR PAYMENTS

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

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

Prior to beginning the process to reissue a check when a vendor reports non-receipt of a diversionary assistance check, the worker should review the Finance Status on the Check/Direct Deposit Action screen in VaCMS. If the check does not appear on the list, the worker should contact the Fiscal Processing Unit at Home Office to confirm that the check has not already been cashed.

DIVERSIONARY ASSISTANCE EXAMPLES

Example 1:

Ms. Elliott applied for diversionary assistance on June 1st for herself and two children. She had been working full time but was laid off on May 24<sup>th</sup>. She will receive her final paycheck on June 4<sup>th</sup> in the amount of \$403. She also has a part time job working 15 hours a week at \$8 an hour.

Ms. Elliott is requesting assistance in paying off a \$1200 medical bill. She is no longer able to make payments on it since she lost her full time job and has been threatened with court action. Her situation meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid.

Because the final check Ms. Elliott will receive is from a terminated source, that income will not be considered in determining her eligibility for diversionary assistance and will not be entered on the employment details screen. (Note: If the amount of the final paycheck is entered, it will be counted in determining eligibility even though it is from a terminated source.) Ms. Elliott has monthly income from her part time job of \$516 (\$8 per hour x 15 hours per week x 4.3 = \$516). That income is ongoing and will be counted in determining diversionary assistance eligibility.

Ms. Elliott's monthly income of \$516 is less than the **\$836** maximum family income for a family of 3 in a Group II locality and the maximum income case passes the **maximum income** screen. The Standard of Assistance for her family size is **\$417**, but the case is eligible for only \$56 per month based on Ms. Elliott's income. The maximum diversionary assistance amount available to the family is \$1500. Ms. Elliott agreed that this amount would ~~not~~ help her situation. She needed a minimum of \$600 to forestall court action. She decided to proceed with an application for diversionary assistance.

Earned Income	\$ 516.00	(on going)
Standard Deduction for 3	<u>-167.00</u>	
Sub Total	<b>349.00</b>	
20% Reduction	<u>\$ 69.80</u>	
Total Grant Reduction	<b>\$ 279.20</b>	
<b>TANF Payment Amount</b>	<b>\$ 137.00</b>	<b>(Group II, SOA for = 417.00; 417.00 - \$279.20 = \$137.80)</b>
<b>Diversionsary Assistance Period</b>	x <u>4</u>	months
	<b>\$ 548.00</b>	
<b>Maximum Diversionsary Assistance Amount</b>	<b>\$1500.00</b>	
Applicant Need	\$1200.00	(medical bill)
<b>Diversionsary Assistance Payment Amount</b>	<b>\$1200.00</b>	

Example 2:

Ms. Ortiz applies for diversionary assistance on November 2<sup>nd</sup> for herself and her two nieces. She works at a large retail nursery supplying herbs and produce to restaurants and grocery stores in the eastern states. The nursery closes from November 1<sup>st</sup> to February 28<sup>th</sup> each year.

Ms. Ortiz works between 25 and 40 hours a week and earns \$8 per hour. She worked 30 hours the last week in October and will receive her final paycheck on November 9<sup>th</sup>. That paycheck for gross income of \$240, will be the only income, earned or unearned, that she and the children will receive for November. Ms. Ortiz states that she is optimistic that she will find a job in the next week or so, but does not have enough money to pay her November car payment of \$450, her rent of \$950 and her utility bill, including arrears, of \$350.

Ms. Ortiz's situation meets the diversionary assistance requirement of a crisis situation which can be solved by short-term aid, and she meets TANF income and other eligibility criteria.

While Ms. Ortiz has \$240 in earned income for November, the income is not counted in determining the amount of assistance since it is from a terminated source. The income is not entered on the employment details screen. Her needs total \$1,750 which exceeds the maximum diversionary assistance payment of \$1,668. The diversionary assistance granted is the maximum payment of \$1,668. Ms. Ortiz's sister agrees to give her \$82 to combine with the maximum diversionary amount so that the crisis situation can be resolved.

The household has no countable income.

<b>TANF Payment Amount</b>	<b>\$417.00</b>	(Group II, SOA for 3 = \$417)
<b>Diversionary Assistance Period</b>	<u>4</u>	months
<b>Total Diversionary Assistance Amount</b>	<b>\$ 1,668.00</b>	
Applicant Need	<b>\$1,750.00</b>	(\$450.00 car payment + \$950.00 rent + \$350.00 utility bill)
<b>Diversionary Assistance Payment Amount</b>	<b>\$1,668.00</b>	

Example 3:

Mr. and Mrs. Carter apply for diversionary assistance on July 25<sup>th</sup> for themselves and their three young children. Mr. Carter's employer, a small manufacturer supplying the automobile industry, closed abruptly on March 20<sup>th</sup>. The employees were given no notice and no severance pay. Mr. Carter received his last paycheck, which included his wages through the day the plant closed, in the mail the next week. Since then, the family has survived with the help of family and friends, and a hardship withdrawal of \$12,000 from his small 401k. The balance in the 401k is now \$2,000 and Mr. Carter is hesitant to use it since the family will then be destitute. The family is requesting help with August rent and utilities.

Since the Mr. Carter's employment income from March is from a terminated source and since the loss of income occurred within the six month preceding the application date, it is not considered in determining eligibility for diversionary assistance and is not entered on the employment details screen. The family has no other income and the case passes the **maximum income** screen.

The Carter family's need for rental and utility assistance meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid. However, the family did not have copies of the children's birth certificates at the time of application so the agency was unable to immediately establish relationship and approve the diversionary assistance application.

Mr. Carter returned to the agency on August 11<sup>th</sup> with the children's birth certificates and the agency was able to establish relationship . Mr. Carter told the agency at that time that his wife had begun caring for a neighbor's child after school and would be making \$50 a week through the end of the school year. She was paid \$50 for one week of work on August 9<sup>th</sup>.

Since the agency had not yet approved the diversionary assistance application; and since Mrs. Carter has received income which will be ongoing, the agency must re-determine the family's eligibility for assistance.

Mrs. Carter's monthly income of \$215 is less than the **\$1,403** maximum family income for a family of 5 in a Group III locality and the case passes the maximum income screen. The standard of assistance for a family of 5 in a Group III locality is **\$610**. After the earned income disregards are applied to Mrs. Carter's income, the grant amount is reduced to **\$563**. The maximum diversionary assistance payment is determined by multiplying the grant amount by 4, the number of assistance payments the family could receive in a 4-month period. The actual diversionary payment is the maximum amount, or the eligible needs of the applicant, whichever is less.

Earned Income	\$215.00	(ongoing income)
Standard Deduction for 5	<u>- 209.00</u>	
Sub Total	<u>\$ 6.00</u>	
20% Reduction	<u>- 1.20</u>	
Total Grant Reduction	<u>\$ 4.80</u>	
<b>TANF Payment Amount</b>	<b>\$ 605.00</b>	(Group III, SOA for 5 = <b>\$610</b> ; <b>\$610-\$4.80 = \$605.20</b> )
<b>Diversionsary Assistance Period</b>	<u>x 4</u>	months
<b>Total Diversionsary Assistance Amount</b>	<b>\$2,420.00</b>	
Applicant Need	\$1,225.00	(\$875.00 rent + \$350 utilities)
<b>Diversionsary Assistance Payment Amount</b>	<b>\$1,225.00</b>	

Example 4:

Mr. Lawrence, a former VIEW participant with 22 months on the 24-month clock, applied for diversionary assistance on March 28<sup>th</sup> for himself and one child. He had not been working steadily for some time but found what he believes to be secure employment one week before he applied for assistance. He makes \$12 an hour and will receive his first paycheck in two weeks. He has been living with friends, but has been asked to leave now that he has income. He has located an apartment but needs help in paying the rent and security deposit of \$575 each. His situation meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid.

Because Mr. Lawrence's income has not yet started, the income will not be considered in determining his eligibility for diversionary assistance. The delay in the receipt of income will meet the diversionary assistance guidance requirement. His anticipated income will not be entered on the employment details screen.

The Standard of Assistance for a family of two in a Group III locality is \$422. The maximum diversionary assistance payment is \$1,688. (Note: The number of months used to calculate the maximum diversionary assistance amount is always 4 without regard to the number of months on the VIEW clock or 60-month clock at application).

<b>TANF Payment Amount</b>	<b>\$ 422.00</b>	(Group III, SOA for 2)
<b>Diversionary Assistance Period</b>	$\frac{\quad}{\quad} 4$	months
<b>Diversionary Assistance Amount</b>	<b>\$1,688.00</b>	
Applicant Need	\$1,150.00	(\$575.00 rent + \$575.00 security deposit)
<b>Diversionary Assistance Payment Amount</b>	<b>\$1,150.00</b>	

Example 5:

Ms. Clark applied for diversionary assistance on August 15<sup>th</sup>, after her boyfriend, Mr. Lawrence, moved out earlier in the month. They had lived together for four years and he is the father of her two children. He had been the sole support of the family. Ms. Clark has an associate's degree in Business but has not worked since her youngest child was born two years ago.

Mr. Lawrence did not pay the \$827 mortgage on their home which was due August 1, or the telephone and electric bills which total \$125, or make the \$235 car payment on Ms. Clark's car. Ms. Clark began looking for employment as soon as she realized that Mr. Lawrence had left permanently and has found full time employment at \$11.20 an hour beginning August 20<sup>th</sup>. Her first paycheck for one week's pay will be received on September 3<sup>rd</sup>.

Because Ms. Clark has found employment and will be able to support her family in the future, the loss of income (from Mr. Lawrence) can be considered a temporary loss as required by diversionary assistance guidance. She meets the other criteria for diversionary assistance.

<b>TANF Payment Amount</b>	<b>\$ 508.00</b>	(Group III, SOA for 3)
<b>Diversionary Assistance Period</b>	$\frac{\quad}{\quad} 4$	months
<b>Diversionary Assistance Amount</b>	<b>\$ 2,032.00</b>	
Applicant Need	\$1,187.00	(\$125.00 utilities + \$235.00 car payment + \$827.00 mortgage)
<b>Diversionary Assistance Payment Amount</b>	<b>\$1,187.00</b>	

Example 6:

Mrs. Noel applied for diversionary assistance on December 3<sup>rd</sup> for herself and four children. She has been employed by the same company for three years, working 30 hours per week, but has just

received notification that all employees would be cut back to 18 hours per week at least until February. The employer hopes to return all employees to their regular hours and pay at that time. Mrs. Noel makes \$8 an hour and received her last full pay check on November 28<sup>th</sup> in the amount of \$240.

Ms.Noel is concerned that she will be unable to make her mortgage payments for December and January, and possibly February, and still keep up with her other bills. Ms. Noel has been purchasing her Habitat for Humanity Home for three years. Her mortgage payment of \$650 per month is due on the 15<sup>th</sup>.

Mrs. Noel's income for December will be \$619.20 (\$8 per hour x 18 hours per week x 4.3 = \$619.20) which is less than the \$1,178 maximum family income for a family of 5 in a Group II agency. The case passes the maximum income screen.

Her situation meets the diversionary assistance requirement of a crisis or emergency situation which can be solved by short-term aid, and she meets TANF income and other eligibility criteria.

The standard of assistance for a family of 5 in a Group II locality is \$589 but the case is eligible for only \$203 per month based on Mrs. Noel's income. The total diversionary assistance amount available to the family is \$700. Mrs. Noel decided to rely on her family for help with her mortgage for December and January. The \$700 will not really help her with her mortgage payments, and she does not want to jeopardize her TANF eligibility in case her employer has to lay off employees in the future.

Earned Income	\$619.20	(ongoing income)
Standard Deduction for 5	<u>-205.00</u>	
Sub Total	<u>\$414.20</u>	
20% Reduction	<u>- 82.84</u>	
Total Grant Reduction	<u>\$385.36</u>	
<b>TANF Payment Amount</b>	<b>\$ 203.00</b>	(Group II, SOA for 5 = \$589; \$589-\$385.36 = \$203.64)
<b>Diversionsary Assistance Period</b>	<u>x 4</u>	months
<b>Total Diversionsary Assistance Amount</b>	<b>\$812.00</b>	
<b>Maximum Diversionsary Assistance Amount</b>	<b>\$1,500.00</b>	
Applicant Need	\$1,950.00	(mortgage - \$650 per month x 3 months)
<b>Diversionsary Assistance Payment Amount</b>	None, based on client's decision.	