



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**July 1, 2020**

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

#### **Transmittal # 68**

This transmittal includes annual changes to the program calculations for the Temporary Assistance for Needy Families (TANF) Program and the Virginia Initiative for Education and Work (VIEW) Program. The purpose of this transmittal is to provide new, clarified and revised guidance for both the TANF and VIEW Programs.

Unless otherwise stated, the provisions included in this transmittal are effective for all TANF eligibility determinations and VIEW Program assessments and reassessments completed on or after July 1, 2020. Several changes are being made resulting from General Assembly actions in the 2020 session.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) makes persons convicted of drug-related felonies ineligible for TANF. However, PRWORA permits states to opt out of this provision if action is taken by the state legislature. Senate Bill (SB) [124](#) and House Bill (HB) [566](#) eliminate the prohibition on receipt of TANF for persons guilty of a drug-related felony. These individuals will now be eligible for TANF.

HB [690](#) eliminates the family cap provision that children born 10 months after the family begins to receive TANF are ineligible for TANF. The family cap provision, implemented in 1995, has had no impact on the child-bearing of TANF families. The number of children per family (1.7) in 1994, has remained the same up to 2020. New applications processed for July 2020 or after will be processed without regard to the previous family cap provision.

HB [1371](#) increases the amount of diversionary assistance available so that it is up to four months of assistance or \$1,500 whichever is greater. HB 1371 also makes changes to TANF-Emergency Assistance (TANF-EA). The maximum TANF-EA payment, which has been set at \$500 for over 40 years, has been increased to \$1,500 to allow a more thorough response to emergencies. The purposes of TANF-EA have also changed so that eviction prevention is added to the existing reasons of fire and natural disaster.

The Appropriations Act of 2019 authorized increases in payments of 15%. The new payment standards are included in Appendix II to Section 304. The maximum income screening levels were changed as well. (See Maximum Income Chart—Appendix I to Section 305).

These changes are effective for July 1. New payment levels will be changed by a VaCMS mass change and new amounts for payments for the month of July will begin to be seen in the system prior to July 1. Additional information on the implementation of these provisions will be issued separately.

This transmittal and manual are available on the Intranet through FUSION at <https://fusion.dss.virginia.gov/bp/BP-Home/TANF-and-VIEW/Guidance> and on the Internet at <http://www.dss.virginia.gov/benefit/tanf/index.cgi>.

Significant changes to the manual are as follows:

Page(s) Changed

Significant Changes

Main Table of Contents, page 2

Senate Bill 124 repeals the ineligibility of an individual convicted in a state or federal court of a felony offense for possession, use, or distribution of a controlled substance effective July 1, 2020.

The Main Table of Contents was updated to reflect this change.

Multiple Sections and Pages: Chapter 200, Table of Contents, Section 201.1.A.5, Exception, page 1; Section 201.10.3, Example 4, page 4; Section 201.12, page 7 and 8; Section 305.5, page 45; Section 401.1, page 1; Section 401.2.A.(9), page 1a; Section 401.2.B.2.a.2).c.1), Note, page 2d; Section 401.5.z, page 13; Section 701.3.A, Example, page 2; Section 901.2.H, Note, page 2c; and, Section 901.11.A.8, page 9b

Virginia HB 690 repealed the family cap provision. With the repeal of the family cap provision, reference to family cap has been removed or updated. Updates and deletions to the family cap provision and guidelines have been made throughout the manual.

Chapter 200, Table of Contents; page 1

Senate Bill 124 repeals the ineligibility of an individual convicted in a state or federal court of a felony offense for possession, use, or distribution of a controlled substance effective July 1, 2020.

The Table of Contents was updated to reflect this change.

Chapter 200, Table of Contents, page 2

The Table of Contents was updated to reflect the addition of Eviction Prevention and Vendor Payments guidance..

Authorization for TANF-EA and Referral for Service were renumbered due to the addition of Vendor Payment guidance.

Section 201.1.E, page 3a

Guidance related to drug felons was removed.

Section 201.1.G, page 3d

Following example 6, a correction was made to the section letter. "A" was removed and replaced with "H".

Section 201.2, page 3e

We added Passports, Virginia ID cards, Virginia Learner's Permits and Virginia Driver's Licenses as additional acceptable documents to verify a child's age.

Section 201.10, page 4b

At Item D.1, references to "forcible rape" were replaced with "rape".

Section 201.12, page 7

Examples were added to clarify TANF family's option to continue the family cap provision for children subject to the provision prior to July 1, 2020.

The first paragraph in Section 201.12.A was moved to the bottom of page 7 from page 7a.

Section 201.12, page 7a

At Item A., the first paragraph was moved to the bottom of page 7.

Items renumbered due to removal of references to the family cap provision.

Section 201.12, page 8

Page left blank intentionally due to the removal of guidance in reference to the TANF family cap provision.

Section 203.1, pages 1 – 2a

During the 2020 General Assembly session, House Bill 1371, which allows eviction prevention as an additional reason for TANF Emergency Assistance passed. We added eviction prevention. We clarified Diversionary Assistance and Emergency Assistance cannot be approved at the same time.

We revised the maximum Emergency Assistance payment amount from \$500 to \$1,500.

We clarified the Emergency Assistance guidance. With this clarifications, Items E. and F. were moved to the top of page 2. Item F. was relettered to G. due to the addition of the Emergency Assistance Period of Ineligibility guidance at at Item F.

At 203.2.A, page 2, we have added language to clarify the steps to the eviction process.

Pages were renumbered to accommodate the addition of Eviction Prevention guidance, pages 2a – 2c were added.

Section 203.2, pages 2b – 2c

We added Emergency Assistance examples and an example to clarify when a customer would select Diversionary Assistance vs. Emergency Assistance.

Section 203.2.B., Available Resources, is now located on page 2b. Examples were added to this section to clarify resources that are to be evaluated for Emergency Assistance.

Section 203.3, page 2c

Section 203.2.C., Method of Payment, is now located on page 2c. The requirement of supervisory approval and issuance method for Emergency Assistance have been added.

At Section 203.3, We added a new section on Vendor Payments.

Section 203.4 – 203.5, page 3	We renumbered the sections for Authorization for TANF-EA (203.4) and Referral For Service (203.5).
Table of Contents, Chapter 300	We added Appendix 3 to Section 304 to reflect the Standards of Assistance for TANF-UP and TANF-UP/VIEW families.
Section 302.7, pages 3; Section 302.7, page 3a; Section 302.7, page 4; Section 302.7, page 4a - 4b	The reference to drug felons was removed from Section 302.7, page 4 – 4b, and as a result, items were re-numbered to remain in order.
Section 302.7, page 4b	At item G, we added Eviction Prevention.
Section 304, Appendix 1	Updated Albemarle group change from Group II to Group III, change effective 12/2019.
Multiple Sections and Pages: Section 304, Appendix 2; Section 305.4, pages 39, 40, 41, 42a and 44; Section 305, Appendix 1; Section 502.2.A., Examples, page 2-3; Section 503.7.H., page 2c; Section 503.8.B., pages 3-3a; Section 602.5, Examples, pages 6a-6b; Section 800, Appendix 1, pages 1 – 5; and, Chapter 900 Appendix II, pages 1- 6	Fairfax County and Fairfax City were added back to the list after inadvertently being removed.  We revised the Standards of Assistance to reflect a 15% increase established by the Appropriations Act of 2020.
Appendix 3 to Section 304	We added Appendix 3 to provide the Standards of Assistance for TANF-UP families. Unlike TANF payments, there is no increase in TANF-UP or TANF-UP/VIEW payments. TANF-UP payments are solely funded by State dollars and the Governor’s 2020 budget did not allow for an increase in TANF-UP payments.

Section 305.3, page 14

Correction made to the section number to 305.3 from 305.2.

Guidance was added to clarify counting U.S. Census Bureau income. Income paid directly to the participant by the U.S. Census Bureau is not countable and is entered into the VaCMS as the unearned income type Census Income. Earnings received from temporary employment agencies or third party entities are countable and entered into the VaCMS as the earned income type Wages. See IBP titled – Temporary 2020 Census Income.

Section 401.1, pages 2a and 2b

At Item E, we added clarification and examples regarding denying applications because of missed or late scheduled appointments.

Note: For VaCMS procedures, refer to the “Auto-Denials for Missed Interviews – TANF Applications” IBP located on the TANF FUSION page.

Section 401.1, page 2b

We moved Item E.1 from page 2a to page 2b.

Section 401.1, page 2c

We added page 2c, moved the information on page 2b to 2c, and renumbered the information.

Section 401.2, page 1a

Items renumbered after the removal of reference to the family cap provision.

Section 401.2, page 2f

At Item C, guidance regarding interviews was updated. An interview by the EW is required at the time of the initial application, reapplication and renewal.

We added guidance regarding Missed Interviews.

Note: For VaCMS procedures, refer to the “Auto Denials For Missed Interviews – TANF Applications” IBP, located on the TANF FUSION page.

To accommodate spacing for the newly added Missed Interview guidance, Item E was moved to the top of Section 401.2, page 3.

Section 401.2, page 3

To accommodate spacing for the newly added Missed Interview guidance in Section 401.2, page 2f, Item E was moved to the top of this page.

The link for the Virginia Refugee Resettlement Program Manual was updated to reference FUSION, removing reference to SPARK.

Section 401.3, page 4a

We added clarification that at renewal certain forms must be reviewed, completed and signed by TANF recipients: 1) Do You Have a Disability?, 2) Notice of Cooperation and Good Cause, 3) Notice of Intentional Program Violations and Penalties, and when appropriate, the 4) Attesting to the Lack of Information form.

Section 401.3, page 5

Item F.2 was moved from the bottom of page 4a to the top of page 5.

Section 401.3, page 6

Effective July 1, 2017, we updated guidance to remove the requirement to suspend a TANF case when the current net child support exceeded the current TANF benefit. Due to an oversight, we did not remove reference to suspension of TANF benefits due to excess current net child support at Item I.5. We removed the reference and renumbered the items.

Section 401.5, Pages 13 and 14

Items re-lettered after the removal of reference to the family provision.

Section 402.1, Page 1

We updated guidance regarding match information the Income Eligibility Verification System (IEVS) will provide.

The IEVS system will no longer provide match information from the Social Security Administration for SSI Benefit Information (SDX).

Section 502.1

At item B, we revised the maximum Emergency Assistance payment amount from \$500 to \$1,500.

Section 502.6, Page 6

At Item B, we removed the statement, “The case has a suspension status because net support is greater than the current TANF payment.” The suspension of TANF benefits due to excess net support was removed from guidance effective July 1, 2017.

Section 801.5, page 2

We removed the parenthesis from the The Do You Have a Disability? form

Section 801.5, page 3

We revised the maximum Diversionary Assistance amount and added an example.

Section 801.7, pages 4 and 5

At Item A, the Period of Ineligibility increased from 160 days to 180 days.

Section 901.2, page 2c

We removed felony drug conviction from the list of reasons why a parent’s needs may be removed from the TANF payment.

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

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Director

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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 meeting the enrollment and attendance requirements as determined by the local school board. (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)
- 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 Education and Work 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)

- E. Drug Felons – **Repealed effective July 1, 2020.**
- 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 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. Fleeing felon/parole violator.

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 60<sup>th</sup> month.

Note: At any time after case closure for receipt of 60 months of benefits, the assistance unit may reapply.

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

The total disability of the caretaker (as defined in H.1 above) or the need for the caretaker to act as a caregiver for a disabled family member living in the household (as defined in H.2 above) must be re-evaluated based on new verification at the end of the anticipated duration as originally noted on the medical form. If the duration indicated on the form is for more than 12 months, or is identified as permanent, a new form must be obtained every 12 months. 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 medical exam for which a medical evaluation is based, must have been conducted no more than 90 days prior to the date the medical professional signs the form. Note: For the caretaker acting as a caregiver for a disabled family member living in the household, a task and reminder to obtain a new medical form must be set 30 days prior to the end of the anticipated duration as noted on the medical form or every 12 months, whichever occurs first.

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
- **Virginia Children's ID Card or Virginia Identification Card**
- **Virginia Driver's License or Virginia Learner's Permit**
- **Passport or United States Passport Card**

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 enrolled and attending a secondary school or vocational/technical school of secondary equivalency and is meeting the enrollment and attendance requirements as determined by the local school board. Verify with the school that the child is enrolled and the date he is expected to complete the program. The program is considered completed on the last day of final exams or, if exams are not required, the last day of scheduled classes. As long as all other eligibility criteria are met, the child will be eligible for assistance until the month in which completion of the school program occurs, or the last day of the month prior to his 19<sup>th</sup> birthday, whichever comes first. The case record must be well documented in this area.

A child 18 years old is not eligible if he is in college, or enrolled and attending a secondary school or vocational/technical school of secondary equivalency and not meeting the enrollment and attendance requirements as determined by the local school board, or not in school at all.

2. 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 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.

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."

- A. 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 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 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.

201.12 FAMILY CAP PROVISION – **Effective July 1, 2020, the family cap provision has been repealed. Note:** Families receiving assistance on June 30, 2020 that include capped children, may choose to have the children remain in a capped status. New applications or reapplications received on or after July 1, 2020, will be processed without regard to the family cap provision.

**Example 1:** Ms. Brown’s youngest child is ineligible for TANF benefits due to his capped status. Ms. Brown opts to continue to apply the family cap provision to her youngest child. Effective July 1, 2020, the child will remain capped.

**Example 2:** Ms. Solo has two children ineligible for TANF due to the family cap provision. Ms. Solo opts to continue to apply the family cap provision to one child and opts to uncapped the second child. Effective July 1, 2020, the capped child will remain ineligible and the uncapped child will become eligible if all categorical requirements or conditions of eligibility are met.

**Example 3:** Continuing with the previous example, Ms. Solo closes her case effective August 31<sup>st</sup>. Ms. Solo reapplies for herself and her children and is approved for TANF on November 16<sup>th</sup>. Upon approval of Ms. Solo’s reapplication, both children are determined to be eligible without regard to the family cap provision if all categorical requirements or conditions of eligibility are met.

**Example 4:** Ms. May’s son, Charles, who is ineligible for TANF due to the family cap provision, moves into the home of his father, Mr. June. Mr. June applies and is approved for TANF on or after July 1, 2020. Charles is no longer subject to the family cap provision and may be eligible for TANF if all categorical requirements or conditions of eligibility are met.

**Example 5:** Ms. Green’s case closed January 1, 2020. At case closure, Ms. Green’s youngest child was ineligible for TANF due to the family cap provision. Ms. Green reapplies and is approved for TANF for herself and her three children on October 19, 2020. The family cap provision will no longer apply to Ms. Green’s youngest child, and he will be eligible if all categorical requirements or conditions of eligibility are met.

**Note:** The following guidelines apply to children determined to be capped prior to July 1, 2020.

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

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203.1 Emergency Assistance – Emergency Assistance (EA) 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 a family **is facing eviction** or has experienced a natural disaster or a fire **that results in unmet needs** for maintaining the household or the home itself, **as long as income eligibility is met**. Natural disasters may include, but are not limited to, a tornado, hurricane, flood, **a public health emergency, or any disaster as declared by the Governor**. The EW should note that the applicant does not simply declare an event a disaster.

**The worker must explain the Emergency Assistance program to all TANF applicants at the time of application and discuss the appropriateness of EA to the applicant's situation.** 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.

**Guidance in Section 401.1 regarding the time standard for processing applications also applies to EA. However, EA must be approved as soon as administratively possible, but no later than five working days after receipt of the final verification that substantiates eligibility. Note: Current TANF recipients that request EA are not required to provide additional verifications unless a change is reported during the verification process.**

**For Emergency Assistance applications, the Do You Have a Disability? form must be completed. The case record must contain the Rights and Responsibilities form or be otherwise documented to show that the applicant was provided with oral and written information about his rights and responsibilities and that he acknowledged receipt of the information. 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 an emergency assistance application.**

Conditions of Eligibility/Categorical Eligibility:

When the family has experienced a natural disaster, fire **or is facing eviction** 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 and attending a secondary school or vocational/technical school of secondary equivalency and is meeting the enrollment and attendance requirements as determined by the local school board (201.2)
- 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) provide living arrangements for him in a home (203.2).**
- F. **Receipt of emergency 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 POI for TANF due to either the 24 or 60-month limit on the receipt of TANF will also be ineligible for emergency assistance. In addition, an AU that is in a TANF POI for the receipt of diversionary assistance will also be ineligible for emergency assistance.**
- G. 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 may not be issued, however, to replace money lost by the recipient or for the loss of earnings. **At no time can an applicant be approved for Diversionary Assistance and Emergency Assistance at the same time.**

## 203.2 EMERGENCY ASSISTANCE FOR DISASTER, FIRE, OR EVICTION PREVENTION

- A. **NEEDS COVERED** - Emergency Assistance shall be used to cover an applicant's immediate needs resulting from a disaster or fire **or to assist with eviction prevention**. 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.

**An applicant who has received a Summons for Unlawful Detainer may apply for Emergency Assistance to prevent eviction. To be eligible for eviction prevention under TANF's Emergency Assistance program, the applicant must have the following:**

- **Valid lease agreement with the landlords/owner**
- **Summons for Unlawful Detainer, with a court date, to verify the imminent danger of losing housing**

**Eviction is the legal process of removing a tenant from a rental property. Steps to the eviction process are:**

- Step (1) Give Notice - Five-Day Notice To Pay Rent Or Quit/Vacate Property - This notice is used whenever the tenant fails to pay rent by its due date.**

**Thirty-Day Notice To Fix Or Quit/Vacate Property - This notice is used whenever some minor terms of the lease are violated.**

**No Notice - If a tenant commits a crime or is putting the health and safety of anyone at risk by being at the property, they can be evicted without notice.**

- Step (2) Summons for Unlawful Detainer**

**A Summons for Unlawful Detainer is a legal way for a landlord to evict a tenant if the tenant does not pay the overdue rent or correct the issue. It requires a special court process and can move quickly through the court system.**

**Step (3) Trial Time**

**The judge will review the arguments of both parties. If the judge rules in favor of the landlord, the tenant will have just 10 days to appeal before the decision will become final.**

**Step (4) Writ of Possession**

**This legal document, once issued, will be sent to the Sheriff. Within 30 days, the Sheriff will go to the property to execute the physical eviction of the tenant.**

**Step (5) Possession Removal**

**There are two ways a landlord/owner can handle the removal of a tenant's property:**

- **24-Hour Notice – This policy lets the tenant know that any property left behind after they leave the premises will be considered abandoned after 24 hours.**
- **10-Day Notice – If the landlord fails to include any type of statement with the original eviction notice, the landlord is required to wait 10 days before removing the tenant's belongings and the landlord must send the tenant a 10-day notice letting them know that anything they do not claim will be removed.**

The total amount granted to a family under the EA Program shall not exceed **\$1,500** during any one period of thirty (30) consecutive days in any twelve (12) consecutive months. **If Emergency Assistance is approved, the VaCMS will apply a Period of Ineligibility (POI) of 365 calendar days to the applicant only beginning 30 days after the first EA issuance is made.**

To determine eligibility for Emergency Assistance, the case will be screened at the **maximum income screening** 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 the **“Countable Net Income” that is listed on the TANF Group – Income Eligibility screen in the VaCMS 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 **\$1,500** EA maximum.

**Example 1:** A case passes the **maximum income** screening and is otherwise eligible. **The net countable income is \$0. The client is seeking \$1,500 to cover the emergency.** In this case, EA will be issued for **\$1,500**.

**Example 2:** A case passed the **maximum income** screening and is otherwise eligible. **The client has \$300 net countable income available. The client claims \$500 in unmet expenses. EA will be issued for \$200.**

**Example 3:** A case passed the maximum income screening and is otherwise eligible. The client has \$1,500 in unmet expenses. The client has \$320 net countable income. The client requested assistance from the Salvation Army, and they issued him a \$300 VISA gift card. EA will be issued for \$880 (\$1,500 unmet expenses, minus \$320 net countable income, minus \$300 VISA gift card equals \$880).

**Example 4:** A VIEW participant experiences a fire in which his family loses their clothing and household furnishings. The client has \$1,400 in unmet needs. The Salvation Army issued him a clothing voucher for \$500. The client works part-time and his monthly net countable income is \$540. EA will be issued for \$360 (\$1,400 unmet need, minus \$500 voucher, minus \$540 net countable income equals \$360).

**Example 5:** A case passes the maximum income screening and is otherwise eligible. The client lost his job, has a summons for unlawful detainer, and is seeking \$932 to prevent eviction. The client also declares he needs \$327 to pay his car payment and \$181 to pay his car insurance. The worker explains Diversionary Assistance (DA) and Emergency Assistance to the client. DA will resolve the crisis and will be more beneficial for the client as it prevents the eviction and covers the additional expenses. The client applies for diversionary assistance.

**Note:** The approval of the eviction prevention payment cannot be used to cover items such as food, shelter items, clothing, insurance, etc.

- 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, 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<sup>nd</sup>, 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 household emergency needs total \$1,700, and \$200 was provided by a community resource. EA of \$1,500 was granted to supplement the community resource.

The net countable income immediately available to the family, at the time of application, cannot exceed the maximum income limit and must be evaluated in determining the amount of assistance granted. **If the client is ineligible in the month of application due to excess income, but meets the income requirement in the month following the month of application, EA can be approved, as long as all other eligibility criteria are met and the applicant has remaining unmet needs.** The provisions of Section 305 are generally applicable except that income disregards are not applicable.

Note: Anticipated wages must be evaluated even though they may not be available to meet the emergency need.

**Example 1:** Applicant applies for EA on 07/20/2020 because the family experienced a fire. The household is over income for the month of July, but will have no income in the month of August. She states her July paychecks were used to pay for normal household expenses, and that she will not have money to purchase clothing and furniture items as needed. Since the applicant has remaining unmet needs, EA must be approved based on August's income as long as all other eligibility criteria are met.

**Example 2: Applicant applies for EA on 08/20/2020 because the family experienced a fire. The household is over income for the month of August, but meets the income requirements for September. She states her August paychecks were used to pay for normal household expenses. In August, she will only receive one check in the amount of \$300. She will not have money to purchase clothing and furniture items as needed. She declares remaining unmet needs of \$1,500. Since the applicant has remaining unmet needs, EA must be approved for \$1,200, based on September's income, as long as all other eligibility criteria are met.**

- C. **METHOD OF PAYMENT - Supervisory approval is required for all emergency assistance payments.** 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.

**If EA is approved for a client that has an ongoing TANF case, EA payments can be issued using the same method of issuance in which the client receives the TANF payment. If the client does not have an ongoing TANF case, the method of issuance must be made in the form of a check.**

**203.3 VENDOR PAYMENTS – Emergency 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 emergency assistance has been approved and advise the vendor to expect the check from the Virginia Department of Social Services.**

**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 an emergency 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.**

**203.4 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](#). **Upon action to approve or deny the EA application, the applicant must be notified immediately that assistance has been authorized, including the amount of the money payment, or that his application has been denied. The notice must include a statement of the reasons for the action and an explanation of the individual's right to appeal. The Notice of Action must be used to notify the applicant of approval, denial, or delay beyond the time standard. If the EA application is approved, the notice must include the POI information for the applicant. The VaCMS does not generate a Notice of Action for EA applications. Therefore, the worker must send the manual Notice of Action (032-03-0017) and upload a copy to DMIS.**

**203.5 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.

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1. A child who receives an adoption assistance maintenance payment. (Note: If adding the child and the adoption assistance maintenance payment will increase the TANF benefit amount, the child and the maintenance payment must be added.)\*
2. A child who receives a foster care maintenance payment or a child whose needs are included in the foster care maintenance payment for his parent.\*
3. A child whose citizenship or alien status has not been declared in writing according to Section [201.7 C](#).
4. A child subject to the family cap provision. ([201.12](#))
5. A child not in compliance with the compulsory school attendance requirement. ([201.3](#))
9. A child fleeing to avoid prosecution or confinement or in violation of probation or parole.\*\*
10. A child who is in a VIEW period of ineligibility.
11. A child whose caretaker is in a period of ineligibility due to the receipt of a diversionary assistance payment.

D. Parents who are not to be included in the assistance unit:

1. The parent(s), of an eligible TANF child(ren), who is receiving SSI and/or an Auxiliary Grant.
2. The parent who is not (1) a U. S. citizen or (2) an eligible alien.\*\*\*
3. A parent who receives an adoption assistance maintenance payment on his own behalf up to age 21. Exception: A parent who receives an adoption assistance maintenance payment must be excluded when adding that parent to the assistance unit and counting the maintenance payment reduces the TANF benefit. However, that parent must be included in the assistance unit when the benefit will be increased by adding that parent and his income.\*\*\*

\* 45 CFR 233.51

\*\* Public Law 104-193

\*\*\* Public Law 101-508 (OBRA 1990)

4. The parent who refuses to cooperate in identifying the noncustodial parent, establishing paternity, or obtaining support by failing to comply with any of the requirements defined in 201.10. This exception applies until compliance with the requirements of cooperation in 201.10 is met.
5. The parent who is a foster care child.
6. The parent whose SSN has not been provided or application for an SSN has not been made.
7. The parent who is an alien whose needs are met by the individual sponsor.
8. The parent who is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.\*
9. The parent who is found to have committed an IPV and disqualified according to Section 102.3.
10. The parent whose citizenship or alien status has not been declared in writing according to Section 201.7.C.
11. The parent whose needs are met by her spouse, the stepparent of the eligible children, living in the home.
12. The minor parent not in compliance with the compulsory school attendance requirement in Section 201.3.
13. The parent convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or SNAP benefits in two or more states and it is within ten years of the date the individual was convicted.\*\*
14. The parent that failed to report to the local agency in accordance with Section 401.2.B.2.a.3 after it became clear that the minor child would be absent from the home for 60 consecutive days.
15. The parent that is fleeing to avoid prosecution or confinement or that is in violation of probation or parole.\*\*
16. The putative father except in the following situations:
  - when a court has ruled that a legal father is not the father of the child and the child's paternity has been established by DCSE, or

\* 45 CFR 233.51

\*\* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

- when a court has ruled that a legal father is not the father of the child and both the putative father and the child's mother have signed an Acknowledgement of Paternity. See Section [201.10A](#).

E. A caretaker/relative (other than the parent) who requests assistance is not included when:

1. He is not in need.
2. He is receiving SSI and/or an Auxiliary Grant.
3. He is not (1) a U. S. citizen or (2) an eligible alien.\*
4. His needs are met by a spouse living in the home.
5. He refuses to cooperate in identifying the parents, establishing paternity, or obtaining support by failing to comply with any of the requirements defined in [201.10](#). This exception applies until compliance with the requirements of cooperation of [201.10](#) is met.
6. He is ineligible for one month based on receipt of a lump sum. (See [305.4.C](#).)
7. The caretaker/relative's SSN has not been provided or application for an SSN has not been provided.
8. He is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.\*\*
9. He is found to have committed an IPV and is disqualified according to Section [102.3](#).
10. His citizenship or alien status has not been declared in writing according to Section [201.7.C](#).
11. The caretaker/relative is convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or SNAP benefits in two or more states and it is within ten years of the date the individual was convicted.\*
12. The caretaker/relative failed to report to the local agency by the 10<sup>th</sup> of the following month after it became clear that the minor child would be absent from the home for 60 consecutive days. See Section [305.1.E.3.a](#).

\* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

\*\* 45 CFR 233.51

13. The caretaker/relative that is fleeing to avoid prosecution or confinement or that is in violation of probation or parole.\*

Note: The spouse of the caretaker/relative cannot be included in the assistance unit as second caretaker unless the spouse is the parent of an eligible child residing in the home.

F. An individual for whom assistance is requested on the basis of providing services essential to the child's well-being (EWB) is not included when:

1. He is not providing a service identified in Section [302.5](#).
2. He is not in need.
3. He is receiving SSI and/or an Auxiliary Grant.
4. He is not (1) a U. S. citizen or (2) an eligible alien.\*
5. The EWB's SSN has not been provided or application has not been made for such SSN.\*\*
6. He is ineligible for one month based on receipt of a lump sum. (See [305.4 C](#))
7. He is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.\*\*\*
8. He is eligible for assistance in a federal category.
9. He is found to have committed an IPV and is disqualified according to Section [102.3](#).
10. His citizenship or alien status has not been declared in writing according to Section [201.7.C](#).
11. He is not in compliance with the compulsory school attendance requirement. Refer to Section [201.3](#).
12. The EWB is convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or SNAP benefits in two or more states and it is within ten years of the date the individual was convicted.\*

\* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

\*\* 45 CFR 205.52

\*\*\* 45 CFR 233.51

13. The EWB is fleeing to avoid prosecution or confinement or is in violation of probation or parole.\*

G. In Emergency Assistance - The assistance unit includes:

1. In cases of natural disaster, fire or **a family facing eviction**, any member of the child's family living in the **household (See Section 302.2)**.

302.8 FORMING THE COMPLEX ASSISTANCE UNIT - The most common type of assistance unit consists of one caretaker/relative and child(ren) living in a household. The following guidelines have been established to aid in determining who shall be included in an assistance unit when the household contains complex family situations:

- A. Minor Parent(s) – A minor parent is an individual under 18 years of age who is the natural parent of a child. A senior parent is a parent of the minor parent. Minor parents must meet school attendance requirements in order to have their needs included in the payment.

An unmarried minor parent, for purposes of TANF guidance, is a minor who is single, separated, or divorced. A married minor parent is a minor who is married and living with his/her spouse.

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GROUPING OF LOCALITIES

<u>Group II</u>	<u>Group II</u>	<u>Group II</u>	<u>Group III</u>
<u>Counties</u>		<u>Cities</u>	<u>Counties</u>
Accomack	Lancaster	Bristol	<b>Albemarle</b>
Alleghany	Lee	Buena Vista	Augusta
Amelia	Loudoun	Chesapeake	Caroline
Amherst	Louisa	Clifton Forge	<b>Fairfax</b>
Bath	Lunenburg	Covington	Fauquier
Bedford	Madison	Danville	James City
Bland	Mathews	Emporia	King George
Botetourt	Mecklenburg	Franklin	Montgomery
Brunswick	Middlesex	Galax	Prince William
Buchanan	Nelson	Harrisonburg	Spotsylvania
Buckingham	New Kent	Hopewell	Stafford
Campbell	Northampton	Lexington	York
Carroll	Northumberland	Lynchburg	
Charles City	Nottoway	Martinsville	
Charlotte	Orange	Norfolk	<u>Cities III</u>
Chesterfield	Page	Norton	
Clarke	Patrick	Petersburg	Alexandria
Craig	Pittsylvania	Portsmouth	Charlottesville
Culpeper	Powhatan	Radford	Colonial Heights
Cumberland	Prince Edward	Richmond	<b>Fairfax</b>
Dickenson	Prince George	Roanoke	Falls Church
Dinwiddie	Pulaski	Suffolk	Fredericksburg
Essex	Rappahannock	Virginia Beach	Hampton
Floyd	Richmond County	Williamsburg	Manassas
Fluvanna	Roanoke	Winchester	Manassas Park
Franklin	Rockingham		Newport News
Frederick	Rockbridge		Poquoson
Giles	Russell		Staunton
Gloucester	Scott		Waynesboro
Goochland	Shenandoah		
Grayson	Smyth		
Greene	Southampton		
Greensville	Surry		
Halifax	Sussex		
Hanover	Tazewell		
Henrico	Warren		
Highland	Washington		
Isle of Wright	Westmoreland		
King and Queen	Wise		
King William	Wythe		

Note: Effective 7/1/17, Group I was eliminated; the localities were moved to Group II.

ASSISTANCE STANDARDS

GROUP II

Size of Assistance Unit	Standards of Assistance
1	<b>\$226</b>
2	<b>332</b>
3	<b>417</b>
4	<b>499</b>
5	<b>589</b>
6	<b>658</b>
7	<b>736</b>
8	<b>822</b>
9	<b>895</b>
10	<b>975</b>
Each person above 10	<b>\$81</b>
<b>MAXIMUM REIMBURSABLE PAYMENT</b>	<b>\$625</b>

## ASSISTANCE STANDARDS

## GROUP III

Size of Assistance Unit	Standards of Assistance
1	<b>\$316</b>
2	<b>422</b>
3	<b>508</b>
4	<b>589</b>
5	<b>701</b>
6	<b>767</b>
7	<b>847</b>
8	<b>933</b>
9	<b>1,007</b>
10	<b>1,085</b>
Each person above 10	<b>\$81</b>
<b>MAXIMUM REIMBURSABLE PAYMENT</b>	<b>\$745</b>

## ASSISTANCE STANDARDS

TANF-UP

<b>Size of Assistance Unit</b>	<b>Group II Standards of Assistance</b>	<b>Group III Standards of Assistance</b>
<b>1</b>	<b>\$197</b>	<b>\$275</b>
<b>2</b>	<b>289</b>	<b>367</b>
<b>3</b>	<b>363</b>	<b>442</b>
<b>4</b>	<b>434</b>	<b>513</b>
<b>5</b>	<b>513</b>	<b>610</b>
<b>6</b>	<b>573</b>	<b>667</b>
<b>7</b>	<b>640</b>	<b>737</b>
<b>8</b>	<b>715</b>	<b>812</b>
<b>9</b>	<b>779</b>	<b>876</b>
<b>10</b>	<b>848</b>	<b>944</b>
<b>Each person above 10</b>	<b>\$71</b>	<b>\$71</b>
<b>MAXIMUM REIMURSABLE PAYMENT</b>	<b>\$544</b>	<b>\$648</b>

**305.3 EARNED INCOME** – Earned income is defined as income earned by an individual through the receipt of wages, salary, and/or commissions, or through profit from activities in which he is engaged as a self-employed individual.\* Earned income includes pay for jury duty, severance pay, and vacation pay. Sick/disability pay from the employer or from employer obtained insurance is counted as earned income as long as the payment is made directly from the employer to the employee. If the payment is made from the insurance company to the employee, the income is counted as unearned income.

Note: income received from a supplemental sickness or disability insurance policy that was obtained solely by the employee (and payments are issued directly from the insurance company to the employee) will be counted as unearned income.

Self-employment is defined as a business, farming or commercial enterprise in which the individual receives income earned by his own efforts, including his active engagement in management of property. Income from property when the individual is not actively engaged or when no managerial responsibilities are involved is not considered earned income.\*\* In addition, for TANF purposes, self-employment situations include, but are not limited to, domestic workers, companion service providers, and child care providers.

Contract earnings are defined as wages guaranteed by a contract. This does not include work on an hourly or piecework basis or self-employment. A guaranteed wage is one which is received by an individual employed on a contractual basis and paid over a period of time. Earnings of this nature will be prorated according to [305.1.B.2.a.4](#)).

When income is received from property, the eligibility case record must clearly indicate the basis for determining whether or not the individual produces it by his own efforts or whether or not he is actively engaged in management.

**There are differences in the provisions for counting U.S. Census Bureau income paid to census workers depending on the source of the income. Income paid directly to the employee by the U.S. Census Bureau is not countable. Earnings received from temporary employment agencies or third party entities are countable.**

A. Definitions of Gross Earnings and Profit

1. Gross earned income from wages, salary or commissions means the total amount of pay, irrespective of deductions, withholding or work expenses.\*\*\* It is not the "take home" pay. Exception: Money advanced from an employer prior to the regular pay date must be counted as part of the gross income in the month of receipt. Any amount withheld to repay an advance in salary received prior to the that month shall be deducted from gross earnings or profit for the month in which it is withheld.
2. Gross earned income of child care providers means the income of a TANF recipient who provides child care in her home minus an allowance for the cost of meals and snacks that are provided. The allowance is not given for children included in the child care provider's TANF AU or for children excluded from her AU. The allowance is the same as those in the Supplemental Nutrition Assistance Program (SNAP) formerly Food Stamp Program Manual, at [Part XII.A.7](#), under Allowable Costs of Producing Income for Child Care Providers.

\* 45 CFR 233.20 (a)(6)(iii)

\*\* 45 CFR 233.20(a)(6)(vii)

\*\*\* 45 CFR 233.20(a)(6)(iv)

stepparent has. Countable income is to be deducted from the standard of assistance for the assistance unit.

- b. Stepparent Deeming Procedure Used When the Parent in the Home Refuses/Fails to Cooperate With DCSE - When it is determined that the parent of the TANF child(ren) has failed or refused to cooperate with DCSE, the stepparent's income must be deemed available to the assistance unit, calculating the deemed amount in accordance with 305.4.F.1.a.1) – 4). The deemed income, in addition to the income of the parent and child(ren) must be counted to determine the assistance unit's eligibility and payment amount.

Failure of the customer to verify the income of the stepparent will result in ineligibility of the case.

- c. Stepparent Deeming When the Parent Is Not in the Home With the Stepparent - The income of the stepparent will not be deemed when the natural/adoptive parent of the TANF children is not living in the home due to separation, divorce, death or incarceration. However, when the stepparent and the natural/adoptive parent are living apart due to military duty, employment, or other reason, and they both consider themselves to be living as husband and wife, they will not be considered separated and the income of the stepparent will be deemed.

If the stepparent is included in a TANF assistance unit, policies and procedures applicable to assistance unit members apply instead of the deeming procedures.

Note: A lump sum payment received by an eligible child's stepparent is considered available to the assistance unit as described at 305.4C.

Example 1:

Ms. P. is applying for TANF for herself and her 3 children. Ms. P. receives unearned income in the amount of \$50 per month, and each of the 3 children receives unearned income in the amount of \$50 per month, as well. Ms. P.'s husband (not the children's father) is employed and earns \$2,121 per month. Mr. P. has no other dependents.

1. To determine Ms. P.'s eligibility to be included in the AU:

Mr. P.'s income	\$2,121.00
Less \$90 deeming disregard	- 90.00
	\$2,031.00
Less standard of assistance for 1 (Group II)	- 226.00
Amount deemed available to Ms. P.	<b>\$1,805.00</b>
Standard of assistance for a 4-person AU	<b>\$ 499.00</b>

Since the portion of Mr. P.'s income which is deemed available to Ms. P. exceeds the standard of assistance for 4 persons, she is not eligible to be included in the AU.

2. To determine the 3 children's eligibility, and, if eligible, the payment amount:

Stepparent's (Mr. P.'s) income	\$2,121.00
150% of poverty guidelines for 2 (monthly)	<u>-2,114.00</u>
Amount exceeding 150% of poverty guideline	\$7.00
 Standard of assistance for a 3-person AU	 <b>\$ 417.00</b>
 Less total countable income (\$7.00-amount of Mr. P.'s income which exceeds 150% of poverty guidelines, plus \$50.-Ms. P.'s unearned income, plus \$150 the children's unearned income for a total of \$207 in countable income.	 <u>- 207.00</u>
Payment amount	<b>\$210.00</b>

Example 2:

Ms. J., who has been receiving TANF on behalf of herself and her 2 children reports that she remarried over the weekend. Ms. J. receives unearned income in the amount of \$100 per month. Her husband, Mr. J. is employed, with earnings in the amount of \$800 per month. Mr. J. has 3 children who live with his former wife, for whom he pays support in the amount of \$400 per month.

1. To determine Ms. J.'s eligibility to be included in the AU:

Mr. J.'s income	\$ 800.00
Less \$90 deeming disregard	<u>- 90.00</u>
	710.00
 Less standard of assistance for I (Group II)	 <u>- 226.00</u>
	<b>\$ 484.00</b>
Less support paid by Mr. J. to non-household dependents	<u>- 400.00</u>
Income deemed available to Ms. J.	<b>\$ 84.00</b>
 Standard of assistance for a 3-person AU	 <b>\$417.00</b>

Since the portion of Mr. J.'s income which is deemed available to Ms. J. is less than the standard of assistance for 3 persons, she is eligible to be included in the AU. Proceed to payment calculation, since Ms. J. is eligible.

2. To determine the payment amount:

Standard of assistance for a 3-person AU	<b>\$ 417.00</b>
Less countable income (Ms. J.'s unearned income)	<u>- 100.00</u>
Payment amount	<b>\$ 317.00</b>

## Example 3:

Ms. L. is applying for TANF for herself and her 2 children. Her husband (not the children's father), Mr. L., is employed and earns \$2,158 per month. Mr. L. has 1 child, who lives in the household also.

1. To determine Ms. L.'s eligibility to be included in the AU:

Mr. L.'s income	\$2,158.00
Less \$90 deeming disregard	<u>- 90.00</u>
	\$2,068.00
Less standard of assistance for 2 (Group II) to include Mr. L. and his child	<u>- 332.00</u>
Income deemed available to Ms. L.	<b>\$1,736.00</b>
Standard of assistance for a 3-person AU	<b>\$ 417.00</b>

Since the portion of Mr. L.'s income which is deemed available to Ms. L. exceeds the standard of assistance for 3 persons, she is ineligible to be included in the AU.

2. To determine the 2 children's eligibility, and if eligible, the payment amount:

Stepparent's (Mr. L.'s) income	\$ 2,158.00
150% of poverty guidelines for 2 (monthly)	<u>- 2,114.00</u>
Amount exceeding 150% of poverty guidelines	\$ 44.00
Standard of assistance for 2-person AU	<b>\$ 332.00</b>
Less total countable income (\$44.00 -amount of Mr. L.'s income which exceeds 150% of poverty guidelines)	<u>- 44.00</u>
Payment amount	<b>\$ 288.00</b>

The two children are eligible for TANF. Though Mr. L.'s gross income exceeds 150% of poverty guidelines, his countable income does not exceed the standard of assistance for an AU of 2.

2. Deeming Income in Minor Caretaker and Ineligible Alien Cases\* - Income must also be deemed to an assistance unit in the following situations. Applicable policies and procedures are explained below.
  - a. Minor Caretaker Living with Senior Parent(s) - When living together, the income of a senior parent(s) is to be deemed available to the minor caretaker's assistance unit." The senior parent's income must be considered available to the eligible child(ren) by applying the deeming procedure in Section 305.4.F.2.c. below. A stepparent's income is not deemed available to a minor caretaker's assistance unit.

Verify by statement from the senior parent, stepparent, or ineligible alien parent.

4. Payments for alimony and child support including wage assignments to individuals not claimed on the senior parent's, stepparent's, or ineligible alien parent's federal income tax return and not living in the household.

Verify by statement from the senior parent or the ineligible alien parent.

The amount remaining after the above deductions will be compared to the Standard of Assistance in determining the eligibility of the AU and the payment amount, if any.

Example 1: The parent of a minor caretaker applies for assistance for the minor caretaker's child. The senior parent explains that she is employed, is able to support her daughter, but does not feel that she should have to support her daughter's child. Because the child of a minor caretaker is not eligible for assistance unless the minor caretaker is also included in the AU, the senior parent must make application for both her daughter and the grandchild. TANF eligibility is determined as follows:

Gross Income of Senior Parent	\$ 1,760
Less \$90 Deeming Disregard	<u>- 90</u>
	\$ 1,670
Less Standard of Assistance for 1 person, Group III	<u>-316</u>
Group III Amount deemed available to AU	<b>\$1,354</b>
Standard of Assistance for 2, Group III	<b>\$422</b>

**\$1,354** > **\$422** (SOA for 2) – AU is ineligible

- a. Home Energy Assistance - Payments made directly to a household for home heating or cooling provided by suppliers of home energy, such as electric and gas companies and fuel oil dealers, must be counted as income.\* When payments are received jointly by a household composed of TANF and non-TANF individuals, including SSI recipients, the TANF assistance unit's pro rata share, based on the total number of persons in the household, must be considered as income to the TANF unit.

The pro rata share of non-TANF and SSI individuals is not to be counted.\*\* Note: Payments made through the Virginia Energy Assistance Program administered by local departments of social services are not considered home energy assistance and are disregarded per Section [305.4.A.16](#).

- b. Public Assistance Benefits Received From Another State - It is possible for individuals who move from another state to Virginia to receive assistance from both states in the same month. However, the assistance paid by the state of prior residence must be considered in determining eligibility and benefit amount in Virginia. The amount of assistance received by the assistance unit from the former state is to be treated as unearned income in the month received.

Example 1: An applicant applies in Virginia on August 30 and receives a payment from Pennsylvania for \$100 in September which covers the period of the last week of August and the first week of September. If the assistance unit is eligible for assistance in September and the SOA is \$417, the \$100 of unearned income is subtracted from \$417, for a payment of \$317.

Example 2: A Group II locality receives an application on September 2 requesting assistance for a parent and two children. The family received a TANF payment from another state on September 1 for \$100 covering the period September 1-15, and the case is terminated in the former state effective September 15. The agency determines eligibility on September 10 (date of authorization). The first payment is calculated as follows:

$$\begin{array}{rcl}
 \mathbf{\$417 - \$100} & = & \mathbf{\$317} & \mathbf{- monthly deficit} \\
 \mathbf{\$317/30} & = & \mathbf{\$10.57} & \mathbf{- daily rate} \\
 \mathbf{\$10.57 \times 21 \text{ days}} & = & \mathbf{\$221.97} & \mathbf{-prorated deficit} \\
 & & & \mathbf{\$221 \text{ payment (rounded down)}}
 \end{array}$$

- c. Royalties are considered unearned income.
- d. Interest earned on cash assets in excess of \$10 a month, such as a bank account or certificate of deposit, is considered unearned income in the month received (available) unless anticipated to be received less often i.e., quarterly, annually, etc., in which case it may be prorated over the period earned if requested by the applicant/recipient. Guidance in Section [305.1.B.2](#) is applicable in determining if the income is "reasonably certain" to be received and, if so, the methods available to use to calculate the anticipated amount. Exception: Interest accrued on exempted Virginia Individual Development Accounts (VIDA) or Assets for Independence Act (AFIA) funds is not countable income.

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

\*\* 45 CFR 233.53(c)(2)

- H. Benefits and Services Received in Lieu of Income - When an applicant or recipient appears to be working but is not paid directly, the worker must determine whether there is an identifiable amount that must be considered as income. Such arrangements must be evaluated using the following guidance:

If the client performs services but receives no pay directly, and there is an identifiable amount of income that could be paid directly to the client, count the identifiable amount as income.

If the client performs services but is not paid directly, and there is no identifiable amount of income that could be paid to the client, no income is counted.

Examples:

1. Situation #1: An applicant/recipient works for an employer and, in lieu of wages paid directly to the applicant/recipient, the employer pays an expense on behalf of the applicant/recipient. In this situation, there is an identifiable wage and even though it is not paid to the client it must be counted as earned income.
2. Situation #2: The applicant/recipient barter for services. There is an exchange of services for which no income should be counted. For example, an applicant or recipient receives shelter at no cost in exchange for babysitting and housekeeping services.

**305.5 INCOME OF EXCLUDED CHILDREN REQUIRED TO BE IN THE ASSISTANCE UNIT** – When a child is excluded from the assistance unit due to lack of verification of categorical requirements for the child (See [201.1.A.](#)), or when such child fails or refuses to meet conditions of eligibility (See [201.1.B.](#)), that child's needs will not be included in the assistance unit. The earned and unearned income of that child, however, will be considered available to the assistance unit. The earned income disregards are applicable per Section [305.3.B.](#) If the child's income cannot be verified, eligibility for the assistance unit cannot be established. (Refer to Section [305.1.E.3.](#))

If the child has been determined categorically ineligible to be in the assistance unit, no part of his income will be considered available to the assistance unit, unless it is actually made available to the unit. (See [201.12.A and D](#) for treatment of income of the child subject to the family cap provision.)

Maximum Income Chart

<u>Size of Assistance Unit</u>	<u>Group II</u>	<u>Group III</u>
1	\$453	\$631
2	663	842
3	836	1,017
4	997	1,178
5	1,178	1,403
6	1,317	1,534
7	1,473	1,696
8	1,645	1,868
9	1,790	2,013
10	1,950	2,171
Each person above 10	\$162	

## 401.1 BASIC REQUIREMENTS REGARDING APPLICATION -

- A. Request for Assistance - Federal regulations\* require that any individual wishing to do so shall have the opportunity to apply for whatever type of federal assistance he chooses. This means that no individual, including an individual who is a minor, or an individual who is potentially eligible in another federal category such as SSI, can be denied the right to make application for public assistance. The EW should assist the individual in selecting the appropriate categories of assistance. It is mandatory that the opportunity to apply be freely available and that no obstacles to application be imposed.

An inquiry,\*\* which is simply a request for information about eligibility requirements, is to be distinguished from an application. No case folder is to be prepared for an inquiry and no case number assigned. An Inquiry Book, or comparable record, must be kept in each local office for recording the date and notice of each inquiry and the name of the person seeking information. Note: TANF eligibility guidance must be applied to the facts of a specific application submitted by a household; the interview with the household based on the submitted application; and any additional information supplied by an applying household. Prior to receipt of an application, local agency staff must not provide advice or answers to hypothetical situations from applicants, potential applicants, or those acting on behalf of others. Until a complete application is received by the local agency, an interview is conducted, and verifications are received, the local agency cannot be sure it has all the relevant facts. It is appropriate, however, to explain program eligibility criteria.

A request for TANF must include, if living in the same household, the parent(s) and all minor siblings (both natural and adoptive) of the dependent child for whom assistance is requested. The EW will assist the applicant/recipient in determining who must be included in the request for assistance. If a child for whom assistance is requested is not eligible because categorical requirements are not met, he is a SSI recipient, he receives foster care maintenance payments, , he will not be included in the assistance unit and his income will not be considered available to the assistance unit.

When a parent or sibling enters the household or circumstances change that may require a parent or sibling living in the home to be included in the assistance unit, his eligibility for inclusion in the assistance unit must be evaluated. The new individual will be considered to be included in the application as of the day he enters the household or, if already residing with the unit, the day the individual's circumstances change requiring him to be included in the unit. A newborn is considered to be included as of his date of birth. If the caretaker refuses to provide the information about an individual required to be included in the assistance unit, it may not be possible to determine the unit's eligibility or payment.

\* 45 CFR 206.10(a)(1) and (2)

\*\* 45 CFR 206.10(b)(2)

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

- B. Time Standard for Processing Application – The local agency must complete the initial application process by the 30<sup>th</sup> calendar day following the application filing date. This time standard covers the day following the date of receipt of the signed application to the date the assistance payment is issued or the notification of denial of assistance is mailed to the applicant. (The applicant must be informed of the time standard at the time of application.) **If an eligibility determination can be made because all required information has been received, a prompt decision must be made. Otherwise, the application must remain pending until the 30<sup>th</sup> calendar day following the application date unless the date falls on a weekend or holiday.** When the 30<sup>th</sup> calendar day following the application date falls on a weekend or holiday, the EW must complete the application process by the last working day prior to the 30<sup>th</sup> day.

**For applicants who miss scheduled appointments and do not request a second appointment, the agency must not deny the application until the 30<sup>th</sup> calendar day following the application date unless the date falls on a weekend or holiday.**

**Example:** TANF application received March 15. The agency scheduled an interview for March 18. The applicant failed to appear. On March 18, the worker indicated in the VaCMS that the applicant missed the interview. The applicant did not request another interview. During the nightly batch process on April 14, the 30<sup>th</sup> day after the application date, the VaCMS will automatically deny the application.

**For applicants who fail to appear for the initial interview, but request to have an interview prior to the 30<sup>th</sup> calendar day following the application date, an interview must be scheduled and the applicant must appear.**

**Example 1:** TANF application received January 2. The agency scheduled an interview for January 6. The applicant failed to appear. On January 6, the worker indicated in the VaCMS that the applicant missed the interview and set a task and reminder to deny the TANF application on the 30<sup>th</sup> calendar day following the application date. On January 23, the applicant called and requested to reschedule the interview. Since the applicant called prior to the 30<sup>th</sup> calendar day following the application date, the worker must reschedule the interview. **If the interview or due date for required verifications goes beyond the 30<sup>th</sup> calendar day following the application date, then the delay is client caused.**

**Example 2:** TANF application received January 31. An interview was scheduled and held on February 3. The worker entered the “Interview Held Date” on the *Interview Details* screen in the VaCMS and requested verifications by February 13. The applicant failed to provide the required verifications by the due date. The worker must not deny the application until Friday, February 28. In this case, the denial will occur prior to the 30<sup>th</sup> calendar day following the application date, Sunday, March 2, because the 30<sup>th</sup> calendar day falls on a weekend.

**If an applicant has not had a minimum of 10 days after the interview to provide required verifications, the worker must not deny the application on the 30<sup>th</sup> calendar day after the application date. The agency must allow the additional time.**

**Example:** TANF application received March 15. An interview was not held until April 10. Required verifications were requested by April 20. The EW entered the “Interview Held Date” on the *Interview Details* screen in the VaCMS. On April 14, the 30<sup>th</sup> calendar day after the application filing date, the application remained in a pending status. The applicant failed to provide the required verifications by April 20. The EW must take action to deny the application on April 20, which is after the 30<sup>th</sup> processing day. The delay in processing is client caused.

1. **Exception to the 30-day processing standard may apply when:**
  - a. **the applicant has limitations that hinder him from securing verifications. In this instance the local agency must assist the applicant in securing verifications. The BDOA will be the first of the month following the month of application.**
  - b. **an emergency beyond the agency’s control occurs - If an agency delay occurs, and the application was otherwise eligible, the BDOA must be the date of application.**
  - c. **the postmark date is at least two days prior to the verification due date.**

An “Interview Held Date” in the VaCMS allows an application to go beyond the 30-day processing standard. If required verifications are not received timely, the EW must take action to deny the application (run eligibility and certify and authorize the denied eligibility result).

**Example 1:** TANF application received March 19. An interview was held March 20, and verifications were requested by March 30. The EW entered the “Interview Held Date” on the Interview Details screen in the VaCMS. The applicant failed to provide the required verifications by April 18, the 30<sup>th</sup> day after the application date. The EW must take action to deny the application.

**Example 2:** TANF application received March 15. An interview was not held until April 10. Required verifications were requested by April 20. The EW entered the “Interview Held Date” on the Interview Details screen in the VaCMS. On April 14, the 30<sup>th</sup> day after the application date, the application remained in a pending status. The applicant failed to provide the required verifications by April 20. The EW must take action to deny the application.

**Example 3:** TANF application received March 1. An interview was held March 5<sup>th</sup>. Required verifications were requested by March 15<sup>th</sup>. On the 30<sup>th</sup> day, after the application date, the worker took action to deny the TANF application because the requested verifications had not been received. On April 1<sup>st</sup> the worker received the required verifications postmarked March 14<sup>th</sup>. The EW must take action to reinstate and process the application. Although the delay is not a client or agency caused delay, to ensure benefits are issued back to the application date, agency caused delay must be selected as the reason for overdue processing.

2. **At no time should the application remain pending beyond 60 days after the application received date. The VaCMS will automatically deny applications not processed (certified and authorized) by the 60<sup>th</sup> day after the application received date.**

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

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

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

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

- (4) To obtain the additional information needed for a decision as to definitive eligibility.
- (5) To explain to the applicant the provisions of the Division of Child Support Enforcement and the right to claim good cause for refusing to cooperate. The EW must also explain provisions regarding continued DCSE services following the termination of assistance.
- (6) To provide an oral and written explanation of the applicant's rights and responsibilities and the consequences to the applicant if these responsibilities are not met.
- (7) To inform the applicant of the services the agency provides.
- (8) To inform the applicant that he may be selected to participate in an audit for a complete verification of information.
- (9) To ensure that any necessary help is provided to individuals who might otherwise have difficulty completing the application for literacy, language, or disability-related reasons.

If an initial interview is not conducted and an "Interview Held Date" is not entered in the VaCMS, then during the nightly batch process on the 30<sup>th</sup> day after the application date, the VaCMS will automatically deny the application.

The change to add a person required to be in the AU must be made by the agency within 30 days following the date the new member was reported to the agency.

- 1) Eligibility for Payments – Once the agency has obtained a completed and signed application and the agency has secured verification of categorical requirements and conditions of eligibility have been met, the individual's needs and income are to be included in determining eligibility and the amount of future payments.

If verifications and conditions of eligibility are substantiated within the 30-day time frame for adding persons or the 30-day period has passed and the agency can document that the delay in providing categorical verifications/meeting eligibility conditions was due to good cause (beyond the assistance unit's control), payments beginning with the date the change was reported must be recalculated considering the individual's needs and income.

Regardless of whether the new individual's presence is reported timely, if the required categorical verifications are not provided or the conditions of eligibility are not met until after the 30-day time frame established for adding the individual, and the delay was not due to good cause (beyond the assistance unit's control), eligibility for retroactive payments is to be determined beginning with the date the last required verification was received by the agency or condition of eligibility was met. Any underpayments identified must be corrected.

The above procedures will require the proration of the first month's assistance in most instances. (Refer to Section 502.2.A.)

- 2) Repayment of Overpayments – If the new individual was not reported timely, overpayments may exist. Follow procedures in Section 503.7.G. to calculate the amount overpaid.

Example: A parent enters the home on October 15 but is not reported to the agency until January 8 of the following year. The last renewal was completed in November, one month after the parent entered the home. All months beginning with the month after the parent entered the home must be evaluated for possible overpayments.

are examples of the situations which may indicate the need to solicit additional income information. The case record must be documented regarding the agency's reason for sending the income form. However, the income form is not an eligibility requirement; therefore, negative action cannot be taken for failure to return the form. If the agency chooses not to use the income form, the case record must contain documentation of the attempts to clarify the possibility of unreported income.

- B. **Interviews** – An interview by the EW is required at the time of **the initial application, reapplication and renewal**. The interview shall be used to obtain verification and to secure information necessary to complete the application/redetermination process. The interview may be conducted in the office of the local agency, the home of the applicant/recipient, a place agreeable to both parties, or by telephone. Home visits may be deemed necessary or appropriate by the local department.

**For the initial application and reapplication determination only, if the household does not respond to the scheduled interview, the local agency must send the household the *Missed Interview Notice*. The notice advises the household to reschedule the interview and that the agency will deny the application if the household does not reschedule the interview. The agency needs to send the notice after the first missed interview appointment only.**

**The agency must deny the application on the 30<sup>th</sup> after the application filing date or if the household does not request another interview. When the 30<sup>th</sup> day following the application date falls on a weekend or holiday, the worker must deny the application by the last working day prior to the 30<sup>th</sup> day. If the household requests a second interview prior to the 30<sup>th</sup> calendar day following the application filing date, the agency must not deny the application. If the household is eligible for benefits, the agency must issue prorated benefits from the application date.**

**The agency must not deny the application on the 30<sup>th</sup> day if the agency has not scheduled the interview before the 30<sup>th</sup> day. In addition, the agency must not deny the application on the 30<sup>th</sup> day if the agency has not allowed the household a minimum of 10 days after the interview to supply verification or needed information to process the application.**

If an initial interview is not conducted and/or no “Interview Held Date” is entered in the VaCMS, then during the nightly batch process on the 30<sup>th</sup> day after the application date, the VaCMS will automatically deny the application.

- C. **Practices Specifically Prohibited** – The following practices are specifically prohibited:
1. Entering a home by force, without knocking or under false pretenses.
  2. Making home visits outside of working hours, unless such a visit cannot be arranged during working hours because of the applicant/recipient's employment, or a home visit has been requested by the applicant/recipient. When such visits are necessary, the case record must be documented accordingly. Making visits other than specified is not acceptable under any circumstances.
  3. Searching in the home, in closets, drawers or papers, etc.

- D. **Recommendation Regarding Eligibility** – The eligibility determination must be completed as promptly as possible, but in all cases within the time needed to assure the assistance payment is issued, or notice of denial is mailed to the applicant by the 30<sup>th</sup> calendar day following the date of application.\* When the 30<sup>th</sup> calendar day following the application date falls on a weekend or holiday, the EW must complete the application process by the last working day prior to the 30<sup>th</sup> day following the application date. When the eligibility determination is completed, the EW is responsible for making a recommendation of eligibility or ineligibility. The recommendation must be supported by the facts recorded in the VaCMS and the eligibility case record.

When an application by an otherwise eligible refugee household (which includes most households meeting a qualified alien category) is denied because the household does not meet TANF non- financial requirements, the application will be evaluated for Refugee Cash Assistance (RCA) eligibility following guidelines in the Refugee Resettlement Program Manual. The RCA guidance can be accessed at <https://fusion.dss.virginia.gov/Portals/%5Bcvs%5D/FULL%20RSSEP%20MANUAL.pdf>.

**Note:** In areas served by a Refugee Social Services Employment Program (RSSEP), applicants must be registered and referred to the RSSEP for employment services as a condition of eligibility for RCA. Guidelines for the referral process and contact information for the RSSEP provider are contained in the Refugee Resettlement Program Manual.

- E. **Decision of Eligibility** – Federal regulations\* require a decision be made promptly on applications, in accordance with the State established time standards, unless the application is disposed of under special conditions.

A decision of eligibility or ineligibility must also be made when eligibility is reconsidered as specified in Section 401.3.\*\*

The Code of Virginia, Section 63.2-504, provides that the decision of eligibility is the responsibility of the local board. However, the local director is to take action with regard to eligibility if the local board does not act within the specified time limits or if the circumstances require immediate assistance to prevent hardships or other action. The local director's action in such instances is official and not subject to confirmation by the local board; the case must be presented to the local board at the next meeting, however, for action on continuing eligibility.

**Case Action** – This is the formal agency action and is required with respect to the initial determination of eligibility and, if eligibility exists, the amount of assistance and BDOA, persons eligible for assistance, method of payment and designation of payee, if other than eligible person, changes in amount of assistance payment, and ineligibility for assistance.

All case actions must include the effective date of the action taken. In actions regarding an initial payment, this will be the BDOA.

\* 45 CFR 206.10(a)(3)

### C. Renewal Application

A renewal application may be made either electronically at <https://commonhelp.virginia.gov> or in writing by completing either the VaCMS-generated SNAP/TANF Renewal Application or the Renewal Application for Auxiliary Grants (AG), SNAP, and TANF (032-03-729A). A renewal application made online is considered signed by the applicant when submitted. A written application (SNAP/TANF Renewal Application or Renewal Application for AG, SNAP, and TANF) must be signed by the applicant to be valid. **Additionally, the following forms must be reviewed, completed and signed by the TANF recipient prior to case approval:**

- **Do You Have a Disability? (032-03-0670)**
- **Notice of Cooperation and Good Cause (032-03-0036)**
- **Notice of Intentional Program Violations and Penalties (032-03-0646)**
- **Attesting to the Lack of Information (032-03-0423-01) – (if applicable)**

A completed and signed renewal application submitted by the 15<sup>th</sup> day of the renewal month is a timely application for renewal. The recipient who does not timely file an application for renewal will lose the right to uninterrupted benefits. The EW must approve or deny the application by the 30<sup>th</sup> day after the renewal application date as long as the recipient has at least 10 days to provide all required verifications.

### D. Renewal Interview

1. An interview must be completed with the recipient once every 12 months. An interview may be conducted in the office of the local department of social services, the home of the recipient, or a place agreeable to both parties which will insure privacy and confidentiality, or by telephone. Home visits may be made as deemed necessary by the EW based on the recipient's circumstances.
2. The recipient's rights and responsibilities must be reviewed and explained. (Note: Secure the client's acknowledgement that rights and responsibilities have been reviewed orally and in writing at renewal if this information was not documented in the record at the time of application.)

### E. Joint Processing – The Food Stamp Act of 1977 requires that renewals for TANF and SNAP be handled in a single interview when the following conditions exist:

1. when all persons in the case receive TANF and SNAP benefits as the same household; and
2. when the application is completed prior to the month or in the same month in which the certification period ends. (Refer to the SNAP Manual, Volume V, Part 2, H.) The provisions in Section 401.1.A also apply to renewals.

### F. Overdue Renewals

1. A renewal not completed by the last day of the renewal month is considered overdue. An assistance unit may not receive benefits beyond the renewal month. If all required elements of the renewal process (renewal application, interview and verification of required eligibility factors) have not been completed by the last day of the renewal month, the VaCMS will automatically stop issuance of benefits. For example, a renewal due by March 31 is not completed. The VaCMS will automatically stop issue of benefits. No payment will be issued April 1.

2. **An overdue renewal must be completed by the last day of the month following the renewal month or the TANF case will close. The VaCMS will automatically close the TANF case effective the last day of the month following the renewal month. For example, a renewal due by March 31 is not completed by April 30. The VaCMS will automatically close the TANF case effective April 30.**

G. Establishing Separate Assistance Units – A new application must be completed when an individual or family separates from a family group which is receiving assistance and forms a separate assistance unit. The new application must be processed in accordance with guidance.

H. When Completion of a New Application Is Not Required

1. Adding an individual to an existing assistance unit. Verification of all eligibility requirements must be obtained on the new individual and an evaluation of the new assistance unit's need and eligibility must be made. (See 401.2 B.2.c. and d.)
2. Changing the case name in a case receiving only TANF (or TANF-UP) when the parent or caretaker relative who is the case name leaves the household for any reason or dies. When a parent who is the case name is no longer in the home, the case name can be changed to that of another parent who remains in the home with the children. Likewise, when a caretaker relative who is the case name is no longer in the home, the case name can be changed to that of another caretaker relative who remains in the home.

Note: The case name cannot be changed from a parent to caretaker relative, or vice versa, even if both were residing in the home with the child. A new application will be required. A new application will also be required when an individual not already living in the home wishes to join the household and become the case name.

Example A: The father in a two-parent TANF or TANF-UP household leaves the household. The case can be put in the mother's name.

Example B: A grandmother and grandfather are both in the home with the grandchildren. Neither is needy and neither is part of the assistance unit. Following the death of the grandmother, the case can be put in the grandfather's name as payee.

Example C: A grandmother and grandfather are both in the home with the grandchildren. Both grandparents are needy, but only the grandmother is included in the AU. (The grandfather is excluded based 302.3 and 302.7 and is not an EWB, 302.6). Following the death of the grandmother, the grandfather can be added to the AU and the case put in his name.

3. A guardian, committee, or personal representative payee is appointed or the payee changes.
  4. Emergency Assistance is granted to a current recipient of TANF.
  5. The action to deny an application is reversed by a hearings decision.
  6. Action taken to deny an application or close a case as a result of the lack of required verification is reevaluated as a result of information received by the EW within 30 days following the application date or prior to the effective date of closing and eligibility is determined to exist. (See 401.2.B.)
- I. Suspension of Assistance\* – The payment will be suspended for one month when the agency has reason to believe that ineligibility will exist for only that month. The payment will be suspended for two consecutive months only when the reason for suspension in the second month is different than the reason for the suspension in the first month. For example, a case is suspended the first month because anticipated income causes ineligibility for one month. If the recipient then reports a change in circumstances (e.g., the father of a child moves into the home) and the recipient needs to return information to establish continued eligibility, the case is suspended for a second month to allow the recipient time to furnish the information.

There shall be no instances in which a case is suspended for more than two consecutive months. If the information needed to establish continued eligibility is not provided or renders the case ineligible, the payment for the following month will be terminated and the case closed.

Suspension of a payment is appropriate when:

1. actual income is being used to calculate the payment according to Section 305.1.B.2. and it is anticipated the recipient will receive a periodic extra pay check in the payment month;
2. anticipated income causes ineligibility for one month;
3. the agency cannot contact the recipient and contact is necessary to establish continuing eligibility and the recipient cannot be located or agency mail to the recipient has been returned by the post office. The case must be documented on agency efforts to locate the recipient. Suspension shall occur as soon as administratively possible;
4. information needed to verify a change in circumstances or to substantiate eligibility is not provided in time to impact the next payment (See 401.2.B.2.); **or**
5. a lump sum is received. (See 305.4C).

\* 45 CFR 233.34(d)

- s. Upon receipt of a notarized acknowledgement of paternity form, notify the applicant/recipient that paternity has been established.
- t. The applicant/recipient must be advised that if any individual who is included in the A.U. does not have a SSN it must be provided or proof of application must be provided.
- u. The applicant/recipient must be advised that DCSE will send each assistance unit a disregard payment of the first \$100 of child support received each month. The \$100 disregard is only applicable to current child/spousal support payments received each month.
- v. Provisions regarding continuation of DCSE services following the termination of assistance must be explained to the applicant/ recipient.
- w. The provisions described in Section 401.1.A regarding the single interview and joint application process for TANF and SNAP must be explained to the applicant/recipient.
- x. Provisions for transitional child care benefits per Section 401.7.
- y. In situations where the assistance unit is homeless, the EW must explain the need for the caretaker to keep in contact with the local agency and/or frequently check the mutually agreed upon destination where correspondence and checks will be mailed. The case record must be documented to reflect where the unit wants to receive notices and checks.
- z. 60-month limit on receipt of TANF provision.
- aa. The applicant/recipient's right to voter registration services in accordance with the National Voter Registration Act of 1993. Refer to Appendix II of Chapter 400 for applicable guidance.
- bb. Information on the right to disclose a disability to the agency, and the benefits of doing so by providing the form, Do you have a disability? (032-03-670).
- cc. The fact that applicants and recipients with disabilities are entitled to reasonable accommodations in all aspects of the TANF program, including:
  - 1. Help filling out the application, gathering documents and verifying information establishing eligibility for benefits;
  - 2. Modifications to program requirements if necessary;

3. Help with filing appeals or grievances if needed as the result of a disability;
- dd. The fact that the individuals with disabilities should request reasonable accommodations if they feel they need them.
- ee. Inform the client that he may receive the TANF benefits in the form of debit card, direct deposit or check.
- ff. Explain to the client that changes and renewals may be made through CommonHelp.
- gg. The EW must explain that certain contacts, when appropriate, require written consent (i.e., doctors, banks, etc).
- hh. Explain to the client that it is illegal to use the TANF debit card to buy alcohol, lottery tickets, tobacco products, or sexually explicit visual materials; or, to use the TANF debit card in a state Alcoholic Beverage Control (ABC) store, in an establishment in which para-mutual wagering or charitable gaming is conducted, or in an establishment in which tattooing or body-piercing is performed for hire, or in any establishment that provides adult-oriented entertainment in which performers or other individuals connected with the business appear nude or partially nude.

#### 401.6 IMPACT ON MEDICAL ASSISTANCE

See the Medical Assistance Eligibility Manual to determine Medical Assistance eligibility for TANF applicants/recipients.

#### 401.7 TRANSITIONAL CHILD CARE BENEFITS

When a case is closed to TANF, the EW should refer to the Child Care Subsidy Program Guidance Manual, Section 2.3, to determine the assistance unit's eligibility for transitional child care.

#### 401.8 REFERRAL FOR VICTIMS OF FAMILY ABUSE

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

Family abuse is defined in the Code of Virginia, Section 16.1-228 as "any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury."

#### 402.1 INCOME ELIGIBILITY VERIFICATION SYSTEM (IEVS)

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

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

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

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

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

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

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

502.1 AMOUNT OF PAYMENT

- A. In the TANF Program - The amount of the monthly payment is the amount of the budgetary deficiency (the appropriate standard of assistance for the assistance unit, as specified in Section 304, less countable income, as specified in Section 305), adjusted to the next lower dollar, except as provided below:
1. Maximum Reimbursable Payment in TANF - The State Board has approved an overall maximum amount of payment established for each group of localities, as shown in Appendix 2 to Section 304.
  2. Minimum Payment - If the budgetary deficiency is less than \$10.00, no payment is made. However, if an assistance unit's ineligibility is based solely on this minimum payment provision, the case will be approved and retained as an active TANF case.
- B. In Emergency Assistance to Needy Families with Children - The total payment which may be granted to a family under the Emergency Assistance program must not exceed **\$1,500**.

**502.2 PERIOD COVERED BY PAYMENT**

- A. The payment covers the entire calendar month of eligibility (Section 401.1.I.), except when eligibility is determined in the same month in which an application for financial assistance is received or when an individual is added to an existing case. No payment may be issued prior to the date of application. The effective date of payment is the date that initial eligibility for assistance or a change in amount of assistance begins.

No payment shall be made on an approved application for periods prior to the date of application. If the beginning date of assistance is not the first of the month, the payment for that month must be prorated. This is accomplished by dividing the amount payable by 30 days, regardless of the total number of days in such month. This amount is then multiplied by the actual days in the month including and following the date of authorization. Additionally, when an individual is added to an existing case, the individual's portion of the payment must be prorated for the first month of eligibility with the beginning date of payment established in accordance with Section 401.2.B.2.c.

Example 1: A Group II locality receives a signed application from Ms. Doe on August 18. She requested assistance for herself and two children and reports no income. The agency determined she is eligible to receive an assistance payment on August 24. The beginning date of assistance for Ms. Doe is August 18. Her first month's payment is calculated as follows:

1. 14 days = number of days for which Ms. Doe is eligible to receive assistance in August.
2. **\$417.00** = payment amount for full month's payment.

The method of computation is as follows:

$$\mathbf{\$417.00} \div 30 = \mathbf{\$13.90} \times 14 = \mathbf{\$194.60}$$

**\$194.00 payment** (rounded down)

Example 2: A Group II locality receives an application on August 5 requesting assistance for a mother and two children. The family receives Social Security of \$88.50 each month. The agency determines eligibility on August 10. The beginning date of assistance for Ms. Doe is August 5. The first payment will be computed as follows:

$$\mathbf{\$417.00} - \$88.50 = \mathbf{\$328.50} \text{ full month deficit}$$

$$\mathbf{\$328.50} \div 30 = \mathbf{\$10.95} \text{ daily rate}$$

$$\mathbf{\$10.95} \times 27 \text{ days} = \mathbf{\$295.65} \text{ prorated deficit}$$

**\$295.00 payment** (rounded down)

Example 3: On September 5, a timely report is received that on that date a sibling of the child(ren) in the assistance unit moved back into the home. The child being added has unearned income of \$30 per month. Eligibility for the child is established on September 13. However, the payment is prorated for the period beginning September 5 (26 days), the date the required unit member entered the home.

Current payment	<b>\$417</b>
Full payment after adding child	<b>\$499 - \$30 = \$469</b>
Child's portion to be prorated	<b>\$469 - \$417 = \$52</b>
	<b>\$52 ÷ 30 = \$1.73</b>
	<b>\$1.73 x 26 days = \$44.98</b>
Supplement for September	<b>\$44.00 payment</b> (rounded down)

If the individual's presence in the home is not reported timely, payment for the first month of eligibility will be prorated from the date the change was reported or became known to the agency. Or, if the unit failed or refused to cooperate in establishing eligibility without good cause, payment will be prorated from the date the last categorical verification is received or eligibility condition is met. (Refer to Section [401.2.B.2.c](#).)

- B. TANF-UP - Follow guidance in 502.2 A. except when a second parent enters the home in an existing TANF case. Guidance in [401.2 B.2.c](#) addresses handling the addition of a second parent.
- C. Emergency Assistance - Payment covers specified needs related to the emergency as specified in Section [203.2](#). Payment is also limited to coverage of needs arising or anticipated during the 30-day period following initial authorization of Emergency Assistance.

## B. Transferring Agency Responsibility

The transferring agency must complete a desk review to assure the correctness of the next payment as the transferring locality is responsible for the accuracy of this payment. The desk review entails reflecting all changes known or reported prior to the recipient's move which affect eligibility or payment and any changes occurring as a result of the recipient's move. As part of the review, the EW will verify the accuracy of the VIEW 24-month clock and the Federal 60-month clock and correct the clocks if they are inaccurate. The desk review also entails making sure that any other follow-up or special reviews have been completed. If the case is overdue for review, the transferring locality does not have to complete a renewal prior to transferring the case.

Local social services agencies may not transfer TANF cases in the following instances:

- The case has a suspension status due to temporary ineligibility for any reason (one month).
- The TANF application is pending. The original agency must process the application. The agency must secure sufficient information to process the application unless the applicant elects to withdraw the application.

Cases that have been sanctioned for non-compliance with a VIEW requirement must be transferred, including cases that have been reopened so that payments can be issued during an appeal of the sanction.

The transferring agency must send the recipient a Notice of Transfer (032-03-0658) providing notice that their case has been transferred and listing the name, address, and telephone number for the receiving agency. If any changes during the desk review result in ineligibility or a decrease in the **payment**, procedures with respect to the Advance Notice of Proposed Action (032-03-018) are applicable.

The transferring locality will specify on the Case Record Transfer Form that the month following the month in which they send the form and case record to the new locality is the last month for which they will make payment. If the TANF case was receiving SNAP benefits, the transferring locality must note the impact of the transfer on the SNAP case on the Case Record Transfer form. If the case is open to services, the transferring locality will immediately notify the service worker of the client's move and new address, and upon completion of the Case Record Transfer Form, will forward a copy to the service worker. Verification of changes which could not be made for the next payment, due to the advance notice requirements, will be included in the case record and will also be specifically noted on the Case Record Transfer Form under additional remarks. The receiving locality will take the necessary action to make the change(s) and send the Advance Notice of Proposed Action immediately.

Example: In June the worker discovers that an eligible child left the home on August 5 of the previous year. The child should have been reported no later than September 10. Overpayments must be calculated beginning with the October payment. The overpayment amount is the difference between the payment received each month and the correct payment for the actual number of eligible members living in the household.

- G. Overpayments Resulting from Incorrect Composition of the Assistance Unit – When it is discovered that an individual required to be in the assistance unit is living in the home, it must be determined if an overpayment occurred. This determination is to be made as follows:
1. Redetermine eligibility for each month beginning with the month following the month the individual entered the home or was required to be in the assistance unit, including the individual's needs, and actual income. Any resulting overpayments must be recouped/recovered.
  2. If during the period in which the individual was required to be in the unit he had no income or his needs exceeded his income, an under- payment has occurred only for the months in which all categorical requirements were met and the conditions of eligibility are retroactively deemed to be met per Section 401.2.B.2.c. (See Section 503.9).
- H. Determining the amount of the overpayment when support has been paid for a child in the TANF assistance unit.
1. The agency must determine the amount of support paid for children in the AU using the report, TANF Cases Current Collected Support Report.
  2. Current monthly support paid to DCSE not redirected to the recipient must be subtracted from the total TANF payment issued for the month:  
  
Example: A **\$332** TANF payment was made for the month of April.  
The amount subject to recoupment is **\$332** (Group II, AU = 2), minus total current support collected by DCSE in April (the month the overpayment occurred), which was \$150; therefore, the April overpayment is **\$182**.
- I. Determining Overpayments Resulting from Redirected Support Paid to the Client
1. An overpayment must be determined when a TANF recipient who was receiving support at the time of TANF application fails to redirect following TANF case approval.
  2. An overpayment will not exist when DCSE returns to the client support which the recipient has redirected to DCSE.
  3. An overpayment amount will be determined for new support not redirected to DCSE only when the support amount will cause the total income for the AU to exceed 130% of the Federal Poverty Level.

503.8 **NOTIFICATION, RECOUPMENT AND RECOVERY OF OVERPAYMENTS** - The local department must promptly recoup or recover any overpayments including overpayments resulting from assistance paid pending hearing decisions. Repayment by either a former or current recipient of the overpayment can occur through recoupment or recovery or both. The agency should discuss voluntary repayment with the client prior to initiating a recoupment.

- A. Notification to the assistance unit must be given before recoupment or recovery of an overpayment begins. After calculating the total amount of the overpayment, the local department of social services must send the Request for Repayment of TANF Payments and/or Payments for VIEW Services' form. The form is available in the Forms Drawer on the SPARK page. The first page of the form displays the period over which the overpayment occurred and the total amount of the overpayment. The second page allows the individual to select the method of repayment.

A copy of the form must be sent to the TANF recipient or payee or previous TANF recipient or payee and a signed copy filed in the case record. The signed form must remain in the case record until the overpayment has been satisfied. Note: If the recipient or payee fails to sign the form, the unsigned copy must be retained in the case record.

When the signed form is not returned, if 30 days have passed since the initial demand letter was sent on an active TANF case or on a case receiving a VIEW Transitional Payment (VTP), recoupment should begin the following month. When the TANF case closes prior to the month in which recoupment was scheduled to begin and the recipient or payee later reapplies for TANF assistance, she will be advised that recoupment will begin in the first month that the case is eligible for assistance.

- B. Recoupment consists of withholding all or part of the assistance payment. An overpayment made to a current recipient or payee must be recouped by reducing the amount of any future assistance payable to any assistance unit of which the individual is a member or payee.
1. When the recipient or payee has no cash reserve or countable income (payment equals the Standard of Assistance for the AU), 10% of the assistance payment may be recouped until the overpayment has been repaid. Under the Repayment Agreement Section on the Claim Information Screen, enter the amount that equals 10% in the "Amount Agreed To Pay" field or the percentage amount in the percentage field.  
  
Example: TANF Payment of **\$508**; Recoup 10% (**\$50.80**); amount of recoupment = (**\$50.80**); New payment amount is **\$457.20**.
  2. In situations where a recipient (but not a payee) has earned income, unearned income, or any combination thereof, in addition to the assistance payment, part or all of the assistance payment may be recouped as long as the assistance unit retains at least 90 percent of the standard of assistance when the total gross income and the amount of the current payment are considered.  
  
To calculate the client's ability to repay the overpayment, the worker will follow steps a - d below:
    - a. Determine the amount of the overpayment.

\*45 CFR 233.20(a)(13)(i)

\*§63.2 - 512

- b. Combine all gross income including any income that would be disregarded for TANF purposes (such as SSI) and the current payment to determine the amount of income available to the AU.
- c. Determine 90% of the standard of assistance for a family of equal size in the same locality. This represents the amount of money the client must have available.
- d. Subtract the amount in step c from the amount in step b. The difference represents the amount the client is able to repay on the overpayment.

Note: When the additional income or the TANF payment amount is either increased or reduced, the recoupment amount is to be recalculated.

Example 1:

Step a: Determine the amount of the overpayment.

Step b: Available income **\$676.00**

(\$344 gross wages + **\$332** payment amount)

Step c: Minimum amount AU retains (**\$332 X 90%**) - **\$298.80**

Step d: Maximum amount that can be paid = **\$377.20**

The EW will recoup the entire payment amount of **\$332**.

If the amount that can be paid is equal to or greater than the Standard of Assistance (payment amount), the amount to be recouped will be equal to the payment.

Example 2:

Step a: Determine the amount of the overpayment.

Step b: Available income **\$467.00**

(\$50.00 gross wages + **\$417** payment amount)

Step c: Minimum AU retains (**\$417 X 90%**) - **\$375.30**

Step d: Maximum amount that can be paid = **\$ 91.70**

The EW will recoup **\$91.70** from the payment.

If the amount that can be paid is less than the Standard of Assistance (payment amount), the amount to be recouped will be equal to the amount that can be paid.

The monthly assistance payment will be reduced according to B (1) and (2) above until such time as the overpayment has been repaid. If, however, income and/or cash reserves have been counted in establishing the client's ability to repay, recovery of the overpayment may also be accomplished through voluntary repayment. This option is to be offered to the client prior to initiating a recoupment.

If recoupment reduces the payment to zero, the case will be retained as TANF eligible with no money payment.

- C. Recovery consists of making arrangements with a former or current recipient or payee for voluntary repayment of all or a portion of the overpayment even though the client may no longer be eligible for assistance. If a former recipient or payee fails to make the voluntary repayment, the agency must initiate action under Section 63.2-512, Code of Virginia, to collect the amount as a debt.

Example 1: TANF case is suspended effective July 1 because the agency is unable to locate the client. The client contacted the agency on July 12 and reported a new address. The assistance unit has zero countable income.

Eligibility worker is reinstating the TANF payment on July 14<sup>th</sup>

APECS shows a total of \$189 has been sent to the client in July.

<b>TANF Payment</b> amount	<b>\$422</b>	Mailed support	\$189.00
		Disregard amount	<u>-100.00</u>
			\$ 89.00

**TANF Payment** amount      **\$422 - \$89 = \$333** TANF supplement for July

Another payment of \$102 is made to DCSE on July 23<sup>rd</sup> and deposited to the client's EPPICard account on July 27<sup>th</sup>. The support payment posted to the client's account will not be considered an overpayment.

Example 2: TANF case is suspended effective July 1, because the client failed to provide required verifications for a change reported on June 5<sup>th</sup>. The client provided the verifications to the agency on July 20. The assistance unit has zero countable income.

Eligibility worker is reinstating the TANF payment on July 21<sup>st</sup>.

APECS shows a total of \$250 has been sent to the client in July.

<b>TANF Payment</b> amount	<b>\$589</b>	Mailed support	\$250.00
		Disregard amount	<u>-100.00</u>
			\$150.00

**TANF Payment** amount      **\$589 - \$150 = \$439** TANF supplement for July

Another payment of \$50.00 is made to DCSE on July 25<sup>th</sup> and deposited to the client's EPPICard account on July 29<sup>th</sup>. The support payment posted to the client's account will not be considered an overpayment.

Example 3: The “TANF-Cases Current Collect Support” report in August shows a TANF case with a “Suspended” TANF Program Status because of a first VIEW sanction. The worker suspended the case on July 30<sup>th</sup> effective September 1<sup>st</sup>. The net support for July is \$586 with a monthly TANF payment of \$422. One asterisk displays in the column “DCSE Net Support Amount”.

No action is taken on the case for September.

A regular TANF payment will be issued for August. VaCMS will send a 'trigger' to DCSE at the end of August. DCSE will change this case to Non-TANF for the beginning of September.

All current support paid to DCSE from the non-custodial parent(s) in the month of September will be sent to the TANF recipient.

On August 16<sup>th</sup>, the client met VIEW program requirements. Since the client must serve a one-month sanction, she is not entitled to September benefits. The worker must wait until after the August cutoff date to reinstate the TANF benefit effective October 1<sup>st</sup>.

The worker does the following:

1. Runs eligibility and certifies and authorizes the October payment with an 'Approved' Eligibility Result.
2. A supplemental payment is not issued for the month of September. (The VIEW fixed sanction period of one month must be served.)

### 701.3 ASSISTANCE UNIT TANF-UP

- A. The standard filing unit is required to include two able-bodied natural or adoptive parents, with at least one child in common and all minor siblings of that child(ren) who meet the categorical requirements listed in Section [201.1.A](#).

A putative father cannot be included in the TANF-UP assistance unit unless paternity has been established.

If one or both parent(s) meet the exemption criteria at [901.2. C. or D.](#) or if one of the parents is a putative father for whom paternity has not been established, the case is a TANF case, not a TANF-UP case.

Note: If the only child in common is ineligible based on the family cap provision at [201.12](#), the family may be eligible for TANF-UP as long as there are other eligible children in the assistance unit.

- B. If, after receipt of TANF-UP benefits, one parent leaves the home and another parent enters the home who has a child in common with the custodial parent and who qualifies for TANF-UP, a new assistance unit is established.

### 701.4 FINANCIAL CRITERIA

- A. All countable earned and unearned income of the assistance unit will be considered in determining financial need.
- B. The case is to be closed if the income of the assistance unit causes ineligibility.

## 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, whichever is greater depending on the verified need of the applicant. At no time should the diversionary assistance payment amount 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 **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 24th. 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>Diversiónary Assistance Period</b>	x <u>4</u>	months
	<b>\$ 548.00</b>	
<b>Maximum Diversiónary Assistance Amount</b>	<b>\$1,500.00</b>	
Applicant Need	\$1,200.00	(medical bill)
<b>Diversiónary Assistance Payment Amount</b>	<b>\$1,200.00</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 28th 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>	\$ 417.00	(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 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 11th 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 9th.

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>Diversionary Assistance Period</b>	<u>X 4</u>	months
<b>Total Diversionary Assistance Amount</b>	<b>\$2,420.00</b>	
Applicant Need	\$ 1,225.00	(\$875.00 rent + \$350 utilities)
<b>Diversionary 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>	$\frac{\quad}{\times \quad} 4$	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>	$\frac{\quad}{\times \quad} 4$	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 15th.

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 = <b>\$589</b> ; <b>\$589-\$385.36 = \$203.64</b> )
<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.	

- H. A parent or caretaker/relative of a child under 12 months of age who personally provides the care for a child. Note: This exemption can apply to an individual that is caring for a child under 12 months of age, regardless of the relationship as long as the child resides in the home of the caretaker.

Effective July 1, 2011, Virginia implemented the federal 12-month lifetime limit exemption for caring for a child under 12 months in the AU, or caring for a child under 12 months in the household, but not in the AU. Beginning with that date, an individual is eligible for no more than 12 months of the “caring for a child under 12 months” exemption in a lifetime.

Example 1: In 2016, Ms. Able used eight months of the “caring for a child under 12 months” lifetime limit exemption, with her first child. On January 5, 2018, at reapplication, Ms. Able notifies the agency that she is now caring for her newborn who is a SSI recipient. Based on receipt of SSI, the newborn is not included in the assistance unit. However, Ms. Able is eligible for the remaining four months of the “caring for a child under 12 months” lifetime limit exemption.

Example 2: Ms. Lange receives TANF for herself and her two children. On January 5, 2019, Ms. Lange notifies the agency her neighbor’s six months-old child has moved into her home while the neighbor is incarcerated. Because there is no relationship, Ms. Lange is not eligible to receive TANF for the child. However, because she is caring for a child in the household under 12 months, she is eligible for the “caring for a child under 12 months” lifetime exemption.

In a double caretaker TANF assistance unit in which one parent is incapacitated, the eligibility worker must refer the other caretaker for participation unless he can provide a written doctor’s statement indicating that the incapacitated caretaker is unable to care for the child under twelve months.

Note: This exemption status will be used for a parent who has reached the 12-month lifetime limit for the use of the “caring for a child under 12 months” exemption.

In the VIEW Program, a parent whose needs are removed from the payment must participate unless otherwise exempt. Reasons why the parent’s needs have been removed from the payment include, but are not limited to: noncooperation with DCSE; disqualification for IPV violation; failure to provide a Social Security number; and failure to establish citizenship, eligible alien status, or legal presence. In addition, a parent whose needs are not included in the payment due to the stepparent deeming requirements, [305.4.F.](#), or due to the sponsored alien deeming requirements, [305.4.D.](#), must participate in VIEW, unless otherwise exempt.

A parent who does not meet TANF categorical requirements (parent is an SSI recipient or parent is an ineligible alien) is not required or eligible to participate in VIEW. For aliens who are in the country illegally, the EW must complete the Alien Details screen. For other individuals who are ineligible because they have not been in the country for five years from date of entry, including individuals who are lawful permanent residents, the EW must complete the Alien Details screen. Because these individuals are not part of the TANF AU, they will not be referred to VIEW.

Unless otherwise exempt, a parent who is a court convicted offender serving a sentence while still living in the home should be referred to VIEW if he is allowed by the court to leave home to work or attend education/training activities.

901.11 PERIOD OF INELIGIBILITY

A VIEW participant, and all other adults and children in the assistance unit at the time of TANF case closure due to receipt of twenty-four months of assistance, is ineligible for TANF (including Diversionary Assistance) for a period of twenty-four months. The period of ineligibility (POI) begins with the effective date of TANF case closure. Individuals subject to the twenty-four month VIEW period of ineligibility include:

1. A parent who is a VIEW participant;
2. A non-parent caretaker who is a VIEW participant. (Note: In no circumstance can the non-parent caretaker be removed from the assistance unit after the 60-day ANPA has been sent in order to create a child-only case for the purpose of avoiding imposition of the period of ineligibility);
3. Any other adult who is part of the VIEW participant's assistance unit, including a second caretaker or a person considered essential to well-being (EWB);
4. An individual whose needs are not included on the payment due to a penalty but who otherwise is a required member of the assistance unit;
5. All children in the assistance unit. (See 305.4A(36) for treatment of income of a child who is ineligible for assistance as the result of a VIEW POI);
6. All natural or adoptive children of the participant who move into the participant's home during the period of ineligibility, even if the child did not receive TANF with the participant during VIEW participation or received assistance only for part of the time. The same child will no longer be subject to the POI if he/she subsequently leaves the participant's home;
7. A baby who is born to the participant or to a minor caretaker who is part of the assistance unit during the period of ineligibility. (Note: See Exception (2) at 901.11A for child of a minor parent who applies in her own right after becoming 18); and,

The 24-month period of ineligibility status remains with any participating family member who moves out of the caretaker's home during the period of ineligibility unless the individual meets one of the exceptions outlined in 901.11B.

The eligibility worker must inform the individual who applies for TANF for such children when the period of ineligibility expires.

Example 1: Ms. Smith's TANF case was closed effective January 2018, due to expiration of the period of eligibility while she was participating in the VIEW Program. Her son, Joe, who was an assistance unit member while Ms. Smith participated in the VIEW Program, moved to his grandparent's home in June 2018.

In that same month, Joe's grandmother filed an application for TANF, for herself and Joe. The application for TANF is denied because Joe was an assistance unit member during Ms. Smith's VIEW participation in which the period of eligibility had expired. Joe will remain ineligible for receipt of

VIEW PAYMENT CALCULATION

Example 1: Earnings

Assistance unit of 2 in a Group II locality. Mom earns \$456 gross income each month.

Step (1) Screening at Federal Poverty Level

\$ 456.00  
\$1,410.00

Gross Monthly Earnings <  
Monthly Federal Poverty Level for 2

Step (2) Unearned Income

\$ **332.00**  
- 0.00  
\$ **332.00**

Standard of Assistance for 2  
Unearned Income  
TANF Deficit

Step (3) Earned Income Disregards

\$ 456.00  
- 167.00  
\$ 289.00  
- 57.80  
\$ 231.20

Gross Monthly Earnings  
Standard Deduction for 2  
x 20% =57.80

Net Earned Income

Step (4) Add Net Earned Income and TANF  
Deficit

\$ 231.20  
+332.00  
\$ **563.20**  
  
\$ **332.00**

Net Earned Income  
TANF Deficit  
< Monthly Federal Poverty Level for 2  
  
= VIEW Payment (TANF Payment)

## Example 2: Earned and Unearned Income

Assistance unit of 2 in a Group II locality. Mom earns \$305 gross monthly and the assistance unit also receives \$120 unearned income monthly.

Step (1)	Screening at Federal Poverty Level		
		\$ 305.00	Gross Monthly Earnings <
		\$1,410.00	Monthly Federal Poverty Level for 2
Step(2)	Unearned Income		
		\$ <b>332.00</b>	Standard of Assistance for 2
		<u>-120.00</u>	Unearned Income
		\$ <b>212.00</b>	TANF Deficit
Step (3)	Earned Income Disregards		
		\$ 305.00	Gross Monthly Earnings
		<u>-167.00</u>	Standard Deduction for 2
		\$ 138.00	x 20% = 27.60
		<u>-27.60</u>	
		\$ 110.40	Net Earned Income
Step (4)	Add Net Earned Income and TANF Deficit		
		\$ 110.40	Net Earned Income
		<u>+ 212.00</u>	TANF Deficit
		\$ <b>322.40</b>	< Monthly Federal Poverty Level 2
		\$ <b>212.00</b>	= VIEW Payment (TANF Payment)

## Example 3: Earnings Result in Ineligibility

Assistance unit of 4 in a Group III locality. Mom earns \$2,192 monthly gross income.

Step (1)	Screening at Federal Poverty Level		
		\$2,192.00	Gross Monthly Earnings
		\$2,146.00	Monthly Federal Poverty Level for 4

The assistance unit is ineligible.

## Example 4: Maximum Reimbursable

Assistance unit of 6 in a Group II locality. Mom earns \$457 gross monthly income.

## Step (1) Screening at Federal Poverty Level

\$ 457.00	Gross Monthly Earnings <
\$2,883.00	Monthly Federal Poverty Level for 6

## Step (2) Unearned Income

\$ <b>658.00</b>	Standard of Assistance for 6
- 0.00	Unearned Income
\$ <b>658.00</b>	TANF Deficit
\$ <b>625.00</b>	Maximum Reimbursable Amount

## Step (3) Earned Income Disregards

\$ 457.00	Gross Monthly Earnings
- 240.00	Standard Deduction for 6
\$ 217.00	x 20% = 43.40
- 43.60	
\$ 173.60	Net Earned Income

## Step (4) Add Net Earned Income and TANF Deficit

\$ 173.60	Net Earned Income <
+ <b>625.00</b>	Maximum Reimbursable TANF Deficit
\$ <b>798.60</b>	< Monthly Federal Poverty Level for 6
\$ <b>625.00</b>	= VIEW Payment (TANF Payment)

## Example 5: Earned Income Case with Immunization Penalty

Assistance unit of 2 in a Group III locality. Mom earns \$966 gross monthly income. One member of the assistance unit receives \$60 SSA monthly. There is a \$50 immunization penalty.

Step (1)	Screening at Federal Poverty Level		
		\$ 966.00	Gross Monthly Earnings <
		\$1,410.00	Monthly Federal Poverty Level for 2
Step (2)	Unearned Income		
		\$ <b>422.00</b>	Standard of Assistance for 2
		- 60.00	Unearned Income
		\$ <b>362.00</b>	TANF Deficit
Step (3)	Earned Income Disregards		
		\$ 966.00	Gross Monthly Earnings
		- 167.00	Standard Deduction for 2
		\$ 799.00	x 20% = 159.80
		- 159.80	
		\$ 639.20	Net Earned Income
Step (4)	Add Net Earned Income and TANF Deficit		
		\$ 639.20	Net Earned Income
		+ <b>362.00</b>	TANF Deficit
		<b>\$1,001.20</b>	< Monthly Federal Poverty Level for 2
		\$ <b>362.00</b>	= VIEW Payment (TANF Payment)
Step (5)	Apply Immunization Penalty		
		\$ <b>362.00</b>	VIEW Payment
		- 50.00	Immunization Penalty
		\$ <b>312.00</b>	Net VIEW Deficit
		\$ <b>312.00</b>	= VIEW Payment (TANF Payment)

## Example 6: TANF-UP Household

Assistance unit of 4 in a Group II locality. Dad earns \$1,505 gross income.

Step (1) Screening at 150% of the Federal Poverty Level \$3,219.00

\$1,505.00	Gross Monthly Earnings
\$3,219.00	< 150% of the Monthly Federal Poverty Level for 4

Step (2) Unearned Income

\$ 499.00	Standard of Assistance for 4
- 0.00	Unearned Income
\$ 499.00	TANF Deficit

Step (3) Earned Income Disregards

\$1,505.00	Gross Monthly Earnings
- 178.00	Standard Deduction for 4
\$1,327.00	X 20% = \$265.40
- 265.40	
\$1,061.60	Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

\$1,061.60	
+ 499.00	TANF Deficit
\$1,560.60	< 150% of the Monthly Federal Poverty Level for 4
\$ 499.00	= VIEW Payment (TANF Payment)

## Example 7: Earned Income Case with DCSE Non-cooperation

Assistance unit of 3, mom and two children, in a Group II locality. Mom earns \$1,100 gross income. She is not cooperating with DCSE. Her needs have been removed from the TANF payment and the assistance unit size has been reduced to 2.

Step (1) Screening at 100% of the Federal Poverty Level for an AU of 2 - \$1,409.00

\$1,100.00	Gross Monthly Earnings
\$1,410.00	< 100% of the Monthly Federal Poverty Level for 2

Step (2) Unearned Income

\$ 332.00	Standard of Assistance for 2
- 0.00	Unearned Income
\$ 332.00	TANF Deficit

Step (3) Earned Income Disregards

\$1,100.00	Gross Monthly Earnings
- 167.00	Standard Deduction for 2
\$ 933.00	X 20% = \$186.60
- 186.60	
\$746.40	Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

\$ 746.40	Net Earned Income
+ 332.00	TANF Deficit
\$1,078.40	< 100% of the Monthly Federal Poverty Level for 2
\$ 332.00	= VIEW Payment (TANF Payment)