



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

November 1, 2010

Temporary Assistance for Needy Families Manual

Transmittal # 45

The purpose of this transmittal is to provide new, clarified, and revised guidance and forms for the Temporary Assistance for Needy Families (TANF) Program and the Virginia Initiative for Employment not Welfare (VIEW) Program. Unless otherwise stated, the provisions included in this transmittal are effective for all TANF eligibility determinations and VIEW Program assessments and reassessments completed on or after November 1, 2010.

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

Significant changes to the manual are as follows:

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| Main Table of Contents, page 5 | Sections 401.3I and 401.3J have been removed as those sections have been incorporated into 401.3H. |
| Main Table of Contents, page 11 | Appendix H has been added at Chapter 1000. |
| Section 103.1 – 103.6, pages 1 - 3 | Guidance at 103.2C was expanded to clarify that all individuals who are or were part of a TANF household can have access to information about themselves contained in the TANF record. If the individual was part of the TANF case as a child, access to his/her information will be available only |

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when the individual reaches age 18.

Guidance was added specifying that the name of an individual making a complaint against a client, or identifying information about that individual, should not be released to the client.

Additionally, a statement was added advising the local agency to seek the guidance of the agency's legal counsel if there are questions about the propriety of releasing specific information, or if the agency has reason to be concerned that the safety of a client or former client might be threatened by the release.

Section 200, Table of Contents, page 2

Appendix II was added back to the Section 200 Table of Contents after having been deleted by mistake.

Section 201.1, page 3b

At 201.1G, "Prior to February, 2008" was replaced with "Prior to March, 2008" to designate the time period during which only VIEW months were counted toward the TANF 60-month clock. An additional statement has been added regarding the criteria for months that will count toward the 60-month clock beginning March, 2008.

Additionally, the sentence referencing the letter reminding the client of the 60-month lifetime limit for TANF has been reworded.

Section 201.5, pages 3, 3a, and 3b

Section 201.5B has been revised to require verification of living arrangements for pre-school as well as school-age children. Client statement cannot be used to meet the verification requirement. A list of acceptable verifications is provided.

The final paragraph of Section 201.5B has been revised to clarify the agency's responsibility to evaluate information provided by the applicant/recipient before making a decision to include or exclude a child from the assistance unit (AU) when the agency is unable to verify the child's presence in the home.

Significant changes have been made to the "living with" guidance at 201.5C.

Guidance has been added to distinguish arrangements that involve visits from those in which the child actually lives with both parents. These shared arrangements can involve informal arrangements between the parents or formal legal arrangements. In either case, the child will be considered to be "living with" the parent with whom he spends 51% or more time. The other parent will not be eligible for assistance on behalf of the child.

In situations in which custody is equally shared, and neither parent has the child 51% or more of the time, both parents meet the "living with" requirement and either can apply and be granted assistance for the child if otherwise eligible.

For cases that are currently open, this new guidance is to be applied at the next Interim Report or renewal – whichever comes first. If the new guidance results in the ineligibility of the AU or members of the AU, no overpayment will be established for the prior time period in which benefits were received under the old guidance.

verification requirements regarding citizenship.

The definition of qualified alien at 201.7A(2)(a) and the list of qualified aliens not subject to the five year limit on eligibility at 201.7A(2)(c) were expanded to include Afghan and Iraqi aliens granted special immigrant status.

Section 201.7C has been rewritten to clarify that, while the declaration of citizenship is required as a condition of eligibility, the declaration is simply a client statement and does not verify citizenship. Citizenship must be verified following procedures outlined at 201.7D and through the use of documents listed in Appendix II and III in Chapter 200. Additionally, the separate numbering for items 1 and 2 has been dropped and the reference to “resources” removed.

Section 201.7D has been rewritten. A requirement was added that verification of citizenship be made no later than the next renewal for a newborn added to the assistance unit based on a proof-of-birth letter. The age at which applicants have to verify citizenship or alien status or become subject to the legal presence requirement was changed from 19 to 18. The separate guidance concerning legal presence has been removed and the information incorporated into requirements for verifying citizenship for applicants age 18 and over. The guidance clarifies that an adult applicant whose citizenship cannot be verified at application can receive assistance for up to 90 days, or until it is determined that he is not legally present, whichever comes first.

Section 201.10, pages 3c and 4

The final statement at 201.E(2) regarding Systematic Alien Verification for Entitlements (SAVE) verifications not received prior to case action has been removed. It was added effective 4/1/10 in error. SAVE verification must be received prior to case approval or action to add a person. Guidance has been revised accordingly.

On page 1g, the address to submit documents as part of the secondary verification procedure has been updated.

At 201.10C(1), the instructions that were in item b have been removed as it is no longer necessary to make protective or vendor payments when the caretaker fails to cooperate with DCSE. TANF benefits may continue to be issued in the caretaker's name even after the caretaker has been removed from the TANF grant. Subsequent items on page 3c have been reordered and information has been moved from page 4 to page 3c.

At 201.10C(2)(a) and (2)(b), statements have been added explaining that a non-cooperation penalty will be removed when all of the children for whom the client did not cooperate have left the home. This statement had been added to 201.10C(1) previously.

Section 200, Appendix II, pages 5 - 9

Section A of Appendix II has been expanded, beginning on page 5, to include the documentation necessary for Iraqi and Afghan special immigrants to meet the qualified alien requirements. Subsequent pages have been renumbered.

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| Section 302.7 – 302.8, pages 2, 2a, 3, 3a, 4, 4a, and 4b | <p>The guidance included as part of 302.7B concerning treatment of individuals for whom categorical requirements and/or conditions of eligibility are not met was rewritten for clarity. Guidance concerning individuals who must be included in the assistance unit and individuals who must be excluded was reorganized into two sections.</p> <p>A section listing exceptions that require denial of an application was added.</p> <p>A note was added to 302.7 explaining how to determine which individuals should be in the AU when more than one related household lives at the same address.</p> <p>Minor rewording changes were made at C, D, E, and F.</p> <p>Statements were removed at 302.7D(4) and E(5) regarding how to handle payments when the parent or caretaker relative fails to cooperate with DCSE as they are no longer applicable.</p> |
| Section 305.1, page 2 | <p>Guidance has been updated at Section 302.1A, item 2b, to reference the Supplemental Nutrition Assistance Program (SNAP) and not the Food Stamp Program.</p> <p>At Section 305.1A(1)(d), the statement identifying lump sum payments as a type of income to be disregarded at the 185% screen was removed. Existing item 1e was renamed item 1d.</p> <p>The standard deduction for an AU containing 1 – 3 members was updated to reflect the 2010 amount. The new amount</p> |

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| Section 305.1, page 3 | <p>was effective October 1, 2010. None of the other amounts were changed for 2010.</p> <p>At Section 305.1A(2)(d), statement 3) identifying lump sum payments as income to be disregarded at the Standard of Assistance screening was removed. Existing statement 4) was renumbered as statement 3).</p> |
| Section 305.1, pages 10 - 11 | <p>At Section 305.1 F(3)(a) a statement regarding time standards for reporting and acting on changes which was duplicated at 305.1F(4a) was deleted. Item 305.1F(4) has been renumbered as 305.1F(3).</p> |
| Section 305.4, pages 24a - 24b | <p>Items 32 – 37 were moved from page 24b to page 24a.</p> <p>The one-time cash payment to a refugee known as a Reception and Placement (R&P) Program payment was added as item 44 to the list of income to be disregarded in determining the amount of TANF assistance at 305.4. R&P payments were distinguished from Matching Grant allowances which are counted as income for TANF.</p> |
| Section 305.4, pages 25 - 27 | <p>The guidance for lump sum payments at 305.4C has been revised. Lump sum payments will be counted as income in the month following receipt, or as soon as administratively possible after the lump sum is reported. The examples have been updated to reflect this change.</p> |
| Section 305.4, pages 34 – 36, 39, and 43 | <p>The treatment of lump sum payments at 305.4E(1)(b) and (1)(f) on pages 34 and 35, 305.4F(c) on page 39, and the final note at 305.4F on page 43 was revised to reflect lump sum guidance at 305.4C.</p> |

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| Section 305, Appendix 4, page 2 | On page 36, Section 305.4(1)(g) which described treatment of income when an individual was ineligible due to a lump sum payment was deleted. Section 305.4(1)(h) was changed to 305.4(1)(g). Guidance has been updated in the last paragraph to reference SNAP instead of the Food Stamp Program. |
| Section 400, Table of Contents, page 1 | Sections 401.3I and 401.3J have been removed as those sections have been incorporated into 401.3H. |
| Section 401.1, page 2 | Section 401.1D was revised to require that each of the four forms listed be reviewed and completed with the applicant prior to case approval. |
| Section 401.1, page 3 | A statement was added to Section 401.1F to clarify that applications must be denied if the applicant does not provide the agency with a signed Request for Assistance or Application for Benefits. |
| Section 401.2, page 2 | The “Exception” in the third paragraph of Section 401.2B(1) was revised to remove the reference to categorical eligibility. If a required member of a household, including a child, does not meet categorical eligibility, the household is ineligible. See 302.7 for additional information. |
| Section 401.2, pages 2a - 2b | Section 401.2B(2)(a)(1) was revised to clarify that the income of the “household,” not just the income of the TANF AU, must be reported when the income exceeds 130% of the federal poverty level (FPL) for the number of people in the TANF AU. “Household,” for the purpose of determining income changes that must be |

reported, is defined.

Additionally, clarification was added that changes that affect participation in the VIEW program include changes in the need for transportation, child care, and any other supportive service. This would not include income changes that do not place the monthly income of the household above 130% of the FPL.

Section 401.2B(2)(a)(2) was revised to specifically reference the ESW as a source of “other information”. The agency will follow existing guidance regarding whether the information reported was required to be reported in determining when action will be taken on information reported by the ESW.

Section 401.3 – 401.4, pages 6, 6a, 6b, 6c, 7, and 7a

Guidance has been added at 401.3G(8) that suspension of a payment is appropriate when the recipient has received a lump sum.

Guidance in Section 401.3 H, I, and J has been combined into 401.3H. A statement has been added to clarify that the household composition and financial circumstances at the time of application will be the basis of the TANF benefit amount for the first half of the renewal period unless the household reports a change prior to the date the Interim Report is produced.

On page 6b, clarification has been added that the agency is only required to provide a second copy of the Interim Report when the AU requests it. Also, the EW is not required to complete systems inquiries until the AU returns a completed Interim Report and required verifications.

On page 6c, a note has been added to remind eligibility staff that the system will not suspend a TANF case when a Full Employment Program (FEP) participant fails to return or complete the Interim Report form during the FEP placement. During a FEP placement, the TANF benefits are suspended while the FEP participant's employer receives a monthly stipend. If the case was suspended due to Interim Report, the employer would not be able to receive the stipend.

Guidance on pages 7 and 7a has been moved to accommodate changes on the previous pages.

Additionally on page 7a, a statement has been added at 401.4A that there is no requirement to send a copy of the "Appeals and Fair Hearings" pamphlet along with a Notice of Action. The pamphlet will be provided to the applicant /recipient upon her request for additional information regarding the appeal process.

Section 401.4 – 401.5, pages 10 - 10a

Guidance was revised at 401.4F(1) to clarify that the EW is not required to send a notice when a case closes due to the assistance unit's failure to return a completed Interim Report. This is only applicable when the agency mailed the assistance unit an Interim Report Form - Request for Action form (032-03-649) and Interim Report as specified at 401.3H(2)(b).

Guidance was revised at 401.4F(3) to clarify that an adequate notice must be sent when a VIEW Transitional Payment (VTP) recipient moves to a new locality and the new locality determines that the client is no

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| | <p>longer eligible to receive the VTP.</p> <p>Section 401.5b was revised to clarify that the income of the “household,” not just the income of the TANF AU, must be reported when the income exceeds 130% of the federal poverty level for the number of people in the TANF AU. “Household,” for the purpose of determining income changes that must be reported, is defined.</p> <p>Guidance on page 10a has been shifted to accommodate changes on page 10.</p> |
| Section 401.5, page 12 | <p>The reference at Section 401.5n to the “lump sum provision” was changed to require that the applicant be told about how and when lump sum payments are to be counted.</p> |
| Section 401.5 – 401.9, pages 14 - 14a | <p>The requirement that a copy of both the “Medicaid and FAMIS-Plus Handbook” and the “Child Support and You” booklet must be given to each applicant has been removed.</p> <p>Page 14a has been removed from the manual as the information now appears on page 14.</p> |
| Section 502.6, pages 6 - 7 | <p>Guidance has been added regarding the responsibility for completion of the Interim Report when a recipient moves during the Interim Report process.</p> <p>A statement was added to 502.6B clarifying that the requirement to transfer VIEW cases in a sanction includes cases that have been appealed and have been reopened so that benefits can be issued.</p> <p>Guidance on page 6 has been shifted to</p> |

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| Section 502.6, page 7a | <p>accommodate the addition of new guidance on page 6.</p> <p>A reference to the use of the Case Record Transfer form to advise the receiving agency of the appeal of a VIEW sanction, and, if appropriate, the continuation of benefits was added to 502.6E.</p> |
| Section 502.7, pages 7d and 8 - 10 | <p>At 502.7A, item 2 has been removed as it is no longer necessary to make protective or vendor payments when the caretaker fails to cooperate with the DCSE. Subsequent items have been renumbered.</p> <p>Statements regarding the need for periodic review for the protective or vendor payments (502.7D) and the termination of the protective or vendor payment (502.7E) have also been removed.</p> <p>Page 10 has been removed from the manual as the information now appears on page 9.</p> |
| Section 503.6 – 503.7, page 2 | <p>Section 503.7B was revised to drop references to lump sum payments and to remove references to overpayments which are calculated beginning with the month that the change occurred. All overpayments are now effective the month after the change occurred or as soon as administratively possible per guidance at 401.2B (2).</p> |
| Section 503.8 – 503.10, pages 3, 3a, 4, 4a, and 5 | <p>Guidance has been added at 503.8A to clarify that the unsigned copy of the Request for Repayment form that was mailed to the recipient/former recipient must be maintained in the case record if the recipient fails to sign the form.</p> <p>Clarification has been added that no</p> |

Section 801.5 – 801.8, pages 3 – 5

additional advance notice is required prior to beginning to recoup from the TANF grant when a former recipient who was previously provided with a Request for Repayment of TANF Benefits and/or Payments for VIEW Services form is approved for TANF again.

At 503.8B, the instructions were expanded and an example was added at 503.8 B(2) to increase clarity.

503.8D(1) has been expanded to clarify that, upon becoming an adult, a minor child does not become responsible for an overpayment that occurred while she was receiving TANF as a child.

Guidance on pages 4a and 5 was reorganized to accommodate the revisions to pages 3, 3a, and 4.

Diversionary Assistance (DA) guidance at 801.5 C was revised to clarify that the income loss or reduction that is a condition of DA eligibility must be the income of the applicant or other member of the household who would be part of the TANF AU or whose income would be considered available to the AU. The lost or reduced income cannot be the income of an individual who could not be part of the TANF AU, and cannot be income received in the form of a gift.

A statement regarding worker verification of income was moved from item C. and renumbered as item D. The remaining items were renumbered and the word “determines” was replaced by “must determine” in item E.

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| Section 901.2 – 901.3, pages 3 - 3a | <p>The requirement that DA payments must be approved by a supervisor was added to 801.8.</p> <p>A portion of the note dealing with non-parent caretakers who are required to participate in VIEW was included on both page 3 and page 3a. The duplicate wording was removed. A new sentence was added to the note to explain that the non-parent caretakers referenced are considered mandatory participants, not volunteers.</p> |
| Section 901.3, page 4 | <p>Statements have been added at M and N to advise the EW to take action to close the TANF case within three working days after receipt of notification from the VIEW worker that a recipient has requested closure of his TANF case prior to completion of the initial VIEW assessment or that a recipient has refused to sign the VIEW Agreement of Personal Responsibility.</p> |
| Section 901.3 – 901.4, pages 5 - 5a | <p>Statements have been added at 901.4A and 901.4D to advise VIEW staff to advise the EW within three working days after a recipient requests case closure prior to his initial VIEW assessment or refuses to sign the VIEW Agreement of Personal Responsibility.</p> <p>The reference to the Notice of Intentional Program Violation Penalties form was removed from 901.4B as the form will no longer be required as part of the initial assessment interview for VIEW.</p> |

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| Section 901.6 – 901.8, pages 7, 7a, and 8 | <p data-bbox="841 344 1403 558">A VIEW sanction is removed after the fixed period when the sanctioned individual becomes exempt. A statement has been added to 901.6(I) to explain that the sanction will be lifted effective the date the exemption is verified.</p> <p data-bbox="841 600 1390 774">The statement at 901.6(I) clarifying that an underpayment will not exist when an exemption change that should result in an increased benefit amount was reported or verified late was reworded.</p> <p data-bbox="841 821 1386 919">The “Exception” statement at 901.6(I) was revised by replacing “determines” with “verifies.”</p> <p data-bbox="841 966 1390 1398">Guidance regarding treatment of sanctions when a client reapplies after TANF case closure, or when a client joins another AU, has been separated into Sections J and K. Section 901.6J(2) has been rewritten for clarity and an example has been added. A statement has been added to 901.6K to emphasize that a sanction follows the VIEW participant, not the children or case. Duplicate material in sections J and K has been removed. The former section K has been relettered as Section L.</p> |
| Section 901.11 – 901.13, pages 9b, 10, 10a, and 11 | <p data-bbox="841 1436 1398 1801">Section 901.11 has been rewritten to clarify that all members of a VIEW participant’s assistance unit are subject to the 24-month POI. The section has been divided into two parts, A and B, and other numbering has been changed to correspond to the changed format. The separate reference to ineligibility for Diversionary Assistance has been eliminated and the reference incorporated into the opening paragraph.</p> <p data-bbox="841 1843 1382 1873">A note has been included at 901.11A(2) to</p> |

explain that when the VIEW participant is a non-parent caretaker, the non-parent caretaker cannot be removed after 24-months of TANF have been received to make the case “child only” and thereby avoid the imposition of the 24-month POI.

The detailed listing of individuals to whom the POI applies has been expanded and reorganized. Several wording changes have been made including the use of “penalty” rather than “sanction” at 901.11A (3).

The references have been revised at 901.11A(5).

A statement has been added to 901.11A(6) clarifying that a child who becomes subject to a POI as a result of moving into a parent’s home will not be subject to the POI if he leaves the home.

Pages 10, 10a and 11 have been reorganized based on changes to page 9b.

Guidance has been added at 901.12C to provide instructions for transferring a VIEW Unemployed Parent (UP) case. If one UP is employed when the case is transferred, the new agency will restart his clock with the month after transfer month. If the other UP is participating in VIEW and is not employed and is not subject to a sanction, her clock will stop until the new agency does an assessment and updates the APR. The clock will restart the month after the assessment.

Section 901.14, page 12

At 901.14A, a statement regarding the timeframe for the EW to take action to suspend the TANF payment and begin issuing the employer stipend during a Full

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| Section 900, Appendix 2, pages 1, 2, and 4 | Employment Program (FEP) placement has been added to remind staff to act on changes reported by VIEW staff within 3 business days. |
| Section 900, Appendix 3, page 1 | The examples were updated to reflect the 2010 standard deduction amount for a household size of 1-3. |
| Section 900, Appendix 3, page 1 | The title was revised to indicate that the figures listed are based on the 2010 Federal Poverty Level (FPL). It should be noted that the 2010 FPL did not change from the 2009 FPL. |
| Section 1000, Table of Contents, page iv | Appendix H entitled “Coding of VIEW Components in ESPAS” was added. |
| Section 1000, Definitions, page 3 | The reference in the Job Skills Training definition to the education programs that are included as Vocational Education and Training has been corrected to include baccalaureate level programs. |
| Section 1000, Definitions, page 6 | The definition of Vocational Education and Training has been corrected. Baccalaureate level education can be provided as Vocational Education and Training and has been removed from the list of excluded educational activities. The meaning of “advanced degree” has been clarified. |
| Section 1000.1, pages 8 - 9 | At 1000.1 A, the definition of Vocational Education and Training has been corrected by the addition of baccalaureate degree programs to the list of allowable educational programs. “Registered nursing” was added to the examples of educational credentials. The list of institutions offering educational programs was expanded to include 4-year colleges. |

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| Section 1000.4, page 17 | At 1000.1B, the reference to the education programs that are included as Vocational Education and Training contained in the description of Job Skills Training has been corrected to include baccalaureate level programs. |
| Section 1000.9, page 26 | The initial job search/job readiness assignment may be waived for a participant in her third trimester of pregnancy. The wording at 1000.4C regarding alternative assignments has been changed from “an education and training activity” to “another VIEW activity”. |
| Section 1000.10, pages 27 - 28 | 1000.9B has been expanded to further clarify when a new Agreement of Personal Responsibility (APR) should be signed. |
| Section 1000.13, pages 45 - 46 | The final sentence at 1000.10A(4) has been removed as it is no longer necessary to contact the Help Desk to reopen a closed VIEW case. Item 3 at 1000.10B has been moved to page 27 from page 28. |
| Section 1000.13, pages 51 - 53 | At 1000.13D(6)(a)(1), the timeframe for the Employment Services Worker (ESW) to notify the EW when a FEP placement has begun has been changed to 3 business days to match all other communication requirements between VIEW and TANF staff. Additionally, at 1000.13D(6)(a)(2), the timeframe to notify the EW when a supplement should be issued because the client did not receive wages for at least 20 hours per week for a month has also been changed to 3 business days. |
| | At Section 1000.13E(2), guidance has been expanded to address the situation in which |

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| Section 1000.14, page 59a | <p>a participant who has a negative history at CWEP/PSP should be encouraged to develop her own worksite.</p> <p>Guidance on pages 52 and 53 was reorganized to accommodate the revisions to page 51.</p> |
| Section 1000.14, page 60 | <p>At 1000.14A, the final paragraph on page 59a has been corrected to add baccalaureate level programs to the list of allowable Vocational Education and Training programs. Additionally, minor revisions have been made to increase clarity.</p> |
| Section 1000.19, page 70 | <p>A misspelling was corrected at 1000.14A(4).</p> |
| Section 1000.21, pages 79, 80, and 80a | <p>Guidance has been expanded to include consideration at reassessment of the client's ability to participate in both VIEW program assignments and employment.</p> <p>At 1000.21A, a statement advising the EW to enter a new APR date was removed. This statement was not needed as a new APR is not required when the TANF case has remained open during a VIEW sanction period.</p> <p>The option for a client to develop her own CWEP or PSP worksite (addressed at 1000.13E(2)) has been added to 1000.21A(2)(f) in the context of compliance following a sanction.</p> <p>At 1000.21C(2), the effective date of compliance for activities other than employment has been changed to the date the client completed the activity.</p> <p>Page 80a has been added to accommodate the revisions to pages 79 and 80.</p> |
| Section 1000.22, page 83a | <p>At 1000.22B(2), the list of reasons to close</p> |

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| Section 1000, Appendix A, pages 1 - 2 | <p>a VTP has been corrected. Item b8 now states “the VTP recipient moves to another locality that is not in Virginia”.</p> <p>Appendix A has been updated to reference the revised form numbers for the Activity & Service Plan and the VIEW Agreement of Personal Responsibility. The Notice of Intentional Program Violations and Penalties has been removed.</p> |
| Section 1000, Appendix A, pages 6 - 8 | <p>A statement has been added to the VIEW Agreement of Personal Responsibility (APR) that the participant should report changes to the TANF worker as instructed on the Change Report form. The penalties for withholding information or providing false information have been added as well.</p> <p>Additionally, the instructions for the APR have been revised to require that the ESW provide a copy of the Change Report form to the participant if he/she has not already received a copy from the EW.</p> |
| Section 1000, Appendix A, pages 13 - 15 | <p>A statement was added to the Activity & Service Plan to advise all participants to report changes in employment (such as new employment) to the ESW.</p> |
| Section 1000, Appendix A, pages 60 - 61 | <p>The Notice of Intentional Program Violations and Penalties form has been removed as the ESW is no longer required to complete the form with the VIEW participant. Statements about the reporting requirements for TANF and the penalties for providing false information and/or withholding information have been added to the VIEW Agreement of Personal Responsibility.</p> |
| Section 1000, Appendix E, pages 1 - 9 | <p>The brochures entitled “Have You Heard About Benefits For Working Families?” and “Leaving Welfare For Work Isn’t As Scary As It Seems” have been revised to reflect current amounts and all references to the Food Stamps have been changed to SNAP.</p> |

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| Section 1000, Appendix H, pages 1 - 16 | Appendix H entitled "Coding of VIEW Components in ESPAS" has been added to clarify how VIEW assignments should be entered in the Employment Services Program Automated System (ESPAS) to receive proper credit toward the TANF Work Participation Rate (TWPR). |
| Index, page 2 | The page number for "Processing Time Standard" was corrected. |
| Index, page 3 | A new item, Coding of VIEW Components in ESPAS, has been added. |
| Index, page 8 | The Section/Page reference has been updated for Interim Reporting. |
| Forms | The Notice of Intentional Program Violations and Penalties form has been revised to remove the reference to VIEW, to reflect that the amounts contained in the Gross Income Limits chart are good through 9/30/2011, and to remove the reference to the VIEW initial assessment in the instructions. |

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



 Martin D. Brown
 Commissioner

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103.1 - PURPOSE OF SAFEGUARDING OF INFORMATION AND SCOPE OF REGULATIONS - Mutual trust and confidence between client and worker are basic to an effective program of assistance and services. The client has a responsibility to provide the information which the agency needs to determine eligibility for assistance or to provide services. At the same time, the client has a right to expect that information given to the agency will be kept confidential and made use of only as needed in the administration of the public welfare program.

103.2- CONFIDENTIALITY

Federal law requires that client information be kept confidential. The local department may not release information about the client without the client's written consent except for purposes directly connected with the administration of public assistance programs, or by court order, except as outlined at 103.3, 103.4, 103.5, and 103.6.

A. Legal Basis for Confidentiality

1. Federal Privacy Act

Information from all federal agencies must be kept confidential. Local departments may not release information to any outside source, except as required for purposes of program administration.

2. Virginia Statutes and Regulations

The legal basis for this guidance includes state laws relating to privacy protection (Code of Virginia § 2.2-3803), data collection and dissemination (Code of Virginia § 2.2-3800), access to public assistance records (Code of Virginia § 63.2-102), access to health records (Code of Virginia 32.1-127.1:03), and regulations promulgated by the State Board of Social Services.

B. Release of Information

1. Release of Information Not Requiring Additional Written Permission

Based on the client's signature on the Request for Assistance or the Application for Benefits, information related to the TANF case, including information related to VIEW, may be given out or obtained in order to carry out the administration of the program without additional written permission from the client.

2. Release of Information Requiring Additional Written Permission

Except as provided for in 103.2B(1) above, the client must give additional written permission before case information is released to or obtained from an outside agency other than an agency of federal, state, or local government. The Confidentiality Form (032-01-0040) or the Consent to Exchange Information form (032-01-0005), also known as the Authorization to Use and Exchange Information form, should be used to secure written permission.

C. Client Access to Records

Clients, or their representative, may read information about themselves contained in their own case records except for medical or mental health reports when the physician who wrote the report recommends against it. **Other individuals who are or were part of the assistance unit can also read information about themselves contained in the TANF case record under**

the same terms and conditions. In the case of an individual who was on the TANF case as a dependent child, access to the record will be available only after the individual reaches age 18.

The agency shall not release the name or other identifying information about an individual who has made a complaint alleging child abuse/neglect, fraud, participation in illegal activities, or other questionable behaviors on the part of the client.

The local agency is advised to seek guidance from the agency's legal counsel if there are questions about the propriety of releasing specific information, or if the agency has reason to be concerned that the safety of a client or former client might be threatened by the release of such information.

D. Penalty for the Unauthorized Release of Confidential Information

The disclosure, directly or indirectly, of confidential information contained in a case record by any officer, agency or employee of the local department shall be considered a Class 1 misdemeanor.

E. Ownership of Records

All client information contained in the local department's records is the property of the local department. Employees of the local department shall protect and preserve such information from dissemination except as necessary for the administration of the case.

Original client records may be removed from the premises only by auditors, individuals monitoring case records, other authorized staff of the state or the local department, or by court order.

The local department may destroy records pursuant to record retention schedules referenced at 100.4.

F. Correcting Inaccurate information

Local departments must provide means for inaccurate information to be corrected.

103.3 - DISCLOSURE OF INFORMATION FROM THE INCOME ELIGIBILITY VERIFICATION SYSTEM (IEVS)

Retention requirements and requirements regarding disclosure of information regarding all match reports received through the Income Eligibility Verification System (IEVS), including Internal Revenue Service (IRS) data, can be found in the IEVS User Guide, at http://spark.dss.virginia.gov/divisions/bp/files/tanf/tanf_view_tools/ievs/ievsmanual.pdf

103.4 - EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES -

- A. The agency must provide the address of a current or former recipient when requested to do so by a Federal, State, or local law enforcement officer who furnishes the name of the recipient *:

* Public Law 104-193, Section 408

1. who is fleeing to avoid prosecution, or custody, or confinement for a felony, or who is in violation of a condition of Federal, State or local probation or parole; or
 2. who has information that is necessary for the officer in the conduct of official duties; and
 3. when locating or apprehending the recipient is within the officer's official duties.
- B. The record must be documented carefully regarding the release of the address. Documentation must include:
1. the name, badge number and law enforcement affiliation of the officer; and
 2. a written request for the address. The form "Request for the Address of a TANF Recipient" (032-03-560) located in the forms drawer may be used for this purpose.

103.5 - RELEASE OF INFORMATION REGARDING PAST RECEIPT OF BENEFITS BY ALIENS* - Section 212(a)(4) of the Immigration and Nationality Act allows the denial of entry into the U.S. of any alien determined likely to become a public charge. If the U.S. Citizenship and Immigration Services (USCIS), the Department of State, or an immigration judge requests information regarding past receipt of AFDC or TANF benefits for the purpose of evaluating public charge risk, the local agency must deny the request unless the agency has the written consent of the alien.

103.6 - RELEASE OF INFORMATION TO THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) REGARDING ILLEGAL ALIENS* - If a representative of the USCIS requests information regarding an individual who the local agency knows is unlawfully in the U.S., the local agency must furnish the USCIS with identifying information. This information is limited to the name, address, and Social Security Number of the individual. This information will be reported to USCIS by a local department of social services only upon request by a USCIS representative.

For the local agency to know an individual is unlawfully in the U.S., the individual must have presented as part of the application or renewal process a Final Order of Deportation issued by USCIS or the Executive Office of Immigration Review. For purposes of informing USCIS of an illegal alien, only a Final Order of Deportation is sufficient proof of illegal status.

* Public Law 104-193, Section 404

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- 3) a minor caretaker who is included in the senior parent's assistance unit as a participating child (coded as a "PC" on AECOMP)
- 4) a non-parent caretaker who has been removed from the TANF grant due to VIEW non-compliance.

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

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

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

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

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

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

The primary source for verification of living arrangements for children who attend school, including nursery schools, pre-schools, or child care centers, is the school record which shows address and relative's name. Hospital or physician's record, court or public agency record, military record, contact with public housing, or landlord **can be used to verify living arrangements for pre-school age children** who are not in nursery school, pre-school, child care, etc. **These records may also be used as secondary sources of verification** for children attending school. The case record must be documented to reflect the verification obtained. **Client statement cannot be used to meet the verification requirement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. **Local Agency Custody:** A child living with his parent(s) may be eligible for TANF even though custody is held by the social services department, if all other eligibility factors for TANF are met. When living with a relative other than a parent, a child will be eligible for TANF if he/she is not eligible for Title IV-E and all other factors for TANF eligibility are met. Refer to Title IV-E Eligibility Manual, Section 202.4. If eligible for Title IV-E, the child is not eligible for TANF.

It should be noted that for TANF eligibility purposes a child can only have one home, as defined above in this section. Therefore, if the caretaker/ relative qualifies for TANF because of the presence in the home of a child who receives a foster care maintenance payment, the child cannot also be considered to be "temporarily absent" from his or her prior home with a parent or other caretaker/relative, thereby also qualifying such relative for a TANF payment.

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

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

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

* 45 CFR 233.90(b)

** Section 63.2-607, Code of Virginia

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

A. Citizenship/Alienage Status

1. Citizenship - An individual is a U.S. citizen if he is:
 - a. born in the United States, regardless of the citizenship of his parents (Note: This does not apply to children of foreign heads of state or children of foreign diplomats. These children do not automatically obtain citizenship even when born in the United States or in U.S. jurisdictions.); or
 - b. born outside the United States of U.S. citizen parents (the mother if born out of wedlock); or
 - c. born outside the United States of alien parents and has been naturalized as a U.S. citizen. A child born outside the United States of alien parents automatically becomes a citizen after birth if his parents (the mother if born out of wedlock) are naturalized before he becomes 16 years of age.
2. Alienage - An alien must be a qualified alien as defined below or meet the exception in d.3) below. If the alien does not meet the definition of a qualified alien or the exception, he does not meet the alienage requirement. If he meets the definition of a qualified alien, he must then be evaluated in accordance with b., c., and d.1) and d.2) below, depending on the date he entered the U.S.
 - a. "Qualified alien" is defined as:
 - 1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), without regard to the number of the alien's SSA qualifying quarters;
 - 2) an alien granted asylum under Section 208 of the INA;
 - 3) a refugee admitted to the U.S. under Section 207 of the INA, **or an Afghan or Iraqi alien granted special immigrant status,***** or an alien who is admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as

* 45 CFR 233.50

** 63.2-503.1

*** Public Law 111-118, Section 8120

amended),* or an alien who is a victim of human trafficking.

- 4) an alien paroled into the U.S. under Section 212(d)(5) of the INA for a period of at least one year;
- 5) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect prior to April 1, 1997) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208);**
- 6) an alien granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- 7) an alien, and/or alien parent of battered children and/or an alien child of a battered parent who is battered or subjected to extreme cruelty while in the U.S.; or
- 8) an alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.***

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

- b. If the qualified alien entered the U.S. prior to August 22, 1996, he is an eligible alien for TANF purposes.
- c. If the qualified alien entered the U.S. on or after August 22, 1996, he is ineligible for assistance for five years from the date of entry, unless he is:
 - 1) an alien granted asylum under section 208 of the INA;
 - 2) an alien admitted to the U.S. as a refugee under section 207 of the INA, **or an Afghan or Iraqi alien granted special immigrant status**, or an alien admitted as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as contained in section 101(e) of Public Law 100-202 and amended by the 9th proviso under MIGRATION AND REFUGEE ASSISTANCE in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, Public Law 100-461, as amended);*
 - 3) an alien whose deportation is being withheld under Section 243(h) of the INA (as in effect immediately before the effective date of section 307 of division C of Public Law 104-208) or section 241(b)(3) of the INA (as amended by section 305(a) of division C of Public Law 104-208); or

* Public Law 105-33

** Public Law 104-208

*** 1997 Acts of Assembly

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

d. Exception for Veterans and Persons on Active Duty and Their Relatives - An alien lawfully residing in the state (not here illegally) meets the alienage requirement regardless of the date of entry into the U.S., provided he is:

- 1) a qualified alien and is a veteran discharged honorably and not on account of alienage and who has served a minimum of 24 months or the period for which the person was called to active duty. "Veteran" also includes persons who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war;**
- 2) a qualified alien and is on active duty (other than active duty for training) in the Armed Forces of the United States; or
- 3) the spouse or unmarried dependent child of an individual (not deceased) described in 1) or 2) above, or the surviving spouse of an individual (deceased) described in 1) or 2) above, provided the surviving spouse has not remarried and was married to the deceased veteran:
 - (a) before the end of a 15-year period following the end of the period of military service in which the injury or disease causing the death of the veteran was incurred or aggravated; or
 - (b) for one year or more; or
 - (c) any period of time if a child was born of the marriage or was born to them before the marriage.**

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

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

If an alien presents expired documents as evidence of his immigration status, or has no documentation, refer the alien to the local USCIS office to obtain documentation of status. In unusual cases involving aliens who have physical or mental disabilities that limit their ability to obtain or provide the required evidence, the worker should

* Public Law 96-442

** Public Law 105-33

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

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

B. Sponsored Aliens

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

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

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

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

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

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

C. Declaration of Citizenship or Alien Status

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

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

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

The declaration requirement is met when the applicant/recipient age 18 or older completes and signs the "Application for Benefits (032-03-0824) or "Eligibility Review - Part A" (032-03-0729A) form, as applicable, or signs the "ADAPT Statement of Facts." In the absence of an adult in the assistance unit, the applicant will sign for all unit members.

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

D. Verification of Citizenship or Alien Status; Legal Presence

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

Applicants age 18 or older - Citizenship or Alien Status; Legal Presence: **The citizenship or alien status of an applicant age 18 or over must be verified by the documents specified in Chapter 200, Appendix II or Appendix III. When citizenship or alien status is verified, the legal presence requirement is also met.**

If the applicant is not able to prove citizenship or alien status at the time of application, a provision in the legal presence requirement allows the applicant to receive assistance while seeking to verify his status. Under this circumstance, assistance is limited to a maximum of 90 days, or until it is determined that the applicant is not legally present, whichever comes first.*

E. Systematic Alien Verification for Entitlements (SAVE) Program

1. The Immigration Reform and Control Act of 1986 (IRCA), requires the verification of the immigration status of aliens applying for certain types of benefits, including TANF. Local agencies should not use the SAVE system to confirm the status of human trafficking victims since their status is verified by the federal Office of Refugee Resettlement.

* Code of Virginia, 63.2-503.1

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

Verification is obtained through two processes:

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

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

3. Primary Verification

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

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

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

* Public Law 99-603, Section 121

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

4. Secondary Verification

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

- a. Primary verification generates the message "Institute Secondary Verification" or "No File Found;"
- b. Discrepancies are revealed when comparing primary verification to the original immigration document or the primary verification does not clearly indicate whether the individual is a qualified alien;
- c. Immigration documents have no Alien Registration Number (A-Number) or documents presented are not identified in 201.7;
- d. Immigration documents contain an A-Number in the A60 000 000 or A80 000 000 series;
- e. The document presented is a USCIS fee receipt;
- f. The document presented is a foreign passport and/or I-94 that is endorsed "Processed for I-551, Temporary Evidence of Lawful Permanent Residence," and the passport and/or I-94 is over one year old.
- g. Any of the items presented as documentation appears to be counterfeit or altered.
- h. The document presented is a USCIS receipt indicating the alien has applied for a replacement document for one of the qualified alien statuses.
- i. Additional information is needed regarding sponsorship status, including whether the affidavit of support executed is a "213A" affidavit and the name and address of the sponsor(s).
- j. Documentation is needed to substantiate status as a victim of abuse.
- k. Documentation is needed to verify U.S. citizenship.
- l. The documents presented are expired and the alien has a physical or mental disability that precludes obtaining new documents from the local USCIS office.

5. Secondary Verification Procedures

- a. Once the requirement to obtain secondary verification is determined, the agency must initiate the request within 10 work days. Complete the top portion (Section A) of the USCIS Form G-845S, Document Verification Request. A separate form must be completed for each alien. A copy of the G-845S form is included in [Appendix V](#) to Section 201.
- b. Staple readable copies (front and back) of original immigration documents to the upper left corner of Form G-845S. Copies of other documents used to make the initial alien status determination must also be submitted. Other documentation could include marriage records or court documents that indicate the identity or immigration status of the holder.
- c. Retain a copy of the completed G-845S in the case record. Mail the completed form to the USCIS office listed below:

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

Attn: Immigration Status Verification Unit

Do not send bulk mailings.

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

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

* Code of Virginia, Section 63.2-602

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

Exception: For a child added to the grant 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 grant. In October, Ms. Zorda has received six months of assistance, and the agency must determine whether the case must be closed in accordance with C.2 above.

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

Example 4 - Ms. Bonnewit has been receiving TANF for several years. A child (not subject to the family cap), who had been residing elsewhere, comes to live with his mother, Ms. Bonnewit. His paternity has not been established. In determining the child's eligibility, Ms. Bonnewit refuses to name the father. At the same time the child is added to the grant, 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.

| Battered Aliens | Documentation |
|---|--|
| <ul style="list-style-type: none"> • The alien’s child was battered or subjected to extreme cruelty while in the U.S. by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent’s family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery or cruelty and the alien did not actively participate in the battery or cruelty, or • The alien child resides in the same household as a parent who has been battered or subjected to extreme cruelty while in the U.S. by that parent’s spouse, or by a member of the spouse’s family residing in the same household as the parent and the spouse consented or acquiesced to the battery or cruelty. | |
| Iraqi Special Immigrants | Documentation |
| <ul style="list-style-type: none"> • Principal Iraqi applicant | <ul style="list-style-type: none"> • Iraqi passport with immigrant visa stamp noting IV (Immigrant Visa) Category SQ1 or DHS stamp or notation of passport of I-94 showing date of entry. |
| <ul style="list-style-type: none"> • Spouse of Principal Iraqi applicant | <ul style="list-style-type: none"> • Iraqi passport with immigrant visa stamp noting IV Category SQ2 or DHS stamp or notation of passport of I-94 showing date of entry. |
| <ul style="list-style-type: none"> • Unmarried child under 21 of Iraqi applicant | <ul style="list-style-type: none"> • Iraqi passport with immigrant visa stamp noting IV Category SQ3 or DHS stamp or notation of passport of I-94 showing date of entry. |
| <ul style="list-style-type: none"> • Principal Iraqi Applicant Adjusting Status in U.S. | <ul style="list-style-type: none"> • DHS Form I-551 (“green card”) showing Iraqi nationality (or Iraqi passport), with IV code of SQ6. |

| Iraqi Special Immigrants | Documentation |
|--|--|
| <ul style="list-style-type: none"> Spouse of Principal Iraqi Applicant Adjusting Status in U.S. | <ul style="list-style-type: none"> DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with IV code of SQ7. |
| <ul style="list-style-type: none"> Unmarried Child Under Age 21 of Principal Iraqi Applicant Adjusting Status in U.S. | <ul style="list-style-type: none"> DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with IV code of SQ9. |
| Afghan Special Immigrants | Documentation |
| <ul style="list-style-type: none"> Principal Afghan applicant | <ul style="list-style-type: none"> Afghan passport with immigrant visa stamp noting IV (Immigrant Visa) Category SQ1 or SI1. |
| <ul style="list-style-type: none"> Spouse of Principal Afghan applicant | <ul style="list-style-type: none"> Afghan passport with immigrant visa stamp noting IV Category SQ2 or SI2. |
| <ul style="list-style-type: none"> Unmarried child under 21 of Afghan applicant | <ul style="list-style-type: none"> Afghan passport with immigrant visa stamp noting IV Category SQ3 or DHS stamp SI3. |
| <ul style="list-style-type: none"> Principal Afghan Applicant Adjusting Status in U.S. | <ul style="list-style-type: none"> DHS Form I-551 ("green card") showing Afghan nationality (or Afghan passport), with IV code of SQ6 or SI6. |
| <ul style="list-style-type: none"> Spouse of Principal Afghan Applicant Adjusting Status in U.S. | <ul style="list-style-type: none"> DHS Form I-551 ("green card") showing Afghan nationality (or Afghan passport), with IV code of SQ7 or SI7. |
| <ul style="list-style-type: none"> Unmarried Child under 21 of Principal Afghan Applicant Adjusting Status in U.S. | <ul style="list-style-type: none"> DHS Form I-551 ("green card") showing Afghan nationality (or Afghan passport), with IV code of SQ9 or SI9. |

SECTION B: EXCEPTIONS FOR ALIENS WHO ARE VETERANS OR ACTIVE DUTY SERVICE MEMBERS AND THEIR FAMILIES WITHOUT REGARD TO DATE OF ENTRY

| Aliens Who Are Veterans | Documentation |
|---|--|
| <p>A qualified alien who is a veteran living legally in the state who served a minimum of 24 months, or other required period of active duty and who was honorably discharged (not for reasons of alienage), without regard to date of entry. This category includes veterans of the Philippine Commonwealth Army during WWII, veterans of the Philippine Scouts after the war.</p> | <ul style="list-style-type: none"> • Document lawful alien status. (The status must be other than illegal). • Verify qualified alien status (Section A) • Verify military status using documents from the individual, or through military records (Form DD 214). • Document active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard • There is no minimum duty requirement if the original enlistment is prior to 9/7/80. If enlistment is on or after 9/7/80, two or more years of continuous active duty are necessary to meet the minimum duty requirement. (Form DD 214) • Document "Honorable Discharge." (A discharge "Under Honorable Circumstances" does not meet this requirement). • Refer aliens to VA office to determine status when: <ul style="list-style-type: none"> o The individual has no papers showing service or discharge o Service is in any other branch, or duty is other than "active" (e.g., "Active Duty for Training) o When DD 214 shows active duty service of less than two years and original enlistment on or after 9/7/80, or o When DD 214 is not available |

| Aliens Who Are On Active Duty | Documentation |
|--|--|
| <p>A qualified alien who is on active duty (except for training) in the U.S. Armed Forces - Army, Navy, Air Force, Marine Corps, or Coast Guard - without regard to date of entry.</p> | <ul style="list-style-type: none">• Verify qualified alien status (Section A)• Verify military status using documents from the individual, or through military records (Form DD 2 - Active)<ul style="list-style-type: none">○ DD 2 must show an expiration date of more than one year from the date of determination○ If the DD 2 is due to expire within one year from the date of determination, verify active duty through a copy of the current military orders |

| <p align="center">Relatives of Alien Veterans or Active Duty Service Members</p> | <p align="center">Documentation</p> |
|--|--|
| <p>The spouse, or unmarried dependent child of a qualified alien veteran or qualified alien service member as described above. The spouse, or unmarried dependent child does not have to be a qualified alien.</p> | <ul style="list-style-type: none"> • Verify qualified alien status of veteran(Section A) • Verify military status as outlined above using documents from the individual, or through military records. (Form DD 214 or DD 2). • Verify relationship of the spouse or unmarried dependent to the veteran or active duty service member. • In the case of an unmarried dependent child, document the dependent status by the child’s military ID card, and that the child is under age 18, or is under 22 if a full-time student. |
| <p>The unremarried surviving spouse of a qualified alien veteran or qualified alien service member as described above who was:</p> <ul style="list-style-type: none"> • married to the veteran or active duty alien within 15 years after the end of the period of service in which the injury or disease causing death was incurred or aggravated, and was • married to the veteran or active duty alien for one year or more, or | <ul style="list-style-type: none"> • Verify qualified alien status of veteran(Section A) • Verify military status as outlined above using documents from the individual, or through military records. (Form DD 214 or DD 2). • Verify relationship of the unremarried surviving spouse to the veteran or active duty service member. |
| <ul style="list-style-type: none"> • The unremarried surviving spouse of a qualified alien veteran or qualified alien service member as described above who was the parent of a child born of the relationship with the veteran or active duty service member either before or during the marriage. | <ul style="list-style-type: none"> • Verify qualified alien status of veteran(Section A) • Verify military status as outlined above using documents from the individual, or through military records. (Form DD 214 or DD 2). • Verify relationship of the unremarried surviving spouse to the veteran or active duty service member. • Verify the relationship of the unremarried surviving spouse and the veteran or active duty service member to the child born of the relationship. |

302.7 Composition of the TANF Assistance Unit - The TANF assistance unit is required to include, when living together, the parent(s) and minor sibling(s) of a dependent child for whom assistance is requested. Therefore, each sibling living in the home of a dependent child must be evaluated to determine if he/she meets the categorical requirements listed in Section 201.1.A. This includes any sibling living in the home with both natural or adoptive parents who are also living in the home.

Individuals who must be included in the assistance unit: The TANF assistance unit will include the following individuals:

- A. The natural or adoptive parent(s) who is living in the same home as the child for whom assistance is requested, unless otherwise indicated by policy in 302.7.D.*
- B. All blood related or adoptive siblings, including those emancipated by court order or marriage, who meet the categorical requirements of an eligible child, living in the same home as the child for whom assistance is requested.** Note: The spouse of the child emancipated by marriage cannot be living in the home for eligibility to exist.

When the entire case is ineligible: If the agency is unable to determine categorical eligibility or payment amount due to the inability or refusal of the parent or caretaker to provide information about an individual required to be a member of the assistance unit, the entire AU must be found ineligible.

When the case is eligible but an individual must be excluded: In general, a case may be approved even though a condition of eligibility has not been met by a required member of the assistance unit. Sections 302.7C - 307.7F list individuals whose needs are not included on the grant, including individuals excluded for failure to meet a condition of eligibility. Those individuals will be assumed to be required members of the assistance unit and the following will apply:

- 1. In determining need for the assistance unit, the individual will be excluded.
- 2. In determining the amount of payment for the assistance unit, the income of the individual will be included.

The individual will continue to be excluded and the income will continue to be considered available to the assistance unit until both categorical eligibility and the conditions of eligibility are met. When both requirements are met, the needs of the individual will be included in the assistance unit. (Refer to Section 401.2.B.2.c.)

Exceptions: The entire household is ineligible for assistance, and the application must be denied, when an individual fails to sign the VIEW Agreement of Personal Responsibility (APR) when required to do so as a

* 45 CFR 206.10(a)(1)(vii)(A)

** 45 CFR 206.10(a)(1)(vii)(B)

condition of eligibility at reapplication. (See 901.5C). Also, when a case has been closed for non-cooperation with DCSE, a new application must be denied unless good cause for the non-cooperation can be determined, the applicant has cooperated, or the needed information has been received from another source. (See 201.10I)

The caretaker/relative other than the parent may request exclusion from the assistance unit at any other time except when that person has received a lump sum. The caretaker/relative may request exclusion prior to actual receipt of the lump sum. See 305.4 C regarding treatment of a lump sum received by the caretaker/relative.

No person's needs will be included in more than one assistance unit, but a person receiving assistance under another program may be payee for person(s) receiving TANF. A person receiving TANF in one assistance unit as a caretaker may also be the payee for persons receiving TANF in another assistance unit. (See Section 401.1 for the requirements of a request for assistance.)

A recipient of SSI is not eligible for inclusion in the assistance unit. An SSI recipient is an individual who is entitled to SSI benefits regardless of whether the benefit is currently being received.

Note: In some situations, it may be difficult to determine if family members live together or live separately but in the same dwelling. For example, a mother and her two children may live in the downstairs portion of a home while her ex-husband, his wife and child live upstairs. In determining whether the mother and her two children constitute a separate assistance unit, a determination must first be made that two separate mailing addresses, for example apartments A and B, or 1st and 2nd floors, exist. If separate mailing addresses exist, and other eligibility criteria are met, the mother and her child can be considered a separate TANF AU. If separate mailing addresses do not exist, the agency can consider the family a separate AU only if the mother can verify that the portion of the house in which she lives has an entrance separate from that of the other residents, and, at a minimum, separate bedroom, bathroom, and kitchen facilities.

Individuals who must be excluded from the TANF assistance unit.

- C. **Children who are not to be included in the assistance unit.**
1. A child who is receiving SSI;
 2. A child who is an alien whose needs are met by an individual sponsor or 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.*
 3. A child whose SSN has not been provided or application for an SSN has not been made. See 201.8 for the exception regarding a newborn child.

4. A child who receives an adoption assistance maintenance payment.

Exception: A child who receives an adoption assistance maintenance payment must be excluded when adding that child to the assistance unit and counting the maintenance payment reduces the TANF benefit. However, that child must be included in the assistance unit when the benefit will be increased by adding that child and his income.*

5. A child who receives a foster care maintenance payment or whose needs are included in the foster care maintenance payment for his parent.*
6. A child whose citizenship or alien status has not been declared in writing according to Section 201.7 C.
7. A child subject to the family cap provision. (201.12)
8. A child not in compliance with the compulsory school attendance requirement. (201.3)
9. A child convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.**
10. A child fleeing to avoid prosecution or confinement or in violation of probation or parole.**
11. A child who is in a VIEW period of ineligibility.
12. 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 convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.**
15. 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.
16. The parent that is fleeing to avoid prosecution or confinement or that is in violation of probation or parole.**

* 45 CFR 233.51

** Personal Responsibility and Work Opportunity Reconciliation Act of 1996

17. The putative father when paternity has not been established by DCSE. 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 a specified period of time 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 is convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.*
 13. The caretaker/relative failed to report to the local agency by the end of the fifth day after it became clear that the minor child would be absent from the home for 60 consecutive days.

* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

** 45 CFR 233.51

14. 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 a specified period of time 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 convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.*
14. 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 or fire, any member of the child's family living in the home and other nonrelated member of the household.
2. In cases of total loss of earnings, those persons who are living in the home related to the child by birth, marriage, or adoption, provided they meet the citizenship or alienage requirements.

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 grant.

An unmarried minor parent, for purposes of TANF policy, 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.

- b. the earned income of an individual which is funded by the Workforce Investment Act of 1998 (WIA);
- c. for TANF-UP, unemployment compensation benefits;
- d. the earned income of a child that is a full or part-time student.

If the income of the assistance unit exceeds 185%, the case is ineligible for a payment.*

2. Screening at the Standard of Assistance

The following procedures are applicable to the standard of assistance screening:

a. Applications, Including Persons Being Added to An Existing Assistance Unit

Once the total gross countable income of the assistance unit is determined to be less than or equal to 185% of need, income must then be screened at the standard of assistance allowing earned income disregards where applicable.

b. All AUs will be allowed the following deductions from earned income:

- (1) The standard deduction**, the same amount used in the standard deduction for the **SNAP** program, and 20% of the remainder is deducted from the gross earnings.*** (Refer to [Appendix 3](#) to Section 305, Step 2 and Section [305.3.B.7.](#))

| Assistance Unit | Standard Deduction |
|-------------------|--------------------|
| 1-3 members | \$142 |
| 4 members | \$153 |
| 5 members | \$179 |
| 6 or more members | \$205 |

c. Ongoing Cases

Once the total gross countable income of the assistance unit is determined to be less than or equal to 185% of need, income must then be screened at the standard of assistance allowing earned income disregards where applicable.

d. The following income is disregarded when income is screened at the standard of assistance:

- 1) all income specifically disregarded in [305.4.A](#);

* 45 CFR 233.20(a)(3)(xiii)
 ** 22 VAC 40-295-60
 *** 22 VAC 40-295-60

- 2) the earned income of an individual which is funded by the Workforce Investment Act of 1998 (WIA);
- 3) the earned income of a child that is a full or part-time Student.

If the assistance unit has income below the standard of assistance, the payment is calculated based on prospective budgeting.

B. Prospective Budgeting*

1. Budgeting Concept

In order to be eligible for TANF, a case must be eligible under income requirements. The amount of the payment which an assistance unit is eligible to receive will be calculated based on prospective budgeting.

Prospective budgeting is calculating the TANF payment using the anticipated income of the members of the assistance unit and the excluded persons required to be included in the assistance unit in the budget month. For purposes of determining the amount of the TANF payment and the amount of income to be counted, the payment month and budget month are the same.*

2. Income To Be Counted In Calculating the Payment

The payment is to be calculated using the methods listed below. The assistance unit's circumstances must be evaluated to determine which method(s) will provide the amount of income anticipated (best estimate) to be received in the payment month.

For purposes of determining the amount of income to be counted in calculating the payment, anticipated income means any income the applicant/recipient and local agency are reasonably certain will be received during the payment month. If the amount of income or when it will be received is uncertain, that portion of the assistance unit's income that is uncertain shall not be counted by the local agency.

"Reasonably certain" means that the following information is known:

- who the income will come from,
- in what month it will be received, and
- how much it will be (i.e., rate, frequency and payment cycle).

* 45 CFR 233.33

E. Adding and Deleting Persons With Income

1. When adding/deleting a person with income, conduct a prospective determination per [305.1.A](#). If eligible, verify anticipated income and reflect the change in the appropriate payment month.
2. When deleting persons with income, income of persons being removed from the assistance unit will be deleted from consideration at the same time the individual is removed from the unit. Additionally, any income of a stepparent or parent (including the parent of a minor caretaker) who is not included in the assistance unit will be deleted for the month following the month the person leaves the home. In the case of a minor caretaker, income deemed from the minor's parent(s) will be deleted for the month following the month the minor caretaker attains the age of 18.

Example #1 - One of three children is removed from the home by the court on July 15. This child receives Social Security of \$75 per month. The August payment should not reflect the income and needs of the child who was removed.

Example #2 - A stepparent moves out of the home on the 23rd of September. Any income deemed available to the unit should be deleted from the October grant calculation. A supplemental payment must be made if the income cannot be deleted from the October 1 payment.

3. When adding/deleting the income of excluded individuals required to be in the assistance unit, the income of any excluded individual required to be in the assistance unit will be treated the same as individuals who are included in the assistance unit and, in the case of earned income, earned income disregards are applicable.
 - a. The income of an excluded individual will be deleted the month following the month that the person leaves the home or is no longer required to be in the unit.
 - b. When an excluded individual gets an increase or decrease in income, the increase or decrease will be handled in accordance with Section [305.1.D](#).

F. Applicant's/Recipient's Reporting Responsibilities

The applicant/recipient must be advised according to Section [401.2.B.1.](#) and [2.](#) regarding verification requirements and action that may be taken if verification is not provided. Additionally, the worker must provide the applicant/recipient with information concerning:

1. Documents that constitute acceptable types of verification.
2. Changes that must be reported.

3. Time standards for reporting and acting on changes.

- a. All required changes must be reported timely, within 10 calendar days from the date the change becomes known to the assistance unit but is reported timely if reported by the tenth day of the month after the change occurs.

If the recipient is uncertain of the exact date or amount of the change, then the 10-day reporting period begins the day the change occurs. The recipient is not required to have full knowledge of the change when reporting it to meet the 10-day requirement for timely reporting. For new employment, the 10-day period may begin as late as the first day of employment. Once the recipient reports a change, the EW must evaluate the information within 10 days for potential impact and request additional information and necessary verifications that address rate of pay, number of hours, and how often paid.

1. When a change will increase benefits, the verification required must be obtained prior to the second month following the change in order to reflect the change in that month. If the assistance unit does not provide verification, the assistance unit's benefits will revert to the original amount unless a refusal to cooperate is documented, in which case an advance notice must be sent to terminate the case. An advance notice is not required if benefits are reverted to the original level because verification was not received, and the assistance unit was so advised at the time of increase.
 2. Whenever a change will decrease benefits, verification must be obtained prior to or at renewal.
 3. When a change neither increases nor decreases benefits, required verifications must be obtained prior to or at renewal.
- b. The worker is responsible for notifying the applicant/recipient when come must be verified. Income verification must be provided within 10 days of notification.
- c. The worker must advise the applicant/recipient on the appropriate notice of the amount of gross income anticipated to be received, the net income counted in determining the payment, the payment month the net income will begin to be counted, and the changes that must be reported.

27. Funds received pursuant to the Maine Indians Claims Settlement Act of 1980 (Public Law 96-420); and the Aroostook Band of Micmacs Settlement Act (Public Law 102-171).
28. Funds paid to an escrow account established under the Family Self-Sufficiency Program of the Department of Housing and Urban Development.
29. Student financial assistance received under Bureau of Indian Affairs student assistance programs.*
30. Interest earned or appreciation in value on a savings or investment account for the purpose of self-sufficiency.
31. Up to \$2,000 per year of income received by individual Indians, which are derived from leases or other uses of individually-owned trust or restricted lands.**
32. All bona fide loans, regardless of the intended use.* This includes loans obtained for any purpose, and may be from a private individual as well as from a commercial institution. A simple statement signed by both parties indicating that the payment is a loan and must be repaid is sufficient to verify that a loan is bona fide. If the customer indicates that money received was a loan but does not provide required verification, the money is to be treated as unearned income in the month received. Interest earned on the proceeds of a loan while held in a savings account, checking account, or other financial instrument will be counted as unearned income in the month received.
33. Income, including support, received by or on behalf of a child ineligible for TANF due to the family cap provision.***
34. Payments received by victims of Nazi persecution under Public Law 103-286.
35. Matching contributions deposited in an individual development account (IDA) or on the applicant/recipient's behalf in a parallel account maintained by the organization administering the IDA program.
36. Income received by children who are in a VIEW period of ineligibility.
37. Interest income of less than an average of \$10 per month.

* Public Law 102-325

** Public Law 93-134

*** Code of Virginia, Section 63.2-604

38. TANF Match Payments issued to TANF recipients based on current support collected by the Division of Child Support Enforcement.
39. Any veteran benefits received by children born with spinal bifida, who are natural children of individuals who served in Vietnam during the period beginning January 9, 1962, and ending on May 7, 1975.
40. Payments received from the Ricky Ray Hemophilia Relief Fund established under Public Law 105-369.
41. Allowances, earnings, and payments to individuals participating in programs under Title I of the Workforce Investment Act (WIA).*
42. Any amount received by or made available to household members for deployment or service in a combat zone will not count as income for TANF purposes unless the payment was received before the deployment. This exclusion includes items such as, but not limited to, incentive pay for hazardous duty, special pay for imminent duty or hostile fire duty or certain reenlistment bonuses, or special pay for certain occupational or educational skills.
43. Support sent to clients from DCSE in a month the TANF case is reinstated and a supplemental payment issued. The disregard applies only to the month the case was reinstated.
44. **A one-time cash payment, identified as a Reception and Placement (R&P) Program payment, made to help a newly arrived refugee meet basic needs during the first 30 days in the country. (Note: An R&P payment is separate from any cash allowances which may be made to a refugee through the Matching Grant (MG) Program. Matching Grant allowances are counted as income for TANF).**

* 20 CFR 667.272 (c)

B. Income From Social Security and Other Benefits - Monthly benefits received or anticipated to be received by members of the assistance unit, or individuals required to be in the assistance unit, must be counted as income, with the following exceptions:

1. When a member of the assistance unit is eligible for benefits (such as but not limited to, RR Retirement, private corporation retirement, Veterans, Social Security, or any reduced benefits), the verified amount must be counted, even though the individual chooses not to accept such benefits.

The agency has a responsibility to explore potential resources and assist the applicant/recipient in developing them to a state of availability whenever possible.*

2. When educational benefits are being received from Veterans Administration. (See 305.4.A.10.)
3. When the Medicare Part B premium is deducted from the Social Security or Railroad Retirement benefits of an individual who is also receiving Medicaid. The amount of benefits actually received, plus the amount of the Part B premium, is counted as income since Medicaid will pay the premium during the time the individual receives Medicaid.

C. Lump Sum Payments - **A lump sum is a nonrecurring payment which is received by a member of the assistance unit, or by an individual such as a stepparent or a parent of a minor caretaker, whose income must be considered in determining the eligibility of the AU.**

Lump sum payments include payments for the accumulation of benefits for a prior period, including Social Security and Workers' Compensation benefits; payments in the nature of a windfall, e.g., inheritances or lottery winnings; personal injury awards; a life insurance settlement; or income from any other nonrecurring source. Money received from the sale of a resource is not considered a lump sum.

Lump sum payments for casualty property losses for the repair or replacement of damaged/lost property will not be considered as countable income since the payment is designated to replace or repair the property. A casualty property loss is a loss caused by a sudden, unexpected event such as a car accident, fire, flood, or earthquake.

A lump sum payment which exceeds 130% of the federal poverty level for the household (AU plus other required members; see 401.2), or which causes the total income for the household to exceed 130%, must be counted as income. If the amount of the lump sum and the date it is to be received are reported in advance, the lump sum will be counted in the month it is to be received. Otherwise, the lump sum will be counted in the month following receipt or as soon as administratively possible following the report of the payment.

* 45 CFR 233.20(a)(3)(ix)

A lump sum received in the month of application is treated as income for that month. A case which is denied due to excess income based on the lump sum payment may be eligible in the second month.

Calculating a lump sum payment:

1. **Determine that the non-recurring payment meets the definition of lump sum above and that the payment is not for a casualty property loss. Then, determine the amount of the lump sum to be considered as income.** Only the amount that is **actually** received by the individual (lump sum less **any** directly related expenses **which were deducted prior to the individual receiving the payment**) shall be considered as income.

Example: Ms. S. notifies the local agency that her claim from an automobile accident has been settled. The settlement, **which was separate from a casualty claim for the loss of her vehicle also made by Ms. S.**, was for \$5,000. Ms. S. received a check in the amount of \$1,000 from her attorney. The check stub **showed that** \$2,000 was deducted to cover legal expenses and \$2,000 **was deducted** for medical expenses. The \$1,000 that **the client** actually received is **considered the lump sum amount.**

Note: Lump sum payments received as a result of an accumulation of benefits for a prior period, such as Social Security benefits, **may not have any** directly related expense deductions.

2. **Count the lump sum as income. Add the lump sum received by the individual to other net countable income received in the same month. If the total income exceeds 130% of the federal poverty level for the household, count income for the month following receipt of the lump sum.**
 - a. If the applicant/recipient has knowledge of the date and amount of the lump sum before receiving it and reports it, the lump sum will be counted in the month that it is expected to be received. **The lump sum is counted for one month only. It will not impact future months.**
 - b. If the recipient reports receipt of a lump sum on the day that it is received or any day thereafter, the lump sum is **counted for the month following receipt or for the first month that the action is administratively possible. The lump sum income is counted for one month only. It will not impact future months.**

Example 1: Applicant applied for TANF on April 15th. She received \$10,000 in January when her uncle's estate was settled. The application must be processed without counting the lump sum as income **because it was received prior to the month of application for TANF.**

Example 2: A TANF applicant reports at application that she received an insurance check **earlier that same month** to repair damage to her home caused by a **severe storm**. **The money will be used to repair her home**. This lump sum must not be counted as income **since it is payment for a casualty property loss**.

Example 3: A TANF applicant reports lottery winnings of \$2,000 during March, the month of application. She has no other income, but the lottery winnings exceed 130% of the federal poverty level for the household. Her application is denied for March and approved for April.

Example 4: An ongoing TANF recipient calls the local agency on March 11th to report receipt of a \$5,000 inheritance check. **The lump sum causes the household income to exceed 130% of the federal poverty level. The lump sum will be counted as income for April and the case will be suspended because the income exceeds the standard of need. The case will be reinstated for May.**

Example 5: A TANF recipient calls her worker on June 15th to report **that she will receive a Social Security payment for her son on July 3rd. The payment will be \$2100 (\$300 for each of the months of November, December, January, February, March, April and May). The payment causes the household income to exceed 130% of the federal poverty level. The local agency must count the payment as income for the month of July and suspend the case because the income exceeds the standard of need. The case will be reinstated for August.**

- b. If the parent does not meet the citizenship or alienage requirement, any income he has is considered available to the eligible child(ren) by applying the ineligible alien deeming formula. (See 305.4.F.)* A lump sum payment received by an ineligible alien parent is counted as income **in accordance with 305.4C.**

If a child is ineligible because of his citizenship/alien status, none of his income is available to the assistance unit.

- c. The income of the spouse of a parent of TANF children, who is the children's stepparent, is considered available to his spouse and the children for whom she receives assistance. See 305.4F to determine the amount, if any, of the step-parent's income that will be counted in determining the eligibility of the spouse and/or deemed to the children.
- d. The parent of a TANF child who is herself a minor (under 18) and is living in the home of her parent(s) must be included in the TANF assistance unit with her child unless specifically excluded per Section 302.7.D. The income of the senior parent(s) will be considered available to the minor caretaker's assistance unit in accordance with 305.4.F. The income of the senior parent(s) will be deemed available to the minor caretaker's assistance unit regardless of whether the minor caretaker has been excluded from the unit for reasons identified in Section 305.4.E.1.b and e.

Additionally, any income of the minor caretaker is considered available to her TANF children, even if he/she is not included in the assistance unit. Earned income disregards are applicable per Section 305.3.B.

- e. If the parent or child is excluded or removed from the assistance unit because he/she failed/refused to cooperate in identifying the parents, establishing paternity and securing support per 201.10.A, or failure to provide a Social Security number or show proof of application for a Social Security Number, the parent's/child's earned income, allowing the earned income disregards per Section 305.3.B., and gross unearned income is considered available to the assistance unit. This applies also to individuals who are disqualified per Section 102.3 for being found to have committed an IPV, to an assistance unit member ineligible due to noncompliance with the compulsory school attendance requirement, to a parent excluded because her spouse, the stepparent to the eligible children, is able to meet her needs, and to a parent/child ineligible due to 201.1 F and G.

* 45 CFR 233.20(a) (3) (vi) (B)

- f. If the parent is a sponsored alien whose income plus that portion of the sponsor's income deemed available to him/her equals or exceeds the alien's pro rata share of the standard of assistance at 90% for the alien and the remaining members of the assistance unit, the children's pro rata share of the alien's countable income (exclusive of the sponsor's income) is considered available to the assistance unit. Allow the earned income disregards per Section 305.3.B. in determining the alien's countable earnings. Note: A lump sum payment received by a sponsored alien parent excluded under this paragraph is counted **as income in accordance with 305.4C.**

If the child is a sponsored alien, none of his income is to be counted.

- g. If the parent is a convicted offender, serving a court-imposed sentence while living at home, none of his income is considered available to the assistance unit.

2. Spouse (Stepparent) or parent outside the home - Child support or child support commingled with alimony received or anticipated to be received by the assistance unit is counted as income in the amount actually received, minus the first \$100 each month, in establishing initial eligibility on the basis of need for an otherwise eligible assistance unit.

Child support is considered income belonging to the child. If the child is an SSI recipient or a capped child the support will not be counted.

When a non-custodial parent has been assigned a unitary support order for children included in the AU and children not in the AU, the support must be prorated. The TANF worker must:

1. Prorate the support and key in ADAPT the prorated amount for each child.
2. Contact the district DCSE office to insure their knowledge of a unitary payment for children who are TANF and non-TANF (SSI/capped).

DCSE will follow their procedures identified in Clearinghouse #03-DD-026R.

When a support payment is for a child no longer in the home, count as income any portion of the support used for the AU. Enter the income in ADAPT as a 'Third Party Payment'.

TANF Match Payments issued to the custodial parent representing the total current support will not be considered an overpayment.

If such support is insufficient to meet the needs, the initial grant(s) is to be computed counting all support received prior to the date that the case approval is keyed into ADAPT (See Exception d. below).

All support received after case approval must be redirected to the Division of Child Support Enforcement (DCSE). All subsequent grant(s) are to be computed without regard to such income and the amount of the assistance payment will be total needs less all other countable income up to the maximum reimbursable payment. (Refer to 503.9 for retroactive payments at initial application.) The applicant/recipient must be advised that all future support received must be forwarded to DCSE. NOTE: Alimony not commingled with support is to be counted as income. It is not considered as support, is not to be redirected to DCSE, and is not eligible for the \$100 disregard.

Exceptions:

- a. In the event the caretaker fails to cooperate in redirecting these support payments to the State, the caretaker must be

of dependents the 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 grant 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 \$1,900.00 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 | \$1,900.00 |
| Less \$90 deeming disregard | <u>- 90.00</u> |
| | \$1,810.00 |
| Less standard of need for 1 (group II) | <u>-174.00</u> |
| Amount deemed available to Ms. P. | \$1,636.00 |
| Standard of assistance for 4 person AU | \$ 382.00 |
| Note: The standard of assistance does not include the TANF Match Payment. | |

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.

Failure of the client to verify the income of the senior parent or the ineligible alien parent will result in ineligibility of the case.

In situations where the income of a senior parent(s) is being deemed available to more than one assistance unit, the amount to be deemed will be divided equally among the units for which the parent(s) is responsible.

Note: A lump sum payment received by a senior parent or an ineligible alien parent is considered available to the assistance unit **as described at 305.4C.**

G. Other Cash Income - The total amount of all other cash income is to be counted. Specific procedures apply to certain types of other income:

1. Supplement to Standard of Assistance - In accordance with the option provided under federal regulations,* the State Board has ruled that local departments of welfare/social services may supplement in an amount sufficient to meet the difference between the payment standard and the 100% standard of need.

If a local department meets, from local funds, the difference between the proportionately reduced standard and the full standard, it must do so in all cases and the amount of the supplement is disregarded.

2. Assistance from other sources - Any contribution from another agency or organization must be counted as income unless such contribution is for an item not included in the Standard (See [Section 304.1](#)).

*45 CFR 233.20(a)(3)(vii)

Information received through SVES will not report earnings for the current year nor possibly the last year's earnings. The alien must provide verification of earnings through pay stubs, W-2 forms, tax records, employer records, or other documents, if the quarters of this period is needed to determine if the sponsor's obligation must continue or is terminated.

If the alien believes the information from SSA is inaccurate or incomplete, beyond the current two-year lag period, the alien must be advised to provide the verification to SSA to correct the inaccurate income records.

In evaluating the verification received directly from the alien or through SVES, the EW must exclude any quarter, beginning January 1997, in which the person who earned the quarter received benefits from TANF, SSI, Medicaid, **SNAP** or the food assistance block grant program in Puerto Rico.

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- D. Who Completes the Application - If an individual is able to complete the application him or herself, the individual should do so. However, the local agency must assist individuals who have disabilities or language barriers who need assistance filling out the application. This help may consist of reading the application to the individual, explaining the meaning of the questions on the application, writing in the answers, or providing other forms of help. The local agency must inform all applicants verbally that this help is available when the DSS office provides the individual with the application, and must offer this assistance during the interview if there is an indication that the individual has had difficulty completing the application. If the individual needs help completing the application, this help must be provided. If help is needed, the interactive interview must include time to read each section of the application to the applicant, with sufficient explanation and rephrasing to make the meaning clear. During the interview the eligibility worker will enter the information provided into the ADAPT system. Additionally, the following forms **must** be reviewed and completed with the applicant **prior to case approval**:
- Do You Have a Disability? (032-03-0670)
 - Notice of Personal Responsibility for the TANF Program (032-03-0750)
 - Notice of Cooperation and Good Cause (032-03-0036)
 - Notice of Intentional Program Violations and Penalties (032-03-0646)

After the interview is completed, the information entered must be reviewed with the applicant. The eligibility worker must also read and explain to the applicant/spouse the statements pertaining to the applicant's responsibilities including the responsibility for providing accurate information and the penalties for withholding or providing false statements.

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

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

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

Each application must be disposed of by a decision of eligibility or ineligibility, supported by the facts recorded in the case record.

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. Notice to Client of Action must be used to notify the applicant of approval, denial, or delay beyond the time standard.

- F. Method of Application - To apply, the local department shall require the applicant **to submit a signed** Request for Assistance (032-03-0875). **A signed** Application for Benefits (032-03-0824) may be used if required by another program or in situations in which a telephone interview will be conducted. **If the Request for Assistance or the Application for Benefits is not signed, the application must be denied.**

When the initial request is made in the local agency, the individual must be given the opportunity of completing his interview on the day assistance is requested. If an interactive interview cannot be conducted on the day assistance is requested, the agency must arrange an interview at the earliest date convenient to the applicant. If the applicant wishes, he may be given an Application for Benefits or Request for Assistance form to complete elsewhere.

The applicant must be informed that if he withholds or gives false information which affects his eligibility for assistance that he is subject to the penalties of perjury.* It is important that the client understand fully his responsibility for the accuracy and completeness of his statements and the consequence if he withholds or gives false information.

If the Request for Assistance is used but the applicant does not make herself available for an interview, the application is to be denied. In ADAPT, the worker must register the application then deny the registration.

- G. Date of Application - The date of application is the date the signed Request for Assistance or the Application for Benefits form is received by the local agency. If the application form is mailed in or brought in, the date of receipt by the agency must be stamped thereon to identify the date of application.

1. Persons Added to an Ongoing Case

- a. The date of application for adding a required unit member to an approved TANF case is:
- 1) The date the individual entered the home if it is reported timely; or
 - 2) The date it is reported that the individual is in the home if not reported timely.

B. Substantiation of Eligibility Factors

1. Initial Eligibility

The applicant must be advised of the need to substantiate the eligibility factors (e.g., categorical requirements and income) and that he may have in his possession the necessary evidence to establish eligibility. The responsibility of the eligibility worker is to secure, evaluate, substantiate, and record the facts regarding each element of eligibility, including the date of substantiation and the method of securing the information. This information must be entered in the applicant's ADAPT case.

At the time of application, there should be a joint decision between the client and the worker as to how necessary verification will be secured and who will assume the responsibility for securing each. The worker must provide any assistance unit, that needs and wants help, assistance in obtaining any necessary verifications. If the individual has a disability that impairs the individual's ability to gather the information necessary to establish eligibility for benefits, the worker must offer to assist the individual in gathering such information. In addition, if after the worker and applicant initially divide the responsibility for obtaining verification the applicant is, due to a disability, unable to secure information he or she agreed to obtain, the worker must revise the initial division responsibility and assist with obtaining additional information.

If, after advising the applicant of the necessary information, the applicant is reluctant or unwilling to provide verifications and refuses to permit the worker to secure them, the worker must consider carefully with him his reasons and explain that without the required verification, eligibility cannot be established. Exception: If the child does not meet the conditions of eligibility, that child will be excluded; however, it may be possible to determine eligibility for the remaining assistance unit members.

If the client decides to assume the responsibility for obtaining the required verification, he must be advised that the information must be provided to the agency within ten (10) days and that failure to do so may affect the decision of eligibility. If the client cannot obtain the necessary information, because of circumstances beyond his control, and requests the worker's assistance in securing such information, the agency worker must then assume the responsibility for obtaining the needed verification.

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

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

2. Ongoing Eligibility

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

a. Changes That Must Be Reported

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

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

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

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

2) Local Agency Action on Changes

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

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

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

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

- G. Suspension of Assistance* - The grant will be suspended for one month when the agency has reason to believe that ineligibility will exist for only that month. The grant 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 the recipient fails to complete the renewal interview. If the recipient then completes the interview but 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 policy in 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)
5. The recipient fails to complete the renewal process.
6. The recipient fails to return an Interim Report (not applicable to FEP cases).
7. The current net monthly support exceeds the current TANF benefit (ADAPT will automatically close the case when net support exceeds the TANF benefit for two consecutive months).
8. **A lump sum is received. (See 305.4C)**

Exception: The full grant is sanctioned (i.e., the case is eligible for \$0 grant) when a VIEW participant is not in compliance with VIEW work requirements. Since the TANF case is not closed for a VIEW sanction, the sanction is imposed by a suspension of the grant using the appropriate suspension code.

- H. Interim Reporting - Interim report filing is required for all cases, unless they are exempt from filing as noted below. Assistance units

* 45 CFR 233.34(d)

subject to interim reporting must file an Interim Report by the sixth month of the renewal period. **Household composition and financial circumstances at the time of application will be the basis of the TANF benefit amount for the first half of the renewal period unless the assistance unit reports a change prior to the date the Interim Report is generated.** The assistance unit composition and financial circumstances reported on the Interim Report will be the basis of the TANF benefit amount for the remainder of the renewal period, unless the **AU** reports additional changes after filing the Interim Report.

1. Exemption from Filing

The following households will be exempt from filing an Interim Report:

- a. All assistance units that are homeless (lack a fixed address and regular nighttime residence). Refer to the Definitions Section of the SNAP Manual for a complete definition of persons considered homeless; and
- b. Any adult member of the assistance unit who is a migrant or seasonal farm worker (worker who has to travel to do farm work and who is unable to return to his permanent residence in the same day while doing farm work on a seasonal or temporary basis). Refer to the Definitions Section of the SNAP Manual for complete definitions of migrant and seasonal farm workers.

All other assistance units are subject to interim report filing.

2. Interim Report Filing

An assistance unit that is required to file the Interim Report must have a 12-month renewal period. On or about the twentieth of the fifth month of the renewal period, the State Department of Social Services will create and mail the Interim Report to all assistance units so identified in ADAPT by the EW. Upon identifying cases due an Interim Report and producing the information for the Interim Report each month, the ADAPT system will suspend the case's eligibility. A list of cases **that were** sent the Interim Report and a copy of the Interim Report for the **case** will be available **online through SPARK** to the local agency.

a. Recipient Responsibilities

The assistance unit must complete the Interim Report and return it to the local agency by the fifth day of the sixth month. If a change in circumstances is reported, the assistance unit must supply verification of the changed elements. The assistance unit must provide additional information or verifications as requested by the local agency within the time allowed. In TANF only cases, the caretaker (parent or relative with whom the child is living) or an authorized representative designated by the caretaker must complete the Interim Report. In joint TANF/SNAP households, the form may be completed and signed by any responsible household member or authorized representative.

b. Agency Responsibilities

The agency must compare the list of Interim Report cases to the returned forms to determine if a form has not been returned. If the assistance unit fails to return a completed Interim Report timely, the agency must send the Interim Report Form - Request for Action form (032-03-649). **The agency must provide** another Interim Report **if the assistance unit requests it**. The assistance unit will have 10 days from the mail date of the **Request for Action form** to return the Interim Report.

Additionally, the agency must evaluate the returned Interim Report forms for completeness, accompanied verifications and reported changes. If the returned Interim Report is incomplete or lacks required verifications of reported changes, the agency must send the Interim Report Form - Request for Action form and the original Interim Report to the assistance unit. The agency must photocopy the incomplete Interim Report before sending the **original** form back to the assistance unit. The assistance unit will have 10 days to supply information, verification(s), and/or complete the form.

The EW must use reasonable judgment to determine if the Interim Report is incomplete. For example, if the assistance unit indicates that no changes have occurred for income but supplies new pay stubs, the report should not be considered incomplete.

The agency must consider the report incomplete if:

- The form is not signed by an individual listed in Section 401.3.I.1;
- The unit fails to submit verification of changed income, residency, or assistance unit members;
- The unit fails to provide information needed to determine eligibility or benefit level; or
- The unit failed to address all questions.

If a completed Interim Report and required verification are returned within the **required** time frame, the EW must access all available systems (i.e. the State **Online Query-Inquiry System (SOLQ-I)**; SPIDeR which includes Division of Child Support Enforcement (DCSE) records, the Virginia Employment Commission (VEC), the Work Number (TALX) etc.). Note: The Work Number should only be used when you do not have information to verify employment and cannot obtain the information through other means.

The EW must document the results of the systems inquiries in the comment box on the AEAUTA screen. If the agency has opted to continue to maintain paper documentation in addition to electronic documentation, the EW should document the results of the system inquiry on an approved form (i.e. the Evaluation of Eligibility (032-03-0823), the ADAPT Verification Form (032-03-0366), etc.).

The EW must rescind the suspension and reinstate the case in ADAPT then make adjustments, as needed, to reflect information from the

Interim Report in eligibility or benefit amount effective the seventh month. The EW must notify the assistance unit of the benefit calculation based on the Interim Report for the second half of the renewal period after the evaluation of the Interim Report. The agency must provide an adequate notice to notify the assistance unit of the benefit calculation.

If the assistance unit fails to return the **completed** Interim Report or fails to provide **all** needed verifications, ADAPT will automatically close the case at the end of the seventh month **as long as** the EW has taken no other action on the case **while the case has been suspended for Interim Reporting**. In order for the automatic closure to occur, the EW must leave the case suspended for the seventh month. The agency does not need to send either an advance or an adequate notice when the assistance unit fails to submit a completed Interim Report or fails to take required actions or to supply requested verifications.

Automatic Closure Example:

A TANF case is approved and assigned a certification period of December 2004 through November 2005. An Interim Report is mailed on or about the 20th of April. ADAPT will:

1. Suspend the TANF payment effective June 1st.
2. Close the case effective June 30th, if the worker does not update the system based on information received on the Interim Report.

Note: If a participant in the Full Employment Program (FEP) meets the criteria for interim reporting during the FEP placement, an Interim Report will be sent to the participant. However, ADAPT will not suspend the FEP case if the Interim Report is not returned and/or completed. This is so the issuance of the stipend to the employer will not be interrupted. (See 901.14 for guidance regarding FEP.)

c. Verification Requirements

In order to determine eligibility for the second half of the renewal period, the assistance unit must supply verification of eligibility factors. The unit must provide the following:

1. Proof of changed earned or unearned income amounts or source;
2. Proof of a change in the assistance unit members; and
3. Proof of other elements. The assistance unit may need to verify other eligibility elements reported on the Interim Report as needed.

Note: The assistance unit does not need to submit verification of self-employment or contract income that has been averaged.

401.4 NOTIFICATION TO APPLICANT/RECIPIENT - Federal regulations require that adequate and timely notice be sent to applicants and recipients to indicate that assistance has been authorized, denied, increased, reduced, or terminated.

"Adequate" means that the notice (Notice of Action) is received not later than the effective date of the action and includes a written statement of what action the agency intends to take, the reason for the action and the specific policy supporting the action. In the case of an assistance unit which has no permanent dwelling or fixed address and is otherwise considered homeless, the notice must be available at the local agency or mailed to another destination agreed upon by the client, such as a nonprofit agency or shelter, local post office, etc., to ensure it will arrive at such destination not later than the effective date of the action.

"Timely" means that the notice (Advance Notice of Proposed Action) is mailed, or available at the local agency in the case of an assistance unit which is homeless, at least ten (10) days before the effective date of the action, excluding the date of mailing and the effective date.

In certain situations timely notice is not necessary but adequate notice is always required.

A. Action Requiring Adequate Notice - Adequate notice must be sent to the applicant/recipient* whenever:

1. Case action is taken to approve or deny an application or a request for an increase in grant; or
2. There has been a delay beyond the time standard in acting upon an application or a request for an increase in grant; or
3. Case action is taken to increase the amount of assistance; or
4. Case action is taken to include an additional eligible person in the grant or to change the number of eligible persons if no decrease in assistance results; or
5. Case action is taken to change the payee or the method of payment;
6. An assistance unit is due a revised amount of benefits (increase or decrease) or the unit is ineligible for benefits based on the evaluation of a completed Interim Report.
7. Client requests closure of a VTP case.
8. VTP recipient transfers to another Virginia locality and is no longer eligible to receive the VTP.
9. A reevaluation of eligibility based on information received within 30 days of the date following the application date or prior to the effective date of case closing occurs.

The notice shall be sent immediately following the case action or at the

*45 CFR 206.10(a)(4)

expiration of the time standard for processing applications, as appropriate.

The Notice of Action (**NOA**) is used for this purpose. The notice shall state the amount of assistance; the amount of the TANF Match Payment (when applicable); the reasons for the action or failure to act and the regulations supporting action taken; and explain the applicant's/recipient's right to request an agency conference and/or to appeal if he disagrees with the action. **The NOA provides all required information regarding appeals. A copy of the pamphlet, "Appeals and Fair Hearings", will be provided at the request of the applicant/recipient but is not required to be sent with the NOA.**

- B. Other Action Requiring Adequate Notice - The form, Advance Notice of Proposed Action, will be used to provide adequate notice in certain situations, however, it is not necessary to send it 10 days prior to the effective date of the action. The notice must reach the client no later than the effective date of action. In any situation listed below, the assistance payment will not be issued in the original amount. The following situations would warrant an adequate notice.*
1. The agency has factual information verifying the death of a recipient or of the payee when there is no relative available to serve as new payee and no person who can serve temporarily as emergency payee.
 2. The agency has verified that any member of the assistance unit has been admitted or committed to a mental institution or a correctional facility in which he does not qualify for public assistance.* Note: See policy in 201.5.B to evaluate continued eligibility.
 3. The recipient's whereabouts is unknown and agency mail directed to the payee has been returned by the post office indicating no known forwarding address. (The recipient's check must, however, be made available to him if his whereabouts become known during the payment period covered by a returned check.)*
 4. A recipient has been accepted for assistance in a new jurisdiction within the state and the locality previously providing assistance has written evidence establishing that fact.*
 5. The agency has written evidence that the TANF child(ren) has been removed from the home as a result of a judicial determination or has been voluntarily placed in foster care by his legal guardian.*

* 45 CFR 205.10(a)(4)(ii)

- F. Action Requiring Neither Adequate or Timely Notice - Neither a timely notice nor an adequate notice is necessary when:
1. The assistance unit fails to return a completed Interim Report **and all required verifications**, provided the agency mailed the assistance unit an Interim Report Form - Request for Action form (032-03-649) **and Interim Report as specified at 401.3H(2) (b)**.
 2. When the agency acts to reduce or terminate benefits which have been continued in the original amount during an appeal, and the hearing decision is adverse to the recipient.
 3. When a VTP **case** closes due to one of the following reasons: the employment hours become less than 30; hourly pay becomes less than minimum wage; all of the eligible children leave the home; and, in a two parent household, when a parent who is receiving a VTP leaves the home. **Exception: when a VTP case has been transferred and the new locality determines that the client is no longer eligible to receive the VTP, an adequate notice is required.**

401.5 INFORMATION TO BE GIVEN APPLICANT/RECIPIENT -

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

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

6. Assistance units must complete an annual renewal, unless a shorter renewal period is required by SNAP. In addition, an interim report must be submitted by the sixth month of the renewal period.

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

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

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

Changes may be reported by telephone, in person, or in writing.

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

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

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

- m. The provisions of cooperation in relation to the Child Support Enforcement Program. The client must be informed of the responsibility to assist the State or local agency and the consequences for refusing to cooperate, unless good cause for refusing to cooperate has been determined to exist. The applicant/recipient must be given the opportunity to withdraw the application or request the termination of assistance, before the next payment is issued. The appropriate notice must be sent in either situation.
- n. Provisions regarding income and the method by which income will be counted, including **how and when lump sum payments will be counted.**
- o. Provisions concerning treatment of child care/incapacitated adult care disregard as it relates to an individual's employment status and eligibility determination (Section 305.3.B.6.). The applicant/recipient must be given the opportunity to choose either the child care disregard or the child care vendor payment to the provider.
- p. Standards of assistance.
- q. Under the VIEW Program, the requirements of the program, the conditions for exemption from this requirement and that all recipients will be notified via mail of specifics regarding participation upon approval of their application. Additionally, the requirement to report all changes relative to VIEW status and the condition of eligibility to participate, if required, must be explained. See Section 901.2 for further details of explanation.
- r. Verification of Information - The applicant/recipient must be advised that all factors of eligibility are verified and that public records, such as Bureau of Vital Records and Health Statistics, etc., are utilized in this effort. The applicant/recipient should also be advised that the records of Virginia Employment Commission (VEC) and Social Security are periodically checked for income.

3. Help with filing appeals or grievances if needed as the result of a disability;
- ee. The fact that the individuals with disabilities should request reasonable accommodations if they feel they need them.

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

401.6 IMPACT ON MEDICAID

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

401.7 TRANSITIONAL CHILD CARE BENEFITS

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

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

401.8 REFERRAL FOR VICTIMS OF FAMILY ABUSE

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

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

401.9 PROTECTIVE SERVICES

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

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

* 45 CFR 233.90(a)(2)

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 Interim Reporting. **Resolve any issues related to the Interim Report then transfer the case to the new locality if the AU remains eligible. Note: If the AU fails to return the Interim Report to the transferring agency prior to contacting the new locality, the new locality will provide the client with a copy of the Interim Report and receive the returned form as well as the required verifications.**
- The case has a suspension status due to temporary ineligibility for any reason (one month).
- The case has a suspension status because net support is greater than the current TANF benefit.
- 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 benefits can be issued during an appeal of the sanction.**

The transferring agency must send the recipient a Notice of Transfer 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 grant, 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.

Grant adjustments necessary to conform with the standard of assistance in effect in the locality to which the recipient has moved must be made effective for the month following the recipient's move. If the adjustment results in a decrease or termination of assistance, timely notice must be given to the client. It is the responsibility of the transferring locality to give timely notice. (See 502.6 D.2. for detailed instructions regarding transfers between Loudoun County and other agencies.)

C. Receiving Agency Responsibility

The receiving locality is responsible for completing a desk review within 5 working days of receiving the case and acknowledging receipt to the transferring agency using the Case Record Transfer form. The desk review must insure that there continues to be an eligible child in the home; inquiry about new employment with earnings greater than 130% of the federal poverty level; and, if a VIEW participant inquiry about reportable changes for VIEW. If the case is a VIEW Transitional Payment (VTP) case, the EW must determine if the client continues to meet all of the eligibility requirements to continue to receive the VTP. The receiving agency must impact these changes, affecting eligibility or payment for the first of the month following the month in which the transferring locality specifies as the last month they will make payment. This is the payment month for which the receiving locality will assume responsibility for the accuracy of the payment. If the receiving locality will not be approving the case, or will be approving it in an amount less than the prior payment, they are responsible for sending the Advance Notice of Proposed Action to the client. If the case is a VTP case and the client is no longer eligible to receive the payment, the EW is not required to send an ANPA. In these instances, the EW will send the client a Notice of Action stating that the VTP will end.

There are no circumstances under which it is permissible for the receiving locality to return the case to the transferring locality (other than the recipient subsequently moving back to the original locality).

D. TRANSFER BETWEEN LOUDOUN COUNTY DSS AND OTHER LOCAL AGENCIES

If the receiving locality will make the next payment following the client's move, changes reflecting either a decrease or increase, caused solely by Loudoun County DSS meeting the standard of need, and the other not, must be made.

If, however, the transferring locality is going to make the next payment the following rule applies:

1. If the receiving locality is Loudoun County, the transferring locality shall not increase the reimbursable amount since it does not have local funds available for this purpose.
2. If the transferring locality is Loudoun County, the payment must be adjusted in accordance with the payment policy of the receiving locality.

E. HANDLING OF APPEALS

1. If the desk review done by the transferring locality results in a determination of ineligibility, that locality will close the case. When the appeal is validated, the transferring locality will reinstate the grant in the original amount (if client remains in same group) or the amount appropriate to the locality in which the recipient is living. The case should then be transferred to the new locality. **The Case Record Transfer form will advise the receiving agency of the appeal, and, if appropriate, the reinstatement of benefits.**

When the appeal decision is final, the transferring locality will immediately notify the new locality of the appeal decision so that the appropriate action can be taken. If the case continues to be eligible, the receiving locality will be responsible for recouping any overpayments, by establishing the claim in ADAPT entering the FIPS code for the agency where the overpayment occurred. The FIPS for an agency other than the current FIPS can only be entered during the calculation of the overpayment on BAT185 (Benefit Adjustment 185% Income Test). If the case is found to be ineligible, the transferring locality will be responsible for recovering any overpayments.

2. If the desk review done by the transferring locality results in a reduction of payment, and the client appeals the action, the appeal will be against the transferring locality, but the locality who is making the next payment will be responsible for restoring the grant to the correct level. The transfer procedure is to proceed as usual.

The TANF case record must contain a statement indicating the specific reason(s) why a protective or vendor payment is being made.

In the event a creditor requests that a protective or vendor payment be made as a result of nonpayment of bills, the recipient must be advised of the request.* The agency shall notify the recipient in writing that the creditor's request will not be honored.

Where no other suitable protective payee can be found, it may be necessary for a staff member of a private agency, the local welfare department/social services or other appropriate organization to serve as protective payee. Such a staff member must be a worker providing services (not eligibility determination) for families. If a staff member is designated as protective payee, provisions for bonding this employee must be made.

2. Unless a minor parent (on his/her own case) meets an exception to the residency requirement and lives independently, protective payments are to be made in these cases. Protective payments are to be made to the minor parent's parent, or person standing in loco parentis.
3. Vendor payments are to be made in diversionary assistance payments whenever possible.
4. If a TANF caretaker who is on probation or parole fails a drug test, the probation or parole officer will notify the local department of social services. Upon receipt of such notification, protective payments must be arranged as soon as administratively possible. The protective payment arrangement shall remain in place for one year, provided the caretaker does not fail a subsequent drug test.**

B. Procedures for Making Protective or Vendor Payments

1. In protective situations, the superintendent or local board may take actions to designate a protective payee to act for the recipient in receiving and managing the total assistance payment.

The protective payee should be a person who is interested in or concerned with the welfare of the grantee-relative and his child. The selection of the protective payee should be made by the grantee-relative, or with his participation and consent insofar as possible. The local department must have evidence that such protective payee has the ability and will in the best interest of the grantee-relative and his child. The agency will take appropriate action to protect recipients when it appears that problems are beyond the capacity of the protective payee to handle.

* 45 CFR 234.60(a)(2)(iii)

** Code of Virginia, Section 63.2 - 605

The protective payee must not be executive head of the local department of social services; the person determining financial eligibility for the family; the special investigator or member of the staff handling fiscal processes related to the recipient; the landlord; grocer, or other vendor of goods and services dealing directly with the recipient. Additionally, service workers, private agency staff, and staff of other organizations can only serve as protective payees in situations per 502.7.A.1. or 502.7.A.5.

2. In some situations, it may appear more appropriate to make certain portions of the assistance payment to a vendor, continuing to make the remainder of the grant to the family. Vendor payments may be made in TANF to appropriate persons providing goods and services, with the selection of such person being made by the recipient or with his participation and consent insofar as possible.

The local department must have evidence that vendors have the ability and will act in the best interest and protection of the grantee-relative and his child.

Authorization for vendor payments will be made according to current local agency procedures.

- C. Provision of Services - In protective situations referral to social services staff must be made, to assure protection of recipients, where problems and needs for services are obviously beyond the ability of the protective payee to handle.
- D. Periodic Review of Need for Protective or Vendor Payment - A review of the need for protective or vendor payments on the behalf of children and of the way in which a protective payee's responsibilities are being carried out will be made as frequently as indicated by the individual circumstances and at least every six months, or 12 months if appropriate. This review can be coordinated with the eligibility renewal.

Appropriate controls are to be established by the local department to insure that cases are reviewed within the specified period. The case **documentation** should include an evaluation of the situation at the time of review and a statement of the basis for the decision at that time to continue or to terminate protective or vendor payments.

E. Termination of Protective and Vendor Payment - Provision is to be made for appropriate termination of protective or vendor payments as follows:

1. When the grantee-relative is considered able to manage funds in the best interest of the children, there will be a return to money payment status.

When it appears that the need for protective payment will continue or is likely to continue beyond two years, because all efforts have not resulted in sufficiently improved use of assistance in behalf of the children, judicial appointment of a guardian or personal representative will be sought. When such an appointment has been made, payment will be made to the guardian or personal representative.

2. Protective payments made on the basis of a caretaker's failed drug test will be terminated after one year.

F. Right of Appeal - Opportunity for a fair hearing will be given any recipient:

1. In relation to the determination that protective or vendor payments should be made or continued, or
2. In relation to the payee or vendors selected.

The recipient is to be advised of his right of appeal when the determination is made that a protective or vendor payment will be initiated and at the time of any change in payment status.

G. Safeguarding Information - Release of information to the protective payee from the public assistance record must be confined to those facts about the family members and their situation that are pertinent to the fulfillment of the payee's responsibility in the home. Information from the social history of the case, such as the legitimacy of children, circumstances of previous marriages, facts concerning relatives of the recipient, medical data, etc., should be disclosed only when required for the welfare of the family or the protection of the protective payee. The information shared may vary according to the type of help offered the family and the payee's personal or professional qualifications.

3. Discuss methods of repayment with the individual. If the individual refuses to cooperate, secure a written statement from the individual that he refuses to repay the overpayment.

Once reasonable efforts to collect the overpayment have proven to be unsuccessful, the agency must document the case record with evidence that further recovery efforts would equal or exceed the amount of the over-payment. Such evidence may include the cost of staff time, the cost of legal/attorney fees, or any other evidence the agency has which demonstrates that further recovery efforts would not be cost-effective. The agency head, or his designee, will make the final determination as to whether further efforts would be cost-effective.

- C. Retention of Information - The agency must maintain information on individuals no longer receiving assistance who received an overpayment which was waived, including overpayments less than \$35, for three years. (See 100.4 for information about the Library of Virginia schedule for retention of specific types of information.) The agency must initiate recoupment procedures should one or more of those individuals again be found eligible to receive assistance.
- D. Intentional Program Violation (IPV) - In situations involving a TANF/VIEW IPV, the agency must make every effort to collect the overpayment regardless of the amount; the overpayment may not be waived. See Section 102 for policy on handling Intentional Program Violations (IPV).

503.7 - Calculating Overpayments - There are several factors which must be considered when calculating overpayments (IPV and non-IPV).

- A. Determination of Continued Eligibility - When any change in circumstances which caused an overpayment is still in effect at the time of discovery, the agency must first prospectively determine the client's continued eligibility.
- B. Determination of When the Overpayment Began - The worker is to determine when the overpayment began and secure all verifications necessary to calculate the overpayment. The overpayment began the month following the month the change occurred **or as soon as administratively possible per guidance at 401.2B.**

503.8 NOTIFICATION, RECOUPMENT AND RECOVERY OF OVERPAYMENTS - State Board policy, adopted in accordance with federal regulations,* requires the local department to 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 Benefits and/or Payments for VIEW Services' form. The form is available on the VDSS Local Agency page under TANF Claims. 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 previous TANF recipient 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 fails to sign the form, the unsigned copy must be retained in the case record.**

When the signed form is not returned on an active TANF case or on a case receiving a VIEW Transitional Payment (VTP) within 30 days, 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 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 must be recouped by reducing the amount of any future assistance payable to any assistance unit of which the individual is a member.
1. When the recipient 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. **Enter 10% in the "Terms" field on the Create Overpayment/Claim (BATAOC) screen.**

Example: TANF Grant of \$320; Recoup 10% (\$32); New grant amount is \$288.

2. In situations where the client has earned income, unearned income, or any combination thereof, in addition to his 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 grant 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.
- b. Combine all gross income **including any income that would be disregarded for TANF purposes (such as SSI)** and the current grant **to determine the amount of income available to the AU.**

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

*§63.2 - 512

- c. Determine what 90% of the standard of assistance for a family of equal size in the same locality would be. This represents the amount of money the client must have available to live on.
- 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.**

Example:

| | |
|---|-------------------------|
| Step a: Determine the amount of the overpayment. | |
| Step b: Available income | \$598.00 |
| (\$344 gross wages + \$254 grant amt) | |
| Step c: AU Retains (\$254 X 90%) | <u>-\$228.60</u> |
| Step d: Maximum Amount that can be paid | =\$369.40 |

The monthly assistance payment will be reduced according to (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 grant 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 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 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. Failure or refusal of a current recipient to voluntarily repay the overpayment will result in court action only when recoupment is not possible and, thus, precludes prompt correction of overpayments as described in 503.7D, i.e., no grant from which to recoup due to a deficit of less than \$9.50.

- D. Responsibility For Overpayments Outstanding overpayments must be recovered or recouped when a former recipient reapplies for assistance and is found eligible. The schedule of repayment is to be based on the current situation of the client.

The allowable amount of recoupment or recovery of the overpayment from the client is limited to the total amount of the overpayments.

1. When TANF benefits or VIEW supportive services are overpaid, the caretaker(s) included in the assistance unit at the time the overpayment occurred shall be responsible for repayment of the overpayment. If there is no parent or non-parent caretaker included in the assistance unit, the payee for the case at the time the overpayment occurred shall be responsible for the overpayment. **A child is not liable for an overpayment that occurs while she is receiving TANF assistance as a child. (The child does not become liable for an overpayment after becoming an adult.)** A minor parent is not liable for the overpayment unless she is living with someone who is standing in *loco parentis* and she is coded as a caretaker (PR) on the case.

2. Recoupment process:

- a. Identify the liable individuals in ADAPT on the Individuals Liable for Overpayment/Claim screen (BATAIL).
- b. Enter an 'A' in the field 'Action' for each caretaker who was included in the AU when the overpayment occurred. If there was no caretaker in the AU, add the name of the payee on the case and an "A" in the Action field. (If the payee does not have a client ID number, you will need to obtain one before completing this screen.)
- c. Enter a 'D' in the field 'Action' for each child, including minor caretakers coded as "PC" in ADAPT, who was included in the AU when the overpayment occurred.

Example 1: Ms. Thomas loses her job and requests assistance for her son, her daughter, and her daughter's baby. She returns to work one month after the case is approved but does not report her income (which exceeds 130% of the federal poverty level) until she submits her Interim Report. The agency establishes an overpayment for Ms. Thomas. The other three persons, including her daughter who is a minor caretaker, are children on the case and are not liable for the overpayment.

Example 2: Mrs. Allen is the payee on a case for her teenage grandsons. She is not needy and is not included on the grant. An overpayment occurs when the children move out to live with their father and Mrs. Allen does not report the change. The agency establishes the claim in ADAPT, entering Mrs. Allen's name with an "A" in the "Action" field on BATAIL before closing the case. Mrs. Allen agrees to voluntary repayment and begins sending the agency a small check each month. After three months, Mrs. Allen refuses to make any more payments. The agency begins to initiate legal action to collect the balance of the overpayment as a debt. (See 503.8C).

E. Prompt Correction of Overpayments - An overpayment must be recouped or recovered as soon as administratively feasible. One of the following actions must have occurred by the end of the calendar quarter following the quarter in which the overpayment was first identified.

1. Repayment must have already been accomplished.
2. Action to locate and/or recover from a former recipient must have been initiated.
3. Repayment from current recipient occurring either through recoupment or voluntary repayment.

If instances occur where none of the three actions have been taken by the time stated above, the overpayment must still be recouped or recovered.

If prosecution for an IPV occurs, then the amount of court ordered restitution will be the amount of the overpayment to be recovered from that case.

F. Determining Intentional Program Violations (IPV) - A client error may or may not be an IPV, which exists when there is evidence clearly establishing that the recipient willfully withheld information or gave false information affecting his eligibility or the amount of assistance. (See Section 102 for further procedures.)

G. Reporting Overpayments - In instances where the assistance payment is reduced or suspended to recoup an overpayment previously repaid to the State Department of Social Services, or cash amounts are received as recovery of money previously repaid to the Department of Social Services from local funds, an adjustment must be reported on LASER in order that the locality can recover local funds paid to the State. The amount of the deduction made from the current payment, the amount of the suspended grant, or the cash amount received as recovery should be shown as an addition to expenditures in LASER.

H. Retention of Overpayment Records - All overpayment records must be maintained for three years after the claim is paid, administratively closed, or written off. (See 100.4 for information about the Library of Virginia schedule for retention of specific types of information). All documentation pertinent to the overpayment should be attached to the screen print of the overpayment. The file should contain the following screen prints: "Create Over Payment" (BATAOC) and "Individuals Liable for Overpayment Claim" (BATAIL).

* 45 CFR 233.20(a)(13)(ii)

503.9 CORRECTION OF PRIOR UNDERPAYMENTS - Federal regulations require that, if a State Plan provides for recoupment/recovery of overpayments from the client, it must also provide for prompt correction of prior underpayments to current recipients and those who would be current recipients if the error causing the underpayment had not occurred.* Therefore, the agency is to correct any underpayment to any person who is currently in need, regardless of whether they are current recipients. (See 305.1.D.2.C.) The local agency shall notify a case not currently receiving assistance, in writing, of requirement to demonstrate their current need (that they would currently be eligible for TANF if they applied) in order to receive underpaid benefits. Additionally, when the agency discovers that a household was incorrectly denied/ terminated, the former applicant/recipient must provide verification that the assistance unit was actually eligible for each month subsequent to the incorrect denial/termination. An underpayment will only be calculated for each month such verification is provided.

When it is learned that an underpayment has been made as a result of any (client or agency) error, there must be correction of the prior underpayment by repayment to the client as follows:

1. The total allowable repayment to the client shall be the amount of the underpayments.
2. Retroactive repayment of prior underpayments shall be made either in one lump sum payment or by monthly installment payments to the client until the full allowable repayment is made. The method of payment is to be selected by the local agency.
3. The retroactive corrective payment shall not be considered as income in determining need and the amount of the continuing assistance payment for which the recipient is eligible in the month in which it is paid or the next following month. The TANF maximum payment may be exceeded by the amount of such corrective payment.

The agency must also correct outstanding underpayments to former recipients who have reapplied and are found to be eligible.

The above instructions are not applicable when a corrective payment is made as a result of an appeal to the State Board or a court decision. In such cases, the terms of the State Board decision or court order apply.

At the time a grant is made or increased for the purpose of correcting a prior underpayment, the recipient must be informed in writing of the purpose of this special allowance; the amount and the period for which it will be made; and the fact that it will automatically terminate at the end of the specified period. If this is done and the recipient, at the time the special allowance is terminated, appeals within the advance notice period, assistance need not be continued in the original amount.

503.10 OFFSETTING OVERPAYMENTS AND UNDERPAYMENTS - In cases which have both an underpayment and overpayment, the agency will offset one against the other in correcting the payment.

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

The income that is lost or reduced must be the earned or unearned income of the applicant or other household member who would be part of the assistance unit for TANF purposes or whose income would be considered available to the assistance unit. (See 302.7) The lost or reduced income cannot be the income of an individual who could not be included in the assistance unit, nor can the income be a gift to the household.

The loss of, or reduction in, TANF or Refugee Cash Assistance benefits will not be considered as meeting **the loss or reduction of income** requirement.

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

801.6 DETERMINING THE AMOUNT OF THE PAYMENT

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

In determining the applicant's need for assistance, consider the applicant's immediate ongoing income only. Do not include terminated income or anticipated income in determining the applicant's need. Do not enter terminated or anticipated income in ADAPT. 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 grant amount by four.
- B. Determine all of the needs of the assistance unit - Document the case as to the needs covered and the verified cost of providing for each need. The amount can cover several different needs and can include items such as, but not limited to, shelter payments, utility payments, and transportation assistance.
- 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 \$1,280 ($\$320 \times 4 = \$1,280$). 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 DA payment amount of \$1280 and Ms. Z did not report any additional needs, the worker should approve diversionary assistance of \$900.

801.7 PERIOD OF INELIGIBILITY

- A. If an assistance unit receives a diversionary assistance payment, it shall be ineligible for TANF for up to 160 calendar days beginning with the date that the diversionary assistance is issued. 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 payment amount by the daily amount determined in Step 2 to determine how many days are covered in the payment amount. Round up to the next whole number.**
 4. Determine the number of days of ineligibility by multiplying the number of days determined in Step 3 by 1.33. Round up to the next whole number. This number cannot exceed 160 days.
 5. Using the number of days determined in Step 4, determine the date that the period of ineligibility ends. Note: this date is automatically calculated by ADAPT and pre-filled on the AESANC screen.
- B. The assistance unit, or any member of an assistance unit who has received diversionary assistance, cannot receive TANF until the period of ineligibility for the receipt of TANF expires. During this period of ineligibility, the case will be considered a public assistance (PA) case for SNAP purposes.
- C. A child(ren) born to a client who is in a period of ineligibility for TANF due to receipt of a diversionary assistance payment is not eligible for TANF until the period of ineligibility expires.
- D. An assistance unit can receive diversionary assistance only once in a twelve-month period.

801.8 VENDOR PAYMENTS

Supervisory approval is required for all diversionary assistance payments.

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

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

TANF-UP - In a TANF-UP case, both parents must be referred for participation, unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they must decide who will be referred for participation. If the household's situation changes and the recipients wish to change the VIEW participant, they may do so upon request and after advisement from the ESW or EW. Exception: The recipients may not switch VIEW participants in order to avoid termination of the case or in order to avoid or cure a sanction.

When both parents are under the age of 18 they are exempt. However, they may volunteer until they attain the age of 18. Any months in which the individual participates in VIEW will be counted toward the 24-month limit on the receipt of TANF. For this reason, these individuals should be encouraged to stay in school to continue their educations instead of volunteering for VIEW.

Volunteers - Recipients of SSI benefits and illegal aliens are ineligible for inclusion in the TANF assistance unit and therefore cannot volunteer to participate in VIEW. The eligibility worker must advise all volunteers that once they enter VIEW by signing the Agreement of Personal Responsibility they have the same rights and responsibilities as mandatory participants. To the extent that funding is available, agencies may serve TANF recipients who are exempt from VIEW and who choose to volunteer.

VIEW volunteers are given a trial period of up to 12 consecutive months of participation. During this trial period, volunteers will not be sanctioned for failure to comply with VIEW program requirements. If the volunteer fails to participate as agreed, the VIEW worker will advise the client to terminate her volunteer status and again become exempt or will take this action on the client's behalf. The client will not be able to volunteer a 2nd time during the 12 month trial period and maintain her volunteer status. She has forfeited the balance of her trial period by her failure to participate as agreed. Volunteers who elect to volunteer a 2nd time during the 12 month trial period or to continue in VIEW beyond the 12 month trial period, are required to participate and will be sanctioned if they fail to do so without good cause.

Exception: If a volunteer becomes totally disabled during the 12 month trial period (verified by a Medical Evaluation Form) or if the volunteer becomes a caregiver for a relative living in the same residence, (verified by the Statement of Required Presence of Caregiver Form) the volunteer's original twelve month period can be interrupted as long as the TANF case is still open. Once the individual is no longer totally disabled, or is no longer needed to provide care for the relative, she may volunteer again for the remainder of the 12 month volunteer period as long as she continues to be exempt from mandatory participation in VIEW.

A former VIEW volunteer whose TANF case is closed may reapply for TANF, and, assuming she continues to be exempt from VIEW, may once again volunteer to participate in VIEW and be granted a new 12 month trial period.

Applicants can volunteer for VIEW only after the TANF application has been approved. They are eligible for the VIEW enhanced disregards in the month following the month the VIEW APR is signed.

Note: Non-parent caretakers who meet the financial requirements of Section 304.2 and are included in the assistance unit must participate in VIEW unless otherwise exempt. **They are mandatory VIEW participants, not VIEW volunteers.** Non-parent

caretakers who have been removed from the TANF grant for failing to participate in VIEW, must again be referred to VIEW, unless otherwise exempt, if the original case closes and the household reapplies for TANF.

901.3 RESPONSIBILITIES OF THE ELIGIBILITY WORKER - Regarding VIEW, the eligibility worker must:

- A. Determine VIEW or exemption status prior to the initial approval, at redetermination when adding an individual to the assistance unit, or when a change in the individual's situation would affect her VIEW status. Such determinations should be documented in the case record. Additionally, the appropriate system VIEW status code should be entered on AEGNFS.

Explain the exemption criteria to all applicants at application and to recipients at redetermination, and explain their obligation to report changes affecting their status. The recipient must provide information and verify all reported changes in exemption status. The eligibility worker must change the exemption status in the month in which the change is verified.

Exempt individuals who lose their exemption status must be referred to VIEW in the month in which the exemption ends. Mandatory individuals who become exempt must be advised of the status change and their right to participate in VIEW as volunteers. Note: Changes that result in VIEW status changing from exempt to non-exempt but which are reported late, do not constitute an overpayment.

- B. Provide a copy of the completed "Do You Have a Disability?" form (for the adult applicant or payee who completed the application for TANF) to the ESW for the VIEW record when the adult is referred to or volunteers for VIEW.
- C. Explain the requirements of the VIEW Program and the related supportive services to all applicants/recipients at application and redetermination. Information should also cover the transitional child care and transitional transportation benefits available when the TANF case closes. All applicants and recipients, including non-parent caretakers in the assistance unit, who are not mandatory must be offered the opportunity to volunteer for the VIEW Program.
- D. Advise all applicants/recipients of the sanctions/penalties that apply for failing/refusing to participate in VIEW, without good cause. The VIEW worker will evaluate good cause.
- E. Refer those individuals who have been determined to be exempt from participation on the basis of incapacity to the appropriate state vocational rehabilitation agency using the Referral to Rehabilitative Services Form. The eligibility worker should provide available medical and other appropriate information with the referral.
- F. Review the individual's exempt/non-exempt status when changes are reported and as a part of the TANF eligibility redetermination process, unless the eligibility worker determined the individual to be 60 years old or older, or permanently incapacitated.
- G. Enter the date that the APR was signed on AEGNFS then run ED/BC. As of March, 2008 the EW will only have Inquiry access to the 24-month clock.

Note: The ESW will be responsible for starting and maintaining the 24-month clock in ESPAS.

- H. Advise applicants/recipients who are exempt from VIEW that they may volunteer to participate in VIEW, unless they are SSI recipients, convicted offenders serving sentences while still living in the home, or illegal aliens.
- I. Advise all volunteers that once they enter VIEW by signing the Agreement of Personal Responsibility that they have the same rights and responsibilities as mandatory participants. As voluntary participants, however, they can withdraw from the VIEW program without penalty at any time within the twelve-month trial period and cannot be sanctioned for failure to comply with VIEW unless they elect to continue in VIEW after the end of the twelve-month trial period.
- J. Make appropriate changes in the computer system which affect the individual's VIEW status. The VIEW worker will be notified via the computer system of these changes. This includes, but is not limited to, the individual's:
1. Being removed from the assistance unit;
 2. Obtaining employment;
 3. Losing his employment;
 4. Changing his exemption status (e.g., changing from exempt to non-exempt and vice versa);
 5. Moving from one locality to another; or
 6. Having a VIEW sanction lifted when advised by the VIEW worker or when a sanctioned individual becomes exempt after the minimum sanction period has elapsed;
- K. Upon notification from the VIEW worker indicating that a non-exempt individual claims to be exempt, verify the exemption claim and notify the VIEW worker of the findings within thirty (30) days. If the eligibility worker is unable to verify an exemption claim, the individual will continue in non-exempt status in VIEW until verification is received.
- L. Sanction the TANF case by suspending the grant based on the VIEW worker's recommendation. The EW will send the ANPA (032-03-0307) within three working days of receipt of the notification from the **VIEW worker**.
- M. Upon notification by the VIEW Worker that, prior to the scheduled date of the initial VIEW assessment date, the recipient has made a request that the TANF case to be closed, the EW will close the TANF case per the recipient's request. **The EW will send the ANPA (032-03-0307) within three working days of receipt of the notification from the VIEW worker.**
- If the recipient subsequently requests that the TANF case be reopened prior to the effective date of the case closure, she must complete the initial assessment appointment before the TANF case will be reopened.
- N. Upon notification from the VIEW worker that the recipient has refused to attend an initial assessment appointment or refused to sign the Agreement of Personal Responsibility without good cause, close the TANF case. Enter a VB on the AEGNFS Screen. (The client will be required to sign the Agreement of Personal Responsibility as a condition of eligibility if she reapplies for assistance.) **The EW will send the ANPA (032-03-0307) within three working days of receipt of the notification from the VIEW worker.**

- O. Obtain verification and impact the assistance payment when a recipient obtains employment.
- P. Send the Advance Notice of Proposed Action to the recipient at least sixty days prior to the case termination effective date when the 24-months time limit is to expire.
- Q. Upon notification from the VIEW worker indicating that the VIEW participant is being placed in a Full Employment Program (FEP) placement, suspend the TANF payment per 901.14. The eligibility worker must conduct a prospective determination of eligibility in the last month of the FEP placement.
- R. When closing a TANF case with a VIEW participant, determine VTP eligibility. Inform the ESW when a VTP is started or terminated in ADAPT.
- S. Close the VTP case when the client is no longer eligible.
- T. Transfer the VTP case when a client moves to another locality in Virginia. Note: It is the responsibility of the receiving agency to determine if the client continues to meet all of the VTP eligibility requirements.

Note: For a complete list of alerts received by the VIEW worker when the EW completes an action in ADAPT, please refer to Chapter L of the ESPAS manual <http://spark.dss.virginia.gov/support/adapt/espas.cgi>.

901.4 RESPONSIBILITIES OF THE VIEW WORKER - The VIEW worker must:

- A. Send a Communication form, **within three working days**, to advise the EW when a recipient requests the closure of the TANF case prior to the scheduled date of the initial VIEW assessment.

Note: If the recipient subsequently requests that the TANF case be reopened prior to the effective date of the case closure, she must complete the initial assessment appointment before the TANF case will be reopened. The VIEW worker will make every effort to schedule this appointment prior to the effective date of the TANF case closure. Additionally, the recipient will be advised that if she fails to attend the appointment, the TANF case will be closed based on her original request.

- B. Have the recipient sign the VIEW Agreement of Personal Responsibility as part of the initial assessment interview.

Note: Explain Intentional Program Violation (IPV) reporting requirements and penalties to the participant. See Section 102.*

Obtain a copy of the "Do You Have a Disability?" form from the EW. If the EW failed to have the client complete the form, the ESW will complete the form with a client and give a copy to the EW for the TANF record.

- C. Enter the date that the recipient signs the VIEW Agreement of Personal Responsibility as the assessment date in ESPAS. By transmitting from the EECLC screen, the ESW will start the participation counter in ESPAS that

* 2002 Acts of Assembly, Item 362

will track the 24-months of TANF eligibility. The ESW will maintain the 24 month clock in ESPAS.

- D. Advise the eligibility worker, **within three working days, when a non-exempt recipient's refuses** to sign the VIEW Agreement of Personal Responsibility.
- E. Determine in which component(s) an individual must participate and whether he complies.
- F. Report to the eligibility worker, within three working days, any changes which financially impact the recipient, which have occurred in the VIEW activities of the TANF or TANF-UP recipient such as securing of employment or entering the Full Employment Program.
- G. Advise the eligibility worker that a case is to be sanctioned and the appropriate sanction period. The EW will send the ANPA (032-03-0307-01) within three working days of receipt of the notification from the ESW.
- H. The VIEW worker will advise the eligibility worker of the date the individual began to comply. However, the sanction will not be removed until the sanction time frame elapses. If participation begins after the fixed period, the grant will be prorated for the month in which he begins to participate.
- I. Notify the eligibility worker of changes associated with FEP participation that require action. Changes may include initiation of a FEP stipend, issuance of a supplemental payment to the participant, issuance of a replacement check to the employer, or evaluation of continuing eligibility upon termination of the placement. Notification is sent using the FEP Communication Form (032-03-655). The form is available online and may be sent by email. The online version can be accessed on the intranet at <http://www.localagency.dss.state.va.us/divisions/bp/tanf/forms.cgi>.
- J. Inform VIEW participants that they have a right to request screening at any time if the individual suspects that he or she may be having difficulty at an assigned activity as the result of a disability, and if the screening indicates that the individual is likely to have such a problem, he or she has the right to be referred for an assessment by a qualified professional to determine whether the individual does have such a problem.
- K. Inform VIEW participants that screening and assessment to identify disabilities and other barriers to program participation are voluntary. Ensure that a copy of the "Do You Have a Disability?" form is in the VIEW record.
- L. Inform VIEW participants that they have a right to meet with the VIEW worker to discuss the need to revise the Activity and Service Plan to reflect disabilities, or those of household members that affect the ability to engage in work activities or require accommodations.
- M. Inform VIEW participants that they have a right to an Activity and Service Plan that includes the supports, services and any needed accommodations that will be provided to the individual that will enable the individual to participate in work activities or other program requirements.
- N. Complete job follow-up for VTP and inform the EW when the participant is no longer eligible for the VTP.

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

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

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

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

J. Sanctions when a client reapplies following case closure:

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

Example - The second VIEW sanction was imposed effective January 1, 2005. Customer requested that her TANF case be closed effective January 31, 2005. Customer reapplied for TANF in June 2005, and the application was approved July 12, 2005. The customer is VIEW mandatory. The second month of the fixed period resumes with July 2005, the client's first month of assistance. Once the fixed period has ended and the client has complied with program requirements, the ESW will schedule the client for reassessment at which time a new APR will be signed.

2. **If the fixed sanction period has passed at the time the client reapplies, and the client has not completed an act of compliance, the TANF case is approved in a suspended status. The eligibility worker will not issue a payment until notified by the ESW that**

the client has complied.

EXAMPLE: The client failed to complete her job search assignment and was sanctioned for one month beginning 4/1/10. She notified the worker on 4/12/10 that she had moved and was now living out of state. Her case was closed effective 4/30/10. On 8/15/10 the client reapplied for assistance. Because the sanction was still in place, she was instructed to contact the VIEW worker in order to cure the sanction. She agreed to complete a job search assignment, but because she did not do so by the end of the 30-day processing timeframe, so her application was approved in a suspended status (case approved for the first month in ADAPT; those benefits immediately deleted so they will not be issued; then case suspended for future months). The client successfully completed the job search assignment 10/27/10. The VIEW worker notified the EW of the client's compliance on that date, the suspension was lifted and the client's benefits began 10/28/10.

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

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

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

- A. The VIEW payment calculation applies to the following:
1. Unsubsidized employment and,
 2. On the job training or subsidized training listed in [Chapter 1000](#), Section 7.C.4.
- B. This calculation does not apply to the following:
1. FEP Program in [Chapter 1000](#), Section 7.C.2, and
 2. Hardship cases (Section [901.9](#)).

The VIEW payment calculation differs from the grant calculation located in [Appendix 3](#) to 305.

An individual who is working when they sign the Agreement of Personal Responsibility is entitled to the VIEW earned income calculation the month following the month in which they sign the Agreement. If it is not administratively possible to impact that payment, a supplement must be issued.

For those VIEW participants who obtain unsubsidized employment during VIEW participation, the VIEW earned income calculation is to be used for grants effective the month following the month when employment begins. If it is not administratively possible to impact that payment, a supplement must be issued.

VIEW participants do not have earned income screened at 185% and the standard of assistance. They may receive the standard deduction from gross income and 20% of the remainder,* and child or adult care costs as disregards.

To calculate the VIEW payment (TANF grant), the eligibility worker must follow the steps in [Appendix 1](#) to this chapter. The TANF Match Payment is not considered in calculating the VIEW payment.

See Chapter 900, [Appendix 1](#) for the VIEW Grant Calculation, [Appendix 2](#) for VIEW Income Examples, and [Appendix 3](#) for the Federal Poverty Level table.

A TANF recipient who enters the VIEW program erroneously, i.e., the recipient did not report earnings that he received or expected to receive prior to entering VIEW that would have made the case ineligible for assistance using the 185% and standard of assistance income screenings, must have continuing eligibility determined by using 185% and standard of assistance screenings (see Section [305.1.A.](#)) If the case does not pass the 185% and standard of assistance screenings, the case must be closed as soon as administratively possible. If the case is eligible at the standard of assistance screening, the VIEW grant calculation is appropriate for the month following the month in which the earnings were reported to the agency. Overpayments should be calculated per [503.7](#).

Note: For a case that contains an individual who is a VIEW participant, the VIEW grant calculation applies to the total countable earnings of all required assistance unit members.

901.8 VEHICLE VALUE LIMIT - Repealed effective December 1, 2003.

901.11 PERIOD OF INELIGIBILITY

- A. 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 grant 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 child will no longer be subject to the POI if he/she 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 901.11H for child of a minor parent who applies in her own right after becoming 18); and,
 8. A child subject to the family cap provision.

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 1998, 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 1998.

In that same month, Joe's grandmother filed an application for TANF, for herself and Joe. The application for TANF is denied due to the fact that 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 TANF until the entire 24-month period of ineligibility has expired.

Example #2: Ms. Smith, who is a TANF recipient with her sons Josh and Joe, began participating in the VIEW Program in March 1996. Josh moved out of Ms. Smith's home in June 1996 to move in with his aunt. The aunt applied for TANF, on Josh's behalf, in June 1996. The aunt's TANF application for Josh may be approved, if Josh is otherwise eligible, because Ms. Smith's TANF case was not in a period of ineligibility when Josh left.

B. EXCEPTIONS: (1) If the caretaker dies during the period of ineligibility, the children may receive TANF with another relative, if otherwise eligible. (2) A minor parent or child who turns 18 during the period of ineligibility may apply and receive TANF in her own right for herself and her child(ren), if otherwise eligible. (3) If it is determined that the caretaker (both caretakers in a two-parent TANF household) became totally disabled during the period of ineligibility or became required to care for a disabled family member living in the household, and such a disability or situation prevents the individual from being self supporting, the caretaker and children in the family may receive TANF benefits without regard to the period of ineligibility. The worker must assist the parent in pursuing other benefits, as appropriate. (4) If a child is removed from the home of a parent as a result of a child protective services report or complaint during the period of ineligibility and is placed in the home of a relative, the relative may be eligible to receive assistance if otherwise eligible.

A Medical Evaluation (032-03-0654) completed by a medical professional will be used to verify the disability of the caretaker. (The client's disability will be considered total if the medical indicates that she cannot work 10 hours a week or more). The disability must be re-evaluated based on new verification at the end of the anticipated duration as noted on the medical statement or every 90 days whichever occurs first. If the medical form is incomplete, the eligibility worker must contact the medical professional to obtain the missing information before acting on the medical.

When 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 grant), 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 caretaker will not be considered to be needed on a substantially continuous basis, and the TANF benefits will not be extended beyond the 24th month.

When the disabled caretaker is eligible to receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), on-going 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.

The TANF case is to be closed as soon as administratively possible upon verifying that the caretaker is able to work or is no longer needed to care for a disabled family member living in the home. Once the TANF case is closed, the 24-month POI will resume.

Example: Mrs. Waters began her 24-month POI on August 1, 2008. On October 15, 2008 she applied for TANF. On the date of application, she provided a medical form verifying she was expected to be disabled from September 20, 2008 to June 30, 2009. She is approved for TANF beginning October 15. Since any month the client receives TANF is not counted toward the 24-month POI, October will not be a POI month.

Mrs. Waters furnished additional medical forms every 90 days as required to verify her continued disability. A medical form was submitted on June 15, 2009 which indicated she was no longer disabled. The worker closed the case effective June 30, 2009. Mrs. Waters had 22 months (24 months minus the two POI months she completed - August and September) remaining in her 24-month POI. The POI resumed July 1, 2009. Mrs. Waters' ADAPT case was updated to reflect the new POI period and AESANC screens were entered for all AU members for July 1, 2009 to April 30, 2011.

901.12 TRANSFERS - Active VIEW cases transferred to another agency should be treated as follows:

- A. All attempts should be made to transfer the benefit and VIEW record together within 5 working days of notification.
- B. When a VIEW case with no earned income and not in a sanction transfers to another agency, the VIEW time clock stops until such time as the VIEW worker in the receiving agency completes an assessment and re-starts the clock. The receiving agency is responsible for adjusting the clock after the assessment. The 60-month clock continues to advance for each month TANF is received.
- C. When a VIEW case with earnings transfers to another agency, the VIEW clock continues. **In the case of a UP household in which one participant is employed, there will be no break in the months on the individual's clock. When the new agency opens the client's ESPAS enrollment, the ESW should make sure the appropriate months are reflected on the 24-month clock. The clock for the other participant will stop unless she was in a sanction at the time of the transfer. Her clock will resume in the month after the ESW completes an assessment and updates her APR.**

Example: Mr. and Mrs. Waters' case is transferred from locality A to locality B on May 26. Mr. Waters is employed when the case transfers. Locality B will restart his clock beginning with the month of June. Mrs. Waters is participating in VIEW but is not employed and not sanctioned. Locality B will restart her clock the month after an assessment is completed and the APR is updated.

- D. A sanction period continues when a sanctioned VIEW case transfers to another agency.

901.13 TRANSITIONAL BENEFITS - When a VIEW case closes the family may be eligible for transitional benefits during the 12-month period following TANF case closure. These benefits include child care, transitional employment and training* (TET), transitional transportation, and transitional payments. Eligibility criteria for transitional child care benefits are located in the Child Care Guidance Manual and guidance for transitional transportation is located in Chapter 1000 of this manual.

A. VIEW Transitional Payment (VTP)

The purpose of the transitional payment is to encourage job retention. The amount of the VTP is \$50 for each VIEW participant who meets the criteria listed below. The VTP amount is \$100 for a two parent household in which both parents meet the VTP criteria. If one parent leaves the home, the payment must be reduced by \$50.

Criteria for Receipt of the VTP:

1. The TANF case closes for any reason other than no eligible child in the home (including a child ineligible due to truancy) or because the client cannot be located.
2. The TANF recipient must not be in an IPV penalty period for TANF at the time of the TANF case closure.
3. The TANF recipient is a VIEW participant at time of the TANF case closure.
4. The VIEW participant must be employed at least 30 hours per week, and earning at least minimum wage at the time of TANF case closure. (Note: If the client's scheduled hours of employment for a given week fall below 30, a VTP may still be established as long as the average weekly scheduled hours for the month are 30 or more).

Note: Prior to establishing a VTP, the EW must verify the client's wages. For previously reported employment, the wage verification cannot be more than 30 days old. If the wage verification is more than 30 days old, the client must provide current verification of employment prior to the effective date of the TANF case closure. For new employment, the client will have 10 days from the date the new employment is reported to verify the employment. This 10 day period may extend beyond the effective date of the TANF case closure. (For example, TANF case is closing effective 4/30. Client reports new employment on 4/29. The client will have until 5/9 to provide verification of the new employment. The client may be eligible for VTP if he/she meets all other VTP eligibility criteria.) Client statement may be used for prospective calculations to determine ongoing TANF eligibility but not for the establishment of the VTP. In all instances, a VIEW case must already be open prior to the establishment of a VTP.

5. The VIEW participant must not be referred for a VIEW sanction or be in a VIEW sanction at time of the TANF case closure. Note: In a two parent household, if either parent has been referred for a VIEW sanction or is currently in a VIEW sanction at the time of the TANF case closure, the entire household is ineligible for a VTP.

The FEP placement and stipend periods are a fixed six-month period. The placement begins the month FEP employment begins and ends on the last day of the sixth month, e.g., placement begins June 10 and continues through November 30, and the corresponding stipend period begins on July 1 and ends on December 1. The begin date of placement cannot be a date within the last 11 days of the placement month.

A parent or other caretaker-relative may participate in FEP. Only one person in a case can be in FEP at any time. No member of a case serving a VIEW sanction can participate in FEP unless the minimum sanction period has elapsed.

- A. TANF PAYMENT DIVERTED TO EMPLOYER - When notified by the VIEW worker of the FEP placement, the eligibility worker must take action in ADAPT to enroll the individual as a FEP participant and divert monthly payments to the employer. The EW must send an Advance Notice of Proposed Action (032-03-0018-29) informing the recipient that the TANF payment will be suspended. Note: Suspension in the context of FEP participation means that no monthly payment will be issued to the FEP participant while in the placement. It does not mean that action to suspend the payment should be taken in ADAPT, as this would prevent issuance of the monthly stipend to the employer. The recipient is enrolled in FEP by completing the VIEW Full Employment Program (AEVFEP) and Case Information 2 (AECAS2) screens in ADAPT. The AEVFEP screen must be completed first. In order for the stipend to be issued to the employer, AECAS2 must be completed using a payee type of FP.

If the Eligibility worker receives notification of a FEP placement during the 10 day notice period, the ADAPT system should not be updated until the first of the following month. It will be necessary to issue the initial employer stipend out of Benefit Adjustment. **The EW should act on the reported change within 3 business days whenever possible.** However, the EW must act on the reported change within 10 days.

Example: On May 23 the Eligibility Worker receives the FEP Communication Form from the VIEW Worker indicating a FEP Placement began on May 18. The Eligibility Worker should wait until June 1 to enter the information into the ADAPT system. A TANF payment will be made to the client for June. This is not an overpayment since the Eligibility Worker was not able to provide timely notice. The initial employer stipend for the month of May should be issued out of TANF Benefit Adjustment at the beginning of June. The June employer stipend, will be issued through the monthly batch process and will be received by the employer the beginning of July.

- B. TANF ELIGIBILITY DURING FEP PLACEMENT - A participant remains eligible for TANF for the duration of the FEP placement, with two exceptions: 1) no eligible children remain in the home and 2) a VIEW sanction is imposed on the FEP case.

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

1. During placement in FEP employment, the recipient must continue to report required changes (Section 401.2.B.2.), and the changes must be

VIEW GRANT CALCULATION

Example 1 - Earnings

Assistance unit of 2 in a Group II locality. Mom receives a TANF Match Payment of \$135 and earns \$450 gross monthly.

Step (1) - Screening at Federal Poverty Level

\$ 450.00 Gross Monthly Earnings
\$1,215.00 Monthly Federal Poverty Level for 2

Step (2) - Unearned Income

\$254.00 Standard of Assistance for 2
 0 Unearned Income
\$254.00 TANF Deficit

The TANF Match Payment does not impact the TANF deficit.

Step (3) - Earned Income Disregards

\$450.00 Gross Monthly Earnings
-142.00 Standard Deduction for 2
\$308.00 x 20% = 61.60
 61.60
\$246.40 Net Earned Income

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

\$246.40 Net Earned Income
+254.00 TANF Deficit
\$500.40 < Monthly Federal Poverty Level for 2

\$254.00 = VIEW Payment (TANF Grant)

Example 2 - Earned and Unearned Income

Assistance unit of 2 in a Group II locality. Mom earns \$300 gross monthly and the assistance unit also received \$120 unearned income monthly.

Step (1) - Screening at Federal Poverty Level

\$ 300.00 Gross Monthly Earnings
\$1,215.00 Monthly Federal Poverty Level for 2

| | | | |
|----------|---|--|---------------------------------------|
| Step (2) | - | Unearned Income | |
| | | \$254.00 | Standard of Assistance for 2 |
| | | <u>-120.00</u> | Unearned Income |
| | | \$134.00 | TANF Deficit |
| Step (3) | - | Earned Income Disregards | |
| | | \$300.00 | Gross Monthly Earnings |
| | | <u>-142.00</u> | Standard Deduction for 2 |
| | | \$158.00 | x 20% = 31.60 |
| | | <u>- 31.60</u> | |
| | | \$126.40 | Net Earned Income |
| Step (4) | - | Add Net Earned Income and TANF Deficit | |
| | | \$126.40 | Net Earned Income |
| | | <u>+134.00</u> | TANF Deficit |
| | | \$260.40 | < Monthly Federal Poverty Level for 2 |
| | | | \$134.00 = VIEW Payment (TANF Grant) |

Example 3 - Earnings Result in Ineligibility

Assistance unit of 4 in a Group III locality. Mom earns \$1,895 monthly gross income.

| | | | |
|----------|---|------------------------------------|-------------------------------------|
| Step (1) | - | Screening at Federal Poverty Level | |
| | | \$1,895.00 | Gross Monthly Earnings |
| | | \$1,838.00 | Monthly Federal Poverty Level for 4 |
| | | | Ineligible. |

Step (2) - Unearned Income

\$323.00 Standard of Assistance for 2
- 60.00 Unearned Income
\$263.00 TANF Deficit

Step (3) - Earned Income Disregards

\$960.00 Gross Monthly Earnings
-142.00 Standard Deduction for 2
\$818.00 x 20% = 163.60

- Deduct 20% from \$818.00
\$818.00
-163.60
\$654.40 Net Earned Income

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

\$654.40 Net Earned Income
+263.00 TANF Deficit
\$917.40 < Monthly Federal Poverty Level for 2

Step (5) - Reduce TANF Deficit:

\$1,215.00 Monthly Federal Poverty Level for 2
- 917.40 Net Earned Income + TANF Deficit
\$ 297.60 VIEW Payment (TANF Grant)

\$ 297.00 Actual Payment Amount

Step (6) - Apply Immunization Penalty

\$297.00 VIEW Payment
- 50.00 Immunization Penalty
\$247.00 Net VIEW Deficit

\$247.00 = VIEW Payment (TANF Grant)

2010 FEDERAL POVERTY LEVEL

| <u>Size of Family Unit</u> | <u>Monthly Poverty Guideline</u> |
|----------------------------|----------------------------------|
| 1..... | \$ 903.00 |
| 2..... | \$1,215.00 |
| 3..... | \$1,526.00 |
| 4..... | \$1,838.00 |
| 5..... | \$2,150.00 |
| 6..... | \$2,461.00 |
| 7..... | \$2,773.00 |
| 8..... | \$3,085.00 |

For each additional person add \$312

150% of the Federal Poverty Level
(for TANF-UP Families)

| <u>Size of Family Unit</u> | <u>150% of the Federal Poverty Level</u> |
|----------------------------|--|
| 1..... | \$1,354.00 |
| 2..... | \$1,822.00 |
| 3..... | \$2,289.00 |
| 4..... | \$2,757.00 |
| 5..... | \$3,224.00 |
| 6..... | \$3,692.00 |
| 7..... | \$4,159.00 |
| 8..... | \$4,627.00 |

For each additional person add \$468

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Full-time Employment - employment which is at least 30 hours per week at minimum wage or greater.

GED – General Educational Development is a test made up of five sections – language arts, writing, social studies, science, reading and mathematics - that certifies that the individual successfully completing it has academic skills equivalent to those of a high school graduate.

Good Cause – a mitigating circumstance determined by the VIEW worker to satisfactorily explain a participant’s failure to comply with program requirements with the result that a sanction will not be imposed.

Grant - the monthly TANF benefit payment.

Hardship Exception – an extension of the 2-year limit on TANF benefits allowed under certain very limited circumstances for specific prescribed reasons.

Household member - any child or adult residing with the applicant/recipient. The individual need not be a member of the applicant/recipient’s assistance unit to qualify as a household member.

Job Finding – the identification of available and appropriate jobs.

Job Follow-Up – contact with the client, no less than monthly, during which the ESW provides case management services to assist with job retention and upgrading once the program participant has become employed.

Job Placement - placing a participant in a unsubsidized or subsidized job. Job placement is the result of job finding and job matching.

Job Readiness – instruction in skills needed to seek or obtain employment. Job readiness may include instruction in workplace expectations, help in developing resumes and interviewing skills, and life skills training. Job readiness may also include preparation for employment through participation in short term substance abuse or mental health treatment, or in rehabilitation activities for those who are otherwise employable. Such treatment must be determined necessary by a qualified medical professional.

Job Search - a structured, time -limited period during which the participant is required to search for employment. In order to complete the job search, the participant is required to perform a specified number of hours of job search and document the job search contacts, or find and accept employment.

Job Skills Training - general training that prepares an individual for employment (examples may include keyboarding or computer literacy classes) or job specific training required by an employer in order to obtain, keep, or advance in a specific job or occupation, or training needed to adapt to the changing demands of the workplace; all training and education programs, including post-secondary associate, certificate, **and baccalaureate level programs**, that are included in the definition of Vocational Education and Training; instruction in a second language for participants who have a high school diploma or GED; unpaid practicums or internships offered by a college or training program, or by an employer.

VIEW Transitional Payment (VTP) – an incentive payment designed to encourage job retention. It is available to VIEW participants who are working at least 30 hours a week and earning at least minimum wage at the time TANF closes.

Virginia Independence Program (VIP) – the welfare reform initiative enacted by the Virginia General Assembly and implemented in 1995.

Virginia Initiative for Employment Not Welfare (VIEW) – the Commonwealth’s employment services program for TANF recipients. It was implemented in 1995 as part of the Virginia Independence Program (VIP) to assist participants in attaining self-sufficiency.

Vocational Education and Training – training or education designed to prepare the participant for a specific trade, occupation, or vocation requiring training other than ABE, GED, ESL, or **an** advanced degree **beyond the baccalaureate level**.

Work Activity – one of the VIEW program components which can be counted toward the federal participation rate calculation. Work activities include the following core work activities: unsubsidized employment, the Full Employment Program (FEP), on-the-job training (OJT), the community work experience program (CWEP), the public service program (PSP), vocational education and training, job search, and job readiness. Additionally, work activities include two non-core work activities: education below post-secondary and job skills training.

Additional consecutive weeks cannot be counted in the calculation of the federal participation rate. The total weeks of job search and/or job readiness assignments cannot exceed 6 weeks in a fiscal year. Additional weeks of job search and/or job readiness in a fiscal year can be assigned and entered into ESPAS, but will not be counted in the calculation of the federal participation rate.

- Unsubsidized Employment, including Self-Employment. Unsubsidized employment is employment in which no government funds are used to directly subsidize the individual's salary and in which the individual earns at least the federal minimum wage. Minimum wage means an hourly rate directly equaling the federal minimum wage or an hourly rate of at least \$2.13 which, when supplemented by tips, equals at least the minimum wage.
- Subsidized Employment. Subsidized employment is employment in which government funds are used to directly subsidize the participant's wages. Subsidized employment is designed to provide training while the participant works on the job. The VIEW Program provides one subsidized employment component – the Full Employment Program (FEP). FEP is subsidized employment in which the employer receives a fixed monthly stipend and the client receives wages instead of a TANF check.
- Community Work Experience Program (CWEP). CWEP is an unpaid work placement in a public or private non-profit organization. An assignment to CWEP is appropriate for participants who need to learn or improve skills or work behaviors, or to secure a job reference, in order to find paid employment. The number of hours of a CWEP assignment is based on the TANF grant amount and SNAP allotment.
- Public Service Program (PSP). Public Service Program placements are similar to work experience in that the client will be engaged in unpaid work in a public or private non-profit organization with the goal of improving employability. PSP placements must additionally provide a clearly defined public service. Examples of public service activities include court-ordered, unpaid work, as well as participation in other programs or placements that benefit the community. TANF and SNAP benefits are not considered in the calculation of public service hours. Public service assignments will in no case exceed 35 hours per week, with the exception of court-ordered assignments of greater length.
- On-the-Job Training (OJT). On-the-job training is training provided by an employer to a paid employee to help the employee become proficient on the job. A portion of the employee's wages are typically reimbursed to the employer. OJT includes paid on-the-job training offered through WIA, paid college work study programs and internships, apprenticeship programs, and AmeriCorps placements in which the individual is paid a stipend to cover living expenses.
- Vocational Education and Training. Vocational education and training is training or education directly related to employment designed to prepare the participant for a specific trade, occupation, or vocation. It does not include advanced degree education. It does not include ABE, GED, or ESL. Examples of activities that can be classified as vocational education and training are technology, business, and health sciences programs leading to certificates, associate degrees, **or baccalaureate degrees** in such areas as HVAC repair (heating and air conditioning), information technology, medical equipment repair, accounting administration, medical assisting, and practical **or registered** nursing. Programs meeting the definition of vocational education and training are offered by a wide range of institutions including vocational-technical schools, community colleges, **4-year colleges**, **other** post-secondary institutions, proprietary schools, and secondary schools offering vocational education.

Limitations: Vocational education and training included in the calculation of the federal participation rate is restricted to a lifetime limit of 12 months for each individual. The months do not have to be consecutive.

B. Non-Core Work Activities

The non-core work activities are described below. Hours assigned to non-core work activities can be used in the calculation of the participation rate only after the minimum 20 hour assignment to a core activity or activities has been met.

- **Job Skills Training.** Job skills training shares a vocational emphasis with vocational education and training. It includes both general training that prepares an individual for employment such as a keyboarding or computer literacy class, and job specific training required by an employer to get, keep, or advance in a specific job or occupation, or to adapt to the changing demands of the workplace. It also includes all training and education programs, including post-secondary associate, certificate, and **baccalaureate** level programs, that are included in the definition of Vocational Education and Training. It may include language instruction for participants who have a high school diploma or GED. Unpaid practicums or internships offered by a college or training program, or by an employer, are also considered job skills training.
- **Education Below Post-Secondary.** Education below post-secondary is an allowable program activity for participants who have not received a high school diploma or General Education Development (GED) certificate and whose employability would be enhanced by additional education. It includes ABE, GED and ESL programs as well as secondary school and may be offered in non-traditional as well as traditional settings.

C. Other Activities

In some circumstances, an agency may wish to assign a participant to an activity which will not count in the calculation of the participation rate but which will contribute to the client's employability.

- **Other Locally Developed.** Any activity developed or used by a local agency to increase a client's employability, but which does not meet the definitions of a core or non-core activity, must be reported as other locally developed. It will not be included in the participation rate calculation.

The initial job search assignments, and all subsequent assignments, will be recorded on the VIEW Activity and Service Plan (032-02-0302) and entered into ESPAS immediately, or in no case no later than 3 working days.

In the following specific circumstances, the initial assignment to job search and/or job readiness may be waived:

- when the client is working full time and earning at least minimum wage
- when the client has already completed an assignment to job search/job readiness during her current 2-year period of TANF eligibility and would benefit from direct assignment to a component activity designed to lead to employment
- when the client is in the last three months of pregnancy and would benefit from an assignment to **another VIEW activity**.
- when, under some circumstances, the individual is participating in self-initiated education or training activities. See [1000.13.A.3](#).

- D. If the participant obtains full-time employment (30 hours a week or more at minimum wage or greater), she will not be required to participate in other VIEW activities. While the client is not required to participate in other program activities, she is required to respond to any correspondence from the ESW and to keep all appointments, including reassessment appointments.
- E. If the participant obtains employment that is not full-time or employment less than minimum wage, she will be required to fully participate in VIEW program activities designed to help her find full time employment. She will be assigned to activities, that combined with employment hours, total at least 35 hours a week.
- F. If the participant has not obtained unsubsidized full or part-time employment at minimum wage or greater at the completion of the job search component, she will be reassessed and placed immediately into another program activity.

It is anticipated that the client's specific program assignment will be to an activity/activities that most directly leads to employment and which allows the client's participation to be included in the federal participation rate calculation.

- G. At the end of each component assignment, the client will be reassessed and assigned to another work activity. The focus of the reassessment will be on the client's progress in the activity, and an evaluation of the client's needs for additional program activities and services in order to secure unsubsidized employment.

The reassessment will include an exploration of any barriers, including a verified disability, limited English proficiency, lack of reasonable accommodations or support services, or other barriers, that may make it difficult for the client to search for or obtain employment.

The ESW will offer the client screening for learning disabilities, mental health problems, and alcohol and substance abuse if a disability determination has not been made and if it seems likely that a disability may be affecting the client's progress in the program. All VIEW participants must be offered the screenings within 90 days of signing the APR. If the screening indicates that the client may have a disability, the ESW will refer the client to a qualified professional for an in-depth disability evaluation.

1000.9 – VIEW AGREEMENT OF PERSONAL RESPONSIBILITY

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

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

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

Examples of when a new APR must be signed:

Example 1: At each reapplication for TANF.

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

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

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

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

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

1000.10 - TERMINATION OF TANF BENEFITS

If a participant fails to report for his initial assessment, or refuses, without good cause, to sign the Agreement of Personal Responsibility, the household's TANF benefits will be terminated.

A. Notice of Termination Procedures

- 1) If the participant does not appear for the interview, the ESW must attempt to contact the client verbally. If the ESW determines from the contact that the participant did not have good cause for missing the appointment, or if the ESW is unable to contact the client verbally, the ESW must take action to begin the termination process. Based on agency procedures, the ESW will either send the client the VIEW Notice of Sanction/Termination (032-02-0307) or the Advance Notice of Proposed Action (ANPA) within 3 business days of the missed appointment. Alternately, the ESW will immediately notify the EW who will send the ANPA within 3 business days of receipt of the notification.
- 2) The Advance Notice of Proposed Action will inform the participant that she failed to meet the specific requirement and that in order to establish good cause the participant must contact the ESW within 10 days from the date of the notice to discuss the reasons for the claim of good cause. Merely contacting the EW or ESW does not constitute good cause. The Notice will inform the participant that her TANF benefits will be terminated if good cause does not exist. If the participant contacts the ESW within the 10 day grace period (with or without good cause) and is given another initial assessment appointment date, the appointment date will be documented in the case record. If a new appointment letter is sent, it should state that the termination will be imposed if that appointment is not kept. A new Advance Notice of Proposed Action is not required.
- 3) If the participant fails to contact the ESW within 10 days to establish good cause or does contact the worker but does not present good cause, the EW will proceed to terminate the household's TANF benefits. The ESW must complete a new communication form, and a copy must be sent to the EW to stop the termination, if the client presents acceptable documentation of good cause for the non-compliance.
- 4) The ESW will not enter the termination in the automated system (ESPAS) until after the effective date of the termination of TANF benefits.

B. Documentation For Failure To Report For The Initial Assessment

- 1) The ESW will notify the participant of the scheduled interview.
- 2) If the participant fails to keep the appointment, the ESW must document the failure in the contact log.
- 3) The ESW must document in the contact log that a telephone call or personal contact was attempted.

C. Documentation for Failure to Sign the Agreement of Personal Responsibility

- 1) The ESW must document in the contact log that the participant refused to sign, or did not sign, the Agreement of Personal Responsibility.
- 2) Based on the client's refusal, or failure, to sign the Agreement of Personal Responsibility, the ESW must take action to begin the sanction process. Based on agency procedures, the ESW will either send the client the VIEW Notice of Termination (032-02-0307) or the Advance Notice of Proposed Action (ANPA) within 3 business days of the missed appointment. Alternately, the ESW will immediately notify the EW who will send the ANPA within 3 business days of receipt of the notification.

perform the same work;

4. Agree not to discriminate against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability.

- h. In addition to completing the VIEW Full Employment Agreement, the ESW will require the employer to fill out the Request for Taxpayer Identification Number and Certification Form (IRS Form W-9). File the completed form in the case record.

6. Payments to the Employer

The employer stipend is a reimbursement for participation in FEP. The stipend is issued for each month of FEP participation.

- a. Two types of payments are made to an employer.

1. Stipend - The employer stipend is a predetermined, fixed amount of \$300 paid monthly. Stipends are paid beginning the month after the participant enters a FEP placement. FEP stipends are issued for six consecutive months, unless notified by the ESW to discontinue the payments. In no instance are stipends to be paid for more than six months.

The ESW is responsible for notifying the eligibility worker within **3 business** days of making a FEP placement. Upon receipt of notification from the ESW that the participant has entered a FEP placement, the eligibility worker will complete the required ADAPT screens to stop the participant's TANF payments and start the employer's stipend payments **as soon as administratively possible**. The employer's stipend will be mailed on or about the first day of each month.

Using the [Full Employment Program Communication Form](#) (032-03-0655), the ESW must notify the EW when a FEP placement is made and when changes occur during the placement including the need to issue a supplemental TANF payment, issue a replacement check to the employer, terminate the FEP placement, or reinstate TANF benefits upon completion of the placement.

2. Bonus

- a. The bonus is a predetermined, fixed amount of \$500 paid to the employer if the participant is hired on a permanent basis (for at least 20 hours per week) at any time during the six-month placement period or within 30 calendar days after the placement has ended.

b. Limitations on Payments to the Employer

1. No employer will be paid a stipend unless the local department of social services has a signed and completed VIEW Full Employment Agreement.

2. The employer will receive a stipend only when the participant was paid for at least 20 hours per week or an average of at least 20 hours for the number of full weeks the agreement was in effect during that month. The EW must be notified within **3 business** days that the 20 hour minimum was not met and whether a supplemental payment should be issued to the FEP participant.
3. The employer may receive one bonus payment per VIEW participant.
4. A bonus payment cannot be issued in the same month as a monthly stipend. For example, if the last stipend payment is issued in October, the bonus will be issued in November.

7. FEP Participation

- a. The ESW will track participation by conducting a FEP follow-up by the fifth day of each month for the previous month. This is to be accomplished by contact with the employer to verify that the participant is satisfactorily continuing in the placement and is meeting the minimum requirements for the job, including working at least 20 hours per week or an average of at least 20 hours during a month.

The ESW should also discuss any concerns the employer may have regarding the participant's performance or attendance. Hours of participation will be verified by the employer's statement. In any case, monthly contact with the employer should be part of the follow-up process to insure that the employer's needs are being met, to maintain rapport with the employer, and to insure the likelihood of future FEP placements.

The employer contact may be written or verbal. In either case, the ESW must obtain the information requested on the [Attendance/Performance Rating Sheet](#) (032-03-0305). If the information is to be obtained in writing, the ESW may provide the employer with a six-month supply of the form at the time the FEP Agreement is signed. If the contact is verbal, the ESW should record the information obtained on the Attendance/Performance Rating Sheet.

If the employer recommends the termination of the Full Employment placement, the ESW will document the reasons in the contact log for the recommendation and determine if there are grounds for sanctioning the participant. If grounds for sanctioning do not exist, the ESW will reassign the participant to another work activity immediately. If grounds exist for sanctioning, the ESW must take action to begin the sanction process. Based on agency procedures, the ESW will either send the client the VIEW Notice of Sanction/ Termination (032-02-0307) or the Advance Notice of Proposed Action within 3 business days of the missed appointment. Alternately, the ESW will immediately notify the EW who will send the ANPA within 3 business days of receipt of the notification.

- What barriers does she have that might affect a work site placement?
- What kind of work site position will appeal to her?

Once the ESW has the answer to these questions, work can begin on matching the client with a work experience position, or on developing a position for the client. The client can identify her own work site placement as long as it with a public or private non-profit organization willing to enter into a work site agreement with the agency.

There may be some situations in which a participant was sanctioned for non compliance at a CWEP or PSP sites. The client has completed an act of compliance and the sanction is lifted. The ESW would like to assign the participant to another CWEP or PSP, but due to a negative history at assignments for CWEP and PSP there are no other placements available. In this circumstance, the participant should be encouraged to develop her own worksite.

The agency will work with the client to secure any evaluations, counseling, or treatments needed to resolve the reasons for the non-compliance, or which would support the client being exempted from VIEW due to a verified physical or mental health condition.

3. Limitations on Work Site Assignments

- a. The participant will not be required to use her public assistance income or personal resources to pay costs incurred while participating on a work site assignment.
- b. The participant cannot be permanently placed in the position of a worker who is on sick leave, annual leave, leave without pay, or any other granted leave with or without pay. The participant cannot displace persons currently assigned to established, unfilled positions. The participant must not perform tasks which would have been undertaken by current employees or which would have the effect of reducing the work hours of paid employees.
- c. The participant will not be assigned to work sites which are totally involved in political, electoral or partisan activities. The participant may be assigned to sites developed in the office of an elected official, however the participant cannot be required to engage in political, electoral, or partisan activities.

4. Criteria for CWEP Placements

- a. A client can be assigned to CWEP immediately after the initial job search.
- b. A client whose initial job search was waived because she had previously participated in VIEW during her current 2 year period of TANF eligibility may be assigned immediately to CWEP following assessment.
- c. The initial assignment to CWEP shall be for a period of six months. Due to ESPAS system limitations, the assignment will be entered as two consecutive enrollments of three months each. (Note: only one Activity and Service Plan is required.)

- d. The weekly number of hours of a CWEP assignment equal the total TANF dollar amount plus the food stamp benefit amount divided first by the federal minimum wage and then by 4.3.

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

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

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

- h. CWEP Assignments for TANF-UP Cases: Both parents in a TANF-UP case may be placed in CWEP. In that circumstance, each will be required to participate the calculated hours. For example, if the calculation requires 25 hours of participation, and if both parents are assigned to CWEP, each individual will participate 25 hours a week and the total household participation will be 50 hours a week in CWEP.
5. Referral of the Client to the Work Site: After the client's hours of CWEP participation are determined, and a good work site match is made, the ESW will work with the client and the work site to schedule an appointment for the client to be interviewed for a position. The ESW will complete the VIEW Referral To Work Site (032-02-3000), make a copy for the record, and give the referral to the client to take to the interview. The work site supervisor will complete the bottom portion of the form, copy it for the work site, and send it back to the ESW showing the outcome of the interview. If the work site accepts the client for the placement, the worker will proceed with putting the client in CWEP and in arranging any needed supportive services.

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

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

If it is in the best interest of the participant, the hours to be worked in the CWEP assignment can be reduced by the hours the client is assigned to another work activity, as long as the CWEP assignment is at least 20 hours.

7. Work Site Monitoring: The ESW will provide on-going monitoring of the CWEP placement.
 - a. On-going monitoring will include a monthly review of the VIEW Attendance/ Performance Rating Sheet (032-02-0305) received from the work site supervisor by the 5th day of the month following the report month. Based on the review, the ESW will work with the work site supervisor and the client to resolve any issues affecting the placement.
 - b. The ESW will conduct a formal reassessment with the participant every three months. In preparation for the reassessment, the worker will contact the work site supervisor to determine if the client's performance is satisfactory. If the client is not satisfactorily performing the duties of the position, the ESW will work with the supervisor to identify the specific duties not being performed, the reason for the unacceptable performance, and ways to improve the participant's performance.
 - c. The worker will remove the participant from the CWEP placement for misconduct or violation of the work site's policies at any time based on the request of the work site.

8. Workers' Compensation

VIEW participants not eligible for Medicaid who are participating in the CWEP component are deemed to be employees of the Commonwealth for purposes of the Workers' Compensation Act. Such persons shall be eligible for reimbursement for medical costs if the injury is covered under the Workers' Compensation Act, but shall not be eligible to receive weekly compensation.*

- a. If a claim is accepted, Workers' Compensation will pay medical costs for services provided by a panel physician as authorized by the Workers' Compensation Act for covered injuries only.
 - (1) The VIEW participant should notify her medical provider that she is seeking attention for a workers' compensation claim and request medical providers to submit medical reports and bills for covered injuries to Managed Care Innovations (MCI).
 - (2) MCI will review the medical report, confirm the treatment is related to a covered injury and remit payment to the medical provider for services of the covered injury.
- b. Local agencies who assign VIEW participants not eligible for Medicaid to CWEP placements must follow these steps to ensure proper coverage in the event of an accident on the job.

* 2005 Acts of Assembly, HB2462

Prior to entering job skills training, participants must meet any educational or technical requirements of the occupation for which they are receiving training or be enrolled in an activity to meet the requirements.

The participant must also meet the conditions described in the section 1000.17 regarding satisfactory attendance and progress.

Participants who are initially enrolled in Vocational Education and Training because they are in an associate , certificate level, **or baccalaureate level** post-secondary program directly related to employment, and who reach **the** 12 month lifetime limit in that component, may **be reassigned to Job Skills Training and** continue in the education program.

Limitations on Post-Secondary Education Directly Related to Employment meeting the definition of Job Skills Training:

- (1) Post-secondary activities directly related to employment, (certification, associate, or baccalaureate programs) will be limited to a period of twenty-four months. Participants will not be assigned to an educational activity which cannot be reasonably completed within a twenty-four month period of VIEW participation.

The assignment to post-secondary cannot exceed the number of months remaining in the 24 month period for a former VIEW participant returning to the program.
- (2) The post-secondary education must be related to the jobs which are available in the community or are projected to become available in the community.
- (3) Participants referred to post-secondary activities must have a high school diploma or GED prior to beginning the curriculum.
- (4) Participants with a Certificate or Associate degree will not be assigned to additional post-secondary education except in situations in which the Certificate or Associate degree is more than five years old and the agency determines that additional education or training is needed to **enhance** the client's employability.
- (5) Participants with a Baccalaureate degree will not be assigned to additional post-secondary education. These participants are considered to have the education and ability needed to obtain employment.
- (6) Reimbursement for tuition, books and fees will be made for only the twenty-four month period unless the participant has been granted a hardship exception of up to one year to enable the participant to complete employment-related education. The participant must apply for all available sources of funding including Pell grants, scholarships, work study or other sources.

Requirements for Self-Initiated Post-Secondary Education Directly Related to Employment meeting the definition of Job Skills Training:

1. Self-initiated education directly related to employment is education initiated by the participant, and in which the participant is enrolled at the time of the initial assessment. For purposes of this component, the education must be in an institution of higher education that results in a certificate, associate or baccalaureate degree.
2. The following procedures will be used by the ESW to approve self-initiated education, all self-initiated post-secondary education must be directly related to employment.
 - (1) All recipients who have self-initiated into post-secondary education must have the education approved by the ESW in order to pay for supportive services.
 - (2) If child care is needed, the ESW will notify the child care staff of the approval or disapproval of the self-initiated post-secondary education. Child care staff will not authorize child care unless the ESW approved the self-initiated education.

1000.19 – REASSESSMENT

Reassessment provides the ESW and the participant the opportunity to review the participant's progress in the VIEW program and address any problems which may present an obstacle to **achieving self-sufficiency**. The reassessment will identify the reason the participant was unable to obtain full-time unsubsidized employment **or participate fully in the program** and the ESW will assist the participant in resolving the identified barriers.

If there is a reason to believe that the participant's failure to find full-time employment **or participate fully in the program** is related to a disability, the worker may offer screening, and if the screening identifies that the individual is likely to have a disability, will offer an in-depth evaluation, to identify the nature and severity of the disabilities, the individual's limitations, and any accommodations needed. The individual's Activity and Service Plan will be revised to reflect this information.

The ESW will conduct a reassessment whenever the participant leaves or completes an assignment. Reassessments may be completed prior to the end of the current assignment to ensure that participants are placed in new activities immediately after the end of an activity. (For example, if an assignment is scheduled to end 1/15, the ESW can schedule the reassessment appointment to take place prior to 1/15). The participant's activity end date will not be shortened due to early reassessment unless the assigned activity actually ended before the scheduled end date shown on the Activity and Service Plan. In all cases, the reassessment must be completed no later than one week following the end of an assignment. New assignments will be scheduled to begin no later than two weeks after the reassessment and immediately, if possible. Prompt reassessment and reassignment will reduce the "down" time between activity assignments and will positively affect the agency's participation rate.

The ESW must conduct a face-to-face reassessment interview with the participant following the completion of the initial Job Search. All subsequent reassessments may be completed through a face-to-face interview or by phone but, in all cases, the ESW must conduct a face-to-face interview with the participant at least every six months.

If the reassessment is conducted by phone, the ESW should document the case file specifying the date on which the new A & S Plan was discussed and agreed to by the participant, mail the participant a copy of the A & S Plan to sign and return, and key the new assignment information into ESPAS. The Activity and Service Plan is valid even if the client does not return a signed copy. The participant should be advised that the new program assignment must be carried out even if she does not return the signed A & S Plan.

1000.21 – COMPLIANCE

- A. Compliance occurs when the participant who failed to comply and has been sanctioned performs a verifiable act of compliance to lift the sanction during or after the fixed sanction period. A verifiable act of compliance for the participant will be either continuing in, or completing an assigned activity.

When the TANF case closes with a sanction in place: If the TANF case is closed during the sanction period, the act of compliance may be met during the pending status of a reapplication. The client is responsible for contacting the ESW to learn how she can comply with program requirements.

Once the client has complied, the ESW will communicate this information to the EW as soon as possible. If the minimum fixed period has not passed at the time the client complies, the sanction will be lifted effective with the end of the fixed period. (Note: If the case is approved in a sanction, and the payment suspended, each of the months of suspended payment, including a partial month, will count toward the fixed sanction period.) If the minimum fixed period has passed once the client complies, the sanction will be lifted effective with the date of compliance.

If the TANF case is approved, the ESW will complete an assessment and have the client sign a new APR and complete a new Activity and Service Plan. The new APR will show the months of VIEW eligibility remaining. The ESW will open a new enrollment in ESPAS with the new assessment date as the start date. As part of the ESPAS data entry, the ESW will review the VIEW clock and make adjustments if needed. The ESW will send a communication form requesting that the EW update AEGNFS with the new APR date and run ED/BC.

If the client complied but the TANF application was not approved, the ESW will document the compliance in the record.

When the TANF case remains open during the sanction: If the case was open at the time the client complied, the ESW will reassess the client and advise the client of the number of months of VIEW eligibility remaining and complete a new Activity and Service Plan. A new enrollment will be opened in ESPAS with the new assessment date as the start date. The ESW will review the VIEW clock and make adjustments if needed.

If the individual is applying for SNAP as well as TANF, the TANF sanction is not necessarily cured by complying with SNAPET requirements. The individual must complete an act of compliance that matches the reason for the VIEW sanction. If that action is no longer available or appropriate, any other verifiable act of compliance deemed acceptable by the ESW will cure the sanction. This determination should be made on a case-by-case basis.

Supportive services may be provided to a participant during the time she is performing a verifiable act of compliance. (See 1000.12C for guidelines). Ongoing supportive services may also be provided to the other mandatory participant in a TANF-UP household who has continued to comply even when the sanctioned participant remains in the fixed period of sanction. Reasonable accommodations must be provided to individuals with verified disabilities during the time they are performing verifiable acts of compliance and to make it possible for individuals to perform verifiable acts of compliance.

1. Employment which meets the following conditions represents a verifiable act of compliance for all situations: the employment is verified, it was obtained after the sanction was imposed, it is for 10 hours per week or more and pays at least minimum wage, it continues for at least two weeks after the client reports the job to the agency, and the client is still employed at the end of the fixed sanction period. The participant is still required to comply with other program requirements in conjunction with employment when applicable.

2. A verifiable act may be defined in these situations as follows:
 - a. For failure or refusal to report for an appointment or required interview (excluding the initial assessment interview) - keeping another scheduled appointment or interview.
 - b. For failure or refusal to complete and/or return forms or other information to the agency by a required date - returning and/or completing the required form or other information.
 - c. For failure or refusal to begin, to continue in or participate in an assigned activity - beginning, continuing in or participating in an activity for up to two weeks to show a good faith effort to comply.
 - d. For failure or refusal to complete an assignment to a program activity - completing an assignment.
 - e. For failure or refusal to obtain or accept employment – if the client obtains employment during the sanction, the employment must be maintained through the end of the sanction period.
 - f. If the assignment from which a participant has been sanctioned is no longer available or appropriate, compliance may consist of participating in or completing a different activity. **In the case of a participant who was sanctioned for failure to participate in her CWEP or PSP assignment, the client will be allowed the opportunity to develop her own worksite in order to comply.**
- B. The Activity and Service Plan should reflect the activity the client is to complete in order to comply and the date by which the activity is to be completed. The information from the Activity and Service Plan developed to assist the client in complying with program requirements will not be entered into ESPAS. Once the participant has performed a verifiable act of compliance (with the exception of compliance based on employment), the sanction is lifted **at** the end of the fixed sanction period, or **retroactively** to the date the participant complied if compliance was after the end of the fixed period.
- C. Effective Date of Compliance:
 1. The effective date of compliance for an appointment/ interview or for forms/ other information not completed or returned to the agency, is the date the client keeps the appointment, participates in the interview, or completes/returns the forms/information.
 2. Compliance for a program activity must meet the conditions for a verifiable act of compliance outlined in 1000.21A. Once those conditions are met, the effective date of compliance for activities other than employment is the date the client **completed** the activity.
 3. For employment that meets the conditions for a verifiable act of compliance outlined in 1000.21A, the effective date of compliance will be:
 - a. the end of the fixed sanction period, or
 - b. the date the participant complied, if compliance was after the end of the fixed sanction period, or
 - c. the date the employment was verified, whichever comes last.

EXAMPLE: The client is in a one month sanction for the period 1/1 through 1/31. On 1/12, the client reports that she has found employment and is asked to submit verification of her employment, wages

and hours. She does not submit the required verifications until 2/6. If the client's employment meets the conditions outlined at 1000.21A(1), the EW will be notified and the sanction will be lifted effective 2/6 with benefits prorated for the balance of the month.

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

2) When to open and close a VTP

a) VTP should be opened when:

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

b) VTP must be closed when:

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

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Commonwealth of Virginia
Department of Social Services

Case Name _____
Case Number _____
Locality _____

**Virginia Initiative for Employment not Welfare (VIEW)
AGREEMENT OF PERSONAL RESPONSIBILITY**

This agreement lists your responsibilities as a participant in the VIEW program. If you refuse to sign this Agreement of Personal Responsibility, you will lose your Temporary Assistance for Needy Families (TANF) benefits.

VIEW PROGRAM RESPONSIBILITIES

I understand that TANF is a temporary assistance program and that I am responsible for:

- Recognizing that because TANF is temporary assistance, I need to work to become self-sufficient and support my family;
- Looking for and accepting employment;
- Participating in and satisfactorily completing all assignments from my case manager; notifying my case manager immediately of changes in my circumstances; answering all letters and calls from my case manager in a timely fashion; and keeping appointments with my case manager;
- Arranging child day care and transportation to allow me to participate in the VIEW program. If I am unable to arrange child day care and transportation, my case manager may be able to assist with these services.
- Notifying my child care worker immediately of all changes in work, or training, or education schedules, including when I begin or end a job or class, or when I change my hours.
- **Notifying my TANF worker of changes as indicated on the Change Report form. If I withhold information or give false information, I may be prosecuted for perjury, larceny, or welfare fraud. I may be subject to a disqualification hearing. If I am found guilty, I will be ineligible to receive TANF for six months for the first offense, 12 months for the second offense, and permanently for the third offense.**

VIEW PROGRAM RULES

To continue to receive TANF benefits, I must enroll in the VIEW program.

Once enrolled in the VIEW program, I can receive up to 24 months of TANF benefits.

I will be assigned to work activities throughout my 24-month eligibility period.

If I do not participate in the VIEW program, I will lose my family's TANF grant and my family's SNAP benefits may be affected. This is considered a sanction.

Each month that I am sanctioned for not participating will count as one of my 24 benefit months.

If I refuse a job offer without good cause or if I quit a job or am terminated, I will be sanctioned and lose my family's TANF benefits unless I have good cause. My SNAP benefits may be affected also.

FAIR HEARING RIGHTS

I have the right to appeal any agency action which terminates, reduces, or suspends my family's TANF and/or SNAP benefits.

VIEW OPPORTUNITIES

I understand that it is my responsibility to take advantage of the opportunities afforded me by the VIEW program. By taking advantage of these opportunities, I will be assisting my family in achieving economic independence.

I am able to earn up to the poverty level without losing my TANF benefits. The amount of my monthly benefits may not change when I go to work.

When I find employment and leave TANF, I may be eligible for up to 12 months of transitional child care, transportation, and/or a transitional incentive payment.

I may receive valuable work experience and/or training through the VIEW program.

HARDSHIP EXCEPTIONS

Hardship exceptions may be granted in very limited circumstances to extend the 24-month eligibility period to persons who demonstrate an extreme hardship. I may be granted a hardship exception if I have met the following conditions:

1. Satisfactorily participated in all of the assigned activities while in the program without being sanctioned; and
2. Was not sanctioned for leaving employment while in the VIEW program; and
3. Was not sanctioned more than one time for reasons other than those stated in 1 and 2 (required interviews, assessments, etc.).

VIEW ELIGIBILITY PERIOD (Check one)

- Signing this agreement will cause my 24-month eligibility period to begin on _____ with a scheduled end date of _____. (first of the following month)
- Signing this agreement will resume my 24-month eligibility period to begin on _____ with a scheduled end date of _____. This means I have _____ months remaining of my 24-month eligibility period. (first of the following month)

I am aware that my TANF case will close prior to the scheduled end date when I reach the end of my 60-month eligibility period or when any other member of my household reaches the end of his/her 24-month or 60-month eligibility period.

AGREEMENT TO PARTICIPATE (Check one)

I understand that I must sign this agreement to continue to receive TANF benefits. Refusal to sign this agreement will result in the loss of my TANF benefits.

- By signing this VIEW Agreement, I choose to participate in the VIEW program.
- The client refused to sign the Agreement of Personal Responsibility. The client's responsibility to participate was explained. The client was informed that refusal to participate will result in termination of the family's TANF benefits.

Participant

Date

Case Manager

Date

VIEW AGREEMENT OF PERSONAL RESPONSIBILITY

FORM NUMBER - **032-02-0310-07 (11/10)**

PURPOSE OF FORM - This form provides written documentation of the acceptance of personal responsibility by the participant for participating in the VIEW program. The VIEW Agreement of Personal Responsibility must be completed at the initial assessment and each subsequent referral to VIEW. The form documents the begin date and scheduled end dates of the VIEW participant's 24 months of receipt of TANF. The form is signed by both the participant and the ESW.

USE OF FORM - This form is used by the agency to record the information discussed with the participant concerning the individual's responsibilities while in the VIEW program. The form must be completed and signed before VIEW participation may begin.

NUMBER OF COPIES - One original and two copies.

DISPOSITION OF COPIES - Original - Case Record
Copy – Child Care Worker/Child Care Unit
Copy - VIEW Participant

INSTRUCTIONS FOR COMPLETING THE FORM - The worker/case manager must discuss this form in its entirety with the participant at the time of initial assessment. This form must be signed by the participant and by the ESW before the participant enters the VIEW program. **When the participant signs the form, he/she must be provided with a copy of the Change Report form (032-03-0051) unless he/she indicates that a copy was already received from the eligibility worker.**

Refusal by the VIEW participant to sign this agreement will result in loss of TANF / TANF-UP benefits and may affect SNAP benefits. If the participant refuses to sign the agreement, the ESW is to check the box, sign and date, and file it in the case record.

If a VIEW participant leaves the program prior to the end of the 24-months of eligibility for TANF and subsequently returns, the participant must sign a new Agreement of Personal Responsibility, with the remaining eligibility period indicated in the "VIEW ELIGIBILITY PERIOD" section.

11/10

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
TANF PROGRAM

Participant: _____

Case ID#: _____

Date: _____

Months Accrued on VIEW Clock: _____

VIEW/VTP TWA TET

ACTIVITY AND SERVICE PLAN

**CURRENT PROGRAM
ACTIVITY ASSIGNMENT**

**Planned
Begin Date**

**Planned
End Date**

**Planned
Weekly Hrs/Pay
& Location**

Core Activities – minimum assignment of 20 hrs per wk

| | | | |
|-----------------------------------|-------|-------|-------|
| Currently employed full-time | _____ | _____ | _____ |
| Currently employed part-time | _____ | _____ | _____ |
| Job Search | _____ | _____ | _____ |
| Job Readiness | _____ | _____ | _____ |
| Full Employment Program (FEP) | _____ | _____ | _____ |
| On-The-Job-Training (OJT) | _____ | _____ | _____ |
| Community Work Experience (CWEP) | _____ | _____ | _____ |
| Public Service Program (PSP) | _____ | _____ | _____ |
| Vocational Education and Training | _____ | _____ | _____ |

Non-Core Activities – countable only after minimum 20 hrs/wk completed in Core Activities

| | | | |
|--|-------|-------|-------|
| Job Skills Training (Includes Education Above Post-Secondary when it is Directly Related to Employment) | _____ | _____ | _____ |
| Education Below Post-Secondary | _____ | _____ | _____ |

Other Work Activities – these hours are not counted toward the participation requirement

| | | | |
|-------------------------|-------|-------|-------|
| Other Locally Developed | _____ | _____ | _____ |
|-------------------------|-------|-------|-------|

Pending (Assign for a maximum of 60 days) **Inactive** (Assign up to 3x - 30 days per assignment)
List reasons for assignment to Pending or Inactive and the steps necessary to resolve problem

SUPPORTIVE /TRANSITIONAL SERVICES

Child Care Transportation TET VTP Other (please describe)

VTP Period From _____ to _____

AGENCY RESPONSIBILITIES

PARTICIPANT RESPONSIBILITIES FOR CURRENT COMPONENT ASSIGNMENT(S)



FOR ALL PARTICIPANTS

I understand that I am responsible for keeping the agency informed of my progress and needs. I agree to call my Employment Services Worker (ESW) if I have a problem that makes it impossible to keep an appointment or if I wish to discuss or change an activity. I agree to continue in my current activity until I have discussed any problem I may have with my ESW. **I will notify my ESW of any changes in my employment status (such as obtaining new employment).** I will inform my child care worker of any changes that affect my current activity.

I understand that if I fail to participate without a good reason my TANF benefits/support services will be stopped, and my **SNAP** benefits may be affected.



FOR PARTICIPANTS WHO ARE EMPLOYED

I will contact the Employment Services Worker (ESW) to discuss any problems that may affect my employment. I will not quit my job or put myself in a position to be fired without discussing the situation with my worker. I will notify my ESW of any changes in my employment status (such as obtaining new employment or changing jobs). I will complete the required monthly follow-up contact (by phone or by mail) with my ESW prior to the 15th of each month.



FOR PARTICIPANTS ASSIGNED TO JOB SEARCH

I will carry out the responsibilities as agreed upon on my VIEW Job Search form.



FOR PARTICIPANTS ASSIGNED TO CWEP or PSP

I will carry out the responsibilities as agreed to on my VIEW Work Site Position form. I will make sure that my Supervisor has provided the VIEW Attendance/ Performance Rating Sheet to my ESW by the 5th of each month.



FOR PARTICIPANTS ASSIGNED TO EDUCATIONAL OR TRAINING ACTIVITIES

I will provide the VIEW Attendance Sheet to my ESW by the 5th of each month. I will provide a copy of my grades at the end of each semester/ quarter/activity.



FOR PARTICIPANTS ASSIGNED TO THE FULL EMPLOYMENT (FEP) PROGRAM

I understand that I will not receive monthly TANF benefits while I am employed in a FEP placement. I will call my FEP placement supervisor and my worker if I will be absent from work.



FOR PARTICIPANTS ASSIGNED TO PENDING

I understand that I am not actively participating at this time, but that the months during which I am assigned to this component will count toward my two year time period. I also understand that I must keep all appointments and answer all calls and letters from agency staff since I may be required to participate in the future.



FOR PARTICIPANTS ASSIGNED TO INACTIVE

I understand that I will not actively participate at this time. I also understand that I must keep all appointments and answer all calls and letters from agency staff since I may be required to participate in the future.



FOR PARTICIPANTS ASSIGNED TO VTP

I will complete the 6 month job follow-up and return the verification of my employment to my ESW by _____.



ADDITIONAL PARTICIPANT RESPONSIBILITIES NOT LISTED ABOVE



EXCHANGE OF INFORMATION CONSENT (ALL PARTICIPANTS)

I understand that my worker may contact employers, service agencies, and others to assist me in connection with my assignments. By signing this form, I give permission to my ESW to share information from my case record when necessary to provide or coordinate services on my behalf.

PARTICIPANT'S SIGNATURE _____

DATE _____

WORKER'S SIGNATURE _____

PHONE _____

Activity and Service Plan

FORM NUMBER: **032-02-0302-09-eng (11/10)**

PURPOSE OF FORM - This form outlines a strategy designed by the employment services worker and the VIEW participant to achieve long and short term goals in working toward employment as decided upon during the initial assessment and recorded on the Assessment Form (032-02-303). It details specific activities to which the participant will be assigned and identifies any service needs during assignments to these activities.

USE OF FORM - This form is prepared initially at the VIEW assessment and at the time of each reassessment. It is also to be used for persons assigned to Transitional Employment and Training Services (TET), TANF Work Activities (TWA) and VIEW Transitional Payment (VTP). Activities on this form will correspond to entries in the automated system. This form will serve as the service application for clients requesting child care services and serve as documentation for the continued need for child care services. A copy of each Activity and Service Plan must be sent to the child care worker.

NUMBER OF COPIES - One original and two copies

DISPOSITION OF COPIES - Original - Case Record
1st copy - VIEW Participant
2nd copy – Child Care Worker

INSTRUCTIONS FOR PREPARING THE FORM

CURRENT PROGRAM ACTIVITY ASSIGNMENT - This space is provided for the worker/case manager to list the current component assignment(s) along with planned location, dates, and hours/pay. The information on this list will correspond with information in the Employment Services Automated System (ESPAS). Any assignment to pending or inactive needs to be explained in the space provided.

SUPPORTIVE SERVICES - Any services needed by the participant to engage in the program activities listed will be identified in this section of the Activity and Service Plan.

AGENCY RESPONSIBILITIES - Outline the responsibilities the agency will assume to assist the participant in carrying out the activities identified.

PARTICIPANT RESPONSIBILITIES FOR CURRENT COMPONENT ASSIGNMENT(S) – The employment services worker/case manager will complete this section by using the check boxes and writing in additional responsibilities as needed. This section will outline the specific steps the participant is required to take in order to comply with program requirements. By signing this section of the form, the VIEW participant indicates they have participated in the planning for activities described, and they understand their responsibilities as a VIEW program participant.

For clients assigned to VTP, verification of continued employment is due by the date on the Activity and Service Plan. This date is approximately 6 months from the first VTP payment.

VIEW BROCHURES

Have You Heard About Benefits For Working Families (B032-01-0155-05-eng) 2

Leaving Welfare For Work Isn't As Scary As It Seems (B032-01-0154-05-eng) 6

Your Success is Waiting for You (B032-01-0055-00-eng) 10

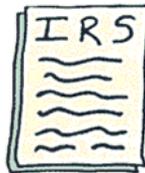
HAVE YOU HEARD ABOUT BENEFITS FOR WORKING FAMILIES???



MEDICAL ASSISTANCE/CHILDREN'S HEALTH INSURANCE



EARNED INCOME TAX CREDIT



FREE HELP WITH FILING TAX RETURN



SNAP (FOOD STAMPS)



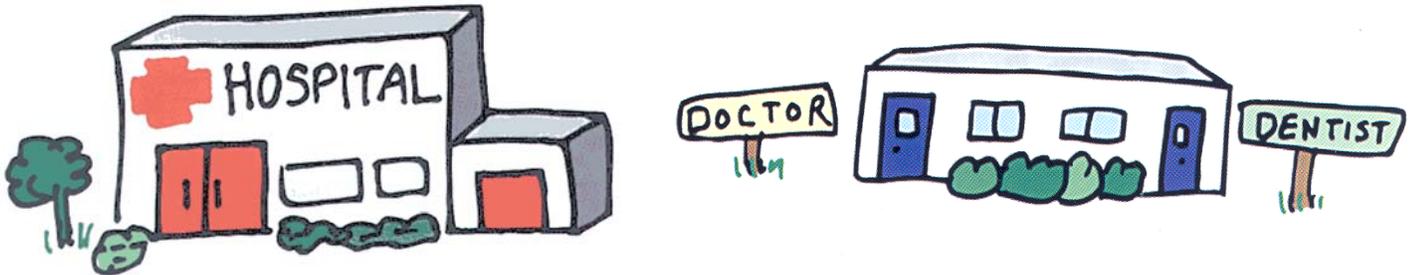
CHILD CARE ASSISTANCE



ASSISTANCE WITH CHILD SUPPORT

READ ON TO LEARN ABOUT BENEFITS THAT CAN HELP LOW INCOME FAMILIES WITH CHILDREN!

HEALTH COVERAGE



- **Medical Assistance/Children’s Health Insurance (doctor visits, medicine, hospital care, and checkups)**
- **Earned Income Tax Credit (more take home pay)**
- **Child Care Assistance**
- **SNAP Benefits (Food Stamps)**
- **Child Support**

Families who get off of welfare because of work may still get family health coverage for parents and children for up to 1 year! It’s called **Extended Medicaid**.

After 1 year, depending on family income, the children are still likely to get health coverage through Virginia’s Children’s Health Insurance Programs.

Example: In 2010, a mother with two children **under age 19** can have income of **\$2,823** a month and still get health insurance coverage for her children.

Children’s Health Insurance in Virginia Covers Children Under Age 19 Even When:

- ✓ Both parents live in the home.
- ✓ One or both parents work.
- ✓ The family is not receiving TANF.
- ✓ The family has a car, a house and/or a savings account.

To obtain children’s health insurance, an application must be filed providing information such as the family’s income and the ages of the children. A family can apply at their local department of social services and, in some areas, they can apply at a regional hospital or health department or rural health clinic.

EARNED INCOME TAX CREDIT



Low income families (with children) who work part time or full time can get **more take home pay** through the Earned Income Tax Credit (EITC). The amount of extra money depends on income and family size. In 2010, a family with two qualifying children can earn up to \$40,363 a year and qualify for the EITC. **A family does not have to owe any taxes to get the EITC.**

There are two ways a family can get the extra EITC money.

- ✓ **They can get all the extra EITC money when they file their federal tax return.**

OR

- ✓ **They can get part of the extra EITC money in advance with each paycheck and the rest when they file their tax return.**

To get the extra money in advance with each paycheck, the employee must file Form W-5 with their employer. Employees can get Form W-5 from their employer or case worker. (It does not cost the employer any money because it is taken out of the employee's federal withholding taxes.)

Example: In 2010, a family with one or more children with gross income less than **\$35,535** a year could receive up to **\$3,050** in extra EITC money. The family could get the **\$3,050** when they filed their federal tax return or they could get **\$152.50** per month and the remaining **\$1,220** when they filed their federal tax return.

The EITC money is not counted as earned income when applying for Children's Health Insurance, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or housing assistance.

To get the **EITC** a family **must** file a federal tax return. **FREE help is available to file tax returns.** Call the IRS at 1-800-829-1040 and ask where you can get help. (If it is busy, don't give up - keep calling because it is worth it to get free help with your tax return!)

CHILD CARE

Assistance with child care may be available.

A family with limited income may qualify for child care assistance.

Due to limited funding, the family may be placed on a waiting list. A family can get information on child care assistance at their local Department of Social Services.



SNAP

Low income families may qualify for SNAP benefits while working full time. For example, in 2010, a family of three with gross income of \$1,984 or less a month may qualify to receive SNAP benefits.



CHILD SUPPORT



The district Child Support Office can help custodial parents obtain child support payments from absent parents. They can also assist in obtaining medical support and in establishing paternity.

- A parent does not have to be on welfare to get help in collecting child support or to receive other child support services.
- There are no guarantees that money will be collected, but getting help from Child Support Enforcement can improve the chances of success.
- Services do not include custody, visitation or other matters.
- There is no charge for services provided by Child Support Enforcement.

(For more information, call your district Child Support Office.)

To learn more about benefits available for low income working families, call your local Department of Social Services or visit us on the Internet at www.dss.virginia.gov/benefit/.

VIRGINIA DEPARTMENT OF SOCIAL SERVICES.

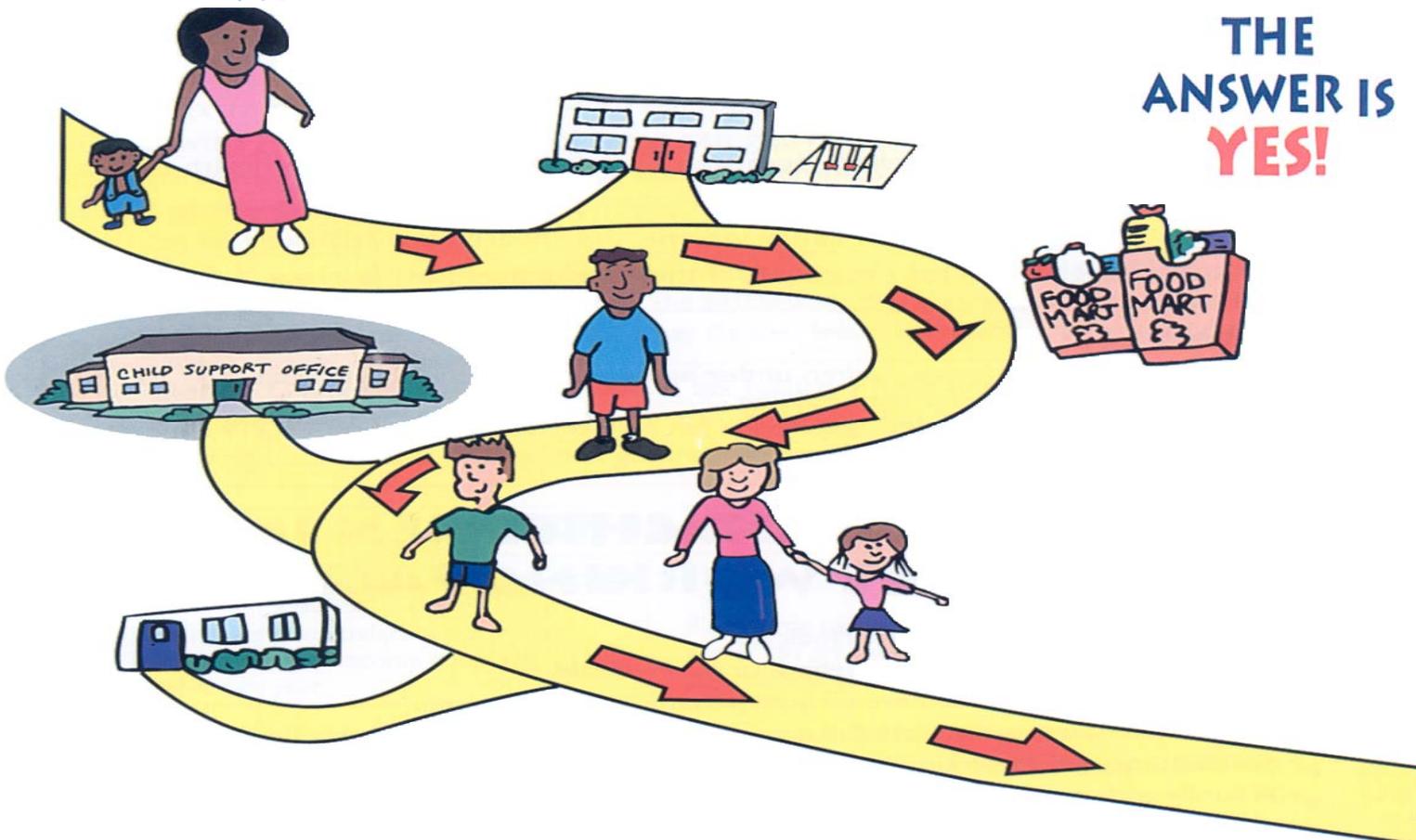


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LEAVING WELFARE FOR WORK ISN'T AS SCARY AS IT SEEMS

DID YOU KNOW YOU COULD WORK **FULL TIME**
AND STILL RECEIVE SOME BENEFITS?

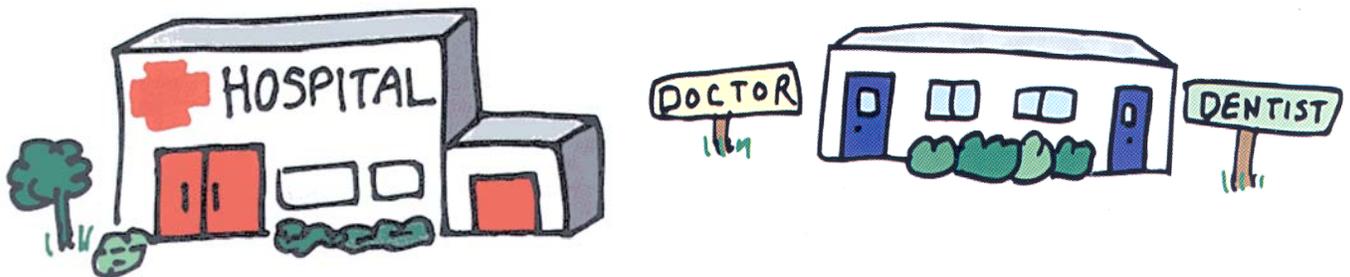
THE
ANSWER IS
YES!



WHAT ARE THE BENEFITS FOR FAMILIES WHO LEAVE WELFARE FOR WORK?

- **Medical Assistance/Children's Health Insurance (doctor visits, medicine, hospital care, and checkups)**
- **Earned Income Tax Credit (more take home pay)**
- **Child Care Assistance**
- **Supplemental Nutrition Assistance Program (SNAP)**
- **Child Support**

HEALTH COVERAGE



Families who get off of welfare because of work may still get family health coverage for parents and children for up to 1 year! It's called **Extended Medicaid**.

After 1 year, depending on family income, the children are still likely to get health coverage through Virginia's Children's Health Insurance Programs.

Example: In 2010, a mother with two children **under age 19** can have income of **\$2,823** a month and still get health insurance coverage for her children.

Children's Health Insurance in Virginia Covers Children Under Age 19 Even When:

- ✓ Both parents live in the home.
- ✓ One or both parents work.
- ✓ The family is not receiving TANF.
- ✓ The family has a car, a house and/or a savings account.

To obtain children's health insurance for children, an application must be filed providing information such as the family's income and the ages of the children. A family can apply at their local department of social services and in some areas they can apply at a regional hospital or health department or rural health clinic.

EARNED INCOME TAX CREDIT



Low income families (with children) who work part time or full time can get **more take home pay** through the Earned Income Tax Credit (EITC). The amount of extra money depends on income and family size.

A family does not have to owe any taxes to get the EITC.

There are two ways a family can get the extra EITC money.

✓ They can get all the extra EITC money when they file their federal tax return.

OR

✓ They can get part of the extra EITC money **in advance** with each pay-check and the rest when they file their tax return.

To get the extra money in advance with each paycheck, the employee must file Form W-5 with their employer. Employees can get Form W-5 from their employer. (The advance does not cost the employer any money because it is taken out of the employee's federal withholding taxes.)

Example: In 2010, a family with one or more children with gross income less than **\$35,535** a year could receive up to **\$3,050** in extra EITC money. The family could get the **\$3,050** when they filed their federal tax return or they could get **\$152.50** per month and the remaining **\$1,220** when they filed their federal tax return.

To get the **EITC** a family **must** file a federal tax return. **FREE help is available to file tax returns.** Call the IRS at 1-800-829-1040 and ask where you can get help. (If it is busy, don't give up - keep calling because it is worth it to get free help with your tax return!)

|  WHICH IS MORE?  | |
|--|---|
| In 2009, a parent (with two children) on welfare without a job and no other income could get \$3,840 in TANF for the entire year. | If the same parent went to work earning \$14,500 a year (\$1,208 per month), the parent would get a pay check plus \$5,028 in EITC money. |

There is more good news! The EITC money is not counted as earned income for Children's Health Insurance, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), SSI or housing assistance.

CHILD CARE

Depending on income, parents who get off welfare because of work may get some help with child care expenses for up to 12 consecutive months, beginning with the first month in which they are no longer on welfare! The parent **must ask** for help with child care expenses. It's called **Transitional Child Care (TCC)**.



After 12 consecutive months of being off welfare, the parent might still be able to get some help. The parent will still have to pay a fee.

SNAP

Parents who get off welfare because of work may still receive some assistance through the Supplemental Nutrition Assistance Program (SNAP).



Example: In 2010, a family of three with gross income of \$1,984 or less a month may qualify to receive SNAP benefits.

CHILD SUPPORT

The district Child Support Office can help custodial parents obtain child support payments from absent parents. They can also assist in obtaining medical support and in establishing paternity.

- A parent does not have to be on welfare to get help in collecting child support or to receive other child support services.
- There are no guarantees that money will be collected, but getting help from Child Support Enforcement can improve the chances of success.
- Services do not include custody, visitation or other matters.
- There is no charge for services provided by Child Support Enforcement.

(For more information, call your district Child Support Office.)

SO, YOU SEE, FAMILIES DON'T LOSE ALL OF THEIR BENEFITS WHEN THEY LEAVE WELFARE FOR WORK. THEY MAY STILL GET:

- EITC Cash
- Child Care
- Medical Assistance/Children's Health Insurance
- Supplemental Nutrition Assistance Program (SNAP)

To learn more about leaving welfare for work (including getting child support), call your local Department of Social Services or visit us on the Internet at www.dss.virginia.gov/benefit/

VIRGINIA DEPARTMENT OF SOCIAL SERVICES.



Coding of VIEW Components in ESPAS2

CODING OF VIEW COMPONENTS IN ESPAS
(COMPONENT ASSIGNMENTS: CODING, REPORTING, and DOCUMENTATION)

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|------------------------------|--|---|--|
| Core Work Activities | | Assignments should be at least 20 hrs/ wk | | |
| Job Search Hours will be combined with Job Readiness & Limited to 4 consecutive wks and 120/ 180 total hrs per 12-month period. | Core | Note: Assignments to JS/ JR should only be entered in ESPAS when the hours will be used to meet the participant's work requirement. If the hrs will not be needed to meet the requirement, the ESW should not <u>formally</u> assign the activity – instead the ESW should simply encourage the participant to complete these additional helpful activities. | Job Search and Job Readiness Assistance (this is one activity) | |
| Individual Assignment will be based on contact hours. | Core | Component 01 ; no descriptor. | Job Search and Job Readiness Assistance | Job Search form |
| Group Assignment will be based on contact hours. | Core | Component 02 ; no descriptor. | Job Search and Job Readiness Assistance | Monthly attendance form completed by service provider/ ESW and VIEW Job Search form |
| Job Club Assignment will be based on contact hours. | Core | Component 03 ; no descriptor. | Job Search and Job Readiness Assistance | Monthly attendance form completed by service provider/ ESW and VIEW Job Search form |
| Job Readiness * May include substance abuse/ | Core | Component 04 ; no descriptor. | Job Search and Job Readiness Assistance | Monthly attendance form completed by service provider or |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|-----------------------|---|--|--|
| mental health treatment. Hours will be combined with Job Search & Limited to 4 consecutive wks and 120/ 180 total hrs per 12-month period. | | | | ESW |
| Unsubsidized Employment – Full time (at least 30 hrs/wk) | Core | Component 25 ; descriptor will be 033 . Employment Type will either be 1, 3, or 6 . | Unsubsidized Employment | At initial employment and every 6 months thereafter: Statement from Employer; or Paystubs; or Printout from the Work Number Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|---|-----------------------|--|---|---|
| Unsubsidized Employment – Part time | Core | <p>When this is the only assignment, use Component 23 (Job Development & Job Placement); no descriptor. Also, enter the employment information at the bottom of the screen.</p> <p>When there is another assignment, enter that component in ESPAS and enter the part time employment information at the bottom of the screen.</p> <p>Employment Type will either be 2, 4, or 6.</p> | <p>Unsubsidized Employment</p> <p>*The Component 23 assignment is not reported but must be entered in the Assessment Data portion of the ESPAS screen to allow the ESW to enter the part time employment information at the bottom of the ESPAS screen. The part time employment hours will be reported based on the information entered at the bottom of the screen.</p> | <p>At initial employment and every 6 months thereafter: Statement from Employer; or Paystubs; or Printout from the Work Number</p> <p>Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form</p> |
| Unsubsidized Employment – Self Employment | Core | <p>After calculating the number of countable hours (based on formula in 1000.13C, follow instructions for Full or Part time as shown above.</p> <p>Employment Type will be 6.</p> | Unsubsidized Employment | <p>At initial employment and every 6 months thereafter: Tax Records; or Third party documentation; or Proof of Business Expenses (including but not limited to receipts)</p> <p>Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|---|-----------------------|--|--|---|
| <p>Subsidized Employment</p> <p>* Full Employment Program (FEP) is the only subsidized employment assignment.</p> | <p>Core</p> | <p>Component 26; descriptor required. The first digit will always be 0; the last two digits will be chosen from the list on Page 10 of Chapter B.</p> <p>Employment Type will be 5.</p> | <p>Subsidized Private Sector Employment</p> | <p>At each assignment to FEP: Statement from Employer to verify wages and hours; or Paystubs; or Printout from the Work Number</p> <p>Monthly VIEW Attendance /Performance Rating Sheet and Job Follow-Up Contact form or VIEW Job Follow-Up form</p> |
| <p>On-the-Job Training (OJT)</p> <p>With the exception of sheltered workshop employment, an OJT position that pays less than minimum wage does not meet the definition of employment and is not a countable work activity.</p> | <p>Core</p> | <p>Component 19; descriptor required.</p> | <p>On-the-Job Training</p> | <p>At initial employment and every 6 months thereafter: Statement from Employer; or Paystubs; or Printout from the Work Number</p> <p>Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form</p> |
| <p>Apprenticeship offered by college or training program</p> | <p>Core</p> | <p>Component 19; descriptor required.</p> | <p>On-the-Job Training</p> | <p>At initial employment and every 6 months thereafter: Statement from</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|-----------------------|---|--|--|
| | | | | Employer; or Paystubs; or Printout from the Work Number Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form |
| Paid College Work Study Programs offered by college or training program | Core | Component 19 ; descriptor required. | On-the-Job Training | At initial employment and every 6 months thereafter: Statement from Employer; or Paystubs; or Printout from the Work Number Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form |
| Paid Internships offered by college or training program (Ex: student teaching) | Core | Component 19 ; descriptor required. | On-the-Job Training | At initial employment and every 6 months thereafter: Statement from Employer; or Paystubs; or Printout from the Work Number Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|---|-----------------------|---|--|---|
| <p>Sheltered Workshops</p> <p>*Wages for these assignments may be less than minimum wage.</p> | <p>Core</p> | <p>Component 19; descriptor required.</p> <p>First digit of the descriptor will be 5.</p> | <p>On-the-Job Training</p> | <p>form</p> <p>At initial employment and every 6 months thereafter: Statement from Employer; or Paystubs</p> <p>Monthly Job Follow-Up Contact form or VIEW Job Follow-Up form</p> |
| <p>Training offered through WIA</p> | <p>Core</p> | <p>Component 19; descriptor required.</p> <p>First digit of the descriptor will be 8.</p> | <p>On-the-Job Training</p> | <p>Statement from WIA representative</p> <p>Paystubs</p> |
| <p>Vocational Education and Training</p> | <p>Core</p> | <p>Limited to 12 months in a lifetime.</p> | <p>Vocational Educational Training</p> | |
| <p>Associate degree programs and post-secondary baccalaureate level programs directly related to employment (for up to 12 months). Note: This will include self-initiated education programs.</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | <p>Core</p> | <p>Component 09; descriptor required.</p> <p>First digit of the descriptor for Associate degree programs will be 3.</p> <p>First digit of the descriptor for post-secondary baccalaureate level (4 yr) programs will be 2.</p> | <p>Vocational Educational Training</p> | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Proof of grades at the end of the semester/ quarter/ course</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|---|-----------------------|--|--|---|
| <p>Certificate program (for up to 12 months)</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | <p>Core</p> | <p>Component 10; descriptor required.</p> <p>First digit of the descriptor will be 3 or 4.</p> | <p>Vocational Educational Training</p> | <p>Copies of Certificate(s) or Diploma received</p> <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Proof of grades at the end of the semester/ quarter/ course</p> <p>Copies of Certificate(s) or Diploma received</p> |
| <p>Community Work Experience (CWEP)</p> <p>Maximum assignment of 32 hrs/ wk. A calculation (based on SNAP and TANF benefits) must be used to determine assignment hours. See policy at 1000.13E.</p> | <p>Core</p> | <p>Component 21; descriptor required.</p> | <p>Work Experience</p> | <p>VIEW Attendance/ Performance Rating Sheet</p> <p>Copy of VIEW Referral to Work Site form</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|-----------------------|--|--|---|
| <p>Public Service Program (PSP)</p> <p>Maximum assignment of 35 hrs/ wk. *To be placed in this activity, the participant must have Medicaid unless the PSP site agrees to provide coverage under its own Workers' Compensation plan.</p> | <p>Core</p> | <p>Component 27; descriptor required.</p> | <p>Community Service Programs</p> | <p>VIEW Attendance/ Performance Rating Sheet</p> <p>Copy of VIEW Referral to Work Site form</p> |

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|---|-----------------------|--|--|---|
| Non – Core Work Activities | | Assigned after minimum 20 hrs/wk in Core Work Activities | | |
| Job Skills Training | Non-Core | Component 18 ; descriptor required. | Job Skills Training Directly Related to Employment | |
| <p>Associate degree program (if cannot be assigned to a Vocational Educational Training activity due to 12 month lifetime limit)</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | Non-Core | <p>Component 18; descriptor required. Component 17 if self initiated.</p> <p>First digit of the descriptor will be 3.</p> | Job Skills Training Directly Related to Employment | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Proof of grades at the end of the semester/ quarter/ course</p> <p>Copies of Certificate(s) or Diploma received</p> |
| <p>Post-secondary baccalaureate level programs directly related to employment (if cannot be assigned to a Vocational Educational Training activity due to 12 month lifetime limit)</p> <p>Up to one hour of unsupervised study</p> | Non-Core | <p>Component 11; descriptor required. Component 16 if self-initiated.</p> <p>First digit of the descriptor will be 2.</p> | Job Skills Training Directly Related to Employment | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|-----------------------|---|--|---|
| <p>or homework time can be counted for each hour of scheduled class time.</p> | | | | <p>Proof of grades at the end of the semester/ quarter/ course</p> <p>Copies of Certificate(s) or Diploma received</p> |
| <p>Certificate program (if cannot be assigned to a Vocational Educational Training activity due to 12 month lifetime limit)</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | Non-Core | <p>Component 18; descriptor required. Component 17 if self initiated.</p> <p>First digit of the descriptor will be 3 or 4.</p> | Job Skills Training Directly Related to Employment | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Proof of grades at the end of the semester/ quarter/ course</p> <p>Copies of Certificate(s) or Diploma received</p> |
| <p>Individual courses or a series of short term courses</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | Non-Core | <p>Component 18; descriptor required. Component 17 if self initiated.</p> | Job Skills Training Directly Related to Employment | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|-----------------------|---|--|--|
| | | | | Proof of grades at the end of the course(s) Copies of Certificate(s) or Diploma received |
| Instruction in a second language for participants who have a GED or high school diploma Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time. | Non-Core | Component 18 ; descriptor required. Component 17 if self initiated. | Job Skills Training Directly Related to Employment | VIEW Education and Training Activities Attendance Report Statement from instructor to verify expected hours of unsupervised homework/ study time Proof of grades at the end of the semester/ quarter/ course Copies of Certificate(s) or Diploma received |
| Unpaid Internships offered by college or training program | Non-Core | Component 18 ; descriptor required. | Job Skills Training Directly Related to Employment | VIEW Education and Training Activities Attendance Report |
| Unpaid Practicum offered by college or training program | Non-Core | Component 18 ; descriptor required. | Job Skills Training Directly Related to Employment | VIEW Education and Training Activities Attendance Report |
| Job Corps | Non-Core | Component 18 ; descriptor required. Component 17 if self initiated. First digit of the descriptor will be 9 . | Job Skills Training Directly Related to Employment | VIEW Education and Training Activities Attendance Report Statement from instructor to verify |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|---------------------------------------|-----------------------|--|--|---|
| | | | | <p>expected hours of unsupervised homework/ study time</p> <p>Proof of grades at the end of the semester/ quarter/ course</p> <p>Copies of Certificate(s) or Diploma received</p> |
| Americorps | Non-Core | <p>Component 18; descriptor required. Component 17 if self initiated.</p> <p>First digit of the descriptor will be 9.</p> | Job Skills Training Directly Related to Employment | VIEW Education and Training Activities Attendance Report |
| Education Below Post-Secondary | Non-Core | <p>Note: These activities may be offered in non-traditional as well as traditional settings.</p> | | |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|------------------------|--|---|--|
| <p>English as a Second Language (ESL)</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | <p>Non-Core</p> | <p>Component 05; descriptor required.</p> | <p>Education Directly Related to Employment for Individuals with No High School Diploma or Certificate of High School Equivalency</p> | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Proof of progress every three months</p> <p>Copies of Certificate Received</p> |
| <p>General Education Development (GED)</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | <p>Non-Core</p> | <p>Component 06; descriptor required.</p> | <p>Satisfactory School Attendance for Individuals with No High School Diploma or Certificate of High School Equivalency</p> | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Proof of progress every three months</p> <p>Copies of Certificate Received</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|------------------------|--|---|--|
| <p>Adult Basic Education (ABE)</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | <p>Non-Core</p> | <p>Component 07; descriptor required.</p> | <p>Education Directly Related to Employment for Individuals with No High School Diploma or Certificate of High School Equivalency</p> | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Proof of progress every three months</p> <p>Copies of Certificate Received</p> |
| <p>Secondary/ High School</p> <p>Up to one hour of unsupervised study or homework time can be counted for each hour of scheduled class time.</p> | <p>Non-Core</p> | <p>Component 08; descriptor required.</p> <p>First digit of the descriptor will be either 1 or 4.</p> | <p>Satisfactory School Attendance for Individuals with No High School Diploma or Certificate of High School Equivalency</p> | <p>VIEW Education and Training Activities Attendance Report</p> <p>Statement from instructor to verify expected hours of unsupervised homework/ study time</p> <p>Copies of Certificate or Diploma received</p> |

| Examples of Possible Assignments | Type of Work Activity | How the Assignment Should Be Entered in ESPAS | How the Hours Will Be Reported in the TANF Data (Federal) Report | How the Hours Should Be Documented in the VIEW Case Record |
|--|-------------------------------|--|--|--|
| Other Activities | | Should not be assigned until client has already been assigned to required hours in Core and/ or Non-Core Work Activities. | | |
| Other Locally Developed | Not a countable Work Activity | Component 22; no descriptor required. | Not reported | Local agency option |
| | | | | |
| Non- Active Assignments | | Should only be assigned when the client is not able to immediately participate in an active component assignment. | | |
| Pending The assignment can be for up to 60 days and cannot be extended. | Not a countable Work Activity | Component 25; descriptor required. | Not reported | N/A |
| | | | | |
| Inactive Assignments can be for up to 30 days. A maximum of 3 assignments can be made (totaling 90 days). | Not a countable Work Activity | Component 24; descriptor required. | Not reported | N/A |

| SUBJECT | SECTION/PAGE(S) |
|--|--------------------------|
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| Application: Basic Requirements | 401.1, |
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| Date of Authorization | 401.1, p. 3 |
| Death of Applicant | 401.1, p. 5 |
| Effective Date | 401.1, p. 4 |
| Face-to-Face Interview Requirements | 401.2, p. 1; 401.3, p. 4 |
| Inability to Locate Applicant | 401.1, p. 5 |
| Ineligible the Month Processed | 305.1, p. 8 |
| Option to Up-date Current Application | 401.3, p. 5 |
| Processing Time Standard | 401.1, p. 2a |
| Verification of Information | 401.6, p. 12a |
| Who Must Be included | 401.1, p.1 |
| Withdrawal of Application | 401.1, p. 5 |
| Assignment of Rights | 201.9 - 201.10, p. 1 |
| Assistance Unit (AU) | 302.1; 302.7; |
| | 401.1, p. 1 |
| Temporary Assistance for Needy Families-Unemployed Parent (TANF-UP) | 701.3, p. 2 |
| Minor Parents (Complex Unit) | 302.8 |
| Multiple Groups of Children (Complex Unit) | 302.8 |
| Authorized Representative | 401.1, p. 1a |
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| Budgeting Income - Prospectively | 305.1, p. 3 |
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| Care and Control, Minor Parent | 302.8, p. 4b-5a |
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| SUBJECT | SECTION/PAGE(S) |
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| Reflecting the Change in the Case | 401.2, p. 2a-2d |
| Removing Income | 305.1, p. 9a |
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| Support | 602.5, p. 6 |
| Time Frame for Reporting | 305.1, p. 9; 401.2, 2a-2c; 401.6, p.11 |
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| Complaints | 101.2, p. 1c |
| Cohabitant Contribution | 305.4, p. 37 |
| Conditions of Eligibility | |
| For Children | 201.1, p. 1-1a; 201.8, p. 1; 201.9, p. 1; 201.11, p. 6; 801.1, p. 1 |
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| SUBJECT | SECTION/PAGE(S) |
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**Commonwealth of Virginia
 Department of Social Services
 Temporary Assistance for Needy Families**

| AGENCY USE ONLY |
|---------------------------|
| Case Name |
| Case Number |
| Eligibility Worker Number |

NOTICE OF INTENTIONAL PROGRAM VIOLATIONS AND PENALTIES

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

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

1. Change of address.
2. An eligible child leaves your home.
3. Changes that may affect VIEW participation including changes in the need for transportation, child care, or any other supportive services.
4. Income from your household goes over the limit below.

| Number of People in your Household | Gross Income Limits | | | |
|------------------------------------|---------------------|-----------|---------------|---------------|
| | Monthly | Weekly | Every 2 weeks | Twice a month |
| 1 | \$1,174 | \$273.02 | \$ 546.04 | \$ 587.00 |
| 2 | 1,579 | 367.20 | 734.41 | 789.50 |
| 3 | 1,984 | 461.39 | 922.79 | 992.00 |
| 4 | 2,389 | 555.58 | 1,111.16 | 1,194.50 |
| 5 | 2,794 | 649.76 | 1,299.53 | 1,397.00 |
| 6 | 3,200 | 744.18 | 1,488.37 | 1,600.00 |
| 7 | 3,605 | 838.37 | 1,676.74 | 1,802.50 |
| 8 | 4,010 | 932.55 | 1,865.11 | 2,005.00 |
| For each additional member add | + \$406 | + \$94.41 | + \$188.83 | + \$203.00.00 |

These amounts are good through 9/30/2011.

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

Applicant/Client Signature _____ Date _____

Worker Signature _____ Date _____

NOTICE OF INTENTIONAL PROGRAM VIOLATIONS AND PENALTIES

FORM NUMBER – 032-03-0646-09-eng (11/10)

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

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

NUMBER OF COPIES – Two.

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

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