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TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) GUIDANCE MANUAL

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401.1 BASIC REQUIREMENTS REGARDING APPLICATION -

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

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

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

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

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

** 45 CFR 206.10(b)(2)

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

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

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

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

- C. Definition of Applicant - In TANF, the applicant is the parent or relative with whom the child is living who has, either directly or through an authorized representative, made application for assistance and whose eligibility has not been determined. An authorized representative must be at least 18 years of age and must have sufficient knowledge of the applicant's circumstances to provide the necessary information. The authorized representative is usually a spouse, a guardian, or another relative who is able to provide the essential information. **If an authorized representative is applying on behalf of a household, written permission from the applicant must be provided to the local agency. The written statement must include the name, address, and telephone number of the authorized representative. Additionally, the written statement must include the applicants/client's signature, date, address and duties the authorized representative is to perform. The written statement must be filed in the case record.**

When an authorized representative applies on behalf of a household, the agency must verify the identity of both the authorized representative and the applicant. The agency may verify identity through readily available documentary evidence, including DMV inquiries through SPIDeR, or through collateral contact, if no other source is available. Acceptable documentary evidence includes, but is not limited to, a driver's license, work or school ID, ID for health benefits or assistance or social services program, a voter registration card, wage stubs, a Social Security card or card stub issued by the Social Security Administration (SSA), or a birth certificate. The agency must accept any documents that reasonably establish the applicant's identity. Households do not have to provide a specific type of verification.

Note: For TANF, an authorized representative can only apply for benefits and receive notices (see notices at 401.4.F.).

* 7 CFR 273.2(j)

** 63.2-501

An applicant may be assisted in the various aspects of the application process, if he so desires, by an individual(s) of his choice (who need not be a lawyer) and may be accompanied or represented by such individual(s) in subsequent contacts with the agency.*

* 45 CFR 206.10(a)(1)(iii)

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 and need assistance filling out the application. This help may consist of reading the application to the individual, explaining the meaning of the questions on the application, writing in the answers, or providing other forms of help. The local agency must inform all applicants verbally that this help is available when the DSS office provides the individual with the application or when providing access to CommonHelp from an agency computer, and must offer this assistance during the interview if there is an indication that the individual has had difficulty completing the application. If the individual needs help completing the application, this help must be provided. If help is needed, the interactive interview must include time to read each section of the application to the applicant, with sufficient explanation and rephrasing to make the meaning clear. During the interview, the EW will enter the information provided into the VaCMS system. Additionally, the following forms must be reviewed and completed with the applicant, and signed by the applicant, prior to case approval:

- Do You Have a Disability? (032-03-0670) – **(exception*)**
- 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)

***If the applicant fails to return the signed and dated, Do You Have a Disability? form (032-03-0670), the EW must not deny the application. The case record must contain the Do You Have a Disability? form (032-03-0670) and be documented to show that the applicant was provided with oral and written information and was provided with a copy of the written information. If all other eligibility criteria are met, the application must be approved.**

After the interview is completed, the information entered must be reviewed with the applicant. The EW must also read and explain to the applicant/spouse the statements pertaining to the applicant's responsibilities including the responsibility for providing accurate information and the penalties for withholding or providing false statements. The case record must contain the Rights and Responsibilities form (032-03-0440) or be otherwise documented to show that the applicant was provided with oral and written information about his rights and responsibilities and acknowledged receipt of the information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- F. Method of Application - Applications may be made either electronically or in writing. Applications made electronically are made at <https://commonhelp.virginia.gov>. Written applications are made by submitting a signed Application for Benefits (032-03-0824). If the Application for Benefits is not signed, the signature must be obtained, or 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 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.

- G. Date of Application - The date of application is the date the signed 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. In the case of an applicant who initially applies for another program then decides to also apply for TANF while the application for the other program is still pending, the date of application for the TANF benefits is the date the applicant requests TANF (not the date the application for the other program was provided).

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

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

* Code of Virginia, Section 63.2-502

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

(Note: So that the client understands that no benefits will be issued in the month following a suspension or termination, the language on the ANPA references the last month and day for which assistance is received rather than the month for which benefits will not be issued. The ANPA statement reads, for example: Your benefits will be terminated effective January 31, 2017.

VaCMS is programmed so that it will count the last day of the month in computing the time available for the 10-day notice for the change that is effective on the first day of the following month, in this case, February 1, 2017. In the case of a manual ANPA completed by the EW, the effective date will also be the last month and day for which assistance is received.)

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

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

Eligibility must be determined for each month of the application period. Applicants may be ineligible for the month of application and the month of processing; however, if eligibility exists for the future month, approve the application. **In VaCMS, certify and authorize the denied benefits VaCMS for the month of application and the next month, and the approved benefit for the future month.**

Refer to Section 401.2.B.2.c. and d. for adding persons to an existing case.

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

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

* 45 CFR 206.10(a)(8)

401.2 INITIAL DETERMINATION/REDETERMINATION OF ELIGIBILITY -

Methods for initial determination and redetermination of eligibility shall be consistent with the objectives of the program and shall respect the rights of individuals under the U. S. Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964, and all other relevant provisions of the State and federal law.

A. The Intake Interview

Each determination of eligibility will include a personal interview with the applicant/recipient, or the caretaker-relative of the needy children. The number of interviews will depend on the individual situation. The interviews are scheduled with the least possible delay on the basis of joint planning by the client.

If **the interview is not conducted at** the local agency the agency may conduct a phone interview, home visit, meet elsewhere, or interview an authorized representative. The agency must waive the face-to-face interview on a case-by-case basis depending on individual circumstances that include, but are not limited to, disability, illness, care of a household member, hardship due to residency in a rural area, prolonged severe weather, work or training hours during normal agency office hours, situations where residents of shelters for battered women and children would be endangered if they were to leave the shelter, or transportation difficulties. **In addition, phone interviews may be conducted at the discretion of the local agency.**

The setting that is chosen for each interview is that which **provides for the integrity of the application process** and is most satisfactory for the applicant/recipient and the agency.

If the applicant formerly applied for or received assistance, the EW should familiarize himself with the content of the record before the interview, in order to plan for a helpful and appropriate interview.

The purposes of the interview are:

- (1) To make certain that information provided is complete and accurately represents what the applicant wants to say about his circumstances.
- (2) To ensure that the request for assistance includes the parent(s) and all minor siblings (both natural and adoptive) living in the home with the dependent child(ren) for whom assistance is requested.
- (3) To determine what information provided needs further substantiation and what, if any, additional information or substantiating evidence is needed to establish eligibility.

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

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

B. Substantiation of Eligibility Factors

1. Initial Eligibility

The applicant must be advised of the need to substantiate eligibility factors (e.g., categorical requirements and income) including changes to the eligibility factors that may occur during the application process. The applicant must be advised that changes that occur after the initial interview and before the date of the Notice of Action to approve must be reported within 10 days. Changes that occur within 10 days following the date of the Notice of Action to approve must also be reported.

The responsibility of the EW 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 responsibility includes acting on information reported by the applicant during the application processing period as noted above. This information must be entered in the applicant's **VaCMS** case.

In determining initial eligibility, the EW will verify the following eligibility factors through inquiries into the relevant systems:

- Alien Status – SAVE;
- Alien Number – SOLQ-I, the State Online Query-Inquiry System, via SPIDeR (if not entered into the **VaCMS** record and/or verified at registration);
- Social Security Number – SVES (State Verification and Exchange System) or SOLQ-I (if not entered into the **VaCMS** record and/or verified at registration);
- Child Support – DCSE APECS system, via SPIDeR;
- SSA/SSI – SOLQ-I;
- Unemployment Income – VEC, via SPIDeR;
- Earned Income – Work Number, via SPIDeR, but only when information cannot be verified through other means.

The EW must document the date and results of the systems inquiries in the comment box on the appropriate non-financial or income screens in **VaCMS**. If a system inquiry confirms that an individual does not have unearned income, the EW will document **the same in the VaCMS Case Narrative**.

At the time of application, there should be a joint decision between the client and the EW as to how necessary verification will be secured and who will assume the responsibility for securing each. The EW 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 EW must offer to assist the individual in gathering such information. In addition, if after the EW 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 EW 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 EW to secure them, the EW 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 EW's assistance in securing such information, the agency EW must then assume the responsibility for obtaining the needed verification.

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

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

2. Ongoing Eligibility

When changes occur within the renewal period that affect eligibility or benefit amount, the agency must evaluate the change and take action to adjust the benefit amount, if necessary. The responsibility for changes lies with both the TANF AU and local agency. The individual must report changes in the household income and any other changes that may affect the AU's status. 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 AU members include step-parents, parents who are not U.S. citizens or eligible aliens, and others whose needs are not included **in the payment**.)

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

AUs 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 AU. If the AU is uncertain of the exact date or the exact amount of income that has changed, the 10-day reporting period begins the day the change occurs. The change may be reported on the Change Report form, by telephone, face-to-face, by mail, or electronically.

In addition, the recipient should be asked to report changes to his telephone number.* Because telephone number changes do not affect eligibility or benefits, the agency will not take negative action if a telephone number change is not reported.

2) Local Agency Action on Changes

The agency must act promptly to terminate or to adjust benefits when changes in the AU'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 AU;
- changes put into VaCMS to meet reporting requirements or guidance requirements of another program;
- changes to prevent duplicate receipt of benefits including information provided through a PARIS Match; and
- changes that are considered verified upon receipt, such as notification by the foster care worker that a child has been removed from the home and placed in foster care.

Information may become known to the agency through means other than listed above such as information provided for SNAP Interim Reporting, or information provided by the ESW regarding a VIEW participant. If the change is one that the AU 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 renewal.

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

- b. Substantiation of Eligibility - The recipient must be advised of the need to substantiate eligibility factors whenever a change is reported. When changes that affect eligibility or payment amount occur after the case has been approved, the responsibility for the change lies both with the recipient and the local agency.

If required verification is not obtained or provided in time to prospectively determine eligibility for the next payment or to complete a redetermination by the due date, continuing eligibility cannot be determined and the case will be suspended for one month only. If verification is still not provided, the case will be closed for the month following the month of suspension. (See 401.3.G.4.)

If verification is provided after the action to suspend has been taken, the EW will reinstate assistance for the month of suspension, if appropriate. Or, if verification which establishes continued eligibility is provided after action to close has been taken but before the effective date of closure, the EW will reinstate assistance effective with the month closure was to occur.

- c. Adding Persons Required to be in the AU - The AU must report a new unit member when completing a renewal. If a new unit member enters the home between renewals, the report is considered timely provided the individual entered the home after the most recent renewal was completed. Note: When the new unit member is an eligible child or the parent of an eligible child and he/she enters the home between renewals, the report is considered timely only if the AU reports the change within 10 calendar days from the date of the change or by the tenth of the following month. **An application is not required when adding new unit members to an ongoing TANF case. Households may report persons required to be in the AU using the Change Report form, by telephone, by personal contact, by mail, or electronically. Verification of all eligibility requirements must be obtained on the new individual and an evaluation of the new assistance unit's need and eligibility must be made.**

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

- 1) Eligibility for Payments - Once the agency **receives a report that a person required to be in the AU has entered the household** and the agency has secured verification of categorical requirements and conditions of eligibility have been met, the individual's needs and income are to be included in determining eligibility and the amount of future payments.

If verifications and conditions of eligibility are substantiated within the 30-day time frame for adding persons or the 30-day period has passed and the agency can document that the delay in providing categorical verifications/meeting eligibility conditions was due to good cause (beyond the assistance unit's control), payments beginning with the date the change was reported must be recalculated considering the individual's needs and income. **Since the VaCMS will be running for a future month, a supplement must be issued for the previous month(s), including the needs and income of the new member, if all eligibility criteria were met.**

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

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

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

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

- d. Adding Other Persons - A request to add an individual not required to be in the unit, such as a caretaker-relative other than a parent or EWB, will be processed within **30-day timeframe for adding persons**, with eligibility effective no later than the month following receipt of the request per Section 401.1.I.
3. Evaluation of Reported Information - To ensure the applicant/ recipient has provided all information necessary for the EW to make a proper determination regarding eligibility, every element on the application must be discussed with the client at each application or renewal.

Additionally, when a change is reported by the client, all elements related to the change must be reviewed to ensure continuing eligibility exists.

When statements, either written or verbal, made by the client are deemed questionable, further evaluation of the client's circumstances is required. Questionable information will include, but is not limited to, statements which are:

- a. incomplete or unclear;
 - b. inconsistent with statements previously made by the applicant/recipient;
 - c. inconsistent with information known by the local agency.
4. Income v. Expenses - In situations where it is obvious the client's monthly expenses exceed verified income, the EW shall discuss with the client how monthly expenses are being met. The EW may not require verification of the client's expenses as a condition of eligibility. Furthermore, assistance may not be denied or terminated based solely on statements made by the client. Rather, the EW shall take this opportunity to explore the client's situation to determine if unreported income is available which allows the assistance unit to meet monthly expenses. The case record must be clearly documented to accurately reflect the client's substantiation of his/her situation. If the EW and the client are unable to resolve the client's circumstances, attempts to do so must also be documented in the case record. It is important to remember, however, that assistance can only be denied/terminated when income is uncovered which, when verified, exceeds prescribed limits or when the client acknowledges he has unreported income but refuses to verify the source and/or amount.
 5. Follow-Up on Suspected Unreported Income - When the agency has reason to believe that a recipient is receiving income that has not been reported, the EW will follow-up on obtaining information to substantiate the recipient's circumstances. Community complaints, expenses exceeding income, a history of not reporting, and cases with individuals living with the assistance unit whose income would be deemed available

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* 45 CFR 206.10(a)(3)

401.3 **RENEWAL OF ELIGIBILITY** - Eligibility for TANF recipients must be redetermined on all eligibility factors subject to change at least every 12 months, unless a shorter renewal period is required by SNAP. The renewal process is made up of the following three elements: a renewal application, a renewal interview, and reevaluation of all required eligibility factors. All elements are necessary in order for TANF eligibility to be renewed.

- A. A renewal of eligibility cannot be considered complete and the renewal date cannot be updated in VaCMS until the following requirements have been met:
1. all elements must be reevaluated and substantiated except date of birth, relationship if the caretaker remains the same, citizenship, and social security number; or
 2. if all required elements have not been reevaluated and substantiated **by the last day of the renewal month, assistance will stop. An assistance unit may not receive benefits beyond the renewal month. The VaCMS will automatically stop issuance of benefits. The case will remain and in an approved status.**
 3. the month in which the renewal of eligibility is due to be completed is counted from the date of eligibility (include the month of initial eligibility in this computation) and any changes discovered during the review process should be reflected in the following month, unless such changes are prohibited by the time standards.

Example: Date of Application - July 3; Date of Approval - July 20; BDOA - July 3; Renewal Due – June, Effective July 1

Date of Application - July 10; Date of Approval - August 7; BDOA – July 10 Renewal Due – June, Effective July 1

Date of Application - July 21; Date of Approval - September 5; BDOA - August 1; Renewal Due – July, Effective August 1

B. **TANF Renewal Notification and Renewal Application**

The renewal process begins when the assistance unit is sent the TANF Renewal Notification (TRN) (032-03-0902-00) and the Renewal Application. The TRN advises the assistance unit that TANF eligibility is about to end and that a new application, interview, and verification of eligibility are required. The Renewal Application provides the recipient with the information on file and the opportunity to update that with current information.

Both the TRN and the Renewal Application are generated by Central Print on or about the 17th of the month prior to the renewal month. It is the responsibility of the EW to schedule an interview date and time and enter the information into the VaCMS Scheduler by the 15th of the month prior to the renewal month so that the interview date and time are included in the TRN. (Note: If the interview date and time are not entered prior to the 15th, the TRN will still be sent to the client but will not provide the crucial appointment information.)

C. Renewal Application

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

- Do You Have a Disability? (032-03-0670)
- Notice of Cooperation and Good Cause (032-03-0036) – **(exception*)**
- Notice of Intentional Program Violations and Penalties (032-03-0646)

***If during the renewal process, the recipient wishes to change their cooperation or good cause claim for cooperating with the Division of Child Support Enforcement, the Notice of Cooperation and Good Cause (032-03-0036) form must be reviewed, completed, and signed by the recipient, prior to case approval.**

The Attesting to the Lack of Information (032-03-0423) form must be reviewed, completed, and signed by the TANF recipient, if applicable. (See 201.10.A.c., page2a)

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

D. Renewal Interview

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

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

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

F. Overdue Renewals

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

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

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

H. When Completion of a New Application Is Not Required

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

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

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

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

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

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

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

Suspension of a payment is appropriate when:

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

* 45 CFR 233.34(d)

Exception: The full **payment** is sanctioned (i.e., the case is eligible for \$0 **payment**) 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 **payment** when the Non-Compliance – Details screen is completed in the VaCMS.

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 and the reason for 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 **payment**;
 2. there has been a delay beyond the time standard in acting upon an application or a request for an increase in **payment**;
 3. case action is taken to increase the amount of assistance;
 4. case action is taken to include an additional eligible person in the **payment** or to change the number of eligible persons if no decrease in assistance results;
 5. case action is taken to change the payee or the method of payment;
 6. client requests closure of a VTP case.;
 7. VTP recipient transfers to another Virginia locality and is no longer eligible to receive the VTP; or
 8. 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 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 reasons for the action or failure to act; and explain the applicant's/recipient's right 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. **Note: VDH verified deaths that are received via the MMIS/VaCMS Date of Death Reconciliation Batch, are considered verified upon receipt.**
 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 guidance in 201.5.B to evaluate continued eligibility.
 3. The recipient's whereabouts are 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 placed in foster care.

6. A special allowance granted for a specific period (for example, correction of a prior underpayment) is terminated and the recipient has been informed in writing that the allowance shall automatically terminate at the end of the specified period.*
7. When a recipient becomes a patient receiving skilled care, intermediate care or similar other long term hospitalization. Note: See guidance in 201.5.B. to evaluate continued eligibility.
8. When a recipient requests termination of assistance by telephone or in writing. The written request must be signed and dated by the recipient. If the recipient fails to enter the date, the EW must enter the date such statement is received in the agency.*
9. When a recipient provides a signed, written statement:
 - a) providing information which requires termination or reduction of assistance (but does not request closure of the case); and
 - b) indicating that the recipient understands that action to reduce or terminate assistance must be taken in response to the information provided and she waives her right to receive a timely notice.*

10. **When taking action to terminate Relative Maintenance Support Payment cases.**

- C. Action Requiring Timely Notice - Federal regulations,** require that in certain cases of proposed action to terminate, or reduce assistance, the Advance Notice of Proposed Action must be sent to the client. The agency may use the Notice of Action for this purpose, unless benefits in both TANF and SNAP are being reduced or terminated simultaneously.

When a change requires both a reduction or termination in public assistance benefits and a reduction or termination in SNAP benefits, the local agency shall issue a single Advance Notice of Proposed Action for both the public assistance and SNAP action.*** Timely notice must be sent to the recipient whenever the case is determined to be ineligible and whenever the payment must be reduced or terminated based on a change in the circumstances reported by the client or from any other source, or when the client fails to verify a change as requested.

When the proposed action is to sanction a case for noncompliance with the Virginia Initiative for Education and Work (VIEW) program, advance notice must be given using the Advance Notice of Proposed Action (032-03- 0018-29).

When the proposed action is to impose a penalty on a case for noncooperation with the Division of Child Support Enforcement (DCSE), advance notice must be given using the Advance Notice of Proposed Action (032-03-0018-29).

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

** 45 CFR 206.10(a)(4)(i)

*** 7 CFR 273.12(f)(4)(i)

The following procedures are to be followed in preparing the Advance Notice of Proposed Action Form:

1. The date the form is mailed to the recipient and the first day of the following month are not counted in the 10 days before the day the action becomes effective.
 - a. When the action being taken is a reduction, the effective date is the first of the following month.
 - b. When action is being taken to suspend or terminate benefits, the date of non-issuance is the first day of the following month.
 2. The notice must include a statement of what action the agency intends to take.
 3. It must include the reasons for proposed action. If the proposed action is to suspend assistance due to the inability to verify a change in the client's circumstances (see Section 401.2.B.2.), the Advance Notice of Proposed Action must also include a statement that if necessary verification is provided, assistance will not be reinstated if such verification renders the case ineligible
 4. In cases of payment reduction, the new amount of the payment must be entered.
- D. IPV Notice Requirements - Refer to Sections 102.5, 102.8 and 102.13 regarding notice requirements relating to IPV guidance and ADH procedures.
- E. Action Requiring Neither Adequate or Timely Notice - Neither a timely notice nor an adequate notice is necessary when:
1. 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.
 2. A VTP case closes due to one of the following reasons:
 - a. the employment hours become less than 30;
 - b. hourly pay becomes less than **the state** minimum wage;
 - c. all of the eligible children leave the home;
 - d. a VTP job follow-up cannot be completed because the VTP recipient failed or refused to provide the required employment verification;
 - e. in a two parent household when a parent who is receiving a VTP leaves the home; and
 - f. at the end of the 12-month VTP payment period. (Note: VaCMS will automatically close the VTP case at the end of the 12-month period.)

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.

F. Notices to Authorized Representatives

The VaCMS system will send notices to an authorized representatives. When sending notices to authorized representatives, the same notice that is sent to the case name will be sent to the authorized representative and in the same language as correspondences are sent to the case name. If a complete address for the authorized representative is not present, then the Eligibility Worker will have to select the case name address.

For the TANF program, when "Receive Request for Information Needed" is selected on the Authorized Representative screen in the VaCMS, only the "DSS-810 Checklist of Needed Verifications" and the "DSS-710 Pending Verification Notice" (if applicable) shall be sent to the authorized representative. When marked as allowed to "Receive letters regarding actions taken on your case" or "Receive request for information needed" for TANF, then the following notices will be sent to the authorized representative:

- DSS-786 VIEW Sanction Reminder Notice
- DSS-782 VIEW Notice of Hardship Exception
- DSS-810 Checklist of Needed Verifications
- DSS-757 Advanced Notice of Administrative Disqualification Hearing
- DSS-753 Administrative Disqualification Hearing Decision
- DSS-790 Appeal Summary TANF/LIHEAP
- DSS-785 View Notice of Sanction/Termination
- DSS-787 View Transitional Payment Notice
- DSS-764 TANF 24 Month Advance Notice
- DSS-762 Request for Repayment of TANF Benefits
- DSS-732 Notice of Eligibility - TANF
- DSS-737 Notice of Eligibility - TANF Claim
- DSS-706 Notice of Disqualification for Intentional Program Violation
- DSS-707 Waiver of Administrative Disqualification Hearing
- DSS-708 Referral for Administrative Disqualification Hearing
- DSS-709 Notice of Intentional Program Violation
- DSS-808 TANF Renewal Notification
- DSS-735 Notice of Eligibility - TANF DA
- DSS-710 Pending Verification Notice
- DSS-848 Notice of Eligibility - Cancel TANF DA
- DSS-847 Notice of Eligibility - TANF DA

401.5 INFORMATION TO BE GIVEN APPLICANT/RECIPIENT

In the process of determining eligibility, the EW 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, 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 **in the payment**. See 401.2B(2)(a).
 3. Recipients are required to report address changes (a new physical or mailing address) within 10 days of the change.
 4. Recipients are requested to report changes in their telephone number(s).*
 5. Recipients must report when an eligible child or the parent of an eligible child enters or leaves the home.
 6. VIEW participants are required to report changes in gross countable income of greater than 130 percent of the federal poverty level based on size of the assistance unit, other changes pertinent to participation in VIEW, including changes in the need for supportive services.
 7. Assistance units must complete an annual renewal, unless a shorter renewal period is required by SNAP.

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

*63.2-501.1

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

The Change Report (032-03-0051-**32**) must be given at each application, reapplication, and renewal, with an explanation of its use.

Recipients may report changes on the Change Report (032-03-0051-**32**), in writing, through CommonHelp, in person or by telephone.
- e. The agency's responsibility to complete the application **process by the 30th day** 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 services or has questions or concerns about EPSDT or transportation to an EPSDT provider, they should contact the MEDALLION Care Helpline.

You may also contact the DMAS EPSDT program administrator at 804-786-0194 if you have any questions or concerns regarding EPSDT program policies or procedures.

- j. The need to substantiate all eligibility factors.
- k. The categorical eligibility requirements and conditions of eligibility for TANF.
- l. The requirements regarding composition of the assistance unit, that required unit members are considered part of the unit even if application has not been made on their behalf, and that the client's failure or refusal to provide verification of categorical requirements for a child required to be in the assistance unit, or the child's failure to meet conditions of eligibility, will result in the child's needs being excluded from the assistance unit but his income will be considered available to the remaining assistance unit members.

- 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.

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

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

401.6 IMPACT ON MEDICAL ASSISTANCE

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

401.7 TRANSITIONAL CHILD CARE BENEFITS

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

401.8 REFERRAL FOR VICTIMS OF FAMILY ABUSE

When the EW learns about a situation where an applicant/recipient of TANF may be a victim of family abuse, the individual should be referred **to a local domestic violence agency for crisis and supportive services**. If local resources are not available, then the **Virginia Statewide Hotline number**, 1-800-838-8238, should be given. For more information, reference https://www.dss.virginia.gov/family/domestic_violence/index.cgi.

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

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 EW 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 EW to make a referral to the services staff for protective service.

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

* 45 CFR 233.90(a)(2)

402.1 INCOME ELIGIBILITY VERIFICATION SYSTEM (IEVS)

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

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

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

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

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

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

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

VIRGINIA LEGAL AID PROJECTS

See **SNAP** Manual, Volume V, Part XIX Appendix I, for a list of Virginia Legal Aid Projects with addresses, phone numbers, and areas served.

The National Voter Registration Act of 1993 (NVRA) requires local social services agencies to offer each customer of TANF, SNAP and Medicaid an opportunity to apply to register to vote. TANF applicants will be offered this opportunity at initial application. TANF recipients will be offered this opportunity at renewal. Additionally, voter registration application services must be provided any time a change of address is reported to the local agency in person. If the change of address is not made in person, the Voter Registration Agency Certification (SBE 032-03-945 07/09), and a voter registration form <https://fusion.dss.virginia.gov/bp/BP-Home/VOTER-REGISTRATION>, must be mailed to the client's new address. The EW must document the case record indicating the forms have been sent. In complying with the requirements of the NVRA, local agency staff must provide each applicant and recipient the same degree of assistance in completing their voter registration application as they do in completing the application for public assistance. Local staff must be trained annually for the NVRA. The training module is located in the **Virginia Learning Center** at <https://covlc.virginia.gov>.

- I. Prohibitions - Local social services agencies and agency staff are prohibited from the following activities when providing voter registration application services:
 - A. seeking to influence a customer's political preference;
 - B. displaying any political preference or party affiliation;
 - C. making any statement to the customer or taking any action the purpose or effect of which is to discourage the individual from applying to register to vote; or
 - D. making any statement to a customer or taking any action the purpose of which is to lead the individual to believe that a decision to register or not register has any impact on the individual's eligibility for assistance or the benefit level that they may be entitled to receive.

- II. Voter Registration Services - Each local social services agency must provide the following services:
 - A. distribution of voter registration application forms;
 - B. assistance to customers in completing the registration application form, unless such assistance is refused, and ensuring that all spaces on the form are completed;
 - C. insuring that the certification statement on the application for benefits or statement of facts is completed; and

- D. acceptance of voter registration application forms.

The only exception to offering voter registration application services is when the customer has previously indicated that they are currently registered to vote where they live, there is a completed agency certification form, application for benefits, or statement of facts in the customer's case record indicating the same, and the customer has not moved from the address where they stated that they were registered to vote.

- III. **NVRA Coordinator** - is the designated contact for the local agency for NVRA purposes. Each agency must have a NVRA Coordinator. If the local agency needs to report a change in the NVRA Coordinator, email the new name, title, agency name, and telephone number to **Mark.Golden@dss.virginia.gov**.

- A. After the client completes the voter registration form, the form is to be given to the NVRA Coordinator.
- B. The NVRA Coordinator must submit each completed registration application to the registrar every Friday (if Friday is a holiday, the forms must be forwarded to the local registrar on the last working day before Friday.) Completed forms are to be forwarded to the local registrar in an envelope, notated with an "A" in the upper left-hand corner and listing the number of completed registration applications included in the envelope.
1. For split/combined agencies, all voter registration applications are to be transmitted to the general registrar in the locality where the local social services agency is located.
 2. If the individual chooses, he/she may take a voter registration application to be mailed to the State Board of Elections at his/her own cost.
- C. Maintain a list of local staff completing NVRA training and submit it to the Assistant Director of Benefit Programs in Home Office.
- D. Maintain an adequate supply of voter registration applications and related materials, including agency training manuals/references, display boxes, agency transmittal envelopes, and posters. A complete list of voter registration materials is available through the **Virginia Department of Elections**. They may be ordered by U.S. mail or electronically by contacting:

Taylor S. Melton
Registrar Liaison NVRA/Voter Registration Coordinator
Virginia Department of Elections
1100 Bank Street
Richmond, VA 23219
E-mail address: taylor.melton@elections.virginia.gov

- E. Ensure that a sign or poster is posted in a visible location in the office notifying clients that the office provides voter registration services. Posters are found at <https://fusion.dss.virginia.gov/bp/BP-Home/VOTER-REGISTRATION>. You may print copies of the posters to display or order posters from the State Board of Elections.

IV. Voter Registration Forms

- A. Voter Registration Application - in Virginia, one voter registration application form will be used to serve a twofold purpose:
1. the voter registration application will be completed by the customer with necessary assistance from local agency staff during the application/review process and left at the local agency for transmittal to the local general registrar; or,
 2. for customers who do not wish to complete the voter registration during the application process, they may take a voter registration form for mail-in registration.

V. Individuals Required to be Offered Registration Services – In order to be offered voter registration services, an individual must:

- A. Be a member of the TANF assistance unit/SNAP household/Medicaid family unit.
- B. Be at least 18 years old by the next general election. General elections are held in all localities on the Tuesday after the first Monday in November or on the first Tuesday in May to fill offices regularly scheduled by law to be filled at those times. If any question arises as to whether the individual will turn 18 before the next general election, complete the registration application and the local registrar will determine if the individual may be registered.
- C. Be present in the office at the time of the application/review interview or when a change of address is reported (if a change of address is not reported in person, a registration application will be sent to the individual upon request for mail-in purposes.) Any change in household/assistance unit/Medicaid family unit composition that does not occur concurrent with an application/review or change of address will be handled at the next scheduled review.
- D. **Have had voting rights restored if they have ever been convicted of a felony.**
- E. **Have had capacity restored if they have ever been adjudicated incapacitated (mentally incompetent) by a court.**

Any individual accompanying the customer to the local agency who is not a member of the assistance unit/household (including payees and authorized representatives) will not be offered voter registration services by the local agency; however, a registration application is to be provided to the non-unit member upon request for mail-in purposes.

Any request for a mail-in application for assistance must include a mail-in voter registration application. When an authorized representative is applying on another individual's behalf, the local agency is to offer a mail-in application. In both situations, the bottom of the certification form is to be completed accordingly.

- VI. Voter Registration Application Sites - Local social services agencies are required to offer voter registration application services at each local office (including satellite offices) for applicants/recipients of TANF, SNAP, and Medicaid assistance. Voter registration application services are to be offered by out stationed staff **accepting TANF, SNAP and/or Medicaid applications.**

VII. Reporting

- A. Local agencies must report monthly, on Fusion, <https://fusion.dss.virginia.gov/bp/BP-Home/VOTER-REGISTRATION> the number of voter registration applications submitted to their local registrar.
- B. Reports must be submitted electronically by the 15th of each month for registrations submitted the preceding month.

It is important that EWs submit all voter registration applications to the agency coordinator as soon as possible after completion by the client.

- VIII. Restoration of Rights - For individuals who have lost the right to vote, **they may contact the Office of the Secretary of the Commonwealth. To request restoration of their civil rights, they may apply online at www.restore.virginia.gov, call (804) 692-0104, or return a completed Restoration of Rights form [<https://www.restore.virginia.gov/media/governorvirginiagov/restoration-of-rights/pdf/Restoration-of-Rights-Contact-Form-3-16-2021.pdf>] to:**

**Secretary of the Commonwealth
Restoration of Rights Division
P.O. Box 2454
Richmond, Virginia 23218**