



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

February 1, 2012

Temporary Assistance for Needy Families Manual

Transmittal # 49

This transmittal includes annual changes to program calculation elements and clarifications of guidelines for the Temporary Assistance for Needy Families (TANF) Program and the Virginia Initiative for Employment not Welfare (VIEW) Program. The purpose of this transmittal is to provide new, clarified, and revised guidance and forms for both the TANF and VIEW Program. Unless otherwise stated, the provisions included in this transmittal are effective for all TANF eligibility determinations and VIEW Program assessments and reassessments completed on or after February 1, 2012.

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

Significant changes to the manual are as follows:

Page(s) Changed	Significant Changes
Main Table of Contents, pages 1 and 11	Revisions have been made to add a new section at 100.5, to remove section 105.2A then rename section 105.2B, and to make section 1000, Appendix A obsolete.
Section 100, Table of Contents, page 1	A new section entitled "Virginia Department of Social Services Strengthening Families Initiative (SFI) Practice Model" has been added at 100.5. The section that was previously listed as 105.2A has been removed. References to

Page(s) Changed	Significant Changes
Section 100.2 – 101.2, pages 1 and 1a – 1d	<p>local agency conferences held prior to an appeal hearing have been removed throughout the manual as local agencies are only <i>required</i> to offer a pre-hearing conference to an individual who has been denied expedited processing for Supplemental Nutrition Assistance Program (SNAP) benefits. Please note that local agencies may continue to offer these conferences to any recipient who has been denied benefits or whose benefits have been reduced or terminated if the local agency chooses to do so. Previous section 105.2B has been renamed 105.2A.</p> <p>Guidance has been shifted and a new page (1d) has been added to accommodate the addition of the department’s SFI practice model into the manual at 100.5. The practice model addresses the department’s initiative to strengthen families at every contact.</p>
Section 102.5 – 102.8, page 4	<p>The requirement to send Fraud Management a copy of the signed waiver for an Administrative Disqualification Hearing has been removed as this is no longer necessary.</p>
Section 105.1 – 105.2, pages 1 – 3, and 3a	<p>The previous Section 105.2A (Opportunity for a Local Agency Conference) has been removed. Section 105.2B (Special Provisions with Respect to Termination or Decrease in Amount of Assistance) has been renamed 105.A. Additionally, guidance was revised to remove references to local agency conferences. Page 3a has been removed as the guidance now appears on page 3.</p>
Section 106.1, page 1	<p>Guidance at 106.1B (3) has been revised to remove the reference to the local agency</p>

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Section 201.1, page 1a	<p>conference.</p> <p>Item 3 in 201.1C has been revised. While a relative may be eligible for TANF even when the only child in the home receives a foster care payment, the parent of a child cannot be eligible for TANF under the same circumstances.</p> <p>The final reference at the bottom of the page was incorrect and has been removed.</p>
Section 201.3, pages 4 and 4a – 4c	<p>201.3B has been revised to include the contact information for Home Office staff members who are responsible for addressing technical issues related to the Learnfare program. Guidance on pages 4a - 4c has been shifted to accommodate the additional guidance on page 4.</p>
Section 201.4 – 201.5, page 1	<p>The “Exception” following the first paragraph of 201.5 has been rewritten to clarify when a child in foster care can be considered “living with” a parent or relative. The information is now included as a note.</p>
Section 201.5, page 1a	<p>At 201.5A, the list of documents which can be used to establish relationship has been expanded to include documentation of relationship based on DNA match. The reference to a “written notarized statement of paternity” has been removed from the list and cannot be used as evidence of paternity.</p> <p>A new paragraph has been added that describes the process to be followed in referring a father not married to the child’s mother for DNA testing in order to establish relationship when he does not have one of the other documents listed. A</p>

	<p>referral form, Referral to Division of Child Support Enforcement from Local DSS (032-03-0431-00), has been added to the Forms Drawer.</p>
Section 201.5, page 3b	<p>The first paragraph of item 3, at 201.5C, has been rewritten to clarify when a child in local agency custody can be considered eligible for TANF in a parent or relative's home. Additionally, the second paragraph has been rewritten to clarify that a child in agency custody cannot be considered temporarily absent from the home of the parent or other relative with whom the child was living before coming into care if another parent or relative is eligible for TANF based on the current presence of the child in the home.</p>
Section 201.7, page 1d	<p>201.7D has been expanded to include the requirements regarding citizenship and alien status for applicants who are not included as children in the assistance unit (AU), but who are under age 19. The third paragraph has been revised so that it refers to applicants who are 19 and older. The "legal presence" requirements which allow the applicant to receive up to 90 days of assistance while verifying his status is based directly on state law and applies only to applicants 19 and older. A clarification has been added that if the case closes and the individual subsequently reapplies, he will not be given another 90 day period to provide verification of legal presence. If the verifications are not provided within the standard 30 day processing time, the individual is not eligible for assistance and will not be included in the AU.</p>
Section 203.2, page 2	<p>A clarification has been added at 203.2A that the case is screened at 185% of the</p>

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Section 302.1 – 302.6, pages 1 - 1a	Standard of Need to determine eligibility for Emergency Assistance.
Section 302.1 – 302.6, pages 1 - 1a	Guidance has been revised at 302.3 to state that a parent who is a court convicted offender serving a sentence while living in the home will be included in the AU.
Section 302.1 – 302.6, pages 1 - 1a	Guidance at 302.6 has been revised to clarify that an individual must be at least 18 years old before he/she can be evaluated as a person who is essential to the well-being (EWB) of the children in a TANF household.
Section 302.1 – 302.6, pages 1 - 1a	At 302.6A (2)c, the wording has been revised for clarity.
Section 302.7, page 3	Items 4 and 5 of 302.7C have been rewritten for clarity. Both reference children who are not to be included in the AU because they receive adoption or foster care maintenance payments.
Section 302.7, pages 3a and 4	Item 17 at 302.7D has been revised to increase clarity regarding putative father situations. Information on page 4 has been shifted to accommodate the expanded guidance in item D (17).
Section 305.1, page 8	Guidance has been revised to remind Eligibility Workers (EWs) to use the comment screens in Application Benefit Delivery Automation Project (ADAPT) to document the results of required system searches.
Section 305.1, page 8	Additionally, the reference to never printing Income Eligibility Verification System (IEVS) matches has been removed as it is now included at 402.1.

Page(s) Changed	Significant Changes
Section 305.4, page 35	Item g at 305.4E (1) (g) has been removed. The income of a parent who is a court convicted offender will be counted as the individual will always be included in the AU.
Section 401.1, page 1	Guidance has been added at 401.1A to remind staff that, prior to receipt of an application, neither advice nor answers should be provided for hypothetical questions from an individual who is an applicant, a potential applicant, or is acting on the behalf of such an individual.
Section 401.1, pages 2a and 3	Guidance has been added to remind EWs to use the comment screens in ADAPT to document the case.
Section 401.3, page 6b	Guidance has been moved from page 3 to page 2a to accommodate the addition of new guidance on page 3. The additional guidance is to clarify that, 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.
Section 401.3, page 6b	Guidance has been revised regarding the documentation of required system searches performed at the time of the Interim Report. This data should be documented on the appropriate comment screen(s) within ADAPT.
Section 401.4, page 7a	The reference to the local agency conference has been removed at 401.4A.
Section 402.1, page 1	A reminder has been added that IEVS matches must never be printed.
Section 503.1 – 503.4, pages 1-1a	Section 503.2 has been rewritten so that it paraphrases, rather than quotes, the Virginia law on which it is based. The title of the section has been shortened. The

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Section 503.6 – 503.7, page 2	<p>criteria used for determining if a locality exercised due diligence has been revised for clarity.</p> <p>Section 503.3 has been updated and references to the Finance Guidelines Manual added.</p> <p>The first paragraph of 503.4 has been revised; the second paragraph 503.4 was outdated and has been removed.</p>
Section 503.8 , page 3a	<p>Guidance has been added to clarify that a TANF overpayment will be waived when a recipient has declared bankruptcy and the court identifies the TANF claim as part of the recipient’s waived debts.</p>
Section 601.1, page 1a	<p>Guidance has been revised to instruct EWs about the amount of the grant that should be recouped when an overpayment involves a client who has income other than the TANF grant.</p>
Section 601.3, page 5	<p>Clarification that both parents must sign an Acknowledgement of Paternity that is submitted to the local department of social services has been added at 601.1C (6).</p>
Section 602.5, page 5	<p>A note has been added at 601. 3E explaining that, while paternity may be established for a father age 14 to 18 by a court, a support payment will not be collected from the minor father as long as he is in compliance with compulsory attendance laws.</p>
Section 602.5, page 5	<p>A portion of item 4 was erroneously removed with the previous transmittal. Item 4 has been corrected to clarify that when the net support is greater than the current monthly TANF amount for two</p>

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Section 801.5, page 2	<p>consecutive months, ADAPT will automatically close the TANF case.</p> <p>A statement has been added to 801.5 clarifying that citizenship must be established, prior to case approval, for all individuals who will be included in determining a Diversionary Assistance payment amount.</p>
Section 901.2, page 2a	<p>Guidance has been revised to instruct the EW to provide persons receiving Supplemental Security Income (SSI) and Social Security Disability (SSDI) benefits with a copy of the Department of Rehabilitation Services (DRS) brochure that explains work programs administered by DRS.</p>
Section 901.3, page 3b	<p>Guidance has been revised at 901.3A to remind EWs to document VIEW exemption status changes on the comment screen for the AEGNFS screen in ADAPT.</p> <p>Additionally, a reminder has been added that the data entry should be completed within three working days after a recipient loses his/her VIEW exemption.</p> <p>Guidance has been revised to state the EW is to provide incapacitated persons with the brochure from DRS that explains employment programs provided by DRS.</p>
Section 901.6, page 7a	<p>901.6L (1) and (2) have been revised to remove the references to a pre-hearing conference prior to an appeal hearing.</p>
Section 901.12 – 901.14, pages 11 - 11a	<p>Guidance stating that a TANF recipient may receive a VIEW Transitional Payment (VTP) in each 12-month transitional period has been moved from page 11a to page 11.</p>

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Section 900, Appendix 2, page 5	<p>Guidance has been added on page 11a to clarify that, if the only eligible child in the home at the time the TANF case closed reaches the age of 18 during the VTP period and that child remains in the home of the VTP recipient, the eligibility for the VTP will not be affected. This will also apply when the child had already reached the age of 18 prior to the TANF case closure and had remained eligible for TANF because he/she was scheduled to graduate before reaching age 19 if that child has now graduated and will remain in the home with the VTP recipient.</p> <p>Also, guidance has been added to clarify when a notice must be sent prior to the closure of a VTP case.</p>
Section 1000, Table of Contents, page iv	The example has been renumbered as number six to correct a previous error.
Section 1000, Definitions, pages 2 - 3	A note has been added that Appendix A (VIEW Forms) is obsolete as the forms contained in the appendix have been removed.
Section 1000.1, page 8	Spelling errors have been corrected in the definitions of “Disability”, “English as a Second Language (ESL)”, and “Job Placement”.
Section 1000.2, pages 11 - 12	<p>A clarification has been added that the six week limitation for Job Search/ Job Readiness assignments should be thought of as a limit of 120 hours during a 12-month period for a single parent with a child under age 6 in the home and 180 hours during a 12-month period for other families.</p> <p>A clarification has been added at 1000.2C that cases in which there is a child under age one <u>and</u> the caretaker has not reached the lifetime limit (12 months) will be</p>

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Section 1000.2, page 13	<p>removed from the denominator when calculating the TANF Work Participation Rate. If the caretaker has already reached the lifetime limit, the case will be included in the denominator regardless of the age of the youngest child in the household.</p> <p>The explanation of how to compute the two-parent work participation rate has been revised to clarify which individuals will be included in the numerator.</p> <p>Guidance from page 11 has been shifted to page 12 to accommodate the new guidance on page 11.</p>
Section 1000.2, page 14a	<p>The Job Search/ Job Readiness limits at 1000.2F have been revised to address both the 120 and 180 hours limit.</p>
Section 1000.4, page 16	<p>The final sentence in Example 2 has been revised to correct a grammatical error.</p>
Section 1000.8, page 22	<p>Guidance at item A has been revised to require the completion of the initial VIEW assessment within 30 calendar days from the date of referral to the queue.</p>
Section 1000.9, page 26a	<p>Guidance at 1000.8B (1) has been revised to advise the ESW to complete the initial VIEW assessment within 10 calendar days after the individual's assignment to the queue whenever possible. However, in all cases, the assessment must be completed within 30 calendar days of assignment.</p>
Section 1000.13, page 34	<p>Guidance at item E has been corrected to state the Employment Services Worker (ESW), not the EW, will adjust the two-year clock.</p> <p>The note at 1000.13A has been revised to</p>

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Section 1000.13, pages 38 – 38a	clarify that, to be subject to the 120 hours of Job Search/ Job Readiness limit, the participant must be a single parent with a child under age 6. Guidance has been revised to increase understanding regarding the number of hours of participation that will be countable toward the TANF Work Participation Rate during the eleven months after an individual has participated in a Job Search/Job Readiness assignment for a full month.
Section 1000.13, page 43	Item g at 1000.13D (4) has been removed. Item h has been renamed item g.
Section 1000.13, page 44	A mathematical error in Example 1 has been corrected.
Section 1000.13, page 48	At 1000.13D (8) (d), the name and location of the form that can be used by a regular employee of the Full Employment Program (FEP) site who wishes to file a grievance has been added.
Section 1000.20, page 78	Guidelines regarding comparable sanctions for VIEW participants who receive SNAP benefits have been removed. Guidance has been added that an individual’s VIEW sanction will no longer result in a comparable sanction for the individual’s SNAP benefits. This change has been made because, effective January 1, 2012, the SNAP Employment and Training Program (SNAPET) will be a voluntary program. When an individual fails to participate in the SNAPET program, this will no longer result in a sanction and a reduction of SNAP benefits – the individual will simply be removed

from the SNAPET program and any associated supportive services will be terminated but the household's SNAP benefit amount will not be impacted. As sanction will no longer be applicable for SNAPET participants, there will no longer be a comparable sanction to be imposed when a SNAP recipient who is also a VIEW participant fails to participate in the VIEW program as required.

Note: For any individual who will continue to be subject to a previously imposed VIEW sanction on 1/1/12, any comparable SNAPET sanction would no longer be applicable (the comparable SNAPET sanction would end effective 12/31/11).

Section 1000.22, page 81

Guidance has been revised to clarify that the ability of a local department of social services to pay for transitional supportive services and Transitional Employment and Training (TET) is based on the availability of VIEW funds.

Additionally, guidance has been added to clarify that, while child care may be provided for education in the 12 months following the closure of a TANF case, the availability of this supportive service will be subject to Child Care guidance. Note: This supportive service will always be available for employment.

Section 1000.27, page 94

Guidance at 1000.27A (2) and (3) has been revised to remove references to a pre-hearing conference prior to an appeal hearing. Item 3 has been removed and subsequent items renumbered.

Section 1000, Appendix A, pages 1 - 73

The forms have been removed as they are available through the Forms Drawer on

Page(s) Changed

Significant Changes

Index, pages 1 - 16

SPARK. Page 1 was retained to indicate that the Appendix has been removed.

The index has been reviewed and revised to reflect the correct topics and page numbers.

Forms Drawer, Do You Have a Disability? form (032-02-0670-03), Notice of Hardship Exception form (032-03-0377-03), and the TANF 24- Month Advanced Notice of Proposed Action form (032-03-0368-07)

The forms have been revised to remove all references to local agency conferences conducted prior to an appeal hearing.

Forms Drawer, Referral to Division of Child Support Enforcement from Local DSS form (032-03-0431-00)

The form has been added and is to be used to refer an applicant putative father to DCSE for genetic testing to establish paternity for the child(ren) for whom he has requested TANF assistance.

Forms Drawer, Referral to Rehabilitative Services form (032-03-0032-00)

The form has been removed as it is now obsolete.

Forms Drawer, Request for Repayment and Repayment Agreement form (032-03-0957-02)

The form has been revised for increased clarity.

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



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Commissioner

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In addition, the State Department of Social Services carries direct responsibility for locating and securing support from responsible persons for children receiving TANF and, on application, providing this same service to non-welfare clients.

100.3 - FUNDING - The TANF Program is funded through a federal block grant and from State funds authorized by the General Assembly of Virginia.

100.4 - RECORD RETENTION - The Code of Virginia §42.1-76 places authority to issue regulations concerning retention and destruction of records with the Library of Virginia (LVA). The LVA General Schedule No. 15 governs records maintained by local social service agencies, including client case records. LVA General Schedule No. 02 governs locality fiscal records including purchase orders. While many records can be destroyed three years after case **closure** there are exceptions to that general rule. These exceptions include situations involving audits, investigations, court cases, and fraud or overpayments related to supportive services and emergency assistance among others.

Each local agency must designate a Records Officer who will be in charge of seeing that LVA regulations for record retention and destruction are followed. See <http://lva.virginia.gov/agencies/records/retention.asp> for information about establishing a Records Officer and for access to the specific schedules for record retention and disposition. The Library encourages agencies to contact the Records Analysis Services section at 804-692-3600 with questions about records management.

100.5 - VIRGINIA DEPARTMENT OF SOCIAL SERVICES STRENGTHENING FAMILIES INITIATIVE (SFI) PRACTICE MODEL - The Virginia Department of Social Services Practice Model sets forth standards of professional practice and serves as a values framework to define relationships, guide thinking and decision-making, and structure beliefs about individuals, families, and communities. The Practice Model suggests a desired approach to working with and delivering services to Virginia's citizens.

The tenets of the Practice Model are:

1. All children, adults and communities deserve to be safe and stable.
2. All individuals deserve a safe, stable and healthy family that supports them through their lifespan.
3. Self-sufficiency and personal accountability are essential for individual and family well-being.
4. All individuals know themselves best and should be treated with dignity and respect.
5. When partnering with others to support individual and family success, we use an integrated service approach.
6. How we do our work has a direct impact on the well-being of the individuals, families, and communities we serve.

Benefit programs are designed to provide income support benefits to assist families who are unable to provide the necessities of life and maintain minimum standards of health and well-being through their own efforts. Gathering relevant information about a family's situation and assessing that information against the eligibility for benefit programs are the basis for making the eligibility determinations. This process also includes an assessment of need for service programs and other resources to assist the family, which includes

following the Practice Model described above. If other needs exist, the eligibility worker must refer the family for appropriate services or resources within the agency or community.

101.1 - NONDISCRIMINATION - Federal law and the Virginia Human Rights Act, Virginia Code §2.2-2632 et seq., bar discrimination on the basis of age, race, sex, disability, religious creed, national origin, and political belief. The following civil rights laws apply in TANF:

1. The Age Discrimination Act of 1975, 42 U.S.C. §6101 et seq.
2. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794
3. The Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.
4. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.

Virginia has established procedures for ensuring fair and equitable treatment of applicants and recipients of public assistance. The local department of social services must assure that no person shall, on the grounds of age, race, color, sex, disability, religious creed, national origin, or political belief be subjected to discrimination.

A. Key Principles - Compliance with these laws assures that equal opportunity exists for persons with disabilities to benefit from all aspects of public assistance programs, including access to the proper support services to enable such individuals to work and to keep their families healthy, safe and intact. There are two key principles underlying the bar on discrimination against people with disabilities:

1. Individualized treatment. "Individualized treatment" requires that individuals with disabilities be treated on a case-by-case basis consistent with facts and objective evidence. Individuals with disabilities may not be treated on the basis of generalizations and stereotypes.
2. Effective And Meaningful Opportunity. "Effective and meaningful opportunity" means that individuals must be afforded meaningful access to the TANF program so that individuals with disabilities benefit from and have meaningful access to TANF to the same extent as individuals who do not have disabilities.

B. Legal Requirements - In order to implement these two principles, the following legal requirements must be met:

- Ensure equal access through the provision of appropriate services to people with disabilities.
- Modify policies, practices and procedures to provide such equal access.
- Adopt non-discriminatory methods of administration in the program.

C. Applicability To All Staff, Contractors, Vendors At The State And Local Levels - In compliance with the federal laws, Virginia does not discriminate against people with disabilities in its TANF program. This applies to all Department of Social Services staff at both the state and local levels. It also applies to those agencies and entities with which we contract for services. State and county agencies must ensure that contractors and vendors do not subject recipients to discrimination.

D. Definition Of A Person With A Disability - The Americans with Disabilities Act of 1990 as amended protects individuals with a "disability" and defines that term to mean a person who has a physical or mental impairment that substantially limits one or more of the major life activities of that individual, a person who has a record of such an impairment, or a person who is being regarded as having such an impairment. "Life activities" include, but are not limited to: the operation of a major bodily function, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Chronic health problems such as asthma, diabetes, and hypertension may also be considered disabilities if these conditions limit the individual's ability to function.

E. Complaint Procedures - Individuals who believe that they have been discriminated against on the basis of disability have the right to file a grievance under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) with the state TANF Manager. The grievance must be resolved promptly.

Individuals who believe they have been discriminated against on the basis of disability (including failure to provide reasonable accommodations), race, national origin (including the failure to provide access to services to people with limited English proficiency) can also file a complaint with the Office of Civil Rights at the U.S. Department of Health and Human Services. Complaints must be filed within 180 days after the 101.1 discrimination occurred. The complaint should include the same information listed in Part A above. To file a complaint, write to:

HHS Office for Civil Rights
Suite 372
Public Ledger Building
150 S. Independence Mall West
Philadelphia, PA 19106-3499
Hotline: 1-800-368-1019
TDD: 215-861-4440

F. Responsibility To Share Information Between Staff And Contractors - If one section of DSS determines that a person has a disability, then the staff must share that information with the other staff, as appropriate.

The case record must include a copy of the form "Do You Have a Disability?" along with a description of any reasonable modifications that agency staff have determined are needed to address the person's disability and services and supports the agency will provide to assist the individual and family.

G. Staff Authority To Make Reasonable Modifications - It is the responsibility of the worker to consider whether a person may have a disability, and how a person's disability may affect the person's ability to comply with rules, fill out forms, attend appointments, etc. If it is determined that a person has a disability that affects her ability to comply with program rules or procedures, the worker has the authority to make reasonable modifications to program rules, requirements and

procedures to ensure that the person with a disability receives full and meaningful access to TANF programs and services.

Evidence of disability of a recipient or a household member in need of the recipient's care, including any indications that the person may have a disability, and all requests for reasonable accommodations shall be documented in the case file.

H. Examples Of Accommodations

Ms. A comes in to apply for TANF. She has a learning disability and is unable to complete the application. As a reasonable accommodation, staff assists her to complete the application.

Ms. B is not able to come to the office due to the nature of her disability. Staff arranges to obtain the information by phone.

Ms. C missed repeated appointments. It is determined that she has a mental illness preventing her from organizing information and keeping track of appointments. The staff phones her on the morning of an appointment to help her to remember to keep the appointment.

101.2 - COMPLAINT PROCEDURES - Any person who believes that he has been subjected to discrimination on the basis of race, color, national origin, sex, age, religion, political affiliation, or disability has a right to file a complaint. Such a complaint may be filed also by a representative of the person allegedly discriminated against. Procedures below are to be followed:

- A. When the alleged discriminatory practice is on the part of the local department or its staff, the complaint is to be made in writing to the local welfare board not later than 180 days from the date of the alleged discrimination. A complaint may also be filed with the Commissioner of the Virginia Department of Social Services, or with the Region III Office of Civil Rights. The written complaint must include:
1. The name of the person or persons felt to have been treated unfairly.
 2. The date and nature of the treatment received.
 3. The names of other persons, if any, who were present when this action allegedly occurred.
 4. Any other pertinent facts related to the complaint.
 5. The date the complaint is made.
 6. The signature of the person making the complaint.
- B. Each complaint received is to be investigated and corrective action taken if appropriate.
- C. If the person making the complaint requests a hearing before the local board, the request is to be granted and reasonable notice of the hearing given by the agency to those persons whose participation is necessary in a review of the questions raised in the complaint.

- D. Following the hearing, the local board will give the complainant a statement of the findings, and if the complaint is justified, a statement as to what corrective action will be taken.
- E. If the complainant is not satisfied with the findings of the local board, he may write within 30 days of the date of receipt of the board findings to the State Department of Social Services.
- F. The State Department of Social Services will make an investigation of the circumstances and advise the complainant in writing of its findings and of any action to be taken by the local department.

State staff in the regional Field offices have responsibility for reviewing and supervising local methods of handling complaints.

is compelling evidence of intent to violate the requirements, then it will not be appropriate to accept a waiver of hearing from the individual and the request for a hearing must be forwarded to the State Hearing authority.

If a signed waiver is received, an ADH is not scheduled and the disqualification period is imposed in accordance with Section 102.3.

102.6 REFERRAL FOR AN ADH - If a signed waiver is not received within 10 days, the local agency shall request an ADH be scheduled by submitting the form, Referral for Administrative Disqualification Hearing, to the State Hearing Manager. The form must include the following information:

- A. Identifying information
- B. Summary of the allegation(s)
- C. Summary of the evidence
- D. Copies of documents supporting the allegation(s)

The referral is to be signed and dated by the supervisor or local agency director.

A fair hearing and an ADH may be combined into a single hearing if the factual issues arise out of the same or related circumstances provided that the individual receives prior notice of the consolidation.

If the ADH and fair hearing are combined, the agency must follow ADH time frames for conducting an ADH. If the hearings are combined for the purpose of settling the amount of the claim at the same time as determining whether or not the IPV has occurred, the household will lose its right to a subsequent fair hearing on the amount of the claim. However, the local agency must, at the household's request, allow the household to waive the 30 day advance notice period for the scheduling of the ADH when the hearings are combined.

102.7 SCHEDULING THE ADH - Upon receipt of the request for an ADH, the State Hearing authority will forward the request to the appropriate Regional Hearing Officer.

102.8 ADVANCE NOTICE OF ADH - The hearing officer will schedule a date for the ADH and provide written notice to the individual suspected of committing an IPV at least 30 days in advance of the date the ADH has been scheduled. The form, Advance Notification of Administrative Disqualification Hearing, is used for this purpose.

The advance notice of ADH may be sent by first class mail, certified mail - return receipt requested, or by any other reliable method. If the notice is sent by first class mail and it is subsequently returned as undeliverable, the hearing may still be held.

105.1 NOTIFICATION OF RIGHT TO APPEAL -

- A. Every applicant for and recipient of assistance shall be informed in writing, at the time of application and at the time of any action, proposed or taken, affecting his claim, of the circumstances under which he has a right to a fair hearing of the method by which he may obtain a hearing, and of the right to be represented by others or to represent himself.* At the time assistance is first requested, the worker will provide the applicant with information about the assistance program(s) for which he is applying and fair hearing procedures. For recipients, this is accomplished when the recipient receives a written notice at the time of any action, proposed or taken, affecting his claim.

In addition to the use of written material, the local agency worker has the responsibility of informing the client orally of the right to appeal to the State agency if he is dissatisfied with any actions of the local board or Superintendent or failure to act in relation to his eligibility or the amount of assistance. The local agency must inform clients orally that if they have a disability that limits their ability to file an appeal, they are entitled to help from the local agency in filing the appeal.

- B. Local agencies have an affirmative duty to provide information and referral services to help claimants make use of any legal services available in the community for representation in appeal hearings.
- C. In addition to advising applicants and recipients about the right of appeal and the hearing procedures, other interested persons and organizations are to be advised verbally and by use of the leaflets as indicated.
- D. All applicants and recipients must be informed of their right to request an appeal either orally or in writing.**

105.2 FAIR HEARINGS

- A. Special Provisions with Respect to Termination or Decrease in Amount of Assistance
1. Advance Notice of Proposed Action - The Goldberg v. Kelly decision of the United States Supreme Court requires that in cases of any proposed reduction, termination, or suspension of assistance payments, written advance notice of the proposed action must be mailed to the recipient at least 10 days before the action is taken. In this context, "action" refers to the date of issuance of the reduced assistance payment, or in cases of termination or suspension, failure to issue the payment on the regular issuance date. In the computation of the 10 days the date the advance notice is postmarked shall not be included.

* 45 CFR 205.10(a)(3)

** 22 VAC 40-295-110

2. Provisions Regarding Continuation of Assistance -If a hearing request is received prior to the effective date of any proposed reduction in benefits and is validated by the hearing officer, assistance must be continued in the original amount without interruption until a hearing decision is rendered but is subject to recovery by the agency if its action is sustained. (Refer to 106.1 E) However, assistance will not be continued in the original amount if the recipient submits, in writing, a statement indicating his/her desire to refuse such assistance. When continuation of assistance in the original amount is declined by the recipient and the hearing decision is in the recipient's favor, the agency will correct the underpayment(s).

In the event the hearing decision is adverse to the recipient, and benefits have been continued in the original amount during the appeal, the agency is not required to provide additional notice before taking action based on the appeal decision. See 401.4F. The difference between the original amount continued during the appeal and the correct benefit as supported by the hearing decision is an overpayment and must be recouped. The method of collection is that prescribed for recoupment and recovery of overpayments set forth at Section 503.8.* Exception: TANF assistance granted during the appeal of a VIEW sanction for a client who has not yet received 24th months of assistance is not considered an overpayment when the hearing decision is adverse to the recipient. The unsuccessful appeal simply delays the imposition of the VIEW sanction and the consequent loss of benefits to the household. Any benefits issued beyond the 24th month are an overpayment and must be recouped.

The requirement for filing an appeal is met if the request for a fair hearing is received by the State or local agency, or postmarked, by the effective date of the change. The same time frame for filing an appeal applies in situations where the assistance unit is homeless and it is agreed that all notices will be available to the client at the local agency.

Upon notification by the hearing officer, the agency shall inform the claimant in writing that assistance is being continued in the same amount pending the hearing decision unless there are subsequent changes in the claimant's situation. (Refer to 106.1 E)

* 45 CFR 233.20(a) (13)

The following procedures are established to assure that assistance is continued without interruption in every case where a recipient has filed a valid appeal prior to the effective date of the proposed change:

- a. If the proposed action is to terminate or suspend assistance, the **benefits** must be available for same day issuance in the event an appeal is filed.
- b. In cases of proposed action to reduce assistance, benefits in the reduced amount should be issued, but the difference between the reduced amount and the prior amount must be available for same day issuance in the event a timely appeal is filed.

106.1 PROCESSING OF APPEAL -

- A. The appeal request, upon receipt by the Hearings Manager, is assigned to a hearing officer for validation. The hearing officer will acknowledge the request by letter to the claimant with a copy to his representative, if known, and to the local agency against which the appeal is lodged.
- B. The local agency shall prepare a Summary of Facts (032-03-0805-00) in the case to be forwarded to the hearing officer no fewer than 7 days prior to the hearing. A general outline of this summary follows, although the content may vary to fit the particular case situation. All statements made should be factual and phrased in a way not objectionable to claimant.

The Summary of Facts includes the following:

1. Identifying Information

Name of local agency
Name, address, and case number of claimant
Persons included in the assistance unit - Name, birth date, relationship to claimant
Other persons in the household - names, relationship to claimant

2. Date of Request and Reason for Appeal - (Quoting claimant's own words in requesting hearing)

3. Statement of Agency Action

- a. Give a brief, factual statement of the reason for agency action, or failure to act, nature and date of agency action. If agency error, negligence, or administrative breakdown was involved, say so.
- b. Under the heading "agency guidance," give citation and quotation from the TANF Manual of the guidance statement on which agency action was based.
- c. If the amount of assistance is in question, give a detailed breakdown of the claimant's financial circumstances as shown in ADAPT and on the Statement of Facts with whatever explanation may be necessary.
- d. If the issue appealed is noncooperation with DCSE, give a detailed explanation of the events, dates, and the reason for the noncooperation finding.

4. State whether assistance is continuing during the appeal process in the amount authorized immediately prior to the adverse action.

4. Comply with the compulsory school attendance requirement if he is a child or minor parent.* (201.3)
 5. Cooperate in identifying the parents of a child, establishing paternity, and obtaining support unless he is a child.** (201.10)
- C. The parent or caretaker/relative shall be eligible for TANF unless one of the exceptions specified in 302.7.D. or E. is applicable. Eligibility of the caretaker/relative may exist even though:
1. The only eligible child in the home receives SSI. The SSI child must meet all of the eligibility criteria listed in 201.1.A. and B. (school attendance) for the caretaker to be determined eligible for TANF.
 2. The only eligible child in the home receives an adoption assistance payment. Even though the child who receives an adoption assistance payment may not be eligible to have his needs included in the TANF grant amount, he is deemed eligible for TANF for purposes of qualifying the caretaker-relative for TANF.*** (Refer to 302.7.C.5.)
 3. The only eligible child in the home receives a federal, state, or local foster care maintenance payment. Even though the child who receives a foster care maintenance payment is not eligible to have his needs included in the TANF grant amount, he is deemed eligible for TANF for the purpose of qualifying **a non-parent caretaker, but not a parent, for** TANF. (Refer to 201.5.B. regarding ineligibility of the natural parent or other caretaker-relative to receive TANF for this child in his prior home.)

* Code of Virginia, Section 63.1-105

** Code of Virginia, Section 63.1-105.1

*** ACF, Region III, IM 93-6

201.3 SCHOOL ATTENDANCE* - To be eligible for assistance, children in the assistance unit under age 18, including minor parents, must comply with the compulsory school attendance requirement. School attendance must be verified by the client during the 30-day application processing period. (Note: A child who is 18 years old meets the school attendance requirement, regardless of actual attendance, as long as he is enrolled and expected to complete high school or an equivalent program as stated in Section 201.2 above.) If school attendance is not verified, the child is considered truant **and** guidance at **201.3 C and D** should be followed.

For applications made during the summer months, verify that the child was in attendance at the end of the school year. If attendance cannot be verified, or if the child has moved to a new school system after the end of the school year, approve the case if otherwise eligible. Set an alert in ADAPT for the month school is scheduled to begin and verify attendance at that time. Allow the client 10 days from the beginning of the school year to provide verification of enrollment or attendance. If the client does not furnish the school enrollment form within the time frame, the child is truant. If school attendance is not verified, the child is considered truant **and the EW should** follow guidance at **201.3 C and D**.

- A. Definition of Truancy - Truancy is defined as noncompliance with State compulsory school attendance requirements as determined by the local school division.**

Local school boards may set additional rules deemed necessary to carry out the intent of the compulsory attendance laws. Such rules may also be applied by the local school division in identifying children who are truant.

- B. Notification of Truancy - **The "Learnfare" provisions of the Virginia Code establish responsibilities for both the local agency and local school system in addressing truancy.** When the local school division determines that a child receiving TANF is truant, it will notify the local department of social services. When a child attends a private, denomination, or parochial school, the local agency must arrange with the school to receive notification when the child is truant.

School divisions will identify truant TANF recipients using one of the following methods:

1. State Department of Social Services provides all local school divisions with a list of all individuals ages five through 17. **Per Learnfare requirements**, this information is e-mailed to a designated contact person in each school division monthly.

Note: Local agency staff members who encounter technical issues related to the Learnfare program should contact one of the following individuals at Home Office. The primary contact is Gloria Stauffer at (804) 726-7364 or gloria.stauffer@dss.virginia.gov. The secondary contact is Cindy Ann (CA) Sparkes at (804) 726-7369 or cindy.sparkes@dss.virginia.gov.

2. The local department of social services and local school division may

* Code of Virginia, Section 63.2-606

** Code of Virginia, Sections 22.1-254 et seq.

develop an alternate method (local option) for identifying TANF children who are truant, provided the method is mutually acceptable.

Note: If the agency receives notification from a source other than the school, such as the applicant/recipient, the agency must verify truancy through the school.

- C. Notifying the Applicant/Recipient of Truancy - The local department of social services must do the following when notified by the school of truancy:

Notify the caretaker, in writing, of the truancy of a member of the assistance unit. Exception: When the caretaker is a minor parent whose TANF payments are made to a protective payee, the notice must be sent to the protective payee.

The notice must include the following:

1. that the truant recipient is in jeopardy of losing eligibility for TANF benefits;
2. that the caretaker must contact the local department within five working days of the notice to cooperate in developing a plan to achieve compliance with compulsory school attendance laws; and
3. that failure to contact the local department may result in the truant recipient's ineligibility for TANF due to noncooperation.

Note: The "Advance Notice of Proposed Action" form must not be used to meet this notification requirement.

- D. Development of and Cooperation with the Plan - If the caretaker contacts the agency, the agency is to work with him to establish a plan to resolve the child's truancy and to bring him into compliance with school attendance laws.

Each local agency and local school division shall mutually develop a model plan which the agency must follow in developing individual case plans. The model plan shall allow the school and local agency flexibility in fitting the plan to the truant child's situation. The model plan must include the following:

1. a determination of the reason for non-attendance;
2. a time frame for achieving compliance;
3. a schedule of events which the caretaker agrees to complete; and
4. what performance constitutes compliance.

The worker and caretaker, in consultation with the school, shall mutually develop the individual case plan in accordance with the agency model. At the time the plan is developed, the worker must explain to the caretaker that failure to follow the plan will result in removal of the truant child due to noncooperation. The plan must be in writing, with a copy given to the caretaker and a copy filed in the case record. Once implemented, the agency must verify that the caretaker is cooperating with the plan. The

truant individual meets the school attendance requirement during this time provided the caretaker continues to cooperate in meeting plan requirements.

The local agency must determine what agency staff will be responsible for establishing individual case plans and for verifying cooperation with the plans. The local agency must monitor individual case plans to assure consistent application of the above guidelines.

E. Failure to Establish or Cooperate with the Plan -

1. If no response is received to the written notice within five working days as specified in Section 201.3 C, the local department must do the following:
 - a. make reasonable efforts to personally contact the applicant/recipient. This may include a direct telephone contact or a face-to-face contact to explain the requirement to develop a plan to return the child to school and the result of not cooperating with the requirement. The case record must be documented as to the agency's attempts to contact the applicant/recipient; and
 - b. if, after reasonable efforts, the local department is unable to make personal contact, the local department must mail an "Advance Notice of Proposed Action" to the caretaker advising him that the truant child will be ineligible for TANF benefits if the caretaker fails to contact the agency to develop a plan to return the child to school.
2. If the caretaker responds to the written notice specified in Section 201.3 C or to the personal contact, but fails to cooperate in developing or complying with the plan, the agency must take action effective the next month, if administratively possible, to remove the truant recipient from the grant due to noncooperation.

The child's failure or refusal to cooperate with the plan is considered noncooperation by the caretaker, as the caretaker is responsible for the child's actions.

If the truant child is the only eligible child, the case is ineligible for assistance and must be closed. If the caretaker and child subsequently decide to cooperate with the plan, the caretaker must reapply for TANF.

- F. Reinstatement Following Noncooperation in Establishing or Following the Plan - The child's needs are to be reinstated once the agency has verified that the caretaker is again cooperating. If noncooperation occurred in relation to development of the plan, development of the plan must be completed for cooperation to exist. If noncooperation occurred in following the plan once developed, the caretaker must demonstrate her cooperation before the child's needs can be reinstated. The child's needs must be added to the grant effective the month following the month in which cooperation occurs. If the caretaker contacts the agency prior to the actual removal of the child and cooperates in developing the plan, the child's needs will not be removed from the grant.
- G. Truant Applicants - During the application process, if the assistance unit member is truant, the local department must do the following:
1. notify the applicant of the requirements listed in Section 201.3 C;
 2. allow the applicant an opportunity to comply with the school attendance requirement during the 30-day processing period by either enrolling the child or by cooperating with the agency in establishing a plan for compliance; and
 3. notify the applicant of the child's eligibility or ineligibility on the "Notice of Action" form when action is taken on the application.
- H. Notification of Court Conviction and Subsequent Reinstatement - If the agency receives notification that a court has found a member of the assistance unit guilty of a violation of compulsory school attendance laws, the eligibility worker must remove the truant recipient from the grant effective the following month, if administratively possible. The child will remain ineligible until the caretaker notifies the local agency, and the agency verifies through the school division, that the child is no longer truant. The child's needs must be added to the grant effective the month following the month in which compliance was achieved.
- I. Children in Job Corps - The Job Corps Program is an alternative education program which meets compulsory school attendance requirements. A child who is in the Job Corps is considered to be in compliance with school attendance requirements without regard to actual attendance records.
- J. Compulsory School Attendance Requirements Applicable to SSI Children - The school attendance requirement applies to an SSI child only when the SSI child is the only eligible child in the assistance unit. In such cases, the eligibility of the case is based upon the child's meeting TANF eligibility requirements, including school attendance. The requirement does not apply to other SSI children in the home. If the SSI child who is the only eligible child does not meet the school attendance requirement, the case is ineligible.

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

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

- A. Relatives - The relative with whom the child is living, who is designated as the caretaker, must be a relative by blood, marriage, or adoption. Relationships by marriage exist even after the marriage has been terminated by death or divorce.

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

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

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

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

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

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

The following documents may be used to establish relationship:

- Birth certificate
- Hospital certificate
- Adoption papers or court record of adoption
- Baptismal certificate
- Hospital or physician's record
- Church record
- Bureau of Vital Records/Health Statistics record
- Marriage record
- Court support and/or divorce orders which clearly identify the relationship of the caretaker/relative to the children
- Court document identifying an individual as a relative of the child
- **Genetic testing document identifying relationship based on DNA match**

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

In the case of a relative (though not a father not married to the child's mother, or a relative of such a father) **who will be the caretaker**, a notarized statement by an individual, other than the applicant/recipient, who has sufficient knowledge to attest to the relationship.

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

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

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

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

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

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

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

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

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

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

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

* 45 CFR 233.90(b)

** Section 63.2-607, Code of Virginia

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

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

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

D. Verification of Citizenship or Alien Status; Legal Presence

Children and Other Applicants under age 19 - Citizenship or Alien Status:

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

Applicants age 19 or older - Citizenship or Alien Status; Legal Presence:

The citizenship or alien status of an applicant age **19** or over must be verified by the documents specified in Chapter 200, Appendix II or Appendix III. When citizenship or alien status is verified, the legal presence requirement is also met.

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

E. Systematic Alien Verification for Entitlements (SAVE) Program

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

203.2 EMERGENCY ASSISTANCE FOR DISASTER OR FIRE

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

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

To determine eligibility for Emergency Assistance, the case will be screened at 185% of the Standard of Need if the applicant is not currently a TANF recipient. **(If the applicant is currently receiving TANF assistance, the screening is not necessary.)** The EW will evaluate all income that is available to the AU to determine if the income will meet all of the AU's needs. If the available income will not meet all of the AU's needs, EA may be granted to meet the unmet needs, up to the \$500 EA maximum. Note: The amount granted will not be limited by the standards of assistance as detailed in [Section 304](#).

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

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

302.1 DEFINITION OF THE TANF ASSISTANCE UNIT - The TANF assistance unit is composed of the individual or individuals who meet all categorical requirements and conditions of eligibility. The assistance payment will include the needs of all such individuals.

302.2 DEFINITION OF THE STANDARD FILING UNIT - For purposes of ADAPT, the group of individuals whose income must be considered in determining the assistance unit's eligibility and grant amount is referred to as the standard filing unit. This includes children and parents required to be in the assistance unit; essential persons; individuals whose income is subject to deeming; and, when assistance is requested, a caretaker-relative other than the parent.

302.3 DEFINITION OF CARETAKER - In TANF, the caretaker is the natural or adoptive parent or other relative who is responsible for supervision and care of the needy child(ren).

There will be one caretaker included in an assistance unit, except when:

1. the natural or adoptive parent who is incapacitated has remarried, the spouse may be included; or
2. the household consists of a married couple who each have a child(ren) of their own; or
3. guidance at Section 302.8 A. regarding minor parents requires more than one caretaker; or
4. both natural or adoptive parents of at least one child are living in the home and the family is in financial need. Note: In households that include both natural parents and at least one child in common residing in the home, paternity must be established before the putative father can be included as a caretaker on the TANF grant (See Section 201.10 A.).

In situations where both parents are in the home and one parent is a **court convicted offender serving a sentence while living at home, both parents should be coded as "PR" on the AECOMP screen in ADAPT.**

302.4 DEFINITION OF PAYEE - In TANF, the payee is the parent or other relative who is responsible for supervision and care of the needy child(ren) but who is not included in the assistance unit. A relative would be a payee unless he/she meets the criteria in 302.7.E.

In situations where the parent of the eligible child(ren) is in the home and included in the assistance unit, another relative may be designated as the payee for the case if the local agency has determined that the relative, not the parent, is exercising primary responsibility for the care and control of the child(ren). (Refer to Section 502.4.A.1.c. concerning designation of payees.) In such situations, the relative may be included in the assistance unit only if he/she meets the requirements of an essential person (EWB) listed in Section 302.6.

302.5 DEFINITION OF SIBLINGS - In TANF, siblings are two or more children with at least one natural or adoptive parent in common.

302.6 PERSONS ESSENTIAL TO WELL-BEING (EWB) - A needy individual, **who is at least 18 years old, is** living in the home, **and** who is providing services which are essential to the well-being of the child(ren) on which TANF eligibility is based can be included in the assistance unit. Such individuals must be ineligible for assistance in a federal category in their own right.

A. Services which are considered essential are limited to:

1. Care for a disabled family member living in the home;
2. Provision of child care to enable the caretaker to:
 - a. Work outside of the home on a full-time basis (a minimum of 30 hours per week and earning at least minimum wage).
 - b. Participate in education or training full-time. With the exception of full-time high school attendance, participation must equal a minimum of 30 hours per week.
 - c. Participate in VIEW on a full-time basis as defined by the **program and** based on the specific VIEW assignment(s) and participation rate requirements. For job search/job readiness, EWB status based on the provision of child care will be limited to two payment months.

B. The client must request inclusion of an individual as an EWB. The EWB individual must be living in the same household as the assistance unit and must be providing an essential service which cannot be provided by any other individual in the household.

Note: The spouse of a caretaker who is not eligible for TANF assistance because he does not have an eligible child living in the home can be included in the assistance unit as an EWB if he provides an essential service and meets all other EWB criteria.

C. Eligibility for the EWB individual must be evaluated based on criteria at 302.7F and 302.8 which includes a requirement for citizenship or eligible alien status, and specifies that the individual be in need.

D. In the case of a disabled family member, the disability and the need for the EWB to be available on a substantially continuous basis (901.2) must be documented on a Statement of Required Presence of Caregiver form (032-03-0020) signed by a medical professional. A new Statement of Required Presence of Caregiver form must be completed annually, or at the end of the anticipated duration specified on the form, whichever occurs first.

If the disabled family member has been approved to receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), a new Statement of Required Presence of Caregiver form must be completed annually.

4. A child who receives an adoption assistance maintenance payment. **(Note: If adding the child and the adoption assistance maintenance payment will increase the TANF benefit amount, the child and the maintenance payment must be added.)***
 5. A child who receives a foster care maintenance payment or **a child** whose needs are included in the foster care maintenance payment for his parent.*
 6. A child whose citizenship or alien status has not been declared in writing according to Section 201.7 C.
 7. A child subject to the family cap provision. (201.12)
 8. A child not in compliance with the compulsory school attendance requirement. (201.3)
 9. A child convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.**
 10. A child fleeing to avoid prosecution or confinement or in violation of probation or parole.**
 11. A child who is in a VIEW period of ineligibility.
 12. A child whose caretaker is in a period of ineligibility due to the receipt of a diversionary assistance payment.
- D. Parents who are not to be included in the assistance unit:
1. The parent(s), of an eligible TANF child(ren), who is receiving SSI and/or an Auxiliary Grant.
 2. The parent who is not (1) a U. S. citizen or (2) an eligible alien.***
 3. A parent who receives an adoption assistance maintenance payment on his own behalf up to age 21. Exception: A parent who receives an adoption assistance maintenance payment must be excluded when adding that parent to the assistance unit and counting the maintenance payment reduces the TANF benefit. However, that parent must be included in the assistance unit when the benefit will be increased by adding that parent and his income.***

* 45 CFR 233.51

** Public Law 104-193

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

4. The parent who refuses to cooperate in identifying the noncustodial parent, establishing paternity, or obtaining support by failing to comply with any of the requirements defined in 201.10. This exception applies until compliance with the requirements of cooperation in 201.10 is met.
5. The parent who is a foster care child.
6. The parent whose SSN has not been provided or application for an SSN has not been made.
7. The parent who is an alien whose needs are met by the individual sponsor.
8. The parent who is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.*
9. The parent who is found to have committed an IPV and disqualified according to Section 102.3.
10. The parent whose citizenship or alien status has not been declared in writing according to Section 201.7.C.
11. The parent whose needs are met by her spouse, the stepparent of the eligible children, living in the home.
12. The minor parent not in compliance with the compulsory school attendance requirement in Section 201.3.
13. The parent convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or SNAP benefits in two or more states and it is within ten years of the date the individual was convicted.**
14. The parent convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.**
15. The parent that failed to report to the local agency in accordance with Section 401.2.B.2.a.3 after it became clear that the minor child would be absent from the home for 60 consecutive days.
16. The parent that is fleeing to avoid prosecution or confinement or that is in violation of probation or parole.**
17. **The putative father except in the following situations:
when a court has ruled that a legal father is not the father of
the child and the child's paternity has been established by DCSE,
or**

* 45 CFR 233.51

** Personal Responsibility and Work Opportunity Reconciliation Act of 1996

- **when a court has ruled that a legal father is not the father of the child and both the putative father and the child's mother have signed an Acknowledgement of Paternity.** See Section 201.10A.
- E. A caretaker/relative (other than the parent) who requests assistance is not included when:
1. He is not in need.
 2. He is receiving SSI and/or an Auxiliary Grant.
 3. He is not (1) a U. S. citizen or (2) an eligible alien.*
 4. His needs are met by a spouse living in the home.
 5. He refuses to cooperate in identifying the parents, establishing paternity, or obtaining support by failing to comply with any of the requirements defined in 201.10. This exception applies until compliance with the requirements of cooperation of 201.10 is met.
 6. He is ineligible for a specified period of time based on receipt of a lump sum. (See 305.4.C.)
 7. The caretaker/relative's SSN has not been provided or application for an SSN has not been provided.
 8. He is an alien who has been in the U. S. less than three years and is sponsored by an agency/organization, unless it can be documented that the agency/organization no longer exists or the agency/organization provides a statement that they are financially unable to support the alien.**
 9. He is found to have committed an IPV and is disqualified according to Section 102.3.
 10. His citizenship or alien status has not been declared in writing according to Section 201.7.C.
 11. The caretaker/relative is convicted in state or federal court of fraudulently misrepresenting his address to receive TANF, Medicaid, or SNAP benefits in two or more states and it is within ten years of the date the individual was convicted.*
 12. The caretaker/relative is convicted in state or federal court of a felony offense for possession, use, or distribution of a controlled substance for conduct occurring after 8/22/96.*
 13. The caretaker/relative failed to report to the local agency by the end of the fifth day after it became clear that the minor child would be absent from the home for 60 consecutive days.

* Personal Responsibility and Work Opportunity Reconciliation Act of 1996

** 45 CFR 233.51

The case must be documented to reflect the method used to arrive at the anticipated income.

Eligibility must be determined for each month of the application period. Applicants may be ineligible for the month of application and eligible for the month following the month of application. Benefits must be denied for the month of application in ADAPT and granted for the month following the month of application.

Example #1: - On November 17, the worker processes an application dated October 29. The case is denied for October and November due to excess income; however, the case will be eligible for a December payment as the income ended in November. Therefore, the case is to be approved effective December 1.

Example #2: - On July 14, the worker processes an application dated June 1. The application was not processed within the 30-day application processing time frame due to the applicant being admitted to the hospital as a result of a stroke on the 28th day. Verification is received July 13. The worker determines that the case is eligible. The worker approves the case with July 1 as the beginning date of assistance.

Example #3: - On December 1, the worker processes an application dated November 13. The case is eligible for a payment for November and December but ineligible for a January payment as a result of full-time employment. A payment is to be issued for November and December, and the case is to be closed effective December 31.

C. Verification of Income (Earned and Unearned)

In order to establish income eligibility, verification of all income received or anticipated to be received monthly by the assistance unit is required at the time of application/reapplication, when adding individuals with income, at renewals, and when a change becomes known to the agency. When verification is required, the agency must notify the applicant/recipient of the necessary verification and allow the assistance unit 10 days to respond. The assistance unit has primary responsibility for verifying income; however, if needed, the worker must assist the household in obtaining any necessary verifications.

The assistance unit is not responsible for providing verification of reported unearned income for which verification is accessible to the local agency through systems of records. These records include SDX, SVES, SOLQ-I, and VEC inquiry of unemployment benefits. **The EW should document the date and results of the searches on comment screens within ADAPT. If the inquiry confirms that the individual does not have unearned income, the EW should document the results on the AEAUTA comment screen.** If the applicant/recipient fails to verify income either verbally or in writing, within 10 days of notification, guidance at 401.2.B.1. and 2. regarding substantiation of eligibility factors is to be followed.

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

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

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

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

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

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

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

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

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

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 worker 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 eligibility worker 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, or he is a child subject to the family cap provision, 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. The family cap provision per 201.12 may apply to a child born on or after May 1, 1996. 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)

- E. Time Standard for Processing Application - The local agency must provide assistance units that complete the initial application process a decision on their application 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. (The applicant must be informed of the time standard at the time of application.) When the 30th calendar day following the application date falls on a weekend or holiday, the worker must provide a decision on the application on the last working day prior to the 30th day.
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.
 2. At no time should the application remain pending beyond 60 days.

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 ADAPT 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 ADAPT.**

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

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

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

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

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

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

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

* Code of Virginia, Section 63.2-502

b. Agency Responsibilities

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

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

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

The agency must consider the report incomplete if:

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

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

The EW must document the results of the systems inquiries in the comment box on the AEAUTA screen **or other appropriate ADAPT screen (for example, unemployment income would be documented on the comment screen attached to that income screen instead of on the Authorization screen)**.

The EW must rescind the suspension and reinstate the case in ADAPT then make adjustments, as needed, to reflect information from the Interim Report in eligibility or benefit amount effective the

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 the regulations supporting action taken; 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.
 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 is unknown and agency mail directed to the payee has been returned by the post office indicating no known forwarding address. (The recipient's check must, however, be made available to him if his whereabouts become known during the payment period covered by a returned check.)*
 4. A recipient has been accepted for assistance in a new jurisdiction within the state and the locality previously providing assistance has written evidence establishing that fact.*
 5. The agency has written evidence that the TANF child(ren) has been removed from the home as a result of a judicial determination or has been voluntarily placed in foster care by his legal guardian.*

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

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 SSI benefit information (SDX) and earnings information from the Benefit Exchange Earnings Records (BEERS);
- the Virginia Employment Commission for NEW HIRE information; and
- 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 SDX 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.

503.1 DEFINITION OF IMPROPER PAYMENT - A TANF payment made by a local department is improper when the payment is incorrect because: (1) the assistance unit does not meet eligibility requirements in the category (payment received in error/payment to an ineligible case); or (2) payment is in an amount greater than the amount to which the assistance unit is entitled under established guidance (overpayment); or (3) payment is in an amount less than the amount to which the assistance unit is entitled under established guidance (underpayment); or (4) a VIEW participant is found to have committed an IPV for receiving a payment or purchase on his behalf which is in an amount greater than what he is eligible for or for which he is ineligible.*

Improper payments may occur as a result of overdue reviews or other agency errors or because of erroneous or incomplete information supplied by the client. Improper payments may be revealed by several sources, not necessarily limited to the following: Local Agency Reviews, Federal Program Reviews, Fair Hearings, or earnings reports furnished by the Virginia Employment Commission.

503.2

503.2 **STATUTORY PROVISIONS FOR REFUND OF OVERPAYMENTS AND PAYMENTS** - If a payment or overpayment is made to an individual who is ineligible, the amount of such overpayment shall be returned to the Virginia Department of Social Services by the locality. **Repayments will not be required if the Department determines that the payments or overpayments are the result of vague or conflicting regulations issued by the Department, or the failure of the Department to make statutes, rules, regulations, and guidance decisions available to the locality in a timely manner. Repayments will not be required in situations in which the locality exercised due diligence, yet received incomplete or incorrect information which caused the overpayment. If a locality fails to return an overpayment as required, the Department of Social Services shall withhold an equal amount from the next disbursement made by the Department to the locality.***

The criteria used for determining if a locality exercised due diligence are as follows:

- A. A redetermination was not outstanding (overdue) in the case in question **because** the agency has received permission from the State to suspend reviews.
- A. The error had not occurred at the time of the **completion of a** scheduled review.
- B. It can be shown that the error was the result of the client willfully withholding information which would not have been discovered by verifications required at the time of the review.
- C. The error was not the result of an anticipated change that was overlooked.
- E. The error was not the result of the client reporting a change that the agency failed to follow-up on.
- F. The error was not the result of failure to use available management tools.

The case record must be thoroughly documented regarding efforts to obtain **all necessary** information.

* 2002, Acts of Assembly (Budget Bill, HB 30, Item 362)

503.3 PERIOD SUBJECT TO REPAYMENT Overpayments and payments to **ineligible individuals which must be repaid to the state will be assessed monthly. See the VDSS Finance Guidelines Manual for Local Departments of Social Services, Section 3.45, for the specific procedures governing chargebacks (overpayments which could have been avoided by the local agency) and non-chargebacks (overpayments which could not have been avoided by the local agency).**

503.4 COMPUTATION OF REPAYMENT **Guidance which is** in effect at the time of the improper payment shall be used in determining the amount of repayment. **Guidance is considered to be** in effect in relation to a specific case after the date when (1) **in all cases**, a standard or policy has become effective by State Board action, or (2) **guidance** has become effective **for** new and reviewed cases and the particular case is (a) a new case, (b) a case in which a review is due or (c) a case in which a change in circumstances has necessitated a partial review.

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

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

When a TANF recipient declares bankruptcy and the court decides that the TANF debt will be part of the waived debts for the individual, the TANF overpayment will be waived.

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

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

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

- c. Determine what 90% of the standard of assistance for a family of equal size in the same locality would be. This represents the amount of money the client must have available to live on.
- d. Subtract the amount in step c from the amount in step b. The difference represents the amount the client is able to repay on the overpayment.

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

Example 1:

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

The EW will recoup the entire grant amount of \$254.

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

Example 2:

Step a: Determine the amount of the overpayment.	
Step b: Available income	\$ 370.00
(\$50.00 gross wages + \$320 grant amt)	
Step c: Minimum AU retains (\$320 X 90%)	<u>-\$ 288.00</u>
Step d: Maximum amount that can be paid	=\$ 82.00

The EW will recoup \$82.00 from the grant.

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

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

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

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

2. explaining the benefits of providing information to DCSE such as possible entitlement to receive up to a \$100 disregard per month when support has been collected, monetary support for the child if the applicant/recipient loses TANF benefits, and future benefits or pensions for the children;
3. securing information regarding absent parent(s), and the amount of support, if any, which is received by or on behalf of the applicant/recipient from such persons;
4. reporting information about absent parent(s) to DCSE;
5. explaining the applicant/recipient's rights and responsibilities regarding the automatic assignment of rights to support (201.9), the requirement regarding cooperation in obtaining support and good cause for refusing to cooperate (201.10);
6. in pending applications where it appears from the applicant's statement that a putative father is living in the home, the local agency may pursue the establishment of paternity. An Acknowledgement of Paternity, form VS22, obtained from the local health department, should be used for this purpose. The form must be completed, signed by the putative father **and the mother**, and notarized. A copy of the notarized Acknowledgement of Paternity should be filed in the case record and the original sent to the Center for the Support of Families, PO Box 8536, Richmond, VA, 23226.

Once a child becomes a recipient, the agency is not to pursue the putative father for the purpose of establishing paternity. However, the agency will accept an acknowledgement of paternity which is initiated by the putative father at any time. Paternity will be established by a notarized Acknowledgement of Paternity form **that has been signed by both parents**. There will be no instance in which the local agency initiates court action for the purpose of establishing paternity when the putative father is not in the home. Additionally, the local agency will not accept a notarized statement denying paternity under any circumstances.

7. determining good cause for not cooperating with DCSE;
8. determining noncooperation with the local department of social services;
9. determining exceptions to providing identifying information on the noncustodial parent in Section 201.10 A.1.c.).

- b. that he consented to or acknowledged, by a general course of conduct, the common use of his surname by the child;
- c. that he claimed the child as his child on any statement, tax return or other document filed by him with any local, state or federal government or any agency thereof;
- d. results of medically reliable genetic blood grouping tests;
- e. medical or anthropological evidence relating to the alleged parentage of the child based on tests performed by experts;
- f. a true copy of an acknowledgement of paternity made on the Acknowledgement of Paternity (Form 032-11-VS22);
- g. an admission by a male between the ages of fourteen and eighteen, provided a court has entered an order establishing paternity of a child based on his admission of paternity under oath or upon such other evidence as may be sufficient to support a finding of paternity. (**Note: In most circumstances, the Division of Child Support Enforcement will not pursue support from a minor parent for whom a court has established a support obligation as long as the parent is attending school in compliance with compulsory attendance laws.**)

1. Compare the net support to the current monthly TANF amount.
2. If the net support does not exceed the monthly TANF amount no further action is needed on the TANF case.
3. If the net support is greater than the current monthly TANF amount ADAPT will suspend the payment.
4. When the net support is greater than the current monthly TANF amount for two consecutive months, **ADAPT will close the TANF case.**
5. When the report shows an 'R' in the 'Net Support' column, the worker must run ED/BC and grant the case before cutoff of the report month.

Redirected support paid to DCSE will not be screened at either 185% or the standard of assistance.

Payments made to DCSE in a month which exceeds the grant amount will be marked by one or two asterisks. The number of asterisks denotes how many months net child support exceeded the monthly TANF grant amount. Two asterisks will display when net support exceeds the TANF benefit for two consecutive months. ADAPT will automatically suspend cases marked with one asterisk.

ADAPT will automatically close TANF cases marked with two asterisks. When net support has exceeded the TANF benefit for two consecutive months, ADAPT will close the case in the month that the two asterisks appear on the *TANF Cases, Current Collected Support, and Expected TMPs* report. The closure will take place during the TMP process in ADAPT. Notices will be generated and mailed along with the regular TMP notices.

Support Enforcement will then, on all cases in which eligibility no longer exists, take action to redirect the support to the family in lieu of the public assistance payment.

Note: The report, *TANF Cases, Current Collected Support and Expected TMPs* and inquiry into the Automated Program to Enforce Child Support (APECS) through Systems Partnering in a Demographic Respository (SPIDeR) system are the only acceptable means of verifying support amounts that have been redirected to and are collected by the Division of Child Support Enforcement. One of these sources must be used in determining continuing eligibility for public assistance.

Support reported by a client is to be verified at the time it is reported if it has not yet been re-directed to DCSE. Timely action is to be taken to close the case if the support causes ineligibility.

The only exception to using the *TANF Cases, Current Collected Support and Expected TMPs* report or APECS inquiry is direct communication with the district DCSE representative. The DCSE representative should only be contacted when the recipient disagrees with the listed amount. The case record must be documented with the date, amount, and name of the

801.5 ELIGIBILITY FACTORS

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

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

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

The conditions of eligibility in 201.1 B do not have to be met (provision of a social security number, compliance with the school attendance requirement, participation in VIEW, and cooperation with DCSE) to be eligible for diversionary assistance, **but citizenship or alien status of each applicant must be verified prior to case approval. (Note: The legal presence provision that allows up to 90 days for an applicant age 19 and over to verify his status (201.7D) does not apply to Diversionary Assistance.)**

The caretaker shall be eligible for TANF unless one of the exceptions specified in 302.7 D or E is applicable. The caretaker does not have to meet the conditions of eligibility (including VIEW participation and cooperation with DCSE). However, if the caretaker is under a VIEW sanction or the TANF case was previously closed due to DCSE noncooperation, the entire assistance unit is ineligible for diversionary assistance. Note: Case closure due to failure to sign the Agreement of Personal Responsibility (APR) is not a VIEW sanction. Therefore, a diversionary assistance case may be approved after a TANF case was closed for failure to sign the APR.

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

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

anticipated end of the incapacity as originally noted. If the duration indicated on the form is for more than 12 months, or is identified as permanent, a new form must be obtained every 12 months. Disability is defined at 101.1D and in Chapter 1000, VIEW definitions).

If the physician indicates that the individual is able to participate in employment and training activities but is limited in the types of activities that can be performed, or the hours of participation, the eligibility worker must refer the individual to VIEW and share the information with the ESW so suitable accommodations can be arranged. The employment services worker must work with the individual to find suitable component assignments, taking into account any limitations indicated by the physician. The agency shall ensure that reasonable accommodations are made if needed.

Note: If there are two parents in the assistance unit and one parent is exempt because of a temporary medical condition or disability, the case is a TANF case rather than a TANF-UP case.

- D. Individuals who are incapacitated, as determined by receipt of Social Security Disability (**SSDI**) benefits or Supplemental Security Income (**SSI**). The EW must answer "Y" to Disabled on AEDEM4 and complete the AEIDIS screen. For these individuals, use Exemption Code V6 - Exempt, Permanent Incapacity, on the ESP/VIEW/FSET (AEGNFS) screen.

The eligibility worker **must provide all applicants/recipients who have a permanent incapacity with information about services provided by the Department of Rehabilitation Services (DRS) to assist SSI/SSDI recipients in finding employment. This information is available at www.vadrs.org/downloads/drsflyer.pdf.**

Note: If there are two parents in the assistance unit and one parent is exempt because of a permanent incapacity as determined by receipt of Social Security Disability benefits or Supplemental Security Income, the case is a TANF case rather than a TANF-UP case.

- E. Any individual 60 years of age or older. For these individuals, use Exemption Code VT - Exempt, Age 60 or Over, on the ESP/VIEW/FSET (AEGNFS) screen.

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

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

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

Exempt individuals who lose their exemption status must be referred to VIEW **within three working days after the exemption ends**. Changes that result in VIEW status changing from exempt to non-exempt but which are reported late, do not constitute an overpayment.

Mandatory individuals who become exempt must be advised of the status change and their right to participate in VIEW as volunteers.

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

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

the client has complied.

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

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

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

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

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

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

A. VIEW Transitional Payment (VTP)

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

Criteria for Receipt of the VTP:

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

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

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

The EW will enter information in ADAPT to establish the VTP and generate the monthly payment. The EW will print and mail the Notice of Action (NOA) to notify the individual of the VTP approval and reporting requirements.

If a client who is approved for, and begins receiving a VTP, appeals the TANF case closure and requests that the TANF grant be reinstated during the appeal, the VTP will be stopped. If the client loses the appeal and the TANF case is closed, the EW will again evaluate eligibility for a VTP following VTP guidelines. If the client is eligible for VTP, the 12 month VTP eligibility period will begin with the month after the second TANF case closure.

If the client relocates to another locality in Virginia, the agency will transfer the VTP case. The client will continue receiving VTP as long as VTP eligibility requirements are met. **If the client is no longer eligible, a notice must be sent to advise the client of this.**

Criteria for Termination of VTP:

1. The client is no longer working at least 30 hours per week.
2. The client's earnings fall below the current federal minimum wage.
3. There are no TANF eligible children in the home.

Note: If the only eligible child(ren) in the home at the time the TANF case closed reaches the age of 18 (or has already reached the age of 18 but had remained eligible for TANF because he/she was scheduled to graduate before reaching age 19 and he/she has now graduated) during the VTP period, the caretaker's eligibility for VTP will not be affected.

4. The client files a TANF reapplication.

Note: If the VTP closes for any of these reasons, a notice is not required prior to case closure. If the VTP closes per client request, a notice is required.

When employment ends, hours fall below 30 per week, wages decrease to below the current federal minimum wage, or the only eligible child leaves the home, the VTP must be closed and cannot be re-established. The VTP must be terminated if there is a job change causing a break in employment which results in the average hours for the month falling below 30 per week. The VTP must also be ended if the employment is with an educational or training institution and the job ends because the employer closes for summer break (lasting more than thirty days).

Official closures by educational or training institution employers for quarter or semester breaks (lasting less than thirty days) during which the client cannot work will not impact the VTP payment.

Instructions on how to establish, reinstate, reissue, close and cancel a VTP is located in the ADAPT Training Materials located at <http://spark.dss.virginia.gov/support/adapt/training.cgi>.

901.14 FULL EMPLOYMENT PROGRAM - The Full Employment Program (FEP) is a subsidized, training-oriented employment activity for VIEW participants who have been unable to find a job on their own. FEP uses government funds to directly subsidize wages paid by the employer. Wages are paid through the regular employee payroll based upon hours worked in lieu of TANF benefits. A monthly stipend is issued to the employer for the duration of the FEP placement.

Example 6 - TANF-UP Household

Assistance unit of 4 in a Group II locality. Dad earns \$1500 gross income.

Step (1) - Screening at 150% of the Federal Poverty Level

\$1,500.00	Gross Monthly Earnings <
\$2,794.00	150% of the Monthly Federal Poverty Level for 4

Step (2) - Unearned Income

\$ 382.00	Standard of Assistance for 4
<u>\$ 0.00</u>	Unearned Income
\$ 382.00	TANF Deficit

Step (3) - Earned Income Disregards

\$1500.00	Gross Monthly Earnings
<u>- 155.00</u>	Standard Deduction for 4
\$1345.00	x 20% = \$269.00
<u>- 269.00</u>	
\$1076.00	Net Earned Income

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

\$1076.00	
<u>+ 382.00</u>	TANF Deficit
\$1458.00	< 150% of the Monthly Federal Poverty Level for 4

\$ 382.00 = VIEW Payment (TANF Grant)

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Department - the Virginia Department of Social Services.

Disability – A disability, as defined by the Americans with Disabilities Act of 1990 as amended, is a physical, developmental, cognitive or mental health condition or learning disability that limits the ability of the individual to perform life activities. “Life activities” include, but are not limited to: the operation of a major bodily function, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Chronic health problems such as asthma, diabetes, and hypertension may also be considered disabilities if these conditions limit the individual’s ability to function. For the purposes of the VIEW program, a disability must limit the participant’s ability to **participate** in program activities or to work. All disabilities and their impact on program participation and work must be verified by a qualified professional.

A child has a disability if he or she has a physical, developmental, cognitive or mental health condition or learning disability that limits the ability to perform any of the activities listed above, or other activities, as compared with other children of the same chronological age.

Displacement – as applied to employment and employment programs, an illegal practice in which an employer fills a vacancy that exists because another individual is on layoff from the same or equivalent job; or when an employer fills a vacancy created by an involuntary reduction in the work force or by the termination of another employee for the purpose of filling a vacancy with a VIEW participant. No VIEW placement, including placements into the Full Employment Program (FEP), Community Work Experience Program (CWEP) or Public Service Program (PSP), may displace other workers.

Earned Income Disregards - a certain amount of earned income which is not counted when determining the amount of the TANF benefit.

Earned Income Tax Credit – a credit against the federal income tax of employed, low income workers. The earned income tax credit may be received as an addition to the paycheck of an eligible individual or as a refund from federal taxes due.

English as a Second Language (ESL)/ English for Speakers of Other Languages (ESOL) – programs of English language instruction for **individuals** who are not native English speakers.

ESW - Employment Services Worker The local agency worker responsible for managing the client’s VIEW case. In agencies in which one worker is responsible for both VIEW and TANF eligibility, the position may be referred to as a self-sufficiency worker rather than as an ESW.

EW - Eligibility Worker. The local agency worker responsible for managing the client’s TANF case.

Exempt – status of a TANF or TANF-UP applicant or recipient who meets one of the Virginia Initiative for Employment not Welfare (VIEW) program exemption criteria and, therefore, is not required to participate in VIEW in order to be eligible for public assistance.

Full Employment Program (FEP) - subsidized, training-oriented employment, that replaces TANF benefits with wages paid by an employer. This employment is designed to train the recipient for a specific job, increase her self-sufficiency and improve her competitiveness in the labor market.

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

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

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

Grant - the monthly TANF benefit payment.

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

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

Job Finding – the identification of available and appropriate jobs.

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

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

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

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

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

Additional consecutive weeks cannot be counted in the calculation of the federal participation rate.

During a federal fiscal year, the total countable hours of participation in job search and/or job readiness assignments cannot exceed 120 hours for a single parent with a child under age 6 in the home or 180 hours for all other individuals . (This is equivalent to 6 weeks of participation in the work activity.)

Additional **participation in** job search and/or job readiness in a fiscal year can be assigned and entered into ESPAS, but will not be counted in the calculation of the federal participation rate.

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

each month in the fiscal year. The monthly participation rate is computed as follows:

- (1) The number of families receiving TANF assistance that include an individual who is engaged in a work activity for the appropriate number of hours for the month (i.e., the numerator), divided by,
- (2) all families receiving TANF assistance or the VIEW Transitional Payment minus:
 - a) cases with a child under age one **in which the caretaker has not reached the lifetime limit (12 months) of being exempt from the federal work participation requirement;** and
 - b) cases which do not include an adult receiving assistance unless such a person is a parent (payee cases); and
 - c) cases in which the only adult(s) receives SSI or SSDI; and
 - d) cases in which the only adult(s) is ineligible to receive assistance due to her immigration status; and
 - e) cases in which a parent is providing care for a disabled family member living in the home who does not attend school on a full-time basis, provided that the need for such care is supported by medical documentation.

Cases subject to a VIEW sanction are not included because they are not receiving assistance.

Example:

Numerator:	10,000	cases engaged in work activities with sufficient hours
Denominator:	35,000	total cases receiving assistance
	- 9,000	9,000 payee cases
	- 1,500	1,500 SSI cases
	- 500	500 SSDI cases
	- 2,500	2,500 cases with a child under age one
	- 1,000	1,000 cases with ineligible aliens
	<u>- 500</u>	500 cases with a parent caring for a disabled household member
Adjusted Denominator:	20,000	

Federal Work Participation Rate $10,000 / 20,000 = 50\%$

D. Computation of the Federal Two-Parent Work Participation Rate

The two-parent participation rate for a fiscal year is the average of the state's two-parent participation rates for each month in the fiscal year. **Although Virginia does not report participation data for two-parent families (since these benefits are paid completely with State funds), the two-parent work participation rate is computed as follows:**

- (1) **The number of two-parent families receiving TANF assistance that include two individuals who are engaged in a work activity for the appropriate number of hours for the month (i.e., the numerator), divided by,**
- (2) The number of two-parent families receiving TANF assistance during the month.

If a family includes a disabled parent, the family is not considered to be a two-parent family.

E. Countable Work Activities for the Federal Work Participation Rate

- (1) The countable work activities are:
 - Unsubsidized employment;
 - Subsidized private-sector employment (FEP);
 - Community work experience (CWEP);

- On-the-job training (OJT);
 - Job search and job readiness;
 - Public Service Program;
 - Vocational education and training;
 - Job skills training (including post-secondary education directly related to employment);
 - Education below post-secondary – high school, ABE, GED.
- (2) An individual counts as engaged in work for a month for the overall rate if:
- she participates in work activities during the month for an average of at least 30 hours per week; and
 - At least 20 of the above hours per week come from participation in the core activities:
 - unsubsidized employment
 - subsidized employment (FEP)
 - CWEP
 - on-the-job training
 - job search and job readiness assistance
 - PSP
 - vocational education and training
- (3) Above 20 hours per week, additional core activities or the following non-core work activities may count as participation:
- job skills training (including post-secondary education directly related to employment)
 - below post-secondary education
- (4) Post-secondary education not directly related to employment and locally developed components do not count toward the work participation rate.
- (5) An individual counts as engaged in work for the month for the two-parent rate if:
- an individual and the other parent in the family are participating in work activities for an average of at least 35 hours per week during the month, and
 - At least 30 of the 35 hours per week come from participation in core activities.
 - Above 30 hours per week, non-core activities may also count.

If the family receives federally funded child care assistance, then the participants must be engaged in work activities for an average of at least 55 combined hours per week to count as a two-parent family engaged in work for the month. At least 50 of the 55 hours per week must come from participation in core work activities. Above 50 hours per week, non-core activities may also count as participation.

Federal Work Participation Rate Examples

Example 1: Ms. A participates in job search for 36 hours in week 1, 33 hours in week 2, 24 hours in week 3, and 39 hours in week 4. She counts toward the participation rate for the month because she participated in core activities averaging at least 30 hours per week.

The next month, Ms. A continues job search. In week 1, she is in job search for 33 hours. She is in job search in week 2 for 36 hours. She then gets a job and works for 30 hours each in weeks 3 and 4. Because the job search was more than 4 consecutive weeks, the first two weeks of this month are not countable activities and she does not count toward the work participation rate.

In month 3, Ms. A works 35 hours per week throughout the month. She counts toward the work participation rate.

Example 2: Ms. B starts receiving assistance on January 15 and is referred to VIEW. For January, she is included in the denominator, but does not count toward the work participation rate because she is not engaged in any activities.

On February 13, Ms. B is assessed and assigned to job search. She participates in job search for 36 hours per week for the remainder of February. Her two weeks of job search in February are not enough to make her countable toward the work participation rate in February.

She continues her job search through March 14. Her job search ends and she is assigned to community work experience starting on April 1. Due to the gap in participation between 3/14 and 4/1, she does not count toward the work participation rate in March because she did not average 30 hours per week.

Example 3: Ms. C participates in unsubsidized employment of 20 hours per week and 15 hours per week in vocational education and training for the entire month. She counts toward the work participation rate because she had participation for at least 30 hours per week.

Example 4: Ms. D participates in CWEP for 18 hours per week and GED for 17 hours per week. Though she participated in activities averaging at least 30 hours per week, she did not have at least 20 hours per week in a core work activity. She does not count toward the work participation rate.

F. Limitations/Special Provisions

- Vocational education and training may only count for a total of 12 months for any individual. This is a lifetime limit.
- In counting individuals for each participation rate, not more than 30 percent of individuals engaged in work in a month may be included in the numerator because they are:
 - Participating in vocational educational training; or
 - Individuals deemed to be engaged in work by participating in educational activities.
- Hours spent in post-secondary education not directly related to employment do not count toward the work participation rate.
- An individual's participation in job search and job readiness assistance counts for a maximum of **120/180** hours in any 12-month period. At any time, only four weeks of job readiness/job search may be consecutive.

G. Data Reporting

Data from ADAPT and ESPAS is sent to the federal government on a quarterly basis. It is very important that all information in ADAPT and ESPAS is accurate and entered in a timely manner. Actual hours of participation are to be entered into ESPAS. States are required to provide data on a quarterly basis. This data is used to compute federal work participation rates as well as to determine Virginia's compliance with other federal requirements. To meet the federal deadline for reporting, data will be extracted from the system on the first day of the second month following the end of a calendar quarter.

For clients who have not participated in VIEW in the past and who sign the APR on or after 10/1/09, the 12-month period begins the month after the APR is signed. For current VIEW clients, or former VIEW clients returning to the program, the 12-month period includes the current month and the preceding 11 months. No more than 16 hours of excused absences may be approved in any month. In order for the excused absence to be considered as actual hours of participation, the client must have been scheduled to participate in the activity for that time period. The decision to consider an absence as excused and to include it in determining actual hours of participation will be made by the local agency within the limitations described above.

Example 1: Mr. A signed the initial APR on 10/16/09 and was assigned to a job readiness workshop for the period 10/23/09 – 11/30/09. In November, he missed 18 hours of job readiness class, 16 hours of which were counted as excused absences. Beginning 12/1, he was placed in a PSP position with the Extension Service. During his 6-month placement, he had absences of 8 hours in December, 23 hours in January, 8 hours in February, 19 hours in March, 16 hours in April, and 16 hours in May. Because his countable excused absences from November through April totaled 80 hours, neither the May absences nor absences for other months in the 12-month period (11/09, the month after he signed the APR, through 10/10) can be counted as participation. The first month in which excused absences can again be counted as participation is 11/10. At that time, the preceding 12-month period is 11/10 back through 12/09 and the 16 hours of excused absences counted for 11/09 are no longer included in the 80 hour allowable maximum.

See completed Holidays and Excused Absences for Participants in Unpaid Activities form for Example 1:
<http://spark.dss.virginia.gov/divisions/bp/tanf/tools/view.cgi>

Example 2: Ms. B was enrolled in VIEW from 2/08 until 12/08 when she moved to New York. Ms. B had excused absences of 16 hours for 10/08, 16 hours for 11/08, and 16 hours for 12/08. Ms. B returned to Virginia in 4/09 and reapplied for TANF. She was approved for TANF and was referred to VIEW effective 4/09. She signed a new APR 5/09 and was assigned to a Work Experience placement effective 6/09. (See 1000.4C for reasons for exemption from initial job search). Ms. B had excused absences of 16 hours for 6/09 and 16 hours for 7/09. She also missed 20 hours for 8/09 but those hours could not be counted **toward** participation since Ms. B had already used the maximum 80 hours **of excused absences** in the period 8/09 back through 9/08.

In 9/09, Ms. B will still have used a maximum 80 hours within the previous 12 months (9/09 back through 10/08). In 10/09, 64 hours will have been used (10/09 back through 11/08; the 10/08 hours are no longer counted) and up to 16 hours of excused absences are available for that month.

Ms. B misses 3 hours in October which are counted for a total of 67 hours in the 12-month period. In 11/09, 51 of the maximum 80 hours will have been used in the 12 month period (11/09 back through 12/08; the 11/08 hours are no longer counted.) Ms. B has 30 hours of absences for that month; 16 hours, the maximum for one month, can be counted. For the 11/09 back to 12/08 12-month period, absences will again total 67 hours.

See completed Holidays and Excused Absences for Participants in Unpaid Activities form for Example 2:
<http://spark.dss.virginia.gov/divisions/bp/tanf/tools/view.cgi>

1000.4 - VIEW Program Flow

The VIEW Program is designed to promote the self-sufficiency of program participants through intensive and continuous engagement in program activities until the client finds employment. This may result in periods during which a client may be assigned to an activity that promotes self-sufficiency but which does not contribute to the agency's overall participation rate. It is expected that each local agency will meet the work participation rate of 50% for the locality.

- A. **The ESW will complete an initial assessment of the participant within 10 (calendar) days if possible, but in all cases within 30 (calendar) days of the referral from the EW.** The 30 days begins with, and counts, the date the client was assigned to the queue.

The assessment will include an explanation of VIEW program opportunities and requirements. Additionally, it may include an explanation of the availability of screening for learning disabilities, mental health problems, and alcohol and substance abuse, and of reasonable accommodations if needed. The participant must be told about the availability of disability screening within 90 days of signing the APR if it is not explained at the initial assessment.

- B. The ESW will review and explain the VIEW Agreement of Personal Responsibility (032-02-0310) individually with the participant at the time of the initial assessment, and then both the ESW and the client will sign the document.

- C. In most situations, the client's initial assignment will include one of the following program activities:

1. Individual Job Search
2. Group Job Search
3. Job Club

The client may also be assigned to Job Readiness, a separate component activity, as part of the overall initial job search assignment. Job Readiness may be offered before, during, or after an assignment to one of the three job search components.

The length of the initial job search assignment will depend on the type of job search and the point in the month at which the assignment is made.

Clients who are assigned to individual job search should have the assignment begin immediately, as long as any needed supportive services are in place, and continue through the end of the month. If the client does not find employment, she should be reassigned to a full month of job search beginning on the first day of the next month. If the client and/or agency needs to arrange supportive services before the client can begin to participate in the program, this will be completed during the month of the initial assessment and the first assignment will begin on the first day of the month following the initial assessment.

Agencies who operate 4-week group job search or job search programs may wish to begin the programs at the start of the month and assign the client to individual job search until that time. Agencies who operate their 4 week group job search programs on a Monday-Friday basis may need to begin the activity at the end of one month, continue through the next month, and add an individual job search assignment at the end in order to have the client fully engaged for the entire month.

Agencies who are able to offer longer group job search or job club programs can assign the client immediately once the initial assessment is completed, and then reassign the client to 4 weeks of the activity beginning with the next month.

1000.8 - VIEW Initial Assessments

A. Overview - Local Agency Responsibilities.

Each local agency will establish a process so that the initial assessment of VIEW clients includes the following:

1. An identification and evaluation of the participant's job readiness skills, occupational skills and interests, education, work history, and family/life circumstances including disabilities.
2. A determination of the participant's functional literacy if the participant does not have a GED, associate degree, or bachelor's degree.
3. An initial identification of the program activities that will be needed if the client does not find full time employment.
4. A detailed evaluation of child care and other supportive service needs.
5. The signing of the Agreement of Personal Responsibility (APR).

B. Scheduling the Initial Assessment Interview

1. **The ESW will assess the participant within 10 calendar days if possible after assignment to the queue, but in all cases within 30 calendar days of assignment.**
2. The assessment will take place during an individual, face-to-face interview between the participant and the ESW. The assessment interview will be scheduled at a time that does not conflict with work hours, or with previously scheduled medical or mental health appointments, whenever possible. When necessary, the worker can meet with the participant at a mutually agreed upon location outside the agency.
3. The ESW will send the participant a letter informing her of the date of the assessment interview. The letter will explain that appearance for the assessment interview is a condition of continued eligibility for TANF and that failure to attend the interview and sign the Agreement of Personal Responsibility (APR) may result in termination of the TANF grant. The letter will also tell the participant how to contact the ESW if she is unable to attend the interview and needs to reschedule it.

Note: When the VIEW client is a refugee in a locality served by a Refugee Resettlement agency, the local agency should initiate contact with the resettlement agency to coordinate employment and training services. (See Appendix I for refugee resettlement agency contact information and local agencies served.) The resettlement agency will be responsible for sending the local agency a copy of the refugee's Individual Employment Plan (IEP) which details the employment services the resettlement agency will provide. Some of these services may count toward the client's VIEW participation requirement, but the overall responsibility for insuring that the refugee meets VIEW program requirements, including assignment of additional hours if needed, and verification of participation, remains with the local agency.

Refugees who receive Refugee Cash Assistance (RCA) rather than TANF or TANF-UP are not eligible to participate in VIEW and are not referred to the VIEW program. The responsibility for meeting their employment and training needs rests solely with the refugee resettlement agency serving the locality.

C. Client Failure to Attend the Initial Assessment Interview

If the recipient requests the closure of her TANF case prior to the scheduled date of the initial assessment

Client is released to return to work on 09/05/07 and is again referred to VIEW (using a “VA” code). Client must sign a new APR. If she refuses, the TANF case will close.

Example 4: When the TANF case is closed due to the client’s failure/refusal to sign APR, the client must sign a new APR as a condition of eligibility at reapplication for TANF.

TANF is approved effective 12/15/07. Client fails, without good cause, to appear for the initial assessment on 12/24/07. The TANF case is closed effective 01/31/08.

Client reapplies 05/14/08, and does not meet a VIEW exemption. (If the client is exempt at reapplication, she is not required to sign the APR as a condition of eligibility.) She must sign a new APR prior to case approval. If the client fails to sign the APR, the TANF application will be denied. If the client signs the APR then fails to attend the initial assessment interview after TANF case approval, she (and the TANF case) will be sanctioned.

Example 5: After reapplication for TANF (TANF case was closed while client subject to sanction) when the client has served the minimum fixed period and completed an act of compliance to cure the sanction.

Client is sanctioned for 5/1/08 – 7/31/08. Client requests closure of the TANF case on 8/15/08. TANF case closed effective 8/31/08 with sanction still in place as client has not completed an act of compliance.

Client reapplies 10/10/08. EW advises client to contact ESW to cure sanction. Client contacts the ESW on 10/10/08 and completes an act of compliance. ESW advises EW to lift sanction effective 10/10/08. After the TANF case is approved, the ESW will schedule a reassessment appointment with the client to sign a new APR and assign the client to VIEW activities. The EW will enter the new APR date on the AEGNFS screen and run ED/BC.

Note: If the TANF case had not closed (remained open in a suspended status throughout the sanction period), a new APR would not have been required. The ESW would review the 24-month clock and advise the client of the number of months left on the clock as part of the reassessment process when the client resumes her VIEW participation.

- C. If the participant chooses not to sign the Agreement or fails to keep the initial assessment appointment at which the APR is to be signed, the agency will take action to terminate the participant’s TANF grant. If a TANF-UP participant chooses not to sign the Agreement, the entire household will have its TANF benefits terminated regardless of whether another eligible TANF-UP participant is in the household.
- D. If the Agreement was signed as a condition of TANF eligibility, the household will be sanctioned rather than terminated for missing the initial assessment appointment.
- E. An individual who has refused to sign the Agreement of Personal Responsibility and has had her case closed must sign the APR prior to approval of the TANF application as a condition of eligibility. The signed APR may be obtained by either the EW or the ESW. (Note: This is the only instance in which the EW may obtain the signed APR). Local agencies should develop a procedure by which the APR is signed as quickly as possible to ensure that the processing of the TANF application will not be delayed. The failure of the client to sign the APR in these circumstances will result in the denial of the application.

In these situations, the queue or start date entered in ESPAS will be the TANF approval date rather than the date the APR was signed. However, the two-year clock will begin the first of the following month after the APR was signed. **The Employment Services Worker will adjust the two-year clock.**

1000.13 - PROGRAM COMPONENTS - CORE WORK ACTIVITIES

VIEW program components include the following core work activities – job search, job readiness, unsubsidized employment, subsidized employment (FEP), the community work experience program (CWEP), the public service program (PSP), on-the-job training (OJT), and vocational education and training. All program components must be monitored monthly for attendance of scheduled hours. In addition, education and training activities must be monitored for satisfactory progress at periodic intervals.

A. JOB SEARCH

Job Search is a structured activity carried out over a defined time period during which the participant must spend a specified number of hours in job search activities. Job search and job readiness may be assigned as appropriate and recorded in ESPAS, but the combined hours of job search and job readiness assignments will count toward the work participation rate for no more than 180 hours in a 12-month period. Hours assigned to job search/job readiness can be counted toward the work participation rate for four consecutive weeks. Additional hours of job search/job readiness may be assigned, but no hours will be counted toward participation unless there has been an intervening time period of at least one week after each 4 consecutive week assignment.

For federal reporting purposes, when a participant successfully completes a 4-week job search and is counted in the participation rate for that month, 120 hours of the total 180 hours available for job search/job readiness in a 12-month period are considered to have been used. The client also has used up 4 consecutive weeks of job search and cannot be assigned again until at least one week has passed. After that time, assignments to additional hours/weeks of job readiness and/or job search can be made in conjunction with other program activities in order to meet both the core work activity and the 35 hour overall participation requirement, but no more than the remaining 60 hours can be counted toward participation in the 12-month period.

Assignments to hours of job search/job readiness beyond those associated with the initial job search should be made in conjunction with other program activities so that both the core work activity requirement and the 35 hour overall participation requirement are met.

NOTE: Federal requirements limit countable hours of job search/job readiness for a **single parent** with a child under age 6 to 120 hours in a 12-month period. A successful 4-week job search will use up 80 of the total 120 hours available in the 12-month period as well as 4 consecutive weeks of job search/job readiness. No more than the remaining 40 hours can be counted toward participation through the end of the 12-month period.

1. Overview
 - a. A maximum of 35 hours can be assigned each week.
 - b. The number of hours for participant job search required must be determined on an individual basis. The number of required hours set on an individual basis should be determined based upon criteria such as other work or training activities in which the participant is involved, barriers such as language or disability of the participant or family household member, other barriers including employment conditions within the locality, and availability of transportation or child care.

b) Job Club

- (1) Job Club is a tightly-structured, intensive program including instruction in job search methods, extensive use of the telephone to obtain job leads and interviews, peer support, direct monitoring of participant activities, and self-placement through job search. In order to be classified as a Job Club, the job search activity must be operated using the VDSS guide, "Finding Work: A Manual for Successful Job Club Operation". VDSS will provide a locality with on-site Job Club training, the VDSS guide, and other materials based on the locality's request to the Virginia Department of Social Services, Division of Benefit Programs, Economic Assistance and Employment Program Manager.
- (2) The participant in Job Club is bound by the participation requirements of the activity. The number of weeks and job search hours required of a participant in Job Club cannot be less than the requirements of individual job search.

c) Individual Job Search

Individual job search is independent job search carried out by the participant. For individual job search to be successful, it is necessary for the ESW to assist the participant in understanding the elements of a successful job search. At a minimum, the ESW should assist the client in developing a resume, in learning how to accurately complete a job application, and in utilizing proven job seeking methods and interview techniques.

B. JOB READINESS

The purpose of job readiness training is to prepare the participant for employment or program component participation so that she can be competitive and succeed in the labor market. Job readiness training may be offered before, in conjunction with or after the job search assignment. Unsupervised study or homework assignments cannot be counted as hours of job readiness. While assignment to job readiness and/or job search should be based on the needs of the client, the combined hours of job search and job readiness assignments will count toward the work participation rate for no more than 4 consecutive weeks. Additional hours of job search/job readiness may be assigned, but no hours will be counted toward participation unless there has been an intervening time period of at least one week after each 4 consecutive week assignment. Additionally, no more than 180 hours of job search/job readiness can be counted toward participation in each 12-month period. Assignments to additional hours/weeks of job readiness and/or job search beyond the initial assignment should be made in conjunction with other program activities so that both the core work activity requirement and the 35 hour overall participation requirement are met. Note: The assignment to the additional hours/weeks of job search and/or job readiness should be made only after at least one week has elapsed since the participant completed 4 consecutive weeks of job search and/or job readiness.

For federal reporting purposes, each time a participant successfully completes the initial 4-week job search/job readiness activity and is counted in the participation rate for that month, 120 hours of the total 180 hours available for job search/job readiness in a 12-month period are considered to have been used. The client also has used up 4 consecutive weeks of job search and cannot be assigned again until at least one week has passed. After that time, the client can be assigned to job readiness/job search as needed to facilitate her participation in the program. **However, only 60 additional hours can be counted toward participation for the remainder of the 12-month period.**

NOTE: Federal requirements limit countable hours of job search/job readiness for participants with a child under age 6 to 120 hours in a 12-month period. A successful 4-week job search will use up 80 of the total 120 hours available in the 12-month period as well as 4 consecutive weeks of job search/job readiness. **However, only 40 additional hours can be counted toward participation for the remainder of the 12-month period.**

- 1) Job readiness training includes activities to assist the participant in program participation by helping her recognize and overcome personal and family problems which may be a barrier to accomplishing her employment and training goals. Job readiness activities also prepare the participant for work by assuring that she is familiar with general work place expectations, work behaviors, and attitudes necessary to compete successfully in the labor market. Job readiness should also address the economic benefits of going to work. These include wages above the TANF grant, the enhanced earned income and savings disregards, and the Federal Earned Income Tax Credit.
- 2) Job readiness topics may include, but are not limited to, communication skills, life skills, motivational training, problem solving, assertiveness, nutrition, money management, time management training and other activities that enhance specific work place expectations and behaviors. Substance abuse treatment, mental health treatment or rehabilitative activities may also be counted as job readiness based on the same conditions and time limits that apply to job readiness generally.
- 3) Job readiness training may be conducted through workshops or seminars and through treatment programs, as well as through one-on-one counseling.

- f. If a participant does not attend the employer interview, the EW must contact the participant to determine if good cause for the missed interview exists. If the ESW determines from the contact that the participant did not have good cause for missing the interview, or if the ESW is unable to contact the client verbally, the ESW must take action to begin the sanction process. Based on agency procedures, the ESW will either send the client the VIEW Notice of Sanction/ Termination (032-02-0307) or the Advance Notice of Proposed Action within 3 business days of the missed appointment. Alternately, the ESW will immediately notify the EW who will send the ANPA within 3 business days of receipt of the notification.
 - g. If a participant transfers to another locality, the FEP Agreement will be terminated.
5. Criteria for the FEP Employer
- a. FEP placements may be established in public or private sector employment.
 - b. The employer must offer employment of not less than 20 hours per week at minimum wage or greater. The position offered must meet the definition of a suitable placement, (see Suitable Placements at [1000.13, D.3](#)). Wages paid to FEP participants must be the same rate as paid to other employees who perform the same work and who have similar experience and tenure.
 - c. The employer must pay Virginia Unemployment Insurance tax for its employees. FEP participants may qualify for unemployment benefits if not retained as a permanent employee. Eligibility for such benefits must be determined by the Virginia Employment Commission on an individual case basis. Former FEP participants not hired permanently should be encouraged to apply.
 - d. The employer must offer a position in conformity with section 3304 (a) (5) of the federal Unemployment Tax Act which requires the following:
 - 1. The job offered cannot be available as a result of a strike or labor dispute;
 - 2. The job cannot require the employee to join, nor prohibit the employee from joining, a labor organization;
 - 3. The FEP participant cannot be used to displace regular workers.
 - e. The employer must agree to pay the participant through his payroll system. The employer agrees to pay his share of the premiums for Social Security contributions, unemployment insurance, and worker's compensation related to the participant's wages.
 - f. The employer must sign a VIEW Full Employment Program Agreement (032-02-0309) for each participant she employs in a FEP placement. The Full Employment Agreement includes:

1. The amount of the employer stipend;
2. The skills and equipment operations the participant will learn;
3. The hourly wage, number of hours per week the participant is expected to work, and estimated net monthly wages.
4. The duration of the placement and the conditions under which it will end;
5. Conditions under which the employer must repay FEP reimbursements;
6. Provisions regarding termination of the FEP Agreement; and
7. Responsibility of the employer to report when a FEP participant works less than an average of 20 hours per week. If the agreement is not in effect for a full calendar month, the participant must have worked an average of at least 20 hours per week for the number of full weeks the FEP agreement was in effect during the month.

Example 1 – A participant begins employment on July 13 and works a total of 58 hours between July 13 and July 31. Since the agreement is in effect for less than a full month, the ESW will need to determine the average number of hours worked per week to enter in ESPAS as well as the number of full weeks worked during the month. The calculation will be as follows:

$$\begin{array}{r} 31 \text{ (last day of the month in which the assignment began)} \\ - 13 \text{ (the day of the month when the assignment started)} \\ \hline 18 + 1 = 19 \text{ days employed during the month} \end{array}$$

19 days ÷ 7 = 2.71 weeks employed during the month

58 hours ÷ 2.71 weeks = 21.4 average hours per week; round down to 21

Example 2 – A participant is employed for a full month. The employer reports that the participant worked for a total of 90 hours during the month. The average number of hours worked per week during the month was 21 (90 hours ÷ 4.33 = 20.78 average hours per week; round up to 21).

- g. The employer must also agree to the following:
1. Provide on-the-job training to the degree necessary for participants to perform the duties of the job;
 2. Provide sick leave, holiday, and vacation benefits to participants to the same extent provided to other employees performing the same work and having similar experience and tenure;
 3. Maintain healthy, safe working conditions at or above levels generally acceptable in the industry and no less than those in which other employees

- d. If a regular employee at the FEP place of business feels that he/she has been displaced and the situation cannot be handled satisfactorily through the employer's grievance process, the Virginia Department of Social Services will act as a mediator. The employer should be informed that the **"Employee Grievance Procedure – Grievance Form A"** form can be obtained at the local social services agency employment services department **or at <http://www.edr.virginia.gov/docsnforms/gre/FORMA2010rev.pdf>** Once the form is completed, it is to be given to the local agency's employment services department. The employment services department will send the form and all pertinent information to:

Virginia Department of Social Services
801 East Main Street
Economic Assistance and Employment Unit
Richmond, Virginia 23219-3301

- e. The employer should agree to contact the ESW as soon as a FEP placement position is available.

9. FEP Assignment

- a. Once the agreement is signed, the ESW will meet with the participant to develop a new VIEW/TWA/Transitional Activity and Service Plan (032-02-0302) and to arrange needed supportive services. At a minimum, the Plan must include:
1. Name and phone number of the FEP supervisor;
 2. Place of employment;
 3. Days and hours of work, and hourly pay the participant will receive;
 4. Notice that the participant must call the FEP placement supervisor and the ESW if the participant will be absent from work;
 5. An explanation that the participant's monthly TANF benefits will be stopped for the duration of the placement, except when the participant was unable to complete the scheduled hours for a reason beyond his control, and that wages received from the FEP employer will be counted for the Supplemental Nutrition Assistance Program (SNAP) and Medicaid.
 6. Notice that the participant has the right to appeal the suspension of the participant's TANF benefits; and
- b. The ESW will explain the benefits of the Earned Income Tax Credit (EITC) to the participant.
- c. The ESW should assist each participant in applying with the employer to receive a monthly advance EITC payment.

Mom later leaves the home, the TANF case will be reinstated for the remaining household members and Dad will continue to participate in VIEW.

Note: If Mom moves into another TANF household or applies for assistance, she will still be subject to the sanction she incurred while residing with Dad.

- 10) **Beginning 1/1/12, participation in the SNAP Employment and Training program (SNAPET) is voluntary. If an individual fails to participate in the SNAPET program, the household's SNAP benefits will not be reduced – the SNAPET enrollment will simply be closed and all SNAPET supportive services will be terminated. Due to this elimination of sanction in the SNAPET program, VIEW participants who are subject to a VIEW sanction will no longer be subject to a comparable sanction for SNAP purposes. Additionally, if an individual is in the fixed period of a VIEW sanction as well as a comparable SNAPET fixed sanction period as of 12/31/11, the SNAPET sanction will end on 12/31/11. (Please note that the individual will remain subject to the VIEW fixed sanction period and VIEW compliance requirements to end the VIEW sanction.) For any individual who will begin the fixed sanction period for a VIEW sanction on 1/1/12 or after, there will not be a comparable SNAPET sanction.**

1000.22 - TRANSITIONAL SERVICES

Former VIEW participants are eligible for transitional services once they leave TANF, either because they have reached the end of the two-year time period, or because the TANF case has closed for another reason. Eligibility for specific transitional services is based on the client's employment status. During the first three months after TANF case closure, a client may receive transitional services, with the exception of TET or a VTP, if otherwise eligible, even if the case was referred for a VIEW sanction, or closed while in a VIEW sanction. For a two parent household with both parents enrolled in VIEW, the participant's eligibility for Transitional Supportive Services listed in 1000.22A will be evaluated on an individual basis. This may result in one parent receiving these services while the other parent is ineligible due to sanction.

Eligibility for transitional services starts the first day of the month after TANF case closure and may continue through the last day of the 3rd month after TANF case closure, or through the last day of the 12th month after TANF case closure, depending upon the specific transitional service. Note: an individual who is participating in VIEW while residing in a two parent household will not be eligible for transitional services if he leaves the home.

An ESPAS record must be opened for three of the transitional services - Transitional Transportation (TT), Transitional Employment and Training (TET), and the VIEW Transitional Payment (VTP). ESPAS is accessed through the ADAPT main menu, option 14. For detailed instructions, refer to the ESPAS Manual at <http://localagency.dss.virginia.gov/support/adapt/files/espas/espasmanual.pdf>.

If a client with a closed TANF case reapplies and is found eligible for TANF, she will no longer qualify for transitional services. VTP enrollments are closed at reapplication rather than at TANF case approval and are not reopened even if the application is denied. Clients who are referred to or volunteer for VIEW after TANF case approval are eligible for VIEW supportive services. (See 1000.12). If the TANF case closes again, the client may again be eligible for transitional services.

The local agency should include guidance regarding the use of, and any limitations on, transitional services in its Standard Operating Procedures contained in the VIEW Annual Plan. The ability of a local agency to pay for transitional supportive services and Transitional Employment and Training (TET) is based on the availability of **VIEW** funds.

Non-parent caretakers whose needs have been removed from the TANF grant for any reason (e.g. noncompliance, excess income for an AU of 1, etc.) are not eligible to receive transitional services if they are still receiving a TANF payment for the child.

A. Transitional Supportive Services

1. Transitional Child Care paid from Child Care funds – 12 month maximum. Child care assistance may be provided for up to twelve consecutive months, after the TANF case closes, to any former TANF recipient (VIEW or non-VIEW) who meets the eligibility requirements outlined in child care guidance (Vol. VII, Section II, Chapter D). Child care can be provided for employment, **and, if allowable by Child Care guidance**, for education. Transitional child care can start no earlier than the first day of the month after the month of TANF case closure. The eligible participant will be required to pay 10% of monthly gross income as a fee, unless the locality has been approved to use an alternative child care fee scale.

1000.27 - HEARINGS

- A. The ESW must follow these procedures for all appeals involving VIEW sanctions:
- 1) The **ESW will be notified** of the date and time of the appeal hearing by the hearings officer.
 - 2) The local department is responsible for assuring that a representative of the VIEW Program is present during the appeal hearing.
 - 3) Eligibility and Employment Services staff must jointly prepare the summary of facts, which must include both eligibility and participation issues. Additional procedures for fair hearings are found in the TANF Manual, Sections [104 – 106](#).
 - 4) The ESW will send a copy of the hearing decision to the TANF/VIEW Field Consultant.
- B. The ESW must carry out the appeal decisions as follows:
- 1) If the agency's action is reversed, the ESW must remove the sanction and review the participant's Activity and Service Plan to determine the appropriate component assignment.
 - 2) If the agency's action is sustained, the sanction is imposed and the VIEW case is closed for the required period of time.

Appendix A (VIEW Forms) removed 2/1/12. VIEW forms can be accessed at
<http://spark.dss.virginia.gov/divisions/bp/tanf/forms/>

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Do you have a disability?

If you have a disability that makes it harder for you to do the things we ask you to do, **please tell us**. A disability is a physical or mental condition that limits one or more life activities.

These conditions may include:

- Diseases (i.e. diabetes, epilepsy, heart)
- Learning disabilities (i.e., a problem reading, writing, or doing math)
- Mental retardation
- Depression or other mental health problems
- Limited ability to walk or stand
- Hearing or vision loss
- History of drug or alcohol addiction

Help is available

If you tell us you have a disability, we can help you by:

- Calling or visiting if you are not able to come to the office
- Telling you what the letters we send to you mean
- Helping you complete a form
- Referring you to services to help you
- Helping to verify information or gather forms
- Helping you appeal if you disagree with a decision we make
- Changing program requirements

Federal law protects people with disabilities

The Americans with Disabilities Act (ADA) is a federal law that says people with disabilities have the same rights to benefits or services from the Department of Social Services as other people. You will not be denied benefits and services because of your disability. If you have a condition that makes it hard for you to do what we ask, we will help you find a way to get the benefits and services available to you. **If you need help, tell us.**

Please indicate below if you have a known disability:

YES **NO**

List the known conditions and disabilities:

Receipt of “Do you have a disability form?”

I received a copy of the form “Do you have a disability?” and it was explained to me.

Client’s Signature: _____ Date: _____

This form was explained to the client on _____, who refused to sign it.

Worker’s Signature _____ Date _____

Your right to complain

If you feel your benefits or services are denied or changed because of your disability, you may call the Virginia Department of Social Services toll free at 1-800-552-3431 or you may call your worker. If you have a hearing or speech impairment, you may call the Virginia Department of Social Services toll free at 1-800-828-1120 (Text/TTY). Requests for an appeal may also be made in writing to:

Hearing and Legal Services Manager
Virginia Department of Social Services
801 E. Main Street
Richmond, Virginia 23219-2901

You may file a discrimination complaint by contacting:

U.S. Department of Health and Human Services
Office of Civil Rights - Region III
Suite 372
Public Ledger Building
150 S. Independence Mall West
Philadelphia, Pennsylvania 19106-3499
Hotline: 1-800-368-1019
TDD: (215) 861-4440
Fax: (215) 861-4431

DO YOU HAVE A DISABILITY?

FORM NUMBER - 032-03-0670-03-eng

PURPOSE OF FORM - This form provides an opportunity for an applicant to identify any known conditions or disabilities, the worker to explain types of help the agency can offer, and rights of people with disabilities.

USE OF FORM - The form must be explained to each individual who completes an application for TANF and signed by the applicant or worker prior to case approval. This form can be used by the agency as an initial assessment of the individual's ability to participate in eligibility or employment-related activities.

NUMBER OF COPIES - Three.

DISPOSITION OF COPIES - The original is filed in the case record, a copy is given to the applicant, and a copy is sent to the VIEW worker if the client is referred to or volunteers for VIEW.

INSTRUCTIONS FOR PREPARING FORM NUMBER OF COPIES - Review the information on the form, assist the individual, as needed, in completing the section on known disabilities, and explain federal protections and avenues of complaint. If the applicant refuses to sign the form, the worker must complete the statement.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
EMPLOYMENT SERVICES (VIEW)

PARTICIPANT NAME: _____

CASE NUMBER: _____

DATE: _____

NOTICE OF HARDSHIP EXCEPTION

YOUR REQUEST FOR A HARDSHIP EXCEPTION TO THE TANF 24 MONTH TIME LIMIT HAS BEEN APPROVED / DENIED (CIRCLE ONE) FOR THE FOLLOWING REASON(S):

_____.

IF APPROVED, THE EXTENSION OF TANF BENEFITS IS FOR A _____ PERIOD, BEGINNING _____, AND ENDING _____.

YOUR REASSESSMENT APPOINTMENT WITH YOUR VIEW WORKER IS _____.

_____. YOU MUST SHOW UP FOR THIS APPOINTMENT
MONTH DATE YEAR IN ORDER TO CONTINUE RECEIVING TANF
BENEFITS.

YOUR EXTENSION OF TANF ASSISTANCE IS CONDITIONAL BASED UPON THE FOLLOWING:

- (1) YOU MUST CONTINUE TO MEET THE TANF AND VIEW PROGRAM REQUIREMENTS.
- (2) YOU MUST CONTINUE TO MEET THE CONDITIONS UNDER WHICH THE HARDSHIP HAS BEEN GRANTED.
- (3) IF YOU DO NOT COMPLY WITH PROGRAM REQUIREMENTS, YOUR HARDSHIP WILL END AND YOUR TANF BENEFITS WILL TERMINATE.

VIEW WORKER: _____

PHONE NUMBER: _____

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR VIEW WORKER. IF YOU DISAGREE WITH THE PROPOSED ACTION, YOU MAY REQUEST IN WRITING A HEARING TO APPEAL THE ACTION. APPEALS SHOULD BE SENT TO:

HEARING AND LEGAL SERVICES MANAGER
VIRGINIA DEPARTMENT OF SOCIAL SERVICES
801 E. MAIN STREET
RICHMOND, VIRGINIA 23219-2901

NOTICE OF HARDSHIP EXCEPTION

FORM NUMBER - 032-03-0377-03-eng

PURPOSE OF FORM - This form provides a VIEW participant who has applied for any of the hardship exceptions with a written decision on his application.

USE OF FORM - This form is used to notify a VIEW participant of the decision on his application for a hardship exception to the 24 months TANF time limit. The form will be used for both approvals and denials of hardship exceptions.

NUMBER OF COPIES - One original and two copies.

DISPOSITION OF COPIES - Original - mailed to VIEW participant.

One copy - filed in VIEW case record.

One copy - eligibility worker.

INSTRUCTIONS FOR PREPARATION OF FORM

The form will be completed by the VIEW worker with the appropriate identifying information (participant name, case number, date) and the VIEW participant's name and address.

The hardship will be approved or denied, with the VIEW worker circling the correct choice, stating the reason(s) for the approval or denial, and establishing the time frame for the hardship, if approved. The worker will also set a reassessment appointment, which the participant must keep. If the hardship is denied, the worker will state the reason(s) why, and cross through the information on the extension of benefits and the reassessment appointment. The VIEW worker's signature and telephone number are required.

This form must be mailed to the applicant for a hardship exception within 30 days for the hardship application.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
Temporary Assistance for Needy Families (TANF)
Virginia Initiative for Employment
Not Welfare (VIEW)

Locality _____

Case Number _____

Date of Mailing _____

TANF 24-MONTH ADVANCE NOTICE OF PROPOSED ACTION

Name: _____

Address: _____

DEAR _____:

Your TANF grant will be terminated effective _____ due to the expiration of the 24-month time limit on receipt of cash assistance unless you qualify for an extension as explained below. You and your children are not eligible for cash assistance again until 24 months after the effective date above. (TANF Guidance, Sections 901.9 and 901.11)

If you disagree with the action taken on your case you may ask for a fair hearing before the State Department of Social Services. The attached leaflet explains how to ask for a fair hearing.

If you appeal the proposed action on your case before the effective date above, assistance may continue. However, if assistance is continued, you may have to repay benefits you received during the appeal process if the hearing decision supports the action being proposed by the agency. You may waive your right to continued assistance by submitting a written statement to your eligibility worker indicating your desire to refuse such assistance.

Under certain extreme circumstances, an extension of TANF benefits may be granted. To be considered for extended TANF benefits, you must contact your employment services worker and apply in writing for a specific "hardship exception." You must sign and date your request. This written request must be made prior to the effective date above. Not everyone is eligible for a hardship exception.

An extension of TANF benefits will be considered ONLY if:

- You have satisfactorily participated in all VIEW activities while receiving TANF; and
- You have not been sanctioned more than once for failing to comply with the requirements of the program; and
- You have not left employment; without good cause as defined by the State Plan, while in VIEW; and

In addition, the reasons for hardship exceptions are LIMITED TO the following:

- You are already in an approved employment-related education/training program that will be completed within a year; or
- You live in an area of high unemployment (10% or higher); or
- You have lost your job through no fault of your own (such as, layoff); or
- You have not been able to find a job where the earnings are at least as much as your TANF grant plus a standard deduction.

AGENCY REPRESENTATIVE _____

ADDRESS _____

PHONE NO. _____

TANF 24-MONTH ADVANCE NOTICE OF PROPOSED ACTION

FORM NUMBER - 032-03-0368-07-eng

PURPOSE OF FORM – To inform a TANF family that their benefits will be terminated at the end of the 24th month, their right to appeal a case closure, and their right to request a hardship exception.

NUMBER OF COPIES – Two.

DISPOSITION OF FORM – The form must be mailed or available at the local agency in the case of an assistance unit which is homeless, at least 60 days before the effective date of the action, excluding the date of mailing and the effective dates. A copy of the completed form must be in the case record.

INSTRUCTIONS FOR PREPARATION OF FORM – Complete the agency information at the top and bottom of the letter, the case name and address, salutation, and the proposed effective date of termination. This date is the last day of the 24th month of assistance.

REFERRAL TO DIVISION OF CHILD SUPPORT ENFORCEMENT FROM LOCAL DSS

TO: DIVISION OF CHILD SUPPORT ENFORCEMENT

DATE: _____

RESERVED FOR DCSE USE

A. APPLICANT INFORMATION – UNMARRIED PUTATIVE FATHER

NAME OF PUTATIVE FATHER _____ LEGACY #: _____

ADAPT CASE NAME _____ ADAPT CASE #: _____

NAME OF CHILD: _____ NAME OF CHILD: _____

NAME OF CHILD: _____ NAME OF CHILD: _____

B. REQUEST TO DCSE FOR PATERNITY DETERMINATION:

_____ THE APPLICANT APPLIED FOR TANF ASSISTANCE ON _____ FOR THE CHILD(REN) NAMED ABOVE. PLEASE REFER FOR GENETIC TESTING SO THAT RELATIONSHIP TO THE CHILD(REN) CAN BE ESTABLISHED FOR TANF.

DSS Worker's Name Printed: _____

Worker Number: _____

DSS Agency Name: _____

Phone # (____) _____

REFERRAL TO DIVISION OF CHILD SUPPORT ENFORCEMENT FROM LOCAL DSS

FORM NUMBER - 032-03-0431-00-eng (2/12)

PURPOSE OF FORM – This form serves as a referral to DCSE for a TANF applicant in need of genetic testing in order to establish relationship for TANF.

USE OF THE FORM- The form is used only when an unmarried putative father makes application for TANF for his child(ren) but is unable to prove relationship. The form is completed by the EW and given to the applicant along with DSCE contact information. The client will take the form to DCSE to secure genetic testing.

NUMBER OF COPIES – One original and one copy (optional)

DISPOSITION OF FORM – The original form must be given to the unmarried putative father applicant to take to DCSE. 1 copy should be retained for the file unless the EW updates the Comment section on AEAUTA.

**Commonwealth of Virginia
 Department of Social Services
 Temporary Assistance for Needy Families (TANF) Program**

**Request for Repayment
 of TANF Benefits and/or Payments for VIEW Services**

CASE NAME:		DATE:
ADAPT Case Number:	Legacy Number:	
Current Agency:	Worker's Name:	
Agency Where Overpayment occurred:	Worker's Telephone #:	

Your TANF assistance unit received an improper payment (more benefits than you were eligible to receive) by receiving either:

- a TANF payment(s) **that** you were not eligible to receive **OR**
- Virginia Initiative for Employment not Welfare (VIEW)** supportive services payments **that** were issued as a result of an Intentional Program Violation.

These payments or services were received during the following months.

Beginning Date: _____ Ending Date: _____

The total of these payments or services was: \$ _____

The reason **you were not eligible to receive these payments or services** was:

Federal regulations require **that** all improper payments must be repaid. Failure to pay back the total amount **that you were overpaid** may result in court action. **You** may repay this overpayment by using cash, money order, or by a reduction in your monthly TANF **payment or a VIEW Transitional Payment (VTP)**. **Please complete the enclosed Repayment Agreement to tell us how you will repay this overpayment. Please note that, if you are currently receiving benefits and we do not hear from you within 20 days, we will automatically reduce the amount of your monthly TANF payment or VTP to \$_____.**

If you do not agree that you owe this debt, you can request an agency conference to discuss the information related to the amount you owe. **You** may also request a fair hearing. At the hearing you will have an opportunity to explain why you think we made a mistake. A hearing officer will decide if you are right. You must request your **agency conference or** hearing within the next 30 days. To request a fair hearing, call me at the telephone number listed above or write to:

Manager, Appeals and Fair Hearings
 Virginia Department of Social Services
801 East Main Street
 Richmond, VA 23219

**Commonwealth of Virginia
 Department of Social Services
 Temporary Assistance for Needy Families (TANF) Program**

Repayment Agreement

Case Name:	Claim Number:
Worker's Name:	Worker Number:

Please indicate below which method(s) of repayment you prefer. Please sign and date **this agreement** and return it to the _____ **Department of Social Services** not later than **20** days of receipt of this letter.

You may change **your method of repayment** at any time. If your financial situation changes and you want to change the method of repayment or the monthly amount of repayment, please contact your worker immediately.

- LUMP SUM PAYMENT:** I agree to pay the full amount owed in one payment. I will make this payment not later than 30 days from the date of this letter. I will make the payment on _____.
- INSTALLMENT PAYMENT:** I agree to pay \$_____ each month, by cash or money order, until the full amount owed is paid back. I will make the first payment not later than 30 days from the date of this letter. I will make payments on the _____ of each _____.
- RECOUPMENT:** You must be currently receiving TANF **or VTP** to select this method.
 - I agree that the **monthly TANF payment or VTP** that my assistance unit receives **will** be reduced to \$_____.
 - If you would like to have your TANF **payment reduced by more than the amount listed above**, please list the amount **that you would like your monthly TANF benefits to be reduced to here:** \$_____.

This reduction in your monthly benefit amount will begin within 30 days of this letter.

Please be aware that, if payment is not received by the due date and the debt becomes delinquent, you may be subject to other collection actions.

Signing this agreement means that you agree to pay back the debt you owe.

 Signature

 Date