

Dave Lyda, TANF Program Manager

*Authorized Signature*

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**Issue Date:** 09/21/2007

**Topic:** Other

**Subject:** TANF Redesign - Weekly Q & A

**Applies to (check all that apply):**

- |                                     |                               |                                     |   |
|-------------------------------------|-------------------------------|-------------------------------------|---|
| <input type="checkbox"/>            | All DHS employees             | <input type="checkbox"/>            | County Mental Health Directors                      |
| <input type="checkbox"/>            | Area Agencies on Aging        | <input type="checkbox"/>            | Health Services                                     |
| <input checked="" type="checkbox"/> | Children, Adults and Families | <input type="checkbox"/>            | Seniors and People with Disabilities                |
| <input type="checkbox"/>            | County DD Program Managers    | <input checked="" type="checkbox"/> | Other (please specify): All SS Staff, JOBS Partners |

**Message:**

Here is your weekly Q&A resulting primarily from Day 2 of the Summits. There has been some policy clarification since the early Summits. We will continue to answer questions as we can, focusing on your top 10-20 weekly.

You may submit questions you would like to see answered in this weekly message. We will be considering these questions as we develop future training.

**Your Top Questions...**

1. What if staffings with partners happened all along but not with appropriate partners at DQ point? Cases were staffed prior to DQ with all partners. What are the criteria for a team decision if not all staffing participants are at the same place at the same time. What if the staffing participants disagree on whether to disqualify or not disqualify?

**Answer:** A critical piece of the new re-engagement process is the active involvement of partner staff in the Re-engagement Staffing. When a client is not participating, or is struggling to participate, the case manager should involve those partners who can bring a different perspective from that of the agency. When possible, the case manager should involve partner staff that have worked with the client and are aware of the client's circumstances first hand. The intent of the staffing is not to disqualify the client, but rather problem solve with the client in an effort to "re-engage" them in an activity. In some cases, there may be disagreement as to the appropriate outcome of the re-engagement staffing.

When disability issues are involved, recommendations from qualified and appropriate professionals must be followed. The decision to apply a disqualification should never be made in isolation and should consider the input of all partner staff, case managers, and other information available. The re-engagement process must be documented in TRACS using the Re-Engagement Page (currently the Conciliation Page).

2. Will TRACS calculate the maximum number of hours required under FLSA so plan coordinators and contractors do not require more? And so hours can be 'deemed up' to full participation?

**Answer:** Eventually, CMS will actually calculate the maximum number of FLSA hours and display it on TRACS and, if appropriate, will "deem up" to full participation. This requires additional programming changes and no completion date has been determined.

3. Will Post TANF count as income against food stamps? Or other programs?

**Answer:** Post TANF payments do not count against food stamps during the 5 month TBA period. However, after the TBA period, Post TANF does count against Food Stamps. Post TANF payments do not count toward ERDC or medical benefits.

4. What happens if a 5 year old turns 6 for Post TANF clients and their hours are not enough? How would this be tracked, etc?

**Answer:** If the youngest child turns 6 during the 12 month Post TANF period, then the Post TANF participant's hours will need to increase to 30 hours per week, on average. We will work on a program to notify the case worker of this change.

5. If a client comes in with reduced hours on Post-TANF and wants additional hours and it takes us a while to get them engaged in activities to increase their hours to meet requirements, do we close Post-TANF and then reopen?

**Answer:** You should only put the need resource codes of PT1 or PT2 on the case if the client has enough hours to meet the requirements. Keep the PTF case descriptor on the entire 12 months of the Post TANF period. So, if the client comes in with reduced hours only put the PT1 on the case when they have enough hours to meet the requirements.

6. My understanding was TRA is for clients transitioning from TANF to employment so how can a Pre-TANF client get TRA if not transitioning from TANF? They can't be TBA food stamps so how are they eligible for TRA payments?

**Answer:** TANF policy governing transitional services for clients who become employed during Pre-TANF is different from Food Stamp policy. Clients in Pre-TANF have access to transitional services that can include up to \$1,000 in support services during a 12-month period for payments needed to retain employment (see OAR 461-190-0241). Beginning in October, 2007, they will also be able to access the Post-TANF program as long as they meet all the requirements of that program.

Food Stamp policy is different and clients cannot access TBA when they become employed during Pre-TANF and never open TANF.

7. Are clients not eligible for TANF or Pre-TANF until they complete screenings? Will client be penalized if they can't get the screenings done in first two weeks due to our processes, or circumstances on their part?

**Answer:** Clients cannot be penalized when the screenings are not completed within two weeks of the intake, especially when this is due to our processes or circumstances beyond the control of the client. The screenings should be offered as soon as possible and preferably within the first two weeks after intake however, we understand that sometimes that is not possible. The screenings are not an eligibility requirement and although the client has a right to decline a screening, we should explain the benefits to the client of the screening process and if appropriate, further evaluations.

8. In our branch we are thinking we deny TANF if they refuse a screening. Need to clarify clients ability to refuse screenings and for it not to affect eligibility? What if job site requires D&A screening and client refuses? Can we DQ?

**Answer:** TANF cannot be denied based on a client's choice to decline a screening. The screening process is not an eligibility requirement for clients. It is a requirement that staff conduct the screenings as early as possible, preferably within two weeks from the intake appointment.

If a client refuses to undergo a required D&A screening for a particular job site, the client cannot be placed in that site. It would be a good idea to explain the requirement to the client, particularly if getting a placement in that particular job site is in line with the client's goals. Clients cannot be disqualified for declining a screening because they have a right to do so under federal law (461-105-0010 will also be clarified for October).

9. Is 200% in Pre-TANF all the support services a family gets? Does that include child care or travel to JOBS activities?

**Answer:** No. Clients in Pre-TANF may be eligible for up to 200% of the payment standard for the number in the need group. This is only for basic living expenses such as rent and utilities. It does not apply to child care, transportation, or other payments intended to help the client participate in their case plan activities.

10. Labor Market test states up to 45 days, what happened to the 30 day period?

**Answer:** The labor market test, for clients in Pre-TANF that are likely to become employed within 45 days based on the initial assessment, cannot extend beyond 45 days from the date of request. Many times the case plan activities do not begin on the date of request for TANF because the client may not get a JOBS program appointment until later. In that case, the labor market test can last for the remaining days before the 45<sup>th</sup> day ends Pre-TANF.

The 30-day period for the Assessment Program was a local process that some districts decided to implement locally. Because the policy says that the Assessment Program (now Pre-TANF) can last “up to” 45 days, 30 days still falls within policy.

It is important to remember that we can end the labor market test and thus end the Pre-TANF program whenever clients are no longer benefiting from it. If that is the case, TANF can open provided eligibility has cleared.

11. What if client scores high on the LD screening, but refuses an evaluation? Can we still count this as an exception for the time limits?

**Answer:** No. In order to have an exemption to time limits related to a learning disability, the learning disability would need to be certified. It must also be determined that the LD prevents them from obtaining or maintaining employment for a sufficient number of hours in a month to satisfy the federally required participation rate. When the LD evaluation is completed and it results in a learning disability diagnosis, the LD is considered certified. In this case it would be important to talk with the client and explain the benefits of completing the LD evaluation, not only for time limit exemptions but also because the client can find out what accommodations are necessary, etc.

12. What if a client appears to have a hardship related barrier but refuses to take screenings or assessments? Do we still code them with a hardship?

**Answer:** It depends. Some hardships have to be documented and others do not. For example, learning disabilities, drug and alcohol, mental health, a physical disability, and caring for a child or a family member with a disability must be verified.

However, domestic violence, being subjected to battery or extreme cruelty, and being

deprived of needed medical care do not require a documentation from a licensed or certified professional qualified to make such determination.

In of the above examples the hardship must be determined to prevent the individual from obtaining or maintaining employment for a sufficient number of hours in a month to satisfy the federally required participation rate.

13. Is there a time limit exemption reason code for ‘age 60+’?

**Answer:** Clients who are 60 or older are not exempt from time limits. We have to determine on a case-by-case basis whether there is another reason that would exempt the client from time limits.

Clients who are 60 or older are exempt from participation in JOBS (see OAR 461-130-0310). They are also exempt from disqualification if they do not cooperate with a voluntary plan and do not have good cause.

14. If a teen parent lives with mom and dad and is a supervised minor, does their time count?

**Answer:** It depends. If the parents of the minor parent are included in the grant, time limits may affect the parents but not the minor parent. If the parents of the minor parent are not in the grant, the minor parent is subject to time limits – unless there is a hardship exemption.

15. Is the time limit exemption related to caring for a disabled family member referring to a household member or filing group member? Which of these are the criteria referring to?

**Answer:** This exemption is related to caring for a family member who lives in the same household as the client providing the care. The family member does not have to be a filing group member but they do have to live in the same household. For example, if a client is caring for her aunt who is disabled and lives in the client’s home, she can be exempt for time limits as long as she continues to care for her aunt, her aunt lives in the same household as the client, and the aunt’s disability has been verified. In this case, the aunt is not required to be in the same filing group.

There are other situations where the family member is also a filing group member. An example would be a client who is caring for his wife who has a disability.

In of the above example, the hardship must be determined to prevent the individual from obtaining or maintaining employment for a sufficient number of hours in a month to satisfy the federally required participation rate.

16. If a client comes in June of 08 and has 1 year of TANF in another state, do we look at the exceptions for time limits for when they received TANF in the other state?

**Answer:** No. Our time limit policy, starting in October, 2007 is an Oregon-specific policy. If a client received TANF from another state for one year, we would count that year towards their time limit as long as it happened after July 2003. We also must narrate in TRACS that they received TANF from another state for one year. In the near future, central office will have a location in the system identified for tracking time in other states.

17. If a client meets a time limit exception anytime in a month, do they get the exception for the entire month?

**Answer:** Yes. On October, 2007 there will be a system fix that will require workers either count or exempt time on assistance. This will be required anytime the case is certified and at re-determination. The time limit exemptions can be changed or removed anytime during the certification period. Workers will be required to review the exemptions at least every six months to determine if they still apply.

**If you have a question you would like to see answered in this weekly message, please send it to [linda.weight@state.or.us](mailto:linda.weight@state.or.us)**

*If you have any questions about this information, contact:*

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