

## Title 18: Human Services

### Part 13: Division of Field Operations

#### TANF POLICY

2. Keeping the county informed timely of any plan to leave the state in which he is receiving assistance or any changes in the income of the family if it meets or exceeds 185% of the need standard for the household size at the time of their current review period.
3. Repaying funds received during a period of ineligibility, or eligibility for a reduced TANF grant or supportive services, resulting from failure to report changes of circumstances, giving incorrect information, or for overpayments caused by agency errors.
4. Participating satisfactorily in the TANF Work Program, unless exempt.
5. Assigning to the State the right to child support collections and for cooperating with child support enforcement requirements, unless good cause is determined.
6. Ensuring that all TANF children are properly immunized and that TANF children attend school regularly as required under the State's compulsory school attendance laws.
7. Submitting to a substance abuse questionnaire. If results of the questionnaire indicate a high probability that a substance abuse problem exists for the TANF adult(s), the adult must be tested for unlawful drug use and enroll in a treatment plan if results of the drug test are positive.

## Strikers

Striking employees must establish that the assistance unit would have been eligible for assistance prior to the strike before approval of TANF benefits. Eligibility for TANF is based on pre-strike income. See *Chapter 6, Special Budgeting Procedures - Strikers*, for a full discussion of eligibility criteria for strikers.

## Not a Child of a Minor Mother in Foster Care Nor a Child Receiving Adoption Assistance

A child whose mother is a minor receiving foster care board payments (IV-E or CWS) from federal, state or local funds is not eligible for TANF benefits, nor is a child who receives adoption assistance payments from federal, state, or local funds. There is one exception, if the adoptive parents have an active TANF case for their own children and including the adoption assistance child's needs and income in the TANF budget would result in an increase of TANF benefits, the adoption assistance child can be considered eligible for TANF. Otherwise, consider the adoption assistance child as technically ineligible for the benefit program.

## Reporting Changes

All TANF households are considered Simplified Reporting households. These households are only required to report the following changes:

1. When the household's total monthly gross income, earned and unearned meets or exceeds 185% of the need standard for the household size at the time of their current review period. Disqualified household members will not be included in the household size when determining if the household meets or exceeds 185% of the need standard. This change must be reported by the 10<sup>th</sup> of the month following the month in which the change occurred. If the 10<sup>th</sup> day falls on a holiday or weekend, the client has until the close of business on the last working day prior to the 10<sup>th</sup> day to report the change.
2. When it becomes clear that a TANF child will be out of the home for more than 30 days. The parent/caretaker must report the child has left the home within 5 days.
3. When the head of household moves out of the state. This must be reported within 5 days.

**NOTE:** Individuals who are TANF Work Program or Transitional Transportation participants must verify time and attendance. ( See Chapter 9, Work Program Components)

## Substance Abuse Screening Questionnaire

Any adult included in the assistance unit will be subject to a questionnaire to determine if a reasonable likelihood exists that the adult has a substance abuse disorder. The questionnaire must be completed prior to approval of a new TANF application. Refusal of the adult to submit to the questionnaire will lead to denial of the TANF application. If results of the questionnaire indicate the likelihood that abuse of a controlled substance exists, the adult will take a drug test.

A positive drug test will require the adult to satisfactorily participate in a drug treatment program in order for the household to continue to receive TANF benefits.

## EXPLANATION OF TERMS

In the discussion in this chapter, a number of items require definition as to the meaning involved as these terms are used in the material. The terms and definitions are given below.

### Dependent Child

For TANF purposes, a dependent child is a child under the age of eighteen (18), regardless of marital status, who is living with a parent or other caretaker relative in a place of residence maintained as his or their own home.

### Emancipation

In certain situations, the court may grant an order of emancipation or relief of minority to remove the minor from parental care and to allow the minor to act on his own behalf as an adult. Also, when a child marries, he has in effect emancipated himself from the state of minority. An emancipated minor will not be considered a minor child unless he is living in the home of his parent or other specified relative.

### Home

Home is defined as the family setting maintained or in the process of being established by a parent or other adult within the specified degree of relationship who assumes responsibility for the child's welfare. Usually the child shares the same household with the relative. However, the requirement for "living with" and the definition of home are not confined to the occupation of the physical household by the child and relative provided there is a valid reason for the child or relative to be away and the absence will be temporary.

### Caretaker Relative

The caretaker relative is the individual who is within the specified degree of relationship of the child(ren) and who exercises control and supervision over the assistance child(ren). The caretaker relative is always the legal parent when the legal parent is in the home. The caretaker relative is the individual who signs the required agency forms and is responsible for reporting changes in the family's situation. Except for protective payment and emergency situations, the TANF benefit is issued in the name of the caretaker relative. This individual is also referred to as the grantee relative, PI or payee of the case, and may be a needy caretaker or a non-needy caretaker. Exception: See *Minor Parent*.

### **Needy Caretaker**

The needy caretaker is not synonymous with the caretaker relative because the caretaker relative may or may not qualify as a needy caretaker. If not a legal parent, a needy caretaker must meet the qualifications for a caretaker relative and must be financially needy in order to be included in the assistance budget. The needy caretaker may not be a recipient of SSI. If the non-parental caretaker relative does not meet the financial need tests, or does not wish to be included, the non-needy caretaker will not be included in the assistance budget and is coded OUT of the TANF case. This relative remains the caretaker (payee) and receives the TANF benefit for the assistance children. If the caretaker relative is a parent and receives SSI, the parent is coded SS for TANF participation, and should not be coded OUT of the case due to assistance unit policy.

### **Grantee Relative**

See Caretaker Relative above.

### **Eligible Recipient**

An eligible recipient in TANF is an individual qualifying for benefit and employment services. The number of adults who may be included as eligible recipients in a TANF budget is limited to those who qualify according to the definition of who must be included in the assistance unit (AU), i.e., the child's Non-SSI parent or parents when both are in the home or no more than one needy caretaker relative when the child does not live with a parent.

### **Payee**

This term is often used to refer to the parent/caretaker relative or the primary individual (PI) in MAVERICS, and is the individual in whose name the benefit is paid.

### **Emergency Payee**

The individual who provides temporary care and control for the child(ren) in emergency situations may receive the TANF benefit for the child as an emergency payee.

### **Protective Payee**

The protective payee accepts the responsibility for receiving and using, or overseeing the use of the TANF benefit. Protective payees are required when mismanagement of funds has been proven to be consistent and continued or the caretaker relative is incapable of adequately managing their business due to physical or mental incapacity. Refer to the AUTHORIZATION AND PAYMENT PROCESS for further discussion and to instructions for form **MDHS-EA-314, Agreement Between Department of Human Services and Protective Payee.**

### **Putative Father**

The term is used to describe the alleged father of a child for whom paternity has not been legally

established.

### **Acknowledgment of Paternity**

Paternity for a child born out of wedlock may be established for the TANF Program in one of the following ways:

1. Legal court proceedings which establish the paternity of the child and result in an order of affiliation.
2. Signing of the *ASAP* form - A Simple Acknowledgment of Paternity - which is a voluntary document that carries full legal weight once signed by the father and sixty days have passed. The putative father has sixty days from the day he signs the form to rescind the paternity acknowledgment.

**NOTE:** If paternity for the child was established using the *ASAP*, process the AP REL Code in MAVERICS would be PV.

3. Marriage of the mother and the putative father, provided the father acknowledges paternity privately and publicly and recognizes the child as his own by supporting him and providing him with care and supervision.

**NOTE:** The above method for establishing paternity meets the requirements as defined by the TANF program and should be used for determining the legal child/ father relationship for a father who is to be included in the assistance unit. For an absent parent, marriage of the mother and the putative father after the birth of the child alone does not meet the IV-D Child Support requirement for establishing legal paternity. In order for the father to be recognized as a legal parent, a *Legitimation-A* form must be processed after the marriage. Proper coding of the AP REL field in MAVS for these situations would be as follows:

NE - Marriage of mother and putative father after birth of child

PV - *Legitimation-A* form processed following marriage of mother and putative father after birth of child.

Once paternity for a child has been established by one of the methods described above, the putative father becomes the legal father of the child. The Child Support Enforcement Office will help the parent obtain a court order for support when appropriate.

### **Legal Responsibility**

#### Legal Parent

When the child is living in the home with two legal parents who under state statute are legally

responsible for his support, the child is not eligible for TANF even though financial need may exist in the home unless one parent is incapacitated, sentenced by the court to work without pay or qualifies as an unemployed parent.

In determining deprivation for TANF, the term legal parent means:

1. The father of a child born of a legal marriage. See below for the definition of a legal marriage. This applies even when the mother names someone else as the biological father of her child.
2. The father of a child born out of wedlock when the child's paternity has been legally established or who has met the requirement for paternity establishment as defined by the TANF program by marriage to the child's mother after birth of the child. See Acknowledgment of Paternity, #2.
3. The adoptive father or adoptive mother of the child who has been legally adopted through proper court action.
4. The mother of the child. The mother is always a legal parent of a child without regard to whether or not the child was born out of wedlock or born of a legal marriage. When the father's identity has not been legally established for a child born out of wedlock, the mother is the only legal parent of the child.

#### Individuals Not Legally Responsible

The following individuals are not legally liable for the support of a child under state statute and cannot be considered parents in establishing deprivation or seeking support.

1. A stepfather or stepmother. As an incentive for two-parent families, when a TANF PI marries on or after October 1, 1999, the income and resources of the newly married spouse are to be disregarded for six consecutive months. If the new spouse has income which causes the household's total income to exceed 185% of the need standard established at the last case review, the marriage is a reportable change. To be considered timely the marriage would have to be reported by the 10<sup>th</sup> of the month following the month in which the change occurred. If the 10<sup>th</sup> of the following month falls on a weekend or holiday, the report must be made by the last working day prior to the 10<sup>th</sup>. When the change is reported timely, the first month of the disregard period will begin with the first month the spouse can be added to the case. If the change is not reported timely, the first month of the 6-month disregard will be the month for which the spouse could have been added, if the change was reported timely. If the marriage does not meet the criteria of a reportable change, the first month of the 6-month disregard will be the first month the spouse can be added to the case following the report of the marriage whether the change is reported prior to or at the next reevaluation.. After the 6 month period ends, the income and resources with specified disregards must be considered in the determination of need for the spouse's children who are applying for or receiving TANF.

See *Chapter 3, Marriage Disregard*, pages 3104-3105.

See *Chapter 6, Stepparent Situations*, for the stepparent budgeting procedures.

2. A man or woman (not a parent or spouse) who lives in the home and maintains a marital relationship with the child's parent; or who maintains a continuing relationship with the child's parent outside the home.
3. A related adult, such as grandmother, grandfather, aunt, uncle, sister, brother, etc.
4. A putative father of the child when paternity has not been established, even if he lives in the home with the assistance family. Once paternity for the child has been legally established, the putative father becomes the legal father of the child for TANF eligibility.

### Legal Marriage

The two types of marital unions which are recognized in this state are statutory marriage and legal common-law marriage.

1. A marriage between individuals who were legally free to contract a marriage and one for which a license was secured and a ceremony performed by a licensed minister or designated officer for the State. The minister or officer should have completed the marriage certificate and returned it to the County Circuit Clerk for recording. Since there is legal presumption in favor of the validity of ceremonial marriage, the worker will establish a statutory ceremonial marriage as follows:
  - a. Ask the parent or other relative to show the marriage license or to tell in which county the marriage was performed.
  - b. Check the records in the Circuit Clerk's office for the recorded license.
  - c. If the marriage record is not found or the parent or other relative cannot produce the license, assist him/her to secure a statement from the minister or officer who performed the ceremony or the witnesses who attended the ceremony.
  - d. Ask the parent or other relative to describe the kind of ceremony which took place.

A statutory ceremonial marriage when established as described above will be recognized as a legal marriage unless there is a serious reason to doubt the validity of the marriage such as:

- § A previous husband is living in the community or is in touch with the county and states that he did not obtain a divorce from the mother prior to the present marriage.



- § Some other individual is in a position to know the marital history of the mother and the prior husband and raises a question as to the legality of the current marriage.
- § Records in the agency, such as a previous application by the individual or a former husband and some other individual, contain statements which raise questions of legality.

In these instances the county office must assist the parent in determining the status of the prior marriage in order to determine the status of the current marriage and of the children involved as to whether they are legal or illegitimate children.

2. A common-law marriage which was entered into prior to April 1, 1956, in Mississippi, is as legally binding as one established by a statutory ceremonial marriage provided:
  - a. Both parties were free to contract to marry. That is, any previous marriage had been terminated by death or divorce or the parties had never been married before.
  - a. The parties agreed to become husband and wife.
  - c. The parties lived and cohabitated together in Mississippi as man and wife, thus
  - d. openly proclaiming their marital relationship.

**NOTE:** Applicants who claim a common-law marriage status from another state must provide appropriate documentation in order for the legal marital status to be recognized.

### **Court Ordered Custody**

The fact that the court has granted custody of a child to someone other than the individual or agency giving care and supervision to the child does not:

1. Terminate the parent's responsibility for support of the child. Usually the court order includes a statement regarding the parent's responsibility for support.
2. Invalidate the TANF assistance unit requirements that the legal parent in the home be included in the budget as payee with a protective payee as appropriate.
3. Make a relative other than a parent financially responsible for the child.
4. Prevent another parent or relative from receiving TANF for the child.

**Joint Custody Cases**

When parents are granted joint custody of a child(ren), the worker will need to evaluate each situation to determine whether or not the requirements of continued absence and living with a caretaker relative are met.

Note that the child who is spending a portion of each month with each parent will not be continuously absent from either parent and that both parents will continue to exercise parental control. Also, note that children may be eligible with one parent when parental functioning of the other parent is terminated long enough for eligibility to be determined and that children may be temporarily separated from their usual caretaker relatives. The case record must be thoroughly documented to support such determination of absence.

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**DRUG TESTING REQUIREMENTS FOR EXEMPT RECIPIENTS**

Effective July 1, 2014, MS State Legislation requires that any adult included in the TANF assistance unit is required to take a substance abuse screening questionnaire to determine the likelihood of a substance abuse problem prior to approval. If the results of the substance abuse screening questionnaire indicate a high probability of a substance abuse problem, the individual will be notified via the MAVERICS TANF Approval Notice – A101 that they have to submit to a drug test and procedures. The case worker will mail under separate cover the MDHS-EA-337 TANF Drug Testing Instructions and ePassport to the individual requiring a drug test.

The individuals will have 7 calendar days from the date of the TANF approval notice to report to the clinic for testing. The case worker will notify the individual of the test results via the MAVERICS Notice A315, Notification of Drug Test Results/Treatment Referral. If the result of the drug test is positive, the client will be required to enroll in a drug treatment program approved by the Mississippi Department of Mental Health within ten days of the notice of test results. Failure to return the verification within ten days, will result in TANF family sanction.

**NOTE:** The individual may contest the results of a positive drug test by taking an additional test at a facility meeting agency contract guidelines. In such cases, the client will be responsible for paying for the test. Additional testing must occur within 7 calendar days of the notice being sent with results of the original drug test. If results of the second test are negative, the individual will be reimbursed for the cost of the second test.

**Referral to Treatment**

Upon receipt of verification (copy of the treatment plan or MDHS-EA-338 completed by the treatment facility), the individual will be referred to the case manager for monitoring. The start date must be within a reasonable time, meaning the first available slot as verified by the treatment facility. The plan must include a start date and expected end date. A tickler must be set to alert the worker when the treatment is ending to refer the individual back to the eligibility worker. Failure to participate in the treatment plan at any point will mean a TANF family sanction.

The drug treatment program will last at least sixty days. During treatment, the adult must test negative on any random drug test administered, in addition to testing negative at the conclusion of treatment, in order to continue to remain eligible for TANF.

### **Sanction for Non-Compliance**

Failure of the TANF recipient to complete the requirements of drug testing and treatment will subject the entire TANF household to a sanction. Non-cooperation includes:

- The recipient's refusal to submit to a drug test based on the results of the questionnaire or completing a drug test
- The recipient's failure to enter a treatment program if drug test results are positive
- The recipient's entering but failing to meet requirements of a treatment plan, including refusing to take a random drug test
- The recipient testing positive for the unlawful use of a drug in a drug test administered during the treatment plan or at the conclusion of the treatment plan

If non-compliance occurs, the household will be ineligible to receive TANF benefits for a period of 3 months after the date the household is determined to be ineligible. A 12 month sanction period must be served if a second non-compliance occurs within the same year. If a sanctioned individual becomes a member of another assistance household, the penalty will follow the sanctioned individual, making the new household ineligible for TANF for the length of the sanction period.

Whenever an adult fails to cooperate at any point in the drug testing/treatment process and the household serves the sanction period, the household may reapply for TANF and will be subject to established substance abuse screening procedures.

### **Transitional Services During Treatment**

If a TANF case closes due to excess earned income and the household becomes eligible for transitional services, persons enrolled in a drug treatment program must comply with treatment program requirements in order to receive or continue to receive transitional services.

### **Good Cause**

A recipient may claim good cause for not complying with drug testing requirements. The burden of proof lies with the recipient to demonstrate that compliance with program requirements was not possible due to circumstances beyond the recipient's control.

exemption should be claimed so the 12- month limit will not apply

The Medical Review process should be used to get an incapacity decision.

When the domestic violence work exemption is approved, the worker should set an alert or set the case review date to review the individual's work status timely. Individuals who are victims of domestic abuse should be encouraged to participate in the TWP as soon as possible following the abuse.

**NOTE:** Individuals eligible to claim the JV work exemption who choose to volunteer for work program services will not be excluded from adverse action policy and procedures and may be sanctioned for failure to attend or participate satisfactorily in assigned work activities without good cause.

## **DRUG TREATMENT**

### **TANF Recipients Approved Prior to 07-01-14**

Many employers require drug testing prior to employment. TWP participants who are referred to these employers must comply in order to be hired. Failure to pass a pre-employment drug screening or failure to retain a job because of a positive drug test will be considered failure to comply with TWP requirements.

In order to make sure the individual understands the drug abuse requirements and has the opportunity to seek treatment, the worker must inform all TANF recipients and individuals exempt (JJ and JV) from the TWP prior to referral to the TWP as an exempt volunteer about the specific provisions of the drug/substance abuse treatment exemption and the potential penalties if the individual fails to request an exemption and is later found in noncompliance due to a substance abuse problem.

This exemption can be requested only at the time of reevaluation, or at the time the individual's participation status changes from exempt to mandatory (NE) or exempt volunteer (EV). It may not be claimed as a means of avoiding TWP participation or sanction once a referral has been made to the case manager, or when referred to an employer who requires a drug test prior to employment. Failure to request this exemption in advance of the potential failure to participate or to obtain employment because of a substance abuse problem will prohibit the granting of this

exemption. Any failure to participate in TWP because of a substance abuse problem after the opportunity to request the treatment exemption has been declined will mean a TANF work sanction and corresponding SNAP sanction.

During the TANF reevaluation interview, the TANF work exemptions must be explained and the **MDHS-EA-336, TANF Work Program Substance Abuse Treatment Agreement**, must be signed by the non-exempt recipient attesting to his/her understanding of the substance abuse exemption requirement. Each non-exempt adult must sign the TANF Work Program Substance Abuse Treatment Agreement, including a minor head of household. The form will be scanned to the TANF Temp folder in Worksite and a copy given to the individual. Any individual who is exempt from the TWP for another reason will not be required to sign the Agreement until the work status changes to a mandatory (NE) or an exempt volunteer (EV) referral. However, the individual may choose to claim this exemption instead of another exemption for which he/she is qualified if substance abuse treatment is needed.

If the referral to the TWP occurs at a time other than a regular case review, the Agreement may be completed at the orientation appointment. The worker will be responsible for coordinating this arrangement with the case manager to assure that the Agreement is signed prior to beginning participation in the TANF Work Program.

### **Requesting an Exemption**

When the TANF recipient requests an exemption to obtain treatment for substance abuse and the **MDHS-EA-336** has been signed, the worker will provide forms **MDHS-EA-336A**, Substance Abuse Treatment Recommendation, and **MDHS-EA-336B** Substance Abuse Treatment Plan to the individual requesting the exemption. In order to insure compliance with the Health Insurance Portability and Accountability Act of 1996, the client is to be given a **MDHS-EA-933**, Notice of Privacy Practices. Signatures should be obtained on a **MDHS-EA-902**, HIPAA Authorization for Release of Information and a **MDHS-EA-903**, HIPAA Authorization for Release of Information by the Mississippi Department of Human Services. The **MDHS-EA-336A** and **MDHS-EA-336B** must be completed by the primary care provider (PCP) or Mental Health Office. The Worker will complete the recipient's identifying information and get the individual's signature on the forms authorizing the release of information by the service provider. The worker will also complete the **MDHS-EA-332**, Report of Social Information, taking care to record the individual's statements about his substance abuse problem and how this limits his/her ability to work or care for his family. A copy of the **MDHS-EA-332** should be attached to the **MDHS-EA-336A**. The recommended plan and social information are not submitted for Medical Review approval unless the exemption request later becomes a request for

an incapacity determination.

It is the responsibility of the individual requesting exemption to make an appointment with his/her primary care provider to discuss his substance abuse problem and develop a treatment plan for rehabilitation. The PCP may refer the individual to the local Mental Health Office or other treatment facility or may determine that no treatment is necessary at that point. The recipient must return the completed recommendation to the county office within 10 days.

The **MDHS-EA-336A** and **336B** are not payment authorization forms to the provider. The Agency will not pay for treatment or examination for substance abuse work exemption purposes. It is the individual's responsibility to provide adequate verification. The provider may use the forms provided by the Agency or any other recognizable documents to provide verification of the treatment recommendation and/or plan.

If the participant's physician or mental health provider does not recommend treatment, the individual will be required to participate in the TWP. Subsequent failure to participate in an assigned work activity because of substance abuse problems or failure to be hired for a job because of a positive drug test should be considered refusal to participate and the individual will be subject to TWP sanction.

If a treatment/rehabilitation plan is recommended, the plan must be verified. The **MDHS-EA-336B, Substance Abuse Treatment Plan**, will be provided to the individual with the **MDHS-EA-336A** to be completed by the treatment provider. The start date must be within a reasonable time, meaning the first available slot as verified by the PCP or Mental Health Office. The plan must include a start date and expected end date. A tickler must be set to alert the worker when the individual should be referred to the case manager. Failure to participate in the treatment/rehabilitation plan will mean a notice of adverse action and sanction at any point during the proposed treatment plan. The individual will have the opportunity to provide medical evidence to document satisfactory progress by medical or mental health records to resolve any interruptions (not to exceed one week) in active participation in the treatment/rehabilitation plan.

Family and Children's Services may need to become involved with the family in need of treatment to assure protection and adequate care for the children when family resources for care are inadequate or questionable. EA staff should make referrals as seems appropriate for the prevention of child abuse or neglect when there appears to be a reason for concern. Continued eligibility for assistance will follow ongoing policy regarding temporary absence from the home for the purpose of medical treatment.

### **When Treatment Ends**

At the end of the satisfactory completion of the substance abuse treatment period, the individual will be referred to the TANF Work Program unless there is proof of eligibility for another work exemption. Treatment programs are generally limited to no more than 60 or 90 days, but may be shorter or longer based on the individual's circumstances as documented by the service provider.

The individual may be given more than one exemption period to participate in a substance abuse treatment/rehab program, but must make the request at application, reevaluation, or change to non-exempt status. However, voluntarily quitting the treatment plan without the doctor's or Mental Health Office's approval will cause a work penalty to be imposed. Changes in treatment plans require a new **MDHS-EA-336A** or verification from the PCP or Mental Health Office.

### **Form Maintenance**

The **MDHS-EA-336**, **336A**, **336B** and **332** will be retained in the case record with the corresponding **MDHS-EA-900**. The county will make the exemption determination based on the recommendation for treatment when the individual follows the recommended treatment plan. If a request for work exemption based on incapacity is submitted later for a Medical Review decision, include all prior **MDHS-EA-336A**, **336B** and **332** forms with the new medical and social reports when the request is submitted to the Division of Economic Assistance.

### **Initiating a Sanction**

If an individual receives an exemption for Drug Abuse Treatment (JD) but fails to participate in a treatment program as advised by his/her physician or mental health provider, or voluntarily quits the treatment plan without the doctor's or Mental Health Office's approval, he/she will be sanctioned. The worker will change the individual's JOBS/TANF Program Status code to DV (Drug Violator). MAVERICS will refer the individual to JAWS overnight, and JAWS will create an immediate conciliation record of DA (Drug Abuse). The conciliation will be sent back to MAVERICS the next night. The worker should not allow an exemption request from the individual if the conciliation reason is DA. The fair hearing process is the same as any other fair hearing request, if made by the individual.

In order to receive TANF again after this sanction has been imposed, the individual must serve the penalty period and then may reestablish eligibility by meeting all program requirements and either participating satisfactorily in TWP or requesting further exemption at the time of reapplication. Subsequent failure to participate in TWP for this reason after reapproval for TANF



will mean another work sanction.

An individual who has served his/her sanction period and is not seeking an exemption at reapplication will be referred to the TWP in RE status. Regular policy and procedures for compliance will be followed from this point.

### **TANF Approvals/Applications Taken On or After 07-01-14**

Effective July 1, 2014, Mississippi law requires all adults included in the TANF assistance unit to take a screening questionnaire to determine the likelihood of a substance abuse problem at the time of a new TANF application. If results of the questionnaire indicate the adult has a high probability of a substance abuse problem, MAVERICS notice A101, TANF Approval, will be used to inform the household of the results. Along with the A101, the household must receive in a separate mailing the MDHS-EA-337, Drug Testing Instruction Notice, along with an “ePassport” referral form. This information packet will provide the household information on contacting the nearest testing facility for purposes of submitting to a drug test.

The individual will have 7 calendar days from the date of the TANF approval notice to report to the facility for drug testing. The case worker will notify the individual of the test results via MAVERICS notice A315, Notification of Drug Test Results/Treatment Referral. If results of the test are positive, the client will be required to enter a drug treatment program approved by the Mississippi Department of Mental Health within ten days of the notice of the test results. Failure to return verification of the treatment plan within ten days will result in a TANF family sanction.

**NOTE:** The client may contest the results of a positive drug test by taking an additional test at a facility meeting agency contract guidelines. In such cases, the client will be responsible for paying for the test. Additional testing must occur within 7 calendar days of the notice being sent with results of the original drug test. If results of the second test are negative, the client will be reimbursed for the cost of the second test.

### **Drug Treatment Referral**

Upon receipt of verification of drug treatment enrollment (copy of treatment plan or form MDHS-EA-338 completed by the treatment facility), the individual will be referred to the case manager for monitoring. The start date must be within a reasonable time, meaning the first available slot as verified by the treatment facility. The plan must include a start date and expected end date. A tickler must be set to alert the worker when treatment is ending to refer the

individual back to TWP. Failure to participate in a treatment program at any point will mean a TANF family sanction.

Drug treatment programs will last at least sixty (60) days. During treatment, the adult must test negative on any random drug test administered, in addition to testing negative at the conclusion of treatment, in order to continue to remain eligible for TANF.

### **Sanction for Non-Compliance**

Failure of the TANF client to complete the requirements of drug testing and treatment will subject the entire TANF household to a sanction. Non-cooperation includes:

- the client's refusal to submit to a drug test based on results of the questionnaire
- the client's failure to enter a treatment program if drug test results are positive
- the client entering but failing to meet requirements of a treatment plan, including refusing to take a drug test
- the client testing positive for the unlawful use of a drug in a random drug test required by and administered during the treatment plan or at the conclusion of the treatment plan

If non-compliance occurs, the household will be ineligible to receive TANF benefits for a period of 3 months after the date the household is determined to be ineligible. A 12 month sanction period must be served if a second non-compliance occurs within one year. If a sanctioned individual becomes a member of another assistance household, the penalty will follow the sanctioned individual, making the new household ineligible for TANF for the length of the sanction period.

Whenever an adult fails to cooperate at any point during the drug testing/treatment process and the household serves the sanction period, the household may reapply for TANF and will be subject to established substance abuse screening procedures.

### **Transitional Services During Treatment**

If a TANF case closes due to excess earned income and the household becomes eligible for transitional services, persons enrolled in a drug treatment program must comply with treatment program requirements in order to receive or continue to receive transitional services.

**Good Cause**

A client may claim good cause for not complying with drug screening/testing requirements. The burden of proof lies with the client to demonstrate that compliance with program requirements was not possible due to circumstances beyond the client's control.

Refer to Chapter 11, Drug and Alcohol Abuse, for additional information.

**REFERABLE TANF APPLICANTS**

All adult TANF applicants who do not meet an exemption from work requirements will be required to participate, cooperate and comply with job search activities during the 30-day TANF application processing period.

All adult TANF applicants who have been determined to be incapacitated or who report they are unable to work will be required to apply for vocational rehabilitation (VR) services and complete the VR intake process during the 30-day TANF application processing period.

**Registration**

The process for receiving and registering a TANF application has not changed. The Economic Assistance clerk will continue to register the TANF application and schedule a TANF interview appointment within 10 days. At the time of registration, the clerk will inform the applicant about up-front job search (UJS) and vocational rehabilitation (VR) requirements provide a copy of the TANF Up-Front Job Search Informational Sheet (MDHS-EA-303B) and document page one of the MDHS-EA-900 accordingly. The MDHS-EA-303B provides explanations, expectations and requirements for UJS/VR, and informs the applicant that the TANF interview and TWP intake process may take about three hours to complete. The applicant should be encouraged, at that time, to make arrangements for child care for the appointment time period. All nonexempt applicants will be referred to JAWS by an online referral for UJS/VR.

**Scheduling Intake Appointments (EW)**

The Economic Assistance clerk will register the TANF application and schedule an EW intake appointment within ten days. In counties where the clerk manually schedules appointments, the A906, Appointment Notice will be used to notify the individual of the appointment date and time.

Applicants who fail to keep this appointment will have their TANF application denied via the A201, Denial-Application Withdrawn. This includes applications for non-needy caretaker relatives (ANI-adult not included).

### **TANF Interview**

During the TANF interview, the eligibility worker will identify all referable adults. All nonexempt adults whose relationship code on SSDO is PI, SP or LP and the TANF participation code is IN, DF or DI (except adults whose citizenship code is IA-ineligible alien) will be referred to TWP and required to comply with UJS/VR activities prior to TANF approval. This includes AI-adult included, AO-adult only and ANI-adult not included if the adult's TANF participation code is DF or DI (except IA-ineligible aliens.) The eligibility worker will use MDHS-EA-303C, TANF Up-Front Job Search Checklist, or the MDHS-EA-303D, TANF Vocational Rehabilitation Checklist, whichever is appropriate, to provide detailed explanations to all nonexempt adults regarding UJS/VR requirements.

A TANF applicant requesting a TWP exemption which is not obvious and cannot be verified at the TANF interview will be given an A301-TANF Pending Application or A905-TANF Request for Information, whichever is applicable, to verify the exemption. The applicant will also be referred to TWP and required to comply with UJS while verification for the exemption is pending. Once the exemption is verified and approved, the applicant will not be required to complete the UJS requirements, unless the exemption requested is for JB-incapacity. A TANF applicant requesting the JB exemption will be given (in addition to the A301) an MDHS-EA-331, Report of Medical Examination and MDHS-EA-330, TANF Request for Medical Information, or MDHS-EA-333, TANF Request to Cooperating Medical Facilities for Information, whichever is applicable, to be completed by the attending physician and returned within the 10-day period. The eligibility worker must set an alert/tickler to handle the application the day following the tenth day. Based on case circumstances, the application will be handled according to the following guidelines.

1. If the applicant returns the completed MDHS-EA-331, along with any other pertinent medical information, within 10 days, the worker will enter the "VR" code on the JOBS screen in MAVERICS and process the AFPD screen to allow the case to be "pulled" into JAWS and submit the appropriate paperwork to the Medical Review Team.
2. If the applicant fails to return the completed MDHS-EA-331 timely or contact the worker to verify good cause, the eligibility worker will deny the TANF application after the 10-day period.

3. If the applicant contacts the worker and provides written documentation (verification of the doctor's appointment date and time, etc.) to substantiate that a good faith effort has been made to comply with the 10-day request for information, and verifies that the MDHS-EA-331 cannot be completed timely, the eligibility worker may hold the application up to 30 days (dependent upon case circumstances) before taking action to deny or approve the TANF application.

Example: If written documentation substantiates good cause and verifies the MDHS-EA-331 cannot be provided within the 30-day application processing period (appointment to see the doctor is beyond the 30-day limit), the worker will go ahead and approve the application with the "JL" code, if all other eligibility criteria are met (doctor statement or obvious exemption with supervisor's approval.) The worker must set a tickler to change the "JL" code to "NE" (medical documentation not provided) or "VR" (medical documentation provided and Medical Review decision is pending) effective for the next month. If the TWP (JOBS) Program Status Code is "NE", the individual will be required to participate in TWP. If the TWP (JOBS) Program Status Code is "VR", the individual will be referred to OVR and required to comply with VR requirements.

Example: If written documentation verifies the MDHS-EA-331 can be completed within the 30-day application processing period, the worker will hold the application up to 30 days. If the MDHS-EA-331 is provided within the 30-day period but there is not enough time for the applicant to complete the TWP and VR intake processes, the eligibility worker will approve the case with the "VR" code and submit a request for a Medical Review decision.

Example: If written documentation substantiates good cause and verifies the MDHS-EA-331 cannot be completed within 30 days and the client fails to provide a medical statement or has no obvious exemption, the worker will enter a "NE" code on the JOBS screen and work the case if all other eligibility criteria are met.

4. If the Medical Review Team grants an exemption from TWP work requirements and OVR determines the individual is not eligible for vocational rehabilitation services, change the TWP (JOBS) Program Status code to "JB- Incapacity" granting an exemption from TWP and VR requirements.

If a nonexempt (NE, EV, WL, WP, WH, VR and SM) TANF applicant informs the case manager during the TWP intake process that he/she is unable to work, the case manager will review the case record to determine if the eligibility worker reviewed the individual's medical documentation and denied the request for a medical exemption. If the case record does not

indicate the possible medical exemption was considered by the eligibility worker, the case manager will refer the applicant back to the eligibility worker in person. In situations where the client requested the medical exemption and the eligibility worker denied the exemption, the client will be required to continue with the UJS/VR process. The eligibility worker is responsible for approving an exemption (JL or JB) from UJS/VR requirements.

When an individual is referred back to the eligibility worker and does not have the required medical documentation, the eligibility worker will give the applicant a 10-day request for information, along with a MDHS-EA-331 and MDHS-EA-330 or MDHS-EA-333, which must be completed by the attending physician and returned timely. In this situation, the worker will handle the application, within the 30-day processing period, according to the above policy. If the applicant provides the required medical documentation, the eligibility worker will change the TWP (JOBS) Program Status code to “VR” and work back through the AFPD screen to refer the applicant back to JAWS (overnight). In this situation, the case manager must work closely with the VR counselor and eligibility worker to comply with timeliness standards.

The nonexempt referable TWP (JOBS) program status codes are CF, DV, NE, EV, WL, WP, WH, SM and VR. The “VR-vocational rehabilitation” code will identify TANF applicants to be referred to the Mississippi Department of Rehabilitation Services, Office of Vocational Rehabilitation.

The adult of a child only case whose TANF participation code is OU or SS and applicants who qualify for an exemption (verification provided) from TANF work requirements (coded J\*), will not be required to comply with UJS or VR requirements. These applications will be handled according to regular processing procedures. The worker will use the JOBS screen in MAVERICS to code adults for referral. After the worker processes the AFPD screen, MAVERICS will create a UJS file for each referable adult in real time, i.e., the case manager (JAWS) will have immediate, real time access to the file.

When the AFPD screen is initially processed, all referable TANF applicant cases will be in REceived status. The REceived status will update to PEnded status if the AFPD screen is processed with pended information. The TANF case status and date will be updated to OPEN at approval. MAVERICS will not create a UJS file if the applicant fails eligibility on the AFPD screen. The status of the UJS process will display on the CAP2 screen in MAVERICS after the eligibility worker successfully processes the AFPD screen. The UJS status will be referral created, JAWS in Progress, Complied, denied MAVS or Denied JAWS.

When it is determined an applicant is referable, the eligibility worker will schedule a TWP intake

appointment with case management within three days. The eligibility worker will put MAVERICS Notice A923 to history for documentation purposes. A screen print copy of the A923 will be provided to the individual as notification of the appointment date and time. The referral, along with the appointment date and time, will be entered on MDHS-EA-319A, Work Program Referral Log, which will be forwarded to the case manager supervisor daily. The case manager supervisor will use MDHS-EA-319A to make case manager assignments. In counties where the eligibility worker and case manager are the same the MDHS-EA-319A will not be necessary. The case manager will “pull” the case in JAWS and add the TWP intake appointment.

**NOTE:** If MAVERICS is not available during the interview process, the eligibility worker may use MDHS-EA-355 (T001), TWP Intake Appointment Letter, in lieu of the A923, to schedule the TWP intake appointment. MDHS-EA-355 is a manual version of the JAWS automated notice (T001) and should only be used if MAVERICS is not available, not on a routine basis.

### Referral to JAWS

The TANF applicant’s participation code must be IN, DF or DI (except for IA-ineligible aliens) to refer adult and child case information to JAWS. The nonexempt applicant’s TWP (JOBS) Program Status must be one of the following:

NE - nonexempt	WL - working less than 20 hours
EV - exempt volunteer	WP - working 20 to 34 hours
SM - spouse mandatory	WH - working 35 or more hours
VR - vocational rehabilitation	CF - convicted drug felon or fleeing felon DV
- drug violator	

Applicants whose TANF participation code is “OU,” “SS” or “DI” (if the citizenship code is IA-ineligible alien) will not be referred to JAWS. Refer to Handling Unresolved TWP and Child Support Sanctions below for additional information regarding the DI code.

In small counties, TANF applicants may be referred to case management the same day as the TANF interview. In large counties, TANF applicants may be given an appointment to meet with case management. In either situation, the case manager supervisor will use the MDHS-EA-319A to manually assign TANF cases to the case manager(s). When a manual referral is received, the case manager will access the PUCA screen in JAWS to “pull” the referred client. Once the client is “pulled,” the client’s information will display on the ICLI screen and assign the client to the case manager’s caseload. The case manager will then schedule a TWP intake appointment in



JAWS for the date and time listed on the MDHS-EA-319A. TWP intake appointments cannot be rescheduled beyond three days from the initial appointment date. Refer to Chapter 8, Referral to the TANF Work Program, for further information.

### **Handling Unresolved TWP and Child Support Sanctions**

Nonexempt TANF applicants who have an unresolved TWP or child support sanction are not exempt from UJS/VR requirements. These individuals must have a participation code of “DI” for the application month in order for the individual to be referred to JAWS. Once the individual successfully completes the TWP intake process and UJS/VR requirements, JAWS will notify MAVERICS that the application may be approved. The worker **must** change the benefit start date to the first day of the month following the month of compliance and approve the application. (A change in the SNAP start date will be dependent upon the situation, refer to Volume V). If the applicant had a child support sanction that remains unresolved, the application will be denied. If the child support sanction has been resolved, approve the application, if otherwise eligible.

### **Notification of Cooperation**

When it is determined that an applicant has fully completed the UJS/VR requirements, the case manager will code the MUJS screen accordingly. JAWS will interface with MAVERICS through the nightly batch process. MAVERICS will code the AUSP screen and send an alert to the TWP Alerts Due Today or Overdue (TWAD) screen informing the worker to process the application. The eligibility worker will process the application according to the code displayed on AUSP. The MAVERICS system will not allow the eligibility worker to approve the application if a code other than FC-fully complete, DC-discontinue client or NR-not required is received from JAWS. All TANF eligibility criteria must be met before a TANF application can be approved. If a denial code is received, MAVERICS will automatically deny the application based on the denial code received from JAWS and notify the applicant via MAVERICS Notice X710. MAVERICS will generate an alert to the eligibility worker that the application has been denied. Refer to Chapter 8, for additional information.

### **Non Compliance With UJS/VR Requirements**

At any point in the application processing period the applicant fails to comply with any requirements or assignments, e.g., misses a TANF appointment (eligibility intake), fails to provide requested information for eligibility, fails to keep the TWP intake appointment, fails to cooperate or fully complete UJS/VR assignments, etc., the application will be denied. The



eligibility worker may deny the application at any point. When an application is denied in MAVERICS after the UJS process has started, MAVERICS will interface with JAWS through the nightly batch process and deny the case in JAWS. Applications for non-referable adults must be held for the 30-day processing period before denying the application.

An individual may reapply for TANF at any time. If an individual reapplies the same day a TANF application is denied, the clerk will hold the application until the next day and then register the TANF application for the application date entered on the MDHS-EA-900.

### **Earned Income Disregards**

Applicants who find new employment any time after the UJS requirements have been explained (beginning with receipt of the MDHS-EA-303B and documentation of the MDHS-EA-900 or completion of the MDHS-EA-303C/MDHS-EA-303D) and the new income will cause the application to be denied will be entitled to the three-month earned income disregard (3D) if otherwise eligible. The eligibility worker will discuss the eligibility criteria for receiving the disregard and inform the recipient that the disregard months will count in the TANF 60-month time limit. Nonexempt applicants and exempt volunteers who are eligible for the earned income disregard will be referred to TWP and required to participate in the TANF Work Program. TWP participants whose TANF cases close because of earned income or loss of the earned income disregard may be eligible for transitional supportive services (child care, transportation, job retention bonus payments,) if all eligibility criteria are met. Applicants who are exempt from TWP requirements will not be eligible for TANF transitional services after their cases close due to earned income or loss of the three-month disregard. Refer to Chapter 6, for additional information.

### **REFERABLE TANF RECIPIENTS**

All adults TANF recipients who are not specifically exempt must be referred for work activities, including:

- Individuals who are receiving unemployment benefits
- Individuals who are working, whether part-time or full-time
- Teen head of household under age 20, once the child is 12 weeks of age
- VISTA volunteers and other volunteers participating in activities under the National Community Service Trust Act of 1993, such as AmeriCorps
- Individuals otherwise exempt as caretaker of a child under 12 months of age (JJ) or as a victim of domestic violence (JV) who wish to volunteer (EV)

- Individuals otherwise exempt (JB, JC, JF, JL and JD) who voluntarily waive their exemption and become non-exempt (NE)
- Minor dependent with a child of his/her own who needs supportive services to remain in school.
- Both parents in two-parent families, unless one is caring for a severely disabled child, other household member, child under 12 months or in their third trimester of pregnancy
- Parent or needy caretaker whose youngest child is over the age of 12 months
- Individuals who have been determined to be incapacitated (eligible for the “JB” code) or who report they are unable to work
- DF - drug/fleeing felons or fraud and DI disqualified for enumeration or failure to report a child not in the home

### Referral of Working Individuals

Employment is not an exemption from the TANF Work Program. Employed individuals who do not meet another work exemption reason must be referred to the TWP. Those individuals whose work hours do not meet TWP participation requirements will be assigned to a countable work activity for sufficient hours to meet the work requirement.

**NOTE: Prior to TANF case closure**, the worker must ensure exempt individuals (JJ or JV), who are employed, are given the opportunity to be referred to the TANF Work Program as an exempt volunteer “EV”. The worker will explain to the exempt individual that a referral to the TWP will allow an application for retention bonus payments and/or supportive services (transitional child care, transitional transportation) to be processed. If the individual wishes to be referred to TWP, the worker must complete MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer, prior to making the referral. (Refer to Chapter 3, Volunteers, for additional information.)

Individuals working less than 20 hours weekly have a TWP referral code of “**WL**”; those working 20-34 hours weekly are coded “**WP**”; individuals working 35 or more hours weekly are coded “**WH**”. MAVERICS monitors the monthly hours worked on EAIN and compares the average hours to the referral code on the JOBS screen.

MAVERICS will display a warning message on the AFPD screen when the number of hours worked does not match the work program code displaying on the JOBS screen.

Termination of employment and receipt of unemployment benefits requires that the “W” code be changed to NE. Receipt of unemployment benefits does not-exempt the participant from the

TWP.

### **Referral of Incapacitated Adults**

Ongoing TANF recipients whose TWP (JOBS) Program Status code is “JB-incapacitated” will be changed to “VR”, on the JOBS screen in MAVERICS, at the next regularly scheduled redetermination appointment, if they remain eligible for the exemption. These recipients will be referred to JAWS on the last day of the month prior to the effective month of the code change to “VR.” Incapacitated adults who have previously been determined ineligible for Vocational Rehabilitation services will not be referred back to the TANF Work Program. The “JB” exemption code for these adults will continue if they are otherwise eligible. A TANF recipient whose “JB” code has expired or who reports an inability to work and a medical review determination is pending cannot be referred to the TANF Work Program until the appropriate medical documentation is provided. The eligibility worker will follow the same guidelines provided for TANF applicants to request medical documentation for submission to the Medical Review Team and case management. Cases for which the MDHS-EA-331 is not provided prior to the deadline for completing the redetermination will be handled according to the same guidelines provided for TANF applicants. Refer to Referable TANF Applicants, TANF Interview, for additional information. If the individual is determined to be ineligible for vocational rehabilitation services, the case manager will refer the individual back to the eligibility worker. The eligibility worker will change the individual’s TWP (JOBS) Program Status code to the appropriate code and handle the case accordingly.

### **Teen Parents**

Teen parents must stay in school until high school graduation or completion of a GED to prepare themselves for employment and self-sufficiency. “Teen parent” is defined as any PI who is under the age of 20. A teen head of household who maintains satisfactory school attendance for the month or participates in education directly related to employment for at least 25 hours per week meets the work participation requirement.

The teen head of household does not fall under regular TANF school attendance requirements. Such a teen parent who has not finished high school or completed a GED is not allowed to claim the JJ caretaker exemption for a child younger than 12 months. The teen may only claim the JJ exemption until the baby is 12 weeks of age, and then becomes a mandatory participant (NE). The case manager will assign the teen parent to an educational component, such as high school, GED program approved by the Department of Education, vocational course, technical school, or adult education program.

Teens referred to the work program will be monitored and tracked by case management and will be sanctioned for failure to participate satisfactorily. Supportive services are available to the teen parent.

A minor parent, defined as under the age of 18 who is a dependent in a TANF case rather than head of their own case is subject to regular TANF school attendance policy. If the minor dependent parent needs supportive services in order to remain in school, she/he may be referred to the TANF Work Program as a volunteer.

### Volunteers

Certain exempt individuals may choose to volunteer for the TANF Work Program. Only the individuals in the following categories will be accepted as volunteers.

- An individual caring for a child under 12 months of age, otherwise exempt under the JJ code.
- An individual who is a victim of domestic violence, otherwise eligible to claim the JV exemption.

Individuals in an exempt category (JJ or JV) who wish to volunteer will be coded “EV - Exempt Volunteer” for referral to the TANF Work Program. Volunteers are not using months in their 24 or 12-month time limits. Penalties for noncompliance, without good cause, with the TWP will apply to volunteers. Failure to attend or participate satisfactorily, without good cause, may result in a TANF sanction and a corresponding food stamp sanction. Prior to referral to the TWP as an “EV”, the participant must sign MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer, to document the individual’s case record that TWP rules and regulations were explained and to acknowledge his/her understanding of TWP requirements and adverse action policy and regulations.

A volunteer who would no longer be eligible for the JJ or JV exemption must be changed to NE as a mandatory participant which may cause the 24-month time limit counter to increment. For example, a volunteer with a child younger than 12 months would become mandatory the month after the child’s first birthday.

- A minor parent who is not head of household (JI, as a dependent under age 18) and who is attending school but needs child care to remain in school

An individual in the above category is subject to TANF school attendance requirements but may

be referred to the TANF Work Program as a “MV-Minor Volunteer” in order to receive supportive services to remain in school. A minor dependent who fails to attend school satisfactorily will be sanctioned under school attendance policy, not TWP. The minor parent’s TWP code should be changed back to JI and the appropriate penalty applied. Refer to Chapter 3, School Attendance Requirements, for additional and more detailed information.

§ The TANF recipient’s spouse whose presence in the case is disregarded for six months due to application of the Marriage Disregard.

**NOTE:** An individual in this category will be referred to the TWP manually. The case manager will handle this individual manually because he/she is not actually in the JAWS system. Refer to Chapter 8, Volunteers, for more information.

### Mississippi Band of Choctaw Indians

MDHS has entered into an agreement with the Mississippi Band of Choctaw Indians which allows the Tribe to operate a separate TANF Work Program for their TANF eligible members in seven Mississippi counties. The counties involved in this program are Jones, Kemper, Leake, Neshoba, Newton, Scott and Winston. Choctaws in these counties applying for assistance and referable to the TANF Work Program must be served by the Tribal TANF Program rather than Economic Assistance TWP. Choctaw Indians in all other counties are regular TWP referrals and for them to be counted in TWP participation, the Choctaw indicator on the \_\_\_\_ screen must be changed to “N.” NOTE: Choctaw Indians residing a non-Choctaw county who are coded “N” will not be listed on the Active Choctaw Indians Report, but other household members who are coded “Y” will be listed. This report is used to identify and handle TANF cases that receive distribution payments from the Mississippi Band of Choctaw Indians.

### EXPLANATIONS

It is extremely important that the intake worker explain basic work program requirements so that the individual will know what to expect when he/she attends orientation. The Worker must tell the individual that the number of hours required for participation in the TWP will be based on the work activity placement. The Worker should not explain the minimum hours required for participation rate calculation.

### REAPPLICATION FOLLOWING A SANCTION

When the TANF case closes because of a TWP violation, the case must not be re-approved until

the minimum time period is served. After the timed sanction period has been served the case may be re-approved if the individual who committed the violation has met compliance, the family meets an exemption, and/or there is good cause for non-compliance. Cases closed for specific program violations will be identified in MAVERICS by the closure reason. There will be times when the TANF case will be frozen for another reason when the TWP noncompliance is received. Such cases will close for the original reason with no timed TWP sanction. However, any outstanding conciliation for TWP noncompliance must be resolved prior to approval of any re-application. Refer to Volume X, Chapter 5, Sanction Override (SANO) screen, and follow the system procedures provided to resolve an outstanding sanction when the individual meets an exemption or a fair hearing is involved.

A sanctioned individual may reapply for benefits at any time. However, he/she will not be eligible for benefits until the penalty period has ended. Any re-application filed prior to the 15th day of the last month of the minimum sanction period must be denied. The worker will need to explain the sanction period, re-application requirements, UJS and the need to comply before re-approval. Re-applications received on or after the 15th day of the last month of the minimum sanction period will be accepted and the applicant required to comply with UJS requirements prior to approval, if otherwise eligible. MAVERICS will generate a referral that must be pulled to JAWS.

If the individual fails to comply, the case manager will deny the application on the 3<sup>rd</sup> day. Only when compliance is met will the JAWS system send a referral back to MAVERICS, indicating UJS has been fully completed and the application can be approved, assuming all other eligibility factors are met.

An individual who is sanctioned and complies with the work program will be eligible to receive a TANF money payment the month after the month in which compliance is met.

**EXAMPLE 1:** A first level sanction was imposed for December and January. Any application prior to January 15 must be denied. An application received on or after January 15 will be worked in MAVERICS, creating a UJS referral to be pulled to JAWS. If application was made January 18th, the applicant has until January 20th (3 days) to complete the intake process with case management. If the intake process is not completed by that date, the application must be denied.

**EXAMPLE 2:** Application for the above example was made January 18, and the UJS referral has been received from JAWS verifying compliance on January 28. The benefit start date must be changed to February 1 and eligibility determined beginning

with February. No benefits will be approved for January.

**EXAMPLE 3:** For the application received December 18, compliance with TWP was not verified until January 10 when the MDHS-EA-319 was received showing compliance as of January 9. The benefit start date must be changed to February 1 and eligibility determined beginning with February. No benefits will be approved for December or January.

### **REAPPLICATION FOR SNAP ONLY**

If the parent/caretaker who caused the TWP sanction does not wish to reapply for TANF after the sanction period is served, he/she may apply for SNAP-only without complying with TWP requirements. (Refer to Chapter 3, Failure to Comply With TANF Work Program (TWP), for additional information.)

### **VOLUNTARY QUIT PROVISION**

In the TANF Program, the voluntary quit provision mandates that no adult included in the assistance unit who is a mandatory work program participant **or an exempt volunteer** shall be eligible for participation in the TANF Program if he/she commits a voluntary quit violation without good cause. Criteria for determining whether an individual committed a voluntary quit violation are listed below:

1. Individual voluntarily quit his/her employment, without good cause; or
2. Individual was terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual, without good cause; or
3. Individual voluntarily reduces his/her work hours for any job of 20 or more hours per week, without good cause.

At the time of application, the worker shall explain to the applicant the consequences of committing a voluntary quit violation, without good cause. (Refer to Chapter 3, Ending a Voluntary Quit Provision Penalty/Disqualification, for information regarding compliance.)

An employee of the Federal, State or local government who is dismissed from that job because



of engaging in a strike against the government shall be considered to have voluntarily quit his or her job without good cause. However, changes in employment status that result from involuntarily reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of an employer will not be considered as a voluntary quit for purposes of this provision.

If an individual quits a job, reduces his/her work hours, or is terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual, then gets a new job at comparable wages or hours and then is laid-off or, through no fault of his own loses the new job, the earlier quit will not be considered as a basis for disqualification.

**EXCEPTION:** An individual meeting a work program exemption will be excluded from the voluntary quit provision. However, an exempt individual who chooses to be referred as an “EV-exempt volunteer” or voluntarily waives his/her exemption status and is referred as a “NE-non exempt” will not be excluded from the voluntary quit provision if he/she commits a voluntary quit violation while participating in the TWP without good cause. Refer to Chapter 3, Exempt Individuals and Waiver of Exemption Status, for additional information.

### INDIVIDUALS SUBJECT TO THE VOLUNTARY QUIT PROVISION

All household members should be tested for voluntary quit at application, recertification and during the certification period. If a member of an applicant household quits a job without good cause within two full calendar months prior to the month of application, or between the date of application and certification, a voluntary quit penalty will be applied. Since this is not a reportable change under simplified reporting rules, if a member of a certified household quits a job without good cause, a voluntary quit penalty will not be applied unless the voluntary quit is discovered within 60 days of the quit. If it is discovered that a household member quit a job, document the date of discovery and the date of quit to determine if the discovery is within 60 days of the quit. Based on these dates, determine if a voluntary quit penalty should be applied.

The following individuals are subject to the voluntary quit provision:

1. Nonexempt individuals (parents and caretaker relatives) applying for TANF benefits; and
2. TANF recipients to include individuals eligible for either the “JJ - caring for a child under 12 months of age” or the “JV - victim of domestic violence” exemption reason who have chosen



to volunteer in the TWP as an exempt volunteer “EV.”

3. TANF recipients to include individuals eligible for the “JB, JC, JF, JL or JD” who have voluntarily waived their exemption status and were referred to the TANF Work Program as a “NE - nonexempt” individual.

**NOTE:** The household or individual may not be disqualified when the member who committed the violation becomes exempt from the work program before the sanction can be imposed. For example, in the case of the applicant household, if the member reports becoming exempt before the worker sends the notice of disqualification, the disqualification will not be imposed. Likewise, if a participating household member who committed a voluntary quit violation becomes exempt before the effective date of disqualification, the household will not be disqualified.

### CRITERIA FOR IMPOSING VOLUNTARY QUIT PENALTIES

If an individual commits a voluntary quit violation within two full calendar months prior to the month of application or between the date of application and approval or while receiving TANF benefits, the voluntary quit provision will be applied based on the following criteria:

1. To applications with no prior TANF Transitional Transportation involvement only if the violation occurred within two full calendar months prior to the month of application or between the date of application and approval and the violation was without good cause. The penalty period always includes the month of application **plus** the following two full calendar months. (Refer to Chapter 3, Voluntary Quit Penalty for New Application with No Prior TANF Transitional Transportation Involvement, for additional information.)
2. To applications with prior TANF Transitional Transportation involvement if the violation occurred within two full calendar months prior to the month of application or between the date of application and approval and the violation was without good cause. (Refer to Chapter 3, Voluntary Quit Penalty for Application with Prior TANF Transitional Transportation Involvement, for additional information.)

**NOTE:** The penalty period for application with prior TANF Transitional Transportation involvement will always include the month of application **plus** the following **two (2)** or **six (6)** full calendar months. (Refer to Voluntary Quit Penalty for Applicant Households with Prior Transitional Transportation within this chapter.)

3. To ongoing cases if the violation occurred while the individual was receiving TANF benefits and the violation was without good cause. The appropriate TWP timed penalty period will be applied. (Refer to Chapter 3, Voluntary Quit Penalty for On Going Case, for additional information.)

### IMPOSING THE DISQUALIFICATION PERIOD

When a determination is made that a nonexempt adult or an exempt volunteer committed a voluntary quit violation without good cause, the action to be taken depends upon whether it is an application with no prior TANF Transitional Transportation involvement, an application with prior TANF Transitional Transportation involvement or an ongoing TANF case.

In an application situation with **no** prior TANF Transitional Transportation involvement, the penalty will apply to the entire assistance unit when the individual who commits the violation is the parent. The entire assistance unit will be ineligible for the TANF Program until the penalty period (month of application plus the following two full calendar months) is served. The penalty for this violation will apply only to the applicant who commits the violation if he/she has requested to be the needy caretaker relative. The needy caretaker relative shall be excluded from the assistance unit at least until the penalty period is served. Then the needy caretaker can request to be added to the case when the penalty period ends. The needy caretaker will be referred to TWP at the time he/she is added to the TANF case, unless he/she meets a work program exemption.

In an application situation **with** prior TANF Transitional Transportation involvement, the penalty will apply to the entire assistance unit when the individual who commits the violation is the parent. The entire assistance unit will be ineligible for the TANF Program until the appropriate penalty period month of application plus the following two or six full calendar months is served. (Refer to Chapter 3, Voluntary Quit Penalty for Application with Prior TANF Transitional Transportation Involvement, for additional information.) The penalty for this violation will apply only to the applicant who commits the violation if he/she has requested to be the needy caretaker relative. The needy caretaker relative shall be excluded from the assistance unit at least until the penalty period is served. Then the needy caretaker can request to be added to the case. The needy caretaker will be referred to TWP at the time he/she is added to the TANF case, unless he/she meets a work program exemption.

In an ongoing TANF case, the penalty will apply to the entire assistance unit regardless of whether the person who committed the violation is a parent or other needy caretaker relative.

The assistance unit will be ineligible for TANF benefits until the appropriate TWP penalty period is served **and** he/she complies with the work program requirement or becomes exempt from the work program.

The penalty months for an application always includes the month of application **plus** the two or six full calendar months, whichever is applicable, **following** the month of application.

Voluntary Quit Date	Application Date	Penalty Period *	Comments
February 28	May 5	None	Quit occurred more than two full calendar months prior to the month of application.
January 5	March 8	March - May	Application with no prior TANF Transitional Transportation and the quit occurred less than two full calendar months prior to the month of application.
March 31	April 15	April - June	Application with prior TANF Transitional Transportation (TT). The last TT benefit month was more than 12 months prior to the month in which the violation occurred and the quit occurred less than two full calendar months prior to the month of application.
March 31	April 15	April - October	Application with prior TANF Transitional Transportation (TT). The last TT benefit month was 12 or less months prior to the month in which the violation occurred and the quit occurred less than two full calendar months prior to the month of application.

\* The penalty period always includes the month of application **plus** the two or six full calendar months, whichever is applicable, **following** the month of application.

**VOLUNTARY QUIT PENALTY FOR NEW APPLICATION WITH NO PRIOR TANF TRANSITIONAL TRANSPORTATION INVOLVEMENT**

An individual who commits a voluntary quit violation without good cause, within **two full calendar months** prior to the month of application or at any time thereafter, will not be eligible for TANF benefits until the penalty period has ended **and** the individual is otherwise eligible.

**Application With NO Prior TANF Transitional Transportation Involvement to be Tested**

Applicants shall be disqualified if the individual(s) to be tested meets all of the following conditions:

1. The individual is the parent or needy caretaker relative, and
2. The individual committed a voluntary quit violation within two months prior to the month of application, or between the date of application and approval; and
3. The violation involved work of at least 20 hours per week or produced earnings in an amount at least equivalent to the Federal minimum wage multiplied by 20 hours; or the hours were permanently reduced for any job of 20 or more hours; and
4. The violation was without good cause.

**NOTE:** If the needy caretaker relative who committed the violation is not the parent of the child(ren) in the assistance unit, deny eligibility for the needy caretaker relative only and test eligibility for the children. Refer to Imposing the Disqualification Period below for further information.

The penalty period always includes the month of application **plus** the following two full calendar months.

**EXAMPLE:** Individual quit job, without good cause, on March 12 and applied for TANF benefits on April 15. The applicant is ineligible and the application must be denied. Any application prior to June 15 will be denied. The individual will be ineligible until the penalty period has ended. An application received on or after June 15 from the disqualified individual will be processed with a benefit start date of July 1, if otherwise eligible.

#### **Applicant Who Committed The Violation Becomes Exempt Before Sanction Imposed**

The household or individual may not be disqualified when the member who committed the violation becomes exempt from the work program before the sanction can be imposed. For example, in the case of the applicant household, if the member reports becoming exempt before the worker sends the notice of disqualification, the disqualification will not be imposed.

Likewise, if a participating household member who committed a voluntary quit violation

becomes exempt before the effective date of disqualification, the household will not be disqualified.

### **Disqualification of Applicant Households with NO Prior TANF Transitional Transportation Involvement**

If the entire applicant household is to be penalized, the application shall be denied.

The household will be sent MAVERICS notice **A238, TANF Denial-Quit Job**, advising the household of the following:

1. The specific act or noncompliance committed; and
2. The proposed penalty period; and
3. A statement that the household may reapply after the penalty period.

If the individual is a needy caretaker relative other than a parent, the application will be processed only for the children. The **A101, TANF Approval Notice**, will be sent explaining that the individual may ask to be added to the case at the end of the penalty period. In either case, it is not a countable violation and no TWP sanction will be added in MAVERICS on the TASH screen. The worker must complete MDHS-EA-302, TANF Voluntary Quit Tracking Log, to permanently document the individual's case record.

### **Ending A Voluntary Quit Provision Penalty/Disqualification for Applicant Households with NO Prior TANF Transitional Transportation Involvement**

A reapplication for TANF, following a voluntary quit penalty, will be processed as

follows: Penalty Applied To Parent At Application

Following the end of the penalty period (month of application plus the following two full calendar months), the household may reapply and, if otherwise eligible, be authorized to participate. The non-exempt parent will be required to comply with UJS requirements and upon TANF approval will be referred to TWP, unless otherwise exempt.

**NOTE:** If the individual reapplies on or after the 15<sup>th</sup> of the last month of the penalty period, the benefit start date will be changed to the month following the end of the penalty period.

Penalty Applied To Needy Caretaker Relative At Application

Following the end of the penalty period (month of application plus the following two full calendar months), the caretaker relative other than a parent, if otherwise eligible, may request to be added to the case. If eligible, the individual shall be added to the case the month following the expiration of the penalty period or following the request, whichever is later.

**VOLUNTARY QUIT PENALTY FOR APPLICANT HOUSEHOLDS WITH PRIOR TANF TRANSITIONAL TRANSPORTATION INVOLVEMENT**

A former TANF recipient who received TANF Transitional Transportation benefits, at any time, and quit his/her job, without good cause, may be subject to a voluntary quit penalty at reapplication for TANF. If the individual's last TANF Transitional Transportation benefit month was more than 12 months prior to the month in which the voluntary quit violation occurred, a minimum penalty period of the month of application plus the following two full calendar months will be applied. If the individual's last TANF Transitional Transportation benefit month was 12 or less months prior to the month in which the voluntary quit violation occurred, a minimum penalty period of the month of application plus the following six (6) months will be applied. The

penalty period always includes the month of application plus the two or six full calendar months following the month of application.

When determining the time lapse between the last TT benefit month and the month in which the violation occurred, the count begins the month following the last TT benefit month. For example:

<b>Last TT Benefit Month</b>	<b>Month Violation Occurred</b>	<b>Time Lapse Between TT and Violation</b>	<b>Penalty to be Applied</b>
07/03	08/04	13 months	Month of Application PLUS 2 Months
08/03	08/04	12 months	Month of Application PLUS 6 Months

**Applications WITH Prior TANF Transitional Transportation Involvement to be Tested**

Applicants with prior TANF Transitional Transportation involvement shall be disqualified if the individual to be tested meets all of the following conditions:

1. The individual is the parent or needy caretaker relative, and
2. The individual received, at any prior time, TANF Transitional Transportation benefits; and
3. The individual committed a voluntary quit violation within two months prior to the month of application, or between the date of application and approval; and
4. The violation involved work of at least 20 hours per week or produced earnings in an amount at least equivalent to the Federal minimum wage multiplied by 20 hours; or the hours were permanently reduced for any job of 20 or more hours; and
5. The violation was without good cause.

If the individual who committed the violation becomes exempt before the effective date of disqualification, the household will not be disqualified.

### **Examples for Applying a Voluntary Quit Penalty to Applications WITH Prior**

#### **TANF Transitional Transportation Involvement**

**NOTE:** For all TANF applications, the penalty period will always include the month of application **PLUS** either the **two** or **six** full calendar months following the month of application.

EXAMPLE 1: TANF case closed effective January 1, 2004, because of earned income. Individual received transitional transportation benefits from January through March 2004 (3 months). The individual quit his/her job March 31, 2004, without good cause. The individual reapplied for TANF benefits on April 15, 2004. The last transitional transportation benefit month was 12 or less months prior to the month in which the voluntary quit violation occurred; therefore, the worker will apply a six-month penalty (April, the month of application plus six months, May through October 2004). The family will be ineligible until the penalty period has ended. An application prior to October 15, 2004, will be denied. An application on or after October 15, 2004, will be processed with a benefit start date no earlier than November 1, 2004, if otherwise eligible. At approval, the individual will be referred to the TANF Work Program unless the family meets a work

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program exemption. The individual has 15 months remaining on the 18-month lifetime maximum to receive TANF Transitional Transportation benefits.

**EXAMPLE 2:** TANF case closed effective January 1, 2002, because of earned income. Individual received transitional transportation benefits from January 2002 through July 2003 (19 months). The individual quit job August 19, 2004, without good cause, and reapplied for TANF benefits on September 2, 2004. The last transitional transportation benefit month was more than 12 months prior to the month in which the voluntary quit violation occurred; therefore, the worker will apply a two month penalty (September, the month of application plus two months, October through November 2004). The family will be ineligible until the penalty period has ended. An application prior to November 15, 2004, will be denied. An application on or after November 15, 2004, will be processed with a benefit start date no earlier than December 1, 2004, if otherwise eligible. At approval, the individual will be referred to the TANF Work Program, unless the family meets a work program exemption. The individual has used up the lifetime maximum allowed to receive transitional transportation. Any future applications for TANF Transitional Transportation will be denied.

**EXAMPLE 3:** TANF case closed effective January 1, 2002, because of earned income. Individual received transitional transportation benefits from January 2002 through August 2003 (20 months). The individual quit job August 19, 2004, therefore, the worker will apply a six month penalty (September, the month of application plus six months, October 2004 through March 2005). The family will be ineligible until the penalty period has ended. An application prior to March 15, 2004, will be denied. An application on or after March 15, 2005, will be processed with a benefit start date no earlier than April 1, 2005, if otherwise eligible. At approval, the individual will be referred to the TANF Work Program, unless the family meets a work program exemption. The individual has used up the lifetime maximum allowed to receive transitional transportation. Any future applications for TANF Transitional Transportation will be denied.

**EXAMPLE 4:** TANF case closed effective January 1, 2001, because of earned income. Individual received transitional transportation benefits from January 2001 through December 2003 (24 months). The individual quit job January 16, 2004, without good cause, and reapplied for TANF April 1, 2004. In this example, voluntary quit does not apply because the quit date is more than two full



calendar months prior to the month of application. The application will be processed according to ongoing policy. The individual has used up the lifetime maximum allowed to receive transitional transportation. Any future applications for TANF Transitional Transportation will be denied.

**EXAMPLE 5:** TANF case closed effective January 1, 2002, because of earned income. Individual received transitional transportation benefits from January through March 2002 and July 2002 through January 2003 (10 months). The individual quit a job December 20, 2003, without good cause, and reapplied for TANF February 15, 2004. The last transitional transportation benefit month was 12 or less months prior to the month in which the voluntary quit violation occurred; therefore, the worker will apply a six-month penalty (February, the month of application plus six months, March through August 2004). The family will be ineligible until the penalty period has ended. An application prior to August 15, 2004, will be denied. An application received on or after August 15, 2004, will be processed with a benefit start date no earlier than September 1, 2004. At approval, the individual will be referred to the TANF Work Program unless the family meets a work program exemption. The individual has 8 months remaining on the 18-month lifetime maximum allowed to receive TANF Transitional Transportation benefits.

The following TABLE displays data for the above five examples.

TANF Closure Date		TANF TT Months	Voluntary Quit Date	TANF Application Date	Penalty Applied	Penalty Period*
1	01/01/04	01/04-03/04	03/31/04	04/15/04	6-month	04/04 plus 05/04-10/04
2	01/01/02	01/02-07/03	08/19/04	09/02/04	2-month	09/04 plus 10/04-11/04
3	01/01/02	01/02-08/03	08/19/04	09/02/04	6-month	09/04 plus 10/04-03/05
4	01/01/01	01/01-12/03	01/16/04	04/01/04	None	None
5	01/01/02	01/02-03/02 07/02-01/03	12/20/03	02/15/04	6-month	02/04 plus 03/04-08/04

\* For all TANF applications, the penalty period always includes the month of application **PLUS** either the **two** or **six** full calendar months following the month of application.

### **Disqualifications of Applicant Households WITH Prior TANF Transitional Transportation Involvement**

The application shall be denied from the date of application. The household will be sent MAVERICS notice **A238, Denial-Quit Job**, advising the household of the following:

1. The specific act or noncompliance committed;
2. The proposed penalty period; and
3. A statement that the household may reapply after the penalty period.

If the individual is a needy caretaker relative other than a parent, the application will be processed only for the children. The **A101, TANF Approval Notice**, will be sent explaining that the individual may ask to be added to the case at the end of the penalty period. In either case, it is not a countable violation and no TWP sanction will be added in MAVERICS on the TASH screen. The worker will complete MDHS-EA-302, TANF Voluntary Quit Tracking Log, to permanently document the individual's case record.

### **Ending A Voluntary Quit Provision Penalty/Disqualification for Applicant Households WITH Prior TANF Transitional Transportation Involvement**

A reapplication for TANF, following a voluntary quit penalty, will be processed as

follows: Penalty Applied To Parent At Application

Following the end of the penalty period (month of application plus the following two or six full calendar months), the household may reapply and, if otherwise eligible, be authorized to participate. TWP compliance is not required prior to approval. However, the non-exempt parent will be referred to TWP upon approval, unless otherwise exempt.

**NOTE:** If the individual reapplies on or after the 15<sup>th</sup> of the last month of the penalty period, the benefit start date will be changed to the month following the end of the penalty period.

Penalty Applied to Needy Caretaker Relative At Application

Following the end of the penalty period (month of application plus the following two or six full calendar months), the caretaker relative other than a parent, if otherwise eligible, may request to be added to the case.

If eligible, the individual shall be added to the case the month following the expiration of the two or six-month penalty period or following the request, whichever is later.

### **VOLUNTARY QUIT PENALTY FOR RECIPIENT HOUSEHOLDS**

A TANF recipient who commits a voluntary quit violation, without good cause, while receiving TANF benefits will be disqualified for the appropriate TANF Work Program (TWP) timed penalty period.

**EXAMPLE 1:** Individual quit job, without good cause, on March 12, but did not report job loss to the worker. Worker discovered the job loss on April 15 when check stubs were not submitted. The household will be sanctioned for the appropriate TWP timed penalty period. Any application received prior to the 15<sup>th</sup> of the last month of the timed penalty period will be denied. The household will be disqualified until the penalty period has ended and the individual has met compliance or the family meets an exemption.

**EXAMPLE 2:** This situation involves a TANF recipient, with prior TANF Transitional Transportation involvement, who committed a voluntary quit violation on December 20, 2003, without good cause. The violation was reported to the worker on January 15, 2004. The worker will apply the appropriate TWP timed penalty and close the TANF case. This is the individual's third TWP penalty (12-month penalty); therefore, the penalty period will be February 2004 - January 2005. The family will be ineligible until the timed penalty period has been served and the individual who committed the violation has met compliance or the family meets a work program exemption. An application prior to January 15, 2005, will be denied. An application received on or after January 15, 2005, will be processed according to ongoing policy. The individual received TANF Transitional Transportation from August 2000 through February 2001 (7 months). The individual has 11 months remaining on the 18-month lifetime maximum allowed to receive transitional transportation.

### Recipient Households to be Tested

A recipient will be disqualified if the individual(s) to be tested meets all of the following conditions:

1. The individual is the parent or needy caretaker relative, and
2. The individual committed the violation while participating in the TANF program; and
3. The violation involved work of at least 20 hours per week or produced earnings in an amount at least equivalent to the Federal minimum wage multiplied by 20 hours; or the hours were permanently reduced for any job of 20 hours; and
4. The violation was without good cause.

**NOTE:** If an assistance unit is already participating when a violation which occurred prior to approval is discovered, the individual will be treated as a recipient and the sanction applied accordingly.

### Disqualification of Recipient Households

If it is determined that a recipient household is to be disqualified, the household will be sent a notice of adverse action within 10 days after the determination of the violation is made. The disqualification period begins with the first available month following the expiration of the 10 day adverse action period. The disqualification period for recipient households is as follows:

First Violation: two months or until compliance, whichever is longer;

Second Violation: six months or until compliance, whichever is longer;

Third violation: twelve months or until compliance, whichever is longer; or

Fourth violation: permanently disqualified.

If the household requests a fair hearing with continued benefits and the county action is upheld, a claim shall not be completed. The household shall be disqualified/sanctioned beginning the month following the month the hearing decision is received by the county office.

MAVERICS will automatically generate a TANF closure notice based on the TWP noncompliance reason entered in JAWS. The notice will advise the household of the following:

1. The specific act of noncompliance committed;
2. The proposed period of disqualification;
3. A statement that the household will be ineligible until the disqualification period ends; and
4. A description of the action which can be taken to end or avoid disqualification.

This is a countable violation and will be processed in MAVERICS as other work program violations.

#### **Ending A Voluntary Quit Provision Penalty/Disqualification for Recipient Households**

Following the end of the appropriate TWP penalty period, a household shall be permitted to reapply and, if otherwise eligible, resume participation if the parent or needy caretaker relative:

1. Becomes exempt from the TANF Work Program, or
2. Complies with the work program by participating in a new TWP orientation session, or
3. Acquires employment of comparable wages and hours, or
4. Is assigned to another TWP component.

**NOTE:** If the individual reapplies on or after the 15<sup>th</sup> of the last month of the penalty period, he/she will be referred to the TANF Work Program and must comply with work requirements or meet a work program exemption before the application can be approved, if otherwise eligible. The benefit start date will be changed to the month following the month of compliance. An application received prior to the 15<sup>th</sup> of the last month of the penalty period will be denied.

#### **VERIFICATION**

The worker will request verification of the household's statements concerning the violation only if the information is questionable. The primary responsibility for providing verification rests

with the household. However, the worker will assist the household in obtaining the needed verification if the household finds it difficult or impossible to obtain documentary evidence in a timely manner. Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives and grievance committees or organizations. Whenever documentary evidence cannot be obtained, the worker will substitute a collateral contact. The worker is responsible for obtaining verification from acceptable collateral contacts provided by the household.

If both the worker and the household are unable to obtain requested verification from these or other sources because the cause for the violation resulted from circumstances that for good reason cannot be verified, such as a resignation from employment due to discrimination practices or unreasonable demands by an employer or because the employer cannot be located, the household will not be denied access to the TANF program.

The worker or case manager will explain to the applicant and/or recipient the consequences of voluntarily quitting a job, voluntarily reducing work hours or being terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of termination), tardiness, etc., committed by the individual, without good cause.

#### **DOCUMENTATION OF THE TANF CASE RECORD**

The worker will use form MDHS-EA-302, TANF Voluntary Quit Tracking Log, to permanently document an individual's TANF case record when an individual commits a voluntary quit violation without good cause and a penalty is imposed. The worker will also use MDHS-EA-302 to track voluntary quit penalties to ensure the penalty period has ended before the individual or household is approved for TANF benefits, if otherwise eligible.

15. TANF Work Program requirements as outlined in Chapter 3. This explanation should include TANF Work exemptions including the requirement for non-exempt TANF recipients to complete the MDHS-EA-336, TANF Work Program Substance Abuse Treatment Agreement.
16. That each adult in the assistance unit must submit to a screening questionnaire to determine the likelihood of a substance abuse problem.

### Gathering and Documenting Information

During the initial interview, the worker should gather and document as much information as possible regarding the eligibility of the assistance unit and should take steps to secure material that is required but unavailable at that time. Forms to be used for such purpose include:

- # Application form, **MDHS-EA-900**.
- # Forms which substantiate or further verify information recorded on IIDO, such as information regarding children, child support, resources, etc.
- # Referral forms as indicated
- # Other forms as needed in specific cases.
- # Forms requesting additional information, such as wage verification or resources.
- # Only file forms which policy states must be filed in the case record or documents/forms signed by the applicant. Document on FOES in MAVERICS that the client was given a copy of required forms such as the MDHS-EA-300.

Refer to the Generic Forms Manual for instructions on preparing assistance payments

### forms. **Withdrawal of the Application**

After the applicant has signed the appropriate forms and discussed his situation or at any point during the application interview, the worker may learn that eligibility requirements will not be met. If so, the worker will explain this to the applicant and give him an opportunity to decide whether he wants to go on with the application or withdraw his request. When it is the applicant's decision to withdraw the TANF request, it will not be necessary to complete the eligibility determination forms unless a SNAP application is also involved. When the worker is involved in a joint interview for both TANF and SNAP purposes, the worker must continue to gather all information necessary to determine SNAP eligibility. In these instances, refer to Volume V, and follow the necessary procedures for processing SNAP applications.

On all withdrawn assistance applications, the worker must record in the case record the information already obtained and the reason for the ineligibility. Whenever possible, a written withdrawal signed and dated by the applicant and stating the reason for the request should be obtained.

Deny the assistance application as a voluntary request for withdrawal and send the MAVERICS Notice, **A201**.

**NOTE:** If there is a reason for ineligibility (such as income or resources) cases should be denied based on that reason once verification is received. In these situations, there would be no need for the client to withdraw their application.

## INVESTIGATING ELIGIBILITY

### Home Visit

State law permits, but does not require, that a home visit be made on TANF applications and redeterminations. Whether or not home visits are made shall be at the discretion of the county director. Home visits are permissible at any time.

The home visit for TANF may serve several purposes, such as:

1. Allowing the worker to compare the standard of living evidenced by the home and its surroundings, furnishings, etc., with the applicant's statement of income and resources.
2. Gathering social information regarding the incapacity of a parent, problems for which referrals are appropriate, etc.
3. Gathering information that the applicant failed to provide, either willfully or unintentionally, or was unable to give in the initial interview. For example, failure to find the payee at home may result in a finding of employment, or the visit may allow for securing verification that the applicant has obtained employment since the office visit.
4. Observing whether or not the children live in the home with the grantee relative. The worker does not have to see the children but must ascertain, either through discussion, observation, or other sources, that the children are under the control and supervision of the grantee relative.

If a home visit is to be made, the worker can usually schedule it while talking with the individual. An appointment is preferable but is not required.

### Verifications

**All eligibility factors must be verified prior to approval of an application.**



### To Be Secured by the Applicant

Individuals who are capable of providing or obtaining verifications are expected to assist in the eligibility process by obtaining verifications available to them. When possible, documents which the individual has in his possession should be used. For example, the applicant may have birth certificates of children, an award letter from the Social Security Administration, check stubs from an employer, etc. In other instances, the applicant may be able and willing to obtain verifications which are not in his possession, such as a statement from his employer or the individual who provides child care.

Explain the verification requirements to the applicant during the interview and provide written documentation by use of MAVERICS Notice **A301, TANF Pending Application Notice**, or form **MDHS-EA-942, Request for Information** (if MAVERICS is not operating). If the manual request for information is used, be sure to document in MAVERICS with the A000 to history. Remind him that the application cannot be approved without all required verification. Allow the applicant 10 days to submit verifications he has agreed to provide.

When a capable applicant refuses to supply, obtain, or authorize the worker to obtain necessary information, eligibility cannot be established. The worker should explain again why the information is needed and that the applicant has one of three choices:

1. The applicant can give the needed facts or refer the worker to the source of the essential information and have his eligibility determined;
2. He may withdraw his request for assistance; or
3. He will be denied assistance because eligibility cannot be determined. Denial is appropriate if the required information is not received by the 30th day and eligibility cannot be established.

### To Be Secured by the Worker

If the applicant cannot provide sufficient evidence as needed, the worker should offer to help in obtaining data and securing verifications. This is especially true for individuals who are incapable of providing information due to physical or mental limitations. Refer to instructions regarding the worker's responsibility for assisting such people.

In the initial interview, the worker should explain to the individual the specific sources to be consulted, if known at the time, and also tell the applicant that other sources will be consulted as necessary. The application form signed by an applicant provides consent that allows the Department to verify all factors of eligibility and to share information with the school district. Individual consent is unnecessary to contact an outside source, unless the outside source, such as a bank, requires written permission from the applicant.

The worker will use outside references only when necessary to gather information required to establish eligibility and will protect the confidentiality of the individual or assistance unit in performing this task.

Specific methods for documenting eligibility factors are contained in this volume in the discussions on the various eligibility factors. Refer to the Generic Forms Manual for forms to be used for securing verifications.

### **Evaluating Information**

The worker must:

1. Review previous, as well as current, information for completeness and accuracy. Previous case records on the applicant or family may contain clues to information not included on current forms, such as property owned, bank accounts, etc. The worker should find out what has happened to assets reported previously, but not currently, by asking the applicant for an explanation and by checking records, when necessary.
2. Resolve promptly any conflicting information and make a decision regarding the information to be considered valid.
3. Be alert to inconsistencies in information and use the legal concept of the "prudent" or "reasonable" man. This concept refers to the element of judgement that must be exercised by all individuals in making choices, determining goals, evaluating statements by others, and the like. When the worker finds some of the applicant's statements questionable, the worker must evaluate the statements and ask the applicant to make a reasonable explanation of the contradictions and/or assist in seeking further information.

Some examples of the use of this concept in questionable information are:

- a. When an applicant reports no bank account but pays bills by checks or has a joint bank account.
- b. When an individual reports a sudden loss of resources previously owned or has disposed of a resource previously in his possession, the worker should seek a reasonable explanation for such reported losses or transfers. Refer to *Chapter 5, Transfer of Resources*, for instructions regarding transfers in order to qualify. Use facts, reason, and judgment in determining the veracity of statements about losses.
- c. When an individual states that he has no income or resources and that his shelter, utility, food, etc., payments are current, the worker should seek further information or a logical and reasonable explanation. The worker will ask the individual how he has managed to pay his expenses when he has no income or resources. There may be a logical and reasonable explanation, such as a recent

loss of income or credit or cash reserve being depleted recently. When the individual can offer and substantiate no logical and reasonable explanation as to how living expenses have been met and offers vague explanations, such as "I just get by," eligibility cannot be determined.

Document the case record and deny the application in such a situation.

## **INTERFACE INQUIRIES**

### **PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM (PARIS) DATA**

The PARIS project is a data matching system in which Mississippi's caseload data is matched quarterly against that of other states participating in the project and selected federal data. The PARIS match serves as an indicator of information that may not have been reported. The worker is required to independently verify that the information on the PARIS match is correct before taking adverse action on the involved case.

PARIS data is generated in MAVERICS at the end of each quarter and is available through the Interface Inquiry Menu (INIM). This data should be reviewed for each household member at application, reapplication, and redetermination. This online data is not considered known to the agency until the data has been retrieved by the case worker.

Upon review of the data at application, reapplication and recertification appropriate action should be taken and CADM should be documented to reflect the disposition of the data. This data must also be checked prior to case authorization.

The worker will determine the state in which the recipient actually resides by obtaining information from the recipient, the agency in the match state and other sources as needed. If the worker determines that the recipient is not a resident of Mississippi, the individual is not eligible for benefits in Mississippi. A potential claim exists for any month in which the non-resident participated in both Mississippi and the resident state. If the individual is a Mississippi resident, ineligibility exists in the match state and the determination regarding a claim is the responsibility of the match state.

### **NATIONAL NEW HIRE DATA**

The National New Hire data is a matching system in which Mississippi's caseload data is matched monthly against select employers who are participating in the project. The new Hire matches serve as an indicator of information that may not have been reported. The worker is required to independently verify employer information before taking action on the case.

New Hire data is updated in MAVERICS on the last Thursday of the month for individuals who were submitted for SSN matches on the last Thursday of the prior month. This data is available through the Interface Inquiry Menu (INIM) and should be reviewed for each household member

at application, reapplication, and redetermination. This online data is not considered known to the agency until the data has been retrieved by the case worker.

Upon review of the data at application, reapplication and recertification appropriate action should be taken and CADM should be documented to reflect the disposition of the data. This data must also be checked prior to case authorization.

### **QUARTERLY WAGE MATCH DATA**

The Mississippi Department of Employment Security wage match information helps to identify unreported or incorrectly reported earnings. The data contained will not be current data. Rather it will represent data from the five quarters prior to the quarter in which the match is conducted. The data will be retained for a period of 3 <sup>1</sup>/<sub>2</sub> years. It will display beginning with the most recent quarters.

For applicants, the match will be conducted twice a month.

For recipients, the match will be conducted monthly.

This data should be reviewed for each household member age 16 and above at application, reapplication, and redetermination. This online data is not considered known to the agency until the data has been retrieved by the case worker. Upon review of the data, appropriate action should be taken and the EMIN screen documented to reflect the disposition of the data.

This data must also be checked prior to case authorization.

### **PARIS VA**

The PARIS VA is a MAVERICS online procedure used to verify Veterans benefits on applicants/recipients. The response provides current benefits, type of benefits (pension, aid and attendance, etc.). The query process is required for all individuals at application, recertification, when a new member (other than new born) is added to the assistance unit or when there is question about VA benefits.

Paris VA is generated every quarter and is not considered verified upon receipt. Worker must access the Paris VA screen via INIM to view the data and take appropriate action at application, reapplication, recertification and when adding a new household member. Refer to Chapter 4, "Unearned Income" regarding Veterans Benefits.

## DISPOSITION OF THE APPLICATION

### Standard of Promptness

Generally, applications should be processed in the order they were received, taking into consideration promptness or delays in receipt of verification. Also, exceptions may be made to this order for situations in which destitution, terminal illness or some other urgent need exists. Mississippi State law decrees that not more than 30 days shall elapse between the date on which the application is received and the date of approval or the notice of denial.

To ensure that the standard of promptness is met, applications must be cleared in time to allow for processing within the 30-day limit. In order to meet this standard, the eligibility worker must have the application ready for supervisory review and approval by the 23<sup>rd</sup> day or sooner if all information is available, in order to allow time for review and correction. Authorization should take place by the 29th day to ensure availability to applicant on the 30<sup>th</sup> day.

When disposition of an application is delayed for any reason, the reason for the delay must be recorded in detail in the case record.

### Accrual Rights

Provided he was alive and eligible, as far as was known, the applicant's right to a TANF benefit accrues on the earliest of the following dates:

1. The date on which the TANF benefit is authorized, or
2. The 30th day following the date on which a signed and completed application form was received.

EXCEPTION: See below for accrual rights of individuals added to an active case.

To protect an applicant's accrual rights, retroactive benefits must be made in any case when the application process takes so much time that an initial award for the current month does not cover the calendar month in which the 30th day occurred. This is true regardless of whether the delay was caused by the applicant or agency.

However, TANF benefits issued for the month in which the application was filed must be prorated to include the date on which the rights to the grant accrued and any days which remain in the application month. See *Chapter 6, General Principles - Prorating Grants for Applicants*, for handling proration of grants.

For example, the right to the TANF grant accrues:

1. For an application made on July 30 and authorized on August 16 for children who are alive and determined to be eligible for August, the accrual date is August 16, and the grant is issued for the month after application (August). Since authorization occurred within 30 days of application, accrual occurs on the authorization date. The first TANF benefit is not prorated.
2. For an application made on July 1 and authorized on August 22, the accrual date is July 31, providing the children are alive on that date and eligible for July. Since the authorization date is later than the 30th day after application, accrual occurs on the 30th day, and TANF benefit must be prorated for one day in July. A retroactive benefit must be authorized.
3. For an application made on July 10 and authorized September 1, with ineligibility determined for August, the accrual date is September 1, providing the children are alive and eligible for September. Proration is not applicable. Although the 30th day falls in August, ineligibility for that month changes accrual to the first day of the next month.
4. For an application made on August 2 and authorized August 22, the accrual date is August 22, providing the children are alive on that date and eligible for August. Since authorization occurred within 30 days after application, accrual occurs on the authorization date. A prorated benefit would be issued for August 22 - August 31 (10 days).

In TANF, accrual rights relate to the children and to the grantee relative or two legal parents (*UP or incapacity cases*) in the budget. Refer below for special procedures for adding an individual to an active case and for protecting the accrual rights of the children when a change of payee is required on an application, and to *Chapter 6, Budgetary Process*, when factors related to income change.

### Approvals

When the investigation is completed and all eligibility factors are documented in the case record to show that eligibility is met, the worker will:

1. Work the case in MAVERICS.
2. Complete the appropriate notices to the applicant.
3. Check to ensure that all referral forms are completed and available for routing.
4. Route the case record to the appropriate case reviewer, depending on county staff and procedures, for review of eligibility decisions, authorization, and release of notices.

## Denials

An application should be denied when:

1. The investigation shows that the applicant or family group fails to meet one or more eligibility criteria, including signing of required documents.
2. An unresolved noncompliance exists and the applicant fails to comply or prove exemption by the 30th day after application.
3. A mandatory work sanction period has not ended.
4. The applicant fails to furnish necessary data within the time frame for disposal of the application.
5. A non-exempt parent has voluntarily quit employment, has been terminated by the employer as a direct result of personal action(s), e.g. disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual or voluntarily reduced his/her work hours, without good cause, within two months prior to the month of application. *See Chapter 3, Voluntary Quit Provision.*

**NOTE:** Only the individual is disqualified if he/she is the needy caretaker relative. The penalty applies to the entire case if the person is the parent.

When an application is to be denied, the worker will:

1. Document the reason for ineligibility. The information supporting the recommendation for rejection shall be definite, clearly stated, and based on fact.

When an application is being rejected because of failure to furnish necessary data, deny the application because essential information was not provided (*MAVERICS Notice A202*) and the agency is unable to establish eligibility or ineligibility.

When an applicant's statement shows ineligibility, reject the application without verification, provided that the applicant appears competent to give correct information and that there is no indication verification will be needed later.

If the denial is based on an outstanding sanction for which compliance has not been met, the appropriate forms from the Child Support worker or case manager must be in the case record to support the failure to comply.

2. Complete the appropriate notice to be sent to the applicant. MAVERICS enters the



3. correct denial code when the appropriate notice is sent.  
Route the case record to the individual authorized to review the eligibility decision and release the denial notice.

### **Terminations for Other Reasons**

Applications may be disposed of because of death of the applicant, inability to locate the applicant, or at the request of the applicant. The worker will:

1. Send the appropriate MAVERICS Notice to history for terminations due to death of the individual or unable to locate. MAVERICS enters the correct denial code when the notice is sent.
2. Record in the case record the reason for rejection. It is not necessary to send a notice to the applicant unless the reason is voluntary withdrawal. When the applicant voluntarily withdraws, send a notice of denial confirming the applicant's desire to withdraw.

### **SPECIAL PROCEDURES**

#### **For Reapplicants**

An individual whose application has been denied or terminated may reapply at any time. In general, the same procedures are required as on initial applications. However, ID numbers for the individual and possibly other family members will already be available and there may be current medical information already in the case for an incapacitated parent. The worker will not require verification of previously established eligibility factors which are not subject to change. The individual, however, must verify current income and resources and any other factor that is subject to change. Any outstanding non-compliances must be cleared up, and if the previous application was denied or the case closed due to missing information, this must be supplied. Also, any previously reported resources that would have caused ineligibility must be verified and a determination made as to whether or not resources have been transferred in order to establish eligibility. Sufficient documentation must be provided to establish that the family is currently eligible. The worker should contact another county to secure the case record of any reapplicant when the applicant has been denied or received assistance last in that county. Also note that:

1. A reapplication for TANF following a TWP sanction shall not be approved, if otherwise eligible, until the timed sanction period is served and the work compliance has been satisfactorily resolved by exemption or compliance. When the reapplication occurs after the 15th of the last month of the timed sanctioned period (or any time thereafter), the individual will be referred to JAWS in "REceived" status. The case manager will schedule a new orientation session to give the individual an opportunity to comply with TWP requirements. When the individual has complied with TWP by either meeting a work exemption reason or by attending the orientation to begin the assessment



and work activity assignment process, the EW is notified through the MAVERICS/JAWS interface of the satisfactory TWP status. The TANF case can then be authorized for the following month. If the individual fails to attend the orientation session and does not meet a work exemption, the TANF application will be denied. *See Chapter 3, Reapplication Following a Sanction.*

Example: TANF recipient sanctioned for February and March for non-compliance with the TANF Work Program; reapplies for TANF on March 18; complies with TWP on April 2; TANF eligibility can be determined effective May.

2. A reapplication and new determination of eligibility are required when an applicant requests a hearing on a denied application or closure of a case after the time period for making an appeal has lapsed. *See Chapter 13, Hearing Process*, for situations in which a request for a hearing can be accepted in such instances.
3. The previous receipt of improper payments is not a barrier to current eligibility, as eligibility must be determined on current circumstances. However, workers should use the prudent individual concept described above in determining eligibility for an individual who has been reported for suspected fraud. Also, authorization for assistance for such a reapplicant does not mean that any previous report of improper payments has been cleared, as it may still be pending and may still be acted upon by the proper officials.

### **For Staff Members, Their Relatives and Personal Interest Cases**

Any staff member and relatives and/or personal interest cases of staff members may apply for and receive assistance; however, there are special procedures for taking and processing applications for employees and individuals related to, or of personal interest, to a staff member as listed below.

The county director is responsible for taking and processing applications for employees or personal interest cases and for submitting the case to the Regional Director for review and authorization of the approval or denial. The county director may delegate intake or case reviews, but not the regional director's task, to a county supervisor who has no close relationship to the employee or individual applying. Applications for assistance from supervisors or their relatives will be assigned to the county director for processing and submitted to the regional director for final approval or denial. Applications submitted by a county director or his/her relatives will be taken and processed by the regional director. Applications received from individuals who have a close relationship with the worker's supervisor will be submitted to the county director for review and authorization or denial.

The relatives for whom the special procedures must be used include a staff member's spouse, grandparents, (*also great, great-great, and great-great-great grandparents*), parents (*including*

*stepparents*), brothers and sisters (*including stepbrothers and stepsisters, half brothers and half sisters*), children (*including stepchildren*), grandchildren, aunts, uncles, nieces, nephews, first cousins, first cousins once removed, and these relatives of a staff member's spouse who are related to this degree by marriage. These relationships are the same as those for TANF specified relatives. Furthermore, the interests of the agency will be served by not assigning any eligibility determination to an employee who has a particularly close relationship with the applicant.

Since county staff are prohibited from processing applications for relatives within the degreedescribed above, the county director must not process an application for one of his/her close relatives. In these instances, the regional director or Program Specialist will take the application. The regional director will review the facts, make the decision, and authorize or deny assistance.

Applications from relatives of staff members other than the county director require the review and approval of regional directors. The county director is responsible for assigning the application to an eligibility worker who can process the application objectively and for authorizing eligibility for such relatives. However, cases should not be assigned to a worker supervised by the relative of the applicant.

#### **For Child in Public Non-Medical Institution**

When a parent or other relative makes an application for a child who is currently an inmate of a public institution, such as one of the state mental hospitals or one of the correctional facilities, the worker will contact the institution to determine when the child will be released from the institution.

If the parent or other relative plans to move the child from the institution to his home within 30 days and the institution verifies the discharge plan, the county may process the application and hold for authorization until verification that the child is actually in the home. If the plans do not work out, deny the application.

#### **For SSI Involved Situations**

The parent or other relative in TANF has the right to make a choice between TANF and Supplemental Security Income (SSI) benefits, and the eligibility worker is responsible for making as clear an explanation as possible of the advantages and disadvantages of each program. An individual receiving SSI cannot be included in a TANF budget; however, such an individual may be the grantee relative of TANF children.

An individual potentially eligible for SSI may be included in the budget prior to receipt of SSI. When a TANF applicant indicates an interest in receiving SSI, the worker should:

1. Refer the individual to the Social Security Administration (SSA) to apply.

2. Ask the individual to let the worker know when an approval or denial notice is received.
3. Set an alert in MAVERICS or place a tickler in the file to follow up on this not later than the first week of the third month following the SSI application month.

The EW may use the SSI on-line inquiry process to check the status of the application. Once approved for SSI benefits, the approval date, benefit amount, and any retroactive payment will be available on-line.

### For Addition of Individual to an Active Case

The request for adding an individual to an active case is essentially an application for assistance. The individual for whom such a request is made has all the rights of an applicant to prompt

action and accrual dates, to appeal a denial, etc. Exception: The rights of an individual added to an active case accrue on the first day of the *system* month following application. This means that the individual will be added to an active TANF case for the current system month, so rollover plays a part in determining when eligibility begins for the new household member. Such an individual also has the responsibilities of an applicant, such as being subject to enumeration, child support and TANF Work requirements.

An interview with the TANF payee is mandatory to add anyone to a TANF case. The TANF payee must complete the MDHS-EA-900 Supplement, requesting that an individual be added to the TANF money payment. This must occur before the worker completes the process in MAVERICS. Determine eligibility and dispose of the request by authorizing eligibility and sending a notice to the payee, if found eligible.

If inclusion of the new individual with their resources and/or income causes ineligibility, terminate benefits for the next possible month and end a closure notice to the recipient.

**EXAMPLE:** A recipient completes the 900 Supplement on November 17 to report that her 16 year old son has moved back home. An interview is scheduled for November 20. The current MAVERICS system month is December. The child should be added to the case effective for the month of December and eligibility determined *ongoing* with the new household member included. If eligible, the benefit should be adjusted for December.

**EXAMPLE:** In the example above, the interview cannot be scheduled until November 22, after rollover to January has occurred. The child should be added to the case effective with the month of January and eligibility determined *prospectively* for January. If eligible, assistance will be continued and the benefit adjusted effective January 1.

**For Applicant Moving Out of County**

In instances when an application is submitted but disposition is not completed, and the household reports a move to another county, the first county must ensure that all documents related to the application are scanned to the appropriate electronic folder in Interwoven/Worksite. Once as many required transfer actions as possible have been completed (handling any claims, IEVS, or other alerts, changing the household's address on ADDR, etc.) the first/transferring county must notify the new/receiving county of the transfer, send the A801 Transfer Between Counties notice and use the Case Record Control (CARC) screen in MAVERICS to send the case to the new county. The receiving county will be responsible for completing the eligibility process and notifying the household of the decision. Refer to Chapter 7, pages 7554-7558, regarding case procedures.

**For Applicant Leaving the State**

When an applicant goes out of state before the application is completed, the county will ask him the purpose of the absence and let him know that his eligibility cannot be determined while he is out of state. Take action then in accordance with the response of the applicant, as follows:

1. Hold the application for 30 days if the applicant says that he has gone on a visit and plans to return. If he does not return within that time, deny the application for inability to complete it.
2. Deny the application when the applicant states that he intends to reside in the other state. **SUBSTANCE ABUSE SCREENING**

As a condition of eligibility for TANF, any adult (including any disqualified individual) included in the assistance unit will be subject to a questionnaire to determine the likelihood of a substance abuse problem. This screening is required regardless of the adult's referable status to the TANF Work Program (TWP), and will be administered during the application process. Results of the questionnaire have no bearing on the decision to approve the TANF application, and eligibility determination must not be delayed based on the questionnaire's results. However, should results of the screening indicate the likelihood that a substance abuse problem exists, upon case approval, the client will be required to register with a designated provider in order to take a drug test. Failure of the adult to cooperate in being tested for a substance abuse problem will lead to closure of the TANF case.

**NOTE:** Adherence to this policy has no bearing on a household's SNAP case.

## Screening Process

All adults included in the TANF assistance unit will be required to take a substance abuse screening questionnaire at the time of a new TANF application. If at any time another adult joins the assistance unit, that adult will also be subject to screening. The questionnaire will be administered by the Case Manager (CM). The TANF application must be denied if an adult refuses to submit to the screening.

The CM will administer the questionnaire utilizing an online screening tool known as the Substance Abuse Subtle Screening Inventory (SASSI). The screening process takes approximately thirty minutes. At the conclusion of the screening, the results are immediately available for viewing by the CM. Screening results have no bearing on the determination of TANF eligibility.

## Non-Exempt Referrals

For TWP referable clients, substance abuse screening will be included in the Up Front Job Search (UJS)/Vocational Rehabilitation (UR) process. The client will be referred by the Eligibility Worker (EW) to the Case Manager Supervisor (CMS) through the MDHS-EA-319A, TANF Work Program Referral Log. In areas where the EW and CM are the same, the 319-A will not be necessary. Using the referral log, the CMS will assign the case to the CM who will in turn schedule a TWP intake appointment. As part of the UJS/VR process, the CM will administer the drug screening questionnaire to the adult household member.

The CM will use the 319A to schedule the client for administering the SASSI. The CM will indicate on the form 1) if the client was a no-show for the appointment; 2) if the client refused to take the questionnaire; 3) if results of the questionnaire show a high probability of a substance abuse problem; or 4) if questionnaire results do not indicate a substance abuse problem. In any of these instances, the CM will document the 319A and return the form to the EW.

If results of the questionnaire indicate the adult has a high probability of a substance abuse problem, the CM will document the finding on the 319A and return the form to the EW. If the household is eligible for TANF, the EW will use MAVERICS notice A101, TANF Approval, to inform the household of the results. Along with the A101, the EW must send in a separate mailing the MDHS-EA-337, TANF Drug Testing Instructions, along with an “ePassport” form. This information packet will provide the household information on contacting the nearest testing facility for purposes of submitting to a drug test.

If the client fails to cooperate in taking the questionnaire, the CM will document the refusal by entering the appropriate denial code on the Maintain Up-Front Job Search (MUJS) screen in JAWS. MAVERICS will automatically deny the application by sending notice X710, TANF Up-Front Denial.

### **Exempt Referrals**

For adults determined exempt from TWP requirements, referral to the CM will still be required for purposes of administering the drug screening questionnaire. The MDHS-EA-319B, Substance Abuse Questionnaire Referral, will be provided by the EW to the CMS to indicate the TWP exempt client is being referred only for purposes of taking the questionnaire. The CM will administer the drug screening questionnaire to the adult household member.

The CM will use the 319B to schedule the client for administering the SASSI. The CM will indicate on the form 1) if the client was a no-show for the appointment; 2) if the client refused to take the questionnaire; 3) if results of the questionnaire show a high probability of a substance abuse problem; or 4) if questionnaire results do not indicate a substance abuse problem. In any of these instances, the CM will document the 319B and return the form to the EW.

If results of the questionnaire indicate the adult has a high probability of a substance abuse problem, the CM will document the finding on the 319B and return the form to the EW. If the household is eligible for TANF, the EW will use MAVERICS notice A101, TANF Approval, to inform the household of the results. Along with the A101, the EW must send in a separate mailing the MDHS-EA-337, TANF Drug Testing Instructions, along with an “ePassport” form. This information packet will provide the household information on contacting the nearest testing facility for purposes of submitting to a drug test.

If the client fails to cooperate in taking the questionnaire, the EW will deny the application by sending MAVERICS notice A219, TANF Denial - Other Reasons, indicating on the notice the reason for denial.

## OVERVIEW

This section discusses the conciliation process, adverse action notices, and conciliation reasons and resolutions.

## CONCILIATION

**Conciliation** is the process used by the case manager and the participant to resolve an informal conflict or grievance and/or impose a timed work program penalty, if applicable. The conciliation process may resolve problems concerning the participant's participation or progress in a work activity. The case manager should strive to create an atmosphere in which participants are encouraged to discuss any problems or concerns that prevent successful participation or progress in work activities. This is accomplished by permitting individuals to voice their complaints and grievances and by exhausting all reasonable means and available resources to resolve the issue.

**NOTE:** TWP participants must be encouraged to take personal responsibility to identify and resolve or remove barriers that prevent them from satisfactorily participating in assigned work program activities. It is vital that participants notify the case manager as soon as a barrier to participation is identified and that case managers make every effort to assist participants to resolve barriers prior to job loss or noncompliance with work program requirements.

A participant must have good cause for failure or refusal to participate in TWP activities or submit to a drug test, if required. Non-participation may occur early in the process or after the participant has been attending a scheduled work activity. When determining good cause, the case manager should take into account how long the individual has been in the program and how much he/she understands about TWP and the individual's action(s) toward personal responsibility. The case manager must use good judgment and base good cause decisions on established policy and procedures. Whenever the participant has an incident of non-cooperation, the case manager should schedule a conciliation appointment and work with the participant to resolve the issue. Adults receiving TANF benefits, who are not exempt from the TANF Work Program or who are participating as an exempt volunteer, must comply with the program requirements. Also, exempt clients determined to have a high likelihood of a substance abuse problem must submit to a drug test. If the participant does not comply, he/she may be sanctioned. When it is obvious that the participant is not meeting the work requirements, the case manager must determine the reason for noncompliance and determine whether there was good cause for the failure. Based on the documentation that he/she obtains, the case manager must decide whether to sanction the TWP participant.



If a TANF recipient fails to comply with TWP requirements or fails to register for or submit to a drug test, if required, the case manager must review the status of all TANF supportive services and take appropriate action(s), e.g., terminate immediately, terminate based on the result of the conciliation, etc.

**NOTE:** All good cause determinations recommended by the case manager must be approved by the case manager supervisor, county director or designee via MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer. (*Refer to Chapter 11, Determining Good Cause.*)

Penalties for noncompliance with the TANF Work Program **do** apply to exempt volunteers (JJ and JV). Exempt individuals will be conciliated for noncompliance which may result in a TWP sanction and a corresponding SNAP benefit sanction. Prior to referral to the TWP, exempt volunteers (**EV**) must sign **MDHS-EA-359** to acknowledge his/her understanding of TWP requirements and adverse action policy and procedures and to document the individual's case record that TWP rules and regulations were explained.

If an exempt volunteer is conciliated and good cause is approved and the individual no longer wishes to participate in the TWP as a volunteer, the **EV** code must be changed to **JJ** or **JV** (this change will cause the 12 month JJ counter to resume) in MAVERICS. Exempt individuals who are employed and wish to volunteer must be coded "**EV**". These individuals must not be coded "**WL**", "**WP**" or "**WH**" for tracking and monitoring purposes. The "**EV**" code will allow JAWS to automatically set up a conciliation record. Minor parents are subject to school attendance requirements; therefore, the case manager must change the **MV** code to **JJ** in MAVERICS and begin the School Attendance sanctioning process when the minor parent fails to attend school. Minor volunteers are not subject to TWP penalties. (*Refer to Chapter 8, Exempt Individuals.*)

### Establishing a Conciliation Record

The case manager will, within three (3) days of learning of noncompliance, schedule a conciliation appointment. A conciliation appointment can be scheduled in JAWS in one of the following ways:

- If an individual does not show for the orientation or assessment appointment, he/she will receive **T008, Notice of Adverse Action**, through the JAWS batch process.
- If an individual is assigned to a work activity, but fails to report, is not participating satisfactorily or refuses to participate or failed to register for a drug test, take a drug test



as required, or meet drug treatment program requirements, the case manager will schedule a conciliation appointment, and the individual will receive **T011, TANF Notice To Discuss Disagreement and Adverse Action**.

**NOTE:** When a conciliation record is set up, the case manager must review the status of all TANF supportive services and take appropriate actions(s), e.g., terminate immediately, terminate based on the result of the conciliation, etc.

When a JAWS conciliation record is created, a conciliation notice is mailed to the TWP participant and a conciliation referral is sent to MAVERICS the same night. MAVERICS will automatically generate a notice of adverse action to the household for each program based on the conciliation reason code received from JAWS. The notice will inform the household of the pending TANF and SNAP sanctions, the reason for the adverse action and effective month for the case action. The case manager may reschedule a conciliation as long as the appointment date is within 10 days of the discovery date of the initial conciliation appointment. The rescheduled appointment, **T012**, will not automatically be mailed to the individual. JAWS will maintain the notice on the Participant Notice Screen (**SPAN**) screen in JAWS. The case manager should screen print the notice and mail or give it to the individual.

When a conciliation appointment is scheduled in JAWS, the appointment schedule code will be updated to “OC” (Outstanding Conciliation) and the TWP File status will be “I” (Inactive). JAWS will send a transaction to MAVERICS and the participant’s benefits will be placed in a “FROZEN” status. If MAVERICS does not receive a compliance, exemption or fair hearing request from JAWS within 10 days, the TANF and possibly the SNAP case will close (*see Chapter 11, Noncompliance with TWP - Case Closure*). This process places more responsibility on the case manager. Completion codes for orientation and assessment appointments must be entered and conciliations must be resolved in a timely manner.

The individual receives three (3) notices of adverse action:

1. JAWS generated conciliation appointment notice
2. MAVERICS notice of adverse action (NOAA) for the pending closure of the TANF case
3. MAVERICS notice of adverse action (NOAA) for the pending reduction of benefits or case closure for SNAP

**NOTE:** The participant’s TWP activity may remain “open” during the conciliation process. Entering attendance on the ATTENDANCE REPORT POP UP WINDOW (ARPW) during the conciliation process will resolve the pending conciliation. The case manager must review the status of all TANF supportive services and take appropriate action(s), e.g., terminate immediately, terminate based on the result of the conciliation, etc.

### Ten-Day Closure Run

MAVERICS automatically closes the TANF and possibly the SNAP case at the end of the 10 calendar days if no compliance, error, fair hearing request or exemption request code is received from JAWS. Once the 10 calendar day period has expired, the case manager **cannot** resolve an outstanding conciliation, even though JAWS has not closed the case. The supervisor may resolve the conciliation with “**ER**” at any time, if the sanction was applied in error (i.e., due to the case manager not entering a resolution in a timely manner). A screen print of the Maintain Conciliation Record (**WCOR**) screen and supporting documentation on PACR, if applicable, of why the “**ER**” code was used, must be forwarded to the county director.

EXAMPLE: Case closures are effective dated in JAWS. The case may close in MAVERICS on September 11 effective for the month of October, and JAWS will process the case closure on October 1.

### **Conciliation Reasons**

Reasons for scheduling a conciliation include, but are not limited to, the following:

- No show for an appointment or work activity
- Refusal to participate in the TANF Work Program
- Unsatisfactory attendance
- Failure to cooperate with the case manager, component provider, employer
- Failure to report and/or submit sufficient evidence to substantiate absence from the assigned work activity timely

- Failure to go to an employment interview
- Inappropriate or disruptive behavior (includes abusive or inappropriate language and inappropriate clothing) in a work activity
- Established pattern of failing to cooperate with TANF regulations (*see Chapter 11, Establishing A Pattern of Non-Cooperation*)
- Refused a job offer
- Voluntarily quits a job, voluntarily reduced work hours for any job of 20 or more hours per week or terminated by an employer as a direct result of personal action(s). (*Refer to Chapters 3 and 11, Voluntary Quit Provision.*) or
- Failed to register for or submit to a required drug test, or satisfactorily meet requirements of a drug treatment plan

When a conciliation is needed, the case manager must:

- Schedule a conciliation appointment
- Notify service providers (child care and/or transportation) of termination of services (*see Chapter 10, Supportive Services*)
- Investigate the reason for non-compliance by talking with the participant and researching the Investigative Report and supporting documentation and/or any medical verification records and possibly the attendance records.
- Determine whether or not the participant had good cause for non-compliance (documentation must be provided within the 10 calendar day conciliation period).
- Process any exemption request made by the participant.
- If the participant is in a work activity and not making progress, counsel the participant to identify the problem and discuss other options or the possibility of a sanction.
- Determine whether or not the participant is demonstrating a good faith effort to comply. If so, talk with the component provider and allow the individual to continue in the same

work activity or place the individual in another work activity, whichever is deemed appropriate.

- **Forward all good cause decisions, along with MDHS-EA-359 and supporting documentation, to the case manager supervisor for review and approval within the 10-day conciliation period.** The case manager must not resolve the conciliation in JAWS until the completed MDHS-EA-359 is received.

If the individual does not have a good cause for one of the conciliation reasons listed above, the case manager **must not resolve the conciliation**. MAVERICS will automatically close the case at the end of the 10 calendar day period.

**NOTE:** Whenever possible, the case manager should meet with the participant, and if good cause is determined, provide appropriate documentation to the case manager supervisor for review and approval in order for compliance to be sent before the 10th day. If the compliance is sent on the 10th day, MAVERICS auto-closure will close a TANF case prior to processing the compliance sent by JAWS.

If the 10th day falls on Saturday or Sunday and the participant comes in on Monday, the CMS should “**ER**” the conciliation if good cause is approved and the participant chooses to comply.

Whenever “**ER**” is used, the supervisor must file a screen print of the WCOR and PACR screens, documenting the reason for the use of this code in the participant’s case record and forward a copy to the county director.

### Conciliation Resolution

Resolution may occur when:

- The barrier to satisfactory participation is resolved and the participant continues in his/her work activity or another work assignment
- The participant’s progress is determined to be satisfactory
- The participant has a valid reason for non-participation and an exemption request is approved
- The participant refuses to cooperate and a timed work penalty or 3 month sanction for non-

compliance with drug testing/treatment requirements is imposed

- The participant provided sufficient evidence to substantiate good cause. The good cause recommendation was approved by the case manager supervisor and the participant agrees to participate and is assigned to a TWP activity
- The participant finds employment of 25 - **35 hours per week** at or above the federal minimum wage within the 10-day conciliation period
- Good cause is not determined and a timed work penalty or drug testing/treatment sanction is imposed

**NOTE:** See Chapter 11, *Good Cause - Drug and Alcohol Abuse*, for information on the conciliation process for drug and alcohol abuse.

**NOTE:** Good cause determinations must be documented and reviewed and approved by the case manager supervisor. When a conciliation is resolved, the participant must sign **MDHS-EA-359**, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer.

## OVERVIEW

This material discusses good cause determination, drug and alcohol abuse, voluntary quit, compliance prior to a case closure and requesting a case closure.

## DETERMINING GOOD CAUSE

Good cause for noncompliance in the TANF Work Program (TWP) or failure to submit to drug testing/treatment, if required, will be recommended by the case manager, when it is determined there is sufficient evidence to substantiate the good cause, and approved by the case manager supervisor, county director or designee via **MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer**. When contacted by a participant with an explanation for not attending a work activity, the case manager must use good judgment and the good cause determination must be based on TANF policy, work program requirements and the individual's action(s) taken toward personal responsibility. For example, if the participant has a breakdown in transportation, did he/she immediately resort to his/her backup plan and/or explore all other available options in order to meet his/her work program requirements? Having good cause covers a broad range of circumstances. Sometimes situations arise where an individual is unable to participate for a day or several days because of such things as illness, the death of a family member, jury duty, etc. These are often short-term situations resulting from events beyond the participant's control. There will also be circumstances in which an individual will have good cause for turning down a specific job or assignment such as net loss of cash income. Although the individual may have good cause for not attending an assigned work activity, he/she will be required to continue to participate in the TANF Work Program.

**NOTE:** It is vital that participants notify the case manager as soon as a barrier to participation is identified and that case managers make every effort to assist the participant to resolve barriers prior to job loss or noncompliance with work program requirements.

**Before approving a good cause, the case manager must obtain written documentation when possible (e.g., doctors' excuses, police and court reports, an obituary, jury summons, etc.) to verify the good cause. Prior to approving a good cause the case manager supervisor must review the decision and supporting documentation.** The participant must provide the case manager with appropriate documentation within the 10-day conciliation period. In some instances where the participant is claiming a good cause for child care or transportation, the case manager must investigate and file written documentation of the findings in the participant's case record. The individual must make every effort to identify barriers and inform the case manager

as soon as possible. The case manager must make every effort to assist the participant to resolve barriers to participation.

- § Failure to get or keep a job or to satisfactorily participate in an assigned work activity because of inappropriate actions/behavior or the loss or lack of transportation, without good cause, will result in a TWP sanction and corresponding SNAP benefit sanction.
- § Failure to submit to drug testing, if required, will result in a three month sanction for the first offense, and a twelve month sanction if failure to comply with drug testing requirements occurs a second time within the same year.

The case manager recommends good cause for failure to participate in a work activity or accept employment or submit to drug testing, if required, when it is determined there is sufficient evidence to substantiate it. The case manager supervisor must approve or deny the good cause via **MDHS-EA-359**. Good cause must be determined when one of the following conditions exists:

1. **Transportation problems** - This includes a breakdown or disruption in transportation arrangements due to no fault of the participant, with no accessible alternate transportation, and individuals who live so far from any TWP activity as to be classified as remote (commuting time two (2) hours or more to the work activity - round trip). The case manager should stress to the participant by accepting the work stipend payment the participant agrees to bear the responsibility of providing transportation to the assigned components. The case manager and the participant should also devise a transportation back up plan for the participant. When both plans are determined ineffectual, the case manager must investigate and document in the participant's case record that every effort has been made to resolve the participant's transportation problem.
2. **Household emergency** - Any crisis that interferes with participation, such as, the death of a family member, or waiting for a plumber or electrician.

**NOTE:** Individuals who are employed must follow personnel procedures set by the employer. A participant assigned to an activity, other than employment, may be excused from participation up to five (5) days for each occurrence of death in the immediate family. The immediate family is defined as spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. Child means biological, adopted or foster child, or a child for whom the individual stands or stood in loco parentis.

3. **Temporary illness** - This includes illness of the participant or another household or family member requiring the presence of the individual (less than 30 days). If not clearly defined or the individual will be out for several days, medical information must be requested. The participant should request an exemption for long-term illness or disability.

**NOTE:** Individuals who are employed must follow personnel procedures set by the employer.

4. **Breakdown of child care arrangements** - This includes a breakdown or interruption in child care, as well as care that is not available or accessible to the parent. It also includes situations where the parent cannot arrange or pay for child care and the agency cannot provide it (for children over age 13). The State may not reduce or terminate assistance to a single custodial parent caring for a child under age six (6) for refusing to engage in work, if the parent demonstrates an inability to obtain needed child care. **NOTE:** Individuals who are employed must follow personnel procedures set by the employer.

5. **Circumstances beyond the control of the participant** - This includes individuals who miss appointments or fail to attend a work activity, or submit to a required drug test or treatment plan, as required because of:

- job interviews
- court appearances
- jury duty
- temporary incarceration\*
- military duty\*
- employment during the time the activity occurs
- inclement weather
- natural disaster
- no legal right to work in USA\* or
- participation would result in loss of a job

\* Although these are not exemption reasons, these circumstances could affect TANF eligibility.



**NOTE:** In situations where the case manager is not able to document the case record and the case manager supervisor and/or county director cannot make a determination, the county should contact the regional office for a good cause determination from the Field Operations Program Support Unit, if necessary.

6. **Net loss of income** - Accepting the job would result in a net loss of income for a [household. Net](#) loss is determined by assessing the total of earnings, SNAP benefits, and transitional services, less work-related expenses (transportation and child care not paid by MDHS). If the resulting amount is less than the current amount of TANF, SNAP benefits and supportive services good cause may be approved.
7. **Unreasonable work demands** - This includes:
  - Employment no longer available because of a labor dispute
  - Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs
  - Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule or work conditions were hazardous to health
  - Job pays less than minimum wage based on the number of hours actually worked
  - Job not within physical or mental capacity

The participant will be required to provide documentation of the above-listed circumstances to the case manager within his/her 10-day conciliation period if possible.

**NOTE:** Whenever possible, the CM should work with the participant and component provider to schedule “make-up” hours in order for the participant to meet the monthly participation requirements for the report month.

### **Drug and Alcohol Abuse**

Drug and alcohol abuse is a serious threat to an individual’s ability to stay employed and off public assistance. It is a critical barrier to a successful transition from welfare to work. An individual may receive an exemption from the TANF Work Program while undergoing drug or alcohol abuse treatment.

**NOTE:** Minor heads of households will be treated as adults for this policy.

**The substance abuse treatment period is countable in the 60-month time limit but is not countable in the 24-month time limit.**

At any time after application, reevaluation, or at the time the participants job status changes from exempt to mandatory (NE) or exempt volunteer (EV), the participant states that he/she has a substance abuse problem which would prevent job placement, employment retention or participation in any TWP activity, the case manager will send the notice of adverse action for a TWP sanction. If the participant has been referred to a JRT/EC, the **MDHS-TWP-364**, and supporting documentation must be provided to the case manager within three (3) working days.

Upon receipt of this report, the case manager must initiate the TWP sanctioning process.

- The case manager will add a conciliation record in JAWS using “**DA - drug abuse**,” as the conciliation reason
- JAWS will send the conciliation transaction to MAVERICS. JAWS **will not** send an appointment notice to the client
- Upon receipt of the conciliation referral from JAWS, MAVERICS will process the record and send a TANF case closure notice and a SNAP adverse action notice to the client

Good cause cannot be granted for this reason because of the previous opportunities given to claim this exemption and obtain treatment. If the conciliation reason is “**DA**,” JAWS **will not** allow the case manager to resolve the conciliation record or request an exemption (for any reason). If the conciliation record was added in error, the supervisor may resolve the record by using “**ER**” (the conciliation was added in error) or “**CN**” (cancel the conciliation because the record did not process or the sanction was removed in MAVERICS). The fair hearing process will be treated the same as the other fair hearing requests that are referred to MAVERICS.

An individual who has served his/her sanction period and is not seeking an exemption will be pulled to JAWS in a “**Re - received**” status. Regular Up Front Job Search policy and procedures for compliance will be followed (see Chapter 8, TWP Referrals - Received Status Referrals).

*Refer to Chapter 3, Drug Treatment, for the eligibility criteria and the policy and procedures for handling substance abuse exemption request.*

### **Voluntary Quit Provision**

An applicant or recipient who voluntarily quits a job or is terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual or voluntarily reduces his/her work hours for any job of 20 or more hours per week, without good cause, will become ineligible for TANF benefits.

*(Refer to Chapter 3, Voluntary Quit Provision, for additional information.)*

### **COMPLIANCE PRIOR TO CASE CLOSURE**

The participant has 10 days from the discovery date on the conciliation/adverse action notice to:

- Meet with the case manager and provide appropriate documentation for good cause determination and
- Comply with the TANF Work Program requirements

If good cause is not approved, the appropriate TWP penalty will be applied.

### **Resolving a Conciliation**

If good cause is approved, the participant may comply, during the 10-day conciliation period, by:

- Fully completing orientation or assessment
- Accepting employment of 25 or more hours per week earning at least minimum wage
- Being placed in a work activity
- Talking with the case manager and agreeing to participate or
- Registering for and submitting to a drug test, if required

For information about resolving a voluntary quit violation, refer to Chapter 3, Voluntary Quit Provision.

Although “**CA-Participant Agrees**” may be used as the conciliation result, the participant must come in and talk to the case manager and good cause must be approved by the case manager supervisor. Contacting the case manager by phone is not acceptable for compliance. Use of the “**CA**” code is one of several options that the case manager has for resolving a conciliation. The conciliation may also be resolved by having the participant fully complete an orientation/assessment appointment or placing the participant in an activity. “**CA**” was added as a resolution code because there may be times when the participant receives the conciliation appointment letter on the tenth day and the case manager must send a compliance to MAVERICS immediately in order to prevent a case closure. The case manager should use discretion when resolving a conciliation with “**CA**.” Whenever “**CA**” is used as a resolution code, documentation of the face-to-face interview with the participant must be documented on the PACR screen. If the participant cannot complete orientation/assessment at the time of the interview, the participant must be scheduled for the next available session. (Scheduling an appointment for two (2) or more weeks into the future is not acceptable.)

Once the conciliation resolution has been entered in JAWS, **T013, TANF Resolution to a Disagreement**, will be mailed to the participant. If the conciliation resolution fails or if the participant disagrees with the agency decision related to a denial of services or sanctions, he/she may request a fair hearing.

### **Establishing a Pattern of Non-Cooperation**

Whenever the participant fails to comply or participate satisfactorily the case manager must schedule a conciliation in JAWS to ensure accountability and to establish a pattern of non-cooperation. If the participant claims good cause but establishes a pattern of noncompliance (no more than three times), and the case manager does not feel that the participant is trying to comply or the participant’s actions do not demonstrate personal responsibility, a sanction will be applied.

The case manager must use good judgment and base his/her decision on TANF policy and work program requirements when determining good cause. The case manager may apply the sanction whenever he/she feels that the situation warrants one. If the case manager and case manager supervisor believe the participant should be sanctioned during the first conciliation, the sanction should be applied. However, written documentation (including all written and oral communication between the case manager and the participant) to support the action must be filed in the participant’s case record. The “establishing a pattern” policy should be used as a guideline to deter the creation of multiple (four, five, six...) conciliation records by the case manager which allow the participant to continue to make excuses for his/her non-cooperation.

If the participant is not sanctioned, the participant must complete the **MDHS-EA-359, Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer**. The purpose of form **MDHS-EA-359** is to provide documentation that TANF Work Program (TWP) rules and regulations have been explained to exempt volunteers prior to referral to the TWP and to TWP participants who have been scheduled for conciliation because of noncompliance, unsatisfactory participation or the lack of actions demonstrating personal responsibility, including failure to cooperate with drug testing policy, as required. Case managers must ensure that participants understand their personal responsibility to comply with and participate satisfactorily in TWP. Form **MDHS-EA-359** will serve as verification that the case manager explained TWP requirements and that the participant understands the penalty for failing, without good cause, to participate. If the participant fails, without good cause, to participate in any future TWP activities or meet drug testing requirements, if required, his/her TANF case will close with a timed penalty period.

#### **REQUESTING A CASE CLOSURE PRIOR TO CONCILIATION**

When a TANF recipient requests case closure, he/she must write a statement requesting the case be closed. The TANF recipient (nonexempt “NE,” exempt volunteer “EV” or convicted drug felon “CF”) may not request case closure to avoid a sanction when there is an outstanding TWP conciliation. It is critical that case managers set up conciliation records according to timeliness standards.

**Compliance - Although Sanction Not Applied (Manual Process)**

When a TANF case closes due to a program violation, the case must not be re-approved until the household is in compliance. Cases closed for specific program violations will be identified in MAVERICS by the closure reason. However, there will be times when the TANF case may already be in a FROZEN status when JAWS sends the non-compliance to MAVERICS. If the program status of the TANF case is RECEIVED, PENDED, CLOSED, DENIED or FROZEN, MAVERICS will ignore the conciliation. If the case closes for any reason other than non-compliance, MAVERICS will send a 'CL' code and the conciliation record will be closed in JAWS. This will require special handling at reapplication or during the FROZEN status because compliance with the violation must be verified before re-authorization or re-approval.

1. MAVERICS will send an alert to indicate that JAWS sent a conciliation. MAVERICS will “flag” the case but will not sanction the participant. If the participant who is “flagged” reapplies for TANF benefits, MAVERICS will alert the EW that the participant must comply with TWP.
2. The **MDHS-EA-319, TWP Conciliation Status Request**, will be used for communication between the intake eligibility worker and the case manager at reapplication and prior to re-approval for TANF benefits when the TANF case closes for another reason and MAVERICS ignores the conciliation. The form may be initiated by either the intake eligibility worker or case manager. The initiator of the form will prepare an original and one copy of the **MDHS-EA-319, TWP Conciliation Status Request**, sending the original to request or convey information and keeping a copy in the case record. The responder will complete the requested information and return the original form, also keep a copy for the case record. The form with associated material must be maintained in the TANF case record. Completed forms should be sent/mailed daily.

**NOTE:** The sanctioned individual must contact the eligibility staff before completing an orientation/assessment appointment with case management.

**NON-COMPLIANCE - SUBSTANCE ABUSE SCREENING/TESTING**

If results of the substance abuse screening questionnaire administered during the TANF application process indicate an adult in the assistance unit has a high likelihood of a substance abuse problem, the adult(s) will be required to submit to a random drug test. If the adult fails to complete requirements of substance abuse testing and treatment, the entire TANF household will be subject to a sanction. Non-compliance occurs when:

- the adult refuses to take a random drug test based on results of the questionnaire
- the adult fails to enter a treatment program if drug test results are positive
- the adult enters but fails to meet requirements of a treatment plan, including refusal to take a random drug test
- the adult tests positive for the unlawful use of a drug in a drug test required by and administered during the treatment plan or at the conclusion of the treatment plan

The following full benefit sanction will apply when non-compliance is determined:

**First Violation** - 3 months, beginning with the month following determination of noncompliance

**Second Violation** - if a second violation occurs within 12 months of the first violation, an additional 12 month sanction will be imposed.

**Example:** Mrs. Jones failed to submit to a required random drug test, and her household was disqualified for a three month period, March through May. In July, Mrs. Jones reapplied for TANF and submitted to the screening questionnaire. A high likelihood of a substance abuse problem was determined, and Mrs Jones cooperated in submitting to a random drug test. Results of the test were positive. However, Mrs. Jones failed to adhere to a treatment program, and the TANF case that had been approved in July was closed effective for September. Because this was the second violation within 12 months, the sanction period was imposed from September through the following August.

## Title 18: Human Services

### Part 13: Division of Field Operations

#### TANF POLICY



2. Keeping the county informed timely of any plan to leave the state in which he is receiving assistance or any changes in the income of the family if it meets or exceeds 185% of the need standard for the household size at the time of their current review period.
3. Repaying funds received during a period of ineligibility, or eligibility for a reduced TANF grant or supportive services, resulting from failure to report changes of circumstances, giving incorrect information, or for overpayments caused by agency errors.
4. Participating satisfactorily in the TANF Work Program, unless exempt.
5. Assigning to the State the right to child support collections and for cooperating with child support enforcement requirements, unless good cause is determined.
6. Ensuring that all TANF children are properly immunized and that TANF children attend school regularly as required under the State's compulsory school attendance laws.
7. Submitting to a substance abuse questionnaire. If results of the questionnaire indicate a high probability that a substance abuse problem exists for the TANF adult(s), the adult must be tested for unlawful drug use and enroll in a treatment plan if results of the drug test are positive.

## Strikers

Striking employees must establish that the assistance unit would have been eligible for assistance prior to the strike before approval of TANF benefits. Eligibility for TANF is based on pre-strike income. See *Chapter 6, Special Budgeting Procedures - Strikers*, for a full discussion of eligibility criteria for strikers.

## Not a Child of a Minor Mother in Foster Care Nor a Child Receiving Adoption Assistance

A child whose mother is a minor receiving foster care board payments (IV-E or CWS) from federal, state or local funds is not eligible for TANF benefits, nor is a child who receives adoption assistance payments from federal, state, or local funds. There is one exception, if the adoptive parents have an active TANF case for their own children and including the adoption assistance child's needs and income in the TANF budget would result in an increase of TANF benefits, the adoption assistance child can be considered eligible for TANF. Otherwise, consider the adoption assistance child as technically ineligible for the benefit program.

## Reporting Changes

All TANF households are considered Simplified Reporting households. These households are only required to report the following changes:

1. When the household's total monthly gross income, earned and unearned meets or exceeds 185% of the need standard for the household size at the time of their current review period. Disqualified household members will not be included in the household size when determining if the household meets or exceeds 185% of the need standard. This change must be reported by the 10<sup>th</sup> of the month following the month in which the change occurred. If the 10<sup>th</sup> day falls on a holiday or weekend, the client has until the close of business on the last working day prior to the 10<sup>th</sup> day to report the change.
2. When it becomes clear that a TANF child will be out of the home for more than 30 days. The parent/caretaker must report the child has left the home within 5 days.
3. When the head of household moves out of the state. This must be reported within 5 days.

**NOTE:** Individuals who are TANF Work Program or Transitional Transportation participants must verify time and attendance. ( See Chapter 9, Work Program Components)

## Substance Abuse Screening Questionnaire

Any adult included in the assistance unit will be subject to a questionnaire to determine if a reasonable likelihood exists that the adult has a substance abuse disorder. The questionnaire must be completed prior to approval of a new TANF application. Refusal of the adult to submit to the questionnaire will lead to denial of the TANF application. If results of the questionnaire indicate the likelihood that abuse of a controlled substance exists, the adult will take a drug test.

A positive drug test will require the adult to satisfactorily participate in a drug treatment program in order for the household to continue to receive TANF benefits.

## EXPLANATION OF TERMS

In the discussion in this chapter, a number of items require definition as to the meaning involved as these terms are used in the material. The terms and definitions are given below.

### Dependent Child

For TANF purposes, a dependent child is a child under the age of eighteen (18), regardless of marital status, who is living with a parent or other caretaker relative in a place of residence maintained as his or their own home.

### Emancipation

In certain situations, the court may grant an order of emancipation or relief of minority to remove the minor from parental care and to allow the minor to act on his own behalf as an adult. Also, when a child marries, he has in effect emancipated himself from the state of minority. An emancipated minor will not be considered a minor child unless he is living in the home of his parent or other specified relative.

### Home

Home is defined as the family setting maintained or in the process of being established by a parent or other adult within the specified degree of relationship who assumes responsibility for the child's welfare. Usually the child shares the same household with the relative. However, the requirement for "living with" and the definition of home are not confined to the occupation of the physical household by the child and relative provided there is a valid reason for the child or relative to be away and the absence will be temporary.

### Caretaker Relative

The caretaker relative is the individual who is within the specified degree of relationship of the child(ren) and who exercises control and supervision over the assistance child(ren). The caretaker relative is always the legal parent when the legal parent is in the home. The caretaker relative is the individual who signs the required agency forms and is responsible for reporting changes in the family's situation. Except for protective payment and emergency situations, the TANF benefit is issued in the name of the caretaker relative. This individual is also referred to as the grantee relative, PI or payee of the case, and may be a needy caretaker or a non-needy caretaker. Exception: See *Minor Parent*.

### **Needy Caretaker**

The needy caretaker is not synonymous with the caretaker relative because the caretaker relative may or may not qualify as a needy caretaker. If not a legal parent, a needy caretaker must meet the qualifications for a caretaker relative and must be financially needy in order to be included in the assistance budget. The needy caretaker may not be a recipient of SSI. If the non-parental caretaker relative does not meet the financial need tests, or does not wish to be included, the non-needy caretaker will not be included in the assistance budget and is coded OUT of the TANF case. This relative remains the caretaker (payee) and receives the TANF benefit for the assistance children. If the caretaker relative is a parent and receives SSI, the parent is coded SS for TANF participation, and should not be coded OUT of the case due to assistance unit policy.

### **Grantee Relative**

See Caretaker Relative above.

### **Eligible Recipient**

An eligible recipient in TANF is an individual qualifying for benefit and employment services. The number of adults who may be included as eligible recipients in a TANF budget is limited to those who qualify according to the definition of who must be included in the assistance unit (AU), i.e., the child's Non-SSI parent or parents when both are in the home or no more than one needy caretaker relative when the child does not live with a parent.

### **Payee**

This term is often used to refer to the parent/caretaker relative or the primary individual (PI) in MAVERICS, and is the individual in whose name the benefit is paid.

### **Emergency Payee**

The individual who provides temporary care and control for the child(ren) in emergency situations may receive the TANF benefit for the child as an emergency payee.

### **Protective Payee**

The protective payee accepts the responsibility for receiving and using, or overseeing the use of the TANF benefit. Protective payees are required when mismanagement of funds has been proven to be consistent and continued or the caretaker relative is incapable of adequately managing their business due to physical or mental incapacity. Refer to the AUTHORIZATION AND PAYMENT PROCESS for further discussion and to instructions for form **MDHS-EA-314, Agreement Between Department of Human Services and Protective Payee.**

### **Putative Father**

The term is used to describe the alleged father of a child for whom paternity has not been legally

established.

### **Acknowledgment of Paternity**

Paternity for a child born out of wedlock may be established for the TANF Program in one of the following ways:

1. Legal court proceedings which establish the paternity of the child and result in an order of affiliation.
2. Signing of the *ASAP* form - A Simple Acknowledgment of Paternity - which is a voluntary document that carries full legal weight once signed by the father and sixty days have passed. The putative father has sixty days from the day he signs the form to rescind the paternity acknowledgment.

**NOTE:** If paternity for the child was established using the *ASAP*, process the AP REL Code in MAVERICS would be PV.

3. Marriage of the mother and the putative father, provided the father acknowledges paternity privately and publicly and recognizes the child as his own by supporting him and providing him with care and supervision.

**NOTE:** The above method for establishing paternity meets the requirements as defined by the TANF program and should be used for determining the legal child/ father relationship for a father who is to be included in the assistance unit. For an absent parent, marriage of the mother and the putative father after the birth of the child alone does not meet the IV-D Child Support requirement for establishing legal paternity. In order for the father to be recognized as a legal parent, a *Legitimation-A* form must be processed after the marriage. Proper coding of the AP REL field in MAVS for these situations would be as follows:

NE - Marriage of mother and putative father after birth of child

PV - *Legitimation-A* form processed following marriage of mother and putative father after birth of child.

Once paternity for a child has been established by one of the methods described above, the putative father becomes the legal father of the child. The Child Support Enforcement Office will help the parent obtain a court order for support when appropriate.

### **Legal Responsibility**

#### Legal Parent

When the child is living in the home with two legal parents who under state statute are legally

responsible for his support, the child is not eligible for TANF even though financial need may exist in the home unless one parent is incapacitated, sentenced by the court to work without pay or qualifies as an unemployed parent.

In determining deprivation for TANF, the term legal parent means:

1. The father of a child born of a legal marriage. See below for the definition of a legal marriage. This applies even when the mother names someone else as the biological father of her child.
2. The father of a child born out of wedlock when the child's paternity has been legally established or who has met the requirement for paternity establishment as defined by the TANF program by marriage to the child's mother after birth of the child. See Acknowledgment of Paternity, #2.
3. The adoptive father or adoptive mother of the child who has been legally adopted through proper court action.
4. The mother of the child. The mother is always a legal parent of a child without regard to whether or not the child was born out of wedlock or born of a legal marriage. When the father's identity has not been legally established for a child born out of wedlock, the mother is the only legal parent of the child.

#### Individuals Not Legally Responsible

The following individuals are not legally liable for the support of a child under state statute and cannot be considered parents in establishing deprivation or seeking support.

1. A stepfather or stepmother. As an incentive for two-parent families, when a TANF PI marries on or after October 1, 1999, the income and resources of the newly married spouse are to be disregarded for six consecutive months. If the new spouse has income which causes the household's total income to exceed 185% of the need standard established at the last case review, the marriage is a reportable change. To be considered timely the marriage would have to be reported by the 10<sup>th</sup> of the month following the month in which the change occurred. If the 10<sup>th</sup> of the following month falls on a weekend or holiday, the report must be made by the last working day prior to the 10<sup>th</sup>. When the change is reported timely, the first month of the disregard period will begin with the first month the spouse can be added to the case. If the change is not reported timely, the first month of the 6-month disregard will be the month for which the spouse could have been added, if the change was reported timely. If the marriage does not meet the criteria of a reportable change, the first month of the 6-month disregard will be the first month the spouse can be added to the case following the report of the marriage whether the change is reported prior to or at the next reevaluation.. After the 6 month period ends, the income and resources with specified disregards must be considered in the determination of need for the spouse's children who are applying for or receiving TANF.

See *Chapter 3, Marriage Disregard*, pages 3104-3105.

See *Chapter 6, Stepparent Situations*, for the stepparent budgeting procedures.

2. A man or woman (not a parent or spouse) who lives in the home and maintains a marital relationship with the child's parent; or who maintains a continuing relationship with the child's parent outside the home.
3. A related adult, such as grandmother, grandfather, aunt, uncle, sister, brother, etc.
4. A putative father of the child when paternity has not been established, even if he lives in the home with the assistance family. Once paternity for the child has been legally established, the putative father becomes the legal father of the child for TANF eligibility.

### Legal Marriage

The two types of marital unions which are recognized in this state are statutory marriage and legal common-law marriage.

1. A marriage between individuals who were legally free to contract a marriage and one for which a license was secured and a ceremony performed by a licensed minister or designated officer for the State. The minister or officer should have completed the marriage certificate and returned it to the County Circuit Clerk for recording. Since there is legal presumption in favor of the validity of ceremonial marriage, the worker will establish a statutory ceremonial marriage as follows:
  - a. Ask the parent or other relative to show the marriage license or to tell in which county the marriage was performed.
  - b. Check the records in the Circuit Clerk's office for the recorded license.
  - c. If the marriage record is not found or the parent or other relative cannot produce the license, assist him/her to secure a statement from the minister or officer who performed the ceremony or the witnesses who attended the ceremony.
  - d. Ask the parent or other relative to describe the kind of ceremony which took place.

A statutory ceremonial marriage when established as described above will be recognized as a legal marriage unless there is a serious reason to doubt the validity of the marriage such as:

- § A previous husband is living in the community or is in touch with the county and states that he did not obtain a divorce from the mother prior to the present marriage.

- § Some other individual is in a position to know the marital history of the mother and the prior husband and raises a question as to the legality of the current marriage.
- § Records in the agency, such as a previous application by the individual or a former husband and some other individual, contain statements which raise questions of legality.

In these instances the county office must assist the parent in determining the status of the prior marriage in order to determine the status of the current marriage and of the children involved as to whether they are legal or illegitimate children.

2. A common-law marriage which was entered into prior to April 1, 1956, in Mississippi, is as legally binding as one established by a statutory ceremonial marriage provided:
  - a. Both parties were free to contract to marry. That is, any previous marriage had been terminated by death or divorce or the parties had never been married before.
  - a. The parties agreed to become husband and wife.
  - c. The parties lived and cohabitated together in Mississippi as man and wife, thus
  - d. openly proclaiming their marital relationship.

**NOTE:** Applicants who claim a common-law marriage status from another state must provide appropriate documentation in order for the legal marital status to be recognized.

### **Court Ordered Custody**

The fact that the court has granted custody of a child to someone other than the individual or agency giving care and supervision to the child does not:

1. Terminate the parent's responsibility for support of the child. Usually the court order includes a statement regarding the parent's responsibility for support.
2. Invalidate the TANF assistance unit requirements that the legal parent in the home be included in the budget as payee with a protective payee as appropriate.
3. Make a relative other than a parent financially responsible for the child.
4. Prevent another parent or relative from receiving TANF for the child.



**Joint Custody Cases**

When parents are granted joint custody of a child(ren), the worker will need to evaluate each situation to determine whether or not the requirements of continued absence and living with a caretaker relative are met.

Note that the child who is spending a portion of each month with each parent will not be continuously absent from either parent and that both parents will continue to exercise parental control. Also, note that children may be eligible with one parent when parental functioning of the other parent is terminated long enough for eligibility to be determined and that children may be temporarily separated from their usual caretaker relatives. The case record must be thoroughly documented to support such determination of absence.

**DRUG TESTING REQUIREMENTS FOR EXEMPT RECIPIENTS**

Effective July 1, 2014, MS State Legislation requires that any adult included in the TANF assistance unit is required to take a substance abuse screening questionnaire to determine the likelihood of a substance abuse problem prior to approval. If the results of the substance abuse screening questionnaire indicate a high probability of a substance abuse problem, the individual will be notified via the MAVERICS TANF Approval Notice – A101 that they have to submit to a drug test and procedures. The case worker will mail under separate cover the MDHS-EA-337 TANF Drug Testing Instructions and ePassport to the individual requiring a drug test.

The individuals will have 7 calendar days from the date of the TANF approval notice to report to the clinic for testing. The case worker will notify the individual of the test results via the MAVERICS Notice A315, Notification of Drug Test Results/Treatment Referral. If the result of the drug test is positive, the client will be required to enroll in a drug treatment program approved by the Mississippi Department of Mental Health within ten days of the notice of test results. Failure to return the verification within ten days, will result in TANF family sanction.

**NOTE:** The individual may contest the results of a positive drug test by taking an additional test at a facility meeting agency contract guidelines. In such cases, the client will be responsible for paying for the test. Additional testing must occur within 7 calendar days of the notice being sent with results of the original drug test. If results of the second test are negative, the individual will be reimbursed for the cost of the second test.

**Referral to Treatment**

Upon receipt of verification (copy of the treatment plan or MDHS-EA-338 completed by the treatment facility), the individual will be referred to the case manager for monitoring. The start date must be within a reasonable time, meaning the first available slot as verified by the treatment facility. The plan must include a start date and expected end date. A tickler must be set to alert the worker when the treatment is ending to refer the individual back to the eligibility worker. Failure to participate in the treatment plan at any point will mean a TANF family sanction.

The drug treatment program will last at least sixty days. During treatment, the adult must test negative on any random drug test administered, in addition to testing negative at the conclusion of treatment, in order to continue to remain eligible for TANF.

### **Sanction for Non-Compliance**

Failure of the TANF recipient to complete the requirements of drug testing and treatment will subject the entire TANF household to a sanction. Non-cooperation includes:

- The recipient's refusal to submit to a drug test based on the results of the questionnaire or completing a drug test
- The recipient's failure to enter a treatment program if drug test results are positive
  - The recipient's entering but failing to meet requirements of a treatment plan, including refusing to take a random drug test
- The recipient testing positive for the unlawful use of a drug in a drug test administered during the treatment plan or at the conclusion of the treatment plan

If non-compliance occurs, the household will be ineligible to receive TANF benefits for a period of 3 months after the date the household is determined to be ineligible. A 12 month sanction period must be served if a second non-compliance occurs within the same year. If a sanctioned individual becomes a member of another assistance household, the penalty will follow the sanctioned individual, making the new household ineligible for TANF for the length of the sanction period.

Whenever an adult fails to cooperate at any point in the drug testing/treatment process and the household serves the sanction period, the household may reapply for TANF and will be subject to established substance abuse screening procedures.

### **Transitional Services During Treatment**

If a TANF case closes due to excess earned income and the household becomes eligible for transitional services, persons enrolled in a drug treatment program must comply with treatment program requirements in order to receive or continue to receive transitional services.

### **Good Cause**

A recipient may claim good cause for not complying with drug testing requirements. The burden of proof lies with the recipient to demonstrate that compliance with program requirements was not possible due to circumstances beyond the recipient's control.

exemption should be claimed so the 12- month limit will not apply

The Medical Review process should be used to get an incapacity decision.

When the domestic violence work exemption is approved, the worker should set an alert or set the case review date to review the individual's work status timely. Individuals who are victims of domestic abuse should be encouraged to participate in the TWP as soon as possible following the abuse.

**NOTE:** Individuals eligible to claim the JV work exemption who choose to volunteer for work program services will not be excluded from adverse action policy and procedures and may be sanctioned for failure to attend or participate satisfactorily in assigned work activities without good cause.

## **DRUG TREATMENT**

### **TANF Recipients Approved Prior to 07-01-14**

Although Public Law 104-193 allows states to conduct drug screening as a condition of eligibility for assistance, Mississippi did not choose to implement this option. However, many employers require drug testing prior to employment. TWP participants who are referred to these employers must comply in order to be hired. Failure to pass a pre-employment drug screening or failure to retain a job because of a positive drug test will be considered failure to comply with TWP requirements.

In order to make sure the individual understands the drug abuse requirements and has the opportunity to seek treatment, the worker must inform all TANF applicants, TANF recipients and individuals exempt (JJ and JV) from the TWP prior to referral to the TWP as an exempt volunteer about the specific provisions of the drug/substance abuse treatment exemption and the potential penalties if the individual fails to request an exemption and is later found in noncompliance due to a substance abuse problem.

This exemption can be requested only at the time of application, reevaluation, or at the time the individual's participation status changes from exempt to mandatory (NE) or exempt volunteer (EV). It may not be claimed as a means of avoiding TWP participation or sanction once a referral has been made to the case manager, or when referred to an employer who requires a drug test prior to employment. Failure to request this exemption in advance of the potential failure to participate or to obtain employment because of a substance abuse problem will prohibit the granting of this exemption. Any failure to participate in TWP because of a substance abuse

problem after the opportunity to request the treatment exemption has been declined will mean a TANF work sanction and corresponding food stamp SNAP sanction.

During the TANF application interview and at each regular reevaluation interview, the TANF work exemptions must be explained and the **MDHS-EA-336, TANF Work Program Substance Abuse Treatment Agreement**, must be signed by the non-exempt ~~applicant~~/recipient attesting to his/her understanding of the substance abuse exemption requirement. Each nonexempt adult must sign the TANF Work Program Substance Abuse Treatment Agreement, including a minor head of household. The original signed form will ~~be filed in the case record with the corresponding MDHS-EA-900~~ scanned to the TANF Temp folder in Worksite and a copy given to the individual. Any individual who is exempt from the TWP for another reason will not be required to sign the Agreement until the work status changes to a mandatory (NE) or an exempt volunteer (EV) referral. However, the individual may choose to claim this exemption instead of another exemption for which he/she is qualified if substance abuse treatment is needed.

If the referral to the TWP occurs at a time other than a regular case review, the Agreement may be completed at the orientation appointment. The worker will be responsible for coordinating this arrangement with the case manager to assure that the Agreement is signed prior to beginning participation in the TANF Work Program.

### **Requesting an Exemption**

When the TANF ~~applicant~~ or recipient requests an exemption to obtain treatment for substance abuse and the **MDHS-EA-336** has been signed, the worker will provide forms **MDHS-EA-336A**, Substance Abuse Treatment Recommendation, and **MDHS-EA-336B** Substance Abuse Treatment Plan to the individual requesting the exemption. In order to insure compliance with the Health Insurance Portability and Accountability Act of 1996, the client is to be given a **MDHS-EA-933**, Notice of Privacy Practices. Signatures should be obtained on a **MDHS-EA-902**, HIPAA Authorization for Release of Information and a **MDHS-EA-903**, HIPAA Authorization for Release of Information by the Mississippi Department of Human Services. The **MDHS-EA-336A** and **MDHS-EA-336B** must be completed by the primary care provider (PCP) or Mental Health Office. The Worker will complete the recipient's identifying information and get the individual's signature on the forms authorizing the release of information by the service provider. The worker will also complete the **MDHS-EA-332**, Report of Social Information, taking care to record the individual's statements about his substance abuse problem and how this limits his/her ability to work or care for his family. A copy of the **MDHS-EA-332** should be attached to the **MDHS-EA-336A**. The recommended

plan and social information are not submitted for Medical Review approval unless the exemption request later becomes a request for an incapacity determination.

It is the responsibility of the individual requesting exemption to make an appointment with his/her primary care provider to discuss his substance abuse problem and develop a treatment plan for rehabilitation. The PCP may refer the individual to the local Mental Health Office or other treatment facility or may determine that no treatment is necessary at that point. The recipient must return the completed recommendation to the county office within 10 days.

The **MDHS-EA-336A** and **336B** are not payment authorization forms to the provider. The Agency will not pay for treatment or examination for substance abuse work exemption purposes. It is the individual's responsibility to provide adequate verification. The provider may use the forms provided by the Agency or any other recognizable documents to provide verification of the treatment recommendation and/or plan.

If the participant's physician or mental health provider does not recommend treatment, the individual will be required to participate in the TWP. Subsequent failure to participate in an assigned work activity because of substance abuse problems or failure to be hired for a job because of a positive drug test should be considered refusal to participate and the individual will be subject to TWP sanction.

If a treatment/rehabilitation plan is recommended, the plan must be verified. The **MDHS-EA-336B, Substance Abuse Treatment Plan**, will be provided to the individual with the **MDHS-EA-336A** to be completed by the treatment provider. The start date must be within a reasonable time, meaning the first available slot as verified by the PCP or Mental Health Office. The plan must include a start date and expected end date. A tickler must be set to alert the worker when the individual should be referred to the case manager. Failure to participate in the treatment/rehabilitation plan will mean a notice of adverse action and sanction at any point during the proposed treatment plan. The individual will have the opportunity to provide medical evidence to document satisfactory progress by medical or mental health records to resolve any interruptions (not to exceed one week) in active participation in the treatment/rehabilitation plan.

Family and Children's Services may need to become involved with the family in need of treatment to assure protection and adequate care for the children when family resources for care are inadequate or questionable. EA staff should make referrals as seems appropriate for the prevention of child abuse or neglect when there appears to be a reason for concern. Continued eligibility for assistance will follow ongoing policy regarding temporary absence from the home for the purpose of medical treatment.

### **When Treatment Ends**

At the end of the satisfactory completion of the substance abuse treatment period, the individual will be referred to the case manager unless there is proof of eligibility for another work exemption. Treatment programs are generally limited to no more than 60 or 90 days, but may be shorter or longer based on the individual's circumstances as documented by the service provider.

The individual may be given more than one exemption period to participate in a substance abuse treatment/rehab program, but must make the request at application, reevaluation, or change to non-exempt status. However, voluntarily quitting the treatment plan without the doctor's or Mental Health Office's approval will cause a work penalty to be imposed. Changes in treatment plans require a new **MDHS-EA-336A** or verification from the PCP or Mental Health Office.

### **Form Maintenance**

The **MDHS-EA-336**, **336A**, **336B** and **332** will be retained in the case record with the corresponding **MDHS-EA-900**. The county will make the exemption determination based on the recommendation for treatment when the individual follows the recommended treatment plan. If a request for work exemption based on incapacity is submitted later for a Medical Review decision, include all prior **MDHS-EA-336A**, **336B** and **332** forms with the new medical and social reports when the request is submitted to the Division of Economic Assistance.

### **Initiating a Sanction**

If an individual receives an exemption for Drug Abuse Treatment (JD) but fails to participate in a treatment program as advised by his/her physician or mental health provider, or voluntarily quits the treatment plan without the doctor's or Mental Health Office's approval, he/she will be sanctioned. The worker will change the individual's JOBS/TANF Program Status code to DV (Drug Violator). MAVERICS will refer the individual to JAWS overnight, and JAWS will create an immediate conciliation record of DA (Drug Abuse). The conciliation will be sent back to MAVERICS the next night. The worker should not allow an exemption request from the individual if the conciliation reason is DA. The fair hearing process is the same as any other fair hearing request, if made by the individual.

In order to receive TANF again after this sanction has been imposed, the individual must serve the penalty period and then may reestablish eligibility by meeting all program requirements and either participating satisfactorily in TWP or requesting further exemption at the time of reapplication. Subsequent failure to participate in TWP for this reason after reapproval for TANF will mean another work sanction.

An individual who has served his/her sanction period and is not seeking an exemption at reapplication will be referred to the TWP in RE status. Regular policy and procedures for compliance will be followed from this point.

### **TANF Approvals/Applications Taken On or After 07-01-14**

Effective July 1, 2014, Mississippi law requires all adults included in the TANF assistance unit to take a screening questionnaire to determine the likelihood of a substance abuse problem at the time of a new TANF application. If results of the questionnaire indicate the adult has a high probability of a substance abuse problem, MAVERICS notice A101, TANF Approval, will be used to inform the household of the results. Along with the A101, the household must receive in a separate mailing the MDHS-EA-337, Drug Testing Instruction Notice, along with an “ePassport” referral form. This information packet will provide the household information on contacting the nearest testing facility for purposes of submitting to a drug test.

The individual will have 7 calendar days from the date of the TANF approval notice to report to the facility for drug testing. The case worker will notify the individual of the test results via MAVERICS notice A315, Notification of Drug Test Results/Treatment Referral. If results of the test are positive, the client will be required to enter a drug treatment program approved by the Mississippi Department of Mental Health within ten days of the notice of the test results. Failure to return verification of the treatment plan within ten days will result in a TANF family sanction.

**NOTE:** The client may contest the results of a positive drug test by taking an additional test at a facility meeting agency contract guidelines. In such cases, the client will be responsible for paying for the test. Additional testing must occur within 7 calendar days of the notice being sent with results of the original drug test. If results of the second test are negative, the client will be reimbursed for the cost of the second test.

### **Drug Treatment Referral**

Upon receipt of verification of drug treatment enrollment (copy of treatment plan or form MDHS-EA-338 completed by the treatment facility), the individual will be referred to the case manager for monitoring. The start date must be within a reasonable time, meaning the first available slot as verified by the treatment facility. The plan must include a start date and expected end date. A tickler must be set to alert the worker when treatment is ending to refer the individual back to the eligibility worker. Failure to participate in a treatment program at any point will mean a TANF family sanction.



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Drug treatment programs will last at least sixty (60) days. During treatment, the adult must test negative on any random test administered, in addition to testing negative at the conclusion of treatment, in order to continue to remain eligible for TANF.

### **Sanction for Non-Compliance**

Failure of the TANF client to complete the requirements of drug testing and treatment will subject the entire TANF household to a sanction. Non-cooperation includes:

- the client's refusal to submit to a drug test based on results of the questionnaire
- the client's failure to enter a treatment program if drug test results are positive
- the client entering but failing to meet requirements of a treatment plan, including refusing to take a drug test
- the client testing positive for the unlawful use of a drug in a drug test required by and administered during the treatment plan or at the conclusion of the treatment plan

If non-compliance occurs, the household will be ineligible to receive TANF benefits for a period of 3 months after the date the household is determined to be ineligible. A 12 month sanction period must be served if a second non-compliance occurs within the same year. If a sanctioned individual becomes a member of another assistance household, the penalty will follow the sanctioned individual, making the new household ineligible for TANF for the length of the sanction period.

Whenever an adult fails to cooperate at any point during the drug testing/treatment process and the household serves the sanction period, the household may reapply for TANF and will be subject to established substance abuse screening procedures.

### **Transitional Services During Treatment**

If a TANF case closes due to excess earned income and the household becomes eligible for transitional services, persons enrolled in a drug treatment program must comply with treatment program requirements in order to receive or continue to receive transitional services.

### **Good Cause**

A client may claim good cause for not complying with drug screening/testing requirements. The burden of proof lies with the client to demonstrate that compliance with program requirements was not possible due to circumstances beyond the client's control.

Refer to Chapter 11, Drug and Alcohol Abuse, for additional information.

## REFERABLE TANF APPLICANTS

All adult TANF applicants who do not meet an exemption from work requirements will be required to participate, cooperate and comply with job search activities during the 30-day TANF application processing period.

All adult TANF applicants who have been determined to be incapacitated or who report they are unable to work will be required to apply for vocational rehabilitation (VR) services and complete the VR intake process during the 30-day TANF application processing period.

### Registration

The process for receiving and registering a TANF application has not changed. The Economic Assistance clerk will continue to register the TANF application and schedule a TANF interview appointment within 10 days. At the time of registration, the clerk will inform the applicant about up-front job search (UJS) and vocational rehabilitation (VR) requirements provide a copy of the TANF Up-Front Job Search Informational Sheet (MDHS-EA-303B) and document page one of the MDHS-EA-900 accordingly. The MDHS-EA-303B provides explanations, expectations and requirements for UJS/VR, and informs the applicant that the TANF interview and TWP intake process may take about three hours to complete. The applicant should be encouraged, at that time, to make arrangements for child care for the appointment time period. All nonexempt applicants will be referred to JAWS by an online referral for UJS/VR.

### Scheduling Intake Appointments (EW)

The Economic Assistance clerk will register the TANF application and schedule an EW intake appointment within ten days. In counties where the clerk manually schedules appointments, the ~~MDHS EA 940, Notice of Appointment for Determination of Eligibility, A906, Appointment Notice~~ will be used to notify the individual of the appointment date and time. ~~Counties using the automated process will use the A906, Appointment Notice.~~

Applicants who fail to keep this appointment will have their TANF application denied via the A201, Denial-Application Withdrawn. This includes applications for non-needy caretaker relatives (ANI-adult not included).

## TANF Interview

During the TANF interview, the eligibility worker will identify all referable adults. All nonexempt adults whose relationship code on SSDO is PI, SP or LP and the TANF participation code is IN, DF or DI (except adults whose citizenship code is IA-ineligible alien) will be referred to TWP and required to comply with UJS/VR activities prior to TANF approval. This includes AI-adult included, AO-adult only and ANI-adult not included if the adult's TANF participation code is DF or DI (except IA-ineligible aliens.) The eligibility worker will use MDHS-EA-303C, TANF Up-Front Job Search Checklist, or the MDHS-EA-303D, TANF Vocational Rehabilitation Checklist, whichever is appropriate, to provide detailed explanations to all nonexempt adults regarding UJS/VR requirements.

A TANF applicant requesting a TWP exemption which is not obvious and cannot be verified at the TANF interview will be given an A301-TANF Pending Application or A905-TANF Request for Information, whichever is applicable, to verify the exemption. The applicant will also be referred to TWP and required to comply with UJS while verification for the exemption is pending. Once the exemption is verified and approved the applicant will not be required to complete the UJS requirements unless the exemption requested is for JB-incapacity. A TANF applicant requesting the JB exemption will be given (in addition to the A301) a MDHS-EA-331, Report of Medical Examination and MDHS-EA-330, TANF Request for Medical Information, or MDHS-EA-333, TANF Request to Cooperating Medical Facilities for Information, whichever is applicable, to be completed by the attending physician and returned within the 10-day period. The eligibility worker must set an alert/tickler to handle the application the day following the tenth day. Based on case circumstances, the application will be handled according to the following guidelines.

1. If the applicant returns the completed MDHS-EA-331, along with any other pertinent medical information, within 10 days, the worker will enter the "VR" code on the JOBS screen in MAVERICS and process the AFD screen to allow the case to be "pulled" into JAWS and submit the appropriate paperwork to the Medical Review Team.
2. If the applicant fails to return the completed MDHS-EA-331 timely or contact the worker to verify good cause, the eligibility worker will deny the TANF application after the 10-day period.
3. If the applicant contacts the worker and provides written documentation (verification of the doctor's appointment date and time, etc.) to substantiate that a good faith effort has been made to comply with the 10-day request for information, and verifies that the MDHS-EA-331 cannot be completed timely, the eligibility worker may hold the application up to 30

days (dependent upon case circumstances) before taking action to deny or approve the TANF application.

Example: If written documentation substantiates good cause and verifies the MDHS-EA-331 cannot be provided within the 30-day application processing period (appointment to see the doctor is beyond the 30-day limit), the worker will go ahead and approve the application with the “JL” code, if all other eligibility criteria are met (doctor statement or obvious exemption with supervisor’s approval.) The worker must set a tickler to change the “JL” code to “NE” (medical documentation not provided) or “VR” (medical documentation provided and Medical Review decision is pending) effective for the next month. If the TWP (JOBS) Program Status Code is “NE”, the individual will be required to participate in TWP. If the TWP (JOBS) Program Status Code is “VR”, the individual will be referred to OVR and required to comply with VR requirements.

Example: If written documentation verifies the MDHS-EA-331 can be completed within the 30-day application processing period, the worker will hold the application up to 30 days. If the MDHS-EA-331 is provided within the 30-day period but there is not enough time for the applicant to complete the TWP and VR intake processes, the eligibility worker will approve the case with the “VR” code and submit a request for a Medical Review decision.

Example: If written documentation substantiates good cause and verifies the MDHS-EA-331 cannot be completed within 30 days and the client fails to provide a medical statement or has no obvious exemption, the worker will enter a “NE” code on the JOBS screen and work the case if all other eligibility criteria are met.

4. If the Medical Review Team grants an exemption from TWP work requirements and OVR determines the individual is not eligible for vocational rehabilitation services, change the TWP (JOBS) Program Status code to “JB- Incapacity” granting an exemption from TWP and VR requirements.

If a nonexempt (NE, EV, WL, WP, WH, VR and SM) TANF applicant informs the case manager during the TWP intake process that he/she is unable to work, the case manager will review the case record to determine if the eligibility worker reviewed the individual’s medical documentation and denied the request for a medical exemption. If the case record does not indicate the possible medical exemption was considered by the eligibility worker, the case manager will refer the applicant back to the eligibility worker in person. In situations where the client requested the medical exemption and the eligibility worker denied the exemption, the client will be required to continue with the UJS/VR process. The eligibility worker is responsible for approving an exemption (JL or JB) from UJS/VR requirements.

When an individual who is referred back to the eligibility worker and does not have the required medical documentation, the eligibility worker will give the applicant a 10-day request for information, along with a MDHS-EA-331 and MDHS-EA-330 or MDHS-EA-333, which must be completed by the attending physician and returned timely. In this situation, the worker will handle the application, within the 30-day processing period, according to the above policy. If the applicant provides the required medical documentation, the eligibility will change the TWP (JOBS) Program Status code to “VR” and work back through the AFPD screen to refer the applicant back to JAWS (overnight). In this situation, the case manager must work closely with the VR counselor and eligibility worker to comply with timeliness standards.

The nonexempt referable TWP (JOBS) program status codes are NE, EV, WL, WP, WH, SM and VR. The “VR-vocational rehabilitation” code will identify TANF applicants who are referable to the Mississippi Department of Rehabilitation Services, Office of Vocational Rehabilitation.

~~Applicants~~ The adult of a child only cases whose TANF participation code is OU or SS and applicants who ~~meet a work program~~ qualify for an exemption (verification provided) from TANF work requirements ~~whose TWP (JOBS) Program status~~ (coded is “J\*2”), will not be required to comply with UJS or VR activities. These applications will be handled according to regular processing procedures. The eligibility worker will use the JOBS screen in MAVERICS to code adults for referral. After the worker processes the AFPD screen, MAVERICS will create a UJS file for each referable adult. MAVERICS will create the UJS file in real time, i.e., the case manager (JAWS) will have immediate, real time access to the file.

When the AFPD screen is initially processed, all referable TANF applicant cases will be in REceived status. The REceived status will update to PEnded status if the AFPD screen is processed with pended information. The TANF case status and date will be updated to OPen at approval. MAVERICS will not create a UJS file if the applicant fails eligibility on the AFPD screen. The status of the UJS process will display on the CAP2 screen in MAVERICS after the eligibility worker successfully processes the AFPD screen. The UJS status will be referral created, JAWS in Progress, Complied, denied MAVS or Denied JAWS.

When it is determined an applicant is referable, the eligibility worker will schedule a TWP intake appointment with case management within three days. The eligibility worker will put MAVERICS Notice A923 to history for documentation purposes. A screen print copy of the A923 will be provided to the individual as notification of the appointment date and time. The referral, along with the appointment date and time, will be entered on MDHS-EA-319A, Work Program Referral Log, which will be forwarded to the case manager supervisor daily. The case manager supervisor will use MDHS-EA-319A to make case manager assignments. In counties

where the eligibility worker and case manager are the same the MDHS-EA-319A will not be necessary. The case manager will “pull” the case in JAWS and add the TWP intake appointment.

**NOTE:** If MAVERICS is not available during the interview process, the eligibility worker may use MDHS-EA-355 (T001), TWP Intake Appointment Letter, in lieu of the A923, to schedule the TWP intake appointment. MDHS-EA-355 is a manual version of the JAWS automated notice (T001) and should only be used if MAVERICS is not available, not on a routine basis.

### Referral to JAWS

The TANF applicant’s participation code must be IN, DF or DI (except for IA-ineligible aliens) to refer adult and child case information to JAWS. The nonexempt applicant’s TWP (JOBS) Program Status must be one of the following:

NE - nonexempt	WL - working less than 20 hours
EV - exempt volunteer	WP - working 20 to 34 hours
SM - spouse mandatory	WH - working 35 or more hours
VR - vocational rehabilitationCF - drug violator	CF - convicted drug felon or fleeing felon DV

Applicants whose TANF participation code is “OU,” “SS” or “DI” (if the citizenship code is IA-ineligible alien) will not be referred to JAWS. Refer to Handling Unresolved TWP and Child Support Sanctions below for additional information regarding the DI code.

In small counties, TANF applicants may be referred to case management the same day as the TANF interview. In large counties, TANF applicants may be given an appointment to meet with case management. In either situation, the case manager supervisor will use the MDHS-EA-319A to manually assign TANF cases to the case manager(s). When a manual referral is received, the case manager will access the PUCA screen in JAWS to “pull” the referred client. Once the client is “pulled,” the client’s information will display on the ICLI screen and assign the client to the case manager’s caseload. The case manager will then schedule a TWP intake appointment in JAWS for the date and time listed on the MDHS-EA-319A. TWP intake appointments cannot be rescheduled beyond three days from the initial appointment date. Refer to Chapter 8, Referral to the TANF Work Program, for further information.

### Handling Unresolved TWP and Child Support Sanctions

Nonexempt TANF applicants who have an unresolved TWP or child support sanction are not

exempt from UJS/VR requirements. These individuals must have a participation code of “DI” for the application month in order for the individual to be referred to JAWS. Once the individual successfully completes the TWP intake process and UJS/VR requirements, JAWS will notify MAVERICS that the application may be approved. The worker **must** change the benefit start date to the first day of the month following the month of compliance and approve the application. (A change in the Food Stamp start date will be dependent upon the situation, refer to Volume V.) If the applicant had a child support sanction that remains unresolved, the application will be denied. If the child support sanction has been resolved, approve the application, if otherwise eligible.

### **Notification of Cooperation**

When it is determined that an applicant has fully completed the UJS/VR requirements, the case manager will code the MUJS screen accordingly. JAWS will interface with MAVERICS through the nightly batch process. MAVERICS will code the A USP screen and send an alert to the TWP Alerts Due Today or Overdue (TWAD) screen informing the worker to process the application. The eligibility worker will process the application according to the code displayed on A USP. The MAVERICS system will not allow the eligibility worker to approve the application if a code other than FC-fully complete, DC-discontinue client or NR-not required is received from JAWS. All TANF eligibility criteria must be met before a TANF application can be approved. If a denial code is received, MAVERICS will automatically deny the application based on the denial code received from JAWS and notify the applicant via MAVERICS Notice X710. MAVERICS will generate an alert to the eligibility worker that the application has been denied. Refer to Chapter 8, for additional information.

### **Non Compliance With UJS/VR Requirements**

At any point in the application processing period the applicant fails to comply with any requirements or assignments, e.g., misses a TANF appointment (eligibility intake), fails to provide requested information for eligibility, fails to keep the TWP intake appointment, fails to cooperate or fully complete UJS/VR assignments, etc., the application will be denied. The eligibility worker may deny the application at any point. When an application is denied in MAVERICS after the UJS process has started, MAVERICS will interface with JAWS through the nightly batch process and deny the case in JAWS. Applications for non referable adults must be held for the 30-day processing period before denying the application.

An individual may reapply for TANF at any time. If an individual reapplies the same day a TANF application is denied, the clerk will hold the application until the next day and then register the TANF application for the application date entered on the MDHS-EA-900.



### **Earned Income Disregards**

Applicants who find new employment any time after the UJS requirements have been explained (beginning with receipt of the MDHS-EA-303B and documentation of the MDHS-EA-900 or completion of the MDHS-EA-303C/MDHS-EA-303D) and the new income will cause the application to be denied will be entitled to the three-month earned income disregard (3D,) if otherwise eligible. The eligibility worker will discuss the eligibility criteria for receiving the disregard and its impact on the 60-month counter. Nonexempt applicants and exempt volunteers who are eligible for the earned income disregard will be referred to TWP and required to participate in the TANF Work Program. TWP participants whose TANF cases close because of earned income or loss of the earned income disregard may be eligible for transitional supportive services (child care, transportation, job retention bonus payments,) if all eligibility criteria are met. Applicants who are exempt from TWP requirements will not be eligible for TANF transitional services after their cases close due to earned income or loss of the three-month disregard. Refer to Chapter 6, for additional information.

### **REFERABLE TANF RECIPIENTS**

All adults TANF recipients who are not specifically exempt must be referred for work activities, including:

- Individuals who are receiving unemployment benefits
- Individuals who are working, whether part-time or full-time
- Teen head of household under age 20, once the child is 12 weeks of age
- VISTA volunteers and other volunteers participating in activities under the National Community Service Trust Act of 1993, such as AmeriCorps
- Individuals otherwise exempt as caretaker of a child under 12 months of age (JJ) or as a victim of domestic violence (JV) who wish to volunteer (EV)
- Individuals otherwise exempt (JB, JC, JF, JL and JD) who voluntarily waive their exemption and become non exempt (NE)
- Minor dependent with a child of his/her own who needs supportive services to remain in school.
- Both parents in two-parent families, unless one is caring for a severely disabled child, other household member, child under 12 months or in their third trimester of pregnancy
- Parent or needy caretaker whose youngest child is over the age of 12 months
- Individuals who have been determined to be incapacitated (eligible for the “JB” code) or who report they are unable to work
- DF - drug/fleeing felons or fraud and DI disqualified for enumeration or failure to report a child not in the home



### Referral of Working Individuals

Employment is not an exemption from the TANF Work Program. Employed individuals who do not meet another work exemption reason must be referred to the TWP. Those individuals whose work hours do not meet TWP participation requirements will be assigned to a countable work activity for sufficient hours to meet the work requirement.

**NOTE: Prior to TANF case closure**, the worker must ensure exempt individuals (JJ or JV), who are employed, are given the opportunity to be referred to the TANF Work Program as an exempt volunteer “EV”. The worker will explain to the exempt individual that a referral to the TWP will allow an application for retention bonus payments and/or supportive services (transitional child care, transitional transportation) to be processed. If the individual wishes to be referred to TWP, the worker must complete MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer, prior to making the referral. (Refer to Chapter 3, Volunteers, for additional information.)

Individuals working less than 20 hours weekly have a TWP referral code of “**WL**”; those working 20-34 hours weekly are coded “**WP**”; individuals working 35 or more hours weekly are coded “**WH**”. MAVERICS monitors the monthly hours worked on EAIN and compares the average hours to the referral code on the JOBS screen.

MAVERICS will display a warning message on the AFPD screen when the number of hours worked does not match the work program code displaying on the JOBS screen.

Termination of employment and receipt of unemployment benefits requires that the “W” code be changed to NE. Receipt of unemployment benefits does not exempt the participant from the TWP.

### Referral of Incapacitated Adults

Ongoing TANF recipients whose TWP (JOBS) Program Status code is “JB-incapacitated” will be changed to “VR”, on the JOBS screen in MAVERICS, at the next regularly scheduled redetermination appointment, if they remain eligible for the exemption. These recipients will be referred to JAWS on the last day of the month prior to the effective month of the code change to

“VR.” Incapacitated adults who have previously been determined ineligible for Vocational Rehabilitation services will not be referred back to the TANF Work Program. The “JB” exemption code for these adults will continue if they are otherwise eligible. A TANF recipient whose “JB” code has expired or who reports an inability to work and a medical review

determination is pending cannot be referred to the TANF Work Program until the appropriate medical documentation is provided. The eligibility worker will follow the same guidelines provided for TANF applicants to request medical documentation for submission to the Medical Review Team and case management. Cases for which the MDHS-EA-331 is not provided prior to the deadline for completing the redetermination will be handled according to the same guidelines provided for TANF applicants. Refer to Referable TANF Applicants, TANF Interview, for additional information. If the individual is determined to be ineligible for vocational rehabilitation services, the case manager will refer the individual back to the eligibility worker. The eligibility worker will change the individual's TWP (JOBS) Program Status code to the appropriate code and handle the case accordingly.

### **Teen Parents**

Teen parents must stay in school until high school graduation or completion of a GED to prepare themselves for employment and self-sufficiency. "Teen parent" is defined as any PI who is under the age of 20. A teen head of household who maintains satisfactory school attendance for the month or participates in education directly related to employment for at least 25 hours per week meets the work participation requirement.

The teen head of household does not fall under regular TANF school attendance requirements. Such a teen parent who has not finished high school or completed a GED is not allowed to claim the JJ caretaker exemption for a child under 12 months of age. The teen may only claim the JJ exemption until the baby is 12 weeks of age, and then becomes a mandatory participant (NE). The case manager will assign the teen parent to an educational component, such as high school, GED program approved by the Department of Education, vocational course, technical school, or adult education program.

Teens referred to the work program will be monitored and tracked by case management and will be sanctioned for failure to participate satisfactorily. Supportive services are available to the teen parent.

A minor parent, defined as under the age of 18 who is a dependent in a TANF case rather than head of their own case is subject to regular TANF school attendance policy. If the minor dependent parent needs supportive services in order to remain in school, she/he may be referred to the TANF Work Program as a volunteer.

### **Volunteers**

Certain exempt individuals may choose to volunteer for the TANF Work Program. Only the

individuals in the following categories will be accepted as volunteers.

- An individual caring for a child under 12 months of age, otherwise exempt under the JJ code.
- An individual who is a victim of domestic violence, otherwise eligible to claim the JV exemption.

Individuals in an exempt category (JJ or JV) who wish to volunteer will be coded “EV - Exempt Volunteer” for referral to the TANF Work Program. Volunteers are not using months in their 24 or 12-month time limits. Penalties for noncompliance, without good cause, with the TWP will apply to volunteers. Failure to attend or participate satisfactorily, without good cause, may result in a TANF sanction and a corresponding food stamp sanction. Prior to referral to the TWP as an “EV”, the participant must sign MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer, to document the individual’s case record that TWP rules and regulations were explained and to acknowledge his/her understanding of TWP requirements and adverse action policy and regulations.

A volunteer who would no longer be eligible for the JJ or JV exemption must be changed to NE as a mandatory participant which may cause the 24-month time limit count to increment. For example, a volunteer with a child under 12 months of age would become mandatory the month after the child’s first birthday.

- A minor parent who is not head of household (JI, as a dependent under age 18) and who is attending school but needs child care to remain in school

An individual in the above category is subject to TANF school attendance requirements but may be referred to the TANF Work Program as a “MV - Minor Volunteer” in order to receive supportive services to remain in school. A minor dependent who fails to attend school satisfactorily will be sanctioned under school attendance policy, not TWP. The minor parent’s TWP code should be changed back to JI and the appropriate penalty applied. Refer to Chapter 3, School Attendance Requirements.

- § The TANF recipient’s spouse whose presence in the case is disregarded for six months due to application of the Marriage Disregard.

**NOTE:** An individual in this category will be referred to the TWP manually. The case manager will handle this individual manually because he/she is not actually in the JAWS system. Refer to Chapter 8, Volunteers, for more information.

### Mississippi Band of Choctaw Indians

MDHS has entered into an agreement with the Mississippi Band of Choctaw Indians which allows the Tribe to operate a separate TANF Work Program for their TANF eligible members in seven Mississippi counties. Choctaws in these counties applying for assistance and referable to the TANF Work Program must be served by the Tribal TANF Program rather than Economic Assistance TWP. The counties involved in this program are: Jones, Kemper, Leake, Neshoba, Newton, Scott and Winston. Choctaw Indians in all other counties are regular TWP referrals and for them to be counted in TWP participation, the Choctaw indicator must be changed to “N.” NOTE: Choctaw Indians residing a non Choctaw county who are coded “N” will not be listed on the Active Choctaw Indians Report, but other household members who are coded “Y” will be listed. This report is used to identify and handle TANF cases that receive distribution payments from the Mississippi Band of Choctaw Indians.

### EXPLANATIONS

It is extremely important that the intake worker explain basic work program requirements so that the individual will know what to expect when he/she attends orientation. The Worker must tell the individual that the number of hours required for participation in the TWP will be based on the work activity placement. The Worker should not explain the minimum hours required for participation rate calculation.

### REAPPLICATION FOLLOWING A SANCTION

When the TANF case closes because of a TWP violation, the case must not be re-approved until the minimum time period is served. After the timed sanction period has been served the case may be re-approved if the individual who committed the violation has met compliance, the family meets an exemption, and/or there is good cause for non-compliance. Cases closed for specific program violations will be identified in MAVERICS by the closure reason. There will be times when the TANF case will be frozen for another reason when the TWP noncompliance is received. Such cases will close for the original reason with no timed TWP sanction. However, any outstanding conciliation for TWP noncompliance must be resolved prior to approval of any re-application. Refer to Volume X, Chapter 5, Sanction Override (SANO) screen, and follow the system procedures provided to resolve an outstanding sanction when the individual meets an exemption or a fair hearing is involved.

A sanctioned individual may reapply for benefits at any time. However, he/she will not be eligible for benefits until the penalty period has ended. Any re-application filed prior to the 15th day of the last month of the minimum sanction period must be denied. The worker will need to

explain the sanction period, re-application requirements, UJS and the need to comply before re-approval. Re-applications received on or after the 15th day of the last month of the minimum sanction period will be accepted and the applicant required to comply with UJS requirements prior to approval, if otherwise eligible. MAVERICS will generate a referral that must be pulled to JAWS.

If the individual fails to comply, the case manager will deny the application on the 3<sup>rd</sup> day. Only when compliance is met will the JAWS system send a referral back to MAVERICS, indicating UJS has been fully completed and the application can be approved, assuming all other eligibility factors are met.

An individual who is sanctioned and complies with the work program will be eligible to receive a TANF money payment the month after the month in which compliance is met.

EXAMPLE 1: A first level sanction was imposed for December and January. Any application prior to January 15 must be denied. An application on or after January 15 will be worked in MAVERICS, creating a UJS referral to be pulled to JAWS. If application was made January 18th, the applicant has until January 20th (3 days) to complete the intake process with case management. If the intake process is not completed by that date, the application must be denied.

EXAMPLE 2: Application for the above example was made January 18, and the UJS referral has been received from JAWS verifying compliance on January 28. The benefit start date must be changed to February 1 and eligibility determined beginning with February. No benefits will be approved for January.

EXAMPLE 3: For the application received December 18, compliance with TWP was not verified until January 10 when the MDHS-EA-319 was received showing compliance as of January 9. The benefit start date must be changed to February 1 and eligibility determined beginning with February. No benefits will be approved for December or January.

### **REAPPLICATION FOR ~~FOOD STAMPS~~ SNAP ONLY**

If the parent/caretaker who caused the TWP sanction does not wish to reapply for TANF after the sanction period is served, he/she may apply for ~~food stamps~~ SNAP-only without complying with TWP requirements. (Refer to Chapter 3, Failure to Comply With TANF Work Program (TWP), for additional information.)

## VOLUNTARY QUIT PROVISION

In the TANF Program, the voluntary quit provision mandates that no adult included in the assistance unit who is a mandatory work program participant **or an exempt volunteer** shall be eligible for participation in the TANF Program if he/she commits a voluntary quit violation without good cause. Criteria for determining whether an individual committed a voluntary quit violation are listed below:

1. Individual voluntarily quit his/her employment, without good cause; or
2. Individual was terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual, without good cause; or
3. Individual voluntarily reduces his/her work hours for any job of 20 or more hours per week, without good cause.

At the time of application, the worker shall explain to the applicant the consequences of committing a voluntary quit violation, without good cause. (Refer to Chapter 3, Ending a Voluntary Quit Provision Penalty/Disqualification, for information regarding compliance.)

An employee of the Federal, State or local government who is dismissed from that job because of engaging in a strike against the government shall be considered to have voluntarily quit his or her job without good cause. However, changes in employment status that result from involuntarily reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of an employer will not be considered as a voluntary quit for purposes of this provision.

If an individual quits a job, reduces his/her work hours, or is terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual, then gets a new job at comparable wages or hours and then is laid-off or, through no fault of his own loses the new job, the earlier quit will not be considered as a basis for disqualification.

**EXCEPTION:** An individual meeting a work program exemption will be excluded from the voluntary quit provision. However, an exempt individual who chooses to be referred as an “EV-exempt volunteer” or voluntarily waives his/her exemption status and is referred as a “NE-non

exempt” will not be excluded from the voluntary quit provision if he/she commits a voluntary quit violation while participating in the TWP without good cause. Refer to Chapter 3, Exempt Individuals and Waiver of Exemption Status, for additional information.

### **INDIVIDUALS SUBJECT TO THE VOLUNTARY QUIT PROVISION**

All household members should be tested for voluntary quit at application, recertification and during the certification period. If a member of an applicant household quits a job without good cause within two full calendar months prior to the month of application, or between the date of application and certification, a voluntary quit penalty will be applied. Since this is not a reportable change under simplified reporting rules, if a member of a certified household quits a job without good cause, a voluntary quit penalty will not be applied unless the voluntary quit is discovered within 60 days of the quit. If it is discovered that a household member quit a job, document the date of discovery and the date of quit to determine if the discovery is within 60 days of the quit. Based on these dates, determine if a voluntary quit penalty should be applied.

The following individuals are subject to the voluntary quit provision:

1. Nonexempt individuals (parents and caretaker relatives) applying for TANF benefits; and
2. TANF recipients to include individuals eligible for either the “JJ - caring for a child under 12 months of age” or the “JV - victim of domestic violence” exemption reason who have chosen to volunteer in the TWP as an exempt volunteer “EV.”
3. TANF recipients to include individuals eligible for the “JB, JC, JF, JL or JD” who have voluntarily waived their exemption status and were referred to the TANF Work Program as a “NE - non exempt” individual.

**NOTE:** The household or individual may not be disqualified when the member who committed the violation becomes exempt from the work program before the sanction can be imposed. For example, in the case of the applicant household, if the member reports becoming exempt before the worker sends the notice of disqualification, the disqualification will not be imposed. Likewise, if a participating household member who committed a voluntary quit violation becomes exempt before the effective date of disqualification, the household will not be disqualified.

### **CRITERIA FOR IMPOSING VOLUNTARY QUIT PENALTIES**

If an individual commits a voluntary quit violation within two full calendar months prior to the



month of application or between the date of application and approval or while receiving TANF benefits, the voluntary quit provision will be applied based on the following criteria:

1. To applications with no prior TANF Transitional Transportation involvement only if the violation occurred within two full calendar months prior to the month of application or between the date of application and approval and the violation was without good cause. The penalty period always includes the month of application **plus** the following two full calendar months. (Refer to Chapter 3, Voluntary Quit Penalty for New Application with No Prior TANF Transitional Transportation Involvement, for additional information.)
2. To applications with prior TANF Transitional Transportation involvement if the violation occurred within two full calendar months prior to the month of application or between the date of application and approval and the violation was without good cause. (Refer to Chapter 3, Voluntary Quit Penalty for Application with Prior TANF Transitional Transportation Involvement, for additional information.)

**NOTE:** The penalty period for application with prior TANF Transitional Transportation involvement will always include the month of application **plus** the following **two (2)** or **six (6)** **full** calendar months. (Refer to Voluntary Quit Penalty for Applicant Households with Prior Transitional Transportation within this chapter.)

3. To ongoing cases if the violation occurred while the individual was receiving TANF benefits and the violation was without good cause. The appropriate TWP timed penalty period will be applied. (Refer to Chapter 3, Voluntary Quit Penalty for On Going Case, for additional information.)

### IMPOSING THE DISQUALIFICATION PERIOD

When a determination is made that a nonexempt adult or an exempt volunteer committed a voluntary quit violation without good cause, the action to be taken depends upon whether it is an application with no prior TANF Transitional Transportation involvement, an application with prior TANF Transitional Transportation involvement or an ongoing TANF case.

In an application situation with **no** prior TANF Transitional Transportation involvement, the penalty will apply to the entire assistance unit when the individual who commits the violation is the parent. The entire assistance unit will be ineligible for the TANF Program until the penalty period (month of application plus the following two full calendar months) is served. The penalty for this violation will apply only to the applicant who commits the violation if he/she has requested to be the needy caretaker relative. The needy caretaker relative shall be excluded from



the assistance unit at least until the penalty period is served. Then the needy caretaker can request to be added to the case when the penalty period ends. The needy caretaker will be referred to TWP at the time he/she is added to the TANF case, unless he/she meets a work program exemption.

In an application situation **with** prior TANF Transitional Transportation involvement, the penalty will apply to the entire assistance unit when the individual who commits the violation is the parent. The entire assistance unit will be ineligible for the TANF Program until the appropriate penalty period month of application plus the following two or six full calendar months is served. (Refer to Chapter 3, Voluntary Quit Penalty for Application with Prior TANF Transitional Transportation Involvement, for additional information.) The penalty for this violation will apply only to the applicant who commits the violation if he/she has requested to be the needy caretaker relative. The needy caretaker relative shall be excluded from the assistance unit at least until the penalty period is served. Then the needy caretaker can request to be added to the case. The needy caretaker will be referred to TWP at the time he/she is added to the TANF case, unless he/she meets a work program exemption.

In an ongoing TANF case, the penalty will apply to the entire assistance unit regardless of whether the person who committed the violation is a parent or other needy caretaker relative.

The assistance unit will be ineligible for TANF benefits until the appropriate TWP penalty period is served **and** he/she complies with the work program requirement or becomes exempt from the work program.

The penalty months for an application always includes the month of application plus the two or six full calendar months, whichever is applicable, following the month of application.

<b>Voluntary Quit Date</b>	<b>Application Date</b>	<b>Penalty Period *</b>	<b>Comments</b>
February 28	May 5	None	Quit occurred more than two full calendar months prior to the month of application.
January 5	March 8	March - May	Application with no prior TANF Transitional Transportation and the quit occurred less than two full calendar months prior to the month of application.
March 31	April 15	April - June	Application with prior TANF Transitional Transportation (TT). The last TT benefit month was more than 12 months prior to the month in which the violation occurred and

			the quit occurred less than two full calendar months prior to the month of application.
March 31	April 15	April - October	Application with prior TANF Transitional Transportation (TT). The last TT benefit month was 12 or less months prior to the month in which the violation occurred and the quit occurred less than two full calendar months prior to the month of application.

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\* The penalty period always includes the month of application **plus** the two or six full calendar months, whichever is applicable, following the month of application.

**VOLUNTARY QUIT PENALTY FOR NEW APPLICATION WITH NO PRIOR TANF TRANSITIONAL TRANSPORTATION INVOLVEMENT**

An individual who commits a voluntary quit violation without good cause, within **two full calendar months** prior to the month of application or at any time thereafter, will not be eligible for TANF benefits until the penalty period has ended and the individual is otherwise eligible.

**Application With NO Prior TANF Transitional Transportation Involvement to be Tested**

Applicants shall be disqualified if the individual(s) to be tested meets all of the following conditions:

1. The individual is the parent or needy caretaker relative, and
2. The individual committed a voluntary quit violation within two months prior to the month of application, or between the date of application and approval; and
3. The violation involved work of at least 20 hours per week or produced earnings in an amount at least equivalent to the Federal minimum wage multiplied by 20 hours; or the hours were permanently reduced for any job of 20 or more hours; and
4. The violation was without good cause.

**NOTE:** If the needy caretaker relative who committed the violation is not the parent of the child(ren) in the assistance unit, deny eligibility for the needy caretaker relative only and test eligibility for the children. Refer to Imposing the Disqualification Period below for further information.

The penalty period always includes the month of application **plus** the following two full calendar months.

**EXAMPLE:** Individual quit job, without good cause, on March 12 and applied for TANF benefits on April 15. The applicant is ineligible and the application must be denied. Any application prior to June 15 will be denied. The individual will be ineligible until the penalty period has ended. An application received on or after June 15 from the disqualified individual will be processed with a benefit start date of July 1, if otherwise eligible.

### **Applicant Who Committed The Violation Becomes Exempt Before Sanction Imposed**

The household or individual may not be disqualified when the member who committed the violation becomes exempt from the work program before the sanction can be imposed. For example, in the case of the applicant household, if the member reports becoming exempt before the worker sends the notice of disqualification, the disqualification will not be imposed.

Likewise, if a participating household member who committed a voluntary quit violation becomes exempt before the effective date of disqualification, the household will not be disqualified.

### **Disqualification of Applicant Households with NO Prior TANF Transitional Transportation Involvement**

If the entire applicant household is to be penalized, the application shall be denied.

The household will be sent MAVERICS notice **A238, TANF Denial-Quit Job**, advising the household of the following:

1. The specific act or noncompliance committed; and
2. The proposed penalty period; and
3. A statement that the household may reapply after the penalty period.

If the individual is a needy caretaker relative other than a parent, the application will be processed only for the children. The **A101, TANF Approval Notice**, will be sent explaining that the individual may ask to be added to the case at the end of the penalty period. In either case, it is not a countable violation and no TWP sanction will be added in MAVERICS on the TASH

screen. The worker must complete MDHS-EA-302, TANF Voluntary Quit Tracking Log, to permanently document the individual's case record.

### **Ending A Voluntary Quit Provision Penalty/Disqualification for Applicant Households with NO Prior TANF Transitional Transportation Involvement**

A reapplication for TANF, following a voluntary quit penalty, will be processed as follows:

#### Penalty Applied To Parent At Application

Following the end of the penalty period (month of application plus the following two full calendar months), the household may reapply and, if otherwise eligible, be authorized to participate. The non-exempt parent will be required to comply with UJS requirements and upon TANF approval will be referred to TWP, unless otherwise exempt.

**NOTE:** If the individual reapplies on or after the 15<sup>th</sup> of the last month of the penalty period, the benefit start date will be changed to the month following the end of the penalty period.

#### Penalty Applied To Needy Caretaker Relative At Application

Following the end of the penalty period (month of application plus the following two full calendar months), the caretaker relative other than a parent, if otherwise eligible, may request to be added to the case. If eligible, the individual shall be added to the case the month following the expiration of the penalty period or following the request, whichever is later.

### **VOLUNTARY QUIT PENALTY FOR APPLICANT HOUSEHOLDS WITH PRIOR TANF TRANSITIONAL TRANSPORTATION INVOLVEMENT**

A former TANF recipient who received TANF Transitional Transportation benefits, at any time, and quit his/her job, without good cause, may be subject to a voluntary quit penalty at reapplication for TANF. If the individual's last TANF Transitional Transportation benefit month was more than 12 months prior to the month in which the voluntary quit violation occurred, a minimum penalty period of the month of application plus the following two full calendar months will be applied. If the individual's last TANF Transitional Transportation benefit month was 12 or less months prior to the month in which the voluntary quit violation occurred, a minimum penalty period of the month of application plus the following six (6) months will be applied. The penalty period always includes the month of application plus the two or six full calendar months following the month of application.

When determining the time lapse between the last TT benefit month and the month in which the violation occurred, the count begins the month following the last TT benefit month. For example:

Last TT Benefit Month	Month Violation Occurred	Time Lapse Between TT and Violation	Penalty to be Applied
07/03	08/04	13 months	Month of Application PLUS 2 Months
08/03	08/04	12 months	Month of Application PLUS 6 Months

#### **Applications WITH Prior TANF Transitional Transportation Involvement to be Tested**

Applicants with prior TANF Transitional Transportation involvement shall be disqualified if the individual to be tested meets all of the following conditions:

1. The individual is the parent or needy caretaker relative, and
2. The individual received, at any prior time, TANF Transitional Transportation benefits; and
3. The individual committed a voluntary quit violation within two months prior to the month of application, or between the date of application and approval; and
4. The violation involved work of at least 20 hours per week or produced earnings in an amount at least equivalent to the Federal minimum wage multiplied by 20 hours; or the hours were permanently reduced for any job of 20 or more hours; and
5. The violation was without good cause.

If the individual who committed the violation becomes exempt before the effective date of disqualification, the household will not be disqualified.

#### **Examples for Applying a Voluntary Quit Penalty to Applications WITH Prior TANF Transitional Transportation Involvement**

**NOTE:** For all TANF applications, the penalty period will always include the month of

application **PLUS** either the **two** or **six** full calendar months following the month of application.

**EXAMPLE 1:** TANF case closed effective January 1, 2004, because of earned income. Individual received transitional transportation benefits from January through March 2004 (3 months). The individual quit his/her job March 31, 2004, without good cause. The individual reapplied for TANF benefits on April 15, 2004. The last transitional transportation benefit month was 12 or less months prior to the month in which the voluntary quit violation occurred; therefore, the worker will apply a six-month penalty (April, the month of application plus six months, May through October 2004). The family will be ineligible until the penalty period has ended. An application prior to October 15, 2004, will be denied. An application on or after October 15, 2004, will be processed with a benefit start date no earlier than November 1, 2004, if otherwise eligible. At approval, the individual will be referred to the TANF Work Program unless the family meets a work program exemption. The individual has 15 months remaining on the 18-month lifetime maximum to receive TANF Transitional Transportation benefits.

**EXAMPLE 2:** TANF case closed effective January 1, 2002, because of earned income. Individual received transitional transportation benefits from January 2002 through July 2003 (19 months). The individual quit job August 19, 2004, without good cause, and reapplied for TANF benefits on September 2, 2004. The last transitional transportation benefit month was more than 12 months prior to the month in which the voluntary quit violation occurred; therefore, the worker will apply a two month penalty (September, the month of application plus two months, October through November 2004). The family will be ineligible until the penalty period has ended. An application prior to November 15, 2004, will be denied. An application on or after November 15, 2004, will be processed with a benefit start date no earlier than December 1, 2004, if otherwise eligible. At approval, the individual will be referred to the TANF Work Program unless the family meets a work program exemption. The individual has exhausted the lifetime maximum for receiving transitional transportation. Any future applications for TANF Transitional Transportation will be denied.

**EXAMPLE 3:** TANF case closed effective January 1, 2002, because of earned income. Individual received transitional transportation benefits from January 2002 through August 2003 (20 months). The individual quit job August 19, 2004, without good cause, and reapplied for TANF benefits on September 2, 2004.

The last transitional transportation benefit month was 12 or less months prior to the month in which the voluntary quit violation occurred; therefore, the worker will apply a six month penalty (September, the month of application plus six months, October 2004 through March 2005). The family will be ineligible until the penalty period has ended. An application prior to March 15, 2004, will be denied. An application on or after March 15, 2005, will be processed with a benefit start date no earlier than April 1, 2005, if otherwise eligible. At approval, the individual will be referred to the TANF Work Program unless the family meets a work program exemption. The individual has exhausted the lifetime maximum for receiving transitional transportation. Any future applications for TANF Transitional Transportation will be denied.

**EXAMPLE 4:** TANF case closed effective January 1, 2001, because of earned income. Individual received transitional transportation benefits from January 2001 through December 2003 (24 months). The individual quit job January 16, 2004, without good cause, and reapplied for TANF April 1, 2004. In this example, voluntary quit does not apply because the quit date is more than two full calendar months prior to the month of application. The application will be processed according to ongoing policy. The individual has exhausted the lifetime maximum for receiving transitional transportation. Any future applications for TANF Transitional Transportation will be denied.

**EXAMPLE 5:** TANF case closed effective January 1, 2002, because of earned income. Individual received transitional transportation benefits from January through March 2002 and July 2002 through January 2003 (10 months). The individual quit a job December 20, 2003, without good cause, and reapplied for TANF February 15, 2004. The last transitional transportation benefit month was 12 or less months prior to the month in which the voluntary quit violation occurred; therefore, the worker will apply a six- month penalty (February, the month of application plus six months, March through August 2004). The family will be ineligible until the penalty period has ended. An application prior to August 15, 2004, will be denied. An application on or after August 15, 2004, will be processed with a benefit start date no earlier than September 1, 2004. At approval, the individual will be referred to the TANF Work Program unless the family meets a work program exemption. The individual has 8 months remaining on the 18-month lifetime maximum to receive TANF Transitional Transportation benefits.

The following TABLE displays data for the above five examples.

TANF Closure Date		TANF TT Months	Voluntary Quit Date	TANF Application Date	Penalty Applied	Penalty Period*
1	01/01/04	01/04-03/04	03/31/04	04/15/04	6-month	04/04 plus 05/04-10/04
2	01/01/02	01/02-07/03	08/19/04	09/02/04	2-month	09/04 plus 10/04-11/04
3	01/01/02	01/02-08/03	08/19/04	09/02/04	6-month	09/04 plus 10/04-03/05
4	01/01/01	01/01-12/03	01/16/04	04/01/04	None	None
5	01/01/02	01/02-03/02 07/02-01/03	12/20/03	02/15/04	6-month	02/04 plus 03/04-08/04

\* For all TANF applications, the penalty period always includes the month of application **PLUS** either the **two** or **six** full calendar months following the month of application.

### **Disqualifications of Applicant Households WITH Prior TANF Transitional Transportation Involvement**

The application shall be denied from the date of application. The household will be sent MAVERICS notice **A238, Denial-Quit Job**, advising the household of the following:

1. The specific act or noncompliance committed;
2. The proposed penalty period; and
3. A statement that the household may reapply after the penalty period.

If the individual is a needy caretaker relative other than a parent, the application will be processed only for the children. The **A101, TANF Approval Notice**, will be sent explaining that the individual may ask to be added to the case at the end of the penalty period. In either case, it is not a countable violation and no TWP sanction will be added in MAVERICS on the TASH screen. The worker will complete MDHS-EA-302, TANF Voluntary Quit Tracking Log, to permanently document the individual's case record.

### **Ending A Voluntary Quit Provision Penalty/Disqualification for Applicant Households**



**WITH Prior TANF Transitional Transportation Involvement**

A reapplication for TANF, following a voluntary quit penalty, will be processed as follows:

**Penalty Applied To Parent At Application**

Following the end of the penalty period (month of application plus the following two or six full calendar months), the household may reapply and, if otherwise eligible, be authorized to participate. TWP compliance is not required prior to approval. However, the non-exempt parent will be referred to TWP upon approval, unless otherwise exempt.

**NOTE:** If the individual reapplies on or after the 15<sup>th</sup> of the last month of the penalty period, the benefit start date will be changed to the month following the end of the penalty period.

**Penalty Applied to Needy Caretaker Relative At Application**

Following the end of the penalty period (month of application plus the following two or six full calendar months), the caretaker relative other than a parent, if otherwise eligible, may request to be added to the case.

If eligible, the individual shall be added to the case the month following the expiration of the two or six-month penalty period or following the request, whichever is later.

**VOLUNTARY QUIT PENALTY FOR RECIPIENT HOUSEHOLDS**

A TANF recipient who commits a voluntary quit violation, without good cause, while receiving TANF benefits will be disqualified for the appropriate TANF Work Program (TWP) timed penalty period.

**EXAMPLE 1:** Individual quit job, without good cause, on March 12, but did not report job loss to the worker. Worker discovered the job loss on April 15 when check stubs were not submitted. The household will be sanctioned for the appropriate TWP timed penalty period. Any application received prior to the 15<sup>th</sup> of the last month of the timed penalty period will be denied. The household will be disqualified until the penalty period has ended and the individual has met compliance or the family meets an exemption.

**EXAMPLE 2:** This situation involves a TANF recipient, with prior TANF Transitional Transportation involvement, who committed a voluntary quit violation on

December 20, 2003, without good cause. The violation was reported to the worker on January 15, 2004. The worker will apply the appropriate TWP timed penalty and close the TANF case. This is the individual's third TWP penalty (12-month penalty); therefore, the penalty period will be February 2004 - January 2005. The family will be ineligible until the timed penalty period has been served and the individual who committed the violation has met compliance or the family meets a work program exemption. An application prior to January 15, 2005, will be denied. An application on or after January 15, 2005, will be processed according to ongoing policy. The individual received TANF Transitional Transportation from August 2000 through February 2001 (7 months). The individual has 11 months remaining on the 18-month lifetime maximum for receiving transitional transportation.

### Recipient Households to be Tested

Recipients shall be disqualified if the individual(s) to be tested meets all of the following conditions:

1. The individual is the parent or needy caretaker relative, and
2. The individual committed the violation while participating in the TANF program; and
3. The violation involved work of at least 20 hours per week or produced earnings in an amount at least equivalent to the Federal minimum wage multiplied by 20 hours; or the hours were permanently reduced for any job of 20 hours; and
4. The violation was without good cause.

**NOTE:** If an assistance unit is already participating when a violation which occurred prior to approval is discovered, the individual will be treated as a recipient and the sanction applied accordingly.

### Disqualification of Recipient Households

If it is determined that a recipient household is to be disqualified, the household will be sent a notice of adverse action within 10 days after the determination of the violation is made. The disqualification period begins with the first available month following the expiration of the 10 day adverse action period. The disqualification period for recipient households is as follows:

First Violation: two months or until compliance, whichever is longer;

Second Violation: six months or until compliance, whichever is longer;

Third violation: twelve months or until compliance, whichever is longer; or

Fourth violation: permanently disqualified.

If the household requests a fair hearing with continued benefits and the county action is upheld, a claim shall not be completed. The household shall be disqualified/sanctioned beginning the month following the month the hearing decision is received by the county office.

MAVERICS will automatically generate a TANF closure notice based on the TWP noncompliance reason entered in JAWS. The notice will advise the household of the following:

1. The specific act of noncompliance committed;
2. The proposed period of disqualification;
3. A statement that the household will be ineligible until the disqualification period ends; and
4. A description of the action which can be taken to end or avoid disqualification.

This is a countable violation and will be processed in MAVERICS as other work program violations.

#### **Ending A Voluntary Quit Provision Penalty/Disqualification for Recipient Households**

Following the end of the appropriate TWP penalty period, a household shall be permitted to reapply and, if otherwise eligible, resume participation if the parent or needy caretaker relative:

1. Becomes exempt from the TANF Work Program, or
2. Complies with the work program by participating in a new TWP orientation session, or
3. Acquires employment of comparable wages and hours, or

4. Is assigned to another TWP component.

**NOTE:** If the individual reapplies on or after the 15<sup>th</sup> of the last month of the penalty period, he/she will be referred to the TANF Work Program and must comply with work requirements or meet a work program exemption before the application can be approved, if otherwise eligible. The benefit start date will be changed to the month following the month of compliance. An application received prior to the 15<sup>th</sup> of the last month of the penalty period will be denied.

### **VERIFICATION**

The worker will request verification of the household's statements concerning the violation only if the information is questionable. The primary responsibility for providing verification rests with the household. However, the worker will assist the household in obtaining the needed verification if the household finds it difficult or impossible to obtain documentary evidence in a timely manner. Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives and grievance committees or organizations. Whenever documentary evidence cannot be obtained, the worker will substitute a collateral contact. The worker is responsible for obtaining verification from acceptable collateral contacts provided by the household.

If both the worker and the household are unable to obtain requested verification from these or other sources because the cause for the violation resulted from circumstances that for good reason cannot be verified, such as a resignation from employment due to discrimination practices or unreasonable demands by an employer or because the employer cannot be located, the household will not be denied access to the TANF program.

The worker or case manager will explain to the applicant and/or recipient the consequences of voluntarily quitting a job, voluntarily reducing work hours or being terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of termination), tardiness, etc., committed by the individual, without good cause.

### **DOCUMENTATION OF THE TANF CASE RECORD**

The worker will use form MDHS-EA-302, TANF Voluntary Quit Tracking Log, to permanently document an individual's TANF case record when an individual commits a voluntary quit violation without good cause and a penalty is imposed. The worker will also use MDHS-EA-302 to track voluntary quit penalties to ensure the penalty period has ended before the individual or household is approved for TANF benefits, if otherwise eligible.

15. TANF Work Program requirements as outlined in Chapter 3. This explanation should include TANF Work exemptions including the requirement for non-exempt TANF recipients to complete the MDHS-EA-336, TANF Work Program Substance Abuse Treatment Agreement.
16. That each adult in the assistance unit must submit to a questionnaire to determine the likelihood of a substance abuse problem.

### Gathering and Documenting Information

During the initial interview, the worker should gather and document as much information as possible regarding the eligibility of the assistance unit and should take steps to secure material that is required but unavailable at that time. Forms to be used for such purpose include:

- # Application form, **MDHS-EA-900**.
- # Forms which substantiate or further verify information recorded on IIDO, such as information regarding children, child support, resources, etc.
- # Referral forms as indicated
- # Other forms as needed in specific cases.
- # Forms requesting additional information, such as wage verification or resources.
- # Only file forms which policy states must be filed in the case record or documents/forms signed by the applicant. Document on FOES in MAVERICS that the client was given a copy of required forms such as the MDHS-EA-300.

Refer to the Generic Forms Manual for instructions on preparing assistance payments

### forms. **Withdrawal of the Application**

After the applicant has signed the appropriate forms and discussed his situation or at any point during the application interview, the worker may learn that eligibility requirements will not be met. If so, the worker will explain this to the applicant and give him an opportunity to decide whether he wants to go on with the application or withdraw his request. When it is the applicant's decision to withdraw the TANF request, it will not be necessary to complete the eligibility determination forms unless a SNAP application is also involved. When the worker is involved in a joint interview for both TANF and SNAP purposes, the worker must continue to gather all information necessary to determine SNAP eligibility. In these instances, refer to Volume V, and follow the necessary procedures for processing SNAP applications.

On all withdrawn assistance applications, the worker must record in the case record the

information already obtained and the reason for the ineligibility. Whenever possible, a written withdrawal signed and dated by the applicant and stating the reason for the request should be obtained.

Deny the assistance application as a voluntary request for withdrawal and send the MAVERICS Notice, **A201**.

**NOTE:** If there is a reason for ineligibility (such as income or resources) cases should be denied based on that reason once verification is received. In these situations, there would be no need for the client to withdraw their application.

## INVESTIGATING ELIGIBILITY

### Home Visit

State law permits, but does not require, that a home visit be made on TANF applications and redeterminations. Whether or not home visits are made shall be at the discretion of the county director. Home visits are permissible at any time.

The home visit for TANF may serve several purposes, such as:

1. Allowing the worker to compare the standard of living evidenced by the home and its surroundings, furnishings, etc., with the applicant's statement of income and resources.
2. Gathering social information regarding the incapacity of a parent, problems for which referrals are appropriate, etc.
3. Gathering information that the applicant failed to provide, either willfully or unintentionally, or was unable to give in the initial interview. For example, failure to find the payee at home may result in a finding of employment, or the visit may allow for securing verification that the applicant has obtained employment since the office visit.
4. Observing whether or not the children live in the home with the grantee relative. The worker does not have to see the children but must ascertain, either through discussion, observation, or other sources, that the children are under the control and supervision of the grantee relative.

If a home visit is to be made, the worker can usually schedule it while talking with the individual. An appointment is preferable but is not required.

### Verifications

**All eligibility factors must be verified prior to approval of an application.**

### To Be Secured by the Applicant

Individuals who are capable of providing or obtaining verifications are expected to assist in the eligibility process by obtaining verifications available to them. When possible, documents which the individual has in his possession should be used. For example, the applicant may have birth certificates of children, an award letter from the Social Security Administration, check stubs from an employer, etc. In other instances, the applicant may be able and willing to obtain verifications which are not in his possession, such as a statement from his employer or the individual who provides child care.

Explain the verification requirements to the applicant during the interview and provide written documentation by use of MAVERICS Notice **A301, TANF Pending Application Notice**, or form **MDHS-EA-942, Request for Information** (if MAVERICS is not operating). If the manual request for information is used, be sure to document in MAVERICS with the A000 to history. Remind him that the application cannot be approved without all required verification. Allow the applicant 10 days to submit verifications he has agreed to provide.

When a capable applicant refuses to supply, obtain, or authorize the worker to obtain necessary information, eligibility cannot be established. The worker should explain again why the information is needed and that the applicant has one of three choices:

1. The applicant can give the needed facts or refer the worker to the source of the essential information and have his eligibility determined;
2. He may withdraw his request for assistance; or
3. He will be denied assistance because eligibility cannot be determined. Denial is appropriate if the required information is not received by the 30th day and eligibility cannot be established.

### To Be Secured by the Worker

If the applicant cannot provide sufficient evidence as needed, the worker should offer to help in obtaining data and securing verifications. This is especially true for individuals who are incapable of providing information due to physical or mental limitations. Refer to instructions regarding the worker's responsibility for assisting such people.

In the initial interview, the worker should explain to the individual the specific sources to be consulted, if known at the time, and also tell the applicant that other sources will be consulted as necessary. The application form signed by an applicant provides consent that allows the Department to verify all factors of eligibility and to share information with the school district. Individual consent is unnecessary to contact an outside source, unless the outside source, such as a bank, requires written permission from the applicant.

The worker will use outside references only when necessary to gather information required to establish eligibility and will protect the confidentiality of the individual or assistance unit in performing this task.

Specific methods for documenting eligibility factors are contained in this volume in the discussions on the various eligibility factors. Refer to the Generic Forms Manual for forms to be used for securing verifications.

### **Evaluating Information**

The worker must:

1. Review previous, as well as current, information for completeness and accuracy. Previous case records on the applicant or family may contain clues to information not included on current forms, such as property owned, bank accounts, etc. The worker should find out what has happened to assets reported previously, but not currently, by asking the applicant for an explanation and by checking records, when necessary.
2. Resolve promptly any conflicting information and make a decision regarding the information to be considered valid.
3. Be alert to inconsistencies in information and use the legal concept of the "prudent" or "reasonable" man. This concept refers to the element of judgement that must be exercised by all individuals in making choices, determining goals, evaluating statements by others, and the like. When the worker finds some of the applicant's statements questionable, the worker must evaluate the statements and ask the applicant to make a reasonable explanation of the contradictions and/or assist in seeking further information.

Some examples of the use of this concept in questionable information are:

- a. When an applicant reports no bank account but pays bills by checks or has a joint bank account.
- b. When an individual reports a sudden loss of resources previously owned or has disposed of a resource previously in his possession, the worker should seek a reasonable explanation for such reported losses or transfers. Refer to *Chapter 5, Transfer of Resources*, for instructions regarding transfers in order to qualify. Use facts, reason, and judgment in determining the veracity of statements about losses.
- c. When an individual states that he has no income or resources and that his shelter, utility, food, etc., payments are current, the worker should seek further information or a logical and reasonable explanation. The worker will ask the individual how he has managed to pay his expenses when he has no income or resources. There may be a logical and reasonable explanation, such as a recent



loss of income or credit or cash reserve being depleted recently. When the individual can offer and substantiate no logical and reasonable explanation as to how living expenses have been met and offers vague explanations, such as "I just get by," eligibility cannot be determined.

Document the case record and deny the application in such a situation.

## **INTERFACE INQUIRIES**

### **PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM (PARIS) DATA**

The PARIS project is a data matching system in which Mississippi's caseload data is matched quarterly against that of other states participating in the project and selected federal data. The PARIS match serves as an indicator of information that may not have been reported. The worker is required to independently verify that the information on the PARIS match is correct before taking adverse action on the involved case.

PARIS data is generated in MAVERICS at the end of each quarter and is available through the Interface Inquiry Menu (INIM). This data should be reviewed for each household member at application, reapplication, and redetermination. This online data is not considered known to the agency until the data has been retrieved by the case worker.

Upon review of the data at application, reapplication and recertification appropriate action should be taken and CADM should be documented to reflect the disposition of the data. This data must also be checked prior to case authorization.

The worker will determine the state in which the recipient actually resides by obtaining information from the recipient, the agency in the match state and other sources as needed. If the worker determines that the recipient is not a resident of Mississippi, the individual is not eligible for benefits in Mississippi. A potential claim exists for any month in which the non-resident participated in both Mississippi and the resident state. If the individual is a Mississippi resident, ineligibility exists in the match state and the determination regarding a claim is the responsibility of the match state.

### **NATIONAL NEW HIRE DATA**

The National New Hire data is a matching system in which Mississippi's caseload data is matched monthly against select employers who are participating in the project. The new Hire matches serve as an indicator of information that may not have been reported. The worker is required to independently verify employer information before taking action on the case.

New Hire data is updated in MAVERICS on the last Thursday of the month for individuals who were submitted for SSN matches on the last Thursday of the prior month. This data is available through the Interface Inquiry Menu (INIM) and should be reviewed for each household member

at application, reapplication, and redetermination. This online data is not considered known to the agency until the data has been retrieved by the case worker.

Upon review of the data at application, reapplication and recertification appropriate action should be taken and CADM should be documented to reflect the disposition of the data. This data must also be checked prior to case authorization.

### QUARTERLY WAGE MATCH DATA

The Mississippi Department of Employment Security wage match information helps to identify unreported or incorrectly reported earnings. The data contained will not be current data. Rather it will represent data from the five quarters prior to the quarter in which the match is conducted. The data will be retained for a period of 3 <sup>1</sup>/<sub>2</sub> years. It will display beginning with the most recent quarters.

For applicants, the match will be conducted twice a month.

For recipients, the match will be conducted monthly.

This data should be reviewed for each household member age 16 and above at application, reapplication, and redetermination. This online data is not considered known to the agency until the data has been retrieved by the case worker. Upon review of the data, appropriate action should be taken and the EMIN screen documented to reflect the disposition of the data.

This data must also be checked prior to case authorization.

### PARIS VA

The PARIS VA is a MAVERICS online procedure used to verify Veteran's benefits on applicants and/ recipients. The response provides current benefits, type of benefits (pension, aid and attendance etc.). The query process is required for all individuals at application, recertification, when a new member (other than new born) is added to the assistance unit or when there is question about VA benefits.

Paris VA is generated every ~~3 months, in March, June, September and December~~ quarter and is not considered verified upon receipt. Worker must access the Paris VA screen via INIM to view the data and take appropriate action at application, reapplication, recertification and when adding a new household member Refer to Chapter 4, 'Unearned Income' regarding Veterans Benefits. The worker must document the disposition of the data.

## DISPOSITION OF THE APPLICATION

### Standard of Promptness

Generally, applications should be processed in the order they were received, taking into consideration promptness or delays in receipt of verification. Also, exceptions may be made to this order for situations in which destitution, terminal illness or some other urgent need exists. Mississippi State law decrees that not more than 30 days shall elapse between the date on which the application is received and the date of approval or the notice of denial.

To ensure that the standard of promptness is met, applications must be cleared in time to allow for processing within the 30-day limit. In order to meet this standard, the eligibility worker must have the application ready for supervisory review and approval by the 23<sup>rd</sup> day or sooner if all information is available, in order to allow time for review and correction. Authorization should take place by the 29th day to ensure availability to applicant on the 30<sup>th</sup> day.

When disposition of an application is delayed for any reason, the reason for the delay must be recorded in detail in the case record.

### Accrual Rights

Provided he was alive and eligible, as far as was known, the applicant's right to a TANF benefit accrues on the earliest of the following dates:

1. The date on which the TANF benefit is authorized, or
2. The 30th day following the date on which a signed and completed application form was received.

EXCEPTION: See below for accrual rights of individuals added to an active case.

To protect an applicant's accrual rights, retroactive benefits must be made in any case when the application process takes so much time that an initial award for the current month does not cover the calendar month in which the 30th day occurred. This is true regardless of whether the delay was caused by the applicant or agency.

However, TANF benefits issued for the month in which the application was filed must be prorated to include the date on which the rights to the grant accrued and any days which remain in the application month. See *Chapter 6, General Principles - Prorating Grants for Applicants*, for handling proration of grants.

For example, the right to the TANF grant accrues:

1. For an application made on July 30 and authorized on August 16 for children who are

alive and determined to be eligible for August, the accrual date is August 16, and the grant is issued for the month after application (August). Since authorization occurred within 30 days of application, accrual occurs on the authorization date. The first TANF benefit is not prorated.

2. For an application made on July 1 and authorized on August 22, the accrual date is July 31, providing the children are alive on that date and eligible for July. Since the authorization date is later than the 30th day after application, accrual occurs on the 30th day, and TANF benefit must be prorated for one day in July. A retroactive benefit must be authorized.
3. For an application made on July 10 and authorized September 1, with ineligibility determined for August, the accrual date is September 1, providing the children are alive and eligible for September. Proration is not applicable. Although the 30th day falls in August, ineligibility for that month changes accrual to the first day of the next month.
4. For an application made on August 2 and authorized August 22, the accrual date is August 22, providing the children are alive on that date and eligible for August. Since authorization occurred within 30 days after application, accrual occurs on the authorization date. A prorated benefit would be issued for August 22 - August 31 (10 days).

In TANF, accrual rights relate to the children and to the grantee relative or two legal parents (*UP or incapacity cases*) in the budget. Refer below for special procedures for adding an individual to an active case and for protecting the accrual rights of the children when a change of payee is required on an application, and to *Chapter 6, Budgetary Process*, when factors related to income change.

### Approvals

When the investigation is completed and all eligibility factors are documented in the case record to show that eligibility is met, the worker will:

1. Work the case in MAVERICS.
2. Complete the appropriate notices to the applicant.
3. Check to ensure that all referral forms are completed and available for routing.
4. Route the case record to the appropriate case reviewer, depending on county staff and procedures, for review of eligibility decisions, authorization, and release of notices.

## Denials

An application should be denied when:

1. The investigation shows that the applicant or family group fails to meet one or more eligibility criteria, including signing of required documents.
2. An unresolved noncompliance exists and the applicant fails to comply or prove exemption by the 30th day after application.
3. A mandatory work sanction period has not ended.
4. The applicant fails to furnish necessary data within the time frame for disposal of the application.
5. A non-exempt parent has voluntarily quit employment, has been terminated by the employer as a direct result of personal action(s), e.g. disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual or voluntarily reduced his/her work hours, without good cause, within two months prior to the month of application. *See Chapter 3, Voluntary Quit Provision.*

**NOTE:** Only the individual is disqualified if he/she is the needy caretaker relative. The penalty applies to the entire case if the person is the parent.

When an application is to be denied, the worker will:

1. Document the reason for ineligibility. The information supporting the recommendation for rejection shall be definite, clearly stated, and based on fact.

When an application is being rejected because of failure to furnish necessary data, deny the application because essential information was not provided (*MAVERICS Notice A202*) and the agency is unable to establish eligibility or ineligibility.

When an applicant's statement shows ineligibility, reject the application without verification, provided that the applicant appears competent to give correct information and that there is no indication verification will be needed later.

If the denial is based on an outstanding sanction for which compliance has not been met, the appropriate forms from the Child Support worker or case manager must be in the case record to support the failure to comply.

2. Complete the appropriate notice to be sent to the applicant. MAVERICS enters the correct denial code when the appropriate notice is sent.

3. Route the case record to the individual authorized to review the eligibility decision and release the denial notice.

### **Terminations for Other Reasons**

Applications may be disposed of because of death of the applicant, inability to locate the applicant, or at the request of the applicant. The worker will:

1. Send the appropriate MAVERICS Notice to history for terminations due to death of the individual or unable to locate. MAVERICS enters the correct denial code when the notice is sent.
2. Record in the case record the reason for rejection. It is not necessary to send a notice to the applicant unless the reason is voluntary withdrawal. When the applicant voluntarily withdraws, send a notice of denial confirming the applicant's desire to withdraw.

### **SPECIAL PROCEDURES**

#### **For Reapplicants**

An individual whose application has been denied or terminated may reapply at any time. In general, the same procedures are required as on initial applications. However, ID numbers for the individual and possibly other family members will already be available and there may be current medical information already in the case for an incapacitated parent. The worker will not require verification of previously established eligibility factors which are not subject to change. The individual, however, must verify current income and resources and any other factor that is subject to change. Any outstanding non-compliances must be cleared up, and if the previous application was denied or the case closed due to missing information, this must be supplied. Also, any previously reported resources that would have caused ineligibility must be verified and a determination made as to whether or not resources have been transferred in order to establish eligibility. Sufficient documentation must be provided to establish that the family is currently eligible. The worker should contact another county to secure the case record of any reapplicant when the applicant has been denied or received assistance last in that county. Also note that:

1. A reapplication for TANF following a TWP sanction shall not be approved, if otherwise eligible, until the timed sanction period is served and the work compliance has been satisfactorily resolved by exemption or compliance. When the reapplication occurs after the 15th of the last month of the timed sanctioned period (or any time thereafter), the individual will be referred to JAWS in "REceived" status. The case manager will schedule a new orientation session to give the individual an opportunity to comply with TWP requirements. When the individual has complied with TWP by either meeting a work exemption reason or by attending the orientation to begin the assessment and work activity assignment process, the EW is notified through the MAVERICS/JAWS interface of the satisfactory TWP status. The TANF case can then

be authorized for the following month. If the individual fails to attend the orientation session and does not meet a work exemption, the TANF application will be denied. *See Chapter 3, Reapplication Following a Sanction.*

Example: TANF recipient sanctioned for February and March for non-compliance with the TANF Work Program; reapplies for TANF on March 18; complies with TWP on April 2; TANF eligibility can be determined effective May.

2. A reapplication and new determination of eligibility are required when an applicant requests a hearing on a denied application or closure of a case after the time period for making an appeal has lapsed. *See Chapter 13, Hearing Process*, for situations in which a request for a hearing can be accepted in such instances.
3. The previous receipt of improper payments is not a barrier to current eligibility, as eligibility must be determined on current circumstances. However, workers should use the prudent individual concept described above in determining eligibility for an individual who has been reported for suspected fraud. Also, authorization for assistance for such a reapplicant does not mean that any previous report of improper payments has been cleared, as it may still be pending and may still be acted upon by the proper officials.

### **For Staff Members, Their Relatives and Personal Interest Cases**

Any staff member and relatives and/or personal interest cases of staff members may apply for and receive assistance; however, there are special procedures for taking and processing applications for employees and individuals related to, or of personal interest, to a staff member as listed below.

The county director is responsible for taking and processing applications for employees or personal interest cases and for submitting the case to the Regional Director for review and authorization of the approval or denial. The county director may delegate intake or case reviews, but not the regional director's task, to a county supervisor who has no close relationship to the employee or individual applying. Applications for assistance from supervisors or their relatives will be assigned to the county director for processing and submitted to the regional director for final approval or denial. Applications submitted by a county director or his/her relatives will be taken and processed by the regional director. Applications received from individuals who have a close relationship with the worker's supervisor will be submitted to the county director for review and authorization or denial.

The relatives for whom the special procedures must be used include a staff member's spouse, grandparents, (*also great, great-great, and great-great-great grandparents*), parents (*including stepparents*), brothers and sisters (*including stepbrothers and stepsisters, half brothers and half sisters*), children (*including stepchildren*), grandchildren, aunts, uncles, nieces, nephews, first cousins, first cousins once removed, and these relatives of a staff member's spouse who are



related to this degree by marriage. These relationships are the same as those for TANF specified relatives. Furthermore, the interests of the agency will be served by not assigning any eligibility determination to an employee who has a particularly close relationship with the applicant.

Since county staff are prohibited from processing applications for relatives within the degree described above, the county director must not process an application for one of his/her close relatives. In these instances, the regional director or Program Specialist will take the application. The regional director will review the facts, make the decision, and authorize or deny assistance.

Applications from relatives of staff members other than the county director require the review and approval of regional directors. The county director is responsible for assigning the application to an eligibility worker who can process the application objectively and for authorizing eligibility for such relatives. However, cases should not be assigned to a worker supervised by the relative of the applicant.

#### **For Child in Public Non-Medical Institution**

When a parent or other relative makes an application for a child who is currently an inmate of a public institution, such as one of the state mental hospitals or one of the correctional facilities, the worker will contact the institution to determine when the child will be released from the institution.

If the parent or other relative plans to move the child from the institution to his home within 30 days and the institution verifies the discharge plan, the county may process the application and hold for authorization until verification that the child is actually in the home. If the plans do not work out, deny the application.

#### **For SSI Involved Situations**

The parent or other relative in TANF has the right to make a choice between TANF and Supplemental Security Income (SSI) benefits, and the eligibility worker is responsible for making as clear an explanation as possible of the advantages and disadvantages of each program. An individual receiving SSI cannot be included in a TANF budget; however, such an individual may be the grantee relative of TANF children.

An individual potentially eligible for SSI may be included in the budget prior to receipt of SSI. When a TANF applicant indicates an interest in receiving SSI, the worker should:

1. Refer the individual to the Social Security Administration (SSA) to apply.
2. Ask the individual to let the worker know when an approval or denial notice is received.
3. Set an alert in MAVERICS or place a tickler in the file to follow up on this not later than the first week of the third month following the SSI application month.



The EW may use the SSI on-line inquiry process to check the status of the application. Once approved for SSI benefits, the approval date, benefit amount, and any retroactive payment will be available on-line.

### **For Addition of Individual to an Active Case**

The request for adding an individual to an active case is essentially an application for assistance. The individual for whom such a request is made has all the rights of an applicant to prompt action and accrual dates, to appeal a denial, etc. Exception: The rights of an individual added to an active case accrue on the first day of the *system* month following application. This means that the individual will be added to an active TANF case for the current system month, so rollover plays a part in determining when eligibility begins for the new household member. Such an individual also has the responsibilities of an applicant, such as being subject to enumeration, child support and TANF Work requirements.

An interview with the TANF payee is mandatory to add anyone to a TANF case. The TANF payee must complete the MDHS-EA-900 Supplement, requesting that an individual be added to the TANF money payment. This must occur before the worker completes the process in MAVERICS. Determine eligibility and dispose of the request by authorizing eligibility and sending a notice to the payee, if found eligible.

If inclusion of the new individual with their resources and/or income causes ineligibility, terminate benefits for the next possible month and end a closure notice to the recipient.

**EXAMPLE:** A recipient completes the 900 Supplement on November 17 to report that her 16 year old son has moved back home. An interview is scheduled for November 20. The current MAVERICS system month is December. The child should be added to the case effective for the month of December and eligibility determined *ongoing* with the new household member included. If eligible, the benefit should be adjusted for December.

**EXAMPLE:** In the example above, the interview cannot be scheduled until November 22, after rollover to January has occurred. The child should be added to the case effective with the month of January and eligibility determined *prospectively* for January. If eligible, assistance will be continued and the benefit adjusted effective January 1.

### **For Applicant Moving Out of County**

In instances when an application is submitted but disposition is not completed, and the household reports a move to another county, the first county must ensure that all documents related to the application are scanned to the appropriate electronic folder in Interwoven/Worksite. Once as many required transfer actions as possible have been completed (handling any claims, IEVS, or other alerts, changing the household's address on ADDR, etc.) the first/transferring county must notify the new/receiving county of the transfer, send the A801 Transfer Between Counties notice

and use the Case Record Control (CARC) screen in MAVERICS to send the case to the new county. The receiving county will be responsible for completing the eligibility process and notifying the household of the decision. Refer to Chapter 7, pages 7554-7558, regarding case procedures.

### **For Applicant Leaving the State**

When an applicant goes out of state before the application is completed, the county will ask him the purpose of the absence and let him know that his eligibility cannot be determined while he is out of state. Take action then in accordance with the response of the applicant, as follows:

1. Hold the application for 30 days if the applicant says that he has gone on a visit and plans to return. If he does not return within that time, deny the application for inability to complete it.
2. Deny the application when the applicant states that he intends to reside in the other state. **SUBSTANCE ABUSE SCREENING**

As a condition of eligibility for TANF, any adult (including any disqualified individual) included in the assistance unit will be subject to a questionnaire to determine the likelihood of a substance abuse problem. This screening is required regardless of the adult's referable status to the TANF Work Program (TWP), and will be administered during the application process. Results of the questionnaire have no bearing on the decision to approve the TANF application, and eligibility determination must not be delayed based on the questionnaire's results. However, should results of the screening indicate the likelihood that a substance abuse problem exists, upon case approval, the client will be required to register with a designated provider in order to take a drug test. Failure of the adult to cooperate in being tested for a substance abuse problem will lead to closure of the TANF case.

**NOTE:** Adherence to this policy has no bearing on a household's SNAP case.

### **Screening Process**

All adults included in the TANF assistance unit will be required to take a substance abuse screening questionnaire at the time of a new TANF application. If at any time another adult joins the assistance unit, that adult will also be subject to screening. The questionnaire will be administered by the Case Manager (CM). The TANF application must be denied if the adult refuses to submit to the screening.

The CM will administer the questionnaire utilizing an online screening tool known as the Substance Abuse Subtle Screening Inventory (SASSI). The screening process takes approximately thirty minutes. At the conclusion of the screening, the results are immediately

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available for viewing by the CM. Screening results have no bearing on the determination of TANF eligibility.

### **Non-Exempt Referrals**

For TWP referable clients, substance abuse screening will be included in the Up Front Job Search (UJS)/Vocational Rehabilitation (VR) process. The client will be referred by the Eligibility Worker (EW) to the Case Manager Supervisor (CMS) through the MDHS-EA-319A, TANF Work Program Referral Log. In areas where the EW and CM are the same, the 319-A will not be necessary. Using the referral log, the CMS will assign the case to the CM who will in turn schedule a TWP intake appointment. As part of the UJS/VR process, the CM will administer the substance abuse screening questionnaire to the adult household member.

The CM will use the 319A to schedule the client for administering the SASSI. The CM will indicate on the form 1) if the client was a no-show for the appointment; 2) if the client refused to take the questionnaire; 3) if results of the questionnaire show a high probability of a substance abuse problem; or 4) if questionnaire results do not indicate a substance abuse problem. In any of these instances, the CM will document the 319A and return the form to the EW.

If results of the questionnaire indicate the adult has a high probability of a substance abuse problem, the CM will document the finding on the 319A and return the form to the EW. If the household is eligible for TANF, the EW will use MAVERICS notice A101, TANF Approval, to inform the household of the results. Along with the A101, the EW must send in a separate mailing the MDHS-EA-337, Drug Testing Instruction Notice, along with an “ePassport” form. This information packet will provide the household information on contacting the nearest testing facility for purposes of submitting to a drug test.

If the client fails to cooperate in taking the questionnaire, the CM will document the refusal by entering the appropriate denial code on the Maintain Up-Front Job Search (MUJS) screen in JAWS. MAVERICS will automatically deny the application by sending notice X710, TANF Up-Front Denial.

### **Exempt Referrals**

For adults determined exempt from TWP requirements, referral to the CM will still be required for purposes of administering the drug screening questionnaire. The MDHS-EA-319B, Substance Abuse Questionnaire Referral, will be provided by the EW to the CMS to indicate the

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TWP exempt client is being referred only for purposes of taking the questionnaire. The CM will administer the drug screening questionnaire to the adult household member.

The CM will use the 319B to schedule the client for administering the SASSI. The CM will indicate on the form 1) if the client was a no-show for the appointment; 2) if the client refused to take the questionnaire; 3) if results of the questionnaire show a high probability of a substance abuse problem; or 4) if questionnaire results do not indicate a substance abuse problem. In any of these instances, the CM will document the 319B and return the form to the EW.

If results of the questionnaire indicate the adult has a high probability of a substance abuse problem, the CM will document the finding on the 319B and return the form to the EW. If the household is eligible for TANF, the EW will use MAVERICS notice A101, TANF Approval, to inform the household of the results. Along with the A101, the EW must send in a separate mailing the MDHS-EA-337, Drug Testing Instruction Notice, along with an "ePassport" form. This information packet will provide the household information on contacting the nearest testing facility for purposes of submitting to a drug test.

If the client fails to cooperate in taking the questionnaire, the EW will deny the application by sending MAVERICS notice A219, TANF Denial - Other Reasons, indicating on the notice the reason for denial.



## OVERVIEW

This section discusses the conciliation process, adverse action notices, and conciliation reasons and resolutions.

## CONCILIATION

**Conciliation** is the process used by the case manager and the participant to resolve an informal conflict or grievance and/or impose a timed work program penalty, if applicable. The conciliation process may resolve problems concerning the participant's participation or progress in a work activity. The case manager should strive to create an atmosphere in which participants are encouraged to discuss any problems or concerns that prevent successful participation or progress in work activities. This is accomplished by permitting individuals to voice their complaints and grievances and by exhausting all reasonable means and available resources to resolve the issue.

**NOTE:** TWP participants must be encouraged to take personal responsibility to identify and resolve or remove barriers that prevent them from satisfactorily participating in assigned work program activities. It is vital that participants notify the case manager as soon as a barrier to participation is identified and that case managers make every effort to assist participants to resolve barriers prior to job loss or noncompliance with work program requirements.

A participant must have good cause for failure or refusal to participate in TWP activities or submit to a drug test, if required. Non-participation may occur early in the process or after the participant has been attending a scheduled work activity. When determining good cause, the case manager should take into account how long the individual has been in the program and how much he/she understands about TWP and the individual's action(s) toward personal responsibility. The case manager must use good judgment and base good cause decisions on established policy and procedures. Whenever the participant has an incident of non-cooperation, the case manager should schedule a conciliation appointment and work with the participant to resolve the issue. Adults receiving TANF benefits, who are not exempt from the TANF Work Program or who are participating as an exempt volunteer, must comply with the program requirements. Also, exempt clients determined to have a high likelihood of a substance abuse problem must submit to a drug test. If the participant does not comply, he/she may be sanctioned. When it is obvious that the participant is not meeting the work requirements, the case manager must determine the reason for noncompliance and determine whether there was good cause for the failure. Based on the documentation that he/she obtains, the case manager must decide whether to sanction the TWP participant.

If a TANF recipient fails to comply with TWP requirements or fails to register for or submit to a drug test, if required, the case manager must review the status of all TANF supportive services and take appropriate action(s), e.g., terminate immediately, terminate based on the result of the conciliation, etc.

**NOTE:** All good cause determinations recommended by the case manager must be approved by the case manager supervisor, county director or designee via MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer. (*Refer to Chapter 11, Determining Good Cause.*)

Penalties for noncompliance with the TANF Work Program **do** apply to exempt volunteers (JJ and JV). Exempt individuals will be conciliated for noncompliance which may result in a TWP sanction and a corresponding SNAP benefit sanction. Prior to referral to the TWP, exempt volunteers (**EV**) must sign **MDHS-EA-359** to acknowledge his/her understanding of TWP requirements and adverse action policy and procedures and to document the individual's case record that TWP rules and regulations were explained.

If an exempt volunteer is conciliated and good cause is approved and the individual no longer wishes to participate in the TWP as a volunteer, the **EV** code must be changed to **JJ** or **JV** (this change will cause the 12 month JJ counter to resume) in MAVERICS. Exempt individuals who are employed and wish to volunteer must be coded "**EV**". These individuals must not be coded "**WL**", "**WP**" or "**WH**" for tracking and monitoring purposes. The "**EV**" code will allow JAWS to automatically set up a conciliation record. Minor parents are subject to school attendance requirements; therefore, the case manager must change the **MV** code to **JJ** in MAVERICS and begin the School Attendance sanctioning process when the minor parent fails to attend school. Minor volunteers are not subject to TWP penalties. (*Refer to Chapter 8, Exempt Individuals.*)

### Establishing a Conciliation Record

The case manager will, within three (3) days of learning of noncompliance, schedule a conciliation appointment. A conciliation appointment can be scheduled in JAWS in one of the following ways:

- If an individual does not show for the orientation or assessment appointment, he/she will receive **T008, Notice of Adverse Action**, through the JAWS batch process.
- If an individual is assigned to a work activity, but fails to report, is not participating satisfactorily or refuses to participate, or failed to register for a drug test, take a drug test

as required, or meet drug treatment program requirements, as the case manager will schedule a conciliation appointment, and the individual will receive **T011, TANF Notice To Discuss Disagreement and Adverse Action**.

**NOTE:** When a conciliation record is set up, the case manager must review the status of all TANF supportive services and take appropriate actions(s), e.g., terminate immediately, terminate based on the result of the conciliation, etc.

When a JAWS conciliation record is created, a conciliation notice is mailed to the TWP participant and a conciliation referral is sent to MAVERICS the same night. MAVERICS will automatically generate a notice of adverse action to the household for each program based on the conciliation reason code received from JAWS. The notice will inform the household of the pending TANF and SNAP sanctions, the reason for the adverse action and effective month for the case action. The case manager may reschedule a conciliation as long as the appointment date is within 10 days of the discovery date of the initial conciliation appointment. The rescheduled appointment, **T012**, will not automatically be mailed to the individual. JAWS will maintain the notice on the Participant Notice Screen (**SPAN**) screen in JAWS. The case manager should screen print the notice and mail or give it to the individual.

When a conciliation appointment is scheduled in JAWS, the appointment schedule code will be updated to “OC” (Outstanding Conciliation) and the TWP File status will be “I” (Inactive). JAWS will send a transaction to MAVERICS and the participant’s benefits will be placed in a “FROZEN” status. If MAVERICS does not receive a compliance, exemption or fair hearing request from JAWS within 10 days, the TANF and possibly the SNAP case will close (*see Chapter 11, Noncompliance with TWP - Case Closure*). This process places more responsibility on the case manager. Completion codes for orientation and assessment appointments must be entered and conciliations must be resolved in a timely manner.

The individual receives three (3) notices of adverse action:

1. JAWS generated conciliation appointment notice
2. MAVERICS notice of adverse action (NOAA) for the pending closure of the TANF case
3. MAVERICS notice of adverse action (NOAA) for the pending reduction of benefits or case closure for SNAP

**NOTE:** The participant’s TWP activity may remain “open” during the conciliation process.



Entering attendance on the ATTENDANCE REPORT POP UP WINDOW (ARPW) during the conciliation process will resolve the pending conciliation. The case manager must review the status of all TANF supportive services and take appropriate action(s), e.g., terminate immediately, terminate based on the result of the conciliation, etc.

### Ten-Day Closure Run

MAVERICS automatically closes the TANF and possibly the SNAP case at the end of the 10 calendar days if no compliance, error, fair hearing request or exemption request code is received from JAWS. Once the 10 calendar day period has expired, the case manager **cannot** resolve an outstanding conciliation, even though JAWS has not closed the case. The supervisor may resolve the conciliation with “ER” at any time, if the sanction was applied in error (i.e., due to the case manager not entering a resolution in a timely manner). A screen print of the Maintain Conciliation Record (WCOR) screen and supporting documentation on PACR, if applicable, of why the “ER” code was used, must be forwarded to the county director.

EXAMPLE: Case closures are effective dated in JAWS. The case may close in MAVERICS on September 11 effective for the month of October, and JAWS will process the case closure on October 1.

### **Conciliation Reasons**

Reasons for scheduling a conciliation include, but are not limited to, the following:

- No show for an appointment or work activity
- Refusal to participate in the TANF Work Program
- Unsatisfactory attendance
- Failure to cooperate with the case manager, component provider, employer
- Failure to report and/or submit sufficient evidence to substantiate absence from the assigned work activity timely

- Failure to go to an employment interview
- Inappropriate or disruptive behavior (includes abusive or inappropriate language and inappropriate clothing) in a work activity
- Established pattern of failing to cooperate with TANF regulations (*see Chapter 11, Establishing A Pattern of Non-Cooperation*)
- Refused a job offer or
- Voluntarily quits a job, voluntarily reduced work hours for any job of 20 or more hours per week or terminated by an employer as a direct result of personal action(s). (*Refer to Chapters 3 and 11, Voluntary Quit Provision.*) or
- Failed to register for or submit to a required drug test, or satisfactorily meet requirements of a drug treatment plan

When a conciliation is needed, the case manager must:

- Schedule a conciliation appointment
- Notify service providers (child care and/or transportation) of termination of services (*see Chapter 10, Supportive Services*)
- Investigate the reason for non-compliance by talking with the participant and researching the Investigative Report and supporting documentation and/or any medical verification records and possibly the attendance records.
- Determine whether or not the participant had good cause for non-compliance (documentation must be provided within the 10 calendar day conciliation period).
- Process any exemption request made by the participant.
- If the participant is in a work activity and not making progress, counsel the participant to identify the problem and discuss other options or the possibility of a sanction.
- Determine whether or not the participant is demonstrating a good faith effort to comply. If so, talk with the component provider and allow the individual to continue in the same

work activity or place the individual in another work activity, whichever is deemed appropriate.

- **Forward all good cause decisions, along with MDHS-EA-359 and supporting documentation, to the case manager supervisor for review and approval within the 10-day conciliation period.** The case manager must not resolve the conciliation in JAWS until the completed MDHS-EA-359 is received.

If the individual does not have a good cause for one of the conciliation reasons listed above, the case manager **must not resolve the conciliation**. MAVERICS will automatically close the case at the end of the 10 calendar day period.

**NOTE:** Whenever possible, the case manager should meet with the participant, and if good cause is determined, provide appropriate documentation to the case manager supervisor for review and approval in order for compliance to be sent before the 10th day. If the compliance is sent on the 10th day, MAVERICS auto-closure will close a TANF case prior to processing the compliance sent by JAWS.

If the 10th day falls on Saturday or Sunday and the participant comes in on Monday, the CMS should “**ER**” the conciliation if good cause is approved and the participant chooses to comply.

Whenever “**ER**” is used, the supervisor must file a screen print of the WCOR and PACR screens, documenting the reason for the use of this code in the participant’s case record and forward a copy to the county director.

### Conciliation Resolution

Resolution may occur when:

- The barrier to satisfactory participation is resolved and the participant continues in his/her work activity or another work assignment
- The participant’s progress is determined to be satisfactory
- The participant has a valid reason for non-participation and an exemption request is approved
- The participant refuses to cooperate and a timed work penalty or 3 month sanction for non-

compliance with drug testing/treatment requirements is imposed

- The participant provided sufficient evidence to substantiate good cause. The good cause recommendation was approved by the case manager supervisor and the participant agrees to participate and is assigned to a TWP activity
- The participant finds employment of 25 - **35 hours per week** at or above the federal minimum wage within the 10-day conciliation period
- Good cause is not determined and a timed work penalty or drug testing/treatment sanction is imposed

**NOTE:** See Chapter 11, *Good Cause - Drug and Alcohol Abuse*, for information on the conciliation process for drug and alcohol abuse.

**NOTE:** Good cause determinations must be documented and reviewed and approved by the case manager supervisor. When a conciliation is resolved, the participant must sign **MDHS-EA-359**, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer.

## OVERVIEW

This material discusses good cause determination, drug and alcohol abuse, voluntary quit, compliance prior to a case closure and requesting a case closure.

## DETERMINING GOOD CAUSE

Good cause for noncompliance in the TANF Work Program (TWP) or failure to submit to drug testing/treatment, if required will be recommended by the case manager, when it is determined there is sufficient evidence to substantiate the good cause, and approved by the case manager supervisor, county director or designee via **MDHS-EA-359, TWP Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer**. When contacted by a participant with an explanation for not attending a work activity, the case manager must use good judgment and the good cause determination must be based on TANF policy, work program requirements and the individual's action(s) taken toward personal responsibility. For example, if the participant has a breakdown in transportation, did he/she immediately resort to his/her backup plan and/or explore all other available options in order to meet his/her work program requirements? Having good cause covers a broad range of circumstances. Sometimes situations arise where an individual is unable to participate for a day or several days because of such things as illness, the death of a family member, jury duty, etc. These are often short-term situations resulting from events beyond the participant's control. There will also be circumstances in which an individual will have good cause for turning down a specific job or assignment such as net loss of cash income. Although the individual may have good cause for not attending an assigned work activity, he/she will be required to continue to participate in the TANF Work Program.

**NOTE:** It is vital that participants notify the case manager as soon as a barrier to participation is identified and that case managers make every effort to assist the participant to resolve barriers prior to job loss or noncompliance with work program requirements.

**Before approving a good cause, the case manager must obtain written documentation when possible (e.g., doctors' excuses, police and court reports, an obituary, jury summons, etc.) to verify the good cause. Prior to approving a good cause the case manager supervisor must review the decision and supporting documentation.** The participant must provide the case manager with appropriate documentation within the 10-day conciliation period. In some instances where the participant is claiming a good cause for child care or transportation, the case manager must investigate and file written documentation of the findings in the participant's case record. The individual must make every effort to identify barriers and inform the case manager

as soon as possible. The case manager must make every effort to assist the participant to resolve barriers to participation.

- § Failure to get or keep a job or to satisfactorily participate in an assigned work activity because of inappropriate actions/behavior or the loss or lack of transportation, without good cause, will result in a TWP sanction and corresponding SNAP benefit sanction.
- § Failure to submit to drug testing, if required, will result in a three month sanction for the first offense, and a twelve month sanction if failure to comply with drug testing requirements occurs a second time within the same year.

The case manager recommends good cause for failure to participate in a work activity or accept employment or submit to drug testing, if required, when it is determined there is sufficient evidence to substantiate it. The case manager supervisor must approve or deny the good cause via **MDHS-EA-359**. Good cause must be determined when one of the following conditions exists:

1. **Transportation problems** - This includes a breakdown or disruption in transportation arrangements due to no fault of the participant, with no accessible alternate transportation, and individuals who live so far from any TWP activity as to be classified as remote (commuting time two (2) hours or more to the work activity - round trip). The case manager should stress to the participant by accepting the work stipend payment the participant agrees to bear the responsibility of providing transportation to the assigned components. The case manager and the participant should also devise a transportation back up plan for the participant. When both plans are determined ineffectual, the case manager must investigate and document in the participant's case record that every effort has been made to resolve the participant's transportation problem.
2. **Household emergency** - Any crisis that interferes with participation, such as, the death of a family member, or waiting for a plumber or electrician.

**NOTE:** Individuals who are employed must follow personnel procedures set by the employer. A participant assigned to an activity, other than employment, may be excused from participation up to five (5) days for each occurrence of death in the immediate family. The immediate family is defined as spouse, parent, stepparent, sibling, child, stepchild, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. Child means biological, adopted or foster child, or a child for whom the individual stands or stood in loco parentis.

3. **Temporary illness** – This includes illness of the participant or another household or family member requiring the presence of the individual (less than 30 days). If not clearly defined or the individual will be out for several days, medical information must be requested. The participant should request an exemption for long-term illness or disability.

**NOTE:** Individuals who are employed must follow personnel procedures set by the employer.

4. **Breakdown of child care arrangements** - This includes a breakdown or interruption in child care, as well as care that is not available or accessible to the parent. It also includes situations where the parent cannot arrange or pay for child care and the agency cannot provide it (for children over age 13). The State may not reduce or terminate assistance to a single custodial parent caring for a child under age six (6) for refusing to engage in work, if the parent demonstrates an inability to obtain needed child care. **NOTE:** Individuals who are employed must follow personnel procedures set by the employer.

5. **Circumstances beyond the control of the participant** - This includes individuals who miss appointments or fail to attend a work activity, or submit to a required drug test or treatment plan, as required because of:

- job interviews
- court appearances
- jury duty
- temporary incarceration\*
- military duty\*
- employment during the time the activity occurs
- inclement weather
- natural disaster
- no legal right to work in USA\* or
- participation would result in loss of a job

\* Although these are not exemption reasons, these circumstances could affect TANF eligibility.

**NOTE:** In situations where the case manager is not able to document the case record and the case manager supervisor and/or county director cannot make a determination, the county should contact the regional office for a good cause determination from ~~the Economic Assistance Policy Field Operations Program Support Unit~~, if necessary.

6. **Net loss of income** - Accepting the job would result in a net loss of income for a [household](#). **Net** loss is determined by assessing the total of earnings, SNAP benefits, and transitional services, less work-related expenses (transportation and child care not paid by MDHS). If the resulting amount is less than the current amount of TANF, SNAP benefits and supportive services good cause may be approved.
7. **Unreasonable work demands** - This includes:
  - Employment no longer available because of a labor dispute
  - Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs
  - Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule or work conditions were hazardous to health
  - Job pays less than minimum wage based on the number of hours actually worked
  - Job not within physical or mental capacity

The participant will be required to provide documentation of the above-listed circumstances to the case manager within his/her 10-day conciliation period if possible.

**NOTE:** Whenever possible, the CM should work with the participant and component provider to schedule “make-up” hours in order for the participant to meet the monthly participation requirements for the report month.

### **Drug and Alcohol Abuse**

Drug and alcohol abuse is a serious threat to an individual’s ability to stay employed and off public assistance. It is a critical barrier to a successful transition from welfare to work. An individual may receive an exemption from the TANF Work Program while undergoing drug or alcohol abuse treatment.



**NOTE:** Minor heads of households will be treated as adults for this policy.

**The substance abuse treatment period is countable in the 60-month time limit but is not countable in the 24-month time limit.**

At any time after application, reevaluation, or at the time the participants job status changes from exempt to mandatory (NE) or exempt volunteer (EV), the participant states that he/she has a substance abuse problem which would prevent job placement, employment retention or participation in any TWP activity, the case manager will send the notice of adverse action for a TWP sanction. If the participant has been referred to a JRT/EC, the **MDHS-TWP-364**, and supporting documentation must be provided to the case manager within three (3) working days.

Upon receipt of this report, the case manager must initiate the TWP sanctioning process.

- The case manager will add a conciliation record in JAWS using “**DA - drug abuse**,” as the conciliation reason
- JAWS will send the conciliation transaction to MAVERICS. JAWS **will not** send an appointment notice to the client
- Upon receipt of the conciliation referral from JAWS, MAVERICS will process the record and send a TANF case closure notice and a SNAP adverse action notice to the client

Good cause cannot be granted for this reason because of the previous opportunities given to claim this exemption and obtain treatment. If the conciliation reason is “**DA**,” JAWS **will not** allow the case manager to resolve the conciliation record or request an exemption (for any reason). If the conciliation record was added in error, the supervisor may resolve the record by using “**ER**” (the conciliation was added in error) or “**CN**” (cancel the conciliation because the record did not process or the sanction was removed in MAVERICS). The fair hearing process will be treated the same as the other fair hearing requests that are referred to MAVERICS.

An individual who has served his/her sanction period and is not seeking an exemption will be pulled to JAWS in a “**Re - received**” status. Regular Up Front Job Search policy and procedures for compliance will be followed (see Chapter 8, TWP Referrals - Received Status Referrals).

*Refer to Chapter 3, Drug Treatment, for the eligibility criteria and the policy and procedures for handling substance abuse exemption request.*

### Voluntary Quit Provision

An applicant or recipient who voluntarily quits a job or is terminated by the employer as a direct result of personal action(s), e.g., disruptive behavior, inappropriate conduct or language, absenteeism (to include absence caused by the loss or lack of transportation), tardiness, etc., committed by the individual or voluntarily reduces his/her work hours for any job of 20 or more hours per week, without good cause, will become ineligible for TANF benefits.

*(Refer to Chapter 3, Voluntary Quit Provision, for additional information.)*

### COMPLIANCE PRIOR TO CASE CLOSURE

The participant has 10 days from the discovery date on the conciliation/adverse action notice to:

- Meet with the case manager and provide appropriate documentation for good cause determination and
- Comply with the TANF Work Program requirements

If good cause is not approved, the appropriate TWP penalty will be applied.

### Resolving a Conciliation

If good cause is approved, the participant may comply, during the 10-day conciliation period, by:

- Fully completing orientation or assessment
- Accepting employment of 25 or more hours per week earning at least minimum wage
- Being placed in a work activity ~~or~~
- Talking with the case manager and agreeing to participate or
- Registering for and submitting to a drug test, if required

For information about resolving a voluntary quit violation, refer to Chapter 3, Voluntary Quit Provision.

Although “**CA-Participant Agrees**” may be used as the conciliation result, the participant must come in and talk to the case manager and good cause must be approved by the case manager supervisor. Contacting the case manager by phone is not acceptable for compliance. Use of the “CA” code is one of several options that the case manager has for resolving a conciliation. The conciliation may also be resolved by having the participant fully complete an orientation/assessment appointment or placing the participant in an activity. “CA” was added as a resolution code because there may be times when the participant receives the conciliation appointment letter on the tenth day and the case manager must send a compliance to MAVERICS immediately in order to prevent a case closure. The case manager should use discretion when resolving a conciliation with “CA.” Whenever “CA” is used as a resolution code, documentation of the face-to-face interview with the participant must be documented on the PACR screen. If the participant cannot complete orientation/assessment at the time of the interview, the participant must be scheduled for the next available session. (Scheduling an appointment for two (2) or more weeks into the future is not acceptable.)

Once the conciliation resolution has been entered in JAWS, **T013, TANF Resolution to a Disagreement**, will be mailed to the participant. If the conciliation resolution fails or if the participant disagrees with the agency decision related to a denial of services or sanctions, he/she may request a fair hearing.

### **Establishing a Pattern of Non-Cooperation**

Whenever the participant fails to comply or participate satisfactorily the case manager must schedule a conciliation in JAWS to ensure accountability and to establish a pattern of non-cooperation. If the participant claims good cause but establishes a pattern of noncompliance (no more than three times), and the case manager does not feel that the participant is trying to comply or the participant’s actions do not demonstrate personal responsibility, a sanction will be applied.

The case manager must use good judgment and base his/her decision on TANF policy and work program requirements when determining good cause. The case manager may apply the sanction whenever he/she feels that the situation warrants one. If the case manager and case manager supervisor believe the participant should be sanctioned during the first conciliation, the sanction should be applied.

However, written documentation (including all written and oral communication between the case manager and the participant) to support the action must be filed in the participant’s case record. The “establishing a pattern” policy should be used as a guideline to deter the creation of multiple (four, five, six...) conciliation records by the case manager which allow the participant to continue to make excuses for his/her non-cooperation.

If the participant is not sanctioned, the participant must complete the **MDHS-EA-359, Agreement to Participate Following Notice of Adverse Action or Referral as an Exempt Volunteer**. The purpose of form **MDHS-EA-359** is to provide documentation that TANF Work Program (TWP) rules and regulations have been explained to exempt volunteers prior to referral to the TWP and to TWP participants who have been scheduled for conciliation because of noncompliance, unsatisfactory participation or the lack of actions demonstrating personal responsibility, including failure to cooperate with drug testing policy, as required. Case managers must ensure that participants understand their personal responsibility to comply with and participate satisfactorily in TWP. Form **MDHS-EA-359** will serve as verification that the case manager explained TWP requirements and that the participant understands the penalty for failing, without good cause, to participate. If the participant fails, without good cause, to participate in any future TWP activities or meet drug testing requirements, if required, his/her TANF case will close with a timed penalty period.

### **REQUESTING A CASE CLOSURE PRIOR TO CONCILIATION**

When a TANF recipient requests a case closure, he/she must write a statement requesting the case be closed. The TANF recipient (nonexempt “NE,” exempt volunteer “EV” or convicted drug felon “CF”) may not request case closure to avoid a sanction when there is an outstanding TWP conciliation. It is critical that case managers set up conciliation records according to timeliness standards.

**Compliance - Although Sanction Not Applied (Manual Process)**

When a TANF case closes due to a program violation, the case must not be re-approved until the household is in compliance. Cases closed for specific program violations will be identified in MAVERICS by the closure reason. However, there will be times when the TANF case may already be in a FROZEN status when JAWS sends the non-compliance to MAVERICS. If the program status of the TANF case is RECEIVED, PENDED, CLOSED, DENIED or FROZEN, MAVERICS will ignore the conciliation. If the case closes for any reason other than non-compliance, MAVERICS will send a 'CL' code and the conciliation record will be closed in JAWS. This will require special handling at reapplication or during the FROZEN status because compliance with the violation must be verified before re-authorization or re-approval.

1. MAVERICS will send an alert to indicate that JAWS sent a conciliation. MAVERICS will “flag” the case but will not sanction the participant. If the participant who is “flagged” reapplies for TANF benefits, MAVERICS will alert the EW that the participant must comply with TWP.
2. The **MDHS-EA-319, TWP Conciliation Status Request**, will be used for communication between the intake eligibility worker and the case manager at reapplication and prior to re-approval for TANF benefits when the TANF case closes for another reason and MAVERICS ignores the conciliation. The form may be initiated by either the intake eligibility worker or case manager. The initiator of the form will prepare an original and one copy of the **MDHS-EA-319, TWP Conciliation Status Request**, sending the original to request or convey information and keeping a copy in the case record. The responder will complete the requested information and return the original form, also keep a copy for the case record. The form with associated material must be maintained in the TANF case record. Completed forms should be sent/mailed daily.

**NOTE:** The sanctioned individual must contact the eligibility staff before completing an orientation/assessment appointment with case management.

**NON-COMPLIANCE - SUBSTANCE ABUSE SCREENING/TESTING**

If results of a questionnaire administered during the TANF application process indicate an adult in the assistance unit has a high likelihood of a substance abuse problem, the adult(s) will be required to submit to a random drug test. If the adult fails to complete requirements of substance abuse testing and treatment, the entire TANF household will be subject to a sanction. Non-compliance occurs when:

- the adult refuses to register for a random drug test based on results of the questionnaire
- the adult fails to enter a treatment program if drug test results are positive
- the adult enters but fails to meet requirements of a treatment plan, including refusal to take a random drug test
- the adult tests positive for the unlawful use of a drug in a drug test required by and administered during the treatment plan or at the conclusion of the treatment plan

The following full benefit sanction will apply when non-compliance is determined:

**First Violation** - 3 months, beginning with the month following determination of noncompliance

**Second Violation** - if a second violation occurs within 12 months of the first violation, an additional 12 month sanction will be imposed.

**Example:** Mrs. Jones failed to submit to a required random drug test, and her household was disqualified for a three month period, March through May. In July, Mrs. Jones reapplied for TANF and submitted to the screening questionnaire. A high likelihood of a substance abuse problem was determined, and Mrs Jones cooperated in submitting to a random drug test. Results of the test were positive. However, Mrs. Jones failed to adhere to a treatment program, and the TANF case that had been approved in July was closed effective for September. Because this was the second violation within 12 months, the sanction period was imposed from September through the following August.