

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
RIGHTS AND RESPONSIBILITIES-203	COMAR 07.03.03.04	APPLICATION 200

203.1 REQUIREMENTS

- A. The case manager provides written and verbal information about the:
1. Applicant's rights and responsibilities
 2. Program requirements
 3. Verifications needed and
 4. Timelines
- B. **Confidentiality:** The Agency must protect customer information, keeping it confidential unless disclosure of the information is specifically permitted
1. Customers must give permission before their information can be shared except as permitted under the law
 2. Local departments must have written procedures for maintenance of case files and the removal and return of information to case files
 3. Maintain confidentiality of information from other state or federal agencies in accordance with procedures established by the local department or the State
 4. If information is disclosed, the individual receiving the information must also agree to keep it confidential and use it only for the intended purpose
 5. The case manager obtains the consent of the applicant or customer to request verification from an outside source, unless it is needed for administrative purposes such as fraud or overpayment documentation
 6. Thoroughly review the 'Your Rights and Responsibilities Form 9707' with the customer. This form states that a signature on the application:
 - a. Includes consent for the local department to obtain information from other sources
 - b. Allows the local department to use social security numbers to match the records of other agencies, organizations, and businesses
 7. Limit all requests for information to those that are needed to determine eligibility

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Note: Some agencies, businesses, and organizations may require a consent form specific to themselves before releasing information. When this occurs, obtain the customer's specific written consent or refer the individual to the outside source to give consent.

203.2 INFORMATION RELEASE WITH CONSENT

- A. To release identifying information to researchers:
 - 1. Customer consent is required
 - 2. The research project is approved by the Family Investment Administration
 - 3. The local department will receive written approval for the project from FIA
- B. A customer may consent to the disclosure of specific information to a third party if the request:
 - 1. Is in writing and signed and dated
 - 2. Specifies the information to be disclosed
 - 3. Specifies the person or agency to receive the information
 - 4. Specifies the purpose for the disclosure
- C. Applicants and customers who are 16 years old or older may sign the consent

203.3 INFORMATION RELEASE WITHOUT CONSENT

- A. Information may be released without the individual's consent in the following circumstances:
 - 1. If there is a court order
 - 2. If a subpoena is received:
 - a. Contact the local department's attorney, or
 - b. DHR's Office of the Attorney General at 410-767-7726 (if above is not available)

Note: A subpoena is not a court order

- The attorney will:

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- Determine if Human Services Article of the Annotated Code of Maryland, allows disclosure without a court order
 - Call the courts and request permission not to comply
 - Request a court order if required
 - Advise Family Investment staff of the decision and any required actions
3. Local, State, or Federal officials are pursuing an investigation of any program violation
 4. Local, State, or Federal officials or employees require the information for the administration of the program
 5. A volunteer or contractor of a State or Federal agency, who has signed a written agreement to abide by State and Federal confidentiality laws and regulations, requires the information for administration of the program
 6. A Federal, State or local law enforcement officer presents the name and social security number of a fugitive felon along with an arrest warrant that establishes the individual as a fugitive felon

Note: A fugitive felon is an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempted crime that is a felony or is in violation of probation or parole

If an active TCA case file contains a customer with the same name and Social Security number, give the address to the police officer

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Note: According to Food Supplement Program (FSP) policy, the current address, Social Security number and photograph, if available, may be released to a law enforcement officer who passes the following test:

- Is identified as engaged in official duties that include locating or arresting a member of the FSP household
- Provides the name of the FSP household member
- Demonstrates that the household member is a fugitive felon or has information concerning a fugitive felon

When a customer receives both TCA and FSP, apply the test for both programs and provide the information if the above conditions are met.

7. Researchers have received permission from the Family Investment Administration to obtain non-identifying information
- B. In other situations, obtain the customer's consent to release information that can be disclosed under State law or regulations, except in an emergency:
1. The information can be disclosed without prior consent as long as the customer is notified of the disclosure orally or in writing
 2. Notify the customer within 2 working days about the disclosure of information

203. 4 APPEALS – RECORD ACCESS

- A. Customers have the right to examine their case records in the local department
 - Individuals designated by the customer to represent him or her during the appeal process also have a right to examine the case record
- B. The local department is only obligated to allow access to information pertinent to the appeal and is required to protect all confidential information from exposure
- C. A representative of the local department should be present while the case record is being examined

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203.5 CASE MANAGEMENT TIPS

The official custodian of case records is the executive head of the Department of Human Resources (the Secretary), an Administration (Executive Director), or a local department (Local Director)

- **Follow local department procedures when requests are made for information**

EXAMPLES

Example 1. After many years, John Smith, father of 10-year-old Joseph Smith, is located. He thought his ex-wife's new husband had adopted Joseph. Since he has now discovered that is not the case, he wants to be reunited with his son and would like the address.

- The local department may not give Joseph's address to Mr. Smith
- Mr. Smith could allow the local department to give his address to Joseph's mother

Example 2. Mary Martin requests the local department to give her prospective landlord proof of her benefits. The landlord wants the proof sent directly from the local department.

- The information may be released with a written consent

Example 3. Nancy Nelson fails to respond to letters concerning possible unreported earnings and the case is closed. The case manager wants to call the employer to get the earnings since the wages are not showing up on wage screens.

- The case manager can contact the employer since the purpose is to aid in the administration of the program by determining if there is fraud or an overpayment
- If the employer wants a consent written specifically for their company and will not release information without it, refer the customer's case for investigation

Example 4. John Sheriff comes to the local department with a subpoena for the case manager to appear in court with the case record of Hannah Hardcastle. Mr. Hardcastle is filing for divorce

- Contact the local department attorney or DHR's Attorney General's office immediately for guidance

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- The information probably cannot be released because it is not directly related to the administration of the TCA program or an investigation of program fraud

Example 5. Larry Lawman comes to the local department with a warrant for the arrest of Tammy Trestle. The warrant states that Ms. Trestle is a fugitive since being found guilty of murder. Officer Lawman provides his own identification along with Ms. Trestle's social security number.

- Ms. Trestle's address is given to Officer Lawman because Ms. Trestle is a fugitive felon

Example 6. Sam State Trooper comes to the local department with a court order for a local department representative to appear in court with Sandra Sanford's case record.

- Contact the local department attorney or DHR's Attorney General's office immediately for guidance

203.6 Non-Discrimination

A. General Statement: DHR and its representatives or contractors must comply with Federal and State civil rights laws prohibiting discrimination against any individual or group. This section discusses non-discrimination.

B. Requirements: A local department or its contractors **may not** discriminate against an applicant or recipient because of:

Race	Age
Color	Marital Status
National origin	Mental or physical disability
Gender	Religious or political affiliation or belief
Limited English Proficiency	Cultural differences
Sexual orientation	Ethnicity

C. Customers may not be:

- i. **Denied** benefits and services because of discrimination,
- ii. **Subjected** to segregation or separate treatment,

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- iii. **Restricted** from any advantage or benefit of the program,
- iv. **Treated** differently in determining if eligibility requirements are met, or
- v. **Refused** a referral for training or employment
- vi. **Retaliated** against

D. Requirements of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA) of 1990

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the local department of social services (LDSS) and its representatives or contractors may be required to make special accommodations in order to serve disabled individuals and ensure compliance with the law. There are three key requirements that protect the rights of customers with disabilities and are requirements that the LDSS, its representatives and contractors must follow:

1. Ensure equal access to all DHR programs by:

- a. Offering individualized treatment and evaluation of each customer on a case-by-case basis.
- b. Not assuming that disabled people can only perform rudimentary activities.
- c. Guaranteeing that customers with disabilities receive the same opportunities as customers without disabilities.

2. Modifying practices and procedures to the extent possible to ensure equal opportunity

- a. Adjust, to the extent possible, the application process, training and education programs, work activities and other factors to ensure equal opportunities.
- b. The modifications should not result in program alterations or undue financial and administrative burdens.

3. Provide non-discriminatory program administration:

- i. Ensure service providers are experienced and skilled in working with individuals with disabilities.

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- ii. Assess the treatment that customers receive from contractors and vendors.
- iii. Protect customers from experiencing disability–related discrimination resulting from unlawful actions by contractors and vendors.

E. Complaints of Discrimination

- 1. Individuals may file a written complaint explaining the circumstances of the alleged discrimination with any of the following:
 - a. Secretary of DHR
 - b. DHR, Director, Office of Employment and Program Equity
 - c. Office of Civil Rights, U.S. Department of Health and Human Services, Region III, Philadelphia, PA
 - d. Any DHR employee
- i. DHR must investigate and inform the complainant of its findings within 60 days

F. Case managers must:

- 1. Advise customers of their rights and responsibilities during the application and recertification process
- 2. Assist applicants and customers in filing a complaint of discrimination if the customer feels he or she has been discriminated against
- 3. Respect cultural differences, protect customer rights and make accommodations that are mutually acceptable

G. The local department must:

- 1. Display posters which clearly tell the customer how to file a discrimination complaint
- 2. Provide customers with the pamphlet entitled, “Discrimination: You Can Do Something About It” Form DHR/Pub. EEO 5035
 - Local departments should also have a supply of the pamphlet in the reception area.

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EXAMPLES

1. Kelly Kelso receives TCA for herself and her son. She cannot read and write. Ms. Kelso is unemployed and states she never worked. She states she would like to work as a hospital aide or lab technician. There are job openings in the hospitals, but all require reading and writing.

The case manager places Ms. Kelso in a sheltered workshop training program, which only caters to people with disabilities, where professionals tutor her in reading and writing and teach her to sew on commercial machines.

How could this be potentially discriminatory?

The placement provides services that may lead to employment but may not be as effective as services provided to others with similar interests who were placed in hospital or medical training programs.

- Was Ms. Kelso considered for job training programs in her primary area of interest or just placed in the program for people with disabilities because she has a disability?
 - Ms. Kelso has the right to file a complaint if she believes that the placement was discriminatory because of her disability.
2. Penny Pennsylvania notices that only men are referred for jobs at a construction site. The case manager confirms that this is true because all the available jobs require extremely heavy lifting and Ms. Pennsylvania is very petite. She does not believe this and wants to file a discrimination complaint.

What should the case manager do now?

- Ms. Pennsylvania has the right to file a complaint at any time she believes she has been discriminated against

The case manager must offer to help her file the complaint if she asks for help

H. Assessment of individuals to determine the needs of people with disabilities

1. Provide an assessment of all individuals, which includes a determination of:
 - a. Whether the individual has one or more disabilities;
 - b. Nature of the disability;
 - c. Extent to which an applicant is capable of employment or participation in employment-related activities;
 - d. Under what conditions the individual is capable of employment;
 - e. Implications of the disability on immediately securing employment;

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- f. Appropriateness of a particular work assignment;
 - g. Need for reasonable accommodations, auxiliary aids, policy modifications, additional training and education, services and communication assistance;
 - h. Applicability of work participation rules, time limits and sanctions.
- **Refer all customers determined to have long-term disability to the DEAP advocate to pursue disability benefits through the Social Security Administration**
2. Ensure the customer that the assessment is part of the job training and education process for everyone.
 3. Ensure equal employment related opportunity by involving medical, psychological, vocational, and rehabilitation experts trained in making assessments of adults with disabilities where needed.
- I. Job Training/Education Stage
1. Ensure that training and educational opportunities are accessible for customers with disabilities. Specifically, are they accessible for people with:
 - a. Mobility impairments (someone in a wheel chair or using crutches),
 - b. Communication impairments (someone who is deaf or cannot speak),
 - c. Developmental impairments (someone who may have cerebral palsy) and
 - d. Mental or emotional impairments (an individual who is bi-polar or depressed.)
 2. Train case managers or other agency individuals, who are responsible for securing placements for job training and education programs that are operated by other agencies or entities, to secure appropriate placements for customers with disabilities.
 3. Inform all outside contractors who provide customer services of their obligations, under the ADA and Section 504, to modify policies and procedures to ensure equal benefit opportunities.
 4. Develop a method of determining the ability of an individual with disabilities to function in a training program. Develop a procedure of monitoring individual progress and to determine if needed accommodation is provided.

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J. Work Program Stage

1. Determine if modifications or accommodations to work site or job opportunity are necessary because of customer disability.
2. Ensure that employers are aware of their ADA obligations regarding reasonable accommodation for individuals with disabilities.
3. Ensure that employers assign individuals with disabilities to jobs that accurately reflect their abilities, knowledge and skills.
4. Develop a method of monitoring the ability of individuals with disabilities to handle assigned jobs. Follow up to determine if individual accommodation needs are being met.
5. Address any potential obstacles to sustaining employment for people with disabilities.