

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY CASH ASSISTANCE MANUAL</b>	
<b>TIME LIMITS 313</b>	<b>COMAR 07.03.03.20</b>	<b>TECHNICAL ELIGIBILITY 300</b>

### 313.1 REQUIREMENTS

- A. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) limits benefits funded by Temporary Assistance to Needy Families (TANF) to 60 months. The State may exempt a family from the application of the 60 month rule because of hardship. The number of families to which a hardship exemption is made shall not exceed 20 percent of the average monthly number of families to which assistance is provided. Maryland law allows state funding of TCA benefits for hardship cases if the number of hardship exemptions exceeds 20 percent. The number has never exceeded 20 percent. Do not pay TCA for an adult parent who has received 60 months of benefits under TCA (here or in another State), unless they meet requirements for the hardship exemption.
- B. When counting the number of months of benefits received, do not count any month in which the individual:
1. Is a minor child, including the 18 or 19-year-old full-time student who is still a child on the grant, as long as the minor is not:
    - a. Head of household, or
    - b. Married to the head of household.
  2. Receives counseling or is actively receiving services as part of the plan to overcome barriers to independence caused by domestic or family violence
    - Includes any month in which a child in the family receives counseling because of family violence.
  3. Is living on an Indian reservation or Alaskan native village with 50% unemployment.
  4. Has countable earned income on or after July 1, 1999.

**Note:** A month is countable if the needs of an adult parent are removed because of a sanction. Months are not countable when the case is closed due to a sanction.

Because, since October 1, 2015, long term disabled recipients receive federally funded TCA benefits, their months of TCA receipt count toward the 60 month limit. While they remain exempt from work requirements, our goal is to engage the disabled clients in activities that will help them become as independent as possible.

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C. When the adult parent in the assistance unit has received benefits for 60 countable months, the case manager must determine if the customer meets the requirements for the hardship exemption. Grant the family a hardship exemption when:

1. There is an Independence Plan formulated by the customer and the case manager which states:
  - a. The activities and other actions that customer is expected to complete; and,
  - b. Supportive services the local department is expected to provide to the family.
2. There is an initial and updated assessment.
3. Documentation in the case record shows that the customer has:
  - a. Been offered or provided supportive services by the local department as stated in the state plan.
  - b. Demonstrated a good faith effort to participate in work activities that may include finding and keeping a job; and,
  - c. Experienced significant barriers beyond the customer's control that prevented finding and keeping a job.

--OR--

4. The local department did not offer or provide the supportive services stated in the Independence Plan.

D. The local department must follow these procedures to grant the family a hardship:

1. Document in the case record (paper and electronic) that the :
  - a. Local department has maintained an Independence Plan that is currently in effect. Maintenance includes updating the supportive services to be provided and the customer activities as required according to the customer's changing needs.
  - b. Customer has made a good faith effort to meet the activities and other expectations in the Independence Plan.

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- c. Local department's efforts to ensure that the terms and conditions stated in the Independence Plan have been fulfilled by the customer and the local department.
  2. Include in the case record (ECMS) documentation at least:
    - a. A current Independence Plan that is updated as the needs to the family change; and
    - b. Referrals and outcomes of the following:
      - Assessment
      - Disabilities;
      - Counseling;
      - Social Services;
      - Other supportive services;
      - Testing;
      - Education programs;
      - Job search;
      - Job training;
      - Work experience; and,
      - Employment
  3. Make a recommendation in writing, based on the review of the family's case record, as to:
    - a. Whether a hardship exemption should be granted and the reasons why a hardship exemption should be granted; or,
    - b. The reasons why a hardship exemption should not be granted.
  5. Include in the recommendation a determination of whether the local department made the supportive services available to the customer as specified in the Independence Plan.
  6. Give the customer a hardship exemption if:

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- a. If the local department did not make the agreed upon supportive services in the Independence Plan available to the customer; or the supportive services provided did not remove the barrier; and,
  - b. The customer demonstrated good faith efforts to keep the terms of the Independence Plan.
7. Complete a new assessment when the hardship exemption is granted, within 45 days from the date the exemption is granted, which considers the:
- a. Reasons for continued reliance on TCA;
  - b. Educational level, job skills and readiness, and interests, to evaluate the customer for appropriate work activities;
  - c. Available personal and family resources to help the family become independent;
  - d. History of family violence; and,
  - e. History of substance abuse.
8. When the hardship exemption is given, develop a new Independence Plan between the customer and the local department within 60 days from the date the exemption is granted.
9. The case manager and the customer develop, sign and date the new mutually agreed upon Independence Plan that states what must be done, when and by whom to:
- a. Overcome the customer's barriers to employment;
  - b. Help the customer prepare for the transition to work; and,
  - c. Ensure the family becomes independent.
10. Include in the new Independence Plan at least:
- a. A statement of the goals and intent of the Plan;
  - b. Barriers or problems identified that must be overcome to achieve the goals of the Independence Plan;
  - c. The services and supports the local department provides to help the family overcome the identified barriers;
  - d. The time frames each service and support is to be provided by the local department;

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- e. Each responsibility and activity the customer is to accomplish; and,
  - f. The time frames in which the customer is to accomplish each task.
11. The case manager's recommendation (to grant or not grant a hardship exemption) and new Independence Plan must be reviewed and approved by:
- a. A Family Investment Program supervisor and
  - b. The director of the local department or designee.

**NOTE:** The director or designee will make sure that the family that does not receive a hardship exemption is referred to services, if appropriate.

12. Customers who do not complete the agreed upon activities included in their Independence Plan, when the local department has made available the agreed upon supportive services, are subject to the appropriate sanctions for not meeting individual program requirements.

### **313.2 VERIFICATION**

- A. Document why an adult parent is exempt or not exempt from the time limit.
- B. Document extensions beyond 60 months. Specific verifications are according to local option.
- C. Get proof of benefits from other states where the family received cash assistance.
  - 1. **Verification is required before the case is finalized** – supervisor adjusts time limit counter before case is finalized.
  - 2. Only use the number of countable months since the other state began TANF.
  - 3. Exclude months in which the customer was a minor in the grant and not head of household or married to the head of household and months the customer was living on a Tribal reservation with 50% unemployment.
  - 4. You may elect to exempt other individuals from the time limits, such as victims of family violence.
  - 5. Do not count months in which only state funds were used to pay benefits, such as months before October 1, 2015 for long term disabled customers. .

### **313.3 SANCTIONS AND CLOSINGS**

- A. Sanctions

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1. **Do not count toward the 60-month time limit the month the customer is not issued benefits for the 30<sup>th</sup> day required period of compliance.**
2. Case managers must use the appropriate CARES code for the number of sanctions imposed for not meeting work requirements:
  - **Code 501** – 1<sup>st</sup>, **must be cured** by at least one day of compliance;
  - **Code 502** – 2<sup>nd</sup>, **must be cured** with at least 10 calendar days of compliance;
  - **Code 503** – 3<sup>rd</sup>, **must be cured** with 30 calendar days of compliance.
4. Allow a hardship exemption when a family reaches the 60-month time limit if they are currently meeting the terms of their Plan even though one or two-work sanctions have been imposed.
5. Allow a hardship exemption when a family reaches the 60-month time limit if they are currently meeting the terms of their Plan even though:
  - a. Three or more work sanctions have been imposed, but
  - b. There is no pattern of non-cooperation over the most recent 12 month

**B. Closings**

1. Families are not given a hardship exemption when they reach the 60-month time limit and:
  - a. Have had three or more sanctions imposed, and
  - b. There is a pattern of non-cooperation in the most recent 12 months that includes the month the customer reaches the 60-month limit.
2. Do not give customers who have received a total 60 months of TCA benefits a hardship exemption if:
  - a. They have received initial and updated assessments; and
  - b. They have not complied with the agreed upon supportive services available to the family.
3. Case managers use the following CARES worker entered closing codes:
  - Code 510

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You have gotten the maximum number of TCA payments and cannot get more because you did not do the things you agreed to in your Family Independence Plans.

- Code 511

You have gotten the maximum number cash payments in Maryland and in another state and cannot get more because you did not do the things you agreed to in your Family Independence Plans.

4. Case managers must add plain English, case specific free-form text to the appropriate CARES notice so that the customer is able to **read and understand** the reason for the sanction or closing.

#### **313.4 CASE MANAGEMENT TIPS**

- A CARES automatically starts and stops the time limit counter based on information the case manager enters in the system.
- B. If the individual has received TANF benefits in other states.
  1. The case manager must always call the other state to verify TANF benefits.
  2. The supervisor must manually correct the counter prior to finalization.
- C. It is important to code CARES correctly for mandatory federal reporting.

#### **313.5 EXAMPLES**

Mrs. Calvert received TCA off and on for 60 countable months. Mrs. Calvert worked in the past, but is now unable to find a job. The major employer in the area has gone out of business and other jobs that she could qualify for are very hard to find. Mrs. Calvert is in a training program to improve her marketable skills as specified in her Independence Plan. Employment problems in her area are confirmed.

- ◆ The case manager must:
  - Review Mrs. Calvert's circumstances to see if she qualifies for a hardship exemption.
  - Document that the requirements of the Independence Plan were met by Mrs. Calvert and the local department and that she demonstrated a good faith effort to meet the activities specified in the Independence Plan.
  - Make a recommendation in writing that Mrs. Calvert receive a hardship exemption.

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- Complete a new assessment of Mrs. Calvert’s skills, educational level, job readiness and areas of interest.
- ◆ The case manager and Mrs. Calvert develop a new Independence Plan that states how she will overcome her barrier to employment and how the local department will support her efforts.
- ◆ The new Independence Plan is approved by the supervisor and the local department director.
- ◆ The exemption needs to be reviewed on a regular schedule.

Ms. Warren has received assistance for 60 countable months. While she was receiving benefits the local case manager completed and updated Ms. Warren’s Independence Plan and assessment. The local department has documentation that during the time she was receiving benefits, Ms. Warren was sanctioned twice in 2017 and once in 2018. The local department has made many types of services available to her. Ms. Warren recently quit her job without good cause. She is applying for TCA for herself and her two minor daughters.

- ◆ Mrs. Warren is not eligible for continued assistance.

Nancy Newton originally applied for assistance in January 2009 when she was 17 and pregnant. She had been living away from her parents for over a year when she came to apply. She received a full grant for 24 months and then began working part-time. The job began in February 2011 with countable earnings beginning in March and ending in April 2012. Nancy Newton returned to school to study computers while receiving a TCA benefit. She is currently looking for a job

- ◆ Nancy Newton has now received assistance for a total of 68 months, January 2009 to August 2015.
- ◆ The months from July 2011 to April 2012 (10 months) are excluded because she had earned income.
- ◆ There are no excluded months while she was a minor because she was head of household
- ◆ Nancy Newton currently is eligible for 2 more countable months of benefits and should be scheduled for an assessment and new Independence Plan for a possible hardship exemption.

In 2009, Fanny Florida received TANF in Arkansas on her mother’s grant for three years and then, when she turned 18, she received TANF for herself and her son for 15 months while she went to school. She married upon graduating and moved to Texas

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where she had two more children. The family received TANF for 24 months. Ms. Florida then moved to Colorado with her children and received TANF there for 10 months and then moved to Maryland. After receiving TCA for 6 months and missing court dates for child support and work program appointments, Ms. Florida states that she is afraid to go out because her husband has been very abusive and she thinks he may have followed her to Maryland. The family violence expert immediately begins a plan with the family.

- ◆ Ms. Florida has 55 countable months.
- ◆ The counter has stopped because Ms. Florida is now actively working on a plan to overcome the effects of family violence. Although she and the children were victims during much of the time she was on assistance, she did not seek help, so those months cannot be excluded.

Beginning in April 2015, Mrs. Washington was receiving TCA assistance and participating in the Disability Advocacy Program because her 3-year-old son is profoundly disabled and she applied for SSI for him. Mrs. Washington's son began to receive SSI in July 2015 and was removed from the TCA grant. She receives TCA for her 6-year-old daughter and herself. The case is no longer in a state-funded category.

- ◆ Mrs. Washington is now subject to the 60-month limit since the case is no longer in the Disability Advocacy Program.
- ◆ Mrs. Washington may be granted an exemption because of her son's condition when she reaches 60 months if she is not able to get a job.

Mr. and Mrs. Bradley and their children have received TCA for 60 months. Mrs. Bradley was sanctioned twice in 2016 for non-cooperation with work requirements. Since then, they have participated in the activities outlined in their Family Independence Plan and the local department has and is providing services to help the family. The Bradley family is given a hardship exemption.

Ms. Milton and her two children have received TCA for 60 months. Ms. Milton was sanctioned once in 2009, once in 2010 and once in 2011 for not cooperating with work requirements. Since her last sanction, the customer has participated in the required activities that she and her case manager agreed to in her Family Independence Plan. The local department has made several types of services available to her. The Miltons are given a hardship exemption.

Mr. Holden has received TCA for himself and his two children for 60 months. He was sanctioned once in 2012, twice in 2013, once in 2014 and a fourth sanction was imposed in March 2016 for non-cooperation with work requirements.

- ◆ Several support services (individual and family counseling, anger management classes and budgeting assistance) have been provided for the family, however,

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Mr. Holden has missed appointments with good cause and refused to attend some other service programs. He has been removed from training programs because he was uncooperative and disruptive during the sessions. Mr. Holden has shown a pattern of non-cooperation. The Holden family is not given a hardship exemption.