



**311 West Saratoga Street
Baltimore MD 21201**

FIA Action Transmittal

Control Number: # 20-07

Effective Date: Immediately

Issuance Date: November 26, 2019

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND CASE MANAGERS**

FROM: NETSANET KIBRET, EXECUTIVE DIRECTOR

A handwritten signature in blue ink, appearing to be 'N. Kibret', is written over the name 'NETSANET KIBRET'.

RE: 60 MONTH TCA POLICY

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE (TCA)

ORIGINATING OFFICE: OFFICE OF CASH PROGRAMS

Summary

Since the creation of the TANF block grant through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), federal law has limited TANF benefit months, referred to as TCA in Maryland to 60 months. A recent audit found that Maryland is not enforcing this policy properly.

The purposes of this Action Transmittal are to:

1. Review current policies;
2. Share changed policy on cases with sanctions;
3. Introduce new case monitoring requirements; and
4. Introduce a universal Hardship Exemption form

Current Policy

In general, households are limited to a maximum of 60 months of federal TCA. If a household meets certain requirements, a hardship exemption may be granted allowing the household to receive TCA beyond 60 months.

Change in Policy Regarding Cases with Sanctions

Previous policy instructed the following when it came to TCA households that had reached their 60 month time limit and had sanctions imposed against them:

1. Allow a hardship exemption when a family reaches the 60-month time limit if they are currently meeting the terms of their Family Independence Plan (FIP) even though one or two work sanctions have been imposed.
2. Allow a hardship exemption when a family reaches the 60-month time limit if they are currently meeting the terms of their FIP 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
3. Close a case and do not grant a hardship exemption when a family reaches 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.

New Policy Regarding Cases with Sanction

The population that reaches the 60 month time limit are the households that experience the most barriers and obstacles to self-sufficiency and are the most difficult to assist. Additionally, those barriers and obstacles are often the main contributors to non-cooperation with the FIP. FIA, therefore, is changing the previous policy on 60 month TCA cases that have sanctions imposed against them.

The new policies are:

1. Sanctions no longer automatically disqualify a household from being granted a hardship exemption.
2. Case managers should no longer review for a pattern of non-cooperation that occurred during the time prior to the 59-60 month interview when assessing whether to grant a hardship exemption.

Action Required

Case Review

LDSS must periodically review TCA cases in order to make every attempt to prevent households from needing TCA beyond 60 months. The following case management actions should be completed at the following countable-month intervals.

42-48 Month Review

- Issue a notice to the customer requesting an interview. The purpose of this interview will be to review the customer's case in preparation of the household exiting TCA.

Note: This review may be completed during redetermination if the household redetermination is within six months of the 48th month (12 months left of TCA). We want to minimize the times the customer has to complete a face-to-face interview.

- During the interview, the case manager must review the most recent assessment and FIP and update both with the customer.

58-Month Review

There are only two months of TCA before the household has reached its 60 month maximum. At this time, the case manager must issue a notice to the household instructing them to complete a face-to-face interview within 30 days of the notice.

59-60 Month Review

- The household should complete their last interview. Failure to do so will result in implementing the case closure process, which includes issuing a notice of adverse action.
- If the household complies and comes in for their interview, this is the time the case manager must evaluate whether the household meets the requirements to continue their TCA benefits past the 60 month time limit.
 - Again, an assessment and FIP must be updated.
 - Additionally, a Hardship Exemption form must be completed. This form is required for all households that have reached their 59th-60th month of TCA and the completed form needs to be uploaded into ECMS.

An Assessment and FIP may be combined into one document. Remember policy requires that the customer be reassessed at any point the FIP plan is updated.

Granting a Hardship Exemption

A hardship should be granted only when certain requirements are met by both the LDSS and the customer. See TCA Manual Section 313.4 for more information on when to grant a hardship exemption.

The following must be completed to properly grant a hardship exemption:

1. A completed 60-Month Hardship Exemption Form signed by all necessary parties, which includes:
 - a. A family investment program supervisor AND
 - b. The Director of the local department or his or her designee;
2. Whether a hardship exemption should be granted and the reasons why it has been granted;
3. A determination of whether the local department made the supportive services available to the customer as specified in the Independence Plan;
4. Whether the customer demonstrated good faith efforts to keep the terms of the FIP;
5. A new assessment must be completed with the customer and must include a statement as to the reason for the customer's continued reliance on TCA. Refer to TCA Manual Section 204 for specific assessment requirements; and
6. A new signed and dated FIP that complements the new assessment. See TCA Manual Section 205 for specific FIP requirements.

Verification

- A. Appropriate verification must be obtained to document the barrier(s) being used to justify the hardship exemption.
- B. Ensure proof of benefits from other states where the family received cash assistance are contained within the case file.

Requirements After a Hardship Exemption is Granted

Once a hardship exemption has been granted, the case manager must ensure the customer remains compliant with all TCA requirements and must ensure a periodic review of the TCA case and associated documents. See TCA Manual Section 313.8 for specific information related to reviewing cases after a hardship exemption has been granted.

Case Closures Following Hardship Exemption

After a hardship exemption has been granted a TCA case may close because the household becomes noncompliant with the TCA program rules, or because the LDSS determines the exemption is no longer needed. A new 60-Month Hardship Exemption form must be completed and signed if a case will be closed because a hardship exemption has ended. See TCA Manual

Section 313.9 for information related to case closures after a hardship exemption has been granted.

Decision Not to Grant Hardship Exemption

Families are not given a hardship exemption when:

- a. They have received initial* and updated assessments; and
- b. Have not complied with the agreed upon supportive services available to the family.
Note*: The initial assessment is the Assessment completed at the time of the TCA application. It should be referred to at the time of each updated assessment in order to review the progress of the customer. The failure to locate this document, however, does not preclude a household from being granted a hardship exemption; failure to locate the initial assessment means that the case worker did not complete one or did not properly attach to the case record. The customer should not be penalized for an agency oversight.

If the case manager, in consultation with the FIA Program Supervisor and the Director of the local department, or his or her designee, determines that a customer will not be granted a TCA hardship exemption, the TCA case must be closed at the end of the 60th month allowing for adverse action or denied if pending. The 60-Month Hardship Exemption form must be completed and signed. See section TCA Manual Section 313.10 for instructions on closing or denying a TCA case because the household has reached 60 months.

CARES Procedure

There are no changes in the CARES case processing procedures.

Attachments

- TCA Manual Sections:
 - 204 Assessment
 - 205 Family Independence Plan
 - 313 Time Limits
- 60-Month Hardship Exemption Form

Inquiries

For TCA, TDAP and SNAP policy-related questions, please complete the [FIA Policy Information Request Form](#) found on Knowledge Base as shown in the screenshot below.

For CARES/systems related inquiries, please contact fia.bsdm@maryland.gov.

The screenshot shows the DHS Knowledge Base website. The top navigation bar includes 'Administrations', 'Tools', 'Resources', 'Links', and 'Local Offices'. A search bar is located below the navigation. The left sidebar contains a list of categories, with 'Family Investment Administration' and 'Contact us with your FIA Program Eligibility Policy Question' circled in red. The main content area features a 'Contact us with your FIA Program Eligibility Policy Question' heading and a 'FIA Policy Information Request' section. The 'FIA Policy Information Request' section includes instructions on how to submit a request and provides contact information for Carrie A. Durham, JD and Candice A. Roberts. A 'Tools' button is visible at the bottom right of the main content area.

cc: DHS Executive Staff
Constituent Services
DHS Help Desk
FIA Management Staff
Office of Administrative Hearings

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
ASSESSMENT	COMAR 07.03.03.04	Section 204

The Assessment is completed prior to the Family Independence Plan (FIP) (See Section 205 for details on the FIP). The Assessment identifies the customer's/family's barriers to participation in achieving their goals. It also considers the customer's/family's educational level, abilities, job skills and readiness, and includes questions to determine TCA eligibility.

The Assessment is the road map to tell the case manager and the customer where the customer has been, where the customer is, and where the customer is going in the future. Assessing the customer's abilities, needs, interests and goals is a vital step in helping her/him reach the goal of being independent from public assistance. The assessment should be clear and detailed.

204.1 Definitions That Apply to the Assessment and Family Independence Plan

- A. Good faith effort means the customer has made every effort to meet the terms outlined for the customer in the FIP.
- B. Supportive services are services provided to the TCA family based on the assessed needs of the customer by the local department or through referrals to service providers (such as counseling, Social Services, vocational rehabilitation referral, education, training, other evaluations).
- C. Work eligible individuals (WEI) are the individuals applying for or receiving TCA benefits that are required to be counted in the federal work participation rate.
 - Long term disabled customers are now counted in the federal work participation rate and should be offered supportive services to enable them to become self sufficient.
 - While long term disabled adults remain exempt from work requirements under state law and COMAR, they have the right to participate voluntarily in TCA work activities.

204.2 The Assessment Requirements

- A. The Assessment begins the day the customer files an application for TCA and ends when the TCA case closes.
 - 1. The case manager begins the assessment during the TCA application process. (This Assessment is referred to as the "Initial Assessment".)

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
ASSESSMENT	COMAR 07.03.03.04	Section 204

2. The case manager also begins assessment before the customer is assigned to a work activity. This process helps you identify individuals with disabilities that may either exempt them from work activity requirements or who need an accommodation in order to work.
- B. If the applicant is a caretaker relative who is not needy and is not financially responsible for the children, the focus of the assessment is on the needs of the children and the resources available to them.
- The needs of the caretaker relative should be assessed with respect to the caretaker's ability to care for the children.
- C. The assessment includes:
1. The reason the customer is applying for or continuing to rely on assistance.
 2. Other resources and options available to the family.
 3. Family needs.
 4. Educational level, job skills, job readiness, and areas of interest for all work mandatory assistance unit members. You must determine:
 - a. Appropriate and available work programs;
 - b. Jobs which can be pursued now;
 - c. Available options if the person is disabled either temporarily or permanently;
 - d. Available options if the person has limited English proficiency;
 - e. Available personal and family resources;
 - f. Support to retain, achieve, and maintain independence;
 - g. Needed and available medical care;
 - h. Needed and available child or adult day care;
 - i. Availability of potential resources, such as:
 - Unemployment Insurance;
 - Supplemental Security Income (SSI); and
 - Social Security Benefits.
 - j. Is there a history of family violence?
 - Who is involved?
 - Who is the aggressor and who are the victims?
 - Is the family in counseling?
 - Where?
 - What is the plan to protect and help the family?

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
ASSESSMENT	COMAR 07.03.03.04	Section 204

- What resources does the family have if they have to leave the home without notice?
 - How does the family situation affect the family in achieving independence?
 - What if any program requirements are waived because of the family violence? For how long?
 - What are family members expected to do?
- k. Family history of substance abuse:
- Is treatment needed?
 - If treatment was received, where and when?
 - Was treatment completed successfully?
 - What is the effect on employability?
- D. Each local department has an assessment guide.

Reminder: The Assessment must be reviewed and updated at each redetermination and change in the customer’s situation, and whenever the FIP is updated.

- E. Based on the assessment, the case manager and the customer:
1. Determine the services and resources needed for the family to achieve independence and;
 2. Develop the FIP; and
 3. Develop an agreement with the applicant to define the FIP implementation steps.
- F. All LDSS case managers, employment specialists, vendors and others working with the family must frequently review and update the assessment and the FIP plan to ensure the family is progressing and all needed resources are available.
- G. LDSS employees and their representatives (vendors) working with the family must keep the lines of communication open and work as a team to help the family. Whether the interaction is with the case manager or the employment specialist, all customer information must be shared with other members of the team.

Example: Martha Johnson tells the case manager that she can’t go to her activity because she is moving. There has been family violence and she is afraid for her children and herself. The case manager does not forward the information to the employment specialist. A week later the case manager receives a notice from the vendor that Ms.

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
ASSESSMENT	COMAR 07.03.03.04	Section 204

Johnson failed to attend her activity and they have been unable to contact her. A Notice of Non-Compliance (NONC) was sent to Ms. Johnson's address and was returned by the Post Office.

- Ms. Johnson advised the case manager she would miss her activity.
- Ms. Johnson has good cause for missing her activity because of the incidence of family violence, which she reported.
- She reported she was moving.
- Had the case manager let the vendor know of the situation, the vendor would not have sent the NONC.

Similar problems can occur when the vendor does not let the case manager know information.

204.5 Reviewing and Updating the Assessment

- A. Update the Assessment at redetermination, interim change, and whenever there is an update to the FIP.
- B. Review and update the Assessment when the customer/household reaches 42-48 months of TCA (see Section 0313 of the TCA Manual).
- C. Review and update the Assessment when the customer/household reaches 59-60 months of TCA (see Section 0313 of the TCA Manual).
- D. Once a hardship exemption has been granted, review and update the Assessment within six months and every six months thereafter. (See Section 0313 of the TCA Manual.)
- E. The case manager may schedule interim appointments between recertifications that include a review of the Assessment and amendments to the Assessments needed.
- F. Each local department developed an agreement format tailored to meet the needs of that jurisdiction and its customers.

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
FAMILY INDEPENDENCE PLAN - 205	COMAR 07.03.03.04	APPLICATION-200

The Family Independence Plan (FIP) is the most important step in helping customers achieve self-sufficiency. The FIP plan tells the case manager and the customer where the customer is going and how the customer is going to get there. Leaving any portion of the FIP plan incomplete will likely hinder and delay the customer's success. The FIP plan is developed by the case manager and the customer together and after completion of the Assessment.

205.1 Definitions

- A. **Good faith effort** means the customer has made every effort to meet the terms outlined for the customer in the Family Independence Plan (FIP).

- B. **Supportive services** are services provided to the TCA family based on the assessed needs of the customer by the local department or through referrals to service providers (such as: counseling, the Social Services Administration, vocational rehabilitation referral, education, training and other evaluations).

- C. **Work eligible individuals** (WEI) are the individuals applying for or receiving TCA benefits that are required to be counted in the federal work participation rate.
 - 1. Long term disabled customers are now counted in the federal work participation rate and should be offered supportive services to enable them to become self sufficient.
 - 2. While long term disabled adults remain exempt from work requirements under state law and COMAR, they have the right to participate voluntarily in TCA work activities.

205.2 The Family Independence Plan

- A. The customer and case manager complete the FIP together. The completed FIP must be signed by the case manager and all adults on the TCA case.

- B. The FIP contains:
 - 1. A statement of the customer's/family's goals and the intent of the Plan
 - Many customers don't know how to set goals and don't believe they can reach any goal they set.

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
FAMILY INDEPENDENCE PLAN - 205	COMAR 07.03.03.04	APPLICATION-200

- One of the **goals** of the FIP is to help customers develop and strive for attainable goals.
2. Activities and other actions the customer/family is expected to participate in or complete such as:
 - a. Work activities:
 - Job search;
 - Employment or training; and
 - Community service.
 - b. Child Support:
 - Filing for child support, and
 - Keeping all appointments for the child support process
 - c. Substance abuse treatment.
 - d. Filing for all benefits the family may be potentially eligible to receive.
 3. The supportive services the local department is expected to provide to the family such as:
 - Child Care Scholarship;
 - Transportation allowance;
 - Counseling;
 - Reasonable accommodations; and
 - Expungement and bonding assistance.

205.3 Reviewing and Updating the FIP

- A. Update the FIP at redetermination, interim change and when other actions occur.
- B. Review and update the FIP when the customer/household reaches 42-48 months of TCA. (See Section 0313 of the TCA Manual.)
- C. Review and update the FIP when the customer/household reaches 59-60 months of TCA. (See Section 0313 of the TCA Manual.)
- D. If a hardship exemption has been granted, the FIP must be reviewed and updated every six months at a minimum after the exemption was granted. (See Section 0313 of the TCA Manual.)

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
FAMILY INDEPENDENCE PLAN - 205	COMAR 07.03.03.04	APPLICATION-200

E. The case manager may schedule interim appointments between recertifications that include a review of the FIP and amendments to the FIP as needed.

F. An updated FIP must include the status of:

- All past and updated assessments;
- Information regarding customer disabilities and accommodations;
- Information on limited English proficiency, if applicable;
- Information on counseling referrals, acceptance, or refusal;
- Social Services referrals and support offered, accepted or refused;
- Other supportive services offered, accepted or refused;
- Testing;
- Education programs referred, accepted or refused;
- Job search history;
- Job training history;
- Work experience;
- Employment;
- History of family violence; and
- History of substance abuse.

205.3 Compliance with the FIP

A. Customers develop the FIP with the case manager and agree to follow it.

B. Non-compliance with the FIP includes:

- Failure to provide required verification;
- Refusal to sign required forms;
- Not following the steps of the FIP; and
- Missing scheduled appointments.

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
FAMILY INDEPENDENCE PLAN - 205	COMAR 07.03.03.04	APPLICATION-200

205.4 Penalty for Non-Compliance with the FIP

- A. If a customer is non-compliant with the FIP, the TCA case should be closed accordingly. Send a Notice of Adverse Action (NOAA) and close the TCA case after the 10 day adverse action period.
- B. If the customer had an active hardship exemption due to reaching 60 months of TCA benefits, the hardship exemption ends once the customer is non-compliant with the FIP.

Examples

- Example 1. Carol Carroll applies for herself and her sons, Dan, 1 month old, and David, 2 years old. The father of her children left the home a week after Dan was born. Ms. Carroll took a secretarial course in high school, but has no work experience. Ms. Carroll wants to go to work as soon as possible, but thinks she should stay home until Dan is at least 6 months old. Ms. Carroll's FIP agreement acknowledges that she has a child under 1 exemption for 11 months but wants to participate sooner. The FIP also acknowledges that Ms. Carroll will be required to participate for only 20 hours per week, although she may participate more. It states that she will:
- File for child support for both children now;
 - Attend appointments with the child support staff and attend any child support hearings ;
 - In the month that Dan turns 6 months old,
 - Call the child care resource line for child care facilities in her area;
 - Check out child care providers in her area; and
 - Locate child care for both children.
 - Practice on her mother's computer every week; and
 - Attend interim appointments, if scheduled by the case manager, to review compliance with the agreement.
- Example 2. Ms. Carroll comes to see the case manager when Dan is 6 months old. She indicates she wants to get a job as soon as possible. A child support order was established for both boys and their father is paying support. She has 5 months left on her exemption. Her FIP is updated as follows:
- Ms. Carroll will:
 - Select a day care provider;
 - Attend the local department's job search class;

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL	
FAMILY INDEPENDENCE PLAN - 205	COMAR 07.03.03.04	APPLICATION-200

- Attend a computer class;
- Look for an office job; and
- Accept a job that is compatible with available child care and transportation.
- The local department will assist her in:
 - Applying for the Child Care Scholarship;
 - Obtaining Transportation allowance during training; and
 - Referring her to any other services as needed.

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

313.1 Requirements

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 temporarily exempt a family from the application of the 60 month rule because of a hardship. Do not pay TCA for an adult parent who has received 60 months of benefits under TCA (here or in another state), unless they: 1) meet requirements for the hardship exemption; and 2) the hardship exemption has been granted.

313.2 Counting Months of TCA

- A. When counting the number of months in which TCA was received, count any month in which:
 1. TCA was received in Maryland as an adult parent;
 2. TCA was received in another state as an adult parent; or
 3. The needs of the adult parent were removed from the TCA case due to a sanction, but the case remained open.

- B. When counting the number of months in which TCA was received, **do not** count any month in which the individual:
 1. Received TCA as a caretaker relative other than a parent and did not have a child(ren) of their own on the TCA case;
 2. Was a minor child (under age 18);
 3. Was an 18 or 19-year-old full-time student who was considered a child on the grant, as long as the minor was not:
 - a. Head of household, or
 - b. Married to the head of household;
 4. Received counseling or services as part of the plan to overcome barriers to independence caused by domestic or family violence:
 - a. Includes any month in which an adult or child in the family receives counseling because of family violence, and
 - b. Such services must be verified;

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

5. Was living on an Indian reservation or Alaskan native village with a 50% unemployment rate;
6. Had countable earned income on or after July 1, 1999; or
7. Was considered a long-term disabled TCA recipient and received state funded TCA prior to October 1, 2015.
8. Any month in which the TCA case was closed for any reason, including a sanction;

Note: A month is countable if the needs of an adult parent are removed because of a sanction as long as all other conditions of eligibility are met.

- C. Months of receipt of assistance accrue individually for the head-of-household and the spouse. However, since the time limit is imposed on a family as a whole, once one parent reaches the 60-month time limit, even if the other parent has not, the entire family becomes ineligible for federally-funded TANF assistance **unless a hardship exemption has been granted.**

313.3 Case Manager's Responsibility Prior to 60 Months

A. Adults Receiving 42-48 Countable Months of TCA

1. When an adult in the assistance unit has received TCA for 42-48 countable months, the case manager must work with the customer to identify and address any barriers that would cause the customer to continue needing TCA beyond 60 months.
 - a. A notice must be sent to the customer requesting an interview. This interview is to be completed during months 42-48.
 - b. This review may be completed during redetermination if the household redetermination is within six months of the 48th countable month.
2. During the interview, the case manager and customer must review the most current Assessment on file no later than the end of month 49. It must be updated to reflect any changes in the household's circumstances as needed. If updated, the Assessment must be signed by the case manager and all adult customers and dated (see Section 204 of the TCA Manual for Assessment requirements).
3. The case manager and customer must review the most current Family Independence Plan (FIP) on file and update it no later than the end of month 49 (see Section 205 of the TCA Manual for specific FIP requirements). As part of the FIP review:

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

- a. The case manager must review the activities and other actions the customer is expected to complete and then update the plan to reflect any activities that have been completed.
 - b. For any activities not completed, the case manager and the customer must identify new dates by which those activities will be completed if those activities are still pertinent.
 - c. The case manager must also work with the customer to identify current barriers and any additional activities that need to be completed along with due dates.
4. The resulting FIP must be signed by the case manager and all adult customers and retained as a part of the case record.
 - a. In the event that no changes are needed, the FIP must be signed by all adult customers and the case manager with the current date.
 - b. If no changes are needed and the FIP is less than 30 days old, a new plan does not need to be signed.
 5. Input system narration stating the Assessment and FIP were reviewed, updated, and signed.
 6. All documents are to be attached to the case record (uploaded into ECMS).

B. Adults Receiving 58 Countable Months of TCA

1. When an adult in the assistance unit has received TCA for 58 countable months, the case manager must issue a notice to the household instructing them to complete a face-to-face interview within 30 days of the notice.

313.4 Adults Who Have Received 59-60 Countable Months of TCA

- A. During the 59-60 countable month, the case manager and household must complete the last face-to-face interview of the 60-month counter.
 1. If the household fails to complete their interview, the case manager must implement the case closure process, which includes issuing a notice of adverse action.

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

B. When an adult customer has received TCA benefits for 59-60 countable months, the case manager must determine if the customer meets the requirements for the hardship exemption during the interview.

C. Grant the family a hardship exemption when:

1. The customer has been unable to obtain or retain employment due to circumstances beyond his or her control, and despite valid attempts to do so. Examples of such circumstances include, but are not limited to:
 - a. medical conditions of the customer, spouse or other dependent household member;
 - b. experiencing mental health or substance use issues;
 - c. homelessness or at imminent risk of homelessness;
 - d. domestic violence;
 - e. significant transportation barriers;
 - f. childcare barriers;
 - g. lack of education, skills, and job training; and
 - h. criminal history.
2. There is an initial and current Assessment which includes a customer statement as to the reason for the continued reliance on TCA. (See Section 204 of the TCA Manual for specific Assessment requirements.)

Note: The lack of an initial Assessment does not preclude a customer from receiving a Hardship Exemption.

3. There is a FIP formulated by the customer and the case manager which states (see Section 205 of the TCA Manual for specific FIP requirements):
 - a. The activities and other actions that customer is expected to complete;
 - b. The date by which all activities and other actions must be completed and,
 - c. Supportive services the local department is expected to provide to the family.
4. Documentation in the case record shows the customer has:
 - a. Justification Type 1:
 - i. Been offered or provided supportive services by the local department as stated in the state plan.
 - ii. Demonstrated a good faith effort to participate in work activities that may include finding and keeping a job; and
 - iii. Experienced significant barriers beyond the customer's control that prevented finding and keeping a job.

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

--OR--

- b. Justification Type 2: The local department did not offer or provide the supportive services stated in the Independence Plan.

D. Hardship Exemption Recommendation

A hardship exemption recommendation must include:

1. A completed Hardship Exemption Form signed by all necessary parties.
2. Narration on whether a hardship exemption should be granted and the reasons hardship exemption should or should not be granted.
3. A determination of whether the local department made the supportive services available to the customer as specified in the FIP.

Note: Hardship should be granted if the local department did not make the agreed upon supportive services in the FIP available to the customer, or the supportive services provided did not remove the barrier.

E. The hardship exemption recommendation must be reviewed and signed by:

1. A Family Investment Program Supervisor; and
2. The Director of the local department or his or her designee.

F. Within 6 months, at a minimum, from the date the exemption is granted and every 6 months, at a minimum, thereafter:

1. A new Assessment must be completed and uploaded. (See TCA Manual Section 204 for specific assessment requirements); and
2. A new signed and dated FIP that addresses the barriers included in the most recent Assessment must be completed (See TCA Manual Section 205 for specific FIP requirements).
3. All documents must be attached to the case record (uploaded into ECMS).

313.6 Verification

- A. Appropriate verification must be obtained to document the barrier(s) being used to justify the hardship exemption. For example, in addition to the FIP and Assessment, a completed medical form and application for SSI are required for customers reporting a long-term disability.

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

- B. Ensure proof of benefits from other states where the family received cash assistance are contained within the case file. If appropriate verification was not obtained at application, or cannot be located at the time the hardship is granted, the case manager must obtain the verification.

313.7 Sanctions

- A. Do not count toward the 60-month time limit any months in which the customer's TCA case was closed while a sanction was being cured.
- B. When a case has been closed due to a sanction, the hardship exemption also ends.
- C. All of the requirements outlined in this section must be met in addition to the sanction being cured before a new hardship exemption can be granted.
- D. TCA cases closed due to a sanction should be closed with the appropriate system code regardless of whether the customer currently has a hardship exemption. (See Section 1003 for more information on sanctions.)

313.8 Requirements After a Hardship Exemption is Granted

- A. Once a hardship exemption is granted, the case manager must ensure the customer remains compliant with all TCA requirements and must ensure:
1. The Assessment is reviewed and updated every 6 months at a minimum.
 2. The FIP is reviewed and updated every 6 months at a minimum. If the completion dates listed in the FIP occur before the 6 month period ends and it is possible that the customer no longer has a hardship, the case manager must review the FIP with the customer prior to the end of the 6 months (see Section 205 of the TCA Manual for specific FIP requirements).

Note: The LDSS should ensure no undue burden is placed on the customer and should consider accommodations, such as phone appointments when needed to assist customers with remaining compliant.

- B. If it is determined that a customer no longer meets requirements for a hardship exemption, the case manager should close the TCA case and end the hardship exemption as outlined in Section 313.9, below.

313.9 Case Closures Following Hardship Exemption

- A. Noncompliance

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

If a customer has been granted a hardship exemption and subsequently becomes noncompliant with a program requirement, conciliation should be offered and the case should be closed as appropriate. If and when the customer reapplies for TCA or initiates the TCA sanction cure process, the case manager must evaluate the customer for a new hardship exemption using the policies outlined in this section of the manual. This includes failure to attend a scheduled appointment to review the Assessment and FIP. A new Hardship Exemption form must be completed and signed if a hardship exemption will end.

B. Hardship exemption has ended:

If a customer has been granted a hardship exemption, and a subsequent review of the FIP and Assessment indicate the customer no longer merits a hardship exemption, the case should be closed allowing for adverse action. The following steps must be taken BEFORE the case is closed:

1. The case manager must complete the Hardship Exemption Form outlining the recommendation for the hardship to end.
2. The case manager must attach an updated Assessment and FIP to the Hardship Exemption Form showing that the customer no longer meets requirements for the hardship exemption.
3. A new Hardship Exemption Form must be reviewed and signed by an FIA program supervisor and the local director or his or her designee.
4. Upon closure of the TCA case, the case manager must provide the customer with a referral to services. The local director is responsible for ensuring that the referral is provided to the household.

313.10 Decision Not to Grant Hardship Exemption

- A. If the case manager, in consultation with the FIA program supervisor and the director of the local department or his or her designee, determines that a customer will not be granted a TCA hardship exemption, the TCA case must be closed at the end of the 60th month allowing for adverse action, or denied if pending.
- B. If a case will be denied or closed because the hardship exemption is not being granted, the Hardship Exemption Form must be completed and signed by all necessary parties.

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

C. If the case is closing or being denied because the hardship exemption has ended due to noncompliance with the FIP, the case manager must use the following CARES worker entered closing codes:

- Code 510

You have received 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 received the maximum number of 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.

Note: Case managers must add case-specific text to the appropriate CARES notice so that the customer is made aware of the reason for the sanction or closing.

D. Families are not given a hardship exemption when:

1. They have received updated assessments; and
2. Have not complied with the agreed upon supportive services available to the family.

313.11 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.

Examples

1. 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 Family Independence Plan.

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

- The case manager must:
 - Review Mrs. Calvert’s circumstances to see if she qualifies for a hardship exemption.
 - Document that the requirements of the FIP were met by Mrs. Calvert and the local department.
 - Complete the Hardship Exemption Form, which documents Mrs. Calvert’s hardship exemption review.
 - 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 FIP that states how she will overcome her barriers to employment and how the local department will support her efforts.
 - The new FIP and Hardship Exemption Form are approved by the supervisor and the local department director.
 - The exemption needs to be reviewed every 6 months at minimum.
2. Nancy Newton originally applied for assistance in January 2009. She received TCA benefits 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 72 months, January 2009 to January 2015.
 - The months from March 2011 to April 2012 (13 months) are excluded from the 60-month time limit because she had earned income.
 - Nancy Newton currently is eligible for one more countable month of benefits and should be scheduled for an Assessment and new FIP for a possible hardship exemption.
3. In 2009, Fanny Flipper 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 where she had two more children. The family received TANF for 24 months in Texas. Ms. Flipper then moved to Colorado with her children and received TANF there for 10 months and

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

then moved to Maryland. After receiving TCA for six months and missing court dates for child support and work program appointments, Ms. Flipper 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. Flipper has 55 countable months.
 - The counter has stopped because Ms. Flipper began 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.
4. Mr. and Mrs. Bradley and their children have received TCA for 60 months as of May 2019. 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 while they have been residing in a homeless shelter for the past 30 days. The Bradley family is given a hardship exemption.
 5. Ms. Milton and her two children have received TCA for 60 months as of March 2019. 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.

HARDSHIP EXEMPTION ASSESSMENT FORM

Head of Household Name: _____ Date: _____

Head of Household CID: _____ TCA AU: _____ TCA Counter: _____

Current Case Status: _____ Most Recent Application/TCA Start Date: _____

LDSS Office Location: _____

Date of the Initial Assessment: _____ Date of Most Recent Assessment: _____

Date of Most Recent FIP: _____

Narrate Current Hardships:

I. Support Services Available To Assist In Meeting the Current FIP

Support Service:	Provided to Household?		
	<u>Yes</u>	<u>No</u>	<u>NA</u>
Childcare Scholarship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transportation Assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expungement and Bonding Assistance			
Referral For Help With: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Referral For Help With: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain why any supportive service is not being provided:

II. Hardship Exemption Requirements

Requirements	Has the Household Met the Requirements?	
	<u>Yes</u>	<u>No</u>
a. The customer has been unable to obtain or retain employment due to circumstances beyond his or her control and despite valid attempts to do so.	<input type="checkbox"/>	<input type="checkbox"/>
b. There is a current Assessment.	<input type="checkbox"/>	<input type="checkbox"/>
c. The current FIP addresses barriers included in the most recent Assessment.	<input type="checkbox"/>	<input type="checkbox"/>

III. Hardship Recommendation

To Be Completed by Case Manager (Select One):

A hardship exemption is recommended because at least one of the following conditions has been met:

All requirements outlined above have been met. OR

The Department has failed to provide the customer with all agreed upon supportive services as outlined in the FIP.

A hardship exemption is **not** recommended because at least one of the following conditions has not been met:

The household does not have a current hardship.

The household has failed to meet one or more of the above requirements.

Additional Notes: _____

Case Manager's Name (Printed)

Case Manager's Signature

Date

VI. Decision & Signature

To be Completed by FIA Supervisor:

I agree with the above recommendation (obtain signature of LDSS Director or Designee).

I disagree with the above recommendation.

Explanation for granting or denying:

FIA Supervisor Name (Printed)

FIA Supervisor's Signature

Date

To be Completed by LDSS Director or Designee:

I agree with the above recommendation (obtain signature of LDSS director or designee)

I disagree with the above recommendation

Explanation for granting/denying:

LDSS Director or Designee Name (Printed)

LDSS Director or Designee's Signature

Date