



FIA ACTION TRANSMITTAL

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

FROM: LA SHERRA AYALA, EXECUTIVE DIRECTOR 

**RE: HB1313 – TEMPORARY CASH ASSISTANCE – WORK
AND CHILD SUPPORT SANCTION REQUIREMENTS**

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY

During the 2020 legislative session, the General Assembly passed HB1313, a law removing the full family sanction from the Temporary Cash Assistance (TCA) program work requirements. The law also instituted additional process requirements.

The following changes are a result of HB1313.

- The law removes the full family sanction (when a case closes due to failure to comply with a work requirement).
- The law restructures each TCA issuance by assigning 75% to child recipients and 25% to adult recipients (including any minor parent).
- A household with only one pregnant recipient will be assigned 100% of the grant amount.
- In the event a recipient does not comply with a **work requirement**, the **adult portion** of the TCA grant is reduced by 30%.
- In the event a recipient does not comply with **child support requirements**, the **entire grant amount** is reduced by 25%.
- Each instance of non-compliance requires a 30-day conciliation with specific requirements prior to instituting a sanction.

- The law requires any reasonable accommodations needed by the customer for program participation to be documented in the Family Independence Plan (FIP), and such accommodations provided by the LDSS.
- Prior to sanctions, a caseworker must document whether or not a customer qualifies for a good cause or an exemption. The caseworker must also document all outreach attempts made to resolve the non-compliance issue.
- The bill defines acceptable reasons for a good cause.
- Immediately upon compliance with the work activity, the full grant amount is reinstated effective the next benefit issuance.

REQUIRED ACTION:

System Processing Actions

- No action is needed on the part of the caseworker in E&E. E&E has been programmed to assign the appropriate issuance amount to eligible household members.

Changes in Work Activity Engagement At Application

- Under the Universal Engagement rule: Customers are required to be engaged with a work activity within 30 days of the TCA case approval.
- Effective immediately, TCA customers **are no longer required to be engaged in a work activity prior to TCA application approval.**

Assessment

The assessment is an opportunity for the caseworker to identify potential barriers and appropriate resources for a family. It must include an evaluation of the following areas for each adult recipient:

1. Educational level,
2. Literacy,
3. Health,
4. Mental or physical impairments,
5. Housing stability,
6. Childcare needs,
7. Transportation needs,
8. History or presence of domestic or family violence,
9. Job skills and readiness, and interests,
10. Language barriers for Limited English Proficient customers.

NOTE

FIA encourages the use of the Online Work Readiness Assessment (OWRA), however, if a local department would like to designate a different assessment that is used consistently, they may do so with approval by the FIA Executive Director. The assessment tool can be submitted to the Office of Cash Programs Director and Work Program Coordinator to be reviewed and then submitted to the FIA Executive Director for approval.

Family Independence Plan (FIP)

After an assessment has been completed, the family and the caseworker develop and sign an agreed-upon document referred to as the FIP. The FIP must:

- Be developed, agreed upon, and signed by both caseworker and all adults on the TCA case;
- Specify any reasonable accommodations that a local department will provide to a recipient with a disability;
- State whether the family qualifies for an exemption or has good cause to not participate in the work requirement;
- This is an opportunity to determine needs and identify barriers;
- Both the caseworker and the family share the responsibility to meet their agreed-upon portions of the FIP;
- Lists programs and resources to which the customer will be referred to address their employment barriers.

Be sure to refer to Section 205 of the TCA Manual for a comprehensive list of all FIP requirements including, but not limited to, addressing the 60-month time limit.

Non-compliance with a FIP requirement

- A 30-day conciliation is required for **each** instance of non-compliance prior to instituting a sanction.
- When an adult member does not comply with a work requirement, the **adult portion** of the TCA grant is **reduced by 30%**. If the second adult is also not compliant, the adult portion is reduced by **an additional 30%**.
- Minor Parents:
 - When a minor parent does not comply with the education requirement, **the adult and minor parent portion** of the TCA grant is **reduced by 30%**.
 - When a minor parent who is head of household does not meet the education requirements **and** does not meet work requirements, the **adult portion** of the TCA grant is **reduced by 30%**.
- The child(ren)'s portion of the grant amount may not be reduced.

Non-compliance with Child Support requirements

- A 30-day conciliation is required for **each** instance of non-compliance prior to instituting a sanction.
- When an **adult member** of an ongoing case does not comply with child support requirements, the **entire grant amount is reduced by 25%**.
- Needy and non-needy caretaker relatives must still comply with Child Support requirements.
 - The entire grant amount **is reduced by 25%** in the event there is non-compliance.
- There are no changes to Child Support compliance requirements at application.

Impact on SNAP Benefits

- The E&E system will apply the full TCA grant amount to the associated SNAP case to determine the household's SNAP benefit. The reduced portion of the TCA grant will be counted as phantom income.

Conciliation Requirements

- Each instance of non-compliance with Child Support and/or Work Requirements requires a 30-day conciliation period. Once a conciliation period is initiated, the caseworker must send a notice of non-compliance to the customer advising them of the following:
 - The reason for non-compliance;
 - Offering a conciliation conference with contact information for the customer to reach the local department;
 - The date at which a customer must either come into compliance or establish good cause with their caseworker.
- The caseworker must make case notes of the following:
 - Efforts undertaken to investigate for good cause non-compliance (including, but not limited to personally reaching out to the customer via phone);
 - Efforts made to evaluate whether the customer qualified for any good cause reason;
 - Efforts in assisting the customer in addressing barriers to participation.

Acceptable Good Causes

- Temporary illness or incapacity;
- Court-ordered appearances or **temporary** incarceration of 90-days or less;
- Domestic violence;

- A family crisis that threatens normal family functioning includes:
 - Experiencing homelessness;
 - Eviction, foreclosure, or other loss of housing;
 - Receiving a utility disconnection notice or having a utility disconnected;
 - Breakdown in transportation;
 - Breakdown in childcare arrangements or lack of childcare for a child or children who are 12 years old or younger;
- For a single parent of any child younger than 6, the unavailability of:
 - Childcare within a reasonable distance from the parent's home or work site; reasonable distance may be defined at the local level dependent upon availability of childcare;
 - Informal childcare by a relative or others;
 - Appropriate and affordable childcare arrangements;
- A lack of supportive services identified by the individual and a caseworker;
- The failure of the local department, an employer, or activity site to provide reasonable accommodations to an individual with a disability.

Definition of Homelessness

- A family lacks a fixed, regular, and adequate nighttime residence due to the loss of the family's housing, economic hardship, or similar reasons that lead the family to:
 - Share the housing of other persons;
 - Live in a motel, hotel, trailer park, car, park, public space, vacant building, substandard housing, transit station, camping ground, or similar setting; or
 - Live in an emergency or transitional shelter.

Voluntary Work Participants

- Customers who meet an exemption or have good cause, but choose to voluntarily participate in a work program may not be sanctioned for non-compliance.

Compliance

- Immediately upon compliance with the work activity and/or Child Support, the full grant amount is reinstated effective the next benefit issuance.

IMPLEMENTATION:

HB 1313 is effective immediately statewide in alignment with the statewide implementation of the E&E system.

- Child Support requirements for TCA ongoing cases will resume effective December 1, 2021. There are no changes for Child Support requirements at application.

- All TCA work requirements will be waived through December 31, 2021 and will resume on January 3, 2022.

NOTE: Our goal is to connect customers with opportunities to support themselves and their families. The absence of the work requirements does not mean the absence of case management services. This is an opportunity to work on engagement strategies and speak to customers in a way that will encourage participation with the work requirements. Continue to assess and refer customers to the work program as long as they have no barriers to participation.

Re-Engagement Guidance

Child Support

- At the point of redetermination check to see if the customer was referred to Child Support. If not, make the referral and explain to the customer that the Child Support waiver has ended effective December 1, 2021 and they must comply with Child Support to continue to receive the full benefit amount.

Work Program

- TCA work requirements will resume on Monday, January 3, 2022.
- In December 2021, each local department should run the Unengaged Report for December 2021 and the Estimated End Date Report for January 2022 from WORKS. These reports will show the list of customers who are not in any activity (Unengaged Report) and the list of customers who are in activities about to end (Estimated End Date Report). Enlist the assistance of your Work Participation Specialist (WPS).
- Schedule appointments for all unengaged customers and customers whose activity is scheduled to end January 2022 so they can be assessed and placed in the most appropriate code or referred to the work program.
- At redetermination conduct an assessment using OWRA or your approved assessment from the FIA Executive Director to determine the customer's readiness to participate in a work program.

Pay for Performance Contract Guidance

- Each local should review their existing contract language to ensure it aligns with our newly adopted strategic goals and the implementation of this new policy. If a contract modification is necessary, reach out to your local procurement officer for guidance. The Office of Cash Programs is available to provide technical assistance as needed.
- If locals had contracts that had pre-pandemic and pandemic performance measures based on the existence of the State of Emergency, a formal written letter should be sent to the vendor informing them billing will go back to pre-pandemic terms due to the end of the

State of Emergency. The letter must include a reasonable effective date. Invoices can be paid via pandemic performance measures up to the effective date listed in the formal letter.

ATTACHMENTS:

Revised Manual will be available January 1, 2022.

INQUIRIES

Please direct policy questions to FIA Policy by completing the [FIA Policy Information Request Form](#) found on [Knowledge Base](#) or via email at fia.policy@maryland.gov for Montgomery County only.

For systems questions, please email fia.bsdm@maryland.gov.

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