



Department of Human Resources
Baltimore MD 21201
311 West Saratoga Street

FIA ACTION TRANSMITTAL

Control Number: #02-47

Effective Date: Upon Receipt

Issuance Date: February 3, 2002

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

**FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR, FIA
JOSEPH E. DAVIS, EXECUTIVE DIRECTOR, DHMH/OOE**

**RE: CONCILIATION AND SANCTION POLICY AND PROCEDURES GUIDE
UPDATE - JANUARY 2002**

**PROGRAMS AFFECTED: TEMPORARY CASH ASSISTANCE, FOOD
STAMPS AND MEDICAL ASSISTANCE**

ORIGINATING OFFICE: OFFICE OF POLICY RESEARCH AND SYSTEMS

SUMMARY

Action Transmittal (AT) #99-28 provided instruction for denying/sanctioning Temporary Cash Assistance (TCA) applicants and recipients for noncompliance with program requirements. This AT obsoletes AT # 99-28, and provides the policy and procedures surrounding conciliation and sanction for non-compliance with child support, work, substance abuse, custodial parent drug felons, DEAP/TCA, and minor parent school requirements, and sanction for Intentional Program Violation (IPV).

Assistance unit members who fail to comply with these requirements without good cause, and who fail to participate in a conciliation process are subject to an individual or full-family sanction. The conciliation process is not applied to Custodial Parent Drug Felon and IPV cases.

Local departments **must** initiate one 30-day conciliation process to investigate the reasons for non-compliance or the possibility of good cause or an exemption with child support, work, substance abuse, DEAP/TCA, and minor parent school requirements. When a customer has used the one 30-day conciliation period allowed, the case manager is still obligated to investigate the reason for non-compliance and the possibility of good cause or an exemption before imposing any subsequent sanctions.

Sanctions, for TCA recipients that fail to comply, remain in effect until the individual cures the sanction by complying with the requirements for that sanction type. **With the exception of some IPVs, sanctions can only be imposed on active cases.**

ACTION REQUIRED

Follow the policy and procedures outlined in the attached updated Guide during conciliation and sanction. Local departments may request training on the updated Guide from the FIA/OPRS Bureau of Policy and Training.

INQUIRIES

Please direct calls as follows:

- TCA training requests to Jo-Ann Showalter at 410-767-7956
- TCA policy questions to Edna McAbier at 410-767-8805
- Food Stamp policy questions to Mariyln Lorenzo at 410-767-7333
- Substance Abuse, Custodial Parent Drug Felon, and Medical Assistance policy questions to Cynthia Davis at 410-767-7495
- Systems inquiries to Joyce Westbrook at 410-238-1299

Attachment

- c: DHR Executive Staff
FIA Management Staff
Constituent Services
OIM Help Desk
RESI

**CONCILIATION
AND
SANCTION
GUIDE**

**Updated
January 2002**

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TCA - CONCILIATION AND SANCTION CHART

(CONCILIATION AND SANCTION GUIDE - 1/02)

Sanction Type	30-Day Conciliation	Claim Good Cause	Individual	Denial or Full Family	Third-Party
Child Support	One	YES	NO	YES	NO
Work 1 st - Adult	One	YES	NO	YES	NO
Work 2 nd - Adult	NO	YES	NO	YES	NO
Work 3 rd - Adult	NO	YES	NO	YES	NO
Work 1 st - 16-17 Yr. Old (not pregnant/parent)	One	YES	YES	NO	NO
Work 2 nd - 16-17 Yr. Old (not pregnant/parent)	NO	YES	YES	NO	NO
Work 3 rd - 16-17 Yr. Old (not pregnant/parent)	NO	YES	YES	NO	NO
Substance Abuse - Application - Adult	NO	NO	NO	YES	NO
- Minor Parent	NO	NO	YES	NO	NO
Substance Abuse - Ongoing - Adult - HOH	One	NO	YES	NO	YES
Minor Parent - HOH	One	NO	YES	NO	YES
Substance Abuse - Ongoing - Adult - Not HOH	One	NO	YES	NO	NO
Minor Parent - Not HOH	One	NO	YES	NO	NO
Drug Felon Custodial Parent	NO	NO	YES	NO	NO
DEAP/TCA Adult	One	YES	NO	YES	NO
Intentional Program Violation (IPV)	NO	NO	YES	YES	NO
Unmarried Minor Pregnant/Parent - Child Enrollment and Attendance	One	YES	YES	NO	NO
Unmarried Minor Pregnant/Parent - HOH Enrollment and Attendance	One	YES	YES	NO	YES

❖ CONCILIATION

1. CONCILIATION PROCESS

- Regulations, effective November 1, 1998, require **one** 30-day mandatory conciliation process for each TCA adult and child who fails to comply with each of the following:
 - Child support, **or**
 - Work requirements, **or**
 - Substance abuse requirements, **or**
 - DEAP/TCA **or**
 - Minor parent school requirement

- Customers, who used a conciliation period prior to November 1, 1998 are entitled to one new 30-day conciliation period for each type of sanction.

IMPORTANT NOTE: The purpose of the conciliation period is to resolve the customer's non-compliance issue and, therefore, not impose the sanction.

- A. It is important for the case manager to **review the narrative** and the case record to determine if the:
 - (1) 30-day conciliation period for the type of sanction being imposed was used for a prior sanction for the customer, and
 - (2) Correct work sanction is being imposed (1st, 2nd, 3rd) so the customer is notified of the **correct length of activity** required to cure the sanction.

- B. The 30 days includes 5 working days adverse action time. Local departments may extend a conciliation period if the customer wants to comply but cannot comply within the 30 days, through no fault of the customer.

- C. Mail the Notice of Adverse Action (NOAA) to the customer no later than 5 working days before the end of the 30-day conciliation period.
 - (1) Begin the 5-day count with the day following the date the NOAA is sent.
 - (2) The case manager must add customer specific information in the four lines of free-form text to the NOAA on CARES.

- D. The sanction is effective the first of the month following the expiration of the adverse action period.

- (1) Normally, the local department may not impose a sanction less than 30 days from the start of the conciliation period. However, if the customer **refuses** to comply at any time during conciliation, the NOAA can be sent to the customer at that time, closing the case the first of the month following the end of the 30-day conciliation period.
- (2) Customers must be given every opportunity to participate in the conciliation process and comply with the program requirements before a sanction is imposed.

E. When a customer first fails to comply with child support, DEAP/TCA, minor-parent school requirement, work or substance abuse requirements, the case manager must send a conciliation letter to the customer, scheduling a conciliation conference.

- (1) **The 30-day conciliation period begins with the date the conciliation letter is sent to the household.**
- (2) The conciliation letter and NOAA **are not mailed** at the same time.
- (3) The conciliation conference may be conducted by phone.
- (4) If the non-compliant customer to be sanctioned is a child, the conciliation letter is mailed to the caretaker relative with the appointment scheduled for both the caretaker and the child. Any telephone contact with the child must be preceded or followed up with a telephone call to the caretaker relative.
- (5) The conciliation period allows time for the case manager to investigate the reason for non-compliance. The customer may not be aware that good cause or an exemption exists. The case manager helps the customer identify a good cause reason or exemption during the conciliation process.
- (6) If the customer does not respond to the conciliation letter, **a second contact is required**. Case managers may use one of the following:
 - (a) A telephone call to the customer's number **or**
 - (b) Other contact number provided in the case record **or**
 - (c) A letter to the customer (developed by the local department).
- (7) The follow-up by the case manager with the customer is to:
 - (a) Confirm receipt of the conciliation letter,
 - (b) Offer a discussion about the reasons for non-compliance and

- (c) Identify any exemptions or good cause reasons.
- (8) Case managers must thoroughly **narrate** the outcome of their discussions with customers.
- (9) If the household fails to respond to the conciliation letter and/or subsequent attempts to contact them, no later than the fifth working day before the end of the conciliation period, the local department shall:
 - (a) Issue a Notice of Adverse Action **and**
 - (b) Remove the individual's needs from the grant amount **or**
 - (c) Close the case as appropriate.
- (10) The sanction is effective the first day of the month following the expiration of the adverse action period. Count instances of sanctions as of the date the NOAA is sent.
 - (a) Instances of sanction are counted consecutively whether before or after November 1, 1998 (EXAMPLE: Customer was sanctioned for work in May 1998 and again in October 2001; there are two instances of work sanctions.).
 - (b) An instance may occur although the household complies during the adverse action period and the case is never actually closed.

EXAMPLE:

- November 10 - The case manager is notified that Mr. Smith did not comply with the job search component of the work requirement. It is the first instance of non-compliance. The case manager sends a conciliation letter the same day. He fails to appear on November 18 for his scheduled conference. The case manager calls on November 19th and 24th to see why he did not show but there is no answer.
- December 2 - A NOAA with a January 1 closing date is sent to Mr. Smith. The specific reason for closing his TCA case is stated in the four lines of free-form text.
- December 8 - He contacts the case manager and verifies compliance with the requirement. An instance of non-compliance is recorded, even though the case is not actually closed. Since this is Mr. Smith's first instance and he is now complying, benefits continue uninterrupted.

- (11) The case manager **narrates** what action was taken on each specific date. Documentation of the phone call is very important. Copies of contact letters are placed in the case record.

2. VERIFICATION OF GOOD CAUSE OR AN EXEMPTION

The case manager is required to investigate the possibility of good cause regardless of the number of instances of non-compliance. The case manager helps the customer identify a good cause reason or an exemption **before** the sanction is imposed. This action by the case manager must be taken:

- During the 30-day conciliation process or
 - Before a NOAA is sent, if the 30-day conciliation period was previously used.
- A. If a customer verifies that good cause or an exemption exists during the conciliation period, no instance of sanction is recorded and no sanction is imposed.
- B. If a customer performs a verifiable act of compliance prior to the issuance of a NOAA, no instance of non-compliance is recorded and no sanction is imposed.

3. INSTANCES OF CONCILIATION

A TCA adult or child is entitled to one 30-day conciliation period for each of the following requirements:

- **one** for non-compliance with child support
 - **one** for non-compliance with work
 - **one** for non-compliance with substance abuse
 - **one** for non-compliance with DEAP/TCA
 - **one** for non-compliance with school for minor parents
- A. Customers with an **IPV** are not entitled to a 30-day conciliation period.
- B. Custodial parents convicted of a **drug felony** after July 1, 2001 while receiving TCA are not entitled to a 30-day conciliation period.
- C. Customers who complete a conciliation period and fail again to comply **do not** get a new conciliation period. A customer whose case is reopened when a sanction is cured is not entitled to another conciliation period should they again fail to comply.
- D. Local departments are required to conduct **one** 30-day conciliation process for each sanction type for each customer's non-compliance with FIP requirements.
- E. There is a **regulatory obligation to investigate** good cause regardless of the number of instances of non-compliance. This means that case managers must investigate the possibility of good cause before any sanction is imposed.

EXAMPLE 1:

- November 17 Mr. North fails to comply with job search, is notified about conciliation and is mailed a NOAA. It is the first instance of non-compliance. Once he receives the NOAA, he complies.
- December 19 He again fails to perform a job search. He is not entitled to a new conciliation period for this second instance. An investigation does not show good cause. A NOAA is issued, a second instance of non-compliance is recorded and a sanction imposed. Benefits cannot be restored until he complies for 10 days.

EXAMPLE 2:

- December 10 Mrs. Jones fails to comply with the job search component of the work requirement. It is the second instance of non-compliance. The case manager calls Mrs. Jones on December 10th and 13th and left messages to determine the reason the customer did not do job search. Mrs. Jones does not return phone calls made to her home. Since there is no conciliation period, a NOAA is issued on December 19.
- December 23 Mrs. Jones phones the case manager and says that the reason she didn't do the job search was that her car broke down but it is now working and provides proof of the repairs. She completes her job search. However, she does not find a job and is required to complete a resume writing component.
- January 15 The case manager is notified that Mrs. Jones failed to complete this activity. Mrs. Jones is not entitled to a new conciliation period. The investigation of the third occurrence does not show good cause. A NOAA is issued, an instance of non-compliance is recorded and a sanction is imposed effective February 1. Since this is the third instance of non-compliance, benefits cannot be restored until she complies for 30 days.

EXAMPLE 3:

- January 15 The case manager is notified that Mrs. Brown failed to comply with work requirements by missing a job interview because she could not arrange child care. During the conciliation process, her child care barrier is removed and she continues her job search.
- February 1 The case manager is notified that Mrs. Brown missed another job interview. The local department initiated a good cause investigation by phoning her. Mrs. Brown states that she could not attend because she was ill. She verifies her illness, and subsequently resumes her job search. No instance is recorded and no sanction is imposed.

EXAMPLE 4:

On December 3 the case manager is notified that Mrs. Johnson failed to keep her appointment with the State's Attorney to pursue child support. During the conciliation process, she advises that she had the appointment date confused, but wants another appointment. However, she cannot get another appointment until January 8. The case manager may extend the conciliation period until that date. If Mrs. Johnson fails to keep her appointment on January 8, and good cause is not claimed, a NOAA is issued immediately, an instance of non-compliance is recorded and a sanction is imposed for February 1. Benefits cannot be restored until it is verified that she kept her appointment.

❖ NOAA AND ADDED FREE-FORM TEXT

1. A Notice of Adverse Action (NOAA) is sent to TCA customers who:
 - Fail to comply with specific FIP requirements,
 - Do not attend a scheduled conciliation appointment, or
 - Refuse to cooperate at any time during the 30-day conciliation period.
2. Case managers are required to **add customer specific** information to the NOAA in the free-form text (up to four lines with 66 characters on each line) available on CARES. The specific information includes but is not limited to the following:
 - Who did not comply,
 - What the customer did not do that was required, and
 - The dates the customer did not comply.
3. The added text must be in **plain language** so that the customer receiving the notice can read and understand the purpose of the adverse action, such as:

EXAMPLE 1: Child Support

You did not keep your September 25 child support appointment with the State's Attorney or your October 9 appointment with me. You did not return phone messages left at your home on October 12 and 20.

EXAMPLE 2: Work Sanction

Mr. Ross did not do his job search activity at Martins on November 10 or keep a November 18 appointment with me. No one answered at your home when I called on November 19 and 24. **(Example for a 2 adult AU)**

Keith did not keep his July 8 appointment with the People's Job Center or a July 21 appointment with me. No one called me back when I left messages on your answering machine. **(Example for a child in the AU)**

EXAMPLE 3: Substance Abuse

You refused to sign the substance abuse consent form on January 19. You did not keep a February 2 appointment with me. No one answered my phone calls to you on February 7, 11 and 15.

EXAMPLE 4: DEAP/TCA

You did not keep your May 11 appointment with Ms. Walker at DEAP and your May 27 appointment with me. You did not call me back when I left messages at your home on April 1 and 6.

EXAMPLE 5: Minor Parent School Requirements

We do not have proof that Kay is going to school 80% of the time. You and Kay did not keep a March 10 appointment with me. Starting April 1 we will not pay you TCA for Kay.

❖ **FAMILY VIOLENCE**

1. As part of the TCA application and recertification process, customers are screened for indications of family violence in the home.
 - A. Customers who claim or are determined to be victims of family violence are not required to provide written documentation of abuse to qualify for an exemption or a waiver from compliance with FIP requirements.
 - B. Case managers who determine a customer is a victim of family violence are required to refer the customer to the in-house family violence expert.
 - C. The customer and the family violence expert work together to develop a safety plan, which is signed by the customer and the family violence expert. Documentation from the family violence expert is sufficient to establish good cause for FIP program requirements.
2. For more detailed information about family violence policy and procedures, refer to FIA/OPR AT # 98-30 (Family Violence Screening).
3. When the case manager and the family violence expert determine that anyone in a TCA family is a victim of family violence and the family participates in counseling, that case becomes a state-funded TCA case. Refer to AT #99-32 for CARES coding, time limits and work requirements.

❖ CHILD SUPPORT SANCTION PROCEDURES

1. Good Cause

If a TCA household participates in the conciliation conference or otherwise contacts the case manager to discuss the reason for non-compliance during the conciliation period, the case manager must determine whether good cause exists.

- A. At any time during the child support process, the custodial parent may claim good cause for failure to cooperate.
- B. If the possibility of a good cause claim is not investigated or investigated and the results are not documented in the case record, the local department risks having their decision to sanction overturned at an administrative hearing when the customer appeals the local department's decision.
- C. Local departments have the flexibility to design their own process to investigate good cause. They must, however, ensure that customers are given the opportunity to claim good cause for non-compliance regardless of the number of instances and types of non-compliance.
- D. As stated in AT #99-08, the local department's child support enforcement unit determines non-cooperation with child support requirements. If a determination of non-cooperation is made, the child support worker refers the case to the FIA case manager.
- E. Determination of good cause remains with the FIA case manager. The case manager investigates the possibility for the customer to claim good cause.
- F. Good cause for not complying with **child support** requirements includes the following:
 - (1) Possibility of physical or mental harm to the caretaker or the child
 - (2) Conception as a result of incest/rape
 - (3) The caretaker relative is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep the child or relinquish the child for adoption, and the discussions have not continued for more than three months.
 - (4) Pending adoption proceedings
- G. If a customer verifies that good cause exists during the conciliation period, no instance of sanction is recorded and no sanction is imposed.
- H. If a customer performs a verifiable act of compliance **prior to** the issuance of a NOAA, no instance of non-compliance is recorded and no sanction is imposed.

2. Applications:

- A. If the caretaker relative fails to comply with child support requirements at application without good cause, the TCA application is **denied**. MA is determined separately.
- B. When a family applies for assistance and the most recent closure indicates a child support sanction status reason, **the sanction must be cured before benefits are paid**.

3. Active Ongoing Cases:

Child support sanctions are only imposed on active ongoing cases.

- A. The case manager follows the conciliation procedures outlined on pages 1-6 of this AT.
- B. If the sanction is imposed after the conciliation period (that included an investigation of good cause), the sanction remains in effect until the customer complies with the child support requirement.
- C. If the caretaker relative does not comply with the child support requirements without good cause, a **full-family** sanction is imposed.
- D. If a customer cures a child support sanction in the first non-pay month, full benefits are authorized for that month.
- E. If a full month or more passes without cooperation, the application for benefits is treated the same as any other application and prorated from the date of application. The payment is made after the required compliance is met.

EXAMPLE: Mom and her 2 year-old child receive TCA.

October 5	Case manager receives notification from Child Support that Mom did not keep a scheduled appointment with the State's Attorney.
October 7	Case manager begins investigating the reason for non-compliance by sending Mom a letter (the first day of the 30-day conciliation period; the last day is November 5).
October 12, 15 & 18	Case manager follows up with telephone calls and leaves messages on the answering machine. Mom does not call back.
October 27	A NOAA is sent and the case is sanctioned.
December 1	Effective date of sanction (the first of the month following the end of the 30-day conciliation period). The MA case trickles to NPA-MA.

December 4 Mom calls and is willing to keep a new appointment.

December 16 A new appointment is scheduled for December 22 and Mom keeps the new appointment. Full benefits paid for December (month complied).

NOTE: If an appointment were not available until January, Mom would get a full grant for January (the month of compliance) but no benefits for December.

4. Food Stamps (for child support sanction cases)

A. If the TCA application is **denied** for failure to comply with child support requirements and the family has also applied for food stamps, the food stamp application is processed and benefits paid to all eligible household members.

NOTE: Phantom income **is not** used when determining the food stamp benefit amount for the household since TCA was never paid.

B. If an active, ongoing TCA case is **closed** because of a full-family child support sanction, food stamps are based on the TCA income (phantom income) and any other income received by members of the assistance unit prior to the sanction.

C. The phantom income remains for food stamps until the customer complies with child support or the child (for whom the caretaker is not cooperating with child support from his/her parents) is no longer in the TCA assistance unit.

D. To remain eligible for food stamps, customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

5. Medical Assistance (for child support sanction cases)

If the caretaker relative does not cooperate with child support without good cause and the TCA case is:

A. **Denied** at application, the MA must be processed for the family. The adult must cooperate with filing for **medical support** from the children's absent parents to be eligible for MA, unless there is a good cause exemption.

B. **Sanctioned (closed)**, the MA case will trickle to an NPA-MA category, because of delinking. The adult must cooperate with filing for **medical support** from the children's absent parents to be eligible for MA, unless there is a good cause exemption.

- 1) If there is no food stamp associated case, the end date for the MA case is the date the TCA certification period would have ended if a sanction had not been imposed.
- 2) If there is an associated food stamp case at the time the TCA case is sanctioned, do not change the current MA certification end date. If appropriate, you may extend the food stamp certification period, up to 12 months, so that the certification end dates for both programs match. (Reminder: Use this option with caution according to local department procedures for error prone cases.) Subsequent MA certification periods should be for 12 months.

CARES PROCEDURES (FOR CHILD SUPPORT SANCTION CASES)

1. TCA Benefits

On the TCA STAT screen under the AU Status Reason place the following code if a TCA assistance unit is subject to the full family sanction due to not complying with child support: **505 – failed to cooperate with child support – TCA full family sanction for Temporary Cash Assistance.**

Then PF-21 from the ADDR screen and **NARRATE** that the TCA AU closed because of not complying with child support requirements and the non-compliance reason.

➤ **REMINDER: Add free-form text to the customer's notice.**

2. Food Stamp Benefit Calculation

To issue the correct Food Stamp benefit to a household that is sanctioned, the following procedure must be used:

- On the UINC screen of the Head of Household enter the TCA benefit amount as “phantom” income using the code “OF” (Other unearned income, Food Stamp countable only).
- This will maintain the FS allotment at the level prior to the sanction.
- **NARRATE** all actions taken on the FS case.

3. Medical Assistance Benefits

When the head of household is not eligible for MA, because he or she did not comply with MA child support requirements without good cause, but the children retain their MA, the end date for the MA-F04 is the date the TCA certification period would have ended if a sanction had not been imposed.

- Select Option L (Add A Program) for the AMEN screen with the FS AU number. Add a Medical Assistance program (F04) with the current date as the date of application.
- Interview and Process the MA (F04) case as usual, coding the Head of Household as “IP” and denying the appropriate months to avoid dual participation (TCA is still active through the end of the adverse action period).
- Finalize the MA case, certifying it to the end of the original TCA period.
- **NARRATE** all actions taken on the MA case.

NOTE: In the event that a Food Stamp case is associated, do not change the current MA certification end date. If appropriate, you may extend the food stamp certification period, up to 12 months, so that the certification end dates for both programs match. (Reminder: Use this option with caution according to local department procedures for error prone cases.) Subsequent MA certification periods should be for 12 months.

❖ WORK REQUIREMENT SANCTION PROCEDURES

1. Good Cause and Exemptions

If a TCA household participates in the conciliation conference or otherwise contacts the case manager to discuss the reason for non-compliance during the conciliation period, the case manager must determine whether good cause or an exemption exists. If the possibility of a good cause claim is not investigated or investigated and the results are not documented in the case record, the local department risks having their decision to sanction overturned at an appeal fair hearing.

Local departments have the flexibility to design their own process to investigate good cause. However, they must ensure that customers are given the opportunity to claim good cause for non-compliance regardless of the number or types of instances of non-compliance.

A. **Good cause** for not complying with work requirements includes the following:

- Illness or incapacity which is properly documented
- Breakdown in transportation arrangements when there is no other accessible means of transportation
- Breakdown in child care arrangements or lack of child care resources
- Verified, court-required appearance or temporary incarceration
- Domestic violence or other family crisis that threatens normal family functioning
- Lack of supportive services identified in the initial assessment and agreed upon by the recipient and the local department

B. **Good cause** for not complying with work requirements because of **quitting a job** includes one or more of the following:

- Discrimination based on race, sex, disability, religious or sexual orientation;
- Breakdown in transportation arrangements when there is no other accessible means of transportation;
- Breakdown in child care arrangements or lack of child care resources
- Domestic violence or other family crisis that threatens normal family functioning;
- Hazardous working conditions;
- Documented illness or incapacitation;
- Incarceration;
- Resignation at employer's request;
- Lack of supportive services identified in the initial assessment and agreed upon by the recipient and the local department; and
- Other circumstances determined to be good cause by the local department.

- C. **Exemptions** from participation in work requirements include the following:
- Required to care for a child in the assistance unit under age one
(This is a one-time only exemption for the first child only)
 - Adults and children in the assistance unit who are severely disabled
 - Needed in the home to care for a severely disabled assistance unit member or the disabled person would be in the assistance unit if not receiving SSI
 - Children younger than sixteen years old
 - Children 16-18 years old enrolled full-time in school
 - Victims of family violence

D. These work requirement good cause and exemption reasons **do not include** customers who reach 24 cumulative months of federal TCA. The **only exception** to the 24-month work requirement is a single parent caring for a child under the age of 6 who is unable to obtain child care for one or more of the following reasons:

- Unavailability of appropriate child care within a reasonable distance from the parent's home or work site.
- Unavailability or unsuitability of informal child care by a relative or others.
- Unavailability or unsuitability of appropriate and affordable formal child care arrangements.

E. Definitions for 24-month exceptions:

- **“Appropriate child care”**: Meets the parent's needs in terms of hours and location, meets the child's needs in terms of health and safety, and is geared toward the healthy development of the child.
- **“Reasonable distance”**: Based on available transportation, a parent would be expected to travel to the child care provider no more than one hour each way.
- **“Unsuitability of informal child care”**: Does not meet program requirements as stated in the State Plan, State Law and COMAR 07.04.06, including not posing a risk to the health and safety of the child.
- **“Affordable child care arrangements”**: As defined in the State Plan, “affordable arrangements are those for which the parent fee charged by the provider is less than or equal to the assigned co-payment for a non-TANF family of the same size and income level who receives a child care subsidy.”

F. If a customer verifies that good cause or an exemption exists during the conciliation period, no instance of sanction is recorded and no sanction is imposed. If a customer performs a verifiable act of compliance prior to the issuance of a NOAA, no instance of non-compliance is recorded and no sanction is imposed.

2. Applications:

- A. If an individual fails to meet work requirements at application, the following actions are to be taken:
- A non-exempt adult applicant fails to comply with work requirements, the case is denied.
 - A non-exempt child applicant fails to comply with work requirements, the child is considered a member of the TCA AU, however, follow the instructions found in the CARES Individual Sanction section on page 18 of this AT.
- B. When a family applies for assistance and the most recent closure indicates any sanction status reasons, **all sanctions must be cured before benefits are paid again.**

EXAMPLE 1:

Ms. Wilson applies for TCA for herself and three children. She does not cooperate with work requirements without good cause during the application process. The application is denied and there is no instance of sanction.

EXAMPLE 2:

Mr. Martin applies for TCA for himself and two children. He does not complete the job search activities required by the Local Department of Social Services' office. The application is denied and there is no instance of sanction.

EXAMPLE 3:

Ms. Kelly reapplies for herself and two children, ages 8 and 17. Brian, the 17-year-old is not in school and does not comply with the local department's work requirements. All other requirements are met for AU members. This is an individual sanction. The 17-year-old is included in the TCA assistance unit and receives MA. To identify this as a case with an individual sanction, on CARES for the 17-year-old, the case manager must enter:

- GU (this is the first sanction) in the Place of Birth City field on the **DEM1** screen
- MP in the PI Participation Status field on the **WORK** screen
- The difference between the grant for 3 and 2 AU size (\$472 - \$372 = \$100) with the unearned income type as OA on the **UINC** screen.

3. Active Ongoing Cases:

The two types of sanctions imposed for failure to comply with TCA work requirements are a full-family sanction or an individual sanction. Sanctions for failure to comply with work requirements are imposed only on active cases.

A. Full-Family Sanctions:

If a non-exempt adult does not comply with the work plan agreed upon by the local department and the customer, there are strict full-family sanctions. The case manager must follow the conciliation procedures outlined on pages 1-6 of this AT. The number of sanction instances determines the length of the sanction.

(1) Cures for full-family sanctions for non-compliance with work requirements for adults are:

- First instance - Immediately upon compliance with the work requirement
- Second instance – After 10 calendar days of compliance
- Third and all subsequent instances – After 30 calendar days of compliance

(2) The sanction is effective the first day of the month following the expiration of the adverse action period. Instances of sanctions are counted as of the date the adverse action is sent. An instance may occur even if the case is never closed.

(3) The instance of non-compliance is counted for the adult not complying. The person causing the sanction is coded with an instance of non-compliance and is responsible for curing the sanction. No case that includes the adult causing the sanction is reinstated or reopened until the sanction is cured.

(4) If a customer begins an activity to cure a work requirement sanction or cures a work requirement sanction (that resulted in a closed TCA case) in the first non-pay month, authorize a full benefit for that month.

(5) If a full month or more passes with no plan to participate, treat the application for benefits the same as any other application and prorate from the date of application. The payment is made after the required compliance time is met.

EXAMPLE: A mother and her 10-year-old child receive TCA. Mom fails to comply with work requirements for the first time.

October 8 The case manager begins investigation into the reason for non-compliance by sending Mom a letter (the first day of the 30-day conciliation period; the last day is November 6).

October 15 The case manager follows up with a telephone call but Mom states she has no intention of complying. A NOAA is sent; the case is sanctioned.

December 1 Effective date of the sanction (the first of the month following the end of the 30-day conciliation period).

- December 11 Mom contacts the case manager and wants to participate.
- December 16 Mom complies with the local department's work requirement. Since she began to cure the sanction before the end of the first non-payment month, the benefit is not prorated.

B. Two-Parent Assistance Units:

In the case of a two able-bodied parents assistance unit, the entire family is closed (full-family sanction).

- EXAMPLE:** A mother, father and 14 year-old child receive TCA. Mom and Dad are both required to participate in work activities. Dad fails to comply with work requirements for the second time (no conciliation period). The case manager investigates and determines there is not a good cause for non-compliance.
- October 5 A NOAA is sent to sanction (second instance of sanction)
- November 1 Effective date of the sanction. Dad is coded on CARES for the sanction (The sanction follows the individual).
- November 12 Mom notifies the case manager that Dad left the home. Mom may apply for herself and child without curing the sanction. Since this is the first non-pay month, the benefit is not prorated.
- January 4 Mom and Dad reconcile. A NOAA is sent for case closure effective February 1. The case may not be reopened or benefits paid to the assistance unit until Dad cures his sanction by complying for 10 days. The case is not prorated as long as Dad begins to comply before the end of the first non-pay month.

C. Individual Sanctions:

- (1) School-aged children, ages 16 and 17, (who are not parents) are not the head of household and not in school and do not comply with work requirements are subject to an individual sanction. The case manager must follow the conciliation procedures that are outlined on pages 1-6 of this AT. A child **cures the sanction** by meeting the same requirements as an adult:
- First instance - **Immediately** upon compliance with the work requirement
 - Second instance – **After 10** calendar days of compliance
 - Third and all subsequent instances – **After 30** calendar days of compliance
- (2) The child's sanction instance is counted as the date the Notice of Adverse Action is sent. Do not remove the child from the TCA assistance unit. See the CARES Individual Sanctions section on page 18 of this AT for instructions. Since the child is not removed from the TCA AU, the child remains eligible for MA.

- EXAMPLE:** Dad and two children, ages 7 and 16, receive TCA. The 16 year-old is not in school and fails to comply with work requirements for the first time.

- October 26 The case manager begins investigating the reason for non-compliance by sending a letter (the first day of the 30-day conciliation period; the last day is November 24) to Dad.
- October 29 The case manager follows up with a telephone call but the child says he is not going to do what the local requires and the Dad does not return phone messages. A NOAA is sent to the head of household to sanction the 16 year-old **only**. The 16 year-old remains eligible for MA.
- December 1 Effective date of the sanction (the first of the month following the end of the 30-day conciliation period). Grant paid is \$313.

4. Food Stamps (for work requirement sanction cases)

- A. If the TCA application is **denied** for non-compliance with work requirements and the family has also applied for food stamps, the food stamp application is processed and benefits paid to all eligible household members.
- B. If the TCA case is **closed** because of a work requirement sanction, food stamps are based on the TCA income (phantom income) and any other income received by members of the assistance unit prior to the sanction.
- C. If the TCA benefit amount is **reduced** because of an individual work requirement sanction, food stamps are based on the TCA income (phantom income) and any other income received by members of the assistance unit prior to the sanction.
- D. The phantom income remains for food stamps until the individual cures the work sanction, even if the individual with the work sanction is no longer in the TCA assistance unit but remains in the home.
- E. Customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

5. Medical Assistance (for work requirement sanction cases)

- A. If the caretaker relative does not cooperate with work requirements without good cause and the TCA case is
- **Denied** at application, the MA application is processed for the caretaker relative and the children in the assistance unit as long as eligibility for the program is met.

- **Sanctioned (closed)**, the MA case trickles to an NPA-MA category (F04) for the caretaker and the children. The end date for the MA case is the date the TCA certification period would have ended if a sanction had not been imposed.
- B. If the 16-17 year old child does not cooperate with work requirements without good cause and the TCA benefit is not paid for that child:
- **At application**, since the child is a member of the TCA AU, when the application is processed the child will receive MA and MA continues as long as eligibility for the program is met.
 - **At recertification**, the child is a member of the TCA AU, MA continues as long as eligibility for the program is met. The end date for the TCA MA case is not changed.

CARES PROCEDURES (FOR WORK REQUIREMENT SANCTION CASES)

1. INDIVIDUAL SANCTIONING

A. TCA Benefits

Applies to customers ages 16 and 17, not in school and not in compliance with work requirements.

- **Do not remove** them from the TCA household.
- Code “YE” should be used in the Requirement field on the WORK screen.
- On the UINC screen, enter the amount of the sanction (the difference in the amount of the grant for the household size with the customer and without) as “OA” (Other Countable Cash or MA). The grant will be in the correct amount for the sanctioning.
- To identify the case as a sanction, enter “GU” on the DEM1 screen under the Place of Birth City field for the first sanction of the customer. The second sanction should be coded as “VI” and the third (and higher) sanction coded as “CZ”.
- The child remains eligible for MA on the TCA case.
- Suppress the automated notice and send a manual notice informing the customer of the case action.

B. Food Stamp Calculation

To issue the correct Food Stamp benefit to a household with a sanctioned individual, the following procedure must be used:

- On the UINC screen for head of household, enter the TCA benefit amount as “phantom” income using code “OF” (Other unearned income, FS countable only).
- This will maintain the FS allotment at the level prior to the sanction.

C. Medical Assistance

If a TCA case has an individual sanction for non-compliance with work requirements, the customer retains MA (F04) and the end date remains the same.

2. FULL FAMILY SANCTIONING

A. TCA Benefits - Full Family Sanction

- Access the case using Option R (Interim/Historical Change) from the AMEN screen
- Fast path to the AF STAT screen. Enter code
 - 501 if sanction is for the first offense,
 - 502 if for the second offense, or
 - 503 for the third or subsequent offenses in the AU Status reason field.
- The notice will be correct provided the appropriate reason code was used.

B. Food Stamp Benefit Calculation

To issue the correct Food Stamp benefit to a household that is sanctioned, the following procedure must be used:

- On the UINC screen of the Head of Household, enter the TCA benefit amount as “phantom” income using the code “OF” (Other unearned income, Food Stamp countable only).
- This will maintain the FS allotment at the level prior to the sanction.

C. Medical Assistance Benefits for Full-Family Sanction

- Select Option L (Add A Program) from the AMEN screen with the FS AU#. Add a Medical Assistance program (F04) with the current date as the date of application.
- Interview and Process the MA F04 case as usual, denying the appropriate months to avoid dual participation (TCA is still active through the end of the adverse action period).
- Finalize the MA case, certifying it to the end of the original TCA period. In the event that a Food Stamp case is associated, do not change the current MA certification end date. If appropriate, you may extend the food stamp certification period, up to 12 months, so that the certification end dates for both programs match. (Reminder: Use this option with caution according to local department procedures for error prone cases.) Subsequent MA certification periods should be for 12 months.

❖ **TRANSITIONAL ASSISTANCE**

1. TA Provisions:

- A. The FIP provisions allow for an extension of the TCA benefit for three months (in a lifetime) after a full-family sanction becomes effective.
- B. The sanction must have been the result of an adult's failure to comply with the TCA work requirements.
- C. This Transitional Assistance (TA) provision is used at the discretion of the local department based on the individual circumstances and the availability of a third party.

2. Third-Party Payees:

- A. The TA benefit is only available through a non-profit or faith organization that agrees to accept this responsibility.
- B. The preferred method of payment to the third party is EBT. This requires the third party be trained for EBT and issued a card. Benefits may, however, be issued by check to the third-party representative.
- C. If a family friend wishes to be the third party, the friend must work through the non-profit organization.
- D. Priority for these payments will be given to assistance units with:
 - (1) An active protective services case
 - (2) An active intensive family services case
 - (3) An adult member who is disabled, but is unwilling to provide verification of the illness and has been sanctioned for non-cooperation with work requirements.
 - (4) An adult member who is not fluent in English and notices are not offered in the individual's language
- E. Should the adult comply with the work requirements during the Transitional Assistance period, the case manager must complete a redetermination of the case. New certification end dates must be established because the original dates were shortened to match the end of the Transitional Assistance Period.
- F. Since the benefit has already been sent to the third party for the month the adult complied with the work requirement, the assistance unit will become eligible for direct

payment the month following the month of compliance. If there is not enough time to redetermine the case after the date the customer complies and the beginning of the following month, the assistance unit becomes eligible for direct payment the second month following the month of compliance.

EXAMPLE: During the TA period of July through September, the customer meets the work requirement on the last day of July. The August benefit is paid to the third party. The AU receives direct payment in September after a new application is filed.

CARES PROCEDURES (FOR TRANSITIONAL ASSISTANCE):

To apply Transitional Assistance to the assistance unit:

1. Access the AU using **Option R** from the **AMEN** screen.
2. On the **ADDR** screen for the head of household (HOH) enter a "Y" in the Authorized Representative field.
3. The **AREP** screen appears. Enter "P1" in the Representative Type field and "CC" as the Relationship Type. Complete the name and address fields with the community representative's information.
4. On the **STAT** screen for the case assistance AU change the benefit issuance type from BEBT (Batch EBT) to BCHK (Batch Check) if desired.
5. Fast Path to the **WORK** screen. Enter "MN" in the PI Participation Status field and the date customer became non-compliant with PI.
6. Fast Path to the **DONE** screen. Confirm eligibility and shorten the certification end date, if necessary. If it is necessary to extend the certification, initiate a redetermination, update fields as necessary, on MISC enter "Y" in the Redet Complete field, confirm the eligibility and shorten the certification end date.
7. Add the following text to the notice:

"As a result of not complying with the FIP WORK requirements, your benefit will be paid to the authorized representative shown above. After the next three months of benefits are received, you will no longer be eligible for TCA until you comply with the WORK requirements."
8. Create a 745 for the month in which the benefits will end to manually close the TCA AU using code 504. This is imperative as the AU will not be in the 90 day recertification scheduling cycle and benefits will continue if not manually closed.

❖ SUBSTANCE ABUSE SANCTION PROCEDURES

1. Applications:

If an individual fails to comply with substance abuse provisions at application, take the following actions:

- If adults who are heads of household refuse to sign the substance abuse consent form, **deny** the TCA application.
- If two parents are in the household and both parents, or one parent, refuse to sign the substance abuse consent form, **deny** the TCA application.
- If a minor parent who is head of household refuses to sign the substance abuse consent form, **deny** the TCA application.
- If only the minor parent, who is not the head of household, refuses to sign the substance abuse consent form, the minor parent's **needs are not included** in the TCA assistance unit but the minor parent's child is included.

EXAMPLE 1:

Ms. Wilson is a 17-year-old who is applying for herself and 1 month-old child. She lives with a non-relative friend because her parents made her move out after the baby was born. When asked to sign the 1176 consent form, she says that she is not signing the form, she does not have an alcohol or drug problem, and does not see why signing the form is part of what she has to do to get help. The TCA application is denied. Her applications for food stamps and medical assistance must be processed.

EXAMPLE 2:

Mr. and Mrs. Carter are applying for TCA for themselves and two children. Mr. Carter signs the 1176 consent form; however, Mrs. Carter refuses to sign an 1176. The TCA application is denied. Their food stamp and medical assistance applications must be processed.

2. Active Ongoing Cases:

- A. The sanction imposed for an adult or minor parent recipient's failure to comply with substance abuse treatment provisions is **removing the individual's needs** (the difference between the grant amount with the customer included and without the customer) from the grant.

EXAMPLE: Mr. Howard is receiving TCA for himself and 2 children. Mr. Howard calls to report that his wife is now living in the home.

October 9 The case manager is notified that Mrs. Howard did not sign the 1176.
October 13 The case manager sends a conciliation letter (first sanction for Mrs. Howard). Although Mr. Howard had used a thirty-day conciliation for

- substance abuse in January, Mrs. Howard is also allowed one thirty-day conciliation period.
- October 16 A telephone call is made by the case manager and he leaves a message for Mr. or Mrs. Howard to call back.
- October 22 The case manager calls again but must leave a message because Mr. or Mrs. Howard is not available.
- November 2 Mrs. Howard is added to the TCA assistance unit. However, a NOAA is sent to Mr. and Mrs. Howard notifying them that Mrs. Howard's needs will be removed from the TCA grant.
- December 1 The Howard's TCA grant in the amount of \$472 (\$570 - \$472 = Mrs. Howard's needs of \$98) is not paid to a third party because Mr. Howard is not the head of household.

- B. If the adult or minor parent who is sanctioned is the **head of household**, benefits are paid to a **third-party payee** that is identified by the customer or local department.
- C. The case manager must follow the conciliation procedures outlined on pages 1-6 of this AT.
- D. Once an individual is identified as needing substance abuse treatment, the case manager must take into account Part III of the Substance Abuse Identification and Treatment Notification (DHR/FIA 1178) form concerning work readiness.
- (1) If the 1178 indicates "**not able to work**", or the treatment **provider has not assessed** the individual's work readiness, **do not refer** the sanctioned individual to a work activity. The substance abuse sanction remains in effect until the individual complies with the substance abuse requirement.
- (2) If the 1178 indicates "**able to work**", or **ready to participate** in work activities, the sanctioned individual is subject to TCA work requirements. This means that if the customer does not meet the local department's work requirements, the case manager must follow the work requirement sanction procedures outlined on pages 12-19 of this AT.

EXAMPLE: Mrs. Lee is receiving TCA for herself and 3 children.

- December 18 The case manager is notified that Mrs. Lee did not enroll in the drug treatment program as directed.
- December 22 The case manager sends a conciliation letter (first substance abuse sanction).
- December 28 The case manager calls to see why Mrs. Lee did not enroll. Mrs. Lee says that she forgot. But she is willing to do what she is supposed to do. She does not.
- December 30 The case manager calls again but leaves a message because Mrs. Lee is not at home.

- January 11 A NOAA is sent to Mrs. Lee notifying her that her needs will be removed from TCA grant for February and she needs to identify or the local department will name a third party to receive the TCA benefits.
- January 25 Mrs. Lee failed to name a third-party representative payee; therefore, the local department chose one for her.
- February 1 The TCA grant of \$472 (\$570 - \$98) is paid with the new representative as the payee.

- E. A substance abuse sanction is cured by compliance with the substance abuse provision for which the sanction was imposed.

3. Food Stamps (for substance abuse sanction cases)

- A. If the TCA application is **denied** and the family has also applied for food stamps, process the food stamp application and pay benefits to all eligible household members based on any income received (TCA is not counted as phantom income at application).
- B. If the TCA benefit amount is **reduced** because of a substance abuse sanction, base food stamps on the TCA income (phantom income) and any other income received by members of the assistance unit prior to the sanction.
- C. The phantom income remains for food stamps until the individual cures the substance abuse sanction.
- D. Customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

4. Medical Assistance (for substance abuse sanction cases)

- A. If the TCA application is **denied**, process the MA application for all members of the assistance unit.
- B. If the TCA application is processed but the substance abuse sanctioned individual's needs are not included in the TCA benefit, process the MA application for all members of the assistance unit. The sanctioned individual is a member of the TCA and MA assistance units.
- C. If a TCA case has a substance abuse **individual sanction imposed**, the entire assistance unit retains their MA. The end date for the MA case is the date the TCA certification period would have ended if a sanction had not been imposed.

CARES PROCEDURES (FOR SUBSTANCE ABUSE SANCTION CASES)

TCA Benefits:

To identify a case with an individual affected by the substance abuse treatment provisions, enter on the individual's **DEM1** screen in the **HOSPITAL** field:

- **SA1** – enrolled in a substance abuse treatment program
- **SA2** – awaiting available vacancy
- **SA3** – successfully completed treatment program
- **SA4** - failed to enroll in appropriate and available substance abuse treatment
- **SA5** - failed to maintain active enrollment in appropriate and available substance abuse treatment
- **SA6** – failed/refused to complete the screening or comprehensive assessment
- **SA7** – results of screening/assessment indicate individual not in need of substance abuse treatment.
- **SA8** – failed/refused to sign consent form
- **SA9** – discharged for non-compliance
- **SA10** – referred to a new program
- **SA11** – failed/refused to comply with drug testing

TCA Applications for Adults and Minor Parent Head of Households:

When an adult or minor parent head of household TCA applicant has been determined non-compliant with the substance abuse provisions, deny the TCA case as follows:

- Enter code 566 (Non-Cooperation with Eligibility Process) on the TCA STAT screen in the AU Status Reasons field.
- On the CAFI screen, press FP13 and enter the following additional lines of text:

Your household is not entitled to TCA benefits because **Individual's Name** failed to comply with substance abuse requirements. According to COMAR 07.03.03.04.

TCA Applications for Minor Parent Non-Head of Households and TCA Recipients:

When a recipient or minor parent non-head of household applicant has been determined non-compliant with substance abuse requirements and the customer's needs are removed from the grant, complete the following procedures:

- Enter on the non-compliant individual's **UINC** screen the amount of the sanction (the difference between the amount of the grant for the household size with the individual and without) as:

- **OA** (Other Countable, Cash Only) - The grant will then be in the correct amount for the sanctioning and still allow medical coverage.
 - Enter **OT** for the verification amount and **AC** for the frequency.
- On the **CAFI** screen, press **PF13** and enter the appropriate text and COMAR citation:
 - When a minor parent who is not the head of household does not sign the consent form, we cannot pay TCA for that person. **Individual's Name** failed to sign the substance abuse consent form so your grant was reduced by \$. COMAR 07.03.03.04
OR
 - When an adult or minor parent does not have a substance abuse screening or an assessment, we cannot pay TCA for that person. **Individual's Name** failed to have a Screening and/or Assessment so your TCA grant was reduced by \$. COMAR 07.03.03.15
OR
 - When an adult or minor parent does not enroll in appropriate and available substance abuse treatment, we cannot pay TCA for that person. **Individual's Name** failed to enroll in treatment so your TCA grant was reduced by \$. COMAR 07.03.03.15
OR
 - When an adult or minor parent does not stay enrolled in appropriate and available treatment, we cannot pay TCA for that person. **Individual's Name** failed to stay enrolled in treatment so your TCA grant was reduced by \$. COMAR 07.03.03.15
OR
 - When an adult or minor parent does not stay enrolled in a treatment program, we cannot pay TCA for that person. **Individual's Name** was discharged from a treatment program for not keeping program rules so your TCA grant was reduced by \$. COMAR 07.03.03.15
 - If the non-compliant individual is also the head of household, add a third party payee to the **AREP** screen for TCA with **Rep Type P1** and issue an EBT card to that person.
 - The sanctioned customer remains active on the TCA **STAT** screen and therefore will continue to receive F01 medical coverage provided the customer continues to meet eligibility for the program.

REMINDER: Use the appropriate recertification end date but create an alert to review every four months **ALL** TCA assistance units with an individual affected by the substance abuse treatment provisions (including those who are in compliance).

Food Stamp Benefit Calculation

To issue the correct Food Stamp benefit to a household whose TCA benefit amount is **reduced** because of a substance abuse sanction, use the following procedure:

- On the **UINC** screen of the Head of Household enter the TCA benefit amount as “phantom” income using the code **OF** (Other unearned income, Food Stamp countable only).
- This will maintain the FS allotment at the level prior to the sanction.

❖ CUSTODIAL PARENT W/DRUG FELONY SANCTION PROCEDURES

1. Good Cause:

There is no good cause for the custodial parent drug felon sanction.

2. Application:

- A. If the custodial parent convicted of a drug felony fails to comply with substance abuse requirements at application, take the following actions:
- An adult custodial parent applicant who is head of household fails to comply, **deny** the TCA application.
 - A minor custodial parent applicant who is head of household fails to comply, **deny** the TCA application.
 - Two custodial parent applicants and one or both parents fail to comply, **deny** the TCA application.
 - A minor custodial parent who is not the head of household fails to comply, the minor parent's **needs are not included** in the TCA assistance unit but the minor parent's child is included.
- B. When a family applies for assistance and the most recent closure indicates any sanction status reasons, **all sanctions must be cured before benefits are paid again.**

3. Active Ongoing Cases:

- A. When a drug felon, custodial parent recipient does not comply with substance abuse requirements, an individual sanction is imposed as follows:
- (1) Do not remove the individual from the TCA assistance unit.
 - (2) Remove the individual's needs from the TCA benefit (the difference between the grant with the person in the AU and without the person in the AU).
 - (3) If the sanctioned individual is also the head of household, remove the individual's needs and pay the TCA benefit to a third party.
- B. When custodial parent recipients are convicted **after July 1, 2000** of a felony that has an element of:
- manufacturing,
 - distribution or
 - possession with the intent to distribute a controlled substance,

they are **ineligible for one year from the date of the conviction.**

C. After the year of ineligibility, the individual is subject to **drug testing and FIP Substance Abuse Treatment and Services (SATS)** requirements for a period of two years starting from the later of the date:

- Released from incarceration;
- Of completion of any term of probation; or
- Of completion of any term of parole or mandatory supervision.

D. Custodial parent drug felons **are not** entitled to a 30-day conciliation period.

4. Food Stamps (for convicted custodial parent drug felon cases):

A. At application, exclude the individual (because the drug felon policy is the same for both programs) from the food stamp household (providing appropriate notice) and process the food stamp application to the other household members (TCA is not counted as phantom income at application).

B. If the TCA benefit amount is **reduced** because of a custodial parent drug felon sanction, base food stamps on the TCA income (phantom income) and any other income received by members of the assistance unit prior to the sanction.

C. The phantom income remains for food stamps until the custodial drug felon sanction is cured or the period of ineligibility has expired.

5. Medical Assistance (for convicted custodial parent drug felon cases)

A. If the TCA application is **denied**, process the MA application for all members of the assistance unit.

B. If the TCA application is processed but the sanctioned individual's needs are not included in the TCA benefit, process the MA application for all members of the assistance unit.

C. If a TCA case has a substance abuse **individual sanction imposed**, the entire assistance unit retains their MA. The end date for the MA case is the date the TCA certification period would have ended if a sanction had not been imposed.

CARES PROCEDURES (FOR CUSTODIAL PARENT DRUG FELON CASES)

To identify a case with an individual affected by the drug felon testing provisions and to track the two-year period that the custodial parent must cooperate with drug testing and substance abuse treatment and services requirements, enter on the individual's **DEM1** screen in the **CITY** field:

- **DF1 – MM YY** (This represents the length of time that the customer must comply with the drug testing requirements.)
- **DF2 – MM YY** (This represents the length of time that the customer who failed/refused to keep an appointment for drug testing must comply.)

In addition, when approving/finalizing a TCA case, on the **CAFI** screen, press **PF13** and enter in the following additional lines of text:

Individual's Name is required to comply with the substance abuse and drug testing rules through **MM YY** to maintain eligibility for TCA and FS. According to the code of Maryland Regulations 07.03.03.04 and 07.03.17.04.

TCA APPLICANTS

When a custodial parent TCA applicant has been determined non-compliant with the drug testing requirements, deny the TCA case as follows:

- During the interview (option **O** on the **AMEN** screen) enter code **566 (Non-Cooperation with Eligibility Process)** on the TCA **STAT** screen in the **AU Status Reasons** field.
- Commit the interview to the data base.
- Process each application month – make sure that code **566** appears in the **AU Status Reasons** field on the TCA **STAT** screen for each month being processed.
- Finalize the pending TCA AU. On the **CAFI** screen, press **PF13** and enter the following additional lines of text:

Your household is not entitled to TCA benefits because **Individual's Name** failed to comply with drug testing requirements. According to the Code of Maryland Regulations 07.03.03.04.

If the custodial parent is a minor parent who is not the head of household, process the TCA application as follows:

- Enter on the Head of Household's **UINC** screen the difference between the amount of the grant for the household size with the sanctioned individual and without the sanctioned individual as:
 - **OC** (Other Countable Income)
 - Enter **OT** for the verification amount and **AC** for the frequency
- On the **CAFI** screen, press **PF13** and enter the following additional lines of text:

Individual's Name is not entitled to TCA benefits because **he/she** failed to comply with drug testing requirements.
According to the Code of Maryland Regulations 07.03.03.04.

FS Applicants

When a custodial parent Food Stamp applicant has been determined non-compliant with drug-testing requirements, process the case as follows:

- Enter **566** in the **Rsn** field of the custodial parent in order to remove him/her from the food stamp household.
- Complete the eligibility process.
- On the **FSFI** screen, press **PF13** and enter the following additional lines of text:

Individual's Name is not entitled to Food stamp benefits because **he/she** failed to comply with drug testing requirements.
According to the Code of Maryland Regulations 07.03.17.04.

To issue the correct Food Stamp benefit to a household containing a custodial minor parent applicant who is not the head of household but has been non-compliant with substance abuse and/or drug testing requirements, complete the following:

- Enter **NM** in the **Finl Resp** field and **566** in the **Rsn** field of the custodial minor parent on the **STAT** screen
- Complete the eligibility process
- On the **FSFI** screen, press **PF13** and enter the additional lines of text:

Individual's Name is not entitled to Food Stamp benefits because **he/she** failed to comply with drug testing requirements.
According to the Code of Maryland Regulations 07.03.17.04.

TCA Recipients:

When the custodial parent TCA recipient has been determined non-compliant with substance abuse and/or drug testing requirements including failure to sign the medical consent form, remove the customer's needs from the grant, by completing the following procedures:

- Enter on the non-compliant individual's **UINC** screen the difference between the amount of the grant for the household size with the sanctioned individual and the amount of the grant without the sanctioned individual as:
 - **OC** (other Countable Income, All Programs) – The grant will then be in the correct amount for sanctioning
 - Enter **OT** for the verification amount and **AC** for frequency
- If the non-compliant individual is also the head of household, add a third party payee to the **AREP** screen for TCA with **Rep Type P1** and issue an EBT card to that person.
- On the **CAFI** screen, press **PF13** and enter the following additional lines of text::

When a custodial parent convicted of a drug felony committed after August 22, 1996 fails to have a drug test we can not pay TCA for that person. **Individual's Name** failed to have a drug test so your TCA grant was reduced by \$_____.

OR

When a custodial parent convicted of a drug felony committed after August 22, 1996 does not enroll in available substance abuse treatment, we can not pay TCA for that person. **Individual's Name** failed to enroll in treatment.

OR

When a custodial parent convicted of a drug felony committed after August 22, 1996 does not stay enrolled in available treatment, we cannot pay TCA for that person. **Individual's Name** failed to stay enrolled in treatment.

OR

When a custodial parent convicted of a drug felony committed after August 22, 1996 is discharged from a treatment program for not keeping program rules, we cannot pay TCA for that person. **Individual's Name** was discharged from a treatment program.

NOTE: The sanctioned customer remains active on the **TCA STAT** screen and therefore will continue to receive **F01** medical coverage provided the customer continues to meet eligibility for the program

When the custodial minor parent TCA recipient who is not the head of household has been determined non-compliant with substance abuse requirements, his/her needs are removed from the grant by completing the following procedures:

- Enter on the head of household's **UINC** screen the difference between the amount of the grant for the household size with the sanctioned individual and without the sanctioned individual as:
 - **OC** (other Countable Income, All Programs)

- Enter **OT** for the verification code and **AC** for the frequency code
- Complete the eligibility process
- On the **CAFI** screen, press **PF-13** and enter the following additional lines of text:

Individual's Name failed to cooperate with substance treatment or drug testing requirements so your TCA grant was reduced.

FS Recipients

To issue the correct Food Stamp benefit to a household currently receiving food stamps whose head of household is being sanctioned or whose TCA case was closed, use the following procedure:

- Enter **566** in the **Rsn** field of the custodial parent in order to remove him/her from the food stamp household
- On the **UINC** screen of another household member, enter the TCA amount (the amount before the sanction or closure) as “phantom” income using the code **OF** (other Unearned Income, Food Stamp Countable). This will maintain the FS allotment at the level prior to the sanction.
- Complete the eligibility process
- On the **FSFI** screen press **PF13** and enter the following additional lines of text:

Individual's Name was convicted of a drug felony committed after August 22, 1996 and did not follow substance abuse or drug testing rules.

According to Code of Maryland Regulations 07.03.17.04.

To issue the correct Food Stamp benefit to recipient households containing a custodial minor parent who is not the head of household, but is non-compliant with substance abuse and/or drug testing requirements, complete the following:

- Enter **566** in the **Rsn** field of the custodial minor parent in order to remove him/her from the food stamp household
- On the **UINC** screen of the head of household, enter the TCA amount (the amount before the sanction or closure) as “phantom “ income using the code **OF** (other Unearned Income, Food Stamp Countable). This will maintain the FS allotment at the level prior to the sanction.
- Complete the eligibility process.
- On the **FSFI** screen, press **PF13** and enter the following additional lines of text:

Individual's Name was convicted of a drug felony committed after August 22, 1996 and did not follow substance abuse or drug testing Rules.

According to Code of Maryland Regulations 07.03.17.04.

TCA Recipients convicted of a drug felony after July 1, 2000

When a TCA custodial parent recipient is convicted of a drug felony after July 1, 2000 that has an element of manufacturing, distribution or possession with the intent to distribute a controlled substance, complete the following procedures:

- On the custodial parent's **UINC** screen, enter the difference between the amount of the grant for the household size with the sanctioned individual and without the sanctioned individual as:
 - **OC** (Other Countable Income, All Programs) – The grant will then be in the correct amount for the sanctioning and still allow medical coverage.
 - Enter **OT** for the verification amount and **AC** for the frequency code.
- On the **CAFI** screen, press **PF13** and enter the following additional lines of text:

Individual's Name was convicted of a drug felony after July 1, 2000 and can not get TCA through **MMYY**.
According to the Code of Maryland Regulations 07.03.03.15.

Food Stamps

- On the **DEM2** screen of the custodial parent under **Penalties**, enter the appropriate code in the **Org** field, **DFLN** in the **Viol** field, conviction date in the **Dec Date** field and the appropriate code in the **Type** field. This will determine the custodial parent ineligible to receive Food Stamps
- On the **UINC** screen of another household member, enter the TCA amount (the amount before the sanction or closure) as "phantom" income using the code **OF** (other Unearned Income, Food Stamp Countable). This will maintain the FS allotment at the level prior to the sanction
- On the **FSFI** screen, press **PF13** and enter the following additional lines of text:

A custodial parent convicted of a drug felony after July 1, 2000 is ineligible for food stamps for one year from the date of conviction. **Individual's Name** is ineligible through **MMYY**.

- Create an alert for one year after the date of conviction to review eligibility for the custodial parent.
- After the year has gone by, make the custodial parent a part of both the TCA and Food Stamp household (assuming he/she is otherwise eligible). Enter the appropriate drug felon code, either **DF1** OR **DF2** in the **City** field of the **DEM1** screen. To add the custodial parent back to the TCA and FS cases perform the following steps:
 - For TCA, remove the income from the **UINC** screen for the disqualified person by entering a **Y** in the **Del** field and pressing the **PF24** key.

- For Food Stamps, remove the **DFLN** penalty from the **STAT** screen by having a supervisor enter a **Y** in the **Del** field on the **DEM2** screen and pressing the **PF24** key.
- On the **CAFI** screen press the **PF13** key to add the following additional lines of text indicating that the customer is required to comply with substance abuse treatment and drug testing requirements for two years:

Individual's Name must follow both the substance abuse treatment and drug testing rules through **MMYY** in order to get food stamps. According to the Code of Maryland Regulations 07.03.17.04

WORK REQUIREMENTS

For custodial parents receiving substance abuse treatment and following the drug testing requirements, enter the following information on the **WORK** screen:

- If the individual is receiving TCA and Food Stamps, or TCA alone:
 - Under TCA in the **Requirements** field enter **YE** (Yes).
- If the individual is receiving Food Stamps only:
 - Under Food Stamps in the **Registration Status** field enter **EX** (Exempt) and,
 - In the **Exempt Reason** field enter **DA** (Drug/Alcohol Treatment).

❖ DEAP/TCA SANCTION PROCEDURES

1. Good Cause and Exemptions

If a TCA household participates in the conciliation conference or otherwise contacts the case manager to discuss the reason for non-compliance during the conciliation period, the case manager must determine whether good cause or an exemption exists. If the possibility of a good cause claim is not investigated or investigated and the results are not documented in the case record, the local department risks having their decision to sanction overturned at an appeal fair hearing.

Local departments have the flexibility to design their own process to investigate good cause. However, they must ensure that customers are given the opportunity to claim good cause for non-compliance regardless of the number or types of instances of non-compliance.

2. State-Funded TCA Non-Parent Caretaker Relatives

- A. Families with children cared for by a non-parent relative, who is included in the assistance unit and has no dependent children of his or her own, are considered state-funded TCA.
- B. The caretakers in these families may **volunteer** themselves or the children for DEAP referral. Case managers must explain the importance of the DEAP referral and how it may mean additional income for the household..
- C. It is important to note that if these families do not cooperate with any part of the referral process, they **are not subject to sanction**. Under no circumstances are these families sanctioned for non-cooperation with DEAP.

3. Applications

- A. At application if an adult and/or child has a verified 12-month disability, the parent is required to cooperate with all DEAP/TCA requirements.
 - (1) If the parent refuses to sign the Interim Payment Reimbursement Authorization form, the TCA case is **denied**.

NOTE: If there are other related children included in the TCA AU, process the application as a non-parent caretaker relative case. The caretaker and their children are not included.

(2) There is no 30-day conciliation period used or instance of sanction counted for noncompliance at application.

B. If the applicant discloses that there is an independent SSI application pending for the disabled individual and the status of the application is not verified, refer the case to DEAP (if the Interim Payment Reimbursement Authorization form is signed).

4. Active Ongoing Cases

A. If an adult and/or child has a verified 12-month disability in an active TCA case, the parent is required to cooperate with all DEAP/TCA requirements. The penalty for noncompliance is a full-family sanction.

B. If the parent

(1) Refuses to sign the Interim Payment Reimbursement Authorization form, a full-family sanction is imposed and the TCA case is **closed**.

(2) Does not cooperate with the local department's requirement for vocational rehabilitation, a full-family sanction is imposed and the TCA case is **closed**.

(3) Does not cooperate with any part of the DEAP process, a full-family sanction is imposed and the TCA case is **closed**.

NOTE: If there are other related children included in the TCA AU, remove the parent and their children. **DO NOT CLOSE THE CASE.** The other related children remain eligible. The case becomes a non-parent caretaker relative state-funded TCA case.

C. For cases closed because of a parent's non-cooperation, the case manager must follow the 30-day conciliation and sanction process. The sanction is cured by:

(1) The parent signing the Interim Payment Reimbursement Authorization form **and/or**

(2) Receipt of verification that customer is complying with DEAP or the SSI application process.

D. If a customer has an independent SSI application pending and the status of the application is not verified, refer the customer to DEAP (if the Interim Payment Reimbursement Authorization form is signed).

CARES PROCEDURES (FOR DEAP/TCA SANCTION CASES):

When a parent in the DEAP/TCA case refuses to sign the Interim Payment Reimbursement Authorization form, does not cooperate with the local department's vocational rehabilitation requirements or fails to cooperate with DEAP, apply a full-family sanction on CARES.

1. Parent /Child Cases

TCA Applicants

- During the interview (option **O** on the **AMEN** screen) enter the **566 (Non-Cooperation with the Eligibility Process)** code in the **Au Status Rsn** field of the TCA **STAT** screen
- Commit the interview to the data base
- Process each application month insuring that the **566** code shows in the **AU Status Rsn** field of the TCA **STAT** screen
- Finalize the pending TCA AU
- On the **CAFI** screen, press **PF-13** and add additional lines of text as follows to the system generated notice:

Your application for TCA has been denied because you did not cooperate with the necessary DEAP/TCA Program requirements

NOTE: If there are other related children included in the TCA AU process the application as a non-parent Caretaker relative case. The parent and the parent's children are not included in the TCA payment. The CARES procedure for these cases is as follows:

- During the interview (option **O** on the **AMEN** screen) enter the **566** code in the **Rsn** field for the non-cooperative parent and their children. Do not enter the **566** code in the **AU Status Rsn** field of the TCA **STAT** screen
- Follow the regular CARES processing procedure
- On the **CAFI** screen during finalization, press **PF-13** and add the following additional lines of text to the system generated notice:

Your TCA grant does not include payment for yourself and your children because you did not comply with the necessary DEAP/TCA Program Requirements.

TCA Recipients

When a TCA recipient does not comply with DEAP/TCA program requirements take the following actions on CARES:

- Access the TCA AU via option **R** on the **AMEN** screen
- On the TCA **STAT** screen enter the **566** code in the **AU Status Rsn** field
- Fast Path to the **DONE** screen
- Confirm eligibility on the **ELIG** screen
- Confirm eligibility on the **CAFI** screen
- On the **CAFI** screen, press **PF-13** and add the following additional lines of text to the system generated notice:

Your TCA case is being closed because you did not cooperate with DEAP/TCA program requirements.

NOTE: When the head of household is non-cooperative with DEAP/TCA program requirements and has other related children in the TCA assistance unit, eligibility continues for these other children. The CARES procedure for this situation is as follows:

- Access the TCA AU via option **R** from the **AMEN** screen
- On the TCA **STAT** screen change financial responsibility to **NM** for the parent and the parent's children.
- Fast path to the **DONE** screen
- Confirm eligibility on the **ELIG** screen
- Confirm eligibility on the **CAFI** screen
- On the **CAFI** screen, press **PF-13** and add the following additional lines of text to the system generated notice:

We cannot pay TCA for yourself and your children because you did not comply with DEAP/TCA program requirements

2. State-Funded TCA Non-Parent Caretaker Relative Recipients

These cases are not subject to sanctioning for non-cooperation with DEAP/TCA program requirements. Consequently, these cases are processed on CARES in the normal manner

Food Stamps

When sanctioning of the TCA grant occurs due to non-cooperation with DEAP/TCA requirements, the associated Food Stamps are processed in the following manner:

- Access the Food Stamp AU via the **R** option on the **AMEN** screen
- Fast path to the **UINC** screen for the case head

- On the **UINC** screen enter the TCA benefit amount using code **OF** (other Unearned Income, FS Countable). If TCA grant has been reduced use the difference between the prior grant and the sanctioned grant as income type **OF**
- Follow normal CARES processing
- Narrate the case action

MINOR PARENT SCHOOL REQ. SANCTION PROCEDURES

1. School Requirements

A. "Minor parents" are:

(1) Unmarried **children (CH on CARES)** included in a caretaker's TCA assistance unit who are:

- Pregnant girls with or without other children of their own living with them **or**
- Boys or girls with their children living with them who are also included in the TCA assistance unit or receiving SSI.

(2) Unmarried individuals under the age of 18 who are **head of household (SE on CARES)** for their own TCA assistance units and:

- Have children of their own living with them **or**
- Are pregnant girls with or without other children of their own living with them **and**
- Have a representative payee for their TCA benefits.

B. A minor parent with a child older than 12 weeks who is head of household or included as a child in a TCA assistance unit and who **does not** have a high school diploma or equivalent is **required** to be:

- Enrolled full-time and attending educational activities leading to a diploma **or**
- Enrolled in an alternative education or training program approved by the State **and**
- Meeting the 80 percent attendance requirement.

C. Customers must verify once every year that minor parents are enrolled and attending school at least 80 percent of the time.

D. Minor parents described in 1 A (1) above **are not** subject to work requirements. They must be enrolled in school and attending 80 percent of the time.

E. If the enrollment and attendance requirements described in 1 B above **are not met** by the minor parents in 1 A (1) and there is no good cause, an individual sanction is imposed.

F. Minor parents described in 1 A (2) above are subject to work requirements if not in school and attending 80 percent of the time.

- G. If enrollment and attendance requirements described in 1 B above are not met and work requirements are not met by the minor parent head of household, a full family sanction is imposed.
- H. There are **no exemptions** from the minor parent school requirement.

2. Good Cause

- A. If a TCA household participates in the conciliation conference or otherwise contacts the case manager to discuss the reason for non-compliance during the conciliation period, the case manager must determine whether good cause exists.
- B. Good cause for noncompliance with the enrollment and attendance requirements for minor parent includes:
- (1) Cooperating with an existing service agreement with Child Protective Services, Intensive Family Services or Families Now
 - (2) Providing proof of an acute or chronic medical condition for the minor parent or the minor parent's child.
 - (3) Providing verification of the death of an immediate family member. Allow a maximum of 3 days for parent, grandparent, child, sibling or the caretaker relative.
 - (4) Providing verification of the observance of religious holidays.
 - (5) Being a minor parent with a child less than 12 weeks old.

3. Applications:

- A. At application, the minor parent's school enrollment and attendance must be verified. If a minor parent is:
- The **head of household**, not in school or not meeting the 80% attendance requirement, the minor parent's needs (difference between the grant amount with the minor parent included and without) are **not included** in the TCA assistance unit but any child of the minor parent is included. These cases are **required** to have a representative payee.
 - A **child** in a TCA assistance unit, not in school or not meeting 80% attendance requirement, the minor parent's needs (difference between the grant amount with the minor parent included and without) are **not included** in the TCA assistance unit but the minor parent's child is included.

B. To include the minor parent's needs in the TCA grant, the minor parent must:

- Enroll full-time in an educational activity leading to a diploma **or**
- Enroll in an alternative education or training program approved by the State **and**
- Meet the 80 percent attendance requirement for a minimum of 30 calendar days.

C. When a minor parent's needs are not included in the TCA grant, the case manager sets an alert to review compliance with school requirements for the minor parent in not more than 60 days.

D. Minor parents who are not head of household **are not subject to work requirements**. They must meet school requirements. If the requirements are not met, their needs are not included in the TCA grant as described in A above.

EXAMPLE 1:

Natalie Duncan, age 15, applies for TCA in November for herself and 2 month-old son. She lives with Mr. and Mrs. Walter, family friends, because her parents made her move out last year in October when she refused to go to school. Natalie is not in school or any other educational program but she has an active service case with Families Now. Mrs. Walter has agreed to be the representative payee for Natalie's TCA grant. Natalie, who is the head of household, does not have to meet the school requirement or work requirement because her child is less than 12 weeks old. The case manager explains the school requirements to Natalie and Mrs. Walter. An alert is set to review school status in the month Robert is 13 weeks old and the status of the service case. If Natalie is not in school at that time, she must meet work requirements or be subject to a full family sanction. Natalie and her son get MA. She did not apply for food stamps

EXAMPLE 2:

Deborah North, age 17, is applying for TCA for herself and 18 month-old daughter, Vanessa. She is living with her 18 year-old boyfriend, Frank who is Vanessa's father. Neither Deborah nor Frank is in school. Frank is no longer working and cannot get unemployment benefits because he has not worked very often. Since Frank is Vanessa's father, all three must be included in the assistance unit. Frank would be made the head of household and must meet work requirements. Because Deborah is not enrolled in school or any other educational program, Deborah's needs are not included in the TCA grant but she is a member of the TCA assistance unit. Frank and Vanessa can receive TCA if all other eligibility factors are met. All three are eligible for MA and phantom income policy is followed for the family's food stamp case.

EXAMPLE 3:

Mrs. Williams applies for TCA for herself, 8 year-old son David, 14 year-old daughter Sarah and Sarah's 7 month-old daughter Stacey. Sarah is not enrolled in school or any other educational program. If all other factors of eligibility are met, the TCA assistance unit will be 4, with Sarah's needs excluded from the TCA grant. All four are eligible for MA and the phantom income policy is followed for the family's food stamp case.

4. Active Ongoing Cases:

- A. If the minor parent fails to comply with the school requirements, the individuals needs (difference between the grant amount with the customer included and without the customer) are removed from the grant.
- B. The minor parent's child remains in the TCA assistance unit. Follow the conciliation and sanction procedures found on pages 3 through 6 of this Guide.
- C. To cure the sanction the minor parent must:
 - Enroll full-time in an educational activity leading to a diploma **or**
 - Enroll in an alternative education or training program approved by the State **and**
 - Meet the 80 percent attendance requirement for a minimum of 30 calendar days.
- D. Minor parents **are not subject to work requirements**. They must meet school requirements. If school requirements are not met, their needs are not included in the TCA grant as described in A above.

EXAMPLE: Lisa Green is 16 years old and a member of her mother's TCA assistance unit. Her mother, Lila, is in the office to add Lisa's newborn to the grant. Lisa is enrolled in Hilltop High School but she has not been going 80% of the time for several months. School attendance requirements are explained again to Lisa and Lila. Lisa's needs are removed from the grant and she must comply with the 80% attendance at least 30 days before her needs can be added back to the TCA grant. The newborn is added to the grant. Lisa remains eligible for MA and the phantom income policy is followed for the family's food stamp case. Lisa is not subject to work requirements. An alert is set to follow up with Lisa's compliance with school requirements.

CARES PROCEDURES (FOR MINOR PARENT SCHOOL REQUIREMENT SANCTION CASES)

Only an individual sanction--needs not included at application or removed for ongoing cases--is imposed for noncompliance with minor parent school requirements.

A. TCA Benefits

Applies to minor parents and pregnant minors not in compliance with school requirements.

- **Do not remove** them from the TCA household.
- On the UINC screen, enter the amount of the sanction (the difference in the amount of the grant for the household size with the customer and without) as “**OA**” (Other Countable Cash or MA). The grant will be in the correct amount for the sanctioning.
- The minor remains eligible for MA on the TCA case.
- Suppress the automated notice and send a manual notice informing the customer of the case action.

B. Food Stamp Calculation

To issue the correct Food Stamp benefit to a household with a sanctioned minor parent, the following procedure must be used:

- On the **UINC** screen for head of household, enter the TCA benefit amount as “phantom” income using code “**OF**” (Other unearned income, FS countable only).
- This will maintain the FS allotment at the level prior to the sanction.

C. Medical Assistance

When a TCA case has an individual sanction for non-compliance with school requirements, the customer retains MA and the end date remains the same.

❖ INTENTIONAL PROGRAM VIOLATION SANCTION PROCEDURES

1. APPLICATIONS:

- A. When a family applies for TCA and the most recent closure indicates a sanction status reason, the sanction must be cured before benefits are paid again. If an application includes an IPV, it is important to review the following points:
- (1) Was a full family or an individual sanction previously imposed?
 - (2) Which instance (1st, 2nd or 3rd) of sanction penalty was previously imposed?
 - (3) Was the sanction cured through full repayment of the debt?
 - (4) Has the sanction penalty period passed?
- B. If an individual or full-family third instance of sanction has been imposed, the individual or entire assistance unit has a permanent sanction and there is no cure.
- C. The same sanction penalties apply to an assistance unit in which an individual signed the waiver of the right to an administrative disqualification hearing for IPV.

2. ACTIVE ONGOING CASES:

- A. The 30-day conciliation process is **not** applied to IPV cases.
- B. An IPV sanction can be imposed on **active cases and closed cases**.
- C. The two types of sanctions imposed when a customer signed the waiver of the right to an administrative disqualification hearing or was convicted in a court of law for IPV are a full-family sanction or an individual sanction.

(1) Full-Family Sanction:

If an assistance unit member signed the waiver of the right to an administrative disqualification hearing or was convicted in a court of law **after** October 1, 1996 of an IPV and the fraudulent act occurred **after** October 1, 1996, a full-family sanction penalty is imposed and cured as follows:

- First instance – Sanctioned for 6 months or until the caretaker cures the sanction through full repayment of the debt, whichever occurs first.
- Second instance – Sanctioned for 12 months or until the caretaker cures the sanction through full repayment of the debt, whichever occurs first.
- Third instance – The sanction is permanent and there is no cure.

The sanction must be initiated within 45 days of the court's decision. The sanction can begin in the month following the 45th day or earlier.

EXAMPLE:

- November 13 The case manager receives notification that Ms. Green was convicted of an IPV for a second time in a court of law on October 29, 2001 of fraud in the amount of \$1216 that occurred in December 2000. There is no conciliation period. A NOAA is sent and a full-family 12-month sanction is imposed.
- December 1 Effective date of the sanction and remains in effect until November 30, 2002 (12 months). Ms. Green can cure the sanction by paying back the \$1216 in full any time during the 12-month sanction.

(2) Individual Sanction:

If an assistance unit member signed the waiver of the right to an administrative disqualification hearing or was convicted in a court of law **after** October 1, 1996 for an IPV and the fraudulent act occurred **prior** to October 1, 1996 an individual sanction is imposed.

An individual sanction penalty is imposed as follows:

- First instance – Sanctioned for 6 months.
- Second instance – Sanctioned for 12 months.
- Third instance – The sanction is permanent and there is no cure.

NOTE: An individual sanction **cannot** be cured by paying back the amount owed prior to the end of the penalty period.

The sanction must be initiated within 45 days of the court's decision. The sanction can begin in the month following the 45th day or earlier.

EXAMPLE:

- October 13 The case manager receives notification that Mr. Rice was convicted of an IPV for the first time in a court of law on September 24, 2000 of fraud in the amount of \$821 that occurred in August 1996. There is no conciliation period. A NOAA is sent and an individual 6-month sanction is imposed for Mr. Rice only.
- November 1 Effective date of the sanction and remains in effect until April 30, 1999 (6 months).

3. FOOD STAMPS (for IPV sanction cases)

- A. If the TCA application is **denied** and the family has also applied for food stamps, process the food stamp application and pay benefits to all eligible household members.
- B. If the TCA case is **closed** because of an IPV, base food stamps on the TCA income (phantom income) and any other income received by members of the assistance unit prior to the sanction.
- C. If the TCA benefit amount is **reduced** because of an individual IPV, base food stamps on the TCA income (phantom income) and any other income received by the members of the assistance unit prior to the sanction.
- D. Customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

4. MEDICAL ASSISTANCE (for IPV sanction cases)

- A. If the TCA application is **denied**, process the MA application for the caretaker relative and the children in the assistance unit.
- B. If the TCA application is **processed but the IPV individual is not included** in the TCA assistance unit, process the MA application for the IPV and all children.
- C. If a TCA case is sanctioned (**closed**), the caretaker and the children retain their MA (F04). The end date for the MA is the date the TCA certification period would have ended if a sanction had not been imposed.
- D. If a TCA case has an IPV **individual sanction imposed** the caretaker and the children retain their MA. The end date for the MA case is the date the TCA certification period would have ended if a sanction had not been imposed.

CARES INSTUCTIONS (FOR IPV SANCTION CASES)

1. TCA Benefit

- A. On the **STAT** screen under **AU Status Rsn** place one of the following codes if a TCA assistance unit is subject to the full family sanction due to an Intentional Program Violation:
- **516** – for the first disqualification
 - **517** – for the second violation
 - **519** – permanently disqualified for third violation
- B. If a participant is a double dipper, fleeing felon, parole and probation violator or a convicted drug felon, apply an individual sanction. On the **STAT** screen in the **Client level Status Rsn** field enter one of the following codes:
- **523** – 10-year disqualification for an individual convicted in a Federal or State Court or an ADH to have made a fraudulent statement or representation about the residence or identify of the individual to receive multiple benefits simultaneously.
 - **524** – ineligible because a fleeing felon, parole and probation violator
 - **525** – convicted drug felon
- C. In the remarks section behind the **STAT** screen narrate why the individual or assistance unit is being disqualified and how long they are ineligible to participate when a 500 series closing code is used.

2. Food Stamp Benefit Calculation with associated TCA Sanction

To issue the correct Food Stamp benefit to a household that is sanctioned or one that has an individual being sanctioned the following procedure must be used:

- On the **UINC** screen of the Head of Household enter the TCA benefit amount as “phantom” income using the code “**OF**” (Other unearned income, Food Stamp countable only).
- This will maintain the FS allotment at the level prior to the sanction.

3. Food Stamp Benefit Calculation for IPV’s without associated TCA Sanction

IPV and other penalty information is entered in the Food Stamp Penalties section of the **DEM2** screen. After this information is entered, fast path to the **SHEL** screen and allocate shelter costs via off line calculation. CARES will calculate Food Stamp eligibility based on the correct income and shelter costs.

NARRATE ALL CASE ACTIVITY CAREFULLY

Local departments must ensure that narration of case activity is clear, concise and complete to support the local department in the event of a fair hearing. The following items must be documented thoroughly in the narration:

- Type of non-compliance
- Initiation/Outcome of conciliation process
- Initiation/Outcome of good cause investigation
- Date the customer is contacted, NOAA is sent and sanction is effective.
- Action taken on the food stamp case (if receiving food stamps).
- Action taken on assistance unit members for medical assistance.

RIGHT TO APPEAL

The local department will advise all households sanctioned because of non-compliance with child support, DEAP/TCA, minor parent school requirement, work or substance abuse requirements of their right to appeal the decision and the procedures for requesting a fair hearing. Local departments must advise households of any legal services that might be available to represent them during a fair hearing.

Customers may call Legal Aid's toll-free number, 1-800-999-8904, to find out the number of their local Legal Aid office. The Fair Hearing Regulation for the Family Investment Administration (COMAR 07.03.11.) governs the appeals process under the Family Investment Program.