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FIA ACTION TRANSMITTAL

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

FROM: KEVIN MAHON, EXECUTIVE DIRECTOR, FIA
JOSEPH M. MILLSTONE, DIRECTOR, MCPA/DHMH

RE: FAMILY INVESTMENT PROGRAM (FIP) REQUIREMENTS FOR REPORTING ABSENCES OF CHILDREN

PROGRAMS AFFECTED: TEMPORARY CASH ASSISTANCE

ORIGINATING OFFICE: OPA/ DIVISION OF PROGRAM POLICY AND REGULATION

BACKGROUND INFORMATION: The Aid to Families with Dependent Children (AFDC) program had a variable time period which determined limited absence. However any absence longer than one year for a child and any absence longer than 3 months for a caretaker relative needed to be reviewed by a case manager. Eligibility for AFDC continued for the child/caretaker relative during periods of limited absence from home. The same allowable limited absences still exist. Examples of allowable limited absences are:

- vacation
- hospital care
- convalescent care
- special arrangements such as school for the blind/deaf child or vocational training for the care taker relative.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires the State to limit temporary absence to 180 days and to add penalties for not reporting a child's absence.

NEW POLICY: Maryland requires that a temporary absence be defined as an absence of less than 180 days for a dependent child in a TCA unit. For any absence, the caretaker must notify the case manager within 5 days after the responsibility for the child's care has shifted. The case manager, along with the caretaker, determines if the absence is a permanent or a temporary absence. Failure to report within 5 days of the date the caretaker knew the child would be absent for more than 180 days results in the parent/caretaker relative being excluded from the assistance unit for 3 months. The sanction will be applied prospectively beginning with the month following the adverse action period. If the case closes, the three month disqualification period will begin with the month following the adverse action period and continue for three consecutive months. The income after allowable disregards and all allowable resources of the excluded parent/caretaker relative will be considered available to the assistance unit and will be counted in the eligibility determination. The customer retains medical assistance eligibility during the three month penalty **unless** the case closes. Customers must be informed at application and redetermination of the new limited absence provisions and reporting requirements.

Example 1

The customer is receiving TCA and FS for a household of four. The customer has joint custody of her son with her ex-husband. The customer and her ex-husband each have custody of their son for a five and a half month consecutive time frame. The customer's son leaves her household to spend five and a half months with his father. The customer knows when her son leaves her home that he will be gone for 5 1/2 months, but fails to report the change. Although the child's absence is not temporary because the parental responsibility has shifted, the three month penalty will not be applied because the absence did not exceed 180 days. This absence will cause an overpayment for Food Stamps and TCA.

Example 2

The customer is receiving TCA and FS for a household of four. The customer's son goes to spend the summer with his grandmother. At the end of the summer the mother and grandmother decide that the son will remain with the grandmother. The grandmother will enroll the child in school on September 1. The child will remain with the grandmother until the school year ends on June 21. The parental responsibility of the child has shifted from the mother to the grandmother. The customer knows when this decision is made that her son will be out of her home for more than 180 days. The customer fails to report to her case manager within five days that her son is temporarily out of her household. This will be considered an unreported temporary absence and the three month individual sanction will be applied. Customer will be removed from the grant for three months.

Example 3

The customer was receiving $450 per month in TCA for self and three children. After the customer is removed from the grant she will receive $373 in TCA. The FS calculation will still count the entire TCA grant for a household of four which is $450 to prevent the FS grant from increasing when the customer has been removed from the TCA grant.

ACTION REQUIRED: All Local Departments

AIMS

Enter the difference between the TCA grant with and without the sanctioned customer as F10 - phantom income for the food stamp case (This will maintain the food stamp benefits at the correct level as required by the Riverside rule and allow the TCA grant to be reduced due to the customers removal). Enter the ineligible customers countable reources on the AIMS 3.

CARES

Code the ineligible member as an cash ineligible MA parent (IP) on the STAT screen. Coding the ineligible customer as an IP on the STAT screen will not allow them to be included in the program standards but will allow their income and resources to be counted in the household's eligibility determination. Enter the ineligible customer's countable resources on the applicable AST1/AST2 screens. On the UINC screen enter the difference between the TCA grant with and without the sanctioned customer as OF, other countable food stamp only. (This will maintain the food stamp benefits at the correct level as required by the Riverside Rule and allow the TCA grant to be reduced due to the customers removal.

- Medical assistance eligibility must be redetermined for sanctioned customers that are removed from the TCA grant. Customer's that continue to meet technical and financial eligibility, must be recertified thru the end of the current certification period.

PF13 from the CAFI screen to add the following text to the notice:
Your TCA benefits has been reduced because you did not report the absence of a child timely. This penalty will end ________________ COMAR citation 07.03.03.

Send a 745 to the worker of record to remove the OF unearned income to restore the benefits to the correct payment standard once the penalty period has ended.

NOTE:

Amounts to be entered as OF on CARES and F10 on AIMS based on the actual household size if one person in the assistance unit is sanctioned are as follows:

Household size	Amount
2	$127
3	$81
4	$77
5	$71
6	$52
7	$72
8	$64
9	$57
10	$60

ACTION DUE DATE: December 9, 1996. Inquiries may be directed to Sue Woolford at (410) 767-7190 or Kay Finegan at (410) 767-7939, Division of Program Policy and Regulation.

cc: FIA Management Staff
Constituent Services
DHMH Executive Sfaff