



Department of Human Resources
311 W. Saratoga St.
Baltimore, MD. 21201-3521

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
FINANCE OFFICERS - LOCAL DEPARTMENTS**

FROM: KEVIN MAHON, EXECUTIVE DIRECTOR, FIA

RE: ASSISTANCE UNIT COMPOSITION

PROGRAMS AFFECTED: TEMPORARY CASH ASSISTANCE (TCA)

ORIGINATING OFFICE: OFFICE OF POLICY AND RESEARCH

BACKGROUND INFORMATION:

The Family Investment Program (FIP) provides assistance to families with children while preparing program participants for independence. Under FIP, assistance consists of services and cash assistance to eligible individuals, as well as work activities. Under the old Aid to Families with Dependent Children (AFDC) Program, children had to be deprived due to absence, death, incapacitation or unemployment of one or both parents. Now both parents are expected to contribute to the support of their children. TCA is now available only as a last resort.

This action transmittal clarifies the policy on FIP assistance units and makes AT 97-13 Revised, issued on October 15, 1996, obsolete. The revisions are noted by a line in the margin.

NEW POLICY:

The FIP Assistance Unit (AU) must include all of the following individuals living in the same household:

- A parent and all eligible children (including a child up to age 19 who is still in secondary school)
- A parent or child of a minor parent
- A pregnant woman with no other children if
 - the child, if born and living with the woman, would be eligible, and meets all need and eligibility requirements

- Unmarried adults living as a family unit when the unmarried adults have a child together (this includes an unborn) or either unmarried adult has a biological or adopted child.

The FIP Assistance Unit (AU) may include the following individuals:

- A needy caretaker relative other than a parent
- A child from another sanctioned assistance unit when another caretaker relative has obtained legal guardianship of the child and
- A child from another sanctioned assistance unit who has been placed in the home of a caretaker relative by Social Services staff.
- A caretaker relative who is temporarily absent from the home (EX. resident of substance abuse treatment facility)

Excluded Persons the assistance unit may not include:

- A child who is not a full-time student and who fails to comply with work requirements without good cause;
- An individual who fails to meet technical factors of eligibility, such as failure to provide a Social Security number or to apply for one;
- A stepparent with no minor children in the home;
- An SSI (Supplemental Security Income) recipient;
- An illegal or undocumented immigrant
- An individual who is fleeing to avoid prosecution or custody or confinement after conviction for a crime or an attempt to commit a crime, which is:
 - A felony under the laws of the place from which the individual is fleeing, or
 - In the case of New Jersey, a high misdemeanor under the laws of that state;
- An individual violating a condition of probation or parole imposed under federal or state law of any offense which is classified as a felony by the laws of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance as defined in the Controlled Substance Act;
- Any individual convicted of any offense which is classified as a felony by the law of the jurisdiction involved, and which has as an element the possession, use, or distribution of a controlled substance, shall not be eligible for assistance under any State program funded under part A of Title IV of the Social Security Act, or benefits under the food stamp program or any State program carried out under the Food Stamp Act of 1977.
- A child who is determined to be temporarily absent from the home for more than 180 consecutive days.
- A child for whom an adoption subsidy is paid;
- An individual who has failed to comply with FIP substance abuse provisions.

Relationship

Relationship does not need to be verified unless questionable. The customer's statement that the child is related by blood or marriage is sufficient. If other related children enter the home of a non-parent, they can be added to the existing unit or excluded, but a separate unit cannot be formed with the same relative acting in the place of the parent.

Deprivation Factor

Deprivation is no longer a technical factor of eligibility under FIP. A family which includes a dependent child and meets other technical and financial eligibility can receive TCA.

Minor Parent

Special conditions apply when the customer is a minor who is pregnant or an unmarried parent:

1. The minor must reside in the household of the minor's parent, legal guardian, or other adult relative in order to receive assistance, unless
 - the minor has no living parent or legal guardian whose whereabouts is known
 - the living parent or legal guardian will not allow the minor to reside in the household
 - living in the parent's or legal guardians household would jeopardize the physical or emotional health or safety of the minor who is pregnant or an unmarried parent
 - the pregnant or unmarried minor parent lived apart from the minor's parent or legal guardian at least 1 year prior to the application for assistance
 - the minor who is pregnant or an unmarried parent resides in an adult-supervised supportive living arrangement
2. The parent, legal guardian, or the adult supervisor in a supportive living arrangement must be the authorized representative for the minor who is an unmarried parent or pregnant.

Stepparent

A stepparent who has no minor child cannot be in the assistance unit.

A stepparent who shares a common child with the customer must be in the assistance unit.

The stepparent is a member of the assistance unit only when there are natural/adopted children of the stepparent in the AU. In all other instances, test any income of the stepparent against the 50% of the poverty level. The stepparent is not a member of the AU. Action Transmittal 97-17 addresses the treatment of stepparent income under FIP.

Common Law or Live-In Person

- In situations where the caretaker relative is living with another person in a common law relationship, define the assistance unit as follows:
 - the common law person with no children cannot be in the assistance unit with the caretaker relative and his or her children

- ▶ if the common law person and the caretaker relative have a child in common (including an unborn), the assistance unit must include the caretaker relative, the common law person, the child in common, and all other minor children of the caretaker relative and the common law person.
- ▶ if the caretaker relative has children and the common law person has children, but there is no child in common and everyone is requesting assistance, it will be one assistance unit. If the common law person and his or her children are not needy, they can be excluded. There cannot be two assistance units.

Adding A Person to An Existing Case

An interim change to add a person to the existing case is to be effective the month following the month of the reported change. Do not authorize a supplement for the month the change is reported. If the change is reported late in the month, and there is not adequate time to make the change effective the next month, authorize a supplement for the month the change should have been effective. Examples:

- birth of a newborn or an eligible person entered the household reported on July 15th - increase the cash assistance grant effective August.
- birth of a newborn or an eligible person entered the household reported on July 31st - increase the cash assistance grant effective September, and authorize a supplement for August.

Child Specific Benefit

Do not pay direct cash assistance for a child in the assistance unit who is born to a member of the assistance unit 10 months or more after the date of application for cash assistance. In this circumstance, the assistance unit receives an incremental benefit that is the increase in the Temporary Cash Assistance that would have been paid on behalf of the child, but reduced by countable income. Local Departments must pay child-specific benefits to a third party representative.

The child-specific benefit is not applicable when any of the following conditions apply:

- The birth of a dependent child is the result of verified rape or incest
- The child is the first-born of a minor in the unit
- Another caretaker relative has obtained legal custody of legal guardianship of the child
- The child is placed in the home of a caretaker relative by the local department of social services

Treat the child who is subject to the child-specific benefit limitations for cash assistance as an assistance unit member for all other purposes, such as for Medical Assistance, the Food Stamp program and child care services.

For more on the child-specific benefit, see Action Transmittals 97-78 and 97-89.

Sanctions for Non-Compliance with Substance Abuse Provisions

Individuals who are sanctioned for failure to participate in available substance abuse treatment are removed from the TCA grant. Children remain eligible and their portion of the grant is paid to a third party. Use phantom income to maintain food stamps at the current grant amount. All assistance unit members retain medical assistance eligibility provided they meet other income and technical eligibility factors.

Sanctions for Non-Compliance with other FIP Provisions

When an individual is not in compliance with program requirements, the entire assistance unit is ineligible. For these persons, a determination of non-cooperation without good cause or adequate reason will result in the ineligibility of the entire assistance unit until all members of the household are in compliance. All individuals in the assistance unit are ineligible except a child placed with another caretaker relative by the local department of social services staff.

When a family is under sanction and a new member enters the household, the new member is also not eligible until the local department removes the sanctions.

Action Transmittals 97-23 and 97-25R address sanctions.

ACTION REQUIRED: Apply these new and on-going policies governing the composition of the FIP Assistance Unit.

ACTION REQUIRED OF: All Local Departments

ACTION DUE DATE: Upon Receipt

Direct inquiries to Yolanda Parker at (410) 767-7259.

cc: FIA Management Staff
Help Desk
Constituent Services

DHR Executive Staff
CTF