 Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	FIA ACTION TRANSMITTAL
Control Number: FIA/OPR #98-53	Effective Date: Upon Receipt Issuance Date: July 6, 1998

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

**FROM: *Charles E. Henry for*
 LYNDA FOX, DEPUTY SECRETARY FOR PROGRAMS AND LOCAL
 OPERATIONS**

RE: FAMILY INVESTMENT PROGRAM QUESTIONS & ANSWERS

**PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE
 FOOD STAMPS
 MEDICAL ASSISTANCE**

ORIGINATING OFFICE: OFFICE OF POLICY AND RESEARCH

Summary:

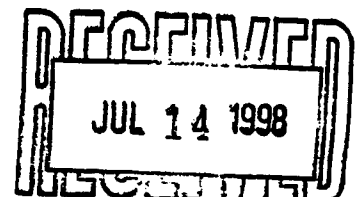
The following is a compilation of recently asked questions and policy clarifications in response. This transmittal also provides corrected answers to questions #7 and #11 in Action Transmittal #98-40, the Questions and Answers on FIP Substance Abuse Treatment Provisions. We apologize for any confusion or inconvenience those incorrect answers may have caused.

Clarification of Policy:

Question #1

Does the \$20 Health OTO still exist?

Answer: Yes, the \$20 Health OTO is still in existence under the Family Investment Program (FIP). COMAR 07.03.03.071 addresses the Primary Prevention Initiative under FIP.



Each child who is 7 years old or older in the calendar year, and each adult in the assistance unit, is eligible for an annual allowance for medicine chest supplies upon proof of preventive health check-up. The annual allowance is \$20 per individual. To authorize allowance enter date and verification code on the DEM2 screen in the OTO Medical Entitlement fields.

Question #2

What are the two-parent work participation requirements?

Answer: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires 35 hours a week of work activity for two parent families. However, Maryland regulations are more stringent and require each adult to participate in a work activity for 20 hours a week [COMAR 07.03.03.07J(1)].

Question #3

What are the substance abuse requirements for non-parent caretaker relatives?

Answer: The Welfare Innovation Act of 1997 (SB499) applies substance abuse provisions to adults or minor parents who are Temporary Cash Assistance recipients. On advice from the DHR Office of the Attorney General, we have interpreted that phrase to mean adult parent or minor parent. Do not apply substance abuse screening provisions to caretaker relatives. We want to avoid requests to place children in Foster Care because the caretaker relative objects to screening requirements. Refer caretaker relatives who self-identify as substance abusers to the Managed Care Organization for treatment, but do not apply substance abuse sanctions to caretaker relatives.

Question #4

What happens to Child Specific Benefits that are not accessed by the customer and therefore expire?

Answer: CSB benefits issued to the third party payee are available to the customer for a 90-day period. After 90 days un-accessed CSB benefits should be returned to the local department by the vendor. The vendor should send a check or money order for the amount of unused benefits to the fiscal office of the local department. A listing of customers to whom the benefits belong should also be included.

Case managers should investigate customers who have not accessed CSB benefits to see how they are meeting their expenses or if there is a negative income (Suspected of Living Above Means – SLAM) situation. If a SLAM situation exists, the case manager should take the appropriate action necessary to resolve the issue.

Question #5

On FIA Action Transmittal #98-40, the answer to Question #7 indicates that TCA phantom income should be counted for Food Stamp (FS) purposes if the TCA applicant or recipient refuses to sign the consent for DHR/FLA #1176. This conflicts with federal FS regulations.

Answer: TCA phantom income should be counted only if the household was receiving TCA at the time of the violation and the TCA was reduced or terminated because of the household's or individual's failure to comply. TCA phantom income should not be counted for the FS if an application for TCA is denied for failure to comply with TCA requirements.

Question #6

On FIA Action Transmittal #98-40, the answer to Question #11 indicates that since the activities of minors other than parents cannot be counted in the State's work participation rate, local departments must make a decision on whether or not they place the minor in a work activity or impose a \$25 disallowance on the family.

Answer: COMAR 07.03.03.07J(1) states that: each adult in the assistance unit, and each child 16 years of age and older in the assistance unit who is not enrolled full-time in school, shall participate in a work activity which is approved by the local department, at least 20 hours per week, and likely to result in unsubsidized employment. If a child quits school and refuses to cooperate with the work requirements, apply an individual sanction to the assistance unit. A \$25 disallowance is applicable if a child in the assistance unit who is not a minor parent did not comply with the health or education requirements without good cause [COMAR 07.03.03.07I(4)]. Refer to Action Transmittal 97-52 for a Primary Prevention Initiative (PPI) overview.

Question #7

How do we look at joint custody arrangements for the Temporary Cash Assistance and Food Stamp programs?

In an effort to streamline the policies, we will apply the same joint custody rules to TCA that we currently apply to FS. In the situation where there is an uneven split determine which parent provides the most care for the child and allow that parent to apply for benefits for the child. In the situation where there is an even split allow the parent who applies for benefits first on behalf of the child to claim them.

In all custody cases, assign child support against the absent parent and that absent parent's income does not count in determining eligibility. All other eligibility factors apply.

If the second parent applies code the child as not living in the home. CARES will automatically deny the case for no eligible members. The case manager must use the PF-13 key to add text to the adverse action notice explaining that TCA is only available to families with children. "You do not qualify as a family with an eligible child because your child is currently living and receiving TCA in another household."

If the parent appeals, you will use the standard appeals process. The Purpose and Scope section of COMAR (07.03.03.01) states that FIP provides assistance to families and children. Document that the child is receiving assistance in another household.

Question #8

Are individuals released on home detention included in the TCA, Food Stamp and/or Medical Assistance assistance units?

TCA policy states that a parent and eligible children must be included in the assistance unit. TCA recipients are categorically eligible for MA, including the person on home detention. When a family is under sanction and a new member enters the household, the new member is also not eligible until the sanction is removed.

Food Stamp policy states that all members of the household that purchase and prepare food together are considered one food stamp household and children under the age of 22, if living with their parents, must be included in the parent's food stamp AU.

Medical Assistance policy (CR-721) states that persons on home detention are considered community residents and may be considered for eligibility.

A parent or a child released on home detention is included in the AU unless that person is an IPV, was convicted of a drug related crime committed on or after August 22, 1996 or program requirements have not been met for a previously imposed sanction. Income and assets are considered available to the AU unless otherwise precluded by policy.

ACTION DUE:

Local departments should comply with all the policy clarifications and directives listed above.

Effective Date: Upon receipt.

Inquiries: Please direct questions to Edna McAbier at (410) 767-8805 and system questions to Sue Woolford at (410) 767-7190.

cc: DHR Executive Staff
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