



Department of Human Resources
Baltimore MD 21201
311 West Saratoga Street

Control Number:

FIA/OPRS #99-28

FIA ACTION TRANSMITTAL

Effective Date: Upon Receipt

Issuance Date: February 16, 1999

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

FROM: *Robert J. Everhard*
ROBERT J. EVERHARD, EXECUTIVE DIRECTOR, FIA

RE: CONCILIATION AND SANCTION POLICY AND PROCEDURES GUIDE

PROGRAMS AFFECTED: TCA, FS, MA

ORIGINATING OFFICE: OFFICE OF POLICY RESEARCH AND SYSTEMS

SUMMARY

This Action Transmittal (AT) obsoletes AT # 97-25 Revised, # 97-31 and # 98-07 (sanction procedures), and clarifies the policy and procedures surrounding conciliation and sanction for non-compliance with work, substance abuse and child support requirements, and sanction for Intentional Program Violation (IPV). This AT also provides new policy regarding the number of conciliation processes to which a TCA household is entitled.

As stated in AT # 97-25, # 97-31 and # 98-07, local departments must initiate a conciliation process to investigate the reasons for non-compliance with work, substance abuse or child support requirements. Households that fail to comply with these requirements without good cause, and who fail to participate in a conciliation process are subject to a full-family or an individual sanction.

Sanctions for TCA households that fail to comply with child support or substance abuse requirements remain in effect until compliance with program requirements. The cure for work requirement sanctions depends upon the number of instances the household has been sanctioned. The conciliation process is not applied to IPV cases. With the exception of some IPVs, sanctions can only be imposed on active cases.

ACTION REQUIRED

Follow the procedures outlined in the attached guide for TCA, Food Stamps and Medical Assistance during conciliation and sanction.

INQUIRIES

Please direct policy inquiries to or Edna McAbier at 410 767-8805 or Steve Sturgill at 410 767-7733, Bureau of Policy and Training. Direct systems inquiries to Sarah Haygood, Bureau of System Development and Management, at 410 767-8592.

Attachments

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

**CONCILIATION
AND
SANCTION
PROCEDURES
GUIDE**

JANUARY 1999

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CONCILIATION PROCESS

Regulations, effective November 1, 1998, require only one 30-day mandatory conciliation process for TCA households who fail to comply with child support, work or substance abuse requirements. **Customers, who have used conciliation prior to November 1, are entitled to one new 30-day conciliation period.** 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. 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. The sanction is effective the first of the month following the expiration of the adverse action period.

Normally, the local department may not impose a sanction less than 30 days from the start of the conciliation period. However, a NOAA may be issued before the 30th day if the customer refuses or fails to cooperate with the conciliation process. Customers must be given every opportunity to participate in the conciliation process and comply with the program requirements before a sanction is imposed.

When a customer first fails to comply with child support, work or substance abuse requirements, the case manager must send a conciliation letter to the customer, scheduling a conciliation conference. **The conciliation conference may be conducted by phone.** The conciliation period allows time for the case manager to investigate the reason for non-compliance. **The conciliation letter and NOAA are not to be mailed at the same time.** 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.

To the extent possible, follow up the letter with a telephone or personal contact with the customer to confirm receipt of the letter and to discuss the reasons for non-compliance. Case managers must document/narrate thoroughly the outcome of their discussions with customers. Local departments may wish to use the attached sample follow-up letters or develop letters that address their specific needs.

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.

The 30-day conciliation period begins with the date the conciliation letter is sent to the household. If the household fails to respond to the conciliation letter or subsequent attempts to contact them, **no later than the fifth working day** before the end of the conciliation period, the local department shall:

- Issue a Notice of Adverse Action **and**
- Remove the individual (IPV only) **or**

- Remove the individual's needs from the grant amount or
- Close the case as appropriate.

NOTE: Do not count a denial of a new application as an instance of sanction because no sanction has occurred.

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 adverse action notice is sent. Instances of sanction are counted consecutively whether before or after November 1 (EXAMPLE: Customer was sanctioned in May and again in December; there are two instances of sanction.).** An instance may occur even though the household complies during the adverse action period and the case is never actually closed. The sanction is effective the first of the month following the expiration of the adverse action.

Example: November 10 - The local department determines that Mr. Smith has not complied with the job search component of the work requirement. It is the first instance of non-compliance. The local sends a conciliation letter to him the same day. He fails to appear for his scheduled conference or otherwise respond to the letter.

December 2 - A NOAA is sent to Mr. Smith (5 working days before the end of the 30-day conciliation period).

December 8 - He contacts the local 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 of non-compliance and he is now complying, benefits continue uninterrupted.

VERIFICATION OF GOOD CAUSE OR AN EXEMPTION

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.

INSTANCES OF CONCILIATION

Customers are entitled to a 30-day conciliation period as follows:

- **one** for non-compliance with for child support requirements
- **one** for non-compliance with work requirements
- **one** for non-compliance with substance abuse provisions

NOTE: Customers with an IPV **are not** entitled to the conciliation process.

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.

Local departments are required to conduct only one 30-day conciliation process for non-compliance with FIP requirements. **However, there is a regulatory obligation to investigate good cause regardless of the number of instances of non-compliance.**

EXAMPLE 1:

- November 17 Mr. Smith fails to comply with the job search component of the work requirement, is notified about conciliation and is mailed a NOAA. It is the first instance of non-compliance. During the conciliation process, he complies.
- December 19 He again fails to perform a job search. He is not entitled to a new conciliation period for this second occurrence. The investigation of the second occurrence does not show good cause. A NOAA is issued immediately, a second instance of non-compliance is recorded and a sanction is imposed. Benefits cannot be restored until he complies with the program requirements 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 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 14.
- December 17 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 immediately, 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 local department determines that Mrs. Brown failed to comply with work requirements by missing a job interview because she could not

February 1

arrange child care for her child. During the conciliation process, her child care barrier is removed and she continues her job search. 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 of non-compliance is recorded and no sanction is imposed.

EXAMPLE 4:

On December 3 the local determines 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 local 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. Benefits cannot be restored until it is verified that she kept her appointment.

FAMILY VIOLENCE AND GOOD CAUSE

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 under good cause. 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.

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. For more detailed information about family violence policy and procedure, refer to FIAOPR AT # 98-30 (Family Violence Screening).

CHILD SUPPORT SANCTION PROCEDURES

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. 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. 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.

As stated in AT #99-08, the local department's child support enforcement unit determines non-cooperation with child support requirements. Determination of good cause remains with the FIA case manager. At any time during the child support process, the custodial parent may claim good cause for failure to cooperate. If a determination of non-cooperation is made, the child support worker refers the case to the FIA case manager. The case manager investigates the possibility for the customer to claim good cause.

Good cause for not complying with child support requirements includes the following:

- Possibility of physical or mental harm to the caretaker or the child
- Conception as a result of incest/rape
- 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.
- Pending adoption proceedings

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.

Applications:

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

Active Ongoing Cases:

If the caretaker relative does not comply with the child support requirements without good cause, a **full-family** sanction is imposed. The case manager will follow the conciliation procedures outlined on pages 3-6 of this AT. 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. **Child support sanctions are only imposed on active ongoing cases.**

IF A CUSTOMER CURES A CHILD SUPPORT SANCTION IN THE FIRST NON-PAY MONTH, THE 14-DELAY DOES NOT APPLY. A FULL BENEFIT IS AUTHORIZED FOR THAT MONTH.

If a full month or more passes without cooperation, the application for benefits is treated the same as any other application and the 14-day delay is applied 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	Case manager follows up with a telephone call and leaves a message on the answering machine. Mom does not call back. 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). Mom is not eligible for MA but the child retains 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.

FOOD STAMPS (for child support sanction cases)

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.

If the 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.

Customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

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

- **Denied** at application, the caretaker is not eligible for MA but MA must be processed for the children.
- **Sanctioned (closed)**, the caretaker is not eligible for MA but the children do retain their MA. The end date for the MA case for the children is the date the TCA certification period would have ended if a sanction had not been imposed.

CARES PROCEDURES (FOR CHILD SUPPORT SANCTION CASES)

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 to narrate that the TCA AU closed because of not complying with child support requirements and the non-compliance reason.

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.

Medical Assistance Benefits

The head of household is not eligible for MA but the children do retain their MA. The end date for the MA-F05 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 (F05) with the current date as the date of application.
- Interview and Process the MA (F05) 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.

NOTE: In the event that a Food Stamp case is associated, match the MA Certification End Date with the Food Stamp end date.

WORK REQUIREMENT SANCTION PROCEDURES

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.

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
- An assignment that would require participation for more than thirty hours per week if the recipient is a parent or other relative personally providing care for a child younger than one year old (this is a one-time only exemption for the first child only)

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
- Children younger than sixteen years old
- Children 16-18 years old enrolled full-time in school
- Adults and children, age 16 or 17 and not in school, working 30 or more hours per week, earning at least minimum wage
- Victims of family violence

SPECIAL NOTE: 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.

Definitions:

- **"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."

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.

Applications:

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.

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. 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 all 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 DEM1screen
- MP in the PI Participation Status field on the WORK screen
- The difference between the grant for 3 and 2 AU size (\$399 - \$313 = \$66) with the unearned income type as OA on the UINC screen.

Send the customer a manual notice.

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.**

1. **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 3-6 of this AT. The number of sanction instances determines the length of the sanction.

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

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.

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 until the sanction is cured.

IF A CUSTOMER CURES A WORK REQUIREMENT SANCTION (THAT RESULTED IN A CLOSED TCA CASE) IN THE FIRST NON-PAY MONTH, THE 14-DAY DELAY DOES NOT APPLY. AUTHORIZE A FULL BENEFIT FOR THAT MONTH.

If a full month or more passes with no plan to participate, treat the application for benefits the same as any other application and apply the 14-day delay 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's work requirement. Since she began to cure the sanction before the end of the first non-payment month, the benefit is not prorated.

Two-Parent Assistance Units:

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

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 14-day delay does not apply and 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 and any benefits paid to the assistance unit until Dad cures his sanction by complying for 10 days. The 14-day delay does not apply and the case is not prorated as long as Dad begins to comply before the end of the first non-pay month.

2. Individual Sanctions:

School-aged children, ages 16 and 17, who are not the head of household and who are 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 3-6 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

The child's sanction instance is counted as of 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. 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. To identify this as a case with an individual sanction, for the 16-year-old, the case manager must enter on CARES:

- GU (this is the first sanction) in the Place of Birth City field on the DEM1screen
- MP in the PI Participation Status field on the WORK screen

- The difference between the grant for 3 and 2 AU size (\$399 - \$313 = \$66) with the type as OA on the UINC screen.

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.

FOOD STAMPS (for work requirement sanction cases)

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.

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.

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.

Customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

MEDICAL ASSISTANCE (for work requirement sanction cases)

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 caretaker and the children retain their MA. The end date for the MA case for the children is the date the TCA certification period would have ended if a sanction had not been imposed.

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, the child is included in the MA assistance unit when the application is processed and MA continues as long as eligibility for the program is met.
- the child retains MA and MA continues as long as eligibility for the program is met. The end date for the TCA MA tag-along case is not changed.

CARES PROCEDURES (FOR WORK REQUIREMENT SANCTION CASES)

1. INDIVIDUAL SANCTIONING

TCA Benefits

Applies to customers between the ages of 16 and 18, not in school and not in compliance with work requirements.

- Do not remove them from the TCA household.
- Code "MP" should be used in the PI Participation Status field on the WORK screen. Do not use the "RE" code.
- 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 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.

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.

Medical Assistance

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

2. FULL FAMILY SANCTIONING

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.
- Fast path to the DEM1 screen for the non-compliant individual. Enter "GU" in the Place of Birth City fields if this is the first sanction under the new policy, "VI" for the second offense and "CZ" for the third offense.
- The notice will be correct provided the appropriate reason code was used.

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.

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 (F05) with the current date as the date of application.
- Interview and Process the MA F05 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, match the MA Certification End Date with the Food Stamp end date.

SUBSTANCE ABUSE SANCTION PROCEDURES

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 refuses 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. She is no longer living with her parents because they made her to 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 that form is part of what she has to do to get a check. The TCA application is denied. Her applications for food stamp 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.

Active Ongoing Cases:

The three types of sanctions imposed for failure to comply with substance abuse treatment provisions are:

- Full-family for refusing to sign the substance abuse consent form (DHR/FIA 1176),
- Removing the individual's needs from the grant and payee remains the same and
- Removing the individual's needs from the grant and benefits are paid to a third-party payee (identified by the customer or local department).

1. Full-Family Sanctions (at redetermination):

If an adult or minor parent, who is the head of household, refuses to sign the CONSENT FOR THE RELEASE OF CONFIDENTIAL ALCOHOL AND DRUG TREATMENT INFORMATION DHR/FIA 1176 form, the entire household is ineligible and a full-family sanction is imposed for failure to comply with a FIP requirement.

EXAMPLE:

Ms. Kelp receives assistance for herself and one child.

January 5	As part of her redetermination, she is asked to sign the 1176 consent form. Ms. Kelp refuses to sign the form or give the case manager a reason why even after she is told that her case would be closed if she did not.
January 8	Ms. Kelp is mailed a NOAA to close her TCA case for February.
February 1	Effective date of closing for TCA case.
February 3	Ms. Kelp comes into the office and signs the 1176 consent form. She is issued a full grant for February.

In a two-parent household, if both parents refuse or one parent refuses but the other signs the CONSENT FOR THE RELEASE OF CONFIDENTIAL ALCOHOL AND DRUG TREATMENT INFORMATION DHR/FIA 1176 form, the entire household is ineligible and a full-family sanction is imposed for failure to comply with a FIP requirement.

2. Individual's Needs Removed from the Grant (no third-party payee):

When a customer refuses to participate or fails to comply with the requirements of a substance abuse treatment program, the individual's needs (difference between the grant amount with the customer included and without the customer) are removed from the grant. The case manager must follow the conciliation procedures outlined on pages 3-6 of this AT.

Since the customer remains part of the TCA assistance unit, the customer 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:

Ms. Elkins is receiving TCA for herself and 3 children.

November 19	The case manager is notified that Ms. Elkins stopped participating in her drug treatment program.
November 23	The case manager sends a conciliation letter.

November 27	The case manager calls and tries to get Ms. Elkins to return to the program. She does not.
December 6	The case manager calls again to encourage Ms. Elkins to return to the program.
December 18	A NOAA is sent to Ms. Elkins' notifying her that her TCA grant will be reduced.
January 1	Mrs. Elkins' needs are removed from the grant (\$481 - \$399 = \$82). She receives a TCA grant of \$399.

The needs of a TCA adult or minor parent, who **fails to keep the initial health screen** at the MCO, must be removed from the grant. The remainder of the TCA benefit continues to be paid to the individual even if the individual is the TCA head of household. This sanction does not require a third-party representative.

EXAMPLE:

Mr. Howard is receiving TCA for himself and 2 children.

October 9	The case manager is notified that Mr. Howard did not keep his health screening appointment.
October 13	The case manager sends a conciliation letter.
October 16	A telephone call is made by the case manager and he leaves a message for Mr. Howard to call back.
October 22	The case manager calls again but must leave a message because Mr. Howard is not available.
November 2	A NOAA is sent to Mr. Howard notifying him that his needs will be removed from the TCA grant.
December 1	Mr. Howard's TCA grant is paid in the amount of \$313.

3. **Individual's Needs Removed from the Grant (with a third-party payee):**

The needs of an individual that is the head of household, who **fails to enroll or maintain enrollment** in appropriate and available treatment, are removed from the grant and the TCA benefit is paid to a third-party representative.

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.
December 28	The case manager calls to see why Mrs. Lee did not enroll. Mrs. Lee says 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 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 \$399 is paid to the rep payee.

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

IF A CUSTOMER CURES A SUBSTANCE ABUSE SANCTION (THAT RESULTED IN A CLOSED TCA CASE) IN THE FIRST NON-PAY MONTH, THE 14-DAY DELAY DOES NOT APPLY. A FULL BENEFIT IS AUTHORIZED FOR THAT MONTH.

If a full month or more passes without cooperation, the application for benefits is treated the same as any other application and the 14-day delay is applied from the date of application. The payment is made after the required compliance is met.

FOOD STAMPS (for substance abuse sanction cases)

If the TCA application is denied and the family has also applied for food stamps, process 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).

If the TCA case is closed 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.

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.

Customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

MEDICAL ASSISTANCE (for substance abuse sanction cases)

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

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 assistance unit.

If a TCA case is sanctioned **(closed)**, the caretaker and the children retain their MA. The end date for the MA is the date the TCA certification period would have ended if a sanction had not been imposed.

If a TCA case has a substance abuse **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 PROCEDURES (FOR SUBSTANCE ABUSE SANCTION CASES)

1. Individual Sanctions

TCA Benefits:

When the customer has been determined non-compliant with substance abuse requirements and the customer's needs are removed from the grant, complete the following procedures:

- 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:
 - **SA4** - when the individual fails to enroll in appropriate and available substance abuse treatment.
 - **SA5** - when the individual fails to maintain active enrollment in appropriate and available substance abuse treatment.
 - **SA6** - when the individual fails to complete the initial MCO health screening within the time specified by DHMH regulation (CODE IS ENTERED, BUT SANCTIONING IS NOT APPLICABLE UNTIL AFTER 6/30/98).
- 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:
 - For **SA4** - "<INDIVIDUAL'S NAME> FAILED TO ENROLL IN APPROPRIATE AND AVAILABLE SUBSTANCE ABUSE TREATMENT. COMAR 07.03.03.15E(1)(b)."
 - For **SA5** - "<INDIVIDUAL'S NAME> FAILED TO MAINTAIN ACTIVE ENROLLMENT IN APPROPRIATE AND AVAILABLE SUBSTANCE ABUSE TREATMENT. COMAR 07.03.03.15E(1)(c)."
 - For **SA6** - "<INDIVIDUAL'S NAME> FAILED TO COMPLETE THE INITIAL MCO HEALTH SCREENING WITHIN THE TIME SPECIFIED BY DHMH REGULATION. COMAR 07.03.03.15E(1)(a)."
- If the non-compliant individual is an **SA4** and 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.

REMINDER: Shorten the redetermination end date to reflect the required four month certification period for 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 that is sanctioned or one that has an individual being sanctioned 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.

Medical Assistance Benefits for Individual Sanction

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

2. Full-Family Sanctions

TCA Benefits:

When the customer refuses to sign the consent form and the case must be closed:

- Enter code 566 "NON-COOPERATION WITH ELIGIBILITY PROCESS" on the TCA STAT screen in the AU Status Reasons field.
- On the CAFI screen, press PF13 and enter COMAR 07.03.03.04C(5) "failure to comply with FIP program requirement".

Food Stamp Benefit Calculation

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.

Medical Assistance Benefits for Full-Family Sanction

- Select Option L (Add A Program) from the AMEN screen with the AF AU#. Add a Medical Assistance program (F05) with the current date as the date of application.

- Interview and Process the MA F05 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, match the MA Certification End Date with the Food Stamp end date.

INTENTIONAL PROGRAM VIOLATION SANCTION PROCEDURES

APPLICATIONS:

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:

- Was a full family or an individual sanction previously imposed?
- Which instance (1st, 2nd or 3rd) of sanction penalty was previously imposed?
- Was the sanction cured through full repayment of the debt?
- Has the sanction penalty period passed?

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.

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.

ACTIVE ONGOING CASES:

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.

IMPORTANT NOTE: An IPV sanction can be imposed on active cases and closed cases.

The 30-day conciliation process is not applied to IPV cases.

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, 1998 of fraud in the amount of \$1216 that occurred in December 1996. 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, 1999 (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, 1998 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). Mr. Rice can cure the sanction by paying back the \$821 in full at any time during the 6-month sanction.

FOOD STAMPS (for IPV sanction cases)

If the TCA application is **denied** and the family has also applied for food stamps, process the food stamp application and pay benefits paid to all eligible household members.

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.

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.

Customers are still subject to and must meet the Food Stamp Employment and Training (FSET) requirements.

MEDICAL ASSISTANCE (for IPV sanction cases)

If the TCA application is **denied**, process the MA application for the caretaker relative and the children in the assistance unit.

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.

If a TCA case is sanctioned (**closed**), the caretaker and the children retain their MA. The end date for the MA is the date the TCA certification period would have ended if a sanction had not been imposed.

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)

TCA Benefit

On the STAT screen under AU Status Reason 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

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 beside the individual's name in the Status Reason column place 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

NOTE: 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.

Food Stamp Benefit Calculation

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.

TRANSITIONAL ASSISTANCE PROVISION

The FIP provisions allow for an extension of the TCA benefit for three months (in a lifetime) after a full-family sanction becomes effective. The sanction must have been the result of an adult's failure to comply with the TCA work requirements. 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.

The TA benefit can only be available through a non-profit or faith organization that agrees to accept this responsibility. 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.

If a family friend wishes to be the third party, the friend must work through the non-profit organization. Priority for these payments will be given to assistance units with:

- An active protective services case
- An active intensive family services case
- An adult member who is disabled, but is unwilling to document the illness
- An adult member who is not fluent in English and notices are not offered in the individual's language

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.

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 will become 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 TRANSITIONAL ASSISTANCE PROCEDURES:

To apply Transitional Assistance to the assistance unit:

- Access the AU using **Option R** from the **AMEN** screen.
- On the **ADDR** screen for the head of household (HOH) enter a "Y" in the Authorized Representative field.
- 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.
- On the **STAT** screen for the case assistance AU change the benefit issuance type from BEBT (Batch EBT) to BCHK (Batch Check) if desired.
- Fast Path to the **WORK** screen. Enter "MN" in the PI Participation Status field and the date customer became non-compliant with PI.
- 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.
- 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."
- 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 redet scheduling cycle and benefits will continue if not manually closed.**

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, 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.

SAMPLE 1

CHILD SUPPORT CONCILIATION APPOINTMENT

Date _____

AU # _____

Dear _____

It has come to my attention that you did not cooperate with child support for the Temporary Cash Assistance Program because:

___ You did not keep a scheduled appointment with Child Support

___ Other

I have made an appointment for you to meet with me on _____
_____ at the _____ City/County Department of Social
Services to discuss any problems that keep you from cooperating with child support.

If you do not cooperate with child support, your cash assistance case may close.
If your cash assistance stops and you are getting food stamps, you will not get more food stamps.

IT IS VERY IMPORTANT FOR YOU TO KEEP THIS APPOINTMENT. If you cannot keep this appointment, please call _____.

Sincerely,

SAMPLE 2

CHILD SUPPORT FINAL APPOINTMENT

Date _____

AU # _____

Dear _____

During the conciliation conference you agreed to cooperate with child support.
You must attend the following appointment:

I have scheduled an appointment for you with your child support case manager,
_____ on _____ at the
_____ City/County Department of Social Services.

IT IS VERY IMPORTANT FOR YOU TO KEEP THIS APPOINTMENT. If you
cannot keep this appointment, please call _____.

Sincerely,

SAMPLE 3

WORK PROGRAM CONCILIATION APPOINTMENT

Date _____

AU # _____

Dear _____

It has come to my attention that you did not meet the work program requirements for the Temporary Cash Assistance Program because:

- ☐ You did not keep a scheduled appointment with the Work Program
- ☐ You did not participate in a work activity
- ☐ Of unsatisfactory attendance or did not cooperate in an assigned activity
- ☐ Other

I have made an appointment for you to meet with me on _____ at the _____ City/County Department of Social Services to discuss any problems that keep you from doing the work requirements.

If you do not meet the work requirements, your cash assistance case may close. If your cash assistance stops and you are receiving food stamps, you will not get more food stamps.

IT IS VERY IMPORTANT FOR YOU TO KEEP THIS APPOINTMENT. If you cannot keep this appointment, please call _____.

Sincerely,

SAMPLE 4

WORK PROGRAM FINAL APPOINTMENT

Date _____

AU # _____

Dear _____

During the conciliation conference you agreed to meet the work program requirements. You must attend the following appointment:

I have scheduled an appointment for you with your Job Counselor,
_____ on _____ at
_____ City/County Department of Social Services.

IT IS VERY IMPORTANT FOR YOU TO KEEP THIS APPOINTMENT. If you cannot keep this appointment, please call _____.

Sincerely,

*Please copy for
Mills & for review
Mann & file
Richard D. H.
Transmittal 99
Tobias
cc*

PUBLIC JUSTICE CENTER

Memorandum

TO: Public Benefits Task Force

FROM: Deborah Thompson Eisenberg

DATE: March 19, 1999

RE: Summary of Conciliation and Sanction Policy and Procedures Guide

Conciliation Process

The revised conciliation regulation requires only one 30-day mandatory conciliation process for TCA households who fail to comply with child support, work or substance abuse requirements. That is, customers are entitled to one conciliation period for non-compliance with child support requirements, one for non-compliance with work requirements and one for non-compliance with substance abuse provisions.

The transmittal provides some "bright spots" that do not exist on the face of the new regulation.

First, the transmittal offers a new interpretation of what "one instance of non-compliance" means. It states that "if the customer verifies that good cause or an exemption exists during the conciliation period, no instance of sanction is recorded and no sanction is imposed." More interestingly, it states that if the customer performs "a verifiable act of compliance" prior to the issuance of a notice of adverse action, "no instance of non-compliance is recorded and no sanction is imposed." I interpret this to mean that if the customer complies during the conciliation period, prior to the expiration of the 30 days and the issuance of a notice of adverse action, that instance of "non-compliance" will not be recorded or counted against the customer. Does that mean that the customer then gets a clean record on non-compliance, and therefore will be entitled to another 30-day conciliation period for the next instance of non-compliance? The sentence at the top of page 5 supports this interpretation: "Customers who **complete** a conciliation period and fail again to comply do not get a new conciliation period." Example 3 on pp. 5-6 also suggests this is true.

Second, the transmittal makes clear that, regardless of whether the customer is entitled to a 30-day conciliation period, **"there is a regulatory obligation to investigate good cause regardless of the number of instances of non-compliance."** Pg. 5. So, even if the customer is not entitled to another conciliation period, the case worker nevertheless must investigate the reason for non-

compliance prior to taking any adverse action.

Interesting Details:

- conciliation period begins with the date the conciliation letter is sent (sample letters are attached to the guide -- they do not include Legal Aid's number);
- conciliation conference may be conducted by phone;
- local may extend the conciliation period if the customer wants to comply, but cannot comply within 30 days through no fault of the customer;
- requires case manager to follow up the letter with telephone or personal contact to discuss the reasons for non-compliance;
- requires that caseworkers carefully document all case activity "to support the local department in the event of a fair hearing." (Pg. 34.) The items that must be documented in the narration are listed on page 34. The transmittal notes in several places that if a caseworker fails to properly document its actions during the conciliation period or its actions to investigate whether good cause exists, the local department risks having its decision to sanction overturned on appeal;
- requires local departments to advise households sanctioned because of non-compliance of their right to appeal and the procedures for requesting a fair hearing;
- states that "[l]ocal departments must advise households of any legal services that might be available to represent them during a fair hearing." Legal Aid's toll-free number is in the transmittal

Family Violence and Good Cause (p. 7)

The transmittal generously notes that customers who claim they are victims of family violence are not required to provide written documentation of abuse. Victims of family violence must be referred to "in-house family violence expert" who will work with customer to develop safety plan.

Child Support Sanction Procedures (p. 8)

Good Cause: The transmittal once again states that, regardless of the number of instances of non-compliance, local departments must ensure that customers are given the opportunity to claim good cause for non-compliance. A list of what constitutes "good cause" for not complying with child support requirements appears on page 8.

Applications: if caretaker relative fails to comply with child support requirements at application without good cause, the TCA application is denied. When a family applies for assistance and the most recent closure indicates a sanction status reason, the sanction must be cured before benefits are paid again.

Active ongoing cases: if caretaker relative does not comply with child support requirements

without good cause, a full-family sanction is imposed – the caseworker must investigate whether good cause exists and must follow the conciliation procedures.

If a customer cures a child support sanction in the first non-pay month, the 14-day delay does not apply. A full benefit is authorized for that month.

Food Stamps

Food stamp applications should still be processed when TCA application is denied for failure to comply with child support requirements. If TCA case closed with full-family sanction, food stamps are based on the TCA “phantom income” and any other income in the family prior to the sanction.

Medical Assistance

MA must be processed for the children, even if caretaker application is denied or caretaker is sanctioned.

Work Requirement Sanction Procedures (pp. 12-17)

- generally the same as that described for child support
- “good cause” and exemptions listed on p. 12
- for customers who reach 24 month limit, only exception to work requirement is a single parent caring for a child under the age of 6 who is unable to obtain child care for reasons listed on p. 13.
- sanctions imposed only on active cases
- sanctions described on pp. 14-17

Food Stamps

- if TCA application denied for non-compliance with work requirements and the family has also applied for food stamps, the food stamp application is processed
- if TCA case closed, food stamps are based on TCA income and any other income
- if TCA reduced because of individual work requirement sanction, food stamps are based on TCA income and any other income

Medical Assistance

- if TCA case denied for non-cooperation with work requirements without good cause, the MA application is processed for the caretaker relative and the children

- if sanctioned for failure to cooperate with work requirements, the caretaker and the children retain their MA

Substance Abuse Sanction Procedures (pp. 20-24)

- if individual fails to comply with substance abuse provisions at application, the TCA application is denied, but the food stamp and medical assistance applications must be processed.

- if adult or minor parent, who is head of household, refuses to sign consent form, the entire household is ineligible and a full-family sanction is imposed

- if customer refuses to participate or fails to comply with requirements of substance abuse treatment program, the individual's needs are removed from the grant; the case manager must follow the conciliation procedures outlined in transmittal.

- if customer fails to enroll or maintain enrollment in treatment, the needs of an individual that is the head of household are removed from the grant and the TCA benefit is paid to a third-party representative.

Intentional Program Violation Sanction Procedures (pp. 28-30)

- 30-day conciliation not applied to IPV cases

Transitional Assistance Provision (pp. 32)

- FIP allows an extension of the TCA benefit for three months (in a lifetime) after a full-family sanction (for failure to comply with work requirements) becomes effective

- benefits must be paid to third party

- if adult complies with work requirements during TA period, case manager must complete a redetermination of the case