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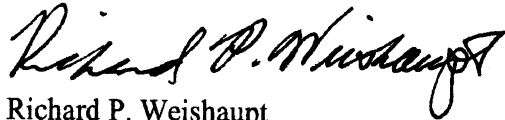
Independent Regulatory Review Commission
Commonwealth of PA
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Proposed TANF Regulations, 31 Pa. Bull.5875 (October 20, 2001)

Dear Commissioners:

Enclosed please find our comments to the proposed TANF regulations. We would welcome the opportunity to sit down with you to discuss necessary changes and improvements.

Very truly yours,



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Sharon M. Dietrich
Louise Hayes
Amy E. Hirsch
Jonathan M. Stein

RPW:jmp

Enclosures

**BEFORE THE INDEPENDENT
REGULATORY REVIEW COMMISSION**

**COMMENTS REGARDING DPW'S TANF
PROGRAM**

31 Pa. Bull. 5875 (October 20, 2001)

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**Executive Summary to Community Legal Services' Comments
on DPW's TANF Regulations**

Community Legal Services, Inc. And the clients it represents in this rulemaking are concerned that the proposed Department of Public Welfare regulations, 31 Pa. Bull. 5875 (October 20, 2001), are critically flawed. They violate federal and state law and the all-important time limit regulation (section 141.41), is not in complete form, even though the five year time limit for lifetime TANF is rapidly approaching. Most significantly, DPW proposes to implement the TANF time limit without also implementing any exceptions -- including a program that already exists to take recipients off the TANF clock. These regulations come as an impending recession makes TANF parents, especially those facing the five year time limit, much more vulnerable to today's economy. This bifurcated approach simply is not an acceptable answer -- too much is at stake for too many families.

Implementing the TANF time limit without the exceptions jeopardizes the income and well-being of the nearly 12,000 families that will be reaching the time limit beginning on March 3, 2002.

With respect to the other regulations, we commend DPW for correcting some of the flaws that we noted in the previous "final form omitted" package and for publishing these regulations in proposed form to allow the public to comment. However, several serious problems remain in this version. Our main concerns are the following (and detailed comments follow).

We object strenuously that the proposed regulations would implement the 60 month TANF time limit without implementing any exceptions(Section 141.41(f)).

- The regulations don't even make an exception for DPW's new "Time-Out" program, which went into effect in July and allows families to stop their TANF clocks.
- Nor do they provide any grounds for "Overtime," a forthcoming program in which DPW has promised to provide TANF beyond 60 months. The proposed regulations do not provide for "20% hardship extensions," domestic violence extensions, or "TANF non-assistance" stipends -- all authorized by federal TANF law.
- The regulations do not provide for persons who are eligible for General Assistance (the state-funded welfare program) to

begin receiving those benefits when TANF ends. People who are eligible for GA include children, pregnant women, people with disabilities, caregivers for the sick or disabled, and nonparental caregivers for children under age 13.

The protections to prevent inappropriate sanctions have been gutted. These changes include unauthorized dilution of the conciliation process (Section 165.51) and increased power to sanction based on a list of sanctionable conduct four times longer than the statute (Section 165.61). As a result, families will lose their benefits even though they are trying their best to comply with work requirements.

The regulations don't include policies to allow for more education and training for TANF parents that DPW adopted to avoid legislation that was en route to passage (Section 165.31(g)(5)). Also, policy modifications that permit young people to finish high school or GED programs are not included (Section 165.31(d)(4)). Far too many TANF parents have been denied access to education and training because they have been discouraged or confused.

Without statutory authority to do so, DPW is trying repeal the duty to assess and consult with recipients and to take choice of work activities away from them and instead allow its case workers to dictate what work or training they will perform (Sections 165.31(c), 165.31(e), 165.31(f), 165.31(g)(4)). DPW is also undermining the legislatively developed Agreement of Mutual Responsibility and trying to replace it with a system where recipients are obligated to do things that are not part of their AMR.

The regulations do not adequately address the needs of victims of domestic violence. Waivers of support cooperation requirements are necessary to protect victims of domestic violence from the dangers they face when support papers inform batterers where they live, provoke retaliatory violence, and place women in direct contact with abusers in court. DPW's proposed regulations fail to provide adequate procedures to make waivers a true option for victims of domestic violence:

- Waivers can provide meaningful protection only if people know about them. The volumes of paper notices given to TANF participants by DPW makes written notification inadequate. Yet, DPW's proposed regulations fail to include critical oral notification of waivers.

- Federal law provides waivers should be for as long as necessary to ensure ongoing protection. DPW's regulations, however, set expiration dates, placing victims at immediate risk.
- It is essential that waivers are available for victims who are unable to provide documentary evidence. But DPW's proposed regulations impose documentary requirements that will unnecessarily burden both domestic violence victims and service providers.

GENERAL COMMENTS

ELIGIBILITY PROVISIONS FOR TANF

1. The Proposed Regulations Ignore the Concepts of Assessment and Consultation.

141.41(e) Policy - *Assessment and Consultation*

Pennsylvania law is clear that DPW is to assess the needs of welfare applicants and recipients and develop plans in consultation with these applicants and recipients for addressing additional measures needed to make the individual employable. 62 P.S. § 405.1 In contrast to the approach set out in the statute, however, the regulation that is supposed to set out the overarching policy of the Department for the TANF program merely states that all non-exempt recipients (without regard to good cause) must participate in work or a work related activity if they are not working 20 hours per week, or face sanction or termination. This broad policy statement fails to incorporate the directions found in 62 P.S. § 405.1 (a.2) (4) and (6), for consultation with unemployed recipients and assessment of their needs. Omitting these crucial details is contrary to state law. The statute says that in the event that there are nonexempt individuals who have not found work averaging 20 hours per week,

the county assistance office, *in consultation with the applicant or recipient*, shall assess the additional measures that may be necessary for the applicant to seek and accept employment, including the type of work-related activities that will be used to meet the ongoing work-related activity requirement. These measures shall be incorporated into the ... agreement of mutual responsibility pursuant to section 405.3."

62 P.S. § 405.1(a.2) (4) (emphasis added). In contrast, the language used in the proposed regulation is much less aimed at working with the recipient and instead reads like a penalty for noncompliance. Such a harsh approach is contrary to the public interest and is not what the General Assembly intended. Moreover, the vital role of assessment and consultation is completely ignored. Unfortunately, this is more than mere semantics. Despite the language of the statute, DPW does not in practice consult with the recipients about how they want to achieve self sufficiency, and even more seriously, does no organized, independent assessment of unmet needs.

Similarly, making 20 hours of "work activity" a condition of eligibility is to an extent, over-reaching, since the statute says that those who are not working 20 hours per week shall be subject to a "review of eligibility." This review of eligibility allows recipients the opportunity to come into compliance, since many are unemployed at the 24 month mark through no fault of their own, because of disability, barriers to unemployment, recent layoff or reduction of hours or other good reason. The review of eligibility (which is now done at 24 months) allows these problems to be addressed prior to a sanction or termination of benefits. 62 P.S. § 405.1(a.2)(6).

Remedy: Revise the regulation to follow the wording of the statute, including assessment and consultation. Institute appropriate changes in practice to assure that individuals are properly assessed. Revise policy to insure that a review of eligibility takes place before any adverse action takes place.

2. DPW's Time Limit Policy Is Deeply Flawed.

141.41(f) Policy -- *Counting the Time on TANF*

Failure to include federal exceptions, even when already implemented

This section is undoubtedly the most important regulation in the regulatory package, since it contains the language concerning treatment of those families that have received federal TANF cash assistance for more than five years. Under federal law, adult-headed families generally are ineligible for federal TANF assistance beyond five years. 42 U.S.C. § 608(a)(7)(A). It is important to note that there is no specific provision in state law establishing a time limit.

Under federal law, there are four notable exceptions to the general five year time limit. First, a state may choose to continue assistance under a 20% "hardship" exception. 42 U.S.C. § 608(a)(7)(C)(ii). States are free to develop their own definition of "hardship."

Second, states may provide assistance at any time with state funds¹ without being subject to any federal time limits. States have even more flexibility under this exception than under the 20% hardship exception, both in counting the five year period and in continuing

¹ This includes state funds that a state is required to spend to draw down the federal TANF block grant. Such funds are called Maintenance of Efforts (MOE) funds.

assistance beyond five years as long as they use only state funds for the selected families. Under this exception, states are specifically permitted to provide state funds to children or families beyond 60 months. 42 U.S.C. §608(a)(7)(F). Moreover, state funded assistance given within the 5 year period also does not count toward the time limit. 45 C.F.R. §264.1(b)(2).

Third, states may avoid the harshness of the 5 year limit by providing what is referred to in the federal regulations as "non-assistance." 42 U.S.C. §608(a)(7)(G); 45 C.F.R. §260.31(b). This "non-assistance" concept includes short term cash payments that do not extend beyond 4 months that neither triggers the counting of a month toward the 60 month time limit, nor does it run afoul of the 60 month limit, even if given after the receipt of 60 months of federally funded TANF assistance. Non-assistance also encompasses cash payments that are not directly related to family need; for example, paying transportation costs for a successful welfare-to-work participant would be considered "non-assistance," since it was not based on family size and income. 45 C.F.R. §260.31(b).

Fourth, states may exempt victims of domestic violence from the time limit. 42 U.S.C. § 608(a)(7)(C)(i)&(iii); 45 C.F.R. §§260.59(a)(1), 264.1(c)(2). These domestic violence waivers do not affect a state's 20% hardship limit.

Despite DPW's announced intention to utilize the 20% hardship exception and having already initiated the state funds and domestic violence options, the proposed regulation ignores these crucial features. Rather, DPW proposes to implement the time limit without any exception, including exceptions already in effect. In so doing, DPW puts thousands of families at risk since there would be no legal protection for their status.

The proposed regulation fails to incorporate programs publicly announced by the Department designed to alleviate the hardships of the 60 month time limit, namely the 20% hardship exception allowed under federal law (which DPW calls its "Over Time" program), and the program DPW has named its "Time Out" program, which stops the 60 month clock by using state funded TANF under certain circumstances. (The Time Out program, which took effect in July, 2001, takes certain families "off the clock" - some working families, early engagers in training programs, some kinship caregivers, some victims of domestic violence and those exempt from work requirements because of disability but who nonetheless volunteer to participate in training programs.) Both the Time Out and Over Time these programs should be incorporated into the regulations, since otherwise the only policy with the force of law will not accurately reflect what DPW is actually doing or intends to do in the near future to pursue federal policy options.

The first group of people² to reach the 60 month barrier will do so within a few months, in March 2002. Given how soon this date will be upon us, there is no time to revisit these regulations. The regulations that are actually adopted must accurately reflect the rules that will determine how Pennsylvanians will actually be treated. At risk is the income supporting families with children, at a time when a deepening recession makes this safety net crucial.

Even though it has not made final decisions as to treatment under the 20% hardship waiver policy, DPW has made it clear that it intends to do so,³ and other decisions have already been made about stopping the clock for some groups. Inexplicably, even the decisions that have been made have not been incorporated into the regulations. For example, DPW has already begun the Time Out program beginning July 2, 2001. Operations Memorandum 01-06-09, Implementation Instructions for the Time-Out Initiative. (attached, Exhibit 1). As stated above, there are five groups of people that are afforded "Time Outs." No regulation should be adopted that do not reflect the full policy. IRRC must reject this regulation because the proposed regulations are inconsistent with existing programs and new plans that take effect in four months. It is our position that only if the time limit regulation is removed can the rest of the regulatory package go forward.

DPW may argue that it is still shaping this "experimental" Time Out and "Over Time" programs and plans to make further changes that will "fine tune" the eligibility rules. But even if this argument is accepted, the regulation can and must embody the general rules of the program, especially given the nearness of the time limit for so many families. It is irresponsible not to put the general provision into regulation now.

Both the Time Out and Over Time programs should be incorporated into the regulations, since otherwise the only policy with the force of law will not accurately reflect what DPW is actually doing or intends to do in the near future to pursue federal policy options. DPW has committed to proposing regulations on its Over Time policy and has said that it will be submitting these regulations to the IRRC very soon. Rather than amending this TANF regulatory package to include the Time Out and Over Time policies,

² DPW now estimates that this first group will include roughly 10,000 Pennsylvania families, who will have exhausted their lifetime limit on federal TANF assistance on March 3, 2002 or within a few months thereafter.

³ DPW has announced that it is developing a set of regulations to govern how it will deal with the 20% hardship waiver, its so-called "Over Time" program.

DPW should remove the time limit regulation from this package and include it instead in its forthcoming Over Time regulatory package. All matters relating to the time limit should be addressed together in that regulatory package, so as to allow the public, the General Assembly, and the IRRC the opportunity to provide input into DPW policy as a whole, rather than piecemeal.

Finally, we would be remiss if we did not mention the failure of DPW to include a regulation providing for an orderly transition to the General Assistance (GA) program for those who qualify. Pennsylvania statute, 62 P.S. §432, provides for GA eligibility for children, disabled adults, those caring for the ill and disabled, certain two parent families and those caring for children other than their own. DPW has, on several occasions, conceded that recipients in these groups will continue to qualify for benefits. Given that transfer between TANF and GA have always been smooth and done without the need for a new application, any removal of TANF recipients because of the new time limit would require a reevaluation under the GA program.

Failure to incorporate existing Cash Assistance Handbook policy

Another shortcoming of the time limit regulation is the failure to incorporate the provision in DPW subregulatory policy, Cash Assistance Handbook 105.251 (attached, Exhibit 2), which lists various circumstances under which participation in the TANF program shall not be considered receipt of TANF cash assistance for the purpose of calculating the time limit. Examples of these circumstances include: (1) a period when a recipient or budget group is under a sanction (and hence is not receiving actual cash assistance), (2) when cash assistance is issued, but not received or utilized, and (3) situations where recipients have fully reimbursed the Department for the TANF provided. Such reimbursement often takes place when recipients receive retroactive benefits from public programs such as Unemployment Compensation or Social Security disability insurance, or from private sources, such as child support or successful litigation of personal injury claims. If, for example, a family repays a year's worth of TANF under the handbook procedure, DPW removes that year's worth of TANF from that family's "clock."

This sensible policy has been the rule for the new Pennsylvania TANF program since its onset in March 1997. Many families have relied on this rule in making repayment. To reverse this policy now would be extraordinarily unjust, if not illegal, since many have relied on the policy in ordering their lives. Such a policy also provides a strong incentive for repayment, an incentive that is needed since many of the retroactive sums are immune from legal

process or otherwise difficult for the Department to obtain. Additionally, such a policy is firmly grounded in principles of equity, since repayment in full means that the family has not actually received any net benefit from the TANF program for the period in question. To remove the legal underpinning for such a logical policy is contrary to the general public interest, which benefits from the repayments received. The failure to include these policies is inexplicable, especially since DPW has given no indication that it intends to change or reject these policies.

Other, similar provisions, that refine the rules for computing the 60 months of receipt of TANF are currently included in the Cash Assistance Handbook, but are not mentioned or referenced in the regulations. These exceptions include periods of zero cash issuance, uncashed checks, periods where a sanction denies assistance, emergency shelter allowances, and receipt of interim benefits pending a hearing. These provisions prevent situations that are totally unfair -- how could a month possibly count when no assistance was actually received? It is impossible to imagine why DPW would not have included these exceptions in its regulations.

Remedy: Remove this rule from the regulatory proposal altogether so that the general rule and its exceptions will be implemented concurrently. Failing that, revise the regulation to read that only *federally* funded TANF assistance is precluded after 60 months of "countable TANF assistance." Further clarify the regulation to include exceptions for receiving TANF beyond 60 months in the case of "hardships, including experience of domestic violence," state funded TANF programs and non-assistance programs. Revise the regulations to make clear that receipt of state funded "TANF Time Out" programs will not count against the 60 month limit, amounts of TANF that have been repaid, and other exceptions found in existing policy. Finally, include a provision setting forth the process for people who have reached their 5 year limit to transition seamlessly to GA.

3. The Definition of "Family" Will Lead to Excessive Numbers of Children Being Disqualified.

141.42 Definitions - *Family*

The proposed regulation further defines "family" as including adult specified relatives other than parents for the first time. This relatively innocuous sounding change will have serious ramifications in the future of the TANF program and is profoundly anti-family. The reason that this change will have adverse effects is because subsequent provisions rely on this definition of family to disqualify any "family" where an adult member has exhausted his

or her 60 months of eligibility.⁴ While we agree that parents who have used up their 60 months of cash assistance and who are present in the household make their children ineligible for federal TANF cash assistance (unless, of course, they qualify for an exception), it makes no sense to disqualify children who are being cared for by relatives who are not mandatory members⁵ of the grant group. Yet DPW's revised definition of "family" would do just that.

The effect of this change would be to disqualify entire families where a grandmother, or other non-parent specified relative, who previously exhausted her 60 months of TANF, is present in the home, even if he or she is not on the TANF grant. Such a grandparent/caretaker relative, and the children living with her, will no longer be eligible to receive TANF, even if she seeks aid only for the children. For example, if the grandmother as a younger woman uses up her five years of TANF and then goes off TANF, any grandchild or other young relative who later lives with her will be forever disqualified, including a grandchild that comes to live with her because of parental absence or incapacity. Surely the goal of welfare reform is not to drive a wedge between family members and discourage them from exercising familial responsibility. This proposed regulation would do just that, however.

The new definition of family is contrary to pre-existing DPW policy that allows kinship care givers to receive aid for their grandchildren, regardless of their own TANF eligibility status. Cash Assistance Handbook §127.4; 55 Pa. Code §§151.43(b)(2); 171.21(b)(1). The federal time limit regulation, 45 C.F.R. §264.1, prohibits aid to adult parents and their own children, where the adult has received 60 months of federal TANF assistance, but federal law does not require that non-parental caretakers be "included" in TANF households, especially where their presence would lead to entire family disqualification. Moreover, there is nothing in state law that authorizes this result. Such a unauthorized policy will punish kinship caregivers and family trying to help each other and will inevitably lead to increases in child welfare costs.

⁴ The previous section, 141.41(f), says, "A family is ineligible for TANF cash assistance if it includes an adult who has received 60 months of TANF cash assistance." (Emphasis added.)

⁵ Existing policy, developed under the former AFDC program, defines mandatory members as parents of children on the TANF grant and siblings of such TANF children. Other adults, who are not legally obligated to support a child, are not mandatory members. Because of this sensible policy, optional members, such as grandparents, aunts and uncles, may choose to be excluded from the TANF grant.

Remedy: revise the regulatory definition of "family" to exclude non-parental caretakers as well as other non-TANF participating adults, if they do not seek to apply for TANF for themselves.

4. The Proposed Regulations Attempt to Evade the Ascendancy of the AMR.

141.61 Policy

This section includes the oft-repeated requirement found throughout this proposed regulation that recipients perform work related activities "including, those specified on the AMR." The whole point of having an AMR is to make it clear what a recipient is required to do and give recipients and DPW a firm and complete statement of what is expected. Nothing in state law even remotely gives DPW the authority to require people to engage in activities beyond those specified in the AMR. In fact, the welfare code specifically states, that all work related activity measures shall be incorporated into the ... agreement of mutual responsibility...." 62 P.S. §405.1(a.2)(4). Moreover, in addition to being contrary to state law, such a provision is also bad policy, since it will lead to confusion and conflicting obligations.

Remedy: Drop the language requiring people to engage in activities "including those specified on the AMR" and make it clear that the work requirements of individuals are to be set out in their AMR, as required by the statute.

5. There Are Problems with the Temporary Absence Policy.

151.43(d)(1) Requirements -- *Temporary absence of the child or relative.*

This proposed regulation commendably utilizes a federal option, 42 U.S.C. § 608 (a)(10), to permit a family to continue to receive TANF for a child who is temporarily absent from the home, but is expected to return within 180 days. It adds a requirement, however, that has no statutory authority, and could be very harmful to parents: it creates a new period of ineligibility for a specified relative who fails to report within 5 days of the time it becomes "clear" that the child's absence will extend beyond 180 days. Such a penalty is not authorized by statute and is unduly subjective as written.

This 30-day disqualification has no authority in state or federal law. Neither Congress nor the Pennsylvania General Assembly has imposed such a disqualification on families. Without such a

requirement in federal or state law, this disqualification has no legal basis.

Even were this disqualification authorized, it should only occur when it is "clear to the parent or relative" that the child's absence will extend beyond 180 days, and that fact is not reported. There may be times when a child welfare agency believes that the child will be out of the home for more than 180 days, while the parent/relative is confident that the child will return sooner. A parent/relative should not be required to report what she does not know. It should be enough that benefits be terminated when a child will be gone more than 180 days; it is quite another to punish the family for underestimating the duration of absence.

Remedy: Delete the thirty day disqualification and modify the regulation to read "...by the end of the five day period that begins with the date that it becomes clear to the parent (or relative) that the minor child will [continue to] be absent...."

6. The Regulations Continue Vestiges of the Old AFDC-U Program.

153.44 Procedures

One artifact of the old AFDC program was the requirement that, in order to qualify, a family not only be poor and have minor children, but also that the children be deprived of support because of the death, absence or incapacity of a parent; two parent families could, at state option, be eligible only if the principal wage earning parent had met strict requirements defining recent work, was unemployed (i.e., working less than 100 hours per month) and was not receiving Unemployment Compensation. Critics of all political leanings correctly pointed out that the old AFDC program discriminated against two parent families.

Given that TANF gave states extremely broad discretion to eliminate such artificial rules and encourage two parent families, it is distressing that Pennsylvania has chosen to keep this basic anti-family concept and only is tinkering with the definition of principal wage earner.

Remedy: Eliminate this and all such rules that discriminate against two parent families (as Pennsylvania has done for Medical Assistance) and evaluate eligibility for two parent families based on the same criteria for other families -- income and willingness to work.

COMMENTS ON RESET REGULATIONS

In addition to substantially revising the eligibility regulations that impose a time limit on benefits and make other, related changes, the proposed regulations attempt to implement new work requirement regulations that establish a new "RESET" program. While we do not object to the RESET program, DPWs implementing regulations go beyond the authority bestowed upon the agency by the statute and make the program one-sided and unfair and undermine the mutual endeavor envisioned by the General Assembly to help people become self-sufficient.

7. The Regulations Do Not Treat Those Working 20 Hours Per Week Properly.

165.1(a) General

This proposed regulation states "A recipient who is not exempt shall be enrolled in the ... RESET program." This provision requires all nonexempt participants to comply with the requirements of RESET and to participate in RESET as directed, as well as to seek and accept employment. But this blanket requirement does not address the status of those who are already employed 20 hours or more per week. Under Act 35, such employed individuals are excused from further mandatory work activity, 62 P.S. § 405.1(a.2)(2). Thus, the regulation should clarify this point, so that people who are satisfying the statutory mandate of 20 hours per week of employment are not required to do more mandatory work activities, which may interfere with other, familial responsibilities or educational activities that will move the family toward self-sufficiency. This is not a minor point -- working recipients often find it difficult to pursue additional training and education because of DPW imposed demands and caseworker hostility to such pursuits.

Not to revise the regulations on behalf of working recipients would be contrary to the express dictate of the Legislature, which determined that 20 hours of work per week was an acceptable minimum. This is not to say that low wage families should not be encouraged to increase their hours of employment, nor to participate in other programs voluntarily, but they should not be forced to do so. Certainly the incentive to earn enough money to escape poverty should be incentive enough and all that the Legislature expected.

Remedy: Add the following sentence to the end of the subsection: "However, persons who are employed at least 20 hours per week are not required to participate in another work-related activity."

The Requirement to Maximize Employment.

§ 165.1(a) and other sections as noted below

Throughout, the proposed regulations impose an obligation to "maximize employment" that has no statutory authority. Any recipient who is working 20 hours/week is not subject to any additional work activity requirements. 62 P.S. § 405.1(a.2)(2). Act 35 requires only that recipients "seek employment, accept any offer of employment and maintain employment," *id.* § 405.1(a.2)(1), and expressly dictates that the Department's work requirements recipients be designed to enable recipients to secure "part-time employment which can establish a work history." *Id.* § 405.1(a.1). Rather than paralleling Act 35's language, however, this regulation (and its equivalents as listed below) goes beyond it by requiring recipients to "seek, accept, maximize and maintain employment." Besides being illegal, this regulation is not good policy: in choosing not to impose a work obligation greater than 20 hours/week, the General Assembly recognized that many single parents are unable to work more hours because they have competing obligations. In particular, many parents have disabled or troubled children who need more attention than a full-time worker can provide. Requiring such parents to work full-time may have severe repercussions for their children's future.

Remedy: All reference to "maximizing" employment should be deleted in this section and in the following:

- § 125.1(f)(2)(vi)
- § 133.23(a)(1)(vi)(B)(V)
- § 141.41(e)
- § 141.61(a)(1)(xv)
- § 165.31(c)(2)

8. The Proposed Regulations Do Not Deal Fairly with Exemptions.

165.21(c) Enrollment -- Deleted Exemptions

The new regulation deletes numerous long-standing work exemptions that are no longer mandated by the welfare code but are still worthy of consideration since the conditions are common sense reasons that a recipient may not be available for work, including: persons 60 years of age or older, persons incapacitated by drug or alcohol problems and in treatment, persons needed in the home because of the illness or incapacity of another member of the household, and pregnant women. The Department, in preamble to §165.21 (c)(2)(4) states that such persons will have the opportunity to establish good cause under §165.52. However, they are not specifically listed as bases for "good cause" in that

regulation, which is primarily written in terms of "good cause" for not accepting a job. The good cause regulation should be amended to explicitly allow these exemptions where appropriate.

Remedy: Add the following to Section 165.52 as possible bases of good cause: the person is 60 years of age or older; the person is incapacitated by drug or alcohol and is enrolled in treatment, the person is needed in the home because of the illness or incapacity of another member of the household, or the person's pregnancy interferes with compliance.

165.21(c)(2) *Exemption for Lack of Child Care*

The text of the proposed regulation is inconsistent with the federal TANF law, which provides that a person may not be sanctioned because of "unavailability of *appropriate* child care within a reasonable distance from the individual's home or work site." 42 U.S.C. § 607(e)(2)(A) (emphasis added). The proposed regulation's failure to follow the italicized TANF language could subject the state to federal penalties and, more importantly, endangers children. Leaving out the requirement that the child care be "appropriate," let alone failing to define it in contravention of federal regulation, 45 C.F.R. § 261.56, has the potential to force parents to accept inappropriate child care, especially in rural areas or in situations where night-time care is needed but options are few.

Remedy: The last phrase should read, "for whom alternate *appropriate* child care arrangements are unavailable within a reasonable distance from the individual's home or work site." Furthermore, consistent with federal regulation, DPW should develop standards for determining "appropriateness" and "reasonable distance."

165.22 Verification of Exemption

In deleting existing Section 165.11 on verification of exemptions and folding that section's text in this one, DPW has omitted a longstanding provision from the former regulation that has been in effect since 1992.

The proposed regulation provides that failure to verify an exemption will lead to enrollment in RESET "unless the person has cooperated and verification is unavailable." §165.22(b)(2). However, it deletes additional language from existing §165.11(b): "or unless it is clear that the person is exempt." This change suggests that even when it is clear that a person is exempt but has

not verified the exemption, he or she will be enrolled. For example, a person who is clearly mentally ill might be enrolled, even when it is apparent to the case worker that the person will not be able to either understand the requirements or comply. Such an action can be anticipated to lead to a sanction of a very vulnerable person.

This deletion from the existing Section 165.11 is not required by Act 35 and will not interfere with the aim of the Act to encourage self sufficiency. On the other hand, it will have a deleterious effect on persons with disabilities and hamper them from obtaining exemptions. Such insistence on verification in all cases regardless of personal limitations will put the state at risk of violating the Americans with Disabilities Act, 42 U.S.C. §12101-213. The deleted text should be restored.

Remedy: The following phrase should be added to the end of subsection (b) (2): "or unless it is clear that a person is exempt."

165.25 Enrollment after an Exemption Ends - *General*

The proposed regulation states, "A person who was formerly exempt is required to participate in a work or work-related activity in accordance with the following...." The subsequent list includes various dates on which an exemption ends, such as the date a child without child care becomes age 6, the date an infant reaches age 1, etc.

The regulation more accurately would state that the exemption ends on such date, but not that participation in a work activity necessarily begins that very day. For instance, a person who had not received prior notification of the exemption's end may not have child care arranged immediately or have found an appropriate work activity.

Remedy: The language quoted above should be put into a subsection (a), which would read, "A person's exemption ends in accordance with the following...." A new subsection (b) should state: "A person whose exemption is ending will be given notice of its ending by the Department and an adequate opportunity to locate and prepare to begin in work or a work-related activity."

165.25(2) Enrollment after an Exemption Ends -
Alternative Child Care

The proposed regulation provides that a person excused for lack of child care "is required to participate as soon as alternate child care arrangements are available...." The word "appropriate" should

be added to described the alternative child care. There has been much controversy on the subject of child care in Pennsylvania — particularly on child safety — and the regulations should not be written so that participants are required to put their children into any possible arrangement, despite questions about its safety, reliability, quality of care, etc. Moreover, as noted in the discussion of the regulation describing the exemption itself, § 165.21(c)(2), failure to consider appropriateness would violate federal TANF law.

Remedy: Add the word "appropriate" before "alternate child care arrangements."

9. DPW's RESET Requirements Are Inconsistent with the Statute and Are Over-reaching.

165.31 RESET participation requirements

The proposed regulation at §165.31 (b)(2) requires individuals to "maximize and maintain" employment. This phrase is not found in the RESET statute and represents overreaching by the Department. DPW erroneously maintains that individuals who are working the requisite 20 hours can still be required to participate in DPW selected employment and work activities, even when those recipients are pursuing a path that is more likely to achieve self sufficiency through work and education, rather than simply adding additional hours of low wage, entry level employment. DPW's continued resistance to education is the reason why Pennsylvania does so poorly in measures of job retention and advancement, as compared to other states. <<<http://www.acf.dhhs.gov/programs/opre/hpb/table2.htm>>>

Second, the Department again inserts the requirement that the recipient "participate in ... work related activity, including those specified on the AMR." §165.31(c). Nothing in the statute affords the Department such sweeping and arbitrary powers. The entire rationale of the AMR is to forge a *mutual agreement* between the recipient and the Department that lays out what the recipient is expected to do and what supportive services she can expect. The statute says, "the CAO ... shall assess the additional measures that may be necessary ... including the type of work related activities These measures shall be incorporated into ... the AMR." 62 P.S. §405.1 (a.2)(4). DPW's approach undermines this legislatively mandated concept and opens the door to confusion and uncertainty.

Third, the approach taken throughout fails to give proper weight to the legislative expectation that recipients would begin their time on TANF with a short (eight week) job search, followed by an

assessment of where those recipients who did not find work need further help in order to become self sufficient. DPW has both in policy and in practice circumvented this approach. It has done so, first by often requiring a job search of eight weeks *plus* an additional 90 days (many of the Department's "quick attachment" contractors run programs of such duration) and second by never doing real assessments. The proposed regulations should, if followed, make it clear that the job search is limited to eight weeks, assuming that the other language discussed above is modified so that DPW does not have unlimited power to dictate further, unspecified activities. As to the lack of assessments, the regulations must be revised to include that requirement, as mandated by the General Assembly and the federal statute, 45 C.F.R. §261.11 and the ADA, see below. Failure to require assessments results in many people drifting through their first two years on welfare and never finding services they need to become self sufficient.

Remedy: Delete the phrase "including, but not limited to, those specified on the AMR." Add language requiring assessment for those unable to find work.

165.31(c)(3) *12 month limit on education and training as a work activity*

The regulation limits those who have not found employment during their first 24 months of TANF to no more than 12 months of vocational activity, general education, English-as-a-Second Language and jobs skills training combined. While it is true that such activity alone may constitute work activity for 12 months, it is certainly a permissible activity, when combined with other activity, even after 12 months. Moreover, an extension beyond 12 months may in certain cases be an appropriate remedy under both the Americans with Disabilities Act regarding people with disabilities, who may require more than 12 months to ready themselves for work, and Title VI of the Civil Rights Act, which precludes discrimination on the basis of natural origin, and which has been applied to those who do not speak English as their primary language. See ADA section below. DPW has already been the subject of a Civil Rights complaints regarding discrimination against those who do not speak English; this regulation would only add to that dispute. Similar objections can be raised regarding the application of this law to people with disabilities, who may require more than a year to overcome their barriers to employment. A blanket policy that does not allow for "reasonable accommodation" would violate of the ADA and is also unwise, since it would effectively preclude employment for parents who might otherwise become self sufficient.

Remedy: clarify that the one year limitation only pertains to activity undertaken by itself. Add language allowing the 12 month maximum to be exceeded in order to comply with the ADA or Title VI.

165.31(c)(4) *High School/GED as a Work Activity*

DPW's subregulatory policies explicitly permit a person under age 22 to be found to have good cause to be excused from the 20 hour work requirement, even after 24 months of high school while a TANF parent, if he or she is: (1) continuing with high school; or (2) attending at GED program at least 20 hours per week. See Operations Memorandum 99-9-3, Summary on RESET policy on Access to Education, at p. 4 (September 14, 1999) (attached, Exhibit 3).

So that a reader is not confused into thinking that a person necessarily must leave a high school or GED program after 24 months, explicit reference should be made to the "good cause" basis for continuation of education.

Remedy: The phrase "a maximum of" should be deleted, and the following language should be added to the end of proposed § 165.31(d)(4):

"... although if under age 22, he or she may have good cause after 24 months to complete his or her high school program or to attend an equivalency program for at least 20 hours per week."

165.31(d) *Post-24-Month Work Activities*

Contrary to state law, the proposed regulations attempt to make working 20 hours per week "a condition of eligibility" and state that failure to work that number of hours, without good cause, will result in the imposition of a sanction. This is in conflict with the wording of the statute, which says that the inability to find 20 hours of work per week is grounds for a review of eligibility and development of a plan to find and begin participation in 20 hours of work activity. 62 P.S. §405.1(a.2)(6).

When the post 24 month provision of the statute first became effective on March 3, 1999, DPW adopted this statutorily based approach, using the statutorily mandated "review of eligibility" to explain to recipients that they had to find work or they would be assigned work, work experience placement or workfare. This was in keeping with Community Legal Services' analysis of state law, which was instrumental in the development of the March 1999 policy.

(attached, Exhibit 4). Under state law, only those who *willfully* refuse to cooperate are to be sanctioned.

Despite this workable procedure, the new regulations seem to embark on a new policy. While it might be that this is unintentional, the rule, as written, installs a much harsher policy that is inconsistent with both state law and current operations. We urge DPW to rewrite the regulations to reflect its current practice instead of the new policies set forth in the proposed rulemaking.

Selection of work activities

The proposed regulation states that the recipient must participate in work activities "as approved by the Department...." This is an example of DPW attempting to control a participant's choice of work activities, even though nothing in the statute bestows this authority. See 62 P.S. § 405.1(a.2)(6). Again, the appropriate work activities are the one's agreed upon in the Agreement of Mutual Responsibility. The AMR process is designed to be a consultative process. It is not simply a question of the Department approving a particular activity.

Remedy: Delete the phrase "as approved by the Department."

Status of Work Study

In subregulatory materials DPW has construed "work" as including "work study." See Operations Memorandum 99-9-3 at p. 3. This activity should be included on the list of permissible activities, particularly as it is one that is likely to make continuing and completing an educational program possible.

Remedy: Add a new 165.31(d)(1)(vii) that explicitly includes work study.

165.31(e) Agreement of Mutual Responsibility

This provision is not consistent with Act 35's statutory provisions on the AMR.

Notably, the regulation provides, "Final approval of the work and work-related activities listed in the AMR rests with the Department." However, the statute requires an applicant/recipient to "enter into a mutual agreement...." 62 P.S. § 405.3(a). Nothing in the regulation suggests that this is to be a mutual agreement — instead it merely gives the Department "final approval." But, as noted above, the statute does not give DPW authority to dictate which of the list of allowable work activities

a participant must perform, to the exclusion of all others. 62 P.S. § 405.1(a.2)(5) and (6).

Too often we have found that recipients are assigned to activities not on the basis of an assessment of their individual needs but rather based solely on what the caseworker perceives to be the needs of the Department -- to fill slots in programs.

Remedy: Delete the sentence that states, "Final approval of the work and work-related activities listed in the AMR rests with the Department." Replace it with a sentence, taking text directly from the statute, that provides:

"The recipient and the Department will enter into a mutual agreement that will set forth the responsibilities and obligations to be undertaken by the recipient to achieve self-sufficiency, the time frames within which each obligation is to be completed, the penalties for failure to comply and the actions to be taken by the department to support the efforts of the applicant or recipient."

165.31(f) Self-Initiated Education and Training

By failing to revise parts of the regulations in effect before Act 35 was passed, the proposed regulation continues policies concerning education and training that are not supported by the new statute.

Limitations on employment and training

First, the conditions from the prior version of the regulation are retained: that the person attend at least half-time; that the person must demonstrate that they are making satisfactory progress; and that the activity is not secondary education or an equivalent level of vocational or technical training, unless the individual is either a pregnant female or custodial parent. §165.31(f)(1)-(3). Again, nothing in Act 35 that makes education and training an allowable work activity during the first 24 months contains these limitations. See 62 P.S. §405.1(a.2)(5).

Remedy: The following language should be deleted: "if in addition to the criteria in subsection (f), the following conditions are met:" Also, subsections (1) through (3) should be deleted, and subsections (4) and (5) should be renumbered (1) and (2), and amended as recommended below.

Special allowances

DPW is to be commended for the practice of supporting education and training by offering special allowances when a person engages in education and training, even if it is not a mandated work activity. This policy, which has been effect for some time, see Operations Memorandum 99-9-3 at pp. 1 and 2, should be codified in this regulation to insure uniformity and reliability.

Remedy: A new §165.31(f) (3) should be added:

"Special allowances should be approved for education and training activities on a person's AMR, even if these activities are voluntary, such as if a person is in education and training in addition to another work activity."

165.31(f) (4) *Education and Training During First 24 Months*

There are several problems with this proposed section. Some provisions are inconsistent with the statute. Another problem is the failure to explain the option to continue education or training after 12 months if combined with work or work activity, which is consistent with current DPW policy.

First, the proposed regulation states that training must be "approved." As we have pointed out repeatedly, nothing in Act 35 gives DPW authority to veto a person's chosen work activity if it is among the permissible activities, and education and training is permissible during the first 24 months. In any event the appropriate discussion is whether it should be included in the Agreement of Mutual Responsibility. See 62 P.S. §405.1(a.2)(5).

Remedy: Delete the word "approved."

Second, the section needs to make it clear that after pursuing education or training for a year, such activity may still be part of an AMR, although it will not in and of itself satisfy the work related activity requirement. DPW data has shown that there have been disappointing results in getting people work ready during their first two years of TANF receipt. Indeed the Department has begun a Community Connections initiative to do community based outreach at least in part to address this problem. In addition, the early engager "Time Out" is aimed at getting people to begin education or training during their first two years. At the very least, it makes sense to adopt a policy that encourages recipients to pursue needed education and training, even if it takes longer

than 12 months. DPW has publicly stated that this is the Department's policy. The regulation should reflect that position.

One place where DPW has publicly represented that this is its policy was during the Senate debate over House Bill 1266; based on DPW's representations that this was their policy, the Senate decided not to pass H.B. 1266 and instead leave DPW with the flexibility that they contended they needed. To now allow regulations to be published that fail to articulate this policy is inconsistent with the representations made to the Senate.

Remedy: Add language that makes it clear that any valid education or training that will lead to self sufficiency may be supported in the AMR. Also add language that makes it clear that recipients may pursue education or training beyond one year if they combine it with another work activity.

165.31(f)(5) *Education and Training After 24 Months*

As drafted, this provision states that a person must fulfill the post-24-month 20 hour work requirement even if he or she is already participating in education and training. This is not consistent with DPW's policies on completing education and training programs after 24 months, as negotiated after the implementation of the work requirements in March, 1999 and especially after the House had passed House Bill 1266. DPW made a number of promises to legislative leaders and the public to obviate the need for legislation that authorized a greater emphasis on education and training.

Operations Memorandum 99-9-3 (Exhibit 3) recognizes limited good cause exceptions for not meeting the 20-hour work requirement for persons in internships, practicums or student teaching. A later Operations Memorandum, Good Cause for Education Post-24-Months 00-9-4 (Sept. 18, 2000) (attached, Exhibit 5), recognizes good cause for not meeting the 20 hour work requirement for certain persons who are completing education and training programs after 24 months. The proposed regulations do not appear to allow such exceptions.

Remedy: The Operations Memoranda addressing good cause exceptions to the 20 hour work requirement for persons in education or training should be incorporated into this provision. Section 165.52 concerning good cause should be specifically modified to permit this outcome.

165.31(g) Exempt Voluntary Participation

This section has been appropriately revised to include DPW's policy that work-exempt individuals with a documented disability who nonetheless volunteer for a training program are not required to participate in 8-week job search as an initial activity. However, the regulation should also state that special allowances (e.g., transportation and childcare) are available to exempt volunteers, Operations Memorandum 99-9-3 at p. 2 (Exhibit 3), since this has been a problem in the past. This is particularly important for DPW's new "Exempt Volunteer" Time Out policy, which further incentivizes employment and training activities among persons who have RESET exemptions. See 31 Pa.Bull.1639 (March 24, 2001) and Operations Memo, Maximizing Participation Project (MPP) CAO Procedures (attached, Exhibit 6).

Remedy: Add the following sentences to the end of the provision:

"An exempt volunteer should be given special allowances to participate in appropriate activities."

10. The Attempt to Eviscerate the Sanction/Conciliation Process is Unwise and Unlawful.

165.51 Conciliation (to be renamed "Compliance Review")

Even the name change for this section suggests that DPW is attempting to make changes that will adversely affect recipients, by shifting its focus away from helping recipients comply with work requirements and toward a more punitive stance. This section deals with the process that is to be followed when a recipient is suspected of refusing to comply with work requirements. The law is clear that if a recipient is wilfully noncompliant, the family is subjected to severe and escalating sanctions.⁶ Thus, it is very important to assure that the process of invoking sanctions is fair and reasonable. The current regulation requiring conciliation has been in effect for more than 20 years. 22 Pa. Bull. 4875 (October 2, 1992) (effective retroactively October 1, 1989).

DPW has proposed rewriting the Conciliation regulation, despite having absolutely no statutory mandate for change. These changes

⁶ The sanction for the first instance of "willful noncompliance" is a disqualification for at least 30 days and possibly thereafter, until a person is willing to comply. A second offense is punishable by at least 60 days and a third by permanent disqualification. Transgressions during the first 24 months result in the offending adult being removed from the grant; after 24 months, all sanctions affect the entire family. See generally, 62 P.S. §432.3(a).

deal with the key question of insuring that recipient families are given the opportunity to resolve any differences that they may have with the agency concerning their work requirements.

Don't we owe it to all Pennsylvania families to make absolutely sure that any shortcomings are willful and without excuse? Isn't compliance and self sufficiency a more important goal than punishment? From a legal point of view, doesn't the truncation of the conciliation process and the resultant loss of flexibility raise serious concerns about compliance with the Americans with Disabilities Act?

DPW has somewhat modified its original position but still proposes elimination of the directive that DPW workers "exhaust efforts toward conciliatory resolution of disputes ... before the issuance of a notice of adverse action" and, incredibly, that all conciliatory efforts be documented in the case record. Finally, DPW proposes eliminating the requirement to have these conciliation sessions at an agreed upon time, instead stating that the caseworker will merely consider the recipient's schedule.

The existing standards for conciliation provide important safeguards for recipients and prevent inadvertent mistakes. Certainly the Department has been able to sanction thousands of families under the existing regulations. Current DPW data shows that at least 4,000 recipients families are being sanctioned in any given month. DPW, Number of TANF Adults Disqualified Due to Sanctions (September 10, 2001), (attached, Exhibit 7). Even with the existing safeguards and the Conciliation regulation, when DPW did a pilot project where families about to be sanctioned were visited by a community organization, approximately 80% were found to be avoidable with proper treatment and counseling. Other states lacking such protections up front have found that many unnecessary sanctions are imposed. Both Connecticut and Tennessee have found that when they review sanctions that have been imposed or are about to be imposed that many are wrong or at least avoidable. Neighboring Delaware, as well as Utah, have found that many of those sanctioned are families with ongoing social problems and high degrees of disorganization, suggesting that the sanctioned behavior is not so much due to deliberate choice, but rather due to dysfunction and previously undiagnosed mental health and mental retardation problems.

Given these experiences, we ask, is it too much to ask that a caseworker exhaust all reasonable efforts to bring people into compliance and to write down what efforts they made, so that they can be reviewed later for adequacy? Is it too much to ask that caseworkers arrive at a mutually agreeable time for a conversation,

whether it be in person or by phone, before depriving a family of what may very well be their entire livelihood?

Experience prior to these regulations showed that many of the sanctions being imposed were for trivial things, like a mother who could not get to a training class at 9:00 am because she had to walk her kindergartner to school through a dangerous, drug infested neighborhood. Her caseworker's initial response was that she should teach the child to walk to school by herself, or get another child to escort her. With a conciliation program, the problem was resolved by switching her to another class that started slightly later in the day. This is exactly the kind of flexible solution that the current regulations offer and, indeed, require. The protections in the current regulations should not be diluted so that DPW can sanction more families with fewer procedural protections. The purpose of Pennsylvania's welfare code is to establish self-sufficiency, not to punish errant families at the first opportunity. Ultimately, cooperation must be secured, even after a sanction takes place.

What can possibly be the objection to directives found in subsection (b) "to explore ways to facilitate a mutually advantageous relationship that will make the recipient more employable and help the recipient reduce dependency?" Or to help the recipient reach a "reasonable resolution?" Even the directive to reschedule appointments unless the recipient shows a clear pattern of missing appointments (language that DPW also proposes to delete) is meant to insure that earlier abuses are not repeated and that recipients are afforded a reasonable chance to comply. Instead of this flexible but firm approach, DPW has proposed language that states, "at the compliance review, the recipient has an opportunity to present information concerning the recipient's compliance...." This is clearly a change in attitude and tone that is deliberate and meant to make it easier for caseworkers to sanction individuals that they deem to be at fault.

In the period before the adoption of these regulations, sanctions often resulted from scheduling CAO appointments when recipients had doctor's appointments, or school functions or even job interviews. Even with the current regulations, we see cases where people are being sanctioned for unwitting mistakes rather than deliberate defiance of work requirements. Under the current regulations such problems are quickly resolved rather than result in sanctions. If the proposed regulations are adopted, we anticipate a return to the day when recipients were routinely sanctioned when they missed even one appointment, scheduled at a time and place over which they had no control. Prior to the adoption of this regulation, CLS and other community organizations also regularly saw people who were sanctioned for failing to keep a single appointment for which they

got less than 24 hours notice. It was these kind of abuses that made the regulation as it is currently written necessary. All that would remain under the proposed regulation would be vague standard that recipients who are noncompliant would be sanctioned unless they can show "good cause." Nothing exists to explain what good cause would be, other than to trust to the subjective feelings of impatient caseworkers.

Remedy: Keep the existing conciliation protections in the regulations.

165.61(a) Sanctions

Subsection (a) of the proposed regulation is a laundry list of purported bases for sanctions. Compared to the statute, which lists three transgressions that can result in sanction, the regulatory list covers several pages and 12 different sanctionable transgressions, several with multiple subparts. Moreover, the list is much broader than the comparable provision in the statute. See 62 P.S. §432.3(a). Included are transgressions that have no statutory basis, such as "(6) fails to maximize employment" as well as requirements that leave out statutory protections, such as only permitting a sanction for failure to work only when the recipient "is able to engage" in the assigned work. 62 P. S. §432.3(a)(iii). In addition, the proposed regulation, at subsection (9), calls for sanction when an individual "fails to participate in one of the following work activities during the first 24 months" without any requirement that the person be referred to such a program. Read literally, the regulation requires sanction of an individual who does not speak English for failing to find and enroll in an English-as-a-second-language program, even if they did not know of its existence and no one had directed them to go to the particular program. The statute, however, makes it clear that any such training and educational programs shall be developed only after consultation and an assessment of needs and the incorporation of such recommended programs into an individual's Agreement of Mutual Responsibility. 62 P. S. §405.1(a.2)(4)&(5). DPW attempts to short circuit this consultative process and put all of the potential responsibility on the individual, in flagrant defiance of the statutory language. Similarly, subsection (12) authorizes sanction if an individual "fails to apply for work at the time and in the manner the Department may prescribe." Nothing in the Act gives the Department powers so broad and so subject to arbitrariness and abuse.

Remedy: The regulation should follow the text of the statute for grounds for sanctioning.

165.61(c) (3) *Sanction for Reduction of Hours*

This proposed regulation implements the statutory penalty of reducing the TANF grant based upon a reduction of earnings but authorizes this alternate penalty only in the first 24 months. However, the statute makes clear that it can also be an alternative penalty after 24 months. 62 P.S. § 432.3(b). This is a critical difference, because all post-24 month sanctions otherwise are full family sanction of at least 30 days duration. Especially where the sanctionable activity is a slight reduction in hours worked, the punishment should not be as severe as a full family sanction, and indeed the state statute does not authorize such a limitation.

Remedy: Delete the phrase "during the first 24 months."

165.71(b) Notification

The current regulations provides notice that the sanction period is over and the recipient may again be eligible for full benefits. DPW has commendably retreated from its earlier proposal to eliminate this reminder. This is of considerable importance, since Departmental data suggests that many sanctions go far beyond the statutorily prescribed periods.

The proposed regulation, however, needs to prescribe when the notice should be sent. In order to insure fairness and effectuate prompt compliance, the notices should be timed to arrive shortly before the 30 and 60 day time periods expire, so that recipients have the opportunity to keep sanction periods to the statutory minimum.

Remedy: Require that the notice be sent 5 days before the expiration of the statutory minimum period.

OTHER PROVISIONS

11. The Gross Income Test Should Be Repealed.

183.71 Gross Income Test

Under the former AFDC program, 42 U.S.C. §602(a)(18), there was a gross income test set at 185% of the state's standard of need. Any family who exceeded this level was ineligible, regardless of other disregard policies that might reduce their income to an otherwise eligible level. Pennsylvania announced that it was abolishing this test when it implemented the TANF program, in part because it would have undermined the 50% disregard of earned income that it also adopted. Now, however, when it is finally revising the regulation,

DPW seeks to hold on to this test, at least for non-recipients. This is patently unfair and will actually discourage working families from going off TANF to preserve months of eligibility. Even a one month break in eligibility will disqualify the family, if its income exceeds 185% of the standard of need. For example, an *applicant* family of three would be ineligible if their gross income exceeded \$587, even though a *recipient* family earning \$588 would receive \$109 in monthly TANF payment. Such a policy only adds to the animus towards the TANF program and discriminates against the working poor.

Remedy: DPW should eliminate this outdated and pointless rule.

COMMENTS ON SUPPORT REGULATIONS

12. The proposed regulations Do Not Protect Victims of Domestic Violence

We understand that extensive comments on the support regulations, particularly with respect to domestic violence waivers, will be addressed by the Women's Law Project and the Community Justice Project, both of whom have representatives on DPW's Domestic Violence Task Force. CLS and the clients it represents in this rulemaking endorse their comments. Here, however, we address several themes regarding the deficiencies of the support regulations where waivers are required in cases involving domestic violence. Also, we address a few support issues not related to domestic violence waivers.

Context of domestic violence and support actions

The failure of the support regulations is not that domestic violence waivers are entirely absent from the support cooperation requirements. Rather, this is an instance where "the devil is in the details." The support regulations on the domestic violence waivers contain: (1) inadequate notice requirements; (2) excessive verification requirements; and (3) arbitrary expirations of the waivers. These failures are not small, marginally important details. To the contrary, they could expose women to extraordinary harm.

Support cooperation is a not a mere inconvenience for domestic violence victims, but a highly risky undertaking. In and of itself, the filing of a support petition against an abuser is extremely likely to enrage him, and his anger may cause him to repeat his prior violent behavior against his former partner. Moreover, if not handled appropriately, the petition could alert the batterer to his former partner's whereabouts. Even if he does

not learn where she is living, the abuser may see his partner in court at the support hearing, putting her in close proximity to him at a time he is particularly angry.

For these reasons, the details of the domestic violence waivers from the cooperation requirements are crucial. Given that the possible consequences include physical and mental harm, and even death, the stakes are much too high to tolerate anything less than exacting implementation of the waivers.

Concern for the safety of domestic violence victims and the need for precision in the details were at the core of policy and procedure recommendations submitted by the Domestic Violence/TANF Task Force and approved by DPW. The deficiencies outlined below are all inconsistent with the policies and procedures to which DPW agreed during the Task Force implementation process.

Inadequate notification to the applicant or recipient

187.25 Notification to the Applicant or Recipient

Proposed §187.25(a) provides that the CAO will provide oral and written notification to an applicant or recipient of the right to claim a good cause exemption from the cooperation requirements. However, it provides that only the written notice must state the details required by subsection (a), which includes circumstances constituting good cause, proof of good cause, and the procedure for the good cause determination.

The reason for requiring oral notification of the right to claim good cause is manifest: The danger of domestic violence is too significant to trust to paper notification. If notification is only written, women may miss reading it in the raft of paper that accompanies the welfare process, or limited reading comprehension may prevent them from understanding the written notice.

Oral as well as written explanation of good cause was recommended by the Domestic Violence Task Force, agreed to by DPW, and published in DPW's Operations Memorandum, 00-06-10, The Family Violence Option: Revised Child/Spousal Support-Good Cause Requirements/Procedures (June 30, 2000) attached, Exhibit 8). It must also be required in the regulation.

Remedy: Add the words "oral and" before the word "written" in § 187.25(a).

Burdensome documentary requirements

187.27(b) Waiver of Cooperation for Good Cause – *Proving the Good Cause Claim*

First, §187.27(b), which governs proof of good cause, repeatedly uses the words "corroboration" and "corroborative evidence." These word suggests that evidence in addition to the woman's self-affirmation of her abuse is needed, when in fact DPW agreed in its Operations Memorandum that self-affirmation can in some cases be sufficient.

Remedy: The words "corroboration" and "corroborative evidence" should be replaced by the word "verification."

187.27(b)(1)(iv) *Evidence of good cause*

Second, §187.27(b)(1)(iv) includes specific details regarding medical verification that are burdensome and inconsistent with the verification procedures set forth in subsection (vii) and the Verification form described therein which were developed by DPW to establish verification for domestic violence waivers.

Remedy: Subsection (iv) should be deleted and the remaining subsections renumbered.

187.27(b)(1)(v) *Evidence of good cause*

Third, §187.27(b)(1)(v) does not set forth the full scope of good cause circumstances, as set forth in §187.27(a)(4).

Remedy: Delete the phrase "indicate that the putative father, noncustodial parent or absent spouse might inflict harm on the individual or family member as specified under subsection (a)(4)"; replace it with "verify domestic violence as defined at subsection (a)(4)."

187.27(b)(1)(vi) *Prohibition on contacting abuser*

Fourth, the last sentence of §187.27(b)(1)(vi) is a critical statement that is misplaced. That sentence is, "The CAO may not contact the putative father or noncustodial parent to verify good cause in a domestic violence situation." Rather than being included in this list of possible verification, the sentence should be included in § 187.27(b)(2), which describes the CAO's role in assisting with verification.

Remedy: Move the last sentence of §187.27(b)(1)(vi) to the end of §187.27(b)(2),

187.27(b)(1)(vii) *Person completing waiver application*

Fifth, §187.27(b)(1)(vii) provides that "the person with domestic violence training" (i.e., domestic violence prevention agencies) and the recipient will complete the good cause form. This is a burden that should not be placed on such providers; moreover, by involving a third party, the requirement may delay or prevent processing of the request. The Task Force and DPW had agreed that the form would be completed by the CAO, working with the recipient.

Remedy: Replace the words "the person with domestic violence training" in §187.27(b)(1)(vii) with "the County Assistance Office."

Inappropriate end of waivers

187.27(c)(3) and 187.23(d)(4) *Expiration of waivers*

Section 187.27(c)(3) provides that the CAO, court of common pleas, or DRS approving a waiver will establish the expiration of the waiver. Section 187.23(d)(4) also makes references to "expiration" of the waiver. However, the notion of expirations at an arbitrary date conflicts with the Family Violence Option incorporated in TANF and adopted by DPW, which provides for waivers "so long as necessary." 42 U.S.C. §602(7)(A)(iii). Also, expiration of waivers was not even discussed by the Domestic Violence Task Force, which recommended — and DPW agreed — that waivers should last as long as needed, subject to review every six months. The Operations Memorandum provides for six month reviews, but does not include the establishment of an expiration date.

Setting expiration dates for these waivers is extraordinarily problematic. There is no reason to think that domestic violence is susceptible to being resolved by a date certain. If a waiver were to expire and a support action begun by DPW before a woman could seek to re-establish it (which could happen for a multitude of reasons, such as she was not aware of its expiration or she is too busy dealing with her problems to attend to it), the woman could be in as much danger as she was at the time that the waiver was granted. The provision for six-month review better protects these vulnerable families while satisfying DPW's interest that waivers not be permanent where not required by the circumstances of a particular case.

Remedy: In §187.23(d)(4), change the phrase "until the good cause waiver expires" to "as long as the good cause exists." In §187.27(c)(3), eliminate the phrase, "the DRS will establish the expiration of the waiver and...."

187.27(c)(4) *Period for review of good cause*

Moreover, §187.27(c)(4) provides that a review of good cause may be earlier than six months. Reviews in less than six months was never discussed with the Task Force, much less agreed upon.

Remedy: Delete the last sentence of §187.27(c)(4).

Other support provisions

187.22 *Definitions -- budget group*

We object to the requirement that all siblings be included in the budget group, including children for whom support is being paid. The federal requirement that these children be included in the budget group was repealed when AFDC was replaced by TANF in 1996. DPW can and should permit parents to leave children receiving support out of the budget group if they so choose, promoting self-sufficiency and encouraging non-custodial parents to support the children.

Remedy: Modify the regulation to permit the removal of children from the welfare grant when the custodial parent elects to do so.

187.23(b)(6) and 187.23(c)(6) *Paying support to DPW after assignment*

These provisions require that a parent who receives support payments directly from an absent parent after an assignment of support is made to pay these funds over to DPW. We note that in the initial month of application for TANF any support received or anticipated to be received by the TANF parent is counted in determining the family's TANF payment, subject to a \$50 disregard.

Remedy: These provisions should be modified to reflect the fact that support received directly from the absent parent is not always required to be paid over to DPW.

13. DPW Has Failed to Consider the Mandates of the ADA in its Proposed Regulations

Throughout our comments, we make reference to various proposed regulations which in our view violate the Americans with Disabilities Act ("the ADA"). The ADA shortcomings tend to fall into two categories: either DPW fails to provide assistance necessary to allow persons with disabilities to successfully participate in the TANF program, or it fails to modify rules that will allow persons with disabilities to fully benefit. The purpose of this section is to provide the legal background on this issue and to pull together the ADA violations that are pointed out throughout this document.

Title II of the ADA provides, "[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. In a recent policy guidance, the Office for Civil Rights ("OCR") of the U.S. Department of Health and Human Services ("HHS") discussed the application of this rule to administration of the TANF program. Office for Civil Rights, U.S. Department of Health and Human Services, Prohibition Against Discrimination on the Basis of Disability in the Administration of TANF (Temporary Assistance for Needy Families) (January, 2001) ("the OCR ADA guidance") (attached, Exhibit 9). It can also be found at <http://www.hhs.gov/ocr/prohibition.html>.

The OCR ADA guidance identified two central concepts of the ADA applicable in the administration of TANF programs: individualized treatment, and effective and meaningful opportunity to participate. Id. at Part B. It also set forth three core legal requirements. First, equal access to the TANF program must be ensured through the provision of appropriate services.⁷ Id. at Part D.1. Second, policies, practices and procedures must be modified to provide equal access to the TANF program and services by people with disabilities.⁸ Id. at Part D.2. Third, the TANF program must adopt

⁷ The ADA and Rehabilitation Act regulations provide that a public entity may not provide a qualified individual with a disability with a service or benefit that is not as effective in affording equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement as others. 28 C.F.R. §35.130(b)(1)(iii); 45 C.F.R. §84.4(b)(2).

⁸ According to the ADA regulations, where necessary to avoid disability discrimination, a public entity is required to make reasonable modifications in policies, practices, or procedures, unless these changes

non-discriminatory methods of administration. Id. at Part D.3. See also, 28 C.F.R. § 35.130-(b)(3)(ii). The OCR guidance leaves no doubt that so-called neutral criteria in state TANF programs which hinder the effective participation of qualified individuals with disabilities are prohibited and must be modified. See also, 28 C.F.R. § 35.130(b)(8) (prohibiting the application of eligibility criteria which tend to screen out qualified persons with disabilities from fully and equally enjoying any service or program, unless necessary for the provision of the program).

In the comments that follow, we identify numerous ways in which the proposed regulations violate the ADA. Notably, each violation is specifically addressed in the OCR guidance.

1. *Failure to provide assessments (§§141.41(e), 165.31)*: Our comments note that the regulations, like actual program implementation by DPW, have failed to include the assessment required by Act 35. This failure violates not only state and federal welfare law, however, but also the ADA. Without knowing whether a recipient has a disability that requires reasonable accommodations, DPW cannot properly provide assistance and modifications. The OCR ADA guidance notes that the assessment is "critical" and lays out a variety of promising practices for the assessment process. OCR ADA guidance, Part D.1.

2. *Enrolling persons in RESET who fail to cooperate with verification of work exemptions but clearly are exempt (§165.22)*: As noted, language which DPW proposed to remove from an existing regulation would have the effect that a person who did not cooperate with the verification process would be enrolled in the work program, even though he or she is clearly exempt. For example, take the case of a mentally disabled adult who is not able to follow the usual perfunctory instructions to obtain verification and is perceived to be uncooperative. The OCR guidance states that the ADA requires that assistance should be provided to persons with disabilities who need help to complete the application process. OCR ADA guidance, Part D.2.

3. *Twelve month limitation on education and training as a work activity (§165.31(c)(3))*: This is an example of a rule that must be modified in cases where persons with disabilities cannot obtain the full value of such opportunities in the period typically provided. The OCR guidance specifically notes that such modifications in educational programs are promising practices for ADA compliance. OCR ADA guidance, Part D.2.

would fundamentally alter the nature of the program. 28 C.F.R. §35.130(b)(7).

4. *Evisceration of conciliation protection against sanctions (§165.51)*: As we noted in our extensive comments on this section, the conciliation provision would be greatly weakened by the proposed regulation. DPW seeks to take this step despite the growing recognition that sanctions are often the result of noncompliance caused by disabilities. OCR has indicated that a best practice for TANF programs is a procedural safeguard in which a TANF agency "systematically and routinely investigates and assesses which beneficiaries are being sanctioned and why to determine whether or not beneficiaries who are sanctioned have a disability and whether the disability substantially contributes to the beneficiaries' noncompliance." OCR ADA guidance, Part D.3. The weakening of the conciliation process is not consistent with the agency's ADA obligation, as demonstrated by the OCR guidance. Additionally, OCR suggests that a TANF agency should follow up on missed appointments as a method of avoiding disability discrimination, OCR ADA guidance, Part D.2., another part of the existing conciliation regulation that DPW would eliminate.

5. *Modifications to the TANF time limit (§141.41(f))*: Although we do not focus our comments on the ADA issue in our already lengthy discussion of the TANF time limit, exceptions are required by the ADA for persons with disabilities. The OCR guidance provides as an example of modifications in policies and practices concerning exemptions from work requirements, extensions of time limits and sanctions:

A TANF agency exempts individuals with disabilities from State-imposed time limits, or provides an extension to the 60-month limit imposed by federal law.

OCR ADA guidance, at Part D.2. CLS has written a lengthy paper submitted to DPW in which we explain the ADA's role in requiring exceptions to the time limit (attached, Exhibit 10). Unfortunately, DPW has done little to insure that its proposed regulations are ADA compliant. When DPW eventually promulgates its complete Time Limit policy, it must factor in accommodations it is required to make under the ADA.

LIST OF EXHIBITS

- Exhibit 1 - Operations Memorandum 01-06-09, Implementation Instructions for the Time-Out Initiative
- Exhibit 2 - Cash Assistance Handbook 105.251
- Exhibit 3 - Operations Memorandum 99-9-3, Summary on RESET policy on Access to Education, (September 14, 1999))
- Exhibit 4 - Community Legal Services' Opinion Letter, March 1999 policy
- Exhibit 5 - Operations Memorandum, Good Cause for Education Post-24-Months 00-9-4 (Sept. 18, 2000)
- Exhibit 6 - Operations Memo, Maximizing Participation Project (MPP) CAO Procedures
- Exhibit 7 - DPW, Number of TANF Adults Disqualified Due to Sanctions (September 10, 2001)
- Exhibit 8 - Operations Memorandum, 00-06-10, The Family Violence Option: Revised Child/Spousal Support - Good Cause Requirements/Procedures (June 30, 2000)
- Exhibit 9 - Office for Civil Rights, U.S. Department of Health and Human Services, Prohibition Against Discrimination on the Basis of Disability in the Administration of TANF (Temporary Assistance for Needy Families) (January, 2001)
- Exhibit 10 - CLS Opinion Letter, Application of the ADA and Title VI to Persons Facing the TANF Time Limit in Pennsylvania

COMMONWEALTH OF PENNSYLVANIA
Department of Public Welfare

OPERATIONS MEMORANDUM
Cash Assistance

SUBJECT: Implementation Instructions for the Time-Out Initiative

TO: Executive Directors

FROM: Sherri Z. Heller
Deputy Secretary for
Income Maintenance

PURPOSE

1. To introduce the Time-Out Initiative, which is effective July 2, 2001.

NOTE: This Operations Memorandum replaces the draft Operations Memorandum that was distributed and referenced during training. Of particular importance are revisions made to the requirements associated with Kinship Care and Domestic Violence.

2. To provide eligibility criteria and instructions for implementation of this initiative.
3. To provide case scenarios with accompanying flow charts and sample Agreements of Mutual Responsibility (AMRs) that illustrate the Time-Out process.

NOTE: The case scenarios and AMRs have been substantially changed since the training sessions, at my request. I was dissatisfied with the earlier versions. I expect CAO staff to review and discuss the changes and ensure that implementation of this initiative produces appropriate AMRs.

4. To provide a copy of a general informational notice sent to clients regarding the Time-Out Initiative as well as notices sent to them at 12 and 9 months before their Temporary Assistance for Needy Families (TANF) benefits are exhausted.

5. To provide the appropriate eligibility determination notices and relevant citations for actions related to this initiative.

BACKGROUND

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) limits receipt of TANF assistance to 60 months in an adult's lifetime. However, Federal regulations allow states to establish programs subject to many TANF requirements such as work and child support but exempt from other requirements such as the 60-month time limit. These programs are funded with state funds and are known as segregated state programs. The Time-Out Initiative is a segregated state program.

It is expected that Time-Out will:

- Encourage early participation in work and/or work-related activities including education.
- Provide incentives to working families who exceed the minimum weekly work participation rates.
- Provide incentives to working families who take advantage of a combination of work and education that equals 30 hours per week.
- Provide incentives for persons who have exemptions from work requirements for medical reasons yet commit themselves to a program that maximizes their work participation by providing services that address their needs.

A Notice of Intent to Amend the TANF State Plan was published in the *Pennsylvania Bulletin* on March 24, 2001 (31 Pa. B. 1639).

DISCUSSION

The Time-Out Initiative promotes work and personal responsibility by providing an incentive to families to do more than what is required of them in their progression toward self-sufficiency.

GENERAL ELIGIBILITY CRITERIA

A client must meet the eligibility criteria and comply with Time-Out participation requirements. An applicant/recipient must be determined eligible for participation in Time-Out. Time-Out benefits may be given to the following groups if the criteria are met:

1. *Working*

- A recipient who is working 30 hours per week; or
- A recipient who is self-employed working 30 hours per week; or
- A recipient who is working at least 20 hours per week in paid subsidized or unsubsidized employment or paid work experience and is also engaged in approved employment and training activities so that the total work plus education/training hours per week equals or exceeds 30; or
- A two-parent family in which one or both parents are working 55 hours per week in paid subsidized or unsubsidized employment. (TANF-U)

2. *Early Engager*

- A recipient who has completed the required 8-week job search; and
- Begins a contracted or otherwise DPW-approved Employment and Training program for 30 hours per week in the first 12 months of cash assistance; or
- Is enrolled in a post-secondary educational activity defined as full-time by the college, university, or institution in the first 12 months of cash assistance.

3. *Exempt Volunteer*

- A recipient who is exempt from participating in work or work-related activities due to a verified physical or mental disability; and
- Who participates in the Maximizing Participation Project (MPP) which will assist the recipient in receiving services that move him toward maximum workforce participation.

4. *Kinship Caregiver*

- A non-parental caretaker who has received 24 months or more of cash assistance for himself/herself and a related minor dependent child or has care and control of a related minor dependent child as a result of court-ordered placement by Children and Youth Services; and
- Who is not receiving cash assistance for children of his/her own; and
- Who is meeting the minimum TANF weekly work activity requirement, is exempt, or has good cause for not meeting the work requirement.

5. *Victim of Domestic Violence*

- A person who has been identified as a victim of domestic violence.

Further discussion of each criterion is covered in the following material.

TIME-OUT ELIGIBILITY PERIOD

Generally, Time-Out benefits are limited to 12 months (366 days) in a person's lifetime. There are some exceptions. These exceptions are as follows:

- **Kinship Caregiver.** This individual may receive Time-Out as long as he/she meets the work requirements, is exempt, or has good cause for not meeting the work requirements and the children are under age 18 or are age 18 and in secondary school or its equivalent.

EXAMPLE: Mrs. Smith is caring for her 15-year-old grandson. She has a job and is meeting the work requirements. The grandson will reach age 18 on 7/15/04. In this instance, Time-Out may last for three years. Had the grandson been ten years old, Time-Out may last up to eight years, as long as the kinship caregiver meets the work requirements, is exempt or has good cause for not meeting the work requirements.

- **Domestic Violence Victim.** This individual may receive Time-Out for an initial six-month period. A second six-month Time-Out period may be granted if the need exists and is verified by a Domestic Violence Counselor.

Victims of domestic violence may receive up to 12 months of Time-Out under this criterion and 12 months of Time-Out under the Working, Early Engager or Exempt Volunteer criteria, if they qualify.

EXAMPLE: Mrs. Jones is eligible for Time-Out from 7/2/01 to 1/2/02. She is subsequently granted a second six-month period from 1/2/02 to 7/2/02. On 4/20/02, she calls to report that she and the children have safely moved and that she has a job working 30 hours per week. On 4/20/02, the IMCW offers Mrs. Jones the opportunity to participate in Time-Out under the Working criterion since she meets those requirements. Mrs. Jones agrees and is eligible for the period 4/20/02 to 4/20/03. Thereafter, the TANF "clock" will resume ticking.

A person may receive Time-Out benefits under one criterion and later receive Time-Out under another criterion, as long as the combined periods do not exceed the 12-month lifetime limit (excluding victims of domestic violence and kinship caregivers).

EXAMPLE: Mrs. Ivanoff is eligible for Time-Out because she is working 20 hours per week and doing ten hours of English-as-a-Second-Language (ESL) training. Her Time-Out eligibility period is 7/2/01 to 7/2/02. However, on 10/2/01, Mrs. Ivanoff becomes seriously ill and is compelled to quit work and the ESL class. Time-Out must end and the TANF "clock" resumes ticking. When she regains her health, she locates another job and begins working 30 hours a week on 2/2/02. The IMCW offers Mrs. Ivanoff the opportunity to get the balance of her original Time-Out eligibility period. The

eligibility period is nine months since Mrs. Ivanoff previously used only three months of the maximum 12-month Time-Out period.

NOTE: When other states request a client's total amount of TANF time, the months a client has received Time-Out are not included in the total.

SPECIFIC ELIGIBILITY CRITERIA/ IMPLEMENTATION INSTRUCTIONS

1(A) Working 30/55 hours per week

The Time-Out Initiative allows an individual who is working 30 hours per week or a two-parent family in which one or both parents are working (TANF-U) 55 hours per week to receive Time-Out for up to 12 months.

NOTE: Two-parent families in which one parent is incapacitated (TANF-C) may qualify for Time-Out if the other parent is working 30 hours per week.

- The CAO will determine if the individual is working the required number of hours in paid, subsidized or unsubsidized employment as verified on the monthly reporting form. This includes self-employment. **NOTE:** Self-employed individuals must demonstrate that they are working the functional equivalent of 30 hours per week at minimum wage.
- If the individual does not work the required number of hours in one month, the CAO should confirm that he is still employed and that the job usually and normally requires these hours. Time-Out continues during the CAO review and should continue as long as there is no pattern of abuse.
- Time-Out begins on the next payment date whose deadline can be met after receiving verification of the client meeting the work requirement. (30 hours for individuals or 55 hours for two-parent households).
- Time-Out under this criterion may be approved at any time during an individual's receipt of TANF, (Pre- or Post-24-month).

Refer to Attachments 1-1 to 1-7 for a comprehensive case scenario in which a client is working 30 hours. Included with the scenario is a flowchart, AMR, narrative page, Cohort call-in letter, and individual Cohort case review.

1(B) Working a minimum of 20 hours per week plus engaged in an employment and training activity

The Time-Out Initiative allows an individual who is working a minimum of 20 hours per week to receive Time-Out for up to 12 months as long as he/she is also engaged in an employment and training activity as approved on the Agreement of Mutual Responsibility. The combined hours of work and training must equal or exceed 30 hours.

For example: Mrs. White is working 25 hours per week. She is also attending GED classes for six hours per week. She is eligible for Time-Out under the work/training criterion.

- The employment and training activity may be either self-initiated or through a contracted program.
- The approved employment and training activity may include GED, ESL, and/or post-secondary education.
- If the individual does not meet the required number of hours in one month, the CAO should confirm that he is still employed/enrolled and attending a program or working in a job that usually and normally requires these hours. Time-Out continues during the CAO review and should continue as long as there is no pattern of abuse.
- Time-Out begins on the next payment date whose deadline can be met after verification is received that the individual has worked/attended training for the requisite number of hours.
- Time-Out under this criterion may be approved at any time during an individual's receipt of TANF (pre- or post-24 months).

Refer to Attachments 1A-1 to 1A-4 for a case scenario in which a client is working 20 hours and engaged in 10 hours of training. Included with the scenario is a flowchart, AMR, and narrative page.

NOTE: Community Service is not a paid activity and does not count as work for the purpose of establishing eligibility for Time-Out.

2. Early Engager

The Time-Out Initiative allows an individual who has completed the required eight-week job search to receive Time-Out for up to 12 months as long as he begins a contracted or otherwise DPW-approved Employment and Training program for 30 hours per week or a full-time post-secondary educational activity in the first 12 months of receipt of cash assistance.

- Post-secondary education is defined as certified, full-time education that is offered by any public or private licensed or accredited institution primarily designed to educate individuals who have obtained a high school diploma or GED, for employment purposes.
- Full-time status is determined by the educational institution.
- Enrollment, attendance and satisfactory progress must be verified by the institution according to its normal standards.
- A client may be enrolled in any employment and training program as long as it is approved on the AMR and normally provides 30 hours per week of scheduled activity.

- Time-Out begins on the next payment date whose deadline can be met after verification of attendance is received for a self-initiated activity, or enrollment is completed by the Employment and Training contractor.
- Time-Out under this criterion may be approved only if begun in the individual's first 12 months of receipt of cash assistance. (Both TANF and GA must be counted in determining this period.)
- An employment and training activity may include GED or ESL classes. However, participation in self-initiated GED or ESL services is not sufficient to qualify under this criterion. DPW wants to encourage early engagement in these activities, but they must be combined with other training.

Refer to Attachments 2-1 to 2-6 for a case scenario that illustrates this criterion. Included with the scenario is a flowchart, AMRs and narrative page.

3. Exempt Volunteer

The Time-Out Initiative allows an individual who is exempt from work requirements for medical reasons to receive TANF off the clock for up to 12 months by volunteering for and participating in the MPP program and following the MPP plan as described on the AMR. For a more detailed explanation of MPP, refer to the MPP Operations Memorandum.

- Time-Out begins on the next payment date whose deadline can be met after the client agrees to comply with the final service plan as it is recorded on the AMR.
- **NOTE:** Time-Out begins after the assessment and final service plan are completed and the AMR is updated.

Refer to Attachments 3-1 to 3-16 for a case scenario that illustrates this criterion. Included with the scenario is a flowchart, AMR, narrative page, and MPP screening tool.

4. Kinship Caregiver

The Time-Out Initiative allows a non-parental caregiver of a related child to receive Time-Out for as long as the caregiver meets the eligibility requirements of the program.

To establish eligibility under this criterion, the CAO will determine:

- The related, non-parental status of the caregiver to the child;
- The caregiver has cared for the child in her home for the past 24 months and has received TANF benefits for this period for herself and the child, or the caregiver has care and control of a related minor

dependent child as a result of court-ordered placement by Children and Youth Services;

- The caregiver is not receiving and has not received TANF benefits for his/her own biological child during this 24-month period; and
- The caregiver meets the minimum TANF weekly work requirement, is exempt, or has good cause for not meeting the work requirement.
- TANF time limits and work requirements do not apply if the caregiver receives TANF only for the children.

Refer to Attachments 4-1 to 4-4 for a case scenario that illustrates the Kinship Care criterion. Included is a flowchart, AMR and narrative page.

5. Domestic Violence

The Time-Out Initiative allows an individual who has been identified as a victim of domestic violence to receive Time-Out for six months, with an additional six months if needed. If additional time is requested, the individual must provide verification that the need still exists. Victims of domestic violence may also receive Time-Out for a second 12-month period should they later qualify for Time-Out under the Working, Early Engager or Exempt Volunteer criteria.

To establish eligibility under this criterion, the CAO will determine if the client is or has been a victim of domestic violence.

- If cooperation with child support requirements is currently waived due to a claim of domestic violence, Form PA/CS 1747, Verification of Good Cause Based on Domestic Violence in the case record is sufficient to establish eligibility for Time-Out for the initial six-month period.
- If the client has been granted good cause for not cooperating with work requirements or has not asked for a good cause waiver of program requirements, Form PA 1727, Verification for Time-Out Based on Domestic Violence, must be completed.
- An individual may receive Time-Out for an additional six months as long as the need continues to exist and is confirmed by an individual trained in domestic violence in Section 3 of PA 1727.

Refer to Attachments 5-1 to 5-5 for a case scenario that illustrates this criterion. Included is a flowchart, AMR, narrative page, and PA/CS 1747.

CIS-UPDATE

1. A Program Status code of 06 is entered on CACOMP for TANF C and U cases to identify households in Time-Out status.

2. A new Tracking Exemption (TE) code has been created to identify the specific Time-Out provision under which an individual qualifies. The TE code is entered on CACOMP. The TE codes are as follows:

- (71) Working at least 30 hours per week
- (72) Working at least 20 hours per week and engaged in training or education for additional hours per week for a total of at least 30 hours per week
- (73) Two-parent family working at least 55 hours per week (TANF-U only)
- (74) Having completed an eight-week job search and now enrolled in an E&T program at least 30 hours per week or full-time post-secondary education (enrollment began during first 12 months of cash assistance)
- (75) Exempt volunteer enrolled in the Maximizing Participation Project
- (76) Kinship Caregiver, no children of own on TANF, long-term caregiver
- (77) Victim of domestic violence
- (82) Second parent in a two-parent C budget with the first parent qualifying for Time-Out
- (83) Kinship Caregiver, no children of own on TANF, relatives' child, placed in home under court order through Children and Youth Agencies (CYA)
- (99) Reserved

CACOMP - Budget Composition

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1: CACOMP
2: CIS BUDGET GROUP COMPOSITION ACTION _/_/_ _:_:_ :
3: Co Record Operator: _____ Worker: _____ Page: ___ More: ___ :
4: Mode Dist Case Name Cslid :
5: _____ :
6: CM FS Cash/Medical Food Stamps Household :
7: LN A A Short Name Cat GG Pg El Rel D/Q V TE El Rel Qua V LN LN LN BDR :
8: _____ :
9: _____ :
10: _____ :
11: _____ :
12: _____ :
13: _____ :
14: _____ :
15: _____ :
16: _____ :
17: Case Payment Ln: _____ :
18: _____ :
19: All Mandatory Parents Included? _ All Mandatory Siblings Included? _ :
20: All Mandatory Spouses/Children Included? _ :
21: All Persons Who Live Together and Purchase & Prepare Meals are Included? _ :
22: _____ :
23: Next Trans: _____ Parameters: _____ Xmit: ___ :
24: _____ :
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3. Tracking

Two new day count clocks are added to CIS. The new clocks may be viewed on the CQINDL and CQINDQ screens. The tracking of these clocks will be automatic with benefit issuances. Provisions have been made to allow for adjustment of the Time-Out clock via the CSINDL transaction. Maintenance will be done by the system, workers will not need to manually track the day counts.

- a. Time-Out Clock: Counts the number of days Time-Out is applicable.
- b. Act 35 Clock: Reflects the total number of TANF days, plus GA days, plus Time-Out days for the purpose of applying the pre- and post 24-month work requirement.

Refer to the CIS Daily Status for procedures and further information.

CLIENT MESSAGES/NOTICES

1. Informational Client Messages

A general informational notice on Time-Out was mailed to clients in June 2001 and is part of the Road to Self-Sufficiency client information packet. Refer to Attachment 6. Additional notices informing recipients that they have less than 12, 9, 6, and 3 months of TANF eligibility remaining have been and will continue to be mailed as appropriate.

2. Eligibility Notices

Time-Out eligibility notices must include the correct citation. This citation is the Notice of Intent to Amend the TANF State Plan published in the Pennsylvania Bulletin: 31 Pa. B. 1639 (March 24, 2001). NOTE: CIS will detect changes to CACOMP to the Program Status Code or Tracking Exemption Codes for Time-Out. Any change to either code will result in the establishment of the proper notice and option type on CABUDG.

- A 162C, Confirming Notice, is generated when a recipient is determined eligible for Time-Out.
- A 162, Notice to Applicant, is issued when an individual applies for Time-Out, but does not meet one of the eligibility criteria.

NOTE: A notice of ineligibility for Time-Out is not required if the determination is made as part of an inquiry or informal discussion. See Cash Assistance Handbook Chapter 104, Application.

- A 162C, Confirming Notice, is generated when the reason for the Time-Out has changed and the individual remains eligible for Time-Out.
- A 162D, Advance Notice Discontinue, is generated when the 12-month Time-Out eligibility period expires.
- A 162D, Advance Notice Discontinue, is generated when the 6-month Time-Out period for domestic violence expires.
- A 162D, Advance Notice Discontinue, is generated when the individual for whom Time-Out applies is out of compliance with Time-Out requirements and the terms of the AMR.

3. **Cohort Call-In**

Clients who reach the 60-month TANF time limit between March 3, 2002 and June 30, 2002 are known as the first Cohort Call-In. Appointment letters have been developed to send to clients for a face-to-face "options and opportunities review." Refer to Operations Memorandum #01-06-05 for a detailed discussion of the Cohort Call-In process and attendant notices.

APPEAL AND FAIR HEARING

Each Time-Out applicant and recipient has the right to appeal a decision or failure to act by the CAO which affects eligibility for the Time-Out initiative. Refer to Supplemental Handbook (SH) Chapter 870 for the applicable appeal and fair hearing policy.

An appeal request requires:

- Benefits (Time-Out) Continue (SH 870.3) - Time-Out continues if the recipient makes a timely appeal of a proposed adverse action unless the recipient waives the continuation of Time-Out. The CAO will use the postmarked date of the appeal to determine whether Time-Out will continue.
- Pre-hearing Conferences (SH 870.13) - CAOs must attempt to schedule pre-hearing conferences for all hearing requests. CAOs will ensure that the supervisor is available to attend, monitor, and provide guidance during the conference. Results of the conference must be documented in the case record. The pre-hearing conference does not affect the client's right to have a hearing and it does not affect the requirements for submitting requests timely to the Bureau of Hearings and Appeals.

NOTE: If the recipient files a timely appeal, Time-Out continues. If the recipient subsequently loses the appeal, the CAO must correct the TANF and Time-Out clocks.

GENERAL OVERVIEW OF THE TIME-OUT PROCESS

1. Recipients may be notified of the Time-Out Initiative in several ways.
 - Glossy Mailer- a one-page informational flyer sent to all recipients explaining Time-Out.
 - Clients who are part of the Cohort will receive a cohort call-in letter with a scheduled appointment.
 - IMCWs will explain Time-Out at application, reapplication, or at an interim client contact.
2. The IMCW discusses the Time-Out participation requirements with the client.
3. The IMCW documents the discussion and the offer of Time-Out on the 601N.
4. The IMCW determines if the client meets a Time-Out criterion.
5. The IMCW verifies that the client has not exhausted his 12 months of Time-Out eligibility by reviewing the Time-Out day count clock. If the client has used 366 or more days, he/she is ineligible for Time-Out (except for the Kinship Caregiver or Domestic Violence victim).
6. If the client is ineligible for Time-Out or does not wish to participate, his/her refusal or reason for ineligibility is documented on the 601N.
7. If the client who requests Time-Out is ineligible, the IMCW sends a PA162 notifying the client and explaining the reason for ineligibility.
8. If the client is eligible for a Time-Out and wishes to participate, the IMCW completes a new AMR. The IMCW enters program status code of 06 and the appropriate TE code on CACOMP and completes the CSPREN and CSIETP screens as appropriate.
9. A system-generated notice (PA162C) is generated notifying the client that his clock has stopped and the date his clock will be restarted. The clock will stop at the next payment day whose deadline can be met.
10. The IMCW will follow up by setting and reviewing system alerts, reviewing Monthly Reporting Forms and client contact.

11. If a client fails to comply with the Time-Out requirements, the clock is restarted at the next payment date whose deadline can be met after proper notice. A system-generated notice is sent to the client notifying him of his failure to comply and the date the clock will restart.

NOTE: The AMR should be updated to reflect the client's current situation and plan for self-sufficiency. A client will not be sanctioned for failure to comply with Time-Out but may be subject to sanctions for failure to comply with applicable work requirements.

EXAMPLE: A client is working 25 hours and doing five hours of ESL. She stops attending ESL classes. She is ineligible for Time-Out. However, she is not subject to a RESET sanction because she is meeting the 20-hour weekly work requirement. The IMCW should update the AMR with the client to reflect current circumstances and the client's plan for self-sufficiency now that she's not attending ESL.

12. Thirty days prior to the end of the Time-Out period, a system alert will be generated advising the IMCW of the expiration of Time-Out. The worker must manually remove the Program Status code and the Tracking Exemption codes from CACOMP to restart the TANF 60-month count.

NOTE: In a case in which Time-Out eligibility is expiring, the IMCW must assure that when he removes the Time-Out code to meet the next payment date, the client will receive at least 366 days of Time-Out. At that time, the TANF clock will resume. Receipt of more than 366 days will not be adjusted, unless the IMCW failed to meet the earliest payment date beyond 366 days.

13. A system-generated notice, PA 162D, is issued advising the client of the expiration of the Time-Out period. If a client files a timely appeal, Time-Out is continued during the appeal period.

PENDING POLICIES

The Office of Income Maintenance, Bureau of Policy, received numerous public comments on the Time-Out Initiative that was published as a Notice in the Pennsylvania Bulletin in March 24, 2001. Comments deemed to have merit are under consideration and may affect how Time-Out is applied. Please check the Intranet (What's New Section) regularly for pertinent policy clarifications.

NEXT STEPS

1. Share this information with all staff.
2. Implement the Time-Out Initiative effective July 2, 2001.

3. Direct any questions to your Area Manager.

Attachments

- Attachment 1 - Working client – 30 Hours
- Attachment 1A - Working 20 plus 10 Hours E&T Activity
- Attachment 2 - Early Engager
- Attachment 3 - Exempt Volunteer
- Attachment 4 - Kinship Caregiver
- Attachment 5 - Victim of Domestic Violence
- Attachment 6 – 12 Month Notice
- Attachment 7 – 9 Month Notice

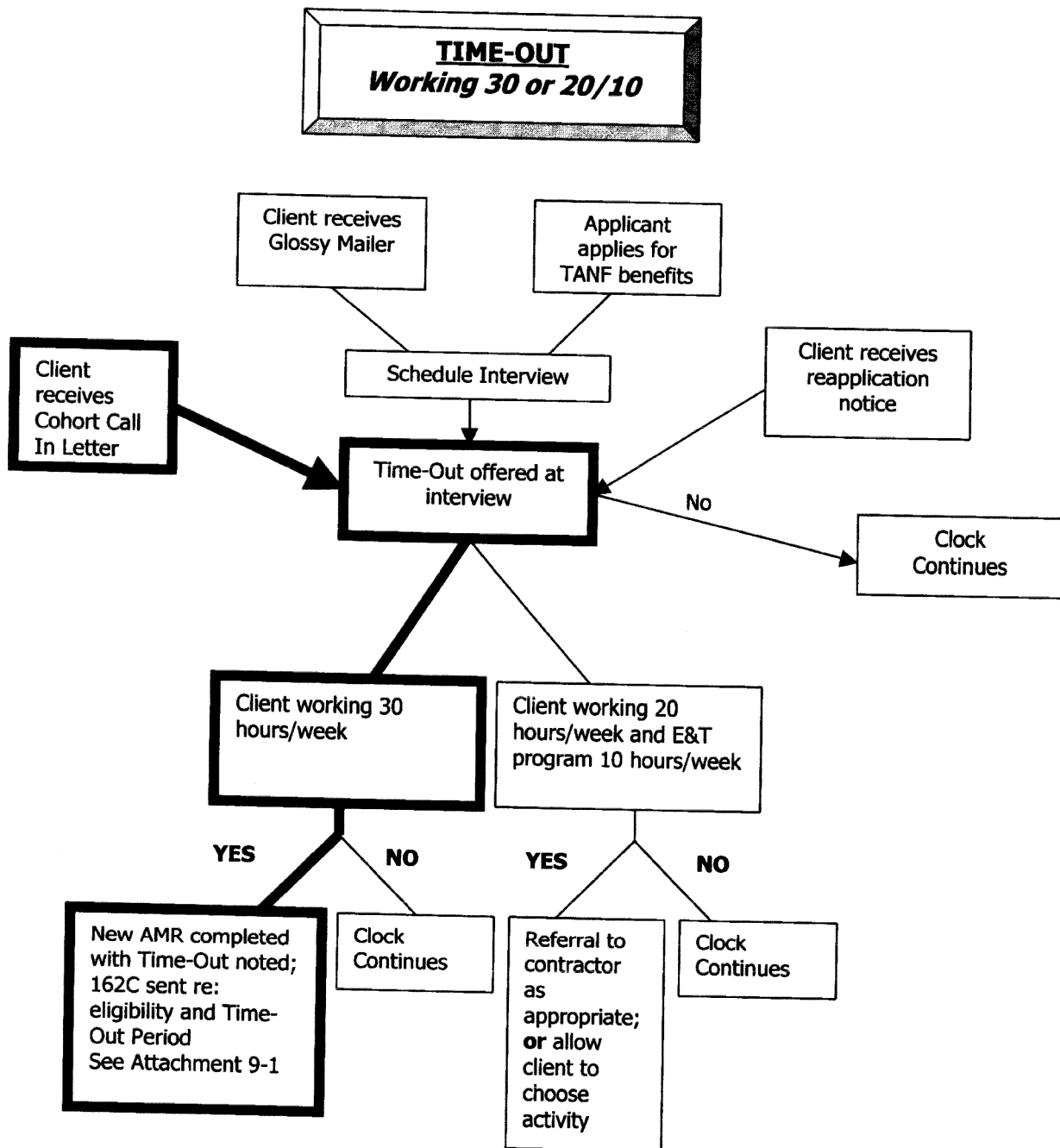
Time-Out Scenario – Working - 30 hours

Ms. Williams has been a TANF recipient for 50 months and works 30 hours per week at a fast food restaurant. She has 2 children ages 9 and 11. A child support-order of \$100 per month is in effect, but is paid only a few times a year. She is receiving child care benefits to pay for child care while they are on summer break from school. She receives a Cohort Call-In Letter in the mail scheduling an appointment for 08/01/01 at 4:00 p.m.

At her appointment on 08/01/01, her IMCW reviews the TANF time limits and offers Time-Out for up to 12 months. Ms. Williams agrees to participate in Time-Out. The IMCW explains the availability of special allowances. She lives within walking distance of the fast food restaurant and does not need help with transportation at this time.

Ms Williams and the IMCW complete an AMR. The IMCW notes on the AMR that Time-Out is granted for up to 12 months as long as employment of 30 hours per week is maintained. The IMCW enters program status code 06 on CACOMP to indicate Time-Out. The tracking exemption code of 71 is also entered on CACOMP. The CAO reviews compliance when the monthly reporting forms are received.

NOTE: Working clients who need transportation or other benefits and do not qualify for special allowances must be informed of and given the opportunity to participate in the Job Retention, Advancement and Rapid Re-Employment (JRARRE) program.



PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

AGREEMENT OF MUTUAL RESPONSIBILITY

NAME: Ms. Williams		SOCIAL SECURITY NO: 123-45-6789
CASE NO: 22-012345	TELEPHONE NO: 555-0123	DATE: 08/01/01

MY GOAL(s): Full-time employment

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
1. MEETING WORK REQUIREMENTS: Hours worked: 30 hours per week at McDonald's Time-Out granted 08/13/01 to 08/13/02 Participate in WHAT: _____ WHERE: _____ WHEN _____	(next reappli- cation) 02/28/02	
2. PLAN FOR SELF-SUFFICIENCY Continue to work 30 hours per week and try to increase hours or look for a better job Children to attend school Keep all doctor's appointments and immunizations up-to-date Contact DRS to enforce court order and seek an increase in support payments.	02/28/02 2/28/02 2/28/02 2/28/02	
3. FACILITATE WORK BY: Reviewed 60-month Lifetime Limit and need to get more hours or a better job Made a referral to JRARRE Authorize continued child care Discussed eligibility for Medicaid if cash assistance stops due to income and medical insurance not provided Reviewed appeal process		08/01/01 08/01/01 08/01/01 08/01/01
REPORT ON THIS PLAN TO: Mr. <u>Green</u> AT (<u>717</u>) <u>555-1234</u> WHEN (As changes occur)		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY:

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

MONTH/YEAR: 08/02

_____	_____
CLIENT SIGNATURE	DATE
_____	_____
AGENCY SIGNATURE	DATE

Suggested Entries:
PA 601N/CAACOM/CACCOM

NAME: Ms. Williams		SOCIAL SECURITY NO: 123-45-6789
CASE NO: 22-012345	TELEPHONE NO: 555-0123	DATE: 08/01/01

8/1/01

Client into CAO for appointment to discuss Time-Out. Time-Out explained. Client qualifies and agrees to participate. Client is working 30 hours per week, verified by paystubs. AMR completed. Time-Out effective first payment date change can be made, 8/13/01. Referral made to JRARRE.

Suggested Entries: PA 601N/CAACOM/CACCOM

COMMONWEALTH OF PENNSYLVANIA
Department of Public Welfare

Ourtown CAO
10 N. Market Street
Ourtown, PA 99999

(CAO Name/Address)

7/20/01

(Date)

Ms. Lucy Williams
241 N. Front Street
Ourtown, PA 99999

(Client name/Address)

Dear Ms. Williams,

By now you should have already received notification that your 60-month maximum period of cash assistance (TANF) eligibility is running out.

The Department of Public Welfare is committed to exploring all opportunities that are available to you that will help you and your family to move toward financial independence and self-sufficiency.

In order to accomplish this we have scheduled an "Options and Opportunities" appointment for you on (Day) Wednesday, (Date) August 1 at (Time) 4:00 p.m.

The appointment will take place at Ourtown CAO.

We encourage you to keep this appointment so that we may work with you in identifying those options and opportunities that will provide you and your family with a secure and sound future.

Please call (Phone #): 555-1234 if you have any questions or wish to reschedule this interview.

Sincerely,

Mr. Green

(IMCW)

**Individual Cohort Case Review
Education & Work Activity Summary (MPP)/Time Out Criteria (T/O)**

**Cohort Review
Page 1**

Case Name: Lucy Williams **Case Number:** 22/0123456

Cohort Individual: Lucy Williams **Date:** 7/06/01

TANF Days used: 1522 **Remaining:** 308 **End Date:** 05/02 **Time Out?** No
(mo/yr) (yes/no)

Is the client employed?			
<input checked="" type="checkbox"/>	How much time spent in Initial Job Search?	X	
<input checked="" type="checkbox"/>	Was Initial Job Search Contractor assisted?		8 wk
<input checked="" type="checkbox"/>	How much time spent in Independent Job Search?		X
<input checked="" type="checkbox"/>	How much time spent in Education or Training during first 24 months?		2 mo
<input checked="" type="checkbox"/>	Is the client employed?		3 mo
<input checked="" type="checkbox"/>	Is employment the result of Initial Job Search?	X	
<input checked="" type="checkbox"/>	Is the client working less than 20 hours/wkly?		X
<input checked="" type="checkbox"/>	Is the client working 20-29 hours/wkly?		X
<input checked="" type="checkbox"/>	Is the client working at least 20 hours/wkly + 10 hours other ETP activity?		X
<input checked="" type="checkbox"/>	Is the client working 30 or more hours/wkly?		X
<input checked="" type="checkbox"/>	Is this a 2 parent HH working 55 hours/wkly (combined) or more?	X	
<input checked="" type="checkbox"/>	Are the # of hours and Freq. Codes shown on CQWAGE and CQSELF accurate?		X
<input checked="" type="checkbox"/>	Is client currently enrolled in an ETP/Contracted Activity?	X	
<input checked="" type="checkbox"/>	Has participation history been reviewed (CQETPT)?		X
<input checked="" type="checkbox"/>	Has client complied with RESET requirements?	X	
<input checked="" type="checkbox"/>	Indicate # of conciliations completed:	X	
<input checked="" type="checkbox"/>	Indicate # of RESET sanctions imposed pre-24/post-24 months:		5
<input checked="" type="checkbox"/>	Has client completed Directed Job Search Program?		0
<input checked="" type="checkbox"/>	Has the client participated in Community Service?		X
<input checked="" type="checkbox"/>	Has current activity been accurately reflected on CQPREN and in the narrative?		X
<input checked="" type="checkbox"/>	Is the AMR accurate and up-to-date?	X	
Is the client exempt?			
<input checked="" type="checkbox"/>	Has review date expired?		X
<input checked="" type="checkbox"/>	Is good-cause claim still valid?		
<input checked="" type="checkbox"/>	Has verification been obtained as needed?		
<input checked="" type="checkbox"/>	Is CQPREN correct?		
<input checked="" type="checkbox"/>	Is the AMR accurate and up-to-date?		
<input checked="" type="checkbox"/>	Is the narrative complete and up-to-date?		
Is the client exempt?			
<input checked="" type="checkbox"/>	Is the exemption still valid?		X
<input checked="" type="checkbox"/>	Have required actions been taken, i.e. SSI/DAP referral, D&A Treatment plan?		
<input checked="" type="checkbox"/>	Are codes on CQINDA, CQDISP correct?		
<input checked="" type="checkbox"/>	Is the AMR accurate and up-to-date?		
<input checked="" type="checkbox"/>	Is the narrative complete and up-to-date?		
Miscellaneous:			
<input checked="" type="checkbox"/>	Is the client a non-parental caretaker (Kinship Care)?		X
<input checked="" type="checkbox"/>	Is the client a victim of family violence?		X
<input checked="" type="checkbox"/>	Has client continually cooperated with child support requirements?	X	
<input checked="" type="checkbox"/>	Review child support with client. Update case/make appropriate referrals for changed information (i.e. LRR whereabouts, income, etc.)		
<input checked="" type="checkbox"/>	Record Work History/Skill specific training on pg. 2 of this form.		
<input checked="" type="checkbox"/>	Thoroughly document your review in the narrative. Include client's stated reason for lack of success towards self-sufficiency?		

Worker Observations
Possible Client Options/Opportunities

Cohort Individual: Lucy Williams

Date: 7/6/01

Single parent; age 25 with two children, ages 9 and 11. She has received cash Assistance since May 1995, when she moved out of her mother's house. She earned a GED during her first year of TANF. She has cooperated with domestic relations but no support is currently being received. She is currently employed at McDonald's working 30 hours per week at \$5.50/hour. She has worked for McDonald's since 1/2/01. She has worked consistently for various employers over the last 3 years. There are seven fast food restaurants within walking distance and she has worked for all of them.

Hardee's -9/97 -11/97 -terminated due to poor attendance related to childcare.

Wendy's-11/97-5/98 -terminated due to dispute with manager.

Burger King-7/98-1/99 -terminated due to poor attendance (chronically late).

Arthur Treacher's-1/99-7/99 -quit for higher paying job.

Roy Rogers-8/99-10/99 -company went out of business.

Subway-11/99-12/00 -quit, left for McDonald's due to increased hours.

Indicated barriers to employment
Transportation to better paying jobs

Possible Options/Opportunities

Time-Out

IMCW reviewed potential Special Allowance for driver's training, driver's license and car allowance should these items be required for future employment.

Referral to JRARRE

What points to discuss with client

What have you heard about the Time-Out initiative?

What other jobs have you applied for since you have been at McDonald's?

Have you discussed the possibility of increasing your hours or getting a promotion with your current employer?

What types of transportation do you currently use?

Time-Out Scenario – Client Working - 20 hours + 10 hours of E & T Program

Ms. Turner has received TANF for 36 months. She has been working 20 hours per week for the last 12 months as a receptionist answering phones and filing. She is receiving child care benefits while her eight year-old daughter is on summer break from school.

A court order for \$25 per week is in effect; however her ex-husband is in prison and has not paid for six months. Ms. Turner has heard from his relatives that he is on work release.

When she receives a letter in the mail explaining Time-Out (glossy mailer), she calls her IMCW for information and is scheduled for an appointment.

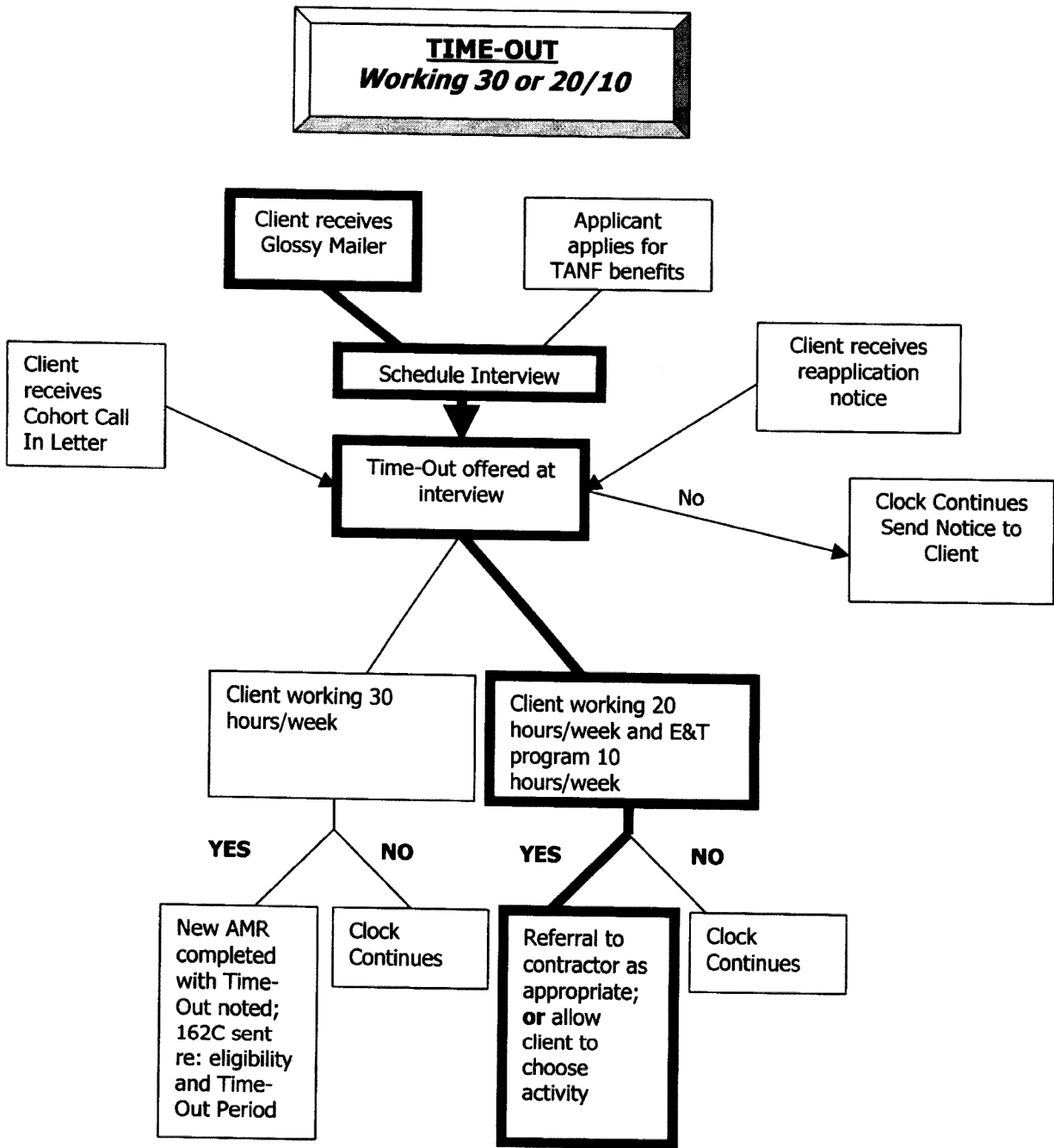
Ms. Turner attends her appointment on 8/01/01 and tells her IMCW that she would like to get some computer training because her company has full-time data entry jobs but she is currently not qualified. The caseworker explains the TANF time limits and the Time-Out Initiative. The client agrees to participate in Time Out. The client decides she would like to enroll in a computer training course at the Community Computer Training Center.

The IMCW explains the availability of special allowances. Ms. Turner requests special allowances for child care and transportation to attend training. A bus pass is issued and child care allowances are authorized.

Ms. Turner is referred to Community Computer Training Center.

Ms. Turner reports by 08/08/01 that she started attending the computer training on 08/06/01. The IMCW calls training center to verify enrollment. The IMCW updates the AMR to show that Ms. Turner is in Time-Out and can remain in Time-Out for a maximum of 12 months if she maintains 20 hours of employment plus 10 hours of computer training. IMCW updates AMR to reflect enrollment and Time-Out eligibility.

CAO opens project code A (CAO-Directed) on CSPREN with a begin date = 8/6/2001. CAO also opens activity code 24 (skills training) on CSIETP with a begin date = 8/6/2001 and expected hours = 10. On a monthly basis, the client's actual hours of attendance will also be tracked on CSIETP. The IMCW enters program status code 06 on CACOMP to indicate Time-Out. Tracking exemption code 72 is entered on CACOMP. The caseworker sets a 3-month review date. Ms. Turner believes she will pass her company's data entry test in that timeframe and qualify for a data entry position.



PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

AGREEMENT OF MUTUAL RESPONSIBILITY

NAME: Ms. Turner		SOCIAL SECURITY NO: 123-45-6789
CASE NO: 22-012345	TELEPHONE NO: 555-0123	DATE: 08/01/01

MY GOAL(s): Full-time employment

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
1. MEETING WORK REQUIREMENTS: Hours worked: Continue to work 20 hours per week Time-Out granted 08/16/01 to 08/16/02 Participate in WHAT: <u>work at Truman Associates</u> WHERE: <u>1600 Front St.</u> WHEN <u>08/06/01</u>	11/01/01 08/08/01	
2. PLAN FOR SELF-SUFFICIENCY Participate in computer training at the Community Training Center for 10 hours per week to qualify for full-time data entry job that pays enough to get off cash assistance Children to attend school Keep all doctor's appointments and immunizations up-to-date Contact DRS with new information that ex-husband is on work release from prison. Request an increase in support.	11/01/01 11/01/01 11/01/01 11/01/01	
3. FACILITATE WORK BY: Discussed 60-month Lifetime Limit and need to increase hours at work and/or hourly wage Discussed potential for Medicaid if cash assistance closes due to income Reviewed appeal process Issued bus pass to attend the computer classes Continue to provide child care benefits Issue special allowance for child care to attend the computer classes		08/01/01 08/01/01 08/01/01 08/01/01 08/01/01 08/01/01
REPORT ON THIS PLAN TO: <u>Mr. Green</u> <u>AT (717) 555-1234</u> WHEN (08/08/01)		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY:

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

MONTH/YEAR: 08/02

_____	_____
CLIENT SIGNATURE	DATE
_____	_____
AGENCY SIGNATURE	DATE

Suggested Entries:
PA 601N/CAACOM/CACCOM

NAME: Ms. Turner		SOCIAL SECURITY NO: 123-45-6789
CASE NO: 22-012345	TELEPHONE NO: 555-0123	DATE: 08/01/01

8/1/01

Client into CAO for appointment to discuss Time-Out. Time-Out explained. Client is working 20 hours and will look into training in order to qualify for Time-Out and enhance her chances of career advancement. Client referred to Community Training Center for computer training. Client will call to verify enrollment by 8/8/01. AMR completed.

8/8/01

Client called to notify IMCW that her enrollment in the training program was effective 8/6/01. IMCW called Community Training Center to verify. Time-Out is effective 8/16/01, first payment date that can be met. The AMR is updated, initialed and forwarded to client to sign.

Suggested Entries: PA 601N/CAACOM/CACCOM

Time-Out Scenario-Early Engager

Mrs. Gonzalez arrives at the CAO on 8/1/01 for an application interview. She is applying for TANF benefits for herself and her 2 children, ages 2 and 7, because her husband left the family on 7/10/01. Her appointment with DRS to apply for child support is 8/25/01. Her estranged husband is not paying voluntary support. Mrs. Gonzalez has no work history.

The IMCW explains the 60-month lifetime limit for cash assistance. Mrs. Gonzalez wants to work, but she has limited job skills. The IMCW explains the work requirements and the Time-Out Initiative.

The IMCW completes the AMR. Mrs. Gonzalez chooses to complete a CAO directed 8-week job search. The caseworker narrates that Time-Out was discussed with the client, and explains that Mrs. Gonzalez must return to the CAO to complete or update the AMR after her job search is completed.

Mrs. Gonzalez completes the 8-week job search. She has an appointment at the CAO on 10/4/01 with the IMCW to discuss her inability to find work. Mrs. Gonzalez completes the participant guide to success. Her lack of work experience is a major factor in finding employment. Mrs. Gonzalez states she would like to enroll in a Certified Nursing Assistance (CNA) program at the local SPOC agency. The CSPREN screen is completed referring Mrs. Gonzalez to SPOC. She will attend training Monday through Thursday from 9 to 4 starting on 10/17/01.

The IMCW enters status code 06 on CACOMP after receiving verification of Mrs. Gonzalez's attendance from the SPOC case manager. The tracking exemption code of 74 is also entered on CACOMP.

Time-Out begins on 10/24/01, the first payment date that could be met. The clock will remain stopped as long as the client is in compliance with the contracted program and the AMR. The AMR also indicates that Time-Out is limited to 12 months in a lifetime. The IMCW generates a 162C.

The IMCW issues a bus pass to Mrs. Gonzalez since her husband took the only family vehicle leaving her no means of transportation to the contractor. Since her mother is willing to provide child care in her home nearby, a child care payment can be approved.

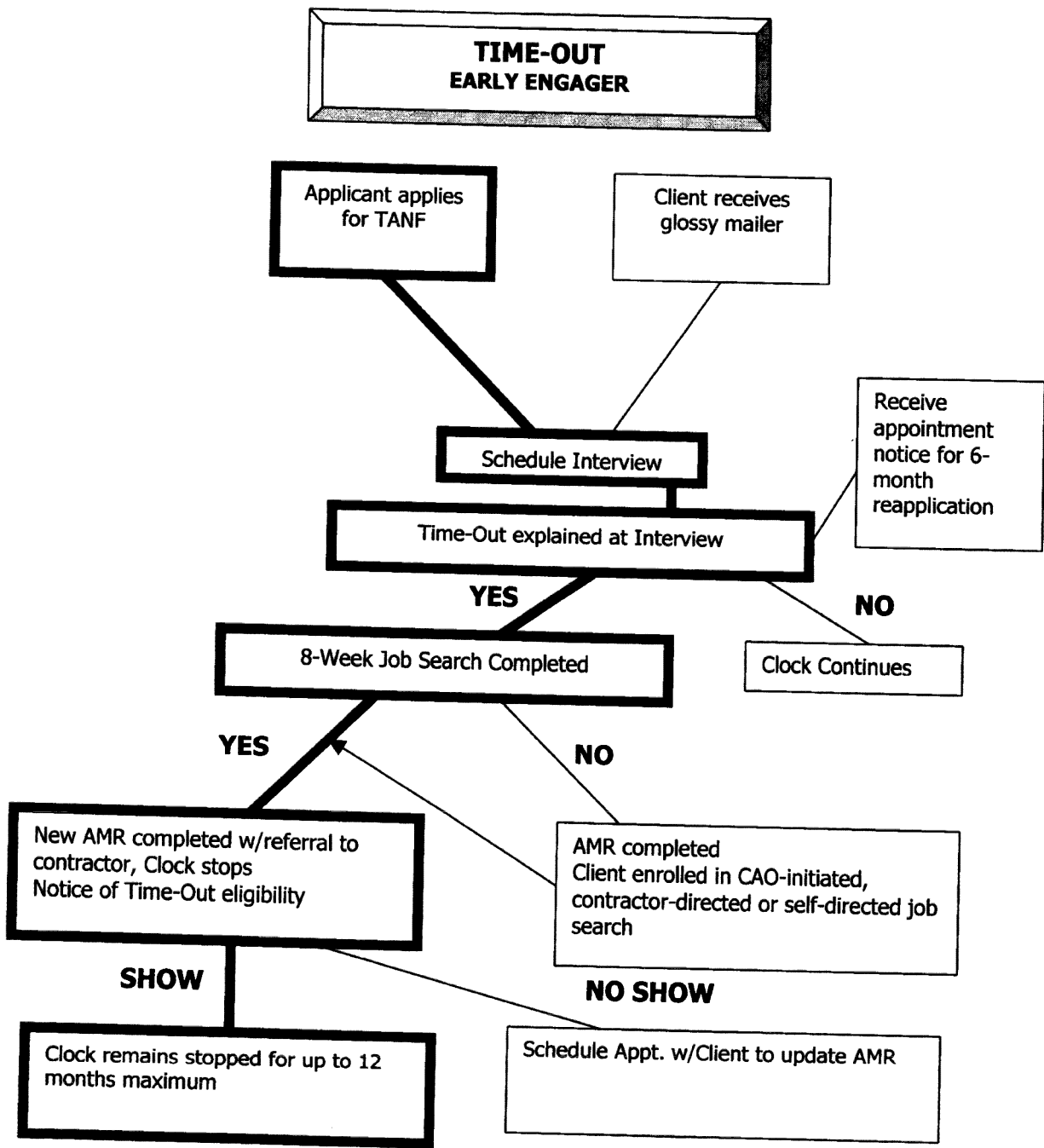
On 10/29/01, the SPOC case manager notifies the IMCW that Mrs. Gonzalez failed to show up for the contracted program. The client did not contact the IMCW regarding the failure to attend. Mrs. Gonzalez is terminated from the program and therefore is no longer in compliance with Time-Out. The IMCW sends a PA 162A to the client notifying her that her TANF "clock" will restart. Mrs. Gonzalez did not appeal this

notice. A letter is sent to the client advising her of the need to contact the IMCW to update the AMR since she is no longer complying with Time-Out. A new plan must be developed in order to comply with RESET. The IMCW restarts the TANF clock effective 11/14/01, which is the earliest payment date that can be met with advance notice.

Mrs. Gonzalez contacts the IMCW on 11/20/01 to explain that she was unable to attend the sessions at the contractor due to a family emergency. Her mother had left the area to care for her sick aunt and she was unable to find another childcare provider. The IMCW explains the need for reliable childcare and reminds her that enrollment in Time-Out is voluntary. The client states she wishes to participate in Time-Out again. The importance of attendance is emphasized.

The IMCW explains childcare allowances and the availability of other childcare providers. The client wants to keep her mother as the provider. She insists that the emergency has passed and that her mother will be reliable. She provides statements from Mrs. Gonzalez's mother. Good cause is established for the SPOC termination. The IMCW and the client update the AMR. The IMCW refers the client back to the SPOC provider and the provider agrees to take the client back. Mrs. Gonzalez reports to SPOC as planned and she is re-enrolled in a planned activity. The IMCW is notified through AIMS. The IMCW updates CACOMP and issues the 162C. Time-Out begins on the next payment date whose deadline can be met with advance notice after verification of her attendance.

Mrs. Gonzalez regularly attends the SPOC CNA program. After six months the contractor finds employment for Mrs. Gonzalez at Country Fields Nursing Home working 30 hours per week at \$6.00/per hour. The household is still financially eligible for cash assistance. Mrs. Gonzalez is no longer an Early Engager since she is no longer attending a contracted program. The IMCW informs her that she is eligible to continue Time-Out as a person working 30 hours per week. She has used only six months of her 12-month lifetime limit of Time-Out and now chooses to continue Time-Out as a client working 30 hours.



PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

AGREEMENT OF MUTUAL RESPONSIBILITY

NAME: S. Gonzalez		SOCIAL SECURITY NO: 900-00-0099
CASE NO: 221234568	TELEPHONE NO: 555-1212	DATE: 08/01/01

MY GOAL(s): To Get a job

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
1. MEETING WORK REQUIREMENTS: Hours worked: zero hours Attend CAO directed job search sessions Actively look for a job Participate in WHAT: <u>CAO directed job search</u> WHERE: <u>County Assistance Office</u> WHEN Thursday 9/1/01	8/1/01 8/1/01	10/4/01
2. PLAN FOR SELF-SUFFICIENCY Children to attend school Keep all doctor's appointments and immunizations up to date Keep appointment with Domestic Relations to establish court order	8/1/01 8/1/01 8/25/01	
3. FACILITATE WORK BY: Explained 60-month Lifetime limit and offered Time-Out Initiative Explained Time-Out lifetime limit of 12 months Special Allowances for Transportation and Child Care Explained Medicaid availability when cash case closes due to income Reviewed appeal process		8/1/01 8/1/01 8/1/01 8/1/01 8/1/01
REPORT ON THIS PLAN TO: <u>Mr. Green</u> <u>AT (717) 555-1234</u> WHEN (9/1/01)		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY:

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

MONTH/YEAR:
2/02

_____ CLIENT SIGNATURE	_____ DATE
_____ AGENCY SIGNATURE	_____ DATE

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

**Suggested Entries:
PA 601N/CAACOM/CACCOM**

NAME: S. Gonzalez		SOCIAL SECURITY NO: 900-00-0099
CASE NO: 221234568	TELEPHONE NO: 555-1212	DATE: 09/04/01

8/1/01
Mrs. Gonzalez into CAO for application interview. <i>(enter all typical application interview comments first)</i> . Time-Out explained. Client must complete 8-week job search before participating in Time-Out.
10/4/01
Client completed 8-week job search. She didn't get a job because she lacks marketable skills and has no prior work experience. She requests to participate in Time-Out. Time-Out program reviewed. IMCW explains that she must participate in an approved employment and training activity for 30 hours a week. She agrees to participate in SPOC. Referral made.
10/18/01
Verification of attendance received through AIMS. Program status code and tracking exemption code entered. Time-Out effective 10/24/01.
10/29/01
AIMS alert received. Client not attending training program. Remove PS code and TE code. TANF clock restarts effective 11/14/01.
11/12/01
Client calls to explain non-attendance in program due to child care problems. Good cause established. Client referred back to SPOC. AMR updated.

Suggested Entries: PA 601N/CAACOM/CACCOM

Time-Out Scenario - Exempt Volunteer

Mr. Nomar Hernandez is a 30-year-old single father of two children ages 9 and 12. Mr. Hernandez and his family are receiving TANF cash assistance. A court order of \$50 per week is in effect and paid regularly. The family's TANF day count is 342 days. Mr. Hernandez is exempt from RESET due to a herniated disc in his lower back. A medical assessment form (PA-1663) in the record indicates his disability is expected to last over a year until 12/20/02. He has been denied Social Security benefits.

Mr. Hernandez receives the Time-Out glossy mailer. He calls his bilingual IMCW, Mrs. Torres to discuss Time-Out. The IMCW explains the Exempt Volunteer requirements for Time-Out. Mrs. Torres schedules an appointment with the MPP coordinator for Mr. Hernandez. The appointment is scheduled to coincide with the family's redetermination appointment.

Mr. Hernandez is in the CAO to complete his redetermination and the MPP recruitment interview on June 12, 2002. The MPP requirements are explained to Mr. Hernandez. The 60-month lifetime limit of TANF cash assistance is stressed. The 12-month limit of Time-Out is explained. The family remains eligible for cash assistance.

Mr. Hernandez volunteers for the MPP program. A new AMR is completed indicating that Mr. Hernandez is volunteering for MPP. The MPP coordinator assists Mr. Hernandez in completing the screening tool. Mr. Hernandez signs a mandatory Release of Information Form written in Spanish giving the CAO permission to share information with the MPP Team Members from the Office of Vocational Rehabilitation, Mental Health Services and the Spanish-American Center.

The ETP code is changed on CAINDA from 53 to 61. Project code B is entered on the CSPREN screen with a project begin date of 6/12/02. The MPP coordinator enters activity code 80 on the CSIETP screen to indicate completion of the screening tool.

The MPP coordinator holds an MPP team meeting on July 9, 2002. Mr. Hernandez chose not to participate in this meeting. Representatives from the Office of Vocational Rehabilitation (OVR), Mental Health services, the Managed Care Special Needs Coordinator, and the Spanish-American Center are all in attendance. A draft initial MPP service plan is developed. The MPP team determines that Mr. Hernandez is facing several barriers to self-sufficiency. His back injury limits the type of work he can perform. OVR will do an individualized assessment of Mr. Hernandez's skills and develop a plan for rehabilitation.

Based upon Mr. Hernandez's responses to the screening tool, the team recommends a psychological assessment. Mr. Hernandez may be suffering from depression, which needs to be treated. Mr. Hernandez will also need to address his limited English proficiency. English-as-a-Second-Language (ESL) classes are offered by the Spanish-

American Center at no cost two evenings a week. All of the medical programs recommended for Mr. Hernandez are covered by medical assistance. The MPP coordinator calls Mr. Hernandez to schedule an appointment to review the draft MPP service plan.

Mr. Hernandez is in the CAO on July 16 to agree to the initial MPP service plan. Mr. Hernandez agrees to the service plan and the AMR is updated. Special allowances will be issued to Mr. Hernandez for transportation. A childcare allowance is issued to Mr. Hernandez to care for his children during his ESL classes. The MPP worker will follow up with the team members and Mr. Hernandez weekly to review his progress.

The medical assessment indicates that Mr. Hernandez is suffering from depression. The depression is to be treated with medication prescribed by his physician. The OVR medical assessment recommends physical therapy, lifting techniques classes and training in other job skill areas for Mr. Hernandez. The IMCW discusses the availability of a special allowance for child care so Mr. Hernandez can attend physical therapy and the other recommended classes. **NOTE:** He is eligible for this special allowance for child care only because he is enrolled in MPP.

On September 16, Mr. Hernandez is in the CAO to finalize the MPP Service Plan. Mr. Hernandez agrees with the Service Plan. A new AMR is completed. The worker enters program status code of 06 and TE indicator of 75 on CACOMP and the activities are data entered on CSIETP. The TANF clock stops on the next payment date whose deadline was met. A 162C notice is mailed to Mr. Hernandez indicating that his TANF clock has stopped as a result of receiving Time-Out. CSIETP is updated to reflect completion of the new services in which Mr. Hernandez will be enrolled.

On December 14, 2002, Mr. Hernandez is in the CAO for his redetermination appointment. The Medical Assessment Form (PA-1664) indicates Mr. Hernandez will be unable to work until 3/1/03. An alert is set to review Mr. Hernandez's exempt status. Mr. Hernandez indicates that he would like to attend a GED course that is being held at the Spanish-American center. The GED program would aid Mr. Hernandez in achieving self-sufficiency and it will not interfere with any other project. A new AMR is completed. The MPP service plan is updated. The GED activity code 13 is added to the CSIETP screen.

At a meeting of the MPP team on February 14, 2003, Mr. Hernandez's exempt status is discussed. The team reviews all available information, including the PA 1664 which indicates that Mr. Hernandez cannot work until March 1, 2003 and agrees that Mr. Hernandez, could again become mandatory for RESET on March 1. The MPP worker meets with Mr. Hernandez to discuss the Team's recommendation. Mr. Hernandez

agrees, as he will have completed all of the items listed on his Service Plan by that date. The MPP coordinator terminates Mr. Hernandez's participation in MPP effective March 1, 2003 with project termination code F.

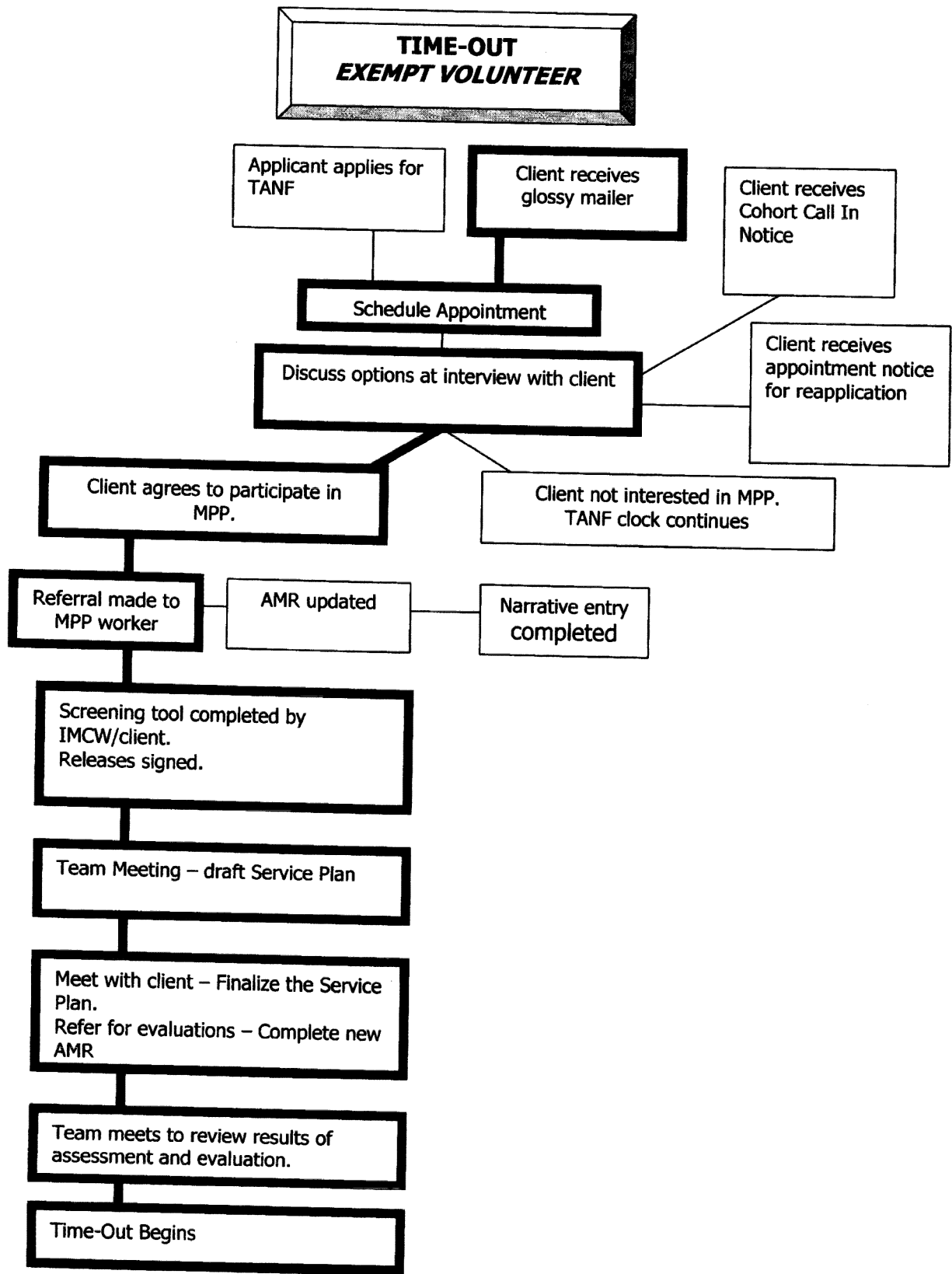
NOTE: Had Mr. Hernandez indicated that he was not able to return to work in March, a subsequent PA 1664 would have been requested.

The program status code is changed to 00. The TE indicator is changed to 00. The ETP code is changed from 61 to 60. A 162D notice is sent to Mr. Hernandez explaining that the TANF clock is being restarted due to his completion of MPP and ETP status change to mandatory. The TANF clock will start at the next payment date whose deadline is met after expiration of the 162D.

Mr. Hernandez is called back into the CAO to discuss the RESET requirements and allowable work related activities. Mr. Hernandez has already completed an Initial Job Search and as a result of his participation in MPP is interested in completing an independent job search. A new AMR is completed and appropriate data entry occurs. The worker explains to Mr. Hernandez that he must be meeting a 20-hour per week work requirement by June 2003 as a result of the 24-month time limit. Mr. Hernandez is advised that he has 6 more months of Time-Out eligibility remaining. If he begins work, he may qualify for another Time-Out Initiative. The worker sets an Alert for June 27, 2003 to review Mr. Hernandez's status and possibly schedule a WRR appointment.

On June 6, Mr. Hernandez reports employment at ABC Hardware working 25 hours per week at \$7.50 per hour. His first pay is expected on June 21. Based on the household income in July (earned income and support), the family is not eligible for cash assistance. The cash assistance is closed effective the first payment date in July. A 162D notice is mailed advising the client of the closing of cash assistance due to excess income. The family remains eligible for Medical and Food Stamp benefits. A referral is made to Child Care Information Service (CCIS). Mr. Hernandez is informed of the JRARRE initiative for which he may qualify. He requests a referral. A Family Works application is initiated.

NOTE: Mr. Hernandez's AMRs, notices, and forms would be in Spanish because he has limited English proficiency. The attached forms are in English for training purposes.



NOTE: A Spanish AMR would be used. This English version is for training purposes.

PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

AGREEMENT OF MUTUAL RESPONSIBILITY

NAME: Nomar Hernandez		SOCIAL SECURITY NO: 186-00-0000
CASE NO: 221234567	TELEPHONE NO: 555-1212	DATE: 6/12/02

MY GOAL(s): To become independent of welfare

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
1. MEETING WORK REQUIREMENTS: Hours worked: -0- RESET exemption granted due to verified temporary incapacity Participate in WHAT: <u>Maximizing Participation Project (MPP)</u> WHERE: <u>CAO</u> WHEN: <u>6/12/02.</u>		6/12/02
2. PLAN FOR SELF-SUFFICIENCY Participate in MPP Attend all scheduled MPP appointments Help develop initial MPP Service Plan Follow requirements of AMR/MPP Service Plan with the goal of determining whether competitive employment is possible Children to attend school Keep all doctor's appointments and immunizations up to date Seek an increase in child support payments at DRS.	12/12/02 12/12/02 12/12/02 12/12/02 12/12/02 12/12/02 12/12/02	
3. FACILITATE WORK BY: Explained 60-month Lifetime Limit and offered Time-Out. Can stop TANF clock if cooperating with the MPP Service Plan and AMR. Explained that Special Allowances, Transportation, Child Care are available from MPP Explained Medicaid availability if cash case closes due to income and medical benefits are not available Reviewed appeal process		6/12/02
REPORT ON THIS PLAN TO: <u>Mr. Green</u> AT (<u>717</u>) <u>555-1234</u> WHEN (<u>10/31/02</u>)		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY

MONTH/YEAR: **10/03**

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

_____ CLIENT SIGNATURE	_____ DATE
_____ AGENCY SIGNATURE	_____ DATE

NOTE: A Spanish AMR would be used. This English version is for training purposes.

PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

NAME: Nomar Hernandez		SOCIAL SECURITY NO: 186-00-0000
CASE NO: 221234567	TELEPHONE NO: 555-1212	DATE: 7/16/02

AGREEMENT OF MUTUAL RESPONSIBILITY

MY GOAL(s): To become independent of welfare

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
<p>4. MEETING WORK REQUIREMENTS: Hours worked: -0- RESET exemption granted due to verified temporary incapacity</p> <p>Participate in WHAT: <u>Maximizing Participation Project (MPP)</u> WHERE: <u>CAO</u></p> <p>WHEN: Ongoing</p>		7/16/02
<p>5. PLAN FOR SELF-SUFFICIENCY Attend English as a Second Language classes at the SA Center Keep assessment appointment with Dr. Johnson Keep assessment appointment with Office of Vocational Rehabilitation Participate in MPP - See service plan for hours per week Attend all scheduled appointments Help develop final MPP Service Plan Follow requirements of AMR/MPP Service Plan Children to attend school Keep all doctor's appointments and immunizations up to date</p>	7/30/02 8/01/02 8/12/02 12/12/02 12/12/02 12/12/02 12/12/02 12/12/02 12/12/02	
<p>6. FACILITATE WORK BY:</p> <p>Explained 60-month Lifetime Limit and Time-Out Initiative. Can stop TANF clock as long as cooperating with the MPP Service Plan and AMR. Issued special allowances for transportation and child care for ESL. Reviewed appeal process</p>		7/16/02 7/16/02
<p>REPORT ON THIS PLAN TO: <u>Mr. Green</u> AT <u>(717) 555-1234</u> WHEN (<u>10/31/02</u>)</p>		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY:

MONTH/YEAR: 10/03

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

_____	_____
CLIENT SIGNATURE	DATE
_____	_____
AGENCY SIGNATURE	DATE

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

NOTE: A Spanish AMR would be used. This English version is for training purposes.

PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

NAME: Nomar Hernandez		SOCIAL SECURITY NO: 186-00-0000
CASE NO: 221234567	TELEPHONE NO: 555-1212	DATE: 9/16/02

AGREEMENT OF MUTUAL RESPONSIBILITY

MY GOAL(s): To become independent of welfare

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
7. MEETING WORK REQUIREMENTS: Hours worked: -0- RESET exemption granted due to verified temporary incapacity Time-Out granted as long as in compliance with the MPP Service Plan and the AMR Participate in WHAT: <u>Maximizing Participation Project(MPP)</u> WHERE: <u>CAO</u> WHEN: <u>Ongoing</u>		9/16/02 9/25/02
8. PLAN FOR SELF-SUFFICIENCY Attend English as a Second Language class at the SA Center Take medication as prescribed Keep all appointments with Office of Vocational Rehabilitation Participate in MPP - See service plan for hours per week Attend all scheduled appointments for physical therapy Follow requirements of AMR/MPP Service Plan Children to attend school Keep all doctor's appointments and immunizations up to date	12/12/02 12/12/02 12/12/02 12/12/02 12/12/02 12/12/02 12/12/02 12/12/02	
9. FACILITATE WORK BY: Discussed and authorized Special Allowances for Transportation and Child Care via MPP Reviewed appeal process		9/16/02
REPORT ON THIS PLAN TO: <u>Mr. Green</u> <u>AT (717) 555-1234</u> WHEN (10/31/02)		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY:

MONTH/YEAR:
10/03

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

_____ CLIENT SIGNATURE	_____ DATE
_____ AGENCY SIGNATURE	_____ DATE

**Suggested Entries:
PA 601N/CAACOM/CACCOM**

NAME: Nomar Hernandez		SOCIAL SECURITY NO: 186-00-0000
CASE NO: 221234567	TELEPHONE NO: 555-1212	DATE: 6/12/02

6/12/02
Client in CAO for reapplication interview. <i>(Enter all typical reapplication interview comments first)</i> . Time-Out explained, client agrees to participate as an Exempt Volunteer. MPP requirements explained. MPP screening tool completed. New AMR completed.
7/9/02
MPP team has initial meeting. Mr. Hernandez chose not to be present.
7/16/02
Client meets with MPP coordinator to complete initial MPP Service Plan. MPP coordinator authorizes special allowances for child care and transportation. Weekly follow-up planned. AMR updated. Results of MPP Team meeting indicate need for psychological and OVR assessments. Referrals made. Client will enroll in ESL classes. Special allowances are authorized to attend ESL classes.
9/16/02
Client meets with MPP coordinator to finalize MPP Service Plan. Program Status code and tracking exemption code entered. ETP code changed. Time-Out effective 9/25/02. Client will be attending physical therapy and is to attend training at OVR. Special allowances for child care are authorized. New AMR completed.
12/14/02
Client in CAO for reapplication interview. <i>(Enter all typical reapplication interview comments first)</i> . New AMR completed and MPP Service Plan updated. PA 1664 from client says he is unable to work until 3/1/03. A new 1664 given, explained that if new verification not received, his exemption will end on 3/1/03.
2/14/03
MPP team meeting held. Mr. Hernandez's exempt status discussed. Team anticipates he will become RESET mandatory in March.
COMMENTS CONTINUED ON NEXT PAGE

Suggested Entries: PA 601N/CAACOM/CACCOM

**Suggested Entries:
PA 601N/CAACOM/CACCOM**

NAME: Nomar Hernandez		SOCIAL SECURITY NO: 186-00-0000
CASE NO: 221234567	TELEPHONE NO: 555-1212	DATE: 6/6/03

3/1/03
Client is now mandatory for RESET. Program Status Code and tracking exemption codes removed. TANF clock restarts effective 3/15/03. System notice mailed. Phone call to Mr. Hernandez scheduling an appointment on 3/7/03.
3/7/03
Client in CAO to complete a new AMR. Client will complete initial 8-week job search. Client advised of RESET work requirements at 24 months. MPP enrollment terminated due to referral for mandatory status.
6/6/03
Client reports job start at ABC Hardware, 25 hours per week at \$7.50 per hour. Household no longer eligible for cash due to combined earnings and child support payments. MPP project terminated. Cash assistance closed effective 7/3/03, system notice mailed. Household remains eligible for medical and food stamps. Referral made to CCIS. Referral for JRARRE initiative through the local provider Family Works Application initiated.

Suggested Entries: PA 601N/CAACOM/CACCOM

Time-Out Scenario - Kinship Caregiver

Ms. Smith and her two grandchildren, ages 7 and 8, have received TANF cash assistance as a three-person budget group for 24 months. The father of her grandchildren is deceased. The children receive combined SS Survivor's Benefits of \$80 per month. The children's mother lives out of state, is remarried and does not work. There is a court order of \$200 per month in effect but is not paid. There are no other persons in the household receiving TANF benefits.

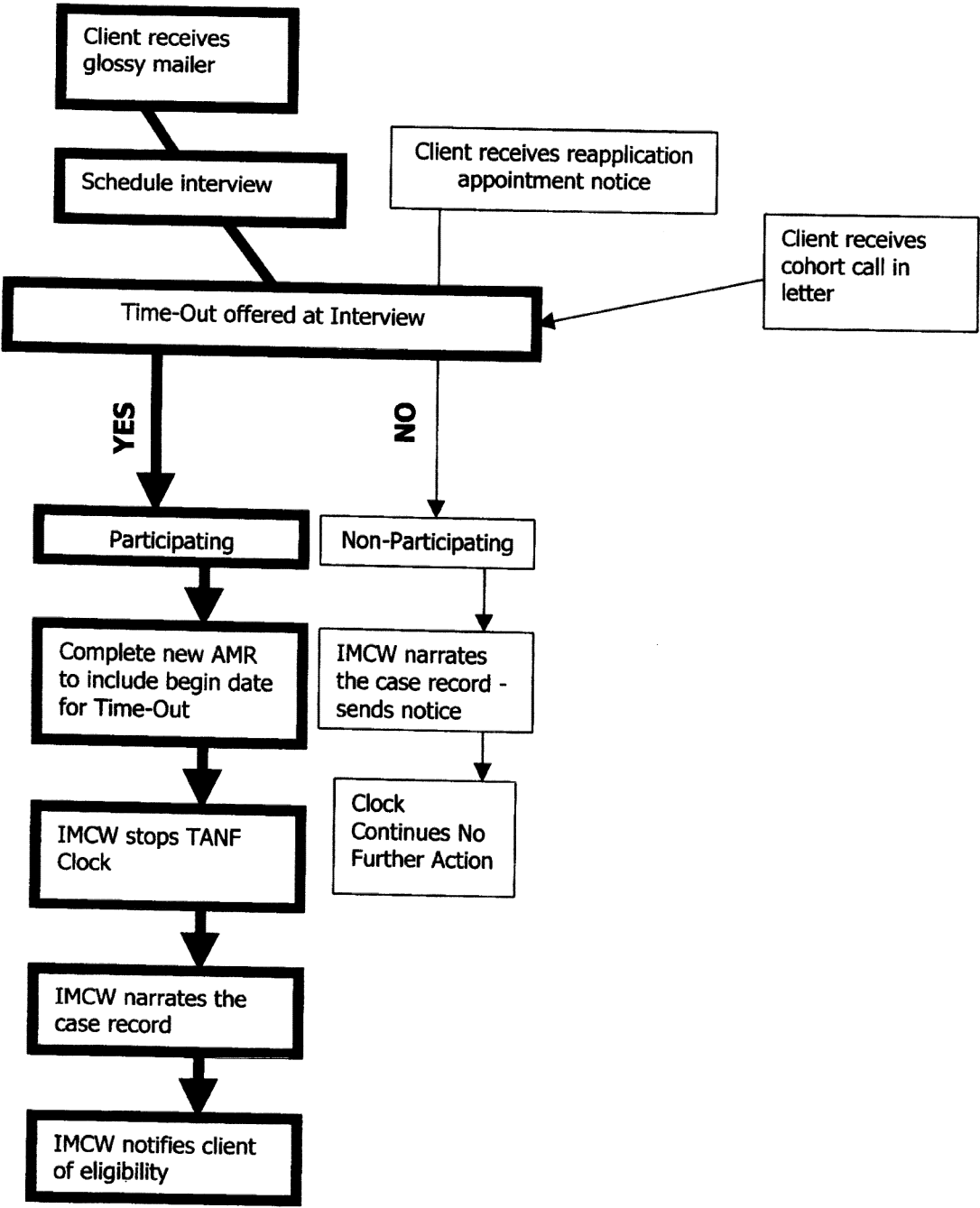
Ms. Smith is working 20 hours per week at the school cafeteria. After receiving the glossy mailer, Ms. Smith contacts her IMCW to schedule an interview.

At the time of the interview, Ms. Smith chooses to participate in Time-Out. The IMCW explains the option for a child-only case. Ms. Smith prefers to stay on the grant. Ms. Smith also agrees to try to increase her hours at work. The IMCW notifies Ms. Smith that she may qualify for Time-Out as long as she is in compliance with the post-24-month work requirements and her AMR.

The IMCW and Ms. Smith complete and sign a new AMR which includes the program effective date and the requirements for continued eligibility. The IMCW enters program status code 06 on CACOMP to indicate Time-Out. The tracking exemption code of 76 is also entered on CACOMP. A living arrangement code of 12 must be entered on CAINDL. The IMCW initiates the process to stop the TANF clock, narrates the case record and sends proper notification to the client.

NOTE: If this becomes a child-only case for any reason the client may qualify for Family Works and JRARRE.

**Time-Out
Kinship Care**



PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

AGREEMENT OF MUTUAL RESPONSIBILITY

NAME: Ms. Smith		SOCIAL SECURITY NO: 231-56-7890
CASE NO: 456789	TELEPHONE NO: None	DATE: 9/15/01

MY GOAL(s): Find a full time job

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
<p>1. MEETING WORK REQUIREMENTS: Hours worked: Continue to work 20 hours per week at the school Time-Out begins <u>7/29/01</u> Participate in WHAT _____ WHERE _____ WHEN _____</p>	<p>1/15/02 (redetermination date)</p>	
<p>2. PLAN FOR SELF-SUFFICIENCY Make sure your grandchildren attend school Enroll your grandchildren in EPSDT and maintain immunizations Contact Domestic Relations to enforce support order Increase hours at work or look for job with better pay or more hours</p>	<p>1/15/02 1/15/02 1/15/02</p>	
<p>3. FACILITATE WORK BY: Explained 60-month Lifetime Limit and child-only case options. TANF clock stops while grandchildren are in your care/control and receiving TANF and your work requirements are met. Explained Medicaid availability after case closes Refer to JRARRE Explain CC Services availability of hours are increased</p>		<p>7/15/01</p>
<p>REPORT ON THIS PLAN TO: <u>IMCW</u> AT () PHONE _____ WHEN ()</p>		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY:

MONTH/YEAR:
03/15/02

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

CLIENT SIGNATURE
IMCW
AGENCY SIGNATURE

7/15/01
DATE
7/15/01
DATE

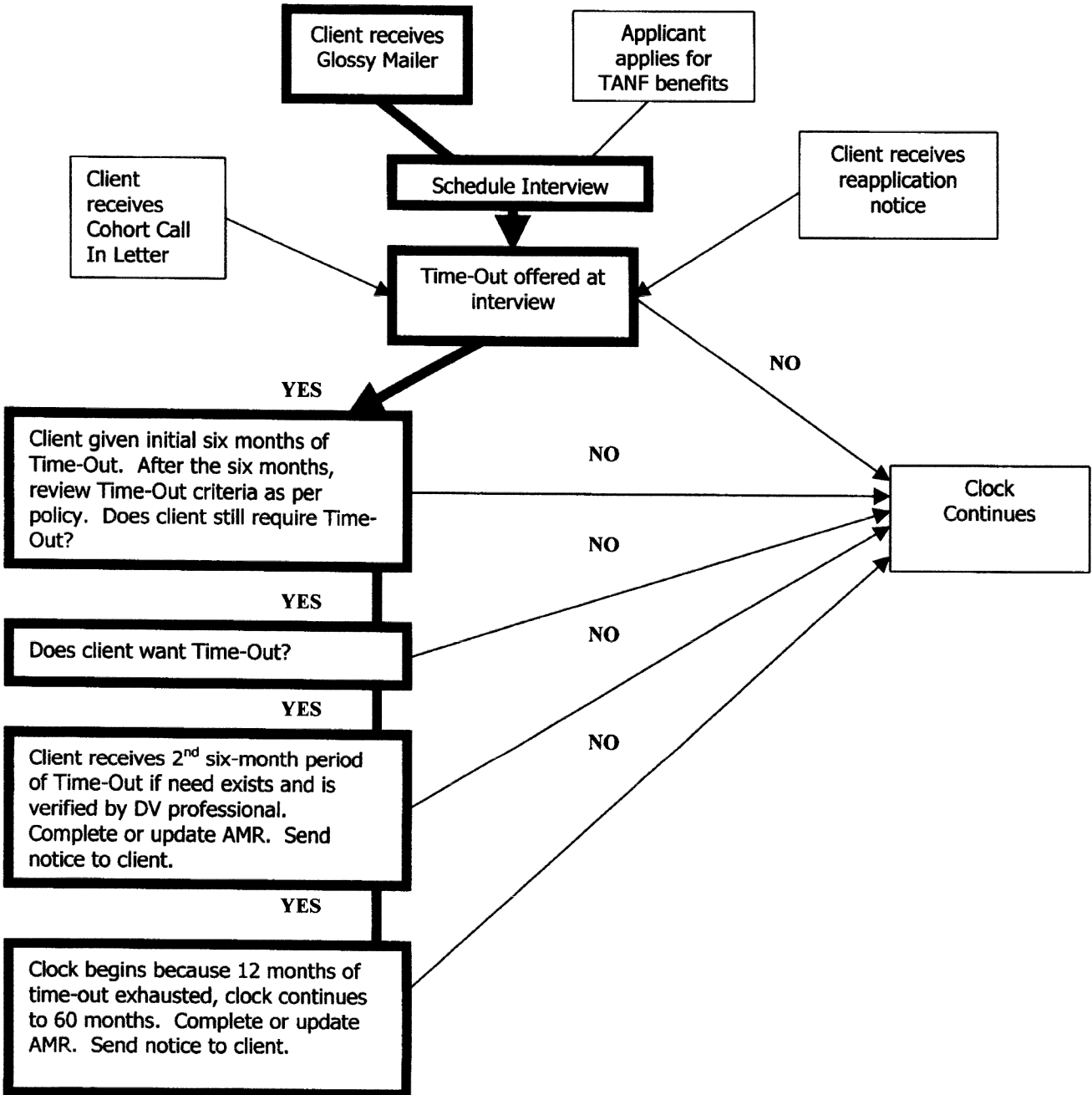
Time-Out Scenario for A Victim of Domestic Violence with Good Cause

Ms. Howard is an active TANF recipient and Domestic Violence victim, who was previously granted a waiver of RESET requirements as result of domestic violence issues. Originally, the RESET waiver was based on the client's statement.

Ms. Howard received the glossy mailer and called her worker to schedule an appointment for Time-Out. At the interview the IMCW explains that Ms. Howard must complete the PA 1727. She completes Section 4, the self affirmation. This affirmation is good for up to six months Time-Out. It may be renewed for an additional Time-Out if the need continues to exist. However, when she requests a second six-month period of Time-Out, she also must be working with a domestic violence counselor, who will verify in Section 3, of the PA/CS 1727 that the domestic violence is still very problematic. Based on a Third Party Statement (Domestic Violence Counselor), a second Time-Out period is granted.

NOTE: If she later meets the Working, Early Engager, or Exempt Volunteer Time-Out criteria, she may receive a second 12-month period of Time-Out.

**TIME-OUT
DOMESTIC VIOLENCE**



PLAN FOR SELF-SUFFICIENCY and MEETING WORK REQUIREMENTS

NAME: Ms. Howard		SOCIAL SECURITY NO: 234-56-7890
CASE NO: 000123	TELEPHONE NO: 555-4321	DATE: 07/12/01

AGREEMENT OF MUTUAL RESPONSIBILITY

MY GOAL(s): Move toward getting a job

MY ACTION PLAN:	TAKE ACTION BY	ACTION COMPLETED
1. MEETING WORK REQUIREMENTS: Hours worked: Time-Out granted 7/18/01 to 01/18/02 Good cause in effect from 3/15/01 to 9/15/01 Participate in WHAT: _____ WHERE: _____ WHEN _____	9/15/01	7/12/01
2. PLAN FOR SELF-SUFFICIENCY Previously referred for supportive services Children to attend school Keep all doctor's appointments for children and immunizations up-to-date	9/15/01 9/15/01	
3. FACILITATE WORK BY: Explained 60-month clock and Time-Out requirements if she needs an additional six months Explained that special allowances, transportation and child care available when she is able to work or attend training Discussed Medicaid availability for current medical needs Reviewed appeal process	3/15/01 3/15/01 3/15/01 3/15/01	
REPORT ON THIS PLAN TO: <u>Mr. Brown</u> <u>AT (717) 555-4444</u> <u>WHEN (9/15/01)</u>		

MY GOAL IS TO BE ABLE TO SUPPORT MYSELF AND MY FAMILY

I have read and understand this agreement. I understand that signing this agreement is a condition of eligibility and that the penalties, listed on the reverse side of this form, may be imposed if I fail, without good cause, to complete certain activities. I agree to take the actions outlined in this plan. (62 P.S. 405.3)

The agency will provide supportive services, to the extent possible, to help you complete the actions outlined in your plan.

MONTH/YEAR:

9/15/01

CLIENT SIGNATURE

DATE

AGENCY SIGNATURE

DATE

VERIFICATION FOR TIME OUT BASED ON DOMESTIC VIOLENCE

PLEASE READ THESE INSTRUCTIONS CAREFULLY.

- Block One - Completed for all claimants.
- Block Two - Completed **only** if records are available.
- Block Three - Completed if statements are needed from Third Party.
- Block Four - Completed if no evidence/statements available.

1. CLAIM FOR TIME OUT

I, Glenda Howard, claim Time Out because of domestic violence. I have been asked to provide verification to support my claim. I have/will cooperate in providing verification below.

2. RECORDS

■ I submit **ONE** of the following, if available:

- | | |
|--|--|
| <input type="checkbox"/> law enforcement records | <input type="checkbox"/> social service records |
| <input type="checkbox"/> court records | <input type="checkbox"/> child protective services records |
| <input type="checkbox"/> medical/treatment records | <input type="checkbox"/> other (specify) _____ |

3. AUTHORIZATION/VERIFICATION BY A THIRD PARTY

■ I authorize _____ to complete the verification below and to provide it to the Department of Public Welfare for the purpose of verifying my claim of domestic violence.

Date: _____ Signature: _____

This statement is submitted by:

 _____ (Name)
 _____ (Title)
 _____ (Organizational Affiliation)
 _____ (Address)

■ I am: (Check One)

- | | |
|--|---|
| <input type="checkbox"/> A domestic violence service provider | <input type="checkbox"/> A legal representative |
| <input type="checkbox"/> A medical, psychological or social service provider | <input type="checkbox"/> An acquaintance/friend/relative/neighbor of the claimant |
| <input type="checkbox"/> A law enforcement professional | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> A County Children and Youth Representative | |

I have knowledge of the claimant's experience with and/or steps to escape domestic violence and submit this statement to verify that domestic violence has, does, or will make it more difficult for _____ to achieve self-sufficiency at this time.

Date: _____ Signature: _____

4. AFFIRMATION

■ I affirm that domestic violence has, does, or will make it more difficult for me to achieve self-sufficiency at this time. I do not have and am unable to safely obtain evidence to verify the domestic violence.

Date: 7/12/01 Signature: Ms. Glenda Howard

ATTENTION!!!!!!!!!!!!!!

YOU HAVE LESS THAN 12 MONTHS OF TANF CASH ASSISTANCE LEFT

You know that cash TANF cash benefits are only available for FIVE years. You also know that you **MUST** take steps to support your family on your own.

**The County Assistance Office records show
that you have received cash assistance for 4 years.**

If you ARE NOT working, talk to your caseworker. Your caseworker can help you find a job or training that can help you get a job.

If you ARE working, you should try to work more hours. Remember - - you **must** be able to support your family without cash assistance after FIVE years. Your caseworker can get you help finding a better job or working more hours.

Your caseworker also can help you apply for benefits to help you while you work. Welfare can help you pay for child care, transportation costs, books, tools or work uniforms.

If you have a medical exception from working, your TANF cash assistance is still expected to end at the 5-year deadline. Your caseworker can get you help preparing to work without giving up your exception. There is no time limit for Medicaid and Food Stamps.

**Don't wait. Talk to your caseworker NOW about preparing for the
end of cash assistance.**

ATTENTION!!!!

YOU HAVE LESS THAN 9 MONTHS OF TANF CASH ASSISTANCE LEFT

THE GOOD NEWS - - YOU MAY BE ABLE TO RECEIVE UP TO ONE MORE YEAR OF CASH ASSISTANCE

Beginning July 1, a new initiative called "Time-Out" may be able to help you. If you are eligible for Time-Out, you may be able to receive up to one more year (12 months) of cash assistance.

Time-out benefits don't count towards your five-year limit on TANF cash assistance.

You may be able to receive Time-Out if you are:

1. Working
 - 30 hours a week; or
 - Working at least 20 hours a week and attending additional hours a week of an approved employment and training activity so your total work and education hours are at least 30; or
 - You and your spouse are working a combined 55 hours a week
2. An Exempt Volunteer
 - Excused from the work rule because of a temporary or permanent disability and
 - You participate in the Maximizing Participation Project
3. A Kinship Caregiver
 - A non-parent caretaker (grandmother, aunt etc) who has cared for a related child longer than 24 months or who cares for a related child under court order
 - Do not receive cash benefits for your own children and
 - You meet or are exempt from the 20-hour weekly work rule
4. A Victim of Domestic Violence

**Please contact your caseworker if you think
you may qualify for TIME-OUT.**

TANF cash benefits are only available for FIVE years. YOU HAVE LESS THAN 9 MONTHS OF TANF CASH ASSISTANCE LEFT. The County Assistance Office records show that you have received TANF cash assistance for more than 4 years.



Cash Assistance Handbook

CATEGORY

CITATION

(TANF Dependent Children, contd.)

The payment name for the TANF payment must agree to have the assistance paid to him on behalf of the essential person. However, the essential person has the right to refuse to be included in the TANF budget group as TANF is limited to 60 months in a person's lifetime. **NOTE:** TANF assistance received as an adult will count towards the 60-month limit.

62 P.S. 403(b)
P.L. 104-193
Title I, §103
(SSA §408(a)9))

105.24 MANDATORY BUDGET GROUP MEMBERS

Biological or adoptive parents and dependent full or half siblings to a TANF child must be included in the budget group. A parent, including a minor parent, who is required to be in the budget group but is not designated as the specified relative (ES) or (NS) and is not required to be in the budget group as a sibling (EC) of a TANF child, is coded EA or EP. See Chapter 110, Budget Groups.

55 Pa. Code
171.21(b)1)i)

EXCEPTION: Children receiving Federal IV-E or State or local foster care assistance or adoption assistance shall not be included as a member of a TANF budget group unless the child is receiving Federal, State or local adoption assistance and the child's inclusion in the budget group would increase the benefits of the budget group. If the inclusion of the adopted child would increase the benefits, then the child must be included in the budget group. See Chapter 110, Budget Groups.

105.25 TIME-LIMITED ASSISTANCE

Receipt of TANF assistance is limited to 60 months (1830 days) in a person's lifetime.

P.L. 104-193
Title I, Section 103
(SSA §408(a)1)B))

Assistance received counts toward the lifetime limit if the person is:

- an adult;
- a minor child head of household;

OR

- a minor child married to the head of household.

Periods of receipt need not be consecutive to count toward the 60-month limit.

Assistance may not be provided to a family that includes an adult who has received his lifetime limit of 60 months.



Cash Assistance Handbook

CATEGORY

CITATION

(Time-Limited Assistance, contd.)

A family is defined as a minor child and his parent(s) or other adult specified relative with whom he lives. A parent or other adult specified relative is considered a member of the family regardless of whether he is in the application for TANF or is applying only on behalf of the minor child.

NOTE: A parent who is ineligible for TANF because he has received 60 months of TANF benefits and who is living in the home with his minor child must be included in an application for TANF made on behalf of his minor child. Refer to Chapter 110, Section 110.4, Mandatory TANF Budget Group Members.

EXAMPLE: Susan Brown receives TANF for herself and three children, John, Mary and Lucy. She receives 1,830 days of assistance (60 months). The Brown family is ineligible for continued assistance.

EXAMPLE: Gloria Brown applies for assistance for herself, her nieces, Mary Brown and Lucy Brown, and her nephew, John Brown. The children's mother, Susan Brown, lives in the home. Gloria and the children are ineligible for TANF because Susan Brown, who has received her lifetime TANF benefit, lives in the home and as a parent is part of the mandatory budget group and must be included as part of the family. Gloria Brown may apply for and receive GA if she is otherwise eligible.

105.251 EXCEPTIONS TO TIME-LIMITS

The following are not considered "assistance received" in calculating a recipient's 60 months of TANF eligibility:

- A period of zero cash issuance.
- Assistance reimbursed because the client had previously signed a reimbursement agreement pending receipt of a delayed resource.
- Assistance repaid due to collection of an overpayment.
- A check issued but not received by the client and the check is not replaced.
- A period when a recipient or budget group is under sanction.
- An Emergency Shelter Allowance (ESA) payment.
- A period of interim benefits received under Supplemental Handbook Chapter 870.8 when a final decision has not been handed down by the Bureau of Hearings and Appeals within the appropriate time limit and the budget group's appeal is eventually denied.

EX 2


COMMONWEALTH OF PENNSYLVANIA
Department of Public Welfare

9/14/99

OPERATIONS MEMORANDUM 99-9-3
Employment & Training

SUBJECT: Summary on RESET Policy on Access to Education

TO: Executive Directors

FROM: 
Raymond E. Schlechter
Director
Bureau of Operations

PURPOSE

To provide CAOs with a summary of RESET provisions related to clients who are involved in an education activity.

BACKGROUND

Cash Assistance Handbook (CAH) pages which provide RESET requirements were last issued in December 1997. Since that time, the Department has issued a number of Operations Memoranda and policy clarifications regarding clients' ability to enroll in education or training programs as a means of complying with, or in addition to complying with, work-related requirements. This memo does not describe any new policy but is intended to provide a summary of these requirements in one place, along with the citations for the policies.

In general, the Department encourages clients to pursue education or training, and will support those efforts if the client is satisfying RESET requirements. A realistic course of education can be a part of an approved plan to reach self-sufficiency regardless of the number of months of assistance the client has received.

This memo is divided into four sections: general rules; rules for clients who have not yet received cash assistance for 24 months since 3/3/97; rules for clients who have received cash assistance for 24 months or more; and special rules for clients under age 22, both pre- and post- 24 months.

DISCUSSION

▪ **GENERAL RULES**

In general clients may pursue education or training, as long as they are fulfilling the requirements of RESET. Clients are eligible to receive special allowances to support their education and training as long as the education or training is approved on their AMR. CAH §135.44.

The IMCW and the client jointly develop a plan for the client's self-sufficiency. Education or training should be approved if it is likely to lead to the client's employment goal on his or

her AMR, and if the client is meeting the work or work-related requirement. CAH §135.41. CAOs are reminded that education and training is provided through many DPW-funded contractors. Education and training is free to clients enrolled in DPW-funded contracted programs. Clients enrolling in education or training on their own may have to pay for the services or take out loans. While clients are free to do so, contracted programs provide most of the services without cost or future loan obligation and may also provide additional supportive services.

Special allowances should be authorized if a client is eligible to receive them and needs them to pursue approved education or training. Allowances for education or training may include child care, transportation, books and supplies, clothing, tools and equipment, fees, or any of the other allowances where appropriate. CAH §135.44.

Clients exempt from RESET may volunteer for education or training at any time during their five years of TANF, and receive special allowances if in need to support these activities, including DPW-funded education or training programs. Policy Clarification EPP 323135.

When an exemption ends, the client becomes mandatory and all other RESET requirements apply.

As the goal of TANF is employment leading to self-sufficiency, a client will be required to accept a bona fide job offer even if it conflicts with his or her educational plan. The Department encourages the client to combine both activities, as working and enhancing skills helps individuals advance in employment. Clients who are enrolled in DPW-funded programs and find employment while still in training will have the help of the contracted provider in adjusting the client's training schedule to accommodate work.

- **BEFORE 24 MONTHS**

During their initial job search, clients may pursue education or training if this activity does not interfere with their job search. Policy Clarifications 679 (5/19/97), 705 (4/15/97). They qualify for special allowances for both their education or training and for job search. Clients may choose to do their initial job search independently through the CAO or through a contracted program. CAH §135.41.

If the initial job search does not yield a job, education can be the client's sole work activity for up to 12 months during their first 24 months of receipt of cash assistance. Clients should be informed of this opportunity, so they do not miss this chance to improve their employment prospects. After 12 months of education or training, the client may continue his or her education, but must combine it with some other work activity (such as a job, community service, or on-going job search). CAH §135.41. Contracted programs provide clients with no cost training, additional support services, job development, placement assistance, and job retention services.

Clients exempt from RESET who volunteer for education or training need not perform an eight-week job search before enrolling in education or training. Policy Clarification EPP 323135.

Work-study counts as employment, and may fulfill the work-activity requirement just as any other job would. In addition, however, work-study income is excluded in calculating the client's TANF grant. Policy Clarification PCA 7103-114.

"Grandfathered" students (that is, those whose Employment Development Plans (EDPs) were approved by the Department before March 3, 1997) may continue their approved activities until they finish their plan or cease to participate, whichever comes first, and can receive special allowances, if eligible for them, to support these activities. CAH §135.42; 135 Appendix C-44. However, the client must be advised that after receipt of cash assistance benefits for 24 months, he or she must also fulfill the post-24-month work requirement.

▪ **AFTER 24 MONTHS**

Clients may still pursue education or training, as long as they are meeting the post-24 month work requirement. Clients who need them may receive special allowances to support their education and training, in addition to special allowances needed for their 20 hours/week of work, as long as the education or training is approved on the AMR and the client is in need.

Internships, post-24-month clients participating in an internship, practicum, or student teaching experience as part of a post-secondary education or training program should be granted temporary good cause for not meeting the 20-hour per week work requirement if the activity meets the Internship Policy requirements outlined in Operations Memorandum 99-06-02. If the internship meets all of the requirements, temporary good cause may be granted for six months or until the activity is completed, whichever comes first. If this activity takes place for fewer than 20 hours/week, then the client has good cause for the number of hours in which he or she participates in this activity, but must supplement those hours with acceptable post-24-month work activities to bring him or her up to 20 hours/week. Operations Memo 99-06-02.

Work-study, counts as employment, and hours spent in work-study positions fulfill the post-24-month work requirement just as any other job would. In addition, however, work-study income is excluded in calculating the client's TANF grant. Policy Clarification PCA 7103-114.

Community service, students who are not meeting the work requirements are subject to the RESET requirements to seek, accept, and retain employment. Those students who are unable, despite good faith efforts, to find paid employment, can participate in and have community service count toward fulfillment of the work requirements provided there are no work experience or other work slots offering 20 hours a week available. The community service position obtained by the client must meet all of the requirements outlined in Operations Memorandum 99-07-07.

SPOC slots, if available, can be offered to post-24-month clients. SPOC providers have arranged to provide 20 hours/week of acceptable work activities for post 24-month clients, in addition to training. This is a good option for post-24-month clients who have not begun an education or training program.

Clients exempt from RESET may volunteer for education or training as their work activity. Policy Clarification EPP 323135. Exempt volunteers who chose to enroll in contracted programs must comply with the terms and requirements of the programs.

"Grandfathered" students (that is, those whose EDPs were approved by the Department before March 3, 1997) must also fulfill the post-24-month work requirement, CAH §135.42; 135 Appendix C-44.

• **SPECIAL RULES FOR CLIENTS UNDER AGE 22**

Under age 18: Clients under age 18 must participate in high school or a GED program, and are exempt from RESET requirements. If they cease to participate in school or a GED program, they become mandatory RESET participants, and must work 20 hours/week and move toward self-sufficiency. CAH §135.411.

Age 18–22, first 24 months of assistance: Cash assistance recipients who are between the ages of 18 and 22 may meet the work activity in the first 24 months of cash assistance by pursuing a high school diploma or GED for up to 24 months. This policy applies to any individual between the ages of 18 and 22 who is attending high school or pursuing a GED. If they cease to participate in school or a GED program, they become mandatory RESET participants.

Age 18–22, post-24-months of assistance: Post-24-month work requirements state that cash assistance recipients who have received cash assistance for 24 months or more must meet the 20-hour work requirement unless they are exempt or have good cause.

Pregnant or parenting cash recipients under the age of 22 who are enrolled in high school should be granted good cause until they graduate, drop out of school, or turn 22 years of age, whichever comes first.

Pregnant or parenting cash recipients under the age of 22 who are attending a GED program at least 20 hours per week (including time spent on "life skills" as well as academic studies) are granted good cause until they receive their GED, drop out of the GED program, or turn 22 years of age, whichever comes first.

Pregnant or parenting cash recipients under the age of 22 who are attending a GED program less than 20 hours per week are subject to RESET requirements (Operations Memoranda 99-03-11 and 99-06-10).

NEXT STEPS

1. Disseminate this information to appropriate staff.
2. Questions concerning this memorandum should be directed to Mr. David Florey, Director, Bureau of Employment and Training Programs, at (717) 787-8613.
3. This memorandum becomes obsolete when the Cash Assistance Handbook is updated to include this information.