

**BEFORE THE INDEPENDENT  
REGULATORY REVIEW COMMISSION**

Comments Regarding the Adoption of

Department of Public Welfare's

Regulations

(Extended TANF Regulations)

32 Pa. Bull. 432 (January 26, 2002)

Exhibits

Submitted by  
Community Legal Services, Inc.  
Community Justice Project  
Women's Law Project



## **List of Exhibits**

1. Operations Memorandum 01-06-09, Implementation Instructions for the Time-Out Initiative
2. Cash Assistance Handbook § 105.251
3. OIM Policy Clarification 09-02-98, Entitlement to an Adjustment of the TANF Benefit Days
4. Employment Assessment Form (EAF)
5. DPW, Status of Cohort
6. Letter of November 20, 2001, Robert Casey to Feather Houstoun
7. Comments prepared by CLS Re: DPW's TANF Program
8. DPW Temporary Exception Policy
9. Equal Employment Opportunity Commission, Enforcement Guidance on Reasonable Accommodation (eff. March 1, 1999)
10. DHHS, Average Hours of Participation, Excluding Waivers, for All Adults Participating in Work Activities in Work Activities, Table 5
12. Operations Memorandum 99-07-07 (July 13, 1999)
13. DPW's Optional Certifications
14. Marked up copy of DPW proposed regulations



**EXHIBIT 1**



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                CIS BUDGET GROUP COMPOSITION ACTION  / / / : : :
2:                      Operator: _____ Worker: _____ Page: _____ More: _____
3: Co Record           Mode      Dist      Case Name                Cslid
4: _____
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 EDR
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

**EXHIBIT 2**





# 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.





**EXHIBIT 3**



## Attachment 1

**OIM Policy Clarifications**

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**From:** OIM Policy Clarifications  
**Sent:** Wednesday, September 02, 1998 11:22 AM  
**To:** Aleta Shaub  
**Subject:** PCT-7763-105

Aleta,

This is a question which was referred to Policy Clarifications Unit after it was sent to the CAO.

**From:** PCAO Special Eligibility  
**Sent:** Friday, May 22, 1998 11:03 AM  
**To:** OIM Policy Clarifications 001  
**Subject:** Policy Clarification - TANF

**T.R. 7763**

**SF No. PCT-7763-105**

**Title: Current Support Collections - Adjustment of TANF Benefit Days**

**Agency:** OTS/SEU  
**Citation:** IMB #99/94/6, PCT 6795105, OPS 980402  
**Subject:** Entitlement to an Adjustment of the TANF Benefit Days

Alert #038 is generated when current support collected exceeds the monthly assistance grant. The alert is generated the month following the receipt of the support. Our action to close, if necessary, is usually the second month after receipt of the support payment, but can be longer. The Bureau of Child Support Enforcement (BCSE) generally determines that excess monthly support was collected and a support refund referral is completed. A refund is issued in an amount equal to the difference between the monthly support collected and the monthly assistance grant for the period. The case remained opened incorrectly (FORBES SETTLEMENT).

Because the refund check represents current support collected minus the FSA, the recipient has actually repaid the TANF benefits received for these particular months. Is this recipient entitled to an adjustment to the TANF benefit days and if so, will BCSE have this responsibility or the CAO through CSINDL?

**RESPONSE BY: Mary Kay Limbacher**

The client is entitled to an adjustment of benefit days in these situations. The adjustment must be completed by the CAO as BCSE does not have the capability to make this adjustment.



**EXHIBIT 4**



**PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE  
EMPLOYABILITY ASSESSMENT FORM**

9(e) 2 of 3

RECORD NAME
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IDENTIFICATION		
CO.	RECORD NO.	DIST.

WORKER:	CASELOAD NO.:	DATE:
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**SECTION I (Must be completed by applicant/recipient for public assistance)**

**PLEASE PRINT OR WRITE CLEARLY. BE SURE TO SIGN YOUR NAME AND DATE THIS FORM IN THE APPROPRIATE SPACE BELOW.**

NAME	BIRTHDATE	SOCIAL SECURITY NO.:
ADDRESS:	TELEPHONE NUMBER:	ZIP CODE

**BRIEFLY EXPLAIN WHY YOU BELIEVE YOU CANNOT WORK:**

I HEREBY AUTHORIZE ALL MEDICAL PROVIDERS TO RELEASE ANY MEDICAL INFORMATION THAT IS RELATED TO MY EMPLOYABILITY TO THE PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE. THE INFORMATION OBTAINED WILL BE USED ONLY FOR PURPOSES RELATED TO AN ASSESSMENT OF MY ABILITY TO WORK AND MY ELIGIBILITY FOR PUBLIC ASSISTANCE.

  X    
(SIGNATURE) PUBLIC ASSISTANCE APPLICANT/RECIPIENT      PRINT NAME      DATE

AFTER YOU HAVE COMPLETED THIS SECTION, ARRANGE FOR AN APPOINTMENT WITH A LICENSED PHYSICIAN (MEDICAL DOCTOR OR DOCTOR OF OSTEOPATHY) OR PSYCHOLOGIST. GENERAL ASSISTANCE BENEFITS OR AN EXEMPTION FROM TANF WORK REQUIREMENTS CANNOT BE AUTHORIZED FOR YOU UNTIL THE FULLY-COMPLETED FORM IS RETURNED TO THE COUNTY ASSISTANCE OFFICE WORKER.

RETURN TO:

**SECTION II (To be completed by a licensed physician or psychologist)**

The information on this form will be used by DPW to make an assessment of your patient's qualification for GA benefits or an exemption from TANF work requirements based on his or her inability to work. Please complete this section based on your evaluation of the patient's statement in Section I, your examination of the patient, and your use of other medical procedures.

**EMPLOYABILITY (Check Only One)**

- 1.  **PERMANENTLY DISABLED** - Has a physical or mental condition which permanently precludes any gainful employment. The patient is a candidate for Social Security Disability or SSI.

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- 2.  **TEMPORARILY DISABLED - 12 MONTHS OR MORE** - Is currently disabled due to a temporary condition as a result of an injury or an acute condition, and the disability temporarily precludes any gainful employment.  
 The temporary disability began \_\_\_/\_\_\_/\_\_\_ and is expected to last until \_\_\_/\_\_\_/\_\_\_.  
DATE DATE  
 The patient may be a candidate for Social Security Disability or SSI benefits.

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- 3.  **TEMPORARILY DISABLED - LESS THAN 12 MONTHS** - Is currently disabled due to a temporary condition as a result of an injury or an acute condition and the disability temporarily precludes any gainful employment.  
 The temporary disability began \_\_\_/\_\_\_/\_\_\_ and is expected to last until \_\_\_/\_\_\_/\_\_\_.  
DATE DATE

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- 4.  **EMPLOYABLE** - The patient's physical and/or mental condition is such that he or she can work.

**EXAMINATION RESULTS: (Both parts of this Section Must Be Completed if #1 or #2 above is Checked. If not completed, the client will be ineligible for GA or will not be exempt from TANF work requirements.)**

- 1. **DIAGNOSIS (Primary and Secondary):**  
  
 PRIMARY:  
  
 SECONDARY:

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- 2. **ASSESSMENT BASED UPON: (Check all that apply)**
  - A. PHYSICAL EXAMINATION
  - D. APPROPRIATE TESTS AND DIAGNOSTIC PROCEDURES
  - B. REVIEW OF MEDICAL RECORDS
  - E. OTHER (Specify) \_\_\_\_\_
  - C. CLINICAL HISTORY

AS A LICENSED MEDICAL PROVIDER, I CERTIFY THAT I HAVE READ AND COMPLIED WITH THE ATTACHED INSTRUCTIONS AND THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE. I FURTHER CERTIFY THAT MY DIAGNOSIS AND ASSESSMENT ARE BASED SOLELY ON THE PATIENT'S CONDITION AS DETERMINED BY MY EXAMINATION. I UNDERSTAND AND AGREE THAT MY DIAGNOSIS AND SUPPORTING DOCUMENTATION MAY BE SUBJECT TO REVIEW BY THE DEPARTMENT OF PUBLIC WELFARE.

MEDICAL PROVIDER (PRINT NAME):	TELEPHONE NO.:
ADDRESS:	



# PLEASE READ INSTRUCTIONS BEFORE COMPLETING FORM

## COMPLETION INSTRUCTIONS - EMPLOYABILITY ASSESSMENT FORM (PA 1663)

9(e) 1 of 3

Act 1996-35 specifies that "Persons who may be eligible for General Assistance for an indeterminate period as a result of medical, social, or related circumstances shall be limited to...A person who has been assessed by a physician or psychologist as having a verified physical or mental disability which temporarily or permanently precludes him or her from any gainful employment. The verification of the physical or mental disability must be established by written documentation in a form prescribed by the department and must be based on acceptable clinical and laboratory diagnostic techniques, rather than a statement of symptoms by the applicant or recipient."

In addition to determining an applicant's or recipient's eligibility for General Assistance based on a disability, the Department of Public Welfare must also evaluate the employability of persons applying for or receiving assistance under the Temporary Assistance for Needy Families (TANF) category. This form is also used for that purpose.

To implement these requirements of law, we are asking you to complete this form for an applicant for public assistance.

**Who may complete assessment:**

The assessment may be performed only by a licensed physician or psychologist.

**Who signs the form:**

Only the individual who performed the employability assessment may sign the form. The signature must be original or the form will be invalidated. Signature or clinic stamps, labels, and other facsimiles are not acceptable.

**General form completion requirements:**

The information on the form and attachments must be complete and legible. The inability of county staff to read your material will result in the client's application being delayed and the form being returned to you for clarification. If possible, the form and any attachments should be typed.

If all questions are not answered fully, the client's application will be delayed and the form returned to you for completion.

### EMPLOYABILITY SECTION

**Permanently Disabled:**

Check this block if the client should be considered permanently disabled and, therefore, unable to work. When making this determination, you must consider whether the client is unable to engage in any gainful employment by reason of any medically determinable physical or mental impairments. A medically determinable physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical and laboratory diagnostic techniques. A physical or mental impairment must be established by medical evidence consisting of signs, symptoms, and laboratory findings, not only by the individual's statement of symptoms.

**Temporarily Disabled:**

There are two blocks for use in evaluating a client who is temporarily disabled - one for a client whose disability is expected to last 12 months or more, and one for a client whose disability is expected to last less than 12 months. Check the appropriate block if the client has an injury or condition that temporarily prevents the client from working in any gainful employment. Once the injury or ailment is resolved, the client can work. The date shown is when the temporary disability is expected to end. A client whose disability is expected to last 12 or more months may be a candidate for Social Security Disability or SSI benefits.

**Employable:**

Check this block if, based on your examination, it is not appropriate to check either the Permanently or Temporarily Disabled blocks.

### EXAMINATION RESULTS SECTION

This section must be fully completed so that it clearly establishes the basis for your decision that the client is either temporarily or permanently disabled. Simply providing a diagnosis is not sufficient. You must provide information about the basis for your diagnosis and assessment. Further, documentation sufficient to support your decision, for example medical records, X-rays, and lab reports, must be available for further review if required.

**Questions:**

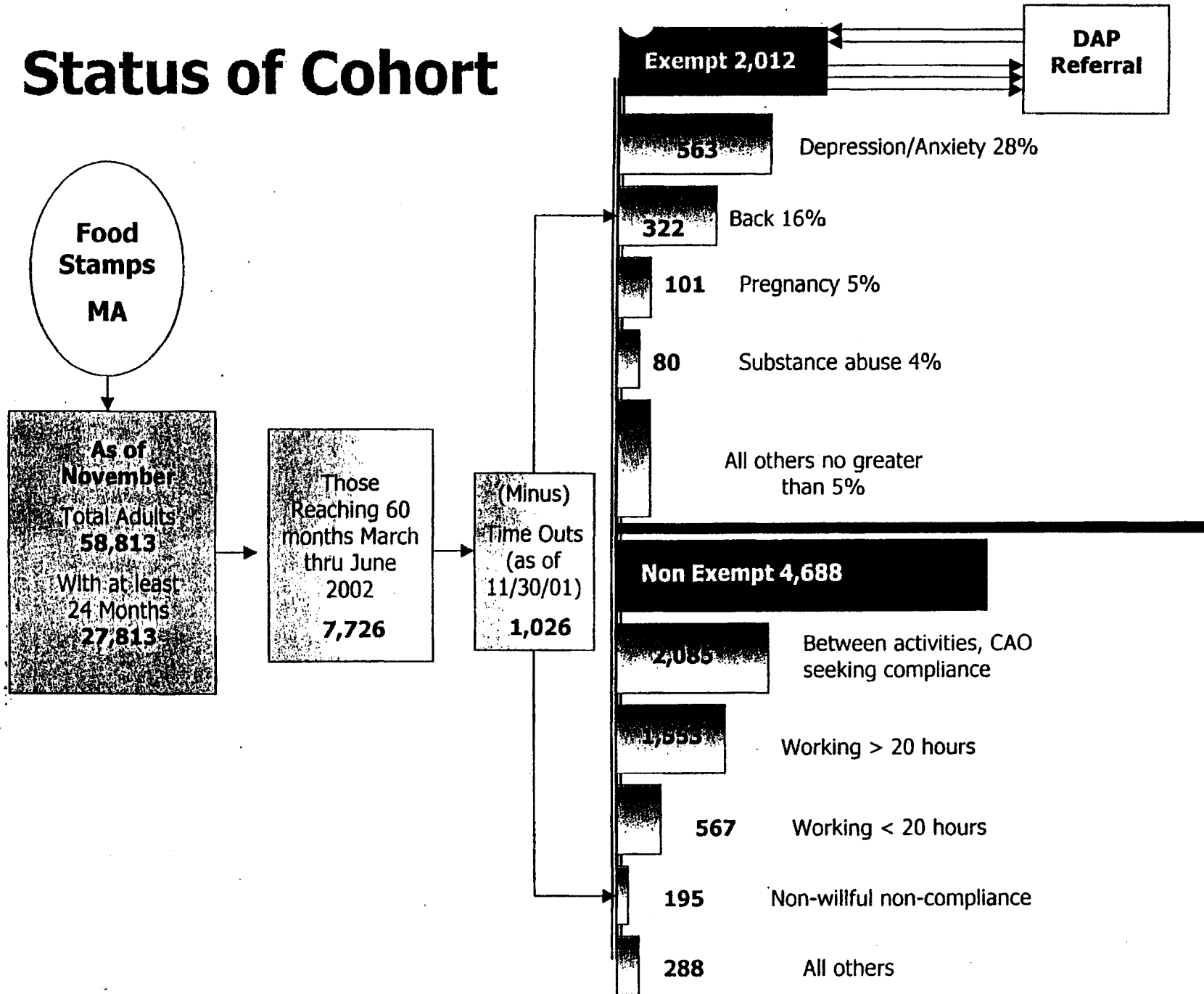
Contact your local County Assistance Office



**EXHIBIT 5**



# Status of Cohort





**EXHIBIT 6**







COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE AUDITOR GENERAL  
HARRISBURG, PA 17120-0018

THE AUDITOR GENERAL

November 20, 2001

The Honorable Feather O. Houstoun  
Secretary  
Department of Public Welfare  
333 Health and Welfare Building  
Harrisburg, Pennsylvania 17120

Dear Secretary Houstoun:

I am deeply concerned about proposed changes to the Department of Public Welfare's (DPW) procedure for determining whether parents who receive temporary assistance for needy families (TANF) are exempt from work. We all agree, I am sure, that exemptions should be given only to TANF parents with legitimate qualifying disabilities. It is my understanding, however, that DPW plans to subject all currently exempt TANF parents to additional medical examinations, using a firm that conducts examinations for insurance companies contesting workers' compensation claims.

It is the Department of Public Welfare's obligation to ensure that procedures for determining eligibility are equitable and accurate. Unfortunately, DPW's proposal for accomplishing this aim is ill-conceived in two respects. First, requiring reexamination of all currently exempt TANF parents is excessive, since DPW already has ample documentation confirming eligibility for many of these parents. Duplicative medical examinations would be time-consuming and a waste of tax dollars.

Second, the disabling conditions of workers' compensation claimants and TANF parents are likely to be markedly different, inasmuch as mental disabilities, intellectual deficits, and behavioral problems are especially prevalent among the latter group. It would seem prudent therefore to have physicians with experience in assessing these conditions perform the evaluations of TANF parents for whom reevaluation is justified. Otherwise, TANF benefits may be improperly terminated, creating unnecessary hardship for a particularly vulnerable population. When, in the 1990s, Massachusetts tried an approach similar to that proposed by DPW, the high denial rate for claimants alleging disabilities resulted in the issuance of a preliminary injunction barring the state from reducing or terminating benefits (copy enclosed). Massachusetts now has assessments done by a nonprofit, university-based contractor.

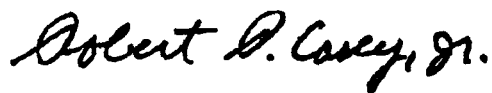
November 20, 2001

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Pennsylvania would be wise to learn from the Massachusetts experience and avoid not only risks to TANF families but also potentially costly litigation. I urge DPW to take a more balanced approach toward TANF parents with disabilities and their children, and abandon the ill-advised proposal under consideration.

Thank you for your attention to this matter.

Sincerely,



Robert P. Casey, Jr.  
Auditor General

**EXHIBIT 7**

