

# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Rm. 026  
Little Rock, Arkansas 72201-1094

For Office  
Use Only:

Effective Date

7/1/99

Code Number

016.20.99040

Name of Agency Division of County Operations

Department of Human Services

Contact Person Roy D. Kindle, Jr., Assistant Director, OPPD

Arkansas Code 20-76-401 (the Arkansas Personal  
Responsibility and Public Assistance Reform Act

Statutory Authority for Promulgating Rules

of 1997 as amended by Act 1567 of 1999 Date

Intended Effective Date

☐ Emergency

Legal Notice Published . . . . . 5-18-99

☐ 10 Days After Filing

Final Date for Public Comment . . . . . 6-16-99

☐ Other

Reviewed by Legislative Council . . . . .

7-1-99

Adopted by State Agency . . . . . 7-1-99

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

A handwritten signature in dark ink, appearing to read "D. A. Smith", written over a horizontal line.

Signature

Phone Number

Director

Title

5-14-99

Date

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ARKANSAS REGISTER DIV.

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NOTICE  
OF  
RULEMAKING

Pursuant to Arkansas Code 20-76-401 (the Arkansas Personal Responsibility and Public Assistance Reform Act of 1997) as amended by Act 1567 of 1999, the Director, Division of County Operations, issues proposed changes to the Title IV-A State Plan for the Transitional Employment Assistance (TEA) program and Transitional Employment Assistance program policy. These changes affect the time-limit rule, the non-compliance sanctions, work activity deferrals, and the alienage requirements.

Copies of the proposed State Plan and manual policy changes may be obtained by writing the Division of County Operations, P.O. Box 1437, Slot 1220, Little Rock, AR 72203, Attention: Office of Program Planning & Development. All comments must be submitted in writing to the address indicated above no later than 30 days from the date of this notice.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 682-8920 (voice) or 682-8933 (TDD).

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and Operates, manages, and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

Ruth Whitney  
Director

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STATE  
OFFICE  
ARKANSAS

DEPARTMENT of Human Services

DIVISION of County Operations

PERSON COMPLETING THIS STATEMENT Roy Kindle, Assistant Director

Office of Program Planning & Development

TELEPHONE: 682-8251

FAX NO. 682-1597

**FINANCIAL IMPACT STATEMENT**

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** - Title-IV-A State Plan Sections 3.5, 5 and 6 & Transitional Employment Assistance Program Policy (Various Sections)

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?

Yes X

No   

Please see #5

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

<u>1997-1998 Fiscal Year</u>	<u>1998-1999 Fiscal Year</u>
<b>IMPLEMENTATION COSTS ONLY</b>	
General Revenue	General Revenue
Federal Funds	Federal Funds
Cash Funds	Cash Funds
Special Revenue	Special Revenue
Other	Other
Total	Total

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4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

1997-98 Fiscal Year

None

1998-99 Fiscal Year

None

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Currently we spend zero (\$0) dollars on a TEA cash assistance case sanctioned for non-compliance. Upon implementation of this policy, we estimate that by October 1999, nine hundred (900) TEA cash cases will be in sanction status at the 25% reduction which will result in increased expenditures of \$1,652,400 of which \$1,239,300 is Federal and \$413,100 State.

**2130 Time Limit**

Beginning July 1, 1998, a family who meets all the eligibility requirements may receive TEA cash assistance benefits for a period of up to 24 total months. The months counted are based on receipt by the adult recipient or "head of household" minor parent. (See TEA 4141 for situations in which the time limit may be extended.)

The time limit does not apply in the following situations:

- cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case.
- months in which the individual is deferred or exempt from work activity participation requirements. (See Example #2 below.)
- in the months in which an under age 18 non-head of household minor parent receives cash assistance. The count will begin when the minor reaches age 18.

The time limit applies in:

- cases in which the non-parent caretaker relative chooses to be included in the TEA payment with the child. If a non-parent relative is a payee only, then the time limit does not apply to the case. This will be explained to the non-parent adult relative during the application interview. (See Example #1 below.)

The time a child receives assistance will not count toward his/her time limit when he or she becomes an adult.

Payments made by another state under a Temporary Assistance for Needy Families program count toward the twenty-four month limit in Arkansas if the adult has received more than thirty-six such payments in another state. Only the payments from another state in excess of thirty-six will count toward Arkansas' twenty-four month limit.

**EXAMPLE #1 :** A grandmother is applying (after July 1998) for her grandchild. Grandmother chooses to be included in the unit. After six months of receiving TEA benefits, the case closes because the child has returned to his parent. Grandmother later reapplies for herself and a child of her own. Because she previously received six months of assistance, she has eighteen months remaining in the twenty-four months limit. Had

she not been included with her grandchild previously, her 24 month period would begin at one.

\*

**Example #2:** Ms. Jones was temporarily deferred from work activity requirements due to a domestic violence situation at the time her TEA application was certified in January. The deferral continued for the next five months, ending in June. The deferral months of January-June will not count toward Ms. Jones 24-month limit.

**2140 Child Support Requirements**

When one or both parents are not living in the home with the child, or when legal paternity has not been established, the person receiving assistance for the child must comply with the child support enforcement requirements unless it would be against the best interests of the child.

These requirements are:

- ◆ The assignment of child support rights. Arkansas State Law, Act 1296 of 1997, provides for an automatic assignment of child support rights when an individual accepts Transitional Employment Assistance. (Refer to TEA 2141)
- ◆ Cooperation in obtaining child support and establishing legal paternity (Refer to TEA 2142).

The cash assistance payment for which the family is otherwise eligible will be reduced by 25% if the casehead or minor parent fails to cooperate, without good cause, with child support enforcement requirements.

The purpose of the Child Support Enforcement Program is to promote greater financial responsibility of parents to their children and to provide a child support collection service to reduce dependency upon public assistance.

This purpose may be stated in the following objectives:

1. Identifying and locating non-custodial parents of children for whom assistance is requested;
2. Establishing paternity of children born out of wedlock for whom assistance is requested; including situations in which both parents are living with the child;
3. Obtaining support payments due individuals for whom assistance is requested; and
4. Obtaining any other payments or property due individuals for whom assistance is requested.

During the application interview, the child support enforcement requirements will be explained to the applicant.

**2143      *Good Cause for Refusal to Cooperate***

An individual may be determined to have good cause for refusing to cooperate with the State in child support enforcement activities and thus, be freed from the cooperation requirement. Good cause may be determined to exist in certain specified circumstances under which cooperation would be against the best interests of the child.

Each TEA casehead and/or minor parent subject to the cooperation requirement must be informed in writing via Form DCO-90 of his/her right to claim good cause prior to the requiring of cooperation.

- \* TEA will not be denied, delayed, reduced or discontinued pending claim determination if all other eligibility requirements have been established. The OCSE will not undertake activities to establish paternity or to secure support when notified that an individual has claimed good cause.

**2143.1      *Claiming Good Cause***

A claim of good cause will be made by the casehead or minor parent completing Form DCO-105 specifying the circumstance under which good cause is believed to exist. The casehead must provide corroborative evidence to establish the existence of the good cause circumstance and if requested, to provide sufficient information to permit the County Office to conduct an investigation. If the applicant is living in a shelter and the abuser is the absent parent, good cause will be accepted at that time and the application processing can continue. Evidence and/or information for reasons other than domestic violence situations must be provided within 20 days from the date the claim was made unless the County Office grants an extension.

Upon request, the County Office will advise the casehead how to obtain the necessary documents and will make a reasonable effort to obtain any specific documents which the casehead is not able to obtain without assistance.

If the application is ready to be certified but the claim is still pending, the worker will complete the certification but no referral to the OCSE will be made at that time. (See TEA 2511.1.)

If the application is denied due to other factors, all procedures relating to the claim may be discontinued at that time. A narrative entry should be made to explain the discontinuance of good cause procedures.

has the burden of establishing credibility and the reason no evidence exists. The agency investigation may not verify good cause, but should establish to the County Office's satisfaction the credibility of the casehead.

A determination that good cause exists due to anticipated physical or emotional harm under this section will be reviewed and approved or disapproved by supervisory staff. The record will document the findings (Form DCO-105).

In addition to cases in which physical harm is the basis of the claim and no corroborative evidence is available, the County Office may conduct an investigation to further substantiate a claim when the corroborative evidence provided is insufficient to make a determination.

#### **2143.6      Special Consideration Related To Emotional Harm**

The following should be considered in every case in which the good cause determination is based in whole or in part upon the anticipation of emotional harm to the child, the mother, or the caretaker relative:

- ◆ Present emotional state of the person subject to emotional harm;
- ◆ Emotional health history of that person;
- ◆ Intensity and probable duration of upset;
- ◆ Degree of cooperation to be required; and
- ◆ The extent of the involvement of the child in the paternity establishment or support enforcement activities to be undertaken.

**2143.7      Good Cause Claim Made at Application**

If the applicant makes a good cause claim, he or she will be advised of the information needed to substantiate it and that the information must be provided within 20 days of the date the claim is made. If the application is ready to be processed, though, before the 20th day and the evidence has not been provided, it will not be delayed. Refer to TEA 2511.1.

**2144      *Providing Information for the OCSE Referral***

Unless good cause for refusal to cooperate has been claimed or has been determined to exist, the TEA casehead must provide information necessary for the completion of Form DCO-115. OCSE Referral Information. The DCO-115 information must be completed on each parent who is absent from the home and on the putative father when both parents are living in the home with the child and legal paternity has not been established.

If the casehead refuses to provide the necessary information to complete form DCO-115, the application will be approved with the 25% reduction for non-cooperation with the child support enforcement requirements.

**\*    2145      *Cooperation with the OCSE Following Non-Compliance***

The sanction for non-cooperation with child support requirements will be lifted upon actual cooperation by the person who failed to cooperate. (Refer to TEA 4151 for a description of the sanction.)

When a client whose cash assistance payment was reduced due to child support non-compliance wishes to have his payment restored to the full amount, he or she must cooperate with the OCSE before the full payment is authorized. The cooperation requirement will be discussed with the client to determine if he or she intends to cooperate now. If the client states a willingness to cooperate, then he or she will be referred to the OCSE.

Processing of the TEA application may continue pending notification from the OCSE as to whether the client has cooperated.

If the reason for the prior non-compliance was the parent's (or other adult relative's) failure to appear in court, then full cooperation cannot occur until the OCSE schedules a court date and the client actually appears. If the OCSE advises that the client has agreed to cooperate but that a court date must be scheduled, then the application may be approved at the reduced payment until he or she actually appears in court.

## **2150      *Other Explanations***

Other explanations to be given during the application interview are listed below.

### **2150.1      Family Cap**

A child who is born while the mother is receiving TEA cash assistance, either for other children or as a minor child herself, will not be included in the case for cash assistance purposes unless the TEA case closes and remains closed for a period of six (6) continuous months. In addition, a child who is born within nine (9) months of the month TEA benefits were terminated to the mother will not be included for payment unless the mother's case has been closed continuously for six (6) months.

This provision applies equally to applicants who are pregnant and deliver after certification, and to recipients who become pregnant after certification. There are no exceptions.

**Note:** The family cap provision does not apply to a child who moves into the home from another home (See TEA 4132.)

The County Office will thoroughly explain this provision to the applicant, and minor parent if appropriate. It should be pointed out to the applicant that the provision applies to teenagers included in the unit as well as the adult. Therefore, if a teen gives birth after the case is certified, that newborn will not be added to the payment. (See TEA 4131.)

This discussion of the family cap provision should lead into the explanation and offer of family planning services described in the next section.

\* 2220

**Citizenship or Alienage Requirement**

Each individual for whom application is made must be one of the following:

1. A United States citizen (native born or naturalized); or
2. An alien lawfully admitted for permanent residence prior to August 23, 1996; or
3. A qualified alien for whom federal law requires benefits under Title IV-A of the Social Security Act to be provided.
4. An alien who entered the United States on or after August 23, 1996 and has been in "qualified alien" status for at least five (5) years.

An alien lawfully admitted for permanent residence prior to August 23, 1996 includes the following:

- ◆ A refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
- ◆ An alien granted asylum under Section 208 of the INA;
- ◆ An alien who was paroled into the United States under Section 212(d)(5) of the INA for a period of at least one (1) year;
- ◆ An alien whose deportation is being withheld under Section 243(h) of the INA;
- ◆ An alien who was granted conditional entry pursuant to Section 203(a)(7) as in effect prior to April 1, 1980.

A qualified alien under Item #3 above is one who meets one of the following criteria:

- a. Was admitted to the United States less than five (5) years ago as a **refugee** under Section 207 of the Immigration and Nationality Act.
- b. Was granted **asylum** under Section 208 of the Immigration and Nationality Act less than five (5) years ago.
- c. Whose **deportation** is being withheld under Section 243(h) of the Immigration and Nationality Act and such withholding decision was made less than five (5) years ago.
- d. Has been admitted for **permanent residence** under the Immigration and Nationality Act **and has worked forty (40) qualifying quarters** of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as follows:

- 1) All of the qualifying quarters of coverage worked by the alien's parent while the alien was under 18 years of age will be credited to the alien;
  - 2) All of the qualifying quarters of coverage worked by the alien's spouse during their marriage provided they are still married or the spouse is deceased.
  - 3) No qualifying quarter of coverage described above, beginning on or after January 1, 1997, worked by the alien, parent, or spouse) will be credited to the alien if the alien, parent, or spouse (as appropriate) received any Federal means-tested public benefit during the period for which the qualifying quarter of coverage is so credited.
- e. Is lawfully residing in the State and is (1) a **veteran** with an honorable discharge from the military; (2) on **active duty** (other than for training) in the Armed Forces of the United States; or (3) the **spouse or unmarried dependent child** of an individual described in (1) or (2).

\* A qualified alien under Item #4 above is one who meets one of the following criteria:

- ◆ An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA);
- ◆ An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; and
- ◆ An alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980.

## 2221 **Methods of Proving Citizenship or Alienage Status**

An declaration of citizenship will be accepted unless the County Office determines that the declaration is questionable in which case verification such as birth certificates or naturalization papers will be required.

The following documents may be used to verify alien status:

1. **Refugee:** INS Form I-94 annotated "Admitted as a refugee pursuant to Sec. 207 of the INA"; INS form I-688B or I-766 annotated "274a.12(a)(3)"; or Form I-571. Date of entry must be less than five (5) years from the current date.
2. **Asylee:** Form I-94 annotated "Asylum status granted pursuant to Sec. 208 of the INA"; a grant letter from the Asylum Office of the INS; Form I-688B or I-766 annotated "274a.12(a)(5)"; or an order of an immigration judge granting asylum.

**2262      Pre-School-Aged Immunizations**

Proof of current immunizations of all pre-school-age children will be requested prior to approval of the application. (See Appendix A for the immunization schedule.) If such proof is provided, the case record will be documented accordingly or a copy of the immunization record filed in the record. If any pre-school-age children are in need of immunizations, the application may be approved if all other eligibility requirements are met but the adult, or minor parent, will be advised that the children must receive the needed immunizations and proof that they have must be provided no later than thirty (30) days from the date the application is approved (See TEA 4153.).

**\*      2262.1      Exemptions Due to Medical or Religious Beliefs**

An applicant who refuses to have a child immunized because of religious beliefs or because of a medical problem (e.g., allergic reaction), must provide verification that an exemption has been granted by the Arkansas Department of Health (ADH) in Little Rock. To obtain such exemptions, the applicant must request a Religious Exemption Application or Medical Exemption Application from the Arkansas Department of Health. The toll free telephone number is 1-800-482-5400. The Department of Health is located at 4815 West Markham, Little Rock, AR 72205.

**\*** Upon completion, the application must be submitted to the Arkansas Department of Health at the above address for a decision. The decision will be sent directly to the parent(s) or caretaker relative. The normal processing time is two weeks. The parent(s) or caretaker relative must provide verification of the decision within 30 days from the date the TEA application is approved or the date on which the child is added to the TEA case (if eligible for payment). Failure to provide such verification will result in the TEA cash assistance payment being reduced by 25% after the appropriate notice. If, however, a decision remains pending from the Arkansas Department of Health at the end of 30 days, verification of the pending status will be obtained by the applicant from the Health Department and provided to the case worker.

**Note:** Requests can be made only to the Central Office of the Arkansas Department of Health listed above, not to the local health units.

Employment Plan (See TEA 3100). In two-parent families, the parents should be scheduled for a joint assessment, if at all possible.

For those applicants who have been engaged in up-front job search pending application approval, job search activities may be continued if appropriate. In that case, the participant will be notified of his/her continued job search requirements.

\* The participant will be notified in writing of the required activity when the application is certified. **It is important that assessments are initiated during the application process so that participation in work activities begins as soon as possible following certification since the customer's time limit has now started.**

\* **2430 Work Participation Exemptions/Deferrals**

If an individual states he or she is unable to engage in work activities, then discuss this with the participant to ascertain the reasons why the individual believes he or she is unable to participate.

\* If an individual is exempt or deferred from work participation requirements:

- ◆ The time limit will not count in the months he or she is exempt/deferred; and
- ◆ The appropriate exempt/deferral code must be keyed to ACES so that the exempt/deferral month is not counted. (Refer to the DCO User's Manual for codes.)

**Work Participation Exemptions**

The only persons who may be considered **exempt**, and therefore are not required to participate in work activities while exempt, are parents who are caring for a child:

- a. Under three (3) months of age; or
- b. Between three (3) and twelve (12) months of age if child care for such child is not available, as determined by the County Office.

A parent may be exempted for the above reason for a maximum of twelve (12) months in his or her lifetime.

### Work Participation Deferrals

A **temporary deferral** from participation may be allowed if an individual states he or she is unable to participate due to one of the following situations:

- \* 1. A disabled parent or caregiver. **Note:** If a person alleges a long-term disability, he or she is required to apply for Social Security or SSI disability benefits. (See TEA 2320) A referral will also be made to Arkansas Rehabilitation Services. (See TEA 3700-3740)
- 2. A woman is in the third trimester of pregnancy.
- \* 3. A parent or caregiver who is caring for a disabled child relative or disabled adult relative who is living in the home. **Note:** If the family member will require care for an extended period of time, explore other resources or available services (e.g. a home health aide) which would enable the customer to participate.
- 4. Supportive services necessary to engage in an activity are not available (e.g. child care, transportation). The County Office will make the determination as to whether a particular supportive service is necessary for participation.
- \* 5. The person is unable to participate in work activities due directly to the effects of domestic violence.
- 6. The person is unable to participate due to circumstances beyond his or her control. This decision will be made at the county office level.
- 7. In two-parent families, one parent may be deferred from participation to care for the minor child(ren), when appropriate.
- \* 8. A parent or caregiver over sixty (60) years of age.

\* **NOTE:** The time limit will not count in any month in which an individual is exempt/deferred from work participation activities.

If an otherwise required participant meets one of the above, verify, to the extent possible, the reason for deferral and document the case record accordingly.

**Work Participation  
Exemptions/Deferrals**

**TEA 2430-2430.1  
Continuation of Time Limit**

- \* For short-term medical deferrals,
  - a doctor's statement or other medical documentation should be obtained.
  - the statement should clearly state or otherwise indicate that the person is unable to engage in work activities because of the medical condition; and,
  - whenever possible, give an estimated length of incapacity.
- \* If the individual alleges a long-term disability:
  - a referral will be made to Arkansas Rehabilitation Services for an assessment.
  - If otherwise eligible, the application will be certified and the individual may be deferred pending the ARS assessment. (See TEA 3700)
  - The individual will also be required to apply for SSA/SSI disability benefits.
- \* **NOTE:** A medical statement will not suffice as documentation for continued deferral following the ARS assessment. Only the ARS assessment will be accepted for deferral purposes for long-term disabilities.

\* **2430.1      Discontinuance of the Time Limit During Exemption/Deferral Period**

The time limit will not count in any month in which an individual is exempted or deferred from work participation activities. The county office must ensure that the appropriate exemption or deferral code is used when keying the work activity status to ACES.

Even though the time limit is not counting, it is important to determine if there is any activity in which the client could participate rather than be deferred. For example, if the reason for deferral is caring for an incapacitated family member, activities that can be done at home, such as GED on TV, should be considered. When at all possible, the client should be required to be engaged in some activity which could help him or her obtain employment before the end of the time limit, or better his or her chances for employment when TEA benefits are no longer available to the family. Even if the activity or the number of hours she can participate do not qualify for purposes of calculating the state's participation rate, the activity should be assigned rather than a deferral granted.

## **2500      Application Disposal**

A TEA application will be disposed of by either approval, denial, or transferring the application to another county. The following sections describe the procedures for each process.

### **2510      Application Approval/Certification**

A TEA application will be approved, or certified, only after all eligibility requirements have been established.

In addition to documentation of all eligibility requirements, including income, resource, and budget computations, the worker will ensure that the case record includes a signed Application for TEA/Medicaid/Food Stamps form.

### **\*      2511      Office of Child Support Enforcement (OCSE) Notifications**

Unless a claim of "good cause" has been determined or is pending determination, the OCSE will be notified when TEA assistance is approved for a child who has an absent parent or for whom paternity is not legally established. This notice provides information regarding the child's non-custodial parent and/or putative father so that the OCSE can start paternity or child support enforcement activities for the family.

The referral to the OCSE is system generated from information keyed by the County Office to the WAPU screen on ACES from Form DCO-115. A referral will be made on the following persons:

1. The absent parent of any minor child or unmarried minor parent who is not the head of household.. If both parents are absent from the home, a referral will be made on each parent.

**NOTE:** If the child has a legal father under State law and such father is absent from the home, the referral will be made on the legal father even if the mother

states he is not the biological father. In that situation, a memorandum explaining it, with information about the alleged biological father, will be sent to the OCSE.

2. The putative (alleged) father of a child for whom legal paternity has not been established, including a putative father living in the home with the child.

In single parent adoption situations, there is no OCSE referral to make unless the adoptive single parent is absent from the home.

If "good cause" has been determined to exist, no referral to the OCSE will be made on the parent on whom the claim was based. The "good cause" indicator code will be entered on the child's member record on ACES.

**\* 2511.1 Good Cause Claim Pending**

If a "good cause" claim is pending at the time the application is ready to be approved, the approval will not be delayed. Assistance will be authorized in the amount for which the family is otherwise eligible without regard to the good cause claim (i.e., the adult claiming good cause will be included). No OCSE referral on the parent on whom the claim is based will be made while the good cause claim is pending.

Except in situations in which Domestic Violence is not an immediate issue, the following procedure will be followed to ensure that the claim is resolved in a timely manner following certification:

1. On the same day the approval notice is sent, notify the casehead that the corroborative evidence and/or information to conduct an investigation must be provided by a specified date (20th day from the date the claim was made).
2. If the evidence and/or information is not received by the specified date, notify the casehead via DCO-1 that s/he must provide the evidence, or the absent parent information needed for Form DCO-115, within ten (10) days or the cash assistance payment will be reduced by 25% for non-compliance with the Child Support requirements.

For cases involving a more immediate Domestic Violence situation (e.g., family is living in a shelter), the case manager should use discretion in determining time frames for completing the good cause determination.

**2512      *Effective Date of Payment***

Payment will begin on the first day of the month in which the application is being certified. The initial payment will not be prorated based on the date of certification. The first payment will be for a full month even if the application is certified on the last day of the month.

For purposes of this section, the "month of certification" means the month in which eligibility is determined to exist. See example below.

**EXAMPLE:** The worker determines eligibility and completes the application process on August 28. After a second party review, the supervisor concurs with the eligibility determination and it is entered to the ACES system on September 1. The first month of payment will be for August and it will be a full month's payment.

**2513      *Application Approval - Completion Steps***

The following specific steps will be taken to complete a TEA application approval:

1. Ensure the case record contains sufficient documentation of all eligibility requirements and computations and other pertinent information so that the family's circumstances and all determinations will be clearly understood by a supervisor or other reviewer.
2. Complete Form DCO-56, ACES Family Case Data Sheet, to authorize payment and Form DCO-115 if an OCSE referral is to be made and route to appropriate person for entry to the ACES system. If the worker is entering his/her own data to the ACES system, a manually completed DCO-56 is not required. However, the worker will ensure that the system generated DCO-56 turnaround is filed in the case record upon receipt.
3. Send Form DCO-104, Notice to Absent Parent, if appropriate.

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**3500      Employment Services - Non-Compliance**

\*      **3501      *Defining Failure to Comply***

Failure to comply occurs when a person who is required to participate in the program:

- fails to participate in a work activity;
- refuses to accept employment;
- terminates employment without good cause; or
- otherwise fails to comply with his or her Employment Plan.

\*      **3510      *Good Cause***

The sanction for non-compliance will not be imposed if the person demonstrates that he or she had good cause for the non-compliance. The determination of good cause is a county office decision.

Good cause for failure to comply will be found to exist if:

1. The individual is the parent or other relative personally providing care for a child under age six (6) years and child care is not available.
2. Child care (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for an individual to participate or continue participation in the program or to accept employment and such care is not available.
3. Transportation is unavailable.
4. The working conditions would be a risk to the person's health or safety.
5. The worksite is only available because of a labor dispute.
6. The individual was subject to discriminatory practices based on age, sex, race, religion, disability, political affiliation, veteran status, color or national origin.

7. The offer of employment is not a specific job at a stated wage which meets the Federal minimum wage.
8. The failure to participate was due to events beyond the customer's control, which include, but are not limited to: inclement weather, family emergency, natural disaster, a short term illness which temporarily prevents employment, or mail loss.

\* **3511**      ***Determining Good Cause***

Once failure to comply with TEA work requirements has been established, the following procedures will be followed:

1. Contact the client to give him or her an opportunity to explain why he or she failed to comply and make a determination of good cause, if appropriate. This contact should be in writing, (DCO-1, letter, etc.,) if possible, but if made by phone or face-to-face, the case record will be documented accordingly. The worker should provide the client, at a minimum, the following information:
  - a. The specific act of non-compliance;
  - b. A reasonable time (e.g., 10 days if contacting the client by mail) to establish good cause prior to applying the sanction.
  - c. That if the sanction is imposed, it will result in the cash assistance payment being reduced by 25%; and
  - d. That the sanction months will continue to count toward the individual's 24-month time limit.
2. If the participant contacts the county office and good cause is determined to exist, then all sanction procedures will stop and the participant will be rescheduled for an appropriate activity.
3. If good cause does not exist but the participant states a willingness to cooperate, the sanction procedures will be delayed. The customer will be required to engage in an appropriate activity for a period of up to 2 (two) weeks before terminating the sanction procedures. If the customer does not satisfactorily complete the two weeks of participation, then the sanction will be imposed. **NOTE:** If the worker becomes aware that the client had good cause for failing to complete the two weeks of participation, consideration of that will be given. However, it is not necessary to formally provide the person with an opportunity to show he or she had good cause in this situation.

- \* 4. In the event good cause is not established and the participant does not state a willingness to cooperate, the cash assistance payment will be reduced by 25% for non-compliance.

**3520      *Non-Compliance Sanction***

The sanction for non-compliance with TEA work requirements is a 25% reduction in the cash assistance payment if the non-complying participant is:

- ◆ the adult parent or stepparent of the minor children;
- ◆ the minor parent who is the parent of the only or all children in the case; or
- ◆ the minor parent who is included in the case with an adult caretaker and other minor children.

**Note:** If the cash assistance payment has been reduced for other non-compliance reasons (i.e., child support, immunizations), the payment will not be reduced again.

**3521      *Applying the Sanction***

1. If good cause was not determined to exist and the participant did not state a willingness to participate during the "good cause" notice period, then the sanction will be imposed as follows:

- TEA payment will be reduced by 25% if no other sanction (i.e. child support, immunization) has been imposed.

2. If no other sanction has been imposed:

- An "adequate notice (system generated or via D-1) will be sent to the participant advising of the reduction. An advance notice is not required.
- If the participant appeals the closure within ten days from the date of the notice, the payment will be restored to the full amount pending the Administrative Hearing decision

3. If a sanction for other non-compliance has been imposed:

- the payment will not be reduced.
- An "adequate" notice via D-1 will be sent to the participant advising of the non-compliance with the work activity requirement and that because the cash assistance payment has been reduced for other non-compliance reasons, the

- payment will not be reduced again. The participant will also be advised that if the sanction for other non-compliance reasons is lifted, the payment will remain at the reduced amount until he or she has complied with the work activity requirements.

**\* 3521.1      Contacts During the First Three Sanction Months**

Since the time-limit clock continues to run during the sanction months, it is of the utmost importance for the worker to attempt to contact and counsel the sanctioned adult during this time. The purpose of the contact and counseling is to encourage and ultimately get the sanctioned adult into compliance and moving toward self-sufficiency before his or her time limit expires. Therefore, during the first three months following the imposition of a work activity non-compliance sanction, intensive personal contact with the client will be made for the purpose of achieving a positive outcome (compliance) for the family.

The worker will, at a minimum, make every effort to have personal contact at least once in each of the first three months following the imposition of the sanction. This contact should preferably be a face-to-face contact in the office but may be made by phone or by a visit to the family's home. If an appointment is scheduled for the contact (either at the county office or at the client's home), no adverse action will be taken on the case if the client fails to keep the appointment. In addition, no adverse action will be taken on the case if the worker is unsuccessful in making contact in any of the three months.

The following items should be discussed with the sanctioned adult during these monthly contacts:

- Emphasize that the time-limit clock continues to run even though the grant has been reduced by 25%. Notify the adult of the remaining time under the grant.
- How well are the children's basic needs being met on the reduced payment.
- Discuss any known problems or issues that are preventing the client from complying and attempt to find solutions to those to encourage the adult to attempt compliance again (e.g., on-going transportation or child care arrangement problems, learning disability, etc.).
- Discuss any problems or issues that may not have been apparent previously that are preventing the adult from complying (e.g., a domestic violence situation, substance abuse, etc.)

- Discuss what actions the adult is taking on his or her own to ready the family for self-sufficiency when cash assistance is no longer available.
- Offer the adult the opportunity to come into compliance to have the sanction lifted.

The case record will be clearly documented to reflect that the monthly contacts were made or attempted. If, at any time, the client states his or her willingness to comply, the worker will engage the client in an appropriate activity. The sanction will be lifted following at least two weeks of full compliance in that activity.

\* **3521.2      *Contacts with Sanctioned Adult After First Three Months***

If the client did not choose to come into compliance during the first three months following the imposition of the sanction, the worker will continue to make periodic contacts with the client as deemed appropriate and feasible. Monthly contacts are not necessary after the third month.

A reevaluation of TEA eligibility requirements will be scheduled in the sixth month following the imposition of the sanction and every six months after that as long as the case remains in sanctioned status. Failure by the client to complete the reevaluation process will result in case closure.

During the eligibility reevaluations, the worker will discuss with the client the items described in 3521.1 and encourage the client to comply.

\* **3522      *Lifting the Sanction***

Following the imposition of a work activity sanction, the sanction may be lifted at anytime upon compliance of the client for a period of at least two (2) weeks.

**Note:** "Imposition of the sanction" means the TEA payment was reduced by 25%.

If, at any time, the client states his or her willingness to comply, the worker will engage the client in an appropriate activity. The sanction will be lifted following at least two weeks of full compliance in that activity.

3. If the family remains eligible, determine the person's work participation requirements and advise of such requirements if appropriate.
4. Record all pertinent information in the case narrative.
5. Complete a new budget.
6. Complete DCO-56 changing name of payee and grant amount, if necessary.
7. Allow the client an opportunity to complete a Voter Registration Application so that he or she can report an address or name change to the county clerk's office if he or she so chooses. Refer to Appendix V.
8. In situations in which a system notice is not generated, notify the client by DCO-1, if appropriate.

**\* 4140      Time Limit**

Beginning July 1, 1998, a family who meets all the eligibility requirements may receive TEA cash assistance benefits for a period of up to 24 months. The 24 months do not have to be consecutive months. The months counted are based on receipt by the adult recipient or "head of household" minor parent.

The time limit does not apply:

- to cases in which the only parent in the home, or both parents if both are living in the home, receives SSI benefits, and therefore, no adult is included in the case; or
- in the months in which an individual is deferred/exempt from work activity participation.
- in the months in which an under age 18 non-head of household minor parent receives cash assistance. The count will begin when the minor reaches age 18.

The time limit applies to non-parent caretaker relatives only when such relative chooses to be included in the TEA payment with the child. If a non-parent relative is a payee only, then the time limit does not apply to the case.

The time a child receives assistance will not count toward his/her time limit when he or she becomes an adult.

**Continued Eligibility  
Time Limit**

**TEA 4140**

Payments made by another state under a Temporary Assistance for Needy Families program count toward the twenty-four month limit in Arkansas if the adult has received more than thirty-six such payments in another state. Only the payments from another state in excess of thirty-six will count toward Arkansas' twenty-four month limit.

Diversion Assistance payments also count toward the twenty-four month limit if not repaid. See TEA 2130.

**Note:** A client may request case closure at anytime during receipt of assistance.

During periodic contacts, the worker will inform the client of the number of months of TEA eligibility remaining. The worker should continue to stress to the client the importance of employment because of the time limit.

The worker will explain to the recipient what action will be taken once the 24 month time limit has been reached. Refer to TEA 5001 for termination procedures. The worker will advise that the TEA case will be closed unless it is determined that an extension, or exemption from the time limit, should be granted. See TEA 4141.

\*

**4141      *Time Limit Extension***

A family will receive an extension of the time limit for each month the adult was exempted or temporarily deferred from work activities because he or she was or is:

1. A parent caring for a child:
  - a. Under three (3) months of age; or
  - b. Between three (3) and twelve (12) months of age if child care for such child is not available.
2. A disabled parent or caregiver.
3. A woman in the third trimester of pregnancy.
4. A parent or caregiver who is caring for a disabled child relative or disabled adult relative living in the home.
5. An individual for whom support services necessary to engage in a work activity are not available.
6. An individual who is unable to participate in work activities due directly to the effects of domestic violence.
7. An individual unable to participate in a work activity due to circumstances beyond his or her control.

In addition, the following individuals may be exempted from or receive an extension of the time limit:

8. An individual who cooperated and participated in the required activities but was unable to obtain employment because of circumstance beyond his or her control.
9. An individual for whom it has been determined appropriate to extend the time limit, particularly, but not limited to, cases in which it is necessary to protect the child from risk of neglect.
10. Individuals participating in education and training activities who have reached the end of their twenty-four (24) month cumulative limit on financial assistance, have complied with all TEA requirements and are within six (6) months of completing their current education or training program. However, the county office can make an exception and provide an extension to the six months on a case-by-case basis.

The worker may recommend an extension of, or an exemption from, the time limit based on the above criteria when a family is nearing the end of the time limit.

The decision to grant an exemption or extension to the time limit should be made is made at the county office level.

**\* 4142      *Time-Limit Case Closure Review***

Each TEA time-limited cash assistance case will be reviewed at designated times to monitor the adult's progress toward achieving self-sufficiency and to assess the appropriateness of closing, or of allowing an extension, as the family nears the expiration of the twenty-four month time limit.

**NOTE:** The ACES system is not programmed to automatically close a case once benefits have been paid for twenty-four months. Such closures will require action by the county office staff.

Prior to that action being taken, a case review of the family's situation will be made by a review team at the local level who will make the decision as to whether an extension should be allowed or the case closed.

The ACES system will produce a report each month to the county office identifying cases that are at specific intervals of their twenty-four month time limit. The intervals are 6, 12, 18 and 22 months. Upon receipt of the report, the TEA Case Manager will initiate action as described in the following sections.

**\* 4143      *Review Team Composition***

The time limit review team will be composed of, at a minimum, the TEA Case Manager, the TEA or ES Supervisor, the County Administrator, and a staff member from the county DCFS staff. The DCFS staff member's focus should be to ascertain the likelihood of the children having to enter foster care or other protective care if the cash assistance case were to be closed. In addition, any other staff who has been actively working with the family should be included. Such staff would include the WtW Case Manager, Rehabilitation Counselor, substance abuse treatment provider, domestic violence advocate or counselor, etc.

At county discretion, the review team may be involved in any of the following case reviews but must be involved in the eighteen and twenty-two month reviews.

**\* 4144      *Case Reviews at Six and Twelve Months***

For those families in which the time limit count is at six or twelve months, the Case Manager will review the case file to determine the work status of the adult and if he or she is satisfactorily progressing toward his or her employment goal. If so, no further action is required at that time. If satisfactory progress is not evident, then the Case Manager will contact the client to conduct an Employment Plan Update.

This review does not have to be a separate review from other regularly scheduled reviews or contacts the Case Manager may be conducting. The case

## TEA Time Limited Case Closure Review

TEA 4144-4145

record should be documented, however, at these intervals to show that a time-limit review has occurred.

At county office option, a review may be made by the full Review Team at either or both of these reviews.

\* **4145**      ***Eighteen Month Review***

For families in which the time limit count is at eighteen months, the TEA Case Manager will initiate a full review team case review. The Case Manager will first contact the client and determine his or her current status, e.g., progressing satisfactorily or not, current health status, etc. The case review team will then meet and review the family's situation. On a case-by-case basis, the team may request the participation of the client in this process.

The purpose of this review is to:

- ◆ familiarize the review team with the family's circumstances;
- ◆ assess the progress already made toward the employment goal and how much further progress is needed;
- ◆ assess barriers to employment which still exist and to determine what enhanced services could be provided to resolve those barriers; and
- ◆ make a recommendation as to whether the family should be given a six (6) month extension, or be exempted from the time limit.

Following the review, the TEA Case Manager will contact the client if necessary to:

- ◆ update the Employment Plan;
- ◆ advise of other activities or services needed; and
- ◆ advise of an extension (or exemption from) the time limit if approved.

The Case Manager will also have, at a minimum, monthly personal contact with the client for the next four months to monitor progress, resolve problems, etc.

This review does not have to be separate and apart from other similar case staffings. If a regularly scheduled staffing occurs at the 18 month interval, it may serve as this review. The case record should be documented accordingly.

\* **4146**      ***Twenty-two Month Review***

If an extension or exemption was not allowed at the eighteen month review, the case review team will meet again to review the family's current situation, determine any progress that has been made, and to determine if an extension to the time limit should now be allowed. All factors will be taken into consideration at this time and each member will make a recommendation as to case closure or extension at the end of twenty-four months.

This review does not have to be separate and apart from other similar case staffings. If a regularly scheduled staffing occurs at the 22-month interval, it may serve as this review. The case record should be documented accordingly.

\* **4147**      ***Extension Expires***

Near the end of the extension period, the same case review team process will occur before the case is closed. More frequent reviews may be made during the extension period at county option.

\* **4148**      ***Appeal Rights***

If the decision is to close the case at the end of twenty-four months and not allow an extension, the client has the right to appeal that decision through the Appeals and Hearings office. However, benefits will not be continued pending the hearing decision after the twenty-fourth month. Retroactive payment may be made if the hearing decision overturns the case closure decision.

**4150**      ***Failure To Comply With Non-Work Related Aspects of the PRA***

**4151**      ***Child Support***

Failure to comply with child support requirements will result in a 25% reduction in the TEA payment.

The Office of Child Support Enforcement (OCSE) will;

- determine if a parent or other adult caretaker relative has failed to comply with child support requirements;
- determine if the client had a satisfactory reason for the act of noncompliance;
- provide the client an opportunity to appeal the non-compliance decision prior to notifying DHS; and,
- notify the county office in writing to impose the non-compliance sanction if a parent or other adult relative fails to comply with child support requirements.

The TEA worker will:

- take action to reduce the payment by 25% (See Note 1 below);
- send an adequate notice (10 day advance is not required) to the parent stating the action being taken is due to his or her failure to cooperate with the OCSE; and
- advise the client of his or her right to request an Administrative Hearing of the payment reduction.

However, the payment reduction is the only appealable issue to DHS. Since the OCSE made the non-compliance decision and has already provided the client an opportunity to appeal it, the non-compliance decision is not an appealable issue with DHS.

**Note 1:** If a sanction for non-compliance with another requirement has been imposed, the payment will not be reduced.

**Note 2:** Each client is given an opportunity to claim "good cause" for not cooperating in child support activities before he or she is required to cooperate. However, if a client who has failed to cooperate makes a "good cause" claim, the county office will follow the procedures for determining good cause even though

county office will follow the procedures for determining good cause even though the claim was not made before cooperation was required. See TEA 2143-2143.6. If it is determined that "good cause" exists, then the sanction will not be imposed. The county office will notify the OCSE that "good cause" exists and that, as a result, child support activities in relation to that particular absent parent should be terminated.

**\* Lifting the Child Support Sanction**

A child support sanction may be lifted at any time a parent or other adult caretaker relative complies with OCSE.

If the parent or other adult caretaker relative wishes to have the sanction lifted by complying with OCSE:

- a referral will be made to OCSE; and
- notification from OCSE that he or she has cooperated must be received prior to the assistance being restored to the full amount.

If a customer whose cash assistance payment was reduced due to non-cooperation with OCSE, states a willingness to cooperate, and appears at the OCSE office but the reason for non-cooperation was that the customer had previously failed to appear in court, then he or she must actually appear at the next scheduled court date OCSE arranges in order to be fully cooperating. In this situation, the payment will remain at the reduced amount until he or she appears at the scheduled court date. The OCSE will notify the county office of this stipulation when the applicant is first referred to them for cooperation and will follow-up with a notice to the county office following the customer's appearance at court.

**\* 4152 School Attendance**

School attendance is required in order for an eligible child to receive assistance.

For purposes of this section, school attendance relates only to children and not minor parents. (Refer to TEA 3300 for minor parent education requirements.)

During the application process, the worker may accept the applicant's statement that all school-age children are enrolled in and satisfactorily attending school. Enrollment and satisfactory attendance will be verified with the school, and documented in the case record, in those cases where it is reported that one or more children in the family has failed to enroll or attend school regularly. Such reports may come from any of several sources including, but not limited to, the school system locally, courts, system-generated reports supplied by the state Department of Education, etc.

"Satisfactory attendance" is defined in accordance with the school's definition of attendance. During periodic contacts with the parent, a declaration of school attendance will be accepted unless attendance appears questionable (e.g. information received from other sources that the child is not attending). Form DCO-65 may be completed by the school to verify attendance. Phone contact or other documentary evidence from the school may also be accepted.

If a child is being home-schooled:

- verification that there is an approved home-schooling application on file with the school superintendent may be required if the client's home-schooling allegation appears questionable.

If the child is not enrolled in school:

- a 10-day notice will be issued to the casehead, stating that the child will be dropped from the TEA case unless verification is received that the child is attending school.
- The unearned income and resources of the child will be counted in determining continued eligibility.
- In order to be added back to the case, verification must be received from the school that the child has attended satisfactorily for a period of 30 days.

**\* 4153      Immunizations**

Immunizations of pre-school age children is a requirement for Transitional Employment Assistance. Exemptions to this requirement due to religious beliefs or medical problems may be approved as described below.

During the application process, verification of immunizations for children age 2 months to 5 years is requested. Each pre-school age child included in the assistance unit must meet the immunization requirement or be exempted from it as described below. Non-compliance with the immunization requirement (for any or all of the children) will result in a 25% reduction in the payment amount for which the family is otherwise eligible.

If a parent was given 30 days to have the children included in the TEA case immunized:

- verification must be provided by the 30th day.
- If the parent does not bring the verification, the worker will issue a 10-day notice stating that unless verification of the immunizations is received, the TEA cash assistance payment will be reduced.
- The family may provide the child's immunization (shot) record or verification from the local health department or physician.
- See Appendix A for the American Academy of Pediatrics Immunization Schedule which identifies the age and type of immunization the child should have.

**\* 4153.1      Exemptions Due to Religious Beliefs or Medical Problems**

A parent or caretaker relative who refuses to have a child immunized because of religious beliefs or because of a medical problem (e.g., allergic reaction) must provide verification that an exemption has been granted by the Arkansas Department of Health (ADH).

To obtain such exemption, the parent must request a Religious Exemption Application or Medical Exemption Application from the Arkansas Department of Health. The address is 4815 West Markham, Little Rock, AR 72205. The toll free telephone number is 1-800-482-5400.

Upon completion, the application must be submitted to the Arkansas Department of Health at the above address for a decision.

The decision will be sent directly to the parent(s) or caretaker relative. The normal processing time is two weeks. The parent(s) or caretaker relative must provide verification of the decision within 30 days from the date the TEA application is approved or the date in which the child is added to the TEA case (if eligible for payment). Failure to provide such verification will result in the TEA cash assistance payment being reduced after appropriate notice. If, however, a decision remains pending from the Arkansas Department of Health at the end of the 30 days, verification of pending status will be obtained by the applicant from the Health Department and provided to the case worker.

**Note:** Requests can be made only to the Central Office of the Arkansas Department of Health listed above, not to the local health units.

**\* TEA 4154                      Cooperation with Quality Assurance**

A family must cooperate with the Quality Assurance Unit if the case is selected for a TEA program review.

Failure to cooperate will cause the entire family to be ineligible. Upon notification from the QA Unit, that a family has failed to cooperate, a 10-day notice will be issued to the family stating that the TEA case will be closed unless cooperation occurs. If the family contacts the office stating a willingness to cooperate, a referral will be made to the Quality Assurance Reviewer. The closure will be delayed pending notification from the QA Reviewer as to whether the client actually cooperated. If the client did not cooperate, then the case will be closed. The client will be notified of the closure but the notice need not be another advance notice.

**3.4.1 (cont.)**

- e. Monies deposited in an approved Individual Development Account (IDA) or approved escrow account for business or career development.
- f. Any other property specified in the State policy and procedures manual which the agency has determined would be cost-efficient to exclude or which must be excluded due to federal or state statute.

**3.4.2 TEA Coalition Services**

For services provided through the local TEA Coalitions, there is no resource test.

**3.5 Citizenship Requirement**

Recipients must be citizens of the United States of America; or qualified aliens lawfully present in the United States before August 23, 1996; or aliens to whom public benefits must be provided by federal law; or aliens who entered the United States on or after August 23, 1996 and have been in "qualified alien" status for at least five (5) years.

**3.6 Time Limit Requirement**

A needy family who meets all other eligibility requirements will not be eligible to receive TEA benefits if the family includes an adult parent (or other adult relative caretaker who is included as an eligible member) who has received such assistance for twenty-four (24) months unless it is determined that the family meets one of the criteria outlined in Section 5 (Exemptions/Deferrals). The twenty-four months need not be consecutive months. The twenty-four (24) month count will begin July 1, 1998.

NOTE: Services provided through the local TEA Coalitions are not considered assistance for purposes of the time limit requirement.

**3.7 Personal Responsibility Agreement Requirement**

The adult caretaker and/or minor parent(s) of the child(ren) must sign a Personal Responsibility Agreement (PRA) as a condition of the family's eligibility when application for TEA is made and must adhere to the provisions of the PRA as a condition of continued eligibility. (See Section 8.1 for a description of the PRA.)

**3.8 Assignment of Child Support**

As a condition of the family's eligibility, the adult caretaker must agree to assign child support rights to the State. Such assignment will become effective upon receipt of cash assistance.

## Section 5 EXEMPTIONS AND DEFERRALS

The following individuals may be exempted or temporarily deferred from any work activity requirement:

- a. A parent caring for a child:
  - (1) Under three (3) months of age; or
  - (2) Between three (3) and twelve (12) months of age if child care for such child is not available.A parent may be exempted for this reason for a maximum of twelve (12) months in his or her adult lifetime.
- b. A disabled parent or caregiver.
- c. A woman in the third trimester of pregnancy.
- d. A parent or caregiver who is caring for a disabled child relative or disabled adult relative living in the home.
- e. A teen parent/head-of-household under the age of twenty (20) who maintains satisfactory attendance as a full-time student at a secondary school.
- f. An individual for whom support services necessary to engage in a work activity are not available.
- g. An individual who is unable to participate in work activities due directly to the effects of domestic violence.
- h. An individual unable to participate in a work activity due to circumstances beyond his or her control.
- i. a parent or other adult caretaker who is over sixty (60) years of age.

The twenty-four (24) month time limit will not apply in any month in which an individual is exempt/deferred for either of the above reasons. In addition, the following individuals may be exempted from or receive an extension of the time limit:

- j. an individual who cooperated and participated in required activities but was unable to obtain employment because of circumstances beyond his or her control;
- k. other individuals for whom it is determined appropriate to extend the time limit, particularly, but not limited to, cases in which it is necessary to protect the child from risk of neglect.
- l. Individuals participating in education and training activities who have reached the end of their twenty-four (24) month cumulative limit on financial assistance, have complied with all TEA requirements and are within six (6) months of completing their current education or

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training program. However, the county office can make an exception and provide an extension to the six months on a case-by case-basis.

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**6.1.2 Cash Assistance Payment Calculation**

The above monthly amounts are not reduced by monthly countable income until a specified income trigger is achieved. When the family's monthly gross earned income plus unearned income equals the monthly equivalent of 20 hours per week of work at the September 1997 minimum wage, then the above maximum payment for the family size is reduced by 50%. Based on the September 1997 minimum wage of \$5.15 per hour, this income trigger is \$446.

**6.1.3 Family Cap**

The cash assistance amount is not increased due to the addition of a newborn to the family. Newborn is defined as a child born while the mother is receiving TEA benefits, either for other children of her own or as a minor child herself, or who is born within nine months of the month such assistance was terminated to the mother unless the mother's case has been closed continuously for at least six (6) months.

**6.1.4 Penalties for Program Non-Compliance**

A family's cash assistance will be reduced when the adult caretaker or a minor parent is found to be in non-compliance with the child support cooperation requirement, the work activity requirements, and/or other requirements of the Personal Responsibility Agreement.

**Non-Cooperation with the Office of Child Support Enforcement (OCSE)**

When the OCSE determines that an adult caretaker or a minor parent whose cooperation is required in order to establish paternity or to obtain child support payments has failed to cooperate in those activities and so notifies the DHS county office, the non-compliance penalty will be imposed.

The penalty may be lifted at any time upon compliance with child support enforcement requirements.

**Non-Compliance with the Work Activity Requirements**

When it is determined that a person who is required to participate in work activities has failed to do so without good cause, the non-compliance penalty will be imposed.

The penalty may be lifted at any time upon compliance with the work activity requirements for a period of at least two (2) weeks.

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