



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**October 1, 2019**

### **Temporary Assistance for Needy Families Manual**

#### **Transmittal # 67**

This transmittal includes annual changes to the program calculations for the Temporary Assistance for Needy Families (TANF) Program and the Virginia Initiative for Education and Work (VIEW) Program. The purpose of this transmittal is to provide new, clarified and revised guidance for both the TANF and VIEW Programs.

Unless otherwise stated, the provisions included in this transmittal are effective for all TANF eligibility determinations and VIEW Program assessments and reassessments completed on or after October 1, 2019.

This transmittal and manual are available on the Intranet through FUSION at <https://fusion.dss.virginia.gov/bp/BP-Home/TANF-and-VIEW/Guidance> and on the Internet at <http://www.dss.virginia.gov/benefit/tanf/index.cgi>.

Significant changes to the manual are as follows:

Page(s) Changed	Significant Changes
Section 201.1, page 3d	At Item A., a Note was added to explain there is no time limit to reapply for TANF benefits after case closure for receipt of 60-month time limit.
Section 203.1, page 1	<p>At Item A., guidance was updated to reflect the definition of a child as a result of an amendment to § 63.2-602 of the Code of Virginia.</p> <p>A child is defined as someone under the age of 18 years* or if 18, but not yet 19, is enrolled and attending a secondary school or vocational/technical school of secondary equivalency and is meeting the enrollment and attendance requirements as determined by the local school board”. The requirement to complete the high school or vocational/technical program prior to or in the month the child attains age 19 has been removed.</p>
Section 302.8, page 4c	At Item A., clarification was added when assistance is requested for the child of a minor parent, the minor parent must also be included in the assistance unit, “unless the minor parent must be excluded based on not meeting the <i>in loco parentis</i> requirement”.
Section 305.1, page 2	The standard deduction amounts were updated to reflect the 2019 amounts.
Section 305.1, page 9	The income chart was updated to reflect 130% of the 2019 Federal Poverty Levels.
Section 305.4, page 38	Guidance at Item 4, step 2, was updated to reflect the revised amount for 150% of the 2019 Federal Poverty Level.
Section 305.4, pages 39 - 41	The examples were revised to reflect the revised amounts for 150% of the 2019 Federal Poverty Level.
Section 305.4 page 44	The examples were updated to reflect the revised 2019 Standards of Assistance.

Section 401.1, page 2a	At item A.1.c., guidance was clarified for the exception to the 30-day processing standard when using at least the two-day postmark date to substantiate verifications were returned to the agency by the due date.
Multiple Sections and Pages: Section 401.2, pages 2a-2b, Section 401.3, pages 6-6a, Section 401.4, pages 7, 8 and, 9, Section 401.5, page 10	Reference to the term “grant” was removed and replaced with payment.
Section 502.2, pages 2 and 3	Item A., the examples were updated to reflect the 2019 Standard of Assistance.
Section 503.7, page 2c	Item H.2., the example was updated to reflect the 2019 Standard of Assistance.
Section 503.8. pages 3 and 3a	The examples were updated to reflect the 2019 Standard of Assistance.
Section 500, Appendix I, pages 5, 6, and 15	Item 4.b., reference to the Wells Fargo Bank forms were removed as Bank of America forms are to be submitted with the affidavits when requesting replacements for checks that are reported lost, stolen or mutilated.
Section 500, Appendix I, pages 14-14b	The Bank of America Fraud Statement of Claimant forms were added to the manual.
Section 801.5, page 3	Item B., clarification was added to further explain that lump sum or other one-time payment does not meet the definition of ongoing earned or ongoing unearned income.

<p>Section 901.10, page 9a</p>	<p>The word “twenty-four” was replaced with the number “24”.</p> <p>An exception has been added explaining a recipient’s right to waive the 60-day advance notification requirement when TANF benefits are terminated due to the 24-month limit. To waive the 60-day advance notice requirement, the participant must provide a signed statement indicating she understands that action will be taken to close her case due to the 24-month time limit; she waives her right to the full 60-day advance notice period; and she understands that if she wants to request a hardship exception, she must submit a signed and dated written request postmarked prior to the effective date of the TANF case closure.</p> <p>Clarification was added that termination of TANF benefits due to the VIEW 24-month time limit is the only circumstance which requires a 60-day advance notice.</p>
<p>Section 901.13.A, page 11</p>	<p>To align language regarding receipt of the VTP in Chapter 900 with language in Chapter 1000, we added “federal” before “minimum wage” and Item 5 which states, “The VIEW participant must not be in a sanction or referred for sanction at the time of the TANF case closure”. The note formerly beneath Item 4 is now a part of Item 5.</p> <p>Language formerly at the bottom of the page 11 was carried over to the top of page 11a.</p>
<p>Section 901.13.A, page 11a</p>	<p>Language formerly at the bottom of the page 11 was carried over to the top of page 11a.</p>
<p>Section 901.13.A, page 12</p>	<p>At Item 7, we clarified that if a renewal is due and a change is reported that could result in VTP eligibility, but is not verified until after the renewal end date, the VTP cannot be established unless a renewal is submitted and completed prior to the last day of the month following the renewal month.</p> <p>To align language regarding termination of the VTP in Chapter 900 with language in Chapter 1000, under “Criteria for Termination”, we added Items 6, 7 and 8.</p>

Section 901.13.B, page 12a	At Item B., we clarified that when a former TANF recipient reapplies for TANF in the same month that a VTP was received, the VTP is countable income for the VTP recipient only.
Section 901.14, page 13	Language was added to clarify that “only one person in a case shall be assigned to a Full Employment Placement (FEP) at any time”.
Section 901.14, page 15	At Item E., guidance stating the “EW will issue the bonus payment through Benefit Adjustment” was removed as VaCMS does not support this functionality.
Section 900, Appendix II, pages 1-5	The examples of the TANF/VIEW grant calculations were updated to reflect the 2019 Federal Poverty Levels and Standard Deduction amounts.
Chapter 900, Appendix II, page 6	We added Example 7 to clarify that when a caretaker has been removed from the AU because of DCSE non-cooperation, the AU size for VIEW income screenings is the number of persons in the AU minus the caretaker.
Section 900, Appendix III, page 1	The Federal Poverty Levels were updated to reflect the 2019 amounts.
Section 1000.11, page 29	Item B., the note was added; An Activity and Service plan must also be developed in order to provide transitional services to former VIEW clients whose TANF case has closed.
Section 1000.22.B, page 83a	To align language regarding termination of the VTP in Chapter 1000 with language in Chapter 900, we added a note to clarify that if the only child reaches age 18, but remains an eligible child for TANF because he is attending a secondary, vocational or technical school, then VTP eligibility will not be affected.
Form 032-03-0355-21	The TANF/VIEW Grant Calculation form was updated to reflect the 2019 Federal Poverty Levels.

Form 032-03-0355A-21	The TANF-UP/VIEW Grant Calculation form was updated to reflect 150% of the 2019 Federal Poverty Level.
Form 032-03-0646-19-eng	The Notice of Intentional Program Violations and Penalties form was updated to reflect the 2019 change reporting guidelines. Households must report income changes which exceed the income guidelines (130% of the Federal Poverty Level).
Form 032-03-0646-19-spa	The Spanish version of the Notice of Intentional Program Violations and Penalties form was updated to reflect the 2019 change reporting guidelines. Households must report income changes which exceed the income guidelines (130% of the Federal Poverty Level).
Form 032-03-0376-12-eng	The Hardship Exception Determination Form was updated to reflect the 2019 Standard Deductions.

Questions about this transmittal should be directed to regional program consultants or Mark Golden, TANF Program Manager, at (804) 726-7385, or [mark.golden@dss.virginia.gov](mailto:mark.golden@dss.virginia.gov).

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**Example 6:** Client receives TANF for herself and three children. The client has cycled in and out of TANF/VIEW and reaches her 24-month and 60-month limits. If the children go to live with their father or any relative, no one can receive TANF for the children during the two year period of ineligibility due to the VIEW limit. **Note:** The client may become eligible to receive TANF assistance again during the two year period of ineligibility due to the VIEW limit if she becomes totally disabled or becomes needed on a substantially continuous basis to care for a disabled family member who is living in the household.

**Example 7:** Mr. and Mrs. X are in the same AU and each has 30 months on the 60-month clock. Mr. X moves out and does not receive TANF while he is gone. When Mr. X moves back in with Mrs. X, she has 50 months on her clock. Ten months later, the TANF case is closed because Mrs. X reaches the 60-month lifetime limit on her clock. Mr. X has 40 months on his 60-month clock at the time of the TANF case closure.

Subsequently Mr. X moves out, taking one of the children with him. He applies for TANF for himself and the child. The TANF application will be approved if all other TANF eligibility criteria are met. Mr. X may remain eligible until he has accumulated 60 months on his 60-month clock.

- A. Eligibility beyond the 60-month limit - An assistance unit may be eligible to receive additional months of TANF assistance beyond the 60-month time limit when either:
- 1) the caretaker (both caretakers in a two-parent TANF household) is totally physically or mentally disabled (according to a Medical Evaluation 032-03-0654 completed by a medical professional which shows that the client is unable to work 20 hours or more per week) and is not able to be self-supporting due to the disability; or
  - 2) the caretaker is needed on a substantially continuous basis to care for a family member who is living in the household. (The family member does not have to be included on the TANF payment.) The family member must have a verified physical or mental disability and must have caretaking needs that prevent the caregiver from being self-supporting. These “caretaking needs” include the need for attendance, supervision, and home care, and other needs related to the family member’s disability. A medical professional must complete a Statement of Required Presence of Caregiver form (032- 03-0020) to verify the family member’s condition, and the need for the caregiver to be available on a substantially continuous basis. If the disabled family member is out of the home for substantial portions of the day, the caregiver will not be considered to be needed on a substantially continuous basis. Additionally, if the caregiver is employed outside of the home, the caregiver will not be considered to be needed to care for the disabled individual on a substantially continuous basis. In both of these situations, the TANF benefits will not be extended beyond the 60<sup>th</sup> month.

**Note:** At any time after case closure for receipt of 60 months of benefits, the assistance unit may reapply.

See Appendix IV for instructions on continuing assistance beyond the sixty-month clock.

The total disability of the caretaker (as defined in H.1 above) or the need for the caretaker to act as a caregiver for a disabled family member living in the household (as defined in H.2 above) must be re-evaluated based on new verification at the end of the anticipated duration as originally noted on the medical form. If the duration indicated on the form is for more than 12 months, or is identified as permanent, a new form must be obtained every 12 months. If the medical form is incomplete, the eligibility worker must contact the medical professional to obtain the missing information before acting on the medical. The medical exam for which a medical evaluation is based, must have been conducted no more than 90 days prior to the date the medical professional signs the form. **Note:** For the caretaker acting as a caregiver for a disabled family member living in the household, a task and reminder to obtain a new medical form must be set 30 days prior to the end of the anticipated duration as noted on the medical form or every 12 months, whichever occurs first.

203.1 Emergency Assistance – Emergency assistance may be provided to needy families with children who are eligible for TANF or are receiving TANF (including recipients whose TANF case is currently suspended due to a VIEW sanction), when the family has experienced a natural disaster or a fire which has destroyed items necessary for maintaining the household or the home itself. Natural disasters may include, but are not limited to, a tornado, hurricane, or flood. The EW should note that the applicant does not simply declare an event a disaster.

The application for Emergency Assistance must be made no later than 30 days from the date the disaster or fire occurred. If the applicant has been hospitalized during the 30 day period following the disaster or fire, the application for emergency assistance must be made within 60 days from the date the disaster or fire occurred.

Conditions of Eligibility/Categorical Eligibility:

When the family has experienced a natural disaster or fire within the timeframes listed above, and all of the following conditions exist, EA must be granted immediately:

- A. The family includes at least one child who is under eighteen years or if 18, but not yet 19, **is enrolled and attending a secondary school or vocational/technical school of secondary equivalency and is meeting the enrollment and attendance requirements as determined by the local school board. (201.2)**
- B. The child is a resident of Virginia, as defined in Section 201.6.
- C. The child, and all members of his family for whom assistance is provided must be a citizen of the United States or, if an alien, meet requirements, specified in Section 201.7. A child may be eligible for or receive TANF or Emergency Assistance even when other members of the family are ineligible.
- D. The child is living with a relative in a place of residence maintained by the relative as his own home. (See Section 201.5 B.)
- E. The emergency assistance is necessary (1) to avoid destitution of the child or (2) to provide living arrangements for him in a home (203.2).
- F. For current TANF recipients, needs can be met through EA in addition to the regular assistance payment. The EA payment does not affect the regular TANF payment. An EA payment may not be issued, however, to replace money lost by the recipient or for the loss of earnings.



See Section 201.10 and 201.10.C.2. regarding cooperation with DCSE, Section 901.2 regarding the VIEW exemption criterion of caring for a child under 12 months of age and Section 401.1D regarding who must complete the application in a minor caretaker household.

When assistance is requested for the child of a minor parent, the minor parent must also be included in the assistance unit **unless the minor parent must be excluded based on not meeting the ‘in loco parentis’ requirement.** (Note: the child of a minor parent does not have to be included in the assistance unit if assistance is requested only for the minor parent and siblings of the minor parent, if any).

When the minor parent and her child are the only children in the assistance unit, the case must be closed effective the month following the month the minor parent turns 18. (Exception: If the minor parent turns 18 on the first of the month, the case must be closed for the birthday month.) The 18 year-old may then apply for assistance for herself and her child, and, if approved, will be the caretaker on the new case and the TANF benefits will be issued in her name.

An assistance unit in which the minor parent is included as the only child on the case, but which does not include the minor parent’s child, will be closed effective the month following the month the minor parent turns 18 (unless the case must be closed for the birthday month because the minor parent turns 18 on the first day of the month). Exception: If the minor parent is 18 but not yet 19 and is a full-time student attending a secondary school or vocational/technical school of secondary equivalency and is meeting enrollment and attendance requirements as determined by the school. (See 201.2)

1. Unmarried Minor Parent Living with Needy Parent(s) or Other Relative(s)
  - a. Minor Parent Living With One Needy Parent or Other Relative
    1. Cases in which the minor parent and her child live with a needy senior parent (including a step-parent), or other relative, will be formed with the needy parent or other relative as caretaker, and the minor and her child as children. The TANF payment will be in the name of the senior parent or other caretaker relative. Any siblings who have applied for or are receiving assistance will be part of the same assistance unit.
    2. Cases in which assistance is requested for the minor parent, but not for the minor parent’s child, and the senior parent (including a step-parent) or other relative is needy, will be formed with the senior parent or other relative as the caretaker and the minor parent as a child. The minor’s child does not have to be included in the assistance unit. The TANF payment will be in the name of the senior parent or other relative. Any siblings of the minor parent who have applied for or are receiving assistance will be part of the same assistance unit.

- a. for TANF-UP, unemployment compensation benefits;
- b. When a household consists of a couple cohabiting, each who have a child(ren) by previous relationships, there will be two separate assistance units. Should they have a child together, for whom paternity has been established or an adoption has been finalized, the child must be included in the assistance unit. The units must be merged as the new child is a sibling to both sets of children. If the income of the assistance unit exceeds the maximum allowable income, the case is ineligible for a payment.

#### Screening at the Standard of Assistance

The following procedures are applicable to the standard of assistance screening

- a. Applications, Including Persons Being Added to an Existing Assistance Unit

Once the total gross countable income of the assistance unit is determined to be less than or equal to maximum allowable income, income must then be screened at the standard of assistance in order to allow earned income disregards where applicable.

- b. All AUs will be allowed the following deductions from earned income:

The standard deduction\*, the same amount used in the standard deduction for the SNAP program, and 20% of the remainder is deducted from the gross earnings.\*\*

Assistance Unit	Standard Deduction
1-3 members	<b>\$167</b>
4 members	<b>\$178</b>
5 members	<b>\$209</b>
6 or more members	<b>\$240</b>

(Refer to Section 305, [Appendix 3](#), Step 2, and to Section [305.3.B.](#))

- c. Ongoing Cases

Once the total gross countable income of the assistance unit is determined to be less than or equal to the maximum allowable income, income must then be screened at the standard of assistance in order to allow earned income disregards where applicable.

- d. The following income is disregarded when income is screened at the standard of assistance:
  - 1) all income specifically disregarded in [305.4.A](#);

\*45 CFR 233.20(a)(3)(xiii)

\*\*22 VAC 40-295-60

At each renewal, all income of the assistance unit must be verified, regardless of whether a change has been reported. If a change is identified, a prospective determination must be conducted in accordance with Section 305.1.A. to establish ongoing eligibility.

When a change in income occurs between renewals, a prospective determination must be conducted to establish ongoing eligibility.

When attempts to verify countable income prove to be unsuccessful because the person or organization that is to provide the verification fails to cooperate with the assistance unit and the local agency, and there are no alternate sources of verification available, the Eligibility Worker shall determine an amount to be used for TANF purposes based on the best available information. The case record must be documented to reflect the method used to arrive at the anticipated income.

In the above situation, the following verification will be considered the best available information:

1. a third party statement,
2. a collateral contact, or
3. as a last resort, the applicant's/recipient's written statement of the amount of income anticipated to be received in the payment month.

**D. Handling Changes in Income (Earned and Unearned)**

1. The assistance unit must report increases in income that place the assistance unit's monthly income above 130% of the federal poverty level based on assistance unit size.

The income limits are as follows:

<b>Report Income Change When Household Income Exceeds These Amounts</b>				
Household Size	Monthly Amount	Weekly Amount	Bi-Weekly Amount	Semi-Monthly Amount
1	<b>\$1,354</b>	<b>\$ 314.88</b>	<b>\$ 629.76</b>	<b>\$ 677.00</b>
2	<b>1,832</b>	<b>426.04</b>	<b>852.09</b>	<b>916.00</b>
3	<b>2,311</b>	<b>537.44</b>	<b>1,074.88</b>	<b>1,155.50</b>
4	<b>2,790</b>	<b>648.83</b>	<b>1,297.67</b>	<b>1,395.00</b>
5	<b>3,269</b>	<b>760.23</b>	<b>1,520.46</b>	<b>1,634.50</b>
6	<b>3,748</b>	<b>871.62</b>	<b>1,743.25</b>	<b>1,874.00</b>
7	<b>4,227</b>	<b>983.01</b>	<b>1,966.04</b>	<b>2,113.50</b>
8	<b>4,705</b>	<b>1,094.18</b>	<b>2,188.37</b>	<b>2,352.50</b>
Each additional Person	<b>+ \$479</b>	<b>+ \$111.40</b>	<b>+ \$222.79</b>	<b>+ \$239.50</b>

Exceptions: The needs of an individual(s) who is not in the assistance unit due to an IPV penalty, failure to comply with SSN requirements, or failure to cooperate with DCSE will not be allowed.

If the stepparent has not previously filed a return or states that he will claim a different number of dependents for the current year, use the number of dependents he intends to claim for the current year.

Verify by statement from the stepparent.

- 3) Support, including wage assignments paid to individuals not living in the home who are claimed or could be claimed as dependents on the stepparent's federal income tax return.

If the stepparent has not previously filed a return or states that he will claim a different number of dependents for the current year, use the number of dependents he intends to claim for the current year.

Verify by statement from the stepparent.

- 4) Payments for alimony and child support, including wage assignments to individuals not claimed on the stepparent's federal income tax return and not living in the household.

Verify by statement from the stepparent.

Failure of the customer to verify the income of the stepparent will result in ineligibility of the case.

The amount remaining after the above deductions must be compared to the standard of assistance for the assistance unit. If the stepparent's income is less than the standard of assistance for the number of persons in the assistance unit, the parent's needs are included on the payment, and no stepparent income is deemed available. Only the income of the parent and child(ren) is to be considered in determining the payment amount. (Step 2 is not applicable in this instance.)

If the remaining amount equals or exceeds the standard of assistance for the number of persons in the assistance unit, the parent is not included in the assistance unit, and the child(ren)'s eligibility must be determined according to step 2.

Step 2 - Eligibility Determination For the Children When the Parent's Needs Must Be Excluded From the Payment - Determine the child(ren)'s eligibility and payment amount by counting the parent's income, the child(ren)'s income, and that portion of the stepparent's gross income in excess of 150% of the poverty level for two persons (the parent and stepparent), which is **\$2,114.00**. The latter is a standard amount and must be used in all cases regardless of the actual number of dependents the

stepparent has. Countable income is to be deducted from the standard of assistance for the assistance unit.

- b. Stepparent Deeming Procedure Used When the Parent in the Home Refuses/Fails to Cooperate With DCSE - When it is determined that the parent of the TANF child(ren) has failed or refused to cooperate with DCSE, the stepparent's income must be deemed available to the assistance unit, calculating the deemed amount in accordance with 305.4.F.1.a.1) – 4). The deemed income, in addition to the income of the parent and child(ren) must be counted to determine the assistance unit's eligibility and payment amount.

Failure of the customer to verify the income of the stepparent will result in ineligibility of the case.

- c. Stepparent Deeming When the Parent Is Not in the Home With the Stepparent - The income of the stepparent will not be deemed when the natural/adoptive parent of the TANF children is not living in the home due to separation, divorce, death or incarceration. However, when the stepparent and the natural/adoptive parent are living apart due to military duty, employment, or other reason, and they both consider themselves to be living as husband and wife, they will not be considered separated and the income of the stepparent will be deemed.

If the stepparent is included in a TANF assistance unit, policies and procedures applicable to assistance unit members apply instead of the deeming procedures.

Note: A lump sum payment received by an eligible child's stepparent is considered available to the assistance unit as described at 305.4C.

Example 1:

Ms. P. is applying for TANF for herself and her 3 children. Ms. P. receives unearned income in the amount of \$50 per month, and each of the 3 children receives unearned income in the amount of \$50 per month, as well. Ms. P.'s husband (not the children's father) is employed and earns \$2,121 per month. Mr. P. has no other dependents.

1. To determine Ms. P.'s eligibility to be included in the AU:

Mr. P.'s income	<b>\$2,121.00</b>
Less \$90 deeming disregard	- 90.00
	<b>\$2,031.00</b>
Less standard of assistance for 1 (Group II)	- 197.00
Amount deemed available to Ms. P.	<b>\$1,834.00</b>
Standard of assistance for a 4-person AU	<b>\$ 434.00</b>

Since the portion of Mr. P.'s income which is deemed available to Ms. P. exceeds the standard of assistance for 4 persons, she is not eligible to be included in the AU.

2. To determine the 3 children's eligibility, and, if eligible, the payment amount:

Stepparent's (Mr. P.'s) income	<b>\$2,121.00</b>
150% of poverty guidelines for 2 (monthly)	<b><u>-2,114.00</u></b>
Amount exceeding 150% of poverty guideline	\$7.00
 Standard of assistance for a 3-person AU	 \$ 363.00
 Less total countable income (\$7.00-amount of Mr. P.'s income which exceeds 150% of poverty guidelines, plus \$50.-Ms. P.'s unearned income, plus \$150 the children's unearned income for a total of \$207 in countable income.	          <b><u>- 207.00</u></b>
Payment amount	<b>\$156.00</b>

Example 2:

Ms. J., who has been receiving TANF on behalf of herself and her 2 children reports that she remarried over the weekend. Ms. J. receives unearned income in the amount of \$100 per month. Her husband, Mr. J. is employed, with earnings in the amount of \$800 per month. Mr. J. has 3 children who live with his former wife, for whom he pays support in the amount of \$400 per month.

1. To determine Ms. J.'s eligibility to be included in the AU:

Mr. J.'s income	\$ 800.00
Less \$90 deeming disregard	<u>- 90.00</u>
	710.00
 Less standard of assistance for I (Group II)	 <b><u>- 197.00</u></b>
	<b>\$ 513.00</b>
Less support paid by Mr. J. to non-household dependents	<u>- 400.00</u>
Income deemed available to Ms. J.	<b>\$113.00</b>
 Standard of assistance for a 3-person AU	 <b>\$363.00</b>

Since the portion of Mr. J.'s income which is deemed available to Ms. J. is less than the standard of assistance for 3 persons, she is eligible to be included in the AU. Proceed to payment calculation, since Ms. J. is eligible.

2. To determine the payment amount:

Standard of assistance for a 3-person AU	<b>\$ 363.00</b>
Less countable income (Ms. J.'s unearned income)	<u>- 100.00</u>
Payment amount	<b>\$ 263.00</b>

## Example 3:

Ms. L. is applying for TANF for herself and her 2 children. Her husband (not the children's father), Mr. L., is employed and earns **\$2,158** per month. Mr. L. has 1 child, who lives in the household also.

1. To determine Ms. L.'s eligibility to be included in the AU:

Mr. L.'s income	<b>\$2,158.00</b>
Less \$90 deeming disregard	<u>- 90.00</u>
	<b>\$2,068.00</b>
Less standard of assistance for 2 (Group II) to include Mr. L. and his child	<u>- 289.00</u>
	<b>\$1,779.00</b>
Income deemed available to Ms. L.	<b>\$1,779.00</b>
Standard of assistance for a 3-person AU	<b>\$ 363.00</b>

Since the portion of Mr. L.'s income which is deemed available to Ms. L. exceeds the standard of assistance for 3 persons, she is ineligible to be included in the AU.

2. To determine the 2 children's eligibility, and if eligible, the payment amount:

Stepparent's (Mr. L.'s) income	<b>\$ 2,158.00</b>
150% of poverty guidelines for 2 (monthly)	<u>- 2,114.00</u>
Amount exceeding 150% of poverty guidelines	<b>\$ 44.00</b>
Standard of assistance for 2-person AU	<b>\$ 289.00</b>
Less total countable income (\$44.00 -amount of Mr. L.'s income which exceeds 150% of poverty guidelines)	<u>- 44.00</u>
Payment amount	<b>\$ 245.00</b>

The two children are eligible for TANF. Though Mr. L.'s gross income exceeds 150% of poverty guidelines, his countable income does not exceed the standard of assistance for an AU of 2.

2. Deeming Income in Minor Caretaker and Ineligible Alien Cases\* - Income must also be deemed to an assistance unit in the following situations. Applicable policies and procedures are explained below.
- a. Minor Caretaker Living with Senior Parent(s) – When living together, the income of a senior parent(s) is to be deemed available to the minor caretaker's assistance unit." The senior parent's income must be considered available to the eligible child(ren) by applying the deeming procedure in Section 305.4.F.2.c. below. A stepparent's income is not deemed available to a minor caretaker's assistance unit.

- a. Home Energy Assistance - Payments made directly to a household for home heating or cooling provided by suppliers of home energy, such as electric and gas companies and fuel oil dealers, must be counted as income.\* When payments are received jointly by a household composed of TANF and non-TANF individuals, including SSI recipients, the TANF assistance unit's pro rata share, based on the total number of persons in the household, must be considered as income to the TANF unit.

The pro rata share of non-TANF and SSI individuals is not to be counted.\*\* Note: Payments made through the Virginia Energy Assistance Program administered by local departments of social services are not considered home energy assistance and are disregarded per Section [305.4.A.16](#).

- b. Public Assistance Benefits Received From Another State - It is possible for individuals who move from another state to Virginia to receive assistance from both states in the same month. However, the assistance paid by the state of prior residence must be considered in determining eligibility and benefit amount in Virginia. The amount of assistance received by the assistance unit from the former state is to be treated as unearned income in the month received.

Example 1: An applicant applies in Virginia on August 30 and receives a payment from Pennsylvania for \$100 in September which covers the period of the last week of August and the first week of September. If the assistance unit is eligible for assistance in September and the SOA is **\$363**, the \$100 of unearned income is subtracted from **\$363**, for a payment of **\$263**.

Example 2: A Group II locality receives an application on September 2 requesting assistance for a parent and two children. The family received a TANF payment from another state on September 1 for \$100 covering the period September 1-15, and the case is terminated in the former state effective September 15. The agency determines eligibility on September 10 (date of authorization). The first payment is calculated as follows:

$$\begin{array}{rcl}
 \$363 - \$100 & = & \$263 & \text{- monthly deficit} \\
 \$344/30 & = & \$12.10 & \text{- daily rate} \\
 \$12.10 \times 21 \text{ days} & = & \$254.10 & \text{-prorated deficit} \\
 \text{\$254 payment (rounded down)} & & & 
 \end{array}$$

- c. Royalties are considered unearned income.
- d. Interest earned on cash assets in excess of \$10 a month, such as a bank account or certificate of deposit, is considered unearned income in the month received (available) unless anticipated to be received less often i.e., quarterly, annually, etc., in which case it may be prorated over the period earned if requested by the applicant/recipient. Guidance in Section [305.1.B.2](#) is applicable in determining if the income is "reasonably certain" to be received and, if so, the methods available to use to calculate the anticipated amount. Exception: Interest accrued on exempted Virginia Individual Development Accounts (VIDA) or Assets for Independence Act (AFIA) funds is not countable income.

\* 45 CFR 233.20(a)(3)(xiv)

\*\* 45 CFR 233.53(c)(2)



If the applicant wishes to change any of the information he has provided or any information as it appears on the application, the EW must make the change in the VaCMS system.

A. Time Standard for Processing Application – The local agency must complete the initial application process by the 30<sup>th</sup> calendar day following the application filing date. This time standard covers the day following the date of receipt of the signed application to the date the assistance payment is issued or the notification of denial of assistance is mailed to the applicant. (The applicant must be informed of the time standard at the time of application.) When the 30<sup>th</sup> calendar day following the application date falls on a weekend or holiday, the EW must complete the application process by the last working day prior to the 30<sup>th</sup> day.

1. Exception to the 30-day processing standard may apply when:
  - a. the applicant has limitations that hinder him from securing verifications. In this instance the local agency must assist the applicant in securing verifications. The BDOA will be the first of the month following the month of application.
  - b. an emergency beyond the agency's control occurs - If an agency delay occurs, and the application was otherwise eligible, the BDOA must be the date of application.
  - c. **the postmark date is at least two days prior to the verification due date.**

An "Interview Held Date" in the VaCMS allows an application to go beyond the 30-day processing standard. If required verifications are not received timely, the EW must take action to deny the application (run eligibility and certify and authorize the denied eligibility result).

Example 1: TANF application received March 19. An interview was held March 20, and verifications were requested by March 30. The EW entered the "Interview Held Date" on the Interview Details screen in the VaCMS. The applicant failed to provide the required verifications by April 18, the 30th day after the application date. The EW must take action to deny the application.

Example 2: TANF application received March 15. An interview was not held until April 10. Required verifications were requested by April 20. The EW entered the "Interview Held Date" on the Interview Details screen in the VaCMS. On April 14, the 30th day after the application date, the application remained in a pending status. The applicant failed to provide the required verifications by April 20. The EW must take action to deny the application.

Example 3: TANF application received March 1. An interview was held March 5<sup>th</sup>. Required verifications were requested by March 15<sup>th</sup>. On the 30th day, after the application date, the worker took action to deny the TANF application because the requested verifications had not been received. On April 1<sup>st</sup> the worker received the required verifications postmarked March 14<sup>th</sup>. The EW must take action to reinstate and process the application. Although the delay is not a client or agency caused delay, to ensure benefits are issued back to the application date, agency caused delay must be selected as the reason for overdue processing.

Exception: If the child does not meet the conditions of eligibility, that child will be excluded; however, it may be possible to determine eligibility for the remaining assistance unit members.

If the client decides to assume the responsibility for obtaining the required verification, he must be advised that the information must be provided to the agency within ten (10) days and that failure to do so may affect the decision of eligibility. If the client cannot obtain the necessary information, because of circumstances beyond his control, and requests the EW's assistance in securing such information, the agency EW must then assume the responsibility for obtaining the needed verification.

When the responsibility for obtaining verification has been assumed by the EW, the client must be advised that if the agency or person from whom verification has been requested does not respond to the request, eligibility cannot be established. In these situations, the Notice of Action must be sent and the case record documented to reflect attempts made to obtain verification. Copies of all relative correspondence must also be in the case record.

If eligibility is established within the original 30-day processing time, the original application date is protected when an application is denied as a result of lack of required verification. The initial application date must be used if subsequent information substantiates the applicant's eligibility. (See 401.3.F.5.)

#### 1. Ongoing Eligibility

When changes occur within the renewal period that affect eligibility or benefit amount, the agency must evaluate the change and take action to adjust the benefit amount, if necessary. The responsibility for changes lies with both the TANF AU and local agency. The individual must report changes in the household income and any other changes that may affect the AU's status. The agency must make adjustments in entitlement and benefit amount based on reported changes and for changes the agency initiates.

##### a. Changes That Must Be Reported

1) The following changes must be reported by the TANF AU following case approval:

- Changes in address (a new physical or mailing address);
- Changes in income that places the monthly income of the household above 130 percent of the federal poverty level (FPL) for the number of people in the TANF AU (composition at approval or most recent renewal). ("Household," for the purposes of determining income changes that must be reported, means the AU plus any other required unit members who reside together with the AU members. These required AU members include step-parents, parents who are not U.S. citizens or eligible aliens, and others whose needs are not included **in the payment**.)

See 302.7D and 302.7E for a comprehensive list of these individuals. The income of these related, but ineligible individuals would have been considered in determining the TANF **payment** amount for the AU);

- Changes in household composition resulting from one of the following individuals entering or leaving the home:
  - an eligible child, including a newborn,
  - the father or mother of an eligible child, including a newborn.
- Changes that affect participation in the VIEW Program. This would include changes in the need for transportation, child care, or any other supportive service.

AUs must report the changes listed above within 10 calendar days from the date the unit knows of the change, but the report is timely if reported by the tenth of the following month. The 10-day period begins the day the change becomes known to the AU. If the AU is uncertain of the exact date or the exact amount of income that has changed, the 10-day reporting period begins the day the change occurs. The change may be reported on the Change Report form, by telephone, face-to-face, by mail, or electronically.

In addition, the recipient should be asked to report changes to his telephone number.\* Because telephone number changes do not affect eligibility or benefits, the agency will not take negative action if a telephone number change is not reported.

## 2) Local Agency Action on Changes

The agency must act promptly to terminate or to adjust benefits when changes in the AU's circumstances or income are reported by the recipient, including information about an impending change reported at application. The TANF case must reflect the following changes:

- changes reported by the AU;
- changes put into VaCMS to meet reporting requirements or guidance requirements of another program;
- changes to prevent duplicate receipt of benefits including information provided through a PARIS Match; and
- changes that are considered verified upon receipt, such as notification by the foster care worker that a child has been removed from the home and placed in foster care.

\*63.2-501.1

Example C: A grandmother and grandfather are both in the home with the grandchildren. Both grandparents are needy, but only the grandmother is included in the AU. (The grandfather is excluded based 302.3 and 302.7 and is not an EWB, 302.6). Following the death of the grandmother, the grandfather can be added to the AU and the case put in his name.

1. A guardian, committee, or personal representative payee is appointed or the payee changes.
  2. Emergency Assistance is granted to a current recipient of TANF.
  3. The action to deny an application is reversed by a hearings decision.
  4. Action taken to deny an application or close a case as a result of the lack of required verification is reevaluated as a result of information received by the EW within 30 days following the application date or prior to the effective date of closing and eligibility is determined to exist. (See 401.2.B.)
- F. Suspension of Assistance\* - The **payment** will be suspended for one month when the agency has reason to believe that ineligibility will exist for only that month. The **payment** will be suspended for two consecutive months only when the reason for suspension in the second month is different than the reason for the suspension in the first month. For example, a case is suspended the first month because anticipated income causes ineligibility for one month. If the recipient then reports a change in circumstances (e.g., the father of a child moves into the home) and the recipient needs to return information to establish continued eligibility, the case is suspended for a second month to allow the recipient time to furnish the information.

There shall be no instances in which a case is suspended for more than two consecutive months. If the information needed to establish continued eligibility is not provided or renders the case ineligible, the payment for the following month will be terminated and the case closed.

Suspension of a payment is appropriate when:

1. actual income is being used to calculate the payment according to Section 305.1.B.2. and it is anticipated the recipient will receive a periodic extra pay check in the payment month;
2. anticipated income causes ineligibility for one month;
3. the agency cannot contact the recipient and contact is necessary to establish continuing eligibility and the recipient cannot be located or agency mail to the recipient has been returned by the post office. The case must be documented on agency efforts to locate the recipient. Suspension shall occur as soon as administratively possible;
4. information needed to verify a change in circumstances or to substantiate eligibility is not provided in time to impact the next payment (See 401.2.B.2.);
5. the current net monthly support exceeds the current TANF benefit (VaCMS will automatically close the case when net support exceeds the TANF benefit for two consecutive months); or
6. a lump sum is received. (See 305.4C).

\* 45 CFR 233.34(d)

Exception: The full **payment** is sanctioned (i.e., the case is eligible for \$0 **payment**) when a VIEW participant is not in compliance with VIEW work requirements. Since the TANF case is not closed for a VIEW sanction, the sanction is imposed by a suspension of the **payment** when the Non-Compliance – Details screen is completed in the VaCMS.

401.1 NOTIFICATION TO APPLICANT/RECIPIENT - Federal regulations require that adequate and timely notice be sent to applicants and recipients to indicate that assistance has been authorized, denied, increased, reduced, or terminated.

"Adequate" means that the notice (Notice of Action) is received not later than the effective date of the action and includes a written statement of what action the agency intends to take and the reason for the action. In the case of an assistance unit which has no permanent dwelling or fixed address and is otherwise considered homeless, the notice must be available at the local agency or mailed to another destination agreed upon by the client, such as a nonprofit agency or shelter, local post office, etc., to ensure it will arrive at such destination not later than the effective date of the action.

"Timely" means that the notice (Advance Notice of Proposed Action) is mailed, or available at the local agency in the case of an assistance unit which is homeless, at least ten (10) days before the effective date of the action, excluding the date of mailing and the effective date.

In certain situations timely notice is not necessary but adequate notice is always required.

- A. Action Requiring Adequate Notice - Adequate notice must be sent to the applicant/recipient whenever:
1. case action is taken to approve or deny an application or a request for an increase in **payment**;
  2. there has been a delay beyond the time standard in acting upon an application or a request for an increase in **payment**;
  3. case action is taken to increase the amount of assistance;
  4. case action is taken to include an additional eligible person in the **payment** or to change the number of eligible persons if no decrease in assistance results;
  5. case action is taken to change the payee or the method of payment;
  6. client requests closure of a VTP case.;
  7. VTP recipient transfers to another Virginia locality and is no longer eligible to receive the VTP; or
  8. a reevaluation of eligibility based on information received within 30 days of the date following the application date or prior to the effective date of case closing occurs.

The notice shall be sent immediately following the case action or at the expiration of the time standard for processing applications, as appropriate.

6. A special allowance granted for a specific period (for example, correction of a prior underpayment) is terminated and the recipient has been informed in writing that the allowance shall automatically terminate at the end of the specified period.\*
  7. When a recipient becomes a patient receiving skilled care, intermediate care or similar other long term hospitalization. Note: See guidance in 201.5.B. to evaluate continued eligibility.
  8. When a recipient requests termination of assistance by telephone or in writing. The written request must be signed and dated by the recipient. If the recipient fails to enter the date, the EW must enter the date such statement is received in the agency.\*
  9. When a recipient provides a signed, written statement:
    - a) providing information which requires termination or reduction of assistance (but does not request closure of the case); and
    - b) indicating that the recipient understands that action to reduce or terminate assistance must be taken in response to the information provided and she waives her right to receive a timely notice.\*
- C. Action Requiring Timely Notice - Federal regulations,\*\* require that in certain cases of proposed action to terminate, or reduce assistance, the Advance Notice of Proposed Action must be sent to the client. The agency may use the Notice of Action for this purpose, unless benefits in both TANF and SNAP are being reduced or terminated simultaneously.

When a change requires both a reduction or termination in public assistance benefits and a reduction or termination in SNAP benefits, the local agency shall issue a single Advance Notice of Proposed Action for both the public assistance and SNAP action.\*\*\* Timely notice must be sent to the recipient whenever the case is determined to be ineligible and whenever the **payment** must be reduced or terminated based on a change in the circumstances reported by the client or from any other source, or when the client fails to verify a change as requested.

When the proposed action is to sanction a case for noncompliance with the Virginia Initiative for Education and Work (VIEW) program, advance notice must be given using the Advance Notice of Proposed Action (032-03- 0018-29).

When the proposed action is to impose a penalty on a case for noncooperation with the Division of Child Support Enforcement (DCSE), advance notice must be given using the Advance Notice of Proposed Action (032-03-0018-29).

\* 45 CFR 205.10(a)(4)(ii)  
\*\* 45 CFR 206.10(a)(4)(i)  
\*\*\* 7 CFR 273.12(f)(4)(i)

The following procedures are to be followed in preparing the Advance Notice of Proposed Action Form:

1. The date the form is mailed to the recipient and the first day of the following month are not counted in the 10 days before the day the action becomes effective.
    - a. When the action being taken is a reduction, the effective date is the first of the following month.
    - b. When action is being taken to suspend or terminate benefits, the date of non-issuance is the first day of the following month.
  2. The notice must include a statement of what action the agency intends to take.
  3. It must include the reasons for proposed action. If the proposed action is to suspend assistance due to the inability to verify a change in the client's circumstances (see Section 401.2.B.2.), the Advance Notice of Proposed Action must also include a statement that if necessary verification is provided, assistance will not be reinstated if such verification renders the case ineligible
  4. In cases of **payment** reduction, the new amount of the **payment** must be entered.
- D. IPV Notice Requirements – Refer to Sections 102.5, 102.8 and 102.13 regarding notice requirements relating to IPV guidance and ADH procedures.
- E. Action Requiring Neither Adequate or Timely Notice - Neither a timely notice nor an adequate notice is necessary when:
1. The agency acts to reduce or terminate benefits which have been continued in the original amount during an appeal, and the hearing decision is adverse to the recipient.
  2. A VTP case closes due to one of the following reasons:
    - a. the employment hours become less than 30;
    - b. hourly pay becomes less than minimum wage;
    - c. all of the eligible children leave the home;
    - d. a VTP job follow-up cannot be completed because the VTP recipient failed or refused to provide the required employment verification;
    - e. in a two parent household when a parent who is receiving a VTP leaves the home; and
    - f. at the end of the 12-month VTP payment period. (Note: VaCMS will automatically close the VTP case at the end of the 12-month period.)

Exception: When a VTP case has been transferred and the new locality determines that the client is no longer eligible to receive the VTP, an adequate notice is required.



## 401.2 INFORMATION TO BE GIVEN APPLICANT/RECIPIENT

In the process of determining eligibility, the EW must provide the applicant/recipient with the following information.

- a. The applicant/recipient's responsibility to provide accurate and complete information to the best of his ability.
- b. Information Regarding Timely Reporting of Changes.
  1. Applicants are responsible for reporting required changes within 10 days of the date of the Notice of Action to approve. Required changes that occurred after the initial interview, but before the Notice of Action to approve must be reported within this 10-day time frame.
  2. Recipients of TANF must report income changes when the income of the household exceeds 130 percent of the federal poverty level for the number of people in the TANF assistance unit at the time of approval, as outlined in Section 401.2.B.2. For the purpose of determining income changes that must be reported, "household" includes members of the AU plus required unit members residing with the AU whose income is considered in determining eligibility but whose needs are not included **in the payment**. See 401.2B(2)(a).
  3. Recipients are required to report address changes (a new physical or mailing address) within 10 days of the change.
  4. Recipients are requested to report changes in their telephone number(s).\*
  5. Recipients must report when an eligible child or the parent of an eligible child enters or leaves the home.
  6. VIEW participants are required to report changes in gross countable income of greater than 130 percent of the federal poverty level based on size of the assistance unit, other changes pertinent to participation in VIEW, including changes in the need for supportive services.
  7. Assistance units must complete an annual renewal, unless a shorter renewal period is required by SNAP.

Applicants/recipients must be advised of changes not required to be reported that may increase benefits, such as loss of income and additional family members in the home.

\*63.2-501.1

**502.2 PERIOD COVERED BY PAYMENT**

- A. The payment covers the entire calendar month of eligibility (Section 401.1.I.), except when eligibility is determined in the same month in which an application for financial assistance is received or when an individual is added to an existing case. No payment may be issued prior to the date of application. The effective date of payment is the date that initial eligibility for assistance or a change in amount of assistance begins.

No payment shall be made on an approved application for periods prior to the date of application. If the beginning date of assistance is not the first of the month, the payment for that month must be prorated. This is accomplished by dividing the amount payable by 30 days, regardless of the total number of days in such month. This amount is then multiplied by the actual days in the month including and following the date of authorization. Additionally, when an individual is added to an existing case, the individual's portion of the payment must be prorated for the first month of eligibility with the beginning date of payment established in accordance with Section 401.2.B.2.c.

Example 1: A Group II locality receives a signed application from Ms. Doe on August 18. She requested assistance for herself and two children and reports no income. The agency determined she is eligible to receive an assistance payment on August 24. The beginning date of assistance for Ms. Doe is August 18. Her first month's payment is calculated as follows:

1. 14 days = number of days for which Ms. Doe is eligible to receive assistance in August.
2. **\$363.00** = payment amount for full month's payment.

The method of computation is as follows:

$$\mathbf{\$363.00} \div 30 = \mathbf{\$12.10} \times 14 = \mathbf{\$169.40}$$

**\$169.00 payment** (rounded down)

Example 2: A Group II locality receives an application on August 5 requesting assistance for a mother and two children. The family receives Social Security of \$88.50 each month. The agency determines eligibility on August 10. The beginning date of assistance for Ms. Doe is August 5. The first payment will be computed as follows:

$$\mathbf{\$363.00} - \$88.50 = \mathbf{\$274.50} \text{ full month deficit}$$

$$\mathbf{\$274.50} \div 30 = \mathbf{\$9.15} \text{ daily rate}$$

$$\mathbf{\$9.15} \times 27 \text{ days} = \mathbf{\$247.05} \text{ prorated deficit}$$

**\$247.00 payment** (rounded down)

Example 3: On September 5, a timely report is received that on that date a sibling of the child(ren) in the assistance unit moved back into the home. The child being added has unearned income of \$30 per month. Eligibility for the child is established on September 13. However, the payment is prorated for the period beginning September 5 (26 days), the date the required unit member entered the home.

Current payment	<b>\$363</b>
Full payment after adding child	<b>\$434 - \$30 = \$404</b>
Child's portion to be prorated	<b>\$404 - \$363 = \$41</b>
	<b>\$41 ÷ 30 = \$1.37</b>
	<b>\$1.37 x 26 days = \$35.62</b>
Supplement for September	<b>\$35.00 payment (rounded down)</b>

If the individual's presence in the home is not reported timely, payment for the first month of eligibility will be prorated from the date the change was reported or became known to the agency. Or, if the unit failed or refused to cooperate in establishing eligibility without good cause, payment will be prorated from the date the last categorical verification is received or eligibility condition is met. (Refer to Section [401.2.B.2.c.](#))

- B. TANF-UP - Follow guidance in 502.2 A. except when a second parent enters the home in an existing TANF case. Guidance in [401.2 B.2.c](#) addresses handling the addition of a second parent.
- C. Emergency Assistance - Payment covers specified needs related to the emergency as specified in Section [203.2](#). Payment is also limited to coverage of needs arising or anticipated during the 30-day period following initial authorization of Emergency Assistance.

Example: In June the worker discovers that an eligible child left the home on August 5 of the previous year. The child should have been reported no later than September 10. Overpayments must be calculated beginning with the October payment. The overpayment amount is the difference between the payment received each month and the correct payment for the actual number of eligible members living in the household.

- G. Overpayments Resulting from Incorrect Composition of the Assistance Unit – When it is discovered that an individual required to be in the assistance unit is living in the home, it must be determined if an overpayment occurred. This determination is to be made as follows:
1. Redetermine eligibility for each month beginning with the month following the month the individual entered the home or was required to be in the assistance unit, including the individual's needs, and actual income. Any resulting overpayments must be recouped/recovered.
  2. If during the period in which the individual was required to be in the unit he had no income or his needs exceeded his income, an under- payment has occurred only for the months in which all categorical requirements were met and the conditions of eligibility are retroactively deemed to be met per Section 401.2.B.2.c. (See Section 503.9).
- H. Determining the amount of the overpayment when support has been paid for a child in the TANF assistance unit.
1. The agency must determine the amount of support paid for children in the AU using the report, TANF Cases Current Collected Support Report.
  2. Current monthly support paid to DCSE not redirected to the recipient must be subtracted from the total TANF payment issued for the month:

Example: A **\$289** TANF payment was made for the month of April. The amount subject to recoupment is **\$289** (Group II, AU = 2), minus total current support collected by DCSE in April (the month the overpayment occurred), which was \$150; therefore, the April overpayment is **\$139**.
- I. Determining Overpayments Resulting from Redirected Support Paid to the Client
1. An overpayment must be determined when a TANF recipient who was receiving support at the time of TANF application fails to redirect following TANF case approval.
  2. An overpayment will not exist when DCSE returns to the client support which the recipient has redirected to DCSE.
  3. An overpayment amount will be determined for new support not redirected to DCSE only when the support amount will cause the total income for the AU to exceed 130% of the Federal Poverty Level.

503.8 **NOTIFICATION, RECOUPMENT AND RECOVERY OF OVERPAYMENTS** - The local department must promptly recoup or recover any overpayments including overpayments resulting from assistance paid pending hearing decisions. Repayment by either a former or current recipient of the overpayment can occur through recoupment or recovery or both. The agency should discuss voluntary repayment with the client prior to initiating a recoupment.

- A. Notification to the assistance unit must be given before recoupment or recovery of an overpayment begins. After calculating the total amount of the overpayment, the local department of social services must send the Request for Repayment of TANF Payments and/or Payments for VIEW Services' form. The form is available in the Forms Drawer on the SPARK page. The first page of the form displays the period over which the overpayment occurred and the total amount of the overpayment. The second page allows the individual to select the method of repayment.

A copy of the form must be sent to the TANF recipient or payee or previous TANF recipient or payee and a signed copy filed in the case record. The signed form must remain in the case record until the overpayment has been satisfied. Note: If the recipient or payee fails to sign the form, the unsigned copy must be retained in the case record.

When the signed form is not returned, if 30 days have passed since the initial demand letter was sent on an active TANF case or on a case receiving a VIEW Transitional Payment (VTP), recoupment should begin the following month. When the TANF case closes prior to the month in which recoupment was scheduled to begin and the recipient or payee later reapplies for TANF assistance, she will be advised that recoupment will begin in the first month that the case is eligible for assistance.

- B. Recoupment consists of withholding all or part of the assistance payment. An overpayment made to a current recipient or payee must be recouped by reducing the amount of any future assistance payable to any assistance unit of which the individual is a member or payee.
1. When the recipient or payee has no cash reserve or countable income (payment equals the Standard of Assistance for the AU), 10% of the assistance payment may be recouped until the overpayment has been repaid. Under the Repayment Agreement Section on the Claim Information Screen, enter the amount that equals 10% in the "Amount Agreed To Pay" field or the percentage amount in the percentage field.
- Example: TANF Payment of **\$442**; Recoup 10% (**44.20**); amount of recoupment = (**\$44.20**); New payment amount is **\$397.80**.
2. In situations where a recipient (but not a payee) has earned income, unearned income, or any combination thereof, in addition to the assistance payment, part or all of the assistance payment may be recouped as long as the assistance unit retains at least 90 percent of the standard of assistance when the total gross income and the amount of the current payment are considered.

To calculate the client's ability to repay the overpayment, the worker will follow steps a - d below:

- a. Determine the amount of the overpayment.

\*45 CFR 233.20(a)(13)(i)

\*§63.2 - 512

- b. Combine all gross income including any income that would be disregarded for TANF purposes (such as SSI) and the current payment to determine the amount of income available to the AU.
- c. Determine 90% of the standard of assistance for a family of equal size in the same locality. This represents the amount of money the client must have available.
- d. Subtract the amount in step c from the amount in step b. The difference represents the amount the client is able to repay on the overpayment.

Note: When the additional income or the TANF payment amount is either increased or reduced, the recoupment amount is to be recalculated.

Example 1:

Step a: Determine the amount of the overpayment.

Step b: Available income **\$633.00**  
           (\$344 gross wages + **\$289** payment amount)

Step c: Minimum amount AU retains (**\$289** X 90%) - **\$260.10**

Step d: Maximum amount that can be paid = **\$372.90**

The EW will recoup the entire payment amount of **\$289**.

If the amount that can be paid is equal to or greater than the Standard of Assistance (payment amount), the amount to be recouped will be equal to the payment.

Example 2:

Step a: Determine the amount of the overpayment.

Step b: Available income **\$413.00**  
           (\$50.00 gross wages + **\$363** payment amount)

Step c: Minimum AU retains (**\$363** X 90%) - **\$326.70**

Step d: Maximum amount that can be paid = **\$ 86.30**

The EW will recoup **\$86.30** from the payment.

If the amount that can be paid is less than the Standard of Assistance (payment amount), the amount to be recouped will be equal to the amount that can be paid.

The monthly assistance payment will be reduced according to B (1) and (2) above until such time as the overpayment has been repaid. If, however, income and/or cash reserves have been counted in establishing the client's ability to repay, recovery of the overpayment may also be accomplished through voluntary repayment. This option is to be offered to the client prior to initiating a recoupment.

If recoupment reduces the payment to zero, the case will be retained as TANF eligible with no money payment.

- C. Recovery consists of making arrangements with a former or current recipient or payee for voluntary repayment of all or a portion of the overpayment even though the client may no longer be eligible for assistance. If a former recipient or payee fails to make the voluntary repayment, the agency must initiate action under Section 63.2-512, Code of Virginia, to collect the amount as a debt.

3. Check Reported Lost/Stolen/Mutilated by Payee

a. The payee reports non-receipt of a TANF check:

A payee must report that a check has been lost or stolen within 45 days of issuance in order to be eligible for a replacement check. Additionally, the payee must complete three affidavits (which will include a Lost Check Report or Stolen Check Report forms) within 45 days of issuance of the original check. In the case of a Stolen Check Report, the payee must also file a police report and provide the LDSS with a copy of the report, or the report number, (within 45 days of issuance of the original check) in order to receive a replacement check.

Responsible  
Party

Action

LDSS

- The pay FIPS reflected on the SNAP/TANF Detail Screen in VaCMS is the LDSS that issued the check, regardless of the present locality of residence. The original locality will initiate the stop payment action, and issue the replacement check.
- Before initiating an action, review the Issuance Summary/Search screen to ensure the check has not been cancelled, undelivered, re-issued, mutilated or stopped.
- From the Left Navigation → Benefit Issuance → Maintain Checks. If FPU has received the check, it will display on the Maintain Checks screen. If the check does not display go to step b.

Note: A FEP recipient check must be a State-issued check. VaCMS does not have the capability to reimburse for local checks.

b. Obtain three signed affidavits and the police report or police report number:

Responsible  
Party

Action

LDSS

- If a check was issued, have the payee complete and sign three State affidavits (Form 032-06-0118) and two **Bank of America** forms. The entire affidavit (including the Lost/Stolen Check Report form) must be completed in full. The EW should allow the payee to complete (fill out) as much of the report as possible. The EW must ensure that all

questions are answered. The EW must also ensure that the payee is aware that by signing the affidavits/reports, he is agreeing to cooperate with the Department of Social Services and any law enforcement agencies in the investigation and/or prosecution of any person(s) who may be responsible.

- If the payee is reporting the check as stolen, the payee must agree to file a police report and provide a copy of the report, or the report number, within 45 days of issuance of the original check to the LDSS in order to be eligible to receive a replacement check.
- The EW should contact FPU to determine if a copy of the cashed check can be faxed to the LDSS while the payee is in the office to complete the affidavits. If not, schedule an appointment for the payee to return to the LDSS within 48 hours of receipt of the Lost/Stolen Check Report and the **Bank of America** form. The payee must return to the LDSS to review the signature on the check prior to the LDSS issuing a replacement check to see if he recognize the signature.
- The affidavits must be notarized and stamped with the notary seal. (See Section D for mutilated check procedures.)
- If the affidavits are incomplete, incorrect, or are photocopies, FPU will return them to the LDSS for correction. FPU will not make corrections to the forms. All three affidavits must be original copies with an original signature.

Note: The payee for the check is the only person allowed to sign the affidavits. If the payee and recipient are two different people, be sure the payee is signing the affidavits.

- Send two of the affidavits (which will include the Lost Check Report or Stolen Check Report containing the police report number to the FPU in a large envelope. The affidavits forms must not be folded. Send the affidavits via overnight pouch to:

FPU – TANF Affidavits  
VDSS Home Office  
Division of Finance  
Fiscal Processing Unit

- File the third affidavit (which will include the Lost Check Report or Stolen Check Report with police report/ police report number) in the eligibility record.
- Furnish the police report to the Fraud Unit upon request.





**Fraud Statement of Claimant**

CLAIM NUMBER (for Bank use only):

CLAIMANT'S NAME (LAST, FIRST, MI) OR BUSINESS NAME: <b>COMMONWEALTH OF VA</b>	ACCOUNT NUMBER:	DATE:
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<input type="checkbox"/> <b>Signature Forged</b> The signature on the face of the item(s) described below is a forgery. I did not sign the item(s) and I did not authorize the signature.	<input type="checkbox"/> <b>Endorsement Forged</b> The endorsement on the reverse of the item(s) described below is a forgery, missing, or not as drawn. I did not endorse the item(s) and I did not authorize the endorsement.	<input type="checkbox"/> <b>Counterfeit Item(s)</b> The item(s) are an imitation of one drawn on my account. I did not create, authorize the creation, or sign the item(s).	<input type="checkbox"/> <b>Other (Please describe below):</b>
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Describe the fraudulent item(s) below:

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Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):

Additional items described in the Attachment to the Fraud Statement of Claimant.



**Fraud Statement of Claimant**

CLAIM NUMBER (for Bank use only):

CLAIMANT'S NAME (LAST, FIRST, MI) OR BUSINESS NAME: COMMONWEALTH OF VA		ACCOUNT NUMBER:	DATE:
<input type="checkbox"/> <b>Signature Forged</b> The signature on the face of the item(s) described below is a forgery. I did not sign the item(s) and I did not authorize the signature.	<input type="checkbox"/> <b>Endorsement Forged</b> The endorsement on the reverse of the item(s) described below is a forgery, missing, or not as drawn. I did not endorse the item(s) and I did not authorize the endorsement.	<input type="checkbox"/> <b>Counterfeit Item(s)</b> The item(s) are an imitation of one drawn on my account. I did not create, authorize the creation, or sign the item(s).	<input type="checkbox"/> <b>Other</b> (Please describe below):

Describe the fraudulent item(s) below:

Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):
Check #:	Amount: \$	Check Date:	Payable to (Payee):

Additional items described in the Attachment to the Fraud Statement of Claimant.



**Letter of Circumstance**

CLAIM NUMBER (for Bank use only): \_\_\_\_\_

Describe in detail the circumstances of the fraudulent activity and how you became aware of the activity. For example, consider how someone could have obtained your checks and/or your identification. Was your home or office burglarized? If more space is needed, feel free to attach additional sheets of paper.

I suspect the following person of having misused the fraudulent item(s) described on the attached Fraud Statement:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Are you willing to prosecute?  Yes  No

Did you file a police report?  Yes (Please include a copy)  No (We may ask you to file one)

Name of law enforcement agency: \_\_\_\_\_ Case Number: \_\_\_\_\_

Investigator's name: \_\_\_\_\_ Phone Number: ( \_\_\_\_\_ )

Did you close the affected account?  Yes  No

Since it is possible your checks have been copied, or other fraudulent items bearing your account name and number may appear in the future, we strongly recommend you close the affected account, if you have not already done so. If you choose not to close your account, you may suffer subsequent losses on the account due to forgery or other fraud.

Sign and date this letter and mail it with the *Fraud Statement of Claimant*.

I declare under penalty of perjury under the laws of the State of \_\_\_\_\_ (state) that the information set forth in this form is true and correct.

\_\_\_\_\_  
SIGNATURE DATE

In addition to the claimant's signature, the payee must sign below (forged, missing or "not as drawn" endorsement claims only).

I declare under penalty of perjury under the laws of the State of \_\_\_\_\_ (state) and to the best of my knowledge that I was legally entitled to receive \$ \_\_\_\_\_ from the items described on the attached Fraud Package.

\_\_\_\_\_  
SIGNATURE DATE

### AFFIDAVIT ON CHECK ENDORSEMENT

FORM NUMBER- 032-06-0118-11-eng (10/18)

PURPOSE OF FORM – This is a three-part form which includes sections for the Affidavit on Check Endorsement, Lost or Stolen Check Report and **the Bank of America form**. These forms are to be completed when requesting a stop payment. The form should be completed by the payee (as much as possible) to allow the Fraud Investigator to compare the handwriting on the form to the payee’s signature.

USE OF FORM – To be used by the local social services agency when a check is reported lost or stolen to secure the payee’s statement that he or she did not endorse the check.

NUMBER OF COPIES – Three original signed affidavits.

DISPOSITION – Submit two original signed affidavits (which will include the Lost Check Report or Stolen Check Report) to the VDSS Home Office, Division of Finance, Fiscal Processing Unit (FPU). File the third original signed affidavit (which will include the Lost Check Report or Stolen Check Report in the eligibility record). Additionally, when a copy of the police report is provided for a Stolen Check Report, file the report in the eligibility record and give a copy to fraud unit in the local agency upon request.

#### INSTRUCTIONS FOR PREPARATION OF AFFIDAVIT ON CHECK ENDORSEMENT

Locality	Locality that listed check on warrant register
Category	Type of check issued
VaCMS Case No.	Complete case number
Worker Name and #	Complete worker’s name and number
Check No.	Complete 8-digit check (warrant) number
Dated	Show date on the check
\$	Entire amount of the check, including cents
Payable to	Payee name
Signature	Only PAYEE signature
Date	Date the affidavits are signed
SSN	Payee’s social security number
Address	Address as shown on the warrant register. Must have City, State and Zip
Notary	Blanks must be completed with Notary information, signed by Notary, and imprinted with the Notary seal.

The assistance unit has:

- experienced a loss of income in the six months prior to the date of application which has resulted in the current emergency, or experienced a reduction in income in the six months prior to the date of application which has resulted in the current emergency, or
- a delay in starting to receive income resulting in the current emergency. (The income must be scheduled to start within 60 days following the date of application.)

The income that is lost or reduced must be the **ongoing** earned or unearned income of the applicant or other adult household member who would be part of the assistance unit for TANF purposes or whose income would be considered available to the assistance unit. **A lump sum or other one-time payment does not meet the definition of ongoing earned or ongoing unearned income.** (See 302.7) Income from child support payments made on behalf of a child in the household will be considered income of the applicant or other adult household member.

Income cannot have been voluntarily lost or reduced in order to qualify for diversionary assistance. The lost or reduced income cannot be the income of a minor child or the income of an individual who cannot be included in the assistance unit. The lost or reduced income cannot have been received by the household as a gift. The lost or reduced income cannot be from TANF or Refugee Cash Assistance.

The loss or reduction of income requirement will not be met if the loss or reduction of earned income is due to a voluntary quit without good cause. Good cause includes circumstances beyond the applicant's control, such as but not limited to, loss of child care, transportation, illness of the applicant or a family member, or another emergency situation.

- C. The worker must have verification of the loss of income, reduction in income, or the anticipated start date of new income.
- D. The worker must determine that diversionary assistance will resolve the one-time emergency or crisis situation.
- E. The emergency or crisis situation does not result from debts owed as a result of receipt of TANF assistance in any state (including Virginia). This will include all previous TANF overpayments, overpayments for services, and debts incurred for child support. Note: diversionary assistance funds cannot be used to pay for debts owed as a result of the receipt of TANF assistance in any state.

#### 801.1 DETERMINING THE AMOUNT OF THE PAYMENT

The exact amount of the diversionary assistance payment will be the maximum TANF amount for four months or the amount of the applicant's needs, whichever is less. The payment cannot exceed the total TANF payments that the recipient would otherwise be eligible to receive in four months. The diversionary assistance payment for applicants reapplying for TANF with four or less months remaining on the VIEW clock or the TANF 60- month clock will be calculated following the same guidelines as for other applicants.

In determining the applicant's need for assistance, consider the applicant's immediate ongoing income only. Do not include terminated income or anticipated income in determining the applicant's need. Do not enter terminated or TANF anticipated income in VaCMS. Follow these steps to determine the amount of the diversionary assistance payment:

901.10 NOTICE AND APPEAL OF THE TIME LIMIT\* - VaCMS will generate the TANF 24-month Advance Notice of Proposed Action on the 15<sup>th</sup> day of the twenty-second month of VIEW participation and a copy will be retained in the forms history within VaCMS. The notice will inform the VIEW participant that her payments will be terminated at the end of the 24<sup>th</sup> month. The notice will also inform the participant of her right to appeal a case closure and the circumstances which constitute a hardship exception and how a hardship application is made. In addition, the ESW must make a good faith effort to inform the person verbally.

If a case is not in approved status in the system on the first of the month of month twenty-two, the eligibility worker must send a manual Advance Notice of Proposed Action. This notice must inform the recipient that financial assistance is scheduled to terminate due to the **24-month** time limit and that she and her family will be ineligible for financial assistance for at least **24** months after termination of TANF. Information regarding circumstances which constitute a hardship and how to apply for a hardship exception must also be provided.

If an applicant is reapplying for TANF, and has already received a 60-day notice, the agency must note the number of remaining VIEW months on the Notice of Action to approve the case.

In the event the notice is not issued in a timely manner, the agency must not close the case due to the 24-month time limit until the full 60-day advance notice period has expired. **Exception: At the recipient's request, the agency must allow the recipient to waive the 60-day advance notice period. The recipient must provide a signed, written statement indicating that 1) she understands that action will be taken to close her case due to the 24-month time limit; 2) she waives her right to the full 60-day advance notice period; and 3) she understands that if she wants to request a hardship exception, she must submit a signed and dated written request postmarked prior to the effective date of the TANF case closure.** Any payments received after the 24th month are an overpayment and must be recovered.

If a hearing is requested prior to the effective date of the proposed change to terminate payments due to the 24-month time limit, a participant appealing such change shall have the right to continued direct payment of TANF payments pending final administrative action on such appeal.

Termination of financial assistance due to expiration of the **VIEW 24-month** time limit is the only circumstance which requires a 60-day **advance** notice. For any other action **regarding notification**, adhere to **guidance found in Chapter 400**.

\* Code of Virginia, §63.2-612

901.13 Transitional Benefits - VIEW participant may be eligible for transitional services for up to 12-months beginning with the month following TANF case closure. VIEW transitional services are child care, medical/dental services, work-related expenses, emergency intervention services, transportation, Transitional Employment and Training Services (TET) and the VIEW Transitional Payment (VTP). The exact period of eligibility will depend on the specific service and the client's employment status. Eligibility criteria for transitional child care paid from Child Care funds are located in the Child Care Guidance Manual. Eligibility for all other transitional services, including transitional child care paid from VIEW funds, is located in Chapter 1000 of this manual.

**A. VIEW Transitional Payment (VTP)**

The purpose of the transitional payment is to encourage job retention. The amount of the VTP is \$50 for each VIEW participant who meets the criteria listed below. The VTP amount is \$100 for a two-parent household in which both parents meet the VTP criteria. If one parent leaves the home, the payment must be reduced by \$50.

Criteria for Receipt of the VTP:

1. The TANF case closes for any reason other than:
  - a. when there is no eligible child in the home (including a child ineligible due to truancy);
  - b. when the client cannot be located; or
  - c. when the renewal has not been submitted and completed by the 30<sup>th</sup> day after the renewal end date.
2. The TANF recipient must not be in an IPV penalty period for TANF at the time of the TANF case closure.
3. The TANF recipient is a VIEW participant at time of the TANF/VIEW or TANF-UP/VIEW case closure. (Note: It is important that the EW confirm that the ESW has an open ESP enrollment before closing the TANF case to establish the VTP).
4. The VIEW participant must be employed at least 30 hours per week, and earning at least **the federal** minimum wage at the time of TANF case closure. (Note: If the client's scheduled hours of employment for a given week fall below 30, a VTP may still be established as long as the average weekly scheduled hours for the month are 30 or more).
5. **The VIEW participant must not be in a sanction or referred for sanction at the time of the TANF case closure.** Note: In a two-parent household, if either parent has been referred for a VIEW sanction or is currently in a VIEW sanction at the time of the TANF case closure, the entire household is ineligible for a VTP.

Additional Considerations in Establishing a VTP:

1. An individual is considered a VIEW participant if she has been assessed, has a current APR and an open TANF/VIEW or TANF-UP/VIEW case, even if she does not have a current component assignment. In most circumstances, a VIEW participant will be assigned to a component activity at

**the time she becomes eligible for a VTP. In some rare circumstances, this will not be the case but the client will still meet the definition of a VIEW participant and may be determined eligible for a VTP.**

Example: Client is sanctioned, but reports employment after the end of the fixed sanction period, thereby curing the sanction. Prior to any action by the EW, the ESW will open the VIEW enrollment and notify the EW to lift the sanction. If the client's income from employment makes the client ineligible for the next month, the client will still be evaluated and approved for VTP if she meets the VTP eligibility criteria. The ESW will close the VIEW enrollment and open the VTP enrollment in the ESP module. (Note: Individuals who report employment during the fixed sanction period do not meet VTP eligibility criteria.)

2. Prior to establishing a VTP, the EW must verify the client's wages. For previously reported employment, the wage verification cannot be more than 30 days old. If the wage verification is more than 30 days old, the client must provide current verification of employment prior to the effective date of the TANF case closure. For new employment, the client will have 10 days from the date the new employment is reported to verify the employment. This 10-day period may extend beyond the effective date of the TANF case closure. (For example, TANF case is closing effective April 30. Client reports new employment on April 29. The client will have until May 9 to provide verification of the new employment.)
3. The client may be eligible for VTP if he/she meets all other VTP eligibility criteria. Client statement may be used for prospective calculations to determine ongoing TANF eligibility but not for the establishment of the VTP. In all instances, a VIEW case must already be open prior to the establishment of a VTP.

The first of the twelve VTP payment months should be the month established by the VaCMS system following TANF case closure. This will be either the month immediately after the TANF case is closed or the next month.

Example: The EW enters the TANF case closure on February 14 effective February 28. The EW does not enter the VTP until February 27, after the February 26 cut-off date. The VTP period will then begin April 1, the first month when the action can be implemented. The client will not receive a TANF payment or a VTP payment for March. However, the client will be entitled to a full twelve months of VTP as long as she continues to meet VTP eligibility criteria. The VTP period will run from April 1 through March 31.

4. When the client is eligible for a VTP, the EW will contact the ESW to make sure that the ESP enrollment is open prior to closing the TANF/VIEW or TANF-UP/VIEW case. The EW will then enter information in VaCMS to establish the VTP and generate the monthly payment. A Notice of Action will generate through Central Print to notify the individual of the VTP approval, the TANF/VIEW or TANF-UP/VIEW case closure and reporting requirements.
5. If a client who is approved for, and begins receiving a VTP, appeals the TANF case closure and requests that the TANF payment be reinstated during the appeal, the VTP will be stopped. If the client loses the appeal and the TANF case is closed, the EW will again evaluate eligibility for a VTP following VTP guidelines. If the client is eligible for VTP, the 12-month VTP eligibility period will begin with the month after the second TANF case closure.



6. If the client relocates to another locality in Virginia, the agency will transfer the VTP case. The client will continue receiving VTP as long as VTP eligibility requirements are met. If the client is no longer eligible, a notice must be sent to advise the client of this.
7. **If a renewal is due and a change that could result in VTP eligibility requires verification, but is not verified until after the renewal end date, VTP cannot be established unless a renewal is submitted and completed prior to the last day of the month following the renewal month.**

**Example 1:** A TANF/VEW case has a renewal end date of 08/31/2019. The client calls on 08/25/2019 and reports new employment. The worker generates a verification checklist and requests income verification. On 09/05/2019, the client submits the income verification, but does not submit and complete a renewal. The case will close because the renewal was not completed and VTP cannot be established.

**Example 2:** A TANF/VEW case has a renewal end date of 08/31/2019. The client calls on 08/25/2019 and reports new employment. The worker generates a verification checklist and requests income verification. On 09/05/2019, the client submits the income verification, and submits and completes the renewal. The worker determines that the family is no longer eligible for TANF/VIEW because of excess income. The TANF/VIEW case is closed due to excess income. Although the change was verified after the 08/31/2019 renewal end date, VTP can be established because the client submitted and completed the renewal prior to 09/30/2019, the last day of the month following the renewal month.

Criteria for Termination of VTP:

1. The client is no longer working at least 30 hours per week.
2. The client's earnings fall below the current federal minimum wage.
3. There are no TANF eligible children in the home. Note: If the only eligible child(ren) in the home at the time the TANF case closed reaches the age of 18 (or has already reached the age of 18, but had remained eligible for TANF because he/she was enrolled and attending a secondary school or vocational/technical school of secondary equivalency) during the VTP period, the caretaker's eligibility for VTP will not be affected.
4. The client files a TANF reapplication.
5. The client failed or refused to provide employment verification required for a VTP job follow-up. Note: If a client provides employment verification that shows he is working at least 30 hours per week and is earning at least the federal minimum wage, but does not return the VTP Job Follow-up form, the VTP must not be terminated.
6. **The worker is unable to locate the client.**
7. **The client moves to a locality that is not in Virginia.**
8. **The 12-month VTP period ends.**

## Additional Considerations in Terminating a VTP:

1. If the VTP closes for any of reasons listed above, or if the VTP is closed automatically by VaCMS at the end of the 12-month period, no notice is required prior to case closure. If the VTP closes per the client's request, a notice is required.
2. When employment ends, hours fall below 30 per week, wages decrease to below the current federal minimum wage, or the only eligible child leaves the home, the VTP must be closed and cannot be re-established. The VTP must be terminated if there is a job change causing a break in employment which results in the average hours for the month falling below 30 per week.
3. The VTP must also be ended if the employment is with an educational or training institution and the job ends because the employer closes for summer break (lasting more than thirty days).

Official closures by educational or training institution employers for quarter or semester breaks (lasting less than thirty days) during which the client cannot work will not impact the VTP payment.

- B. VTP and TANF Reapplication - When a former TANF recipient reapplies for TANF in the same month that a VTP is received, the VTP is countable income for the VTP recipient only.**

**Example 1: Ms. Smith received a \$50 VTP on 09/01/2019. She lost her job on 09/10/2019 and reapplied for TANF on 09/15/2019. The \$50 VTP is countable income for the AU in the month of application.**

**Example 2: Ms. Brown received a \$50 VTP on 09/01/2019. She was incarcerated on 09/05/2019 and is expected to remain incarcerated for several months. Her three children are now residing with their grandmother. The grandmother applied for TANF for the children on 09/20/2019. The \$50 VTP is not countable income for the children.**

**Example 3: Mr. Jones received a \$50 VTP on 09/01/2019. The TANF-UP/VIEW AU consisted of Mr. Jones, Mrs. Jones and their two children. On 09/07/2019, Mr. and Mrs. Jones separated. On 09/10/2019, Mrs. Jones applied for TANF for herself and the two children. The \$50 VTP received by Mr. Jones is not countable income for Mrs. Jones and the two children.**

901.14 Full Employment Program - The Full Employment Program (FEP) is a subsidized, training-oriented employment activity for VIEW participants who have been unable to find a job on their own. FEP uses government funds to directly subsidize wages paid by the employer. Wages are paid through the regular employer payroll based upon hours worked in lieu of TANF payments. A monthly stipend is issued to the employer for the duration of the FEP placement. The VIEW participant is an employee of the FEP employer and receives a paycheck rather than a TANF payment.

The FEP placement and stipend periods are a fixed six-month period unless the case will reach either the 24-month or 60-month limit on the receipt of TANF. Under those conditions, a shorter placement (of at least three months) can be established so that the placement end will coincide with the end of the receipt of TANF payments. The placement begins the month FEP employment begins and ends on the last day of the final month of the placement, e.g., placement begins June 10 and continues through November 30, and the corresponding stipend period begins on July 1 and ends on December 1. The begin date of placement cannot be a date within the last 11 days of the placement month due to notification requirements for TANF recipients since no TANF payment will be made during the FEP placement.

Any caretaker who is participating in VIEW may participate in FEP. **Only one person in a case shall be assigned to a FEP placement at any time.** No member of a case serving a VIEW sanction can participate in FEP unless the minimum sanction period has elapsed.

- A. TANF Payment Diverted To Employer - When notified by the VIEW worker of the FEP placement, the eligibility worker must take action in VaCMS to enroll the individual as a FEP participant and divert monthly payments to the employer. The EW must send an Advance Notice of Proposed Action informing the recipient that the TANF payment will be suspended. Note: Suspension in the context of FEP participation means that no monthly payment will be issued to the FEP participant while in the placement. It does not mean that action to suspend the payment should be taken in VaCMS, as this would prevent issuance of the monthly stipend to the employer. The recipient is enrolled in FEP by completion of the Activity and Employer/Employment Details screens in the ESP module of VaCMS.

If the Eligibility worker receives notification of a FEP placement during the 10-day notice period, the VaCMS system should not be updated until the first of the following month. It will be necessary to issue the initial employer stipend out of Benefit Adjustment. The EW should act on the reported change within three business days whenever possible. However, the EW must act on the reported change within 10 days.

Example: On May 23, the Eligibility Worker receives the FEP Communication Form from the ESW indicating a FEP Placement began on May 18. The Eligibility Worker should wait until June 1 to enter the information into the VaCMS system. A TANF payment will be made to the client for June.

This is not an overpayment since the Eligibility Worker was not able to provide timely notice. The initial employer stipend for the month of May should be issued out of TANF Benefit Adjustment at the beginning of June. The June employer stipend will be issued through the monthly batch process and will be received by the employer at the beginning of July.

- B. TANF Eligibility During FEP Placement - A participant remains eligible for TANF, despite no payment being made to the client for the duration of the FEP placement, with two exceptions:
1. no eligible children remain in the home, and
  2. a VIEW sanction is imposed on the FEP case as a result of non-compliance with the VIEW program by the FEP participant. See 901.6.

The EW will issue a supplemental payment through Benefit Adjustment using gross earnings information provided by the **ESW** and other countable income received in the month for which the supplement is issued. The amount of the payment is determined using the VIEW calculation. If an overpayment or penalty is in effect, the payment to the FEP participant must be reduced accordingly.

1. Both a TANF payment and monthly FEP stipend must be issued in the final month of the FEP period.
- A. Issuance of Employer Bonus - The ESW will notify the eligibility worker on the VIEW Full Employment Program Communication Form (032-03-0655) when a bonus payment must be issued. The bonus payment is a predetermined, fixed amount of \$500 payable to the employer. A bonus is paid if the participant is hired permanently at any time during the placement period or within 30 calendar days after the placement has ended. Only one bonus payment may be issued per VIEW participant per FEP placement.

The bonus cannot be issued in the same month a stipend has been issued. For example, if the final stipend payment is issued in October, the bonus payment cannot be issued until November.
- F. Treatment of Child Support Payments - FEP participants must continue to redirect all support to the Division of Child Support Enforcement (DCSE) while in a FEP placement. DCSE will issue to FEP participants all child support payments they would otherwise be entitled to receive. This includes \$100 disregard payments and other support payments they would receive if they were receiving a TANF payment.
- G. Replacement of Stipend or Bonus Checks - The FEP employer will contact the ESW if check replacement is necessary, and the ESW will notify the EW using the VIEW Full Employment Program Communication Form (032-03-0655). If a stipend is reported as lost, stolen, or mutilated, follow procedures in Section [502.5.D](#) and [Appendix I](#) to Chapter 500 to stop payment.

The employer must complete the required three copies of the Affidavit on Check Endorsement. The employer will determine the appropriate person to complete and sign the affidavit. This is usually an employee in the accounting department with responsibility for endorsing checks received. If the employer endorses his checks with a stamp, the endorsement stamp should be stamped once on the signature section at the end of the affidavit.

FEP check replacements follow the same process as reissuing or replacing TANF or DA checks. Once the worker is notified of a lost/stolen/mutilated/cancelled/returned check, the worker must update the status and reissue the check through Maintain Checks. Under no circumstances should a local check be written to replace the original check as no process exists to reimburse the locality.

VIEW PAYMENT CALCULATION

Example 1: Earnings

Assistance unit of 2 in a Group II locality. Mom earns \$456 gross income each month.

Step (1) Screening at Federal Poverty Level

\$ 456.00	Gross Monthly Earnings <
<b>\$1,410.00</b>	Monthly Federal Poverty Level for 2

Step (2) Unearned Income

\$ 289.00	Standard of Assistance for 2
- 0.00	Unearned Income
<b>\$ 289.00</b>	TANF Deficit

Step (3) Earned Income Disregards

\$ 456.00	Gross Monthly Earnings
<u>- 167.00</u>	Standard Deduction for 2
<b>\$ 289.00</b>	x 20% = <b>57.80</b>
<u>- 57.80</u>	
<b>\$ 231.20</b>	Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

<b>\$ 231.20</b>	Net Earned Income
<u>+ 289.00</u>	TANF Deficit
<b>\$ 520.20</b>	< Monthly Federal Poverty Level for 2
\$ 289.00	= VIEW Payment (TANF Payment)

## Example 2: Earned and Unearned Income

Assistance unit of 2 in a Group II locality. Mom earns \$305 gross monthly and the assistance unit also receives \$120 unearned income monthly.

Step (1)	Screening at Federal Poverty Level		
		\$ 305.00	Gross Monthly Earnings <
		<b>\$1,410.00</b>	Monthly Federal Poverty Level for 2
Step(2)	Unearned Income		
		\$ 289.00	Standard of Assistance for 2
		<u>-120.00</u>	Unearned Income
		\$ 169.00	TANF Deficit
Step (3)	Earned Income Disregards		
		\$ 305.00	Gross Monthly Earnings
		<u>-167.00</u>	Standard Deduction for 2
		<b>\$ 138.00</b>	x 20% = <b>27.60</b>
		<u>-27.60</u>	
		<b>\$ 110.40</b>	Net Earned Income
Step (4)	Add Net Earned Income and TANF Deficit		
		<b>\$ 110.40</b>	Net Earned Income
		<u>+ 169.00</u>	TANF Deficit
		<b>\$ 279.40</b>	< Monthly Federal Poverty Level 2
		\$ 169.00	= VIEW Payment (TANF Payment)

## Example 3: Earnings Result in Ineligibility

Assistance unit of 4 in a Group III locality. Mom earns **\$2,192** monthly gross income.

Step (1)	Screening at Federal Poverty Level		
		<b>\$2,192.00</b>	Gross Monthly Earnings
		<b>\$2,146.00</b>	Monthly Federal Poverty Level for 4

The assistance unit is ineligible.

## Example 4: Maximum Reimbursable

Assistance unit of 6 in a Group II locality. Mom earns \$457 gross monthly income.

Step (1)	Screening at Federal Poverty Level		
		\$ 457.00	Gross Monthly Earnings <
		<b>\$2,883.00</b>	Monthly Federal Poverty Level for 6
Step (2)	Unearned Income		
		\$ 573.00	Standard of Assistance for 6
		- 0.00	Unearned Income
		\$ 573.00	TANF Deficit
		\$544.00	Maximum Reimbursable Amount
Step (3)	Earned Income Disregards		
		\$ 457.00	Gross Monthly Earnings
		- <b>240.00</b>	Standard Deduction for 6
		<b>\$ 217.00</b>	x 20% = <b>43.40</b>
		- <b>43.60</b>	Net Earned Income
		<b>\$ 173.60</b>	
Step (4)	Add Net Earned Income and TANF Deficit		
		<b>\$ 173.60</b>	Net Earned Income <
		+ 544.00	Maximum Reimbursable TANF Deficit
		<b>\$ 717.60</b>	< Monthly Federal Poverty Level for 6
		<b>\$ 544.00</b>	= VIEW Payment (TANF Payment)

## Example 5: Earned Income Case with Immunization Penalty

Assistance unit of 2 in a Group III locality. Mom earns \$966 gross monthly income. One member of the assistance unit receives \$60 SSA monthly. There is a \$50 immunization penalty.

## Step (1) Screening at Federal Poverty Level

\$ 966.00	Gross Monthly Earnings <
<b>\$1,410.00</b>	Monthly Federal Poverty Level for 2

## Step (2) Unearned Income

\$ 367.00	Standard of Assistance for 2
<u>- 60.00</u>	Unearned Income
\$ 307.00	TANF Deficit

## Step (3) Earned Income Disregards

\$ 966.00	Gross Monthly Earnings
<u>- 167.00</u>	Standard Deduction for 2
<b>\$ 799.00</b>	x 20% = <b>159.80</b>
<u>- 159.80</u>	
<b>\$ 639.20</b>	Net Earned Income

## Step (4) Add Net Earned Income and TANF Deficit

\$ <b>639.20</b>	Net Earned Income
<u>+ 307.00</u>	TANF Deficit
<b>946.20</b>	< Monthly Federal Poverty Level for 2
\$ 307.00	= VIEW Payment (TANF Payment)

## Step (5) Apply Immunization Penalty

\$ 307.00	VIEW Payment
<u>- 50.00</u>	Immunization Penalty
\$ 257.00	Net VIEW Deficit
\$ 257.00	= VIEW Payment (TANF Payment)



## Example 6: TANF-UP Household

Assistance unit of 4 in a Group II locality. Dad earns \$1,505 gross income.

Step (1) Screening at 150% of the Federal Poverty Level **\$3,219.00**

\$1,505.00  
**\$3,219.00**

Gross Monthly Earnings  
< 150% of the Monthly Federal Poverty Level for 4

Step (2) Unearned Income

\$ 434.00  
- 0.00  
\$ 434.00

Standard of Assistance for 4  
Unearned Income  
TANF Deficit

Step (3) Earned Income Disregards

\$1,505.00  
- 178.00  
**\$1,327.00**  
- 265.40  
**\$1,061.60**

Gross Monthly Earnings  
Standard Deduction for 4  
X 20% = **\$265.40**  
  
Net Earned Income

Step (4) Add Net Earned Income and TANF Deficit

**\$1,061.60**  
+ 434.00  
**\$1,495.60**

TANF Deficit  
< 150% of the Monthly Federal Poverty Level for 4

\$ 434.00

= VIEW Payment (TANF Payment)

**Example 7: Earned Income Case with DCSE Non-cooperation**

Assistance unit of 3, mom and two children, in a Group II locality. Mom earns \$1,100 gross income. She is not cooperating with DCSE. Her needs have been removed from the TANF payment and the assistance unit size has been reduced to 2.

**Step (1) Screening at 100% of the Federal Poverty Level for an AU of 2 - \$1,410.00**

<b>\$1,100.00</b>	<b>Gross Monthly Earnings</b>
<b>\$1,410.00</b>	<b>&lt; 100% of the Monthly Federal Poverty Level for 2</b>

**Step (2) Unearned Income**

<b>\$ 289.00</b>	<b>Standard of Assistance for 2</b>
<b>- 0.00</b>	<b>Unearned Income</b>
<b>\$ 289.00</b>	<b>TANF Deficit</b>

**Step (3) Earned Income Disregards**

<b>\$1,100.00</b>	<b>Gross Monthly Earnings</b>
<b>- 167.00</b>	<b>Standard Deduction for 2</b>
<b>\$ 933.00</b>	<b>X 20% = \$186.60</b>
<b>- 186.60</b>	
<b>\$746.40</b>	<b>Net Earned Income</b>

**Step (4) Add Net Earned Income and TANF Deficit**

<b>\$ 746.40</b>	<b>TANF Deficit</b>
<b>+ 289.00</b>	<b>&lt; 100% of the Monthly Federal Poverty Level for 2</b>
<b>\$1,035.40</b>	
<b>\$ 289.00</b>	<b>= VIEW Payment (TANF Payment)</b>

**2019 FEDERAL POVERTY LEVELS**

<u>Size of Family Unit</u>	<u>Monthly Poverty Guideline</u>
1.....	\$ <b>1,041.00</b>
2.....	\$ <b>1,410.00</b>
3.....	\$ <b>1,778.00</b>
4.....	\$ <b>2,146.00</b>
5.....	\$ <b>2,515.00</b>
6.....	\$ <b>2,883.00</b>
7.....	\$ <b>3,251.00</b>
8.....	\$ <b>3,620.00</b>

For each additional person add **\$369**

150% of the Federal Poverty Level  
 (for TANF-UP Families)

<u>Size of Family Unit</u>	<u>150% of the Federal Poverty Level</u>
1.....	\$ <b>1,561.00</b>
2.....	\$ <b>2,115.00</b>
3.....	\$ <b>2,666.00</b>
4.....	\$ <b>3,219.00</b>
5.....	\$ <b>3,772.00</b>
6.....	\$ <b>4,324.00</b>
7.....	\$ <b>4,876.00</b>
8.....	\$ <b>5,430.00</b>

For each additional person add **\$553**

1000.11 VIEW ACTIVITY AND SERVICE PLAN

- A. Based on the information obtained during the assessment, the ESW and participant will develop an Activity and Service Plan. While the development of the Activity and Service Plan is a joint activity, the local agency, in accordance with program guidance, will make the final decision regarding which component assignments are made and the sequence of assignments.

The Activity and Service Plan will detail:

- 1) the participant's current assignments, and specific responsibilities of the participant and the agency, including but not limited to the expected levels of a) participation, b) attendance and/or c) the requirement to return information to the ESW and report changes which impact employment and/or participation.
- 2) the supportive services needed by the individual to comply with program requirements. Note: The participant will need to complete a separate Child Care Subsidy Service Application if child care services are needed. Effective 10/1/17, the VIEW Activity and Service Plan can no longer be used as the child care application.
- 3) a statement explaining the reason(s) for assignment to Pending or Inactive, if applicable, and a list of the steps planned to resolve the issues leading to that assignment.
- 4) a description, begin and end dates, and planned weekly hours of the participant's assignment or assignments.

Note: The Activity and Service Plan developed at the initial assessment will include any assignments for the month of the assessment (which may be a partial month), and the next three full months. The ESW will explain to the client that the assignments, beyond the initial job search, are designed to increase her employability if she does not find employment during the job search. Additionally, the ESW will explain to the client that the Activity and Service Plan will be updated to show employment as her VIEW component if her job search is successful.

- 5) the requirement that the participant contact the ESW if she is considering quitting a job or, if she believes she is in danger of being fired from a job. This information will enable workers to either help the participant retain that position or obtain other employment.
  - 6) Reasonable accommodations needed by an individual to fulfill participation requirements based on recommendations developed as part of an evaluation by a qualified professional.
- B. The ESW must complete a new Activity and Service Plan at initial assessment, reassessment, or whenever there is a change to the participant's activity assignments. Modifications to the Activity and Service Plan due to changes in assignments will not affect the TANF two-year time limitation. **Note: An Activity and Service Plan must be developed in order to provide transitional services to former VIEW clients whose TANF case has closed.**

If a client who is approved for a VTP appeals the TANF case closure and requests that the TANF payment be reinstated during the appeal, the VTP will be stopped. In the event that the client would like to continue participating in VIEW during the appeal and no VTP payments have been issued, the VTP will be closed, and the TANF/VIEW or TANF-UP/VIEW case reinstated. Reinstatement of the VIEW case will allow the ESW to then reopen the previous ESP enrollment. If the client loses the appeal and the TANF/VIEW or TANF-UP/VIEW case is closed, the EW will again evaluate eligibility for a VTP following VTP guidelines. If the client is eligible for VTP, the 12-month VTP eligibility period will begin the month after the second TANF/VIEW or TANF-UP/VIEW case closure.

If a client who is approved for VTP relocates to another locality in Virginia, the agency will transfer the VTP case. The Eligibility Worker in the receiving agency will determine if the client will continue to meet all of the VTP eligibility requirements after she relocates. If the client will no longer be eligible for VTP, the EW will send the client a Notice of Action regarding the VTP case closure.

2) When to open and close a VTP

a) VTP should be opened when:

1. the client is in VIEW at TANF case closure;
2. the TANF case is closed for any reason, except when no eligible children are in the home, or when the renewal has not been submitted and completed by the 30<sup>th</sup> day after the renewal end date, or when the agency is unable to locate the client;
3. the VIEW participant is employed an average of 30 hours or more per week;
4. the VIEW client is earning the federal minimum wage or higher;
5. the VIEW participant is not in a sanction or referred for sanction at case closure.

b) VTP must be closed when:

1. the client reapplies for TANF;
2. the VTP recipient fails to provide verification of employment by the last day in month six of the VTP period;
3. there are no eligible children in the home, including a child who is ineligible due to truancy; **Note: If the only eligible child(ren) in the home at the time the TANF case closed reaches the age of 18 (or has already reached the age of 18, but had remained eligible for TANF because he/she was enrolled and attending a secondary school or vocational/technical school of secondary equivalency) during the VTP period, the caretaker's eligibility for VTP will not be affected;**
4. the worker is unable to locate the client;
5. the client requests closure of the VTP;
6. the client is no longer working or client's hours decrease to less than 30 hours per week.
7. the client's wages decrease to less than the federal minimum wage;
8. the VTP recipient moves to another locality that is not in Virginia; or
9. the twelve-month VTP period ends.