TANF and WorkFirst

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Patricia Bowen, Program Manager
Brittany Lowe, Benefits Attorney

solid-ground.org
206.694.6700

Before we begin….

- Remember that public benefits laws and policies are steeped in systemic racism.
  - http://theconversation.com/how-racism-has-shaped-welfare-policy-in-america-since-1935-63574
  - https://slate.com/human-interest/2018/06/trump-administrations-fixation-on-work-requirements-for-snap-benefits-is-part-of-a-long-racist-policy-history.html
- Be aware of the impact of "casual racism" and stereotypes when speaking about recipients of public assistance.
  - https://www.npr.org/sections/codeswitch/2018/06/08/616684259/why-more-white-americans-are-opposing-government-welfare-programs
  - https://www.huffingtonpost.com/entry/americans-welfare-perceptions-survey_us_5a7880cde4b0d3df1d13f60b

Topics Covered

- TANF Overview
- TANF WorkFirst
- WorkFirst Support Services
- TANF Sanction Process
- Additional programs available to TANF Families
- Tips to Avoid Benefit Pitfalls
- Hearing and Appeals Process

Ask a Lawyer Program

- Have a question about the application process?
- Have a question about qualifying for a WorkFirst exemption?
- Is your client in sanction status and need help appealing?
- Have a question about what support services your clients can get through WorkFirst?

- Email questions or real-life scenarios to **benefitslegalhelp@solid-ground.org**
- Put “Ask a Lawyer” in the subject line and Public Benefits attorney will respond.

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Temporary Assistance for Needy Families (TANF)

- Cash assistance program available to low-income families.
- Eligibility is based on gross monthly income (before taxes), family size, resources, and citizenship status.
- Benefit is available for 60 months in a participant's lifetime. **there are some exceptions to this time-limit
- Must participate in WorkFirst (Path to Employment program)
- Must follow an Individual Responsibility Plan (IRP)
- Pregnant or parenting teens may be eligible for TANF if in an approved living arrangement

TANF Payment Standards (2024)

TIP: If you are not sure if your client is eligible, check out WashingtonConnections.org. Click "See if I qualify"

TANF saw an 8% increase in 2024.

Unit Size	Payment Standard	Unit Size	Payment Standard
1	$450	6	$1,090
2	$570	7	$1,258
3	$706	8	$1,392
4	$833	9	$1,529
5	$959	10+	$1,662

TANF Income and Resource Limits

- Income:
  - Earned Income - If your income is from a job, you can divide the amount you make in half (50%) and compare that to the income chart to see if eligible.
  - Unearned Income - Income from another source such as unemployment, Social Security, etc,. then you must take the full amount (dollar for dollar) and income must be less than the Payment Standard
- Resources:
  - Less than $12,000 in "liquid resources" – cash, savings/checking accounts, stocks, bonds, mutual funds
  - Equity in any second or third vehicle.

Earned Income Limits

Number of family members	Maximum earned income level	Number of family members	Maximum monthly earned income level
1	$900	6	$2,180
2	1,140	7	2,516
3	1,412	8	2,784
4	1,666	9	3,058
5	1,918	10 or more	3,324

WAC 388-478-0035

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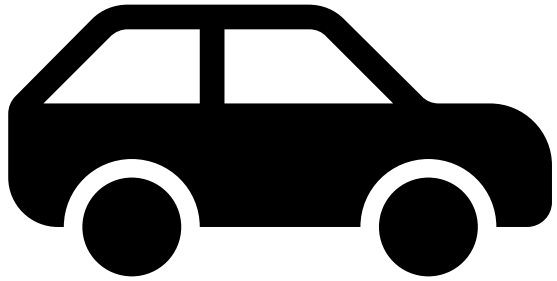
Changes in 2024 to Resource Limits

- Starting February 1, 2024, resource limit increased to $12,000
- The entire value of one vehicle is excluded when the vehicle is used by the household for transportation.
- The entire value of one vehicle used to transport a physically disabled member is excluded.



Changes coming in 2024 to Income limits

- Starting in August 1, 2024
- $500 earned income disregard (in addition to the 50% earned income disregard)

Example

- Family of 3, parent earns $1,000 a month at job.
- DSHS disregards the first $500 of the income leaving $500 and then applies a 50% earned income disregard leaving only $250 of countable income.
- As of January 2024, the new net income limit for a household of three is $706.
- $250 is under that new net income limit so DSHS would subtract $250 from the $706 grant and issue $456 to the family.

Other Eligibility Requirements for TANF

- Immigration Status/Lawfully Present
  - *State Family Assistance Program* – for families that are not eligible for TANF because of immigration status
- Washington State residents
- Responsible for the care of children or who are pregnant
- *Caring for a relative's child, or legal guardians or are acting in the place of a parent may also apply for TANF benefits on behalf of these children

In Loco Parentis/Legal Guardian/Child only TANF

- Persons who are caring for a relative's child, or legal guardians or are acting in the place of a parent are also able to apply for TANF benefits on behalf of these children
- Or if parents are ineligible for TANF for certain reasons other than income
- Relatives of a specified degree that care for a minor relative child in their home. A relative of specified degree includes:
  - Siblings
  - Nephews/Nieces
  - Aunts/Uncles
  - Grandparents
  - First Cousins

TIP: To be considered as acting in the place of a parent, the adult must have intentionally taken the place of a parent and be responsible for exercising day-to-day care and control of the child.

Cooperate with Division of Child Support

- If you are found eligible for the TANF Program, you must cooperate with the Division of Child Support to set up a child support order from the non-custodial parent.
- BUT you may request not to cooperate if it's not safe to do so. This is called a Good Cause Exception.
- “Cooperating with DCS would result in serious physical or emotional harm to you or the child in your care.”

Tribal TANF

- Tribal TANF provides cash aid and services to needy American Indian and Alaska Native families.
- It is funded by grants directly to tribes or groups of tribes.
- Tribes that receive TANF funding design their own programs with different rules.
- Tribal families within a tribe's service area may apply for either state or tribal TANF.
- Each tribe negotiates with the state to determine the grant amount. To see a list of Washington State agreements with Tribes, follow link: Tribal Agreements and Codes | DSHS (wa.gov).

Exemptions and Extensions

- There is a 60-month (5 year) Lifetime limit on receiving TANF/SFA
- Exemptions:
  - Older Caretaker Relative: age 55+ caring for a child, not child's parent
  - Caring for an adult relative with disabilities
  - Caring for a child with special needs
  - An adult with severe and chronic disabilities
- Hardship Extensions:
  - You are working at least 32 hours a week.
  - You are a survivor of family violence.
  - You are working with the Children's Administration on child welfare issues involving any of your children in a dependency case for the first time.
  - You are homeless.
- **<u>COVID 19 Hardship Extension - Ended June 30, 2023</u>**
  - Many clients likely to be impacted if they went over 60 months during Pandemic

Time Limit Extensions

- COVID 19 Hardship Extension is over.
- Exemption – no time limit
- Extension – get additional months of TANF (3, 6, or 12 months)
- DSHS will start screening TANF households for other TLE

TIP: Don't wait for DSHS to screen your client! If client is over 60 months, talk with client about other TLE options and gather documentation to support it

Time Limit Extensions

- DSHS does not count months of assistance toward 60-month time limit when a person:
  - Is a relative other than a parent who receives TANF for a child
  - Is an unemancipated pregnant or parenting minor living in DSHS approved living arrangements.
  - Is an adult living on a tribal reservation where 50% of adults living there are not employed.
  - Receives TANF for their child, but is an “ineligible parent” because of:
    - ✓Receiving SSI benefits
    - ✓Citizenship
    - ✓Felony status

High Unemployment Rate Time Limit Extension

- If your client received TANF during a month where there was a high rate of unemployment, like April of 2020, they may receive an extension for those months.
- Ex: Your client is at 60 months of assistance and does not meet any hardship categories, but received TANF during high unemployment months of May, July, and August of 2020. A case manager will verify the months, and approve your client for 3 TANF months.

Tips for Application Process

- If the family is **homeless**, make sure that is clear on the application (especially if client is using a friend/family member's address on the application.
- If possible, provide proof of income with application or shortly thereafter. Applications can be delayed if DSHS is waiting for proof of income.
- If client just lost their job or stopped working for any reason, you might need a Stop Work Form (DSHS 14-438) to prove to DSHS the client lost their income.
- Advocates can go with clients to TANF/WorkFirst meetings! This is a good opportunity to advocate for the client with the person making decisions.

Questions?

https://povertyaction.org/wp-content/uploads/2023/05/TANF-Implementation-Timeline.pdf

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TANF - WorkFirst Program

- WorkFirst requires TANF recipients to search for and maintain employment, or engage in community services.
- Most TANF recipients are required to participate in employment, job search, education or job training for 30-40 hours per week.
- Clients sign an Individual Responsibility Plan (IRP) outlining these requirements.
- Must attend a WorkFirst Orientation*
- WorkFirst families can receive a variety of support services to help overcome barriers to employment.

Exemptions from WorkFirst

- **You have a young child.**
- You are **55 years or older and take care of someone's child.**
- You have a **severe and chronic disability.**
- You **care for a "special needs" child.**
- You **care for a relative with a disability**.
- ***New* You are experiencing a hardship as defined by the department.**

Hardship Exemptions Defined

- These do not fall into other categories of good cause exemptions.
- Hardships are evaluated on case-by-case basis.
- Examples:
  - Personal Trauma, like the loss of a loved one or accident.
  - Digital Divide, like limited or no access to internet connection.
  - Housing Instability, or lack of access to hygiene facilities like laundry.
  - Health-related Challenges, like a temporary physical disability.
  - Legal Obligations, like court-ordered appointments or probation requirements.

Individual Responsibility Plan (IRP)

- A contract that says what you must do to work, look for work, or get ready to look for work.
- It also lists **support services** to help you get a job.
- If you do not do an activity listed in your IRP, DSHS will sanction you (reduce your benefits) just as if you had failed to take part in job search.
- IRPs can be negotiated AND must be agreed on by both parties.

TIP: Advocates can attend WorkFirst meetings and help client's advocate for a reasonable IRP that they can follow.

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Comprehensive Evaluation

- Part of the process to get an IRP
- DSHS will talk with client about their work background/experiences and why they are not working, and about what activities and services would help the applicant get a job.
- The DSHS worker may assign services and activities they believe will make the participant employable. Ex: Resume Writing Class
- DSHS must involve participant in this decision.
- Participant and DSHS worker will agree on and sign an Individual Responsibility Plan (IRP).

Washington State Department of Social & Health Services

Individual Responsibility Plan (IRP)

JAS ID	CASE NUMBER
CLIENT ID 124578	

WorkFirst Individual Responsibility Plan for Jane Doe

I understand:

- I am required to work, look for work, or prepare for work.
- I must participate in required activities. If I don't, I'll receive a penalty unless I can prove I had a good reason. This is called being in WorkFirst sanction status.
  - If I am sanctioned, this means:
    - My grant will be reduced by 40% or one person's share, whichever is greater, OR:
    - I won't be able to receive support services, unless I reengage in WorkFirst.
  - If my cash assistance is reduced due to WorkFirst sanction:
    - I may need to follow my IRP for four weeks in a row to end sanction.
    - Once I do what is required for four weeks in a row, my sanction penalty ends starting the first of the month following my four weeks of participation.
    - My case may be closed if I stay in sanction for ten months in a row.
  - If my case is closed due to WorkFirst sanction:
    - I'll need to reapply and may need to participate for four weeks in a row before I can receive cash.
- I must cooperate with the Division of Child Support while I receive TANF/SFA benefits unless I have a good reason not to cooperate. Successful collection of child support may help me eliminate my need for cash assistance.
- I can get only 60 months of TANF/SFA cash benefits in my lifetime unless I qualify for an extension.
- I have used 38 months of cash benefits.
- I am required to work, look for work, or prepare for work. If I cannot attend a scheduled activity, I will call the person at the number listed below.
- I must do the following activities for the amount of time each week specified below:

Do three work searches per week. Complete a resume after attending resume writing class.
Partcipate in job interview training. Apply for two jobs per week.

If there is a good reason I cannot follow my plan, I must contact and work with my WorkFirst Program Specialist/Social Worker as soon as possible. Some examples of good reasons include:

- I missed an appointment due to illness or unexpected failure in my child care or transportation;
- I have an emergency condition (physical, mental, or emotional);
- I am a victim of family violence;
- I cannot find affordable, appropriate child care in my area for children under 13;
- I have an immediate legal problem;
- I have a disability or certain conditions and this has kept me from being able to fulfill the program requirements; or
- I am an adult with a severe and chronic disability;
- I am needed at home to care for a child with special needs or another adult with disabilities;
- I am 55 or older and caring for a child and I am not the child's parent; or
- I am applying for SSI with a DSHS facilitator.
- I am homeless or caring for a homeless child(ren).

If I disagree with this plan, I have the right to request a case review and/or an Administrative Hearing. To request a hearing, I must contact my Community Services Office or the Office of Administrative Hearings, DSHS, PO Box 42489, Olympia WA 98504-2489, within 90 days of the date of my case manager's signature below. I have been given of copy of my Individual Responsibility Plan. At the hearing, I have the right to represent myself, be represented by an attorney or by any other person I choose. I may be able to get free legal advice or representation by contacting Coordinated Legal Education Advice and Referral (CLEAR) by:

- Visiting their site http://nwjustice.org/get-legal-help;
- Calling 1-888-201-1014 if I am under the age of 60, or
- Calling 1-888-387-7111 if I am age 60 or over.

CASE MANAGER'S SIGNATURE	DATE	MY SIGNATURE	DATE

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INDIVIDUAL RESPONSIBILITY PLAN (IRP) **WorkFirst Individual Responsibility Plan for** [redacted]	JAS ID: [redacted] Case Number: [redacted] Client ID:: [redacted]

I may be able to get support services to help me advance at my job, keep my job, accept a job, look for a job, or follow my plan. If I disagree with a decision about support services, I may ask for a case review and/or a hearing. I will ask my WorkFirst Program Specialist/Social Worker if I need support services like:

• Car repair	• Diapers	• License/fees	• Mileage
• Clothing	• Education expenses	• Hair Cut	• Tools
• Counseling	• Personal hygiene	• Bus passes	• Family planning

While in sanction, I cannot get support services (such as money for work clothes or transportation) until I start following my IRP.
I understand that, if I refuse to cooperate with the Division of Child Support (DCS) without a good reason, my grant may be reduced. Good reasons include the threat of harm to my children or me. I understand that while I am getting TANF assistance, any child support collected is kept to pay back the state.

When I stop getting TANF/SFA, DCS will collect child support and send it to me unless I ask them to stop. I understand support services, sanctions, and child support.

[redacted]	Date:	[redacted]	Date:

WorkFirst Support Services

- Childcare Subsidies
- Work clothing/Uniform
- Haircut/Personal Hygiene
- Transportation assistance/Gas Cards/Bus Passes
- Educational expenses
- Vehicle repair
- Tools and equipment
- Licensing fees/Union Fees
- Relocation expenses
- Housing and Utility Assistance (potentially)

TIP: To learn more about these support services, check out https://workfirst.wa.gov

TIP: Support Services Directory https://www.dshs.wa.gov/sites/default/files/ESA/wf-manual/Support%20Services%20Directory.pdf

Other potential large support services

- Earned Income Tax Credit – Hotline: 1 (800) 755-5317
  - Tip: You can claim this credit for prior years you missed!
- Food assistance through Transitional Food Assistance (TFA) – A program providing food benefits for up to 5 months to families leaving WorkFirst cash assistance of Tribal TANF.
  - Exception is when TANF is closed due to non-compliance sanction.

Tips for WorkFirst

- Read the IRP thoroughly and make sure it is something you can follow.
- Advocates can attend WorkFirst meetings and advocate for a reasonable IRP for clients
- If a client is **homeless**, they don't have to engage in a job search if they are conducting activities identified on the IRP to help with find housing.
- If a client has **health problems**, they don't have to engage in a job search if they are conducting activities identified on the IRP to help with their current health issues.
- There are other reasons why a person would not have to engage in a job search – check out WAC 388-310-0400 for a full list.
- They can still use WF Support Services!

Tips for WorkFirst Cont.

- **Reminder**: New Good Cause exemption for WF
- When working with clients that are **unhoused**, the goal of the IRP can be to "conduct housing related activities to establish safe and stable housing."
- Examples:
  - Meeting with a housing stabilization case manager at their current shelter once a month
  - Meet with a DV advocate at the YWCA once a month.
  - Obtain documents needed for housing, such as replacement ID or children's birth certificates.
  - Attend counseling sessions.

Questions?

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TANF WorkFirst Sanctions

- What is a Sanction?
- It is a penalty (punishment). It lowers the amount of TANF (Temporary Assistance for Needy Families) you get.
- DSHS can sanction you, or stop your TANF altogether, if it decides you failed or refused without good reason to do everything in your Individual Responsibility Plan (IRP) or to meet some other WorkFirst requirements.

  *Your medical assistance will not change with sanctions or if DSHS closes your TANF.

Sanction Process

- DSHS will lower your grant by the greater of one person's share or 40%, whichever is more, after you do not meet your IRP or WorkFirst requirements for 2 months.
- After 12 months in a row in sanction, DSHS will end (stop) your TANF grant (10 months of reductions)
- DSHS should let you fix ("cure") the sanction so you can get out of sanction status
- DSHS will send letters and schedule meetings before starting a sanction.

Sanction Process Cont.

- 1) DSHS sends a letter about the non-compliance.
- 2) DSHS schedules a meeting called a “case staffing mtg.”
  - Was there a good reason for not complying?
  - DSHS will screen for family violence and other barriers and consider that in making this decision.
- 3) DSHS decides if there was a “good reason” for not following the IRP.
  - If yes = no sanction; If no = sanction.
- 4) DSHS sends a letter at least 10 days before the sanction starts that explains why sanction and how to fix sanction and includes appeals rights information.
- 5) After 10 days DSHS will lower TANF grant.

Why are people sanctioned?

- You might be sanctioned if DSHS decided that you “failed or refused” without “good reason” to do at least one of these:
  - Give your DSHS case manager info they need to make or update your IRP.
  - Go to appointments listed in your IRP.
  - Show you are doing your best to do everything in your IRP.
  - Take a job that complies with labor laws and does not have unreasonable working conditions, hours, demands, or conditions.

What are “good reasons”?

- A serious physical, mental or emotional condition interfered with your ability to follow your IRP.
- Someone threatened you with, or subjected you to, family violence.
- DSHS did not send you a notice telling you what information they needed or about the appointment you missed.
- You could not find affordable, appropriate childcare for your child under age 13 within a reasonable distance.
- Your transportation or childcare arrangements broke down. You could not make new ones in time.
- You had an immediate legal problem, such as an eviction notice.
- You are or should have been designated a person receiving Equal Access (formerly “NSA”) services. DSHS failed to make this designation or failed to make or follow an accommodation plan.

Tips to avoid sanctions

- Call the DSHS worker on the number on your IRP as soon as you know you won't be able to comply with the IRP or as soon as it happens.
- You can explain what happened and why it was beyond your control (ex: car broke, laid off from job, had to move suddenly, lost childcare provider)
- If you can't get ahold of the caseworker, leave a detailed message and keep your own record of the date/time you called.
- DSHS will schedule a meeting before they sanction you – Advocates can attend these meetings with clients!

July 2021 Reset

- If your TANF was closed due to sanction before July 1 2021 and if you now reapply, your case will reopen not in sanction status
- If your TANF was closed due to sanction after July 1, 2021, you must take part in a work activity for 4 weeks before you can get TANF again.
- If your case closed for another reason while you were in sanction status and is reopened, you will reopen at your reduced grant level.
  - Example: Your case closed while you were in month four of your reduction sanction. Your grant will be opened in month five of grant reduction sanction status.

Questions

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Working Connections Childcare Program (WCCC)

- Program that helps families with children pay for childcare (subsidy is paid directly to approved provider).
- Child receiving care must be a citizen or legal resident
- Two types:
  - ✓ WorkFirst families for "approved activities" (can include something other than employment, such as school or job training)
  - ✓ Working families with income at or must be at or below 60% of the State Median Income (SMI) at application or 65% of SMI when reapplying
- Families pay a co-pay directly to provider (can be as low as $0/month or up to $215/month)

Diaper Subsidy

- Families with young children (under 3) on TANF received an additional $100/month as a cash increase as of November 1, 2023.

Emergency Cash Assistance for TANF families

- **AREN** (Additional Requirements for Emergent Needs): Have an emergent need to get or keep housing or utilities and have good reason for the need. Maximum benefit is $750 in a 12 month period. In some cases, can receive more if related to health and/or safety.
- **Diversion**: Alternative assistance for families who have a short term need and do not wish to receive TANF. Maximum benefit is $1,250. Must repay a pro-rated portion of the grant if on TANF before one year.
- **CEAP** (Consolidated Emergency Assistance Program): Cash program available to families or pregnant individual who face an emergency and do not have the money to meet their basic needs, including families whose TANF cash assistance has been terminated in sanction and those who have already received 60 months of TANF and do not qualify for a Time Limit Extension. Assistance is limited to not more than thirty consecutive days within a period of twelve consecutive months.

What to Report to DSHS

- The approval letter should clearly state:
  - What needs to be reported between reviews
  - How to report it
- You move or someone (including a child) moves out of your home
- Your total gross monthly income goes over the payment standard
  - Remember: Child support is unearned income so if it increases, report to DSHS
- You have liquid resources of more than $12,000
- You have a change in employment or approved work activity
- Report by calling DSHS at **877-501-2233**

TIP: Keep your own record of reporting

When to Report to DSHS

- Report changes by the tenth day of the month following the month the change happened.
- For changes in income, the date a change happened is the date you receive income based on this change.
- For households receiving TANF/SFA, if a child in your assistance unit (AU) will be gone from your home longer than one hundred eighty days, you must report it within five calendar days (TANF grant may end)
- If the child will be gone “temporarily” or less than 180 days, the parent can still receive a TANF grant for parent + child.

How to Avoid Benefits Pitfalls

Report Changes in Circumstances

- Report required changes in household income, household size, or resources by the 10th day of the month following the change.
- Contact DSHS or BLA if you are in doubt about what needs to be reported.

Comply with Program Requirements

- Comply with the WorkFirst Program, as outlined by your Individual Responsibility Plan (IRP).
- OR tell DSHS why you cannot comply.

How to Avoid Benefits Pitfalls, cont.

Request an Equal Access Plan

DSHS must provide Necessary Supplemental Accommodations to all persons with a mental, neurological, physical or sensory impairment or other limitation that prevents them from accessing or maintaining benefits in the same way that an unimpaired person would.

Designate an Authorized Representative

- Someone you designate to represent you when you apply for or receive benefits with DSHS.
- The individual or organization is authorized to act on behalf of the client for eligibility purposes.
- They can also receive copies of all your DSHS notices.

What do to if something goes wrong?

If benefits are denied, reduced, sanctioned or terminated:

- Request a Hearing
- How to request a hearing?
  - Call or write DSHS or the Office of Administrative Hearings.
- You have the right to be represented by an attorney
- DSHS Customer Service – 1-877-501-2233
- Office of Hearing Administration – 360-407-2700 or 800-583-8271

Deadlines to Request a Hearing

- **<u>90 days</u>** to request a hearing from the adverse action (termination, denial, or change in benefits).
- **Continuing Benefits.** You can keep getting your benefits while you are waiting for you hearing.
- Ask for this within 10 days of the date on the DSHS notice.
  - If the tenth day falls on a weekend or holiday, you have until the next business day to ask for a fair hearing to get continued benefits.

Referrals to Benefits Legal Assistance

For General Referrals

- **Intake line: 206.694.6742** (client or advocate can leave message and we will try to return calls within 24 hours)
- **General Email:** benefitslegalhelp@solid-ground.org

To Contact us Directly with Specific Questions

- April Mazur, Social Worker, aprilm@solid-ground.org
- Janelle Stark, Legal Assistant (manages all intakes) janelles@solid-ground.org
- Patricia Bowen, Managing Attorney patriciab@solid-ground.org
- Brittany Lowe, Benefits Attorney, brittanyl@solid-ground.org

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