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TANF (TEMPORARY ASSISTANCE FOR NEEDY FAMILIES)

What is TANF?

Temporary Assistance for Needy Families (TANF) is a cash assistance program for very low income families in Virginia. It is administered by the Department of Social Services (DSS). The purpose of the program is to help needy adults take care of their families and become self-sufficient. In addition to cash benefits, the TANF program has a variety of services that help people find and keep jobs.

Who is eligible to receive TANF?

The main requirement for receiving TANF is that there be at least one child in the household who is:

1. Younger than 18, or if 18, is attending high school or vocational/technical school and will graduate by age 19.
2. Attending school on a regular basis if between the ages of 5 and 18.
3. Living with a parent or other relative.
4. A resident of Virginia, and is a U.S. citizen or an eligible immigrant.
5. In need of financial help, i.e., must meet the TANF income and asset guidelines.

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How do I know if my family is a “needy” family?

TANF has income rules based on your family’s size and where you live in Virginia. There are different standards for rural Virginia, urban areas, and Northern Virginia. If your family’s monthly income is below the income limits then you may be eligible to receive a TANF check. The amount of TANF assistance you receive each month is also based on the factors of where you live and the size of your family.

What does it mean for me to have to cooperate with child support enforcement?

Each TANF applicant/recipient must sign over his or her rights to child support to the Commonwealth of Virginia. If you are not currently receiving child support, you must cooperate with the Division of Child Support Enforcement (DCSE) to receive support for your child. You must tell Social Services about your child’s absent parent. You may also have to help DCSE to prove who your child’s parent is (paternity), so that child support can be sought and enforced.

The Department of Social Services (DSS) will send you up to \$100/month of the current child support they collect for you, in addition to your monthly TANF benefits. The \$100 will not count against you for TANF eligibility. If DCSE receives more than \$100 per month, that amount is treated as reimbursement to the state for the TANF they pay to you.

You may be excused from cooperating in child support and paternity actions if you have good cause. Examples of good cause are where there’s a risk of physical or emotional harm to the child or yourself, such as where there has been or may be domestic violence.

Two parent households also qualify for TANF. If both parents of the child are in your household, the child support cooperation requirement does not apply to you.

What is the childhood immunization requirement?

- A child must have all immunizations required by state law. State law includes exceptions to immunization requirements based on a parent’s

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religious beliefs or a doctor's certification that immunization would be detrimental to the child's health.

- A family's TANF check will be reduced by \$50 per month for one child and \$25 per month for each additional child who fails to meet the immunization requirement.
- If necessary, Social Services must provide assistance in obtaining verification that children have been immunized.
- Before Social Services can reduce a family's TANF check, it must identify the reason for the family's failure to comply with immunization requirements and remove any barriers that may have prevented the family from getting a required immunization.

What is the requirement concerning drug felony convictions?

- A person who has been convicted of a felony for possession, use, or distribution of drugs after August 22, 1996, is ineligible for TANF. The other members of the household can still be eligible, however.

Are children born or adopted while the family is receiving TANF eligible for TANF benefits?

- A child who is born or adopted while the family is already receiving TANF, more than 10 months after TANF started, is not eligible for TANF. This is called the "family cap" rule. The following are exceptions to this rule:
 1. The child's mother was a minor at the time of the birth (this exception applies only to the first child born while the mother was a minor);
 2. The child was conceived as a result of rape or incest; or
 3. The child lives with a relative other than his/her parent.
- The assets and income (including child support) of a disqualified "capped" child are not considered in determining whether the other members of the family are eligible for TANF.

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How do I apply for TANF?

You may apply for TANF at your local DSS. There is a two-step process. First, you must fill out an application for benefits. Second, you must have an interview with an eligibility worker. Everyone has the right to apply for TANF. This does not necessarily mean you will receive the benefits, but you cannot be denied the right to apply.

In the application, you must tell DSS about all of the people who live with you. You must also give information about all the money these family members earn or receive. But, some of the money received by your family may not be counted.

If you have any problems that make it hard for you to read or understand the application, DSS has to help you complete the application. If you have any questions while applying for TANF, DSS workers must help you. The worker should help you pick out the right program for your needs, and he/she can answer any questions that you have. You can also apply for food stamps at this time and have one interview for both programs.

Even if you mail or fax your TANF application, you will still have to go into the DSS office for an interview.

When and where will the eligibility interview take place?

The interview can take place the same day you complete your application in the DSS office, or it could be scheduled at your earliest convenience.

If for some reason you cannot get to a local DSS office, a telephone or home visit may be scheduled.

What happens at the eligibility interview?

During the interview, you meet with an eligibility worker one-on-one to talk about your family's needs. The eligibility worker will make sure all information on the application is complete and correct. The worker will explain your rights, responsibilities, and all services available in the program. If you need money because of an emergency (e.g. medical bills,

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car repairs, etc.) you can choose to get a one-time TANF payment instead of monthly checks. If you receive this voluntary emergency payment, you cannot get regular TANF checks for the next 160 days.

How long before I get a decision?

DSS must provide you with a decision on your completed application within 30 days following the date you applied. If you do not receive a decision within 30 days, you should contact your eligibility worker to see if there is any information that you still need to provide. If you are not able to reach your eligibility worker, you can also call your local Legal Aid office for assistance.

What is the work requirement (VIEW) for TANF?

The Virginia Initiative for Employment not Welfare (VIEW) is the TANF work program. The VIEW program provides work experience and training to help people on TANF earn enough money to support their families.

Participation in VIEW is required for many people on TANF. While in VIEW you are entitled to Medicaid as well as help with child care costs and transportation.

Does everyone on the TANF program have to participate in the VIEW program?

No. The following individuals are not required to participate in the VIEW program:

- People under 18 years of age
- People who are 18 or 19 and are enrolled full-time in elementary or secondary school, which includes high school and vocational/technical school programs
- People who cannot participate because of a temporary medical condition (e.g. they are pregnant, injured, or sick)
- People who are considered disabled by the Social Security Administration
- People who are 60 years of age or older
- People who are needed on a continuous basis to care for a disabled family member living in the household

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- A parent/caretaker relative of a child who is younger than one year old

What are the VIEW program's requirements?

All individuals who participate in the VIEW program must:

- Attend an initial assessment meeting with an employment services worker,
- Participate for at least 30 hours a week in a "work activity", and
- Sign a written Agreement of Personal Responsibility, and follow program rules.

What are work activities in the VIEW program?

Work activities include:

- employment,
- job readiness classes (classes to help with resumes and interview skills),
- training for a specific job,
- on the job training, and
- high school education or GED.

What happens at the initial assessment for VIEW?

The employment services worker will ask you about your education, training, work experience, and family history to figure out your needs and strengths. In addition, he/she will explain the VIEW program rules and penalties for not following program requirements.

During this meeting you should tell your worker about any problems you have that can affect your ability to work. Examples of problems you may have include: health problems, domestic violence, alcohol/drug abuse, child care, and lack of reliable transportation.

It is very important to fully explain any and all problems you may have. The caseworker needs your help to decide what services you may need.

You will sign the Agreement of Personal Responsibility during this meeting and also develop a VIEW work plan. The work plan is developed by you and your employment services worker. It will set out your activities,

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assignments, goals, and plans while you are in the VIEW program. The work plan is different from the Agreement of Personal Responsibility.

If you do not understand any part of the Agreement of Personal Responsibility or the work plan, ask your eligibility worker about it.

What happens if I do not sign the agreement?

If for some reason you choose not to sign the Agreement of Personal Responsibility, your case will be closed. The Department of Social Services will not give you cash assistance unless you sign the Agreement.

How are VIEW participants different from other TANF recipients?

There are two big differences between people who have to participate in the VIEW program and other people receiving TANF:

- VIEW participants are required to participate in work activities.
- Special time limits apply to families with VIEW participants.

How do the time limits work?

If you are required to participate in the VIEW program, your family can receive TANF cash assistance for 24 months (two years). After receiving TANF for 24 months, you and your entire household have to wait another 24 months to apply again. You will know when your 24 months of TANF assistance is coming to an end because you will receive notice before you are cut off from the program.

You can continue to receive cash assistance after the 24 months, if you meet a "hardship exception." For example, if you were working and lost your job due to no fault of your own, you might be eligible to receive TANF again. If you think you may still be eligible, ask your caseworker about the hardship exception before your TANF is cut off.

In addition, there is a lifetime limit of 60 months (five years) that you can receive TANF cash assistance. Any month that you receive cash assistance counts towards this five year limit.

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Is there any way for me to “Stop the Clock” on my time limit?

Yes. You can stop the clock on your TANF time limit if:

- appropriate child care or transportation is not available and as a result you are not able to participate in work activities, or
- you become exempt from participating in the VIEW program for health problems or other reasons, or
- you have a family crisis or a major change in your situation, such as a death or illness of a spouse, parent or child; family/domestic violence situations; or other emergencies.

You must tell your caseworker about any of these changes.

What happens when I am no longer eligible for TANF benefits?

VIEW participants are eligible for some continued services when they leave the TANF program. You may be eligible for special services when you reach your two-year limit, five-year limit, or when your case is closed for other reasons (except sanctions).

These services could include child care, transportation assistance, small monthly cash assistance, and health insurance. You should ask your caseworker about these important services.

What if I fail to follow a requirement or rule of the TANF program?

Your TANF benefits can be suspended or terminated if you don't fully cooperate with all program requirements, including VIEW. Suspension of your benefits is called a sanction.

If you are sanctioned, your household will not receive TANF until you follow the program rule or requirement. You will receive notice before you are

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sanctioned, and the notice must tell you which rule you did not follow. You can appeal the decision to sanction you if you disagree.

How long do sanctions last?

There are three levels of sanctions:

1. The first time you do not follow a program requirement, your TANF grant will be suspended for at least one month, or until you follow the requirement, whichever is longer.
2. If a second sanction occurs, your grant will be suspended for a minimum of three months, or until you follow the rule, whichever is longer.
3. Any other sanctions will continue for at least six months, or until you follow the rule, whichever is longer.

Does the time I am sanctioned count towards my time limits for being able to receive TANF?

Yes. Any months when you are not receiving cash assistance due to a sanction still count against your time limit.

What if I have a good reason for not following a program rule?

If you have good cause for not following a program rule or requirement, you may be able to avoid the sanction. "Good cause" includes a disability (yours or a family household member) that prevented you from following the rules, lack of child care or transportation, domestic violence, or other situations that are not your fault or are out of your control.

When you receive a notice of a sanction, you must call your caseworker right away to make your claim for good cause. The caseworker will decide if you had good cause for not following the rule.

If you disagree with your caseworker's decision, you should appeal.

What if I do not agree with a decision in my case?

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If you get a notice from the Department of Social Services saying your TANF will be denied, reduced, sanctioned, or cut off, you can appeal this decision. You must ask for an appeal within 30 days of the date on the notice. If you appeal a reduction or termination of your TANF within 10 days of the date you received the notice, your benefits will continue while your appeal is being decided. So, it is best to appeal right away when you receive a notice. However, if you continue to receive benefits while your appeal is pending, and then lose your appeal, you can be required to pay back any benefits you got while your appeal was pending.

Your appeal request can be done in writing or by calling DSS on the telephone. No one can prevent you from filing the appeal. If you make an appeal by telephone, make sure that you get the name of the individual you spoke with. This is important because you want to make sure that DSS takes the steps needed to start your appeal.

What if I miss the 30-day deadline for appealing DSS's decision?

You may need to reapply for TANF if you missed your deadline to appeal, and start the process all over again, unless you can show that you have good cause for missing the deadline. Some examples of good cause for missing the deadline are illness or a personal emergency, but you may have other reasons, too.

What happens in an appeal?

When you file an appeal you are asking for a "fair hearing." A fair hearing allows you to present your case to a hearing officer. Before the fair hearing takes place, you can request a meeting at the Department of Social Services with your caseworker. This conference will usually include your caseworker and your caseworker's supervisor. During this meeting, DSS will tell you why they are reducing or terminating your TANF. You will be able to explain why you do not agree with their decision. If you are unhappy with the decision after the meeting, you can still have your fair hearing.

The hearing officer will be from DSS, but he/she will not be from your local office. Usually there will be a hearing officer, your caseworker, a supervisor, any witnesses or representative you bring, and you at the hearing. The hearing can be by telephone or in-person.

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During the hearing, the hearing officer will ask you and the caseworker questions, and you or your representative are able to ask the caseworker questions. The hearing officer will send you a written decision within 60 days of the date you requested the hearing.

Can I bring someone to the hearing with me?

Yes, you can bring someone with you. You can bring a representative who you think can help present your side of the story. This can include an attorney.

If you think that you need help with your appeal, you can contact your local Legal Aid office. They may be able to provide you with free legal help. Call 1-866-534-5243.

What happens if I lose my appeal?

If you lose your DSS fair hearing, you can appeal your case to Circuit Court. However, while you appeal to court, DSS can still stop or reduce your TANF. In addition, if you were receiving cash assistance during your appeal, you may have to repay any money received.

Procedures in Circuit Court are more complicated than a fair hearing with DSS. It is recommended that you have an attorney to represent you in Circuit Court.

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Free Legal information by Web and Phone: www.vlas.org and
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