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Robert Siedlecki, Secretary

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MEMORANDUM

TO: EES Program Administrators
FROM: Kathe Decker
DATE: October 25, 2011
SUBJECT: Implementation Instructions - KEESM Revision #51

This memo provides implementation instructions and information for the following November 1, 2011 policy changes in the Kansas Economic and Employment Support Manual (KEESM):

I. Child Care

20 Hour Employment Requirement for Non-TANF Child Care Recipients

Effective November 1, 2011, it will be required that all adults included on a child care case be employed a minimum of 20 hours per week (average) to qualify for child care assistance. For cases with two adults included, both adults must meet this requirement in order to qualify.

A. Applications:

For applications received prior to November 1, if families meet other eligibility requirements but adults are not employed at least 20 hours per week, the application will be approved and plans written through the month of October, and the case will be closed October 31st. The initial approval notice will indicate both the approval through October and the closure effective October 31st.

See Example 1

As a part of this change, self-employed individuals must be working at least 20 hours per week and making a net income from self-employment equal to or greater than the federal minimum wage times the number of hours worked. Newly self-employed individuals may have child care approved if their net income

from self-employment is less than the federal minimum wage. However, desk reviews of those cases will be conducted after six months of self-employment. After that time, if the self-employed individual's income from self-employment is not equal to at least the federal minimum wage per hour, child care plans will be terminated. Total hours of employment from all employment sources must equal at least 20.

See Example 2

B. Former TANF

TANF recipients who lose eligibility for TANF due to employment are not subject to the 20 hour per week requirement for two months following the loss of TANF eligibility. However, if not employed at least 20 hours per week, the child care plan will be written only for those two months. If the parent is employed 20 hours or more per week at the end of those two months, they may reapply for child care assistance.

See Example 3

C. Post-Secondary Students

The 20 hour per week work requirement also applies to post-secondary students. Hours participating in work study will be counted toward the 20 hour employment requirement. Students who are within 6 months of completion of their education are no longer exempt from the work requirement and must be employed 20 hours per week.

See Examples 4 and 5

D. Ongoing

For ongoing child care cases, this policy will be implemented during the months of November and December, with all cases reviewed by December 31. If any adult included on a case is not employed at least 20 hours per week at the time the case is reviewed, notice C130 must be sent to the parent/caretaker. The notice will explain the new requirement, and will tell them who we have determined does not meet that new requirement. They will be advised that if they do not meet the 20 hour per week employment requirement and provide proof of their increased employment hours within 60 days, the child care case will be closed. If a new employer's statement is needed for their employer to

complete, it is the responsibility of the parent/caretaker to request a form. If proof is not provided by the end of the 60 days, EES staff will close the child care case, following timely and adequate notice rules. It is not necessary to re-prove employment hours for adults who already meet the 20 hour per week requirement.

II. Child Care and TANF

A. Non-Cooperation with Child Support Enforcement

Effective November 1, 2011 there will be progressive penalties for non-cooperation with Child Support Enforcement. Previous penalties were cured when cooperation occurred and there was no limit to the number of times a person could fall into non-cooperation status. With this policy, penalties will be counted as they are applied on or after November 1, 2011. Persons currently in penalty status as of October 31st will be allowed to cure the penalty and will not have the penalty counted under the new rules.

For TANF, failure to cooperate with CSE results in the entire MFU being ineligible.

For Child Care the entire assistance unit is ineligible (except as noted below). This change will now, in most situations, close the entire Child Care case, matching TANF policy. Penalties for non-cooperation with CSE apply to both TANF and Child Care, regardless of whether or not both programs were open when the non-cooperation occurred. Those penalties are to be applied as follows:

1. The first penalty will result in ineligibility for TANF and/or Child Care for a minimum of 3 months and the family must cooperate and reapply prior to regaining eligibility for assistance. (P1 on PRAP)
2. The second penalty will result in ineligibility for a minimum of six months and the family must cooperate with CSE and reapply prior to regaining eligibility for assistance. (P2 on PRAP)
3. The third penalty will result in ineligibility for a minimum of one year and the family must cooperate with CSE and reapply prior to regaining eligibility for assistance. (P3 on PRAP)

4. A fourth or subsequent penalty will result in a ten year penalty. (P4 on PRAP)

Cases that have been penalized for failure to cooperate with CSE must be placed in orange file folders and must not be purged.

Penalties must be manually tracked for Child care and notated in the case file. A tracking form will be added to each TANF and Child Care case file. This form is mandated for all TANF and Child Care case files and will be completed as penalties are placed.

TANF case closure reasons will reflect the number of closure, e.g. first penalty equals a closure code of P1 on AFED, second closure equals a closure code of P2 on AFED, and the third closure equals a closure code of P3 on AFED. The fourth and subsequent closures equal a closure code of P4 on AFED.

Note: When a non-legally responsible caretaker fails to cooperate, the children remain eligible for assistance without penalty. This exception does not apply to cohabiting partners.

Good cause requirements remain in place as per KEESM 2165.

It will be critical that staff review all ongoing child care cases at the same time they are reviewing for the 20 hour work requirement (at the next change or review) to see if there are any outstanding CSE non-cooperation situations. If so, a notice must be sent giving the customer 60 days to cooperate. If they fail to do so, child care for the remaining children will be closed, allowing for timely and adequate notice. As these reviews are completed, staff must also review to see if there is a cohabiting boyfriend or girlfriend who must be added to the case, as per section II.B. of this memo.

Other Programs

Food Assistance: At this time there is no comparable penalty for food assistance for failure to cooperate with CSE. However, following the work program policies, the former TANF benefit must be counted as income during the first month of the penalty period to insure that food assistance benefits do not increase as a result of a failure to cooperate with a TANF program requirement.

Medical Assistance: Tiered penalties for failing to cooperate with CSE do not apply to medical programs. Only the non-pregnant caretaker of a family medical program is ineligible until the failure to cooperate ceases. There is no penalty for other members of the assistance plan.

See Examples 6 – 16**B. Assistance Planning Related to Cohabiting partners**

Effective November 1, the cohabiting boyfriend or girlfriend of the legally responsible adult for the child is part of the mandatory filing unit (MFU) for TANF. The cohabiting boyfriend or girlfriend will also be included in the assistance plan for Child Care. His/her income will be considered in determining TANF and Child Care eligibility and benefits. These households are referring to each other as boyfriend or girlfriend or fiancé, etc. They do not have children in common and are not married or considered common law married. The intent of this policy is to treat cohabiting couples similar to married couples and include their income and resources in eligibility determination. For TANF, the relationship code will be CP and the individual will be coded IN on SEPA.

Cohabiting couples will be held to the same eligibility requirements during application as individuals who apply for TANF or Child Care benefits. For non-TANF Child Care, adults included in the assistance plan must meet the 20 hour per week employment requirement. Once approved for TANF, cohabiting couples will be expected to participate in work programs as a 2 Adult household with no common children. The adults in the household will be expected to participate 30 hours a week in work program activities. This may be accomplished by one of the adults participating 30 hours or both of the adults participating for a total combination of 30 hours.

It will be critical that staff review child care cases for cohabiting partners at the same time they are reviewing them to assure that they are meeting the 20 hour per week employment requirement. As referenced in section II.A., staff must also check to assure that there are no outstanding CSE non-cooperation issues.

Child Care Policy regarding personal need and availability to care for the child(ren) is not changing. Non-legally responsible individuals are not required to provide care for the child(ren) if they are not willing to do so.

Friends who indicate they are just friends and not boyfriends or girlfriends are not included in the definition of cohabiting partners. They are not to be included in the assistance plan and are not to be added to the KAECSES or KsCares cases. Customer statement regarding relationship status is generally accepted as the

means in determining if a couple is cohabiting or just sharing household expenses.

Medical: *Note that cohabiting partners are not automatically eligible for family medical. Cohabiting partners must complete an application and meet all medical eligibility requirements in order to receive medical on their own assistance case.*

Food Assistance: *Note that these policies do not apply to food assistance. If the boyfriends or girlfriends with no common children claim to purchase and prepare food separately, the boyfriends or girlfriends will not be included on the food assistance case. If they purchase and prepare together, then the boyfriends or girlfriends is included in the food assistance case. See special food assistance example at the end of the list of examples.*

1. New Applications

Applications processed for the benefit month of November 2011 will need to include the cohabiting partners for TANF and Child Care.

2. Pending Applications Received Prior to November 1, 2011

For pending applications received prior to the receipt of the implementation memo, staff will need to contact affected households and request the following information:

For Child Care and TANF

- Identification information
- Income verification,

For TANF Only

- Social Security Number
- Resource verification
- Work Readiness Screening

The Work Readiness Screening needs to be completed prior to TANF approval for November benefits. Failure to provide any necessary information will require the application be denied for November.

See Examples 17 – 18

Note: *Delays in processing TANF or Child Care applications due to this policy change shall not count against the EES workers' timeliness rate. Manual procedures must be established to accommodate this. However, delays in processing related to these policy changes must not impact timeliness of food assistance or medical applications. A new timeliness code is being added to identify these cases: PV (Partner Verification) and should be used when a TANF case is past the 45 day timeline for applications received prior to November 1, 2011.*

3. Applications Received November 1 and After

When a TANF or Child Care applicant reports they are residing with another adult, field staff will need to inquire as to the households' relationship. If the applicant states they are residing with a boyfriend or girlfriend request all information needed to determine eligibility and benefit amount in order to process benefits.

If the applicant states they are not a boyfriend or girlfriend, the verbal/written statement of the applicant is acceptable. No additional verification is required. However, documentation in the case record is required to assure the status has been explored.

See Examples 19 – 23**4. On-going cases**

Implementation of this policy for TANF is required as the change becomes known to the agency, but no later than October 31, 2012. Cases where changes are reported, including IR and reviews, should incorporate this policy change in the future month, providing timely and adequate notice.

See Examples 24 – 26**5. GA Cases**

When a GA recipient is identified as a cohabiting partner, the GA case is to be closed and the GA recipient added to the TANF case. The cohabiting partner is not eligible for MACM coverage. Tier I individuals remain eligible for the MS medical program. Tier II individuals will lose their MediKan coverage. Timely and adequate notice is required for the MediKan closure. Closure is based on failure to meet GA requirements.

Should the cohabiting partner later try to regain MediKan coverage as a GA

recipient because he/she no longer meets TANF eligibility criteria (ie: leaves the home or no longer claims boyfriend or girlfriend status), a new application will be required. However, a new referral to PMDT would not be required unless the original disability determination is more than 18 months old.

Note: *The GA/MediKan program has not adopted the cohabiting principles addressed in this memo. The mandatory filing unit shall continue to consist of the individual and spouse (if any) in the home.*

See Example 27

6. Overpayments and Misrepresentation

There may be times when staff believes a relationship exists between a TANF or Child Care applicant/recipient and the boyfriend or girlfriend and the customer denies this relationship. SRS will normally accept a customers' statement. If an applicant/recipient claims no relationship with a roommate, and later claims there is a relationship, appropriate actions will be taken to include this boyfriends or girlfriends in the future month. There will be no overpayment/underpayments initiated due to this change.

Likewise, relationships may cease and the boyfriend or girlfriend may not be able to change residences. Appropriate actions should be taken to remove the boyfriend or girlfriend. If it appears the household is changing relationship status based on periods of employment/unemployment, staff may use prudent person principle and document how and why a person is or isn't included in the MFU or assistance plan for TANF or Child Care.

III. Successful Families (TANF and Work Programs)

A. Failure to Meet Work Related Requirements

There will now be progressive penalties for non-cooperation with work program activities. Previous penalties were cured when cooperation occurred and there was no limit to the number of times a person could fall into non-cooperation status. We will begin counting penalties as they are applied on or after November 1, 2011. Persons currently in penalty status as of October 31, 2011 will be allowed to cure the penalty and will not have the current penalty applied to the tiered penalty process. An addendum will be provided for staff to attach to the current paper application and changes will be made to the on-line application explaining the new tiered penalty process.

All work program non-cooperation penalties placed and or cured prior to November 1, 2011 will be disregarded. Penalties placed on or after November 1,

2011 will follow the new tiered penalty system:

1. A first time penalty will result in a mandatory cash closure for 3 months at which time the individual must be cooperating for 2 consecutive weeks with the work program assignment to complete the penalty cure. The activity assigned to cure the penalty does not have to be the activity the individual was assigned to when the non-cooperation occurred. The cash closure will be for the entire TANF MFU and will follow the individual who was penalized if they move into another MFU. (W1 on PRAP, JOPR and PASS; WP1 on SESP)
2. A second penalty will result in a mandatory cash closure for 6 months at which time the individual must be cooperating for 3 consecutive weeks with the work program assignment to complete the penalty cure. The activity assigned to cure the penalty does not have to be the activity the individual was assigned to when the non-cooperation occurred. The cash closure will be for the entire TANF MFU and will follow the individual who was penalized if they move into another MFU. (W2 on PRAP, JOPR and PASS; and WP2 on SESP)
3. A third penalty will result in a mandatory cash closure for 1 year at which time the individual must be cooperating for 3 consecutive weeks with the work program assignment to complete the penalty cure. The activity assigned to cure the penalty does not have to be the activity the individual was assigned to when the non-cooperation occurred. The cash closure will be for the entire TANF MFU and will follow the individual who was penalized if they move into another MFU. (W3 on PRAP, JOPR and PASS; and WP3 on SESP)
4. A fourth and subsequent penalty will result in TANF ineligibility for ten years for the individual and the MFU they are associated with. Penalties for children in the MFU will not count against the child if the minor becomes an adult cash recipient. (W4 on PRAP, JOPR and PASS; and WP4 on SESP)

Cases that have been penalized for non-cooperation with work program requirements must be placed in orange file folders and must not be destroyed.

Penalized Individuals:

Penalties will follow the individual who was in non-cooperation which means two parent and cohabiting households will have two individual penalty counters. The

individual who was penalized will be coded on PRAP with the appropriate W1-4 notation. If the penalized individual leaves the household the penalty will follow them. If there are no other penalized Individuals on the case, the MFU may reapply for TANF benefits. If the penalized individual joins a different MFU, their penalty will affect the entire new MFU and they will be ineligible for TANF benefits. If the MFU contains a Mandatory adult with 4 work program penalties, they are not eligible for TANF benefits for a period of 10 years. If a member or members of the sanctioned household who were not directly sanctioned for non-cooperation leave and join an MFU that is eligible for TANF, they will be eligible for TANF if they meet the eligibility requirements. Case managers will need to clearly and accurately assign penalty codes on the JOPR and PRAP screen on KAECSES to the individual who did not cooperate in work programs. In addition to posting the penalty on PRAP and JOPR, penalty codes for KSCares must be noted on COUP and the duration of the penalty must be noted in the Start and Review dates. The codes are WP1, WP2, WP3, and WP4. The activity assigned to cure is to be noted in the description (Desc) field. This field will be used to note if the penalty cure was completed. New KSCares notices will be available to document penalties, activity assignments for curing the penalty and if the cure has been completed in NOME Notice History.

This also applies to food assistance comparable penalties. If the person who failed to comply leaves the food assistance household and joins another food assistance household, the remainder of the penalty will be applied to the new food assistance household.

Workers will follow the penalty protocol as outlined in KEEM 3500 to determine non-cooperation. Once the penalty notice is sent, the penalty is in force and the mandatory minimum penalty period will be enforced. The penalized individual may be served under Job Transition (JOTR) services to complete their 2 or 3 consecutive weeks of cooperation prior to the end of the mandatory penalty period so that the TANF case may open when the closure period ends. If a person can produce documentation of extenuating circumstances that prevented them from providing good cause within the allowed time, the Program Administrator is to review the documentation and determine if the penalty was placed in error. Only the Program Administrator or their designee can rescind the penalty.

Good cause requirements remain in place as per KEESM 2162.

B. Comparable Penalties for Food Assistance

The new TANF tiered penalties for work requirement failures also apply to food assistance customers per 2550. If a disqualification is imposed on a household or members of a household for failure to cooperate with work requirements required under TANF, the agency shall impose the same disqualification to the Food Assistance Program member who failed to cooperate. Failure to cooperate with work requirements is still the only applicable comparable penalty. Special procedures are still required to **count the former TANF income for the first month** after TANF case closure to insure that households do not receive an unwarranted increase in food assistance due to their failure to comply. To accommodate this, the former TANF benefit shall be reflected as countable income on the food assistance budget **for the first month** of the penalty period to insure an increase in food assistance benefits does not occur. An alert must be set to remove the TANF income for the 2nd month and to include any child support that the household is now receiving with the closure of the TANF case. (Although we are not doing comparable penalties for CSE failures, the treatment of TANF income as described here must be applied to the food assistance case as well to insure that an increase in benefits does not occur.)

These changes shall be applied to TANF penalties occurring on or after November 1, 2011. See the TANF section for policies surrounding persons currently on a penalty as of November 1.

To re-establish eligibility after a 3-month, 6-month, 1-year, or 10-year penalty period, the person must cooperate with the TANF work requirement. If they do not reapply for TANF, the person must be re-added to the food assistance case following the minimum 3 month, 6 month, 1 year or 10 year penalty period. Set an alert to follow up at the end of the penalty period to re-add the person to food assistance.

The Declaration of Cooperation and Self-Responsibility form is being obsoleted with this revision.

See Examples 28 – 35

C. Requirements for TANF applicants Job Search

When an individual applies for TANF they will now be required to actively seek employment during the application processing period for at least one week to be eligible for TANF benefits. This requirement shall not delay the normal expedited

and 30 day processing timelines for the food assistance and medical assistance programs. . The individual is required to continue job search requirements for at least 4 weeks, or until they are assigned an appropriate work component.

Applicant job search is not an appropriate assignment for:

- An individual who meets one of the good cause definitions found in KEESM 3530
- Parenting teens without a high school diploma or a GED
- Persons involved with Vocational Rehabilitation services who are already assigned to activities
- Persons enrolled in Job Corps

Upon receipt of any application received on or after November 1, 2011 the case manager will provide the individual with an Employment Contact Record (ES-4306) and instruct the applicant that they must complete 20 job contacts, applications, and/or interviews each week from the date of application until they make contact with their case manager to be assigned to additional work program activities. The applicant will meet eligibility requirements when they turn in their first week of 20 job contacts and the EES case manager verifies 20 percent (or four contacts) are valid. If the applicant is making on-line or fax job applications, they will be responsible to include the confirmation documents with the ES-4306. These confirmation documents will act as the verification of the job application. If the application is received on-line, by mail or left in a drop box the ES-4306 is to be sent via mail along with instructions. Timely and adequate notice must be allowed for the applicant to receive and return the employment contact documents. The ES-4306 has been revised to include instructions for applicant job search. The applicant must turn in the rest of the weekly ES-4306 contact records when they make contact with the case manager to set up work program assignments. SRS is responsible to validate 20 percent of the contacts.

As per KEESM 3411.1 and 3411.2, support services for transportation may be provided for applicant's job search. Transportation allowances may only be approved for one month. If the applicant obtains employment during the application processing period, other support services such as additional gas allowance, clothing or tool purchases may be approved. KSCARES case is opened to provide support services only when the applicant requests these services. Open Applicant Job Search (AJS) component on the SESP screen with a scheduled 20 hours. The case manager will use the Applicant Job Search (AJS) component to disperse one month of Transportation Allowance.

Note: Medical applications cannot be delayed due to the TANF applicant job search.

See Examples 36 – 40

D. Job Transition Services

A bullet has been added to KEESM 3410 to include Adults and the MFU they are attached to as being ineligible for the 12 month transition services (JOTR) if they have become ineligible for TANF benefits for 10 years due to being penalized for a fourth time since November 1, 2011.

E. Time Limits

KEESM changes: 2240, 2241, 2242

Effective November 1, 2011 the TANF time limit will change from 60 months to 48 months. In addition, hardship extensions are being revised to facilitate these changes. Hardship extensions are allowed only at the executive level review. Households identified as having a hardship will provide documentation that will be reviewed by an assigned team for determination of one of the following three hardship provisions:

- Is a caretaker of a disabled family member living in the household;
- Has a disability which precludes employment on a long term basis or requires substantial rehabilitation; or
- Is involved with Children and Family Services (CFS) and has an open social service plan verified by contact with CFS.

Households granted a hardship extension are limited to 60 months of TANF assistance in their lifetime. Because of these changes, it is imperative customers are provided the resources needed to attain self-sufficiency, including access to assistance in obtaining Social Security benefits, vocational rehabilitation services, etc.

Note: This policy does not affect caretaker relative cases.
(See Hardship Protocol below)

1. At Application

All TANF applicants must be notified of the reduction in lifetime limits from 60 months to 48 months. This information will be shared during the initial

interview. Information on time limits will be added to the Work Readiness Screening and the Work Program/CSE Cooperation handout. In addition, approval and review notices will have information added regarding the 48 month time limit. Households are to be encouraged to take advantage of appropriate work program services available in their area. Initial screening and assessments are important to evaluate what a customer needs in order to attain self-sufficiency. The following assessments are to be completed upon approval of benefits (Use Notice W358 Assessment Notice from the KSCARES system):

- Self- Assessment to further evaluate their work program activity placement.
- Substance Abuse Subtle Screening Inventory (SASSI) by a Solutions Recovery Care Coordination (SRCC) counselor to determine if substance use disorder is a factor to be addressed. (Assessments are to be completed only one time. Do not duplicate these assessments.)
- If claiming disability, screening will occur for referral to Kansas Legal Services or other contracted or private advocates. A doctor's statement (ES-4309) or medical documentation from a licensed professional will be requested to support the customers placement in the SSA component.

Households who have previously received TANF assistance are to be made aware of the time limit remaining on the 48 month life-time limit. If a household is at or over 48 months, their application is to be denied. Use code 48 on AFED and send notice A230.

Applicants who have received 20 or more months of TANF assistance are to complete the following assessments to assure we timely identify all barriers to self-sufficiency:

- Psychological Evaluation
- Vocational Evaluation
- Substance Abuse Screening (if not previously completed or if customer is referred to SRCC for recent observed behavior)
- Employment or Educational assessments if not previously completed
- Referral to KLS or other advocate for evaluation for those claiming disability re: Social Security A doctor's statement (ES4309) or medical documentation from a licensed professional will be requested to support the customers placement in the SSA component.

2. Ongoing Cases

a. Closure protocols for cases over 60 months:

TANF cases identified as having more than 60 months of cash

assistance will be mailed a letter around November 14th informing them of case closure effective April 30, 2012. This notice will be sent on all work program cases. Central Office will be sending this notice on the KAECSES system. A printout for these cases will be sent to staff around March 15th so staff can manually close any TANF case at or over 60 months. A430 closure notice will be sent by EES staff at the time of closure. Staff can access the Notice History Screen (NOHS) to determine if this case was identified at implementation.

b. Closure protocols for cases currently over 36 months:

TANF cases currently at 36 or more months of assistance (and not more than 60) will be given a maximum 12 month transition, which is not to exceed the 60 month time limit. A notice (X088) will be sent to these customers informing them of the transition to the 48 month lifetime limit. A printout identifying cases at 47 months or more will be sent around September 30, 2012. This will ensure staff are aware of cases that need to be closed October 31, 2012.

See Examples 41 – 42

3. Review Protocols

These protocols are being implemented for on-going cases that are not affected by the closure protocols above. The closure protocols above are for situations at the time of implementation. The following review protocols are provided for long term instruction.

a. At 12 months

- i. Review self-sufficiency plan (Use notice W002 Review of Activities Appointment from the KSCARES system)
- ii. Review the policy so they understand lifetime limit of 48 months: explain how many months they have used, and the remaining months available.
- iii. Place in appropriate work component (Use notice W101 Work Program Activity Assignment Letter on KSCARES system)
- iv. Continue working on barriers
 - If SSI then continue with Social Security application, also Rehabilitation services if appropriate, counseling if necessary, etc. Individuals involved in this component will provide

adequate documentation of their disability via the ES-4309.

- v. Continue working on job building skills

b. At 20 months

The average TANF case is open for about 21 months with 40% of TANF cases closing before 12 months. To target resources only when needed, assessments will occur at 20 months.

- i. A Worker alert will appear on all TANF cases to start assessments: “20 START WP” will appear at the 20th month. The EES worker will begin the following assessments (Use Notice W358 Assessment Notice from the KSCARES system):
 - Psychological evaluation
 - Vocational evaluation
 - Substance abuse screening (if not previously completed or if customer is referred to SRCC for recent observed behavior)
 - Employment or Educational assessments if not previously completed (for example CASAS, GED, Work Keys or other career assessments done by Work Force development)
 - Referral to KLS or other advocate for evaluation for those claiming disability re: Social Security A doctor’s statement (ES-4309) or medical documentation from a licensed professional will be requested to support the customers placement in the SSA component.

All assessments are to be complete by the 24th month. A worker alert “24 COMP WP” will appear to evaluate completion of all assessments.

c. At 24 months

- i. Review the case.
- ii. If all assessments are not complete:
 - Agency delay:
 - If the customer is not hindering completion of assessments the TANF case may remain open if the assessments will be complete within the next 30 days.
 - Customer delay

- Close case at 24th month if all assessments are not completed. Send notice A401.

Customers who fail to cooperate with assessments are considered to have failed with work programs and the appropriate penalty is to be imposed. The case worker needs to be sure they have not assigned the same assessments multiple times. Once a customer has completed a required assessment they should not be penalized for not repeating the same assessment. In order to regain TANF eligibility the customer must complete the assessment process. The customer remains eligible for JO TR services during the 1st, 2nd and 3rd penalty periods, so assessments would be covered by the work program during this time frame.

iii. If assessments are complete, then review the assessments and:

- Review self-sufficiency plan
 - Review lifetime limit of TANF assistance.
 - Place in appropriate work component
 - SSI - Referral to KLS or other advocate
 - Rehabilitation Services
 - Counseling (Individuals involved in this component will provide adequate documentation of their disability via the ES-4309)

iv. Continue working on job building skills

d. At 36 months

i. Review assessments (have all been completed?)

- If assessments complete, then:
 - The CU/EX option expires and persons with children under 6 months will have to be engaged in appropriate work program activities.
 - Review self-sufficiency plan (Use W002)
 - Review assessments
 - Review lifetime limit of TANF assistance.
 - Place in appropriate work component (Use W101)
 - SSI - Referral to KLS or other advocate
 - Rehabilitation Services
 - Counseling (Individuals involved in this component will provide adequate

documentation of their disability via the ES-4309)

- Continue working on job building skills

e. At 48 months

i. Close case if no hardship

ii. If hardship exists:

- Implement Hardship Protocol (see below)
- Continue working on barriers
 - SSI - Referral to KLS or other advocate
 - Rehabilitation Services
 - Counseling (Individuals involved in this component will provide adequate documentation of their disability via the ES-4309)
- Continue working on job building skills

4. All Work Participants

All mandatory work program recipients must be working with someone/on something at all times or not eligible for benefits:

- If SSA application, then need also to be involved in treatment, whether it be counseling, rehabilitation services, medical treatment, etc. Individuals involved in this component will provide adequate documentation of their disability via the ES-4309.
- If in AOD must be working with SRCC and attending prescribed treatment program. Must also be involved in additional work readiness training or activity.
- If need for care, then the family needs to understand the TANF case will close once the family reaches the 60 month time limit.
- If OARS, will have to be involved in other assigned work program activities, such as counseling, treatment, etc.
- CFS: will work jointly with CFS worker to assure customer is meeting required goals of CFS to continue with TANF.
- All cases close at 48 months, or 60 months regardless of hardship.

5. Hardship Review Panel:

A panel will review all requests for hardships. This would allow for an extension for only those cases with adequate documentation that an

actual hardship exists. The panel would consist of the Deputy Secretary of ISD, the Regional Director (from which the request comes), the Economic and Employment Support Director, the CFS Director (or designee) or the Rehabilitation Director (or designee), and the TANF Program Manager. This will assure equalization of the hardship policy throughout the state. This panel will meet quarterly.

Hardship determination will need to begin at the 45th month of assistance in order to provide the review team adequate time to determine if a hardship exists.

A new PRAP code is being created. This will assure cases over 48 months have been reviewed and approved for hardship. The new PRAP code will be AA – Administrative Approval.

See Examples 43 – 45

Hardship will continue based on the recommendation of the panel with a hard closure at 60 months with no extensions.

F. School Enrollment for TANF

A TANF child as defined by KEESM 2210, age 7 through 18, must be enrolled in school, including a home school that is registered with the Kansas Department of Education. Ineligibility for TANF for the entire household will exist if a child in the home is not enrolled in school. This includes all children in the household, including those coded DI or SI. The ES-3100 requests information on all individuals who are students. EES staff are to explore school enrollment on all persons ages 7 through 18 at application and review. Enrollment in GED is considered as being enrolled in school. Enrollment verification can be obtained using School Enrollment Verification (notice A800 and KEESM form ES-4103), school records or other means which accurately provide the information needed to verify enrollment.

Note: There is NO penalty to the corresponding food assistance or medical assistance case for failure of the child to be enrolled and attending school. In addition, when the TANF case closes, the former TANF benefit will NOT be counted as income as done with a work program failure to cooperate. This is a situation of ineligibility for TANF, not a failure to cooperate.

The TANF case is not eligible if a child in the MFU is not enrolled in school. The TANF case is to be closed the following month, giving timely and adequate notice. Once a child has re-established school enrollment, the TANF case may be reopened. EES staff are to notify CFS when a child is not enrolled in school.

A new application will be required if the information is received after the date of closure.

When applications or reviews are received when school is not in session, or when a family is moving from another school district (out of county or out of state), the application can be processed if the family indicates the child will be enrolled when the first opportunity arises. However, staff will need to set a worker alert to verify enrollment has been completed. If the child is not enrolled at the start of the school year, or first available time for orientation for GED, the TANF case is ineligible and the case is to be closed, allowing for timely and adequate notice.

See Examples 46-51

IV. Medical Impact

The changes made to SRS TANF policy regarding cohabiting partners and tiered CSE penalties do not apply to medical programs.

- **Cohabiting partners** – A cohabiting partner is not a member of the medical assistance plan, and therefore not included in the assistance plan for medical programs. These individuals are “Not Related” for medical programs and should not to be registered on the medical case. A non-related individual must submit their own application for medical coverage and will be determined as a separate household.
- **Child Support Enforcement (CSE) Penalties** - Tiered penalties for failing to cooperate with CSE do not apply to medical programs. When non-cooperation occurs, the penalty is only applied to the non-pregnant caretaker who is failing to cooperate. Other members of the assistance plan remain eligible. PRAP code 1C continues to be used for all CSE penalties, and is removed from PRAP when cooperation occurs.

V. System Updates

Central Office/IT will remove the following PRAP codes: 1W, 2W, W1, W2, W3, C1, C2, P1, and P2 prior to November 1st. (Alerts set on WOAL or located on VIAL in KSCares will not be removed. 1C and 2C will remain and only be used to track CSE non-compliance on medical cases.) This will give SRS workers a clean slate to begin

recording new penalties and will assist with tracking for future reporting. PRAP will need to be updated with each penalty.

WOAL and INDA information is not being deleted. The EES worker will need to delete old information on penalties as they review cases.

VI. **Form**

ES -3102, Information on Cooperation with CSE and Work Programs has been updated. Customers are to be given this information during the interview process. Staff are not to require customers to sign this form. Document in the file the ES-3102 was given at the interview.

Attachments

[Case Examples](#)

[New KAECSSES and KSCARES Changes Desk aid](#)

[Notice Matrix For Revision #51](#)