Department of Health and Human Services

OFFICE OF INSPECTOR GENERAL

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Improving Client Sanction Notices



JUNE GIBBS BROWN Inspector General

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OFFICE OF INSPECTOR GENERAL

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OEI's San Francisco regional office prepared this report under the direction of Kaye D. Kidwell, Regional Inspector General, and Paul A. Gottlober, Deputy Regional Inspector General. Principal OEI staff included:

REGION IX

HEADQUARTERS

Steven Zerebecki, *Lead Analyst*Scott Hutchison, *Program Analyst*Lori Stickel, *Program Analyst*

Linda Hall, *Program Specialist* Alan Levine, *Program Specialist*

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EXECUTIVE SUMMARY

PURPOSE

To evaluate sanction notices sent to clients of the Temporary Assistance for Needy Families (TANF) program.

BACKGROUND

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA, P.L. 104-193) significantly overhauled the Federal welfare system. The previous Aid to Families with Dependent Children (AFDC) entitlement program guaranteed Federal benefits to all eligible participants. The PRWORA replaced AFDC with TANF, a block grant program with strict participation requirements and a 5-year cap on Federal cash aid. Under TANF, States are granted the authority and flexibility to design programs that move clients from welfare to self-sustaining employment, but must meet rigorous performance measures.

States use financial "sanctions" — monetary penalties applied to clients' cash aid — to enforce participation with certain Federal and State provisions of TANF. All States must sanction clients who fail to participate in work activities or child support enforcement. Individual States may, at their discretion, sanction clients who do not cooperate with other requirements. Minimum amounts and durations of sanctions are prescribed by Federal law, but States determine maximum penalty levels.

Sanctioned clients may attempt to "cure" a sanction informally by complying with program requirements or establishing good cause for not participating. Alternatively, they may formally request an appeal to determine if the sanction was appropriate. Depending on the timing of the cure or appeal, clients can sometimes resolve a sanction dispute before their benefits are reduced or terminated.

State and county TANF offices send sanction notices to notify clients of sanction decisions. Little guidance is provided to States on developing sanction notices, and our preinspection research revealed that these notices vary widely in quality and content. Thus, we determined that an evaluation of sanction notices was warranted.

We purposefully selected eight States in which to visit at least one urban and one rural office. In total, we visited 26 TANF offices, where we held caseworker focus groups, director interviews, and limited case-file reviews of recently sanctioned cases with individual caseworkers. At 19 of the offices, we conducted client focus groups and also

interviewed at least one advocacy group in each State. In addition, we collected sanction policies and notices from each State. Lastly, we reviewed 47 notices issued by the offices that we visited, evaluating each for completeness and clarity.

The methods we used during this study pose some distinct advantages and disadvantages for the scope of our findings. The purposeful sample allowed us to examine sanction implementation in States with widely varying attributes. We also gained a thorough understanding of our respondents' relationships with and attitudes towards sanctions. Our methodology precludes us, however, from commenting on the extent to which our findings and observations are representative nationwide. We also cannot evaluate direct outcomes of sanction policies, procedures, and practices on clients and the program.

FINDINGS

Comprehensive and understandable notices can improve the sanction process. A sanction notice with complete information in a clear format can improve client understanding and help alleviate frustration for both clients and caseworkers.

Sanction notices are deficient in some respects. Although most notices adequately explain some sanction details, many lack instructions on how to cure sanctions and do not reference local legal aid. A few notices contain incorrect information which can mislead clients and create extra work for caseworkers. Confusing wording on notices impedes client understanding, an effect heightened by language barriers.

RECOMMENDATION

We recommend that the Administration for Children and Families encourage States to issue comprehensive and understandable sanction notices with information on (1) the amount, duration, and cause of the sanction, (2) names and phone numbers of specific contacts in the TANF office or service provider who will have more information about the sanction, (3) how to cure the sanction, (4) client appeal, fair hearing, and, if applicable, conciliation rights, and (5) referral(s) for local legal assistance.

AGENCY RESPONSE

We received comments on the draft report from the Administration for Children and Families. The agency concurred with our recommendation and stated that it is committed to working with States to improve State sanction notices. It will provide States with

examples of understandable and comprehensive sanction notices and facilitate networking among States interested in improving State sanction notices.

This is one of three OIG reports on how States administer client sanctions under TANF. One companion report, *Temporary Assistance for Needy Families: Improving the Effectiveness and Efficiency of Client Sanctions* (OEI-09-98-00290), provides a broad overview of State administration of client sanctions. The other, *Temporary Assistance for Needy Families: Educating Clients about Sanctions* (OEI-09-98-00291), describes how States communicate to clients the changes in sanction policies and procedures.

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INTRODUCTION

PURPOSE

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BACKGROUND

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA, P.L. 104-193) significantly overhauled the Federal welfare system. The previous Aid to Families with Dependent Children (AFDC) entitlement program guaranteed Federal benefits to all eligible participants. The PRWORA replaced AFDC with TANF, a block grant program with strict participation requirements and a 5-year cap on Federal cash aid. Under TANF, States are granted the authority and flexibility to design programs that move clients¹ from welfare to self-sustaining employment, but must meet rigorous performance measures.

Client Sanctions Under TANF

Financial "sanctions" — monetary penalties applied to clients' cash aid — enforce cooperation with certain TANF program requirements.² Federal TANF law directs States to sanction clients for failure to participate in work activities and noncooperation with child support enforcement efforts. States also may sanction clients who fail to follow other guidelines, such as child immunization and school attendance requirements, or who fail to attend required meetings or other program activities (e.g., training sessions).

States may develop unique sanction policies within parameters set by TANF. They are required, at minimum, to apply a pro rata benefit reduction for each month a client receives aid and is not in compliance. States are free, however, to determine maximum sanction amounts and durations, including full-family sanctions and lifetime exclusion from the program. Some use tiered sanctions, with progressively stiffer penalties for each instance of noncompliance.

¹For the purposes of this report, a TANF "client" is the head or heads of a family receiving cash aid.

²Clients exempted from program requirements for "good cause" reasons, such as unavailability of child care and danger of domestic violence, are not subject to sanctions.

Curing and Appealing Sanctions

Informal conciliation processes in some States allow clients and TANF offices to resolve any disputes involving a sanction. Clients who receive notices may attempt to "cure" the sanction by complying with program requirements or establishing good cause. If done promptly, clients' benefits remain intact. If not, clients may have full benefits restored only after the minimum sanction duration has expired.³

If conciliation is unsuccessful or unavailable, clients in all States have the right to appeal a sanction. Clients who submit an appeal within State time frames can opt to continue their full benefits or accept the reduced benefit level while the appeal is decided. Clients who continue full benefits and lose the appeal must return overpayments to the TANF agency. Conversely, the TANF agency must pay back benefits to clients who win the appeal and had their benefits reduced.

Sanction Notices

To notify clients of sanction decisions, TANF offices issue one or more written sanction notices.⁴ Offices also have the responsibility to inform clients of conciliation processes (if applicable), their appeal rights, and their right to legal counsel. A "notice of intent" often is sent to clients when the initial noncompliance occurs, warning that a sanction is imminent if not cured or appealed. Offices issue a second notice when the actual benefit reduction takes place.

The TANF legislation provides little guidance to States on the development of sanction notices, and our preinspection research indicated a wide range in their quality and content. Thus, we determined that an evaluation of sanction notices was warranted.

METHODOLOGY

We purposefully selected an eight-State sample to capture diversity in:

- percent reduction in TANF recipient population,⁵
- State policies on TANF client sanctions,
- percent of national TANF recipient population, and
- geographic location.

³The specific processes and time frames for curing sanctions differ by State.

⁴States may elect to notify clients by other means, such as phone calls, in addition to sanction notices.

⁵Caseload reduction rates were used as a proxy for sanction rates, as reliable client sanction data for all 50 States did not exist when we selected the sample.

We visited at least one urban and one rural office in the following States: California, Florida, Idaho, Michigan, Minnesota, New York, Ohio, and Texas. In total, we visited 26 local TANF offices.

We gathered data from diverse sources to obtain a balanced picture of sanctions. At each of the TANF offices that we visited, we held focus groups with caseworkers, interviewed the director, and performed limited case-file reviews of recently sanctioned cases with individual caseworkers. In 19 of the sites, we conducted focus groups with clients and also spoke with at least one client advocacy group in each State. In addition, we collected sanction policies and publications. Lastly, we reviewed 47 notices issued by the offices that we visited, evaluating each for completeness and clarity.⁶

The methods used during this study pose some distinct advantages and disadvantages for the scope of our findings. The purposeful sample allowed us to examine sanction implementation in States with widely varying attributes. We also gained thorough information on our respondents' relationships with and attitudes towards sanctions. Our methodology precludes us, however, from commenting on the extent to which our findings and observations are representative nationwide. We also cannot evaluate direct outcomes of sanction policies, procedures, and practices on clients and the program.

This is one of three OIG reports on how States administer client sanctions under TANF. One companion report, *Temporary Assistance for Needy Families: Improving the Effectiveness and Efficiency of Client Sanctions* (OEI-09-98-00290), provides a broad overview of State administration of client sanctions. The other, *Temporary Assistance for Needy Families: Educating Clients about Sanctions* (OEI-09-98-00291), describes how States communicate to clients the changes in sanction policies and procedures.

⁶The office was our unit of analysis rather than the notice, as some offices send multiple notices. For these offices, we aggregated information contained on all notices for our evaluation.

FINDINGS

Comprehensive and understandable notices can improve the sanction process

A sanction notice with complete information in a clear format can improve client understanding and help alleviate frustration for both clients and caseworkers. We spoke with several clients who had received sanction notices and were unsure of whom to contact to discuss their situations. In addition, caseworkers noted that they spend an inordinate amount of time with sanctioned clients, explaining the reasons for the sanctions and the actions required to achieve compliance.

Notices must contain some crucial information for clients to understand both their sanctions and their rights. Comprehensive sanction notices provide:

- the amount, duration, and cause of the sanction,
- the name and number of the client's caseworker,
- instructions on how to cure the sanction,
- an explanation of the client's appeal rights, and
- referrals for free legal assistance.

The information can be presented in a variety of effective formats, but the best notices clearly explain each of the key elements above with straightforward wording. These notices highlight their seriousness in multiple languages and emphasize the important sections with large, bold type. Examples of such notices appear in appendices A and B.⁷

Most sanction notices lack some key elements

Clients must know how to cure a sanction in order to have full benefits reinstated, but only one-third of the sanction notices explicitly provide this information. For example, one county's sanction notice reads, "... you must show that you are willing to comply with employment program requirements to meet eligibility requirements," but does not specify the exact actions a client must take to demonstrate a "willingness to comply." Only a few of the sanction notices fully explain the steps required to cure a sanction. "In order to end the sanction you must do the following . . . " reads one notice, allowing the caseworker to fill in details for individual clients.

⁷The notices in appendices A and B are from the same office. The first is sent at the initial instance of noncompliance, the second when the actual benefit reduction takes place.

Clients have the right to representation in sanction disputes, but more than one quarter of the notices give incomplete or no information on contacting local legal services. Instead of directly referencing a local legal organization, some sanction notices state, "If you want to know more about how a fair hearing process works or to find out if free legal help is available, contact your local [TANF] Agency." Clients likely would be reluctant to contact the agency imposing the sanction to seek help with an appeal.

Notices more consistently outline other sanction details. More than three-quarters effectively relate the amount of the sanction, the reason(s) for the sanction, the name and number of the caseworker whom the client should contact, and the appeal rights of the client. Almost two-thirds provide complete information on the length of the client's sanction. Those that do not usually give a start date for the sanction, but do not specify its minimum duration.

Notices with incorrect information complicate the sanction process

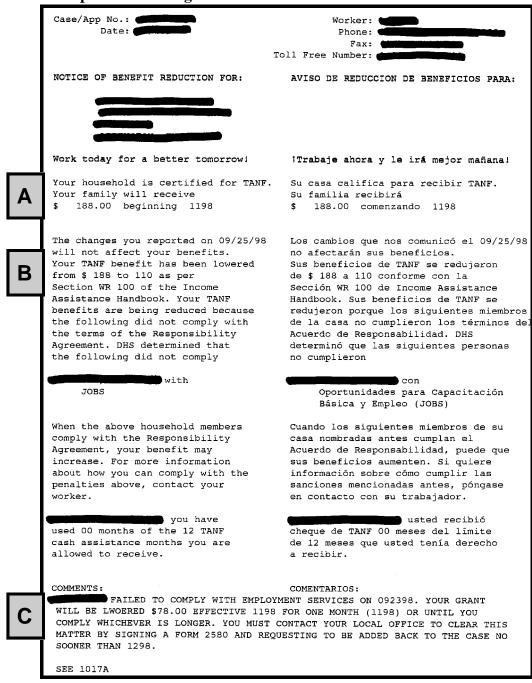
A few notices contain incorrect information that can create extra work for caseworkers and cause anxiety for clients. For example, the notice in appendix C clearly states, "You will not be eligible for Medicaid after 08/31/98." According to the issuing State's policy, however, TANF clients cannot be removed from Medicaid for nonparticipation in TANF programs or noncooperation with child support enforcement efforts. Thus, caseworkers must manually fill in the correct details on the last page of the notice and cross out the incorrect information. If left uncorrected, clients will be misinformed of the status of their medical benefits.

Sanction notices are sometimes difficult to understand

Confusing wording can complicate sanction details. For instance, the notice on the next page is unclear on the amount of the sanction. The notice first informs the client, at point A, that her household will be receiving a \$188 TANF grant. Then, at point B, the notice states the client's benefit will be reduced from \$188 to \$110 because of noncompliance. The comments section (point C) further clouds the message by adding that the benefits will be reduced by \$78. The notice in appendix C provides another example of confusing language.

⁸The comments section in this notice originally appeared on two separate pages. The template for the second, which mentions the client's appeal rights and gives a contact for free legal services, is identical to page 3 of the notice presented in appendix C

Example of Confusing Sanction Notice



Several TANF offices send notices in only a few languages despite the diversity of their clients. In one area, the TANF office issues notices only in English although one-third of its clients speak only Spanish, according to the local advocacy group. "I get six to eight clients a week who get notices from [the TANF office] that they don't understand," reported another advocacy representative.

RECOMMENDATION

The Office of Inspector General recognizes that the TANF block grant program gives States broad authority to design programs that quickly move welfare clients to self-sustaining employment. There is a role for the Administration for Children and Families (ACF), however, in providing guidance to States.

We recommend that ACF encourage States to issue understandable and comprehensive sanction notices with information on:

- the amount of the sanction,
- the duration of the sanction,
- the cause of the sanction,
- names and phone numbers of specific contacts in the TANF office or service provider who will have more information about the sanction,
- how to cure the sanction,
- client appeal, fair hearing, and, if applicable, conciliation rights, and
- referral(s) for local legal assistance.

AGENCY RESPONSE

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Notice that Contains Clear Information in Multiple Languages

| Γ | Notice of International | ent to Sanction | |
|----------------------------------|--|---|-----------------|
| | If you ask, we will give you this information in another | | |
| | Date: | This is important information. If you do not understand it have someone translate it for you now. | |
| | Participant: | Información importante. Si no la entiende, haga que alguien se la traduzca ahora. | |
| | ' | นั้นแม่ ลักอาม สำคัม, ถ้ายกายกาม ยังลักใจ, | |
| | Soc. Sec. # | ລວມນະ ຂຄວາມ ສາຄມ. ຖາຫາກຫານ ນເຂາໃຈ, ຈຶ່ງໝາຄືນ ແປ ໃຫ້ປ່າງອີນຄວ່ນ. | |
| | From: | Nov yog ntaub ntawy tseem ceeb. Yog koj tsi to taub, | Highlights |
| | Job Counselor Phone | nthiav neeg pab txhais rau koj kom sai sai. | importance in |
| | Agency | ក្រដាសស្នាចនេះមានសារៈស់ខាន់ណាស់ បើអ្នកមិនយល់ សូមរកគេជួយបកពីប្រពន្យល់ច្បូបានរួសរាន់។ | seven languages |
| | Address | Đây là tin tức quan trọng, nếu bạn không hiểu, | gg |
| | City State Zio | hãy tìm người thông dịch giúp ngay | |
| | Important Reminder! | Это важная информация. Если Вы вё не понимаете, обратитесь за помощью немедленно. | |
| Includes specific | You are getting this notice because you have not done what you Employment Services. If you do not act soon more of the transitional standard. | | |
| sanction amounts | The first month we will reduce your grant by 10%. The second month (and additional months) we will redrent and/or utilities for at least six months. "Vendor" mandlord, mortgage company, or utility companies. We do not need to send you another Intent to Sanction Notice | neans we will pay part or all of your grant to your | : |
| | /hy Will Your Grant Be Reduced? | | |
| | You are responsible to: | | |
| | Attend an employment services overview, Meet with a job counselor, Develop a Job Search Support Plan or Employment Pla Do the activities in your Job Search Support Plan or Er Keep in touch with your job counselor. | | |
| C: f | According to our records you have: | | |
| Gives reason for the sanction | ☐ Failed to attend the overview. ☐ Failed to develop your Job Search Support Plan or Emp ☐ Failed to meet your school requirements. ☐ Failed to follow through with your Job Search Support ☐ Failed to accept suitable employment. ☐ Quit suitable employment. | | |
| Clearly tells how | How Can You Prevent a Sanction? Act Now! | | |
| to lift sanction | You must contact the job counselor listed above by | and do one of the following: | |
| and whom to contact | Show that you are complying with requirements. Show that you are exempt or have "good cause" for not for Request an conciliation or fair hearing. Read the back pher: | ollowing through with requirements. | |
| | | <u> </u> | |
| | If You Have ANY Questions, please call me immediately at the | nhone listed shave | |
| | ž į | b Counselor | , |
| | | | |
| | | | |

Your Right to Dispute Resolution

Clearly explains appeal and conciliation rights

If you have a disagreement with your counselor, there are two ways to settle the disagreement.

- Conciliation Conference. This is an informal meeting where you and your
 counselor try to reach a mutual agreement about how to settle the disagreement.
 The counselor's supervisor must review the outcome of this meeting.
- Fair Hearing means a legal process where an appeals referee will settle the disagreement.

You can request conciliation when:

- 1. You have a disagreement over the contents or meaning of your plan; or
- 2. Your job counselor sends you this Notice of Intent to Sanction.

You can request a fair hearing when:

- 1. You believe the action of the agency or county adversely affects you; or
- 2. You do not reach agreement with your job counselor in conciliation; or
- 3. A job counselor sends you a Notice of Intent to Sanction, and you do not want conciliation; or
- 4. The county sends you a Notice of Adverse Action.

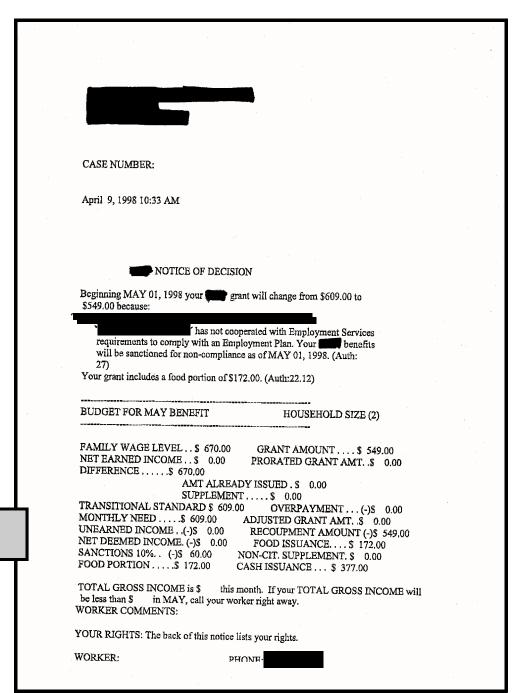
How to Request Dispute Resolution

You can request conciliation from the employment services agency by phone, in writing, or in person. If you call, you still must send a written request. You must make your request within 10 days of the date on this Notice of Intent to Sanction.

If you get a Notice of Intent to Sanction or a Notice of Adverse Action, you can request a fair hearing. To do this, you must write the county agency or the State Appeals Office at the Department of Human Services,

Gives number for legal aid

Detailed Notice of Benefit Reduction (Follows Notice in Appendix A)



Shows benefit recalculation

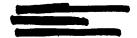
Notice that Contains Incorrect and Confusing Information

Case/App No.: Date: 08/06/98

Worker: Phone: Fax: Toll Free Number: 1-800-

NOTICE OF BENEFIT DENIAL FOR:

AVISO DE NEGACION DE BENEFICIOS PARA:



Work today for a better tomorrow!

'Trabaje ahora y le irá mejor mañana!

On the basis of information received by this office and the policy found in section(s) All60 of the Income Assistance Handbook, the following action is being taken:

You will not be eligible for TANF beginning 09/01/98.

Debido a la información recibida en esta oficina y según las reglas de la sección Al160 del Income Assistance Handbook, se está iniciando la siguiente acción:

La elegibilidad para TANF termina comenzando el 09/01/98.

Incorrectly states that Medicaid is sanctioned

You will not be eligible for Medicaid after 08/31/98.

REASON:

on absent parent.

You did not wish to supply information

La elegibilidad para Medicaid termina el 08/31/98.

No quiso usted dar informes acerca del padre/de la madre ausente.

Vague information

You reported a change in your circumstances on 07/13/98.

If there is a pregnant woman in the household she may be potentially eligible for another Medicaid program.

Usted reportó un cambio en sus circunstancias el 07/13/98.

Si hay una mujer en su casa que esta embarazada, ella puede ser elegible para Medicaid.

Confusing information

DENIED MEDICAID RECIPIENTS: The Department of Health will send you a Certificate of Coverage. You can use this Certificate to prove how long you had Medicaid coverage if you enroll in another medical plan which has a pre-existing condition clause. If you do not receive the Certificate within 6 weeks after you receive this notice, or if you lose the Certificate and need a replacement within the

CLIENTE A QUIEN LE HAN NEGADO MEDICAID: El Departmento de Salud de enviará un Certificado de Cobertura. Puede usar este Certificado como prueba cuánto tiempo recibió Medicaid si se inscribe en otro plan de salud que tiene una cláusula de padecimiento preexistente. Si no recibe el Certificado dentro de las seis semanas después de recibir este aviso, o si lo pierde y necesita reponerlo dentro de los próximos 24

Page 1

Case/App No.: Date: 08/06/98

Worker: Phone: Fax: Toll Free Number: 1-800

NOTICE OF BENEFIT DENIAL FOR:

AVISO DE NEGACION DE BENEFICIOS PARA:



Work today for a better tomorrow!

¡Trabaje ahora y le irá mejor mañana!

next 24 months, you may request a Certificate by calling 1-800meses, puede pedirlo llamando al 1-800-

, you have used 00 months of the 12 TANF cash assistance months you are allowed to receive.

, usted recibió cheque de TANF 00 meses del límite de 12 meses que usted tenía derecho a recibir.

No correction of prior statement of Medicaid sanction

COMENTARIOS:

COMMENTS: ON JULY 13,1998 OUR OFFICE RECIEVED INFORMATION FROM THE ATTORNEY GENERAL'S OFFICE THAT YOU FAVE REFUSED TO COOPERATE.

THAT YOU HAVE FAILED TO RESPOND TO THE QUESTIONAIRE.

YOU MUST COOPERATE WITH THE ATTORNEY GENRAL'S OFFICE AS YOU HAVE AGREED TO DO TO REMAIN ELIGIBILE FOR THIS PROGRAM.

YOU MUST COMPLETE AND RETURN THE QUESTIONALE TO THE CHILD SUPPORT INVESTIGATOR.

PLEASE PROVIDE THIS OFFICE WITH PROOF THAT YOU HAVE COOPERATED. POST PAID ENVELOPE PROVIDED

Page 2

Worker: Case/App No.: Date: 08/06/98 Phone: Fax: Toll Free Number: 1-8004 AVISO DE NEGACION DE BENEFICIOS PARA: NOTICE OF BENEFIT DENIAL FOR: !Trabaje ahora y le irá mejor mañana! Work today for a better tomorrow! ---- SIGN BELOW ONLY IF YOU WANT TO APPEAL THIS DECISION --Si usted cree que esta acción no es correcta, puede If you think this action is not correct you may apelar. Para hacerlo, firme esta hoja y devuélvala a appeal by signing and returning this page to Si al presente está recibiendo beneficios y apela dentro de los 13 días de la fecha de esta carta, puede seguir recibiendo la misma cantidad de beneficios hasta la fecha If you are receiving benefits and appeal within 13 days from the date of this letter, you may receive your current amount of benefits until the hearing. de la audiencia. Si ha seguido recibiendo beneficios y el funcionario de If benefits are continued and the hearing officer The Benefits are continued and the hearing officer decides the department action is correct, you may have to pay back some or all of the benefits you receive while you are appealing. If you DD NOT WANT TO RECEIVE THE SAME AMOUNT OF BENEFITS UNTIL THE HEARING, CHECK THIS BOX []. la audiencia determina que fue correcta la acción del la audiencia determina que tue correcta la acción del departamento, posiblemente tenga que devolver usted una parte si no todos los beneficios que haya recibido mientras se esperaba la audiencia. SI USTED NO QUIERE SEGUIR RECIBIENDO LA MISMA CANTIDAD DE BENEFICIOS MIENTRAS ESPERA LA AUDIENCIA, MARQUE ESTA CASILLA []. TANF Case name: SIGNATURE OF CLIENT/FIRMA DEL CLIENTE DATE/FECHA Case number: Date: 08/06/98 For free legal services, contact: Para servicios gratis de abogado, comuníquese con: