

The draft of the Temporary Assistance for Needy Families (TANF) State Plan is available for public review. Comments may be submitted through Dec. 18, 2007 by e-mailing kim.dutchover@hhsc.state.tx.us or by mailing the comments to: Kim Dutchover, HHSC, Program and Policy, 909 W. 45th St., P.O. Box 12668, Austin, TX 78711-2668.

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STATE OF TEXAS
 State Plan for Temporary Assistance for Needy Families
 Renewal
 Effective October 01, 2007

Unless otherwise specifically indicated, the references to sections of law in this document are to
 Title IV of the Social Security Act (42 U.S.C. Section 601 *et. seq.*)

	Page(s)
Funding	1
TANF State Plan Requirements	2-7
Appendix A	8
Safeguarding Information	8
Appendix B	8
I. TANF Cash Assistance Program	8-29
<u>Application, Determination of Eligibility, and Furnishing Assistance</u>	8
<u>Coverage and Conditions of Eligibility</u>	9
A. Deprivation of Parental Support or Care	9
1. Continued Absence	9
2. Incapacity	9
3. Unemployment	9
4. Death	9
5. Domicile and Relationship	10
B. Optional Groups Covered	10
C. Determination of Deprivation	10
D. Conditions of the Home in Which the Child Resides	10
E. Day to Day Care	10
F. Definition of Temporarily Absent	10
G. Eligibility Limited by State Conditions or Requirements	11
H. Assistance Payments	11
I. Definition of Strikers	12

J. Living Arrangement of Unmarried Minors	12
K. Fugitives	12
L. Additional TANF Cash Assistance Policies	12
1. One time Temporary Assistance for Needy Families	12
2. One time TANF Payments to Qualifying Grandparents	13
3. Annual Supplement for Each Certified Child	13
4. Other policies fulfilling the purposes of the TANF program	13
M. State funded cash assistance program	13
<u>Need Standard or Standard of Assistance</u>	13
A. Extent to which Standard of Need is consolidated	13
B. Special Needs	14
C. Area Differentials	14
D. Grant Levels/Standard and Maximum Need Amounts	14
TANF Budgetary, Recognizable Needs and Grant Amounts Chart	15
E. Income and Resources	16
1. Real, Personal Property, and Vehicle Limits	16
a. Fair Market Values- Vehicles	16
b. Income Producing Vehicles	16
c. Funeral Agreements	16
d. Good Faith Effort to Sell	16
e. Basic Maintenance Items	16
f. Non-Liquid Income Producing Property	16
g. Individual Retirement Accounts	16
h. Treatment of Income – Newly Married TANF Recipient	16
2. Policies for Allocating Income	16
3. Assigned Support Payments	17
4. Assistance From other Agencies	17
F. Support and Maintenance Exclusions	17
1. Energy Assistance	17
2. Pro-ration of Allowances	17
G. Disregards	17

1. Disregards under \$175	17
2. Good Cause	17
3. Income Derived From The Workforce Investment Act (WIA)	18
4. Gifts and Contributions	18
H. Overpayment Recovery and Underpayments	18
I. Budgeting	19
J. Unemployed Parent Definition	20
<u>Citations</u>	20
<u>Protective, Vendor and Two Party Payments for Dependent Children</u>	20
A. Protective Payments	20
1. Mismanagement Cases	20
2. Voluntary Request	20
<u>Overpayments to Aliens Where Sponsor(s) Failed to Provide Correct Information</u>	21
A. Uniform Statewide Policy	21
B. Good Cause	21
<u>General Program Administration</u>	21
<u>Hearings</u>	21
<u>Income and Eligibility Verification System (IEVS)</u>	21
<u>Availability of Agency Program Manuals</u>	22
<u>Report Lost or Stolen TANF Payments</u>	22
<u>Non-Discrimination – Methods of Administration Part: 80</u>	23
II. Services To At-Risk Youth	23
III. Family Based Safety Services	23
IV. School Dropout and Delinquent Conduct Prevention Services	23
V. Pre-Kindergarten Skills Development	24
VI. Emergency Assistance	25
VII. Early Childhood Intervention	25
VIII. Kinship Care Program	25
IX. Adult Education For TANF Recipients	26
X. Big Brothers Big Sisters Amachi Program	26
XI. Child Care	27
XII. Self-Sufficiency and On-the-Job Training	27
XIII. Pregnancy Support Program	27

XIV. Relative Caregiver Reimbursement Program

28

Appendix C	29
<u>Assignment of Rights to Support and Cooperation in Establishing Paternity and Securing Support</u>	29
A. Assignment	29
B. Claiming Good Cause	29
C. Determination	29
D. When Good Cause Exists	29
<u>Notice to Child Support Agency</u>	29
A. Title IV-A Notice	29
B. Prompt Notice Definition	29
Appendix D	30
<u>Fraud Control</u>	30
<u>Administrative Disqualification Hearings</u>	30

XIV. Relative Caregiver Reimbursement Program

28

Appendix C	29
<u>Assignment of Rights to Support and Cooperation in Establishing Paternity and Securing Support</u>	29
A. Assignment	29
B. Claiming Good Cause	29
C. Determination	29
D. When Good Cause Exists	29
<u>Notice to Child Support Agency</u>	29
A. Title IV-A Notice	29
B. Prompt Notice Definition	29
Appendix D	30
<u>Fraud Control</u>	30
<u>Administrative Disqualification Hearings</u>	30

FUNDING

Section 403(a)(1)(A) provides that each eligible state shall be entitled to receive for each of the fiscal years 1996 through 2010, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B). On February 8, 2005 Congress extended funding under section 403(a)(1)(A) until September 30, 2010.

I. Payments to Agency Administering the TANF Program

Payments for the TANF program will be made to the organization managing the AFDC/JOBS programs as of August 22, 1996, unless the State indicates that the TANF administering agency is changed.

II. State Payments for TANF Program

Section 405 requires that grants be paid to States in quarterly installments, based on State estimates. The State's estimate for each quarter of the fiscal year by percentage is:

For FY 2000 and Future Years--			
1st quarter	2nd quarter	3rd quarter	4th quarter
25%	25%	25%	25%

TANF STATE PLAN REQUIREMENTS

TANF STATE PLAN REQUIREMENTS	TANF STATE PLAN
<p>SEC. 402(a)(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM:</p> <p>(A) GENERAL PROVISIONS:</p> <p>(i) Conduct a program designed to serve all political subdivisions in the State that provide assistance to needy families.</p>	<p>Texas operates a TANF block grant assistance program on a statewide basis in accordance with state law and state policy. The state intends to modify this state plan whenever such modification is deemed to be in the best interest of the State.</p> <p>Notwithstanding the description of current eligibility determination processes in the attached appendices and subject to necessary federal approvals, Texas plans to ensure coordination with other programs for recipients using an integrated enrollment and eligibility system to link recipients with the services necessary to achieve the performance requirements of TANF, to comply with TANF reporting requirements, and to ensure that the necessary interface with child support takes place.</p> <p>Texas reserves the right to operate a diversion program that focuses on work. The program will include the ability to make TANF payments for any reasonable diversion activities. The TANF payments will allow a family to address specific needs without making them dependent on welfare. By providing an alternative to cash assistance, the state can divert those Texans who can remain self-reliant with immediate assistance.</p> <p>Texas reserves the right to operate a program designed to strengthen families and encourage healthy marriages. Recognizing that a healthy marriage is a vital element of child and family well being and to society as a whole, Texas may wish to investigate, evaluate, develop, and implement public policy initiatives designed to empower couples with the skills necessary and form and nurture healthy marriages and additional activities to provide assistance to marriages in distress. Related initiatives may include, but not be limited to:</p> <ul style="list-style-type: none"> a) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, abstinence awareness, financial management, conflict resolution, family violence prevention and job and career advancement for non-married pregnant women and non-married expectant fathers. b) Pre-marital education and marriage skills training for engaged couples and for couples interested in marriage.

- c) Faith-based and secular approaches and activities including marriage enhancement, marriage skills training, and marriage mentoring programs designed for use before marriage or at any stage during marriage to strengthen healthy marriages and assist troubled marriages.
- d) Public advertising campaigns promoting the value of healthy marriage and related skills needed to enhance marital stability, health and wellness.
- e) Divorce reduction programs that teach relationship skills and activities including marriage enhancement, marriage skills training, and marriage mentoring programs.

Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described above.

In 2007, the Texas Legislature passed House Bills 2683 and 2685. House Bill 2683 enables HHSC to administer a grant program to fund programs that support the development of healthy marriages and the strengthening of families. To the extent of federal law, HHSC may spend a minimum of one percent of the money received under the TANF block grant funds during each fiscal year; programs would serve participants by promoting the development of healthy marriages or the strengthening of families. This includes the Healthy Marriage Development Program (currently under Section 31.015, Human Resources Code) and the Healthy Marriages and Strong Families Grant Program (added by this bill, to be under Section 31.017 Human Resources Code).

House Bill 2685 seeks to encourage each person applying for a marriage license to attend and complete a premarital education course of at least eight hours during the year preceding the date of the license application. The bill also increases the marriage license fee from \$30 to \$60, and establishes guidelines for county clerks to waive the marriage license fee for couples who provide a completion certificate for the premarital education course. A contingency Appropriation for HB 2685 exists in Article IX, Section 19.18 of the General Appropriations Act. This contingency rider appropriates \$1,021,097 fiscal year 2009 in Temporary Assistance for Needy Families (TANF) Federal Funds to develop and maintain a website registry for trained marriage educators, and make related information available to the public.

Texas reserves the right to use TANF funds to provide services consistent with the

	four purposes of the TANF program stated in 45 C.F.R. Section 260.20 and as allowed under this State Plan or any amendments that are approved by federal authorities.
(ii) Require a parent or caretaker receiving assistance under the program to engage in work (defined by the state) when the parent/caretaker is <ul style="list-style-type: none"> - ready to engage in work; or - has received assistance under the program for 24 months, whichever is earlier. 	In accordance with federal requirements, Texas requires parents and caretakers to engage in work as defined in the Texas Administrative Code (TAC), Title 1, Section 3.1154(q), and as defined in 40 TAC Chapter 811.
(iii) Ensure that parents and caretakers receiving assistance engage in work activities in accordance with Section 407.	Texas requires parents or caretakers to engage in work activities in accordance with federal requirements.
(iv) Take reasonable steps to restrict the use and disclosure of information.	Texas restricts the disclosure of information about individuals and families receiving assistance under the program. See appendix A for detail.
(v) Establish goals and take action to prevent and reduce the incidence of out of wedlock pregnancies with special emphasis on teenage pregnancies.	Texas continues to operate programs using State and federal funds to prevent or reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teen pregnancy, including abstinence education.
(vi) Conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so teen pregnancy programs may be expanded in scope to include men.	Texas conducts a program for law enforcement officers administered by the Texas Office of the Attorney General. Pregnancy Prevention Programs are administered through the Texas Department of State Health Services. The curriculum is structured to target both men and women and is also offered to the education community and others.
SEC. 402(a)(1) (B) SPECIAL PROVISIONS: (i) The plan shall indicate whether the state intends to treat families moving into the State differently than other families under the program and if so, how the State intends to treat such families.	Texas does not treat families moving into the State differently than other families under the program, except as noted below for aliens who are qualified aliens and who entered the U.S. on or after August 22, 1996.
(ii) The plan must include whether the state intends to provide assistance to individuals who are not U.S. citizens and if so, provide an overview of such assistance.	Texas provides assistance under the TANF program to individuals who are not citizens of the United States in the same manner and based on the same eligibility criteria as U.S. citizens, if the non-citizen meets the definition of a qualified alien in Section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and is not subject to the five-year bar in section 412(b) of PRWORA. Texas reserves the right to provide TANF assistance to unexempted individuals who entered the country on or after August 22, 1996 and whose federal five year bar on assistance expires. In determining assistance under the TANF program, Texas deems

	the income and resources of alien sponsors as required by Section 421 of PRWORA.
(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of the administrative or appeal process.	Texas determines eligibility and delivers benefits under the TANF program as described in this state plan, in accordance with federal requirements. Specific information on eligibility and due process provisions is included in Appendix B.
(iv) Not later than 1 year after the date of enactment of this Act, unless the chief executive officer of the State opts out of this provision, a State shall require a parent or caretaker to participate in community service employment unless exempt or working.	Texas does not opt to mandate participation in a community service program for parents or caretakers after two months of receipt of assistance. Parents and caretakers are mandated to participate in work activities throughout the receipt of assistance, with early participation focusing on opportunities to obtain unsubsidized employment.
SEC. 402(a)(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT PROGRAM: Certification by the chief executive officer of the State, that during the fiscal year, the State will operate a child support enforcement program under Part D.	The Governor of Texas certifies the State operates a child support enforcement program as described in Appendix C, in accordance with federal requirements.
SEC. 402(a)(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM: Certification by the chief executive officer of the State that during the fiscal year, the State will operate a foster care and adoption assistance program under Part E (of the Social Security Act). The State will take such actions as are necessary to ensure children receiving assistance are eligible for medical assistance under Title XIX.	The Governor of Texas certifies the State operates foster care and adoption assistance programs approved under part E of Title IV and ensures that children receiving assistance under Part E qualify for Title XIX medical assistance as required by Section 472(h)(1). The Texas Department of Family and Protective Services uses the Title IV-A rules and regulations in effect as of June 1, 1995 to determine eligibility for foster care assistance under Title IV-E.
SEC. 402(a)(4) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM: The plan must include which State agencies will administer and supervise the family assistance program for the fiscal year, and include assurances that local governments and private sector organizations - have been consulted regarding the plan and design of welfare services in the State so that services are	The Governor of Texas certifies that the Health and Human Services Commission, the Texas Workforce Commission, the Texas Education Agency, the Texas Department of Family and Protective Services and other appropriate agencies will jointly administer the TANF program. The State continues to consult with local governments and private sector organizations via formal advisory councils and informal methods regarding the plan and design of welfare services in the State and will allow all Texas citizens at least 45 days to submit comments on the plan and its service design. The Texas Health and Human Services Commission (HHSC) provide both eligibility determination services for TANF applicants and TANF cash assistance payments.

<p>provided in a manner appropriate to local populations, and</p> <ul style="list-style-type: none"> - have had at least 45 days to submit comments on the plan and design of such services. 	<p>Under its “Texas Works” program, HHSC offers initial, up-front assistance and resources to TANF applicants to help identify employment barriers and find a job.</p> <p>The Texas Workforce Commission (TWC) and local workforce development boards constitute Texas Workforce Solutions. Texas Workforce Solutions provides extensive welfare-to-work services under the “Choices” program designed to help TANF applicants, recipients, non-recipient parents, and former recipients find and maintain employment in order to assist an individual’s progression toward self-sufficiency. Texas Workforce Solutions also provides child-care assistance to Choices participants and those leaving welfare for work. Texas Workforce Solutions delivers services through more than 265 local one-stop career centers.</p> <p>Additionally, Texas reserves the right to use TANF funds as follows:</p> <ul style="list-style-type: none"> • transfer or redistribute block grant funds to other agencies and program currently funded through Title IV-A, Social Services Block Grant and the Child Care and Development Block Grant, according to the provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; • operate a subsidized public and/or private employment program that may use food stamp and TANF benefits as a wage supplement. The State reserves the option to use private placement agencies and/or nonprofit organizations, including faith-based organizations, for placement services.
<p>SEC. 402(a)(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE: Certification by the chief executive officer of the State that during the fiscal year, the state will provide each member of an Indian tribe with assistance if the individual</p> <ul style="list-style-type: none"> - is domiciled in the State; and - is not eligible for assistance under a tribal family assistance plan. 	<p>The Governor of Texas certifies the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.</p>
<p>SEC. 402(a)(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE: Certification by the chief executive officer of the State that the State</p>	<p>The Governor of Texas certifies the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of</p>

<p>has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for administration and supervision of the State program, kickbacks, and the use of political patronage.</p>	<p>political patronage. Additional information on this provision is included in Appendix D.</p>
<p>SEC. 402(a)(7) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE: Certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to screen, identify, make appropriate referrals, and waive, pursuant to a determination of good cause, other program requirements in certain cases.</p>	<p>The Governor of Texas certifies the State is exercising the family violence option in 402(a)(7) and has established procedures to ensure the State has established and is enforcing standards and procedures to screen, identify, make appropriate referrals, and waive, pursuant to a determination of good cause, other program requirements that would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.</p>
<p>SEC. 402(b) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY: The State shall make available to the public a summary of any plan submitted by the State under this section.</p>	<p>The Governor of Texas certifies the State will make available to the public a copy of the State Plan.</p>

Appendix ASafeguarding Information

A. The State does not use modification of these statements provided by the "Jenner Amendment" (Sec. 618 of the Revenue Act of 1951, as amended) that permits public access to certain limited information under specified circumstances.

B. The State statute that provides the legal basis for safeguarding the confidentiality of certain information is:

— The Texas Human Resources Code, Section 12.003

C. The State agency criteria for the types of information to be safeguarded and the conditions under which such information may be released or used are as follows:

Any information relating to a client may be released upon written consent of the client. All case record information concerning client's personal relationships and circumstances, including medical information is considered confidential. Such information is available to Internal Revenue Service only upon issuance of a summons. Request by courts are released only by receipt of a subpoena.

The State also releases the current address of any recipient to a federal, state or local law enforcement officer, in accordance with Section 408(a)(9)(B).

The State also releases information for other law enforcement purposes, such as complying with a subpoena or if the information is relevant to an investigation that relates to the administration of one of the agency's programs, or for judicial or administrative proceedings, such as a response to an order from a regular or administrative court.

Appendix B

I. TANF CASH ASSISTANCE PROGRAM (Federal TANF and MOE)

Application, Determination of Eligibility, and Furnishing Assistance

A. Except in unusual circumstances, action on application is taken within 45 days.

B. Assistance to eligible applicants begins on the date of authorization of payment or 30 days from the date of the receipt of a signed and completed application, whichever is earlier.

C. Assistance is not provided prior to complete determination of eligibility when facts support a presumption of eligibility.

D. The State redetermines eligibility at least every 12 months.

E. Upon notification by the IV-D agency of the amount of a support collection, the IV-A agency

will use such amount to review eligibility of the assistance unit. The determination will be done during the month in which notice is received from the IV-D agency.

- F. Assistance is furnished in the form of cash issued by Electronic Benefit Transfer or warrant*.

*Warrants are issued only on an exception basis when benefits are requested through a manual process in state office fiscal division, One-Time TANF benefits, and One-Time Grandparent benefits.

Coverage and Conditions of Eligibility

Definitions of continued absence and incapacity and a list of relatives with whom a child may be living in conformity with 45 CFR Sections 260.20 and 263.2 are shown below:

- A. Deprivation of parental support or care.

1. Continued absence:
Continued absence of a parent usually occurs in divorce, desertion, abandonment, incarceration, deportation, hospitalization or unwed parent situations.

However, the parent may be absent for any reason if the nature of the absence interrupts or terminates the parent's function as a provider of maintenance, physical care or guidance, and the duration of the absence precludes relying on the parent for the present support or care of the child. Deprivation based upon continued absence also may occur when these three factors are present simultaneously: (1) a parent has been convicted of an offense and is under sentence of a court; (2) the sentence requires (and the parent is performing) unpaid public work or unpaid community service during working hours; and (3) the parent is permitted by the court to live at home while serving the sentence because of crowded jail conditions or for other reasons in the public interest. The parent may be absent for military service, employment or any other reason so long as an evaluation of all the facts results in a reasonable conclusion that the absence is not of a temporary nature. Absence of less than thirty days is considered temporary unless facts indicate that the absence will continue past thirty days. Parental absence based solely on active duty in the uniformed services is not a basis for establishing deprivation because of continued absence.

2. Incapacity:
A child is deprived due to incapacity if the parent has a physical or mental disability supported by competent medical testimony, which is of such a debilitating nature that it precludes him from substantial gainful employment for a continuous period of at least 30 days. A certification of OASDI or SSI disability is sufficient proof of incapacity to establish TANF deprivation.
3. Unemployment:
A child is deprived if both parents are in the home and one or both parents are unemployed or under-employed and a financial need exists.
4. Death:

- A child is deprived if one or both parents are deceased.
5. Domicile/Relationship
Living with specified relative in a place of residence maintained by one or more such relatives as his or their own home.

Following is a list of the relatives with whom a child may be living:

- Father or mother, including "step" relationship.
- Grandfather or Grandmother, including "step" relationship, extended to degree of "great-great-great".
- Brother or sister, including "step" relationship.
- Uncle or Aunt, extended to degree of "great-great".
- Niece or Nephew, extended to degree of "great-great".
- First cousin, extended to degree of once removed.

B. Optional Groups Covered

Assistance is provided to a needy and otherwise eligible 18-year-old child who is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and who may reasonably be expected to complete the program before reaching age 19.

- C. The determination that a child has been deprived of parental support or care is made in relation to the child's legal parent.

- D. A child is not denied aid either initially or subsequently "because of the conditions of the home in which the child resides," or because the home is considered "unsuitable".

- E. The State's criteria for establishing "day-to-day care" and "care and control" are:

1. Day-to-day care of a child occurs when there is actual day-to-day care for the child at home, such as feeding, dressing, transporting and other similar activities necessary for the growth and well being of the child.
2. Care and control of the child include financial support, planning and supervision of the child and the ability to make decisions on the child's treatment, duration and type.

- F. The definition of "temporarily absent" is when a person is out of the home temporarily:

1. attending school or training,
2. employed or seeking employment away from home,
3. hospitalized or receiving outpatient services,
4. in a privately funded, non-profit home for children,
5. separated from other family members and the family has no regular place of residence, or
6. on vacation.

As specified in section 408 (a) (10), Texas

1. may allow eligibility in situations of a child's absence that does not exceed 180 consecutive days;
 2. denies a parent or caretaker relative who fails to timely report a child's absence.
- G. Eligibility is limited by the additional State conditions or requirements, as described below:
1. TANF recipients may be required to participate in a work subsidy component in which their TANF and food stamp benefits are used to pay a subsidy to employers who agree to hire them.
 2. All adults and minor parents who are not exempt from the finger-imaging requirement must be finger imaged. Refusal or failure of a required member to be finger-imaged will result in denial of benefits for the household.
 3. Transferring resources - Households are ineligible if within three months before application or anytime after certification they transfer a countable resource for less than its fair market value to qualify for assistance.
 4. Texas requires by rule that adult TANF applicants who apply in person must attend a Workforce Orientation prior to TANF certification. The orientation is provided by the Texas Workforce Commission through a Local Workforce Development Boards (LWDB), or by service providers under contract with the LWDB. Failure to attend the workforce orientation will result in the denial of the household's application.
 5. Texas requires that adult TANF applicants (including payees) sign a Personal Responsibility Agreement (PRA). The PRA lists the TANF applicant's responsibilities. These are cooperation requirements such as with child support requirements, work participation, school attendance for minor parents and children, voluntary quit, compliance with Texas Health Steps and immunization schedules, attending parenting skills classes, and having no criminal alcohol or drug convictions. HHSC denies families whose adult members refuse to sign the PRA as well as TANF recipient families who subsequently fail to comply with PRA requirements.
- H. Assistance payments are made in the situations and under the conditions below:
1. Payments are made for the entire month to or for a family which, for any portion of the month, met all of the eligibility conditions, provided the family was eligible on the date payment was made (except if a caretaker relative participates in a strike, or if other income or resources cause ineligibility).
 2. Initial payments are made on behalf of a child who goes to live with a relative specified in 45 CFR, Sections 260.20 and 263.20 within a period of 30 days from the receipt of the initial payment, provided that payments are not made for a concurrent

period for the same child in the home of another relative or as TANF-Foster Care.

3. Payments are made for the entire month in the course of which a child lives in the home of a specified relative, provided payments are not made for a concurrent period for the same child in the home or another relative or as TANF-Foster Care.
4. Payments are made to persons acting for relatives specified in 45 CFR, Sections 260.20 and 263.20 in emergency situations that deprive a child of the care of the relative through whom he has been receiving aid, for a temporary period necessary to make and carry out plans for the child's continuing care and support.

I. Definition of Strikers

1. The State defines the term "strike" in accordance with the federal definition at 29 USC Section 142(2).
2. The State defines the term "participating in a strike" as an actual refusal in combination with others to provide services to one's employer.

J. To be eligible for TANF cash assistance in Texas, an unmarried minor parent must reside with a parent, legal guardian, or other adult relative as specified in Section 408 (a)(5). A minor parent may reside elsewhere and be eligible for cash assistance if good cause is established by one of the following reasons:

1. the parent(s), legal guardian, or other adult relative(s) are deceased or their whereabouts are unknown; or
2. the parent(s), legal guardian, or other adult relative will not allow the minor to live in the home; or
3. the State determines that the minor parent or her child is or has been subjected to serious physical or emotional harm, sexual abuse or exploitation in the adult's home; or
4. the State otherwise determines that it is in the child's best interest to waive the requirement that the minor parent and her child live with a parent, legal guardian or adult relative (example: moving in with a parent or other adult would result in the minor parent having to quit a job).

K. Texas denies eligibility to individuals who are fugitives from law enforcement (including probation and parole violators) as required by Section 408 (a) (9).

L. In addition to the ongoing TANF cash assistance program, Texas authorizes the following policies:

1. Texas provides a One Time Temporary Assistance for Needy Families (OT-TANF) benefit. To qualify, families must meet all requirements for regular TANF cash

assistance, as well as state rule criteria for demonstrating the need for emergency assistance and likely self-sufficiency within a short period of time. The one-time cash payment is issued in lieu of ongoing monthly TANF payments, and the family is prohibited for 12 months from again receiving TANF cash assistance.

2. Texas provides a supplemental One-Time only TANF payment not to exceed \$1000, to qualifying grandparents who are the primary caretakers for one or more grandchildren. The grandparent must be age 45 or older, have resources not to exceed TANF resource limits and have income not to exceed 200% of the Federal Poverty Income Limit.
3. Texas provides an annual \$30 supplement for each TANF certified child.
4. Texas allows the initiation of policies that fulfill the purposes of the TANF Program as outlined in 45 CFR Section 260.20, which are: (a) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; (b) End the dependence of needy parents on government benefits by promoting job preparation, work and marriage; (c) Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and (d) Encourage the formation and maintenance of two-parent families.

Among the services provided for TANF cash assistance recipients and those at risk of requiring TANF cash assistance, Texas offers assistance in connecting those individuals with employment and community resources that will lead to self-sufficiency through employment. The specific services provided may include referrals to domestic violence shelters, job leads, Work In Texas, computer access for preparing resumes, job fairs, referral to clothes closets, providing information about local employment opportunities, educational assistance, adult education, referral to other community and faith-based resources, parenting skills training, and similar services.

- M. Texas includes all two-parent families in a state funded cash assistance program. Eligibility criteria are substantively identical to the TANF program. In accordance with the Human Resource Code Section 34.003(b) and 31.014, all individuals must register with the Texas

Workforce Commission's (TWC's) employment services program or participate in TWC's "Choices" program. The state expenditures of the two-parent state funded cash assistance program is not claimed as TANF Maintenance of Effort (MOE) and the recipients are not counted in the state's assistance caseload effective October 1, 2007.

Eligibility

Need Standard or Standard of Assistance

- A. Extent to which Standard of Assistance has been consolidated.

The State agency has developed a fully consolidated standard of assistance. All needs are

included in a flat amount per family size. In the process of developing the consolidated standard, grants were averaged for each family size.

B. Special Needs

The State standard of assistance does not contain other recognized needs or special circumstance items.

C. Area differentials

In the standard of assistance, area differentials do not exist. The same standard of assistance is applicable throughout the State

D. Grant Levels/Standard and Maximum Need Amounts

1. Texas annually adjusts grant amounts.

The money amounts for the standard of assistance were increased most recently on March 1, 1994.

2. Texas adopted a single figure needs standard on March 1, 1973.

3. In establishing need, the presence in the home of other needy individuals who are not eligible in their own right but who are considered essential to the well being of the child recipient is not recognized.

4. The grant amount for the ongoing TANF cash assistance program is approximately 17% of the Federal Poverty Income Limit, Texas reviews grant amounts annually to ensure that they are at least at 17% FPIL and makes adjustments to these amounts every October 1.

TANF Budgetary, Recognizable Needs and Grant Amounts* (maximum grants effective 10/1/07)

Family Size	Non-Caretaker Cases			Caretaker Cases Without Second Parent			Caretaker Cases With Second Parent		
	Budg Needs (100%)	Rec Needs (25%)	Max Grant	Budg Needs (100%)	Rec Needs (25%)	Max Grant	Budg Needs (100%)	Rec Needs (25%)	Max Grant
1	\$256	\$ 64	\$ 83	\$313	\$ 78	\$ 102	\$----	\$----	\$----
2	369	92	120	650	163	211	498	125	162
3	518	130	168	751	188	244	824	206	267
4	617	154	200	903	226	293	925	231	300
5	793	198	257	1003	251	325	1073	268	348
6	856	214	278	1153	288	374	1176	294	382
7	1068	267	347	1252	313	406	1319	330	428
8	1173	293	381	1425	356	462	1422	356	461
9	1356	337	437	1528	382	496	1595	399	517
10	1450	363	470	1701	425	552	1698	425	551
11	1623	406	526	1804	451	585	1871	468	607
12	1726	432	560	1977	494	641	1975	494	640
13	1899	475	616	2080	520	674	2147	537	696
14	2003	501	649	2253	563	730	2251	563	730
15	2174	544	705	2356	589	764	2423	606	786
Per each additional member	173	43	56	173	43	56	173	43	56

*Although Texas adjusts the maximum grant amounts annually, the budgetary and recognizable needs amount have not changed since March

E. Income and Resources

1. The amount of real and personal property that can be reserved for each assistance unit is not in excess of \$1,000 equity value excluding:
 - a. Automobiles with fair market values not exceeding \$4,650.
 - b. Income producing vehicles.
 - c. Bona fide funeral agreements not in excess of \$7,500 cash value for each member of the assistance unit, and one burial plot for each member of the assistance unit.

Burial plots are defined as the designated space in the ground, vault, or mausoleum reserved for burial of the TANF family.

Bona fide funeral agreement is defined as a prepaid funeral plan or burial insurance policy to pay for services, facilities, and items needed for burial.
 - d. Real property that the family is making a good faith effort to sell. "Good faith effort to sell" is defined as using classified ads in newspapers, or listing the property with a realtor, or accepting an offer that equals or exceeds the fair market value of the property.
 - e. Basic maintenance items.
 - f. Necessary non-liquid income-producing property as determined under the following criteria:

Real property, stock, inventory, tools, equipment, and other non-liquid income-producing property which are usual and customary for a given trade, profession or business.
 - g. Individual Development Accounts (IDA's) established for the purpose of a home purchase, starting a business, or paying for a college education.
 - h. Income earned by an individual who marries an individual receiving TANF cash assistance at the time of the marriage. The earnings are excluded during the first six months following the date of the marriage only if the combined income of the TANF recipient and new spouse does not exceed 200% of the federal poverty level for their family size.
2. Policies provide for allocating an individual's income for his or her own support if the individual is not applying for or receiving assistance; for the support of other individuals living in the same household but not receiving assistance; and for the support of other individuals living in another household. Such other individuals are those who are or could be claimed by the individual as dependents for determining Federal personal income tax liability, or those he or she is legally obligated to support.

Allocation of Income

Those included for allocation are all individuals allowed under 45 CFR Section 233.20(a)(3)(ii)(E) living in the home who are not applying for or receiving TANF, and are not sanctioned for failing to comply with a program requirement.

3. In determining the amount of an assistance payment, assigned support payments retained in violation of state policy will be subject to IV-D recovery. Support payments sent directly to the client and retained in violation of state policy will be subject to IV-A recovery.
 4. Assistance from other agencies and organizations is disregarded in determining need and amount of the assistance payment if it is for a different purpose than TANF.
- F. The State excludes the following types and amounts of support and maintenance assistance (including home energy assistance) that has been certified by the appropriate State agency as based on need.
1. Energy assistance
 - a. The State excludes an unlimited amount of such assistance when it is provided in-kind by a private non-profit organization.
 - b. The State excludes such assistance when it is provided by a rate-of-return entity. An unlimited amount is excluded if the assistance is furnished in-kind.
 - c. The State excludes such assistance when a supplier of home heating gas or oil provides it. An unlimited amount is excluded if the assistance is furnished in-kind.
 - d. The State excludes such assistance when it is provided by a municipal utility providing home energy. An unlimited amount is excluded if the assistance is furnished in-kind.
 2. The State does not prorate allowances in the need and payment standards for shelter, utilities, and/or similar needs.

G. Disregards

1. A procedure is not in place under which a dependent care deduction in an amount less than \$175 (\$200 for a child under age two) is determined and applied in the case of an individual not engaged in full-time employment throughout the month.
2. The State's definition of "good cause" for an individual who terminates employment or reduces earned income, refuses employment, or fails to make a timely report of earned income is described below:

GOOD CAUSE

- a. Good cause for terminating employment is the existence of circumstances beyond the control of the individual.

- b. Good cause for reducing earned income is the existence of circumstances beyond the control of the individual.
 - c. Good cause for refusal to accept employment is the existence of circumstances beyond the control of the individual.
3. The State disregards monthly income of a dependent child applying for or receiving TANF which is derived from participation in a program under the Workforce Investment Act of 1998 (WIA) as described below:

Disregard of Earned Income of a Dependent Child under the WIA.

Disregard of Earned Income

- a. Earned income is disregarded in the same way for all programs.
- b. All earned income is disregarded for an unlimited period.

Disregard of Unearned Income

- a. Unearned income is disregarded the same way for all WIA programs.
- b. All unearned income is disregarded for an unlimited period.

4. The state disregards from available income gifts or contributions if they are made by private, nonprofit organizations on the basis of need and total \$300 or less per household in a federal fiscal quarter.

H. Overpayment Recovery and Underpayments

- 1. Recovery of overpayments from current recipients is accomplished by either recoupment or repayment from the participating household.
- 2. The State will not attempt to recover overpayments from participating households where the overpayment amount is \$35 or less.
- 3. In cases that have both an underpayment and an overpayment, the State elects to offset one against the other in correcting the payment.
- 4. Overpayments are recouped from assistance payments as described below:
 - a. intentional program violation.
 - b. client error or misunderstanding.
 - c. agency error.

Work Related Expenses (WRE) and the Earned Income Disregard (EID) are not deducted in determining overpayment claim amounts for Intentional Program Violation and inadvertent household error claims.

- 5. A report of changes in circumstances that affect eligibility and the amount of payment

is not timely if it is reported later than 10 days after the change occurred.

I. Budgeting

1. The State's time period covered by the payment month is a calendar month.
2. Proration of the amount payable for the month of application is based on a 30 day standard.
3. Cost of child care and incapacitated person care are provided as a combination of cost of care expended by worker up to \$175 (\$200 for a child under age two) per child or incapacitated person and service provided or purchased by agency.

The case manager attempts to arrange purchased child-care for the clients. If unable to provide purchased care for a client with earned income, HHSC allows a dependent care deduction.

4. The agency deducts the first \$120 of earned income for work related expenses.
5. In addition to the \$120 work related expense deduction, the agency disregards 90% of remaining earnings up to a maximum of \$1,400 per person for the first four months of employment. After the fourth month, the agency allows only the \$120 disregard.
6. The agency computes the assistance payment using its best estimate of income that will exist in the payment month as described below:

For prospective budgeting, the agency computes the assistance payment using its best estimate of income that will exist in the payment month. This estimate is based on the agency's knowledge of past and current circumstances and (1) accurately reflects all facts that occurred (whether known or unknown to the State); (2) establishes a specific time frame which the State uses to determine the estimate; (3) is calculated correctly; and (4) remains an accurate reflection of the likely situation in the payment month because no change in circumstances has occurred since the time frame used for the estimate. If the actual case circumstances differ from those used to calculate the estimate, the agency must reconcile the differences by recovering any overpayment or issuing a check to remedy any underpayment.

The following methodology is used by the agency to calculate a best estimate of income:

- a. Evaluate with the client, the household's income and circumstances.
- b. Budget the actual income received as of the interview date. Budget only the income that can be reasonably anticipated for pay periods after that date. If income is ongoing, but the amounts fluctuate, average income from past pay periods.
- c. Verification of at least four consecutive pay periods is required. Methods of verification must be documented.
- d. Evaluate other factors with the client to determine if amounts verified are representative of future amounts.
- e. Average the representative amounts to determine the amount of income to project.

Best estimates are recalculated at each complete review and/or any income change that requires rebudgeting.

7. The following is a description of the prospective budgeting provisions in effect which the State adopted to achieve compatibility with Food Stamps:

The Health and Human Service Commission uses 4 and 1/3 and 2 and 1/6 factors for converting weekly and biweekly income into monthly income to determine eligibility for current and future months as well as determining benefit amounts.

Income is converted to a monthly figure using a conversion factor unless income is received once a month or less than a full month's income is received. If an additional payment is received outside the regular payment cycle, convert the regular payments and add the additional payment to the converted amount.

For new income that is paid semi-monthly, determine the estimated number of hours worked per week; estimate the weekly gross income by multiplying the weekly estimated hours by the hourly wage and multiply the weekly gross income by 4.33. For ongoing semi-monthly income, multiply the regular semi-monthly payment by 2.

8. Spouse-to-Spouse Deeming

When one spouse is included in an assistance unit (AU) while the other spouse is not, even though they are living together, the income of the spouse not in the AU is considered available to the other spouse. The State counts as income to the AU the income of the spouse who is in the home but who is not included in the AU after applying the income allocations and stepparent disregards in 45 CFR Section 233.20(a)(3)(xiv).

- J. The State agency's definition of an unemployed parent who is the principal earner includes a principal earner unemployed because of conduct or circumstances, which result or would result in disqualification for unemployment compensation under the State's unemployment compensation law.

CITATIONS

Protective, Vendor and two Party Payments for Dependent Children

Protective payments are made:

1. For mismanagement cases. The agency does not presume mismanagement based on a recipient's nonpayment of rent.

The following criteria are used by the State in determining mismanagement of the TANF grant:

- nonpayment of rent and/or utilities,
- failure to provide necessary food and clothing for children,
- availability of private or public assistance to supplement assistance from HHSC, or

- the recipient uses the grant on items that are not essential or necessary to meet the family's needs.

2. At the voluntary request of the recipient.

Overpayments To Aliens Where the Sponsor(s) Failed To Provide Correct Information

- A. The agency's uniform statewide policy is that aliens and sponsors admitted under non-binding affidavits of support will be jointly and severally liable for overpayments caused when the sponsor fails to provide correct information. If the sponsor has good cause or receives benefits in the same program in which the alien's overpayment occurred, then the alien alone is liable.

Reimbursement will be requested from the sponsor for aliens admitted under Section 213A of the Immigration and Nationality Act.

- B. The state defines "good cause" as:

Alien provision of incorrect information without the knowledge of the sponsor.

GENERAL PROGRAM ADMINISTRATION

Hearings

- A. Authority

The hearing authority for TANF benefits is: Texas Health and Human Services Commission, the single agency administering the Title IV-A eligibility Program.

- B. The State provides a hearing before our State agency only.
- C. When changes in Federal or State law require automatic payment adjustments for classes of recipients, there is no right to appeal with respect to the adjustment except when the reason for the individual appeal is a challenge of the correctness of the computation of his payment.
- D. Requests for hearings may be in writing, by phone or in person.
- E. Time allowed for claimants to file for a hearing is 90 days from the date of notice.
- F. The State may conduct hearings by telephone except when federal or state law requires the hearing to be in person.

Income and Eligibility Verification System (IEVS)

- A. State Wage Information Collection Agency

The source of State Wage information (used in determining eligibility and the correct benefit amount for applicants and recipients) which is designated as the State Wage Information Collection Agency (SWICA) is the agency administering the State unemployment compensation laws (the Texas Workforce Commission).

B. Requesting and Furnishing Eligibility and Income Information

Approval has not been obtained to use an alternate source(s) of information instead of the one(s) specified.

C. Use of Income and Eligibility Information

The State agency will independently verify information received from the Internal Revenue Service (IRS) by obtaining verification from the applicant/recipient, the source of payment as identified by the IRS, or another collateral source before taking any case action.

D. IEVS Information Items

Because the state emphasizes an upfront fraud and overpayment prevention system which includes: Employee New Hire Report, On-line inquiry into the Texas Workforce Commission system for unemployment compensation benefits and wage information, Data Broker inquiry and Finger Imaging, the IEVS match system acts only as a final detection measure. The State excludes certain IEVS information items from follow-up based on an approved State follow-up plan.

The categories of IEVS information items excluded from follow-up are defined as follows:

1. Interest income matches from IRS that are less than \$50.00 for the tax year.
2. Wage discrepancies from Texas Workforce Commission that are less than \$900.00 per quarter.
3. Unemployment benefit discrepancies from Texas Workforce Commission that are less than \$440.00 per month.
4. Wage matches from the BEERS file that are \$3,600 or less per year.
5. SSA intrastate wage information and interstate wage information except for New Mexico, Oklahoma, Louisiana, and Arkansas.
6. Unemployment information items from IRS.

Analysis in Texas has shown that the State administrative cost for processing all possible referrals is not cost effective. Therefore, criteria were established to focus on cases with high dollar discrepancies or unreported income. Excluding follow-up of the above categories is cost effective as it eliminates as many non-productive matches as possible and obtains high return for the time invested in verifying the information.

Availability of Agency Program Manuals

- A. The State agency makes available its program manuals and other policy issuances to groups, individuals, and the public via the Internet at:

<http://www.dads.state.tx.us/handbooks/TexasWorks/>

- B. Upon request, the specific policy materials necessary for an applicant or recipient, or his representative, to determine whether a hearing should be requested or to prepare for a hearing, are available without charge.

Report of Lost or Stolen TANF Payments

Texas generally issues benefits by EBT. For the small percentage of benefits issued by warrant the IV-A agency does not require that as a condition for issuance of a replacement check, a recipient must report a lost or stolen TANF check to the police or other appropriate authorities.

Non-Discrimination - Methods of Administration

Following is a brief description of methods of administration to assure that the program will be operated in accordance with the requirements of 45 CFR Part 80:

The agreement which provides a description of the methods of administration to ensure that provisions of 45 CFR Part 80 are adhered to was signed by the Commissioner of the Texas Department of Human Resources and the Health and Human Services Regional Civil Rights Manager in 1997. It is on file in the Health and Human Services Regional Civil Rights office in Dallas, Texas.

II. SERVICES TO AT-RISK YOUTH (MOE and Federal TANF)

The Texas Department of Family and Protective Services provides services to children and youth ages 0-17, and their families to reduce risk factors and resolve problems that lead to child abuse and neglect, delinquent behavior, running away or truancy, and preventing children/youth and families from becoming involved in the Juvenile Justice and Child Protective Services systems. Annual family income cannot exceed \$63,000. Services may be provided or purchased, and may include public awareness programs, family crisis intervention, youth and family counseling, and short term residential care. Services cannot exceed 180 days per year, and residential services are limited to 60 days. The program's highest priority is to support children/youth remaining in their homes.

III. FAMILY BASED SAFETY SERVICES (MOE and Federal TANF)

The Texas Department of Family and Protective Services provides services to families at risk of having a child removed from the home and families with whom a child can be reunited. Annual family income cannot exceed \$63,000.

Services include but are not limited to:

- family crisis intervention,
- case management services,
- protective homemaker services, and
- community-based treatment services.

IV. SCHOOL DROPOUT PREVENTION AND INTERVENTION SERVICES (Federal TANF)

Communities In Schools (CIS) is an exemplary youth dropout prevention program administered by the Texas Education Agency. CIS provides services to youth considered at risk of dropping out of school. "At risk of dropping out of school" means any of the following: A student who is at risk as defined by chapter 29.081, section d. and g. of the Texas Education Code, or a student who is eligible for the national free or reduced price lunch

program, or a student who is in family conflict or crisis or who meets delinquent conduct according to section 51.03, of the Family Code. Families of these students are encouraged to be involved with their student's education and may also receive services. Students and families served by CIS may be one or more of the following: a family member or student who is economically disadvantaged, a TANF recipient or TANF eligible or receive or are eligible to receive any of the following: public assistance, Food Stamps, Medicaid, Children's Health Insurance Program (CHIP), or the national free or reduced price lunch program.

CIS provides case management services to keep students in school, to provide opportunity for post secondary education or employment to reduce risk factors such as delinquent behavior, truancy, teen pregnancy, and others. CIS helps youth successfully learn and prepare for self-sufficient, successful adulthood by providing, connecting and/or coordinating services through a six component model:

CIS Six Components

- Supportive Guidance and Counseling
- Health and Human Services
- Family/Parent Involvement
- Career Awareness/Employment Activities
- Enrichment Activities
- Educational Enhancement

V. PRE-KINDERGARTEN EDUCATION PROGRAM (MOE)

The Texas Education Agency provides pre-kindergarten services for eligible children who are four years old and from families who are eligible for the national free or reduced-price lunch program. Pre-kindergarten classes are offered school districts to develop the skills necessary for success in the regular curriculum. Texas Education Code, Section 29.153(a) requires school districts to offer a pre-kindergarten program if the district identifies 15 or more eligible children who are at least four years of age. A student meets the eligibility criteria if he/she:

1. is unable to speak and comprehend the English language;
2. is educationally disadvantaged. "Educationally disadvantaged" pre-kindergarten students are defined by the Agency as students eligible to participate in the national free or reduced-price lunch program;
3. is homeless, as defined by 42 U.S.C. Section 11302;
4. is the child of an active duty member of the armed forces of the U.S., including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. is the child of a member of the armed forces of the U.S., including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
6. is or ever has been in the conservatorship of the Department of Family Protective Services following an adversary hearing held as provided by Section 262.201, Family Code.

A child who is eligible for enrollment in a pre-kindergarten program under numbers 4 or 5 above remains eligible for enrollment if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins a pre-kindergarten class. A school district may, as a local option, offer pre-kindergarten classes if the district identifies 15 or

more eligible children at least three years of age. The program also serves four-year-old children with disabilities who are at least three years of age and eligible to participate in school district special education programs. Texas Education Code, Section 29.009 requires school districts to notify parents or guardians of children with disabilities of the availability of preschool programs for these children.

Funding for pre-kindergarten program services may be used to employ teachers and other personnel and to acquire scientifically research-based curriculum materials and equipment, including computers and other expenditures to develop plans and models related to pre-kindergarten instructional services.

VI. EMERGENCY ASSISTANCE (Federal TANF)

The Texas Department of Family and Protective Services provides any service for which the State previously was authorized to use IV-A or IV-F funds under prior law, as in effect on September 30, 1995, as clarified by the State's 1997 plan amendment.

VII. EARLY CHILDHOOD INTERVENTION (Federal TANF)

Early Childhood Intervention Services (ECI) are administered by the Texas Department of Assistive and Rehabilitative Services. ECI is responsible for implementing an early identification system that ensures all infants and toddlers eligible for ECI services are identified, located and evaluated. ECI provides an array of family support and developmental services to ameliorate the developmental delay and to support and educate families to help their children reach their full potential.

ECI services are available to families of children from birth to three years of age with disabilities or developmental delays. Federal TANF funds some of the non-medical expenses for ECI children and their families with an annual family income of less than \$63,000.

VIII. KINSHIP CARE PILOT (Federal TANF)

Effective 9/1/2003 – 2/28/2006

The purpose of the Region 11 Kinship Care Pilot is to identify and test an innovative method of supporting children in the conservatorship of the Department of Family and Protective Services (DFPS) who have been placed by the Department with relatives. The goal is for the kinship family to meet the development and permanency needs of children who have been placed in foster care.

Services

One time integration payment of \$1,000 per sibling group

The purpose of this payment is to provide the relative caretaker with the ability to purchase beds, bedding, clothing and other necessary items. This payment is provided once to each sibling group. No additional payments will be made if the sibling group moves to the home of another relative.

Flexible support payments up to a maximum of \$500 per year

The purpose of this payment is to reimburse the relative caretaker for expenses such as summer school tuition, tutoring, school supplies, school activities, car insurance fees for adolescents, and necessary expenses as approved by the Assistant Commissioner of Child Protective Services or designee.

Eligibility

Kinship (relative) caregivers are unlicensed caregivers whom the court has approved for a child's placement. Caregivers must be related to the child by blood, marriage, or adoption within the 5th degree.

Annual income of the kinship caregiver may not exceed \$63,000.

If the kinship caregivers are the child's grandparents, the grandparents must first demonstrate that they do not meet the criteria for receiving a one time supplemental payment under the existing Temporary Assistance for Needy Family Grandparent Payment program.

Service Limits

The DFPS integration payment is a one-time benefit and is provided to facilitate the transition of the sibling group. The benefit is not available on a per child basis.

Flexible support payments are available to enhance the ability of the kinship caregiver to provide for the sibling group placed in their home. This benefit is limited to \$500 per family,

is not available on a per child basis, and may not be used to support the birth or adopted children of the kinship caregiver family.

IX. ADULT EDUCATION FOR TANF RECIPIENTS (MOE and Federal TANF)

The Texas Education Agency (TEA) provides basic skills training and education for current and former TANF recipients. These recipients are required to participate in adult education and job training programs as a condition of eligibility. The overall purpose of the program is to move TANF recipients into self-supporting employment, thereby reducing the number of long-term welfare recipients. Families that include a child living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following form of assistance: Food Stamps, Medicaid, Children's Health Insurance Program, Child Care and Development Fund or Free or National School Lunch Program.

TEA also serves individuals who are attempting to avoid welfare. Such services may include job preparation skills and other educational services that will enable individuals at risk of needing TANF benefits in the future to remain financially independent.

**X. BIG BROTHERS BIG SISTERS AMACHI PROGRAM (Federal TANF)
Mentor Services for At-Risk Youth (Federal TANF)**

Big Brothers Big Sisters (BBBS) Amachi program is administered by the Texas Education Agency. BBBS provides one-to-one mentoring for youth ages 6 – 14 whose parents or family members are incarcerated or recently released from the prison system. The mentoring is provided through community based, school based and/or school plus initiatives.

The at-risk children and youth served by BBBS share many of the same life factors such as living in a high crime area, living in a single-parent/caregiver home, experiencing a variety of physical and psychological abuse, living in poverty, economically disadvantaged, living with a parent or family member who is or has been recently incarcerated and living in an everyday environment riddled with criminal activity and substance abuse. BBBS mentoring services change lives by enriching, encouraging and empowering children to reach their highest potential through safe, positive mentoring relationships. Each mentor relationship is managed by a professionally educated and trained staff that monitors and assists the relationship for its duration.

XI. CHILD CARE (MOE)

Childcare services are administered by the Texas Workforce Commission.

- To allow parents, when placing their child in care, to choose from a variety of child care providers including licensed centers, regulated family homes and care by a relative in the child's own home or in the relatives home;
- To assist applicants, recipients, non-recipient parents and former recipients of TANF cash assistance to maintain or transition toward self-sufficiency through the provision of child care subsidies that enable them to work or participate in education or training; and
- To prevent future dependency through early physical, emotional, social and intellectual development of children who are applicants and current or former TANF recipients and who are an integral part of the states future workforce.

Texas counts eligible childcare expenditures used as maintenance of effort for the Child Care and Development Fund as MOE for TANF up to the statutory limit.

XII. SELF-SUFFICIENCY and ON-THE-JOB TRAINING (MOE and Federal TANF)

The Texas Workforce Commission provides workforce services to individuals to assist with their training and employment needs. Eligible individuals are those parents including non-custodial parents whose annual wages do not exceed \$37,000. Services include those provided by Self-Sufficiency programs, as well as other on-the-job training services such as those provided by apprenticeship programs. Self-Sufficiency programs provide training for targeted employment for TANF recipients as well as those at risk of becoming dependent on public assistance. Self-Sufficiency services that focus on customized job training and necessary support services are provided through consortiums of business and business consortiums in partnership with a public community or technical college.

XIII. PREGNANCY SUPPORT PROGRAM (Federal TANF)

The Health and Human Services Commission pursuant to Section 50 Special Provisions Article II, H.B.1 (The General Appropriations Act) 79th Legislature, 2005, effective September 1, 2005 provides support services to Texas women promoting childbirth. The comprehensive services offered include, but are not limited to, the following specific services: Information and counseling regarding pregnancy, fetal development, childbirth, childcare, parenting, and adoption; Mentoring services related to parenting and life skills; Referral to other services available to support pregnant females and childbirth, including neonatal health care services; Promotion of public awareness of other resources that support childbirth; Programs to provide or assist expectant parents and their unborn children to obtain certain goods and services including, pregnancy test kits, cribs and car seats, maternity and baby clothes, and temporary child care.

XIV. RELATIVE CAREGIVER REIMBURSEMENT PROGRAM (Federal TANF)

Effective 9-01-2005

The Relative Caregiver Reimbursement Program is an array of services dedicated to promote continuity and stability for children in the conservatorship of DFPS. The program includes support services and limited financial assistance for eligible caregivers who assume care giving responsibility for children in DFPS conservatorship.

Services

Initial, one- time integration payment of not more than \$1,000 per sibling group placed after March 1, 2006:

The purpose of this payment is to defray the costs incurred by the caregiver for essential childcare items at the time of placement such as beds, bedding, clothing and other necessary items. This payment is provided once to each sibling group. No additional payments will be made if the sibling group moves to the home of another relative

Flexible support payments up to a maximum of \$500 per child per year:

The purpose of this payment is to reimburse the caregiver for expenses such as summer school tuition, tutoring, school supplies, school activities, car insurance fees for adolescents, and necessary expenses as approved by the Assistant Commissioner of Child Protective Services or designee.

Eligibility

- Youth who are in the conservatorship of DFPS and the caregivers of the children who meet the eligibility requirements set by DFPS.
- The caregivers are unlicensed caregivers whom DFPS has approved for a child's placement. Caregivers must be related to the child by blood, marriage, or adoption within the 5th degree.
- Annual household income of the caregiver or a caregiver who is subsequently appointed as permanent managing conservator must not exceed 300% of poverty, as determined by federal poverty guidelines.

- The caregiver or caregiver who is subsequently appointed as permanent managing conservator must be a resident of Texas.
- If the caregiver or caregiver who is subsequently appointed as permanent managing conservator is the child's grandparent, the grandparent must first demonstrate that they do not meet the criteria for receiving a one-time supplemental payment under the existing Temporary Assistance for Needy Family Grandparent Payment program.

Service Limits

The ***initial integration payment*** is a one-time benefit and is provided to facilitate the transition of the sibling group. The benefit is not available on a per child basis or to subsequent placements. This payment is only available to children placed after March 1, 2006.

Annual flexible support payments are available to enhance the ability of the caregiver to provide for each child placed in their home. This benefit is limited to \$500 per child annually, and may not be used to support the birth or adopted children of the caregiver family. This payment is available to caregivers; however, reimbursement is limited to expenses incurred after September 1, 2005.

Caregivers subsequently appointed as permanent managing conservators are eligible for the annual flexible support payment of up to \$500 per child for up to three additional years after the appointment or until the youth's 18th birthday, whichever comes first.

APPENDIX C

Assignment of Rights to Support and Cooperation in Establishing Paternity and Securing Support.

- A. Assignment - An assignment by operation of State law that is cited as 231.104 of the Texas Family Code is utilized.
- B. Claiming good cause - Every applicant or recipient is given written notice of the right to claim good cause for refusal to cooperate with child support requirements and of all the requirements applicable to a good cause determination.
- C. Determination - The State or local agency's determination as to good cause is made within a time standard of 45 days from the day the good cause claim is made.
- D. If the State or local agency has found that good cause exists, it does not make a determination of whether child support enforcement could proceed without risk of harm to the child or caretaker relative if the enforcement or collection activities would not involve their participation. Also, the IV-D agency will not attempt to establish paternity or secure support.

Notice to Child Support Agency

- A. The IV-A agency provides written notice to the IV-D agency within two working days of furnishing the aid or the determination that an individual is a TANF recipient.

- B. Prompt notice is a written notice containing all relevant information from the case record as prescribed by the child support agency.

APPENDIX D

Fraud Control

- A. The State operates a TANF fraud control program pursuant to requirements under section 402(a)(6).
- B. The State disqualifies individuals found to have committed an intentional program violation(s) based on findings of administrative disqualification hearings and findings of prosecution or court actions.
- C. For situations in which a State has imposed a disqualification penalty when there is another program sanction in effect, the State opts to run the disqualification penalty concurrently with the other program sanction.

ADMINISTRATIVE DISQUALIFICATION HEARINGS

The Office of Inspector General (OIG) will refer less flagrant cases of suspected intentional program violation to administrative disqualification hearing officers, with a recommendation for disqualifications. If a household member accused of the intentional program violation does not wish to attend a hearing, he or she will be allowed to waive that process, with or without any admission of guilt. The waiver, signed by the client, includes statement of client's rights, responsibilities and all requirements of an advance notice of disqualification hearing except the date, time, and place of the hearing. If a member declines the waiver or accepts the waiver and changes his mind within 7 workdays, a disqualification hearing will be scheduled. The member will then be notified in writing that a hearing has been scheduled and the date, time and place for his appearance. If the hearing is waived or the hearing officer decides an intentional program violation occurred, disqualification will occur and the member will be required to repay the over-issuance. We will continue to refer the more serious felony cases to local prosecutors.

TANF and food stamp cases will be coordinated for administrative disqualification hearings and prosecution when the factual issues arise from the same or related circumstances. TANF fraud penalties for intentional program violations committed on or after September 1, 2003 are:

- Individuals found to have committed an intentional program violation in the TANF programs either through an administrative disqualification hearing or who have signed a waiver of right to an administrative disqualification hearing will be disqualified for 12 months for the first

intentional program violation determination and permanently for the second intentional program violation determination.

- Individuals convicted of a state or federal offense for conduct that constitutes an intentional program violation, or if the person is granted deferred adjudication or placed on community supervision for that conduct, will be permanently disqualified from receiving financial assistance.

The Office of Inspector General (OIG) will pay probation departments for collection of fraud claims.

List and description of the verification measures utilized by the State to detect fraudulent applications for TANF prior to the establishment of eligibility for such assistance.

A. Notice of Application (NOA) Process - Automated

Once an application is filed, the household members listed on the application are checked through the Department's main files using an automated match process to ensure they are not already on an active case or have already received benefits on a denied case. The matches are done by checking the social security number, name and date of birth for each member listed on the application.

B. Department eligibility staff also use the following automated match systems to establish eligibility:

1. Social Security's SDX files if the applicant indicates on the application that they are receiving Supplemental Security Income (SSI) to determine the amount being received and if they are receiving RSDI.
2. U.S. Citizenship and Immigration Service's Systematic Alien Verification for Entitlements (SAVE) Program to determine if the alien status of required family members listed as non-U.S. citizens is acceptable.

C. Verification of information provided on the application and obtained during the interview.

Verification of all eligibility information provided on the application form or obtained during the face-to-face interview is completed through documentary evidence or collateral statements prior to determination of eligibility. Verification includes age, relationship, and domicile for all certified children. Other required verification includes resources, nonexempt income (including lump sums), unpaid medical bills, third-party resources, and alien status.

Included in the worker's handbook is a section, "Questionable Information". This list identifies additional situations that require verification when circumstances are questionable. Home visits are also used to verify information if necessary before the certification process is completed.

D. Investigative Interviewing Techniques

Eligibility staff is trained to do investigative interviewing. Training session trainees spend time learning the principles of conducting in-depth interviews. These principles will assist them in the gathering of required information needed to determine the applicant's eligibility.