Overview of Temporary Assistance for Needy Families

Roles and Responsibilities

The Temporary Assistance for Needy Families (TANF) program is administered by the Administration for Children and Families (ACF), United States Department of Health and Human Services (HHS). The four purposes of the TANF program are:

- Help needy families so that children can be cared for in their own homes or in the homes of relatives.
- End the dependence of needy parents on government benefits by promoting job preparation, work and marriage.
- Prevent and reduce out-of-wedlock pregnancies and
- Encourage the formation and maintenance of two-parent families.

Each state is required to administer a TANF program by determining eligibility for TANF benefits and providing support and services for TANF recipients to engage in employment and training activities. The goal is for families to be become independent of the need for cash assistance.

In Missouri the TANF program is called Temporary Assistance (TA). The Family Support Division (FSD) within the Department of Social Services (DSS) administers TA by processing applications for benefits and determining eligibility. In addition, the FSD administers the Missouri Work Assistance (MWA) program by contracting with providers to provide job preparation, work, and support services so that children can be cared for in their own homes.

State and Federal Laws and Regulations

Federal and state regulations govern the TA program. The legal basis for program administration and eligibility determination for individuals is set forth in Title IV-A of the Social Security Act (42 U.S.C §601, et seq.), Title 45 Chapter II Sections 260-265 (45 CFR Part 260-265), RSMo Chapter 208, and Title 13 Code of State Regulations Division 40 Chapter 2 (13 CSR 40-2.010-2.450). The statutory authority for Rules and Regulations of the Family Support Division is set forth in Section 207.020, RSMo.

Eligibility criteria includes, but is not limited to, a child under the age of 18 in the home with a verified relationship between the payee and child(ren) or the child is attending high school (or equivalent) and is expected to graduate before age 19, citizenship or eligible noncitizen status, household composition, Social Security numbers, resources under $1000 for applicant families and $5000 for participant families who have entered into a self-sufficiency pact, and income under the gross and net maximums.

Funding

Benefits are a combination of federal and state funds. Federal funds are received through the TANF block grant. Federal regulations require that each state have a Maintenance-of-Effort (MOE) of at least 80 percent of State's historic state expenditures. If a state does not meet its MOE requirements in any fiscal year, the federal government will reduce dollar-for-dollar the state's federal TANF grant in the following year. The state MOE includes a portion of expenditures on the TANF cash grant as well as expenditures from other programs that meet one of the four purposes of TANF.

Eligibility Periods

Once approved, a TA recipient can continue receiving TA cash benefits as long as they meet the eligibility criteria. Benefits are limited to 45 months unless the parent or legal guardian is a teen parent under age 18 attending school, is age 60 or over, is disabled, or is needed in the home to care for a disabled family member.

Hardship extensions to the 45-month lifetime limit are explored for reasons of domestic violence, substance abuse, mental health, active in Children's Division, family crisis, or pending disability determination.

Once a TA application is submitted, FSD verifies:

- Income,
- Resources,
- Age of the child(ren),
- Relationship of the child(ren) to the payee,
- Child(ren) living in the home of the payee,
- Status of any noncitizen that provides documentation (individuals can decline to provide documentation, but then cannot receive benefits for themselves), and
- Social Security numbers.

At annual review, FSD verifies income and resources. For any new household members, FSD verifies all the information above.

If TA benefits are misused, a protective payee may be assigned. Misuse is defined as the payee spending the grant primarily for their purposes and use rather than for the children's necessities. There are several ways FSD may learn of possible misuse, including but not limited to:

- Voluntary reports,
- Anonymous calls,
- Community calls,
- Law enforcement reports, and
- Other government agency reports.

TA Cash Diversion

TA Cash Diversion is a single lump sum benefit an applicant may opt to receive instead of a monthly TA grant. This payment is intended to resolve a one-time financial need and to prevent the household from becoming dependent on monthly benefits.

To be eligible for a TA cash diversion, all other TA eligibility factors must be met, including the lifetime limit.

TA cash diversion payments do not count toward the TA lifetime limits and may only be received once in a 12-month period and five times in a lifetime.

Applications

TA applications can be submitted online, mailed, or dropped off at any FSD Resource Center. A face-to-face interview is not required before the application is approved. A face-to-face interview is not required during the annual review or to add a new household member to an active TA case.

Residency

Individuals who are currently residing in Missouri may be eligible for TA in Missouri. To be eligible, the household must live in the state voluntarily, with the intent to make a home here, not for a temporary purpose.

Drug Testing Requirements

- Missouri law requires the FSD to screen TA head of households, age 18 or older, for illegal use of controlled substances at every application.
- If the participant refuses to cooperate in the drug screening, testing, or treatment process, they are ineligible for TA for themselves for three years.
    1. The TA participant may be required to take a drug test:
        - They will receive a letter from the drug testing vendor telling them where and when to complete the drug test.
        - If they do not show up for the appointment or do not complete the drug test, they are disqualified from receiving TA benefits for themselves for three years.
    2. The TA participant can volunteer for substance abuse treatment instead of taking a drug test:
        - If they are using illegal drugs, they can agree to go to treatment right away.
    3. If the TA participant tests positive for illegal drug use:
        - They must agree to join, participate, and successfully complete a substance abuse treatment program through the Department of Mental Health (DMH) or they will be disqualified from receiving TA for themselves for three years.
    4. If a TA participant is referred to a drug treatment program:
        - The DMH will contact them to assess the need for treatment.
        - If they do not show up for treatment or do not complete the treatment, they are disqualified from receiving TA for themselves for three years.
    5. A protective payee is required for all TA drug-policy disqualifications:
        - They must choose a protective payee to receive the TA benefit for the rest of the household.
        - If they do not choose a protective payee, the FSD will choose this person.

Ongoing Drug Test Referrals

Identifying information for TA participants who are age 18 or older and the head of the household are submitted for a quarterly match with records from the Missouri State Highway Patrol (MSHP).

1. The FSD will send the name to the MSHP.
2. The MSHP will match the name with their records.
3. The MSHP will send the FSD information on drug-related arrests or convictions within the last 12 months.
4. If the TA participant had a drug related arrest or conviction, they will be referred for drug testing.
5. The drug testing vendor will send a notice informing them where and when to complete their drug test.
    - If they test positive, they must agree to join, participate, and successfully complete a substance abuse treatment program through the Department of Mental Health (DMH) or they will be disqualified from receiving TA for themselves for three years.
    - If they are referred to a drug treatment program, the DMH will contact them to assess their need for treatment. If they do not show up for treatment or do not complete the treatment, they are disqualified from receiving TA for themselves for three years.
6. If they do not show up for the appointment or do not complete the drug test, they are disqualified

from receiving TA for themselves for three years.

TA Participants Required to Enter & Complete Substance Abuse Treatment Programs

TA participants referred to a treatment program will be assessed for appropriate level of care and an initial treatment plan. TA participants must actively participate in the substance abuse treatment program and must:

- Complete the assessment.
- Enroll in approved substance abuse treatment program assigned by DMH.
- Consent to communication between and among the treatment provider, FSD, and DMH personnel about participation and progress in substance abuse treatment.
- Participate in the development of an individual treatment plan.
- Make satisfactory progress in the individualized treatment plan.

The DMH will inform FSD of the date the TA participant entered the substance abuse treatment program, the name of the facility, and the date they completed the program or were discharged if not completed.

Assignment of Protective Payee

A TA participant head-of-household who becomes ineligible for benefits will have a protective payee assigned to administer the TA benefits within 45 days of the administrative hearing or when a new protective payee must be designated. Assignment of a protective payee is required any time a TA head-of-household is sanctioned due to failure to cooperate with drug policy requirements, requests a protective payee, or demonstrates a misuse of TA benefits.

A qualified protective payee must be:

- Over the age of 21.
- Able to read, write, and willing and able to act in an administrative capacity to handle funds, manage records, and account for the use of funds on behalf of another person.
- Must always keep their current residence and mailing address on file with FSD and keep the TA participant and other household members informed of their current address and contact information.

Administrative Hearing

A TA applicant or participant is notified in writing that they have the right to request an administrative hearing with the FSD anytime they disagree with a decision made, including but not limited to: application denial, reduction in benefits, case closure and disqualifications.

Participant Responsibility

Responsibilities of the TA participant include:

- Apply for benefits.
- Complete a TA Orientation.
- Complete a Personal Responsibility Plan.
- Cooperate with FSD to complete the application process.
- Register with the state employment website at jobs.mo.gov.
- Provide verification as requested.
- Provide all information necessary to determine eligibility.
- Cooperate with drug screening.
- Cooperate with drug testing and treatment as required.
- Report changes as required.

- Complete reviews as required.
- Cooperate with FSD in determining ongoing eligibility when changes are reported.
- Cooperating with Child Support Enforcement (CSE) requirements, unless good cause is claimed and
- Meet work requirements, unless exempt or excluded.

Penalties for Non-Cooperation with Child Support

TA applicants and participants must cooperate with CSE in establishing paternity, or establishing, modifying, or enforcing a support order or the TA grant will be reduced by 25%. The participant may be granted good cause for not cooperating with child support if the participant can prove this would be physically or emotionally harmful to themselves or the household member child(ren).

Penalties for Non-Participation in Employment and Training Activities

TA participants who do not meet an exemption or exclusion is required to meet with a Missouri Work Assistance (MWA) contractor. The employment and training activity required hours and sanctions for non-cooperation are discussed at this meeting to ensure the TA participant understands what they must do to continue receiving TA.

If the TA participant does not comply with the MWA work requirements within 10 weeks, the TA grant is reduced by 50%. During the next ten weeks, the TA participant must complete an average of 30 hours weekly for 4 consecutive weeks or a full family sanction will be imposed, and the TA case will close.

When a TA case is closed due to non-compliance with work activities, the household must meet all eligibility requirements including registering with jobs.mo.gov and 30 hours of work activity for at least one week before the sanction will be lifted and benefits issued. Prior to approval, participant will be required to resolve non-compliance with MWA.

Electronic Benefits Transfer (EBT) Cards

TA participants can access benefits with an Electronic Benefits Transfer (EBT) card. It is used with a Personal Identification Number (PIN) at a Point of Sale (POS) device or an automatic teller machine (ATM). TA benefits issued on an EBT card are restricted at specified establishments and for certain purchases. The law prohibits use of TA benefits issued on an EBT card in any:

- Liquor store,
- Casino, gambling casino, or gaming establishment,
- Retail establishment that provides adult-oriented entertainment, or
- Place or for any item that is used by adults 18 or older and is not in the best interest of the child(ren) or household.

The following items are prohibited for purchase with an EBT card:

- Lottery tickets,
- Alcohol,
- Tobacco products, or
- Any item that is primarily marketed for or used by adults 18 or older and is not in the best interest of the child(ren) or household.

TA participants who make an EBT purchase in violation of the federal and state laws related to EBT transactions shall reimburse the Department of Social Services for such purchases.

Direct Deposit

Participants may also access their TA benefits through direct deposit. With direct deposit, FSD deposits cash benefits into a personal bank account instead of using the EBT card.

Benefits of choosing direct deposit include:

- Providing private control of money in their account.
- No worry over an aged benefit.
- The ability to add money to the account.
- Privacy on how cash benefits are spent.
- The ability to pay bills electronically.
- Lower costs with no charge for using their ATM card to withdraw cash at the bank.

Interim Contacts

Participants are required to report changes to their address, income or employment, household members and resources within 10 days. An absence of a child or parent expected to last more than 90 days must be reported within 5 days of learning of the absence. FSD acts on reported changes as well as changes that are reported through other sources, such as wage matches, Social Security matches, etc.

Out of State Use of Benefits

Benefits may be used out of state; however, if a TA participant does not use their EBT card in the State of Missouri for 60 days, they will receive a letter informing them that failure to use their EBT card within the next 30 days in Missouri will results in their TA benefits being suspended and unavailable pending an investigation until their Missouri residence can be verified. If it is not verified, or it is determined that they are no longer a Missouri resident, the TA case will be closed.

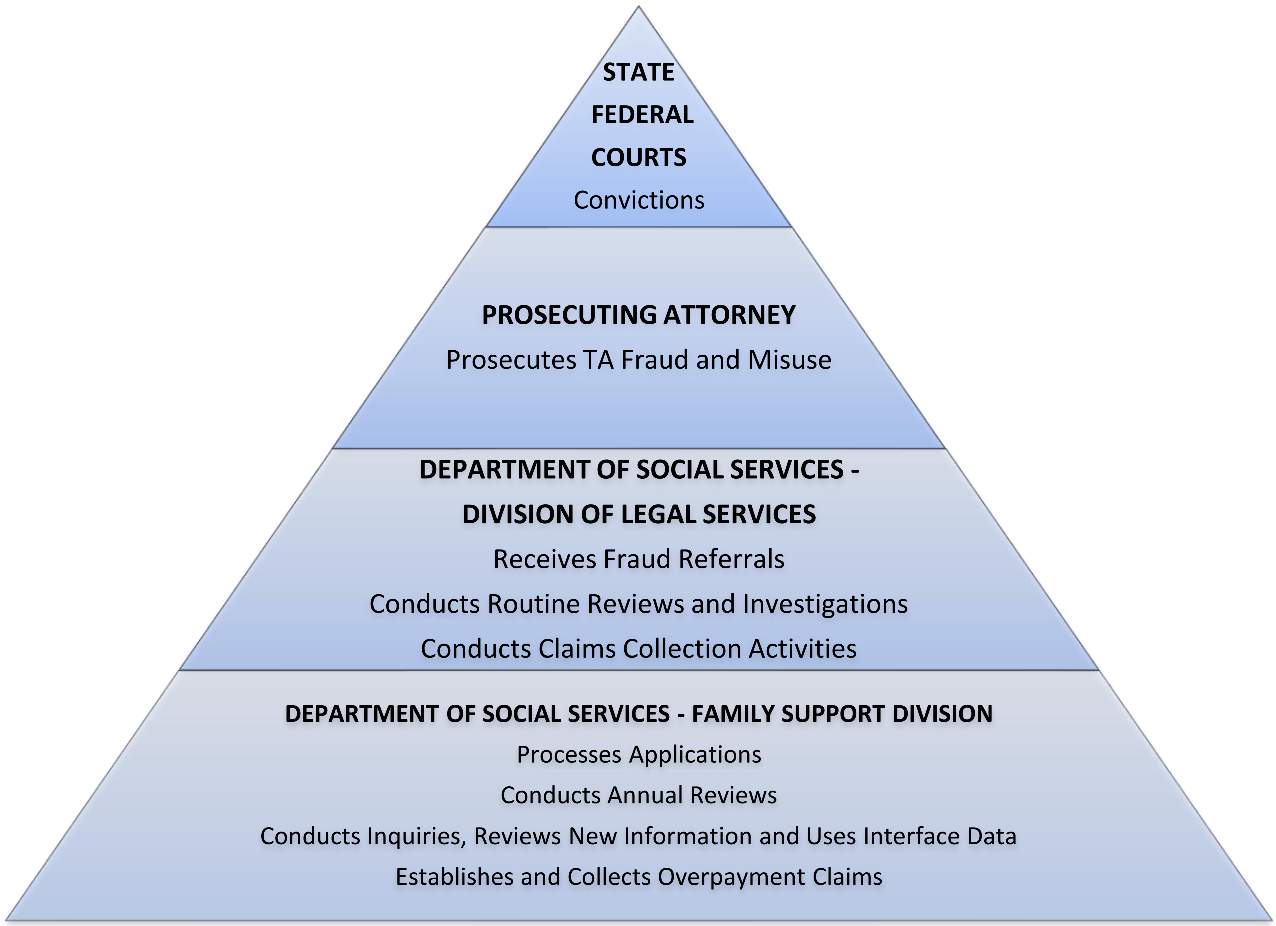
The TA participant has the right to request a fair hearing if they believe the findings of the investigation are false.

Hearing Requests

Participants who disagree with a decision made by the FSD may request a Fair Hearing where an impartial hearing officer determines if the action was correct. FSD reviews cases when a hearing is requested to resolve any issues that may exist and explain the case action to the participant prior to the hearing, whenever possible.

Monitoring Usage of Benefits

There are several lines of defense in determining and combating fraudulent use and application for TA benefits. The agencies involved and their specific roles are provided in the diagram below.



Temporary Assistance Program Over-Payments

Claims are established when a household receives TA benefits, they were not eligible for. Overpayments can occur due to undeclared income or property, using EBT cards for prohibited purchases or at restricted locations, or due to a FSD error. The amount of the claim is computed by determining the number of months of overpayment and the amount of overpayment for each month.

When an overpayment appears to be the result of fraud, it is referred to the Welfare Investigation Unit (WIU).

Welfare Investigation Unit (WIU)

The Department of Social Services (DSS), Division of Legal Services' Welfare Investigation Unit (WIU) is divided into five regions having offices in Independence, Jefferson City, St. Louis, Springfield and Sikeston. The WIU investigates employee threat referrals from all divisions of DSS, but primarily investigates allegations of recipient fraud and abuse involving the various DSS public assistance programs including but not limited to:

- Food Stamps,
- TA,
- Blind Pension,
- Child Care,
- MO HealthNet (MHD),
- Energy Assistance and
- Complaints of EBT trafficking.

Eligibility Fraud and Abuse

The majority of investigations of eligibility fraud involve FS and TA benefits. Most of these investigations are referred to the WIU by the FSD. Referrals are also received from various means including:

- Daily reports generated by FSD listing overpayments that clients have received,
- Other FSD requests to obtain needed information to establish a claim,
- Individuals reporting fraud by calling the DLS Welfare Fraud Hotline at (877) 770-8055, or by e-mailing complaints to DLS.ReportFraud@dss.mo.gov and
- Letters, legislative referrals, and information obtained through other state agencies as well as local, state or federal law enforcement agencies.

Eligibility Fraud Cases

The typical eligibility fraud case involves the TA recipient's failure to report income, assets, employment, or changes in household composition that result in an overpayment of benefits. When an investigator initiates an investigation regarding allegations of eligibility fraud or similar cases, the following investigation steps include, but aren't limited to:

- Review the FSD case file.
- Communicate with the FSD eligibility specialist.
- Gather appropriate documentary evidence.
- Conduct interviews and
- Write a report that either proves or disproves the allegation.

If the subject is currently receiving TA benefits, recoupment (grant reductions) is initiated.

Electronic Benefit Transfer (EBT) Fraud

The United States Department of Agriculture (USDA) has primary jurisdiction for pursuing cases of retailer EBT fraud. WIU will assist the USDA by analyzing EBT card usage to detect suspected cases of retailer fraud and, in some instances; WIU will independently pursue cases of suspected recipient EBT fraud as well.

Prosecution

An investigation can be presented to the local prosecuting attorney or in some instances, the United States Attorney. It is at the discretion of the prosecutor whether charges will be filed.

In some instances, the local prosecutors use prosecutorial deferment and collect monthly payments of the fraudulent claim. WIU is notified and communicates with prosecutors to ascertain the progress of each case submitted and to determine if or when the prosecutor will proceed on the case.

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