

# CENTRAL VIRGINIA LEGAL AID SOCIETY, INC.



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## Temporary Assistance for Needy Families (TANF)

### Who can get TANF?

TANF is for needy families with children. To qualify, your family must meet these rules.

- Your family must include a child who is a U.S. citizen, or eligible immigrant, and at least one adult relative of the child. A child must be under age 18, or if 18, will graduate from high school before age 19.
- Your family must be needy.
- Your family must meet “good conduct” requirements.

Your family must cooperate in obtaining child support. If your family includes a parent of a child receiving TANF, in most cases the parent must comply with work requirements. Other “good conduct” requirements may affect the amount of your family’s TANF check but do not disqualify your entire family. These involve school attendance, childhood vaccinations, drug felony convictions, and children born while their mother was receiving TANF. The TANF “good conduct” requirements don’t affect your family’s eligibility for Medicaid.

### Which immigrants qualify for TANF?

Most legal immigrants who entered the U.S. before August 22, 1996 can get TANF. Most immigrants admitted to the U.S. on or after August 22, 1996 for humanitarian purposes, such as refugees or people granted asylum, also can get TANF. Most lawful permanent residents who entered the U.S. on or after August 22, 1996, can’t get TANF until they have lived in the U.S. for five years after entering the country, become U.S. citizens, or have 40 quarters of work.

### When is a family needy?

Your family must have income, after certain deductions, below the maximum TANF payment for families of the same size in the locality where your family lives. There are no limits on the value of the resources your family can own and still get TANF

### Can a minor parent get TANF for herself and her child?

If she is not living with her mother or father, a minor parent may get TANF for herself and her child, if she lives with a relative or other adult acting in place of her parents.

### **What must a family do to cooperate in getting child support?**

In general, mothers must *identify* a child's father, or the men who may be a child's father. They are not required to *locate* them. Mothers required to identify a child's father must provide his first and last name, and any 3 of 16 items, such as the father's race, occupation, schools attended, make and model of father's car, or places of social contact between the child's mother and father. The information provided need not be current.

### **What are the exceptions to the identification requirement?**

If an applicant for TANF does not know the identity of a child's father, her family still may be eligible for TANF in these cases.

- The applicant is not the child's mother.
- The child was born before May 1, 1996.
- The child was conceived due to rape or incest.
- The applicant cannot provide the information because of mental incapacity.

### **What are the exceptions to the cooperation requirement?**

If you believe you or your child will be harmed physically or emotionally if the Division of Child Support Enforcement (DCSE) tries to establish paternity or collect child support, you have the right to claim good cause for not cooperating. You make your claim on a "Notice of Cooperation and Good Cause." If you make the claim, DCSE must stop the paternity or child support case until your claim is decided. If your claim is rejected, you must be allowed to close your TANF case, rather than allowing DCSE to pursue paternity or child support.

### **What is the school attendance requirement?**

To get TANF, a child must comply with Virginia's compulsory school attendance law. This is determined by the local school division, not by the Department of Social Services (DSS). In general, a child is out of compliance and truant from school if all these things are true.

- Your child fails to report to school for 3 consecutive days, or for a total of 5 scheduled school days per month, or for a total of 7 scheduled school days per school calendar quarter.
- No indication has been received by the school that the child's parent or guardian is aware of the absence
- A reasonable effort by the school to notify the parent or guardian has failed.

The parent of a truant child must have the opportunity to work with the Department of Social Services (DSS) to mutually develop a plan to get the child back in school before any sanction.

### **What is the childhood vaccination requirement?**

To get TANF, your child must have all vaccinations required by state law. There are

exceptions to vaccination requirements based on a parent's religious beliefs or a doctor's certification that vaccination would be harmful to the child's health. No sanction may be imposed until the reason for not being immunized has been identified and barriers to being immunized have been removed.

### **What is the requirement about drug felony convictions?**

A person convicted of a drug felony for a crime that occurred after August 22, 1996, is not eligible for TANF. However, other members of the family are eligible for benefits.

### **What is the "family cap" or a "capped child"?**

In general, a child born while the mother was receiving TANF is not eligible for TANF, unless one of these things is true.

- The child's mother was a minor at the time of the birth.
- The child was conceived due to rape or incest.
- The child lives with a relative other than his or her parent.

The disqualification from TANF, while living with a parent, lasts until the child reaches age 18. The income (including child support) of a disqualified child is not considered in determining whether the other members of the family can get TANF. Children subject to the family cap can receive TANF while living with another relative.

### **What are the work requirements or VIEW (Virginia's Initiative for Employment not Welfare)?**

You must participate in VIEW unless you meet one of these exceptions.

- You are under the age of 18, or are 60 years of age or older
- You are between 18 and 19, and enrolled in school full-time.
- You are disabled.
- You are the sole caregiver of a disabled household member.
- You are the parent or primary care giver of a child under 18 months.
- You are a pregnant female in the 4<sup>th</sup> through 9<sup>th</sup> month of pregnancy
- You are a caretaker or relative who is not the natural or adoptive parent

You must sign an Agreement of Personal Responsibility saying you will participate in work activities. If you are unable to get employment within the allotted time, you will be placed in community work experience. If you fail to comply with a work activity you may be sanctioned.

### **Is there a defense to sanctions?**

If you have good cause for not complying with a VIEW program requirement, you will not be sanctioned this was due to something outside your control. This includes these things.

- Family or personal illness.
- Lack of transportation.
- Lack of child care.
- Personal emergency.
- Domestic violence.
- Unsafe, unhealthy, or dangerous working conditions.

### **What types of supportive services are provided to VIEW participants?**

Needed child care, transportation, and vocational training, such as computers, GED classes, and driver's education must be provided. If child care or transportation is needed but not available, you can't be required to participate in VIEW or to keep employment. A VIEW participant must put on inactive status if DSS determines transportation is unavailable, or DSS can't arrange needed child care. Any month on inactive status does not count toward a VIEW participant's 24 month time period.

### **How long can a person participate in the VIEW program?**

You can be in the VIEW program up to 24 months. These do not have to be consecutive. After 24 months, you no longer can get TANF. You can get 12 more months of assistance for day care and transportation.

### **What are the exceptions to the 24 month time limit?**

- The 24 month time limit does not apply to TANF families that do not include a child's parent, or do not have to participate in VIEW.
- A child who leaves his/her parent's TANF assistance unit before the parent's last month of TANF eligibility (before the 24<sup>th</sup> month) can get TANF while living with another relative.
- There are hardship exceptions to the 24 month time limit.

### **How do I get a hardship exception to the 24 month time limit?**

You must submit an application for a hardship exception during the 60 days before the end of the 24 month time period. You may get a one time 12 month extension if you are in school or training. You may get a renewable 90 day extension if you can't find work. You may get a renewable 12 month extension if you live in an area of high unemployment. You must submit an application for an additional extension during the 60 days before the end of the extension period.

If you are sanctioned even one time for not participating in VIEW, or for leaving VIEW employment, you are not eligible for any hardship exception to the 24 month time limit. If you are sanctioned twice for any reason, you are not eligible for any hardship exception to the 24 month time limit.

### **How do I apply for TANF?**

You apply for TANF at your city or county's Department of Social Services (DSS). You have the right to apply the same day you go into the office. The agency has 45 days to make a decision on your application.

### **How do I appeal a TANF decision I disagree with?**

If TANF is denied or ended, or if you disagree with any action on your TANF care, you may file an appeal by asking for a fair hearing, in writing, at the local DSS office. You must file an appeal within 30 days of the action. In a TANF termination case, if you appeal within 10 days, you may be able to keep getting TANF on appeal.