

106 CMR DEPARTMENT OF TRANSITIONAL ASSISTANCE

106 CMR 701.000: TRANSITIONAL CASH ASSISTANCE PROGRAMS GENERAL POLICIES

Section

- 701.050: Transitional Cash Assistance Programs Overview
- 701.100: Programs Administered by the Department
- 701.110: Limitation on Program Eligibility
- 701.200: The TAFDC and EAEDC Programs
- 701.210: Availability of Benefits
- 701.220: Receiving Benefits
- 701.225: Prohibited Use of Benefits
- 701.230: Social Security Numbers (SSN)
- 701.300: Rights of Applicants and Clients
- 701.310: Right to Nondiscrimination and Equal Treatment
- 701.320: Right to Confidentiality
- 701.330: Right to Information
- 701.340: Right to a Fair Hearing
- 701.350: Right to Representation
- 701.360: Right to Interpreter Services
- 701.370: Authorized Payee - Electronic Benefit Transfer (EBT)
- 701.380: Good Cause Criteria
- 701.390: Department Obligations under Title II of the Americans with Disabilities Act (ADA)
- 701.395: Learning Disabilities: Screening, Assessment, Sanction Relief and Extensions
- 701.400: Overview of Responsibilities of Applicants and Clients
- 701.410: Responsibility for Providing Verifications
- 701.420: Responsibility for Notification of Changes
- 701.430: Responsibility for Furnishing Information
- 701.440: Responsibility for Cooperating in the Eligibility Determination Process
- 701.450: Electronic Benefit Transfer Cards
- 701.510: TAFDC Time Standards for Department Action
- 701.520: TAFDC Time Standards for Verification
- 701.530: TAFDC Table of Time Standards
- 701.600: Definition of Terms

701.050: Transitional Cash Assistance Programs Overview

The policies described in this chapter are the basis for the administration and function of both the Transitional Aid to Families with Dependent Children (TAFDC) and Emergency Aid to the Elderly, Disabled and Children (EAEDC) programs; specific eligibility policies for TAFDC and EAEDC are found in 106 CMR 703.000: *Nonfinancial Eligibility* and 704.000: *Financial Eligibility*.

701.100: Programs Administered by the Department

The programs administered by the Department include:

- (A) Transitional Aid to Families with Dependent Children (TAFDC);
- (B) State Supplement Program (SSP) to the Supplemental Security Income (SSI) program;
- (C) Emergency Aid to the Elderly, Disabled and Children (EAEDC); and
- (D) Supplemental Nutrition Assistance Program (SNAP).

The administrative and eligibility requirements of these programs are provided in the appropriate Department regulations. Benefits of other programs that may be available to clients, such as SNAP benefits, are found in 106 CMR 705.000: *Related Benefits*.

701.110: Limitation on Program Eligibility

(A) TAFDC and EAEDC-family clients may receive MassHealth and SNAP benefits while on TAFDC or EAEDC. Any individual who is a TAFDC client is not concurrently eligible for EAEDC, Supplemental Security Income (SSI), State Supplement Program (SSP) to the Supplemental Security Income or State Veterans Services Benefits (VSB). Any individual who is an EAEDC client is not concurrently eligible for TAFDC, SSI, SSP or SVSB.

(B) An individual is ineligible for TAFDC if he or she:

- (1) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime or an attempt to commit a crime, on or after September 26, 1996, which is a felony under the laws of the place from which the individual flees, or which, in the state of New Jersey, is a high misdemeanor under the laws of such state; or
- (2) is violating a condition of probation or parole imposed on or after September 26, 1996 under federal or state law.

(C) An individual is ineligible for TAFDC and EAEDC if he or she has an outstanding default or arrest warrant against him or her issued by any court of the Commonwealth of Massachusetts.

701.200: The TAFDC and EAEDC Programs

The Transitional Aid to Families with Dependent Children (TAFDC) program provides financial assistance and employment-related services to families with dependent children. The TAFDC program is subject to appropriation and is administered by the Department in accordance with M.G.L. c. 118 and other relevant statutes and the rules, regulations and policies.

TAFDC regulations implement St. 1995, c. 5. TAFDC seeks to integrate clients into the work force and break the cycle of poverty. The major program objectives include:

- (1) requiring work and individual responsibility;
- (2) making public assistance transitional in nature by assisting families in crisis without allowing welfare to become a way of life;
- (3) maintaining and strengthening family life; and
- (4) encouraging teenage parents to live with their families or in supportive living situations and obtain basic educational achievements.

The Emergency Aid to the Elderly, Disabled and Children (EAEDC) Program provides financial assistance to qualified elderly and disabled persons, participants in MRC programs, and certain families who meet the program requirements. EAEDC is subject to appropriation and is administered by the Department in accordance with M.G.L. c. 117A and other relevant statutes and the rules, regulations and policies.

The authoritative text of the regulations is published by the Secretary of State of the Commonwealth of Massachusetts.

Copies of the regulations are available to the public at the Department's area offices.

701.210: Availability of Benefits

Benefits provided by the Department are available to eligible applicants and clients on a statewide basis. The standards for calculating financial eligibility and the amount of assistance are established on an objective and equitable basis.

701.220: Receiving Benefits

Clients receive benefits through the Department. It is the Department's responsibility to:

- (A) Tell applicants and clients of the requirements and benefits of the program;
- (B) Tell applicants and clients of their rights and responsibilities;
- (C) Respect the rights of applicants and clients;
- (D) Determine eligibility and amount of the grant;

701.220: continued

- (E) Inform applicants who are denied benefits of the availability of other Department programs for which they may be eligible;
- (F) Make necessary referrals for related benefits and services; and
- (G) Perform administrative activities required.

701.225: Prohibited Use of Benefits

A client must not use cash assistance funds held on an electronic benefit card for the purchase of alcoholic beverages as defined in M.G.L. c. 138, § 1; lottery tickets or tobacco products as defined in M.G.L. c. 64C, § 1; visual material or performances intended to create or simulate sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31; firearms and ammunition as defined in M.G.L. c. 140, § 121; tattoos or body piercings; jewelry; televisions, stereos, video games or consoles at rent-to-own stores; vacation services; gambling as defined in M.G.L. c. 23K, § 2; and/or for the payment to the commonwealth or any political subdivision thereof for fees, fines, bail or bail bonds ordered by a court. Any cash assistance client found to have knowingly used cash assistance benefits in violation of 106 CMR 701.225 shall be required to reimburse the Department for the full amount of such use and may be subject to disqualification from the cash assistance programs.

701.230: Social Security Numbers (SSN)

(A) Requirements.

- (1) A Social Security Number (SSN) must be given for each applicant for TAFDC or EAEDC, unless good cause exists in accordance with 106 CMR 701.230(C).
- (2) If an SSN cannot be given for each applicant applying for TAFDC or EAEDC, the applicant must provide to the Department written verification from SSA stating that the SSN cannot be provided, but that person:
 - (a) has applied for an SSN; or
 - (b) has asked that an already-existing SSN be validated.
- (3) TAFDC or EAEDC may not be denied, delayed or decreased while waiting for the issuance or verification of an SSN if the applicant or client has met the requirements specified in 106 CMR 701.230(A) and (B).
- (4) Each applicant for TAFDC or EAEDC who does not meet the SSN requirement must be excluded from the assistance unit. An otherwise eligible applicant or client excluded from the assistance unit for not meeting the SSN requirements becomes eligible upon meeting these requirements.
- (5) A temporary identification number shall be provided for an applicant or client who is an expectant mother in the 33rd week of pregnancy as a single grantee or a child younger than four months old. This number shall be valid for not more than three months. Failure to provide a valid SSN within three months shall result in the termination of the client's benefits until a valid SSN is provided and verified by the Department. 106 CMR 701.230(A)(5) shall not apply to clients who are present in the United States under one of the eligible noncitizen statuses as described in 106 CMR 703.430(A): *Eligible TAFDC Noncitizen Status* or 703.440(A): *Eligible Noncitizen EAEDC Status* or a victim of domestic violence who has a pending petition for legal status under the federal Violence Against Women Act.

(B) Verification.

- (1) The Department verifies the SSN of each applicant for TAFDC or EAEDC by computer match with SSA.
- (2) Any applicant or client who cannot give an SSN, who cannot have an SSN verified by Social Security Administration (SSA) computer match or has more than one SSN is verified by SSA computer match, must provide a written statement from SSA, verifying that he or she has applied for an SSN, has applied to have an already-existing number validated, or has made every effort to supply SSA with the information necessary to apply for an SSN, or to apply to have an already-existing number validated.

Once the SSN has been issued or validated, the Department will verify the SSN by computer match with SSA.

701.230: continued

(C) Determining Good Cause.

(1) Good cause for failure to comply with 106 CMR 701.230(A) exists when there is evidence or collateral information that the applicant or client has made every effort to provide SSA the necessary information to apply for an SSN or to apply to have an already-existing SSN validated.

Good cause must be verified monthly until the SSN is provided and verified by computer match with SSA in accordance with 106 CMR 701.230(A)(3).

(2) Good cause for failure to comply with 106 CMR 701.230(A) exists when a noncitizen indicates an unwillingness or inability to provide, or apply for, an SSN due to immigration status in accordance with 106 CMR 703.430: *TAFDC Noncitizen Status*. The noncitizen however, must be excluded from the assistance unit.

(D) Right to Know Uses of Social Security Numbers. The applicant or client has the right to know how the Department will use his or her SSN and the SSNs of all members of the assistance unit. At the time the applicant is given the application form and at reevaluation, he or she will also be given written notice on a form prescribed by the Department explaining the following:

(1) The Department will use the SSN to prevent duplicate participation, to facilitate mass changes in benefits and to determine the accuracy of the information given by the applicant or client;

(2) SSNs will be computer cross-checked with SSNs appearing in other personal data files; and

(3) The Department will regularly use the SSN to obtain and use wage and benefit information from other sources for verifying eligibility for TAFDC or EAEDC and the grant amount. These sources include, but are not limited to, any federal or state agency, providers under contract with the Department, welfare departments in other states and banks and other financial institutions.

The Department need not get prior approval of the applicant or client to use the information from the sources and for the reasons stated in 106 CMR 701.230(D).

701.300: Rights of Applicants and Clients

The policies of the TAFDC and EAEDC Programs must be run in accordance with the rights guaranteed to applicants and clients by Massachusetts and federal law, regulations, the policies of the Department and general principles of privacy and personal dignity. Applicants and clients must be treated with consideration and respect and must be able to discuss their requests for services with a worker in privacy.

701.310: Right to Nondiscrimination and Equal Treatment

All activities conducted by the Department must be carried out in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, *et seq.*), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), the Americans with Disabilities Act of 1990, as amended, the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101, *et seq.*), and the Massachusetts Constitution. The Department of Transitional Assistance does not discriminate on the basis of race, color, sex, national origin, disability, sexual orientation, genetic information, military status or age in admission or access to, or treatment or employment in, its programs or activities. The Director of Equal Opportunity has been designated to help coordinate the Department's effort to comply with anti-discrimination laws. For further information about the regulations and the Department's grievance procedures for resolution of discrimination complaints, contact the Director of Equal Opportunity, Department of Transitional Assistance, 600 Washington Street, Boston, MA 02111.

Benefits under the TAFDC and EAEDC Programs must be given to all applicants and clients on an equal basis. All applicants and clients must be treated in the same manner in determining whether they meet eligibility requirements, in calculating the amount of the grant, and in providing related benefits and referrals for services.

701.320: Right to Confidentiality

The confidentiality of information in the case record is protected in accordance with 106 CMR.

106 CMR DEPARTMENT OF TRANSITIONAL ASSISTANCE

701.320: continued

Information in case records may be disclosed for certain purposes which do not violate this right to confidentiality.

701.330: Right to Information

The applicant or client or his or her designated representative has the right to look at his or her own case record and to challenge information in it. The Department may correct inaccurate information in the case record pursuant to 106 CMR.

701.340: Right to a Fair Hearing

The applicant or client has the right to a fair hearing in accordance with 106 CMR 343.000: *Fair Hearing Rules*.

701.350: Right to Representation

The applicant or client has a right to be helped or accompanied by a representative of his or her choosing in contacts with the Department.

701.360: Right to Interpreter Services

An applicant or client has the right to interpreter services when English is not his or her primary language or when he or she uses American Sign Language (ASL). The Department shall:

- (A) inform applicants and clients of this right; and
- (B) provide interpreter services when needed, unless the applicant or client prefers to bring his or her own interpreter in accordance with Department policies.

701.370: Authorized Payee - Electronic Benefit Transfer (EBT)

An authorized payee is a person named by the grantee to act on their behalf in transacting cash benefits from EBT. Cash benefits through EBT must be available to the grantee or authorized payee. The grantee may change the authorized payee at any time. The grantee may have only one authorized payee at a time. Designation of the authorized payee shall be on a form prescribed by the Department.

701.380: Good Cause Criteria

(A) Good Cause Reasons. There are certain TCAP program requirements that must be met. They include but are not limited to: TAFDC Employment Services Program (ESP) participation, TAFDC time limit extensions, TAFDC Work Program, EAEDC Temporary Employment for Massachusetts' Parents (TEMP) participation, and eligibility review appointments. Clients may claim good cause for failure to meet Department requirements above as well as for failure or refusal to accept a *bona fide* offer of employment, or for a reduction in earnings from employment because of absences or terminating employment. Clients may claim good cause for failure to meet TCAP program requirements due to one or more of the following situations:

- (1) Appropriate state-standard child care is totally unavailable, or unavailable during the applicant's or client's hours of training or employment, including commuting time, or arrangements for child care have ended, been interrupted or not yet been made due to no fault or delay of the applicant or client. State-standard child care is child care which is licensed or is exempt from licensure. Factors considered in determining whether child care is appropriate will include recommendations of the Department of Early Education and Care or what a reasonable and responsible parent would consider in deciding whether a child care slot is appropriate, including the time needed to travel to and from the child care provider and the applicant's or client's home, work or other activities;

701.380: continued

- (2) A family crisis or emergency situation or other compelling circumstance, that is beyond the control of the applicant or client that:
 - (a) demands the applicant's or client's immediate attention; and
 - (b) can only be attended to by the applicant or client during the hours of his or her employment or scheduled Department requirement. A family crisis or emergency situation may include illness, injury, health conditions, hospitalizations or exacerbation of chronic illnesses that temporarily prevent participation, regardless of the applicant's or client's disability exemption status;
- (3) Refusal of an offer of employment that is at a wage level below the applicable federal or state minimum wage laws;
- (4) Refusal of employment, an offer of employment, or an activity because the employer or provider of the activity discriminates in terms of age, sex, sexual orientation, race, religion, ethnic origin, or physical or mental disability;
- (5) Refusal of employment because of conditions that violate applicable health and safety standards; or
- (6) Refusal of employment that is available only due to a strike or lockout.
- (7) The TAFDC client, who has requested a disability exemption and who is not eligible for presumptive disability benefits due to a previous denial, has a health condition or illness which prevents him or her from complying with the work program requirement, the requirements of a TAFDC Employment Development Plan (EDP), or work activities related to receiving a time limit extension.
- (8) For TAFDC Work Program and EDP purposes only, the hourly requirements were not met because:
 - (a) The applicant or client does not have affordable and reliable transportation;
 - (b) The applicant or client is participating in housing search in an emergency shelter; or
 - (c) The applicant or client does not have an available and appropriate Department-identified Community Service site. The Department has the primary responsibility to locate a Community Service site for the applicant or client.
- (9) Clients whose verified temporary health issue is expected to last between 30 and 90 days will be granted good cause for failure to meet the work program requirement in accordance with 106 CMR 703.150: *TAFDC Work Program*.

(B) Good Cause Verifications. Verification of good cause is required.

- (1) Lack of available and appropriate state-standard child care is verified by a written, dated and signed statement from an appropriate official of the Department of Early Education and Care, stating that such services are unavailable during the hours of the applicant's or client's employment or training. If there is a breakdown of care not provided through a designated agency, a statement from the child care provider, or, if not available, a written, dated and signed statement from the applicant or client must be submitted.
- (2) The occurrence of a family crisis, emergency situation or other compelling circumstances is verified by a written, dated and signed statement from the applicant or client describing the family crisis, emergency situation or other compelling circumstances and a collateral contact with another individual or organization involved in such situation. To the extent possible, the collateral contact shall not be a family member.
- (3) Employment, or an offer of employment, below the applicable federal or state minimum wage laws shall be verified by a written, dated and signed statement from the applicant or client and, if appropriate, by a collateral contact with the employer made by the Department.
- (4) Employment, offer of employment or activity for employment whose employer discriminates on the basis of age, sex, sexual orientation, race, religion, ethnic origin, or disability shall be verified by a written, dated and signed statement from the applicant or client and, if appropriate, by a collateral contact with the employer made by the Department.
- (5) Conditions that violate health and safety standards shall be verified by a written, dated and signed statement from the appropriate local, state or federal enforcement agency or board.
- (6) A strike or lockout shall be verified by a written, dated and signed statement from the collective bargaining representative or the employer.

701.380: continued

(7) The good cause reason described in 106 CMR 701.380(A)(7) may only be verified by a competent medical authority on a form prescribed by the Department which certifies that the applicant or client has a health condition or illness that will last longer than 90 days that prevents him or her from meeting the work program requirement, requirements of a TAFDC EDP or work activities related to qualifying for a TAFDC time limit extension. The form will indicate the length of the good cause period. The good cause period, however, will end once the final disability determination is made by the agency or organization providing disability evaluation services. Verification by self-declaration is not acceptable.

(8) The good cause reason described in 106 CMR 701.380(A)(8)(a) shall be verified by supporting documents, and, if necessary, a signed self-declaration.

(9) The good cause reason described in 106 CMR 701.380(A)(8)(b) shall be verified by a written, dated and signed statement from the Housing Assistance Program (HAP) agency.

(10) The good cause reason described in 106 CMR 701.380(A)(8)(c) shall be verified by the Department.

(11) The good cause reason described in 106 CMR 701.380(A)(9) that prevents the client from meeting his or her work program requirement shall be verified by a competent medical authority's statement that indicates the duration of the period that the client cannot meet the work program requirement. The statement must be on the competent medical authority's letterhead and signed by the competent medical authority or on a form prescribed by the Department.

701.390: Department Obligations under Title II of the Americans with Disabilities Act (ADA)

(A) Definitions.

(1) Disability under the ADA is defined as:

(a) a physical or mental impairment which substantially limits one or more major life activities of an individual;

(b) a record of having such impairment; or

(c) being regarded as having such impairment.

Disability does not include psychoactive substance abuse disorder resulting from current illegal use of drugs.

(2) A qualified individual with a disability is an individual who meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by the Department with or without:

(a) reasonable modifications to rules, policies, or practices;

(b) the removal of architectural, communication, or transportation barriers; and/or

(c) the provision of auxiliary aids and services.

An individual who poses a direct threat to the health and safety of others is not a qualified individual. An individual who is currently engaging in the illegal use of drugs when the Department acts on the a basis of such use is not a qualified individual.

(3) Physical or Mental Impairment means:

(a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; and

(b) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional, or mental illness and specific learning disabilities.

(4) Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(B) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Department, or be subjected to discrimination by the Department.

(C) The Department, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements on the basis of disability:

(1) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(2) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

701.390: continued

- (3) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- (4) Provide different or separate aids, benefits, or services to individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others; and
- (5) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving the aid, benefit or service.

(D) The Department shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the Department can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

701.395: Learning Disabilities: Screening, Assessment, Sanction Relief and Extensions

When an EDP is created or revised, except when the revision is related only to providing support services, when eligibility reviews are conducted and when transition plans or extension agreements are developed, clients 16 years of age or older shall be given the opportunity for a free screening for learning disabilities. This opportunity should be made either orally or in writing. Individuals who are not ESP participants may also participate in a screening. Participation in the screening and assessment process is strictly voluntary.

(A) If the screening shows that the individual has a potential learning disability and the individual wishes to, or is required to, participate in an Employment Services Program (ESP) component, the Department will offer the individual an opportunity for an assessment. If this offer is accepted, the individual will be referred to the appropriate provider. An individual who does not wish to participate in an ESP program and wishes an assessment must be referred to the Massachusetts Rehabilitation Commission (MRC).

(B) While waiting for the completion of the assessment, DTA will help clients participate in their current activity or in starting a new ESP activity.

(C)(1) If a client is sanctioned (or is notified of the Department's intention to sanction) for failure to comply with an EDP or the work requirement regarding participation in an ESP activity and the client:

- (a) claims that his or her learning disability caused the failure;
- (b) participates in the screening and a potential learning disability is indicated; and
- (c) agrees to participate in and complete a learning disability assessment, the sanction will not occur while waiting for the assessment outcome. The Department will notify the client of this action in writing. If the individual is determined to have a learning disability that requires a reasonable accommodation to participate in ESP, the pending sanction will be removed.

(2) If any of the conditions of 106 CMR 701.395(C)(1) are not met or:

- (a) the individual does not cooperate with the assessment process;
- (b) the individual refuses to participate in an ESP program when effective accommodations are possible and have or will be made;
- (c) the assessment results find that there is no learning disability or one that requires accommodation in the above ESP program; then the sanction can occur subject to DTA appeal rights as described in 106 CMR 343.000: *Fair Hearing Rules*.

(3) If effective accommodations for the sanctioned individual (or an individual who has received a notice of DTA's intent to sanction) can be implemented, DTA may require the individual to work with his or her current program or start a new program prior to the completion of the assessment process. The Department will take into consideration the client's placement preference and whether the new placement provides similar services that the participant had previously selected.

701.395: continued

(D) If a client who has a learning disability has received an extension under 106 CMR 703.130: *TAFDC Extension of Benefits Beyond the 24-month Period* to complete an education or training program in which he or she is enrolled prior to reaching the time limit, the client may ask for and get an additional extensions if he or she needs more time to complete the program because of a learning disability under the ADA accommodation process.

(E) Program participants will be informed orally and in writing that if they provide DTA with documents that show a diagnosis of a learning disability, and that provide adequate information to determine appropriate reasonable accommodations, DTA will accept these documents as a basis for determining whether they are entitled to ADA reasonable accommodations and/or modification to DTA policies, practices and procedures.

If the Department determines that the documents do not establish the diagnosis of a learning disability or do not provide information to determine appropriate reasonable accommodations, the Department will offer the client the opportunity to participate in the screening and assessment process.

701.400: Overview of Responsibilities of Applicants and Clients

The applicant or client has specific responsibilities as described in 106 CMR 701.410 through 701.440.

701.410: Responsibility for Providing Verifications

To establish eligibility for TAFDC or EAEDC, the applicant or client must meet categorical and financial eligibility requirements. He or she must submit required verifications to show that these eligibility factors have been satisfied. Rules concerning verifications are found in 106 CMR 702.300 through 702.340.

701.420: Responsibility for Notification of Changes

(A) Except as provided in 106 CMR 701.420(B), the applicant or client must report to the Department within ten calendar days any changes in his or her circumstances that may affect his or her eligibility or the amount of the grant.

(B) Applicants and clients do not have to report changes of less than \$100 per month in earned income or income deemed from individuals with earned income. In no circumstances must an applicant or client report changes in earned income from the same source more frequently than once per month.

(C) When income increases temporarily and the client is no longer receiving the increase in the month in which benefits would be lowered, benefits shall be adjusted based on the amount of income reasonably anticipated for that month or, if the reduction has already taken effect, a supplemental payment shall be made.

The Department shall periodically notify the applicant or client of this responsibility.

701.430: Responsibility for Furnishing Information

The applicant or client must provide information in response to requests from the Department's workers and Quality Control staff if such information is requested for purposes of program administration.

701.440: Responsibility for Cooperating in the Eligibility Determination Process

The client must keep appointments scheduled by the Department to review eligibility. Failure to keep a scheduled appointment constitutes failure to cooperate in the eligibility review process and makes the client ineligible unless he or she contacts the worker before or on the date of the appointment to reschedule.

The rescheduled appointment must occur within ten calendar days of the original appointment.

701.440: continued

Failure to keep any appointments in this process shall constitute failure to cooperate in the eligibility review process unless the client contacts the worker prior to the appointment and one of the following applies:

- (A) the appointment conflicted with the client's working hours; or
- (B) the conditions of 106 CMR 701.380(A)(1) or (2) apply.

Assistance shall be terminated upon proper notification when the worker cannot complete the eligibility review because the client has not appeared for the scheduled appointment.

If the client completes the eligibility review process within 30 calendar days of the termination date, the worker shall determine eligibility based upon information submitted during the process and within the 30-calendar-day period following the termination date.

If the client is determined eligible, assistance shall be authorized as of the date of the appointment (if the verifications demonstrate eligibility as of this date), or the date on which all eligibility factors were met, whichever is later.

701.450: Electronic Benefit Transfer Cards

(A) Requirements. The individual authorized to access the assistance unit's grant shall have an Electronic Benefit Transfer (EBT) Card issued by the Department. This individual may be the grantee who receives a grant for an assistance unit, an ineligible grantee or an authorized payee. When an EBT Card is issued to someone other than the grantee, the EBT Card shall contain both the name of the grantee and the name of the individual authorized to access the grant for an assistance unit. If requested by the grantee, an EBT Card may be issued to both him or her and the individual authorized to access the grant for an assistance unit.

(B) Emergency Electronic Benefit Transfer Cards. Emergency EBT Cards shall be issued to the grantee, or the authorized payee, when the Department is unable to issue an initial or replacement EBT Card because the Department's card issuance system is not functioning.

701.510: TAFDC Time Standards for Department Action

(A) The time standard for Department action on a TAFDC case is the number of days within which the Department must complete the action for the delivery of the benefit. Benefit delivery time is counted in consecutive calendar days beginning on the day after the benefit is asked for, and includes the day when the benefit is provided, or a voucher issued, or a third party is authorized to provide the benefit. Issuance of temporary MassHealth cards is measured in working days.

(B) A request for a benefit may be made verbally or in writing by a client or by the client's representative. Any request must be recorded in the case record. The date the request is made must be recorded. When the request is for replacement of a lost or stolen check, the date of the request is the date the client signs a Statement of Loss Form (FCB-1).

A request may be made to: the worker assigned to the case, the supervisor of the worker assigned to the case, the Assistant Director or the Director.

(C) In all cases, the time standard is the maximum time allowed if the client provides the required verification; however, the requested benefit must be provided as soon as possible. The time standards for providing benefits are extended by the number of days, if any, that a client is late in providing verification. Any delay must be recorded in the case record.

(D) If a client asks for a benefit in advance, and the Department action deadline is prior to the date the benefit is needed, then action will be postponed until, but not later than, the date the benefit is needed.

(E) Failure to provide a benefit within the allowable time period does not relieve the Department's obligation to provide the benefit.

701.520: TAFDC Time Standards for Verification

(A) Except in cases of immediate need (*see* 106 CMR 702.125: *Application Activities*), no benefit may be provided unless all required verifications are received. If verification is needed before providing a benefit, the client must be immediately notified of the specific verification needed, the time period for the verification, and the consequences of late or missing verifications.

(B) Immediate Notification means:

- (1) Hand delivered written notice on the date of the in-person request for a benefit;
- (2) Notice mailed immediately or no later than three calendar days of receiving a mailed benefit request; or
- (3) Verbal notice on the date of a telephone request for a benefit, followed by written notice immediately or no later than three calendar days.

No written notice is required if the request is for a Temporary MassHealth Card.

(C) Once notified, the client must give the required verification in a timely manner, as provided in 106 CMR 701.530: *TAFDC Table of Time Standards*. Client verification time is counted in consecutive calendar days beginning on the day after the Department hand delivers or mails verification requirements, and includes the day when the last item of required verification is received by the Department. If Department notice to the client is late, the time period for verification is counted from the actual date of notification. Failure to provide the required verification timely will postpone the date on which the Department must provide the benefit. However, if the Department does not notify the client of verification requirements, the time period for Department action is not extended.

(D) Where a client is late in providing required verification, but does so within 30 days of notification (or 45 days for TAFDC-Related Services as detailed in 106 CMR 701.530(E)), the request must be processed. If timely and adequate notice has been given, and verification has not been provided by the end of 30 days (or 45 days for TAFDC-Related Services) after it was requested, or if verification provided establishes that the client is not eligible, the benefit is denied. The client has the right to reapply.

701.530: TAFDC Table of Time Standards

The time standards which apply to the benefits authorized by the TAFDC Program are given below.

BENEFITS	MANUAL REFERENCE	CLIENT VERIFICATION TIME FROM DATE OF DEPARTMENT NOTICE	DEPARTMENT BENEFIT DELIVERY TIME (FOR TIMELY VERIFICATION) FROM DATE OF REQUEST FOR BENEFITS
(A) Voucher			
1. Advance on Lost and Stolen Check Replacement	106 CMR 706.530: <i>Immediate Assistance</i> <i>Pending Replacement*</i>		
Uncashed Checks		N/A	seven calendar days (to issuance of voucher)
Cashed Checks		N/A	14 calendar days (to issuance of voucher)
(B) Replacement of Lost and Stolen Checks	106 CMR 706.510: <i>Authorization of a Replacement Check</i>		

106 CMR DEPARTMENT OF TRANSITIONAL ASSISTANCE

701.530: continued

BENEFITS	MANUAL REFERENCE	CLIENT VERIFICATION TIME FROM DATE OF DEPARTMENT NOTICE	DEPARTMENT BENEFIT DELIVERY TIME (FOR TIMELY VERIFICATION) FROM DATE OF REQUEST FOR BENEFITS
Stolen Uncashed Checks		N/A	12 calendar days (to issuance of voucher)
Stolen Cashed Checks		N/A	26 calendar days (to issuance of voucher)
(C) Issuance of temporary MassHealth Card	106 CMR 702.125: <i>Application Activities</i>	next working day	Next working day (to issuance of check)
(D) Case Maintenance			
1. Change in Address	106 CMR 702.400: <i>Case Maintenance</i>	eight calendar days if verification is necessary (see 106 CMR 701.410)	14 calendar days (to entry on file)
2. Increase in Grant	106 CMR 702.400: <i>Case Maintenance</i>	ten calendar days	19 calendar days (to entry on file)
(E) TAFDC-related Benefits	106 CMR 705.000	26 calendar days	45 calendar days

* The period must be the number of days, if less than seven, necessary to avoid any serious and imminent risk to the health and safety of the applicant or client which might occur from not acting on the request until the full seven days have passed.

701.600: Definition of Terms

Certain terms have a specific meaning in administering the TAFDC and EAEDC Programs. 106 CMR 701.600 provides definitions of these terms and, when appropriate, a manual citation where a complete definition is found.

(A) Appeal. An appeal is a written request for a fair hearing on an action proposed or taken by the Department or on the Department's failure to act. Manual Reference: 106 CMR 343.000: *Fair Hearing Rules*, 702.600: *Appeals*.

(B) Assets. Assets are objects of value, not including income, such as personal property, real estate, automobiles, life insurance, cash and bank deposits, securities, and certain other items. Manual Reference: 106 CMR 704.100: *Assets*.

(C) Assistance Unit. The assistance unit is composed of persons whose needs are considered in determining eligibility and the amount of the grant, and who are eligible to receive TAFDC or EAEDC benefits. All persons required to be in the assistance unit must be included in the filing unit. Manual Reference: 106 CMR 704.300: *Membership in the Assistance Unit and Filing Unit*, 704.305: *Composition of the Assistance Unit*, 704.320: *Optional Membership in a TAFDC Assistance Unit*, 704.310: *Composition of the Filing Unit*.

(E) Case Record. The case record is the permanent collection, in written or electronic form, of the information used to determine eligibility and provide benefits and referrals for services. Manual Reference: 106 CMR 702.410: *Documentation in the Case Record*

(F) Child of Mandatory Full Time School Age. A child who has turned six years of age or begun first grade whichever is later. Manual Reference: 106 CMR 703.150: *TAFDC Work Program*.

701.600: continued

(H) Competent Medical Authority. For TAFDC and EAEDC, a physician, physician's assistant, osteopath, nurse practitioner or psychologist licensed by the Commonwealth of Massachusetts, including a physician or psychiatrist from a Veterans Administration Hospital or clinic or from a Massachusetts Department of Mental Health facility or, for the limited purpose of diagnosing pregnancy and pregnancy-related incapacity, a nurse-midwife who meets the educational and certification requirements mandated by state law and/or regulations.

(J) Dependent Child.

(1) In the TAFDC program, a dependent child is a child who is younger than 18 years old, or younger than 19 years old if the child is a full-time student in grade 12 or below, in a high school or a vocational or technical training program of the equivalent level designed to lead to gainful employment, and the child is expected to graduate or complete the course of study before his or her 19th birthday.

(2) In the EAEDC program, a dependent child is a child who is younger than 18 years old and living with a caretaker as defined in 106 CMR 703.700(1)(c).

(3) The term, dependent child, as used throughout 106 CMR 701.000 is understood to include the plural, when appropriate. Manual Reference: 106 CMR 703.200: *TAFDC Dependent Child*, and 106 CMR 703.700: *EAEDC Caretaker Family*.

(L) Disabled Adult. An individual younger than 66 years old in the TAFDC program or under the age of 65 in the EAEDC program who meets the Department's medical and/or vocational standards as determined by the agency or organization under contract/agreement with the Department to provide disability evaluation services. In addition, an applicant or client shall be considered disabled if he or she is in receipt of Supplemental Security Income for the disabled, or Social Security benefits for the disabled. Manual Reference: 106 CMR 703.100: *TAFDC Exemptions from Time-limited Benefits*, 106 CMR 703.130: *TAFDC Extension of Benefits Beyond the 24-month Period*, 106 CMR 703.190: *TAFDC Disability Exemption Process*, 106 CMR 703.610: *EAEDC Participant in a Massachusetts Rehabilitation Commission Program*, and 106 CMR 703.620: *EAEDC Caring for the Disabled*.

(N) Elderly Person-EAEDC. A person 65 years of age or older who meets the requirements for eligibility for the EAEDC program. Manual Reference: 106 CMR 703.600: *EAEDC Elderly - 65 Years of Age or Older*.

(O) Eligibility Process. Those activities that are required in all cases to ensure eligibility for Department benefits. These activities include the application for assistance, eligibility reviews, case maintenance activities, notification and appeal provisions. Manual Reference: 106 CMR 702.000: *Transitional Cash Assistance Program*.

(P) Eligibility Review. A periodic reevaluation of eligibility (sometimes referred to as a redetermination). Manual Reference: 106 CMR 702.200: *Eligibility Reviews*.

(Q) Exempt Assistance Unit-TAFDC. Meets the requirements of 106 CMR 703.100: *TAFDC Exemptions from Time-limited Benefits* and is not subject to Time-limited Benefits and the work requirement. Manual Reference: 106 CMR 703.100: *TAFDC Exemptions from Time-limited Benefits*.

(S) Fair Hearing. A proceeding conducted by an impartial officer of the Division of Hearings to review an action proposed, taken or not taken by the Department, which has been appealed. Manual Reference: 106 CMR 343.110: *General Description of the Fair Hearing Process*.

701.600: continued

(U) Filing Unit. Made up of those persons whose income and assets must be used to determine eligibility and the amount of the grant for the assistance unit, regardless of whether they are included in the assistance unit. Manual Reference: 106 CMR 704.300: *Membership in the Assistance Unit and Filing Unit*, 106 CMR 704.305: *Composition of the Assistance Unit*, and 106 CMR 704.310: *Composition of the Filing Unit*.

(V) Full Employment Program Wages-TAFDC. The gross wages a participant gets directly from his or her Full Employment Program employer. Manual Reference: 106 CMR 707.180: *Full Employment Program*.

(W) Grant. The total amount of assistance that an assistance unit is eligible to receive. Manual Reference: 106 CMR 704.500: *Calculation of the Grant Amount*.

(X) Grantees. Grantees are adults included in the grant, or not included in the grant because of a sanction, immigration status or receipt of SSI. In a two-parent household, both parents are considered grantees. A sanctioned grantee does not become an ineligible grantee. An adult who meets the definition of a dependent child shall not be considered a grantee.

(Y) Home Visit. A visit to the home of the applicant or client by a Department employee.

(Z) Household. The total group of persons who live together. The assistance unit, the filing unit, and the household may or may not be the same group of persons. Manual Reference: 106 CMR 704.300: *Membership in the Assistance Unit and Filing Unit*.

(AA) Income. Any money, goods, or services, not defined as assets as provided in 106 CMR 704.100: *Assets*, received from any source, such as salaries, wages, tips, bonuses, annuities, free shelter or utilities. Manual Reference: 106 CMR 704.200: *Income*.

(BB) Ineligible Grantee. Adults who receive a grant on behalf of a dependent child, but who are not themselves included in the grant, such as parent receiving SSI, an aunt, or a grandparent. Some provisions of the TAFDC program, apply to an ineligible grantee who has a legal obligation to support a dependent child. Sanctioned grantees are not considered ineligible grantees.

(CC) Nonexempt Assistance Unit - TAFDC. An assistance unit which does not meet the requirements of 106 CMR 703.100: *TAFDC Exemptions from Time-limited Benefits* and is subject to Time-limited Benefits and the Work Program requirements. Manual Reference: 106 CMR 703.100: *TAFDC Exemptions from Time-limited Benefits*.

(DD) Notice. A written statement of an action proposed or taken by the Department, which includes the reasons for the action, an appropriate citation to 106 CMR 701.000, and an explanation of the individual's right to appeal. Timely notice is mailed in advance of the date the proposed action is effective, or in specific cases, no later than the date the action is effective. Manual Reference: 106 CMR 343.140: *Time Limits*, 106 CMR 343.200: *Adequate Notice Requirements*, 106 CMR 343.210: *Timely Notice Exceptions*, and 106 CMR 702.500: *Notification of Proposed Action*.

(EE) Related Benefits. TAFDC benefits other than the grant such as infant benefits, clothing allowance, *etc.* Manual Reference: 106 CMR 705.000: *Related Benefits*.

(FF) Sanctioned Grantees. Adults who would be included in the TAFDC grant, except that they have been sanctioned, such as a grantee who has failed to cooperate with child support requirements or failed to comply with his or her Work Requirement.

106 CMR DEPARTMENT OF TRANSITIONAL ASSISTANCE

701.600: continued

(GG) Standards of Need-TAFDC. Used to determine financial eligibility and are also used to determine the amount of the monthly grant. Manual Reference: 106 CMR 704.260: *TAFDC Income Test of Eligibility*, 704.410: *TAFDC Table of Need Standards - Exempt Assistance Units*.

(HH) Standards of Payment-TAFDC. The maximum amount that an assistance unit may receive as a monthly grant. Manual Reference: 106 CMR 704.420: *TAFDC Table of Payment Standards - Exempt Assistance Units*, 704.500: *Calculation of the Grant Amount*.

(II) Standards of Assistance-EAEDC. The maximum amount that an assistance unit may receive as a monthly grant. Manual Reference: 106 CMR 704.440: *EAEDC Table of Standards of Assistance*.

(JJ) Teen Parent. A TAFDC grantee or dependent child younger than 20 years old, who is a parent, or who, if she has no other children, is pregnant. Manual Reference: 106 CMR 703.180: *TAFDC Teen Parent Eligibility*.

(KK) Vendor Payments. Vendor payments are payments made directly to a provider of goods or services on behalf of a TAFDC or EAEDC client. Vendor payments include protective payments made because of a client's mismanagement of funds. Manual Reference: 106 CMR 706.600: *Vendor Payments*.

(LL) Verification. The process of ensuring the validity of a statement or circumstance for purposes of determining or reviewing the eligibility of an applicant or client. Manual Reference: 106 CMR 702.300: *Verification*.

(MM) Voucher. A Department form authorizing a vendor payment or other payment that is not the cash grant. Manual Reference: 106 CMR 706.600: *Vendor Payments*.

REGULATORY AUTHORITY

106 CMR 701.000: M.G.L. c. 18.

NON-TEXT PAGE