

### Introduction

The maximum grant payment for an assistance unit shall not be increased for a child who is born to a caretaker relative who becomes pregnant while receiving Families First.

### Scope

The purpose of this policy is to encourage Families First customers to utilize family planning, discourage out-of-wedlock births, and strengthen families by promoting self-sufficiency.

### Policy

#### Family Cap Children

1. Family Cap is implemented when the assistance unit (AU) has applied for Families First assistance and the birth of a child occurs more than ten (10) calendar months after the application month.
2. Though the Families First payment will not be increased, a Family Cap child is a member of the AU in all other aspects.
  - a. The Family Cap child is included in determining the Gross Income Standard (GIS) and the Consolidated Need Standard (CNS) amounts for the AU.
  - b. The Family Cap child is also subject to all eligibility requirements, including those listed in the Personal Responsibility Plan (PRP).
  - c. Child care is provided for the Family Cap child if necessary for the customer to meet their work and/or educational activity.
3. Family Cap applies to children born to a woman who:
  - a. Is a member of the AU.
  - b. Would be a mandatory AU member except for technical ineligibility, such as an SSI recipient or a non-citizen.

- c. Conceived during the receipt of Families First assistance.
4. Family Cap applies to both single parent and two (2) parent AUs.
5. Family Cap still applies when the non-Family Cap children leave the AU leaving only the Family Cap child and the caretaker. The maximum grant will be the amount for the caretaker only, even when this results in a zero-dollar (\$0) grant amount due to the caretaker being technically ineligible.

#### Application of the Family Cap

1. The ten (10) month count begins the month after the application month.
2. When a minor mother turns eighteen (18) or leaves the major mother's household, the original Family Cap date follows her to her new case if there has been no lapse in assistance.
3. If there has been no gap in eligibility, the ten (10) month count will continue from the original application date.
4. Family Cap will be applied to a child born after, or during, a period of ineligibility but within ten (10) months of the reapplication month when the applicant meets **all** of the following criteria:
  - a. A woman becomes pregnant while receiving Families First;
  - b. The AU was closed prior to the child's birth;
  - c. The child was born more than ten (10) months after the previous application month; **and**
  - d. The reason for the closure was non-cooperation with child support as outlined in policy [23.10 Families First Child Support Cooperation](#) and/or failure to comply with the work and/or educational activity as outlined in policy [23.13 Families First Work and/or Educational Activity](#).

**Reapplication after Family Cap has been Applied**

Once Family Cap has been applied to a child, it will continue until the case is closed.

When an AU that has had Family Cap applied to an AU child closes, Family Cap will be continued upon reapplication only if the AU was closed for a sanction due to non-cooperation with child support as outlined in policy [23.10 Families First Child Support Cooperation](#) and/or failure to comply with the work and/or educational activity as outlined in policy [23.13 Families First Work and/or Educational Activity](#).

**Exceptions to Family Cap**

1. Do not apply Family Cap to a child born more than ten (10) months after the application month but who was conceived prior to the application for assistance. Obtain a physician's statement to prove conception occurred prior to the application date.

2. Do not apply Family Cap to the first (1<sup>st</sup>) child born to a minor in an AU, even if the pregnancy occurs after the receipt of assistance.
3. Do not apply Family Cap to children, other than newborns, who join the AU.
4. Do not apply Family Cap to a child who is born to an AU member as a result of incest or rape. Verification of circumstances will be required.

**Supporting Documents**

[Family Cap Procedures](#)

[Family Cap Policy Worksheet](#)

[Family Cap Desk Guide](#)

[HS-1234 Doctor's Pregnancy Confirmation Letter](#)

[23.10 Families First Child Support Cooperation](#)

[23.13 Families First Work and/or Educational Activity](#)

**Definitions/Acronyms**

Term	Definition
<b>Consolidated Needs Standard</b>	The amount of income an assistance unit would need to meet subsistence living costs, according to allowances set by the state, for items including food, clothing, fuel, lights, household operations, personal incidentals, and shelter. This amount determines the income level used to determine Families First financial eligibility.
<b>Family Cap</b>	Family Cap prohibits an increase in the cash payments when a newborn is added to a Families First assistance unit. Family Cap is applied when the assistance unit has applied for Families First and the birth occurs more than ten (10) calendar months after the application month.
<b>Gap in Eligibility</b>	Not receiving Families First cash assistance for one (1) full month.
<b>Gross Income Standard</b>	The gross countable income of an assistance unit. This standard is set at 185% of the CNS. If this income exceeds this standard, the assistance unit is not eligible for Families First.
Acronym	Expansion
<b>AU</b>	Assistance Unit
<b>SSI</b>	Supplemental Security Income

**Supersedes**

Policy 23.27 Family Cap effective 02/01/2017

**Approval History**

Approved By	Approver Title	Approved Date	Effective Date
Clarence Carter	Commissioner	09/29/2023	10/15/2023
Charles Bryson	Interim Assistant Commissioner	12/22/2016	02/01/2017

## Revision History

Date	Version	Location of Change	Description/Reason for Change
09/29/2023	10/15/2023	Introduction, Policy Section	Minor rewording for clarification; Family Cap Children, Application of the Family Cap, Reapplication after Family Cap has been Applied; Added definitions and acronyms.
12/22/2016	02/01/2017	N/A	New Policy

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<b>Application</b>	All TDHS Family Assistance Staff and Contractors		