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## VII. PROGRAM-SPECIFIC REQUIREMENTS FOR COMBINED STATE PLAN PARTNER PROGRAMS TANF

(A) CONDUCT A PROGRAM DESIGNED TO SERVE ALL POLITICAL SUBDIVISIONS IN THE STATE (NOT NECESSARILY IN A UNIFORM MANNER) THAT PROVIDES ASSISTANCE TO NEEDY FAMILIES WITH (OR EXPECTING) CHILDREN AND PROVIDES PARENTS WITH JOB PREPARATION, WORK, AND SUPPORT SERVICES TO ENABLE THEM TO LEAVE THE PROGRAM, SPECIFICALLY CASH ASSISTANCE, AND BECOME SELF-SUFFICIENT (SECTION 402(A)(1)(A)(I) OF THE SOCIAL SECURITY ACT).

In conformity with Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), the Tennessee Department of Human Services (TDHS) shall administer and supervise the Temporary Assistance for Needy Families (TANF) Program, known as the Families First (FF) Program in Tennessee.

This plan shall become effective July 1, 2020.

Cash assistance payments are made on a monthly basis for all Families First/TANF eligible assistance groups using a standardized budgeting and payment method per assistance group size. TDHS has a gross income test, a consolidated standard of need, and a maximum standard payment amount per assistance group size. The gross income standard is based on one hundred eight-five (185%) percent of the Consolidated Need Standard (CNS), which is calculated annually by a contract agency. Some assistance groups receive a higher differential maximum payment amount, based on caretaker work exemptions. Disregards include a two hundred fifty dollars (\$250.00) earned income disregard, a mandatory household member and income disregard for a three (3)-month period beginning with the month following the month of marriage for new spouses (marriage during receipt policy), and child care disregards of two hundred dollars (\$200.00) per month for children under two (2) years of age and one hundred seventy-five dollars (\$175.00) per month for children two (2) years of age or older, for parents who choose a deduction rather than having their child care paid directly to the provider by TDHS.

Non-assistance benefits, services or activities aimed to achieve the goals of TANF may be provided to TANF eligible families or other low-income families at risk of receiving TANF.

TDHS will continue to use fill-the-gap budgeting. Current month child support will be paid to the caretaker using the fill-the-gap budgeting method as permitted in Section 302 (e) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Families First/TANF payments shall be made through Tennessee's Electronic Benefit Transfer (EBT) system to the caretaker, alternate payee, or protective payee. The payment will be made available on the first (1<sup>st</sup>) of each month for continuously eligible cases. Payments are made from the date the signed Families First/ TANF application is received in the local office for all eligible applicants. Auxiliary payments will be issued to all assistance groups that have been underpaid.

### ***Eligibility***

Eligibility for Families First/TANF cash assistance benefits are determined based on the following criteria:

- The Assistance Unit (AU) lives in Tennessee.
- The AU includes either:
  - A child under age eighteen (18);
  - A child under age nineteen (19) who is expected to complete high school or an equivalent vocational/technical training on or before his/her nineteenth (19<sup>th</sup>) birthday;
  - A pregnant woman in her last trimester; or
  - The otherwise eligible parents or caretakers of a child receiving SSI.
- The children live in the home of a parent or a relative, within the specified degree of relationship, who maintains care and control of the child.
- All members of the AU are citizens or qualified aliens and have provided a Social Security Number.
- Households meet income eligibility, including an income test and a resource test.

All AUs will be subject to a sixty (60)-month lifetime limit of Families First/TANF cash assistance. Months of Families First/TANF funded assistance received in other States will count toward the lifetime limit. Those AUs that reach their sixty (60)-month limit and are exempt from the Families First/TANF work requirement and otherwise eligible may be considered for an extension. No more than twenty percent (20%) of the caseload can be on an extension at any given time.

(B) REQUIRE A PARENT OR CARETAKER RECEIVING ASSISTANCE TO ENGAGE IN WORK (DEFINED BY THE STATE) ONCE THE STATE DETERMINES THE PARENT OR CARETAKER IS READY TO ENGAGE IN WORK, OR ONCE HE OR SHE HAS RECEIVED 24 MONTHS OF ASSISTANCE, WHICHEVER IS EARLIER, CONSISTENT WITH THE CHILD CARE EXCEPTION AT 407(E)(2) (SECTION 402(A)(1)(A)(II) OF THE SOCIAL SECURITY ACT)

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Families First/TANF AUs with eligible adults who are not exempt must engage in a minimum of thirty (30) hours a week of countable work or training activities.

TCA AUs with eligible adults, who are not exempt, must engage in thirty (30) hours a week of countable work or training activities (or a combined 55 hours for two parent households receiving federally funded child care). Although this exceeds the minimum federal requirements, this ensures that the minimum hours are being met and that we have the opportunity to work with each individual and assist them in achieving self-sufficiency.

An exception to the thirty (30) hours work requirement will be granted to those individuals who require a reduction in activity hours due to an Americans with Disabilities Act (ADA) modification. The federally countable work activities being utilized in Tennessee are:

- Unsubsidized employment;
- Subsidized employment in the public or private sector when funding is available;
- Job Search and job readiness assistance;
- Community Service;
- Work Experience;
- Vocational Education Training;
- Job skills training directly related to employment;
- Adult Education (education directly related to employment); and
- Vocational Rehabilitation

Families First/TANF uses the federal definitions for the countable work activities. AUs with a work requirement will receive cash assistance as long as they comply with program requirements or meet the sixty (60)-month time limit.

All provisions of the Fair Labor Standards Act (FLSA) will apply to Work Experience and Community Service activities, including a maximum number of hours and displacement safeguards. Work Experience is limited to six (6) months and Community Services to three (3) in a calendar year, with some exceptions.

Tennessee was previously divided into (8) Districts that covered ninety-five (95) counties across the State for the provision of work activities and supportive services. Effective July 1, 2019, the State aligned the workforce services and support areas with the Tennessee Department of Labor and Workforce Development and the Tennessee Department of Economic and Community Development into 9 regional areas that cover all 95 counties across the State. An Employment and Case Management Services (ECMS) Provider is assigned to each district. After eligibility is determined and a referral is received from the TDHS' district's county office, the ECMS Provider completes an assessment and works with the client to develop an Individualized Career Plan (ICP) and/or Family Empowerment Plan (FEP). The ICP/FEP will outline the individuals' specific work requirements according to federally countable work activities and provide supportive services, if needed. Families First/TANF clients determined to be ready to engage in part or full-time employment will be immediately placed in work or work-related activities for up to thirty (30) hours per week. After a Families First/TANF client receives twenty-four (24) months of cash assistance, the client is required to engage in work activities, if they are not already participating. This excludes a single custodial parent caring for a child under the age of six (6) who refuses to engage in work requirements and is able to demonstrate an inability to obtain needed child care.

Certain AUs will be exempt from the work requirement based on the following criteria:

- The caretaker is sixty-five (65) years old or older;
- The caretaker is disabled;
- The caretaker is temporarily incapacitated;
- The caretaker is caring for an in-home disabled relative;
- The single parent caretaker is caring for an infant less than one (1) year of age; or
- The two (2)-parent household is caring for an infant less than sixteen (16) weeks of age.

(C) ENSURE THAT PARENTS AND CARETAKERS RECEIVING ASSISTANCE ENGAGE IN WORK IN ACCORDANCE WITH SECTION 407 (SECTION 402(A)(1)(A)(III) OF THE SOCIAL SECURITY ACT)

The Families First/TANF employs the following strategies to ensure clients are working towards self-sufficiency:

- Adoption of the Two-Generation (2Gen) framework that intentionally focuses on creating services for the parent and child together, to harness the family's full potential and to put them on a permanent path to economic security. This framework is consistently applied when engaging our customers in all aspects of case management and service delivery.
- Families First/TANF clients will have goal-oriented time-limited, Individualized Career Plans (ICP) and or Family Empowerment Plan (FEP) that carry them through logical and productive steps to self-sufficiency;
- Sanctions will be imposed when a family fails to comply with the Individualized Career Plan (ICP) and/or Family Empowerment Plan (FEP) without good cause;
- Cash benefits will be limited to sixty (60) months of eligibility in a lifetime, with some limited exceptions; and
- Families First/TANF clients who become employed and lose cash benefits may qualify to receive transitional child care assistance, transitional cash assistance, and/or transitional Supplemental Nutrition Assistance Program (SNAP) benefits.

Once the goals are established and the client is assigned to work or work-related activities that support those goals, the ECMS Provider and TDHS staff work together to ensure that clients receive the appropriate services while the client is in the program. Although the Families First/TANF program does not establish a target goal set for transitioning clients off of assistance; the client, TDHS staff, and the ECMS Provider work together to establish timeframes for the achievement of goals during the sixty (60)-month time limit.

The Secretary of State was sent a notification from the Governor of Tennessee opting out of the provision to require a Families First/TANF parent or caretaker receiving assistance for two (2) months who is not exempt and who is not employed to participate in community service activity. The State plan requires all non-exempt Families First/TANF clients to have an Individualized Career Plan (ICP) and/or Family Empowerment Plan (FEP).

### ***Transitional Cash Assistance***

Effective December 1, 2018, Transitional Cash Assistance (TCA) is available to an AU with an increase in earned income that exceeds the maximum threshold for their household size. The AU may be eligible for up to six (6) months of the maximum grant allotment for all eligible AU members at the time of TCA approval if the household remains in compliance with TCA eligibility requirements during the six (6) month TCA period.

TCA Eligibility:

- Become financially ineligible for Families First due to an increase in the AU's earned income;
- Meet all other Families First eligibility criteria, as defined in section A; and
- Be working at least thirty (30) hours per week (OR a combined fifty-five (55) hours for two-parent households receiving federally funded child care).

Note: TCA is an incentive to the Families First/TANF households designed to address the fiscal cliff families often encounter. TCA differs from Families First/TANF when 100% of the earned income is excluded for six months which allows the household to continue receiving cash assistance.

**TCA Work Requirements/Sanctions:**

The AU will be monitored by the Employment and Case Management Services (ECMS) provider during the TCA period. If the AU fails to provide proof of ongoing employment that meets the required work hours, the AU will be referred to TDHS for case closure.

If the AU falls below the required hours during the TCA period and fails to engage in additional activities, the cash assistance will be closed.

The customer will be eligible to receive supportive services during the TCA period. The supportive services include child care, transportation, as well as other supportive services facilitated by the ECMS provider.

Once the TCA period ends, the customer may be eligible to receive eighteen (18) months of transitional child care.

All TCA cases will be counted in the work participation rate and will be reported as an open Families First case.

***Diversion Program***

Tennessee will operate a Diversion program to serve families who are not receiving the Families First/TANF cash assistance but could achieve self-sufficiency and economic security through a lump-sum payment.

An Assistance Unit (AU) must meet all of the following criteria to receive a Diversion payment:

- Families First/TANF program eligibility criteria;
- The Assistance Unit has demonstrated residency in Tennessee for six (6) months;
- The primary caretaker has a recent job history;
- The Assistance Unit does not face any major barriers to employment, such as drug/alcohol abuse;
- The primary caretaker has at least a high school diploma or equivalent; and
- The household is facing a one-time financial need, and the Diversion payment would prevent the ongoing need for Families First/TANF cash assistance. The funds can be used for housing, transportation, child care, or job needs.

The Diversion payment will reduce the temporary cash assistance lifetime limit of sixty (60) months eligibility by the number of months the applicant receives a Diversion payment.

Those who accept the Diversion payment will be ineligible to receive another Diversion payment or Families First/TANF cash assistance during the diversion months of assistance. Employed Diversion recipients may be eligible for twelve (12) months of subsidized child care.

## ***Sanctions***

Sanctions shall be applied to all Families First/TANF cases that are not in compliance with their Personal Responsibility Plans. A sanction may result in a percentage reduction in the Families First/TANF cash assistance for failure to provide immunizations, health checks, attend school, or ensure satisfactory attendance and/or progress of school-aged children. Total assistance group ineligibility will be applied if the family fails to cooperate with child support or comply with their Individualized Career Plan (ICP) and/or Family Empowerment Plan (FEP) activities without good cause, which is determined by TDHS.

## ***Other Policies***

Families First/TANF AUs have access to child care. AUs with an eligible adult can access Families First/TANF Child Care if they are engaged in countable work and/or training activities and require child care in order to comply with the program's work requirements. In addition, clients who are exempt from a work requirement, but wish to volunteer for work/training activities may have access to child care. There is no co-pay fee.

Certain child-only Families First/TANF cases are eligible for At-Risk Child Only (ARCO) childcare if funding is available.

Former Families First/TANF or Transitional Cash Assistance (TCA) clients who are employed or participating in an approved work and/or educational activity at least thirty (30) hours a week can receive up to eighteen (18) months of Transitional Child Care (TCC) after their Families First/TANF case is closed. The eligibility period for TCC begins the first (1<sup>st</sup>) day of the month after the Families First/TANF cash assistance ends. There is a co-pay fee for ARCO and TCC.

Families First/TANF AUs will be reviewed annually for continued eligibility.

If a single parent marries during the receipt of Families First/TANF cash assistance, he/she may choose to exclude the new spouse from the AU for three (3) full months, regardless of income. Following the three (3) months, the AU must meet Families First/TANF program eligibility requirements to continue to receive cash assistance.

A Family Cap will be applied when a child is conceived and born during a period of eligibility. It may also be applied to a child born after or during a period of ineligibility, but within ten (10) months of a reapplication month. Exceptions are granted when the birth is the result of rape or incest or when the birth is the first (1<sup>st</sup>) child born to a minor in an assistance unit.

## **Other Programs**

### **Two Generational Programs**

The Tennessee Department of Human Services (TDHS) fosters a Two-Generation (2Gen) Approach to address poverty from a whole-family centered approach that focuses equally and intentionally on services and opportunities for the child and the caregiver in their lives. This approach builds on four (4) components (i.e. education: early childhood and postsecondary, economic assets, health and well-being, social capital) to create a legacy of economic security that can positively impact the next

generation and those to follow. Specifically, TDHS is committed to working with internal and external partners to provide coordinated services and achieve the following goals: (1) Focus on reducing poverty among children and families using a 2Gen Approach; (2) Cross-agency collaborations that promote 2Gen partnerships and systems change at the state level; (3) Create effective pathways to economic opportunity, including access to mainstream education, training and individualized services for those with barriers to employment; (4) Provide training that promotes a 2Gen approach and help human services staff at all levels of the department serve families more effectively and efficiently; (5) Ensure that families have access to economic and social supports to support upward mobility, while also assuring healthy child development; (6) Help families build social capital that can support both resilience and upward mobility; and (7) Engage and listen to the voices of the families.

In 2014, DHS adopted the 2Gen Approach, which affords DHS the opportunity to be innovative and increase community collaboration in a way that moves children and their parent/caregiver towards educational success, economic stability, strong social capital, and health and well-being. Through this foundational framework, the Department has established several community and state government partnerships across Tennessee to deliver services in a manner that improves economic security and well-being for low income families. The 2Gen partnerships promotes one or more of the four statutory purposes of the TANF program, and two of those being: 1) Provide assistance to needy families so that children can be cared for in their own homes; and 2) Reduce the dependency of needy parents on government benefits by promoting job preparation, work, and marriage.

The TDHS' 2Gen programs collectively offer a myriad of health and human services and/or family economic stability services directly or through referral linkage. Services include:

- Non-medical, wraparound substance abuse and mental health resources to those individuals experiencing and families impacted by opioid addition/crisis;
- Increase the provision of early-intervention home visiting services and supports to mother at pregnancy or at birth, up to age five of the child to improve the health, development, and well-being of children and parent;
- Legal Counseling to assist the families with any immediate civil legal issues such as existing family law issues (i.e. child support and alimony arrangements, violence in the home). Identification of special education issues that households are facing and provide in-school advocacy to increase services to children. Legal education sessions/workshops into increase advocacy skills. Screening for eligibility for Social Security disability or SSI benefits;
- Early steps to school success by providing parents with support groups, resources, and knowledge to support their children and fosters strong home/school connections to ensure a smooth transition to school. Provide social emotional enhancements to both families and children on handling toxic stress to reduce ACE's; therefore, decreasing psychological distress by improving health and wellbeing.
- Employment training, life skills classes, parenting skills, enrollment in post-secondary opportunities, transportation assistance, enrollment in career certificate programs for

training and development, employment opportunities, GED/HISET services, financial planning and management skills, and housing support prevention intervention services; and

- Comprehensive case management to connect families to childcare, financial support, job training, transportation, nutrition services, and other social services.

### **Non-Custodial Programs**

Child Support has been determined to be an important foundation in assisting families achieve self-sufficiency and preventing them from relying on additional government assistance. In October 2018, Tennessee established partnerships throughout the State with agencies to assist non-custodial parents' ability to find employment and pay their child support obligations. These partnerships are geared to improving the parenting and communication skills of non-custodians by allowing them to become a greater part of their child's life. Some of the services provided are access to visitation, assisting noncustodial parents re-entering the workforce, assisting parents who cannot pay child support find employment, and other family centered services.

#### **Eligibility:**

For a family receiving service through either of these programs, they must meet the State's low-income eligibility criteria. A family is defined as a parent/legal guardian with child(ren) under the age of 18. "Low-Income Families" means families living at or below the Federal Poverty Level, are eligible for Medicaid; are recipient of or eligible for public benefits such as Families First or Supplemental Nutrition Assistance Program (SNAP); are part of a coordinated entry system through Social Services agencies; unemployed or zero income verification; live in Section 8 housing or low rent public housing; or eligible for National School Lunch Program: free or reduced lunch.

Pregnant women are eligible to participate and receive services under these programs.

### **Emergency Cash Assistance**

Effective March 2020, the state may elect to operate an Emergency Cash Assistance (ECA) program in the event of a state and/or federal emergency declaration as a result of natural disaster or public health emergency. This benefit will be available for current TANF participants as well as non-TANF participants.

#### **Eligibility for ECA due to natural disasters:**

- Applicant must live and/or work in the area declared a disaster;
- Families must include a dependent child under the age of eighteen (18) or a pregnant woman (regardless of trimester);
- The applicant must be a resident of Tennessee;
- The applicant and household members must have valid social security numbers;
- The applicant's resources must not exceed \$2,000 (this can be waived at the state's discretion depending on severity of disaster); and
- Applicant must be unable to live in the home due to the disaster, or the home requires significant repairs, or work in place of employment due to damage/destruction.

**Eligibility for ECA due to public health emergency:**

- Applicant must live in the area affected by the public health emergency;
- Families must include a dependent child under the age of eighteen (18) or a pregnant woman (regardless of trimester);
- The applicant must be a resident of Tennessee;
- The applicant and household members must have valid social security numbers;
- The applicant’s resources must not exceed \$2,000 (This can be waived at the state’s discretion depending on severity of emergency); and
- Applicant must experience a temporarily loss of income or reduction in hours by at least 50% due to the public health emergency.

**Additional ECA requirements:**

ECA will be short term benefits, not to exceed four (4) months.

The applicant’s gross household income must not exceed 85% of the State’s median income.

The sixty (60) month time limit will not apply to applicants of ECA.

The 30-hour work requirement will not apply to applicants of ECA.

Child support cooperation is not a requirement for those eligible for ECA.

The standard allotment amount for household sizes will be determined based on the availability of funds, and benefits will be made available to families via the Electronic Benefit Card (EBT).

Families who are participating in the TANF program are eligible for ECA, however, they must continue to meet the eligibility requirements stated in sections A and B of this plan to remain open for TANF.

All Emergency Cash Assistance applicants receive information that explains the right of Appeal and Fair Hearing as described in section K of the plan.

(D) TAKE SUCH REASONABLE STEPS AS THE STATE DEEMS NECESSARY TO RESTRICT THE USE AND DISCLOSURE OF INFORMATION ABOUT INDIVIDUALS AND FAMILIES RECEIVING ASSISTANCE UNDER THE PROGRAM ATTRIBUTABLE TO FUNDS PROVIDED BY THE FEDERAL GOVERNMENT (SECTION 402(A)(1)(A)(IV) OF THE SOCIAL SECURITY ACT)

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**Privacy Provisions**

The rules of the cash assistance programs regarding the use and disclosure of information about clients and families receiving assistance are consistent with the rules that guided the program under Title IV-A of the Social Security Act prior to the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, thus protecting the rights of individuals and

permitting the release of information to programs operating in connection with these programs; i.e., federally funded or federally assisted programs providing cash assistance on the basis of need, appropriate audit, and appropriate local, State, and federal law enforcement officials.

All TDHS staff will have mandatory requirements to participate in the Data Security Awareness Training every year. This training discusses the safeguarding of confidential case file information. Each staff member will be required to view an interactive training presentation, complete a short quiz regarding the training material, and sign an agreement to abide by the rules and protocols as described in the training material. Failure to participate in the training will result in the user being revoked access. If the TDHS staff does not abide by the confidentiality agreement, they will face disciplinary action.

E) ESTABLISH GOALS AND TAKE ACTION TO PREVENT AND REDUCE OUT-OF- WEDLOCK PREGNANCIES, WITH SPECIAL EMPHASIS ON TEENAGE PREGNANCIES (SECTION 402(A)(1)(A)(V) OF THE SOCIAL SECURITY ACT)

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### **Efforts to Reduce Out-of-Wedlock Pregnancies**

“What’s the Rush?” is a statewide initiative of the Tennessee District Attorneys (DA) General Conference aimed at raising awareness of the legal, financial, and social consequences of teen pregnancies. “What’s the Rush: Don’t be a Teen Parent” Campaign, provides informational videos and pamphlets via the DA’s Website. “What’s the Rush?” printed materials and videos were created for the DAs, Assistant District Attorneys (ADAs) or staff members to use when visiting schools and civic organizations to educate Tennessee’s youth about the consequences of becoming teen parents. These materials may also be provided to health departments, the Department of Human Services, courts, and other state-wide partners.

The Tennessee District Attorneys Conference created the campaign in 2008 in response to the number of court cases involving teen parents throughout the State. The following clause is included in the State of Tennessee’s contract with the DAs:

“A.39 The grantee shall conduct a teen pregnancy prevention campaign with a goal of decreasing the number of child support cases. This program shall target and provide resource materials to every high school and health department in the State. Further, the program shall be promoted, and readily assessable to teens through various means including, but not limited to, a website, billboards, and other outreach efforts.”

(F) 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 THAT TEENAGE PREGNANCY PREVENTION PROGRAMS MAY BE EXPANDED TO INCLUDE MEN (SECTION 402(A)(1)(A)(VI) OF THE SOCIAL SECURITY ACT)

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The Department is actively working to procure an online training program in a video format to

upload on our departmental website. This training program will be available to the general public and utilized to train our staff, TANF partners, and customers to address the problem of statutory rape and teen pregnancy prevention. Local TDHS offices will continue to provide printed material regarding statutory rape, displayed in TDHS offices, until such program is made available. Printed materials will be made available to; contracted agencies, local schools, and in other prominent public places to include law enforcement officials, and relevant counseling services. The Department requires all Family Assistance staff to report knowledge of possible statutory rape and any kind of child abuse or neglect. TDHS staff will contact the local Department of Children Services (DCS) office and notify a Child Protective Services intake worker of a possible occurrence of statutory rape when an applicant for Families First/TANF program or other programs designed to provide related services is:

- Thirteen (13) years of age but less than eighteen (18) years of age; or
- A parent, legal guardian, or custodian on behalf of such person.

TDHS, in conjunction with the proper authorities, will provide a cooperative effort to develop and implement the plan of action.

(G) IMPLEMENT POLICIES AND PROCEDURES AS NECESSARY TO PREVENT ACCESS TO ASSISTANCE PROVIDED UNDER THE STATE PROGRAM FUNDED UNDER THIS PART THROUGH ANY ELECTRONIC FUND TRANSACTION IN AN AUTOMATED TELLER MACHINE OR POINT-OF-SALE DEVICE LOCATED IN A PLACE DESCRIBED IN SECTION 408(A)(12), INCLUDING A PLAN TO ENSURE THAT RECIPIENTS OF THE ASSISTANCE HAVE ADEQUATE ACCESS TO THEIR CASH ASSISTANCE (SECTION 402(A)(1)(A)(VII) OF THE SOCIAL SECURITY ACT)

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### ***TANF Electronic Benefits Transfer (EBT) Restrictions Requirements***

Any client or caretaker receiving TANF assistance that participates or allows another to use the client's EBT card in an EBT transaction at an ATM machine or Point of Sale (POS) device in any prohibited business location shall be subject to the following penalties:

- Reimburse the department for the amount withdrawn and used subject to any prohibition in federal law.
- Upon a third or subsequent violation, if permitted by federal law, the person shall be permanently disqualified from receiving public assistance benefits by means of direct cash payment or an electronic benefit transfer access card.

A person or entity subject to a penalty or sanction under this section shall have the right to a hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

TDHS shall designate a protective payee to administer the temporary public assistance grant for the benefit of the assistance unit in the event a client or caretaker is disqualified from receipt of public assistance benefits by means of direct cash payment or an EBT card under this Chapter.

Any person or business entity who allows another to use the client's EBT card in an EBT transaction

at an ATM machine or POS device in any prohibited business location shall be subject to the following penalties:

- (A) One thousand dollars (\$1,000) for the first violation;
- (B) Two thousand five hundred dollars (\$2,500) for the second violation within five (5) years;
- (C) Five thousand dollars (\$5,000) for a third or a subsequent violation within five (5) years.

The district attorney general may bring an action to suspend the business licenses and permits of the person or business entity for one (1) year for any violation of this subsection (c). The department is authorized to bring an action to enforce any civil penalty under this subsection (c) in a complaint filed in the chancery court of the county where the merchant is located.

TDHS' Office of Inspector General (OIG) contacts the Tennessee Alcohol Beverage Commission and obtains a list of the names, physical, and mailing address of licensed liquor stores across the state on a quarterly basis. To obtain the addresses for adult entertainment businesses that meet the definition of Public Law 112-96, OIG initially contacted each County Sheriff Department across the state to identify the name and location of any adult cabaret business known in that county. OIG maintains this list by performing web searches on a quarterly basis to identify new "adult cabaret" business and/or changes to the established list. Under Tennessee Code Annotated 39-17-501, casinos, gambling casinos, or gaming businesses as defined by Public Law 112-96 are prohibited. Tennessee borders multiple states that have legalized gambling and gaming businesses (i.e. Kentucky, Mississippi, etc.). TDHS' OIG is using recipient EBT transaction data and queries on known businesses and keyword(s) (i.e. casino, gaming, etc.) to identify recipients who have used their EBT card in an out of state restricted business. Under Tennessee Code Annotated, Section 71-3-126, a recipient cannot use their benefits at a retail store that derives its largest category of sales from loose tobacco, cigars, cigarettes, pipes and other smoking accessories. This is monitored via EBT transaction data and queries.

Additionally, TDHS uses a series of monthly reports based on queries on keywords in the EBT store name and the list of established businesses to obtain the name and address of new businesses discovered through the monitoring process. Owner(s) of any new restricted establishments that are discovered as a result of the above efforts will be notified in writing of the State law and penalties for obtaining or using cash assistance from an EBT card in a restricted business.

TDHS' OIG works with the Business Intelligence Unit, a division within Finance and Administration to develop a series of reports to monitor EBT transactions at restricted locations at liquor stores, adult cabaret, gaming establishments and tobacco stores. These reports are reviewed on a quarterly basis by the TDHS OIG. TDHS' OIG investigates locations and recipients that are identified on the quarterly reports. Once investigated, the TDHS' OIG will determine and establish claims in the amount of cash assistance accessed in a restricted location for clients that have received benefits in a restricted location per State law. TDHS' OIG may also assess penalties on the businesses that violate the federal and state law.

We will work to ensure that our TANF recipients have adequate access to their cash assistance. Business owners will provide the DHS OIG Division with ATM location details. Based on that information, the OIG will assess the restricted locations to determine if there are other nearby unrestricted businesses where benefits can be accessed. If there appears to be an access problem, the DHS OIG will then notify the TANF Program Director concerning locations where a client may

not have adequate access to their cash assistance.

(H) ENSURE THAT RECIPIENTS OF ASSISTANCE PROVIDED UNDER THE STATE PROGRAM FUNDED UNDER THIS PART HAVE THE ABILITY TO USE OR WITHDRAW ASSISTANCE WITH MINIMAL FEES OR CHARGES, INCLUDING AN OPPORTUNITY TO ACCESS ASSISTANCE WITH NO FEE OR CHARGES, AND ARE PROVIDED INFORMATION ON APPLICABLE FEES AND SURCHARGES THAT APPLY TO ELECTRONIC FUND TRANSACTIONS INVOLVING THE ASSISTANCE, AND THAT SUCH INFORMATION IS MADE PUBLICLY AVAILABLE (SECTION 402(A)(1)(A)(VIII) OF THE SOCIAL SECURITY ACT)

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The Tennessee EBT Cash Access Location Report is available on the Department's website. This report provides POS locations throughout the State of Tennessee with and without surcharge fees.

If determined needed, the DHS TANF team, along with OIG, will work with businesses in order to purchase POS systems that will be able to be used by clients without being charged a surcharge fee.

The client will have the opportunity to appeal any potential claim for using their cash assistance in a restricted location.

Brochures are provided by TDHS' contracted EBT vendor to every recipient who uses an EBT card to access his/her benefits. These brochures thoroughly explain use, fees, and possible surcharges that apply to electronic fund transactions and penalties for illegal use including those for use at restricted businesses.

(I) INDICATE WHETHER IT INTENDS TO TREAT FAMILIES MOVING FROM ANOTHER STATE DIFFERENTLY FROM OTHER FAMILIES UNDER THE PROGRAM, AND IF SO HOW (SECTION 402(A)(1)(B)(I) OF THE SOCIAL SECURITY ACT)

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### **Out-of-State Families**

TDHS applies the Families First/TANF program policies to all applicant/recipients who are residents, including those families who were past recipients in another state and move to Tennessee. The policies and procedures of the Families First/TANF program will be applied uniformly to current and to new state residents. Families seeking the Diversion payment must demonstrate six (6) months of residency in Tennessee.

(J) INDICATE WHETHER IT INTENDS TO PROVIDE ASSISTANCE TO NON-CITIZENS, AND IF SO INCLUDE AN OVERVIEW OF THE ASSISTANCE (SECTION 402(A)(1)(B)(II) OF THE SOCIAL SECURITY ACT)

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### **Treatment of Non-citizens**

TDHS provides assistance to non-citizens using the rules outlined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Trafficking Victim Protection Act of 2000, and federal rules regarding certain battered women and children. TDHS does not offer state-only funded programs for non-citizens. The current Families First/TANF program policy allows eligibility for individuals with the following non-citizen status and length of time in the U.S.:

- Refugee (admitted under Section 207) in the U.S. less than five (5) years
- Asylee (admitted under Section 208) in the U.S. less than five (5) years
- Deportation Withheld (under section 243(h)) in the U.S. less than five (5) years
- Honorably Discharged Veterans
- Armed Forces Active Duty
- Spouse/Child/ of Veteran
- Spouse/Child of Armed Forces Active Duty
- Hmong or Highland Laotian
- Spouse of Hmong or Highland Laotian
- Dependent Child of Hmong or Highland Laotian
- Filipinos who are considered US Armed Service Vets
- Legal Permanent Resident (LPR) with forty (40) Qualifying Quarters
- Legal Permanent Resident (LPR) ins US more than five (5) years
- Amerasian Immigrant in U.S. less than five (5) years
- Cuban/Haitian Entrant admitted under Section 21 (h)(5) in the U.S. less than five (5) years
- Conditional Entrant (admitted under INA Section 203 (a)(7) ineligible status for more than five (5) years
- Parolee (status granted under INS Section 212 (d)(5) for 1 or more years – entry date on or after 8/22/96 after in “parolee” status for five (5) or more years
- Trafficking Victims in accordance with 107(b)(1) of the Trafficking Victim Protection Act of 2000
- Certain Women and Children in battered status and in the U.S. less than five (5) years
- Afghan Special Immigrant admitted under 101 (a)(27) effective 12/26/2007
- Afghan Special Immigrant admitted under 101 (a)(27) effective 12/19/2009 (in the U.S. less than five (5) years
- Iraqi Special Immigrant admitted under 101 (a)(27) effective 1/28/2008
- Iraqi Special Immigrant admitted under 101 (a)(27) effective 12/19/2009 ( in U.S. less than five (5) years)

(K) SET FORTH OBJECTIVE CRITERIA FOR THE DELIVERY OF BENEFITS AND THE DETERMINATION OF ELIGIBILITY AND FOR FAIR AND EQUITABLE TREATMENT, INCLUDING AN EXPLANATION OF HOW IT WILL PROVIDE OPPORTUNITIES FOR RECIPIENTS WHO HAVE BEEN ADVERSELY AFFECTED TO BE HEARD IN A STATE ADMINISTRATIVE OR APPEAL PROCESS (SECTION 402(A)(1)(B)(III) OF THE SOCIAL SECURITY ACT)

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### **Ensuring Program Integrity**

Program integrity is twofold. It includes both the provision that benefits must be provided timely and provided correctly and that recipients are provided with an avenue to voice their complaints/concerns through an appeal process.

Appeals are handled by the TDHS' Appeals and Hearings Division, an entity whose only purpose is to fulfill the function of determining whether the correct action was taken on a case when that action has resulted in client dissatisfaction. Any applicant for, or recipient of, Families First/TANF may file an appeal through the county office, district office, State Office, or our Family Assistance Service Center (FASC). Every applicant/recipient is informed of his/her right to appeal if he/she is aggrieved by an action or lack of action by TDHS. Anyone who applies or wants to apply for Families First/TANF cash assistance is given information that explains the right of Appeal and Fair Hearing, the method by which a hearing may be obtained, and that his/her case may be presented by a

household member or a representative. All applicants/recipients are informed about these rights.

Resources that were previously used for quality control purposes in the Aid to Families with Dependent Children (AFDC) program were redirected to monitor and evaluate Families First/TANF program. Focusing on outcomes rather than process will continue to ensure accountability. A method remains in place to ensure that payment accuracy and standards of promptness are achieved. An active case review team will review a statistically valid sample of cases that are actively receiving Families First/TANF (those not slated for closure); to ensure policy and payment accuracy and that appropriate case management services are provided. The results of these reviews are provided to the management team of each area in the state and are used to determine areas where additional training may be needed. Individual errors found in cases are also addressed and corrected.

(L) INDICATE WHETHER THE STATE INTENDS TO ASSIST INDIVIDUALS TO TRAIN FOR, SEEK, AND MAINTAIN EMPLOYMENT (SECTION 402(A)(1)(B)(V) OF THE SOCIAL SECURITY ACT)—

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1. PROVIDING DIRECT CARE IN A LONG-TERM CARE FACILITY (AS SUCH TERMS ARE DEFINED UNDER SECTION 1397J OF THIS TITLE); OR
2. IN OTHER OCCUPATIONS RELATED TO ELDER CARE, HIGH-DEMAND OCCUPATIONS, OR OCCUPATIONS EXPECTED TO EXPERIENCE LABOR SHORTAGES AS, DETERMINED APPROPRIATE BY THE STATE FOR WHICH THE STATE IDENTIFIES AN UNMET NEED FOR SERVICE PERSONNEL, AND, IF SO, SHALL INCLUDE AN OVERVIEW OF SUCH ASSISTANCE.

### **Patient Protection and Affordable Care Act of 2010**

The Families First/TANF Program does not intend, at this time, to develop a specific program to assist clients to train for, seek, and maintain employment in:

- Providing direct care in a long-term care facility (as such terms are defined under Section 1397j of Title VI); or
- Other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel.

The ECMS Providers currently assist some Families First/TANF clients with work and/or educational training that apply to the above criteria as part of their general work requirement activities based on their needs and abilities.

(M) PROVIDE FOR ALL MOE-FUNDED SERVICES THE FOLLOWING INFORMATION: THE NAME OF THE PROGRAM BENEFIT OR SERVICE, AND THE FINANCIAL ELIGIBILITY CRITERIA THAT FAMILIES MUST MEET IN ORDER TO RECEIVE THAT BENEFIT OR SERVICE. IN ADDITION, FOR TANF MOE-FUNDED SERVICES (CO-MINGLED OR SEGREGATED MOE) DESCRIBE THE PROGRAM BENEFIT PROVIDED TO ELIGIBLE FAMILIES (SSP SERVICES DO NOT HAVE TO INCLUDE A DESCRIPTION BUT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ENCOURAGES IT) (§263.2(B)(3) & §263.2(C) PREAMBLE PAGES 17826-7)

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### **MOE Programs**

Tennessee has discontinued providing Families First/TANF cash assistance and services to some eligible families under a Separate State Program (SSP), using only State Maintenance of Efforts (MOE) funds. TDHS' MOE funds can be spent in any of the following categories: cash assistance, work/training related activities and associated support services, child support pass-through, Families First/TANF Program Administration, and Families First/TANF MOE Child Care. Families First/TANF eligibility, as outlined in section (a), is a requirement for usage of the TDHS MOE funds. TDHS does not currently have any SSP MOE Programs.

### **Public Involvement**

TDHS continues to uphold efforts to improve the Families First/TANF program through public involvement by meeting with advocates groups to discuss the state of the Families First/TANF program and proposed improvements. TDHS continues to maintain the trust of our clients, partners, and the public by demonstrating excellence in service delivery, results, and effective fiscal stewardship. The Families First/TANF program understands the importance of public-private partnerships and continues to collaborate with other agencies throughout the state.

### ***Americans with Disabilities Act Provisions***

The Families First/TANF program, including any contracting agencies providing services to Families First/TANF clients, are required to comply with all ADA provisions in the application of policy and provision of services.

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## TANF CERTIFICATIONS

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States that include TANF in the Combined State Plan must provide a certification by the chief executive officer of that State. During the fiscal year, the State will:

Operate a child support enforcement program under the State Plan approved under part D. (section 402(a)(2) of the Social Security Act)    Yes

Operate a foster care and adoption assistance program under the State Plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under The Unified or Combined State Plan under title XIX. (section 402(a)(3) of the Social Security Act)    Yes

Specify which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations (section 402(a)(4) of the Social Security Act)—have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations;    Yes

Specify which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations (section 402(a)(4) of the Social Security Act)—have had at least 45 days to submit comments on the plan and the design of such services    Yes

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. (section 402(a)(5) of the Social Security Act)    Yes

Establish and enforce 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 political patronage. (section 402(a)(6) of the Social Security Act)    Yes

(optional) Establish and Enforcing standards and procedures to (section 402(a)(7) of the Social Security Act). — screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;    Yes

(optional) Establish and Enforcing standards and procedures to (section 402(a)(7) of the Social Security Act). — refer such individuals to counseling and supportive services; Yes

(optional) Establish and Enforcing standards and procedures to (section 402(a)(7) of the Social Security Act).—waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements 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. Yes

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE

5/27/2020  
Date

  
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Bill Lee, Governor