

**Tennessee TANF State Plan**

**Effective 10/1/08 – 9/30/10**

**December 18, 2008**

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## **I. PROGRAM DESCRIPTION**

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

Assistance payments shall be made on a monthly basis for all eligible assistance groups using a standardized budgeting and payment method per assistance group size. The state has a gross income test, a consolidated standard of need, and a maximum standard payment amount per assistance group size. Some assistance groups receive a higher differential maximum payment amount, based on caretaker work exemptions. The income standards are included in the attachments to the State Plan.

The state 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.

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

### ***a. Eligibility***

Eligibility for Families First benefits will be determined based on the following criteria:

- The Assistance Unit (AU) lives in Tennessee.
- AU includes either:
  - A child under age 18;
  - A child under age 19 who is expected to complete high school or an equivalent vocational/technical training before his/her 19th birthday;
  - A pregnant woman in her last trimester; or
  - The otherwise eligible parents or caretakers of a SSI child.
- The children live in the home of a parent or a relative 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.
- Child meets Deprivation standards based on the absence, death, incapacity or unemployment of a parent.
- Households meet income eligibility, including an income test and a resource test.

All AUs will be subject to a 60-month lifetime limit of Families First assistance. Months of TANF-funded assistance received in another state will count toward the lifetime limit unless the family was on Families First on July 1, 2007. Those AUs that reach their 60-month limit and are otherwise eligible may be considered for an extension. No more than 20% of the caseload can be on an extension at any given time.

***b. Work Requirements***

AUs with eligible adults who are not exempt must engage in 30 hours a week of countable work or training activities with the exception of those individuals who require a reduction in activity hours due to an Americans with Disabilities Act modification. The federally countable work activities being utilized in Tennessee are:

- Unsubsidized employment;
- Subsidized employment in the public or private sector;
- Job Search and Job Readiness Assistance;
- Community Service;
- Work Experience;
- Vocational Education;
- Job skills training directly related to employment; and
- Adult Education (education directly related to employment).

Families First 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.

All provisions of the Fair Labor Standards Act will apply to Work Experience and Community Service activities, including maximum number of hours and displacement safeguards.

Work activities will be provided on a performance-based contracted basis. Tennessee is divided into five regional Contractor Zones for the provision of these activities. Contractors are required to provide transportation and will also provide other support services to help move their clients toward economic security and self-sufficiency. Contractors will negotiate and sign an Individualized Career Plan with each client that outlines specific work requirements.

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

- The caretaker is 65 years old or older;
- The caretaker is disabled;
- The caretaker is temporarily incapacitated;
- The caretaker is caring for an in-home disabled relative; or
- The caretaker is caring for an infant up to 16 weeks old.

Exempt AUs may volunteer to work and will receive Families First support services.

Child-only cases are cases with an eligible child in the home, but no eligible adult in the Assistance Unit. The caretaker is either:

- A non-parental relative;
- A parent whose immigration status precludes him or her from receiving assistance; or
- A parent who receives Supplemental Security Income (SSI).

There is no work requirement or time limit on assistance for child-only cases. Once they are deemed eligible, they begin receiving assistance. A child-only case is an AU with a non-parent grantee relative who is not included in the AU and who is not included as a recipient of Families First. Child-only cases do not include cases where the parent is excluded from the AU because he or she is ineligible due to illegal alien status or because he or she is fleeing a felony.

Families First will employ the following strategies for work and self-sufficiency:

- Families First participants will have goal-oriented, time-limited, Individualized Career Plans that carry them through logical and productive steps to self-sufficiency;
- Sanctions will be imposed when a family fails, without good cause, to comply with the Individualized Career Plan ;
- Cash benefits will be limited to 60 months of eligibility in a lifetime, with some exceptions;
- Participants who go to work and lose cash benefits will continue to receive transitional benefits, including child care assistance. Families may also qualify for transitional Food Stamps.

No specific numerical goals have been set to move families off Families First. Rather, outcome goals have been set for all activities and all providers of services to assure clients receive the best available services in the shortest time possible. Client goals will be set, keeping in mind the 60-month time limit.

Work Activity Contractors who provide Families First work activities receive payment for achievement in client job retention, and are required to maintain contractor Work Participation Rates or face fiscal penalties.

The Secretary was sent a notification from the Governor of Tennessee opting out of the provision to require a parent or caretaker receiving assistance for two months who is not exempt and who is not engaged in work to participate in community service employment. The State plan requires all non-exempt individuals to have an Individualized Career Plan.

### ***c. Diversion Program***

Tennessee will operate a Diversion program to serve families who do not need ongoing assistance, but could achieve self-sufficiency and economic security with a one-time lump sum payment.

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

- The Assistance Unit has not been on TANF assistance or received a diversion payment in any state in the past two years and has demonstrated residency in Tennessee for 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;
- The household is facing a one-time financial need, and the Diversion payment would prevent ongoing need for TANF assistance. Money can be used for housing, transportation, child care or job needs.

Those who accept the Diversion payment will be ineligible for Families First for a year, unless an emergency arises. Employed Diversion recipients are eligible for 3 months of subsidized child care.

#### ***d. Sanctions***

Sanctions shall be applied to all cases that are not in compliance with their Personal Responsibility Plans. A sanction may result in a percentage reduction in benefits for failure to provide immunizations, health checks, or attend school; and total assistance group ineligibility when the family does not cooperate with child support or Individualized Career Plan activities without good cause.

#### ***e. Other Program Policies***

Families First AUs have access to child care. AUs with an eligible adult can access Families First Child Care if they are engaged in countable work and/or training activities and must have child care in order to participate. In addition, individuals 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.

Certain child-only cases are eligible for At-Risk Child Only (ARCO) child care if funding is available. Former Families First recipients who are working at least 30 hours a week can receive up to 18 months of Transitional Child Care (TCC) after their cases are closed. After the 18-month TCC period, clients who are determined to be “at-risk” of returning to the program or losing employment due to lack of child care are eligible for At-Risk Child Care (ACC). There is a co-pay for ARCO, TCC and ACC child care.

AUs will be reviewed annually for continued eligibility.

If a single parent marries during the receipt of Families First assistance, he/she may choose to exclude the new spouse from the AU for 3 full months, regardless of income. Following the 3 months, the AU must meet TANF eligibility requirements to continue to receive 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 10 months of a reapplication month. Exceptions will be granted when the birth is the result of rape or incest or when the birth is the first child born to a minor in an assistance group.

## **II. REQUIRED STATE PLAN ELEMENTS**

#### ***a. Privacy Provisions***

The rules of the Families First program regarding the use and disclosure of information about individuals 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 the TANF Program; i.e., federally funded or federally assisted programs providing assistance on the basis of need, appropriate audit and appropriate local, state, and federal law enforcement officials.

#### ***b. Efforts to Reduce Out-of-wedlock Pregnancies***

The Department of Human Services, in conjunction with the Departments of Health and Education, developed a task force to evaluate out-of-wedlock births, with special emphasis on teenage pregnancies and the establishment of goals to reduce the illegitimacy ratio of the state for the calendar years 1996 through 2005 to 33% or less. According to the Department of Health, the

pregnancy rate for girls 10 to 19 years old decreased 16.9% from 2000-2004 (from 37.9 to 31.5%). Given this trend, Tennessee will set a new goal to decrease this rate to 26.8% (an additional 15%) for the calendar years 2004 through 2009.(added 26.8% 1/22/08 and sent page to D. McGhee per his request.)\_

In addition, the Department of Human Services may contract with local school districts to provide a student support program for Families First minor parents. For example, DHS may establish contracts to provide in-school monitors who collaborate with agencies internal and external to the public schools ensuring that students have the resources needed to complete school. Such programs would emphasize the importance of preventing 2<sup>nd</sup> and 3<sup>rd</sup> pregnancies and would provide academic and personal support by offering counseling, post-secondary planning, employment career planning, and life and healthy living skills.

### *c. Efforts to Reduce Statutory Rape*

The Department of Human Services recognizes the correlation between teenage pregnancy and the possible occurrence of statutory rape by men. DHS will serve as the lead agency in administering an educational and training effort to increase the awareness of staff, contractors, local law enforcement and men who may be predators of teenage girls. The program will address preventive measures and the law, including the criminal punishment for individuals convicted of the crime.

- In Tennessee, **statutory rape** is defined as the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
  - The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim; or
  - The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.

**Statutory Rape** is a class E felony. Punishment for a Class E felony is a prison sentence ranging from 1-6 years.

- **Mitigated statutory rape** is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.

**Mitigated Statutory Rape** is a class E felony.

- **Aggravated statutory rape** is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.

**Aggravated Statutory Rape** is a class D felony. Punishment for a class D felony is a prison sentence ranging from 2-12 years.

Local DHS offices will provide printed material regarding statutory rape to be displayed in DHS offices, contracted agencies, local schools and other prominent public places where clients and related individuals, including the men who have allegedly committed the crime, can view the

material.

Staff will notify the proper authorities of a possible occurrence of statutory rape when an applicant for Families First or other program 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.

***d. Out-of-State families***

The State will continue to apply Families First 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 program will be applied uniformly to current state residents and to new state residents. Families seeking the Diversion payment must demonstrate 6-months of residency in Tennessee.

***e. Treatment of Non-citizens***

The state will provide assistance to non-citizens using the rules outlined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

***f. Ensuring Program Integrity***

Resources that were previously used for quality control purposes in the AFDC program are redirected to monitor and evaluate Families First. Focusing on outcomes rather than process will continue to ensure accountability. Methods remain in place to ensure that payment accuracy and standards of promptness are achieved. A review of a statistically valid sample of cases that are actively receiving Families First, those not slated for closure, is conducted by a separate third party Active Case Review team to ensure policy and payment accuracy and that appropriate case management services are provided.

***g. Public Involvement***

Local governments have numerous opportunities to be involved in Families First and many serve as service contractors for education, training or child care services. Urban county governments provide education and training services through sub-contracts with Families First work activity contractors. Local Human Services offices are used in many instances for co-location of local government and in some instances, Human Services caseworkers are stationed in local training centers.

In 2004, a Governor's task Force comprised of business leaders, former and current Families First clients, advocates, program contractors, and senior Department of Human Services officials came together to recommend ways to improve the program with the goal of "*enabling even more Tennesseans to become self-sufficient, tax-paying citizens.*" Another goal of this group, in anticipation of the loss of Tennessee's waiver in June 2007, was to ensure a smooth transition into compliance with all anticipated Federal requirements. The findings and recommendations of this group helped shape the current post-waiver Families First program in Tennessee.

#### *h. MOE Programs*

Tennessee has discontinued providing Families First assistance and services to some eligible families under a separate state program, using only state Maintenance of Efforts (MOE) funds.

#### *i. Americans with Disabilities Act Provisions*

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

### **III. CERTIFICATIONS**

The State will operate a program to provide Temporary Assistance to Needy Families (TANF) so that children may be cared for in their own homes or in the homes of relatives, to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage, to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

The program is known as Families First.

The Executive Officer of the State is the Governor of Tennessee.

In administering and operating a program that provides Temporary Assistance for Needy Families with minor children under Title IV-A of the Social Security Act, the State will:

A. Specify which agency or agencies will administer and supervise the program under part A in all political subdivisions of the State:

- The Tennessee Department of Human Services is the agency responsible for administering the program;
- The Tennessee Department of Human Services is the agency responsible for supervising the program.

B. Assure that local governments and private sector organizations have been consulted regarding the plan and design of Families First services in the State so that services are provided in a manner appropriate to local populations; and have had at least 45 days to submit comments on the plan and the design of such services:

- The Families First program will be guided by State Rules. As changes are needed for policy, proposals for changes to the State Rules are submitted as needed.
- Since Families First was implemented, DHS staff has met periodically with statewide advocates on the continued progress of the program.
- Public Notice of the Tennessee TANF Plan availability for comment is October 20, 2008 – December 5, 2008.

C. Operate a Child Support Enforcement program under the State plan approved under Part D.

D. Operate a Foster Care and Adoption Assistance program in accordance with Part E, and certify that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance.

E. 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 the Federal Government.

F. 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.

G. Make available to the public a summary of the State plan.

H. The State has established and is enforcing standards and procedures to:

- Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- Refer such individuals to counseling and supportive services; and
- Make accommodations to other program requirements as listed below for individuals receiving assistance in cases where compliance with such requirements would make it more difficult to escape domestic violence or would unfairly penalize such individuals who are or have been victimized by such violence, or individuals that are at risk of further domestic violence.

The State will apply special provisions to victims of domestic violence.

Accommodations will be made to program requirements where compliance makes it more difficult for individuals receiving assistance to escape domestic violence or would put such individuals at risk of endangerment. Those requirements could include:

- Work requirements;
- Child support cooperation; and/or
- Family cap provision.

Accommodations will be made based on need as determined by individual assessment by a person trained in domestic violence counseling. The needs of these individuals will be reassessed as needed.

Families First requirement accommodations will be accompanied by appropriate documentation. Families First will continue to work with these families to help them move into work activities to the extent consistent with the basic provisions of the Family Violence Option (FVO).

The State will provide clinical social workers/counselors trained in domestic violence. Services will be available at least as long as the participant is receiving cash assistance.

The State will provide an aggregate figure of the total of good cause domestic violence waivers granted.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phil Bredesen, Governor

## IV. FUNDING

Section 403 (a)(1)(A) provided that each eligible State shall be entitled to receive for each of the fiscal years 1997 through 2004, a grant in an amount equal to the State family assistance grant as defined in section 403(1)(1)(B).

Section 7101(a) of the Deficit Reduction Act) provides that activities authorized by Part A of Title IV of the Social Security Act shall continue through September 10, 2010.

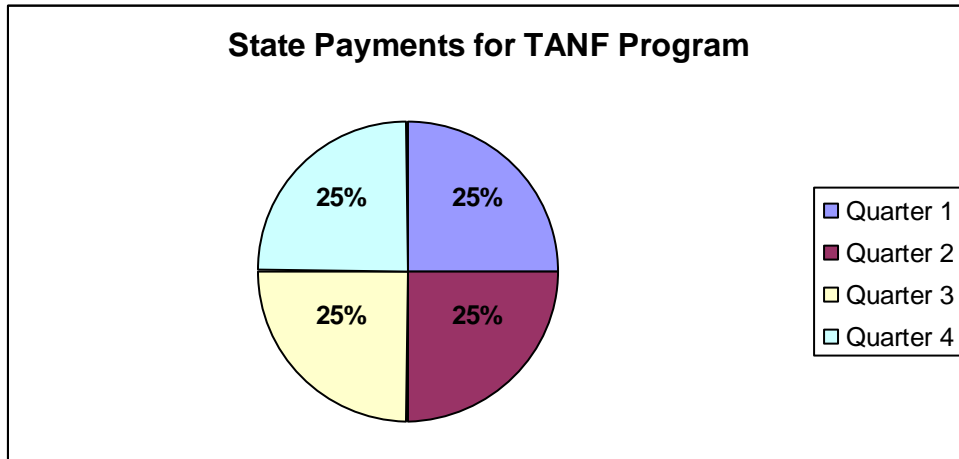
### A. Payments to Agency Administering the TANF Program

Payments for the TANF Program in Tennessee will be made to the Tennessee Department of Human Services

### B. State Payments for TANF Program

Section 405 requires that grants be paid to States in quarterly installments, based on State estimates. The State's estimate for each quarter of the fiscal year by percentage is:

For FY 2007 and Future Years



### C. Contingency Funds

Tennessee may seek to access TANF Contingency Funds when triggers and requirements are met.