



Domestic Violence & Welfare Benefits

FAMILY VIOLENCE OPTION ADVOCACY MANUAL

Produced and Distributed by

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ABOUT THIS MANUAL

This manual is designed to inform advocates about how they can assist victims of domestic violence who are receiving or applying for welfare in Pennsylvania. The 1996 federal law that created the new welfare program – Temporary Assistance for Needy Families (TANF) – included a provision called the Family Violence Option, which is designed to address the needs of domestic victims receiving TANF. Pennsylvania adopted the Family Violence Option in 1996. Former Governor Ridge convened a Domestic Violence Task Force made up of representatives from the Department of Public Welfare, Pennsylvania Coalition Against Domestic Violence and other advocates to design and implement strategies to respond to domestic violence within the welfare setting.

Under the guidance of the Task Force: DPW implemented new policies and procedures that effect victims; DPW caseworkers, clerical support and CCIS staff received training so that appropriate and sensitive notification and assessment is done to identify individuals who are being battered or have a history of domestic violence; and domestic violence advocates were cross-trained on DPW policy so they are able to support victims applying/receiving public benefits.

Because the overwhelming majority of TANF recipients and domestic violence victims are female, this manual uses female pronouns “she” and nouns “women” to refer to them. Masculine terminology is used to refer to batterers and to non-custodial parents.

This manual is designed to be used with the Department of Public Welfare’s (DPW) *Cash Assistance Handbook (CAH)* and *Operations Memorandums* – containing DPW’s rules for receiving benefits. While a few of the sections are reproduced in the Appendices, it is preferable to obtain a copy of the CAH. It is available electronically through DPW’s website (www.dpw.state.pa.us/oimpolicymanuals) which requires a password. To request a password to access to that site, complete and return *Office of Income Maintenance Extranet Access Form* which is available in Appendix A, Chapter 1, Section 3.

This manual is available at www.pcadv.org/publications

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CHAPTER 1

THE FAMILY VIOLENCE OPTION

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CHAPTER 1 – SECTION I

INTRODUCTION

INTRODUCTION

Many women who are in need of public assistance are former or current victims of domestic violence. Many of the normal welfare requirements can create particular dangers or barriers for these individuals. While going to work, attending school, or pursuing child support may provide advantages for victims, these activities may not be appropriate for all battered women and, in some cases, may put them in more immediate danger from their abusers. **The Family Violence Option (FVO)** was adopted as part of the federal welfare law as a response to the unique problems faced by welfare recipients who are victims of domestic violence.

This manual is designed to provide advocates with information about Pennsylvania's implementation of the Family Violence Option and to offer strategies to advocate on behalf of victims of domestic violence who face challenges making their way through the public assistance system.

The Department of Public Welfare's (DPW) local offices – also called County Assistance Offices (CAOs) – run two programs that provide Cash Assistance to low-income people. **Temporary Assistance for Needy Families (TANF)** provides cash to families with children and to pregnant women. **General Assistance (GA)** provides cash to certain categories of people including adults with disabilities, children living with non-relatives, certain people in drug and alcohol treatment programs, some survivors of domestic violence, and others. In addition to Cash Assistance programs, there are programs which pay for food and medical expenses. Most low-income people are eligible for **Food Stamps**, which are government credits that can be used like cash to buy food at most grocery stores. Anyone who receives TANF or GA automatically receives **Medical Assistance (MA)** which pays for all necessary medical expenses.¹ In addition, many low-income people who are not receiving Cash Assistance are eligible for MA.

¹ The federal government, through the Social Security Administration, provides cash to people with long-term physical or mental disabilities. The SSI program is for low-income people with disabilities and the SSDI program is for people with disabilities with significant work histories. SSI and SSDI provide more money than TANF or GA, but proving disability for these programs is more difficult and the application process takes longer.

Notes

Notes**Q** **What is TANF?**

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and dramatically altered the welfare system in the United States. PRWORA created the Temporary Assistance for Needy Families Program (TANF). Under TANF, the federal government gives states a fixed block grant and the power and flexibility to decide how to operate their own welfare programs. In general, states now have the responsibility for determining eligibility criteria and requirements for assistance.

The federal law imposes some important restrictions on states as a condition of receiving federal TANF funding. All states must limit recipients' lifetime receipt of Cash Assistance under federally funded TANF to five years (60 months) or less. Pennsylvania has adopted the five-year limit. The federal law, however, permits states to waive the time limit for some victims of domestic violence under certain circumstances and also allows the states to provide unlimited benefits with state funding. Pennsylvania has adopted regulations regarding how and when it will extend TANF benefits beyond the 60-month limit that should permit needy families to continue receiving TANF as long as the family complies with DPW requirements. The circumstances under which DPW will grant waivers of the five-year time limit are discussed in Chapter 2, Section II.

TANF also includes strict work requirements and changes to support cooperation requirements. Refusal or failure to comply with these requirements may lead to denial of benefits or sanctions. Sanctions will result in loss of part or all of the cash benefit.

The FVO can help victims of domestic violence avoid some of these problems where compliance with time limits, work or support requirements, or other TANF or GA requirements might jeopardize their safety.

Q *What is the FVO?*



A state that elects the FVO makes a commitment to:

- ▶ screen for domestic violence among TANF participants
- ▶ make referrals to counseling and supportive services
- ▶ waive TANF program requirements, pursuant to a determination of “good cause,” if the requirements would make it more difficult for someone to escape domestic violence, would put someone at risk of further domestic violence, or would unfairly penalize someone for being abused
- ▶ protect victims’ confidentiality

The FVO was a response to research demonstrating that over half of adult women on welfare are past or current victims of domestic violence. Domestic violence is a major obstacle to self-sufficiency for a significant percentage of these women and their families. At the same time, research shows that compliance with TANF requirements may jeopardize the safety of some domestic violence victims and their families. For example, support enforcement efforts may trigger abuse. Some abusers will interfere with women’s employment or training programs through violence and other sabotage tactics.

See **Appendix A, Section I**, for more information about the relationship between domestic violence and welfare.

Q *Who is the FVO designed to help?*



The FVO is designed to help adults and children who are living with domestic violence or are experiencing the effects of abuse and who are applying for or receiving TANF. Domestic violence occurs between sexual or intimate partners, family members, and household members. The victim and abuser do not have to live in the same household in order for domestic violence to occur.

Notes

Notes***What does Pennsylvania consider to be domestic violence for purposes of FVO?***

For purposes of the FVO, Pennsylvania has defined domestic violence as one or more of the following:

- ▶ threatened or attempted physical or sexual abuse
- ▶ physical acts that threaten to result in injury
- ▶ physical acts that actually result in injury
- ▶ sexual abuse
- ▶ sexual activity involving a dependent child
- ▶ being forced, as the caretaker relative of a dependent child, to engage in non-consensual sexual activities
- ▶ neglect or deprivation of medical care
- ▶ mental abuse (which includes but is not limited to threats to kill or otherwise harm people or property, threats to kidnap, threats to commit suicide, stalking, repeated use of degrading or coercive language, controlling access to food and sleep, and controlling or withholding access to economic and social resources)

***How can the FVO help abused women?***

The FVO adds flexibility to the TANF program so that abused women can receive waivers from certain program requirements, if compliance would place them in jeopardy. When someone is excused from welfare requirements because of domestic violence, DPW calls it granting “good cause.” In addition, under the FVO, the welfare department will provide referrals to counseling and supportive services for victims of abuse. At a minimum, this should include providing women with information about the domestic violence hotlines and shelters in their areas.

Q **What does “waive TANF program requirements” mean?**

A Under the FVO, domestic violence victims can be excused from welfare program requirements that place them or their families at risk of further domestic violence or make it more difficult for them to escape domestic violence.

They can also be excused if they would have difficulty meeting any requirements because of the effects of domestic violence. A victim may be excused from program requirements not only in situations where she is currently being abused, but also in instances where the effects of abuse – either physical or psychological – interfere with her ability to meet TANF requirements or where there is a risk of further violence. Asking to be excused from TANF program requirements is called “claiming good cause.” Pennsylvania currently has uniform policies and procedures in place for waiver of requirements.

Q **What is the procedure for waiving program requirements?**

A A client who wishes to establish “good cause” for a waiver of any TANF or GA program requirement may do so by completing the *Domestic Violence Verification Form (PA-1747)* and providing any one of the following types of verification:

1. Any type of documentation listed on the *Domestic Violence Verification Form (PA-1747)*, under Section 2, including law enforcement records, court records, medical/treatment records, social service records, child protective service records, or other records that verify domestic violence; or
2. Third party verification of the domestic violence from any of the entities or persons listed in Section III of the form with knowledge of the circumstances which provide the basis for the waiver, including:
 - ▶ a domestic violence service provider
 - ▶ a medical, psychological, or social service provider
 - ▶ a law enforcement professional
 - ▶ a legal representative
 - ▶ an acquaintance, friend, relative, or neighbor of the claimant, or other person

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3. If the client is unable to safely obtain any of the items of evidence described in Section 2 and 3 of the form, the client may affirm under Section 4 of the form that the client cannot safely comply with a TANF/ GA program requirement(s) due to domestic violence.

Any one of these three verification options will suffice to establish eligibility for a “good cause waiver” based upon domestic violence.

One verification form will suffice for one or more waivers.

NOTE: Caseworkers are instructed not to contact the alleged abuser under any circumstance regarding “good cause” when “good cause” based on domestic violence is claimed.

Cash Assistance will be authorized no later than 30 days following the application when an applicant is claiming “good cause.”

Q *How will my client know if her request for a waiver has been granted?*

A The CAO will provide written notice to the client of its determination of the waiver request. If the request is denied, the notice shall:

- ▶ state the basis for the determination
- ▶ explain the right to appeal
- ▶ state what additional evidence or information is needed to substantiate the “good cause” claim and the time frames in which the information must be provided
- ▶ explain the option to cooperate in establishing paternity and obtaining support

The CAO will use the 162 series of notices.

Q *What are some examples of requirements that can be waived?*

- ▶ **Support Cooperation Requirements:** If establishing paternity or pursuing child or spousal support would put a woman or her children in danger of abuse, she may be excused from these requirements. Asking to have the support cooperation requirements waived is known as claiming “good cause.”

See **Chapter 2, Section VIII**, for a detailed discussion of waivers for support cooperation requirements.

- ▶ **Work (RESET) Requirements:** If looking for work, going to school or job training, or working may put a woman or her children in danger of abuse, she may be excused from these activities. To get a waiver from work requirements, a TANF participant must inform her caseworker that she needs to have the requirements waived and submit a *Domestic Violence Verification Form (PA-1747)*.

See **Chapter 2, Sections V & VI**, for more information on Employment and Education.

- ▶ **Time Limits:** In addition to being able to waive particular program requirements, victims of domestic violence may also be eligible for certain types of exemptions from TANF time limits, including Time-Out from the TANF clock and Extended TANF.

See **Chapter 2, Section II**, for more information on time limits.

- ▶ **Teen Parent Live-at-Home Requirement:** Pennsylvania also has regulations that predate the FVO which enable teen parents to seek waivers from live-at home requirements where they are at risk for domestic violence. Teen parents under 18-years-old who are not married have to live with a parent or another adult to receive TANF. If living at home would be dangerous for the teen parent or her child because of domestic violence, she can be excused from this requirement. In most cases, in order to be excused from this requirement, a teen parent on

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TANF must provide some evidence of the domestic violence. The following types of evidence are acceptable: medical records, statements (not necessarily written) from school counselors, health professionals, social services providers, police officers, or a court. Statements from others who know about the teen parent's situation may also be acceptable. If domestic violence is the reason she cannot live with her parents, the *Domestic Violence Verification Form (PA-1747)* can be used to verify the situation and request a waiver.

See **Chapter 2, Section X**, for more information on Teen Parents.

- ▶ **Other Requirements:** Advocates should assist their clients in seeking a waiver of any TANF program requirement that jeopardizes a victim's safety or penalizes her because of the abuse. For example:
 - A victim may need to have certain routine verification requirements waived if returning to her prior work site or residence or contacting a particular third party to obtain documents or resource verification could compromise her safety.
 - A victim may have difficulty keeping certain appointments because of the violence.

Q ▶ ***If she needs a waiver, when can an applicant/recipient request one?***

A ▶ Anytime. It is never too late to request a waiver or claim "good cause."

Q ▶ ***Must all victims of domestic violence request that TANF program requirements be waived?***

A ▶ The decision to apply for a waiver of TANF program requirements must be made by the individual recipients. Depending on her circumstances, a woman may need a waiver from certain program requirements, but not others. As an advocate, you can assist women with this decision by providing information about all options and helping

them think through the possible implications of complying with the requirements or requesting a waiver. In addition, for women who do not want a “good cause waiver,” you can help them work with the CAO to try to make participation in activities, such as pursuing child support, as safe as possible.

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Q *Can the FVO help a recipient avoid sanctions when domestic violence prevents her from complying with TANF program requirements?*

A Yes, a TANF recipient may assert domestic violence as a “good cause” reason to avoid sanctions and other penalties for not meeting TANF program requirements. If the reason for the recipient’s inability to comply with TANF requirements is related to domestic violence, the woman should not be sanctioned – even if she has not received a “good cause waiver” from program requirements. It is in these situations that your role as an advocate will be particularly important. The *Domestic Violence Verification Form* should be sufficient to establish the domestic violence. Depending on the situation, additional information to the CAO may be helpful to explain the connection between the domestic violence and the particular program requirement.

It is important to remember that women may not reveal that they are victims of abuse at the beginning of the application process – even if they have been notified of the provisions of the FVO. When first informed about the FVO, women may not realize that abuse will interfere with their ability to complete TANF eligibility requirements. Thus, a woman who had not previously disclosed abuse may do so when it becomes clear that she will be sanctioned for noncooperation or noncompliance.

Some possible situations where a victim of domestic violence may need to have sanctions lifted include the following:

- ▶ missed appointments at Family Court or for a work program
- ▶ tardiness or absence from job search classes, school, or work activities
- ▶ reducing work hours
- ▶ quitting a job

See **Chapter 2, Section XI**, for more information on Sanctions.

Notes**Q** ***How else can the FVO help?***

Under the FVO, CAOs should refer victims of domestic violence to counseling and other supportive services. As an advocate, you can help women access the services they need. However, the decision to utilize these services is completely voluntary. It is important to remember that DPW cannot make receipt of public assistance contingent upon participation in counseling or any other domestic violence related services.

In addition, the FVO should allow modifications of TANF program requirements for victims of domestic violence who need them in order to safely comply with TANF requirements. For example, if an abuser shows up at a job search class, making the TANF participant fearful for her safety, she can request a change in the location of her job search class. This is another area where your role as a TANF advocate will be particularly important. Working with your clients, you may be able to devise some helpful strategies for victims of domestic violence to fulfill their TANF requirements while still protecting their safety.

Q ***How do applicants/recipients learn about the provisions of the FVO?***


Pennsylvania provides clients with oral and written information about the availability of referrals and waivers for victims of domestic violence. It does not do targeted screening for domestic violence. Applicants/recipients should not be asked directly if they are victims of domestic violence, but should be given information that allows them to decide whether to seek assistance.

DPW currently uses two primary methods to inform applicants and recipients about the provisions of the FVO: Universal Notification and Individual Notice. Under the Universal Notification method, the CAO screens domestic violence victims by placing domestic violence posters in the CAO waiting room and making available the brochure or palm card entitled *You Have a Right to be Safe*. Both provide a list of Pennsylvania's local domestic violence hotlines by county and encourage individuals to speak to their caseworkers if they need to be excused from program requirements because of domestic violence. In addition, applicants and recipients can learn about the FVO through Individual Notice. DPW has stated that individual notice of the right to claim "good cause" based on domestic

violence should be given orally and in writing in a timely manner whenever compliance with welfare requirements is at issue. At a minimum, an applicant must be informed of confidentiality protections, support cooperation requirements, and the right to claim “good cause” to waive these requirements before her application interview and before any referral to the DRS.

See **Appendix A, Section I**, for a copy of Operations Memorandum 03-04-09.

What about confidentiality?

 DPW is supposed to maintain the confidentiality of every domestic violence victim who reveals that she has been abused. As discussed in Chapter 2, Section IX, however, there are gaps in the confidentiality protection provided by the department and its CAOs. Several steps can be taken to help preserve your client’s privacy and protect her safety, including:

- ▶ asking for a private meeting room for welfare appointments
- ▶ providing an alternate address and phone number for her welfare file
- ▶ asking that support court documents not list her address
- ▶ requesting that her address and phone number not be released to anyone outside the welfare department without her permission
- ▶ emphasizing that the abuser is not to be contacted for verification or any other purposes
- ▶ ensuring that her Agreement of Mutual Responsibility does not reference domestic violence or list activities for her to pursue because of domestic violence

NOTE: An important exception to the confidentiality of information provided to caseworkers is their legal obligation to report any incidents of child abuse.

See **Chapter 2, Section IX**, for more information on Confidentiality.

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Notes**Appendix A, Section I:**

- ▶ Know Your Rights and Help Keep your Family Safe
- ▶ *Operations Memorandum 03-04-09*
- ▶ *Domestic Violence Verification Form PA-1747*
- ▶ Overview of Welfare Programs
- ▶ Pennsylvania Welfare Facts
- ▶ Articles on the relationship between domestic violence and welfare
- ▶ *FVO Desk Guide for Advocates*

CHAPTER 1 – SECTION II

GLOSSARY OF
ABBREVIATIONS

GLOSSARY OF ABBREVIATIONS

- ABC** **Adult Basic Coverage.** A new health insurance program administered by the Insurance Department for unemployed adults who do not qualify for MA. Does not provide prescription coverage.
- ADA** **Americans with Disabilities Act.** A federal law that provides certain legal protections for individuals with disabilities to prevent discrimination. It works in conjunction with Section 504 of the Rehabilitation Act, another federal law protecting individuals with disabilities in the context of federally-funded programs.
- AMR** **Agreement of Mutual Responsibility.** Document that spells out what TANF recipients agree to do to get off of welfare (like education or work) and what the welfare department agrees to do to help them reach their goals (like paying for child care and transportation).
- BCCPTP** **Breast and Cervical Cancer Prevention and Treatment Program.** A new MA program for uninsured women under 65 with cancerous or precancerous conditions of the breast or cervix. Income guidelines significantly higher than other MA programs.
- CAH** **Cash Assistance Handbook.** The CAH is the Department of Public Welfare's manual for the TANF and GA programs.
- CAO** **County Assistance Office.** The local office of DPW. The CAOs administer TANF, GA, Emergency Shelter Assistance, MA, and Food Stamps. They also provide special allowances for child care, transportation and support services for employment and training for TANF, GA, and Food Stamp recipients.

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- CCIS** **Child Care Information Service.** The agencies which administer the subsidized child care program for DPW. The CCIS offices provide child care subsidies for employed families that are not getting TANF or GA. The CCIS can also provide help in locating child care for families, including families that are getting TANF or GA. In Philadelphia, the CCIS is called Philadelphia Child Care Resources.
- CDU** **Career Development Unit.** The caseworkers at the Philadelphia CAOs who complete AMRs, refer individuals to MPP, WPP, and other employment and training programs, and arrange for special allowances to pay for child care, transportation, or other support services for employment and training.
- CHIP** **Children's Health Insurance Program.** Free or low cost health insurance for low-income children who are not eligible for MA. Call 1-800-986-KIDS.
- DPW** **Department of Public Welfare.** The department that administers TANF, GA, MA, Emergency Shelter Assistance, Subsidized Child Care and Food Stamps. The CAOs are the local offices of DPW.
- DRS** **Domestic Relations Section.** The section of the Court of Common Pleas that oversees paternity establishment and child support enforcement. (In Philadelphia, the DRS is called Family Court.)
- DRO** **Domestic Relations Office.** The same as a DRS.
- EBT** **Electronic Benefits Transfer.** The system through which Cash Assistance, Food Stamps, and medical benefits are all accessed by using a plastic ACCESS card.
- EMC** **Extended Medical Coverage.** The minimum of six months (often one year) of MA coverage that most families can get when leaving TANF because of employment.
- ESA** **Emergency Shelter Assistance.** Cash payments to help families and individuals avoid eviction, pay security deposit and first month's rent for new housing, or secure emergency shelter.

- ETP** The units or caseworkers in the CAOs who complete AMRs, refer individuals to MPP, WPP, and other employment and training programs, and arrange for special allowances to pay for child care, transportation, or other support services for employment and training (other than Philadelphia county). In Philadelphia, these workers are called CDU workers.
- Extended TANF** The Cash Assistance program for families that have used up their five years of federally-funded TANF. All families that need benefits beyond five years should be able to qualify for Extended TANE, but will need to meet certain requirements.
- FSH** **Food Stamp Handbook.** The FSH is DPW’s manual for the Food Stamp program.
- FVI** **Family Violence Indicator.** This indicator is placed on the files of domestic violence victims who are pursuing support. It maintains the confidentiality of their addresses.
- FVO** **Family Violence Option.** The FVO, which Pennsylvania has adopted, enables states to address the needs of TANF recipients who are victims of domestic violence.
- GA** **General Assistance.** The cash welfare program for individuals who are not eligible for TANF. It includes children. Adults must fit into particular categories: the most common are individuals with disabilities, in treatment for addiction, or survivors of domestic violence, and certain adults who are caring for children to whom they are not related. A few two-parent families also receive GA.
- HMO** **Health Maintenance Organization.** Provider of services to MA recipients who participate in a managed care plan.
- MA** **Medical Assistance (also known as Medicaid).** The State health insurance program for anyone who gets GA, TANF, or SSI and for many low-income families.

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- MAEH** **Medical Assistance Eligibility Handbook.** The MAEH is DPW's manual for eligibility for the MA program. It has the DPW policies that generally affect applicants for and recipients of MA. There is a separate manual with policies that generally affect medical care providers.
- MAWD** **Medical Assistance for Workers with Disabilities.** A new MA category for people who work despite their disability and whose income is too high to qualify for Healthy Horizons. Income guidelines significantly higher than other MA programs
- MNO** **Medically Needy Only.** The MA program which is available for adults who are not on TANF, GA, or SSI, and who are not eligible for NMP MA. Eligibility is restricted to certain categories of adults who meet the income requirements, primarily adults without disabilities who work, or who are between 59 and 64 years of age. Does not include prescription coverage.
- MPP** **Maximizing Participation Project.** MPP provides case management and coordination of supportive services for TANF families with disabilities or other severe barriers to employment. MPP serves families who have not yet used up their five years of federally funded TANF and voluntarily participate in the program, and families that are mandatory participants who are receiving Extended TANF.
- NMP** **Non-Money Payment.** A group of MA categories for people who do not receive Cash Assistance from DPW.
- PFA** **Protection From Abuse.** A Protection From Abuse order obtained from court.
- RESET** **The Road to Economic Self-Sufficiency through Employment and Training.** Pennsylvania's employment and training program for people on TANF and GA.
- SPOC** **Single Point of Contact.** The name of the job-training and placement centers which are designed to help TANF recipients secure employment.

- SSDI** **Social Security Disability Insurance.** The Social Security program that provides monthly income for people with disabilities with significant work histories and for their families. The amount provided varies based upon the individual's work history. A related program provides retirement benefits.
- SSI** **Supplemental Security Income.** The Social Security program that currently (2003) provides approximately \$579.40 per month to low-income adults with disabilities and children and to elderly (65 and older) individuals.
- TANF** **Temporary Assistance for Needy Families.** Cash welfare for families with children. There is a five-year time limit (with exceptions for domestic violence survivors and certain other families) for federally-funded TANF for families with an adult on the grant.
- Time-Out** Part of the TANF program that provides cash welfare "off the clock" so that the benefits do not count towards the federal time limit, for five categories of families, including domestic violence survivors. The domestic violence category provides up to 12 months of Time-Out.
- Title VI** **Title VI of the Civil Rights Act of 1964** is a federal statute which prohibits discrimination on the basis of race, color or national origin by recipients of federal funds. It protects persons with limited English proficiency, and requires that DPW provide language accessible services for them.
- WPP** **Work Program Plus.** The work program for families receiving Extended TANF.

CHAPTER 1 – SECTION III

TIPS FOR WELFARE
ADVOCATES

TIPS FOR WELFARE ADVOCATES

- ▶ **Appeal now, think later.** There are very short time frames for appealing welfare department decisions. If a client gets a notice denying, reducing, or terminating welfare benefits, it is critically important to file the appeal right away. Do not wait to figure out whether the welfare caseworker was right or not. In many cases, clients can keep their benefits while the appeal is pending, but only if it is filed quickly enough. Most of the time the problem is a misunderstanding, or a need for paperwork. Filing the appeal protects the client's rights and gives you time to get the problem resolved. An appeal can always be withdrawn, but if you wait to file it until you find out the whole story and research the issue, it is likely to be too late.

See **Chapter 9**, for more information on appeals.

See **Appendix I**, for a handout on how to appeal.

- ▶ **Get the tools you need to get the job done.** This should include the phone directory for your local welfare department and copies of any forms that people might need regularly (such as the application form, Employability Assessment forms, and blank AMR Forms). These should all be available from the local CAO. DPW staff use Handbooks (the *Cash Assistance Handbook*, the *Food Stamp Handbook*, the *Medical Assistance Handbook*, and the *Supplemental Handbook*). Copies are available at the DPW website that requires a password for access. You can request a password and access to the DPW online Handbooks by submitting the *Department of Public Welfare Office of Income Maintenance Extranet Access Form*.

See **Appendix A, Section III**, for a copy of the forms necessary to gain access to the Handbooks online.

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- ▶ **Encourage your clients to stay in contact with their caseworkers and, when necessary, to file written complaints.** Problems that clients have with CAOs are often the result of failed communication. It is important for clients to keep in touch with their caseworkers and let them know about difficulties they may be experiencing as quickly as possible. When necessary, clients should file written complaints about a particular person or problem. This documentation can help you and your clients when going up the chain of command and when appealing a decision made by the CAO.

See **Appendix A, Section III**, for a sample complaint form.

- ▶ **Introduce yourself to the Executive Director of the CAO, and the District Administrators of each local office with which you regularly have contact.** Tell them about your program, about the work you do, and make a connection with them, so that they will know who you are when you call to ask for their help.
- ▶ **Do not be afraid to go up the chain of command at every agency you deal with.** Everyone has a supervisor and the supervisors have supervisors, too. For example, in the CAOs, the caseworkers have supervisors. The supervisors' supervisor is usually called the Assistant District Administrator or Manager. Often the supervisors are better trained and have more authority than their staff. If you cannot resolve a problem with the local CAO staff, contact the DPW Bureau of Policy at 717-772-7829.
- ▶ **Caseworkers do not always have the most up-to-date information.** Individual welfare caseworkers are currently dealing with rapid and complex change and may not always have the most accurate or current information. If someone tells you that something your client needs cannot be done, ask what the basis of that opinion is and if they can send you any written information. If something sounds wrong to you, check with someone else who you think will know the right answer.

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- ▶ **Write down the name, phone number, and fax number of everyone you talk to, along with the date and time of the conversation.** It's much easier to hold people to their promises if you know exactly who told you what, when they told it to you, and how to reach them easily to follow up. An increasing number of welfare caseworkers have email, so ask for their email addresses as well.
- ▶ **Keep a list of the names and numbers of people who are helpful at the different organizations you talk to and keep them with this handbook** – then you will not have to start from scratch next time you need help from a particular agency.
- ▶ **Put things in writing whenever possible.** If someone agrees to do something for you or your client, follow up with a confirming letter. If you are asking for something over the phone, try to also send a request in writing. People take letters more seriously than phone conversations and keeping your letters will allow you to document what happened in a particular case or in a series of cases. CAOs have fax machines – this should help in getting written information to caseworkers.
- ▶ **Be professional and do not be discouraged.** It may be difficult to reach caseworkers by telephone. Sometimes, caseworkers may not be responsive to you. Remain professional because unprofessional exchanges may affect decisions made in a client's case.
- ▶ **Record problems.** As you do this work, you are bound to encounter problems such as unresponsive caseworkers or CAOs that are disseminating inaccurate information. Keeping records of these problems will help advocates work together with DPW to improve service.
- ▶ **Let PCADV and welfare advocates know about problems you encounter.** If you see recurrent problems with a particular caseworker or a particular office, ask for a meeting with the Executive Director of the CAO to discuss the problem. PCADV, your local legal services program, or the authors of this manual can also help in resolving problems with DPW.

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- ▶ **Be creative.** Remember there is always more than one way to reach your goal. Try several channels at once. For example, if your client needs something very quickly and there is no established process for expedited processing, write “emergency request” and tell everyone you talk to that it is an urgent situation.
- ▶ **Never give up!** As an advocate for low-income people, you will sometimes be frustrated and feel hopeless. Keep trying, and often, you will have success. Persistence really pays off in this work.

Appendix A, Section III:

- ▶ *Extranet Access Form*
- ▶ *Client Grievance Form*

CHAPTER 1 – SECTION IV

SOURCES OF LAW

SOURCES OF LAW

Welfare programs are governed by multiple sources of law: federal and state Constitutions, case law, statutes, regulations and sub-regulatory materials all apply. Here is information about some of the most important statutory and regulatory sources. Keep in mind that if the DPW Handbook does not help your client, the regulations, statutes, caselaw, or Constitution might.

Although DPW Administrative Law Judges and DPW's lawyers at the Office of General Counsel pay attention to all of the sources of governing law, the caseworkers and local CAO staff only have access to sub-regulatory materials: the Handbooks, policy clarifications, and operations memoranda. So when you are discussing cases with a DPW caseworker, always look to the Handbooks or other DPW policy materials first. If you need to rely on a regulation or the statute instead, fax a copy to the CAO staff – they will not have it available in their office, and will not be familiar with it. If you have difficulty finding the information you need, contact the authors of this manual.

The federal statutes are available online at www.access.gpo.gov/uscode. The federal regulations are available online at www.access.gpo.gov/nara/cfr. The state regulations (Pennsylvania Code) are available online at www.pacode.com. Changes to the state regulations are published in the Pennsylvania Bulletin, which is available online at www.pabulletin.com.

- ▶ **Temporary Assistance for Needy Families (TANF)** is governed by a federal statute, Title IV-A of the Social Security Act (42 U.S.C.A. §601 et seq.), federal regulations, (45 CFR §260 et seq.), the state statute known as the Public Welfare Code (62 P.S. § 401 et seq.), and the state regulations (55 Pa. Code §101 et seq). There are some provisions affecting TANF that are codified elsewhere: for example, some provisions about DPW appear in other parts of the state

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statutes, including the Administrative Code (71 P.S.), and a few TANF provisions are codified elsewhere in the federal statutes.

- ▶ **General Assistance (GA)** is governed only by state law (other than the federal Constitution): the state statute known as the Public Welfare Code (62 P.S. § 401 et seq.), and the state regulations (55 Pa. Code §101 et seq.).
- ▶ **Medical Assistance (MA)** (also known as Medicaid on the federal level) is governed by a federal statute, Title XIX of the Social Security Act (42 U.S.C.A. §1396 et seq.), federal regulations (42 CFR §430 et seq.), the state statute known as the Public Welfare Code (62 P.S. §401 et seq.), and the state regulations (55 Pa. Code §101 et seq.).
- ▶ **Food Stamps** are governed by a federal statute, the Food Stamp Act (7 U.S.C.A. §2011 et seq.), federal regulations (7 CFR §271.1 et seq.), the state statute known as the Public Welfare Code (62 P.S. § 401 et seq.), and the state regulations (55 Pa. Code §501 et seq.), although there are relatively few provisions about Food Stamps in the state statute and regulations.
- ▶ **SSI** is governed by a federal statute, Title XVI of the Social Security Act (42 U.S.C.A. §1381 et seq.), federal regulations (20 CFR §416.101 et seq.), and Social Security Administration subregulatory materials including the Program Operations Manual System (POMS). The POMS is available online at <http://policy.ssa.gov.nsf/poms?OpenView>.
- ▶ **Title VI of the Civil Rights Act of 1964** is a federal statute, codified at 42 U.S.C.A. §2000d. Title VI requires organizations that receive federal funding (such as welfare offices and most health care providers) to take reasonable steps to overcome language barriers for people with limited English proficiency, by providing bi-lingual staff or competent interpreting and translating services. Each federal agency has its own implementing regulations and policy guidance on how Title VI applies to organizations that the agency funds. The Office for Civil Rights of the Department of Health and Human Services (which funds many health and social service programs) published a policy guidance

that contains important guidelines and examples. This guidance, and other materials on Title VI, can be found at the web-site www.lep.gov.

- ▶ **The Americans with Disabilities Act** is a federal statute, codified at 42 U.S.C.A. §12101 et seq. It works in conjunction with Section 504 of the Rehabilitation Act of 1973 which is codified at 29 U.S.C.A. §794 to prohibit discrimination against individuals with disabilities, and to require organizations to make reasonable accommodations for individuals with disabilities. Each federal agency has its own implementing regulations and memoranda. Important guidelines and examples concerning the TANF program are in the Department of Health and Human Services policy found at www.hhs.gov/ocr/prohibition.html.
- ▶ **Public Benefits Issues for Immigrants.** If your client is an immigrant, her eligibility for public benefits depends on certain federal and state laws. On the federal level, reforms passed in 1996 restricted public benefits to some categories of immigrants. These restrictions are codified at 8 U.S.C.A. §1601, et. seq. Unlike some other states, Pennsylvania does not impose a five-year bar against new immigrants seeking GA, TANF or MA benefits. Pennsylvania continues to provide GA, TANF and MA to lawful immigrants under provisions that appear at 55 Pa Code sections 141.61(a)(iii), 149.23 and 150, regardless of their date of entry.

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