



**State of Florida
Department of Children and Families**

Charlie Crist
Governor

George H. Sheldon
Interim Secretary

MEMORANDUM

DATE: August 27, 2008 **TRANSMITTAL NO.:** P – 08- 08- 0009

TO: ACCESS Florida Operations Managers
ACCESS Florida Program Offices

FROM: Nathan Lewis, Chief, Program Policy **(Signature on File)**

SUBJECT: TCA Policy Change- Caring for a Disabled Family Member Work and Time
Limit Exemption

EFFECTIVE: October 1, 2008

This memorandum is to notify staff of a change in the above policy. This policy change rescinds Policy Transmittal P06-09-0014 dated September 18, 2006.

Background:

On June 29, 2006 Health and Human Services (HHS) Administration for Children and Families (ACF) published the “Interim Final Rule” for the TANF program. This rule required the Department to modify our existing time limit and work exemption for individuals caring for disabled family members to limit the exemption to individuals needed in the home to care for disabled family members who were not attending school full-time. DCF made this change effective November 2006 per policy transmittal P06-09-0014 and revised the Need for Care form CF-ES 2094 to reflect this policy change.

On February 5, 2008 ACF published its “Final Rule” rescinding this provision in the interim rule. Beginning October 1, 2008, the caregiver may claim the exemption even if the person requiring care attends school full-time.

New Policy:

School attendance by the disabled family member is no longer a factor when assessing whether alternative care exists for approval of a need for care exemption.

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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

Implementation Procedures:

The program office will send an ad-hoc report to the regions of cases in which an adult parent or included caretaker relative is coded as either "01" or "03" on AGPI and a member of the household is coded as a full-time student on ASIA and disabled on AIDP. Please contact the parent or included caretaker relative to let them know the change in policy and obtain verifications as indicated below.

New Need for Care Verification Procedures:

A parent or caregiver wishing to claim a "Need for Care" exemption may provide either a verbal or written statement regarding their need to provide care. A verbal response can substitute for mailing the form to the caregiver to complete Part A of the CF-ES 2094. The parent or caretaker must still provide acceptable documentation of the disability of the individual needing care, which may include completion of Part B of the CF-ES 2094 by a physician.

Note: If the disabled individual is permanently disabled or has a temporary disability that still exists and has been verified with the last 12 months, additional verification of the disability, including completion of Part B of the CF-ES 2094, is not required.

We also recommend you consult with your local RWB provider concerning any existing participants who may be eligible for this exemption based upon this policy change.

Attached is a draft revised version of the new CF-ES 2094 "Statement of the Need for Care" form incorporating this policy change. Use this draft until the revised form is available on DCF Forms.

For questions concerning this policy change please call Gary D. Scott at (850) 413-7427.

cc: Director (Jennifer Lange)
Program Policy (Eileen Schilling, Jena Grignon, Florence Love)
FLORIDA Operations (Kara O'Brien, Suzanne Poirier, Debbie Owens, Bill Hudgens)
Office of Appeal Hearings (John Pritchard)
Office of General Counsel (Herschel Minnis)
Office of Quality Management (Jeri Flora)
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